



Legislation Details (With Text)

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Title: AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF NEWARK TO AUTHORIZE THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT IN A CERTAIN AREA OF THE SOUTH WARD OF THE CITY WHICH INCLUDES AREAS ALONG BERGEN STREET, LYONS AVENUE AND CLINTON AVENUE TO BE KNOWN AS THE BLC SPECIAL IMPROVEMENT DISTRICT
Deferred 6PSF-b 040313/Public Hearing Open

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Date	Ver.	Action By	Action	Result
4/17/2013	1	Municipal Council	Close on Public Hearing and Adopt	Pass
4/3/2013	1	Municipal Council	maintained on public hearing and deferred to Special meeting	Pass
3/20/2013	1	Municipal Council	Adopt on First Reading	Pass
3/6/2013	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF NEWARK TO AUTHORIZE THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT IN A CERTAIN AREA OF THE SOUTH WARD OF THE CITY WHICH INCLUDES AREAS ALONG BERGEN STREET, LYONS AVENUE AND CLINTON AVENUE TO BE KNOWN AS THE BLC SPECIAL IMPROVEMENT DISTRICT
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WHEREAS, the Mayor and the Municipal Council have previously created and established Special Improvement Districts ("SIDS") in certain areas of the City of Newark ("City"); and

WHEREAS, such SIDS have been able to create and implement self-help programs carried out by designated non-profit corporations to manage the services and programs of the SIDS; and

WHEREAS, the creation of such SIDS has proven to be enormously successful in revitalizing several areas throughout the City and has been a crucial component in the City's efforts to reverse and remedy economic and social deterioration seen in the City, expand and facilitate successful commercial activities, provide better commercial and residential environments for the various communities throughout the City, and create unique and distinctive downtown areas and environments that have significantly benefited the property owners and businesses in such SIDS and the City generally; and

WHEREAS, the City believes that a certain area of the South Ward of the City which includes areas along Bergen Street, Lyons Avenue and Clinton Avenue (the "BLC Special Improvement

District” or the “District”), will likely realize similar benefits to those realized in other SIDS; and

WHEREAS, the City proposes the creation and establishment of the BLC Special Improvement District in the above areas as more particularly described in detail in Schedule A, attached hereto and made a part of this Ordinance; and

WHEREAS, a Steering Committee, comprised of the City and the City Urban Enterprise Zone staff and property owners, business owners, and residents within the District, was formed to evaluate and discuss the potential for the creation of the BLC Special Improvement District; and

WHEREAS, the Steering Committee held a public meeting on January 10, 2013, to which all property and business owners and residents located within the District were invited to discuss the details of a proposed BLC Special Improvement District, including an estimated budget, estimated assessments needed to operate such Special Improvement District, the programs and benefits and the corporate governance and operation of such a District; and

WHEREAS, the property and business owners and residents in attendance at the January 10, 2013 public meeting expressed strong support for the proposed creation of the BLC Special Improvement District; and

WHEREAS, the Mayor and the Municipal Council believe that the proposed Special Improvement District will successfully enhance the attractiveness, commercial viability and success of the businesses within the proposed expanded area and will promote employment and economic growth and stability within the proposed expanded area, and facilitate and promote better residential property maintenance and living conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Section 1. Definitions.

a. “BLC Special Improvement District” (sometimes referred to as the “District”), means an area within the City as identified by the Tax Block and Lot numbers and street address as set forth in Schedule “A” to this Ordinance, in which a special assessment on properties shall be imposed for the purposes of promoting the economic and general welfare of the District and the City.

b. “District Management Corporation” means the “BLCSID Partnership, Inc.” (also referred to herein as the “Management Corporation”), an entity to be incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this Ordinance to receive funds collected by a special assessment within the District, as authorized by N.J.S.A. 40:56-65 etseq. (the “Act”) and this Ordinance and any amendatory supplemental ordinances.

Section 2. Findings. Pursuant to the Act, the Governing Body of the City of Newark hereby determines the following:

a. That the creation of the BLC Special Improvement District, as identified by the tax Block and Lot numbers and street address as set forth in Schedule “A” to this Ordinance, will benefit the properties included within the District.

- b. That the District Management Corporation will provide administrative, management and other services to benefit the businesses, employees, residents and consumers in the BLC Special Improvement District.
- c. That a special assessment shall be imposed and collected by the City with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of these payments shall be transmitted to the District Management Corporation to effectuate the purposes of this Ordinance and to exercise the powers granted to it pursuant to this Ordinance.
- d. That it is in the best interests of the City and the public to create a Special Improvement District and a Management Corporation to administer the BLC Special Improvement District.
- e. That the property owners, business owners and residents within the BLC Special Improvement District should be encouraged to provide self-help and self-financing programs to improve local business and commercial properties, market and advertise the businesses, and to improve maintenance and conditions of residential dwellings.

Section 3. Establishment of the District.

- a. Based upon the findings hereinabove set forth and the interests of the property owners, business owners, merchants and residents within the District, there is hereby created and designated with the City of Newark a Business Improvement District to be known as the BLC Special Improvement District within the City of Newark pursuant to the provisions of the Act.
- b. The BLC Special Improvement District shall consist of all properties within the City of Newark, which are identified by street address and by Tax Block and Lot designation in Schedule A of this Ordinance, attached hereto.

Section 4. License Fee Assessments.

- a. All costs of improvements and maintenance, other than those costs of improvements and maintenance normally incurred by the City of Newark out of general funds, shall be determined by the District Management Corporation and approved pursuant to N.J.S.A. 40:56-80 or N.J.S.A. 40:56-84.
- b. All properties within the BLC Special Improvement District and listed in Schedule A shall be subject to a special assessment based upon real property tax assessments. Assessments shall be determined by multiplying the current assessed valuation, as determined by the City Tax Assessor for real estate tax purposes, multiplied by a rate to be established by the District Management Corporation.
- c. Assessments shall be due on the same dates that real property taxes are due, and shall be received by the City Tax Collector within 10 calendar days thereafter. Within thirty (30) days of receipt of such funds, the City Tax Collector shall pay over such assessments collected to the District Management Corporation.
- d. Unpaid special assessments shall become a lien against the underlying property and

shall be collectible in the same manner as any other municipal property taxes and assessments as provided by the laws of the State of New Jersey.

Section 5. Designation of the District Management Corporation.

a. There shall be formed a New Jersey non-profit corporation called the “BLC Partnership, Inc.” (hereinafter the “Management Corporation”), which shall be the District Management Corporation for the BLC Special Improvement District.

b. The Board of Directors of the Management Corporation shall consist initially of between seventeen (17) and twenty-three (23) persons and shall include the following representational classes of members:

- 1) The Mayor or her or his designee;
- 2) One (1) Member of the City Municipal Council selected by the City Municipal Council;
- 3) Three (3) representatives of Beth Israel Medical Center;
- 4) A mix of representatives from each of Bergen Street, Lyons Avenue, and Clinton Avenue from different classifications of stakeholders in the District (e.g., commercial property owners, business owners, residents and clergy), in a manner to be determined by the District Management Corporation.

c. Upon establishment of the composition of the Board of Directors, the District Management Corporation shall set the initial terms of the respective Board Members in subparagraph (4) based upon stakeholder classification. For example, resident Board Members’ first term is one year, business owner Board Members first term is two years, so that the terms will be staggered. Thereafter, there will be annual elections in which all members of the SID will vote for candidates for the Board Members in subparagraph (4) above, who will be elected for a two-year term.

d. All Board members shall serve on a volunteer basis, without compensation of any kind.

e. The officers of Management Corporation shall be elected by a majority vote of the Board members and shall consist of the following: President, one or more vice presidents, secretary and treasurer.

f. The Management Corporation, as the managing entity, shall have all powers necessary and requisite to effectuate the purposes of this Chapter and the District. Such powers shall include, without limitation:

- 1) Adoption of bylaws for the regulation of the affairs of the District and the conduct of its business and the prescribing of rules, regulations and policies in connection with the performance of its functions and duties.
- 2) Employment of such persons as may be required to carry out the business of the District and to fix and pay their compensation from funds available to the management entity.
- 3) Application, acceptance, administration, and compliance with requirements

respecting an appropriation of funds or a gift, grant or donation of property or money.

4) Making and executing agreements which may be necessary or convenient to the exercise of the powers and functions of the management entity, including contracts with any person, firm, corporation, government agency or other entity.

5) Administration and management of its own funds and accounts and payment of its own obligations.

6) Borrowing money from private lenders and from government entities.

7) Funding the improvement of the exterior appearance of properties in the District through grants or loans.

8) Funding the rehabilitation of properties in the District.

9) Acceptance, purchase, rehabilitation, sale, lease or management of property in the District.

10) Enforcing the conditions of any loan, grant, sale or lease made by the Management Corporation.

11) Provision of security, sanitation, and other services to the District, supplemental to those normally provided by the City.

12) Undertaking improvements designed to increase the safety or attractiveness of the District to businesses or residents which may wish to locate there or to visitors to the District, including but not limited to litter cleanup and control, landscaping, parking areas, and facilities and other programs and improvements generally permitted, pursuant to applicable state laws and City ordinances.

13) Publicizing and promoting the District, business and residential properties, and business establishments included within the District boundaries.

14) Recruitment of new businesses and residents to fill vacancies in and to balance the business and social and cultural mix of the District.

15) Organizing special events in the District.

16) Providing special parking arrangements for the District.

17) Providing temporary decorative lighting for the District.

18) Taking any other actions that are necessary and proper to achieve the purposes of this Chapter and that are otherwise permitted by law.

g. The Management Corporation shall utilize affirmative action goals and guidelines in its hiring and expenditures whenever possible. Pursuant to N.J.A.C. 17:27-5.2, the Management Corporation will not discriminate against any employee or applicant for employment because

of age, race, creed, color, national origin, ancestry, marital status or sex. The Management Corporation will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment without regard to their age, race, creed, color, national origin, ancestry, marital status or sex.

Section 6. Annual Budgets; Reports.

- a. The Management Corporation shall operate on a calendar year basis, January 1 through December 31, inclusive.
- b. Not later than December 1 of each year, the Management Corporation shall submit a detailed business plan and budget for the upcoming year, for approval by the City of Newark Municipal Council pursuant to N.J.S.A. 40:56-84. The budget shall be accompanied by a report explaining how the budget contributes to the goals and objectives for the District.
- c. The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the City of Newark Municipal Council.
- d. The Management Corporation shall cause an annual audit of its books, accounts and financial sections to be made and filed with the Governing Body. Such audit shall be completed and delivered to the Governing Body within four months after the close of the fiscal year. A certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the State Department of Community Affairs within five days of the filing with the City. The Management Corporation shall employ a certified public accountant licensed by and practicing within the State of New Jersey to perform the required audit.
- e. The Management Corporation shall submit an annual report to the City of Newark Municipal Council pursuant to N.J.S.A. 40:56-80 within 30 days of the close of the fiscal year. The report shall consist of a narrative covering the previous year's operation and detailed financial statements.

Section 7. Amendments. Nothing contained herein shall prevent the City Municipal Council at any time subsequent to the adoption of this article, by ordinance, from abandoning the operation of the Special Improvement District, changing the extent of the Special Improvement District, supplementing or amending the description of the district to be specifically assessed or taxed for annual costs of the Special Improvement District or rescinding the designation of or redesignating a District Management Corporation.

Section 8. Municipal Powers Retained. Notwithstanding the creation of the Special Improvement District, the City of Newark expressly reserves and retains all its police powers and other rights and powers related to the area within the District.

Section 9. Notice.

- a. At least ten (10) days prior to the date fixed for a public hearing for this Ordinance, a copy of the proposed ordinance and notice of the date, time and place of the hearing shall be mailed to the owners of all the lots and parcels of land abutting or directly affected by any proposed special improvement district proposed by this Ordinance, as the case may be.

b. Within ten (10) days of the adoption of this Ordinance the City Clerk shall forward a copy of this Ordinance to the Director of the Division of Local Government Services in the Department of Community Affairs.

Section 10. Severability. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 11. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency only.

Section 12. Effective Date. This Ordinance shall take effective upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance creates a Special Improvement District in a certain area of the South Ward of the City of Newark which includes areas along Bergen Street, Lyons Avenue and Clinton Avenue to be known as the BLC Special Improvement District.