Whitefish Bay

Business Improvement District (BID)

2011 Operating Plan

BID Board Approved – November 5, 2010

Village of Whitefish Bay Board Approved – November 15, 2010
A. Background

In 1984, the State of Wisconsin created Section 66.1109 of the Statutes ("BID Law") enabling municipalities to establish Business Improvement Districts upon the petition of the owner of at least one property used for commercial purposes within the proposed district. The purpose of the law is “… to allow businesses within those districts to develop, to manage, and to promote the districts and to establish an assessment method to fund these activities.” (1983 Wis. Act 184, Section 1, legislative declaration.)

In 2008, the Village of Whitefish Bay received petitions from several owners of property (Appendix A) used for commercial purposes in the Village and within the proposed district, requesting creation of a Whitefish Bay Business Improvement District (the “BID”) for the entire Village commercial area (see map, Appendix B). The Village Board for the Village of Whitefish Bay approved this request on September 2, 2008 with adoption of the 2009 Operating Plan and the BID became effective on January 1, 2009. Pursuant to BID Law, this proposed operating plan ("BID Plan") for the proposed BID has been developed by a group of business and property owners. The following broad objectives were identified:

- Commitment to the Community and Commercial Interests;
- Develop marketing and public relations campaigns;
- Create a champion for the street;
- Be a liaison to the Village, commercial interests, media;
- Partnership with the Village to engage in business attraction and recruitment; and
- Organize and implement special events in the district.

The formation of the BID was suggested as the best means to provide the leadership, organization, and funding to achieve these objectives.

B. Goals of the Business Improvement District

A business improvement district creates a mechanism for nonresidential property owners to levy and collect assessments to finance the achievement of common goal(s). The BID will be dedicated to increasing activity and improving the image of the BID. Staff with a professional or volunteer manager, the BID will create a link between service, retail, civic, and social activities. It is anticipated that these efforts will help increase BID sales volume, attract additional business investment, and enhance property values in the BID commercial areas.

An operating Board composed of property owners, tenant business owners, and residents interested in the BID, appointed by the Village President, will oversee its operation, as further defined in Section F, below. The Village of Whitefish Bay will collect assessments from the property owners located within the BID that will cover budget costs of carrying out the BID Plan, as further defined in Section G, below.
C. Adoption Process

The BID Law establishes a specific process for reviewing and approving proposed districts, which will be followed in relation to the BID and Village meeting schedule, including the following steps:

September 10th – Draft 2011 Operating Plan Distributed to the BID Board for Review.

October 1st – BID Board to review draft 2011 Operating Plan.

November 5th – BID Board to adopt 2011 Operating Plan and recommend its approval to the Whitefish Bay Village Board.

November 15th – Village Board to review and adopt 2011 BID Operating Plan.


D. Boundaries

The BID consists generally of an area bounded by Lakeview Avenue on the north, Lake Drive/Danbury Road on the east, Silver Spring Drive on the south, and Lydell Avenue on the west. The exact boundaries of the BID are shown in Appendix B, which is attached hereto and incorporated herein by this reference. Nearly all commercial property within the Village of Whitefish Bay will be included in this BID.

E. Objectives and Budget of the Business Improvement District

Mission Statement: “The Whitefish Bay Business Improvement District (the “BID”) is committed to the commercial interests along Silver Spring Drive and Village Residents through the development of marketing and public relations initiatives to increase awareness; creation of an organization that is a champion for the street; link to the Village, other commercial interests, and the media; partnership with the Village to engage in business attraction and recruitment; and continued development of special events to bring people to the street.”
This BID Plan and the following budget are hereby adopted for the calendar year 2011:

### 2011 BID Budget

<table>
<thead>
<tr>
<th>Revenue</th>
<th>2009 Actual</th>
<th>2010 Budget</th>
<th>2010 Projected</th>
<th>2011 Budget</th>
<th>% Diff</th>
</tr>
</thead>
<tbody>
<tr>
<td>BID Assessment</td>
<td>40,454</td>
<td>60,515</td>
<td>60,518</td>
<td>59,871</td>
<td>-1.1%</td>
</tr>
<tr>
<td>BPA Funds</td>
<td>2,248</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Donations</td>
<td>420</td>
<td>12,500</td>
<td>1,498</td>
<td>254</td>
<td>-98.0%</td>
</tr>
<tr>
<td>Event Fee Income</td>
<td>6,332</td>
<td>8,300</td>
<td>2,246</td>
<td>3,150</td>
<td>-62.0%</td>
</tr>
<tr>
<td>Event Sales</td>
<td>-</td>
<td>-</td>
<td>4,020</td>
<td>4,000</td>
<td>0.0%</td>
</tr>
<tr>
<td>Fundraising</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Grants</td>
<td>-</td>
<td>500</td>
<td>-</td>
<td>-</td>
<td>-100.0%</td>
</tr>
<tr>
<td>Interest Income</td>
<td>234</td>
<td>250</td>
<td>101</td>
<td>100</td>
<td>-60.0%</td>
</tr>
<tr>
<td>Rental Income</td>
<td>11,450</td>
<td>-</td>
<td>660</td>
<td>1,500</td>
<td>0.0%</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>61,137</td>
<td>82,065</td>
<td>82,944</td>
<td>85,875</td>
<td>4.6%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>2009 Actual</th>
<th>2010 Budget</th>
<th>2010 Projected</th>
<th>2011 Budget</th>
<th>% Diff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising/Printing</td>
<td>3,328</td>
<td>8,000</td>
<td>5,836</td>
<td>11,885</td>
<td>48.6%</td>
</tr>
<tr>
<td>Annual Audit</td>
<td>-</td>
<td>3,000</td>
<td>2,000</td>
<td>2,000</td>
<td>-33.3%</td>
</tr>
<tr>
<td>Events</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food</td>
<td>1,435</td>
<td>1,500</td>
<td>1,305</td>
<td>1,325</td>
<td>-11.7%</td>
</tr>
<tr>
<td>Holiday Stroll</td>
<td>6,808</td>
<td>13,000</td>
<td>5,452</td>
<td>10,000</td>
<td>-23.1%</td>
</tr>
<tr>
<td>Parade</td>
<td>1,825</td>
<td>-</td>
<td>500</td>
<td>2,500</td>
<td>0.0%</td>
</tr>
<tr>
<td>Other Events</td>
<td>1,208</td>
<td>4,000</td>
<td>1,070</td>
<td>2,500</td>
<td>-37.5%</td>
</tr>
<tr>
<td>Insurance</td>
<td>675</td>
<td>600</td>
<td>825</td>
<td>825</td>
<td>37.5%</td>
</tr>
<tr>
<td>Marketing</td>
<td>2,680</td>
<td>-</td>
<td>10,631</td>
<td>4,900</td>
<td>0.0%</td>
</tr>
<tr>
<td>Miscellaneous *</td>
<td>1,933</td>
<td>2,600</td>
<td>6,782</td>
<td>1,640</td>
<td>-36.9%</td>
</tr>
<tr>
<td>Rent and Utilities</td>
<td>1,000</td>
<td>1,915</td>
<td>1,200</td>
<td>1,200</td>
<td>-37.3%</td>
</tr>
<tr>
<td>Retail Incentive Program</td>
<td>-</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>0.0%</td>
</tr>
<tr>
<td>Sponsorships</td>
<td>2,450</td>
<td>2,450</td>
<td>100</td>
<td>100</td>
<td>-95.9%</td>
</tr>
<tr>
<td>Staff</td>
<td>15,625</td>
<td>25,000</td>
<td>19,340</td>
<td>25,000</td>
<td>0.0%</td>
</tr>
<tr>
<td>Street Beautification</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2,000</td>
<td>0.0%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>38,967</td>
<td>82,065</td>
<td>75,041</td>
<td>85,875</td>
<td>4.6%</td>
</tr>
</tbody>
</table>

| Total Budget                                 | 22,170      | -           | 7,903          | -           |        |

* Includes bad debt, bank service fee, internet, license & permits, meetings, miscellaneous expenses, office supplies, telephone, training, and travel.
The Village President appointed the following BID Board members confirmed by the Village Board on April 19, 2010:

<table>
<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>Position</th>
<th>Appointed</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tox Dixon</td>
<td>Bus/Prop Owner</td>
<td>Chairperson</td>
<td>2009</td>
<td>2011</td>
</tr>
<tr>
<td>Karen Baker Mathu</td>
<td>Bus/Prop Owner</td>
<td>Vice-Chairperson</td>
<td>2009</td>
<td>2011</td>
</tr>
<tr>
<td>Ted Ballisterri</td>
<td>Bus/Prop Owner</td>
<td>Member</td>
<td>2009</td>
<td>2011</td>
</tr>
<tr>
<td>Aimee Matchette</td>
<td>Bus/Prop Owner</td>
<td>Treasurer</td>
<td>2009</td>
<td>2012</td>
</tr>
<tr>
<td>Greg Mahalick</td>
<td>Bus/Prop Owner</td>
<td>Member</td>
<td>2009</td>
<td>2012</td>
</tr>
<tr>
<td>Joshua Welsh</td>
<td>Resident</td>
<td>Member</td>
<td>2009</td>
<td>2012</td>
</tr>
<tr>
<td>James O’Connel</td>
<td>Bus/Prop Owner</td>
<td>Member</td>
<td>2010</td>
<td>2013</td>
</tr>
<tr>
<td>Heather Nill</td>
<td>Resident</td>
<td>Secretary</td>
<td>2009</td>
<td>2013</td>
</tr>
<tr>
<td>John Stuhlmacher</td>
<td>Bus/Prop Owner</td>
<td>Member</td>
<td>2010</td>
<td>2013</td>
</tr>
</tbody>
</table>

The Board’s primary responsibility is to implement the BID Plan, and the Board shall have all powers necessary or convenient to implement the BID Plan. In 2009, the BID Board established the following committees to assist in the implementation of the Operating Plan (Chairperson):

- Design Committee (Greg Mahalick) – Review and follow up on any design or aesthetic issues that require correction within the district including maintenance needs either public or private. Administer the Sandwich Board Program.
- Economic Restructuring Committee (Tom Dixon) – Provides financial insight to the tools necessary for revitalization of the district including incentive programs, BID budget, donations, and other fundraising. Administer the Retail Incentive Program.
- Organization Committee (Josh Welsh) – Works with the members of the BID to develop programs and other initiatives to assist business and property owners with their growth within the district.
- Promotions Committee (Aimee Matchette) – Develop and implement marketing, advertising, special events, and other promotional programs to increase the exposure of the district and businesses.

The BID Board shall have the power to contract subject to Village Board approval for any contract over $10,000. This includes the power of the Board to negotiate with providers of goods and services to carry out the BID Plan; to enter into various contracts or hire for staffing; to monitor development activity; to annually revise the BID Plan; and to ensure compliance with the provision of applicable statutes and regulations.

State Law mandates that the Board be composed of at least 5 members and that a majority of the Board be owners or occupants of property within the District (or representatives of entity owners or occupants of property within the district).
The BID Board shall be structured and operate as follows:

1. Board Size: 9 members plus one ex-officio (non-voting) member of the Village of Whitefish Bay either the Village Manager or his designee.
2. Composition: At least 7 members must be owners or occupants of property within the BID. Any non-owner or non-occupant appointed to the Board shall be a resident of the Village of Whitefish Bay or represent an entity identified with Whitefish Bay. The Village President shall designate the first Chairman of this Board.
3. Terms: Appointment to the Board shall be for a period of three years except that initially 3 members shall be appointed for a period of 3 years, 3 members shall be appointed for a period of 2 years, and 3 members shall be appointed for a period of 1 year.
4. Compensation: None.
5. Meetings: All meetings of the Board shall be open to the public and governed by the Wisconsin Open Meetings Law.
6. Record Keeping: Files, records, and other materials of the Board’s affairs shall be kept pursuant to public records requirements.
7. Staffing: The BID Board may contract or hire for staffing and other services as needed to carry out the Plan subject to Village Board approval for any contract over $10,000.
8. Meetings: The Board shall meet regularly, at least annually. The by-laws, attached hereto as Appendix C, are incorporated herein by reference. If necessary, the Board shall adopt rules of order to govern the conduct of its meetings not inconsistent with this Plan.
9. The initial BID Board members and members who have resigned or whose terms have expired will be appointed periodically by the Village President.

On or before April 1 of each year, the Board shall submit its recommendations for appointment to the Village President for the seats of Board Members whose terms have expired or who have resigned.

G. Payment of Expenses; Method of Assessment

All expenses to be incurred by the BID pursuant to the budget set forth in Section E, above, shall be paid as incurred out of income received by the BID. The BID’s income for the calendar year 2010 shall include (a) assessment revenue from property owners within the BID, (b) grant money awarded, (c) fundraising and event income, and (d) any donations made.

The principle behind the BID assessment is that the owner of each assessable property within the BID boundaries shall pay for a proportionate share of BID expenses, based on the assessed value of the property for real estate tax purposes. The assessment method is as follows: An annual assessment will be levied against each property located within the BID boundaries, and not otherwise exempted hereunder, in the amount computed by applying a $1.60 charge per $1,000 of assessed value for that property for general real estate tax purposes as of the date of adoption of the BID Plan for such year, subject to a maximum payment of $3,500 per property owner. The method of assessment is expected to remain unchanged during the first 3 years of the BID’s existence, unless the governing board of the BID or the Village alters the assessment pursuant to the BID Law.
Any property that is used exclusively for residential purposes will not be assessed by the BID. However, any property that is used only in part for residential purposes shall be assessed by the BID in the proportion that the area of the property used for nonresidential purposes bears to the total area of the property.

Property exempt from general real estate taxes has been excluded from the BID. Owners of tax exempt property adjoining the BID and expected to benefit from the BID activities will be asked to make a financial contribution to the BID on a voluntary basis. Funds collected in this manner in any given year shall be used to reduce the assessment against taxable property in the District for the following year. In addition, those exempt properties adjoining the BID which are later determined no longer to be exempt from general property taxes shall automatically become included with the BID and subject to assessment under any current operating plan without necessity to undertake any other act.

The BID assessment for each property will be calculated by the Board and will be submitted to the Village of Whitefish Bay together with an annual operating plan, prior to the time each year that tax bills are printed. The Village shall include the approved BID assessments as a separate line item on the next real estate tax bill issued for each property within the BID boundaries. The Village shall collect the assessment with the taxes as a special charge and shall turn over all monies so collected to the BID Board for distribution in accordance with the BID Plan and the BID Law. All BID assessments shall be treated as special charges and shall be shown on the tax bill as due and owing with the first installment of taxes, and if not paid when such first installment is due, shall accrue interest and penalties applicable to delinquent taxes. Any money collected by the Village of Whitefish Bay for BID assessments shall be held by the Village in a segregated account until it is released to the BID Board as provided herein.

A list of projected assessments for each property within the proposed BID boundaries and the projected total amount to be raised through assessments in 2010 is attached hereto as Appendix D. A list of projected assessments for each property within the proposed BID boundaries will be established for each subsequent year by applying this formula, and shall be available at the Village of Whitefish Bay.

The BID Board shall prepare and make available to the public and the Village an annual report generally describing the current status of the BID, including an accounting of the prior year’s expenditures and revenues, prior to or at the time it submits its annual operating plan to the Village for the following year. This submission shall include an independent certified audit which shall be obtained by the Village of Whitefish Bay, and which shall be paid from the BID Budget at a cost of no greater than that shown in the BID Budget for general operations.
H. Village of Whitefish Bay’s Role

The Village of Whitefish Bay is committed to helping private property owners in the BID. The Village will play a significant role in the creation of the BID and in the implementation of the BID Plan. The Village will:

1. Collect assessments and deposit them in a segregated account; disburse these monies to the BID Board along with identification of those BID assessments included in the disbursement.
2. Procure and review annual audits as required per section 66.1109.
3. Monitor and, when appropriate, apply for outside funds that could be used in support of the BID.
4. Encourage County, State, and Federal Governments to support the activities of the BID.
5. Authorize the BID to administer Sandwich Sign Program (Appendix F).

I. Promotion of Orderly Development of the Village

Under Wisconsin Statutes section 66.1109(1)(f)(4), this BID Plan is required to specify how the creation of the BID promotes the orderly development of the Village including the Village Comprehensive Plan and Master Plan as manifest in the Village Code, and more particularly District 11 of the Zoning Code. The BID will enhance the commercial awareness and atmosphere in the Village and, consequently, increase business activity. Increased business activity will increase sales tax revenues and property tax base in the Village.

J. Required Statements

The Business Improvement District law requires this BID Plan to include several specific statements:

1. Wisconsin Statutes section 66.1109(1)(f)(lm): The BID may contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the standard formula set forth in this BID Plan because it is assumed that they will benefit from development of the BID.
2. Wisconsin Statutes section 66.1109(1)(f)(5): A legal opinion from the Village of Whitefish Bay Attorney indicated that this BID Plan complies with all applicable provisions of state law is attached as Appendix D and incorporated herein by this reference.
3. Wisconsin Statutes section 66.1109(5)(a): Property known to be used exclusively for residential purpose will not be assessed.
**K. Severability and Expansion**

The BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin.

Should any court find any portion of this statute invalid or unconstitutional said decision will not invalidate or terminate the BID and this BID plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the statute to narrow or broaden the powers of a Business Improvement District so as, amongst other things, to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Whitefish Bay Village Board as needed when it conducts its annual budget approval and authorization, without necessity to undertake any other act.

All of the above is specifically authorized under Wisconsin Statutes section 66.1109(3)(b).

All expenditures of the BID shall be financed through the assessment method identified above; however, the Board is also empowered to accept and secure other gifts donations, grants, and other monies, to carry out other actions in keeping with the general goals of the BID identified herein. All expenditures shall be made in the BID, or for its benefit.

Attachments:

**Appendix A** – 2008 Petitions for the Formation of a Business Improvement District

**Appendix B** – Map Defining Boundaries of the Business Improvement District

**Appendix C** – Bylaws for the Business Improvement District Board

**Appendix D** – Projected Assessments on Properties to be included in BID

**Appendix E** – Wisconsin Statute 66.1109

**Appendix F** – BID Sandwich Board Program

**Appendix G** – Legal Opinion for BID Operating Plan
Appendix A

2008 Petitions for the Formation of a Business Improvement District
Petition for Creation of a Business Improvement District

We the undersigned owner(s) of real property used for commercial purposes located in the proposed Business Improvement District, hereby petition the Village of Whitefish Bay, Wisconsin, pursuant to the provisions of Sec. 66.1109 Stats., for the creation of a Business Improvement District for the business along and in the near vicinity of E. Silver Spring Dr. from Lydell Ave. to Lake Dr.

Name of Commercial Property Owner:

Commercial Property Address: 601-629 E. Silver Spring Dr.

Signature of Commercial Property Owner:

Title of Commercial Property Owner: Managing Partner Date: 5/29/08

For Office Use Only:

Date Received: 5/29/08

Received by: [Signature]
Petition for Creation of a Business Improvement District

We the undersigned owner(s) of real property used for commercial purposes located in the proposed Business Improvement District, hereby petition the Village of Whitefish Bay, Wisconsin, pursuant to the provisions of Sec. 66.1109 Stats., for the creation of a Business Improvement District for the business along and in the near vicinity of E. Silver Spring Dr. from Lydell Ave. to Lake Dr.

Name of Commercial Property Owner: Twlan LLC

Commercial Property Address: 4609 E. Silver Spring

Signature of Commercial Property Owner: [Signature]

Title of Commercial Property Owner: [Title]

Date: 6/21/07

For Office Use Only:

Date Received: 6/24/08

Received by: [Signature]
Appendix B

Map Defining Boundaries of the Business Improvement District
Appendix B

Proposed Business Improvement District
Whitefish Bay, Wisconsin

See Appendix D for detailed property listing
Appendix C

Bylaws for the Business Improvement District Board
Whitefish Bay Business Improvement District  
By-Laws 2010

Article I  
Name and Office

The name of the Business Improvement District shall be the Whitefish Bay Business Improvement District (BID). The Board of the BID (hereafter, the “Board”) shall determine the location of the office for the BID. As used herein, “BID” shall refer to the organization of Members, as that term is defined below, and “District” shall refer to the property located within the physical boundaries identified in the Whitefish Bay Business Improvement District Operating Plan as amended from time to time, which is incorporated herein by this reference (hereafter, the “Plan”).

Article II  
Purpose and Powers

It shall be the purpose of the BID to perform all acts authorized by law for a Business Improvement District, including but not limited to redeveloping, developing, managing, and promoting the District as authorized by Wisconsin law. The BID shall work within the bounds of the law in order to retain existing business uses and attract new businesses and other uses to the District and to otherwise implement the Plan. The Board shall have all powers necessary or convenient to implement the Plan, including the power to contract subject to approval from the Village Board for contracts exceeding $10,000.

Article III  
Members

Owners and tenants of real estate in the District upon which assessments are levied by the Village of Whitefish Bay for the purpose of funding the BID’s operating and program costs, shall be members of the BID, although they are not members of the Board (each such owner or occupant shall hereinafter be referred to as a “Member” and all Members shall collectively be referred to as the “Members”). Membership terminates when a Member ceases to have an interest in such real estate, whether as an owner or as a tenant. Members shall be entitled to receive information and to advise the Board, but shall have no other rights beyond those prescribed by Section 66.1109 of the Wisconsin statutes.

Article IV  
Membership Meetings

General meetings of the Members shall be held at least annually, in the Village of Whitefish Bay, Wisconsin (the “Village”) at a time and place to be determined by the Board. Special meetings may be called with the approval of 4 Board members. The annual meeting shall be held on the fourth Wednesday of March of each year.
Article V  
BID Board

Number and Designation: The affairs of the BID shall be managed by the Board, as identified in the Plan. The existing Board, if any, shall nominate a candidate(s) to fill each vacancy in the Board to the Village President. A total of 9 individuals will serve as Board members annually; one member is to be from the community-at-large. One ex-officio (nonvoting) member will be the Village Manager or his designee of the Village.

Term of Board Member: Appointment to the Board shall be for a period of three years each, except that initially three members of the Board shall be appointed for three year terms, three members of the Board shall be appointed for two year terms, and three members of the Board will be appointed for one year terms. Each Board member will be appointed by May 1 of the specified year. A Board member shall continue to serve until the appointment of such party's successor.

Board Meetings: Board meetings shall be held at least once annually and at such times as the Board deems necessary, upon at least as much notice as is required by the Open Meetings Law. All Board members are expected to actively participate in the meetings and to notify the Chairperson or designee if unable to attend. Missing two regularly scheduled meetings without prior notification shall be grounds for removal from the Board. A quorum shall consist of 5 members of the Board. Except as otherwise provided herein, all votes of the Board shall be by simple majority of the Board members present at a meeting. Board meetings and Members meetings are public meetings and their records are public records subject to the Wisconsin Open Meetings Laws and Public Records Laws.

Resignation and Removal: A Board member may resign by filing a written resignation with the Secretary. Any Board member may be removed by an affirmative vote of two-thirds of all of the members of the Board whenever, in its judgment, the best interests of the BID would be served thereby, after notice and opportunity for a hearing are afforded the Board member in question. Upon a vacancy being created on the Board, the Board shall petition the Village President to appoint a replacement nominated by the Board.

Article VI  
Officers

Officers Generally: The officers of the BID shall be Chairperson/ Vice Chairperson/Secretary/and Treasurer nominated and elected by the Board, except that at the appointment of the initial Board, the Village President shall designate one Board member as Chairman until the Board can elect its officers. The officers shall be Board members and shall be elected by the Board annually at the first regularly scheduled meeting of the Board subsequent to the appointment by the Village President and confirmation by the Village Board of new Board members. The officers shall serve at the pleasure of the Board. Term of office shall be one year, but a BID officer shall continue to serve until the appointment of such party’s successor. An officer can serve in the same capacity as in the previous year if so appointed. Any officer elected or appointed by the Board may be removed by an affirmative vote of two-thirds of all of the
members of the Board whenever, in its judgment, the best interests of the BID would be served thereby.

**Chairperson:** The Chairperson shall preside at all meetings of the Board and of the members. The Chairperson may sign with the Secretary, or any other proper officer of the organization authorized by the Board, any deed, mortgage, bond, contract, or other instrument which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated to some other officer or agent of the organization. In general, the Chairperson shall perform all duties incident of the office of Chairperson and such other duties that shall be prescribed by the Board from time to time.

**Vice-Chairperson:** In the absence of the Chairperson or in the event of the Chairperson’s inability or refusal to act, the Vice-Chairperson shall perform the duties of the Chairperson, and, when so acting, shall have all the powers of and subject to, all the restrictions upon the Chairperson. The Vice-Chairperson shall perform other duties as from time to time may be assigned by the Chairperson or by the Board.

**Secretary:** The Secretary shall keep the permanent minutes of the meetings of the Board and of the Members in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these bylaws, or as required by law; be custodian of the records; keep a register of the name and address of each Member; and in general, perform all duties incident to the office of Secretary and such other duties as may be assigned from time to time by the Chairperson.

**Treasurer:** The Treasurer shall have charge and custody of and be responsible for all funds and securities of the BID. The Treasurer shall perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the Board. The Treasurer and Chairperson shall prepare annual operating budgets showing income and expenses to be presented to the Board for approval.

**Article VIII**

**Financial**

The Chairperson or the Treasurer is authorized on behalf of the BID to open such bank accounts, checking accounts, or accounts with a Village financial institution as the Board may authorize. The authorized signers of checks or withdrawal orders in connection with any such account shall be any two of the officers whose names and signatures shall have been certified to such financial institutions from time to time by the Secretary of the BID, and at least one who shall be the Chairperson or Treasurer of the BID. Any financial institution shall be fully protected in relying on any such certification by the Secretary until it shall have received written notice of change in such office or such signing authority.

The Chairperson of the BID shall approve all invoices for goods supplied or services rendered to the BID for payment and payment will be made by procedures established by the Chairperson and Treasurer.
Board members may make application to the Chairperson for reimbursement of out-of-pocket expenses incurred in connection with service to the BID up to $100.00. Reimbursement for out-of-pocket expenses in excess of $100.00 will require prior approval according to procedures established by the Chairperson.

**Article IX**

Fiscal Year

The Fiscal Year of the BID shall be the calendar year.

**Article X**

Non-Profit and Non-Partisan

The BID shall be non-profit, non-partisan and non-sectarian and shall take no part in or lead its influence, facilities, either directly or indirectly, to the nomination, election, or appointment of any candidate for public office in the Village, County, State or Nation.

The BID will be a quasi-governmental entity, created by the Village Board, in accordance with the Wisconsin Business Improvement Law.

**Article XI**

Amendment of By-Laws

These Bylaws may be amended to the extent not in conflict with Sec. 66.1109 WI Stats. or the Plan, by an amendment adopted by a simple majority of the Board members at two consecutive regular meetings of the Board.

**Article XII**

Board Liability

Board members shall be indemnified in accordance with Section 895.46 Wis Stats. as amended.

**Article XIII**

Other Organizations

The BID shall be a separate entity from any other organization.
Appendix D

Projected Assessments on Properties to be included in the BID
## Appendix D

Projected Assessments for Commercial Properties to be Included in the BID

<table>
<thead>
<tr>
<th>Index</th>
<th>Number</th>
<th>Dir.</th>
<th>Street</th>
<th>Type</th>
<th>Property Owner</th>
<th>Parcel Number</th>
<th>Assessed Property Value</th>
<th>Percentage of Property</th>
<th>2011 Prop. Assess.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>106</td>
<td>West</td>
<td>Silver Spring Drive</td>
<td>130, LLC</td>
<td>166-0270-001</td>
<td>$1,698,600</td>
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<td>$3,500</td>
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<tr>
<td>2</td>
<td>130</td>
<td>West</td>
<td>Silver Spring Drive</td>
<td>130, LLC</td>
<td>166-0270-002</td>
<td>$526,200</td>
<td>1.07%</td>
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<tr>
<td>3</td>
<td>131</td>
<td>West</td>
<td>Silver Spring Drive</td>
<td>JBC 8 LLC (Apartments)</td>
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<td>-</td>
<td>0.00%</td>
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<tr>
<td>4</td>
<td>115</td>
<td>West</td>
<td>Silver Spring Drive</td>
<td>Kids 1, LLC</td>
<td>166-0366</td>
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<td>0.81%</td>
<td>$639</td>
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<tr>
<td>5</td>
<td>105</td>
<td>West</td>
<td>Silver Spring Drive</td>
<td>Kids 1, LLC</td>
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<td>0.97%</td>
<td>$766</td>
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<td>6</td>
<td>120</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Dominican HS Corp</td>
<td>166-0353-001</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td>7</td>
<td>5635</td>
<td>North</td>
<td>Santa Monica Boulevard</td>
<td>St. Monica's Congregation</td>
<td>166-0357-001</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td>8</td>
<td>103</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>The Milson Company</td>
<td>166-0364</td>
<td>$1,031,900</td>
<td>2.10%</td>
<td>$1,651</td>
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<tr>
<td>9</td>
<td>111</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Dakota Properties LLC</td>
<td>197-0040-003</td>
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<td>10</td>
<td>153</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>The Kent Building LLC</td>
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<td>11</td>
<td>171</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>M &amp; I Bank #115</td>
<td>197-0015</td>
<td>$377,200</td>
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<tr>
<td>12</td>
<td>177</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>M &amp; I Bank #115</td>
<td>197-0014</td>
<td>$2,689,400</td>
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<td>13</td>
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<td>Silver Spring Drive</td>
<td>Otto C. Gebhardt Trust</td>
<td>197-0001</td>
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<tr>
<td>14</td>
<td>219</td>
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<td>Silver Spring Drive</td>
<td>Otto C. Gebhardt Trust</td>
<td>198-0315</td>
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<tr>
<td>15</td>
<td>302</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Silver Fox Properties, LLC</td>
<td>165-0334</td>
<td>$460,000</td>
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<tr>
<td>16</td>
<td>306</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Silver Fox Properties, LLC</td>
<td>165-0336</td>
<td>$1,982,500</td>
<td>4.03%</td>
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<tr>
<td>17</td>
<td>316</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Silver Fox Properties, LLC</td>
<td>165-0337</td>
<td>$2,414,500</td>
<td>4.91%</td>
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<tr>
<td>18</td>
<td>342</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Silver Fox Properties, LLC</td>
<td>165-0338</td>
<td>$384,000</td>
<td>0.78%</td>
<td>-</td>
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<tr>
<td>19</td>
<td>399</td>
<td>East</td>
<td>Beaumont Avenue</td>
<td>Village of Whitefish Bay</td>
<td>165-0333</td>
<td>-</td>
<td>0.00%</td>
<td>-</td>
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<tr>
<td>20</td>
<td>400</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Susan Garrison Trust</td>
<td>165-0340</td>
<td>$906,800</td>
<td>1.84%</td>
<td>$1,451</td>
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<td>21</td>
<td>412</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>East Bay Building Co.</td>
<td>165-0341</td>
<td>$1,658,700</td>
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<tr>
<td>22</td>
<td>430</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Associated Bank</td>
<td>165-0342</td>
<td>$1,567,300</td>
<td>3.18%</td>
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<td>23</td>
<td>325</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>BV/B2 LLC</td>
<td>198-0287</td>
<td>$3,665,300</td>
<td>7.45%</td>
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<tr>
<td>24</td>
<td>401</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>TOV LANU, LLP</td>
<td>198-0259</td>
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<td>4.71%</td>
<td>$3,500</td>
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<tr>
<td>25</td>
<td>417</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Lexor, LLC</td>
<td>198-0258</td>
<td>$669,200</td>
<td>1.36%</td>
<td>$1,071</td>
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<tr>
<td>26</td>
<td>421</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>AMP Building LLC</td>
<td>198-0257</td>
<td>$1,800,000</td>
<td>3.66%</td>
<td>$2,881</td>
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<tr>
<td>27</td>
<td>5655</td>
<td>North</td>
<td>Lake Drive</td>
<td>Church Christ Episcopal</td>
<td>165-0308-001</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td>28</td>
<td>517</td>
<td>East</td>
<td>Beaumont Avenue</td>
<td>Silver Spring Lodge</td>
<td>165-0330</td>
<td>-</td>
<td>0.00%</td>
<td>-</td>
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<tr>
<td>29</td>
<td>525</td>
<td>East</td>
<td>Beaumont Avenue</td>
<td>Sendik's Investments, LLC</td>
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<tr>
<td>30</td>
<td>5639</td>
<td>North</td>
<td>Lake Drive</td>
<td>Sendik's Investments, LLC</td>
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<td>$277,300</td>
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<tr>
<td>31</td>
<td>5633</td>
<td>North</td>
<td>Lake Drive</td>
<td>Sendik's Investments, LLC</td>
<td>165-0302</td>
<td>$282,200</td>
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<tr>
<td>32</td>
<td>530</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Sendik's Investments, LLC</td>
<td>165-0332-001</td>
<td>$3,408,200</td>
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<td>33</td>
<td>5629</td>
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<td>Lake Drive</td>
<td>Sendik's Investments, LLC</td>
<td>165-0303</td>
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<td>34</td>
<td>5605</td>
<td>North</td>
<td>Lake Drive</td>
<td>B Bros LLC</td>
<td>165-0304</td>
<td>$495,100</td>
<td>1.01%</td>
<td>$792</td>
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<tr>
<td>35</td>
<td>501</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Catherine Everson Revocable Trust</td>
<td>198-0229</td>
<td>$1,912,900</td>
<td>3.89%</td>
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<tr>
<td>36</td>
<td>517</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Alireza Amini Moghaddam</td>
<td>198-0228</td>
<td>$563,500</td>
<td>1.15%</td>
<td>$902</td>
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<td>37</td>
<td>523</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>SjMEC, LLC</td>
<td>198-0227</td>
<td>$531,100</td>
<td>1.08%</td>
<td>$850</td>
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<tr>
<td>38</td>
<td>527</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Austin, LLC</td>
<td>198-0226</td>
<td>$919,700</td>
<td>1.87%</td>
<td>$1,472</td>
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<tr>
<td>39</td>
<td>601</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>Thomas &amp; Terrance Stuhlmacher</td>
<td>198-0125</td>
<td>$2,941,800</td>
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<td>40</td>
<td>5575</td>
<td>North</td>
<td>Marlborough Drive</td>
<td>Village of Whitefish Bay</td>
<td>198-0126</td>
<td>-</td>
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<td>41</td>
<td>5630</td>
<td>North</td>
<td>Lake Drive</td>
<td>Kivley Investments, LLC</td>
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<td>42</td>
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<td>Boulder Venture 12 LLC</td>
<td>165-0286-002</td>
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<td>43</td>
<td>705</td>
<td>East</td>
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<td>My Design Partnership</td>
<td>198-0131</td>
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<td>44</td>
<td>721</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>First Church of Christ Scientist</td>
<td>198-0037-001</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td>45</td>
<td>819</td>
<td>East</td>
<td>Silver Spring Drive</td>
<td>United Methodist Church</td>
<td>198-0023</td>
<td>-</td>
<td>0.00%</td>
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</table>

2011 Assessment $1.60 per $1,000 of value $49,211,300 100.00% $59,871
2011 Maximum $3,500

MGS
11/10/2010
Appendix E

Wisconsin Statute 66.1109
2. Designates the reinvestment neighborhood or area as of a date provided in the resolution.

3. Contains findings that the area to be designated constitutes a reinvestment neighborhood or area.

**History:** 1977 c. 418; 1979 c. 361 s. 112; 1985 a. 29 s. 3200 (14); 1999 a. 150 s. 479; Stats. 1999 s. 66.1107; 2001 a. 104.

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### 66.1109 Business improvement districts.

**1.** In this section:

(a) “Board” means a business improvement district board appointed under sub. (3) (a).

(b) “Business improvement district” means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries of the district were determined.

(c) “Chief executive officer” means a mayor, city manager, village president or town chairperson.

(d) “Local legislative body” means a common council, village board of trustees or town board of supervisors.

(e) “Municipality” means a city, village or town.

(f) “Operating plan” means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:

1. The special assessment method applicable to the business improvement district.

2. Whether real property used exclusively for manufacturing purposes will be specially assessed.

3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

5. A legal opinion that subs. 1. to 4. have been complied with.

(g) “Planning commission” means a plan commission under s. 62.23, or if none a board of public land commissioners, or if none a planning committee of the local legislative body.

**2.** A municipality may create a business improvement district and adopt its operating plan if all of the following are met:

(a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) has petitioned the municipality for creation of a business improvement district.

(b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.

(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan.

(d) Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.

(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.

(f) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change to the special assessment methodology applicable to the business improvement district shall be approved by the local legislative body.

(g) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.

(h) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.

**3.** All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub. (3) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.

**4.** A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:

(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.

**Text from the 2007–08 Wis. Stats. database updated by the Legislative Reference Bureau. Only printed statutes are certified under s. 35.18 (2), stats. Statutory changes effective prior to 11–2–10 are printed as if currently in effect. Statutory changes effective on or after 11–2–10 are designated by NOTES. Report errors at (608) 266–3561, FAX 264–6948, http://www.legis.state.wi.us/rsb/stats.html**
66.1109 MUNICIPAL LAW

(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).

(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.

(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner requests termination of the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.

(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.

(5) (a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.

(b) A municipality may terminate a business improvement district at any time.

(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.

History: 1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85

66.1110 Neighborhood improvement districts. (1) In this section:

(a) “Board” means a neighborhood improvement district board elected under sub. (4) (a).

(b) “Chief executive officer” means a mayor, city manager, village president, or town chairperson.

(c) “Local legislative officer” means a mayor, city manager, village board of trustees, or town board of supervisors.

(d) “Municipality” means a city, village, or town.

(e) “Neighborhood improvement district” means an area within a municipality consisting of nearby but not necessarily contiguous parcels, at least some of which are used for residential purposes and are subject to general real estate taxes, and property that is acquired and owned by the board if the local legislative body approved acquisition of the property under sub. (4) (d) as part of its approval of the initial operating plan under sub. (3) (e).

(f) “Operating plan” means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation, and promotion of a neighborhood improvement district.

(g) “Owner” means the owner of real property that is located within the boundaries, or the proposed boundaries, of a neighborhood improvement district.

(h) “Planning commission” means a plan commission under s. 62.23 or, if none exists, a board of public land commissioners or, if none exists, a planning committee of the local legislative body.

(2) An operating plan shall include at least all of the following elements:

(a) The special assessment method applicable to the neighborhood improvement district.

(b) The kind, number, and location of all proposed expenditures within the neighborhood improvement district.

(c) A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

(d) A description of how the creation of the neighborhood improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

(e) A statement as to whether the local legislative body authorizes the board to own real property and, if so, a description of the real property to be owned, the purpose of the ownership, and a statement of to whom the real property will be transferred if the neighborhood improvement district is terminated.

(f) A legal opinion that pars. (a) to (e) have been complied with.

(3) A municipality may create a neighborhood improvement district and adopt its operating plan if all of the following conditions are met:

(a) An owner of real property subject to general real estate taxes and located in the proposed neighborhood improvement district designated under par. (b) has petitioned the municipality for creation of a neighborhood improvement district.

(b) The planning commission has designated a proposed neighborhood improvement district and adopted its proposed initial operating plan.

(c) At least 30 days before creation of the neighborhood improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed neighborhood improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice, together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed neighborhood improvement district, shall be sent by certified mail to all owners of real property within the proposed neighborhood improvement district. The notice shall state the boundaries of the proposed neighborhood improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.

(d) Within 30 days after the hearing under par. (c), one of the following has not filed a petition with the planning commission protesting the proposed neighborhood improvement district or its proposed initial operating plan:

1. The owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40 percent of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan.

2. The owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40 percent of the assessed valuation of all property to be assessed under the proposed initial operating plan.

(e) The local legislative body has voted to adopt the proposed initial operating plan for the neighborhood improvement district.
Appendix F

BID Sandwich Board Program
ORDINANCE NO: ________

An Ordinance to Create Section 7-14 of the Municipal Code With Regard to Sandwich Board Signs Visible From the Right of Way

The Village Board of the Village of Whitefish Bay, Wisconsin do ordain as follows:

Section One: Section 7-14 of the Municipal Code is hereby created to read as follows

7-14 Sandwich Signs

Sandwich signs not otherwise requiring a permit under Section 16.18 of the Zoning Code are prohibited throughout the Village except as provided in this Ordinance.

1. The Village Board may authorize the creation and administration of a Sandwich Sign program (“Program”) by any public or quasi public entity with jurisdiction in the Village including but not limited to the Community Development Authority and any Business Improvement District (“Implementing Entity”). Such authorization shall be granted by resolution, subject to revocation at any time, and subject to the restrictions and conditions set forth in this Ordinance, together with any standards approved by the Village Board (“Standards”).

2. The Standards of any Program shall, at a minimum, contain the following provisions:

   A. The Implementing Entity shall purchase and make available for rental Sandwich Signs of standard design, dimension, material, technical specification, and nature so as not to harm the overall aesthetic appeal of properties along the rights of way addressed by this Ordinance.

   B. No more than twelve (12) Sandwich Signs may be in use under this Section within the Village at any time.

   C. Sandwich Signs will be made available for rental to businesses, upon application setting forth the business need for the Sandwich Sign. The Implementing Entity shall determine who may rent a Sandwich Sign and when, subject to appeal to the Board of Appeals for failure to comply with this Ordinance the Program, or the Standards.

   D. Sandwich Signs will be made available and rotated monthly between businesses on a first-come first-served basis based on availability, and time of request. In no event will any business be allowed to rent a Sandwich Sign two months in a row while any business is denied access to a Sandwich Sign two months in a row (except for cause under this
Ordinance or the Standards). Requests for Sandwich Sign rental may be submitted up to ninety (90) days in advance.

E. In no event may a Sandwich Sign be located within fifty (50) feet of another Sandwich Sign.

F. The Implementing Entity shall charge rent for a Sandwich Sign which is reasonably calculated to pay for and maintain the Sandwich Signs over their life including maintenance, depreciation, and the establishment of replacement reserves. The rental rate charged shall be subject to review and approval by the Village Treasurer.

G. Sandwich Signs shall be limited to ten (10) total square feet with a width not exceeding two point five (2.5) feet and a height not exceeding four (4) feet when open.

H. Sandwich Signs may not be illuminated of reflective. No balloons, banners, or other dressings may be attached to Sandwich Signs. Damaged or poorly maintained Sandwich Signs may not be placed outdoors within the Village.

I. Sandwich Signs may only be displayed during the hours in which the business displaying the Sandwich Sign is open and must be stored indoors when not in use.

J. Messages on Sandwich Signs may advertise on-site business offerings only.

K. The name and phone number of the Implementing Entity shall be conspicuously printed on each Sandwich Sign.

L. Sandwich Signs may only be placed on private property owned or leased by the business advertised and may not be placed in public rights of way.

M. The Implementing Entity may repossess any Sandwich Sign improperly used under this Ordinance or the conditions of the Implementing Entity then may, at the Implementing Entity’s discretion prohibit Sandwich Sign rentals by any person, business or entity failing to comply with this Section or the Standards.

N. Any business person or entity renting a Sandwich Sign from the Implementing Entity shall enter into a written rental agreement with the Implementing Entity.

O. The Standards shall be submitted to the Planning Commission by the Implementing Entity on an annual basis. The Planning Commission shall advise the Village Board of whether it recommends that the Village
Board continue authorizing the Implementing Entity, require changes to
the Program or the Standards, or adopt any other resolution changing the
Program or the Standards.

P. Sandwich signs may only be displayed in the Village pursuant to
this Section and within fifty (50) feet of the Silver Spring Drive right of
way west of Danbury Road.

Section Four Penalty. Violations of this Section or rules adopted pursuant thereto shall
be subject to the general penalty provided in Section 17-4 of the Municipal Code or such other
penalty as the Village Board may specify from time-to-time.

Section Two: All ordinances or parts of ordinances conflicting with the provisions of this
Ordinance are hereby and to such extent repealed.

Section Three: This ordinance shall take effect and be in force from and after its passage
and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish
Bay this ______ day of ________, 2010.

VILLAGE OF WHITEFISH BAY

________________________________________
Kathleen Pritchard, Village President

________________________________________
Barbara C. Patin, Village Clerk
A Resolution Approving the Administration of a Sandwich Sign Program Pursuant to Section 7-14 of the Municipal Code

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin, does ordain as follows:

The Village Board of the Village of Whitefish Bay adopts the following resolution:

WHEREAS, the Village has adopted Section 7-14 of the Municipal Code to allow for the establishment of a Sandwich Sign Program to be conducted by an implementing entity pursuant to standards under that Ordinance; and

WHEREAS, the Whitefish Bay Business Improvement District has effective this date submitted a proposed Sandwich Sign Program; and

WHEREAS, the Village Board of the Village of Whitefish Bay has reviewed the terms of the proposed Program and finds that those terms constitute a suitable program under Section 7-14; and

WHEREAS, the Village Board finds that the Whitefish Bay Business Improvement District is a suitable implementing entity under Section 7-14; and

WHEREAS, the Village Board finds that the proposed Program of the Whitefish Bay Business Improvement District is consistent with the standards in Section 7-14.

NOW, THEREFORE, BE IT RESOLVED:

That the Village Board of the Village of Whitefish Bay hereby designates and authorizes the Whitefish Bay Business Improvement District Sandwich Sign Program as set forth in the attached “Sandwich Board Program Regulations” and the “Sandwich Board Specifications” including the attached June 17, 2010 quote to purchase twelve (12) sandwich board signs from Communicor as the established Program in the Village for sandwich signs under and subject to Section 7-14, and further designates and approves the Whitefish Bay Business Improvement District as the implementing entity under and subject to Section 7-14 of the Municipal Code.
PASSED AND ADOPTED this _______ day of ______________________, 2010.

BY THE VILLAGE BOARD OF THE
VILLAGE OF WHITEFISH BAY

______________________________
Kathleen Pritchard, Village President

Countersigned:

______________________________
Barbara C. Patin, Village Clerk/Treasurer
Sandwich Board Program Regulations

1. No more than twelve (12) Sandwich Signs will be allowed.

2. All sandwich boards used in the program will conform to the attached specification.

3. In no event may a Sandwich Sign be located within fifty (50) feet of another Sandwich Sign.

4. Sandwich Signs may not be illuminated or reflective. No balloons, banners, or other dressings may be attached to Sandwich Signs. Damaged or poorly maintained Sandwich Signs may not be placed outdoors within the Village.

5. Sandwich Signs may only be displayed during the hours in which the business displaying the Sandwich Sign is open and must be stored indoors when not in use.

6. Messages on Sandwich Signs may advertise on-site business offerings only.

7. You may only use a Sandwich Board that has the name of the Implementing Entity (Whitefish Bay BID) which will be conspicuously printed on each Sandwich Sign.

8. Sandwich Signs may only be placed on private property owned or leased by the business advertised and may not be placed in public rights of way.

9. The BID may repossess any Sandwich Sign improperly used under this Ordinance or the conditions of the BID then may, at the BID’s discretion prohibit Sandwich Sign rentals by any person, business or entity failing to comply with this Section or the Standards.

10. Any business person or entity renting a Sandwich Sign from the BID shall enter into a written rental agreement with the BID (attached).

11. Sandwich signs may only be displayed in the Village pursuant to this Section and within fifty (50) feet of the Silver Spring Drive right of way west of Danbury Road.

12. Sandwich Signs will be made available and rotated monthly between businesses on a first-come first-served basis based on availability, and time of request. In no event will any business be allowed to rent a Sandwich Sign two month in a row while any business is denied access to a Sandwich Sign two months in a row. Requests for Sandwich Sign rental may be submitted up to ninety (90) days in advance.

13. Sandwich Signs may be rented from the BID at a charge of $20 per month to pay for and maintain the Sandwich Signs over their life including maintenance, depreciation, and the establishment of replacement reserves.

The Whitefish Bay BID Sandwich Board Program is authorized by resolution and subject to Whitefish Bay Village Ordinance 7.14.
Sandwich Board Specifications:

1. 24 inch wide by 40 inches tall
2. Hard wood A Frame sidewalk board
3. Deep brown color stain
4. Dual tempered masonite with chalk board coating.
5. Hardened steel hinges
6. Aircraft cable spreader
7. Laser etched no-brushed stainless steel badge ¾ by 3 1/2 inches with “WFB BID” or “Whitefish Bay BID” or other as determined by the BID
Whitefish Bay Business Improvement District
Sandwich Board Rental Agreement
316 E Silver Spring Drive Suite 230 Whitefish Bay, WI 53217

Sandwich Board request

Date ________________________________

Requesting Business name and Phone ________________________________

Reason for sign request ________________________________

Date Sandwich Board is to be returned ________________________________

Basic Rules for Sandwich Board Usage

A. Sandwich Signs may not be illuminated or reflective. No balloons, banners, or other dressings may be attached to Sandwich Signs. Damaged or poorly maintained Sandwich Signs may not be placed outdoors within the Village.

B. Sandwich Signs may only be displayed during the hours in which the business displaying the Sandwich Sign is open and must be stored indoors when not in use.

C. Messages on Sandwich Signs may advertise on-site business offerings only.

D. Sandwich Signs may only be placed on private property owned or leased by the business advertised and may not be placed in public rights of way.

E. The Sandwich Sign is a property of the Whitefish Bay BID and rented for 30 day periods at the cost of $20 per 30 days. Not to exceed $100 per calendar year.

F. Renter is responsible for returning the sign in the same condition it was rented. Any repairs need to sign shall be paid by the renter not to exceed $200.

G. This rental agreement incorporates by reference all of the current Sandwich Board Regulations under Ordinance 7.14 adopted by the BID and approved by the Village.

Any violations of these rules may result of the removal of the sandwich board and expulsion from the sandwich board program.

Signature and Date

______________________________  ________________________________
Approved / Denied              Signature of BID representative
Appendix G

Legal Opinion for BID Operating Plan
MEMORANDUM

To: James R. Grassman
From: Christopher J. Jaekels
Date: November 11, 2010
Subject: Silver Spring Drive Business Improvement District

You have asked me to review the proposed Operating Plan for 2010 for the Silver Spring Drive Business Improvement District (BID) under Section 66.1109 Wis. Stats. The opinion is specifically required under this statute.

OPERATING PLAN

Under § 66.1109(2)(f) Wis. Stats., the Operating Plan for the District must specify (1) the special assessment method applicable to the District; (2) whether manufacturing property will be specially assessed; (3) the kind and location of proposed expenditures; (4) a description of methods of financing, estimated expenditures, and the time when costs will be incurred; and (5) a description of how the creation of the business improvement district promotes orderly development pursuant to any master plan.

I have reviewed the proposed Operating Plan and find that it satisfies the legal requirements of Wisconsin Statutes generally as set forth above. I do suggest that under Section H.5, the Village’s authorization of the sandwich sign program be described and the relevant documents included in an exhibit.

CJJ/nr