

Legislation Details (With Text)

File #: 030017 **Version:** 1 **Name:**
Type: Bill **Status:** ENACTED
File created: 1/28/2003 **In control:** Committee on Rules
On agenda: **Final action:** 5/29/2003

Title: Establishing a neighborhood improvement district in an area that generally includes both sides of Ridge Avenue from Main Street to 7220 Ridge Avenue and certain blocks of streets that intersect that portion of Ridge Avenue to be known as the Roxborough District ("District"); designating the Roxborough Development Corporation, a Pennsylvania nonprofit corporation, as the Neighborhood Improvement District Management Association for the District; approving a plan for the District, including a list of proposed improvements and their estimated cost, and providing for assessment fees to be levied on property owners within the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with the Roxborough Development Corporation relating to the District; and authorizing the Roxborough Development Corporation to assess property owners within the District a special property assessment fee to be used in accordance with the approved plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain terms and conditions.

Sponsors: Councilmember Nutter

Indexes: NEIGHBORHOOD IMPROVMENT DISTRICT

Code sections:

Attachments: 1. CertifiedCopy03001701.pdf

Date	Ver.	Action By	Action	Result	Tally
6/11/2003	1	MAYOR	SIGNED		
5/29/2003	1	CITY COUNCIL	READ		
5/29/2003	1	CITY COUNCIL	PASSED	Pass	16:0
5/1/2003	1	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
4/25/2003	1	CITY COUNCIL	ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR		
4/10/2003	1	Committee on Rules	HEARING NOTICES SENT		
4/10/2003	1	Committee on Rules	REPORTED FAVORABLY		
4/10/2003	1	Committee on Rules	HEARING HELD		
3/6/2003	0	Committee on Rules	HEARING NOTICES SENT		
3/6/2003	0	Committee on Rules	AMENDED		
3/6/2003	0	Committee on Rules	HEARING HELD		
3/6/2003	1	Committee on Rules	RECESSED		
1/28/2003	0	CITY COUNCIL	Referred		
1/28/2003	0	CITY COUNCIL	Introduced	Pass	

Establishing a neighborhood improvement district in an area that generally includes both sides of Ridge Avenue from Main Street to 7220 Ridge Avenue and certain blocks of streets that intersect that portion of Ridge Avenue to be known as the Roxborough District ("District"); designating the

Roxborough Development Corporation, a Pennsylvania nonprofit corporation, as the Neighborhood Improvement District Management Association for the District; approving a plan for the District, including a list of proposed improvements and their estimated cost, and providing for assessment fees to be levied on property owners within the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with the Roxborough Development Corporation relating to the District; and authorizing the Roxborough Development Corporation to assess property owners within the District a special property assessment fee to be used in accordance with the approved plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain terms and conditions.

WHEREAS, Council is authorized by the Community and Economic Improvement Act ("Act") (53 P.S. §18101 *et. seq.*) to establish by ordinance neighborhood improvement districts and to designate certain entities to administer programs and services within such districts in order "to promote and enhance more attractive and safer commercial, industrial, residential and mixed-use neighborhoods; economic growth; increased employment opportunities; and improved commercial, industrial, business districts and business climates;" and

WHEREAS, The purpose of this ordinance is to establish a neighborhood improvement district in the Roxborough area, to be known as the Roxborough District ("District"); and

WHEREAS, All procedures required by the Act for establishment of the District have been followed; in particular, more than forty-five (45) days have elapsed from the last public hearing required by the Act and the Clerk of Council has not received objections filed by fifty-one percent (51%) or more of the affected property owners or property owners whose property valuation as assessed for taxable purposes amounts to fifty-one percent (51%) of the total property valuation within the proposed boundaries of the District; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. In accordance with the provisions of the Community and Economic Improvement Act ("Act") (53 P.S. §18101 *et. seq.*), a neighborhood improvement district is hereby established in the Roxborough area, within the boundaries set forth as Exhibit "A-1" attached hereto. The district shall be known as the Roxborough District ("District").

SECTION 2. The Roxborough Development Corporation, a Pennsylvania nonprofit corporation, is hereby designated as the Neighborhood Improvement District Management Association for the District.

SECTION 3. Council hereby approves as the final plan for the District the plan set forth in Exhibit "A" attached hereto. The Roxborough Development Corporation is hereby authorized to assess property owners within the District a special property assessment fee in accordance with the provisions of the final plan and the provisions of the Act.

SECTION 4. The Director of Commerce, on behalf of the City, is hereby authorized to enter into an agreement with the Roxborough Development Corporation in a form approved by the City Solicitor, which agreement shall include the following provisions:

(a) A detailed description of the respective duties and responsibilities of the City and of the Roxborough Development Corporation with respect to the District as set forth in the final plan approved under Section 3;

(b) A requirement that the City will 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 terminate five years from the date this Ordinance becomes law and may not be renewed unless the District is continued beyond that date in accordance with the sunset provisions of Section 5 of this Ordinance; and

(d) The Roxborough Development Corporation's agreement to be responsible for the collection of all property assessment fees 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).

SECTION 5. The District shall terminate five years from the date this Ordinance becomes law in accordance with the provisions of the final plan approved under Section 3. The District may be continued beyond that date only if Council reenacts this ordinance following a review of the District and the programs and services provided by the Roxborough Development Corporation within the District.

SECTION 6. The Chief Clerk shall keep on file the document referred to as Exhibit A in Section 3 of this Ordinance, and all accompanying documents referenced in Exhibit A, and shall make them available for inspection by the public during regular office hours.

Exhibit A

FINAL PLAN FOR THE ROXBOROUGH NEIGHBORHOOD 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 Roxborough 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 (for real estate purposes) commercial properties on both sides of Ridge Avenue from Main Street to 7220 Ridge Avenue, plus those commercial properties on certain blocks of streets that intersect that portion of Ridge Avenue that are listed in Exhibit A-2. This area is referred to as the "whole district." While the service area does contain owner-occupied residential properties, these properties will not be assessed. Furthermore, tax-exempt properties located within the district will be encouraged to contribute cash or in-kind services.

The "whole district" includes a sub-area called the "central area" that includes all taxable (for real estate purposes) commercial properties on both sides of Ridge Avenue beginning at 5735 Ridge Avenue and extending through to 6247 Ridge Avenue.

The map of the District which is attached as Exhibit A-1 depicts the "whole district" and the "central

area."

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. Marketing: Marketing services may include, but are not limited to: *business promotion strategies*, such as the development and distribution of promotional materials (e.g., a District map, direct mail and coupon books), creating a District slogan and printing and selling T-shirts, and placing advertisements for the District in neighborhood phone directories, on bus shelters, at public parking lots and similar locations; *business attraction strategies*, such as marketing available vacant space, e-business promotion through a web site, a "weed and seed" program and creating financial incentives; and, *business retention strategies*, such as a collaborative print media marketing business promotion strategy, organizing special events designed to attract customers, marketing campaigns targeted at major employers along and near the District designed to attract their employees as customers for businesses within the District. (Budget allocation for Year 1: \$6,500)

b. Appearance: Appearance services will include the development of a professional streetscape plan that will detail pedestrian lighting, pedestrian crosswalks, benches, trash receptacles, bike racks, street trees, banners, directional and information signage, as well as, storefront facade design criteria, business lighting examples, sample window displays and signage criteria. The District budget allocation will support the design and development of a streetscape plan. The District will pursue other available funding sources for the implementation of the streetscape plan. Appearance services may also include, but are not limited to: cleaning "hot spots;" weed control; organizing adopt-a-block programs and community clean-ups; purchase and maintenance of streetscape furniture and street banners; promoting uniform lighting treatments and providing professional design services for facade improvements and window displays; designing holiday lighting and decorations; sponsoring design contests for Ridge Avenue "gateways;" and, designing information kiosks for use along Ridge Avenue. (Budget allocation for Year 1: \$27,000)

c. Parking & Public Safety: *Parking services* may include, but are not limited to: reviewing and evaluating public parking options, parking meters, parking validation programs and parking tokens. *Public safety services* may include, but are not limited to: repainting pedestrian crosswalks; sponsoring police bicycle patrols; working with the Police District Advisory Committee (PDAC); and, promoting the use of the City's Security Rebate Program by District businesses. (Budget allocation for Year 1: \$3,100)

d. Sidewalk Cleaning: Routine sidewalk cleaning will be performed only within the central area of the District as described above at paragraph 2. The commercial properties within the central area will be assessed an additional fee for this added service. (Budget allocation for Year 1: \$31,451)

5. The proposed budget for the first fiscal year, along with a proposed five-year budget plan for the life of the District including, but not limited to, personnel and administration, programs and services, maintenance and operation, and capital expenditures is attached as Exhibit A-3.

6. The proposed revenue source for financing all proposed improvements, programs and services is set forth in Exhibit A-3.

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 which will govern and administer the District is the Roxborough Development Corporation.

9. The by-laws of the Roxborough Development Corporation are attached as Exhibit A-4.

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 the services for the "whole district" will be equitably apportioned among all benefitting properties within the whole district service area. Properties will be assessed based on the ratio of the assessed value of the benefitting property to the total assessed valuation of all benefitting properties. This ratio will be determined annually for each year of the plan using the assessed values as most recently certified by the Board of Revision of Taxes (BRT). Using the BRT assessments from September 2002, the "whole district" assessment fee will be 0.7% of the assessed value of the property.

The cost of the services provided exclusively to the "central area" will be equitably apportioned among all benefitting properties within the central area. Properties will be assessed based on the ratio of the assessed value of the benefitting property to the total assessed valuation of all benefitting properties. This ratio will be determined annually for each year of the plan using the assessed values as most recently certified by the Board of Revision of Taxes (BRT). Using the BRT assessments from September 2002, the "central area" assessment fee will be 0.6% of the assessed value of the property. Thus, benefitting properties within the "central area" will be assessed a total assessment fee of 1.3%

11. The specific duties and responsibilities of the City of Philadelphia and the Roxborough Development Corporation 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 before its designation as a neighborhood improvement district as after such designation. The City will also be responsible for filing any necessary liens for the nonpayment of property assessment fees as set forth in the Act at 53 P.S. §18107(A)(10).

b. The Roxborough Development Corporation 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, the Roxborough Development Corporation shall annually submit an audit of all income and

expenditures to the Department of Community and Economic Development and to 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 City Council and to all assessed property owners located in the District (as required by 53 P.S. §18109). In addition, the Roxborough Development Corporation will be responsible for the collection of all property assessment fees levied within the District.

12. A written agreement shall be signed by the City and RDC containing the following provisions:
 - a. The respective duties of the City and the Roxborough Development Corporation 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 terminate and may not be renewed unless the District is continued beyond that date pursuant to a reenactment of the ordinance establishing the District; and
 - d. The Roxborough Development Corporation's agreement to be responsible for the collection of all property assessment fees 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 shall allow for and encourage tax-exempt property owners located within the district to provide in-kind services or a financial contribution to RDC, 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 with the Clerk of Council within forty-five (45) days of presentation of the final plan.