

Council of the City of York, PA
Session 2013
Bill No. 19
Ordinance No. 17

INTRODUCED BY:


Henry Nay Nixon

DATE: November 6, 2013

AN ORDINANCE

APPROVING THE 2014-2015 PLAN OF THE YORK BUSINESS IMPROVEMENT DISTRICT AUTHORITY PURSUANT TO POWER GRANTED TO THE CITY OF YORK, PENNSYLVANIA UNDER THE MUNICIPALITY AUTHORITIES ACT, ACT OF JUNE 19, 2001, P.L. 287, AS AMENDED, AND PURSUANT TO ORDINANCE NO. 13 OF SESSION 1998 OF THE COUNCIL OF THE CITY OF YORK.

WHEREAS, the Council of the City of York adopted Ordinance No. 13 on September 15, 1998 (the "Ordinance") signifying its intention to organize the York Business Improvement District Authority (the "Authority") under the Municipality Authorities Act, Act of May 2, 1945, P.L. 382, as amended; and

WHEREAS, the Authority was thereafter constituted by the filing of Articles of Incorporation; and

WHEREAS, the Authority proposed and York City Council approved the 1999-2003 Business Plan for the York Business Improvement District; and

WHEREAS, pursuant to the Municipality Authorities Act, Act of June 19, 2001, P.L. 287 (the "Act"), the Authority proposed and had approved by Ordinance No. 49 of 2005 the 2006-2010 plan for business improvements and a proposed method of assessments for business improvements and charges for administrative services which expired on December 31, 2010 (the "2006-2010 Plan"); and

WHEREAS, pursuant to the "Act," the Authority proposed and had approved by Ordinance No. 36 of 2010 the 2011-2015 plan for business improvements and administrative services together with estimated costs and proposed method of assessment for business improvements and charges for administrative services, which was to expire on December 31, 2015 (the "2011-2015 Plan"); and

WHEREAS, the Authority wishes to amend the "2011-2015 Plan" with adoption of the 2014-2015 Business Plan ("2014-2015 Plan") to reflect a boundary expansion of the York Business Improvement District to align with the new Central Business District Boundaries, as detailed in the newly adopted 2011 York City Zoning Ordinance, as well as business improvements and administrative services together with estimated costs and a proposed method of assessment for business improvements and charges for administrative services; and

WHEREAS, the Authority held public hearings and allowed opportunity for objections as provided in the "Act;" and

WHEREAS, the Authority has prepared for consideration and approval a 2014-2015 Business Plan for the Authority (the "2014-2015 Plan") as set forth in the document attached hereto, incorporated herein and marked Exhibit "A."

NOW, THEREFORE, BE IT ORDAINED, and it is hereby ordained by the authority of the same as follows:

SECTION 1: Pursuant to the Municipalities Authorities Act, Act of June 19, 2001, P.L. 287, as amended, and pursuant to Ordinance No. 13 of 1998 of the Council of the City of York, York County, Pennsylvania, the Council of the City of York, York County, Pennsylvania, does hereby approve the 2014-2015 plan for a boundary expansion of the York Business Improvement District to align with the new Central Business District Boundaries as detailed in the newly adopted 2011 York City Zoning Ordinance, as well as business improvements and administrative services together with estimated costs and a proposed method of assessment for business improvements and charges for administrative services as submitted by the York Business Improvement District Authority, a copy of which plan is attached hereto, Marked Exhibit "A" and incorporated herein by reference.

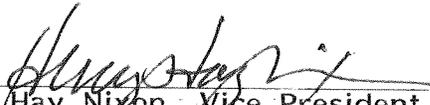
SECTION 2: This Ordinance shall become effective January 1, 2014.

PASSED FINALLY: December 3, 2013

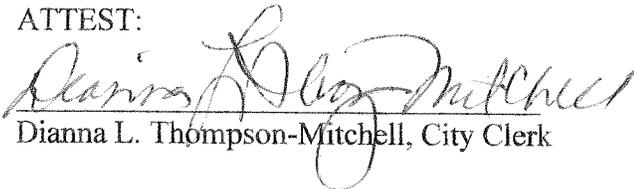
BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson - 4

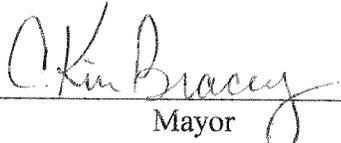
NAYS: None


Henry Hay Nixon, Vice President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 4th day of December 2013

Approved: 
Mayor

12/5/13
Date

Vetoed: _____
Mayor

Date

EXHIBIT A

August 30, 2013

To the Property Owners within the York City Central Business District

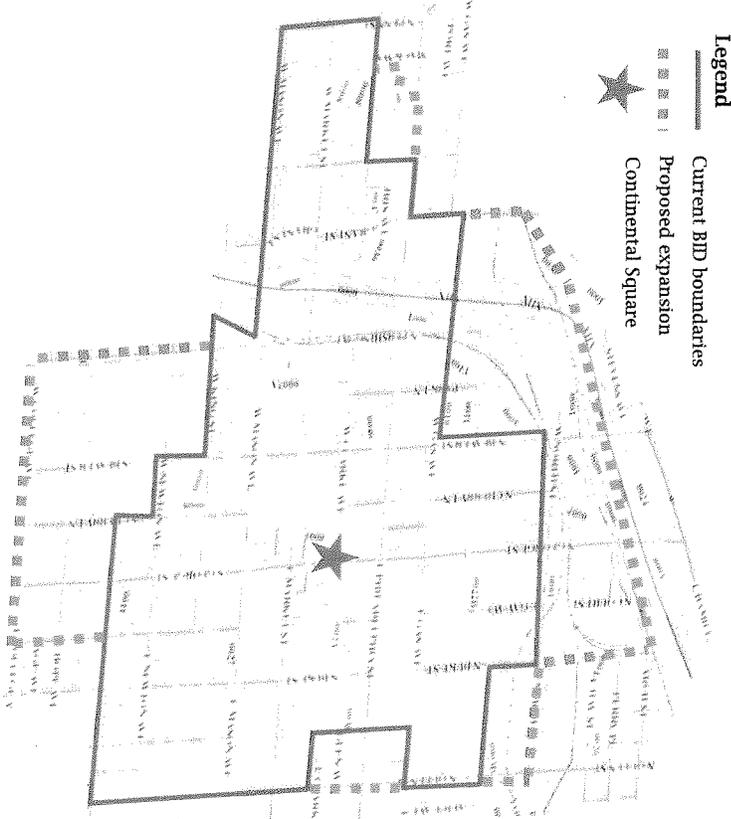
This mailing introduces a plan to **expand the boundaries** of the York Business Improvement District and includes the 2014-2015 Business Plan for the York Business Improvement District Authority.

The York Business Improvement District Authority encourages you to review this document and **share it with your tenants**. We are confident that any questions you may have will be answered within this piece. After review, should you still have questions about this process or the York Business Improvement District, please contact the Authority at 717-849-2331.

Thank you for your consideration of this plan.

York Business Improvement District Authority
Sonia Huntzinger
Executive Director

GEOGRAPHIC BOUNDARIES OF YBIDA: The solid, red line on this map reflects those properties that are included in the existing York Business Improvement District. The red, dotted line reflects the Central Business District boundaries as identified in the City of York zoning ordinance, and the proposed expansion of the York Business Improvement District boundaries.



YORK BUSINESS IMPROVEMENT DISTRICT AUTHORITY (YBIDA) BOUNDARY EXPANSION & 2014-2015 BUSINESS PLAN

17401
161 North George Street
York, PA 17401
717-849-2331

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EXHIBIT A

YORK BUSINESS IMPROVEMENT DISTRICT AUTHORITY (YBIDA) 2014-2015 BUSINESS PLAN

A. EXPLANATION OF A BID:

A Business Improvement District is a non-profit municipal authority used by property owners and lessees to manage the future of their retail, commercial and industrial areas. A BID is operated under the Central Business District Authority Act, signed into law in 1980. This law allows commercially-zoned districts with the prior approval of the property owners, to set up special assessment districts which provide a reliable and equitable source of funding for specific programs.

The Central Business District Authority Act was created to provide a mechanism by which business districts could more effectively compete with suburban office parks, shopping malls and residential living complexes. It is common for businesses and residents within these types of developments to contribute to common area maintenance and security, participate in cooperative marketing and public relations initiatives, and retain a paid staff to manage the development. The Central Business District Authority allows a Business Improvement District to provide similar programs that supplement municipal services through a similar "common fund."

The assessments paid by property owners are collected and managed by an authority board established to oversee the BID. The authority board is comprised of members who represent property owners and/or residents within the defined district. The authority board, in accordance with the intent of a BID, uses the "common fund" for specific activities or programs that supplement, not supplant, regular municipal services.

B. BACKGROUND:

In 1986, York was selected by the Commonwealth of Pennsylvania as a designated Main Street community according to downtown revitalization standards established by the National Main Street Center. Main Street York, Inc. established itself as a private, nonprofit organization governed by a board of directors who represent downtown businesses and downtown stakeholders.

In 1999, York City Council approved the establishment of the York Business Improvement District Authority (YBIDA) for the purpose of making business improvements and providing administrative services, and the subsequent assessment of the commercial and licensed-retail residential property owners within the district.

In 2006, the board of directors of Main Street York and the YBIDA board determined that due to their similar missions, goals and objectives, they should join together in their efforts to revitalize downtown York. As a result, **Downtown Inc** became the trade name of the joint venture between the York Business Improvement District Authority and Main Street York.

York City Council approved the union along with the organization's 2006-2010 Business Plan.

***Although the two merged entities share the same board and mission their financials are kept separate due to funding sources and differing tax exemption determinations. The board of directors is tasked with oversight of the YBIDA and also the vitality of the charitable Main Street York, Inc. Financial support for Downtown Inc comes from charitable fundraising efforts and the YBIDA assessments collected annually from downtown property owners.**

According to statute, the YBIDA is required to regularly present the governing body of the City of York its business plan and intended use of the collected assessment. The most recent business plan presented expires on December 31, 2015.

C. BOUNDARY EXPANSION:

In August 2011, the City of York formally adopted a new Zoning Ordinance and with it a new Zoning map that included modifications to the Central Business District. It is the intent of Downtown Inc, with this application, to align the YBID boundaries with the new Central Business District boundaries. A map illustrating this change is located on the back of this page.

D. ASSESSMENT RATE:

The York Business Improvement District Authority will assess each commercial and licensed-retail residential property owner within the district an annual assessment equating 1 mill or \$1 on each \$1,000 of assessed value for each property. *For example:* a property with an assessed value of \$50,000 would have a \$50 annual assessment for the YBID. In other words less than 15 cents a day. With this assessment rate, the YBIDA generates approximately \$112,000 in assessments per year. Owners of tax-exempt properties and single-family, owner-occupied residential properties are exempt from this assessment, but are encouraged to make voluntary annual contributions to the York Business Improvement District Authority.

E. USE OF YBIDA FUNDS:

According to ordinance, the YBIDA assessments are to be used for "the purpose of making business improvements and providing administrative services." From January 1, 2014 through December 31, 2015, the YBIDA collected assessments will be used for the development, management, and implementation of the well-established and proven-successful five tenets of the "Main Street" program: Administration/Organization, Economic Development, Promotions and Marketing, Beautification, and Public Safety. In short, the YBID assessment will be used to accomplish the goals and objectives listed on the sheet included in this report.

F. EXPENDITURES:

The York Business Improvement District Authority will base its annual revenue on 90% of the potential assessments from the taxable property owners. Based on past-year collections, the YBIDA will assume that approximately 10% of annual assessments will be uncollectible. The process by which property owners who do not pay their annual assessments will be handled is outlined in Section G. Funds received are allocated and managed by the Authority Board established to manage the YBID. The Budget below represents the combined revenue and expenses of the YBIDA and Main Street York, Inc. * Assessment revenue reflects anticipated collections in 2014.

Income	
Annual Assessments (based on 2013 assessment records)	\$ 126,000
Provision for Approx. 10% Uncollected Assessments Annually	(13,000)
Main Street York, Inc. Private Partnership Support	175,000
Events & Miscellaneous Grant	22,000
Net Annual Income	\$ 310,000
Expense	
Economic Development	\$ 60,000
Marketing & Events	100,000
Beautification/Plantings/Liter Patrol	55,000
Public Safety	35,000
Administrative	60,000
Total Annual Expenses	\$ 310,000

*Financial support for Downtown Inc comes from two sources: charitable fundraising efforts for Main Street York, Inc., a 501(c)(3) non-profit, and the YBIDA assessments collected annually from downtown property owners. Expense categories include estimated personnel costs directly associated with those programs.

G. COLLECTION PROCESS:

The assessment notice shall be mailed to all property owners on or before March 15th of each year. The property owner shall have until June 15th of each year to make payment on the original face amount. After June 15th, a 10% penalty shall be assessed and added to the total assessment due. On December 31st of each year, all properties which have unpaid assessments shall have a lien placed on them, with the appropriate charges added to the total due. Once a lien has been placed on a property, interest on unpaid assessments shall accrue at the rate of ten (10) percent per month on the unpaid original face amount, charged on the first working day of each month. Installment payments shall not be accepted. All payments are due in full.

The York Business Improvement District Authority subcontracts with the York City Treasurer's Office to collect the assessments on an annual basis. It is both financially and time-efficient to work with the office that already administers the tax programs for the City of York. The assessment bills for the York Business Improvement District will be mailed separately from the real estate and school tax bills.

H. APPROVAL PROCESS:

The boundary expansion of the York Business Improvement District will follow these steps and timeline:

August 30, 2013: YBIDA 2014-2015 Business Plan with estimated budget, method of assessment, and changes is mailed to all properties affected by the proposed boundary expansion.

October 3, 2013 5:00-6:00PM: Public hearing meeting at One Market West, garden level conference room.

October 4 - November 19, 2013: A 45-day review period in which legal owners of taxable properties within the expansion areas, who wish to object to the expansion of the YBIDA boundaries, must submit a signed, written objection to the York City Clerk's office at 101 South George Street, York PA 17401.

Objections will only be considered valid if they: (1) are received by mail or hand-delivered during this time period and (2) are signed by someone who is the legal owner of a taxable property within the proposed expanded boundaries of the YBID. If one-third or more of the legal property owners of assessed properties within the proposed expanded areas, in either number or in assessed value, have submitted valid objections by November 19, 2013, the Business Plan shall not be forwarded to York City Council; if the plan passes the 45-day review period, York City Council will be given the YBIDA plan for consideration and approval.

November 19, 2013: YBIDA Boundary Expansion and Business Plan Resolution introduced for consideration by York City Council member at York City Council meeting.

December 3, 2013: Anticipated date of adoption of YBIDA Boundary Expansion and 2014-2015 Business Plan by York City Council.

YORK BUSINESS IMPROVEMENT DISTRICT AUTHORITY (YBIDA)

2014-2015 BUSINESS PLAN

GOAL 1: ECONOMIC REVITALIZATION

Downtown Inc will be a leader in planning and driving economic revitalization and initiatives, and will be a recognized resource, and sometimes a direct provider of, attraction and retention services to retail and other small businesses.

Objective 1: Convene and organize economic development agencies and the private sector to ensure that strategies are innovative, aligned and moving at a rapid pace.

Objective 2: Continuously and consistently work to strengthen existing business base.

Objective 3: Deliver direct constituent value through traditional Downtown Inc programs and services related to business attraction and retention.

Objective 4: Develop the organizational capacity to respond/participate as an important partner in broad strategic business retention and attraction efforts in downtown York.

GOAL 2: EFFECTIVE PROMOTIONS AND COMMUNICATIONS

Downtown Inc will be at the center of a communications and promotions network that is demonstrating consistent improvement in citizen and visitor perception of downtown York.

Objective 1: Deliver direct constituent value through traditional Downtown Inc programs and services related to communications and promotion.

Objective 2: Clearly understand our audience(s) and what Downtown Inc is striving to achieve through its promotion and communication efforts.

Objective 3: Develop and implement a comprehensive promotions and communications plan that utilizes the findings from Objective 2, above.

Objective 4: Work as a partner with the York County Branding initiative to plan and implement the supporting brand for Downtown York (Industrial Art and Design/Creativity Unleashed).

Objective 5: Develop a comprehensive downtown communications plan that delineates the roles of various collaborators, and clearly documents and defines Downtown Inc's specific roles and functions.

Objective 6: Develop and implement an on-going train-the-small-business program that provides small businesses with the tools and techniques to promote themselves and get the full benefit from larger downtown-wide communication and promotion programs.

GOAL 3: PLEASANT AND INVITING PHYSICAL APPEARANCE

Downtown Inc will be the recognized and respected champion for a beautiful downtown, providing sufficient consistent leadership, coordination, and resources to create a "signature" look and feel to the downtown area. This goal is intended to consider such things as plantings, holiday greens, clean-up/litter control, street architecture, weed control, signage, way finding, etc.

Objective 1: Deliver direct constituent value through traditional Downtown Inc programs and services related to physical appearance.

MORE →

GOAL 3: PLEASANT AND INVITING PHYSICAL APPEARANCE (continued)

Objective 2: Establish a vision for Downtown York's "signature" look and feel that is developed and/or shared by and among various stakeholders – with a set of supporting standards and practices that are propagated by stakeholder consensus.

Objective 3: Secure a set of memorandums of understanding that create a comprehensive, coordinated, and committed approach to delivering essential physical appearance resources, services, and activities. It is anticipated that parties to the memorandums will include entities such as York City, York County Economic Development Corporation, garden clubs, Downtown York Rotary, associations, foundations, etc.

GOAL 4: SAFE ENVIRONMENT

Downtown Inc will strengthen and institutionalize its role in building and maintaining both the perception and reality that downtown York is a safe place to live, work and shop.

Objective 1: Develop reliable and regular sources of data for analysis, planning and reporting.

Objective 2: Support the regular deployment of safety personnel in the downtown district.

Objective 3: Develop an implementation plan and schedule for Crime Prevention Through Environmental Design audits.

Objective 4: Develop programs in cooperation with the York City Police Department Public Safety division for building/office physical security evaluation and educational awareness resulting in certification for all businesses in the downtown district.

Objective 5: Continue to build the Safety Initiatives Fund developed by Downtown Inc.

Objective 6: Maintain communication between downtown businesses and York City Police Department.

Objective 7: Continue to advocate for the objectives of safety organizations devoted to providing safety in the City and downtown district.

GOAL : ORGANIZATIONAL EXCELLENCE

Downtown Inc will build its organizational capacity and excellence, as demonstrated by a sound organizational structure, a network of robust and productive working relations with mission-related entities, and a sustainable financial model.

Objective 1: Implement integrated and coordinated governance/operating structure that clearly defines individual (board, staff, and volunteer), committee, and organizational responsibilities/accountability.

Objective 2: Work to raise Downtown Inc's visibility, and establish mutually-understood forms and methods of collaboration with mission-critical entities.

Objective 3: Continue to strengthen our financially sustainable business model.

For more information on Downtown Inc's annual activities, please visit
www.downtownyorkpa.com/actionplan.