

CITY COUNCIL MEETING

July 13, 2009

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

PRESENT: Deputy Mayor Morley, Councillors Flynn,
Hannan, Powers and Sholette

ABSENT: Mayor Nelson and Councillor Vaugh

(Mayor Nelson was excused; advised Council that he was on vacation at 6/22/09 meeting.)

PROCLAMATION

1. Councillor Flynn read a proclamation recognizing National AmVets Day. (A copy of the Proclamation follows these minutes.)

Commander Merton Haynes, AmVets, 215 Ford Street, addressed Council and asked about the revitalization of the Ogdensburg Mall near the AmVets. Mr. Haynes stated that the Mall walkway windows are broken and the blacktop in the back parking lot, which is City owned, is in need of repair. Mr. Haynes asked if the City has any plans to paint the building enclosure.

Gil Jones, addressed Council and advised that the DPW is painting the steel columns at the CRC Building and it is a great improvement.

Director of Public Works, Kit Smith stated that the outside shelter was removed and the DPW painted the structure and steel beams to protect them. Mr. Smith added that we will replace the windows by the AmVets and clean up the front of the Mall if funds are available. Deputy Mayor Morley requested staff review these issues.

PUBLIC HEARING

1. A public hearing regarding the sale of 708 Main Street was held. No one being present to speak, the hearing was declared closed.

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2. A public hearing regarding an Ordinance to amend Chapter 209 entitled "Vehicles and Traffic" was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding an Ordinance to amend Chapter 85 entitled "Burning, Open" was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Gilbert Jones of Jones Trombley Development Corporation addressed Council regarding two letters he received from the City regarding the Ogdensburg Mall and parking improvements. Deputy Mayor Morley stated Council needs to review this correspondence with City Manager Arthur Sciorra. (A copy of the two letters follow these minutes.)

CONSENT AGENDA

Deputy Mayor Morley moved that the claims as enumerated in General Fund Warrant #13-2009 in the amount of \$887,173.01 and Library Fund Warrant #13-2009 in the amount of \$46,607.76, Capital Fund Warrant #13-2009 in the amount of \$16,819.48 and Community Development Fund Warrant #13-2009 in the amount of \$17,054.60 and Community Renewal Fund Warrant #13-2009 in the amount of \$20,742.00 and HOME Fund Warrant #13-2009 in the amount of \$5,438.00 and AHC Funds Warrant #13-2009 in the amount of \$11,575.00 and RESTORE Program Warrant #13-2009 in the amount of \$6,038.00 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 Hannan moved an ordinance to offer for sale, by public auction, City-Owned Property located at 708 Main Street, and Councillor Powers seconded the motion to wit:

ORDINANCE NO. __ - 2009
AN ORDINANCE TO OFFER FOR SALE AT PUBLIC AUCTION
CITY OWNED PROPERTY

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

SECTION ONE

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

<u>ADDRESS</u>	<u>Tax Map Number</u>
708 Main Street	59.021-2-10

Minimum Price - \$3,000.00

SECTION TWO

The City Council reserves the right to reject any or all bids or to withdraw any parcel from sale. Conveyance is to be made by Quit Claim Deed. The City does not guarantee clear property title in the transfer of property by auction and conveyance will be made by quit Claim Deed.

SECTION THREE

This ordinance shall become effective ten days after publication.

Councillor Flynn moved to adjourn action on this resolution until the next meeting when all members of Council will be present, and Councillor Sholette seconded the motion

The vote was:

CARRIED, AYES ALL

2. Councillor Powers moved an Ordinance to amend Chapter 209 entitled “Vehicles and Traffic”, and Councillor Flynn seconded to wit:

ORDINANCE No. 7 OF 2009
AN ORDINANCE AMENDING CHAPTER 209 ENTITLED
"VEHICLES AND TRAFFIC"
OF THE CODE OF THE CITY OF OGDENSBURG, NEW YORK

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

ITEM ONE:

That § 209-54. Schedule XVII: Time Limit Parking, is amended as follows:

Name of Street	Side	Time Limit; Hours/Days	Location
Ford Street	North	1 hour; 8:00 a.m. to 5:00 p.m./ Monday through Friday	From the west curblineline of State Street, west 247 feet

ITEM TWO:

That § 209-54. Schedule XX: Handicapped Parking, is amended as follows:

	Name of Street	Side	Location
Delete:	Ford Street	North	1 space in the 400 block in front of the Community Resources Center at 420 Ford Street
Amend:	Mall parking lot	---	2 spaces at the Blevins Building sidewalk entrance to the mall
Add:	Ford Street	North	2 spaces in the 200 block from a point 247 feet west of the western curbline of State Street to a point 68 feet in a westerly direction therefrom

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

The vote was:

CARRIED, AYES ALL

3. Councillor Flynn moved a resolution which determines the amendment to Chapter 85 entitled "Open Burning" is an unlisted action and will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form, and Councillor Sholette seconded to wit:

SEQR NEGATIVE DECLARATION
FOR AMENDMENT TO CHAPTER 85 ENTITLED "OPEN BURNING"

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WHEREAS, the City of Ogdensburg desires to amend Chapter 85 entitled “Open Burning”, to conform to the NYS Property Maintenance Code; and

NOW, THEREFORE, BE IT RESOLVED that pursuant to Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act of the Environmental Conservation Law, the City Council has determined the proposed amendment is an unlisted action and will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

The vote was:

CARRIED, AYES ALL

4. Councillor Flynn moved an Ordinance to amend Chapter 85 entitled “Burning, Open”, and Councillor Sholette seconded to wit:

ORDINANCE No. 8 OF 2009
ORDINANCE TO AMEND THE OGDENSBURG MUNICIPAL CODE
CHAPTER 85, BURNING, OPEN

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

ITEM ONE:

That Chapter 85, BURNING, OPEN, is hereby **deleted** and **replaced** with the following:

§ 85-1. Title. This chapter shall be known and may be cited as the “City of Ogdensburg Open Burning and Recreational Fires Ordinance”.

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§ 85-2. Purpose. The purpose of this chapter is to provide for enforcement procedures in the City of Ogdensburg regarding open burning and recreational fires.

§ 85-3. Definitions. The following words and terms shall, for the purposes of this chapter, have the meanings shown herein.

BONFIRE. An outdoor fire utilized for ceremonial purposes.

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

§ 85-4. General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

§ 85-5. Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

§ 85-6. Prohibited open burning. Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

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§ 85-7. Location. The location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

§ 85-8. Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

§ 85-9. Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

§ 85-10. Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

§ 85-11. Attendance. Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with [Section 906](#) with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

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.

The vote was:

CARRIED, AYES ALL

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5. Councillor Powers moved a resolution authorizing the City Manager to enter into an Agreement with Dadras Brothers Architects for professional services, and Councillor Flynn seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
AN AGREEMENT WITH DADRAS BROTHERS ARCHITECTS FOR
PROFESSIONAL SERVICES

WHEREAS, the City initiated a Ford/State Street Revitalization and Downtown Improvement Program; and

WHEREAS, the Ogdensburg City Council, in support of this initiative, appropriated local funds to hire Dadras Architects to conduct a "Main Street Assessment" in the Downtown Area; and

WHEREAS, the City successfully used this Assessment to secure a Community Planning Grant to develop a Main Street/Downtown Revitalization Strategy; and

WHEREAS, the City advertised a Request for Qualifications that resulted in 7 submissions; and

WHEREAS, the City staff interviewed the 4 firms determined to be the most qualified based on the submissions; and

WHEREAS, staff determined that Dadras Architects was uniquely qualified to perform this work;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to enter into an agreement with Dadras Architects for a sum not to exceed \$30,000.; and

BE IT FURTHER RESOLVED that the funds to pay for this work shall be derived from the \$25,000 Community Planning Grant and \$5,000., as previously approved by the City Council as part of the City's required match, from the CD Misc. Rev. account, for the purpose of developing a Main Street/Downtown Revitalization Strategy.

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Councillor Sholette stated that the City can't afford a \$5,000. cash match for an intern.

The vote was:

AYES: Deputy Mayor Morley, Councillors Flynn,
Hannan and Powers

NAYS: Councillor Sholette

APPROVED, 4 TO 1

OLD BUSINESS

1. Councillor Sholette stated that he has asked many times for information on the Growth Fund \$200,000. grant for the marina district and questioned if the money has been distributed or if letters have been sent out. City Manager Arthur Sciorra stated he will explain how the process is unfolding in the next update to Council.

2. Councillor Hannan stated he was pleased that the process for hiring a City Attorney is moving forward and requested an update on the various employment options, such as whether to hire by contract, retainer and part time or full time. Mr. Sciorra explained the RFP's are based on the new Administrative Regulations law, and three proposals were submitted. Mr. Sciorra added that he hopes to review the three proposals and resumes with Council in the August executive session.

3. Councillor Hannan questioned the status of the City's cash flow and if we've had any luck receiving the outstanding State grant funds. City Manager Arthur Sciorra stated we have received some state grant payments, and he will provide Council with a six-month update.

4. Councillor Sholette questioned if the Park Plaza trial is on schedule. Mr. Sciorra stated the court judge has asked for a one-week extension, and he will provide Council with a new trial date.

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5. Deputy Mayor Morley asked the City Manager to provide Council with a summation of the two letters Gill Jones received from City staff, by the end of business on Wednesday.

NEW BUSINESS

1. Councillor Hannan stated that Don Clark, Seaway Festival Button Sales Committee, has asked if Council would be available to sell Seaway Festival buttons the night of the fireworks at the corner of Caroline and Washington Streets. Councillor Morley and Councillor Powers stated they would be out of town. Councillor Hannan said members of Council and City staff can contact him if they are available.

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

CITY OF OGDENSBURG, NEW YORK

CITY HALL • 330 FORD STREET • OGDENSBURG, NEW YORK 13669

Office of the City Manager
Arthur J. Sciorra, Manager

(315) 393-6100
E-mail: asciorra@ogdensburg.org



May 21, 2009

Mr. Gilbert Jones
Jones Trombley Development Corp
PO Box 903
Ogdensburg, New York 13669

RE: Ogdensburg Mall and Parking Improvements

Dear Mr. Jones:

I'd like to thank you and Jack Lawrence for meeting with Justin Woods, Kit Smith and myself yesterday morning. The purpose of the meeting was to discuss issues involving the formerly enclosed walkways adjacent to your buildings, proposed parking improvements in the courtyard area in front of your buildings, proposed parking modifications to the rear of your buildings, installation of additional lighting, and potential city assistance with funding these activities.

In sum, it is my understanding that we left the meeting agreeing on the following items:

- 1) The City does not have any legal records indicating who owns the walkway areas. Should the need arise for you to verify such ownership; it will be your responsibility. However at the present time, the City neither claims ownership nor disputes your claim of ownership of the walkways.
- 2) Parking construction in the Ford Street courtyard area. The City owns the courtyard area. However, the City does not have funds budgeted to construct additional handicap parking hereon. Should you wish to construct additional handicap parking in this area, it must be constructed at your expense, and according to City specifications. The city would then consider taking over this as part of the public parking in the vicinity. Please note that the creation of more than 5 additional parking spaces will require site plan approval from the City Planning Board. For your convenience, an application is enclosed with this correspondence.

Further, while the City does not have funds budgeted for the proposed parking improvements, the City will work with you to help fund façade improvements to your buildings; which will free up funds for you to reallocate back to other activities. As advised, this will require a change to the façade program policy; however, such change is already in the works. Please note that façade money may also be available for improvements at your other building housing the theater.

Mr. Gilbert Jones
May 21, 2009
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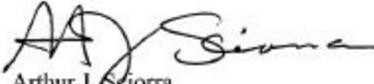
- 3) The lights in the courtyard area are owned by the City. The City will look into possible ways to upgrade this lighting to improve the luminescence.

The lights in back area are owned by National Grid. The City will facilitate working with National Grid to discuss developing an improved lighting plan for the area.

If you have any additional questions, please feel free to contact me or J. Justin Woods, at 393-7150.

Thank you for your time and we look forward to continuing to work with you.

Sincerely,



Arthur J. Sciorra
City Manager

cc: Mayor and Council
Kit Smith, Director of Public Works
J. Justin Woods, Director of Planning & Development

City of Ogdensburg
Department of Planning & Development

Ogdensburg City Hall
330 Ford Street - Room 11
Ogdensburg, New York 13669
<http://www.ogdensburg.org>



July 10, 2009

Gilbert Jones
Jones Trombley Development Corp
PO Box 903
Ogdensburg, New York 13669

RE: Ogdensburg Mall and Parking Improvements

Dear Mr. Jones:

The City of Ogdensburg is in receipt of your application for site plan approval and SEQR review for the above-referenced project. However, at present, the application is incomplete due to a lack of engineered plans and a complete SEQR Short Form. The SEQR form is enclosed for you to complete.

As far as the plans are concerned, the City Manager's letter of May 21 stated that:

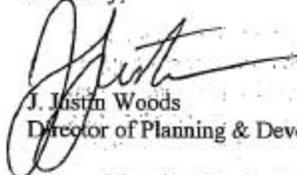
"...Should you wish to construct additional handicap parking in this area, it must be constructed at your expense, and according to City specifications. The city would then consider taking over this as part of the public parking in the vicinity. Please note that the creation of more than 5 additional parking spaces will require site plan approval from the City Planning Board. For your convenience, an application is enclosed with this correspondence."

Accordingly, your plans to create a new handicap parking lot must be designed to scale by a professional engineer. The plan must show the number of parking spaces to be provided, there must be safe and adequate turning radii, and the plans must provide construction details showing that the lot will be constructed to city specifications. Given that this section of Ford Street is one-way and the proposed parking area is limited in space, I would recommend that your engineer explore the possibility of "back-in" angled parking as the safest alternative to a lot separated from the street. Please submit five full size copies and ten 11" x 17 copies of the plans.

Lastly, any Planning Board approval will be subject to securing site control for the project area. This will require a public hearing and approval of City Council. It may be advisable to secure this approval before incurring additional costs for the site plan application process.

Should you have any questions, please feel free to contact me.

Sincerely,



J. Justin Woods
Director of Planning & Development

cc: Planning Board; Arthur Sciorra, City Manager
Kit Smith, Director of Public Works; Gregg Mallette, Code Enforcement Officer