

CITY COUNCIL MEETING

May 26, 2009

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Mayor Nelson called the meeting to order and asked the Clerk to call the roll:

PRESENT: Mayor Nelson, Councillors Flynn,
Hannan, Sholette and Vaugh

ABSENT: Councillors Morlev and Powers *

Mayor Nelson stated Councillor Morley was excused for medical reasons and Councillor Powers will be late,

PRESENTATIONS

1. Director of Planning and Development Justin Woods made a presentation lo Council regarding the project chronology of the Diamond International site development process with American Communities, Inc. (A copy of the presentation follows these minutes.)

* At this point in the meeting, Councillor Powers arrived.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read an e-mail from Doug Marlow, 2035 Linden Street, supporting a concession at the Dobisky Visitors' Center. (A copy follows these minutes.)

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2. City Clerk Kathleen Bouchard read a letter From Vernon "Sam Burns, St. Lawrence County Legislator, which outlined the roundtable economic development discussion recently held with Senator Kirsten Gillibrand. (A copy follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #10-2009 in the amount of \$1,747,943.13 and Library Fund Warrant # 10-2009 in the amount of \$23,076,15, Capital Fund Warrant #10-2009 in the amount of \$22,755.83 and Community Development Fund Warrant #10-2009 in the amount of \$0.00 and Community Renewal Fund Warrant #10-2009 in the amount of \$0.00 and HOME Fund Warrant #10-2009 in the amount of \$0.00 and AHC Funds Warrant #10-2009 in the amount of \$0.00 and RESTORE Program Warrant #10-2009 in the amount of \$0.00, as audited, be and the same are ordered paid and Councillor Vaugh seconded the motion.

The vote was:

CARRIED. AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Hannan moved an ordinance amending Chapter 73, "Animals", Article II, §73-3 entitled "License Fees" of the Municipal Code of the City of Ogdensburg, and Councillor Vaugh seconded to wit:

ORDINANCE #4 OF 2009
AN ORDINANCE AMENDING CHAPTER 73 ENTITLED
"ANIMALS"
OF THE CODE OF THE CITY OF OGDENSBURG

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE:

That Chapter 73 entitled "Animals", Article II entitled "Dog License Fees", Section 73-3 entitled "License Fees" is hereby amended as follows:

A. The following license fees shall be charged:

- (1) Spayed female dog: ten dollars (\$10.00)
- (2) Neutered male dog: ten dollars (\$10.00)
- (3) Unspayed female dog under 4 months: fifteen dollars (\$15.00)
- (4) Unneutered male dog under 4 months: fifteen dollars {\$15.00)
- (5) Unspayed female dog over 4 months: eighteen dollars (\$18.00)
- (6) Unneutered male dog over 4 months: eighteen dollars (\$18.00)

ITEM TWO:

This Ordinance shall take effect ten (10) days alter publication of notice which shall give the title and describe same in summary form.

The vote was:

CARRIED. AYES ALL

2. Councillor Vaugh moved a resolution authorizing the submission of a grant application to the New York State Empire State Development Corporation under the Upstate Regional Blueprint Fund, and Councillor Powers seconded to wit:

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT
APPLICATION TO THE NEW YORK STATE EMPIRE STATE
DEVELOPMENT
CORPORATION UNDER THE UPSTATE REGIONAL BLUEPRINT FUND

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WHEREAS, the Ogdensburg City Council has established a goal of revitalizing and stabilizing aging neighborhoods and commercial areas within the City; and

WHEREAS, the Empire Slate Development Corporation is currently soliciting requests under the Upstate Regional Blueprint Fund for the sole purpose of promoting economic development, inducing commercial investment and improving the municipal infrastructure to attract individuals, families and commercial enterprises; and

WHEREAS, the City has identified the Lake Street Bridge as a high priority for infrastructure replacement; and

WHEREAS, the Upstate Fund requires no less than 10% of the award in matching equity; and

WHEREAS, the Upstate Fund has established a ratio of 20% grant, 80% match that includes 10% owner equity as the percentage of funding sources for this project,

NOW, THEREFORE, BE IT RESOEVED the City Manager is hereby authorized to submit an Upstate Fund application requesting grant funding in the amount of \$400,000.; and

BE IT FURTHER RESOLVED, the City Council hereby appropriates 1.6 million from other funds to be determined as identified in the Upstate Fund Grant application.

The vote was:

CARRIED, AYES ALL

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3. Councillor Sholette moved a resolution that appropriates \$20,000 from the Community Development Fund Miscellaneous Revenue for the remainder of the cash match for the \$35,000 grant award from the NYS Department of State, Local Waterfront Revitalization Program (EWRP), Environmental Protection Fund (EPF) 2007-2008 for the revision of the City of Ogdensburg's Local Waterfront Revitalization Program, and Councillor Flynn seconded to wit:

RESOLUTION

WHEREAS, on January 28, 2008, the City Council authorized the City Manager to submit a grant application to the New York State Department of State, Local Waterfront Revitalization Program (LWRP), Environmental Protection Fund (EPF) 2007-2008 for the revision of the City of Ogdensburg's Local Waterfront Revitalization Program; and

WHEREAS, the City has received a \$35,000 EPF grant to fund and update the LWRP and develop a Harbor Management Plan; and

WHEREAS, the grant will fund 50% of the project; and

WHEREAS, the Planning and Engineering Offices estimate \$15,000 in in-kind services;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby appropriates \$20,000 from the Community Development Fund Miscellaneous Revenue for the remainder of the cash match.

The vote was:

CARRIED, AYES ALL

4. Councillor Powers moved a resolution authorizing the issuance of a Tax Anticipation Note (TAN), and Councillor Vaughn seconded to wit:

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A RESOLUTION DELEGATING TO THE COMPTROLLER OF THE CITY OF OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK, THE POWER TO AUTHORIZE THE ISSUANCE OF AND TO SELL NOT EXCEEDING \$2,000,000 TAX ANTICIPATION NOTES OF SAID CITY IN ANTICIPATION OF THE COLLECTION OF TAXES LEVIED OR TO BE LEVIED FOR THE FISCAL YEAR OF SAID CITY WHICH COMMENCED JANUARY I, 2009.

BE IT RESOLVED, by the Council of the City of Ogdensburg, St. Lawrence County, New York, as follows:

Section 1. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell not exceeding \$2,000,000 tax anticipation notes of the City of Ogdensburg, St. Lawrence County, New York, including renewals thereof, in anticipation of the collection of taxes levied or to be levied for the fiscal year of said City which commenced January 1, 2009, is hereby delegated to the Comptroller. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Comptroller, consistent with the provisions of the Local Finance Law.

Section 2. This Resolution shall take effect immediately.

The vote was:

CARRIED, AYES ALL

Mayor Nelson asked Council to amend the agenda because there was a need to adjourn to Executive Session to discuss a legal court and personnel matter.

There was a consensus of Council to amend the order of the agenda, to move the Executive Session to this part of the meeting.

Mayor Nelson moved to adjourn to Executive Session and Councillor Vaughn seconded the motion.

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The vote was:

CARRIED, AYES ALL

Upon returning from Executive Session, all members of Council were still present.

Mayor Nelson moved to bring Resolution #31 back off the table for discussion, and Councillor Vaughn seconded the motion.

ORDINANCE #3 OF 2009
AN ORDINANCE TO AUTHORIZE A LEASE OF MUNICIPAL PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE: An Ordinance to authorize a lease of municipal property at the Dobisky Visitors' Center to North Country Food Services dba Seaway Café and Catering.

ITEM TWO: The City Manager has presented the attached proposed agreement to lease space at the Dobisky Visitors' Center, The lease term shall be for an initial period of three (3) years, with an option to request renewal by the tenant, not less than 90 days prior to the expiration of the then current Term.

ITEM THREE: The City Manager is hereby authorized to execute the attached lease agreement, hereby made part of this Ordinance.

ITEM FOUR: Passage of this Ordinance shall be by a vote for three-fourths (3/4) of all members of the City Council.

ITEM FIVE: This Ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe same in summary form.

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(History of Resolution #31: It was originally introduced for discussion by Councillor Powers and seconded by Councillor Morley on 04/27/09. After much discussion, Mayor Nelson moved to table the resolution, and Councillor Vaugh seconded the motion. The resolution was tabled.)

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Hannan questioned if we have heard anything about the County reconvening sales tax discussions. City Manager Arthur Sciorra stated he will contact County Administrator Karen St. Hillaire, and added that staff is still researching "Home Rule".

2. Councillor Sholette said at the last meeting he asked for a list of the properties the City owns in lieu of taxes and if they will be auctioned, and hasn't received it. Mr. Sciorra said he will get Council a list of the properties.

3. Councillor Flynn stated that the Planning Board discussed the discrepancies in the State law compared to the City Zoning law regarding the storage of unregistered motor vehicles. Councillor Flynn said the Board does not recommend any changes to the City law but does recommend following the New York State Property Maintenance Code. After much discussion amongst Council, City Manager Arthur Sciorra was asked to research this issue and obtain a legal opinion. Councillor Hannan also stated he would like a copy of the Planning Board's minutes regarding this.

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NEW BUSINESS

1. Councillor Sholette questioned how the City can charge a business twice for water use. Mr. Sciorra asked Councillor for a copy of the bills so that he can research this.

2. Mayor Nelson stated it was nice to see the Miscellaneous Issues Report.

3. Mayor Nelson complemented Councillor Vaughn and Kristen Reed's group for the Maple City cleanup.

4. Mayor Nelson asked if the date and time of the program for Trooper Snow has been set and if the family has been notified. Mr. Sciorra stated that the information will go out tomorrow and we are contacting the family.

5. City Manager Arthur Sciorra stated he supplied Council with a copy of Code Enforcement Office citation report and added that they have been very busy with re-offenders. Mayor Nelson suggested increasing the lines for re-offenders.

On a motion duly made and seconded, the meeting was adjourned.



**VERNON "SAM" BURNS
ST. LAWRENCE COUNTY LEGISLATOR
DISTRICT 1**

May 25, 2009

Members of the Ogdensburg City Council
City Hall
Ogdensburg, New York 13669

Dear Council Members,

It was my pleasure to attend a roundtable economic development discussion with Senator Kirsten Gillibrand this past Sunday in Massena. I was impressed with the Senator's knowledge of our region and the problems we face in attracting and retaining jobs in our county. I was fortunate enough to express to the Senator, how important it is to our economic future that the four lane highway be built and the barrier of poor railroad service be eliminated. The ultimate goal is to use all available resources that our county has to offer. An example of such a project would be the construction of wind towers in a plant in Massena, using low cost power, sent by rail to the Port at Ogdensburg and shipped all over the world. In such a situation, everybody wins.

You should be extremely proud of the two individuals that also attended this meeting and represented the City of Ogdensburg with distinction. When Senator Gillibrand asked a specific question regarding the Port of Ogdensburg, John Rische from the Bridge & Port Authority explained in exact detail what the Authority's plans are and what needs must be met. The Senator gave Mr. Rische a lead to follow and pledged her support. Ms. Kim DesChamp spoke on behalf of the City's Empire Zone and the difficulties the State's changes have had on that program. She too expressed in detail what that program means to the City of Ogdensburg and the surrounding community. The Senator told Ms. DesChamp that coming from a rural area as she does, that she sees the valid parts of Ms. DesChamp's argument to continue the Zone Program. In fact, Senator Gillibrand expressed her support for the Zone Program and her willingness to discuss it with New York State officials. All in all, not a bad day for the City of Ogdensburg in the Senator's eyes.

I know you understand this but let me express it again, anytime the City Council feels that I can be of assistance, please don't hesitate to ask. We must continue to work together for the benefit of our residents.

Sincerely,

Vernon "Sam" Burns

Email from

Doug Marlow

2035 Linden St.

Ogdensburg, NY 13669

"I am writing in support of local business people assuming responsibility for the Community Center concession. It would be nice to have the City of Ogdensburg support local business people as they attempt to work for the good of our City."

Doug Marlow

Presentation by Justin Woods

**Diamond Site
Development Process**
&
**The Truth About
American Communities Development**

RFP Process

- RFP issued August 2007
- October 5, 2007, only 3 responses
 - American Communities, Inc.
 - P&L Investments
 - Joseph Howe
- Consultant Cecelia Ward and City Staff reviewed the proposals December 2008-March 2009

5 Step Development Process

- Preferred Master Developer Selection
- Pre-Development/Exclusivity Agreement
- Collaborative Design and Master Planning Process
- Preferred Master Developer Agreement
- Land Disposition Agreement

**Step 1: Preferred Master
Developer Selection**

- The City Council approves a Preferred Master Developer, subject to the execution of a Pre-Development Agreement.
- During this period, the City agrees not to negotiate or enter into a Land Disposition Agreement with any other party.

**Step 2: Pre-Development/
Exclusivity Agreement**

- Pre-Development/Exclusivity Agreement confers the exclusive rights to develop a master plan for the site.
- Outlines the general terms and conditions for the sale or lease of the property.

City Council's Role

- Sharp Presentation on Partnership
- City Staff 5 Step Development Process
- City Council Collectively selected American Communities as the preferred developer Subject to a Pre-Development Agreement (in accordance with presentations)

Who Was Negotiating for the City?

- City Manager was the lead negotiator
- Supported by a Team that included:
 - Phil Cosmo, Comptroller
 - J. Justin Woods, Director of Planning
 - Kim DesChamp, Economic Developer
 - Cedia Ward, AICP, Planning Consultant
 - Andy Silver, Esq
 - Ferd Wander, Esq

**Characteristics of
Private Land Development**

- Private purchase of land.
- Public involvement is generally limited to incentive packages and regulatory review.
- May or may not attempt to fulfill public goals or vision for future development.

**Characteristics of
Public-Private Land Development**

- Public Participation & Outreach in the development of Vision & Public Goals
- Public Goals for development projects include mixed-use/smart-growth principles.
- Capability of Private Developer to deliver a project consistent with Public Goals.
- Fair Balance of Public Vision & Goals with financial profitability for private partner.

**Why might a City enter into a
Public-Private Partnership**

- To stimulate investment on vacant or underutilized lands.
- To bring skills and resources that compliment a City's development project.
- To bring financial resources unavailable to public agencies.
- To qualify for different incentive programs.

Mr. Basta's Questions

- Q: If we receive value for the land do we have to reimburse NYS?
- A: Depends how the project is structured.
- Q: Did we ask for some type of in-kind payments to help with off-site infrastructure costs?
- A: No, the negotiations didn't reach that point. In fact, American Communities wanted the City to fund everything.

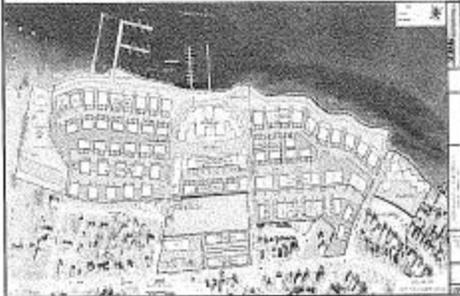
Mr. Basta's Questions cont...

- Q: Is it true that the developer is working on a \$300 Million Dollar project?
- A: Mr. Sharp's website claims that he is working on 26 projects valued at over \$23 Billion. However none of them can be verified! I've contacted several communities listed as having acting projects and discovered that nothing has reached construction or they have never heard of Mr. Sharp.

Mr. Basta's Questions cont...

- Q: Is this project dead?
- A: This project is not dead, although agreement with this developer is not proceeding?
- Q: Is ego in the way?
- A: No, but perhaps self interest. City officials have refrained from publicizing Mr. Basta's interest in trying to sell his land to the developer. The forthcoming map was on Developer's website.

American Communities Development Including Shade Roller and Basta's Land



More Jim Sharp Info

- In my research, he's going into communities and promising the world, tying up land and not building anything.
- The <http://jsharpdevelopment.com/> lists a bunch of projects that haven't begun in Kansas, Oklahoma and New York.
- Then there's this <http://www.jsharpdev.com/> which has no mention of Sharp but lists all his projects.
- A new website, <http://jsharp.info> seems to be Sharp trying to repackage himself to target new areas. This one claims projects in Alaska, California, Texas, Oregon, Colorado, and Florida. It also lists among his clients, the San Bernardino Police Dept.
- I've tried calling a number of the communities to verify project status and nothing is being built. Also, I called the San Bernardino Police Dept and they've never heard of Sharp or any of his claimed companies.
