

## Critics look to dissolve district

### Petitioners unhappy with downtown improvement effort

By dan benson • Sheboygan Press staff • March 31, 2010

Whether the Harbor Center Business Improvement District ceases to exist may come down to a "legal technicality" if the district's critics can't be mollified and agree to withdraw a petition calling for the district's termination.

The petition was filed with the city earlier this month and was signed by property owners who the petitioners say represent more than 50 percent of the assessed value of property within the business district.

That's enough under state statute to force the Common Council to dissolve the district, which was created 20 years ago to promote the downtown and harbor business communities, City Attorney Steve McLean said.

"But 50 percent of what?" McLean asked, acknowledging a difference of opinion on how that 50 percent is calculated.

The petition drive began last fall after there were complaints that businesses aren't getting their money's worth for the \$130,000 or so they pay each year into the district on top of their regular property taxes.

The money is used by the district to promote downtown events, put up Christmas decorations and pay the salary of former Executive Director Richard Meyer, who recently retired.

The petition was submitted to the city earlier this month, forcing the city Plan Commission to hold a public hearing.

The petitioners calculated the percentage by taking the values used by the district some of which are less than the regular property tax rolls. That's because some of the properties in the district are capped at how much they have to pay, most notably the Blue Harbor Resort and Conference Center.

Attorney David Gass, who is a member of the district's board of directors, said the petitioners should have instead used the full assessed value.

McLean sided with the petitioners, however, calling their approach "reasonable."

Gass said the matter shouldn't be decided on "a legal technicality" and indicated he wouldn't pursue legal action against the petitioners. But he urged the opponents to reconsider, saying they would be working against themselves if they kill it.

"It would be the wrong move to terminate the BID now," he said, acknowledging there had been problems with the way the district was run and how it communicated with its members. "We're in the process of reforming."

Jason Dierkes, an attorney who owns a downtown office building, urged the Plan Commission to "kill the BID. It's not working."

Dierkes said the method of assessing businesses to support the BID is illegal because it's not applied equally.

"And, philosophically, it's mandatory," he said. "I believe I can spend my money better than the BID can."

Terry Martin, owner of Martin Automotive Inc., said,

#### Advertisement

Get The Best Deal in TV Entertainment

Packages starting at



\$24<sup>99</sup>  
MO  
FOR 12 MONTHS

Call NOW: (888) 206-3033

Visit: [dishnetwork.com/bestdeal](http://dishnetwork.com/bestdeal)

REQUIRES AGREEMENT. RESTRICTIONS APPLY.

Print Powered By FormatDynamics

"the service we've gotten has been abysmal" from the district, but said it would be a mistake to dissolve the BID.

McLean said that if a deal is to be struck to preserve the business improvement district, it needs to be done within 30 days and those involved need to inform the Plan Commission.

Owners within the district can add or remove their names from the petition within the 30-day period, McLean said.

But even if the percentage should drop below 50 percent, "the council could still terminate" the district, he said.

Reach Dan Benson at [dbenson2@sheboyganpress.com](mailto:dbenson2@sheboyganpress.com) and 453-5125.

Advertisement

Get The Best Deal in TV Entertainment

Packages starting at



\$ **24**<sup>99</sup>  
MO  
FOR 12 MONTHS

📞 Call NOW: (888) 206-3033

👉 Visit: [dishnetwork.com/bestdeal](http://dishnetwork.com/bestdeal)

REQUIRES AGREEMENT. RESTRICTIONS APPLY.

Print Powered By FormatDynamics™