

## CITY COUNCIL MEETING

November 9, 2015

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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. Derek VanHouse, Pinto Mucenski Hooper VanHouse and Company, provided Council with a summary of the 2014 City Audit. (A copy of his summary report follows these minutes.) Mr. VanHouse also highlighted future changes regarding pensions. Mayor Nelson thanked Mr. VanHouse and commended City Comptroller Philip Cosmo and his staff.

Mayor Nelson congratulated Councillor Ashley on his bid for Mayor. Mayor Nelson also congratulated Councillor Stevenson and Councillor-Elects Tim Davis and David Price. Mayor Nelson thanked Jim McCoy and Jamie Amo for running for City Council.

### PUBLIC HEARING

1. A public hearing regarding an ordinance to amend Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" of the Ogdensburg Municipal Code was held.

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

PERSONAL APPEARANCE

1. Joe Cosentino, Amvets Post #19 Trustee, addressed Council regarding the fire lane at Amvets. Mr. Cosentino said the majority of their patrons are handicapped and need to park close to the building.

2. Bob Flavin, Amvets Post #19 Trustee and Past Commander, addressed Council regarding the fire lane at Amvets and presented Council with a letter. (A copy of the letter follows these minutes.)

3. Lamonte George, Amvets Post #19 Commander, addressed Council regarding the fire lane at Amvets. Mr. George said the club's mission is to take care of the veterans in the community, and most can't walk across the parking lot. Mr. George asked for the no parking area to be changed.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #19-2015 in the amount of \$499,246.74 and Library Fund Warrant #19-2015 in the amount of \$21,048.11 and Capital Fund Warrant #19-2015 in the amount of \$229,570.34 and Community Development Fund Warrant #19-2015 in the amount of \$0.00 and Community Renewal Fund Warrant #19-2015 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. Councillor Ashley moved an ordinance to amend Chapter 209, Section 209-48, Schedule XI: "Parking Prohibited at All Times" of the Ogdensburg Municipal Code, and Councillor Stevenson seconded to wit:

ORDINANCE #18 OF 2015

AN ORDINANCE AMENDING CHAPTER 209 ENTITLED  
"VEHICLES AND TRAFFIC"  
OF THE CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE: That Section 209-48 entitled "Parking Prohibited at All Times" is amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lafayette Street	North	From the east curblineline of Patterson Street to a point 121 feet east therefrom
Lafayette Street	South	From the east curblineline of Patterson Street to a point 121 feet east therefrom
Lafayette Street	North	From the west curblineline of Patterson Street to a point 100 feet west therefrom
Lafayette Street	South	From the west curblineline of Patterson Street to a point 100 feet west therefrom

ITEM TWO:

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

Councillor Ashley said Council visited the site and modified the ordinance. Councillor Stevenson explained the underground infrastructure constraints prevented a better solution.

Councillor Skamperle said he will not support the parking restriction for 100 feet on the northwest side of Lafayette Street and suggested only 50 or 60 feet. After much discussion, Councillor Skamperle made a motion to amend the ordinance, and Councillor Morley seconded to wit:

ORDINANCE #18 OF 2015

AN ORDINANCE AMENDING CHAPTER 209 ENTITLED  
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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE: That Section 209-48 entitled "Parking Prohibited at All Times" is amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lafayette Street	North	From the east curbline of Patterson Street to a point 121 feet east therefrom
Lafayette Street	South	From the east curbline of Patterson Street to a point 121 feet east therefrom
Lafayette Street	North	From the west curbline of Patterson Street to a point 60 feet west therefrom
Lafayette Street	South	From the west curbline of Patterson Street to a point 100 feet west therefrom

ITEM TWO:

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

Councillor Hosmer said 60 feet may be in the center of a resident's driveway and suggested any change in measurements be reviewed first.

The vote to amend the ordinance was:

AYES: Councillors Morley and Skamperle

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

DEFEATED, 2 TO 5

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The vote on the ordinance as originally written was:

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

NAYS: Councillor Skamperle

CARRIED, 6 TO 1

2. Councillor Morley moved a resolution to accept the 2016 Preliminary Budget and direct that the Preliminary Budget be filed with the City Clerk and the Comptroller of the City of Ogdensburg, and Councillor Skamperle seconded to wit:

RESOLUTION TO ACCEPT THE  
2016 PRELIMINARY BUDGET

WHEREAS, as required by the City Charter, the City Manager has submitted a preliminary budget for fiscal year 2016 to the City Council on or before November 1, 2015,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby accepts the preliminary budget and directs that the preliminary budget be filed with the City Clerk and the City Comptroller, and

BE IT FURTHER RESOLVED, and noted, that the preliminary budget is a public record and is available for inspection by the general public at the Office of the Comptroller.

Councillor Morley suggested a copy of the budget be placed at the Ogdensburg Public Library. City Manager John Pinkerton said a copy will be delivered to the library. Councillor Ashley said it is a great budget and credited Mr. Pinkerton, City Comptroller Phil Cosmo and all department heads. Mayor Nelson and Councillor Skamperle agreed.

The vote was:

CARRIED, AYES ALL

3. Mayor Nelson moved a resolution to establish a public hearing date for the Preliminary 2016 Budget for the City of Ogdensburg, and Councillor Ashley seconded to wit:

RESOLUTION  
ESTABLISHING A PUBLIC HEARING  
FOR THE 2016 PRELIMINARY BUDGET  
OF THE CITY OF OGDENSBURG

BE IT RESOLVED, that the Ogdensburg City Council hereby establishes a public hearing on the Preliminary Budget of the City of Ogdensburg for 2016, said public hearing to be held at 7:00 pm on December 7, 2015 in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed resolution in summary form.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution calling for a public hearing and public notice on a proposed ordinance to amend Chapter 221 entitled 'Zoning' of the Ogdensburg Municipal Code, and Councillor Ashley seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING  
AN AMENDMENT TO THE ZONING ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

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WHEREAS, the ordinance entitled “Ordinance Amending Chapter 221 Entitled ‘Zoning’ of the City of Ogdensburg Municipal Code” be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

WHEREAS, the Ogdensburg City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 23<sup>rd</sup> day of November, 2015, at 7:00 p.m., and

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

BE IT FURTHER RESOLVED that the City Council hereby refers this request to amend the zoning map, at the request of Dr. Michelle Vondra Harwood, to the Ogdensburg Planning Board for a report and recommendation in accordance with OMC §221-97.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution calling for a public hearing on a Local Law to amend Chapter 215 (Sections 39, 40 and 41) of the Ogdensburg Municipal Code entitled “Water Rates”, and Councillor Ashley seconded to wit:

RESOLUTION  
INTRODUCING LOCAL LAW # OF 2015

BE IT RESOLVED that proposed Local Law # of the year 2015 entitled:

Amendment to the OMC Chapter 215 entitled Water Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

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BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 7:00 pm on Monday, December 7, 2015, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

CARRIED, AYES ALL

6. Councillor Ashley moved a resolution to approve the sale of 1110 South Water Street to Western Holdings Trust, and Councillor Skamperle seconded to wit:

RESOLUTION TO APPROVE THE SALE OF  
TAX PARCEL #59.031-2-32 TO WESTERN HOLDINGS TRUST

WHEREAS, the Ogdensburg City Council, on October 13, 2015, authorized the public auction of surplus City-owned real property, and

WHEREAS, the City held an auction on October 28, 2015 to sell said property, and

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
#59.031-2-32	1110 South Water Street	\$2,750. (includes estimated \$400. attorney, \$350. SLC recording fee & \$700. survey fee)	\$3,700.	Western Holdings Trust

BE IT FURTHER RESOLVED, that the sale shall be subject to the terms of the October 13, 2015 resolution.

Councillor Morley asked if the City has any information on the buyer. City Manager John Pinkerton explained the buyer owns other property in Ogdensburg but did not grow up here.

The vote was:

CARRIED, AYES ALL

7. Councillor Stevenson moved a resolution authorizing the City Manager to sign a memorandum of agreement (MOA) between the City and the St. Lawrence Federal Credit Union (SLAWRFCU) to provide site access allowing parking area improvements to improve safety within the City owned mall parking area, and Councillor Ashley seconded to wit:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A  
 MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND THE ST.  
 LAWRENCE FEDERAL CREDIT UNION FOR PARKING LOT AND SAFETY  
 IMPROVEMENTS**

WHEREAS, the City and the St. Lawrence Federal Credit Union (STLAWRFCU) desire to provide safe travel for users of the mall parking area and clientele of the Credit Union Drive-Thru Facility; and

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WHEREAS, City staff and representatives from STLAWRFCU have agreed that completing parking area improvements as proposed in the conceptual design provided by the STLAWRFCU will be an enhancement to general safety and welfare of parking area users; and

WHEREAS, the STLAWRFCU agrees to pay for the cost of the enhancements as they will be a benefit to their clientele and the ingress and egress to the drive-thru facility.

NOW, THEREFORE BE IT RESOLVED, that the Ogdensburg City Council hereby authorizes the City Manager to sign the attached draft Memorandum of Agreement with the STLAWRFCU, pending review by the City Attorney and STLAWRFCU Board approval.

City Manager John Pinkerton said Todd Mashaw, President/CEO of the St. Lawrence Federal Credit Union, made the initial request to address their drive-thru issue two years ago. Mr. Pinkerton explained the property is New York State and Federal park land, and alienation approval would be required for the sale or transfer of any portion of the property. Mr. Pinkerton said an agreement has been reached to allow the St. Lawrence Federal Credit Union to extend the City's parking lot and make the required improvements. Councillor Morley asked if the City will retain ownership of the entire parcel, and Mr. Pinkerton said yes. Councillor Stevenson asked if the changes will require Amvets members to park further away from their building, and Mr. Pinkerton said no. Mr. Mashaw said there will be no parking changes, and Amvets members are welcome to continue parking in the area. Mr. Mashaw thanked Mr. Pinkerton, Director of Planning and Development Andrea Smith and Council for their cooperation. Mr. Mashaw said he is grateful the City is willing to work with businesses.

The vote was:

CARRIED, AYES ALL

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### NEW BUSINESS

1. City Manager John Pinkerton asked Fire Chief Michael Farrell to explain the Amvets fire lane issue. Chief Farrell said the Mall area was reviewed for a potential developer, and City Clerk Kathleen A. Bouchard had also asked for a review of all fire lanes to make sure our Municipal Code is accurate. Chief Farrell said he is simply following New York State fire code, and there is not enough space for a fire truck if we allow parking in that area. Chief Farrell explained the New York State fire code requirements. Director of Public Works Scott Thornhill said when the fire lanes were reviewed we discovered we were not in compliance with our Municipal Code.

Councillor Stevenson asked Mr. Thornhill to look for a compromise. Mr. Thornhill explained he offered to repaint the lines in the parking lot and make the area behind the law office handicapped parking only. Councillor Stevenson suggested Council meet with Amvets representatives and department heads to work on a viable solution. Mayor Nelson agreed Council can review the issue but stressed the City must follow our Municipal Code and the New York State Fire Code. There was a consensus of Council to schedule a time to further review this issue.

2. Councillor Ashley commended the Ogdensburg Fire Department for their quick response and action at Little Italy earlier this week.

3. Councillor Ashley asked why there are no fire lanes at Lowes. Fire Chief Michael Farrell said he will review the area.

4. Mayor Nelson described the Veterans Day ceremonies planned in the City.

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