

CITY COUNCIL MEETING

October 22, 2007

Page 239

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

PRESENT: Mayor Nelson, Councillors Ericksen, Flynn, Hannan, LaMacchia, LaRose and Morley

ABSENT: None

PUBLIC HEARING

1. A public hearing was held regarding an ordinance amending various sections of the Administrative Regulations and the Municipal Code of the City of Ogdensburg to provide for technical corrections required by reason of adoption of certain chapter amendments, administrative regulations amendments and Municipal Code amendments in relation to Building Code Enforcement.

Mayor Nelson explained this was a cleanup of the Administrative Regulations and the Municipal Code with regard to the Charter changes made by the Charter Review Commission. No one being present to speak, the hearing was declared closed.

2. A public hearing was held regarding an ordinance to offer for sale at public auction City-owned properties.

Nicole Newton, 221 Tate Street, stated that she is interested in purchasing 1328 Ford Street. Mayor Nelson explained that she would receive a letter advising her of the date of the auction and she could put in a bid at the auction. No one else being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Barbara O'Keefe, Fort LaPresentation, addressed Council and made a power point presentation on the history of the Fort project. Mayor Nelson urged City Council and members of the Ogdensburg community to attend the Fort's annual dinner on Friday at the Gran View.

CITY COUNCIL MEETING

October 22, 2007

Page 240

2. Eileen Jarrett, 112 Caroline Street, addressed Council regarding possible uses for the old Community Center. Mrs. Jarrett requested that Council open up a dialog with the larger Ogdensburg community to solicit ideas for the building before voting to demolish the building.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in Warrant #18-2007 in the amount of \$709,257.62, and Library Warrant #18-2007 in the amount of \$21,909.35 and Community Development Fund Warrant #18-2007 in the amount of \$58,491.44 and Capital Fund Warrant #18-2007 in the amount of \$109,353.33 as audited, be and the same are ordered paid and Councillor Flynn seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor LaMacchia moved an ordinance amending various sections of the Administrative Regulations and the Municipal Code of the City of Ogdensburg to provide for technical corrections required by reason of adoption of certain chapter amendments, administrative regulations amendments and Municipal Code amendments in relation to Building Code Enforcement, and Councillor Morley seconded to wit:

ORDINANCE NO. 10 of 2007

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ADMINISTRATIVE REGULATIONS OF THE CITY OF OGDENSBURG AND THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG TO PROVIDE FOR TECHNICAL CORRECTIONS REQUIRED BY REASON OF ADOPTION OF CERTAIN CHARTER AMENDMENTS, ADMINISTRATIVE REGULATIONS AMENDMENTS AND MUNICIPAL CODE AMENDMENTS IN RELATION TO BUILDING AND CODE ENFORCEMENT

CITY COUNCIL MEETING

October 22, 2007

Page 241

SECTION 1: AR-57 shall be amended to read as follows:

AR-57. Miscellaneous charges.

A. The following will establish a list of the miscellaneous items for which the City of Ogdensburg charges:

<u>Item</u>	<u>Charge</u>
Police reports	\$3.00
Tax searches	\$2.50 per parcel per year
Building permits —	\$2.00 up to \$20,000 (adjustable)
Xerox copies	\$0.25
Variance permits	\$2.00
Certificate of occupancy—	\$2.00
City street map 11x17	\$1.00 <u>2.00</u>
City street map 24x36	\$3.50 <u>5.00</u>
Bank shipments	\$10.00

SECTION 2: Article 1 Definitions and Word Usage shall be amended to read as follows:

§ 1-1. Definitions.

BUILDING INSPECTOR — An officer or employee of the City of Ogdensburg, New York, who is appointed to assist the Chief of the Fire Department of the City of Ogdensburg, the Code Enforcement Officer, the City Engineer or Director of Planning and Development in the performance of his duties.

CODE ENFORCEMENT OFFICER—An officer or employee of the City of Ogdensburg appointed pursuant to §97-3B of this chapter. Said Code Enforcement Officer may assist the City Engineer or Director of Planning and Development in the performance of his duties.

SECTION 3: Article II of Chapter 71 be and the same is amended to read as follows:

§ 71-16. Referral of applications.

CITY COUNCIL MEETING

October 22, 2007

Page 242

A. Within three days from the receipt of an application for a license, the City Clerk shall refer said application to:

(1) ~~The Zoning Enforcement Officer~~ Director of Planning and Development, to determine whether the premises comply with all applicable laws, local laws, rules and regulations. For that purpose the ~~Zoning Enforcement Officer~~ Director of Planning and Development shall have the right to enter upon and inspect the premises during normal business hours.

(2) The Code Enforcement Officer or Building Inspector to determine whether the premises in which the game room is to be situated meets all requirements of fire, housing, building, sanitary, electrical and plumbing codes of the city and any other applicable ~~town~~ city or state laws, rules and regulations, ordinances or local laws.

(3) The Code Enforcement Officer or Building Inspector to determine whether any construction, reconstruction, alteration or remodeling of a premise is being accomplished or is anticipated so as to require a building permit.

(4) The Police Chief of the City of Ogdensburg, to cause an investigation to be made of the background of the applicant.

SECTION 4: Chapter 97 be and the same is hereby amended as follows:

§ 97-2 Definitions

BUILDING PERMIT—A permit required and issued pursuant to § 97-4A of this chapter. The term "building permit" shall also include a building permit which is issued, renewed, amended or extended pursuant to any provision of this chapter or any provision of the Municipal Code of the City of Ogdensburg.

SUBSEQUENT INSPECTIONS—any inspection or inspections required after three inspections when such inspection is brought about or caused by the failure of the property owner, agent or tenant to appear at a scheduled inspection or to reschedule an inspection on less than 24 hours notice to the Code Enforcement Officer.

§ 97-3 Code Enforcement Officer and Inspectors

A. The Division of Code Enforcement is hereby created within the Fire Department of the City of Ogdensburg. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and all other laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use,

occupancy and maintenance thereof. Additionally, the Code Enforcement Officer shall enforce all of the provisions of Chapter 221 of this code. The Code Enforcement Officer shall have the following powers and duties:

(1) To receive, review, and approve or disapprove applications for building permits, sign permits, demolition permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits and the plans, specifications and construction documents submitted with such applications pursuant to this Chapter and Chapter 221 of this code;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, demolition permits, temporary certificates and operating permits and to include in building permits, certificates of occupancy, certificates of compliance, demolition permits, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate pursuant to this Chapter and Chapter 221 of this code;

§ 97-4 shall be amended to add

§ 97-4 (D) (12)

CITY COUNCIL MEETING

October 22, 2007

Page 244

The Code Enforcement Officer shall provide for the review and approval of the building permit application by the Director of Planning and Development whenever the plans accompanying an application encompass or propose: 1) a change or enlargement of use in the subject property; 2) a change in the placement, position or square footage of the improvements on the subject property; 3) a change in the number of or configuration of parking spaces; 4) a change in the percentage of green space; and or a change in 5) lot area saturation. Further, nothing in this Chapter shall be deemed to limit the power or scope of review of the Director of Planning and Development and/or the Planning Board of the City of Ogdensburg pursuant to this Code.

§ 97-18. Fees

I. Place of assembly inspections:

(3) Operating permits: \$50.00

J. All other inspections: \$90.00

SECTION 5: Chapter 167 of the municipal code of the City of Ogdensburg be and the same is hereby repealed:

~~§ 167-1. It shall be the right of every person to whom real property in the City of Ogdensburg, or any interest therein, shall be transferred to forthwith notify the Director of Buildings and Assessments in writing of such transfer and present the document accomplishing the same to be stamped together with a complete copy of such document to be presented and filed with the Assessor, and no such original document not stamped with the word "examined" with the date and signature of the Director of Buildings and Assessments shall be recorded in the office of the Clerk or Surrogate of Saint Lawrence County.~~

SECTION 6: Chapter 221 of the municipal code of the City of Ogdensburg be and the same is hereby amended to read as follows:

§221-6. Definitions.

CITY COUNCIL MEETING

October 22, 2007

Page 245

APPEAL — A request for a review of the interpretation of any provision of this chapter or an appeal of a decision of the Zoning Administration Officer or the Code Zoning Enforcement Officer.

BUILDING PERMIT—A permit issued by the ~~Zoning Enforcement Officer~~ Code Enforcement Officer pursuant to this Chapter or Chapter 97 of this Code that authorizes the recipient to make use of property in accordance with the requirements of this chapter. Building permits issued pursuant to this Chapter shall comply with and be subject to all of the requirements of Chapter 97 of this Code.

CERTIFICATE OF OCCUPANCY AND/OR CERTIFICATE OF COMPLIANCE—A certificate jointly issued by the Director of Planning and Development and the ~~Zoning Enforcement Officer~~ Code Enforcement Officer pursuant to Chapter 97 of this code stating that a structure or the use of land is in compliance with any approved site plan, conditions on approval and is in compliance with this chapter.

CODE ENFORCEMENT OFFICER—A person appointed pursuant to Chapter 97 of this code, his designee or the designee of the Fire Chief who enforces the zoning, subdivision, sanitary and other regulations of the Uniform Code, this chapter and the municipal code of the City of Ogdensburg.

OPEN STORAGE—The keeping, in an unenclosed area, of any goods, junk, material, merchandise, unregistered motor vehicles, recreational vehicles of any kind, lawn mowers.

UNIFORM CODE—The New York State Building Code, the New York State Residential Code, the New York State Fire Code, the New York State Property Maintenance Code, and the New York State Mechanical and Plumbing Code all as currently in effect and as may hereafter amended from time to time.

ZONING ENFORCEMENT ADMINISTRATION OFFICER—The Director of Planning and Development or his designee who administers the planning, environmental, site plan review, zoning, subdivision, and sanitary and other regulations of this chapter.

§ 221-9. Interpretation of district boundaries.

CITY COUNCIL MEETING

October 22, 2007

Page 246

B. In cases where the preceding rules do not clarify the true district boundary line, the Zoning ~~Administration Enforcement~~ Officer shall render a determination, which may be appealed to the Zoning Board of Appeals. The Zoning Administration ~~Enforcement~~ Officer or the Planning Board may request the Zoning Board of Appeals to interpret the spirit and intent of this chapter to render a determination on any specific case.

§ 221-37. Accessory uses and structures.

B. Exempt accessory structures. The following listed accessory structures and uses do not require a building permit to be issued prior to their initiation, provided that they comply with the Uniform Code ~~New York State Uniform Fire Prevention and Building Code~~ and the general and specific standards for accessory uses and structures:

- (1) Freestanding structures of no more than 150 square feet in size.
- (2) Structures no higher than six feet in height.
- (3) Storage of firewood for personal use.
- (4) Storage of personal recreational vehicles or equipment.
- (5) Wading or ornamental pool less than 24 inches in depth.

E. General and specific standards. Accessory structures and uses shall be governed by the following standards unless otherwise specified:

- (5) specific standards for certain accessory structures or uses.

- (a) Swimming pools.

[3] Where the proposed pool is of such height or design that a protective enclosure is impractical or not required to prevent accidental entry, the Code Zoning Enforcement Officer may issue a permit for the erection of a pool without such enclosure upon making a written finding that the pool has equal protection from entry as would be afforded by the erection of an enclosure.

§ 221-42. Signs

C. Administration.

CITY COUNCIL MEETING

October 22, 2007

Page 247

(1) Permits. No sign shall be erected, moved, enlarged, reconstructed or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration. All signs shall require a building permit issued by the Code Enforcement Officer ~~Department of Planning and Development~~ except for specifically listed signs permitted without a building permit.

(2) Procedure.

(a) Building permit applications shall be submitted to the Code Enforcement Officer ~~Zoning Enforcement Officer~~ accompanied by the building permit application fee and the following plans and information:

(b) The Code Enforcement Officer ~~Zoning Enforcement Officer~~, or his/her designee, shall, within 15 days of receiving a complete application, either approve or deny the building permit as regards this section or the regulations governing nonconforming structures. An application with insufficient information to determine compliance with these regulations should be returned to the applicant with a written statement of what additional information is necessary.

(d) Enforcement. The Code Enforcement Division of the Fire Department ~~Department of Planning and Development~~ shall be responsible for enforcing these sign regulations. Alleged violations shall be investigated upon the receipt of a written and signed complaint or at the direction of the City Council, the Director of Planning and Development or City Planning Board.

D. General regulations.

(1) Construction standards. All signs shall comply with the Uniform Code ~~New York State Uniform Fire Prevention and Building Code~~ regarding construction, materials, erection and electrical fixtures.

F. Appeals

CITY COUNCIL MEETING

October 22, 2007

Page 248

- (1) Zoning Board of Appeals. Any applicant or person aggrieved by any decision of the Code Enforcement Officer ~~Zoning Enforcement Officer~~, or his/her designee, made in administering and enforcing this section may appeal such decision to the Zoning Board of Appeals

§ 221-44 Temporary uses and structures.

C. Temporary structures requiring a building permit. The following temporary structures may be permitted for up to one year upon application to the Code Enforcement Officer ~~Zoning Enforcement Officer~~. The temporary building permit may be extended for good cause with approval from the Planning Board.

§ 221-66. Planning Board decisions.

B. Notice of the Board's decision shall be given in writing to the applicant and Code Enforcement Officer ~~Zoning Enforcement Officer~~

- (1) Upon approval of the site plan and payment by the applicant of any and all fees due to the City, the Planning Board shall endorse its approval by having the acting Chairperson sign the final site plan and forward copies to the applicant and Code Enforcement Officer ~~Zoning Enforcement Officer~~.
- (2) Upon disapproval of the site plan, the Planning Board shall so inform the Code Enforcement Officer ~~Zoning Enforcement Officer~~ and the Code Enforcement Officer ~~Zoning Enforcement Officer~~ shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

§221-68 Enforcement; inspections.

B. Inspection of improvements. The Code Enforcement Officer ~~Zoning Enforcement Officer~~ shall be responsible for the overall inspection of site improvements. No certificate of occupancy shall be issued until all improvements shown on the approved site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed.

§ 221-71 ~~Zoning~~ Code Enforcement Officer & Zoning Administration Officer.

CITY COUNCIL MEETING

October 22, 2007

Page 249

The Code Enforcement Officer shall have the power and duty to ~~administer and enforce the provisions of this chapter. The authorized official shall be the Director of Planning and Development.~~ The Zoning Administration Officer shall have the power and duty to administer the provisions of this chapter.

- A. ~~Administration. Application.~~ The Zoning Code Enforcement Officer shall review all applications and, if the proposal fully complies with all applicable requirements of this chapter and Chapter 97, and if no site plan review is required, a permit shall be issued. If the applicant's plans do not meet the requirements of this chapter, the application must be denied. The Zoning Code Enforcement Officer must enforce the strict letter of the law, and is not authorized to use discretionary judgment. Inspections shall be made as are necessary to ensure compliance with this chapter.
- B. Referral to City Planning Board. Any application for a change of zoning district or use that requires site plan review shall be forwarded by the Zoning Code Enforcement Officer to the Director of Planning and Development for review by the Planning Board, along with all supporting documentation.
- C. Referral to the Zoning Board of Appeals. An applicant, after having been denied a building permit, or an aggrieved party in cases of a question of interpretation, may appeal the Zoning Code Enforcement Officer's decision or determination to the Zoning Board of Appeals (ZBA) for a variance or an interpretation. Should an appeal be requested, the Zoning Code Enforcement Officer shall notify the ~~Chairperson~~ Director of Planning and Development of the ~~ZBA~~ of the request and forward the completed variance form along with all necessary supporting information to the ZBA.
- D. Duties of the Code Enforcement Officer. In addition to general ~~administration and~~ enforcement of this chapter, the duties of the Zoning Code Enforcement Officer shall include, but are not limited to:
 - (5) Provide assistance to the Director of Planning and Development, the Planning Board or Zoning Board of Appeals, when requested, to assist ~~such boards~~ each in fulfilling their responsibilities, duties and projects.
 - (7) At the request of the Director of Planning and Development, ~~Attend~~ attend all meetings of the Planning Board and the Zoning Board of Appeals, ~~except where the Chairperson decides the Zoning Enforcement Officer's attendance is not needed.~~

- E. Duties of the Zoning Administrative Officer. In addition to general administration of this chapter, the duties of the Zoning Enforcement Officer shall include, but are not limited to:
- (1) Attend all meetings of the Planning Board and Zoning Board of Appeals, except where the Chairperson decides the Zoning Administrative Officer's attendance is not needed.

§ 221-73 Zoning Board of appeals; appeals procedure

C. Officers, expense and rules

- (c) Voting. A concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Director of Planning and Development or the Code Enforcement Officer ~~Zoning Enforcement Officer~~. In variance applications referred to the County Planning Board, which recommends denial or approval with modifications, a majority plus one vote of the Board's full membership shall be required to act contrary to the County Planning Board's recommendations; however, the ZBA may deny any application by a simple majority vote of its full membership.
- (d) Eligible applicants. An application for an appeal from any decision made by the Director of Planning and Development or the Code Enforcement Officer ~~Zoning Enforcement Officer~~ may be initiated by any person or party aggrieved or by an officer, department or board of the City. An application for a variance may only be made by the property owner or with written permission of the property owner. An appeal for an interpretation or variance may be made only after a determination and notification of action is taken by the Director of Planning and Development or the Code Enforcement Officer ~~Zoning Enforcement Officer~~, except where such appeal is instituted by an official of the City or the Planning Board.

D. Procedure

- (1) Application. Appeals and applications made to the ZBA shall be in writing on forms available from the Director of Planning and Development or the Code

Enforcement Officer ~~Zoning Enforcement Officer~~. Every application shall refer to the specific provision of the regulations involved and shall exactly set forth the interpretation that is applied for or demonstrate a practical difficulty or unnecessary hardship for variance applications. The Director of Planning and Development or the Code Enforcement Officer ~~Zoning Enforcement Officer~~ shall transmit to the Board all of the records concerning the case which is being appealed.

- (2) Time limit for appeals. All appeals of decisions of the Director of Planning and Development or the Code Enforcement Officer ~~Zoning Enforcement Officer~~ shall be applied for within 30 days after filing of a decision in the office of the City Clerk.

- (5) Decision and notification. Within 60 days from the date of any public hearing the Board shall render a determination on any appeal and notify the applicant, in writing, within five working days of the date of the determination. The ZBA shall further notify the Director of Planning and Development or the Code Enforcement Officer ~~Zoning Enforcement Officer~~, City Clerk and Planning Board of the action taken on any application.

E. Powers and Duties.

- (1) Interpretation: To decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any zoning district boundary or any other determination made in the application and administration of this chapter. Such interpretation shall be considered and rendered by the Board only upon application or appeal following a determination made by the Director of Planning and Development or the Code Enforcement Officer ~~Zoning Enforcement Officer~~, unless requested by an officer of the City or the Planning Board

§ 221-75. Enforcement

Section 221-75 be and the same is hereby repealed.

§221-76 Building Permit Required

CITY COUNCIL MEETING

October 22, 2007

Page 252

A. In addition to a permit required pursuant to Chapter 97, ~~A~~ any one, or a combination of the following, shall require a building permit:

- (1) ~~A~~. The construction, erection or placement of any building or structure unless expressly exempted from this chapter.
- (2) ~~B~~. The expansion, addition or alteration of a building or structure that would in any way alter its exterior dimensions, its interior structural members or the provision for entrance or exit.
- (3) ~~C~~. The introduction of any new, additional, changed or expanded use.
- (4) ~~D~~. The alteration of any shoreline or major landform or the stripping of topsoil for commercial purposes or in the preparation of a site for uses that have not yet received a required building permit.
- (5) ~~E~~. The deposit, removal, storing or excavation of rock, sand, dirt, gravel, clay or other like materials in the amount of more than one (100) hundred cubic yards in all districts on any lot or parcel for the purpose of altering existing grades except as otherwise exempted in §221-76E(2).

B. Permits issued pursuant to this section shall be governed by the following

- (1) The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land and as a condition thereof shall regulate the type of fill and general maintenance of the site and adjacent area.
- (2) Exceptions.
 - (a) Foundations and basements. No separate permit shall be required for the deposit, excavation, removal, or storage of rock, sand, dirt, gravel, clay or other like material for the purpose of the foundation, cellar or basement of some immediately pending structure to be erected, built, or placed thereon contemporaneously with or immediately following such excavation, removal, or storage, providing a building permit has been issued.

CITY COUNCIL MEETING

October 22, 2007

Page 253

- (b) Road construction. No permit shall be required for such excavations, deposit, removal, or storage of rock, sand, dirt, gravel, clay, other like material as may be required by the state or City authorities, their agents or private utility companies franchised by the City in connection with the construction or maintenance of roads, streets and highways.

§ 221-77. Applications

An application for building permit shall be submitted in writing to the Code Enforcement Officer along with the required submission fee. An application for a special permit or a variance shall be submitted in writing to the Zoning Administration Officer ~~Zoning Enforcement Officer~~ along with the required submission fee. The application should satisfy the City submission requirements, which are available from the Department of Fire Division of Codes and/or the Department of Planning and Development.

§ 221-78. Issuance or denial of building permit

The Code Enforcement Officer ~~Zoning Enforcement Officer~~, or his or her designee, shall, within 10 days after receiving a complete and properly prepared application, either issue or deny a building permit. If an application requires site plan review by the Planning Board, the planning and development staff shall refer the application to the Planning Board along with a report of any deficiencies with the proposal. If a building permit is denied, the reasons for such denial shall be forwarded to the applicant in writing.

§ 221-79 Expiration of building permit

§ 221-79 be and the same is hereby repealed.

§ 221-80 Certificates of occupancy and certificates of compliance

§ 221-80 be and the same is hereby repealed. A new § 221-80 shall be added and shall read as follows:

A certificate of occupancy or a certificate of compliance shall be required for any work that is the subject of a building permit issued pursuant to Chapter 97 or pursuant to

this Chapter. Said certificate shall comply with Chapter 97 and this Chapter. Said permit shall be issued by the Code Enforcement Officer unless this Code requires otherwise. In such event said certificate shall be issued jointly by the Director of Planning and Development and the Code Enforcement Officer. No certificate of occupancy shall be issued for a building or a use subject to site plan review by the Planning Board unless in conformance with the approved site plan and approved by the Director of Planning and Development. No certificate of occupancy shall be issued for a building or a use permitted subject to a variance granted by the Zoning Board of Appeals except in accordance with all conditions which may be prescribed by such Board and approved by the Director of Planning and Development.

§ 221-82. Complaints; Investigation

A. Citizen complaint. Any person may file with the Code Enforcement Officer ~~Zoning Enforcement Officer~~ a written signed complaint against any alleged violation of this chapter.

B. Investigation. As directed by the Planning Board, Zoning Board of Appeals, the Zoning Administration Officer, the Director of Planning and Development or the City Council or by receipt of a signed, written citizen complaint, the Code Enforcement Officer ~~Zoning Enforcement Officer~~, or his or her designee, shall make an investigation into the alleged violation. Depending upon findings of fact, a correction notice, stop-work order or other penalty or remedy may be issued to the liable person or persons as appropriate. ~~The discovery of an apparent violation by Department of Planning and Development staff may be investigated without a signed citizen complaint.~~

§ 221-83. Stop-work orders

A. Stop-work orders. In addition to the authority granted in Chapter 97, a A stop-work order may be issued to preclude the continued and further violation of this chapter or to protect the public's health or safety. Such stop-work order shall stay all activity in conjunction with any violation of this chapter. Any stop-work order will stipulate that within 30 days a permit or certificate shall be obtained noting compliance with this chapter. If such permit or certificate is not obtained by the responsible party or the work continues in violation of the stop-work order, action by the City will be initiated to compel compliance, using such penalties or remedies as hereafter provided for.

CITY COUNCIL MEETING

October 22, 2007

Page 255

- ~~B. Misdemeanors. Violations of this chapter or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the granting of variances, site plan approvals or establishment of planned development districts, shall constitute a misdemeanor, punishable by a fine and/or imprisonment as established in §§ 221-92 and 221-93.~~
- ~~C. Civil penalties. Any act constituting a violation of this chapter, including violations of any conditions or safeguards established in connection with the granting of variances, site plan approvals or establishment of planned development districts, shall also subject the offender to a civil penalty as established in §§ 221-92 and 221-93. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of debt. A civil penalty may only be appealed to the Zoning Board of Appeals if the offender was sent a notice of violation and filed an appeal to the Zoning Board of Appeals within 30 days of its receipt.~~
- ~~D. Each week that any violation continues after notification that such violation exists shall be considered a separate offense for purposes of the misdemeanor or civil penalties.~~
- ~~E. Injunction. In addition to the above provided penalties and remedies, the City Council shall reserve the rights of City law to take actions in the name of the City to compel compliance with or to restrain by injunction the violation of this chapter.~~
- ~~F. Any one, all or any combination of the preceding penalties and remedies may be used to enforce this chapter.~~

§ 221.92 Penalties for offenses

- A. Misdemeanors. Violations of this chapter or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the granting of variances, site plan approvals or establishment of planned development districts, shall constitute a misdemeanor,

punishable by a fine of up to \$250 or a maximum five-day imprisonment, or both. Each day a violation is continued shall be deemed a separate offense.

B. Civil penalties. Any act constituting a violation of this chapter, including violations of any conditions or safeguards established in connection with the granting of variances, site plan approvals or establishment of planned development districts, shall also subject the offender to a civil penalty of \$100 per day for each day that the violation shall continue from the date of remedy as set forth in the notice of violation. The Code Enforcement Officer or the Director of Planning and Development, as the case may be, shall cause to be served a notice of violation which notice shall provide for a date of remedy of said violation. In the event the violation is not remedied as directed, the civil penalty shall be imposed. If the offender fails to pay this penalty within 10 days after failing to remedy the cited violation, the penalty may be recovered by the City in a civil action in the nature of debt. A civil penalty may only be appealed to the Zoning Board of Appeals if the offender was sent a notice of violation and filed an appeal to the Zoning Board of Appeals within 30 days of its receipt. The Zoning Board of Appeals shall have no power to alter or modify the amount of the penalty. Review by the Zoning Board of Appeals shall be limited to the question of whether or not there is/was a violation of this Chapter.

C. Each day that any violation continues after notification that such violation exists shall be considered a separate offense for purposes of the misdemeanor or civil penalties.

D. Injunction. In addition to the above-provided penalties and remedies, the City Council shall reserve the rights of City to take action in a court of competent jurisdiction in the name of the City to compel compliance with or to restrain by injunction the violation of this chapter.

E. Any one, all or any combination of the preceding penalties and remedies may be used to enforce this chapter.

Section 7: This ordinance shall take effect ten (10) days after publication of notice that shall give the title and describe the same in summary form.

The vote was:

CARRIED, AYES ALL

2. Councillor Morley moved an ordinance to offer for sale at public auction City-owned properties, and Councillor LaRose seconded to wit:

ORDINANCE NO. 11 of 2007
AN ORDINANCE TO OFFER FORSALE AT PUBLIC AUCTION
CITY-OWNED PROPERTIES

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

SECTION ONE

The following properties shall be offered for sale at public auction by the City of Ogdensburg:

<u>ADDRESS</u>	<u>LOT SIZE</u>	<u>TAX MAP #</u>	<u>MINIMUM PRICE</u>
Lincoln Avenue	60 x 3300	48.078-5-48	\$ 500.00
Lincoln Avenue		48.078-5-18	\$ 500.00
418 Oak Street	40 x 80	59.030-3-5	\$2,500.00
708 Main Street	49 x 160	59.021-2-10	\$5,500.00
804 NY Avenue	41 x 100	59.030-4-16	\$5,000.00
905 Mechanic St.	49 x 61	59.23-12-2	\$ 500.00
416 ½ John St.	75 x 50	48.058-3-13	\$4,100.00
1328 Ford St.	24 x 100	48.064-2-28	\$5,000.00
Curtis Street	60 x 50	48.058-3-12	\$ 500.00
Warren Street	172 x 108	48.050-3-5	\$1,000.00

SECTION TWO: The City reserves the right to reject any and all bids or to withdraw any parcel from sale.

CITY COUNCIL MEETING

October 22, 2007

Page 258

SECTION THREE: This ordinance shall become effective ten days after publication.

Councillor Flynn asked how the price in generated. City Manager Arthur Sciorra said it is partially based on whether it's a buildable lot and if there are any outstanding taxes on it.

Councillor LaMacchia asked if this is the price the City will accept. Mr. Sciorra said this is the opening bid price but that people can certainly bid higher if they choose.

The vote was:

CARRIED, AYES ALL

3. Councillor LaMacchia moved a resolution authorizing the City Manager to submit a grant application for funding through the Environmental Restoration Program for the former Standard Shade Roller property on Covington Street, execute the State Assistance Contract, and submit project documentation, and Councillor LaRose seconded to wit:

A RESOLUTION AUTHORIZING THE ITEMS LISTED BELOW PURSUANT TO
THE CLEAN WATER/CLEAN AIR BOND ACT OF 1996

WHEREAS, the City of Ogdensburg herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

CITY COUNCIL MEETING

October 22, 2007

Page 259

NOW, THEREFORE, BE IT RESOLVED by the Ogdensburg City Council that Arthur J. Sciorra, City Manager, is the representative authorized to act in behalf of the Municipality in all matters related to State assistance under ECL Article 56, Title 5. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

1. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
2. That one (1) certified copy of this Authorization be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation together with the Application for State Assistance;
3. That this Authorization take effect immediately.

The vote was:

CARRIED, AYES ALL

4. Councillor Flynn moved a resolution authorizing the City Manager to submit a grant application for funding through the Environmental Restoration Program for the Kiwanis property on Riverside Avenue, execute the State Assistance Contract, and submit project documentation, and Councillor LaMacchia seconded to wit:

A RESOLUTION AUTHORIZING THE ITEMS LISTED BELOW PURSUANT TO
THE CLEAN WATER/CLEAN AIR BOND ACT OF 1996

WHEREAS, the City of Ogdensburg herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

CITY COUNCIL MEETING

October 22, 2007

Page 260

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NOW, THEREFORE, BE IT RESOLVED by the Ogdensburg City Council that Arthur J. Sciorra, City Manager, is the representative authorized to act in behalf of the Municipality in all matters related to State assistance under ECL Article 56, Title 5. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

1. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
2. That one (1) certified copy of this Authorization be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation together with the Application for State Assistance;
3. That this Authorization take effect immediately.

City Planner Martin Murphy advised Council that the City has a \$180,000 Federal EPA grant that we could use for the 10% match on this project.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution calling for public hearing and public notice on a proposed ordinance amending Chapter 209, Section 209-51, Schedule XIV entitled "Parking Prohibited Certain Hours" of the Code of the City of Ogdensburg, and Councillor LaRose seconded to wit:

CITY COUNCIL MEETING

October 22, 2007

Page 261

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE AND
PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. 12 of 2007, entitled, Ordinance Amending Chapter 209 entitled "Vehicles and Traffic"; Section 209-51, Schedule XIV: "Parking Prohibited Certain Hours" 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 the 13th day of November, 2007 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.

Mayor Nelson stated that this ordinance affects the east side of New York Avenue, from Rensselaer Avenue to King Street. Councillor Morley asked if this was a request by neighbors in this area and Mayor Nelson said it was.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution authorizing the City Manager to sign an agreement between the City of Ogdensburg and the Fort La Presentation Company for the transfer of 4.36 acre parcel of undeveloped land in Empire Zone, on the area commonly known as Lighthouse Point in the City of Ogdensburg, and Councillor Flynn seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT
BETWEEN
THE CITY OF OGDENSBURG AND
THE FORT LA PRESENTATION COMPANY

BE IT RESOLVED, that the City Manager is hereby authorized to sign the attached Agreement between the City of Ogdensburg, New York and the Fort La Presentation Company for lands located within the City of Ogdensburg.

Councillor Ericksen commended Andrew Smith for his letter to the editor in last Sunday's newspaper stating the historical truths regarding the City and the Fort Committee working together.

The vote was:

CARRIED, AYES ALL

7. Councillor Ericksen moved a resolution requesting that surplus land at the St. Lawrence Psychiatric Center be used for a boat launch facility and public beach, and Councillor Morley seconded to wit:

RESOLUTION REQUESTING THAT SURPLUS LAND
AT THE ST. LAWRENCE PSYCHIATRIC CENTER
BE USED FOR A BOAT LAUNCH FACILITY AND PUBLIC BEACH

WHEREAS, the St. Lawrence Psychiatric Center has large amounts of surplus, unused land and waterfront, and

WHEREAS, the City of Ogdensburg has been assured by several state officials that this unused surplus land can be made available, and

WHEREAS, the City of Ogdensburg has need of a boat launch facility on the eastern edge of the City and could also make use of the existing picnic area, and

CITY COUNCIL MEETING

October 22, 2007

Page 263

WHEREAS, a large section of the unused waterfront has a sandy bottom for possible future use as a public beach, and

WHEREAS, the proximity of the State of New York operated Sexually Violent Predator Unit makes the immediate area unacceptable for housing development,

NOW THEREFORE, BE IT RESOLVED, that the City of Ogdensburg formally request the State of New York Office of Mental Health cede that section of the St. Lawrence Psychiatric Center property beginning at the eastern boundary of the Bridgeview Sexually Violent Predator Unit continuing and following the St. Lawrence Riverfront past the sandy beach area and extending in/and far enough to include the existing road and covered picnic area to the City of Ogdensburg for future recreation development.

Councillor Ericksen said that in 1986 when the City applied for EQBA funds for the pool, we were told the funds could be used for a pool but not a beach. Councillor Ericksen said that recently a former Commissioner of Mental Health told him the City could get this surplus SLPC property. Mayor Nelson said he had spoken with Commissioners Carpinella and Hogan and they support turning over the SLPC surplus land to the City.

The vote was:

CARRIED, AYES ALL

8. Councillor LaRose moved a resolution authorizing the award of contract for Police Station roof replacement, and Councilor LaMacchia seconded to wit:

**AUTHORIZING AWARD OF CONTRACT
FOR POLICE STATION ROOF REPLACEMENT**

WHEREAS, bids have been solicited and received for the Police Station Roof Replacement; and

CITY COUNCIL MEETING

October 22, 2007

Page 264

WHEREAS, City staff and Tisdell Associates, the City's consultant for this project, have evaluated the bids and recommended the contract be awarded to the responsible low bidder;

NOW, THEREFORE, BE IT RESOLVED that Arthur J. Sciorra, City Manager, is authorized to enter into the following contract, for a sum not to exceed \$65,305.80 on behalf of the City:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>	<u>CONTINGENCY</u>
Wayne Latham - General Contractor 9264 SH 58 Ogdensburg, NY 13669	\$59,368.80	\$5,937

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from the General Fund's Fund Balance.

Councillor Morley asked how many bids were received. City Manager Arthur Sciorra stated we received three.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor LaMacchia asked about showers at the Lockwood Arena. City Manager Arthur Sciorra said that former Recreation Director Tim Irvine was putting pricing information together, but the new director will pick it up and work on it.

2. Councillor Morley said last fall he requested renaming Trafalgar Park and questioned if the Historical Commission considered it. Mr. Sciorra said the Historical Commission did not support the name change and he thought he had already given this information to Council in an update. Councillor Morley said he doesn't remember anything in an update and requested that Mr. Sciorra look into why the Historical Commission did not support it.

CITY COUNCIL MEETING

October 22, 2007

Page 265

3. Councillor LaRose asked for a follow up on Kevin Bateman's request to put paving block between the sidewalk and curb for parking at 509 Jersey Avenue. City Manager Arthur Sciorra said staff is working on it with the City Attorney.

4. Councillor LaRose said he received information that he requested regarding naming a lane for Judge Shea. Councillor LaRose said he was told that this lane was already named but there is no sign on it. Mr. Sciorra stated that part of the lane was named Babcock Lane. Councillor Hannan stated naming part of a lane could cause safety issues. Councillor LaRose asked Mr. Sciorra to research the history of this lane further.

5. Councillor Ericksen said two gentlemen from the Co-Gen Plant came before Council at the last meeting to get our support and questioned if there was a specific date they needed this support for the State. Mayor Nelson said they presented information and told us that they would be looking for our support at a later date. Mayor Nelson asked Mr. Sciorra if he has had any dialog with them and Mr. Sciorra said no.

ITEMS FOR DISCUSSION

1. New Dobisky Center Building Use Policy

Recreation Director Scott Lalone presented and explained to Council a proposal for the New Dobisky Center Building Use Policy. Mr. Lalone explained the possible uses and the need for building supervision at all times. (A copy of the proposed policy follows these minutes).

Mayor Nelson said the building has been open for about three weeks and he performed a wedding ceremony there last week and it is a beautiful building. Councillor LaMacchia asked if there was going to be a grand opening. City Manager Arthur Sciorra stated that he hopes to host an open house for the building in the fall or winter.

2. Disposition of Old Community Center

Mayor Nelson asked City Planner Martin Murphy to explain his report regarding the potential re-use of the Old Community Center building.

Mr. Murphy presented two concept drawings by Saratoga Associates; one with the old community center and one without. Mr. Murphy said he focused on the operational needs of the City, particularly those of the Parks & Recreation Department as far as meeting space, office space, storage space, and a garage area with a work shop or work bench. Mr. Murphy recommended constructing a new facility at the entrance to the marina which would house the operations for the marina itself and serve as storage area with a garage to house light maintenance vehicles and equipment, as along with a possible location for additional rest rooms. Mr. Murphy said the best way to determine if there is any real interest for private re-uses of the building would be to do a solicitation to see if there are any interested parties who were willing to take on the expense of renovating and updating the facility for their uses. Mr. Murphy also said that if this building was put up for private use, it would require an alienation given that the building was originally dedicated as park land. Mr. Murphy said it would take some paperwork and the City would have to provide like-park facilities to make up for this building.

Councillor Ericksen asked how big the new facility would be. Mr. Murphy said it would not be very big, 1200 – 1500 sq feet.

Councillor Morley asked Mr. Murphy for clarification on the issue of alienation if the building was put in private hands. Mr. Murphy said the City would have to come up with an equal amount of land to designate as park land to make up for what was made private.

Councillor Ericksen said the original resolution to demolish this building was not tabled, it was defeated. Councillor Ericksen added that it was his understanding that Council would know by the last meeting in October if there were any concrete plans for the use of this building. Councillor Ericksen said that he has not heard any concrete plans and he asked if Council was going to reintroduce the resolution to demolish the building.

CITY COUNCIL MEETING

October 22, 2007

Page 267

Councillor LaMacchia said we are still using the building at this time. Recreation Director Scott Lalone, said the building will be vacant by end of October or the first week in November.

Councillor LaMacchia questioned if we remove the asbestos by December and close up the building until April/May, would there be much cost involved. Mr. Murphy said just the cost for heat.

Mayor Nelson said there is no historical significance to this building and Council agreed that by October 15th we would either have a plan or tear it down. Councillor LaMacchia stated he felt it was premature to tear the building down.

Councillor Ericksen introduced a resolution to demolish the old Community Center building before December 31, 2007, and Councillor LaRose seconded the motion.

The vote was:

AYES: Mayor Nelson, Councillors Ericksen, Flynn, LaRose and Morley

NAYS: Councillors Hannan and LaMacchia

CARRIED, 5 - 2

3. RFP on Diamond Property

City Manager Arthur Sciorra gave Council an overview of process and costs related to clean up of this site. Mr. Sciorra stated there were some who felt it was premature to send out RFP's for the redevelopment of this property before the cleanup was complete. Mr. Sciorra said received three proposals and two other developers were given extensions to submit their proposals.

City Planner Marty Murphy explained the three proposals and said the other two developers were given a short window to get their proposals in. Mr. Murphy said the proposals will have to be reviewed carefully before a preferred developer is chosen and it could be months before one is selected.

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