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Agreement passes

Dunkirk council members express concern about status of project

Mary Freda, Reporter

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DUNKIRK — Todd Building Group will be able to get additional funding for its restaurant project.

After tabling a subordination agreement for the Todd Building project during its last meeting, Dunkirk City Council passed the measure 3-2 Monday.

During the July 24 council meeting, co-developer for the project, Ray Willey, said Todd Building Group was seeking a \$100,000 loan from Bank of Geneva to be used toward renovations to the building, which is to be the site of two restaurants. He said the agreement would allow progress to move forward now, rather than waiting to get additional funding after the group's loan is up with the city in mid-October.

The subordination agreement makes Bank of Geneva the responsible party for the mortgage, rather than the city.

Council passed the agreement on a 3-2 vote with Jesse Bivens, Bryan Jessup and Lisa Street in favor while Jack Robbins and Tom Johnson were against. Even those voting in favor expressed some discomfort with doing so.

"I really don't want to be a part of this, but I don't think we have a choice, if that's the only choice that I have," said Bivens, council president. "I just wish there was a better way to protect ourselves."

In addition to wariness from council members, residents spoke out against the project.

"I'm a citizen, I've lived here all my life. I haven't had a good feeling on that situation on that restaurant from day one," said Christy Curts. "I feel like they're shysters and scammers, and they've come in and just took our money."

Willey could not be reached for comment prior to press time.

The city in June 2017 approved an agreement with Todd Building Group for a \$75,000 forgivable loan as well as \$75,000 from Dunkirk Industrial Development Corporation. The group received the first \$50,000 in a lump sum, with half of that to be used to pay off a previous loan from the city. The remaining \$100,000 was to be paid out by DIDC to be used for improvements on the building.

The agreement calls for phase 1 of the project to result in the creation of two restaurants — Firehouse BBQ and a Mexican restaurant — by July 1, 2019. (Willey in November told The Commercial Review he expected to have Firehouse BBQ complete by spring 2018, but that self-imposed deadline has come and gone.) If the full terms of the agreement are met, the loans will be forgiven.

Council members have expressed concerns with the agreement from the start, taking three months to negotiate details with Willey and his partner Bill Brown. It passed by a 3-2 vote, then with Jessup,



This February 2017 file photo shows the former Todd Opera House building, which was constructed in the 1890s and was home to Vaudeville theater productions. Developers are in the process of a project that is intended to turn part of the building into two restaurants — Firehouse BBQ and a Mexican restaurant. (The Commercial Review)

Street and Johnson voting in favor. Bivens and Robbins voted against the deal, citing concerns about the company's financial backing and spending taxpayer money.

"The best thing that you could ever hope to happen out of this thing over here, is you have a marginally more marketable building than what it is," city attorney Wes Schemenaur said Monday. "I told you all back from the get go that that is what you can hope for. If it goes, great ...

"I really hope it works out, but I have the same concerns that you folks did with their track record and that's why we structured the agreement the way we did, that was the best way I could think of doing it to protect your money."

In other business, council:

- Agreed to pay \$3,800 to Fleis & VandenBrink Engineering to update the city's pavement surface evaluation and ratings. Mitch Hansel, senior project manager at Fleis & VandenBrink, said residents can expect to see evaluators out assessing roads as early as today or Wednesday.

- Approved a \$3,278 bill from Spear Corporation for chlorine, a \$564 bill from Wilson Electric and a \$705 bill for West Jay Community Center from Cook's Nursery.

- Tabled salary ordinances until the Aug. 27 meeting.

- Heard from city clerk Tina Elliott, who plans to switch banks in September or October. Citizens State Bank, which is currently the bank Dunkirk uses, reduced its hours to half-operation beginning Monday. Elliot said she plans on transferring to Mutual Bank in Albany because she needs a bank that is open full-time.

- OK'd purchasing four turnout kits for \$8,100 from Donley Safety in Indianapolis.

- Appointed Al Curts, who is a member of Dunkirk's crime watch, as a member of the DIDC board.

- Approved claims totaling \$940,567.48.

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