



## Certificate of Incorporation

of **980113000 608**

CENTRAL DISTRICT MANAGEMENT ASSOCIATION, INC.

under section 402 of the Not-for-Profit Corporation Law

IT IS HEREBY CERTIFIED THAT:

(1) The name of the corporation is "Central District Management Association, Inc."

(2) The corporation is a corporation as defined in subparagraph (a)(5) of section 102 (Definitions) of the Not-for-Profit Corporation Law.

Yes

(3) The purpose or purposes for which the corporation is formed are as follows:

To carry out and perform such activities as are authorized pursuant to the provisions of Article 9-A of the General Municipal Law and the District Plan filed thereunder for the establishment of the Central Business Improvement District in the City of Albany, New York.

To promote the preservation and development of the Central Avenue business corridor of the capital City of Albany and to organize in order to do all things necessary and proper to make such area more attractive and accessible. To this end the management association will work to enhance the public perception of the Central Avenue business corridor through overseeing and managing the appearance, security and cleanliness of the business improvement district.

The public or quasi-public objective to be served under Section 201(b) of the Not-For-Profit Corporation Law by each business activity undertaken pursuant to this section is specifically, but not limited to:

- hiring and supervision of street cleaners
- hiring and supervision of uniformed security personnel
- creation and implementation of a capital improvement plan to enhance the streetscape, building facades and decorations
- act as advocate on behalf of the District members with the City
- actively recruit and retain tenants for buildings
- conduct promotions to draw tourists and local patronage to Central Avenue restaurants and attractions.

The corporation, in furtherance of its corporate purposes above set forth, shall have all the powers enumerated in section 202 of the Not-for-Profit Corporation Law, subject to any limitations provided in the Not-for-Profit Corporation Law or any other statute of the State of New York. Nothing herein shall authorize this corporation, directly or indirectly, to engage in, or include among its purposes, any of the activities mentioned in Not-for-Profit Corporation Law, section 404 (b)-(u).

- (4) The corporation shall be a Type C corporation pursuant to section 201 of the Not-for-Profit Corporation Law. (In the case of Type A, B and C corporations set forth the names and addresses of at least 3 initial directors. Type C corporation must set forth the lawful public or quasi-public objective which each business purpose will achieve.)

Mayor Gerald D. Jennings, City Hall, Albany, New York 12207

Donald Metzner, President of Armory Garage, 926 Central Avenue,  
Albany, New York 12205

Marcus Q. Pryor, Vice President of Peter M. Pryor Associates, Inc.,  
134 Central Avenue, Albany, New York 12206

Austin Snow, General Manager of The Quality Inn, 3 Watervliet Avenue  
Extension, Albany, New York 12206

- (5) The office of the corporation is to be located in the County of Albany State of New York.

- (6) The Secretary of State is designated as agent of the corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is

Central District Management Association, Inc.  
P.O. Box 6266  
Albany, New York 12206-0266

2

*(7) State and Federal exemption.*

*State and Federal exemption language for Type B and C corporations seeking tax exemption.*

*Notwithstanding any other provisions of these articles, the corporation is organized exclusively for one or more of the purposes as specified in §501(c)(3) of the Internal Revenue Code of 1954, and shall not carry on any activities not permitted to be carried on by a corporation exempt from Federal income tax under IRC §501(c)(3) or corresponding provisions of any subsequent Federal tax laws.*

*No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation.*

*No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation [except as otherwise provided by IRC §501(h)] or participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of any candidates for public office.*

*In the event of dissolution, all of the remaining assets and property of the corporation shall, after necessary expenses thereof, be distributed to another organization exempt under IRC §501(c)(3), or corresponding provisions of any subsequent Federal tax laws, or to the Federal government, or state or local government for a public purpose, subject to the approval of a Justice of the Supreme Court of the State of New York.*

*In any taxable year in which the corporation is a private foundation as described in IRC §509(a), the corporation shall distribute its income for said period at such time and manner as not to subject it to tax under IRC §4942, and the corporation shall not (a) engage in any act of self-dealing as defined in IRC §4941(d), retain any excess business holdings as defined in IRC §4943(c), (b) make any investments in such manner as to subject the corporation to tax under IRC §4944, or (c) make any taxable expenditures as defined in IRC §4945(d) or corresponding provisions of any subsequent Federal tax laws.*



✓ 980113000 608

IN WITNESS WHEREOF, the undersigned incorporator, or each of them, if there are more than one, being at least nineteen years of age, affirm(s) that the statements made herein are true under the penalties of perjury. Dated January 9, 1998.

Marcus Q. Pryor

Type name of incorporator

Signature

134 Central Avenue, Albany, New York 12206

Address

Type name of incorporator

Signature

Address

17A-C  
BC  
61

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED JAN 13 1998  
TAX \$  
BY: Albany

RECEIVED  
JAN 12 2 15 PM '98

### Certificate of Incorporation

of

CENTRAL DISTRICT MANAGEMENT ASSOCIATION, INC.

under Section 402 of the Not-for-Profit Corporation Law

Filed By: Central District Management Association, Inc.

Office and Post Office Address

P.O. Box 6266  
Albany, New York 12206-0266

4

980113000 637



LOCAL LAW NO. 5 - 1997

A LOCAL LAW TO AMEND CHAPTER 142 OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE ESTABLISHMENT OF THE CENTRAL BUSINESS IMPROVEMENT DISTRICT.

BE IT ENACTED, by the Common Council of the City of Albany, Albany County as follows:

Section 1. Chapter 142 of the Code of the City of Albany is hereby amended to add a new Article III to be entitled: Central Business Improvement District and to read as follows:

CHAPTER 142

BUSINESS IMPROVEMENT DISTRICTS

ARTICLE IV

CENTRAL BUSINESS IMPROVEMENT DISTRICT

Section 142-16. The Central Business Improvement District shall be and is hereby established in the City of Albany, the Common Council having found that the establishment of the district is in the public interest, that all notice, mailing and hearing requirements have been complied with, that all properties within the district will benefit from the establishment and that all property benefited is included in the boundaries of the district. The boundaries of said district are contained in the district plan adopted by this body on September 15, 1997 by Resolution Number 42.92.97R and are set forth in Exhibit A attached hereto.

Section 142-17. The construction improvements and provision of services within the district shall be pursuant to such district plan of

the Central BID. All said services shall be in addition to, and not a substitution for, required municipal services provided by the City of Albany on a City-wide basis.

Section 142-18. To the extent not otherwise explicitly provided herein, the provisions set forth in Article 19-A of the General Municipal Law shall govern the operation of the BID and the District Management Association in the City.

Insofar as the provisions of this Local Law are inconsistent with the provisions of any other Local Law or act, the provisions of this Local Law shall be controlling.

Section 142-19. Any amendments to the BID or to the BID Plan shall be made in accordance with the provisions set forth in Section 980-i of Article 19-A of the General Municipal Law.

Section 142-20. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

Section 142-21. This Local Law shall become effective upon compliance with the requirements set forth in Section 980-g of Article 19-A of the General Municipal Law and upon compliance with all other requirements of law.

Section 2. The Common Council finds and declares the enactment of this Article to be an unlisted action having no adverse environmental impact.

## EXHIBIT A

### CENTRAL BID BOUNDARIES

Central Avenue from Lark Street west to the City line; Colvin Avenue from Central Avenue to Lincoln Avenue; Russell Road from Central Avenue north to its terminus; Everett Road from Central Avenue to Watervliet Avenue; Watervliet Avenue from Everett Road to Watervliet Avenue Extension; North Allen Street from Central Avenue to Lincoln Avenue; and Washington Avenue from Lark Street to Sprague Place.

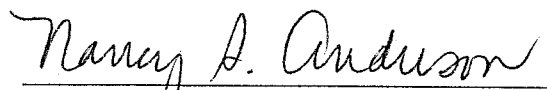


Passed by the following vote (two-thirds of all the Alderpersons elected voting in favor thereof):

Affirmative - Alderpersons Brown, Coluccio, Conti, Curry-Cobb, DiPace, Foskey, Hall, Herring, Igoe, Morris, Nitido, St. John, Scalzo, Torncello, Wallace--15. Negative- 0 . Abstained-0.



President of the Common Council



Clerk of the Common Council

STATE OF NEW YORK    )  
                                  )SS:  
COUNTY OF ALBANY    )

I, John C. Marsolais, City Clerk and Clerk of the Common Council of the City of Albany, do hereby certify that I have compared the foregoing copy of Local Law 5 - 1997 with the original Local Law of file in my office and that the same is a true and correct transcript of the said original Local Law and of the whole thereof as duly adopted by said body at a regular meeting duly called and held at Albany City Hall on November 17<sup>th</sup>, 1997 by the required necessary votes of the members to approve the Local Law.

WITNESS, my hand and the official seal of the City of Albany, New York, the 18<sup>th</sup> day of July, 2006.



\_\_\_\_\_  
Clerk of the Common Council

Passed by the following vote (a majority of all the Alderpersons elected voting in favor thereof):

Affirmative—Alderpersons Coluccio, Curry-Cobb, DiPace, Hall, Herring, Morris, Nitido, St. John, Torncello, Wallace—10. Negative—0. Abstained—0.

The President Pro Tempore declared the ordinance duly passed.

Signed into law by HON. GERALD D. JENNINGS, Mayor on September 19, 1997.

## Resolutions

**Aldermen HALL, DiPACE and BROWN offered the following:**

RESOLUTION NUMBER 42.92.97R

RESOLUTION OF THE COMMON COUNCIL ADOPTING A DISTRICT PLAN AND PROVIDING FOR A PUBLIC HEARING IN CONNECTION WITH THE CENTRAL BUSINESS IMPROVEMENT DISTRICT (CBID).

WHEREAS, Resolution Number 40.91.97R, passed by the Common Council on September 4, 1997, authorized the preparation of a district plan upon which the establishment of a Business Improvement District would be based and which plan has been completed and filed in the City Clerk's Office, and

WHEREAS, A copy of said plan is attached to this Resolution as "Attachment A",

NOW, THEREFORE, BE IT RESOLVED, That said plan shall be available for public inspection in the Office of the City Clerk, Room 202, City Hall, Albany, New York during normal office hours, and be it further

RESOLVED, That October 6, 1997 at 7:00 P.M. is hereby designated as the time and the Common Council Chambers, 2nd Floor, City Hall, as the place at which all persons interested may be publicly heard upon this proposed resolution, and be it further

RESOLVED, That written objections to the establishment of the proposed district from owners of real property, deemed benefited and within the proposed district must be filed in the Office of the



City Clerk, on forms provided by said Clerk, within thirty days of the conclusion of the public hearing set forth above, and be it further

RESOLVED, If written objections from the following people are properly filed within the prescribed time limit, the proposed district will not be established and the establishment of a district including any of the same properties may not be considered for one year:

- A) the owner(s) of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the district proposed for establishment, as shown upon the latest completed assessment roll of the municipality

or

- B) at least fifty-one percent of the owners of benefited real property within the area included in the district proposed for establishment.

Adopted by the following vote:

Affirmative—Alderspersons Coluccio, Curry-Cobb, DiPace, Hall, Herring, Morris, Nitido, St. John, Torncello, Wallace—10. Negative—0. Abstained—0.

**Alderman DiPACE offered the following which was adopted:**

*Resolved*, That the following named person be, and hereby is, appointed Commissioner of Deeds in and for the City of Albany, New York for the term ending December 31, 1998:

Christopher M. Kirker, 52 Liebel St., Albany, NY 12202

Alderman DiPACE asked that Alderspersons BROWN, FOSKEY, GREENSTEIN, SCALZO and WARD be excused.

President Pro Tempore TORNCHELLO stated that the Alderspersons were excused.

Alderman DiPACE moved for adjournment. Alderman COLUCCIO seconded the motion.

President Pro Tempore TORNCHELLO stated, hearing no objections, the Council adjourned.

(A true record of the Common Council minutes of September 15, 1997.)

NANCY S. ANDERSON,  
*Acting Clerk of the Common Council.*

The Common  
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The roll being

Alderspersons  
Hall, Herring, M

**Alderswoman  
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OF ALBANY

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**Introduced**

Full text, Pag

Passed by the  
elected voting in

Affirmative—  
Hall, Herring, M

12. Negative—1

The President

Signed into la  
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**Alderswoman  
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ORDINANCE N

AN ORDINANC

OF ALBANY

RESOLUTION NUMBER 42.92.97R

Alderperson offered the following:

RESOLUTION OF THE COMMON COUNCIL ADOPTING A DISTRICT  
PLAN AND PROVIDING FOR A PUBLIC HEARING IN  
CONNECTION WITH THE CENTRAL  
BUSINESS IMPROVEMENT DISTRICT (CBID)

WHEREAS, Resolution Number 40.91.97R passed by the Common Council on September 4, 1997 authorized the preparation of a district plan upon which the establishment of a Business Improvement District would be based and which plan has been completed and filed in the City Clerk's Office, and

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RESOLVED, if written objections from the following people are properly filed within the prescribed time limit, the proposed district will not be established and the establishment of a district including any of the same properties may not be considered for one year:

A) the owner(s) of at least fifty-one percent of the assessed valuation of all the benefitted real property situated within the boundaries of the district proposed for establishment, as shown upon the latest completed assessment roll of the municipality

or

B) at least fifty-one percent of the owners of benefitted real property within the area included in the district proposed for establishment.



# **DISTRICT PLAN for CENTRAL BUSINESS IMPROVEMENT DISTRICT**

**City of Albany, New York**

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**August, 1997**

## **INTRODUCTION**

Central Avenue Civic and Merchants Association (CAMA) is a local business organization that dates back to the 1930's dedicated to the promotion and economic vitality of Central Avenue in the City of Albany, New York. At the November 21, 1996 CAMA meeting, the topic of creating a Business Improvement District (BID) on Central Avenue was discussed. Alicia Fernandez, a staff representative from the City's Department of Economic Development spoke in detail about the benefits provided by this type of special assessment district. She explained the concept of intense management, funding, assessment and budget as well as stressing that the services provided by a BID are supplemental to those already provided by the City. Ms. Fernandez also presented two examples of established BID's in the City of Albany and how they have made a successful impact. The result of this discussion was a call by the members of CAMA to consider the establishment of the Central Business Improvement District initiative (CBID).

The CBID initiative was unanimously supported those in attendance and it was clear that a task force would have to be assembled and charged with the task of structuring a BID plan and building consensus for, and public awareness of the effort. The Task Force was to be sensitive to the contrasts in business climate that exists between the traditional commercial district located on the eastern end and the newer, suburban style development at the western end of Central Avenue. It was resolved that, in order for the older commercial section to thrive and for the newer developed section to continue growth, steps must be taken to assure that Central Avenue, as a whole, be committed to the CBID process and to develop and maintain a single identity.

At the December 17, 1996 CAMA meeting members decided to significantly broaden their horizons by actively seeking to enroll new members from the entire expanse of Central Avenue and the surrounding side-streets. A new contingent of officers was elected, including President Donald Metzner, President of Armory Garage, and Vice-President Austin Snow, General Manager of the Quality Inn Hotel. Mary Bintz of Fleet Bank was named Secretary and Tina Yavis of the Mayflower Restaurant was named Treasurer of the newly structured organization. The first three of these officers have businesses located in the more recently developed area of Central Avenue, or geographically, nearer to the western boundary of the district. CAMA, whose focus was traditionally on the dense urban landscape of the eastern end of Central Avenue, emerged into a larger association dedicated to the formation of a Business Improvement District, which would ultimately supersede CAMA.

The CBID planning process facilitated a vision for Central Avenue and it's environs. CAMA developed the following mission statement to guide it in its process:

*To promote the development of the Central Avenue business corridor, a major gateway and service center in the Capital City of Albany. To organize in order to do all things necessary and proper to make the Central Avenue business corridor more attractive for business and civic events and improve the quality of life for residents in adjacent neighborhoods. To this end, the creation of a business improvement district will work to enhance the public perception of the Central Avenue business corridor and empower an entity charged with managing the appearance, image, security, promotion, accessibility, advocacy, and cleanliness of the district.*

At the January 21, 1997 CAMA meeting, Ms. Fernandez explained in detail the successful impacts that BID's have had on City's and what a BID could do specifically for the CBID area:

- **Provide supplementary services for sidewalk clean-up and security**
- **Improve property values**
- **Improve aesthetics**
- **Improve the area's image**
- **Beautify the district**
- **Help attract new businesses**
- **Advocacy**
- **Promotion**

At the April 8, 1997 CAMA meeting Mr. Snow, Vice President of CAMA, agreed to lead in the development of the BID plan. With the support of the officers of CAMA, committee members, and representatives from various City departments, the planning process was launched with the designation of a working Task Force.

(Appendix A)

It was immediately clear to the Task Force that two things must occur before reasonable planning could proceed. First, a survey/questionnaire was distributed to ascertain the thoughts and opinions of those who own property and/or businesses in the area. Second, conduct a census of the proposed district to establish a current database of tenants and property owners. Both of these processes were commenced with the assistance of the Economic Development Department and the City Assessor's Office.

The **results of the survey** were as follows:

*(700 Distributed, 12% Return)*

The questionnaire was formulated to identify issues and concerns from those who live, work, and visit Central Avenue. The survey acts as a comprehensive framework that will be the lead factor in setting priorities for the CBID. Survey results indicated the following list of priority issues:

- **Safety**
- **Lack of a distinguishing positive image**
- **Dirty streets and sidewalks**
- **Parking**
- **Vacant buildings**
- **Lack of a quality, consistent marketing program**
- **Lack of strong, unified organization and management**
- **Poor lighting**

(Appendix B)

At the May 13, 1997 meeting, CAMA President Donald Metzner identified the need to have sub-committee chairs to lead specific components of the CBID planning process. Members of CAMA were encouraged to participate in the planning process by joining one or more of the sub-committees.



Sub Committee

*Planning*

*Boundaries*

*Budget and Assessment*

*Parking*

*By-Laws*

Chairpersons

Austin Snow

Dick Kirkland

Tina Yavis

Marcus Pryor

John Cunningham

Mr. Snow charged the committee chairs with their responsibilities and asked them to prepare for the June 10, 1997 public meeting which would disclose the process to the greater public and solicit more public input.

## **DESCRIPTION OF BID BOUNDARIES**

Of primary importance to the process was the establishment of a specific geographic area that defines the boundaries of the proposed BID. After reviewing various models submitted by the Boundaries Sub-committee, the BID boundaries were established as follows:

Central Avenue from Lark Street west to the City line; Colvin Avenue from Central Avenue to Lincoln Avenue; Russell Road from Central Avenue north to it's terminus; Everett Road from Central Avenue to Watervliet Avenue; Watervliet Avenue from Everett Road to Watervliet Avenue Extension; North Allen Street from Central Avenue to Lincoln Avenue; and Washington Avenue from Lark Street to Sprague Place. This area will be referred to as CBID.

(Appendix C)

## **PRESENT USES OF DISTRICT PROPERTY**

The area comprising the proposed CBID is a widely varied mix of business properties and a small portion of residential properties. For practical purposes, the CBID has been identified in three zones:

1. The eastern portion of the Avenue (Townsend Park to Ontario Street) is composed mostly of one, two and three story commercial and mixed-use structures, with the exception of a high-rise apartment complex. This area has a number of small minority owned businesses at the street level with a mix of office and residential use on the upper levels.

2. The middle portion of Central Avenue (Ontario Street to North Allen Street) has a similar character, with a small number of single/two-family residential units and two high-rise apartment complexes. This area of Central Avenue has a concentration of home improvement type retail.
3. The western portion of the Avenue is comprised of a small number of single/two-family residential units. The predominant commercial activity at this end of the Avenue is automotive dealerships (historically known as the "Central Super Auto Mile"). There are also three shopping plazas, big box retailers, and the typical suburban strip development fabric with fast food chains and quick lube shops.

## **ZONING**

The area is primarily zoned C-2 but there are portions zoned C-1, C-2, C-3, C-M, C-O, R-2B, R-4 and M-I. (C = Commercial, R = Residential)

(Appendix D)

## **PROCESS**

As a result of the survey, information provided regarding the BID concept, and presentations on the success of other BID's, the task force decided to conduct a pilot program over the summer of 1997 to demonstrate, at a small scale, the effects of district management.

CAMA created the Central BID Demonstration Program utilizing money raised from several local contributions. The funds were allocated to provide two services: a summer clean up program and uniformed, unarmed security staff patrolling the Avenue ("ambassadors"). The clean up crew facilitated a cleaning program for sidewalk maintenance and worked to create pleasant urban environment. The security personnel were assigned specific patrol-style tasks in an effort to deter crime by establishing a continuous presence on the street. To perform more efficiently, the ambassadors were equipped with cellular phones and 2-way radios with direct access to the Albany Police Department. This initiative was designed to be a one-time summer presentation, funded through the voluntary contributions generated by the various constituencies of Central Avenue.

The task force selected July 10, 1997 as a formal commencement date to the demonstration project and scheduled Central Avenue Clean-Up Day. The Albany Local Development Corporation and CAMA co-sponsored and organized the Clean-Up Day and with forty-plus volunteers pitching in to sweep sidewalks, pick up litter, clean out planters, and remove weeds.

(Appendix E)

## **FIRST PUBLIC MEETING**

June 10, 1997

President Donald Metzner called the meeting to order and gave a brief history of the Central Avenue Civic and Merchants Association dating back to the 1930's and how recent history in the Avenue corridor has created an atmosphere that is conducive to the creation of a business improvement district. Members of CAMA stressed the need for a successful improvement program for the corridor and introduced the BID concept and the Task Force's efforts to date.

Pam Tobin, Executive Director of the Downtown Albany BID, made a presentation regarding the programs and successes of the Downtown Albany BID. The Downtown Albany BID, in operation for 14 months, has made significant strides in revitalizing the City's urban core. Given the accomplishments of this BID, those in attendance reacted very positively to the notion of the CBID and CAMA was successful in generating more interest and commitment to the Task Force.

### **Concerns Raised at the First Public Meeting**

1. Attendees asked how the assessment worked and what the ramifications are if the BID assessment was not paid. Ms. Fernandez explained the assessment and collection process.
2. The question of a negative referendum was raised. The response by President Metzner was that the entire BID process is governed by State law and no individual BID can controvert legislation in this regard.

(Appendix F)

## **SECOND PUBLIC MEETING**

August 12, 1997

The purpose of this meeting was to make final recommendations on all aspects of the CBID Plan to the public. The agenda was as follows:

- I. Introduction & Central BID Mission
- II. What is a Business Improvement District?
- III. Boundaries, Assessment Rate, Budget
- IV. Budget Details
- V. BID Board of Directors
- VI. Legislative Process
- VII. Questions/Comments
- VIII. Other Business

(Appendix G)

## **SUMMARY OF DISTRICT PLAN BY-LAWS**

The BID's system of governance has been established within the By-Laws which were discussed, amended and adopted in a series of meetings, including the both public meetings.

(Appendix H)

In brief, the by-laws include the following:

- 1. Sunset Clause
- 2. Membership

The By-Laws provide for three classes of members of the corporation:

- a. Owners of record of real property (9)
- b. Tenants of commercial space (3)
- c. Persons serving by virtue of appointment as municipal representatives. (3)

Members of the Board of Directors representing the first two classes will be elected at the annual meeting of the membership. Of the fifteen members of the Board of Directors, by State law, one shall be chosen by the Common Council, one by the Mayor, and one by the Comptroller.

The remaining Directors, elected by the membership annually, are apportioned as follows:

- a. Nine (9) shall be owners of real property within the district.
- b. Three (3) shall be commercial tenants in the district.

Eight (8) votes will constitute a forum, except in the case of approval of expenditure of money, in which case nine (9) votes are required.

3. Staff

The By-Laws provide for the appointment of a district manager/executive director and describe the manager's responsibilities. In addition, the By-Laws outline indemnification and insurance provisions, require an annual report, and describe the procedures for submitting the annual budget to the Common Council.

## **ASSESSMENT FORMULA**

The BID's first year budget is based on the inclusion of approximately 447 taxable commercial properties within the district. With each of these properties assessed at two and one-half percent (2.5%) of the total assessed value, a first year budget of approximately \$350,675.00 has been established.

(Appendix I)

# CENTRAL BUSINESS IMPROVEMENT DISTRICT

## *Year One Budget*

### **Estimated Revenue**

District Assessment at 2.5%	\$353,717
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### **Program Expenses**

Maintenance and Security	\$123,447
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Clean-up and Security	
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Equipment	
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Uniforms	
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Personnel/contracts	
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Image Improvement Program	\$40,359
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Banners	
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Landscaping	
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Vacant Storefronts	
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Lighting	
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Gateway Design Plan	
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(Colvin Ave., Everett Rd. & Townsend Park)	
--	--

Parking	\$11,885
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Signage	
---------	--

Coordination	
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Marketing & Promotion	\$23,734
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### **Administration & Operations**

	\$100,880
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Staff	
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Office Supplies/Expenses	
--------------------------	--

### **Contingency 15%**

	\$53,411
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## **BUDGET NARRATIVE**

It should be noted that the task force envisions standing committees will be established for each line item in the budget.

### **Clean-up & Security**

The maintenance, sanitation and security tasks will be supplemental to the services provided by the City. All on-duty personnel will be linked by radio to the police affording a rapid response by our staff who will serve as the "eyes and ears" of the district. Because of the linear nature of the proposed BID area (2.8 miles in length) the clean-up and security tasks will be combined. This will allow the CBID the greatest possible presence in the corridor while at the same time assuring us of both cleanliness and security for those frequenting the area. Since these people will be easily identifiable by their attire, people will be inclined to seek information from them just as they would from someone who is solely dedicated to walking a beat. Further, other BIDs have found that visitors do not exclusively seek out security staff for information, they ask their questions to whoever can be identified as being connected with the BID.

Proper training of personnel is the key to success in this dual role approach to the cleanliness and security. Therefore personnel will be fully trained in both of the areas they serve.

### **Visual Improvements**

Landscape improvements supplement the activities of the maintenance/security personnel by enhancing the perception of safety and cleanliness through lighting, landscaping, flowers and street banners. Combined they create a sense of identity and activity.

Prices for banners have been received and there are plans for more plantings and general grooming of the Avenue.

### **Parking**

The City's Department of General Services has already completely reworked the parking lot signs on the Avenue. These will be supplemented with maps of the Avenue corridor strategically placed in the area and by brochures available from businesses and other organizations in the corridor.

Some of the brick walls of the parking lots have been modified to incorporate some wrought iron work to make the lots more visible from the street. And further study is already underway with the City on improving other parcels to increase the total parking spaces available. Ongoing discussions with the City continue in an effort to maximize available properties for parking purposes.

## **Marketing and Promotion**

This will be the responsibility of the CBID Manager, with the assistance of the appropriate Board committee. They are responsible for organizing special events and promotions to attract shoppers and other visitors to the BID. In addition, the Manager will take steps to recruit businesses that will complement and/or supplement existing retail and service establishments in order to increase the draw of consumers to the area. The CBID will provide oversight regarding whatever negative perceptions impede better business in the CBID area and what should be done about such issues.

## **Administration and Operations**

The BID's Manager/Executive Director will be responsible for overseeing all contracts of the BID; including the clean-up/security program. The Manager will serve as staff to the BID's Board of Directors and the working committees which are established (e.g., Visual Improvements, Parking, etc.). The Executive Director will act as liaison with City Hall and generally serve as advocate for issues affecting the CBID. The Director will be supported by administrative and/or clerical staff. The location of the CBID office will be on Central Avenue within the boundaries of the CBID.

A

## Task Force Member List

Peter V. Ball  
Economic Development Department  
City Hall 4th Floor  
Albany, NY 12210-  
434-5133

Mary Bintz  
Fleet Bank  
900 Central Ave.  
Albany, NY 12206-  
449-4421

John Cunningham  
Cunningham & Keenan  
152 Central Avenue  
Albany, NY 12206-  
434-1022

Roger de Haas  
Armory Garage  
926 Central Ave.  
Albany, NY 12205-  
482-3381

Mike Esposito  
De Paula Cheverolet Inc.  
781 Central Ave.  
Albany, NY 12205-  
489-5551

Alicia Fernandez  
Economic Development Department  
City Hall 4th Floor  
Albany, NY 12210-  
434-5133

Mark Garcia  
Lexington Vacuum Cleaner  
562 Central Ave.  
Albany, NY 12206-  
482-4427

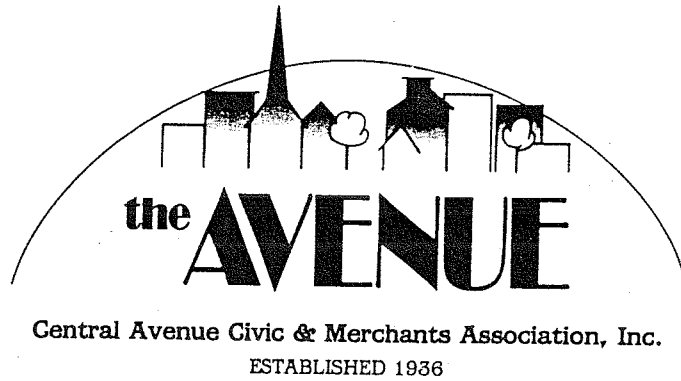
Fleiscia Greene  
OnBank  
911 Central Ave.  
Albany, NY 12206-  
438-3845

Dick Kirkland  
Coughtry's  
268 Central Ave.  
Albany, NY 12206-  
463-2192

George Leveille  
Economic Development Department  
City Hall 4th Floor  
Albany, NY 12210-  
434-5133

Don Metzner  
Armory Automotive Family  
926 Central Ave.  
Albany, NY 12205-  
482-3381

David A. Parente  
McVeigh Funeral Home  
208 N. Allen St.  
Albany, NY 12206-  
489-0188



## *1997 Meeting Schedule*

February 18 5:00 PM

March 11 7:45 AM

April 8 5:00 PM

May 13 5:00 PM

June 10 5:00 PM

July 8 5:00 PM

August 12 5:00 PM

September 9 5:00 PM

October 14 5:00 PM

November 11 5:00 PM

December 9 5:00 PM

The location and time of each meeting will be sent out each month in advance.

# CENTRAL BUSINESS IMPROVEMENT DISTRICT

## Draft B.I.D. SCHEDULE

	TASK	DATE	DAY
1.	Task Force Meeting	4/8/97	Tuesday
	• Establish Schedule		
	• Review Survey		
	• Establish Committees:		
	→ Mission Statement		
	→ Boundaries		
	→ By-laws		
	→ Budget & Assessment		
	→ Planning		
2.	Committee Meetings		
3.	Survey Mailing		
4.	Task Force Meeting	5/13/97	Tuesday
	• Review Draft Recommendations of Committees		
5.	Public Meeting #1	6/10/97	Tuesday
	• Present Preliminary Recommendations		
6.	Task Force Meeting	7/8/97	Tuesday
	• Finalize & Approve: Boundaries, By-laws, Budget & Assessment		
7.	Common Council Resolution for the Preparation of District Plan		
8.	Public Meeting #2: <i>Present B.I.D. Plan</i>	8/12/97	Tuesday
9.	File District Plan with City Clerk	8/26/97	Tuesday
10.	Common Council Caucus. All Committee Chairs Attend.	9/3/97	Wednesday
11.	Mail Copy of Resolution to Property Owners	9/97	
12.	Publish Notice of Public Hearing 10 Days Prior, but not more than 30 days.	9/97	
13.	Common Council Public Hearing Held on Draft Plan.	10/97	
14.	30 Day Objection Period (To City Clerk)	10/97	
15.	Copy of Law & District Plan Filed with State Comptroller (60 day review).	10/97	
14.	File 3 Certified Copies of Local Law within 10 days of State Comptroller's Approval. File with: Secretary of State, City Clerk & State Comptroller.	10/97	

Combined Survey Totals

		Meeting	Owners	Tenants	Totals
<b>Problems:</b>					
	Parking	20	48	76	144
	Poor lighting	0	5	8	13
	Dirty streets, sidewalks	28	59	68	155
	Safety	26	80	75	181
	Lack of distinguishing positive image	45	57	75	177
	Lack of quality, consistent marketing program	21	15	23	59
	Buildings are not cared for, painted, upgraded	26	28	41	95
	Too many vacant buildings	27	36	50	113
	Lack of strong, unified organization and management	11	31	7	49
	Other	0	14	6	20
<b>Parking:</b>					
	Manage existing parking lots for better use of existing parking lots	22	35	55	112
	Develop comprehensive parking signage program to identify lots	29	43	40	112
	Coordinate parking among owners	13	22	23	58
	Use 90 minute parking universally	13	20	20	53
	Enforce parking regulations more rigidly	2	15	23	40
<b>Security:</b>					
	Employ unarmed uniformed security force	19	19	43	81
	Manage security force with police	26	47	53	126
	Organize Street Watch	7	32	20	59
	Advocate closing of alleys	14	6	12	32
	Improve Street Lighting	8	15	22	45
	Install surveillance cameras	1	18	20	39
<b>Marketing:</b>					
	Prepare comprehensive marketing materials	10	19	19	48
	Plan Small organized events	21	30	41	92
	Attract shoppers and tourists through special events	19	44	44	107
	Engage advertising firm to coordinate marketing	15	15	14	44
	Hire general manager to coordinate marketing, etc.	13	30	41	84

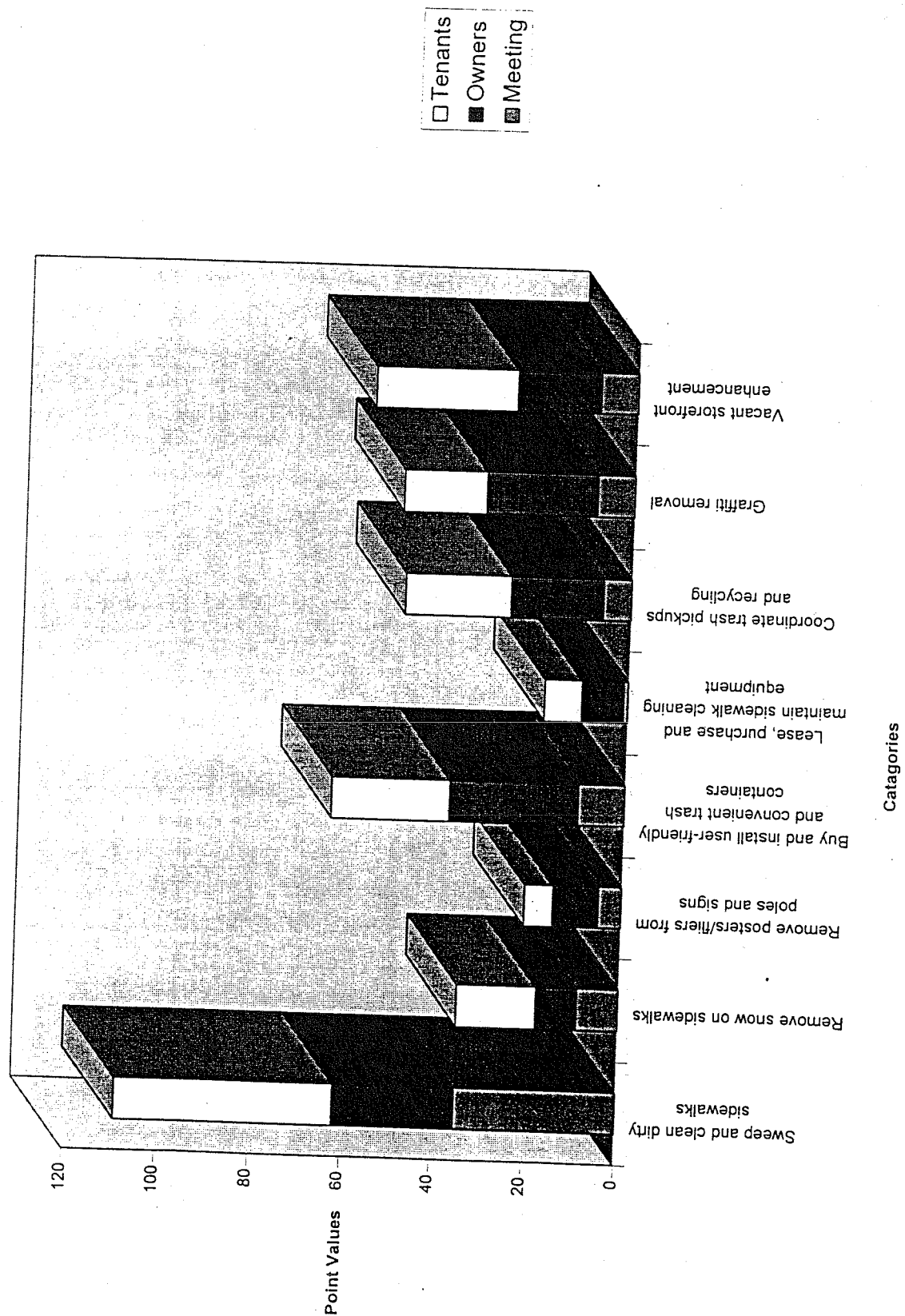
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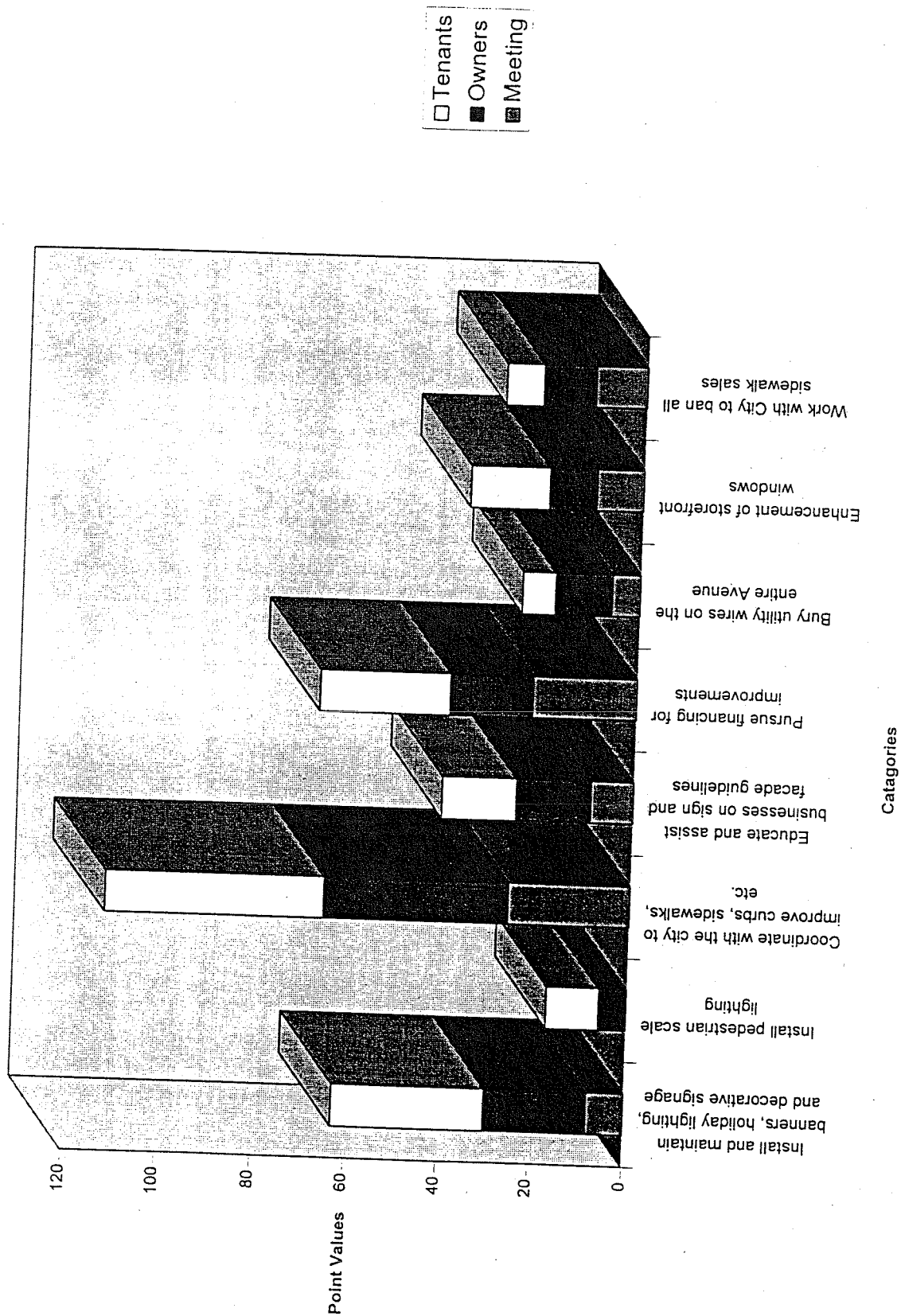
Combined Survey Totals Chart 20

Maintenance

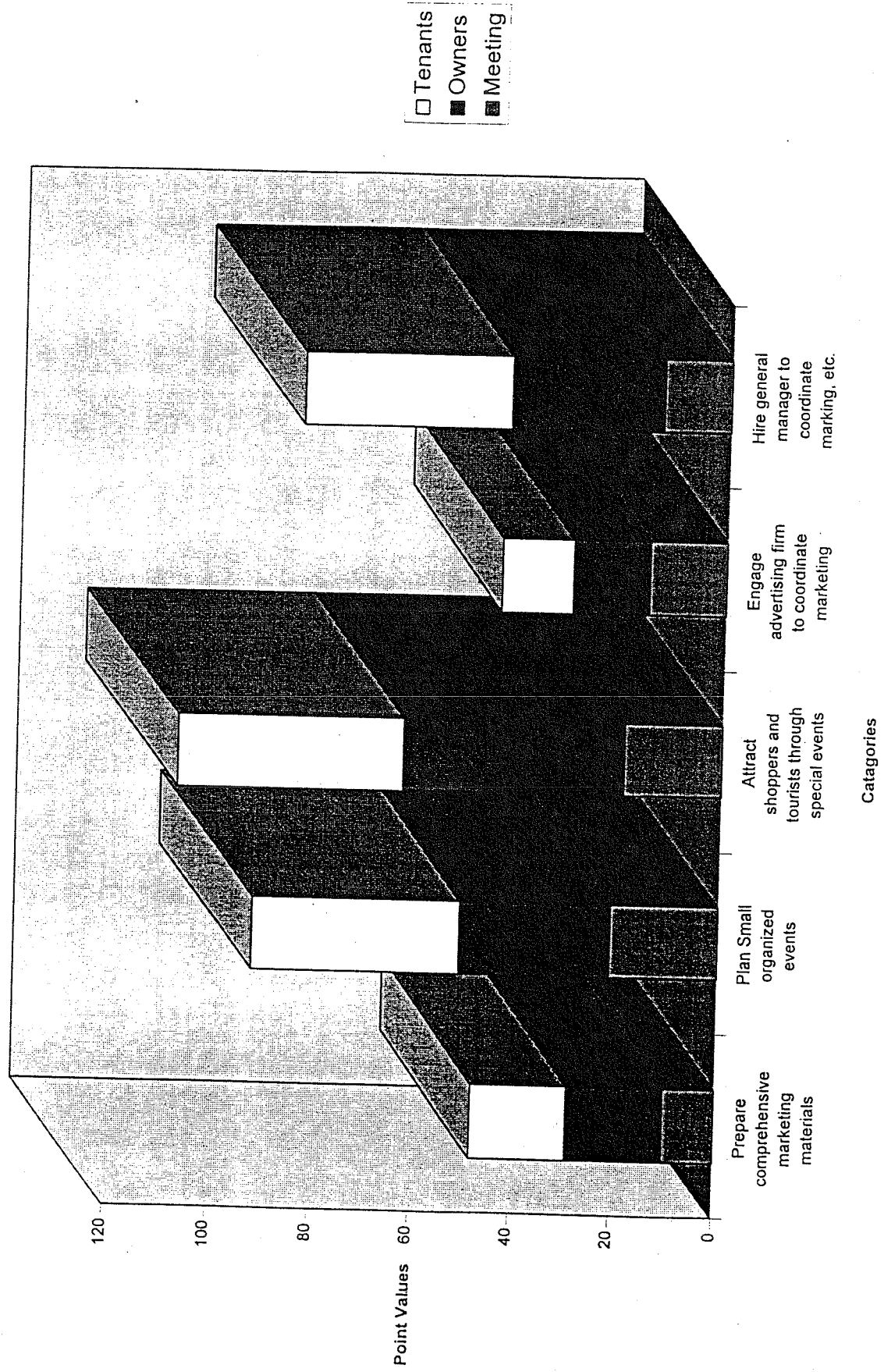


Combined Survey Totals Chart 19

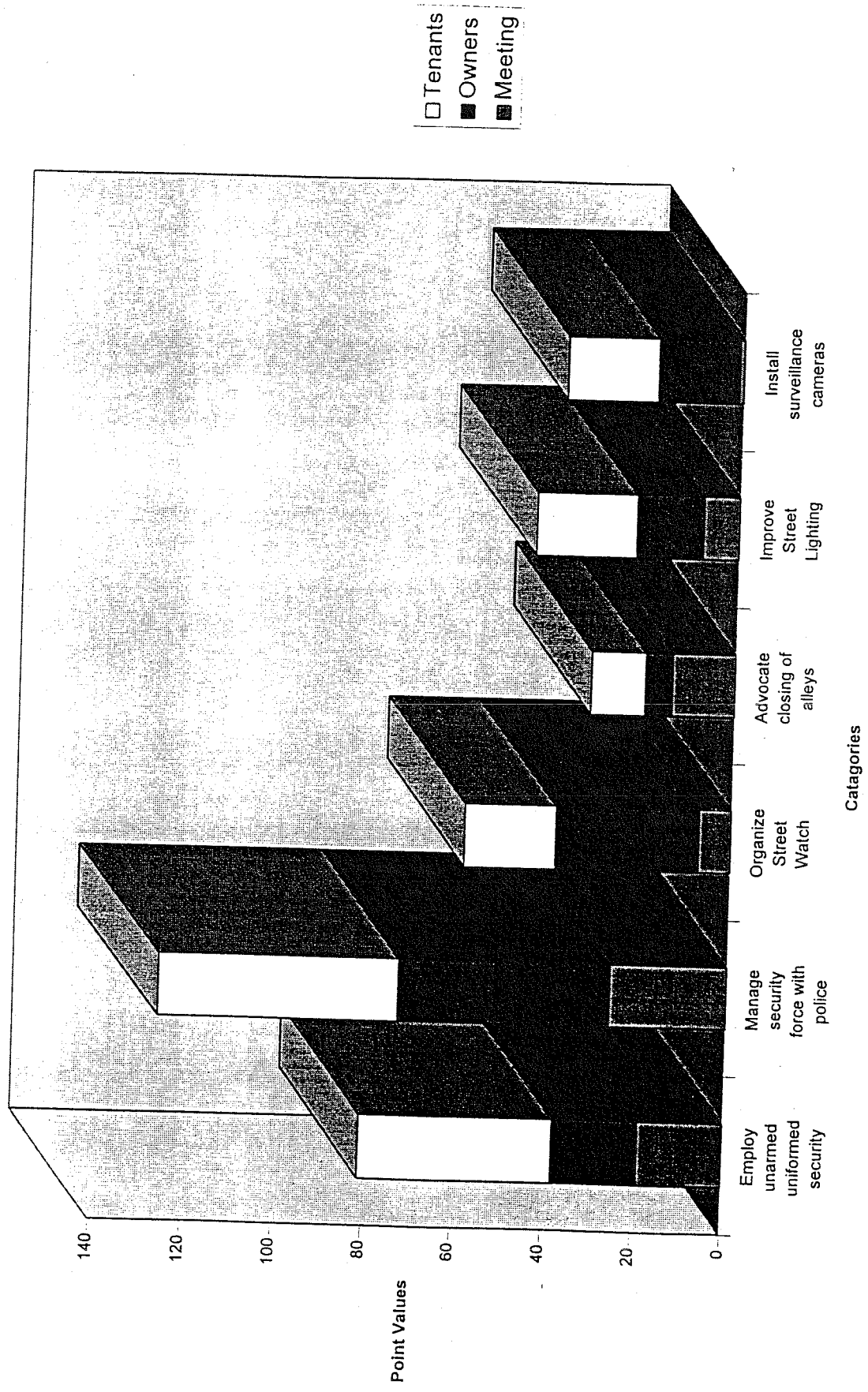
# Streetscape



# Marketing

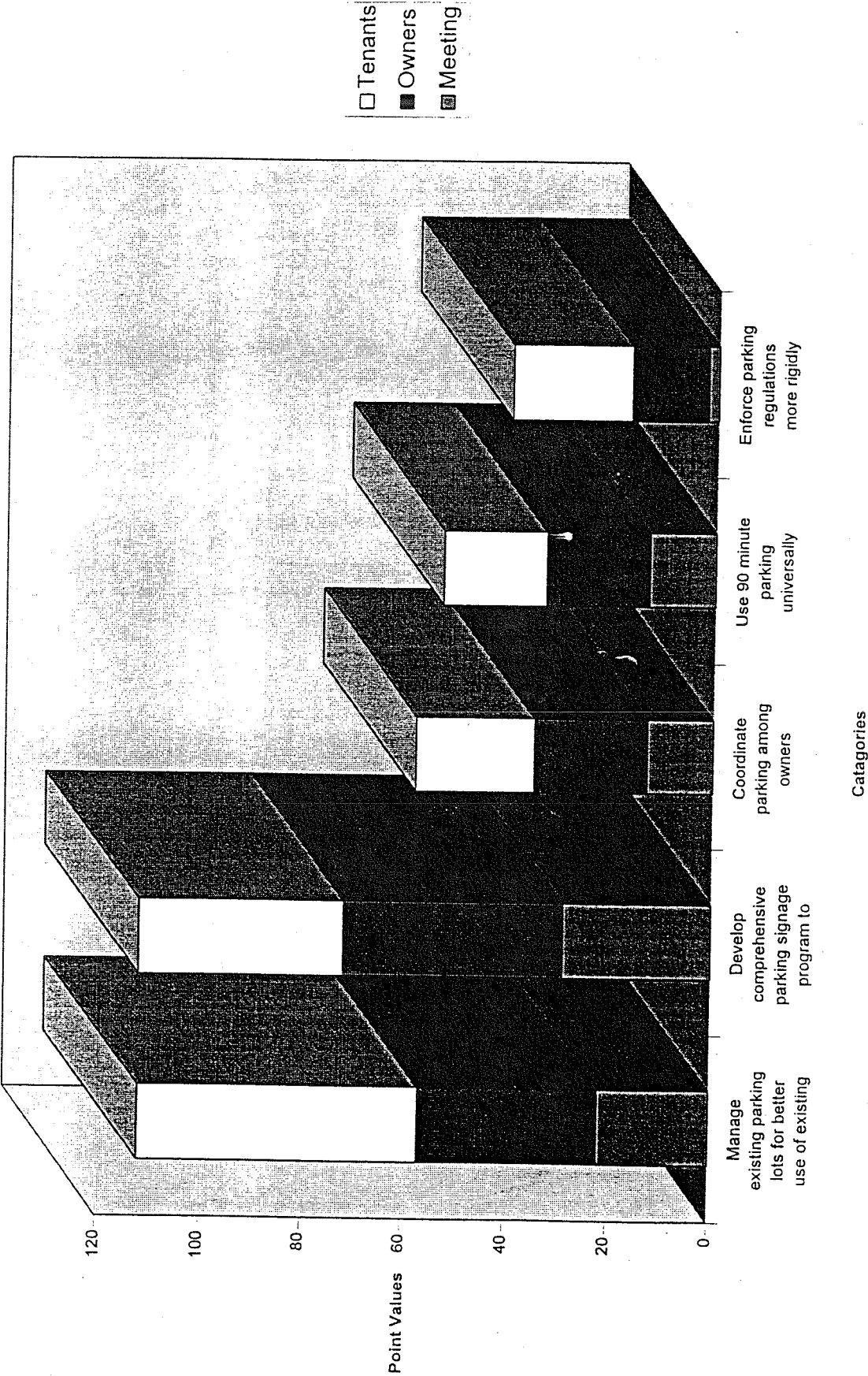


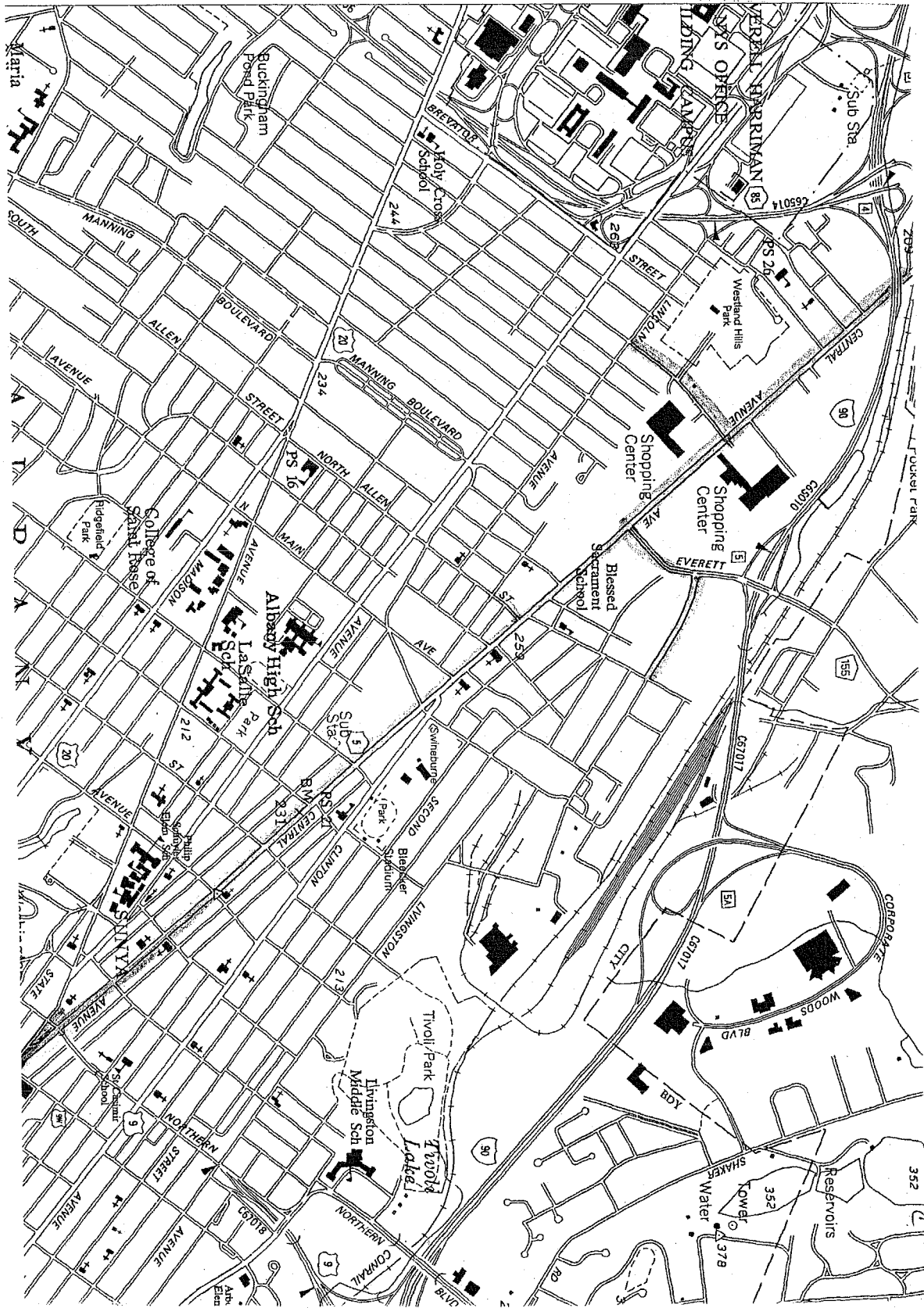
# Security



Combined Survey Totals Chart 17

Parking





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DISTRICT	PRINCIPAL USES	ACCESSORY USES	SPECIAL USES	TYPE	MINIMUM LOT AREA	LAND AREA PER DWELLING UNIT	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MINIMUM FRONT YARD SETBACKS	MINIMUM REAR YARD SETBACKS	MINIMUM SIDE YARD SETBACKS	MAXIMUM HEIGHT	MAXIMUM LOT COVERAGE
R-1L1	Single-Family Detached Dwellings Houses of Worship*	Detached Garages Nursing Homes Storage Shed	Private School Nursing Homes Day Care Centers Bed and Breakfast		40,000 s.f.	40,000 s.f.	160 ft.	250 ft.	30 ft.	30 ft.	80 ft.	25	20%
R-1A	Single-Family Detached Dwellings Houses of Worship*	Detached Garages Tennis Courts Swimming Pools Storage Shed	Private School Nursing Homes Day Care Centers Bed and Breakfast		15,000 s.f.	15,000 s.f.	100 ft.	150 ft.	30 ft.	15 ft.	40 ft.	25	20%
R-1B	Single-Family Detached Dwellings Houses of Worship*	Detached Garages Tennis Courts Swimming Pools Storage Shed	Private School Nursing Homes Day Care Centers Bed and Breakfast		6,000 s.f.	6,000 s.f.	60 ft.	100 ft.	25 ft.	8 ft.	20 ft.	25	30%
R-2A	Single-Family & Two-Family Detached Dwellings Houses of Worship*	Detached Garages Storage Shed Home Occupations	Conventions Private Schools Nursing Homes Day Care Centers Colleges or Universities Including Dormitories Bed and Breakfast Charitable or Religious Institutions	One-Family Two-Family	4,000 s.f. 5,000 s.f.	4,000 s.f. 2,500 s.f.	40 ft. 50 ft.	100 ft. 100 ft.	20 ft. 20 ft.	5 ft. 5 ft.	16 ft. 16 ft.	25 25	35% 35%
R-2B	Single-Family & Two-Family Detached Dwellings Houses of Worship*	Detached Garages Storage Shed Home Occupations	Conventions Private Schools Nursing Homes Day Care Centers Colleges or Universities Including Dormitories Bed and Breakfast Charitable or Religious Institutions	Rowhouse Detached	2,000 s.f. 3,000 s.f.	1,000 s.f. 1,500 s.f.	20 ft. 30 ft.	100 ft. 100 ft.	see section 27-1312 27-1312	0 ft. 4 ft.	0 ft. 8 ft.	25 25	50% 45%
R-2C	Single-Family & Two-Family Rowhouse Houses of Worship*	Detached Garages Storage Shed Home Occupations	Nursing Homes Charitable and Religious Institutions Day Care Centers Bed and Breakfast Community Residences Adult Day Care	One-Family Two-Family	1,200 s.f. 1,400 s.f.	1,200 s.f. 720 s.f.	18 ft. 18 ft.	70 ft. 80 ft.	see section 27-1312 27-1312	0 ft. 0 ft.	0 ft. 0 ft.	25 25	65% 50%
R-3A	Single-Family & Two-Family Detached Dwellings Garden Apartments Houses of Worship*	Detached Garages Storage Shed Home Occupations	Community Residences Nursing Homes Day Care Centers Charitable or Religious Institutions Colleges and Universities Bed and Breakfast Hospital	One and Two-Family	4,000 s.f.	2,000 ft.	40 ft.	100 ft.	20 ft.	4 ft.	18 ft.	25	50%
R-3B	Single-Family Detached Dwellings Houses of Worship*	Detached Garages Storage Shed	All R3A Special Uses Rooming Houses STRO	Detached One-Family Rowhouse Two-Family Rowhouse Apartments	2,400 s.f. 1,400 s.f. 1,200 s.f. 6,000 s.f.	1,200 s.f. 1,400 s.f. 1,600 s.f. 1,000 s.f.	30 ft. 70 ft. 80 ft. 60 ft.	80 ft. 100 ft. 100 ft.	see section 27-1312 27-1312	4 ft. 0 ft. 0 ft. 5 ft.	18 ft. 10 ft. 10 ft.	25 25 25 25	50% 50% 50% 50%
R-4	High-rise Apartments Two-Family Rowhouse	Detached Garages Storage Shed	Nursing Homes Private School	High Rise Garden App.	20,000 s.f. 8,000 s.f.	N/A 2,000 s.f.	100 ft. 80 ft.	200 ft. 100 ft.	20 ft. 20 ft.	15 ft. 15 ft.	40 ft. 35 ft.	25 25	35% 35%
R-O	Office (1st & 2nd Floor) One-Family Detached Dwellings Houses of Worship	Home Occupations Detached Garages Storage Shed	Day Care Center Nursing Homes Community Residences	Two-Family	5,000 s.f.	2,500 s.f.	50 ft.	100 ft.	20 ft.	8 ft.	20 ft.	25	50%

**The Central Avenue Civic and Merchants  
Association  
&  
The Albany Local Development Corporation**

**Present:**

***Central  
Clean-Up Day!***

**The Kick-Off Event to demonstrate how we intend to manage our  
street in the future.**

**You should be Part of the Action!**

**Thursday July 10, 1997**

**12:00 NOON to 5:00 P.M.**

**Gathering Point: Hannaford Brothers Parking Lot**

**Get Your T-shirts and supplies there**

**The Albany Trolley will shuttle workers up and down the Avenue**

**Workers' Barbecue at 5:00 P.M. - Hannaford Lot**

**Compliments of Fleet Mortgage and Hannaford Brothers**

**For further information contact Peter Ball - 434-5198**

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# Central Avenue Civic and Merchants Association

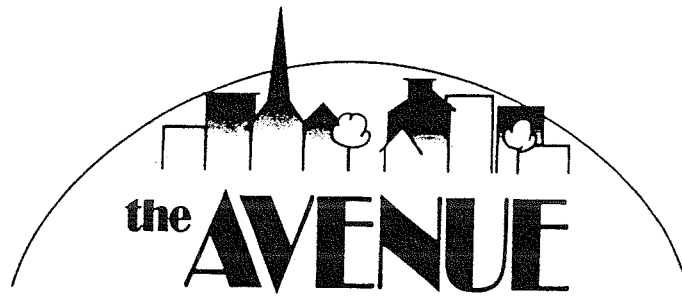
Clean-Up Day: July 10, 1997

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11-Aug-97

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	Name	Phone Number	Company Name:
1	Mary Bintz	(518) 459-4421	Fleet Bank
2	Peter Ball	(518) 434-5198	City of Albany
3	Marcus Q. Pryor	(518) 449-2600	Peter M. Pryor Assoc.
4	Don Metzner	(518) 482-3381	Armory Automotive Family
5	Penny Unser	(518) 674-0532	Fleet Bank
6	Christine Snow	(518) 584-2184	Fleet Bank
7	Karen Hunter	(518) 459-4421	Fleet Bank
8	Helen Desfosses	(518) 458-2166	Neighborhood Assoc.
9	Myles Gibbons	(518) 447-5151	Fit Tech Sol.
10	Frank Hoffman	(518) 767-2824	Armory Automotive Family
11	Robert Church	(518) 453-3550	Armory Automotive Family
12	Alicia Fernandez	(518) 434-5133	City of Albany
13	Cindy Shields	(518) 459-4421	Fleet Bank
14	Rick Atkinson	(518) 447-2194	Fleet Bank
15	Ellen Brodei	(518) 584-5514	Fleet Bank
16	Martin Conboy	(518) 477-5042	Fleet Bank
17	Gina Gilligan	(518) 783-0945	Fleet Bank
18	Kathy Kinsit	(518) 447-5042	Fleet Bank
19	Mary Ellen Stofelano	(518) 862-1680	Fleet Bank



Central Avenue Civic & Merchants Association, Inc.  
ESTABLISHED 1936

June 27, 1997

Dear Friend of the Central Avenue Area:

The businesses in the Central Avenue area of Albany share the city's interest in a sound economic future for these environs. We all want it to be a place of which we can be proud. Our City's streets and sidewalks must be clean and safe in order to improve our appearance and promote a more positive perception of the area, and to create an environment more conducive to small business development.

The Central Avenue Civic and Merchants Association, with the City's assistance, has researched the feasibility of creating a Business Improvement District ( BID ) for this area. A BID is defined as an area where property owners levy a special assessment in order to fund desired services within the district. The purpose is to supplement services provided by the municipality within that zone. More than 3,000 BIDS have been formed nationwide to augment city services in keeping the streets and sidewalks clean, safe and attractive. A task force of leaders on the Avenue has recommended that the Central Avenue area go through the BID process.

Organizing a BID is no easy task. With the advent of the summer months, the task force recommends that area property owners and businesses join the City in creating a "Demonstration Project". This is a voluntary management and maintenance program designed to run through the summer. The purpose is, to prominently display the types of supplemental services that a BID can provide. The program will be organized by the Albany Local Development Corporation. The City will provide funding and in-kind services, while property owners and tenants will be asked to provide funding for the summer program on a one-time basis. Contributions will be used primarily for sidewalk cleaning and litter pick-up within the area; purchasing banners to be hung on poles and for other purposes determined by the participants.

The program involves enlisting the services of local organizations for the manpower necessary to provide maintenance and ancillary services. The service teams will be organized by supervisors working in conjunction with the City to coordinate the projects. The Task Force also recommends that the service teams go through a training session so that they can give information about parking, directions, etc. The team will be outfitted in distinctly recognizable attire using a particular color and the Central logo.

Financing for this initiative will be on a voluntary basis. A pledge form is attached for your convenience. Our goal is to raise \$ 24,000 in private funding to leverage the City's financial

• A Great Place to Shop, Work, Live & Play •

PO BOX 6266 • ALBANY, NEW YORK 12206-0266

commitment of even greater value. If additional funds are raised, we can expand the scope of the program and the services provided.

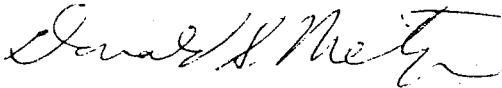
To kick off the voluntary summer program, we are organizing **"Central Clean-up Day"** for Thursday July 10, 1997 from noon to 5:00 P.M. We are inviting and urging business and property owners to roll up their sleeves, and help beautify the Avenue now, in anticipation of the future.

At 5:00 P.M. that day, Fleet Mortgage and Hannaford Brothers will host a barbecue for the participants at the Hannaford Brothers' store parking lot, 900 Central Avenue.

If you have any questions please contact Alicia Fernandez at 434-5068

Please show your support for the Central district And remember, your participation is critical to the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald S. Metzner".

Donald Metzner, President  
Central Avenue Civic and Merchants Association

**Voluntary Central District Management Initiative  
Albany, New York**

**Pledge Form**

**Participant:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Property Address (if different):** \_\_\_\_\_

☐ Tenant

☐ Owner

**I. Contribution**

<input type="checkbox"/>	\$3,000	<input type="checkbox"/>	\$1,500
<input type="checkbox"/>	\$500	<input type="checkbox"/>	\$300
<input type="checkbox"/>	\$100		
<input type="checkbox"/>	Other _____		

**II. Albany Clean-up Day**

**I do support the Albany Clean-up event scheduled for July 10, 1997 from noon - 5:00. Please send me more information on how I can participate.**

☐ YES

☐ NO

**I would also like to assist by serving on a committee** \_\_\_\_\_

Please return to:

Alicia Fernandez  
Capitalize Albany  
4th Floor  
Albany City Hall  
Albany, New York 12207

## List of Donations to the Central Avenue Summer Demonstration Project

Donor	Amount
ALDC	\$3,000
Ronald & Kathryn DeLeonardis	100
AlbanyNet	100
Peter Pryor Associates	1,000
Lexington Vacuum	100
Blue Note Record Shop	100
Mayflower Restaurant	100
Capital Press	100
Security Supply Corp.	50
Harris Sanders, Architects	100
Armory Garage	3,000
Xerofax	100
Rosens	500
Trustco	500
Fleet Bank	1,500
Quaker State	1,000
Albany Convention & Visitors Bureau	300
Total:	\$11,650

F

# **THE CENTRAL AVENUE CIVIC & MERCHANTS ASSOCIATION**



## **PUBLIC MEETING**

***PRESENTATION OF PLANS FOR THE PROPOSED  
CENTRAL BUSINESS IMPROVEMENT DISTRICT***

**JUNE 10, 1997  
5:30 P.M.  
QUALITY INN, WATERVLIET AVENUE**

## **AGENDA**

- I. Introduction**
- II. Overview: Business Improvement Districts**
- III. Downtown Albany BID Presentation**
- IV. Survey Results**
- V. Committee Recommendations**
- VI. Discussion**
- VII. Sub-committee Sign-in**



# Betting on BIDs

LAWRENCE O. HOUSTOUN, JR.

**Applying business judgment via business improvement districts (BIDs) to make downtowns work better.**

Reprinted from *Urban Land*, published by ULI—the Urban Land Institute, 625 Indiana Avenue, N.W., Washington, DC 20004.

**FIGURE 1: ALLOCATION OF BID BUDGETS**

	Percent of Total Budget	
	8 N.Y.C. BIDs <sup>1</sup>	5 U.S. BIDs <sup>2</sup>
Cleanup, Sanitation,		
Litter Patrols	27.0%	31.0%
Security	23.0	19.0
Capital Projects	16.0	8.0
Social Services	12.0	N/A
Administration and Operations	11.0	13.0
Public Relations/Marketing	4.0	5.0
Special Events	3.0	1.0
Other	3.0	8.0
Retail Promotions	2.0	5.0
Facade and Sign Improvements	0.3	1.0
Seasonal Lighting	0.3	0.6
Business Attraction	0.2	2.0
Business Retention	0.2	0.5
Streetscape Improvements	0.0	4.0
Parking	0.0	0.0

<sup>1</sup> Eight BIDs in New York City with annual budgets of more than \$750,000: Union Square, Fulton Mall, Bryant Park, Metro Tech, Fashion Center, Times Square, Thirty-Fourth Street, and Grand Central Partnership. Surveyed in 1993.

<sup>2</sup> Downtown BIDs in five cities: Houston, Philadelphia, New Orleans, Seattle, and Denver. Surveyed in 1994.

Source: The Atlantic Group.

**M**anhattan's Times Square just received its first "A" on the Mayor's Sanitation Scorecard. In that once glittering entertainment district where more recent visitors complained of filth and criminals, sidewalks are again clean, crime has dropped off, and tourists are reassured.

In Philadelphia, 2,000 surveyed property owners, employers, workers, residents, and visitors said conditions in the Center City area had improved markedly for the second consecutive year. The area received high marks for safety, cleanliness, and general atmosphere. After dark, sidewalks are crowded with shoppers, diners, and entertainment seekers. Free concerts by famous mummer bands, jazz ensembles, and classical groups are popular.

After decades of bad press, this kind of downtown success story is becoming widespread. At its heart is a quiet revolution concerning who takes responsibility for the "operations" of downtown commercial areas. Rather than blaming City Hall or working for a blockbuster federal subsidy, hotel operators, theater owners, storekeepers, restaurateurs, service providers, office employers, developers, property owners, and property managers are planning and managing urban services in their neighborhoods. Believing that these services are essential to a commercial precinct's economic vitality, these stakeholders are paying for them as a cost of business. The payments are like the common area maintenance charges paid by

**FIGURE 2: BACKGROUNDS OF BID BOARD MEMBERS**

	Average Number of Board Members	
	8 N.Y.C. BIDs <sup>1</sup>	5 U.S. BIDs <sup>2</sup>
Landlords, Property Owners, Real Estate Developers	12.3	7.0
Retailers	3.7	4.6
Elected City Officials	3.3	1.2
Other Businesspersons	3.0	5.0
Nonprofit Staff Members	2.1	1.8
Residents	1.2	0.4
Community Boards	1.1	0.4
Other	1.1	2.0
Bankers, Lenders	1.0	3.8
Other City Officials	1.0	1.2
Legal Professionals	0.1	2.8

<sup>1</sup> Eight BIDs in New York City with annual budgets of more than \$750,000: Union Square, Fulton Mall, Bryant Park, Metro Tech, Fashion Center, Times Square, Thirty-Fourth Street, and Grand Central Partnership. Surveyed in 1993. Average size of board = 30.

<sup>2</sup> Downtown BIDs in five cities: Houston, Philadelphia, New Orleans, Seattle, and Denver. Surveyed in 1994. Average size of board = 35.

Source: The Atlantic Group.

shopping center tenants. In New York City, self-imposed charges for urban services for 24 improvement districts amount to more than \$30 million annually. Furthermore, business leaders are devoting considerable time as well to these improvement efforts.

This article examines business improvement district (BID) trends in large downtowns, drawing on surveys of 13 illustrative assessment-financed districts. These are called special assessment districts, special services districts, business improvement areas (BIAs), or business improvement districts—depending on the state laws that authorize them. Whatever their names, BIDs have several key elements in common:

- The initiative comes from business leaders who seek common services beyond those that the city can provide.
- The city determines boundaries, approves the annual budget and the financing strategy, and determines what services may be provided.
- Business leaders shape the annual budget, hire staff, let contracts, and generally oversee operations.

### New York City BIDs

A 1993 study by the New York City Partnership and The Atlantic Group of the city's 24 BIDs (about 30 more are in the process of being formed) found annual budgets that range from \$82,000 to more than \$9 million for the Grand Central Partnership. At 17 years old, Brooklyn's Fulton Mall is among the nation's oldest BIDs. One of these BIDs deals exclusively with the maintenance and improvement of Bryant Park, and rents in nearby buildings have soared since the park was redesigned and secured.

Eight of the New York City BIDs have budgets of more than \$750,000, with the average being \$3.6 million. As shown in Figure 1 on the preceding page,

they spend most of their funds on cleanup, sanitation, and litter patrols, followed by supplemental security and capital projects. About 11 percent of their budgets are allocated for administration. These large BIDs see their greatest need for action as filling commercial vacancies, followed by improvements in buildings, public areas, and the overall image of the district.

### Five Large Downtown Improvement Districts

A 1994 survey of BIDs in Denver, Houston, New Orleans, Philadelphia, and Seattle provides further insight on the politics, progress, problems, and typical approaches of large BIDs. Like those of New York, these BIDs also spend at least half their budgets on cleanup and security. (Small BIDs, on the other hand, tend to give greater emphasis to marketing, special events, parking, and business attraction.)

**Denver.** The Downtown Denver Business Improvement District began life in 1982 as the 16th Street Mall Management District. The core of the 120-block district is the 16th Street transit and pedestrian corridor. Each day, its free shuttle buses move 45,000 downtown employees, 42 percent of the workforce. Its formation was supported by virtually everyone, from city government officials to building owners and managers, from retail and hotel associations even to residents of downtown.

BID president Bill Mosher and a 12-member board, composed of property owners, bankers, a realtor, and other area business people, work with a \$1.9 million budget. This buys sidewalk litter pick-up and snow removal; landscaping and maintenance of trees and flowers; lighting, electrical, and plumbing services in public places; granite paver maintenance; snow removal; banners; regulation of commercial and other use of public space, including sidewalk vending; business retention and attraction efforts; marketing, communications, and promotions; and supplementary security services. A four-member staff handles publicity, special events, business recruitment, and the like and contracts out for security, snow removal, landscaping, and other services.

Costs are shared by 323 property owners under an unusual assessment formula by which fees decrease with distance from the transit-pedestrian mall. Data on crime rates, cleanliness, and retail sales, as well as business owner surveys, have shown strong improvements over the past several years and a high degree of satisfaction. The least satisfied people are property owners farthest from the mall. Participants believe that what most needs improvement is the appearance of buildings and commercial areas.

**Seattle.** Founded in 1986, the Downtown Seattle Association (DSA), with a \$577,500 budget, provides a variety of services including public relations, marketing, security, sanitation, and retail promotions.

Assessments are collected by the city. As in Denver, the assessment formula has different rates

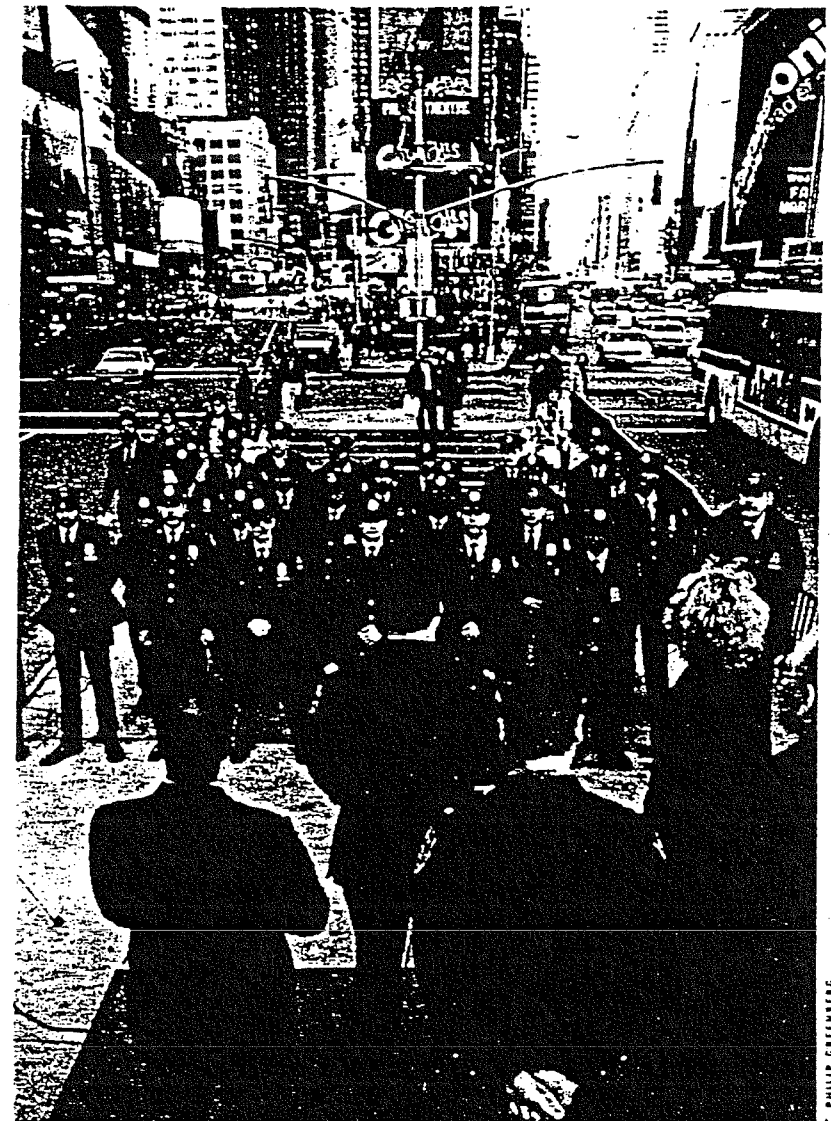
reflecting different levels of benefits. (Many states have laws that allow BID only one or very few choices in assessment rates.) DSA applies a different rate to five classes of properties in its retail core—developed ground-floor business space; retail space in basements or in second or third floors; major multi-level retail stores with more than 100,000 square feet under single ownership; parking garages and lots; and other properties, including hotels and theaters. Parking facilities, for example, are assessed \$4 per space for marketing purposes and \$2 per space for maintenance. In addition, DSA's marketing program and common area maintenance programs have their own separate assessments reflecting different degrees of benefits for different types of properties. The Seattle district is headed by John Gilmore, a seasoned downtown executive.

**New Orleans.** The oldest of the big city BIDs—established in 1975—the New Orleans Downtown Development District is key to what makes the Crescent City attractive to millions of visitors. With an annual budget of \$3.6 million, Donald A. Shea and a small staff provide a wide range of services for 3,000 businesses in 200 blocks. In addition, a capital improvement program supports new street trees, lighting, trash containers, and banners. Shea reports that the most difficult part of forming the BID was reaching an agreement on the district boundaries. The New Orleans Chamber of Commerce, the city government, and the retail organization combined to produce the agreed-upon program.

**Philadelphia.** One of the newest BIDs is Philadelphia's Center City District. Formation of the district was an important part of the plan for the city's commercial core that was adopted in 1991. Developer Ron Rubin chaired the group that set service priorities (sidewalk cleaning and supplementary security), delineated the service area (80 blocks), and recommended the budget (now \$6.5 million). Reflecting the value of the area's newest skyscrapers, 15 properties pay approximately one-third of the total assessment. The amount paid by most of the district's 9,000 businesses is very small.

Center City is a popular place in which to live as well as work, and distinctions between residential and commercial areas are blurred. When the proposals for forming an improvement district were broached, many residents objected to paying for the supplementary cleaning and security. Their opposition might have jeopardized adoption of the assessment district by the city council. Because state law would not allow noncommercial property owners within the district to be exempted, a rebate system was created to satisfy the opposing residents.

Rubin now chairs the 23-member board that oversees a staff of 54 uniformed security-hospitality employees and 115 sidewalk cleaning employees under contract. Under the direction of executive director Paul Levy, CDD recently completed a street-



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scape plan for 80 blocks of Center City geared to pedestrian visitors, downtown employees, and shoppers. Convention Center attendees, for example, will find signs directing them to their hotels, to theaters, to shopping areas, and to historic sites, with information on how many minutes the walks will take. Funding for its implementation is expected to come from an assessment-based capital improvement program.

**Houston.** Robert Eury, president of the Houston Downtown Management Corporation, works with a 42-member board of which 12 are nonvoting local officials. Houston's BID has a \$2.6 million annual budget, 88 percent of which is derived from an assessment of \$0.06 per \$100 of assessed valuation of land and improvements. Major support for organizing the district, which comprises 212 blocks and 360 property owners, came from the chamber of commerce, the local Building Owners and Managers Association, and the city government. Established in 1991, the district emphasizes removal of crime and grime, streetscape and commercial theater improvements, and special events. The district

Street crime in New York City's Times Square neighborhood has been reduced by 19 percent in the past year, thanks largely to the efforts of 40 BID public safety officers, pictured here at a recent awards ceremony.



DOWNTOWN DENVER PARTNERSHIP INC.

Costs for running the Downtown Denver Business Improvement District are covered by an unusual assessment formula by which fees decrease with distance from the city's popular 16th Street transit-pedestrian mall.

measures success by comparing conditions with its adopted multiyear plan, by opinion surveys, and by regular reporting on litter conditions using comparative photos.

### Who Participates? Who Pays? How Much?

Time and money are two fairly reliable measures of business support for any community enterprise. Figure 2 on page 14 shows the range of board of directors membership for the surveyed BIDs. Landlords, property owners, and real estate interests constitute the largest single group of board participants. (In smaller BIDs, retailers tend to dominate the govern-

The New Orleans Downtown Development District distributes a free guide, updated twice a year, that lists all downtown shops and eateries, gives parking and transportation information, and provides discount coupons.



DONN YOUNG PHOTOGRAPHY

ing boards.) The boards of large BIDs include varied business interests, as well as a small number of elected and other local officials, sometimes without voting privileges. The average size of New York City large BID boards is 30 members and of other city boards is 35 members. Many other men and women sit on BID working committees. New York City BIDs have working committees on security that average ten members, marketing (nine members), retail promotions (11 members), and business recruitment (nine members).

In most cases, state law requires some form of vote by those affected, either before or after the city council passes an enabling ordinance. It may take months or occasionally years before consensus is reached in debates about whether to create a district, what its boundaries, goals, accountability, and representation in decision making should be; and how costs should be shared. However, as a business world intramural discussion, these debates are not a contest between the public and private sectors. City councils are inclined to accept the business-defined plan, if only because resident taxpayers are rarely called on to share the charges.

BID charges typically are included in the pass-through provisions of commercial leases. Philadelphia's Center City District collects about \$0.13 per square foot per year, a fairly typical charge, although the assessment formula commonly is expressed in terms of a property's assessed value. Large property owners bear a major share of the costs. But they tend to support BIDs because such organizations offer the only conceivable way to assure the maintenance of the neighborhood beyond their own properties.

To afford latitude to businesses and minimize the fear or reality of political interference, the management entity generally is a quasi-governmental body or a designated nonprofit corporation. In most cases, improvement districts are formed by existing downtown organizations. The downtown organization may take the concept only to the planning/negotiation stage or it may actually combine its own and the improvement district's board of directors and operate both under a single executive.

The growth of BIDs—there are about 1,000 in the United States and Canada—has swelled the ranks of professional downtown executives. The best are sometimes the objects of bidding wars between downtown districts. The meetings of the International Downtown Association, a Washington, D.C.-based professional group, serve as a marketplace for ideas and jobs.

### Fighting Fear

Although CBDs generally are among the safest areas of large cities, these BIDs invest heavily in security and related programs in order to deal with the public's fear of crime in cities. They have used several approaches.

**More Police.** Some large city BID budgets pay for additional uniformed, armed policemen. Most such programs emphasize walking patrols.

**New Techniques.** Many BIDs measure and report on the city's performance in providing security. Some have sought improved police functioning by purchasing equipment, like drug surveillance cameras or bikes, that the city cannot afford. Philadelphia's Center City District, policed by two separate precincts, neither of which had the resources to concentrate on the special needs of a major commercial area, provided a facility that police share with CCD's unarmed, uniformed community service representatives (CSRs). Police welcomed the upscale quarters and have come to see the CSRs as allies, not as "rent-a-cops," as they have often been portrayed elsewhere.

**Unarmed, Uniformed Personnel.** Efforts to provide a reassuring security presence do not always justify the costs. In Philadelphia, however, incident reports show that a force of identifiable personnel with radio access to police or other emergency services can be enormously helpful and create good will. The help that these personnel provide people who become lost or sick or who run out of gas, for example, earns the CSRs (and the downtown) much gratitude, special commendations, and good public relations.

**Indirect Measures.** People base their fears of downtown more on appearances than on actual experience. Litter, ugly security gates across storefronts, graffiti, neglected commercial facades, and vacant stores and buildings imply that the area is out of control. Anticrime initiatives by BIDs include investing in measures to correct such conditions. Streetscapes are redesigned and relighted. Promotions and entertainment are scheduled after work hours to induce word-of-mouth advertising about downtown's after-dark security.

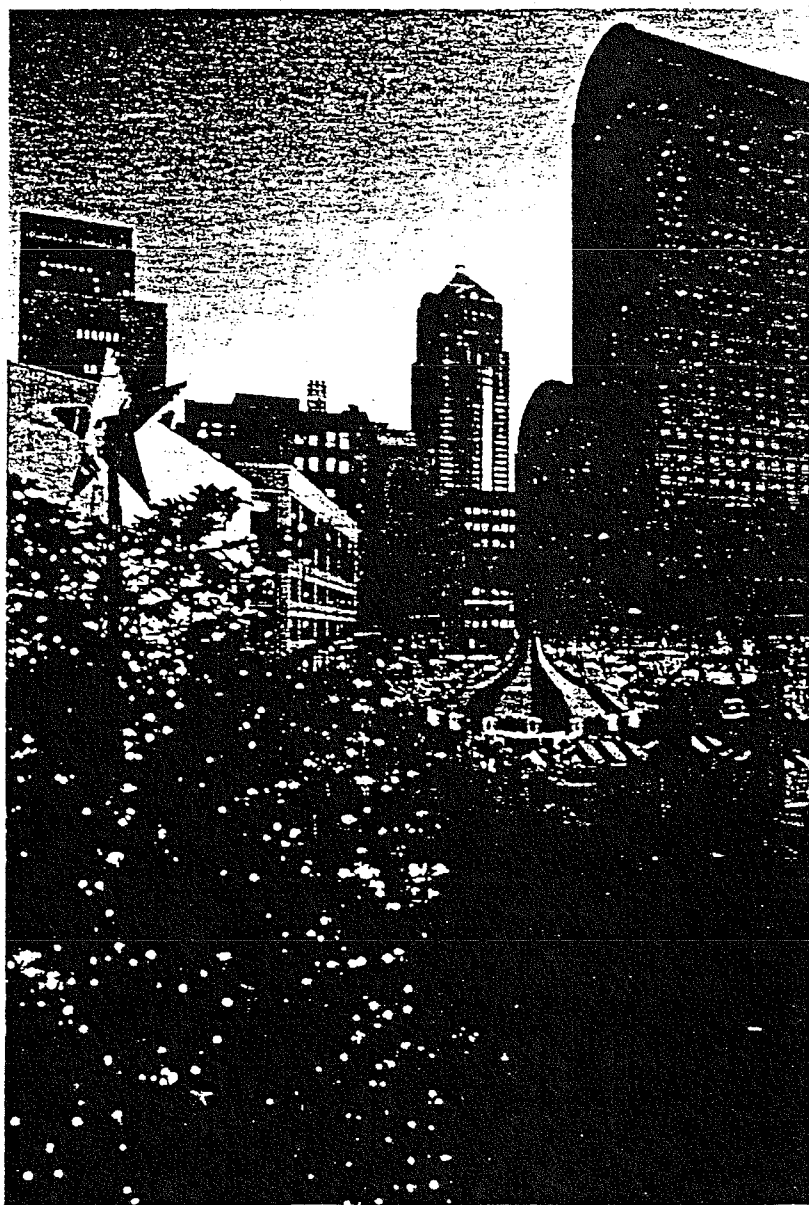
**Street People.** Commercial areas attract panhandlers. Some BIDs use their security personnel to discourage aggressive panhandling. Others encourage contributions to shelter and alcohol and drug treatment programs while they discourage people from handing out money or food on the sidewalks. New York's Grand Central Partnership provides and improves shelter for homeless persons.

## State Rules

Behind every BID is a state law. A few states, including Ohio, still lack authorizing legislation. Various states enforce various restrictive conditions. New Jersey authorizes services, but not capital programs. New Hampshire closely restricts assessment formulas. Few states allow nonprofit corporations to administer districts. Indiana requires unreasonable tests to prove the support of property owners. Connecticut restricts the size of eligible municipalities. Pennsylvania does not allow localities the option of confining the assessment to commercial properties.

Despite its limitation on borrowing, the New Jersey law contains many strong features that ease the process of setting up BIDs and that minimize the potential for political interference in the operations of BIDs. In New Jersey, business leaders can organize a district without much trouble. They sometimes poll property owners, but a vote is not a requirement. The business community can dominate the board of directors, freely determine the size and composition of the board, and use a nonprofit corporation to run the BID. Any system of assessment that reasonably relates to the benefits received is allowable. Nonbenefiting properties, such as residential or industrial properties, may be excluded from the assessment, and tax-exempt properties may be included. Although the city council must approve the annual budget, BIDs need not be staffed by government employees, apply local bidding rules, nor subject their board members to state disclosure rules or restrictions on working with gov-

Every holiday season, the Downtown Seattle Association organizes a carousel offering free rides to children in the heart of downtown.





CENTER CITY DISTRICT

Philadelphia's Center City District contracts with a private street cleaning service to supplement city street cleaning. A spinoff benefit: the presence of the sidewalk and street cleaning personnel from 8:00 a.m. to 4:40 p.m. and 10:30 p.m. to 7:00 a.m. has helped deter crime.

ernment agencies. Finally, the New Jersey law authorizes BIDs to offer a wide array of services and improvements.

State laws make a difference. Pennsylvania, with its restrictions, has fewer than a half dozen districts. Less populous New Jersey has more than 20. Few New Jersey BIDs took more than nine months to meet the legal tests and to convince business people and elected officials to support them. The five large-city BIDs surveyed averaged 16 months preparing for and securing approval of their ordinances. The New York City BIDs averaged 32 months.

The Houston Downtown Management Corporation and the city operate a cooperative trash removal program for downtown businesses that has improved general downtown cleanliness, while reducing trash removal costs for small business owners and enhancing security on the streets.



HOUSTON DOWNTOWN MANAGEMENT CORPORATION

## Do They Work?

A number of problems or potential problems deserve mention. For example, the control of city councils over annual budgets makes political interference a constant possibility, though little has yet been reported. As more BID budgets top \$1 million or \$5 million, it would not be surprising if politicians sought to use BIDs to cut deals, fill jobs, or influence contracts outside the spotlight of public scrutiny.

Oversight of operations could be a problem for some BIDs. Most boards pick their members from a relatively small pool of volunteers. But even where city councils approve board members, meaningful accountability, checks and balances, and public scrutiny usually are absent. New Jersey requires that one board member also be an elected member of the city council, which improves communication and may have averted some mistakes. It is wise to include a five-year sunset provision in the legislation creating individual BIDs, which would offer cities and districts the opportunity to reconsider initial assumptions in light of actual performance.

BIDs often adopt programs that have worked for other BIDs. They would do better to invest more time in understanding conditions and in identifying the preferences of the rank-and-file business operators in their own districts.

Some observers fear that if downtown businesses no longer need to lobby for special services through the citywide budget process, there will not be enough taxpayer pressure on cities to spend for police or other essential services. Others observe that spending for downtowners does not benefit residents in general, and the poor in particular.

These complaints miss the point that the cleaning needs for downtowns are many times greater than for residential areas, because of high volumes of foot traffic and the downtown's need to compete with office parks and shopping centers where standards are high. Furthermore, a successful downtown produces economic benefits throughout the city. For example, Philadelphia's Center City area, occupying only 2 percent of the city's land, produces about one-third of the jobs and local revenues.

Do BIDs work? Large and small businesses vote with their checkbooks annually to continue and sometimes expand assessment-financed special services. The International Downtown Association knows of no city of any size in which a district has been discontinued. Business leaders have used them to make downtowns, if not perfect, at least demonstrably better. That, perhaps, is the key to their success. Business judgment is being applied to make business districts more profitable. ♦

Lawrence O. Houstoun, Jr., is principal of The Atlantic Group, an urban development consulting firm, located in Philadelphia and Cranbury, New Jersey.



# Are BIDs Working?

LAWRENCE O. HOUSTON, JR.

**T**he change in conditions, conveniences, and comfort wrought in once-scruffy Times Square is part of a movement to reestablish middle-class standards of cleanliness and security in commercial areas across the United States and Canada through the creation of business improvement districts (BIDs). After five, ten, and in some cases 20 years of experience, it is fair to ask whether BIDs are working. Are downtown prospects better because of them, and, if so, in what ways?

Three years ago, the Atlantic Group conducted a survey of 24 BIDs in New York City (there are now more than 30) and a comparative survey of six others from across the country. (See "Betting on BIDs," June 1994 *Urban Land*.) Earlier, the firm had surveyed BIDs throughout New Jersey. On the basis of survey data and extensive anecdotal information, BIDs can be grouped in two major categories:

- BIDs with annual budgets of approximately \$50,000 to \$250,000 (small BIDs). These tend to focus on retail, offering services such as promotions, special events, joint advertising, seasonal lighting, and business attraction and retention programs, including marketing and sometimes incentive financing. Board membership includes a large number of retailers.

**Are downtowns demonstrably better because of business improvement districts? It depends on how you define success.**

- BIDs with large operating budgets, often of \$1 million or more, and in some cases with capital budgets of as much as \$30 million (large BIDs). These tend to concentrate resources on improving and maintaining the public environment, with major outlays for

labor-intensive sidewalk cleaning and supplementary security. Board members tend to be managers of hotels, owners of office buildings, real estate brokers, and those who control significant amounts of commercial property.

The survey revealed that smaller BIDs saw security and public-area improvements as their area's greatest needs. Correcting these problems requires services and capital projects that few small BIDs can afford. BIDs with large budgets, on the other hand, expressed satisfaction in those areas, where they already were spending a large share of their resources. Instead, they saw their area's biggest need as filling commercial vacancies. Few large BIDs had undertaken systematic business attraction programs at that time.

## Brighter Philadelphia

In the past decade, a crop of professional BID managers has emerged in programs operating in the

larger districts in the United States and Canada. These new professionals are directing multimillion-dollar enterprises in sometimes highly politicized communities and in economies that are perennially precarious.

Center City District (CCD) in Philadelphia has an annual budget in excess of \$7 million, devoted primarily to round-the-clock sidewalk cleaning; providing uniformed, radio-equipped supplementary security personnel (community service representatives); and paying off a 20-year, \$21 million bond issue for capital improvements to the pedestrian environment. Sidewalk cleaning for the 80-block district is provided by a private contractor whose employees wear CCD's attractive uniforms and operate mechanical sweepers that sport CCD's colors and logo.

Determined to get the basics right, CCD spent the first four years launching and perfecting the cleaning and security systems. The security system produced a significant change in city police procedures, unifying precincts to coincide with district boundaries and creating a joint operations headquarters to facilitate cooperation between CCD's uniformed personnel and the police department. By the fifth year, CCD was ready to begin one of the most ambitious BID-funded streetscape programs in North America. The center city district had relatively few of the vacant lots, parking lots, and buildings with vast expanses of blank walls found in many of America's downtowns: still, public sidewalks were badly littered and shabby, creating a stark contrast to the new buildings constructed in the mid-1980s, the unique historic area, and the centrally located Pennsylvania Convention Center.

The subsequent streetscape project was designed to take maximum advantage of the convention trade, while enhancing the environment for tourists, office workers, and shoppers. With CCD's assessment-financed \$21 million bond issue and \$5 million in matching funds from the city, construction started in late 1996. Earlier, the block in front of the CCD—police department joint headquarters had become a test site for new trees and curbs, directional maps for pedestrians, and lights. In contrast to the towering "cobra" style streetlights, the new, closer-to-the-pedestrian light fixtures provide lighting for sidewalks that is two to three times brighter.

CCD also is creating state-of-the-art tree pits and special irrigation facilities, assuring greater longevity for street trees, and the district will soon take on maintenance of all center city trees, new and old, employing former welfare recipients.

In what promises to be a first among North American cities, CCD is installing colorful, understandable directional maps and signs at frequent intervals that will show pedestrians at a glance how to reach their destination and approximately how long it will take to walk there. This last touch, borrowed from



Switzerland, gives visitors the confidence to start out on a pedestrian journey, for example, from the Bellevue Hotel to the Convention Center, knowing that there is time to enjoy the journey on foot. With more than 400 shops and services catering to the walk-in trade within ten minutes of the convention center, the rewards to the tourist (and to the local economy) will be significant.

Financing this urban face-lift could have cost the district some of its remarkable popularity. With steadily declining property values (15 percent over five years), CCD's assessment revenues have dropped correspondingly. Assessment charges have risen about 4 to 5 percent per year—a change endorsed by property owners—to support an annual budget that rose from \$6.3 million in 1991 to \$7 million in 1996. Pennsylvania law requires a remonstrance vote before initiation of a BID or any changes in its financing or boundaries;

Center City District in Philadelphia, with an annual budget over \$7 million, provides round-the-clock sidewalk cleaning for the 80-block district.





Security officers of New York's 34th Street Partnership are connected via walkie-talkies with the New York City Police Department. The Portland Guides (inset) who patrol the downtown streets are security personnel who act as "eyes and ears" for local law enforcement agencies.



if owners of more than a third of the assessed properties or a third of the total assessed valuation object, the process stops. Of more than 2,000 properties eligible to vote each time, fewer than 12 percent objected in the first remonstrance; fewer than 2 percent objected when the streetscape bond issue was proposed; and only one owner objected when the boundaries were expanded recently to include 59 properties on East Market Street, site of about half of the downtown retail space previously cleaned by a voluntary association.

Like many cities, Philadelphia's central business district includes some people who sleep and beg on the sidewalks. CCD consulted experts to suggest what, if anything, the city, the district, or others could do about this pervasive social problem. On the basis of the study, Paul Levy, the executive director, convinced city officials that a disproportionate amount of public money was being spent on temporary shelters and that insufficient money was available for treatment, training, and job placement. The city has agreed to do everything it can to switch its orientation to rehabilitation. Specially trained CCD community service representatives, the Homeless Action Team, try to motivate street people to accept substance abuse treatment, mental health services, and shelters, with some success.

CCD also serves as a resource for the Private Industry Council and the state department of welfare, providing paid work experience for formerly homeless job-training graduates who remove graffiti and maintain sidewalks and landscaping. The resulting improvements to the public realm accrue without

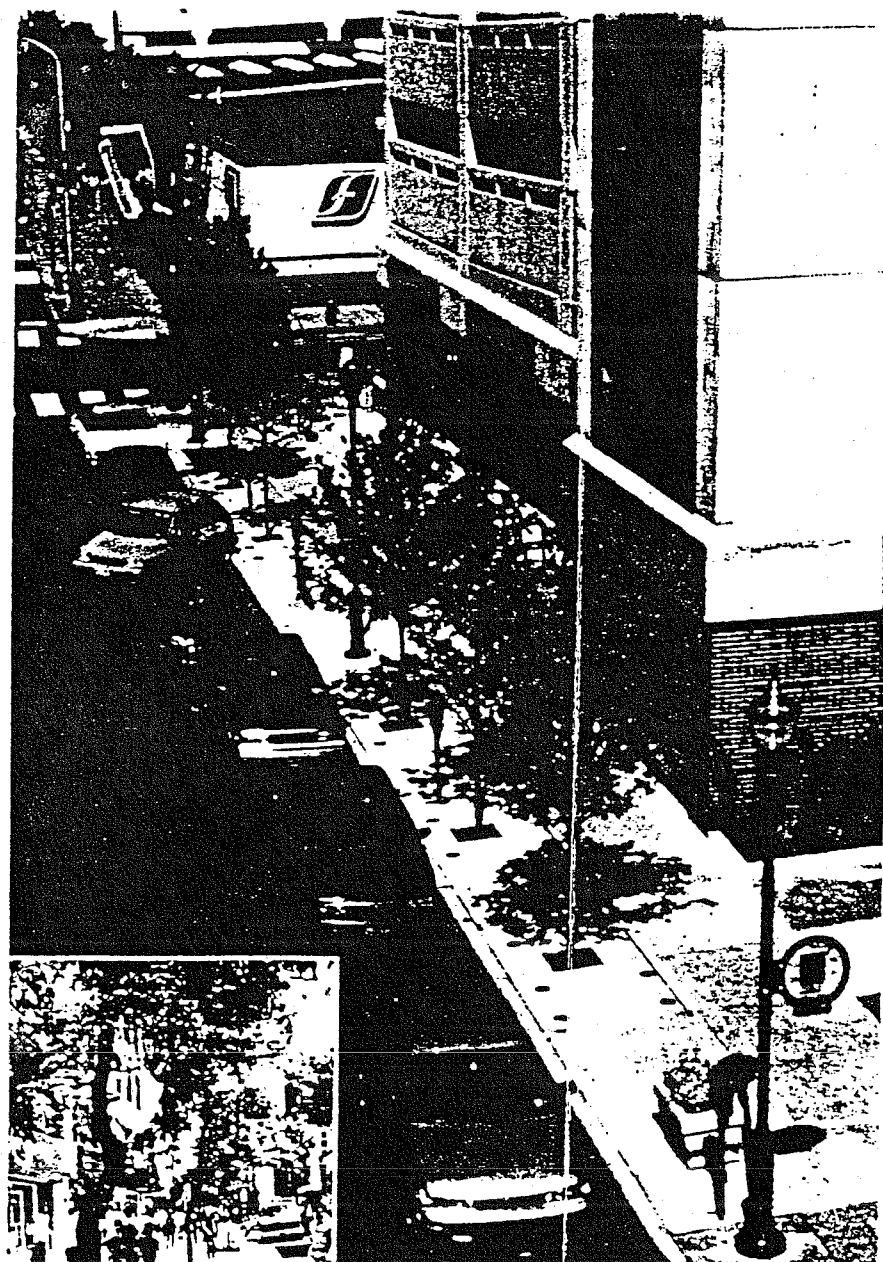
charge to the assessed properties. Many of the larger BIDs exhibit a similar entrepreneurial spirit.

Is the BID working in central Philadelphia? Professionally managed with strong business support and without political interference, CCD would star in any city. Crime is down and hotel occupancy is up, as is retail overall. Retail occupancy in the blocks catering to higher-income consumers suggests that CCD's heavy promotion of Wednesday night shopping is paying off, although occupancy in the discount-dominated blocks is off. As it is in most of the rest of America's urban markets, office occupancy is down in older buildings.

### Portland: Coping with Street People

The Association for Portland (Oregon) Progress (APP), headed by Ruth Scott, organized the Clean and Safe District almost ten years ago. Her agency has become a leader, particularly on the troublesome issue of people who sleep or beg on commercial sidewalks.

In 1986, APP took over management of the sidewalk-cleaning program. Funded by the city and APP, the program hires formerly homeless, recovering substance abusers to sweep downtown sidewalks. The program's budget was expanded to \$300,000, and it now employs about 20 individuals in minimum-wage jobs that represent a first step toward self-sufficiency. Employees who stay clean and sober have an opportunity to advance to the heavy-duty cleaning crew or other positions managed by APP. Jobs are the "carrot." The "stick" is an ordinance making it a misdemeanor to "aggressively panhandle." Panhandlers cannot block the sidewalk or harass pedestrians.



THE BRUCE COHEN GROUP, LTD.

Philadelphia's Center City District was involved in one of the most ambitious BID-funded streetscape programs in North America including new trees, curbs, and light fixtures that are closer-to-the-pedestrian. New York's 34th Street Partnership has provided newly planted trees and flowerbeds (inset).

downtown safer since uniformed security personnel went on duty. Police say that crime fell by 14 percent.

Here are some approaches to keeping downtowns clean in order to compete with shopping malls and office parks:

- The Mesa, California, BID and many others move fast to remove graffiti.
- The Riverside, California, BID performs graffiti removal under a contract for services with the municipality.
- The Times Square BID is responsible for a dramatic improvement in cleanliness at the "Crossroads

of the World." The mayor's report card shows Times Square now to be 93 percent clean, compared with 54 percent before BID cleaning services. The BID last year scraped and painted 320 light poles, 48 switch boxes, 71 fire hydrant caps and bases, and 68 sets of guard poles and arranged with store operators to reduce the amount of trash awaiting pickup on the sidewalks.

- Philadelphia's Center City District sidewalks are pressure-washed several times a year. A CCD survey shows that 78 percent of 2,000 respondents—shoppers, store owners, visitors, and downtown employees—say the district is cleaner since around-the-clock cleaning began.

- The Atlantic City BID collects 14 million gallons of trash from its boardwalk and streets annually.

BIDs, either through their own initiatives or through advocacy, engage in a wide variety of locally important downtown projects, including improvement of parking conditions.

- The Association for Portland Progress (APP) argued successfully to restrict a proposed rate increase for metered parking and convinced the city council to adopt a policy for evaluating future rate increases. APP also developed a marketing campaign built around the fictional character "Les Park" to let customers know that the area has abundant parking.

- Calgary, Massachusetts, organized a discount parking system (\$1 for four hours) on Saturdays.

- West Palm Beach organized the "free and easy" parking program (no charge evenings, Saturdays, and Sundays) and a trolley-style bus to bring customers from remote sites.

- Buffalo, New York, has granted BID security employees power to write parking tickets.

- The Trenton, New Jersey, BID operates a parking lot close to stores and runs a validation program to serve retailers.

Similarly, BIDs initiate diverse programs for marketing and economic development.

- The Times Square BID is one of many throughout the United States and Canada that hold "A Taste of..." festivals to promote restaurants.

- The Red Bank, New Jersey, BID organized a campaign to encourage more stores to open on Sunday. With special advertising and promotions, plus free parking, the number of stores that open rose from 22 to 82 in a few months. Many retailers now say that Sunday is their second-best day in total sales volume.

- Philadelphia's Center City District won an international award with its "Make It a Night" program to draw shoppers on Wednesdays after normal closing hours. Special promotions are created, parking is discounted, and there is music and other entertainment on sidewalks. Stores report increased foot traffic, number of sales, and amount per transaction.

*continued on page 57*

## ARE BIDS WORKING? *continued from page 36*

- The Millburn, New Jersey, BID produced the lowest retail vacancy rate in five years. The BID created an award-winning marketing kit to be used by real estate agencies, which lacked demographic and other important information needed by prospective tenants. The kit includes a quarterly report describing vacant properties, rents, size, and so forth. Millburn also has an aggressive program to help businesses get all the permits necessary to open new stores and created a below-market-rate business loan program to help new and expanding businesses meet fit-up, facade, and sign costs. Nine commercial banks and the county economic development corporation participate. Millburn also conducts an annual consumer survey to test preferences, satisfaction with downtown progress, views about competitive downtowns, and the direction downtown should take with regard to redevelopment and parking improvements.
- Denver, Colorado, retailers reported sales of \$400 per square foot as a result of the BID's marketing, security, cleaning, and promotions. Property owners see substantial benefit from district services in terms of property value. Seventy percent reported significant or moderate increases.
- New York City's Grand Central Partnership published data by the independent *Gordon Office Market Report* that illustrate the effect of BID services—cleaning, security, and marketing—on properties in the area. Of eight commercial districts studied in Manhattan, only the Grand Central Partnership area recorded gains in average asking rents.
- The Red Bank, New Jersey, BID surveyed 200 merchants after the holiday season. As the result of promotions (including a Santa parade that included giant balloons from the Macy collection) merchants reported an increase in the number of sales of three to one; an increase in transaction amount of five to one; and an increase in customer foot traffic during the holiday season of 1.7 to one.
- The Phoenix, Arizona, BID reported that the area is producing significantly more sales taxes for the city—up 26 percent over a three-year period—reflecting increased profitability. Restaurant and bar revenues led the way (40 percent), with retail at 21 percent and hotels at 3 percent. Data from the city finance department were released by business leaders, who noted that these gains benefited residential taxpayers.
- Buffalo Place, in Buffalo, New York, regularly conducts a professional telephone survey of people in the region. Results include the following: 65 percent agree Buffalo Place is “a fun place to be”; 66 percent agree it is a

“safe place to be”; 83 percent agree it is a “clean place to be”; 65 percent agree it is a “good place for dining”; and 53 percent agree it is a “good place to go shopping.” Using these data, the BID is placing greater emphasis on retail attraction.

- The Cranford, New Jersey, BID has an assessment that typically costs businesses approximately \$1.50 per day. During the recession, commercial properties held their values while residential property values declined.

## Issues and Concerns

One common concern about BIDs has to do with the suspicion that hard-pressed city governments will shift the cost of some services from general taxpayers (a more formidable voting block than business owners) to assesses. This issue raises the question of the degree to which government and BID activities are the same, as well as how to protect BIDs against potential cost shifts.

The issue is raised most often in the earliest phase of considering whether to organize a BID—the “what if” time, when every possible negative outcome is questioned. At this stage, there has not yet been an opportunity to determine whether the BID would provide services comparable to those provided by the local government. In fact, relatively few BID services actually supplement city services. The largest cost among the larger BIDs, for example, is sidewalk cleaning. Few cities provide this service; it is typically a requirement by law that owners keep sidewalks free of trash, snow, and ice.

The second-largest cost among large BIDs is supplemental security. Here the issue is less clear. Typically, uniformed, radio-equipped, unarmed BID personnel serve in part as walking eyes and ears for police and emergency service units. Their uniformed presence is widely viewed as a deterrent to crime and reassurance for pedestrians. Often, however, their primary function is to provide hospitality services.

Another common BID service is marketing, something the public sector rarely does well, if at all. And much attention is devoted to advocacy, such as whether the city should adopt new zoning, sign, and facade standards or new street cleaning techniques (few BIDs clean streets).

Assuming that BID activities, such as security, do supplement city services, some will worry that the municipal burden will be shifted in whole or part to assessment-financed programs. Where state law or property owner interest requires that the BID proceed on the basis of a services agreement with the city, this becomes a ready device for clarifying the municipality's expectations of the BID and the BID's expectations of the municipality. Nonprofit Buffalo Place, Inc.,

has service agreements with the city and county. The Baltimore BID (an authority or “body corporate and politic”) has an agreement with the city covering

- police protection;
- street and alley cleaning;
- trash collection and landscaping;
- maintenance of public areas; and
- marketing and promotion.

In small BIDs, the situation may be much simpler. The Elizabeth, New Jersey, BID struck an agreement with the city (one page in length) ensuring that the police department would continue to maintain an officer at a key corner for both traffic and security reasons.

Some BIDs, including those of New Orleans and Brooklyn, New York, have 15 years or more of experience behind them, and one might expect some pattern of problems to have emerged over that time. However, there is no perceptible pattern, although some isolated situations may indicate issues that might be troublesome in the future.

In at least one case in a large city, control of the board of directors is in the hands of the mayor and observers feel that the emphasis is more on politics than business improvement. Another BID was pressured by the city council to include within its service area blocks that it would have preferred to leave out; the BID accepted the modifications as a cost of council approval. In a different city, the city council president threatened to block the BID's budget if his preferred candidate was not employed as BID manager (the candidate was not employed and the budget went through without dissent). BID managers have been fired because they or their board leadership were seen as having backed the losing side in a mayoral contest. One BID director, who was responsible for programs that attracted highly favorable national attention, found himself embroiled in a controversy related to the subcontracting agency that handled programs for the homeless. Among the costs of the flap were the cancellation of new federal funding for that program and the loss of previously impeccable treatment by the press.

According to the International Downtown Association, the only known examples of disbanding of BIDs occurred in a half-dozen small communities where the problem appeared to be inadequate funding. Nevertheless, change occurs. The Fulton Mall Improvement Association (Brooklyn, New York) had a dispute within its constituency, with some wanting to refocus the image on discount retailing. Through the annual election process, the dissidents became the

*continued on following page*

## **BIDs** *continued from preceding page*

establishment, with major changes in the nonprofit board's membership. There are no known cases of scandals involving misuse of BID funds in the United States.

The future of BIDs seems fairly secure. Their numbers continue to grow, and the responsibilities of their sponsors continue to increase. The charge to individual owners and operators is a minor cost of business (typically \$0.10 to \$0.20 per square foot or 4 to 10 percent of property taxes), and there is no other known way to achieve such continuous results at any cost. Business and commercial property interests control policy and, as in the case of Philadelphia, express continued support.

## **Prospects and Limits**

Still, there are limits to what BIDs can be expected to do in overcoming the enormous problems besieging central business districts. Four major concerns help illustrate this point. With noteworthy exceptions, relatively little progress has been made in improving the appearance of downtowns enough to attract large numbers of middle-income shoppers, tourists, clients, and commercial tenants. BIDs can claim that that threshold has been reached when hotel guests are enthusiastic about taking walks after dark or when office workers stop insisting on parking at their workplace. Robert McNulty, head of Washington, D.C.-based Partners for Livable Places, argues that all the other efforts being made downtown will be lost "if the place still looks like hell." While there are dramatic exceptions, ranging from Manhattan's Grand Central Partnership to suburban Cranford's Special Improvement District, in general few BIDs and municipalities have agreed to pony up the costs of what is predictably a major public works project.

Second, downtowns must continually adapt to changing physical conditions and opportunities. Redevelopment is not something that only downtown Chicago or Boston requires; even small towns like suburban South Orange, New Jersey, need to convert old lumber yards or parking lots into town-house sites. Of all the types of redevelopment needed, residential redevelopment is most important. It creates the customer who is most likely to shop, dine, and go to the movies downtown, and it remedies some of the image problems that no concentration of street trees can adequately hide. A few BIDs recognize this need; fewer have acted.

Third, where BIDs are unlikely to gain the authority to act, they must nevertheless advocate aggressively. Downtowns need strong advocates who do not require annual or quinquennial approval from elected officials.

BIDs advocate most effectively when coaching public agencies on technical subjects, such as how to make downtowns more secure or cleaner. When the subject is controversial, such as locating a new stadium where it can benefit the downtown economy, it is often wise to have independent business interests lead the crusade. Denver and Houston, where strong business organizations preceded the BID, retain separate but related organizations for such purposes.

Fourth, BIDs need to become more entrepreneurial in order to expand business services while capping fees. A natural source of financing, often through an affiliated nonprofit entity, is parking management. The Manayunk (Pennsylvania) Development Corporation and Summit (New Jersey) Downtown, Inc., support extensive marketing programs financed by parking fees.

BIDs represent a latterday counterweight to the American tendency to ignore, devalue, and often denigrate our city and town centers, despite their irreplaceable cultural attractions and entertainment offerings and their continued significance as centers of commerce. It is noteworthy that BIDs are primarily the creatures of businesses and property owners who share the belief that they can achieve greater profitability through cooperation than any one of them can accomplish alone. The means to profitability include many investments in intangibles—pleasant street vistas, a sense of security in walking after dark, the pleasures of convenient shopping, and diverse options for dining. All are important, and corporate assesseees find all to be good for the bottom line.

Even where statutes make the BID a public entity rather than a nonprofit corporation, the sense of pursuing private sector goals is strong. Although politics may produce short circuits in the energy source, BIDs that take the government form do not seem to be seriously impeded in their work.

## **Measuring Success**

Are downtowns demonstrably better because of BIDs? It depends on how you define success. No one suggests that commercial areas are worse off because of BIDs. Even when services are so-so, the costs to assesseees are trivial. In some cases, BIDs may only have slowed decline resulting from economic forces far beyond local control. In other cases, there is evidence of BID-induced economic revival. Under still other circumstances, especially in the suburbs, BID sponsors seem to be achieving their desire to make already stable areas increasingly profitable. Where economic conditions have improved, local observers tend to credit the BIDs. Often, there are few other initiatives to share credit.

The evidence overwhelmingly supports the contention that BIDs are working, usually quite well. However, causes of changes in economic conditions are often so complex that serious researchers avoid the subject. When indicators reveal improvements, such as in hotel occupancy rates, additional important influences, which may include national trends and improved convention business, may help explain the favorable trend. In Times Square, for example, others are also working on redevelopment, including New Forty Second Street, which oversees theaters, and the 42nd Street Project, which leads redevelopment planning. On the other hand, if downtown conditions do not meet national norms of safety, cleanliness, and attractiveness, they certainly cut into convention bookings, induce business travelers to choose hotels farther away, and persuade tourists to shorten their visits.

Probably the most stringent test of success is reflected in the fact that more than 1,000 business-dominated boards vote regularly to continue (and frequently to expand) local programs whose costs they share. So common are BID-financed services and improvements that a firm contemplating siting a new branch might be skeptical of a commercial area that lacks one. Beyond question is the momentum now achieved by private sector leaders in their common efforts to reinstate the middle-class values of civility and cleanliness in America's established centers of commerce. ♦

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6

# **THE CENTRAL AVENUE CIVIC & MERCHANTS ASSOCIATION**



## **PUBLIC MEETING**

*PRESENTATION OF  
CENTRAL BUSINESS IMPROVEMENT DISTRICT PLAN*

**TUESDAY  
AUGUST 12, 1997  
7:00 P.M.  
QUALITY INN, WATERVLiet AVENUE EXTENSION**

### **AGENDA**

- I. Introduction and Central BID Mission**
- II. What is a Business Improvement District?**
- III. Boundaries, Assessment Rate, Budget**
- IV. Budget Details**
- V. BID Board of Directors**
- VI. Legislative Process**
- VII. Questions/Comments**
- VIII. Other Business**

# Central Business Improvement District

## *Proposed Year One Budget*

### Estimated Revenue

District Assessment at 2.5%	\$353,717
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### Program Expenses

Maintenance and Security	\$123,447
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Clean-up and Security

Equipment

Uniforms

Personnel/contracts

Image Improvement Program	\$40,359
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Banners

Landscaping

Vacant Storefronts

Lighting

Gateway Design Plan

(Colvin Ave., Everett Rd. & Townsend Park)

Parking	\$11,885
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Signage

Coordination

Marketing & Promotion	\$23,734
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### Administration

Staff

Office Supplies/Expenses

	\$100,880
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Contingency 15%

	\$53,411
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Total Expenses

	\$353,717
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# **Central Avenue Business Improvement District Plan**

## ***Plan Contents***

1. Map of the District
2. Description of Boundaries
3. Description of Present and Proposed Uses of the  
Properties Within the Boundaries
4. Proposed Improvements to the District
5. Proposed Annual Budget for Improvements,  
Maintenance and Operations
6. Proposed Source of Financing
7. Proposed Rules and Regulations Applicable to the  
District
8. List of Properties to be benefited
9. Statement from the District Management Association

# BYLAWS OF CENTRAL BUSINESS IMPROVEMENT DISTRICT

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## ARTICLE ONE

### **Name, Statement of Purpose and Principal Office**

Section 1. Name. The name of the corporation shall be "Central Business Improvement District, Inc." (CBID).

Section 2. Purpose. To promote the preservation and development of the Central Avenue business corridor of the capital City of Albany and to organize in order to do all things necessary and proper to make said area more attractive and accessible. To this end the business improvement district will work to enhance the public perception of the Central Avenue business corridor through overseeing and managing the appearance, security and cleanliness of the business improvement district.

Section 3. Offices. The Corporation shall maintain a principal office within the boundaries of the CBID, in the City of Albany, County of Albany, State of New York.

## ARTICLE TWO

### **Membership**

Section 1. Classes and Qualification. The Central Business Improvement District, Inc. will have three (3) voting classes of membership:

- a. Class A. Owners of record of real property in the District consisting or such other persons as are registered with the City of Albany to receive real property tax bills for such real property located in the District, shall be Class A members of the Corporation, provided such persons have applied for membership in accordance with Section 1(d) hereof.
- b. Class B. Tenants who are occupants pursuant to leases of commercial space within the District shall be Class B members of the Corporation provided such persons have applied for membership in accordance with Section 1(d) hereof.
- c. Class C. The persons serving by virtue of their appointment as Municipal representatives, as described in Article III, Section 2, shall be class C members of the Corporation.
- d. Application for membership. All persons who fall within one of the classes described above shall be eligible for membership in the Corporation upon submission to the secretary of a sworn statement evidencing such qualification.



- e. Termination of Membership. Membership in the Corporation is not transferable. Membership in the Corporation shall be terminated (1) if the member is an individual or a partnership, upon the death or resignation of the individual member or partner of the partnership, or (2) if such member is a corporation, upon dissolution or liquidation of such corporation. Additionally, (a) Class A membership shall terminate when the Class A member is no longer the owner of record or the person registered with the City of Albany to receive real property tax bills for real property located in the District, (b) Class B membership shall terminate when the Class B is no longer a tenant in the District.

Section 2. Meeting of the Membership. There shall be an annual meeting of the membership of the Corporation on the third Tuesday in September for the purpose of receiving annual reports of the officers, directors and committees, election of directors and the transaction of other business.

Section 3. Special Meetings. Special meetings of the membership may be called by the Chairperson or Board of Directors at their discretion and shall be called by the chairperson at the written request of members entitled to cast ten percent (10%) of the total number of allocated votes of either Class A or B. No business (other than that specified in the notice of meeting), shall be transacted at any special meeting of the membership of the Corporation.

Section 4. Notice of Meetings. Notice of meetings of the membership shall be mailed to the last recorded address of each member at least ten (10) days and not more than forty (40) days before the time appointed for the meeting. All notices of meetings shall set forth the place, date, time and, except for the annual meeting, the purpose of the meeting.

Section 5. Quorum. A quorum of meetings of the membership shall consist of twenty percent (20%) of the members holding Class A or B votes; but a lesser number may adjourn a meeting to a future date. The secretary shall thereafter mail notice of adjournment at least three (3) days before the rescheduled meeting to each member who was absent from the meeting adjourned.

Section 6. Proxies. Every member of the Corporation entitled to vote at any meeting may vote by proxy. Proxies shall be in writing signed by the member or the member's attorney-in-fact and revocable at the pleasure of the member executing the same, except as otherwise provided in the proxy. No one member shall carry more than five (5) proxies. Except as otherwise provided by law, all elections and all questions coming before the members shall be decided by a majority vote of the votes cast at the meeting.

Section 7. Order of Business. The order of business at the meetings of the Corporation shall be as follows:

1. Presentation of the roll.
2. Proof of service of notice of meeting.
3. Reading of the minutes.
4. Receiving of communications.
5. Elections of directors at annual meeting or special meeting called for that purpose.
6. Reports of officers.
7. Reports of committees.
8. Unfinished business.
9. New business.

The order of business may be altered or suspended at any meeting by a majority of the members present. The Chairperson of the Board shall be the Chairperson of the annual meeting.

Section 8. Elections. An annual election shall be held for all directors representing Class A and B members at the annual meeting. The Elections Committee shall prepare a list of nominations for the elections to be held at the annual meeting to fill any vacancies for Class A or B directors. This slate and the notice of the Annual Meeting and the elections shall be mailed to each owner and tenant no later than ten (10) days before the annual meeting. Nominations shall also be accepted from the floor. The Elections Committee shall verify that all candidates nominated are members in the voting class for the directorship position for which they have been nominated; and shall conduct the annual election and shall be the final arbiter as to validity of any vote cast, and the results of the election. Only those listed on the yearly membership roll shall be eligible to vote, and shall vote only for those directors representing their own membership class(es). Votes by proxy will be allowed as provided in Section 6.

Section 9. Membership Roll. A yearly update of all property owners and tenants shall be conducted by the Board prior to August 1 of each year so as to reasonably reflect all owners and tenants as of July 15 of each year.

### **ARTICLE THREE**

#### **Board of Directors**

Section 1. Management. The property, affairs, corporate powers, business and concerns of the Corporation shall be vested in, managed and controlled by the Board of Directors, which shall control all matters of policy and expenditure of funds.

Section 2. Number. The number of directors of the Corporation shall be fifteen (15) as follows:

- a. One (1) shall be chosen by the Common Council of the City of Albany who is a Class C member.
- b. One (1) shall be chosen by the Mayor of the City of Albany who is a Class C member.
- c. One (1) shall be chosen by the Comptroller of the City of Albany who is a Class C member.
- d. Three (3) shall be elected tenants of the District who are Class B members.
- e. Nine (9) shall be elected owners of real property located within the District who are Class A members.

Section 3. Term. All Directors shall serve terms as follows:

- a. The term of all elected members of the Board of Directors shall be three (3) years, except as determined by the elections committee (or the Board) four, or one third (1/3) of the elected directors elected in the year 1997 (or in the initial year, or at the first election of directors) shall serve for two (2) years; four (4) shall serve for three (3) years; four (4) shall serve for four (4) years. At the expiration of the said terms, the terms of all elected members of the Board of Directors shall be three (3) years.

Section 4.     Elections.     Directors shall be elected at the annual meeting of the Corporation.

Section 5.     Meetings.     The Board of Directors shall hold the following meetings:

- a. Annual reorganization meeting at a stated time and place within seven (7) days following the annual meeting of the membership of the Corporation.
- b. Regular meetings of the Board will be held monthly at a time and place determined by the Board by resolution at the reorganization meeting.
- c. Special meetings of the Board shall be held upon the request of the Chairperson or any three (3) Directors and at such meetings any business of the Corporation specified on the notice may be transacted. Notice of each special meeting of the meeting of the Board of Directors shall be given personally or by telephone to each Director at least two (2) days before the day of the meeting or by mail at least five (5) days before the day of the meeting and shall state the business to be transacted and the time and place where the meeting is to be held.
- d. All meetings will observe:
  1. Eight (8) members of the Board will constitute a quorum.
  2. An affirmative vote of at least eight (8) members of the Board shall be necessary involving the expenditure of money.
  3. Proxies shall not be legal or permitted at any meeting of the Board of Directors.

Section 6.     Consent of the Directors Without Meeting.     Any action required or permitted to be taken by the Board of Directors or a committee thereof may be taken without a meeting if all members of the Board or committee consent in writing to the adoption of a resolution authorizing the action. The resolution and the written consents thereto by the members of the Board or committee shall be filed with the minutes of the proceedings of the Board or committee.

Section 7.     Vacancies, Resignations, and Removal.     Any Director can resign at any time and any such resignation shall be effective upon delivery thereof in writing to the Corporation without necessity of acceptance by the Board. Any elected Director may be removed at any time for cause by the Board by a two-thirds (2/3) vote of the total voting power of the Board. Vacancies in Board seats elected by Class A and B members shall be filled by the Chairperson of the Board with the advice and consent of the Board with a majority of plus one (1) vote as soon as practicable.

Section 8.     Order of Business.     The order of business at all meetings of the Board of Directors shall be as follows:

1. Calling of the roll.
2. Recognition of guests and communications.
3. Approval of the minutes.
4. Election of Directors or Officers (if required).
5. Reports of the Officers..
6. Reports of the Committees.
7. Unfinished business or any necessary resolutions.
8. New business and resolutions.
9. Miscellaneous.

## **ARTICLE FOUR**

### **Officers and other Personnel**

Section 1. Officers. The Board of Directors shall elect at its annual reorganization meeting required under Article Three, Section 5, a Chairperson, a Vice Chairperson, a Secretary and a Treasurer. The Board may also appoint such other officers as the Board may from time to time determine.

- A. Terms of office shall be limited to two (2) consecutive terms.
- B. No officer shall hold multiple offices.

Section 2. Duties and Powers of Officers. Duties of the Chairperson, Vice Chairperson, Secretary, and Treasurer shall be:

- a) The Chairperson shall preside over all meetings, appoint all committees and shall be an ex-officio member of all committees.
- b) The Vice Chairperson shall, in the absence of the Chairperson, perform the functions and have the duties of the Chairperson. The Vice Chairperson shall have and perform such other duties as may be prescribed by the Board.
- c) The Secretary shall keep the minutes of all meetings of the Board and shall have custody of the seal of the Corporation and shall affix the seal to documents when authorized to do so.
- d) The Treasurer shall oversee accounting functions as is necessary to confirm that the proper financial records of the Corporation are kept; and prepare and file fiscal reports to keep the Board of Directors advised of the financial condition of the Corporation. The Treasurer shall:
  1. Verify that the Corporation shall not expend or commit any funds unless the Manager (as described below) shall first certify that there is a unencumbered balance of funds available for the purpose.
    - a. No expenditure shall be made other than in accordance with and pursuant to a budget for which a total Operating Budget amount has been approved and adopted by the Board of Directors and the Albany Common Council.

2. Verify, prior to payment of bills, claim or demand in excess of \$500.00 against the Corporation, that the Manager has certified that the materials, supplies or equipment have been received according to purchase order or that the work, labor or services have been rendered according to the order or contract.

a. Checks in excess of \$500.00 shall require the endorsement of both the Manager and the Treasurer.

b. All checks shall be hand endorsed.

Section 3. Compensation of Directors and Officers. The Board of Directors and officers shall serve without compensation.

Section 4. Election of Officers. The officers of the Corporation shall be elected by the Board of Directors at the reorganization meeting of the Board except for vacancies which may be filled at any regular or special meeting. All officers shall hold office until the next reorganization meeting of the Board or until successors have been elected by action of the Board. Vacancies resulting from such action by the Board or from the death or resignation of officers shall be promptly filled by the Board.

## ARTICLE FIVE

### **District Manager**

Section 1. Appointment of District Manager. The Board of directors shall appoint and employ, by a majority plus one (1) vote, a Manager for an indefinite term, and shall fix the compensation annually. The Manager shall be appointed solely on the basis of execution and administrative qualifications and shall be responsible for the administration of the day-to-day operations, business and affairs of the Corporation.

- a. The Manager shall be selected by the Board Screening Committee.
- b. The Manager shall be evaluated on an annual basis by the Board of Directors.

Section 2. Powers and Duties. The Manager shall be the Chief Executive Officer of the Corporation and shall be responsible for the implementation of all policies developed by the Board of Directors and the execution of all contracts authorized by the Board. The Manager shall:

- a. See that all provisions of these by-laws, acts of the Board of Directors and all State laws subject to enforcement by Corporation action, are faithful enforced and executed.
- b. Represent the Corporation and assert its proper interest in relation to the City of Albany and other outside agencies, with respect to the negotiation of and execution of contracts and franchises.
- c. Serve in an ex-officio capacity on the Board and all committees of the Board, and may participate in discussions, but may not participate in the vote thereof.

- d. Shall be authorized to sign checks and vouchers of the Corporation, subject to the limitations of these Bylaws, and assist the treasurer in the preparation and filing of fiscal reports to keep the Board advised of the financial condition of the Corporation.
- e. Provide for the exercise of budgetary control for revenues and expenditures as approved by the Board of Directors; develop policies to safeguard the Corporation's financial interest in the fullest extent.
- f. Prepare the current expense and revenue estimates for the annual budget.
- g. Annually prepare a capital improvement plan for submission to the Board of Directors which shall include compilation of the capital expenditure estimates for the annual budget.
- h. Make reports to the Board of Directors as requested by it, and, at least once a year, make an annual report to the Board of Directors and the Albany Common Council on the administration of the Corporation.
- i. Hire, supervise and evaluate the work of all other employees of the corporation.

## ARTICLE SIX

### **Committees**

Section 1. Standing Committees, Special Committees and Committees of the Corporation. The Chairperson may appoint from among the Board standing committees, each to consist of at least two (2) Directors. The Chairperson of each committee shall be a Board member. Non-Board members may serve on any Standing or Special Committee except the Elections Committee. Each committee actions and decisions subject to approval of the Board of Directors. Each committee shall keep minutes of proceedings and report to the Board.

Section 2. Standing Committees. The standing committees of the Board shall be as follows:

- a. Budget and Finance      The Budget and Finance Committee shall work with the Manager and the Treasurer to prepare an annual budget for the district which shall be submitted to the Board of Directors for approval. It shall also review financial reports prepared by the Treasurer and shall review and make recommendations with respect to the financial affairs of the Corporation. This committee shall be chaired by the Treasurer.

Section 3. Special Committees. Special Committees on any subject in which there are no standing committees may also be appointed, which may also include non-Board members.

Section 4. Elections Committee. The Elections Committee shall consist of the three (3) Directors holding Class C memberships and three (3) other Directors appointed by the Board, and shall conduct the elections of Directors from Class A and B membership in accordance with Article Two, Section 8 herein.

## **ARTICLE SEVEN**

### **Indemnification**

To the fullest extent permitted by law, either directly or by the purchase of insurance or in part directly and in part by the (purchase) of insurance, the Corporation shall indemnify each natural person, or if deceased, their personal representative made or threatened to be made a party to any action or proceeding, civil or criminal, including an appeal therein against the reasonable expenses, attorney's fees, judgments, fines and amounts paid in settlement, if such person is made or threatened to be made a party by reason of the fact that they or their testator on intestate is or was: (1) an officer, director or employee of the Corporation, or (2) an officer, director or employee of or served in any other capacity in any other enterprise, at the request of the Corporation, provided that in case of a person serving as an employee or in any other capacity in any other corporation, partnership, joint venture, trust or other enterprise, that such person was at the time so designated to serve by the Corporation, or (3) the occupant of a position or member of a committee or board or a person having responsibilities under the Employee Retirement Income Security Act of 1974, who was appointed to, or served in, or assumed the responsibility of such position, or to such committee or board, or at the request or direction of the Board of the Corporation, or by an officer of the Corporation provided only that such person acted in good faith for a purpose which they reasonably believed would be in the best interest of the Corporation or in the case of service for any other Corporation or any partnership, joint venture, trust, employment benefits plan or other enterprise, not opposed to the best interests of the Corporation, and, in criminal proceedings, had no reasonable cause to believe that their conduct was unlawful. The Corporation's obligations under this Article shall be reduced by the amount of any insurance which is available to any such person whether such insurance is purchased by the Corporation or otherwise. The right of indemnity created herein shall be personal to the officer, director, or employee of the person and their respective legal representative and in no case shall any insurance carrier be entitled to subjugate to any rights created herein.

## **ARTICLE EIGHT**

### **Annual Report**

Section 1. Report to the Corporation. At the annual meeting of the membership, the Board shall present a report, verified by the Chairperson and the Treasurer or by a majority of Directors or certified by an independent public or certified public accountant selected by the Board, showing in appropriate detail the assets and liabilities, including principal changes in the assets and liabilities, the revenue or receipts and the expenses or disbursements of the Corporation. The report shall also indicate the number of members of the corporation as of the last census, together with a statement of increase or decrease in such number during such fiscal year and a statement of the addresses of property owned or occupied by the members and the total assessed value of all real estate which is included in the District. Such report shall be filed with the records of the Corporation and a copy thereof entered in the minutes of the proceedings of the annual meeting of the membership and shall be submitted to the Common Council.

Section 2. Report to Albany Common Council. A proposed annual budget shall be submitted by the Board of Directors to the City of Albany no later than September 1, annually, which shall include:

A. recommendations for the ensuing fiscal year;

- B. estimates of special District operation and maintenance costs;
- C. available federal and state funds and grants
- D. funds anticipated from assessment and any other sources.

## **ARTICLE NINE**

### **Contracts, Gifts and Grants**

Section 1. Consultants. The Board may retain, on behalf of the Corporation, such consultants and/or independent contractors, as it may find desirable and appropriate. The compensation to be paid and responsibilities provided to such consultants and/or independent contractors shall be determined at the discretion of the Board.

Section 2. Contracts. The contracts of the corporation shall be subject to all applicable provisions of law relating to the bidding and letting of contracts by the City of Albany.

Section 3. Gifts; Grants. The Board may accept gifts on behalf of the District to be disposed of as the Board chooses. The Board may accept grants from private institutions and public entities, and enter into contracts for the same.

Section 4. Investments. The Board shall have the power to make investments of the funds of the Corporation and to change the same and sell any part of the securities owned by the Corporation nor any rights or privileges that may accrue thereon.

## **ARTICLE TEN**

### **Miscellaneous**

Section 1. Fiscal Year. The fiscal year of the Corporation shall be the calendar year.

Section 2. Seal. The seal of the Corporation shall be circular in form and shall contain the name of the Corporation, the year of incorporation and the words "New York".

Section 3. Procedure. Procedure of meetings of the Corporation shall be governed by the most recent addition of Robert Rules of Order to the extent not provided for herein.



Section 4. Certificates. The Board may cause to be issued certificates, cards or other instruments permitted by law evidencing membership in the Corporation. Such membership certificate, card or other instrument shall be non-transferable and a statement to that effect shall be noted on the certificate, card or other instrument. Membership certificates, cards or other instruments, if issued, shall bear the signatures or facsimile signatures of an officer or officers designated by the Board and may bear the seal of the Corporation or a facsimile thereof. In lieu of issuing cards or certificates, the Board may allow a list of all property owners and tenants, as can reasonably be determined, to suffice.

## **ARTICLE ELEVEN**

### **Amendments**

These Bylaws may be amended by the vote of a two-thirds (2/3) of all Directors at a regular or special meeting of Directors provided ten (10) days written notice of such meeting shall have been given each Director specifying the amendments to be considered.

## **ARTICLE TWELVE**

### **Dissolution**

- a) The dissolution or other termination of the Corporation shall be in accordance with Section 980-n of the general Municipal Law, or any equivalent section which may then be in effect and , upon dissolution, the assets for the Corporation shall be disposed of in accordance with the same section.
- b) Any district establishment or extended pursuant to the provisions of this article, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be dissolved by local law by the legislative body upon its own motion or upon the written petition of (1) the owners of at least fifty-one percent or more of the total assessed valuation of all benefited real property included in the boundaries of the district and (2) at least fifty-one percent of the owners of benefited real property within the area included in the district. The legislative body shall request and consider the recommendations of the district management association concerning any proposed dissolution; provided that if the association has not submitted recommendations to the legislative body within sixty days after request therefor, the legislative body may adopt any such proposed dissolution without considering such recommendations. In the event of dissolution, all assets of the district shall revert to the municipality.
- c) A certified copy of the order of dissolution shall be filed with the state comptroller at Albany, New York.

## Central Business District

### Property List

03-Sep-97

Number	ADDRESS
1	REAR CENTRAL AVE
2	REAR CENTRAL AVE
3	1 CENTRAL AVE
4	2 CENTRAL AVE
5	3 CENTRAL AVE
6	4-5-6 CENTRAL AVE
7	7 CENTRAL AVE
8	9 CENTRAL AVE
9	11 CENTRAL AVE
10	12 CENTRAL AVE
11	14 CENTRAL AVE
12	15 17 CENTRAL AVE
13	18 CENTRAL AVE
14	20 CENTRAL AVE
15	21 CENTRAL AVE
16	22 CENTRAL AVE
17	23 CENTRAL AVE
18	24 CENTRAL AVE
19	25 CENTRAL AVE
20	26 CENTRAL AVE
21	27 CENTRAL AVE
22	28 CENTRAL AVE
23	29 CENTRAL AVE
24	30 CENTRAL AVE
25	31 CENTRAL AVE
26	32 CENTRAL AVE
27	35 CENTRAL AVE
28	37 CENTRAL AVE
29	40 CENTRAL AVE
30	56 CENTRAL AVE
31	57 CENTRAL AVE
32	58 CENTRAL AVE
33	60 CENTRAL AVE
34	61 CENTRAL AVE
35	62 CENTRAL AVE
36	64 CENTRAL AVE
37	66 CENTRAL AVE
38	68 CENTRAL AVE
39	69 CENTRAL AVE
40	70 CENTRAL AVE
41	73 CENTRAL AVE
42	75 CENTRAL AVE
43	76 CENTRAL AVE
44	77 CENTRAL AVE
45	80 CENTRAL AVE

Number	ADDRESS
46	83 CENTRAL AVE
47	86 CENTRAL AVE
48	87 CENTRAL AVE
49	88 CENTRAL AVE
50	89-95 CENTRAL AVE
51	90 CENTRAL AVE
52	92 CENTRAL AVE
53	94 CENTRAL AVE
54	97 CENTRAL AVE
55	98 CENTRAL AVE
56	102 CENTRAL AVE
57	106 CENTRAL AVE
58	107 CENTRAL AVE
59	109 CENTRAL AVE
60	111 CENTRAL AVE
61	112 CENTRAL AVE
62	113 CENTRAL AVE
63	114 CENTRAL AVE
64	117 CENTRAL AVE
65	121 CENTRAL AVE
66	125 CENTRAL AVE
67	128 CENTRAL AVE
68	130 CENTRAL AVE
69	131 CENTRAL AVE
70	132 CENTRAL AVE
71	134 CENTRAL AVE
72	135 CENTRAL AVE
73	138 CENTRAL AVE
74	139 CENTRAL AVE
75	142 CENTRAL AVE
76	143 CENTRAL AVE
77	145 CENTRAL AVE
78	148 CENTRAL AVE
79	150 CENTRAL AVE
80	152 CENTRAL AVE
81	153 CENTRAL AVE
82	156 CENTRAL AVE
83	157 CENTRAL AVE
84	159 CENTRAL AVE
85	161 CENTRAL AVE
86	163 CENTRAL AVE
87	165 CENTRAL AVE
88	167 CENTRAL AVE
89	171 CENTRAL AVE
90	175 CENTRAL AVE
91	176 CENTRAL AVE
92	178 CENTRAL AVE
93	181 CENTRAL AVE
94	182 CENTRAL AVE
95	184 CENTRAL AVE

Number	ADDRESS
96	196 CENTRAL AVE
97	198 CENTRAL AVE
98	199 CENTRAL AVE
99	204 208 CENTRAL AVE
100	205 CENTRAL AVE
101	207 CENTRAL AVE
102	209 CENTRAL AVE
103	210 CENTRAL AVE
104	211 CENTRAL AVE
105	212 CENTRAL AVE
106	215 CENTRAL AVE
107	216 CENTRAL AVE
108	217 CENTRAL AVE
109	218 CENTRAL AVE
110	219 CENTRAL AVE
111	222 CENTRAL AVE
112	224 CENTRAL AVE
113	232 CENTRAL AVE
114	233 CENTRAL AVE
115	241 CENTRAL AVE
116	249 CENTRAL AVE
117	253 CENTRAL AVE
118	255 CENTRAL AVE
119	257 CENTRAL AVE
120	259 CENTRAL AVE
121	260 CENTRAL AVE
122	262 CENTRAL AVE
123	263 CENTRAL AVE
124	264 CENTRAL AVE
125	265 CENTRAL AVE
126	266 CENTRAL AVE
127	274 CENTRAL AVE
128	276 CENTRAL AVE
129	280 CENTRAL AVE
130	282 CENTRAL AVE
131	284 CENTRAL AVE
132	290 CENTRAL AVE
133	294 CENTRAL AVE
134	295 CENTRAL AVE
135	296 CENTRAL AVE
136	297 CENTRAL AVE
137	299 CENTRAL AVE
138	300 CENTRAL AVE
139	301 CENTRAL AVE
140	302 CENTRAL AVE
141	303 CENTRAL AVE
142	305 CENTRAL AVE
143	307 CENTRAL AVE
144	308 CENTRAL AVE
145	309 CENTRAL AVE

Number	ADDRESS
146	313 CENTRAL AVE
147	315 CENTRAL AVE
148	321 CENTRAL AVE
149	323 CENTRAL AVE
150	324 CENTRAL AVE
151	325 CENTRAL AVE
152	326 CENTRAL AVE
153	327 CENTRAL AVE
154	328 CENTRAL AVE
155	329 CENTRAL AVE
156	330 CENTRAL AVE
157	331 CENTRAL AVE
158	333 CENTRAL AVE
159	334 CENTRAL AVE
160	335 CENTRAL AVE
161	336 CENTRAL AVE
162	337 CENTRAL AVE
163	339 CENTRAL AVE
164	342 CENTRAL AVE
165	346 CENTRAL AVE
166	351 CENTRAL AVE
167	352 CENTRAL AVE
168	353 CENTRAL AVE
169	355 CENTRAL AVE
170	357 CENTRAL AVE
171	361 CENTRAL AVE
172	363 CENTRAL AVE
173	365 CENTRAL AVE
174	368 CENTRAL AVE
175	369 CENTRAL AVE
176	373 CENTRAL AVE
177	379 391 CENTRAL AVE
178	388 CENTRAL AVE
179	394 CENTRAL AVE
180	407 CENTRAL AVE
181	409 CENTRAL AVE
182	419 CENTRAL AVE
183	421 CENTRAL AVE
184	423 CENTRAL AVE
185	425 CENTRAL AVE
186	433 CENTRAL AVE
187	434 CENTRAL AVE
188	435 CENTRAL AVE
189	437 CENTRAL AVE
190	438 CENTRAL AVE
191	439 463 CENTRAL AVE
192	462 CENTRAL AVE
193	464 CENTRAL AVE
194	465 CENTRAL AVE
195	467 CENTRAL AVE

Number	ADDRESS
196	471 CENTRAL AVE
197	475 CENTRAL AVE
198	478 CENTRAL AVE
199	479 CENTRAL AVE
200	REAR 484 CENTRAL AVE
201	484 CENTRAL AVE
202	REAR 488 CENTRAL AVE
203	491 CENTRAL AVE
204	498 CENTRAL AVE
205	501 CENTRAL AVE
206	503 CENTRAL AVE
207	505 CENTRAL AVE
208	511 CENTRAL AVE
209	519 CENTRAL AVE
210	521 CENTRAL AVE
211	523 CENTRAL AVE
212	525 CENTRAL AVE
213	527 CENTRAL AVE
214	530 CENTRAL AVE
215	532 CENTRAL AVE
216	534 CENTRAL AVE
217	536 CENTRAL AVE
218	543 CENTRAL AVE
219	545 CENTRAL AVE
220	550 CENTRAL AVE
221	551 CENTRAL AVE
222	552 CENTRAL AVE
223	558 CENTRAL AVE
224	562 CENTRAL AVE
225	570 CENTRAL AVE
226	574 CENTRAL AVE
227	582 CENTRAL AVE
228	586 CENTRAL AVE
229	590 CENTRAL AVE
230	593 CENTRAL AVE
231	595 CENTRAL AVE
232	600 CENTRAL AVE
233	602 CENTRAL AVE
234	613 CENTRAL AVE
235	615 CENTRAL AVE
236	617 CENTRAL AVE
237	619 CENTRAL AVE
238	621 CENTRAL AVE
239	622 CENTRAL AVE
240	624 CENTRAL AVE
241	625 CENTRAL AVE
242	626 1/2 CENTRAL AVE
243	630 CENTRAL AVE
244	632 CENTRAL AVE
245	633 CENTRAL AVE

Number	ADDRESS
246	634 CENTRAL AVE
247	640 CENTRAL AVE
248	646 CENTRAL AVE
249	648 CENTRAL AVE
250	650-652 CENTRAL AVE
251	651 CENTRAL AVE
252	654 CENTRAL AVE
253	654-A CENTRAL AVE
254	656-658 CENTRAL AVE
255	661 CENTRAL AVE
256	662 CENTRAL AVE
257	663 CENTRAL AVE
258	664 CENTRAL AVE
259	667 CENTRAL AVE
260	669 CENTRAL AVE
261	671 CENTRAL AVE
262	679 CENTRAL AVE
263	683 CENTRAL AVE
264	685 CENTRAL AVE
265	707 CENTRAL AVE
266	718 CENTRAL AVE
267	729 CENTRAL AVE
268	730 CENTRAL AVE
269	733 CENTRAL AVE
270	REAR 740 CENTRAL AVE
271	740 CENTRAL AVE
272	742 CENTRAL AVE
273	744 CENTRAL AVE
274	748 CENTRAL AVE
275	REAR 750 CENTRAL AVE
276	750 CENTRAL AVE
277	752 CENTRAL AVE
278	756 CENTRAL AVE
279	758 CENTRAL AVE
280	760 CENTRAL AVE
281	764 CENTRAL AVE
282	788 CENTRAL AVE
283	792 CENTRAL AVE
284	800 CENTRAL AVE
285	804 CENTRAL AVE
286	808 CENTRAL AVE
287	810 CENTRAL AVE
288	815 CENTRAL AVE
289	818 CENTRAL AVE
290	820 CENTRAL AVE
291	900 CENTRAL AVE
292	941 CENTRAL AVE
293	945 CENTRAL AVE
294	956 CENTRAL AVE
295	957 CENTRAL AVE

Number	ADDRESS
296	960 CENTRAL AVE
297	964 CENTRAL AVE
298	966 CENTRAL AVE
299	REAR 966 CENTRAL AVE
300	967 CENTRAL AVE
301	968 CENTRAL AVE
302	970 CENTRAL AVE
303	REAR 970 CENTRAL AVE
304	977 CENTRAL AVE
305	979 CENTRAL AVE
306	980 CENTRAL AVE
307	982 CENTRAL AVE
308	993 CENTRAL AVE
309	997 CENTRAL AVE
310	1006 CENTRAL AVE
311	1007 CENTRAL AVE
312	1009 CENTRAL AVE
313	1010 CENTRAL AVE
314	1012 CENTRAL AVE
315	1018 CENTRAL AVE
316	1020 CENTRAL AVE
317	1024 CENTRAL AVE
318	1025 CENTRAL AVE
319	REAR 1025 CENTRAL AVE
320	1029 CENTRAL AVE
321	1030 CENTRAL AVE
322	1032 CENTRAL AVE
323	1033 CENTRAL AVE
324	1035 CENTRAL AVE
325	1038 CENTRAL AVE
326	1044 CENTRAL AVE
327	1045 CENTRAL AVE
328	1047 CENTRAL AVE
329	1048 CENTRAL AVE
330	1051 1/2 CENTRAL AVE
331	1054 CENTRAL AVE
332	1056 CENTRAL AVE
333	1060 CENTRAL AVE
334	1062 CENTRAL AVE
335	1072 CENTRAL AVE
336	REAR 1074 CENTRAL AVE
337	REAR 1076 CENTRAL AVE
338	1080 CENTRAL AVE
339	1095 CENTRAL AVE
340	1096 CENTRAL AVE
341	1099 CENTRAL AVE
342	PT OF 1099 CENTRAL AVE
343	PT OF 1099 CENTRAL AVE
344	1112 CENTRAL AVE
345	1114 CENTRAL AVE



Number	ADDRESS
346	1120 CENTRAL AVE
347	1124 CENTRAL AVE
348	1 COLVIN AVE
349	2 COLVIN AVE
350	3 COLVIN AVE
351	8 COLVIN AVE
352	11-17 COLVIN AVE
353	12 COLVIN AVE
354	217 N ALLEN ST
355	219 N ALLEN ST
356	221 N ALLEN ST
357	225 N ALLEN ST
358	226 N ALLEN ST
359	232 N ALLEN ST
360	238 N ALLEN ST
361	REAR RUSSELL RD
362	REAR RUSSELL RD
363	153 WASHINGTON AVE
364	202 WASHINGTON AVE
365	204 WASHINGTON AVE
366	206 WASHINGTON AVE
367	208 WASHINGTON AVE
368	212 WASHINGTON AVE
369	214 WASHINGTON AVE
370	216 WASHINGTON AVE
371	218 WASHINGTON AVE
372	222 WASHINGTON AVE
373	224 WASHINGTON AVE
374	226 WASHINGTON AVE
375	228 WASHINGTON AVE
376	230 WASHINGTON AVE
377	232 WASHINGTON AVE
378	234 WASHINGTON AVE
379	236 WASHINGTON AVE
380	238 WASHINGTON AVE
381	242 WASHINGTON AVE
382	244 WASHINGTON AVE
383	246 WASHINGTON AVE
384	250 WASHINGTON AVE
385	254 WASHINGTON AVE
386	262 WASHINGTON AVE
387	266 WASHINGTON AVE
388	268 WASHINGTON AVE
389	273 WASHINGTON AVE
390	277 WASHINGTON AVE
391	279 WASHINGTON AVE
392	281 WASHINGTON AVE
393	281A WASHINGTON AVE
394	283 WASHINGTON AVE
395	285 WASHINGTON AVE

Number	ADDRESS
396	1 WATERVLIET AVE EXT
397	3 WATERVLIET AVE EXT
398	WATERVLIET AVE EXT PARCEL