

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 080412)

## RESOLUTION

Amending Resolution No. 080390, adopted by Council on April 10, 2008, relating to the establishment of The Greater Cheltenham Avenue Business Improvement District and the approval of a preliminary plan and report concerning the district, for the purpose of including Exhibit "A" as an attachment to the Resolution.

WHEREAS, On April 10, 2008, the Council of the City of Philadelphia adopted Resolution No. 080390, initiating action to establish The Greater Cheltenham Avenue Business Improvement District and, among other things, approving a preliminary plan and report concerning the district; and

WHEREAS, The "Preliminary Plan for the Greater Cheltenham Avenue Business Improvement District ("District") and Report of the City of Philadelphia Concerning the District" (Exhibit "A"), approved by Council and referenced as an attachment to Resolution No. 080390, was inadvertently omitted from the attachments; and

WHEREAS, Council desires to correct this omission and to include Exhibit "A," attached hereto, as an Exhibit to Resolution No. 080390; now therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, THAT Resolution No. 080390, adopted by Council on April 10, 2008, relating to the establishment of The Greater Cheltenham Avenue Business Improvement District and the approval of a preliminary plan and report concerning the district, be amended for the purpose of including Exhibit "A" as an attachment to the Resolution.

FURTHER RESOLVED, THAT The Clerk of Council is hereby directed to attach Exhibit "A," attached hereto, as an exhibit to Resolution 080390.

# City of Philadelphia

RESOLUTION NO. 080412 continued

## EXHIBIT A

### PRELIMINARY PLAN FOR THE GREATER CHELTENHAM AVENUE BUSINESS IMPROVEMENT DISTRICT (“DISTRICT”) AND REPORT OF THE CITY OF PHILADELPHIA CONCERNING THE DISTRICT

1. The name of the proposed neighborhood improvement district shall be The Greater Cheltenham Avenue Business Improvement District (“District”). A map of the District is attached as Exhibit A-1 and an enlarged copy of the map shall be kept on file with the Chief Clerk to be made available for inspection by the public during regular office hours.

2. The service area of the proposed district shall include all taxable commercial properties and residential properties containing five (5) or more residential units within an area that generally includes Cheltenham Avenue with boundaries of Wadsworth Avenue on the west and Broad Street on the east, Ogontz Avenue with boundaries of Cheltenham Avenue on the north and 67<sup>th</sup> Avenue on the south and Wadsworth Avenue with boundaries of Cheltenham Avenue on the northeast and Michener Avenue on the southwest. This area is referred to as the “whole district.” While the service area does contain other residential properties, the Greater Cheltenham Avenue Business Improvement District’s assessed properties include: those properties that are commercial, as defined by the Community and Economic Improvement Act, 53 P.S. § 1801 *et seq.*; and residential properties containing five (5) or more residential units. Furthermore, tax-exempt properties located within the district will not be assessed and will be encouraged to contribute cash or in-kind services.

3. A list of all properties to be assessed is attached as Exhibit A-2.

4. A list of proposed improvements and services within the District and their estimated cost for the first year of operation are as follows:

a. Supplementary Security Ambassadors: Security services will include, but not be limited to, establishing a District public safety committee and ambassadors to work with local police and individual business operators in order to improve public safety and the district’s public safety image. (Budget allocation for Year 1: \$12,551.21)

b. Maintenance, Operations and Beautification. A private cleaning firm will be hired for the purpose of cleaning sidewalks and street gutters in the District. (Budget allocation for Year 1: \$9,508.49)

# City of Philadelphia

RESOLUTION NO. 080412 continued

- c. Marketing - CustomerAttraction. Marketing and promotion services will include: increasing business and customer attraction, by working with the real estate industry and property owners to attract strong new businesses which will draw more customers; and preparing new marketing kits which will include up-to-date demographics and business highlights. (Budget allocation for Year 1: \$9,508.49)
- d. Administration: The administrative costs will include, among other things, marketing and production of a regular e-mail newsletter, the performance of an annual audit, the preparation of an annual report to be disseminated among the benefiting properties and tenants, and grant writing to expand programs and to advance streetscape and parking projects. The marketing /management element will have the following responsibilities: producing newsletters, conducting surveys, public relations, assisting the Board and Committees, planning and overseeing events, keeping marketing up to date, cooperating with realtors and developers, façade improvements, grant and sponsorship solicitation, contacting city agencies, overseeing board member selection, contractor selection and oversight, and such additional duties as may be determined from time to time by the Board. (Budget allocation for Year 1: \$6,465.77)
- e. Capital Improvements. Nor physical improvements are planned. No capital expenditures are planned. (\$0)
5. The proposed budget for the first fiscal year is \$38,033.96 and is attached as Exhibit A-3. The budget for subsequent years, with inflation taken into account as set forth in paragraph 10, is as follows: Year 2: \$39,555.32; Year 3: \$41,137.53; Year 4: \$43,194.41; Year 5: \$44,922.18.
6. The proposed revenue source for financing all proposed improvements, programs and services will be assessments on real property within the service area as provided in paragraph 2 above.
7. The estimated time for implementation and completion of all proposed improvements, programs and services is five years, which corresponds to the initial term of the District.
8. The administrative body that will govern and administer the District is the non-profit corporation, Greater Cheltenham Avenue Business Improvement District Inc.
9. The by-laws of Greater Cheltenham Avenue Business Improvement District Inc. are attached as Exhibit A-4.

# City of Philadelphia

RESOLUTION NO. 080412 continued

10. The method of determining the amount of the assessment fee to be levied on property owners within the District is as follows: The cost of services for the District will be equitably apportioned among all benefiting properties within the whole district service area. Using the Board of Revision of Taxes (BRT) assessments from 2007, the District's assessment fee will be calculated as 6.3394% of the real estate taxes due on benefiting commercial properties within the service area and as 3.1697% of the real estate taxes due on residential properties containing five (5) or more residential units. To account for inflation, such assessment shall increase annually by 4% of the base amount. In addition, in the case of default in the payment of the assessment fee for a period of 90 days or more after such fee becomes due, the entire assessment fee with accrued interest at the rate of 8% shall become due.

11. The specific duties and responsibilities of City of Philadelphia and Greater Cheltenham Avenue Business Improvement District Inc. with respect to the District are as follows:

- a. The City will be responsible for maintaining the same level of municipal programs and services within the District after its designation as a neighborhood improvement district as before such designation. The City also will be responsible for applying liens on properties for non-payment of property assessment fees as set forth in the Act at 53 P.S. §18107(A)(10).
- b. Greater Cheltenham Avenue Business Improvement District Inc. shall fulfill all the duties and responsibilities of a Neighborhood Improvement District Management Association (NIDMA) as set forth in the Community and Economic Improvement Act (53 P.S. § 18101 *et. seq.*). In its capacity as the NIDMA, Greater Cheltenham Avenue Business Improvement District Inc. shall be responsible for the collection of all property assessment fees (and any interest due thereon as provided in Section 10) levied within the District and also shall annually submit an audit by an independent accountant of all income and expenditures to the Department of Community and Economic Development and to the Clerk of City Council within 120 days after the end of each fiscal year, and submit a report, including financial and programmatic information and a summary of audit findings, to the Clerk of City Council and to all assessed property owners located in the District, as required by 53 P.S. §18109. .

12. A written agreement will be signed by the City and Greater Cheltenham Avenue Business Improvement District Inc. containing the following provisions:

# City of Philadelphia

*RESOLUTION NO. 080412 continued*

- a. The respective duties of the City and Greater Cheltenham Avenue Business Improvement District Inc. with respect to the District as set forth in paragraph 11 above;
  - b. The City's agreement to maintain within the District the same level of municipal programs and services that were provided within the District before its establishment;
  - c. A "sunset provision" under which the agreement will expire in five years and not be renewed unless the District is continued beyond that date pursuant to reenactment of the ordinance establishing the District; and
  - d. Greater Cheltenham Avenue Business Improvement District Inc.'s agreement to be responsible for the collection of all property assessment fees (and any interest due thereon as provided in Section 10) levied within the District and the City's agreement to file any necessary liens for nonpayment of property assessment fees as set forth in the Act at 53 P.S. § 18107 (A)(10).
13. The District will allow for and encourage tax-exempt property owners to provide in-kind or financial contributions to Greater Cheltenham Avenue Business Improvement District Inc. if not assessed, in lieu of a property assessment fee.
14. The negative vote of at least fifty-one percent (51%) of the property owners within the District, or property owners within the District whose property valuation as assessed for taxable purposes amounts to fifty-one percent (51%) of the total property valuation located within the District proposed in the final plan, shall be required to defeat the establishment of the proposed District by filing objections to the clerk for the governing body of the municipality within forty-five (45) days of presentation of the final plan.

# City of Philadelphia

*RESOLUTION NO. 080412 continued*

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the seventeenth of April, 2008.

Anna C. Verna  
PRESIDENT OF THE COUNCIL

Patricia Rafferty  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Tasco

Sponsored by: Councilmember Tasco