File #: 020431, **Version:** 0

Establishing a neighborhood improvement district in an area that generally includes both sides of East Passyunk Avenue from the south side of Federal Street to the east side of South Broad Street, certain blocks of streets that intersect that portion of East Passyunk Avenue, both sides of South Broad Street from the south side of McKean Street to the north side of Snyder Avenue, and the west side of South Broad Street from the south side of Mifflin Street to the north side of McKean Street, to be known as the East Passyunk Avenue Business Improvement District ("District"); designating East Passyunk Avenue Business Improvement District, Inc. a Pennsylvania nonprofit corporation, as the Neighborhood Improvement District Management Association for the District; approving a final 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 East Passyunk Avenue Business Improvement District, Inc., relating to the District; and authorizing East Passyunk Avenue Business Improvement District to assess property owners within the District a special property assessment fee to be used in accordance with the approved final plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain tems 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 Passyunk Avenue area, to be known as the East Passyunk Avenue Business Improvement District ("District"); and

WHEREAS, All procedures required by the Act for establishment of the District have been followed; in particular, more than forty-five days have elapsed from the last public hearing required by the Act and the Clerk of Council has not received objections filed by 51% or more of the affected property owners or property owners whose property valuation as assessed for taxable purposes amounts to 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, a neighborhood improvement district is hereby established in East Passyunk area, with the boundaries set forth in Exhibit "A" attached hereto. The district shall be known as East Passyunk Avenue Business Improvement District ("District").

SECTION 2. East Passyunk Avenue Business Improvement District, Inc., 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. East Passyunk Avenue Business Improvement District, Inc., 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 East Passyunk Avenue Business Improvement District, Inc., in 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 East Passyunk Avenue Business Improvement District, Inc., 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 on June 30, 2009 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 City's agreement to be responsible for the collection of all property assessment fees levied within the District.

SECTION 5. The District shall terminate on June 30, 2009 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 East Passyunk Avenue Business Improvement District, Inc. within the District.

Exhibit A

PRELIMINARY PLAN FOR THE EAST PASSYUNK AVENUE BUSINESS IMPROVEMENT DISTRICT ("DISTRICT") AND REPORT OF THE CITY OF PHILADELPHIA CONCERNING THE DISTRICT

1. The name of the proposed district shall be the East Passyunk Avenue Business Improvement District ("District"). A description and map indicating the District's boundaries is attached as Exhibit A1.

2. The service area of the proposed district includes the 300 taxable (for real estate purposes) commercial properties on both sides of East Passyunk Avenue from the south side of Federal Street to the east side of South Broad Street, plus those commercial properties on certain blocks of streets that intersect that portion of East Passyunk Avenue that are listed in Exhibit A2, both sides of South Broad Street from the south side of McKean Street to the north side of Snyder Avenue, plus the west side of South Broad Street from the south side of Mifflin Street to the north side of McKean Street. Owner-occupied residential properties will not be assessed.

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3. A list of properties to be assessed is set forth in Exhibit A2.

4. A list of proposed improvements with the District and their estimated cost:

   a. ***Explore "trolley" loop via Broad Street*** - Councilman DiCicco has already done extensive work to determine the feasibility of running a regular shuttle-bus between Center City (possibly the Convention Center) and the District. The BID will work with the Councilman to reexamine this possibility to serve shoppers and/or diners in the District. Another possibility may be to revive an historic trolley on 11th and 12th Streets to bring visitors from Center City in a distinctive way. ($15,000)
   b. ***Install more trash cans*** - The BID will work with the City Streets Department to ensure sufficient trash receptacles and regular servicing of them along the entire length of the District. ($9,000)
   c. ***Sidewalk sweeping*** - Under an agreement with a Philadelphia BID that has sidewalk sweeping capacity (i.e., trained staff and motorized equipment) the BID will maintain an acceptable level of cleanliness through the length of the District. ($13,000)
   d. ***Holiday lights*** - The BID will continually maintain and annually install holiday lights for the length of the District. This will draw shoppers and assure a bright festive atmosphere during the darkest months. ($7,500)
   e. ***Year 'round events*** - The BID will plan and implement an annual calendar of special events that may include small weekend activities or larger ones designed to draw people from throughout Philadelphia and the region. Many events will have an Italian theme with music and approved vendors to add commercial interest. The BID will negotiate with sponsors and the City to draw the annual Columbus Day Parade to Passyunk Avenue. This will be an important reinforcement for the Italian theme and will doubtless increase the audience in South Philadelphia. ($20,000)
   f. ***Consistent year 'round advertising, promotions*** - The BID will plan and finance a year 'round program of advertising and promotions and will phase in these additions as experience strengthens this work. ($5,000)
   g. ***Flags*** - The BID will install US and Italian flags the length of the District. ($5,000)

5. The proposed budget for the first fiscal year, including, but not limited to, personnel and administration, programs and services, maintenance and operation, and capital expenditures is as follows:

   $125,475

6. The proposed revenue sources for financing all proposed improvements, programs and services are assessments on all real property in the service area, except owner-occupied residential and tax-exempt properties (#2 above).

7. The estimated time for implementation and completion of all proposed improvements, programs and services (#4 above):

   One-year of proposed seven-year authorization.

8. The administrative body which will govern and administer the District is the East Passyunk Avenue Business Improvement District, Inc.

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9. The by-laws of East Passyunk Avenue Business Improvement District, Inc. are attached as Exhibit A3.

10. The method of determining the amount of the assessment fee to be levied on property owners within the District will be done by equitably apportioning costs among benefiting properties. The assessment fee will be calculated as 20% of the real estate taxes for all commercial and industrial properties within the proposed area.

11. The specific duties and responsibilities of the City of Philadelphia ("City") and The Passyunk Avenue Business Improvement District, Inc. with respect to the District are as follows:

a. The City will be responsible for the collection of all property assessment levied within the District, and will employ any legal methods to insure collection of such assessments, including the filing of liens. The City will also 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.

b. East Passyunk Avenue Business Improvement District, Inc., shall fulfill all the duties and responsibilities of a Neighborhood Improvement District Management Association as set forth in the Community and Economic Improvement Act. Such duties and responsibilities include: administering programs, improvements and services within the District; preparing planning or feasibility studies or contracting for the preparation of such studies to determine needed capital improvements or administrative programs and services within the District; imposing special assessment fees and soliciting in-kind services or financial contributions from tax-exempt property owners within the District in lieu of such assessment fees; hiring additional off-duty police officers or private security officers to support existing municipal and volunteer efforts aimed at reducing crime and improving security in the District; designating an advisory committee for the District; submitting 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 submitting 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.

12. A written agreement shall be signed by the City and East Passyunk Avenue Business Improvement District, Inc. containing the following provisions:

a. The respective duties of the City and East Passyunk 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 terminate and may not be renewed unless the District is continued beyond that date pursuant to a reenactment of the ordinance establishing the District.

d. The City's agreement to be responsible for the collection of all property assessment fees levied within the District.

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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 East Passyunk Avenue Business Improvement District, Inc., if not assessed, in lieu of a property assessment fee.

14. The negative vote of at least 51% of the property owners within the District or property owners within the District whose property valuation as assessed for taxable purposes amounts to 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 45 days of presentation of the final plan.

Exhibit A1

The boundaries of the East Passyunk Avenue Business Improvement District shall consist of:

1. Both sides of East Passyunk Avenue from the south side of Federal Street to the east side of South Broad Street;

2. Both sides of South Broad Street from the south side of McKean Street to the north side of Snyder Avenue;

3. The west side of South Broad Street from the south side of Mifflin Street to the north side of McKean Street; and

4. Certain portions of blocks of streets that intersect East Passyunk Avenue between Federal Street and South Broad Street, consisting of those properties listed in Exhibit A2 that are not included in paragraphs 1 through 3 above.

The following page contains a map indicating the boundaries of the District.

Exhibit A1 - p. 2

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