

## CITY COUNCIL MEETING

October 14, 2014

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

PRESENT: Mayor Nelson, Councillors Ashley, Hosmer,  
Mitchell, Morley, Skamperle and Stevenson

ABSENT: None

### PRESENTATION

1. Michele Montroy of United Helpers addressed Council regarding the Mosaic Community Project. Ms. Montroy explained that the group painted the bleachers and dugouts at Montroy Park. Mayor Nelson thanked United Helpers for being part of our community for 116 years. City Manager John Pinkerton thanked the group for their work in the community.

### PUBLIC HEARING

1. A public hearing regarding a proposed amendment to the Official City Map (deleting a portion of unnamed paper street between Plover Hill Avenue and paper Rosseel Street) was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an ordinance to name 7 unnamed City lanes was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding an amendment to Chapter 189 of the Ogdensburg Municipal Code entitled "Streets and Sidewalks" was held. No one being present to speak, the hearing was declared closed.

4. A public hearing regarding an amendment to Chapter 221 of the City's Zoning Ordinance (add Adaptive Reuse District) was held.

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Director of Planning & Development Andrea Smith provided an overview of the proposed changes. Ms. Smith explained the Adaptive Reuse District (ARD) was developed by the Planning Board. Ms. Smith said this proposed change would affect approximately thirty six parcels in the City. Ms. Smith recommended the proposed district be adopted.

Ms. Smith explained parcels less than two acres are challenging to develop, but if a parcel is two acres or more the owner can apply for a Planned Development District. Ms. Smith explained the process begins with a public hearing followed by a site plan review. Ms. Smith said all neighbors located within 300 feet are notified of the potential redevelopment of the parcel. Ms. Smith explained the request can be approved, approved with conditions or denied.

Councillor Morley asked if voting on this amendment applies to all thirty six parcels, and Ms. Smith said yes. Councillor Morley said he would like to see a case by case evaluation of the parcels. Ms. Smith explained the Planning Board cannot support spot zoning. Ms. Smith said the Planning Board has been conducting a comprehensive review of this matter for over two years. Councillor Ashley asked if there are more hurdles to clear once the zoning has been changed. Ms. Smith said creating the district is just the initial stage of the process.

The following people spoke against the amendment:

- Patrick Woods, 515 Judson Street
- Carol Shaver, 1610 Lafayette Street
- Dan Greene, 625 Rosseel Street
- Terry Shaver, 1610 Lafayette Street
- Charles Shaver, 603 Rosseel Street
- Kendra Moran, 725 Caroline Street
- Marci O'Neil, 411 Jay Street
- Jeff Piercey, 1407 Knox Street
- Kevin Reed, 626 Franklin Street
- Torey Baker (no address given)
- Kenny Moore, Route 37

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The following people spoke in favor of the amendment:

- Diane Cardinal, 220 Tate Street
- Jim McCarthy, 1800 Jay Street
- Cassie Pharoah, (no address given)
- Terri Langenmayer, 322 Elizabeth Street
- Michael Spillman, 228 Franklin Street
- Connie Shannon-Harrow, 510 Irvin Street
- Becky Rollin, 919 Lafayette Street
- Paul Horkins, 462 Gilmour Road
- Dora Pearson, 318 King Street
- Henrietta Hall, 8 Lisbon Street, Heuvelton
- Carla Marianus (no address given)
- Zeb Horn, 462 Gilmour Road
- Barbara Ward, Route 37
- Roberta Haggerty, 1001 State Street

Charles Kelly, 818 Greene Street said he has no position on this issue. Mr. Kelly explained we need to find a way to solve this problem and keep our community together. Mr. Kelly urged Council not to vote on this proposal tonight. Mr. Kelly said we need to make compromises, shake hands and be friendly.

With no one else being present to speak, the hearing was declared closed.

5. A public hearing regarding an amendment to add Chapter 38 entitled "Joint Planning and Zoning Commission" to the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

6. A public hearing regarding the sale of City-owned property located at 1313 Ford Street was held.

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Debra Kench, 1016 Congress Street asked why sealed bids were taken if the property will now be sold at public auction. City Manager John Pinkerton explained because more than one adjacent property owner expressed an interest in the parcel, he felt it would only be fair to hold a public auction.

No one else being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #17-2014 in the amount of \$1,015,528.75 and Library Fund Warrant #17-2014 in the amount of \$59,890.17 and Capital Fund Warrant #17-2014 in the amount of \$170,329.20 and Community Development Fund Warrant #17-2014 in the amount of \$24,570.00 and Community Renewal Fund Warrant #17-2014 in the amount of \$15,624.00 and NSP Funds Warrant #17-2014 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Morley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson moved an ordinance to amend the Official City Map (deleting a portion of unnamed paper street between Plover Hill Avenue and paper Rosseel Street), and Councillor Skamperle seconded to wit:

RESOLUTION TO AMEND  
OFFICIAL CITY MAP

WHEREAS, the City desires to amend the Official City Map of the City of Ogdensburg by deleting the following: that portion of unnamed paper street between the Plover Hill Avenue and paper Rosseel Street to allow for area redevelopment,

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WHEREAS, public notice and public hearing on the proposed changes to the Official Map have been filed and held per Section 29 of General City Law;

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby amends the Official City Map of the City of Ogdensburg with the following changes:

Deletion of that portion of unnamed paper street between Plover Hill Avenue and paper Rosseel Street.

Councillor Morley said he would prefer to see six parcels established and he will not support this ordinance. Councillor Ashley asked for the size of the lot. Code Enforcement Officer Gregg Mallette said the lot is 280' x 280'. Mr. Mallette distributed a map for Council to review and explained the proposed redevelopment.

Councillor Skamperle asked if anyone is interested in the parcels. City Manager John Pinkerton said not at this time. Mayor Nelson said Council instructed City staff to market the property. Councillor Morley urged Council not to sell the property or eliminate the paper street. City Manager John Pinkerton stated we need to identify City-owned property, market it and get it on the tax base.

The vote was:

AYES: Mayor Nelson, Councillors Ashley,  
Hosmer, Mitchell and Stevenson

NAYS: Councillors Morley and Skamperle

CARRIED, 5 TO 2

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2. Mayor Nelson moved an ordinance to name 7 unnamed City lanes, and Councillor Skamperle seconded to wit:

ORDINANCE #12 OF 2014  
ORDINANCE TO NAME 7 UNNAMED CITY LANES  
ON THE OFFICIAL CITY MAP, AS PER THE RECOMMENDATION OF  
THE OGDENSBURG HISTORIC PRESERVATION COMMISSION

WHEREAS, there are currently 7 unnamed lanes in the City of Ogdensburg;  
and

WHEREAS, if the alleys are named, CHIPS funding can be used to repair  
them; and

WHEREAS, a letter of request was forwarded to the Ogdensburg Historic  
Commission to endorse the naming of the 7 unnamed lanes.

NOW THEREFORE, BE IT ORDAINED, the Historic Commission  
unanimously endorsed historically naming the following list of eight lanes in the  
City of Ogdensburg:

- 1) Between 400 block of Ogden and Spring Streets – Leyare Lane

LEYARE- Joseph Leyare purchased in the early 1900's, the Spaulding St. Lawrence Boat Company which became known as the Leyare Boat Works. The Leyare company built sailing sloops and racing motor boats. He constructed boats for the rich and famous, among them, Frederic Remington, Frederick G. Bourne, Capt. D.H. Lyon and Jonathan Wainwright. In 1917, he closed his boat building business and went to Buffalo where he superintended the construction of pontoons for the hydro-aeroplane division of the Curtiss Airplane Company. In 1920 he returned to Ogdensburg and resumed boat building. The Leyare plant in Ogdensburg became the first site for the manufacture of sea and land planes by the Huff-Daland Airplane Company.

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### 2) Between 400 block of Ford and New York Avenues – O’Neill Lane

O’NEILL- In 1961, Arthur S. O’Neill, President of the Ogdensburg Trust Co. gave the Lyon property at 202 Greene St. to the City of Ogdensburg for a public park to be known as Lyon Park. Mr. O’Neill offered the park with the understanding that the city may use as much of the land as necessary for widening the roadway at the intersection of Greene Street and the Crescent and shall keep in perpetuity “LYON PARK” in memory of the Lyon family, “which has played a long and important part in the history of Ogdensburg.” During urban renewal and the construction of the twin bridges, Lyon Park was obliterated. The naming of a street, Lyon Street is a fitting memorial to this first early pioneer family and to descendants who have contributed to the progress of Ogdensburg.

### 3) Between 100 blocks of Spring and Grove Streets (two blocks) – Hackett Lane

HACKETT-A name known for over 100 years in Ogdensburg. Patrick Hackett was elected an Alderman from the Second Ward at the first Ogdensburg City election in 1868. Mr. Hackett purchased in 1889 the W. B. Allen hardware business. Hackett Hardware had been the oldest business in Ogdensburg.

### 4) Between 0 blocks of Crescent Place and Gilbert Street (five blocks) – Parish Lane

PARISH- David Parish purchased in 1808 the unsold portions of the Village of Ogdensburg. The Parish store built in 1809 is now the U.S. Customs Building. His mansion built in 1810 is now the Remington Art Memorial. David Parish was followed by his brother, George and later nephew, George. The Parish men for over 50 years were actively connected with the growth of Ogdensburg and St. Lawrence County.

### 5) Between 400 blocks of Lafayette and Canton Streets (two blocks) – Huff-Daland Lane

HUFF DALAND-Airplane manufacturers in Ogdensburg 1921-1925. The famous Duster plane was built here. The company eventually evolved into Delta Airlines.

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6) Between 500 blocks of East South and Montgomery Streets (3 blocks) – Forsyth Lane

FORSYTH- Benjamin Forsyth was in 1808, a member of the first rifle regiment organized in the United States. His company was among the first ordered to the northern frontier during the War of 1812. He arrived in Ogdensburg in September 1812. He was brevetted Lt. Col. For distinguished service for his daring raid on Brockville, February 6, 1813. His company was forced to retreat when Ogdensburg was invaded and captured by the overwhelming British forces, February 23, 1813. His detachment of riflemen saw service at the Battle of York and Fort George in May 1813. In the fall of 1813 he was back on the northern frontier. He was killed in action, June 28, 1814 at Odeltown on the New York-Canada border. When Stokes County, North Carolina was divided in 1849, the new division was named FORSYTH in his honor. There is, also, a FORSYTH Street in New York City.

7) Between 800 blocks of East David Street and Jersey Avenue – Pearson Lane

PEARSON- Urias Pearson was elected Alderman from the Third Ward to the first City Council in 1868. In 1831 he was apprenticed to the carpenter's trade in Ogdensburg. After the completion of his apprenticeship he entered the contracting and building business. He built some of the oldest and best known buildings in Ogdensburg. Buildings still extant are the John Fine residence at 422 State Street and the old Arsenal building on LaFayette Street. He served on various village and city boards and was a member of the volunteer fire department. He was the last surviving member of the first Common Council.

BE IT FURTHER ORDAINED, that the Official Map of the City of Ogdensburg be and the same shall be amended accordingly.

Councillor Morley said he would prefer to see the names changed to reflect more contemporary residents of Ogdensburg.

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The vote was:

AYES: Mayor Nelson, Councillors Ashley,  
Hosmer, Mitchell, Skamperle and Stevenson

NAYS: Councillor Morley

CARRIED, 6 TO 1

3. Mayor Nelson moved an ordinance to amend Chapter 189 of the Ogdensburg Municipal Code, entitled “Streets and Sidewalks”, and Councillor Morley seconded to wit:

ORDINANCE #13 of 2014  
ORDINANCE AMENDING CHAPTER 189 ENTITLED  
“STREETS AND SIDEWALKS” OF THE CITY OF OGDENSBURG  
MUNICIPAL CODE

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

SECTION ONE:

That Section 189-1.1.(C)(D)(E) entitled ‘Placement of materials between developed or undeveloped sidewalks and curbs or on streets, highways or public places’ is hereby amended as follows:

DELETE:

C. The City of Ogdensburg is hereby empowered to tow any unregistered motor vehicles or trailers parked in violation hereof. Said towing shall not eliminate liability for penalties hereinafter set forth.

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D. Penalties. Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a "violation" as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to \$100. Each 24 hours that a violation is continued shall be deemed a separate offense.

E. Effective date. This section shall become effective on May 1, 2001.

### ADD:

C. Parking of a registered motor vehicle or trailer between the developed or undeveloped sidewalk and the curb, or the city right-of-way should there be no sidewalk, is only allowed directly in front of owner's property, within clearly identifiable residence property lines. Enforcement action for this provision will only be initiated upon receipt of a valid complaint filed by the actual property owner.

D. The City of Ogdensburg is hereby empowered to tow any registered or unregistered motor vehicles or trailers parked in violation hereof. Said towing shall not eliminate liability for penalties hereinafter set forth.

E. Penalties. Failure to comply with this section by any person shall be an offense punishable as provided herein, and a conviction shall be a "violation" as defined by the Penal Law of the State of New York. Violations shall be punishable by a fine of up to \$100. Each 24 hours that a violation is continued shall be deemed a separate offense.

### SECTION TWO

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

Councillor Skamperle thanked the Code Enforcement Office for this change to the Municipal Code.

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The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved an ordinance to amend Chapter 221 of the City's Zoning Ordinance by adding Article IX entitled "Adaptive Reuse District (ARD), and Councillor Morley seconded to wit:

ORDINANCE \_\_\_\_\_

ORDINANCE ADDING ARTICLE IX ENTITLED  
"ADAPTIVE REUSE DISTRICT (ARD) "  
TO THE CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE

That Article IX entitled "Adaptive Reuse District (ARD)" is hereby added:

ARTICLE IX  
Adaptive Reuse District

§221-29. Purpose.

The purpose of this district is to recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future adaptive reuse; and to ensure that the public, quasi-public, and institutional structures and developments within the district will be compatible with surrounding zoning districts and uses.

§221-30. Submission and Review Procedure.

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The following regulations shall apply to all land within the Adaptive Reuse District:

A. Applicability of regulations for Adaptive Reuse Districts (ARD).

- (1) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Joint Planning and Zoning Commission ("Joint Commission") as hereinafter provided. Such request shall be in the form of an application for an Adaptive Reuse Permit, following all requirements for plan submission and documentation of Article XV, including 239-m review when relevant.
- (2) All land use within the Adaptive Reuse District shall be limited to the use or uses existing on the effective date of this article or approved by the application for an Adaptive Reuse Permit.

B. Site and development plan consideration. Upon the application for such permit, the Joint Commission shall consider and either approve, disapprove, or approve subject to any conditions, amendments or commitments, the proposed site and development plan and landscape plan.

- (1) Plan documentation and supporting information. All drawings submitted must be at a scale of not more than 50 feet to the inch. The site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

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- (a) The names of all owners of record of all adjacent property within 300 feet, and the tax map number of the property, all as shown in the City's official tax records.
  - (b) Proposed Adaptive Reuse District uses.
  - (c) Any existing uses, buildings, and structures.
  - (d) Proposed buildings and structures. Off-street parking layout.
  - (e) Vehicular entrances and exits and turnoff lanes.
  - (f) Setbacks.
  - (g) Landscaping, screens, walls, fences.
  - (h) Signs, including location, size and design thereof.
  - (i) Storm drainage facilities.
  - (j) Other utilities if aboveground facilities are needed.
- (2) Site and development requirements. Parcels in the Adaptive Reuse District are subject to the following site and development requirements. In review of the proposed site and development plan, the Joint Commission shall assess whether the site and development plan, proposed uses, buildings and structures shall:
- (a) Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan (LWRP) of the City of Ogdensburg, New York, including the applicable Brownfield Opportunity Area plan;
  - (b) Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Adaptive Reuse District and with adjacent uses;
  - (c) Provide sufficient and adequate access, parking and loading areas as prescribed by Off-street parking, §221-41;
  - (d) Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
  - (e) Provide adequately for drainage and public utilities; and

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- (f) Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan (LWRP).
- (g) Provide sidewalks along public streets, and other full control of access frontages including, but not limited to, recreational trails as determined by the Joint Commission. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Joint Commission shall be guided by the provisions of Chapter 189, Streets and Sidewalks and all relevant ADA accessibility requirements.

§221-31. Public Hearing. The Joint Commission shall schedule and hold a public hearing on the site plan. Such hearing shall be held within 90 days of the receipt of a complete application submission or completion of the SEQR review and shall be advertised in the City's official newspaper at least ten (10) days before the public hearing.

§221-32. Adaptive Reuse Permit requirements. No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in Ogdensburg's Adaptive Use District, without an Adaptive Reuse Permit, and such permit shall not be issued until the proposed site and development plan, and landscape plan has been approved in accordance with this section.

§ 221-33. Joint Planning and Zoning Commission decisions.

- A. The Joint Commission shall render its decision within 90 days following receipt of a complete application for site plan review. The Joint Commission's final action, rendered in writing, shall consist of either:
  - (1) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;

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- (2) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this section, and stating such deficiencies; or
  - (3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Joint Commission which will ensure the project meets the standards for review.
- (B) Notice of the Joint Commission's decision shall be given in writing to the applicant and Code Enforcement Officer.
- (1) Upon approval of the adaptive reuse application and payment by the applicant of any and all fees due to the City, the Joint Commission shall endorse its approval by having the acting Chairperson sign the final site plan and forward copies to the applicant and Code Enforcement Officer.
  - (2) Upon disapproval of the adaptive reuse application, the Joint Commission shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Joint Commission shall also notify the applicant in writing of its decision and its reasons for disapproval.
- (C) Failure of the Joint Commission to take final action within the specified time period shall be deemed approval. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Joint Commission.
- (D) Appeals. Any person aggrieved by any decision of the Joint Commission may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after filing of a decision in the office of the City Clerk.

### ITEM TWO

That the existing Article IX - Planned Development District to Article XX – Adult Entertainment Uses and all existing subsections and references thereto be renumbered as follows:

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## ARTICLE X - Planned Development District (PDD)

§221-34. Purpose.

§221-35. Minimum standards.

§221-36. Submission and review procedure.

§221-37. Expiration of permit.

## ARTICLE XI - Waterfront Overlay District (W)

§221-38. Purpose.

§221-39. Permitted uses.

§221-39.1. Prohibited uses.

## ARTICLE XII - Determination of Use

§221-40. Determination of use.

## ARTICLE XIII - Dimensional Regulations

§221-41. Dimensional regulations.

## ARTICLE XIV - Regulations Applicable to All Districts

§221-42. Accessory uses and structures.

§221-43. Open storage of inoperative or unregistered motor vehicles.

§221-44. Public garages and gasoline filling stations.

§221-45. Outdoor vending machines; outdoor sales.

§221-46. Off-street parking and loading.

§221-47. Signs.

§221-48 Usable open space.

§221-49. Temporary uses and structures.

§221-50. Nonconforming lots, uses and structures.

## ARTICLE XV - [Environmental Quality Review](#)

§221-51. Purpose.

§221-52. Process completion required.

§221-53. Applicability.

§221-54. Classification of action.

§221-55. Environmental assessment forms.

§221-56. Lead agency.

§221-57. Determinations of significance.

§221-58. Acceptance of draft environmental impact statement.

§221-59. Public comment period.

§221-60. Public hearing.

§221-61. Preparation of final environmental impact statement.

§221-62. Notice of completion of final environmental impact statement.

§221-63. Findings statement.

## ARTICLE XVI - Site Plan Review

§221-64. Legislative Authority.

§221-65. Purpose.

§221-66. Sketch plan conference.

§221-67. Applications for site plan approval.

§221-68. Application acceptance; referral to Planning Board.

§221-69. Public hearing.

§221-70. Referral to County Planning Board.

§221-71. Planning Board decisions.

§221-72. Standards for review.

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§221-73. Enforcement; inspections.

§221-74. Amendment to approved plans.

§221-75. Appeals.

## ARTICLE XVII - [Administration and Enforcement](#)

§221-76. Code Enforcement Officer and Zoning Administration Officer.

§221-77. Planning Board.

§221-78. Zoning Board of Appeals; appeals procedure.

§221-79. Standards for granting variances.

§221-80. (Reserved)

§221-81. Building permit required.

§221-82. Applications.

§221-83. Issuance or denial of building permit.

§221-84. (Reserved)

§221-85. Certificates of occupancy and certificates of compliance.

§221-86. Appeals.

§221-87. Complaints; investigation.

§221-88. Stop-work orders.

§221-89. Revocation of permits.

§221-90. Judicial review.

## ARTICLE XVIII - [Amendments](#)

§221-91. Legislative Authority.

§221-92. Referral to Planning Board.

§221-93. Referral to County Planning Board.

§221-94. Public notice and hearing.

§221-95. City Council vote; protests.

## ARTICLE XIX - [Application Fees](#)

§221-96. Application fees.

## ARTICLE XX - [Penalties for Offenses](#)

§221-97. Penalties for Offenses.

§221-98. (Reserved)

## ARTICLE XXI - [Adult Entertainment Uses](#)

§221-99. Purpose.

§221-100. Definitions.

§221-101. Location; signs; blockage of view from public places; establishment of business.

§221-102. Measurement of distances.

§221-103. Penalties for offenses.

§221-104. Severability.

§221-105. When effective.

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### ITEM THREE

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

Councillor Morley said he would prefer to have a list of the affected properties. Director of Planning & Development Andrea Smith said Council was previously provided with a list of the parcels along with two maps and the draft language of the St. Lawrence County Planning Board for review. Ms. Smith explained the process and procedure in detail.

Councillor Hosmer said this proposed ordinance refers to a Joint Commission which does not exist yet. Councillor Hosmer questioned how this board could be put in place after this proposed ordinance is passed. Councillor Hosmer said he would like to see a change to the Charter for board appointments. Councillor Hosmer explained the Mayor appoints these boards and he wants the boards appointed by Mayor and City Council.

Councillor Skamperle asked if we should add prohibited uses if none exist. Ms. Smith said the intent of this ordinance is not to prescribe what is permitted but to provide flexibility to seek approval for certain uses. Mayor Nelson said passing this ordinance puts the decision in the hands of five people and accountability is required. Councillor Skamperle explained people want properties on the tax rolls, but he wants Council to have the final approval.

Councillor Stevenson said her real estate office represents the buyer on the purchase of Lincoln School from the Ogdensburg City School District. Councillor Stevenson explained her professional relationship with the buyer is not a conflict of interest for her because they are buying it without this ordinance being passed. Councillor Stevenson said she is willing to abstain from the vote. Councillor Stevenson stated she believes the Joint Commission should have more than five members.

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Mayor Nelson said approximately thirty six parcels are potentially affected and we are voting only on the creation of a district. Councillor Morley said he wants the parcel addresses listed on the City website. Councillor Ashley asked how many of these parcels belong to the City. Ms. Smith said one, the old St. Joseph's Nursing Home.

Councillor Skamperle asked if Planning Board and Zoning Board meetings are open to the public. Ms. Smith said public hearings are required and all Planning Board and Zoning Board meetings are open to the public. Councillor Stevenson asked if a person must own property to make an application. Ms. Smith explained a person must have the intent to own the property and can make application in anticipation of purchasing a property. Councillor Morley asked if the approval rate of the neighbors will be polled, and Ms. Smith said no. Ms. Smith explained public comments will be heard and the Board will weigh those comments before voting.

Ms. Smith said an application for a use variance was made for Washington School and denied. Ms. Smith said the St. Lawrence County Planning Board recommended that City Council take a comprehensive look at this matter and the Planning Board made the recommendation before Council now. Mayor Nelson recommended that input from neighbors be considered and said a tool is needed to reuse these properties. Mayor Nelson suggested we have joint Planning Board, Zoning Board and City Council meetings.

Councillor Morley moved to table this ordinance and Councillor Skamperle seconded the motion.

The vote to table was:

CARRIED, AYES ALL

5. Councillor Ashley moved an ordinance to sell City-owned property located at 1313 Ford Street, and Councillor Skamperle seconded to wit:

ORDINANCE # of 2014  
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:

Location: 1313 Ford Street, Tax Map No. 48.072-2-10

Description: 30' x 90'

Minimum Purchase Price: \$1080

Restriction: An adjacent property owner will need to combine property by deed and then will record deed at the County Clerk's office.

SECTION TWO: The terms of this sale are as follows:

The City will not make any warranties of title to the property and will transfer by Quit Claim Deed only. No abstract of title will be provided to purchaser. Furthermore, the City makes no representations or warranties as to the existence of environmental contamination or presence of hazardous substances on the property. Property is being sold "as is".

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SECTION THREE: The City does not guarantee clear property title in the transfer of property 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 FOUR: This ordinance shall become effective ten days after publication.

Councillor Morley said two sealed bids were received and asked why we didn't sell to the highest bidder. City Manager John Pinkerton explained he was initially contacted by an adjacent property owner who expressed interest in this parcel. Mr. Pinkerton said letters were mailed to the other adjacent property owners, and two sealed bids were received. Mr. Pinkerton explained that because the initial person was not aware that additional bids would be sought, he felt it was best to hold a public hearing and public auction in the interest of fairness. Councillor Stevenson said the matter should be reviewed by the City Attorney before Council proceeds.

Councillor Ashley moved to table the ordinance until City Attorney Andy Silver reviews it, and Councillor Skamperle seconded the motion.

The vote to table was:

AYES: Mayor Nelson, Councillors Ashley, Hosmer,  
Mitchell and Stevenson

NAYS: Councillors Morley and Skamperle

CARRIED, 5 TO 2

6. Mayor Nelson moved a resolution authorizing the City Manager to enter into an agreement with National Grid to replace the sanitary sewer system in the vicinity of 10 King Street, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT ALLOWING NATIONAL GRID TO REPLACE THE  
SANITARY SEWER IN THE VICINITY OF 10 KING STREET,  
OGDENSBURG AS PER THE DRAFT CONSTRUCTION PLAN

WHEREAS, National Grid notified the City of Ogdensburg (City) in November of 2013 that during their soil remediation of the former manufactured gas plant (MGP) site located at 10 King Street (a property currently owned by St. Lawrence Gas) that they discovered coal tar ( a byproduct of MGP process) infiltrating the City's sanitary sewer system in the impacted area; and

WHEREAS, National Grid has investigated and determined that the affected sanitary sewer system should be replaced as continued remediation of the 10 King Street at no cost to the City; and

WHEREAS, National Grid has submitted a construction plan (Plan) for the City's review; and

WHEREAS, the Director of Public Works has reviewed the Plan and found that it is in the best interest to allow national Grid to perform this remediation,

NOW, THEREFORE BE IT RESOLVED, that National Grid, or their designated representative, is authorized to perform the necessary remediation of the sanitary sewer system in the vicinity of 10 King Street at no cost to the City.

BE IT FURTHER RESOLVED that John M. Pinkerton, City Manager, is authorized to enter into an agreement with National Grid, authorizing National Grid to perform the work as stated at no cost to the City.

Councillor Morley asked for a start date. Public Works Director Scott Thornhill explained he is not sure if construction will take place this season but the contractor will need to meet all requirements if he chooses to proceed. Mr. Thornhill anticipates the project will be delayed until the next construction season.

The vote was:

CARRIED, AYES ALL

8. Councillor Morley moved a resolution authorizing the City Manager to sign an agreement to extend the Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County, and Councillor Ashley seconded to wit:

A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO SIGN AN AGREEMENT BETWEEN THE CITY OF OGDENSBURG  
AND ST. LAWRENCE COUNTY

BE IT RESOLVED, that the City Manager is authorized to sign the attached extended Snow and Ice Control Agreement between the City of Ogdensburg and St. Lawrence County for the 2014-2015 Season.

The vote was:

CARRIED, AYES ALL

9. Councillor Ashley moved a resolution to nominate the City Comptroller to run for reelection to the NYCLASS Board of Directors, and Councillor Mitchell seconded to wit:

RESOLUTION  
TO NOMINATE THE CITY COMPTROLLER TO A SEAT  
ON THE NYCLASS COOPERATIVE INVESTMENT BOARD MEMBERSHIP

WHEREAS, Article 3-A of the General Municipal Law enacted, as part of Chapter 623 of the Laws of 1998 regarding cooperative investing requires the formation of a governing board; comprised of fiscal officers nominated by the Participants they represent;

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NOW, THEREFORE BE IT RESOLVED that the City of Ogdensburg, hereby nominates Philip A. Cosmo, City Comptroller for board membership of the NYCLASS cooperative investment program.

The vote was:

CARRIED, AYES ALL

### OLD BUSINESS

1. Councillor Morley said some lights on the Spring Street Bridge are not working. City Manager John Pinkerton explained he should have the approval tomorrow for the purchase of the new LED lights, and he will take action immediately.

2. Councillor Morley asked if the grass at the Diamond International property can be cut. City Manager John Pinkerton said he will have City staff address this matter.

3. Councillor Morley said the trail and hill on Lake Street near the dugout has high weeds and trees, and he would like the area cut. Public Works Director Scott Thornhill said he will address this matter.

4. Councillor Morley said trees are growing into the porch at 801 Washington Street and asked that they be cut. City Manager John Pinkerton said he will have City staff address this matter.

5. Councillor Morley said there is brush piled at the Journal entrance of the Mall that has not been picked up for two weeks. Public Works Director Scott Thornhill said it was picked up today.

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6. Councillor Morley asked for more information regarding the accident at the intersection of Pickering and Lafayette Streets involving one of our dump trucks or loaders picking up brush and asked if we need a flagger. Police Chief Richard Polniak said there was an accident but he doesn't have the details. Councillor Hosmer asked for the details to be provided to Council tomorrow along with the City's safety policy and the number of accidents involving Public Works drivers.

7. Councillor Skamperle thanked City Assessor Bruce Green for the information regarding the reduced assessments. Councillor Skamperle said he read in the paper that three Article 7 proceedings were filed and asked if their assessments were raised. City Manager John Pinkerton said these businesses typically file for a reduction in their assessed value.

8. Councillor Skamperle asked for an update on 611 Rensselaer Avenue. City Manager John Pinkerton said the asbestos abatement has been completed and a contractor has been hired. Mr. Pinkerton explained the Growth Fund hopes to have the property available for sale by late spring. Councillor Skamperle suggested we sell twenty other City-owned properties to private contractors in the same manner. Mr. Pinkerton explained the list of available properties can be added to the City website after receiving Council approval.

9. Councillor Stevenson said the doors are wide open at 501 Albany Avenue and the property is a safety hazard. City Manager John Pinkerton said a letter was sent to the owner. Mr. Pinkerton explained we can send our Code Enforcement officers to seal up the building, but the City doesn't have any right to enter the property.

### NEW BUSINESS

1. Councillor Hosmer said he would like to see the Charter changed regarding the appointment of Boards.

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2. Mayor Nelson said the New York State Department of Transportation is accepting proposals for air service. Mayor Nelson explained Cape Air is open for suggestions and asked Council members to give comments and recommendations. Mayor Nelson said he would like to see Council pass a resolution of support in the future.

### ITEMS FOR DISCUSSION

1. City Manager John Pinkerton discussed the Upper Lake Street modification options. Mayor Nelson said he prefers option #1. Councillor Skamperle said he likes option #1 without the sidewalk being added. Councillor Hosmer said we should simply start with signs and reevaluate the matter next year. There was a consensus of Council to proceed with option #1.

2. Councillor Skamperle said he has received complaints about a City employee. Councillor Hosmer said he has received the same complaints. Both Councillors agreed to turn the complaints over to City Manager John Pinkerton.

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