

CITY COUNCIL MEETING

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

PRESENT: Mayor Ashley, Councillors Davis, Kennedy,
Price, Shaver, Skamperle and Stevenson

ABSENT: None

PRESENTATION

1. Prescott Mayor Brett Todd made a presentation to Council regarding the Prescott-Ogdensburg Ferry. Mayor Todd introduced former Ontario Provincial Senator Robert Runciman and Prescott Town Council members. Mayor Todd provided some history on the prior ferry service from Ogdensburg to Prescott and said both communities could revitalize their downtown areas with the proposed passenger and cyclist ferry. Mayor Todd explained a feasibility study had been done for the Morristown and Brockville communities to operate a similar ferry, but it appears to be a better fit for Ogdensburg and Prescott.

Former Ontario Provincial Senator Robert Runciman provided an extensive history on ferry service between Ogdensburg and Prescott. Senator Runciman explained he has been speaking with U.S. border officials on ways to make check in with border agents easier. Gary DeYoung, Director of Tourism for the 1000 Islands International Tourism Council, said bicycle tourism is growing at a phenomenal pace. Mr. DeYoung explained there are certainly more than enough attractions and scenic locations in this area to draw people from all over.

Senator Patricia Ritchie said this is a tremendous project, and an international bicycle trail will grab the interest of people downstate. Prescott Town Councillor Fraser Laschinger provided a history on the Plumb family from Ogdensburg who started the very first ferry service from Ogdensburg to Prescott. Councillor Laschinger said the walking tours could be combined with the bicycle tours.

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City Manager Sarah Purdy said the St. Lawrence County Chamber of Commerce is supportive of the idea. Ogdensburg Chamber of Commerce Executive Director Laura Pearson read a letter expressing the Ogdensburg Chamber's support. (A copy of her letter follows these minutes.) Mayor Todd said a resolution of support will be passed by the Prescott Town Council as well.

Councillor Skamperle offered condolences regarding the hockey team involved in the recent bus/tractor trailer accident in Saskatchewan, Canada. Councillor Skamperle thanked Mayor Todd for a great presentation regarding the ferry and said he intends to fully support this excellent idea.

Mayor Ashley made a motion to amend the agenda to move a resolution in support of the Prescott-Ogdensburg passenger ferry, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

Councillor Stevenson moved a resolution in support of the Prescott-Ogdensburg passenger ferry, and Councillor Shaver seconded to wit:

RESOLUTION IN SUPPORT OF PRESCOTT-OGDENSBURG PASSENGER FERRY

WHEREAS, the Prescott Town Council has approved the funds to conduct a feasibility study for an international seasonal passenger and bicycle ferry between Prescott and Ogdensburg, and

WHEREAS, former Ontario Province Senator Robert Runciman and New York Senator Patricia A. Ritchie, R-Heuvelton, have been working together to help bring this proposal forward, and

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WHEREAS, several local officials in the Prescott and Ogdensburg regions have expressed their support for this proposal, and

WHEREAS, there is also a proposal to form a cross-border committee to work on bringing the ferry project to fruition,

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council supports the concept of the Prescott-Ogdensburg ferry, and be it further

RESOLVED, that the Ogdensburg City Council supports the conducting of the feasibility study, and the forming of the cross border committee, and will provide any necessary information and staff assistance toward these endeavors in order to successfully create the Prescott-Ogdensburg passenger ferry.

The vote was:

CARRIED, AYES ALL

2. City Comptroller Timothy Johnson made a presentation to Council to review the 2017 Year End Closeout. (A copy of his presentation follows these minutes.)

PROCLAMATION

1. Mayor Ashley read a proclamation declaring April 2018 as Fair Housing Month. (A copy of the proclamation follows these minutes.)

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PUBLIC HEARING

1. A public hearing regarding an ordinance to amend the Administrative Regulations by adding Article XIV, entitled “Internet Technology Policies”, of the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an ordinance to sell City-owned property: tax map number 48.078-5-27 surplus property located at 2 King Street was held. No one being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #07-2018 in the amount of \$695,684.07 and Library Fund Warrant #07-2018 in the amount of \$22,305.56 and Capital Fund Warrant #07-2018 in the amount of \$0.00 and Community Development Fund Warrant #07-2018 in the amount of \$484.50 and Community Renewal Fund Warrant #07-2018 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle made a motion to take an ordinance to amend Chapter 149 entitled “Parks”, §149-6. entitled “Use of Marina” of the Municipal Code of the City of Ogdensburg off the table, and Councillor Price seconded to wit:

ORDINANCE #8 of 2018
AN ORDINANCE TO AMEND CHAPTER 149 ENTITLED “PARKS”,
SECTION 149.6 ENTITLED “USE OF MARINA”
OF THE OGDENSBURG MUNICIPAL CODE

WHEREAS, the Ogdensburg City Council has the authority to amend sections of the Ogdensburg Municipal Code and the Parks & Recreation Department seeks to update Chapter 149 entitled “Parks”, §149-6, entitled “Use of Marina”; and

WHEREAS, the Ogdensburg City Council also requested that the Ogdensburg Recreation Commission review Chapter 149 entitled “Parks”, §149-6, entitled “Use of Marina” and the following is their recommended draft policy for adoption.

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

ITEM ONE: That Chapter 149 entitled “Parks”, §149-6, entitled “Use of Marina”, is hereby deleted and replaced with the following:

§ 149-6. Use of marina.

A. Dockage for private pleasure craft will be made available during the months of May, June, July, August, September and October. The fee to be charged shall be established on an annual basis by the Ogdensburg City Council.

B. Transient dockage within the marina shall be limited to a maximum consecutive period of 48 hours unless given permission by the Director of Parks & Recreation.

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C. Dockage will be allowed only within the slips provided by the marina itself, and only one boat per slip shall be permitted. The boat moored at a slip will be required to be owned by the person leasing the boat slip. No other boats will be allowed. No Jet-Skis will be allowed to occupy the same slip as a boat. Mooring of any vessel along the western or northern seawall of the municipal marina shall be prohibited unless written and specific permission is granted by the Director of Parks & Recreation.

D. The City Manager is hereby empowered to issue a permit allowing dockage for periods in excess of 48 hours and allowing dockage in places other than designated slips in exceptional circumstances and when, in the judgement of the City Manager, a public purpose and the best interests of the City shall be served by such a permit.

E. Vessels entering and exiting the marina, or within 100 feet of the marina shall be operated at no more than 5 mph or idle speed to prevent any wake.

F. Water skiing within 100 feet of the marina or municipal dock is prohibited.

G. Swimming is prohibited in the marina area. Fishing from docks within the marina is prohibited, but shall be allowed along the northern face of the municipal dock.

H. No one will be allowed to keep chairs, coolers, or other possessions on the docks itself.

I. Glass beverage containers are prohibited in the Greenbelt area, including the marina.

J. On or about Feb. 1 of each year, the Parks & Recreation Department will send a letter and renewal form to all of those who rented seasonal boat slips the previous marina season. Those receiving a letter and renewal forms will have at least an 8-week period with a deadline to be determined by the Parks & Recreation Department to return the renewal form, complete payment,

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proof of residency, boat insurance and current boat registration to the Parks & Recreation Department offices at the Dobisky Center, 100 Riverside Ave., in order to be eligible to receive a boat slip for the upcoming marina season. Those who do not return the required paperwork will forfeit their slip.

K. Payment for boat slips will be determined by the length of the vessel stated on the boat registration submitted to the Parks & Recreation Department.

L. The following dictates the city marina's boat slip waiting list:

- 1) Anyone desiring to lease a boat slip in the City of Ogdensburg owned marina must fill out an application provided by the Parks & Recreation Department and hand that document, as well as a copy of their driver's license, boat registration and boat insurance, to the Parks & Recreation Department offices at the Dobisky Center, 100 Riverside Ave. All vacancies occurring in dock space shall be filled from a waiting list based on a first-come, first serve basis.
- 2) Applicants who have properly completed the application in full, will receive written notification of receipt of their application and placement on the waiting list. The waiting list will be posted on the City of Ogdensburg's website, marina webpage. The person's name and municipality of residence will be listed. The waiting list will be updated annually.
- 3) Properly completed applications for a boat slip will be recorded in chronological order from the date of receipt and the awarding of a boat slip will take these following steps:

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- a) When a boat slip is available, the Parks & Recreation Department will notify the next applicant on the wait list with a vessel of appropriate length and width for the available slip determined by the Director of Parks & Recreation.
 - b) If he/she declines the boat slip when approached, the applicant may waive the boat slip but can elect to remain on the waiting list for the next available slip.
 - c) When selected from the waiting list, the Parks & Recreation Department will attempt to contact the applicant for two days by the telephone number listed on the application. If no contact is made by phone, a letter will be sent to the address provided on the application and the applicant will be given seven (7) days to respond. If there is no response by telephone or letter then the applicant will be removed from the wait list and the slip will be offered to the next applicant per the wait list policy.
 - d) Once successful contact has been made, the applicant will have seven (7) days to return a completed boat slip application, driver's license, boat registration, boat insurance and full payment to the Parks & Recreation Department office at the Dobisky Center, 100 Riverside Ave.
- 4) In order for an applicant to maintain his/her status on the waiting list, he/she must notify the Parks & Recreation Department office in writing by using an established "waitlist renewal form" between November 1 and January 1 of each year, to express his/her desire to remain on the waiting list. The "waitlist renewal form" is located at the Parks & Recreation Department office at the Dobisky Center, 100 Riverside Ave., and is also found on the City of Ogdensburg's website, marina webpage. If a renewal form is not filled out in the appropriate timeframe, then he/she will be removed from the established waiting list.

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M. Dockage for transient boaters will be made available during the months of May, June, July, August, September and October. The fee to be charged for transient boaters shall be established on an annual basis by the Ogdensburg City Council.

1) Day use of transient slips in the City Marina will be allowed only after receiving permission from Parks & Recreation staff.

2) If a transient boat is to remain in a slip overnight, then the boater must fill out a transient boat docking form found at the Dobisky Visitors' Center, 100 Riverside Avenue, and pay the appropriate fee based on the size of the boat before they spend the night.

N. Upon adoption of this policy, all returning renters for the 2018 boating season will be able to renew their slips regardless of whether they are residents or non-residents, provided they comply with all other documentation requirements.

Councillor Stevenson said she still supports two waiting lists, and Councillor Kennedy agreed. Councillor Shaver questioned if there will be two different costs established for residents and non-residents, and Mayor Ashley said that change would not be made until next year. Councillor Stevenson said the Recreation Commission will bring fee recommendations forward to Council this year, but those changes will not be implemented until 2019. Councillor Skamperle recommended one waiting list to eliminate any arguments regarding the definition of "resident". Councillor Shaver asked if the Recreation Commission recommended two waiting lists, and Recreation Director Matthew Curatolo said yes. Mr. Curatolo explained the proposed ordinance contains language for one waiting list. Councillor Shaver said after discussing this issue with City residents, he would prefer two waiting lists. Councillor Price made a motion to adopt the policy as presented to Council, and Councillor Skamperle seconded the motion.

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The vote was:

AYES: Councillors Davis, Price and Skamperle

NAYS: Mayor Ashley, Councillors Kennedy, Shaver and Stevenson

DEFEATED, 4 TO 3

Councillor Price said the Recreation Commission recommended current non-residents be grandfathered in which shows the Commission's support for one waiting list.

Councillor Stevenson suggested the ordinance be amended to reflect two waiting lists entitled "resident and property owner" and "non-resident and non-property owner". Councillor Price made a motion to table the matter so the recommended changes could be made, and Councillor Shaver seconded the motion.

The vote to table the ordinance was:

AYES: Mayor Ashley, Councillors Davis, Kennedy
Price, Shaver and Stevenson

NAYS: Councillor Skamperle

CARRIED, 6 TO 1

2. Councillor Shaver moved an ordinance to amend the Administrative Regulations by adding Article XIV entitled "Internet Technology Policies", §85 through §91, of the Code of the City of Ogdensburg, and Councillor Stevenson seconded to wit:

ORDINANCE # 7 - 2018
ORDINANCE TO AMEND THE ADMINISTRATIVE REGULATIONS
OF THE CITY OF OGDENSBURG TO PROVIDE FOR
ADDING ARTICLE XIV ENTITLED "INTERNET TECHNOLOGY POLICIES"

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

ITEM ONE: That Article XIV shall be added to the Administrative Regulations and shall be entitled "INTERNET TECHNOLOGY POLICIES", of the Code of the City of Ogdensburg, is hereby added and said Article shall read as follows:

ARTICLE XIV
INTERNET TECHNOLOGY POLICIES

- AR- 85. PURPOSE
- AR- 86. EMAIL USE POLICY
- AR- 87. NETWORK & INTERNET ACCEPTABLE USE POLICY
- AR- 88. COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY
- AR- 89. CYBER SECURITY POLICY (CSP)
- AR- 90. TECHNOLOGY EQUIPMENT DISPOSAL POLICY AR- 91.
PURPOSE
- AR- 91. NETWORK ACCESS FOR NON-CITY EMPLOYEES

§AR- 85. PURPOSE

Every officer, City employee, Non-City employee or contractor shall be subject to and abide by the Internet Technology Policies of the Code of the City of Ogdensburg.

§AR- 86. EMAIL USE POLICY

A. Purpose and Goals

E-mail is one of the City of Ogdensburg's core internal and external communication methods. The purpose of this policy is to ensure that e-mail systems used by City staff support City business functions to their fullest capacity. This policy advises staff and management of their responsibilities and provides guidance in managing information communicated by e-mail. All City e-mail is the property of the City of Ogdensburg.

B. Access to E-mail Services

E-Mail services are provided to staff whose job functions require it and as resources allow. Access requests must be made by Department Heads for each employee to the Email Administrator.

The Department Head must notify the Email Administrator immediately when an e-mail user separates employment (retirement, resignation, etc.) with the City. The Email Administrator will be responsible for removing user credentials immediately.

C. Use of E-Mail

E-mail services, like other means of communication, are to be used to support City business. Staff may use e-mail to communicate informally with others in the City so long as the communication meets professional standards of conduct. Staff may use e-mail to communicate outside of the City when such communications are related to legitimate business activities and are within their job assignments or responsibilities. Staff will not use e-mail for illegal, disruptive, unethical or unprofessional activities, or for personal matters or for any purpose that would jeopardize the legitimate interests of the City.

D. Privacy and Access

E-mail messages are not personal or private. E-mail system administrators will not routinely monitor individual staff member's e-mail and will take reasonable precautions to protect the privacy of e-mail. However, management and City network administrators may access an employee's e-mail:

(1) for a legitimate business purpose (e.g., the need to access information when an employee is absent for an extended period of time);

(2) to diagnose and resolve technical problems involving system hardware, software, or communications;

(3) to investigate possible misuse of e-mail when a reasonable suspicion of abuse exists or in conjunction with an approved investigation; and,

(4) of will for any reason.

a. A staff member is prohibited from accessing another user's e-mail without his or her permission.

b. E-mail messages sent or received in conjunction with City business may:

(1) be releasable to the public under the Freedom of Information Law

(2) require special measures to comply with the Personal Privacy Protection Law

c. All e-mail messages including personal communications may be subject to discovery proceedings in legal actions.

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E. Security

E-mail security is a joint responsibility of the Email Administrator and e-mail users. Users must take all reasonable precautions, including safeguarding passwords, to prevent the use of the account by unauthorized individuals.

F. Management and Retention of E-mail Communications

(1) Applicable to all e-mail messages and attachments

- a. E-mail is a communications system and messages should not be retained for extended periods of time. Users should remove all e-mail communications in a timely fashion. If a user needs to retain information in an e-mail message for an extended period, he or she should transfer it from the e-mail system to an appropriate electronic or other filing system (e.g. Microsoft Outlook).

(2) Applicable to records communicated via e-mail

E-mail created in the normal course of official business or retained as evidence of official policies, actions, decisions or transactions are records subject to records management requirements. Examples of messages sent by e-mail that typically *are records* include:

- policies and directives
- correspondence or memoranda related to official business
- work schedules and assignments
- agendas and minutes of meetings
- drafts of documents that are circulated for comment or approval
- any document that initiates, authorizes or completes a business transaction
- final reports or recommendations

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(3) Some examples of messages that *typically do not constitute records* are:

- copies or extracts of documents distributed for convenience or reference
- phone message slips

G. Record Retention

- (1) Records communicated using e-mail need to be identified, managed, protected and retained as long as they are needed to meet operational, legal, audit, research or other requirements. Records needed to support program functions should be retained, managed and accessible in an existing filing system outside the e-mail system in accordance with the appropriate program unit's standard practices.
- (2) Records communicated via e-mail will be disposed of within the record keeping system in which they have been filed in accordance with a Records Disposition Authorization (RDA) approved by State Archives and Records Administration (SARA). Management should consult with the City Records Management Officer concerning RDAs applicable to their program's records.
- (3) Users should:
 - dispose of copies of records in e-mail after they have been filed in a record keeping system; and,
 - delete records of transitory or little value that are not normally retained in record keeping systems as evidence of City activity.

H. Roles and Responsibilities

- (1) City management will insure that policies are implemented by program. Management will develop and/or publicize record keeping practices in their area of responsibility including the routing, format and filing of records communicated via e-mail. They will train staff in appropriate use and be responsible for ensuring the security of physical devices, passwords and proper usage.
- (2) City network administrators and e-mail users are responsible for e-mail security, backup and disaster recovery.
- (3) All e-mail users shall:
 - Be courteous and follow accepted standards of etiquette
 - Protect others' privacy and confidentiality
 - Facilitate organizational access before sending, filing or destroying e-mail messages
 - Protect their passwords
 - Remove transient records and reference copies in a timely manner
 - Comply with City policies, procedures and standards
 - Not use e-mail for personal matters

I. Policy Review and Update

- (1) The Email Administrator or designee will periodically review and update this policy as new technologies and organizational changes are planned and implemented. Questions concerning this policy should be directed to your Department Head.
- (2) All City employees shall sign a City of Ogdensburg Email Use Policy User Agreement.

§ AR-87. NETWORK & INTERNET ACCEPTABLE USE POLICY

A. Purpose

- (1) The City of Ogdensburg's connection to the global Internet exists to facilitate the official work of the City of Ogdensburg. The Internet facilities and services will contribute broadly to the missions of the City of Ogdensburg.
- (2) The Network and Internet connections and services are provided for employees and persons legitimately affiliated with the City of Ogdensburg for the efficient exchange of information and the completion of assigned responsibilities consistent with the City of Ogdensburg's statutory purposes.
 - a. The Department Head must notify the IT Administrator immediately when a network and internet user separates employment (retirement, resignation, etc.) with the City. The IT Administrator will be responsible for removing user credentials immediately.

B. Ogdensburg Computer Network

- (1) City owned computer systems and all information contained within is the property of the City of Ogdensburg. They are provided to enable City employees to work more efficiently and effectively and are not for personal use. When it improves an employee's productivity and effectiveness, use of a PC is encouraged.
- (2) Employees should not assume that any computer equipment or technologies, such as electronic mail and data are confidential or private. The City maintains the right and ability to enter these computer systems to access and review any information at any time without notice to the employees.

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- a. Department heads shall be responsible for ensuring that all computer users know and understand safe computing practices. This shall include, but is not limited to:
 1. Performing frequent backups on data files.
 2. Using anti-virus software to scan for viruses on all files that are downloaded from the Internet or any other outside source.
 3. Don't click or download things that you didn't solicit. Even saying no thank you (by clicking) gives them information about you. If you click something and then suspect it was not legitimate, report it immediately to the IT Administrator.
 4. Don't download "free" software. Nothing is free. Often these free applications come with spyware and other malware including viruses.
 5. Instances of malfunctioning computer equipment shall be reported to the IT Administrator immediately.
 6. In the event of a serious virus outbreak or in the case of a continued break of this policy by an employee, the employee will be disconnected from the Internet and the City's other computer systems until such time as he/she again complies with the City's computer policy.
 7. Computer equipment (e.g. Non-City computers/equipment, USB/thumb drives, files on cd/dvd, external drives, etc.) installed, moved, changed or modified without the authorization of the Contracted IT Technician and/or the IT Administrator is prohibited.

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8. Any unauthorized equipment or software not supported by the City that creates or causes technical problems or malfunctions of the City technology infrastructure shall be immediately removed by the Contracted IT Technician and/or the IT Administrator.
- b. The use of the Internet facilities by any employee or other person authorized by the department must be consistent with the Acceptable Use Policy and security policies.

C. Principles of Acceptable Use

(1) City of Ogdensburg Internet users are required:

- To respect the privacy of other users; for example, users shall not intentionally seek information on, obtain copies of or modify files or data belonging to other users unless explicit permission to do so has been obtained.
- To respect the legal protection provided to programs and data by copyright and license.
- To protect data from unauthorized use or disclosure as required by State and Federal laws and City of Ogdensburg regulations and policies.
- To respect the integrity of computing systems; for example, users shall not use or develop programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system.

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- To safeguard their accounts and passwords. Any user changes of passwords must follow City of Ogdensburg guidelines for good passwords. Accounts and passwords are assigned to single users and are not to be shared with any other person without authorization. Users are expected to report any observations of attempted security violations.

D. Unacceptable Use:

(1) It is not acceptable to use City of Ogdensburg Internet facilities:

- For activities unrelated to the City of Ogdensburg's mission
- For activities unrelated to office assignments and/or job responsibilities
- For any illegal purpose
- To transmit threatening, obscene or harassing materials or correspondence
- For unauthorized distribution of City of Ogdensburg data and information
- To interfere with or disrupt network users, services or equipment
- For private purposes such as marketing or business transactions
- For solicitation for religious and political causes
- For unauthorized not-for-profit business activities
- For private advertising of products or services
- For any activity meant to foster personal gain
- For personal use

(2) The City of Ogdensburg reserves the right to remove a user account from the network.

E. Web 2.0 and Social Networking

(1) Social networking (e.g. Facebook, Twitter, etc.) and other Web 2.0 technologies (blogs, wikis, Youtube, etc.) can help drive the City's mission and support professional development. However, improper uses of Web 2.0 technologies raise a number of security and reputational risks and the potential for widespread damage to the government entity. If use of Web 2.0 and other social networking technologies is permitted by the user's supervisor, users must adhere to the following guidelines when using such technologies on City IT resources:

- All policies and work rules apply when participating in a social network or using a Web 2.0 technology for business use. Users are responsible for all of their on line activities that are: conducted with a City e-mail address; can be traced to the City's domain; and/or use City resources.
- Users must not discuss or post confidential information.
- Users should be transparent when participating in any online community by disclosing their identity and affiliation with the City.
- Users should communicate in a professional manner
 - Be direct, informative and brief
 - Fact-check posts and include links to source information
 - If possible, spell and grammar check everything and correct errors promptly
- Abide by copyright and other applicable laws. Participation online results in a user's comments being permanently available and open to being republished in other media. Users should be aware that libel, defamation, copyright and data protection laws apply.

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- Ensure that the terms of service for social networking sites comply with State laws.
 - When communicating on behalf of the City, obtain necessary authorizations from their supervisor.
 - Obtain permission before publishing photographs, videos or quotes of others.
- (2) The City of Ogdensburg will not be responsible for any damages. This includes the loss of data resulting from delays, non-deliveries or service interruptions caused by negligence, errors or omissions. Use of any information obtained is at the user's risk. Any computer connected to a network should have anti-virus software installed. The City of Ogdensburg makes no warranties, either expressed or implied, with regard to software obtained from the system.

F. Personal communications

- (1) When not representing the City or acting within the scope of their employment duties, users who publish personal or professional opinions must not invoke their City title nor make any representation on behalf of the City of Ogdensburg.
- (2) The City of Ogdensburg reserves the right to change its policies and rules at any time. The City of Ogdensburg makes no warranties (expressed or implied) with respect to Internet service, and it specifically assumes no responsibilities for:
- The content of any advice or information received by a user outside City of Ogdensburg employment or any costs or charges incurred as a result of seeking or accepting such advice.

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- Any costs, liabilities or damages caused by the way the user chooses to use his/her City of Ogdensburg Internet access.
- Any consequences of service interruptions or changes, even if these disruptions arise from circumstances under the control of the City of Ogdensburg. The City of Ogdensburg's Internet services are provided on an as is, as available, basis.

G. Enforcement and Violations

- (1) This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the Internet facilities and is not necessarily exhaustive. Questions about specific uses related to security issues not enumerated in this policy statement and reports of specific unacceptable uses should be directed to the IT Administrator. Other questions about appropriate use should be directed to your Department Head.
- (2) The City of Ogdensburg will review alleged violations of the Internet Acceptable Use Policy on a case-by-case basis. Clear violations of the policy, which are not promptly remedied, will result in termination of Internet services for the person(s) at fault and referral for disciplinary actions as appropriate.
- (3) All City employees shall sign a City of Ogdensburg Network and Internet Acceptable Use Policy User Agreement.

§ AR-88. COMPUTER SYSTEM SECURITY BREACH NOTIFICATION
POLICY

A. Purpose

- (1) The Computer System Security Breach Notification Policy is intended to establish procedures to follow in the event a person(s) has acquired without valid authorization, private information of individuals from the records of the City of Ogdensburg and to alert said individuals to any potential identify theft as quickly as possible so that they may take appropriate steps to protect themselves from and remedy any impacts of the potential identity theft or security breach.
- (2) This policy is consistent with the State Technology Law, Section 208 as added by Chapters 442 and 491 of the laws of 2005. This policy requires notification to impacted New York residents and non-residents. The City of Ogdensburg values the protection of private information of individuals. The City of Ogdensburg is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and this policy.
- (3) The City of Ogdensburg, after consulting with NYS Office of Information Technology Services (ITS) to determine the scope of the breach and restoration measures, shall notify an individual when it has been determined that there has been, or is reasonably believed to have been, a compromise of private information through unauthorized disclosure.

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- (4) A compromise of private information shall mean the unauthorized acquisition of unencrypted computerized data with private information.
 - a. "Private information" means personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
 - 1. social security number
 - 2. driver's license number or non-driver identification card number; or,
 - 3. account number, credit or debit card number, in combination with any required security code, access code or password which would permit access to an individual's financial account.
 - b. "Private information" does not include publicly available information that is lawfully made available to the general public from City records.
 - c. This Policy also applies to information maintained on behalf of the City of Ogdensburg by a third party.

B. Permitted Delay

- (1) Notification pursuant to this Policy may be delayed if a law enforcement agency determines that notification could impede a criminal investigation. The notification must be made after the law enforcement agency determines that notification would not compromise any criminal investigation.

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C. Method of Notification

(1) The required notice must be directly provided to the affected individuals by one of the following methods:

- a. written notice;
- b. electronic notice, provided that the person to whom notice is required to be provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the City; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- c. telephone notification, provided that a log of each telephone notification is kept by the City; or,
- d. substitute notice, if the City demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000 or that the number of individuals to be notified exceeds 500,000 or the City does not have sufficient contact information. Substitute notice must include all of the following:
 - 1) e-mail notice, when the City has an e-mail address for the subject persons;
 - 2) conspicuous posting of the notice on the City's Website page if the City maintains one; and,
 - 3) notification to major state-wide media.

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D. Information Required

- (1) Regardless of the method by which notice is provided, the notice must include contact information for the City and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information were, or are reasonably believed to have been, acquired.

E. Notification of Agencies

- (1) Whenever any New York State residents are to be notified pursuant to this Policy, the City must notify the State Attorney General, the Consumer Protection Board and the NYS Office of Information Technology Services (ITS) as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.
- (2) Whenever more than 5,000 New York State residents are to be notified at one time, the City must also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.

§ AR-89. CYBER SECURITY POLICY (CSP)

A. Purpose

- (1) The purpose of the cyber security program is to maintain the confidentiality, integrity and availability of City IT Resources and City data.

B. Chief Information Security Officer

- (1) The IT Administrator is responsible for creating and maintaining a cyber security program. In addition, the IT Administrator, or a designee, is responsible for leading the investigation of and response to cyber security incidents. The response to any incident will be developed in collaboration with the Contracted IT Technician.

C. Users

- (1) City IT Resource users are responsible for protecting the security of all data and IT Resources to which they have access. This includes implementing appropriate security measures on personally owned devices which access City IT Resources. In addition, users are required to keep their accounts and passwords secure in compliance with the City's Network & Internet Acceptable Use Policy.
- (2) City employees may request IT Resource guest access to third parties (e.g., vendors, presenters, etc.) by using the Request for Network Access for Non-City employees form.

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D. Network Management

- (1) The Contracted IT Technician and IT Administrator are responsible for planning, implementing and managing the City network, including wireless connections.
- (2) The following network appliances cannot be implemented at the City without prior written approval by the Contracted IT Technician and IT Administrator:
 - Routers
 - Switches
 - Hubs
 - Wireless access points
 - Voice over IP (VOIP) infrastructure devices
 - Intrusion detection systems (IDS)
 - Intrusion prevention systems (IPS)
 - Virtual Private Networking (VPN)
 - Consumer grade network technologies
 - Other networking appliances that may not be included in this list

E. System Administration

- (1) The City's expectation is that every City owned IT Resource will be professionally managed by the Contracted IT Technician.
- (2) The Contracted IT Technician is responsible for proper maintenance of the system. Negligent management of a City owned IT Resource resulting in unauthorized user access or a data breach may result in the loss of system administration privileges.

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(3) System administration responsibilities for all City owned IT Resources, including those that are self-administered, include the following:

- Complying with all applicable City IT policies and procedures
- Working with the IT Administrator to establish the following:
 - Performing an annual cyber security self-assessment for the set of IT Resources administered
 - Installing an appropriate endpoint security/management agent(s)
 - Establishing an appropriate backup strategy and performing regular system backups
 - Regularly updating the operating system and other applications installed on the machine
 - Using, where possible and practical, central City IT services for system login and account management (e.g. Active Directory)

F. Scope:

(1) All City IT Resource users and all City IT Resources are covered by this policy.

G. Policy Terms

Endpoint - Laptop computers, desktop computers, workstations, group access workstations, USB drives and personal network attached storage.

City IT Resources – City owned computers, networks, devices, storage, applications, or other IT equipment. “City owned” is defined as equipment purchased with City funding (including sources such as grant funds, etc.)

H. Procedures

(1) Incident Reporting

- a. If a City IT Resource user suspects that a security incident has occurred or will occur, they should report the suspicion immediately to the IT Administrator.
- b. Any City IT Resource user who has identified any of the following security events should report the suspected security event to the City IT Administrator:
 - Any occurrence of a compromised user account
 - Any breach or exposure of sensitive data
 - Any occurrence of a server infected with malware
 - Three or more simultaneous occurrences of endpoints infected with malware
 - Any other instance of malware or suspected intrusion that seems abnormal

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I. Enforcement

- (1) Violations of this policy may result in loss of City system and network usage privileges, and/or disciplinary action, up to and including termination as outlined in applicable City policies.
- (2) All City employees shall sign a City of Ogdensburg Cybersecurity Policy User Agreement.

§ AR-90. TECHNOLOGY EQUIPMENT DISPOSAL POLICY

A. Purpose

- (1) The purpose of this policy is to define the guidelines for the disposal of technology equipment and components owned by the City of Ogdensburg (“City”). Technology equipment often contains parts which cannot simply be thrown away. Proper disposal of equipment is both environmentally responsible and in some instances required by law. In addition, hard drives, USB drives, CD-ROMs and other storage media contain various kinds of City data, some of which is considered sensitive. In order to protect the City’s data, all storage mediums must be properly erased before being disposed. However, simply deleting or even formatting data is not considered sufficient. When deleting files or formatting a device, data is marked for deletion but is still accessible until being overwritten by a new file. Therefore, special tools must be used to securely erase data prior to equipment disposal.

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B. Scope

- (1) This policy applies to any computer/technology equipment or peripheral devices that are no longer needed within the City including, but not limited to the following: personal computers, servers, hard drives, laptops, mainframes, smart phones or handheld computers (i.e., Windows Mobile, iOS or Android-based devices), peripherals (i.e., keyboards, mice, speakers), printers, scanners, typewriters, compact and floppy discs, portable storage devices (i.e., USB drives), backup tapes and printed materials.
- (2) All City employees and affiliates must comply with this policy.

C. Policy - Technology Equipment Disposal

- When technology assets have reached the end of their useful life they should be sent to the IT Administrator for proper disposal.
- The IT Administrator or designee will securely erase all storage mediums in accordance with current industry best practices.
- All electronic drives must be removed and rendered unreadable (drilling, crushing or other demolition methods).
- All computer equipment should be disposed of properly according to current state disposal regulations.
- Computer equipment refers to desktop, laptop, tablet or netbook computers, printers, copiers, monitors, servers, handheld devices, telephones, cell phones, disc drives or any storage device, network switches, routers, wireless access points, batteries, backup tapes, etc.
- Prior to leaving City premises for disposal, all equipment must be removed from the Information Technology inventory system.

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- No computer or technology equipment may be sold to anyone without prior approval of the City Manager and the IT Administrator, and then only through the process identified in the Ogdensburg Municipal Code Administrative Regulations, Article V, Sale of City Property, § AR-33, Surplus property.

D. Policy Compliance

(1) Compliance Measurement

- The IT Administrator will verify compliance to this policy through various methods, including but not limited to, business tool reports, internal and external audits and feedback to the policy owner.
- Exceptions - any exception to the policy must be approved by the City Manager and IT Administrator in advance.
- Non-Compliance - an employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

(2) All City employees shall sign a City of Ogdensburg Technology Equipment Disposal Policy User Agreement.

§ AR-91. NETWORK ACCESS FOR NON-CITY EMPLOYEES

A. Purpose

- (1) The purpose of this policy is to protect against unauthorized access to or use of the City of Ogdensburg's information that could result in substantial harm or inconvenience, and to protect against any anticipated threats or hazards to the security and/or integrity of the City's network information.

B. Policy

- (1) The appropriate City department will complete a Request for City of Ogdensburg Network Access for Non-City Employees or Contractors and submit the completed form to Contracted IT Technician one week prior to request.
- (2) Each Non-City Employee or Contractor shall be subject to and shall abide by the Internet Technology Policies of the Code of the City of Ogdensburg.

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

The vote was:

CARRIED, AYES ALL

3. Councillor Stevenson moved an ordinance to sell City-owned property: tax map number 48.078-5-27, surplus property located at 2 King Street, and Councillor Kennedy seconded to wit:

ORDINANCE #8 of 2018
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION
CITY-OWNED PROPERTY

BE IT ORDAINED AND ENACTED by the City Council of the City of Ogdensburg, New York, as follows:

SECTION ONE:

The following property shall be offered for sale at public auction by the City of Ogdensburg:

| <u>TAX MAP #</u> | <u>LOCATION</u> | <u>MINIMUM PURCHASE PRICE</u> | <u>RESTRICTION(S)</u> |
|------------------|-----------------|---|------------------------|
| 48.078-5-27 | 2 King Street | \$1,000 (includes \$400 Attorney fee and \$350 filing fees) | nonconforming lot, R/B |

SECTION TWO: The City does not guarantee clear property title in the transfer of properties by auction and conveyance will be made by Quit Claim Deed. The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale.

SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.

The vote was:

AYES: Mayor Ashley, Councillors Kennedy, Price, Shaver, Skamperle and Stevenson

NAYS: None

ABSTAIN: Councillor Davis

APPROVED, 6 TO 0

4. Mayor Ashley moved a resolution to approve the issuance of a Bond Ordinance in the amount of \$4,300,000 to cover the restoration of municipal property as a result of flood damage, including the sea wall, boardwalk, boat launches and traffic circle, as well as incidental improvements and expenses in connection, and Councillor Price seconded to wit:

BOND ORDINANCE DATED APRIL 9, 2018.

AN ORDINANCE AUTHORIZING THE RESTORATION OF MUNICIPAL PROPERTY AS A RESULT OF FLOOD DAMAGE, IN AND FOR THE CITY OF OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$4,300,000, AND AUTHORIZING THE ISSUANCE OF \$4,300,000 SERIAL BONDS OF SAID CITY, TO PAY THE COST THEREOF.

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

Section 1. The restoration of municipal property as a result of flood damage, in and for the City of Ogdensburg, St. Lawrence County, New York, including the sea wall, boardwalk, boat launches and traffic circle, as well as incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$4,300,000.

Section 2. The plan for the financing thereof is by the issuance of \$4,300,000 serial bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 89 (subdivisions 7, 19, 20, 22 and 35) of paragraph a of Section 11.00 of the Local Finance Law.

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Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Ogdensburg, St. Lawrence County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Ogdensburg, St. Lawrence County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Comptroller shall deem best for the interests of the City.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City

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Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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Section 11. This ordinance, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

City Manager Sarah Purdy explained this is the best estimate of the worst case scenario, and the City may not spend all of these funds. Ms. Purdy said the City will receive a 75% reimbursement from FEMA and may also be receiving funding from New York State. Ms. Purdy explained Council must pass this resolution now to continue with the FEMA assessment process. Ms. Purdy said Council will be consulted on the repair work.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution authorizing the City Manager to enter into an agreement with Gorick Construction Co., Inc. for a sum not to exceed \$237,240., for the 420 Lafayette Street – Asbestos Abatement & Demolition Project, and Councillor Price seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
AN AGREEMENT WITH GORICK CONSTRUCTION CO., INC.
FOR THE 420 LAFAYETTE STREET – ASBESTOS ABATEMENT &
DEMOLITION PROJECT

WHEREAS, the City desires to proceed with the 420 Lafayette Street Demolition Project as soon as weather permits; and

WHEREAS, bids have been solicited and received for the 420 Lafayette Street – Asbestos Abatement and Demolition project; and

WHEREAS, fifteen bids were received and the City staff have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

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WHEREAS, the low bidder is Gorick Construction Co, Inc. from Binghamton, NY and has the knowledge, experience, labor force and equipment to perform the scope of work;

NOW, THEREFORE BE IT RESOLVED that Sarah Purdy, City Manager, upon review by the City Attorney, is authorized to enter into the following contract, for a sum not to exceed \$237,240., for the designated project, on behalf of the City;

| <u>CONTRACTOR</u> | <u>BID AMOUNT</u> |
|---|-------------------|
| Gorick Construction Co., Inc. 27 Track Drive Binghamton, NY 13904 | \$ 237,240.00 * |

*includes Alternate No.1 (backfill & grading)

BE IT FURTHER RESOLVED that the funds to pay for this work will be from the Restore NY IV Project – H866603.518.

Councillor Stevenson said some neighbors are concerned about varmint animals vacating the building once the construction work begins. Director of Planning and Development Andrea Smith said she has talked to some adjacent neighbors who have asked to be notified when the work will begin so they can secure their own properties. Ms. Smith said she will keep them up to date on the progress.

Councillor Shaver said he saw posts on social media that some residents were not happy a local contractor was not chosen for this project but noted the local contractor's bid was much higher.

The vote was:

CARRIED, AYES ALL

6. Mayor Ashley moved a resolution to re-appoint the City Manager for a three-year term effective July 1, 2018, and Councillor Skamperle seconded to wit:

RESOLUTION TO REAPPOINT CITY MANAGER
FOR THE
CITY OF OGDENSBURG

WHEREAS, Sarah Purdy has been serving as the City Manager for the City of Ogdensburg since December 14, 2015, and

WHEREAS, her current term of office expires on June 30, 2018, and

WHEREAS, it is the desire of the City Council to reappoint Ms. Purdy for a three-year term of office commencing on July 1, 2018,

NOW, THEREFORE, BE IT RESOLVED, that Sarah Purdy is hereby reappointed as City Manager, effective July 1, 2018, to serve pursuant to the conditions of the employment agreement attached hereto, and be it further

RESOLVED, that the Mayor is authorized to execute said employment agreement on behalf of the City of Ogdensburg.

The vote was:

CARRIED, AYES ALL

7. Councillor Stevenson moved a resolution to approve the 2018 Tax Warrant, and Councillor Kennedy seconded to wit:

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Resolution

WHEREAS, the Tax Roll of the City of Ogdensburg, for the fiscal year January 1, 2018 through December 31, 2018, has been completed, and,

WHEREAS, Section C70 of the City Charter directs that when the tax rolls have thus been completed, a warrant signed by the City Manager and the City Clerk shall be attached hereto directing the Comptroller to collect from the persons named in the rolls the sum specified as levied against the parcels as owned by them, and

WHEREAS, the tax was computed on the taxable valuation of \$275,415,194 and the tax rate is \$19.774220 per thousand for the General City Tax, and the taxable valuation of \$275,458,247 and the tax rate is \$10.497869 per thousand for the General County Tax for the fiscal year January 1, 2018 through December 31, 2018 and the tax roll will produce the following:

| | | |
|---------------------------|----|---------------------|
| CITY AND COUNTY TAX | \$ | 8,338,254.69 |
| DUE WATER ACCOUNT | | 201,995.07 |
| DUE SEWER ACCOUNT | | 223,751.73 |
| DUE MISCELLANEOUS ACCOUNT | | 18,269.37 |
| OMITTED TAXES | | <u>16,988.79</u> |
| TOTAL | \$ | <u>8,799,259.65</u> |

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NOW THEREFORE, pursuant to Section C70 of the City Charter, the Tax Roll of the fiscal year 2018 is confirmed and the warrant in the sum of \$8,799,259.65 annexed thereto and be signed for the collections of all taxes in two installments; the first installment commencing April 15, 2018 and the second installment commencing July 15, 2018, and that all taxes shall be liens on the real property against which the sum levied is superior to all other liens and encumbrances from the date of signing of said warrant.

NEW BUSINESS

1. Councillor Stevenson said our local McDonald's restaurant gives a lot to our local community through McTeacher Nights and other events. Councillor Stevenson said she appreciates the local businesses who give back to our community.

ITEMS FOR DISCUSSION

1. City Manager Sarah Purdy asked for feedback regarding her memo pertaining to the restructuring board. (A copy of her memo follows these minutes.) Ms. Purdy said if a review is scheduled, it will not be done in time to assist the City with the 2019 budget. Ms. Purdy explained this will allow more time for the City to work with the Remington and Public Library but noted the City will need the restructuring board's assistance with separating the entities.

2. Councillor Price asked for an update on the bicycle lanes discussed for the City. Ms. Purdy explained some of the material used for the streets did not hold up as expected. Director of Planning and Development Andrea Smith said the product failed, and the City will be refunded for the cost of the material. Ms. Smith explained there is currently no replacement product lined up to continue with the project, but other suggestions are being explored.

3. Ms. Purdy said she will send an email to Council to attempt to schedule an Economic Development Work Session.

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Mayor Ashley said there was a need for Executive Session to discuss a matter which would imperil public safety if disclosed and proposed property acquisition, and Councillor Price seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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