



# PM MAGAZINE

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## Attracting Development To Brownfields Sites: A Local Challenge

Deteriorated infrastructure, out-of-date zoning, and overly complicated local approval processes often can severely hinder a brownfields redevelopment project in moving forward. With many key approvals for these projects needed at the local level, local governments are in a great position to "level the playing field" and better attract developers to these properties.

**Catherine Finneran, Boston, Massachusetts.**

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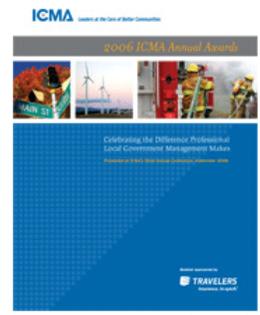
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# Attracting Development To Brownfields Sites: A Local Challenge

by Catherine Finneran

Development interest in brownfields sites has been growing steadily since the Environmental Protection Agency's (EPA) initiation of its national brownfields pilot program in the early 1990s. While, traditionally, environmental risk has been considered the major impediment to developing these sites, programs at the state and federal levels have gone a long way towards addressing these risks.

It is important to recognize that deterrents to the redevelopment of brownfields sites can come in other forms as well. Deteriorated infrastructure, out-of-date zoning, and overly complicated local approval processes often can severely hinder a brownfields redevelopment project in moving forward. With many key approvals for these projects needed at the local level, local governments are in a great position to "level the playing field" and better attract developers to these properties.

Local officials are finding new ways to streamline local approval processes, better market publicly owned sites, and offer incentives for redevelopment. These new approaches have been highly successful in attracting investment to high-priority properties in their communities.

Many developers agree: One of the most important things that a community can do to encourage development of brownfields sites, whether privately or locally owned, is to establish a single point of contact in the locality to deal with development issues.

## A SINGLE POINT OF CONTACT IS IMPORTANT

Pete Pedersen is an investor in and developer of formerly industrial properties. In his company's efforts to buy, entitle, and master-plan contaminated properties, his firm, Renova Partners, LLC, has worked in several communities with no centralized point of contact for handling brownfields or development issues. The result has often been a prolonged and inefficient process of being bounced from one staff person to another. Navigating this maze can prove frustrating, and potentially can stall the progress of a development project.

In contrast, Pedersen's experience in working with the city of Phoenix has been extremely successful, thanks to the efforts of an established, central point of contact within Phoenix's office of environmental programs. When approached with an appropriate development proposal the city's brownfields program manager, Rosanne Sanchez, assumes the role of shepherding the project through local, county, and state approval processes.

Sanchez begins by bringing together all pertinent departments for a coordinated review of the development proposal. She also serves as an advocate for the project at the state and county levels, making first contact with outside agency staff to ensure that projects are prioritized for review. This high level of focused local attention has significantly expedited project approval and removed potential roadblocks for developers interested in locating in this community.

Unhappily, the reality is that many communities can't afford to employ a full-time staff person with the time and expertise to guide projects comprehensively through this process. Designating someone at the local level to direct questions is, however, important. Whether this person is a city or county manager, planning or economic development representative, or other staff member is relatively unimportant.

## HAVE A PLAN

Charlie Houder, senior vice president for acquisitions of Preferred Real Estate Investment, Inc., agrees that it is of key importance that a local government adopt a proactive, can-do attitude when approached by a new developer with a

plan that fits the community's vision for the site.

As developer, owner, and operator of office, industrial, and mixed-use real estate properties throughout the country, Houlder's company specializes in sites with environmental, entitlement, and other challenges. Houlder has seen some cases in which a high level of animosity is built up between town officials and past property owners of brownfields sites because of past losses of local employment and subsequent losses to the property tax base. According to Houlder, a community must provide a clean slate for discussions with new developers so that these sites can get back into productivity as soon as possible.

The 2005 EPA Phoenix-Award winning PECO Energy Project in Chester, Pennsylvania, is a case in which Houlder's company has had great success in working with local officials through the development approval process. This 90-acre, former Philadelphia Electric Company property was home to an enormous coal-fired power plant that released hazardous material into the soil and groundwater, including the Delaware River. When the Pennsylvania Department of Environmental Protection and EPA began cleanup at this site, the property owner sold 63-acres to Houlder's investment company to lease for offices, restaurants, shops, marinas, and housing along the city's waterfront.

Chester's city staff was committed from the beginning to working collaboratively toward offering a rigorous yet streamlined approval process. The concerted efforts of the community to help this project move forward resulted in a combined public and private investment of more than \$300 million in the community, the creation of more than 2,000 jobs, and the donation of land to the city for greenspace and waterfront access.

When a local government issues a request for proposals (RFP) to sell a site, Houlder suggests, it should avoid an overly burdensome RFP process. According to Houlder, one of the most important things an RFP should contain is a clear path toward ownership that will ensure full site control by the selected developer.

RFPs in which the process for buying the property, or even whether the property is for sale, is left unclear will receive a relatively low response. Entering into a quasi-partnership with a locality on ownership is also not an attractive prospect. Knowing they can get site control expeditiously is highly important to interested developers.

## LOWELL IS A CASE IN POINT

Lowell, Massachusetts—a Brownfields Showcase Community and mobile workshop location for the Brownfields 2006 Conference—has had great success in attracting developers to municipally owned brownfields sites. Currently, Lowell is marketing the 15-acre Hamilton Canal District site, a prime location in walking distance to the downtown and to the third-largest intermodal transit station in the state.

According to Brian Connors, director of economic development for the city, before marketing the site the city assembled the property through eminent domain and negotiated acquisitions, to ensure clear conveyance of title to the selected developer. To market the property, Lowell also developed a comprehensive Web site that contains key information on the project and the benefits of locating in the city.

As a result of this Web site and an extensive marketing campaign undertaken by the city, Lowell has received hundreds of developer requests for the site's RFP. This number far exceeds the responses to other local disposition processes that Lowell has undertaken.

Another remarkable aspect of the Hamilton Canal District project is that the city will offer an expedited permitting process to the chosen developer. Once a team has been selected, Lowell will work with this developer to conduct a multiday planning charrette toward developing a master plan for the project. The goals of the charrette will be to solicit input from the community on the reuse of the site, and ultimately, to write a form-based code that will replace the underlying zoning within the district boundary.

At the end of this process, the site will be fully entitled, eliminating the procedural delays and risks typically associated



A close partnership between the city of Chester, Pennsylvania, and Preferred Real Estate Investment, Inc., made the Phoenix Award winning PECO Energy waterfront redevelopment project a reality.



World headquarters for the biotechnology company Genzyme is located on a large brownfields site in Cambridge, Massachusetts.

with such projects. For more information on the Hamilton Canal District project, visit the Web site at <http://www.hamiltoncanal.com>.

## MAKE INCENTIVES AVAILABLE

Incentives are the most obvious draw for a developer considering locating in a particular community. According to Ed Daley, city manager of Winchester, Virginia, incentives like tax-increment financing or the creation of a community development corporation demonstrate to developers the local government's willingness to assist with a project. Daley believes that an infusion of local dollars, whether through direct funding or reduced taxes, is an important commitment that communities can make.

Phoenix, Arizona, has appropriated \$4 million of its capital-improvement bond funds to provide grants to private developers and nonprofit corporations undertaking brownfields projects through their Brownfields Land Recycling Program. While this funding cannot be used for cleanup, it has proved invaluable to developers facing high infrastructure and development costs.

One project that benefited from this funding was the Copper Leaf subdivision, a 750-home, mixed-income community in the South Mountain area of Phoenix. At first, the developer hesitated to assume environmental cleanup costs above a certain amount. To give the developer the confidence to move forward, the city agreed to assume all costs over a negotiated dollar amount, using funding from these grants.

Communities can create further incentives for developers by using funding gained through federal programs. According to Cedric Kam, an economic development specialist at HUD, a change in community development block grant regulations made in May 2006 promotes brownfields redevelopment by formally including environmental remediation as an eligible cost.



The grant fund program the city of Phoenix, Arizona, created using capital improvement bond funds made the Copper Leaf subdivision project a success.

Local officials can use CDBG and Section 108 funding to offer grants and loans to developers for acquisition, remediation, demolition, and construction at these sites. Also, local governments can offer loans to developers for remediation under the EPA Brownfields Cleanup Revolving Loan Fund program.

And, of course, it is essential that a community be fully familiar with state incentives available to developers. Access to low-interest loans, tax credits, environmental insurance, and liability protection can often make a deal happen that otherwise would not.

In Massachusetts, a local government can request that the key state agencies administering brownfields programs—MassDEP, MassDevelopment, MassBusiness, and the Office of the Attorney General—work with local staff to navigate the brownfields

redevelopment process. In some states, economic development agencies and brownfields organizations help communities market these sites, too.

## BROWNFIELDS CONFERENCE

The Brownfields 2006 Conference, scheduled for Boston on November 13-15, 2006, is a great opportunity for local government staff members to learn from each other, as well as directly from developers, about attracting investment to local brownfields sites. This year's conference features more than 130 educational sessions, 200 exhibits, special training events, mobile workshops, networking forums, and film screenings.

A key part of the conference is the third annual Brownfields Transaction Forum, scheduled for November 13. This forum is for communities that want to showcase and market their sites to potential developers. In 2005, more than 200 properties were featured, and scores of developers and transaction-support professionals attended the event. The foundations of several deals were laid for sites in Michigan, Colorado, and Ohio and more are expected in 2006.

To register online for the conference, along with the transaction forum, go to [www.brownfields2006.org](http://www.brownfields2006.org)

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FEATURE

## Ethics

### GRATEFUL PET OWNER SENDS COUNTY A GIFT

Q. One of the county's creative staff members came up with a new approach to finding homes of abandoned animals: advertisements on the Internet. The program has worked well and has gained many happy customers. One grateful new pet owner sent the county manager two copies of software, along with a thank-you note.

The only problem is that the software is incompatible with the county's system. The county manager could use it on his home computer but is not sure there is an ethical way he can do this. One idea he had was to estimate the value of the software and write a check for that amount to the animal shelter. What can the county manager do to avoid any appearance of accepting a gift that might raise eyebrows?

A. One ethical approach is to send a thank-you note to the donor, explaining that the county is unable to use the software because of compatibility issues. Many local governments have a practice of donating gifts to charities and include notice of this practice in their acknowledgments to vendors and others. Others have formal policies that disallow most gifts and gratuities to employees and officials. Local governments that permit employees to accept gifts usually require them to declare the value of the gift on their financial disclosure form. The ICMA Code of Ethics stresses the importance of not accepting any gift if it could appear that it was intended to influence them or could be viewed as a reward.

### ICE CREAM AND POLITICAL CANDIDATES

Q. The local chamber of commerce is sponsoring a candidate forum at a city park to address current city issues. Candidates from all political parties are invited, and cake and ice cream will be served. Although all candidates are invited, the city manager believes that the event primarily will draw candidates from one political party. Would there be an ethical problem if the city manager spoke about city issues at this event?

A. Because the candidate forum is open to all and is sponsored by a neutral party, the city manager may participate without raising any conflicts with Tenet 7 of the ICMA Code of Ethics. It is always appropriate to make professional presentations if such items on the ballot as referenda on bond issues and annexations are supported by the governing body.

For advice on the ICMA Code of Ethics, or to find out more on ethics training and technical assistance available to local governments, call the Ethics Center at ICMA at 202/962-3521, or visit the Web site at <http://icma.org/ethics>. Calls or e-mails can also be directed to ICMA's ethics advisers Martha Perego, 202/962-3668, [mperego@icma.org](mailto:mperego@icma.org), and Elizabeth Kellar, 202/962-3611, [ekellar@icma.org](mailto:ekellar@icma.org).

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# On Retirement

## YOUNG EMPLOYEES: TIME IS ON THEIR SIDE

As public employees grow closer to retirement, they naturally begin to pay more attention to saving and investing. Many begin to realize that if they had begun saving for retirement early in their careers, the power of compound interest could have boosted the size of their retirement nest egg. Unfortunately, too many soon-to-be retirees recognize this error late in their careers.

That's why retirement plan providers are increasingly focusing on the young men and women who are just starting their public sector careers. Providers hope that by making retirement planning and saving easier and more accessible, these young employees can build more retirement security for themselves and their families.

Some providers have begun taking a more comprehensive approach to educating their young workers about the financial challenges that they might face. This includes discussions about debt management, saving for first-time purchases like a house, or saving money for college.

ICMA-RC offers financial planning services for young workers with a focus on the benefits of participating in their retirement savings plan, the investment options available, and the online tools available for managing their assets—communicated in a brief, straightforward manner. Other education resources that could appeal to young workers may be innovative tools, such as podcasts for quick downloading of information.

Naturally, the most important step that any young employee can take, regardless of age, is to enroll in their employer's retirement plan. In the public sector, this is most often a 457 deferred compensation plan, though some employers offer alternative or supplemental savings plans.

A number of initiatives are underway to make signing up for retirement plans as effortless as possible. Often, there are enrollment meetings, where either the employer's staff or a representative of the plan provider explains how the plan works and what investment options are available. Employees can fill out their enrollment form and then make their investment choices. Unfortunately, employees often defer enrollment because they are unsure of how to invest their money or there's too much information to absorb at one time.

One way to avoid this delay is through an enrollment process, which essentially will automatically enlist the new worker in the retirement plan upon eligibility, unless the employee chooses not to participate by opting out. While statistics on private sector plans show that an automatic enrollment process leads to higher participation, there are some obstacles at the state level that can deter an employer from choosing this option. In addition, employers may be reluctant to make such an important decision for the employee. Some data shows that lower wage earners, in particular, may decide to stop participating once they focus on the payroll deductions.

An alternative route to improve participation is a simplified process that allows employees to check a few boxes on an enrollment form and sign it to indicate their desire to participate. Their contributions are directed to a fund chosen by the employer and participation begins immediately. At a later time, when they have become accustomed to participating in the retirement plan, the employee can choose to invest their assets in other funds or take advantage of the growing number of provider-directed options, such as target-date fund or managed accounts.

Another option that a young employee might find attractive is an employer-sponsored payroll IRA. A Roth IRA, for instance, could be particularly appealing to young employees, because assets can also be used for a first-home purchase or for college tuition. This flexibility can give the employee more confidence that their savings will be available when needed. Of course, the best option is to let these funds grow for retirement.

In an age when young employees want more control of their lives, have new technological tools at their disposal, and less confidence that the government will be there to help them when they retire, it is important that employers and their plan providers pay particular attention to their young employees who are the future. Most importantly, we must

emphasize to young employees what we already know: time is on their side; and now, while they still have years to take advantage of it, is the time to begin building their retirement security.

—Joan McCallen  
President and CEO  
ICMA-RC  
Washington, D.C.  
[www.icmarc.org](http://www.icmarc.org)

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## DEPARTMENTS

# Profile

## MCFALL CHARTS TRANSITION

### CITY MANAGER LOGS 5 YEARS, LOOKS AHEAD 5

Build-out. It's shorthand for what Westminster is approaching in the foreseeable future but it's not among the favorite terms of City Manager Brent McFall. "It sort of implies that everything's done," McFall said of the phrase. And after five years heading the city, he sees plenty more to do in the next five.

"Cities never just stand still," McFall said. "Cities are (either) growing and progressing or they're declining and I'm determined . . . that Westminster will not be in that declining mode." Far from painting a bleak, over-its-peak picture for the future of Westminster, McFall said he does see changes on the city's horizon. "Westminster is in a transition period now," he said.

Looking back to 2001 when he came onboard, McFall described joining "a very good organization" with a strong, growth-based local economy sustaining the city. Looking ahead five years, McFall spoke of a Westminster that is inching closer to its last frontiers of major commercial and residential development and the revenue realities of a constrained sales-tax base. "That challenge is going to continue," McFall said.

But it's a challenge that he believes the city is prepared to face-and has in fact tasted already. Shortly after McFall's arrival in Westminster, the September 11 attacks occurred, followed by recession, the high-tech bust, one of the worst droughts in history, and a major blizzard here and there.



Brent McFall is city manager of Westminster, Colorado.

"We really were faced with struggles from an economic standpoint," McFall said. "For the first time in the city's history, sales tax declined from the year before." And annual sales-tax dollars coming into city coffers still have yet to reach 2001 levels, McFall said.

Attempting to view each challenge as an opportunity for the city staff to show their excellence in city management, McFall said the city has come through the tough times remarkably well. "Most importantly, I think we've sustained a high level of service to the community," he said.

And in the meantime, the city has continued to develop the local economy, with major projects such as the Orchard and other development and infrastructure improvements along the north Interstate 25 corridor." I really feel like we're going about it in the right way," McFall said.

Some of the city's biggest jobs in recent years have been behind the scenes, with McFall giving the reconstruction and fortification of the Standley Lake Dam and upgrades at the Big Dry Creek Wastewater Treatment Facility as examples of costly but imperative projects aimed at protecting the city's water supply. It's been a busy five years, and in the next five years residents can expect more activity-perhaps in less-expected areas.

McFall said the city council has emphasized the need to turn attention to the Westminster Mall area with some of the new developments now complete. Westminster City Center will likely evolve, McFall said. Bordered by city hall and Wadsworth Parkway east to west and by 96th and 88th Avenues north to south, the district's centerpiece is Westminster Mall-a longtime heavyweight among the city's sales-tax performers-that has suffered decline in recent years.

One of three planned FasTracks rail stations is slated for the vicinity surrounding the mall, with another at about 70th Avenue and Irving in south Westminster. Looking ahead, reinvestment and improvements in south Westminster will form another area of focus in the city's next five years, with hopes to again make that section of the city "an attractive neighborhood for families," McFall said.

Approval of the planned Wal-Mart redevelopment of the Shoenberg Shopping Center at 72nd Avenue and Sheridan Boulevard was a difficult but key step forward, according to McFall. "I believe that most people upon completion will say, 'Yeah, that turned out to be a good thing,'" McFall said of the Wal-Mart project. "The city staff and the council felt that was the best opportunity we had to re-energize that part of the city."

In addition to infill and redevelopment activity, collaboration on regional transportation projects is among the city's upcoming priorities. Forever on the radar will be maintaining a healthy sales-tax base, McFall said, adding that like other Colorado municipalities Westminster relies on sales tax to fund a large majority of its operating budget.

"It forces communities to focus so much on having a good retail mix in their city," McFall said, adding that "there's only one constant in retail, and that's change." What won't change with all the transition is the city's commitment to delivering quality services, McFall said. "We're going to continue to work to make this the very best place that it can be."

—Evie Hemphill  
**Staff Writer**  
**Westminster Window**  
**Westminster, Colorado**

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# Checklist

## SIGNS OF TROUBLE AND STEPS TO TAKE

The November 2005 monthly lunch meeting of the Illinois City/County Management Association affiliate METRO Managers saw a huge attendance of more than 85 members. One reason may have been the session topic: "Victims of Politics-How Does One Cope?"

After the last local election in 2005, a great number of turnovers took place in manager and administrator positions in that state. Attendees heard how colleagues in the profession have coped and survived during difficult times. At the meeting, Greg Bielawski, ICMA/ILCMA Range Rider and ICMA Senior Adviser, distributed a list of the possible indicators that might be apparent (or not) when a manager's job is in jeopardy, and what steps to take if there are any signs.

While no one hopes to be in this difficult position, the reality is that one day it may happen. Remember, during these difficult times Range Riders are there to help, and they will keep all conversations in confidence.

### SIGNS OF TROUBLE

Your appointment was not unanimous.

Delayed annual reviews/not unanimously approved.

Unexpected executive sessions without you included.

"I/we' aren't being informed."

"Only the mayor is being told."

"Too many secrets around here."

"Why do we do things this way?"

Sharp public questions on relatively mundane matters.

Chastising staff at public meetings.

Complaints of unresponsiveness to a request for information.

Usually calm, pedestrian budget meetings become hostile.

Minor, annual audit-management letter item is a cause celebre.

Drastic change in the makeup of the governing board.

Elected officials have had no experience/involvement in local government or community affairs before serving on the council.

Single-issue candidate is elected.

Mayor is isolated from the other councilmembers.

An elected official asks, perhaps jokingly, "Were any of us on the council when [put in your name here] was hired as manager?"

Governing board fights among itself on such routine things as approval of meeting minutes or authorization of councilmember expenses.

Elected official wants to see staff performance reviews.

Favorite department head, local business, resident "meddling."

Second-guessing of your decisions.

You are an election issue.

You are the subject of a newspaper editorial.

You are losing the passion.

You care too much.

You feel out of sync.

You think, "The new mayor/council will see how good I am."

You dread going to council meetings.

You want out of the fishbowl.

You don't take vacations.

## STEPS TO TAKE

Don't hunker down.

Know yourself, and be yourself.

Always be professional, even if "they" aren't.

Adhere to the ICMA Code of Ethics.

Let elected officials take the credit.

Always take the call from the mayor/councilperson.

Request feedback.

Don't break the "no surprises" rule.

Don't dismiss lightly any of the signs.

Have a solid employment agreement.

Be responsive, and document the response.

Double your efforts to provide all elected officials with the same information at the same time-both timely and frequently.

Don't play favorites.

Don't forget your supporters.

Remind the council of precedent.

Don't underestimate the tyranny of the minority (even one).

Affirm your staff support.

Don't be afraid to ask for help from Range Riders, colleagues, and family.

Hold a thorough orientation session for newly elected officials, and invite the veterans.

Provide all candidates for office such information as council meeting agendas, budgets, and so on, and offer to meet with them.

Don't let the problem fester.

Suggest a team-building session.

Develop a workplan that all can agree to.

Don't criticize a candidate or a sitting, elected person publicly or privately.

Continually remind yourself that the council/manager relationship is boss/subordinate.

Don't overstep your authority.

Consider every newly seated council as one you must impress.

Know when and how to prepare for a transition.

Source: *City/County Management in Illinois* newsletter, December 2005, published by the Illinois City/County Management Association. A roster of ICMA Range Riders and their contact information is available on the Web site at [ICMA.org](http://ICMA.org) (enter the words Range Riders in the search box).

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