

CITY COUNCIL MEETING

July 20, 2015

Page 279

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. John Warneck, Jefferson-Lewis BOCES Solar Project Consultant, made a presentation to Council regarding a Tri-County Electric Cooperative. Mr. Warneck explained the study is underway, and the group is forming a consortium. Mr. Warneck said there is no obligation by joining now, and the City would maintain the opportunity to withdraw. Mr. Warneck explained joining simply allows the City to attend meetings, assist with the creation of bylaws, etc. Mr. Warneck explained the purpose is to create a system shared by everyone.

Councillor Morley asked where the solar arrays will be built. Mr. Warneck said some municipalities and school districts have available land, but there is no firm commitment from anyone yet. Councillor Morley said we have our own solar array and asked what benefit the cooperative would be to the City. Mr. Warneck explained a larger solar array is more cost effective, and the lower price can be made available to everyone enrolled in the cooperative. Councillor Morley said the City is talking about expanding its own solar array. City Manager John Pinkerton explained the City's proposed two megawatts would be in addition to the current solar array, not an expansion. Mr. Pinkerton emphasized joining the consortium now is not binding. Mr. Warneck explained this cooperative is a way for public entities to qualify for tax credits, but it is complicated. Mr. Warneck said all municipalities and schools have been grandfathered in and are eligible to join. Mr. Warneck stated there are no expenses or obligations at this point in time.

CITY COUNCIL MEETING

July 20, 2015

Page 280

2. Wade Davis, Executive Director of the Ogdensburg Bridge & Port Authority, made a presentation to Council regarding the airport expansion project. (A copy of the presentation material follows these minutes.) Mr. Davis updated Council on the progress and provided a timeline for the project. Mr. Davis explained OBPA is requesting §215-45 of the Ogdensburg Municipal Code be amended to exempt public authorities from entering into an outside user agreement. Councillor Skamperle asked if OBPA would bear the expense of installing the water and sewer lines, and Mr. Davis said yes. Councillor Ashley said he is very supportive of the project and hopes the development is successful. Councillor Mitchell asked how soon OBPA would need the OMC revised. Mr. Davis explained OBPA needs the revision expedited. Mayor Nelson said it is a great project, and both Council and City staff are supportive.

3. Barb O'Keefe, Fort La Presentation Committee, made a presentation to Council regarding the paper street agreement and Fort expansion project. (A copy of the presentation material follows these minutes.) Ms. O'Keefe explained the Planning Board approved the abandonment of the paper streets last Friday.

Meave M. Toohar of Toohar & Barone, LLP, Attorney for Fort la Presentation, said she is hopeful the issues can be resolved so the project can move forward. Attorney Toohar explained the Roethel easement will be improved, paved and maintained by the Fort, and signs will be posted for privacy.

City Attorney Andy Silver said if Albany Avenue is going to be a public road, the City should maintain it. Attorney Silver explained the Fort will maintain the portion of the street that will become the Roethel right-of-way. Councillor Skamperle suggested Council seek the advice of the City Attorney prior to voting.

Mayor Nelson made a motion to move to Executive Session to seek the advice of City Attorney Andy Silver on a legal matter, and Councillor Morley seconded the motion.

CITY COUNCIL MEETING

July 20, 2015

Page 281

The vote was:

CARRIED, ALL IN FAVOR

Upon returning from Executive Session, all members of Council were still present. Mayor Nelson asked City Attorney Andy Silver to explain what Council discussed. Attorney Silver said it does not appear that Albany Avenue is a public street. Attorney Silver explained although approximately the first one hundred feet section of the street is paved, it appears to be a right-of-way for New York State. Attorney Silver proposed amendments to the agreement as follows:

- The Roethel family would maintain their current access until the Fort installs and maintains at its sole expense a paved right-of-way large enough to allow access by fire and emergency vehicles
- The Fort will allow citizens access to the waterfront via Albany Avenue
- The City will plow Albany Avenue for the benefit of the public

Attorney Silver explained Council could make a motion to approve the agreement as written except for a few changes. Attorney Silver said a draft could be forwarded to Council for approval and then signed by the City Manager. Attorney Silver explained proceeding in this manner would avoid further delays that could impact the Fort's grant funding. Mayor Nelson said the amendments meet everyone's needs.

PUBLIC HEARING

1. A public hearing regarding an agreement between the City and Fort La Presentation Company, confirming that the City retains no ownership interest in the paper streets on Lighthouse Point, was held.

CITY COUNCIL MEETING

July 20, 2015

Page 282

The following people spoke in support:

- a) Dallas Robinson - Norfolk
- b) Barbara Munk - Ontario, Canada
- c) Tim McCabe - Freighthouse Restaurant, Ogdensburg
- d) Marsha Hough – 7755 State Highway 68, Ogdensburg
- e) Melissane Parm Schrems - Associate Professor, St. Lawrence University
- f) Michael Whitaker - Ontario, Canada
- g) Judy Ryan - Route 37, Ogdensburg
- h) John Dixon - Ontario, Canada
- i) Paul Schrems – Canton
- j) Barb O’Keefe – 100 Franklin Street, Ogdensburg

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

CORRESPONDENCE

1. City Clerk Kathleen A. Bouchard read a letter from William and Cheryl McLaughlin, 602 Greene Street, requesting that deaf child signs be posted in their neighborhood. Mayor Nelson turned the request over to City Manager John Pinkerton for action by City staff.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #13-2015 in the amount of \$1,916,480.21 and Library Fund Warrant #13-2015 in the amount of \$50,131.93 and Capital Fund Warrant #13-2015 in the amount of \$392,929.02 and Community Development Fund Warrant #13-2015 in the amount of \$45.00 and Community Renewal Fund Warrant #13-2015 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved to take a resolution authorizing the City Manager to sign an agreement between the City and Fort La Presentation Company, confirming that the City retains no ownership interest in the paper streets on Lighthouse Point off the table, and Councillor Mitchell seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN AN ABANDONMENT CONFIRMATION AGREEMENT
WITH FORT LA PRESENTATION COMPANY

WHEREAS, the Fort La Presentation Company is committed to building a historic fort on 20.80 acres of undeveloped land located on Lighthouse Point, and

WHEREAS, the City of Ogdensburg at one time in history was the reported owner of several mapped but undeveloped paper streets on Lighthouse Point;

WHEREAS, The Fort has commissioned a title report for the paper streets titled: "Report of Land Owned by Fort La Presentation Company" by the Title Service Company, dated May 12, 2014, Title No TSC-25329 by Terence G. Carle (Title Report). The Title Report concludes that the City, long ago, either abandoned or transferred all rights in and to the Paper Streets. A copy of the Title Report is attached hereto and made part hereof as Exhibit A; and

WHEREAS, The Paper Streets bisecting the Fort Property are identified by name as: Albany Avenue, Brown Street, Covington Street, Jackson Street, Front Street, Garrison Street, Ferry Street and Morris Street ("Paper Streets"); and

WHEREAS, funding to build this historic fort consists of various grants which are contingent upon the fort having clear and sole title; and

BE IT RESOLVED, that the City Manager is hereby authorized to sign the attached Abandonment Confirmation Agreement with the Fort La Presentation Company, pending City Attorney review.

CITY COUNCIL MEETING

July 20, 2015

Page 284

The vote to take the matter off the table was:

CARRIED, AYES ALL

Mayor Nelson made a motion to amend the agreement as recommended by City Attorney Andy Silver, and Councillor Stevenson seconded the motion. Mayor Nelson reminded Council of the changes suggested by Attorney Silver:

- The Roethel family would maintain their current access until the Fort installs and maintains at its sole expense a paved right-of-way large enough to allow access by fire and emergency vehicles
- The Fort will allow citizens access to the waterfront via Albany Avenue
- The City will plow Albany Avenue for the benefit of the public

The vote to amend the agreement was:

CARRIED, AYES ALL

Councillor Ashley said he believes the amended agreement will be beneficial for everyone and thanked the Fort representatives for their patience. Mayor Nelson commended everyone who worked together to reach this agreement.

The vote on the amended resolution was:

CARRIED, AYES ALL

2. Mayor Nelson moved a resolution calling for a public hearing and public notice regarding an ordinance to amend Administrative Regulations §17, entitled “Procedures of City Council Meeting”, of the Code of the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION OF CITY COUNCIL CALLING FOR A PUBLIC HEARING
TO AMEND THE ADMINISTRATIVE REGULATIONS
§17. ENTITLED “PROCEDURES OF CITY COUNCIL MEETINGS”

CITY COUNCIL MEETING

July 20, 2015

Page 285

BE IT RESOLVED, that Ordinance No. ___ of 2015, entitled "Ordinance amending Administrative Regulations §17. entitled "Procedures of City Council Meetings", of the Code of the City of Ogdensburg, be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid Ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on Monday the 10th day of August, 2015, at 7:00 p.m., and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

3. Councillor Morley moved a resolution authorizing the City Manager to enter into an amendment agreement with GHD Consulting Services, Inc. for a sum, not to exceed \$38,500 for construction engineering services for the CSO Weir Modifications and Hydraulic Improvements, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO
ENTER INTO AGREEMENT WITH GHD CONSULTING SERVICES, INC.
FOR DESIGN SERVICES FOR THE
CSO WEIR MODIFICATIONS AND HYDRAULIC IMPROVEMENTS

WHEREAS, the City is obligated to meet the requirements of the Long-Term Control as approved by the US EPA and NYS DEC; and

WHEREAS, the City in its desire to improve the collection of stormwater within the City's sanitary system and limit overflows to the St. Lawrence River contracted with GHD Consulting Services for the design services for the CSO Weir Modifications and Hydraulic Improvements; and

CITY COUNCIL MEETING

July 20, 2015

Page 286

WHEREAS, the City has entered into the construction phase of the project and is in need of engineering services in connection with the construction phase; and

WHEREAS, GHD Consulting Services, Inc. has submitted a proposal to provide the construction engineering services for the CSO weir modifications and hydraulic improvements project;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to enter into an amendment agreement with GHD Consulting Services, Inc., for a sum not to exceed \$38,500., for construction engineering services for the CSO weir modifications and hydraulic improvements; and

BE IT FURTHER RESOLVED that funding for these services will come from the Sewer Fund Water Pollution Control Capital Construction – G8130.330.

Councillor Morley asked if the project was put out to bid. City Manager John Pinkerton said this is just an extension of a current contract. Councillor Skamperle asked if this is a result of the unfunded mandate. Mr. Pinkerton said yes, but explained we are applying for some funding that may be available from the State.

The vote was:

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

NAYS: Councillor Skamperle

CARRIED, 6 TO 1

4. Councillor Skamperle moved an ordinance to add Article VII entitled “Adaptive Reuse District (ARD)”, to the Ogdensburg Municipal Code, and Councillor Stevenson seconded to wit:

ORDINANCE #13 of 2015
ORDINANCE ADDING ARTICLE VII 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 VII entitled "Adaptive Reuse District (ARD)" is hereby added:

ARTICLE VII
Adaptive Reuse District (ARD)

§221-22. District and Map.

Ogdensburg's Adaptive Reuse District (ARD) is specifically mapped to include parcels that exhibit pre-existing nonconforming land use patterns customarily associated with public, quasi-public and institutional development across the City. The parcels that make up this district have property class codes 600's (community service land uses) or 800's (public service land uses) and are less than 2 acres in size. Over time, parcels may be added into or removed from this zoning district as necessary through the standard zoning map amendment process.

§221-23. Purpose.

The purpose of this district is to (i) 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; (ii) to ensure that the developments within the district will be compatible with surrounding zoning districts and uses; and (iii) promote development, community compatibility and economic development by allowing the adaptive reuse of existing buildings and/or land uses, which may have become obsolete, after public review. Adaptive Reuse permits a wider range of land uses to be available to existing buildings and uses for the purpose of extending their useful life.

§221-24. Submission and Review Procedure.

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 Adaptive Reuse Permit has been filed with and approved on behalf of the City Council; and Zoning Board of Appeals (“ZBA”) as hereinafter provided.
- 2) 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 Site Plan Review including 239-m review when applicable.
- 3) 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 ZBA shall determine, after requesting and receiving within 30 days a report from the Planning Board, whether to approve, disapprove, or approve subject to any conditions, amendments or commitments, the proposed Adaptive Reuse Permit (ARP).

- 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:

CITY COUNCIL MEETING

July 20, 2015

Page 289

- i. The names of all owners of record of all adjacent property, and the tax map number of the property, all as shown in the City's official tax records.
- ii. Proposed Adaptive Reuse District uses.
- iii. Any existing uses, buildings, and structures.
- iv. Proposed buildings and structures. Off-street parking layout.
- v. Vehicular entrances and exits and turnoff lanes.
- vi. Setbacks.
- vii. Landscaping, screens, walls, fences.
- viii. Signs, including location, size and design thereof.
- ix. Storm drainage facilities.
- x. 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 ARP, the ZBA shall assess whether the site and development plan, proposed uses, buildings and structures shall:

- i. Be so designed as to create improved land use and development over the existing land use and development and in conformity with the Comprehensive Plan (LWRP) of the City of Ogdensburg, New York, including the applicable Brownfield Opportunity Area plan;
- ii. Promote economic development, create and maintain compatible land uses within the Adaptive Reuse District and with the surrounding area, promote land use and development having a functional and aesthetic value which is compatible with neighborhood and/or community character;
- iii. Provide sufficient and adequate access, parking and loading areas as prescribed by Off-street parking, §221-41;

CITY COUNCIL MEETING

July 20, 2015

Page 290

iv. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;

v. Provide adequately for drainage and public utilities; and

vi. 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).

vii. Provide sidewalks along public streets, and other full control of access frontages including, but not limited to, recreational trails as determined by the ZBA. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the ZBA shall be guided by the provisions of Chapter 189, Streets and Sidewalks and all relevant ADA accessibility requirements.

§221-25. Public Hearing. The ZBA shall schedule and hold both a public hearing on all adaptive reuse applications. The public hearing shall be held within 30 days of the receipt of a complete application submission or completion of the SEQ review and shall be advertised in the City's official newspaper at least ten (10) days before the public hearing. All property owners within a 400' radius of the parcel under review shall receive a direct mailing informing them of the request and meeting dates.

§221-26. Adaptive Reuse Permit requirements. No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in Ogdensburg's Adaptive Reuse District, without an Adaptive Reuse Permit, and such permit shall not be issued until the proposed request has been approved in accordance with this section.

§221-27. Zoning Board of Appeals review.

A. The ZBA shall render its recommendation to City Council within 7 days prior to the date of the public hearing required by §221-28 A. The ZBA's final action, rendered in writing, shall consist of either:

CITY COUNCIL MEETING

July 20, 2015

Page 291

- 1) Approval of the adaptive reuse permit 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;
- 2) Disapproval of the adaptive reuse permit 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 adaptive reuse permit subject to any conditions, modifications and restrictions as required by the ZBA which will ensure the project meets the standards for review.

B. Notice of the ZBA's recommendation shall be given in writing to the applicant and City Council.

§221-28. City Council Action

- A. Prior to authorizing any Adaptive Reuse Permit, the City Council shall hold a public hearing within 62 days of receipt of a completed application in accordance with this chapter (see Article XVII) and consider the report and recommendation of the ZBA and all other relevant comments, reviews and statements.
- B. The City Council shall act to approve, disapprove or approve with modifications, the application for an Adaptive Reuse Permit and preliminary development plan by a majority vote of the full membership, and shall report its decision to the City's ZBA and Planning Board. Should the City Council wish to act contrary to any recommendation for disapproval or approval with modifications made by the City Zoning Board of Appeals or the County Planning Board under authority of § 239-m of the General Municipal Law, it may do so only with a majority plus one vote of its full membership.
- C. The City Council shall render a decision within 62 days following the completion of a public hearing for an adaptive reuse permit.

CITY COUNCIL MEETING

July 20, 2015

Page 292

- 1) Upon approval of the adaptive reuse application and payment by the applicant of any and all fees due to the City, the Director of Planning and Development shall endorse the City Council approval by signing the ARP and forward copies to the applicant and Code Enforcement Officer.
 - 2) Upon disapproval of the adaptive reuse permit application, the Director of Planning and Development shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Director shall also notify the applicant in writing of the decision and reasons for disapproval. The Director shall copy all correspondence to the chairperson of both the Zoning Board of Appeals and Planning Board.
- D. The time within which a decision must be rendered may be extended by mutual consent of the City Council and the Applicant.
- E. Upon the approval of an Adaptive Reuse Permit a final development plan, consistent with any required modifications, shall be submitted to the Planning Board for site plan review prior to issuance of a building permit. Procedures under Article XV, Site Plan Review, shall be followed for the review of proposed development within the ARD.
- F. Final as-built site plan. A building permit may be issued by the Code Enforcement Officer only after final as-built site plans have been found complete and approved by the Planning Board.

§221-29. Severability. If any provisions or clauses of this article or its application to any person, persons or corporation or circumstances is held to be unconstitutional or otherwise invalid, such decision shall not effect the remaining provisions or clauses of the article or applications thereto which can be implemented without such invalid provision or clause, and, to this end, the provisions and clauses of the article are declared to be severable.

CITY COUNCIL MEETING

July 20, 2015

Page 293

§221-30. Appeals. Any person aggrieved by any decision of the City Council 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 VIII – Industrial and Institutional District (I/I) to Article XXI – Adult Entertainment Uses and all existing subsections and references thereto be renumbered as follows:

ARTICLE VIII - Industrial and Institutional District (I/I)

- §221-31. Purpose
- §221-32. Permitted uses
- §221-33. Special Permit Uses
- §221-34. Prohibited uses

ARTICLE IX - Mobile Home District (MH)

- §221-35. Purpose.
- §221-36. Permitted Uses.
- §221-37. Prohibited Uses

ARTICLE X - Planned Development District (PDD)

- §221-38. Purpose.
- §221-39. Minimum standards.
- §221-40. Submission and review procedure.
- §221-41. Expiration of permit.

ARTICLE XI - Waterfront Overlay District (W)

- §221-42. Purpose.
- §221-43. Permitted uses.
- §221-44. Prohibited uses.

ARTICLE XII - Determination of Use

- §221-45. Determination of use.

ARTICLE XIII - Dimensional Regulations

- §221-46. Dimensional regulations.

ARTICLE XIV - Regulations Applicable to All Districts

- §221-47. Accessory uses and structures.
- §221-48. Open storage of inoperative or unregistered motor vehicles.
- §221-49. Public garages and gasoline filling stations.
- §221-50. Outdoor vending machines; outdoor Sales.
- §221-51. Off-street parking and loading.
- §221-52. Signs.
- §221-53. Usable open space.
- §221-54. Temporary uses and structures.
- §221-55. Nonconforming lots, uses and structures.

ARTICLE XV - Environmental Quality Review

- §221-56. Purpose.
- §221-57. Process completion required.
- §221-58. Applicability.
- §221-59. Classification of action.
- §221-60. Environmental assessment forms.
- §221-61. Lead agency.
- §221-62. Determinations of significance.
- §221-63. Acceptance of draft environmental impact statement.
- §221-64. Public comment period.
- §221-65. Public hearing.
- §221-66. Preparation of final environmental impact statement.
- §221-67. Notice of completion of final environmental impact statement.
- §221-68. Findings statement.

CITY COUNCIL MEETING

July 20, 2015

Page 294

ARTICLE XVI - **Site Plan Review**

- §221-69. Legislative Authority.
- §221-70. Purpose.
- §221-71. Sketch plan conference.
- §221-72. Applications for site plan approval.
- §221-73. Application acceptance; referral to Planning Board.
- §221-74. Public Hearing
- §221-75. Referral to County Planning Board.
- §221-76. Planning Board decisions.
- §221-77. Standards for review.
- §221-78. Enforcement; inspections.
- §221-79. Amendment to approved plans.
- §221-80. Appeals.

ARTICLE XVII - **Administration and Enforcement**

- §221-81. Code Enforcement Officer and Zoning Administration Officer.
- §221-82. Planning Board.
- §221-83. Zoning Board of Appeals; appeals procedure.
- §221-84. Standards for granting variances.
- §221-85. (Reserved)
- §221-86. Building permit required.
- §221-87. Applications.
- §221-88. Issuance or denial of building permit.
- §221-89. (Reserved)
- §221-90. Certificates of occupancy and certificates of compliance.
- §221-91. Appeals.
- §221-92. Complaints; investigation.
- §221-93. Stop-work orders.
- §221-94. Revocation of permits.
- §221-95. Judicial review.

ARTICLE XVIII - **Amendments**

- §221-96. Legislative Authority.
- §221-97. Referral to Planning Board.
- §221-98. Referral to County Planning Board.
- §221-99. Public notice and hearing.
- §221-100. City Council vote; protests.

ARTICLE XIX - **Application Fees**

- §221-101. Application fees.

ARTICLE XX - **Penalties for Offenses**

- §221-102. Penalties for Offenses.
- §221-103. (Reserved)

ARTICLE XXI - **Adult Entertainment Uses**

- §221-104. Purpose.
- §221-105. Definitions.
- §221-106. Location; signs; blockage of view from public places; establishment of business.
- §221-107. Measurement of distances.
- §221-108. Penalties for offenses.
- §221-109. Severability.
- §221-110. When effective.

CITY COUNCIL MEETING

July 20, 2015

Page 295

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.

Director of Planning and Development Andrea Smith explained five votes are required to overrule the County Planning Board and pass the ARD as recommended by City staff. Councillor Morley said he is very leary of voting without knowing how other communities use the ARD. Councillor Skamperle asked if a new owner would need to complete the ARD application process if an ARD approved parcel is later sold. Ms. Smith explained a new ARD application would only be necessary if the use of the parcel changed.

The vote was:

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

NAYS: Councillors Morley and Skamperle

CARRIED, 5 TO 2

5. Mayor Nelson moved a resolution to approve the sale of 721 Congress Street to Amber M. Harper, and Councillor Ashley seconded to wit:

RESOLUTION TO APPROVE THE SALE OF
TAX PARCEL #59.023-1-5 TO AMBER M. HARPER

RESOLUTION TO APPROVE THE SALE
OF CITY OWNED REAL PROPERTY

WHEREAS, the Ogdensburg City Council, on June 22, 2015, authorized the public auction of surplus City-owned real property, and

WHEREAS, the City held an auction on July 8, 2015 to sell said property, and

CITY COUNCIL MEETING

July 20, 2015

Page 296

WHEREAS, the City received bids that met the minimum bid set by City Council,

NOW THEREFORE BE IT RESOLVED, that the City Council approves the following sale of:

Tax Map #	Address	Minimum Bid	Price	Name of Buyer
#59.023-1-5	721 Congress Street	\$1,950. (includes estimated \$400. attorney, \$350. SLC recording fee & \$700. survey fee)	\$1,950.	Amber M. Harper

BE IT FURTHER RESOLVED, that the sale shall be subject to the terms of the June 22, 2015 resolution.

The vote was:

CARRIED, AYES ALL

6. Councillor Skamperle moved a resolution to authorize the City Manager to sign a Tri-County Energy Cooperative Agreement, and Councillor Ashley seconded to wit:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN
A TRI-COUNTY ENERGY COOPERATIVE AGREEMENT**

WHEREAS, the City of Ogdensburg is currently faced with increased energy costs, as well as instability in the prices of energy; and

WHEREAS, the City of Ogdensburg desires to enter into a Tri-County Energy Cooperative Agreement to better manage and purchase energy, either natural gas or electricity, and to acquire and install energy generation facilities; and

CITY COUNCIL MEETING

July 20, 2015

Page 297

NOW, THEREFORE BE IT RESOLVED that the City Council of City of Ogdensburg, hereby authorizes the City Manager to sign the attached Tri-County Electric Cooperative Agreement.

Councillor Ashley asked if there is any cost involved, and Mayor Nelson said no. Councillor Morley asked if there is any commitment on the City's behalf at this point, and Mayor Nelson said no. Councillor Morley asked if the school boards will be included. City Manager John Pinkerton said yes, and the Ogdensburg City School District has already joined.

The vote was:

CARRIED, AYES ALL

7. Councillor Stevenson moved a resolution authorizing the City Comptroller to transfer funds from the Contingency Fund (A1990.498) to the Code Enforcement Department – Contracted Services – account (A8025.518) not to exceed \$40,000 to pay for the emergency demolition work on a portion of 212 Ford Street and authorizing the City Manager to enter into an agreement with Harry Frank Richardson d/b/a Richardson & Sons to perform said emergency demolition work, and Councillor Skamperle seconded to wit:

A RESOLUTION TO TRANSFER FUNDS TO PAY FOR
THE EMERGENCY DEMOLITION ON A PORTION OF 212 FORD STREET

WHEREAS, a portion of the old Desperados building located at 212 Ford Street has deteriorated to the point of being a danger to the public; and

WHEREAS, the northeast corner of this building is in dire need of demolition; and

WHEREAS, the City is in the process of updating the asbestos survey on the effected northeast corner of this building; and

CITY COUNCIL MEETING

July 20, 2015

Page 298

WHEREAS, due to this emergency situation the City has not advertised for quotes and has chosen an available demolition contractor, Harry Frank Richardson d/b/a Richardson & Sons;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to have the northeast corner of 212 Ford Street secured and if needed removed; and

BE IT FURTHER RESOLVED, that the City Comptroller is hereby authorized to transfer funds not to exceed \$40,000. from Contingency Fund (A1990.498) to the Code Enforcement Department – Contracted Services - account (A8025.518) to pay for this demolition work.

Councillor Ashley asked why this is suddenly an emergency since the building has been falling into disrepair for years. City Manager John Pinkerton explained a corner of the building caved in. Councillor Stevenson asked if the reported citizens' concerns were addressed. Mr. Pinkerton said yes and explained Richardson & Sons already had the required paperwork in place with the City and could begin work immediately. Mr. Pinkerton said he was concerned about damage to Dr. Perrier's office and injuries to citizens in the area. Councillor Morley said the contractor has served the City well in the past, and he supports Mr. Pinkerton's decision.

The vote was:

CARRIED, AYES ALL

NEW BUSINESS

1. Mayor Nelson said he contacted five firms regarding the recruitment of a new City Manager and received three quotes which he forwarded to Council. Mayor Nelson said Bonadio Group served the City well in the past and has been the low bidder two times. Mayor Nelson said he will support the selection of the Bonadio Group, and Councillor Morley agreed. Councillor Hosmer suggested City Staff conduct the search to save money. Mayor Nelson said City staff completed

CITY COUNCIL MEETING

July 20, 2015

Page 299

administrative work for the Bonadio Group during the last City Manager search, but there is also professional search work that needs to be done. Councillor Stevenson said there are many ways to save money, but she doesn't believe this is one. Councillor Stevenson explained she doesn't believe City staff members have time to perform any more duties.

Mayor Nelson moved a resolution to award a Professional Service Contract for the recruitment of a City Manager, and Councillor Morley seconded to wit:

RESOLUTION TO AWARD A
PROFESSIONAL SERVICE CONTRACT
FOR THE RECRUITMENT OF A CITY MANAGER

WHEREAS, the City of Ogdensburg has issued a Request for Proposals to Conduct a Recruitment for the position of City Manager, and

WHEREAS, three firms have responded to said Request for Proposals, and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby directs the City Manager to execute a professional services agreement with the Bonadio Group, for a fee not to exceed \$17,125., plus direct expenses, and

BE IT FURTHER RESOLVED that the City Comptroller is hereby directed to transfer \$17,125. from the Contingency Account A1990 to A1230.515, Consultants.

The vote was:

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

NAYS: Councillor Hosmer

CARRIED, 6 TO 1

CITY COUNCIL MEETING

July 20, 2015

Page 300

2. Councillor Skamperle said the condition of the Greenbelt area is an embarrassment. Councillor Skamperle explained there is trash all over every morning, and a picnic table was recently thrown in the river. Councillor Skamperle suggested the littering fee be raised to a minimum of \$500 to curb the destruction. Councillor Morley asked if the gate at the Greenbelt area is being locked. City Manager John Pinkerton said the gate is locked at 9pm each night. Councillor Stevenson said the littering and destruction is all over the City, not just the Greenbelt area. Councillor Morley said we need to catch the offenders. Mr. Pinkerton explained cameras in the Greenbelt area could help us do just that. There was a consensus of Council to start the process for placing cameras in the Greenbelt area.

ITEMS FOR DISCUSSION

1. Mayor Nelson said the City has received a request from the Ogdensburg Bridge & Port Authority to amend the Ogdensburg Municipal Code to permit the use of City water and sewer by OBPA at the airport without the necessity of an outside user agreement. City Manager John Pinkerton said he and City Attorney Andy Silver will meet with OBPA representatives to develop the language and prepare a proposal for Council.

2. Councillor Skamperle said he will not be present at the August 10, 2015 Council Meeting because he will be out of town.

3. Councillor Stevenson said a fundraiser will be held on July 26, 2015 at the Peg LaVigne Softball Field on Champlain Street to generate funds to purchase a plaque and cover expenses for field improvements.

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