

AGENDA - Council Meeting
Monday, April 16, 2018
7:00 P. M.

- I. Pledge of Allegiance
- II. Call to Order
- III. Presentation
- IV. Public Hearing
- V. Personal Appearance
(Anyone wishing to address the Council should notify the Clerk prior to the meeting)
- VI. Correspondence
- VII. Consent Agenda
(All Matters listed under this item are considered to be routine and will be enacted by one motion in the form below without separate discussion. If discussion is desired, the item will be removed from the consent agenda and considered separately.)
 1. Approval of previous minutes
 2. Approval of warrant
- VIII. Appointments
- IX. Items for Council Action
 1. A resolution calling for a public hearing on an ordinance to amend Chapter 83 entitled Brush, Grass and Weeds of the Municipal Code of the City of Ogdensburg. (Tabled at 3/12/18 & 3/26/18 Council Meetings.) (Bill #18)
 2. An Ordinance to amend Chapter 149 entitled "Parks", §149-6. entitled "Use of Marina" of the Municipal Code of the City of Ogdensburg. (Tabled at 4-9-18) (Bill #22)
 3. A resolution to approve the sale of Tax Parcel #48.080-4-22 (property located on paper Jersey Avenue), for \$1,950.00 to Thomas W. and Margaret E. Gooshaw. (Bill #33) **(Requires six affirmative votes to approve.)**
- X. Old Business
- XI. New Business
- XII. Items for Discussion
 1. Andrea Smith, Director of Planning and Development regarding Zoning Amendment Recommendation
- XIII. Citizen Participation
- XIV. Executive Session
- XV. Adjournment

RESOLVED: That the claims as enumerated in General Fund Warrant #08-2018 in the amount of \$119,617.75 and Library Warrant #08-2018 in the amount of \$22,687.60 and Capital Fund Warrant #08-2018 in the amount of \$96,270.00 and Community Development Fund Warrant #08-2018 in the amount of \$0.00 and Community Renewal Fund Warrant #08-2018 in the amount of \$0.00, as audited, be and the same hereby are ordered paid.

DATED: April 12, 2018

Business of the City Council

City of Ogdensburg

SUBJECT: A resolution calling for a public hearing on an Ordinance to amend Chapter 83 of the Ogdensburg Municipal Code entitled "Brush, Grass and Weeds".

FOR AGENDA OF: April 16, 2018

BILL #: 18

DEPT. OF ORIGIN: DPW

DATE SUBMITTED: March 6, 2018

APPROVED AS TO FORM BY CITY ATTORNEY _____

CLEARANCES: _____

EXHIBITS: Resolution, Ordinance

APPROVED BY CITY ADMIN. FOR SUBMITTAL _____

EXPENDITURE REQUIRED: 0	AMOUNT BUDGETED: 0	APPROPRIATION REQUIRED: 0
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SUMMARY STATEMENT

A resolution calling for a public hearing on an ordinance to amend Chapter 83 entitled Brush, Grass and Weeds of the Municipal Code of the City of Ogdensburg. (Tabled at 3/12/18 & 3/26/18 Council Meetings)

RECOMMENDED ACTION

Passage of this resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR KENNEDY	_____	COUNCILLOR PRICE	_____
COUNCILLOR SHAVER	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

**RESOLUTION INTRODUCING AN ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING**

BE IT RESOLVED, that Ordinance No. 9 of 2018, entitled "An Ordinance to amend Chapter 83 entitled "Brush, Grass and Weeds", 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 14th day of May 2018, 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.

ORDINANCE #9 OF 2018
AN ORDINANCE AMENDING CHAPTER 83 ENTITLED
"BRUSH, GRASS AND WEEDS"
OF THE MUNICIPAL 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 Chapter 83; entitled Brush, Grass and Weeds is hereby deleted in its entirety and replaced with the following:

§ 83-1. Procedures.

It shall be unlawful for any owner, lessee or occupant or any agent or employee of any such owner, lessee or occupant having control of any occupied or unoccupied developed lot, or developed land or undeveloped land defined as "waterfront area" by Chapter 135 of this Code or any part thereof in the City of Ogdensburg to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same, between the property line and the edge of the roadway, any growth of weeds, grass, or other rank vegetation to a greater height than 10 inches on the average or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such poison ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow the seed, pollen or other poisonous particles or emanation therefrom to be carried through the air into any public place.

§ 83-2. Duties of owners and occupants.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provision in § 83-1, between April 15 and October 15.

§ 83-3. Failure to comply; work by City; costs.

If the provisions of the foregoing sections are not complied with, the Director of Public Works shall serve written notice, upon the owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provisions of this chapter. If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass or other vegetation within five business days from the date of mailing of such notice, the Director of Public Works shall cause such weeds, grass and other vegetation on such land or lands to be cut and may be removed by City staff or private contractor. The Director of Public Works will determine, through his/her inspection and if necessary, records from the appropriate agencies, whether a property can be safely entered and the work safely performed, either by City staff or private contractor. The actual cost of such cutting and removal, plus a one-hundred dollar civil penalty for the first violation, two-hundred dollars for the second violation and four-hundred dollars for all subsequent violations (in the same calendar year) and a 10% inspection fee (based upon the sum of actual costs and civil penalty not to exceed fifty dollars), shall be certified by the Director of Public Works to the City Comptroller and shall thereupon become and be a lien upon the property on which such weeds, grass and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes.

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.

Business of the City Council
City of Ogdensburg

SUBJECT: An ordinance to amend Chapter 149 entitled "Parks", §149-6. entitled "Use of Marina" of the Ogdensburg Municipal Code.

FOR AGENDA OF: April 16, 2018

BILL #: 22

DEPT. OF ORIGIN: Recreation Department

DATE SUBMITTED: March 6, 2018

APPROVED AS TO FORM BY CITY ATTORNEY

EXHIBITS: Ordinance

EXPENDITURE REQUIRED: -0-	AMOUNT BUDGETED: -0-	APPROPRIATION REQUIRED: -0-
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APPROVED BY CITY MANAGER FOR SUBMITTAL

SUMMARY STATEMENT

An Ordinance to amend Chapter 149 entitled "Parks", §149-6. entitled "Use of Marina" of the Municipal Code of the City of Ogdensburg. (Tabled at 4-9-18)

RECOMMENDED ACTION

Approval of this ordinance.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR ASHLEY _____

COUNCILLOR DAVIS _____

COUNCILLOR KENNEDY _____

COUNCILLOR PRICE _____

COUNCILLOR SHAVER _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

ORDINANCE #10 of 2018
AN ORDINANCE TO AMEND CHAPTER 149 ENTITLED "PARKS",
SECTION 149.6 ENTITLED "USE OF MARINA"
OF THE OGDENSBURG MUNICIPAL CODE

WHEREAS, the Ogdensburg City Council has the authority to amend sections of the Ogdensburg Municipal Code and the Parks & Recreation Department seeks to update Chapter 149 entitled "Parks", §149-6, entitled "Use of Marina"; and

WHEREAS, the Ogdensburg City Council also requested that the Ogdensburg Recreation Commission review Chapter 149 entitled "Parks", §149-6, entitled "Use of Marina" and the following is their recommended draft policy for adoption.

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

ITEM ONE: That Chapter 149 entitled "Parks", §149-6, entitled "Use of Marina", is hereby deleted and replaced with the following:

§ 149-6. Use of marina.

- A. Dockage for private pleasure craft will be made available during the months of May, June, July, August, September and October. The fee to be charged shall be established on an annual basis by the Ogdensburg City Council.
- B. Transient dockage within the marina shall be limited to a maximum consecutive period of 48 hours unless given permission by the Director of Parks & Recreation.
- C. Dockage will be allowed only within the slips provided by the marina itself, and only one boat per slip shall be permitted. The boat moored at a slip will be required to be owned by the person leasing the boat slip. No other boats will be allowed. No Jet-Skis will be allowed to occupy the same slip as a boat. Mooring of any vessel along the western or northern seawall of the municipal marina shall be prohibited unless written and specific permission is granted by the Director of Parks & Recreation.
- D. The City Manager is hereby empowered to issue a permit allowing dockage for periods in excess of 48 hours and allowing dockage in places other than designated slips in exceptional circumstances and when, in the judgement of the City Manager, a public purpose and the best interests of the City shall be served by such a permit.
- E. Vessels entering and exiting the marina, or within 100 feet of the marina shall be operated at no more than 5 mph or idle speed to prevent any wake.
- F. Water skiing within 100 feet of the marina or municipal dock is prohibited.
- G. Swimming is prohibited in the marina area. Fishing from docks within the marina is prohibited, but shall be allowed along the northern face of the municipal dock.
- H. No one will be allowed to keep chairs, coolers, or other possessions on the docks itself.

- I. Glass beverage containers are prohibited in the Greenbelt area, including the marina.
- J. On or about Feb. 1 of each year, the Parks & Recreation Department will send a letter and renewal form to all of those who rented seasonal boat slips the previous marina season. Those receiving a letter and renewal forms will have at least an 8-week period with a deadline to be determined by the Parks & Recreation Department to return the renewal form, complete payment, driver's license, boat insurance and current boat registration to the Parks & Recreation Department offices at the Dobisky Center, 100 Riverside Ave., in order to be eligible to receive a boat slip for the upcoming marina season. Those who do not return the required paperwork will forfeit their slip.
- K. Payment for boat slips will be determined by the length of the vessel stated on the boat registration submitted to the Parks & Recreation Department.
- L. The following dictates the city marina's boat slip waiting list:
 - 1) **City of Ogdensburg residents/property owners and non-residents** desiring to lease a boat slip in the City of Ogdensburg owned marina must fill out an application provided by the Parks & Recreation Department and hand that document, as well as a copy of their driver's license, boat registration and boat insurance, to the Parks & Recreation Department offices at the Dobisky Center, 100 Riverside Ave. **The department will use documents from the Assessor's Office to verify residency or whether the applicant owns property in the City of Ogdensburg. Depending on his/her residency or whether they own property in the City of Ogdensburg, applicants will be placed on the appropriate and separate waiting lists for city resident/property owner or non-residents. City residents/property owners shall be given first priority over non-residents. All vacancies occurring in dock space shall be filled from the respective waiting lists based on a first-come, first serve basis.**
 - 2) Applicants who have properly completed the application in full, will receive written notification of receipt of their application and placement on the **appropriate** waiting list. The **respective** waiting lists, **for both city residents/property owners and non-residents**, will be posted on the City of Ogdensburg's website, marina webpage. The person's name and municipality of residence will be listed. The waiting list will be updated annually.
 - 3) Properly completed applications for a boat slip will be recorded in chronological order from the date of receipt and the awarding of a boat slip will take these following steps:
 - a) When a boat slip is available, the Parks & Recreation Department will notify the next applicant on the wait list with a vessel of appropriate length and width for the available slip determined by the Director of Parks & Recreation. **Those on the city resident/property owner list will be contacted first, followed by those on the non-resident list. Only when all those on the resident/property owner list have either accepted or declined a slip will slips be offered to those on the non-resident list.**
 - b) If he/she declines the boat slip when approached, the applicant may waive the boat slip but can elect to remain on the waiting list for the next available slip.

- c) When selected from the waiting list, the Parks & Recreation Department will attempt to contact the applicant for two (2) days by the telephone number listed on the application. If no contact is made by phone, a letter will be sent to the address provided on the application and the applicant will be given seven (7) days to respond. If there is no response by telephone or letter then the applicant will be removed from the wait list and the slip will be offered to the next applicant per the wait list policy.
 - d) Once successful contact has been made, the applicant will have seven (7) days to return a completed boat slip application, driver's license, boat registration, boat insurance and full payment to the Parks & Recreation Department office at the Dobisky Center, 100 Riverside Ave.
- 4) In order for an applicant to maintain his/her status on the waiting list, he/she must notify the Parks & Recreation Department office in writing by using an established "waitlist renewal form" between November 1 and January 1 of each year, to express his/her desire to remain on the waiting list. The "waitlist renewal form" is located at the Parks & Recreation Department office at the Dobisky Center, 100 Riverside Ave., and is also found on the City of Ogdensburg's website, marina webpage. If a renewal form is not filled out in the appropriate time frame, then he/she will be removed from the established waiting list.

M. Dockage for transient boaters will be made available during the months of May, June, July, August, September and October. The fee to be charged for transient boaters shall be established on an annual basis by the Ogdensburg City Council.

- 1) Day use of transient slips in the City Marina will be allowed only after receiving permission from Parks & Recreation staff.
- 2) If a transient boat is to remain in a slip overnight, then the boater must fill out a transient boat docking form found at the Dobisky Visitors' Center, 100 Riverside Avenue, and pay the appropriate fee based on the size of the boat before they spend the night.

N. Upon adoption of this policy, all returning renters for the 2018 boating season will be able to renew their slips regardless of whether they are residents or non-residents, provided they comply with all other documentation requirements.

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution to approve the sale of City-owned property.
FOR AGENDA OF: 04/16/2018
BILL #: 33
DEPT. OF ORIGIN: City Comptroller
DATE SUBMITTED: 04/11/2017
APPROVED AS TO FORM BY CITY ATTORNEY
EXHIBITS: Resolution
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE REQUIRED: -0-	AMOUNT BUDGETED: -0-	APPROPRIATION REQUIRED: -0-
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SUMMARY STATEMENT

A resolution to approve the sale of Tax Parcel #48.080-4-22 (property located on paper Jersey Avenue), for \$1,950.00 to Thomas W. and Margaret E. Gooshaw. **(Requires six affirmative votes to approve.)**

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL: .

MAYOR ASHLEY	_____	COUNCILLOR DAVIS	_____
COUNCILLOR KENNEDY	_____	COUNCILLOR PRICE	_____
COUNCILLOR SHAVER	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

RESOLUTION TO APPROVE THE SALE OF TAX PARCEL 48.080-4-22
TO THOMAS W. AND MARGARET E. GOOSHAW

WHEREAS, the Ogdensburg City Council, on March 26, 2018, authorized the public auction of surplus City-owned real property, and

WHEREAS, the City held an auction on April 11, 2018 to sell said property, and

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

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

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>	<u>RESTRICTION(S)</u>
48.080-4-22	paper Jersey Ave	\$1,950 (includes estimated \$400 Attorney and \$350 recording fees)	nonconforming lot, SFR No developed street frontage.

BE IT FURTHER RESOLVED, that the sale shall be subject to the terms of the March 26, 2018 resolution.