

“THE BIRTHPLACE OF THE STATE OF NEW YORK”
OFFICE OF THE MAYOR

THOMAS M. ROACH
MAYOR

t: 914.422.1411
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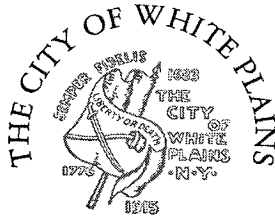
TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby make a call for a Special Meeting of the Common Council to be held on Monday, March 27, 2023 at 6:30 p.m. in the Common Council Chambers, Municipal Building, 255 Main Street, White Plains, New York, to consider a resolution setting a public hearing for a Local Law to amend the amount which can be expended by the District Management Association for the White Plains Downtown Business Improvement District and to hear a presentation by the White Plains Housing Authority regarding a site plan amendment application.

Sincerely,

Thomas M. Roach
Mayor

DATED: March 24, 2023



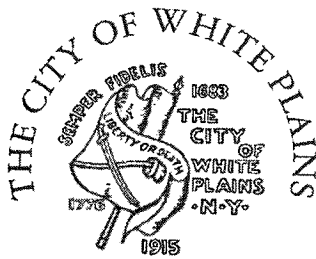
**COMMON COUNCIL
AGENDA
SPECIAL MEETING
March 27, 2023
6:30 PM**

RESOLUTION:

1. Communication from the Corporation Counsel regarding a request to amend the District Plan of the White Plains Downtown Business Improvement District by increasing the permitted expenditures of the District Management Association.
2. Introductory Local Law No. 1 of 2023 entitled, "A Local Law to Amend the District Plan of the White Plains Downtown Business Improvement District to change the maximum amount which can be expended by the district management association pursuant to the District Plan of the White Plains Downtown Business Improvement District annually for improvements, services, maintenance and operations from \$750,000 to \$1,500,000."
3. Resolution of the Common Council of the City of White Plains setting a public hearing on a local law amending the District Plan of the White Plains Downtown Business Improvement District to change the maximum amount which can be expended by the District Management Association pursuant to the District Plan of the White Plains Downtown Business Improvement District annually for improvements, services, maintenance and operations from \$750,000 to \$1,500,000.

PRESENTATION:

4. Pre-submission presentation regarding the White Plains Housing Authority site plan amendment application.



LAW DEPARTMENT

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1241 • FAX: (914) 422-1231

THOMAS M. ROACH
MAYOR

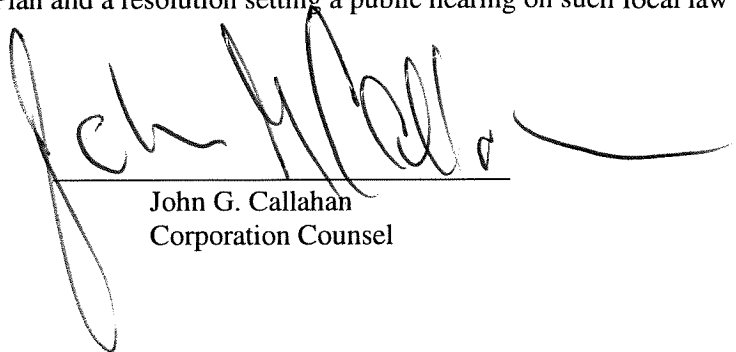
JOHN G. CALLAHAN
CORPORATION COUNSEL

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS

By letter dated March 24, 2023, the District Management Association of the White Plains Downtown Business Improvement District ("BID") requested that the District Management Plan be amended so that the annual amount that can be expended on improvements, services, maintenance and operations be increased from the present limit of \$750,000 to \$1,500,000.

In order to effectuate the request of the BID, the District Management Plan would have to be amended by a local law, which can only be adopted after a public hearing as required by Section 980-i(b) of the General Municipal Law.

Attached herewith for your consideration is the aforesaid letter from the BID as well as a proposed local law which would amend the District Management Plan and a resolution setting a public hearing on such local law for April 10, 2023.



John G. Callahan
Corporation Counsel

Dated: March 24, 2023



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Polloni & Weiss Realty Co.
- COUNSEL**
- Paul Bergins, Esq.

March 24, 2023

Honorable Thomas Roach and Members of the Common Council
 City of White Plains
 255 Main Street
 White Plains, NY 10601

Re: White Plains Downtown Business Improvement District Maximum Expenditures

Dear Mayor Roach and Council Members:

The District Management Plan of the White Plains Downtown Business Improvement District adopted by the Common Council on October 6, 1997, and as amended by Local Laws No. 1 of 2002 and No. 1 of 2006 ("the Plan"), provides that the maximum amount which can be expended by the District Management Association pursuant to the Plan annually for improvements, services, maintenance and operations is \$750,000.

While the \$750,000 maximum expenditure limitation was sufficient 17 years ago when last established in 2006, the BID has matured to produce more sophisticated business promotions, events, and supplemental services that benefit key downtown stakeholders and ratepayers. These include the addition of sidewalk gum removal services, an Annual Restaurant Month, Oktoberfest, the White Plains Holiday Market, various outdoor concert series, an expanded horticulture program and public arts and placemaking initiatives.

Additionally, regular (and exceptional) inflation and market disruptions have caused operational and programmatic expenditures to rise, especially in the last four years. Because of the maximum expenditure limitation contained in the Plan, the White Plains Downtown Business Improvement District ("BID") may find it necessary to curtail certain events or other activities sponsored by it in prior years. Likewise, a restrictive cap on expenditures may make it difficult for the BID to nimbly respond to and competitively apply for short-notice funding opportunities (e.g. grants, sponsorships) that could underwrite innovative programming if it is unable to expend such funds within acceptable guidelines.

As a long-standing downtown stakeholder, our BID is also relied upon as a key implementation partner in the development and presentation of several public events (e.g. the White Plains Jazz Fest—a partnership between the City of White Plains, Arts Westchester and the BID). Such limitations upon our annual expenditures could have the unintended policy consequence of forcing the BID to withdraw from co-produced/sponsored events in order to avoid the expenditure cap, despite having the ability to procure adequate sponsorship dollars to cover all expenses, creating undue logistical burdens and even increased expenses upon those partners as a result.

To assure that the aforementioned, and similar programs, if approved, may be funded without the need for direct subsidy from the City, I am writing pursuant to authorization of the Board of Directors of the District Management Association to request that the Plan be amended to increase the maximum amount which can be expended by the District Management Association pursuant to the Plan annually for improvements, services, maintenance and operations to the amount of \$1,500,000. Within such maximum expenditure limit, the actual amount of any year's budget will be submitted to the Common Council and is required to be approved by the contract between the City of White Plains and the BID.

Under Sec.980-i of the General Municipal Law, the proposed change in the District Management Plan may be adopted by local law of the Common Council after a public hearing upon a finding by the Common Council that it is in the public's best interest. It is respectfully requested that this matter be placed on the calendar of the Common Council for appropriate action.

Thank you for your kind consideration of this request.

Respectfully yours,



Jennifer Furioli
Executive Director

Copied: White Plains BID Board of Directors

INTRODUCTORY LOCAL LAW NO. 1 OF 2023

A LOCAL LAW TO AMEND THE DISTRICT PLAN OF THE WHITE PLAINS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT TO CHANGE THE MAXIMUM AMOUNT WHICH CAN BE EXPENDED BY THE DISTRICT MANAGEMENT ASSOCIATION PURSUANT TO THE DISTRICT PLAN OF THE WHITE PLAINS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT ANNUALLY FOR IMPROVEMENTS, SERVICES, MAINTENANCE AND OPERATIONS FROM \$750,000 TO \$1,500,000.

Be it enacted by the Common Council of the City of White Plains as follows:

Section 1. The Common Council of the City of White Plains hereby finds that

(i) Notice of the public hearing on this local law proposing to amend the District Plan of the White Plains Downtown Improvement District to increase the maximum amount which can be expended by the District Management Association pursuant to the District Plan of the White Plains Downtown Business Improvement District annually for improvements, services, maintenance and operations be raised from \$750,000 to \$1,500,000 was published in conformance with General Municipal Law §980-i(b) and the notice conformed to the requirements of General Municipal Law §980-i(b).

(ii) The public interest of the City of White Plains will be served by increasing the maximum annual amount which can be expended by the District Management Association pursuant to the District Plan of the White Plains Downtown Business Improvement District for improvements, services, maintenance and operations from \$750,000 to \$1,500,000.

(iii) The tax and debt limits prescribed in §980-k of the General Municipal Law will not be exceeded by this amendment to the District Plan.

§2. The portion of the District Plan of the White Plains Downtown Business Improvement District, said plan having been filed in the City Clerk's Office on June 23, 1997 and having been approved by the Common Council of the City of White Plains by a local law adopted by the Common Council on October 6, 1997 and amended by a local law adopted by the Common Council on January 7, 2002, which limited the maximum amount which can be expended by the District Management Association pursuant to the District Plan of the White Plains Downtown Business Improvement District for improvements, services, maintenance and operations annually to \$500,000, and was further amended by a local law adopted by the Common Council on May 1, 2006, which limited the maximum amount which can be expended by the District Management Association pursuant to the District Plan of the White Plains Downtown Business Improvement District for improvements, services, maintenance and operations annually to \$750,000, is hereby amended and increased to an annual amount of \$1,500,000.

§3. This local law shall take effect forty-six days after its adoption, subject to the provisions of Section 24 of the Municipal Home Rule Law, as amended.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SETTING A PUBLIC HEARING ON A LOCAL LAW AMENDING THE DISTRICT PLAN OF THE WHITE PLAINS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT TO CHANGE THE MAXIMUM AMOUNT WHICH CAN BE EXPENDED BY THE DISTRICT MANAGEMENT ASSOCIATION PURSUANT TO THE DISTRICT PLAN OF THE WHITE PLAINS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT ANNUALLY FOR IMPROVEMENTS, SERVICES, MAINTENANCE AND OPERATIONS FROM \$750,000 TO \$1,500,000.

RESOLVED, that a public hearing before the Common Council of the City of White Plains concerning a proposed Local Law entitled, "A Local Law to amend the District Plan of the White Plains Downtown Business Improvement District to change the maximum amount which can be expended by the District Management Association pursuant to the District Plan of the White Plains Downtown Business Improvement District annually for improvements, services, maintenance and operations from \$750,000 to \$1,500,000" shall be held at the Common Council Chamber in the Municipal Building, 255 Main Street, White Plains, New York, on the 10th day of April, 2023 at 6:30 p.m.; and BE IT FURTHER

RESOLVED, that the City Clerk is directed to publish notice of said public hearing pursuant to and in accordance with § 980-i(b) of the General Municipal Law.