

CITY COUNCIL MEETING

June 25, 2018

Page 190

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

PRESENT: Mayor Ashley, Councillors Davis, Kennedy,
Price, Shaver, Skamperle and Stevenson

ABSENT: None

Mayor Ashley called for a moment of silence in memory of Wayne Ladouceur who passed away on Saturday, June 23, 2018. Mayor Ashley said Mr. Ladouceur was a credit to our community and was involved in many volunteer projects. Mayor Ashley said Mr. Ladouceur was also the camera man for City Council meetings for many years.

PUBLIC HEARING

1. A public hearing regarding an ordinance to sell City-owned property: tax map number 48.072-1-12 located at 1130 Ford Street was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an ordinance to sell City-owned property: tax map number 59.029-1-19.1 located at 902/904 Ogden Street was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding an ordinance to amend Chapter 221 entitled 'Zoning', Section 221-8 entitled "Zoning Map". (TMN 48.064-3-29 to be rezoned from Single-Family Residential (SFR) to Residential Business (R/B) under the provisions of Article XVIII) was held.

Karen Cunningham, 311 Rosseel Street, said she was concerned what type of businesses could be operated at the property in the future. Ms. Cunningham said parking could become an issue since there are other businesses already operating in the neighborhood. No one else being present to speak, the hearing was declared closed.

CITY COUNCIL MEETING

June 25, 2018

Page 191

4. A public hearing regarding an ordinance to amend Chapter 221 entitled 'Zoning', adding Section 221-17.1, entitled "Special permit uses" to allow Bottle Redemption Facilities in the R/B district was held. No one being present to speak, the hearing was declared closed.

5. A public hearing regarding an ordinance to amend Chapter 221 entitled 'Zoning', Section 221-47 E (5) [h] [4] (c), entitled "Standards for permitted home occupations" was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Christopher Lalone, 1228 Pickering Street, addressed Council regarding brush pickup and said the process needs to be fixed. Mr. Lalone suggested the policy be amended so property owners can call for brush to be picked up as needed.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #12-2018 in the amount of \$486,951.65 and Library Fund Warrant #12-2018 in the amount of \$22,154.50 and Capital Fund Warrant #12-2018 in the amount of \$258,898.24 and Community Development Fund Warrant #12-2018 in the amount of \$0.00 and Community Renewal Fund Warrant #12-2018 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Ashley moved to appoint Ben Reed to the Pride and Beautification Commission to fill the unexpired term of Mary Michaels, term to begin June 25, 2018 and end December 31, 2019, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

2. Mayor Ashley moved to appoint Barbara McDonough to the Library Board, term to begin June 25, 2018 and end December 31, 2022, and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Stevenson introduced an ordinance to sell City-owned property: tax map number 48.072-1-12, located at 1130 Ford Street, and Councillor Kennedy seconded to wit:

ORDINANCE #11 of 2018
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:

CITY COUNCIL MEETING

June 25, 2018

Page 193

SECTION ONE:

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

| <u>TAX MAP #</u> | <u>LOCATION</u> | <u>MINIMUM PURCHASE PRICE</u> | <u>RESTRICTION(S)</u> |
|------------------|------------------|---|-----------------------|
| 48.072-1-12 | 1130 Ford Street | \$4,000 (includes estimated \$400 Attorney & \$350 filing fees) | conforming lot, R/B |

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

SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle introduced an ordinance to sell City-owned property: tax map number 59.029-1-19.1, located at 902/904 Ogden Street, and Councillor Stevenson seconded to wit:

ORDINANCE #12 of 2018
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 properties shall be offered for sale at public auction by the City of Ogdensburg:

| <u>TAX MAP #</u> | <u>LOCATION</u> | <u>MINIMUM PURCHASE PRICE</u> | <u>RESTRICTION(S)</u> |
|------------------|----------------------|--|-----------------------|
| 59.029-1-19.1 | 902/904 Ogden Street | \$4,500 (includes estimated \$400 Attorney & \$350 filing fees) | conforming lot, MH |

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

SECTION THREE: This ordinance shall become effective after public notice has been published at least once each week for three weeks in the official City newspaper.

The vote was:

CARRIED, AYES ALL

3. Councillor Kennedy introduced an ordinance to amend Chapter 221 entitled 'Zoning', Section 221-8, entitled "Zoning Map" (TMN 48.064-3-29 to be rezoned from Single-Family Residential (SFR) to Residential Business (R/B) under the provisions of Article XVIII), and Councillor Skamperle seconded to wit:

ORDINANCE # 13 of 2018
ORDINANCE AMENDING CHAPTER 221 ENTITLED "ZONING"
OF THE CITY OF OGDENSBURG MUNICIPAL CODE

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

ITEM ONE:

That the Official Zoning Map referenced in Section 221-8 be amended as follows:

That Section No. 48.064, Block No. 3, Lot Number 29, 1516 Ford Street, in the City of Ogdensburg, being zoned Single-Family Residential (SFR), is hereby rezoned to Residential/Business (R/B).

ITEM TWO:

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

Director of Planning and Development Andrea Smith said the Planning Board did not recommend approval of this ordinance. Ms. Smith explained the Planning Board recommended that the zoning be maintained but the amendment to the home occupations ordinance on tonight's agenda be approved. Ms. Smith said the Planning Board felt limiting the percentage of property to be used for retail sales was necessary.

The vote was:

AYES: Councillors Shaver and Skamperle

NAYS: Mayor Ashley, Councillors Davis,
Kennedy, Price and Stevenson

DEFEATED, 5 TO 2

4. Councillor Shaver introduced an ordinance to amend Chapter 221 entitled 'Zoning', adding Section 221-17.1, entitled "Special permit uses" to allow Bottle Redemption Facilities in the R/B district, and Councillor Kennedy seconded to wit:

ORDINANCE #14 OF 2018
ORDINANCE AMENDING CHAPTER 221 ENTITLED "ZONING"
OF THE CITY OF OGDENSBURG MUNICIPAL CODE

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

ITEM ONE: Amendment of Chapter 221, Section 221-17.1, entitled "Special permit uses"

That Section 221-17.1 entitled "Special permit uses" is hereby added to read as follows:

Uses permitted by special permit shall be as follows:

A. Bottle Redemption Facilities.

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

CITY COUNCIL MEETING

June 25, 2018

Page 197

Director of Planning and Development Andrea Smith said the Planning Board and Zoning Board agreed bottle redemption facilities may not be appropriate for all neighborhoods. Ms. Smith explained there is still a mechanism to protect neighborhoods from nuisances by permitting these types of facilities but then adding another layer of review. Councillor Stevenson asked if a bottle redemption facility could be approved if Council does not approve this ordinance. Ms. Smith said if the ordinance is defeated there will be no avenue for a bottle redemption facility except a use variance application.

Councillor Shaver suggested the Municipal Code be amended to permit bottle redemption facilities by-right. Ms. Smith explained a motion could be made to that effect, but Council would need to call for a new Public Hearing. Councillor Skamperle said Council could review that type of change in the future for business or industrial districts but did not want to hold the individual up on getting his business open.

The vote was:

AYES: Mayor Ashley, Councillors Davis,
Kennedy, Price, Skamperle and Stevenson

NAYS: Councillor Shaver

APPROVED, 6 TO 1

5. Councillor Price introduced an ordinance to amend Chapter 221 entitled 'Zoning', Section 221-47 E (5) [h] [4] (c), entitled "Standards for permitted home occupations", and Councillor Skamperle seconded to wit:

ORDINANCE #15 OF 2018
ORDINANCE AMENDING CHAPTER 221 ENTITLED "ZONING"
OF THE CITY OF OGDENSBURG MUNICIPAL CODE

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

CITY COUNCIL MEETING

June 25, 2018

Page 198

ITEM ONE: Amendment of Chapter 221, Section 221-47 E (5) [h] [4] (c), entitled “Standards for permitted home occupations”

That Section 221-47 E (5) [h] [4] (c), entitled “Standards for permitted home occupations” is hereby amended as follows:

Delete: Retail sales of products not produced on the premises shall be prohibited except for the sale of products incidental to services offered by the home occupation.

Add: “The maximum square footage for general retail sales, as a home occupation, shall be the lessor of 33% of the residential premises or 600 square feet”.

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

Director of Planning and Development Andrea Smith said the Planning Board recommended the approval of this ordinance as an alternative to rezoning from SFR to R/B to support retail sales. Councillor Skamperle questioned why the Planning Board limited the use to 600 square feet which appears to limit parking to one space. Ms. Smith explained the formula used for general commercial retail use parking calculations differs from that of home occupations. Councillor Shaver asked why the retail sales language would be deleted. Ms. Smith explained the current language does not permit retail sales for product not incidental to the business. Councillor Stevenson asked if passage of this ordinance would permit anyone to open a retail business in the City. Ms. Smith said yes, adding this change is more business friendly but cautioned there would be an increase in residential neighborhood traffic. Ms. Smith explained our Municipal Code already includes some business type restrictions. Ms. Smith said the Planning Board recommended the 600 square foot restriction as a means to keep larger businesses out of residential neighborhoods. Ms. Smith read the list of restricted business types under the current regulations of the Municipal Code.

CITY COUNCIL MEETING

June 25, 2018

Page 199

Councillor Stevenson said if this ordinance would have a City-wide impact she will not support it. Councillor Stevenson said she would like to see a Planning Board review of this matter, and Councillor Shaver agreed. Mayor Ashley said he will not support the ordinance. Councillor Skamperle asked that the Planning Board review the parking limitations for home occupations. Ms. Smith said she will ask the Planning Board to review that section of the Municipal Code. Councillor Skamperle said he will support the ordinance because he agrees with the size limitation.

The vote was:

AYES: Councillor Skamperle

NAYS: Mayor Ashley, Councillors Davis,
Kennedy, Price, Shaver and Stevenson

DEFEATED, 6 TO 1

6. Mayor Ashley introduced a resolution to apply for \$11,000 of funding through the NYSDEC 2018 Urban and Community Forestry Program, and Councillor Stevenson seconded to wit:

RESOLUTION AUTHORIZING THE SUBMISSION OF A 2018 NEW YORK STATE DEC URBAN AND COMMUNITY FORESTRY TREE PLANTING GRANT APPLICATION

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is committed to creating healthy urban and community forests, while enhancing the quality of life for urban residents; and

WHEREAS, in furtherance of this Goal, the City has developed a tree inventory and management plan, thereby making the City eligible to apply for tree planting funds; and

CITY COUNCIL MEETING

June 25, 2018

Page 200

WHEREAS, Ogdensburg NY has attained Tree City USA status for 25 consecutive years; and

WHEREAS, properly located trees, can reduce air pollution, improve water quality, lower heating and cooling costs, minimize storm water runoff, decrease soil erosion, lessen the urban heat island effect, buffer noise pollution, provide habitat for wildlife, increase property values, and contribute to the psychological and social health of communities; and

WHEREAS, research has shown that trees in urban and urbanizing areas such as Ogdensburg can mitigate the negative effects of urban development and improve environmental quality, ecological services, and even economic prosperity; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager, or her designee is hereby authorized to submit an application not to exceed \$11,000 for an Urban Forestry Tree Planting Grant, and if received, to enter into any necessary contracts to administer this grant; and

BE IT FURTHER RESOLVED the 25% (up to \$2,750) match will consist of in-kind staff services, force and volunteer labor, and dedicated cash resources from budget line A8560.330, Shade Trees: Capital Construction.

Recreation Director Matt Curatolo said the plan is to diversify our tree inventory and replant where some trees had to be removed.

The vote was:

CARRIED, AYES ALL

7. Councillor Price introduced a resolution authorizing the City Manager to submit a Consolidated Funding Application for improvements to the City's wastewater treatment plant (WWTP), and Councillor Skamperle seconded to wit:

A RESOLUTION AUTHORIZING THE SUBMISSION OF A 2018
CONSOLIDATED FUNDING APPLICATION

WHEREAS, the City of Ogdensburg desires to prepare a 2018 New York State Consolidated Funding Applications (CFA) to improve the City's wastewater treatment plant (WWTP); and

WHEREAS, the cost of the WWTP improvement project is \$34,891,700; and

WHEREAS, the City of Ogdensburg is seeking \$4.6 million in grant funds to improve the Waste Water Treatment Plant as a regional asset in the North Country, capable of supporting business growth while improving water quality; and

WHEREAS, the New York State Empire State Development (ESD) and New York State Department of State (DOS LWRP) have been identified as eligible funding partners for these project components; and

WHEREAS, the City is eligible to apply for up to \$4.2 million from ESD to create and retain jobs in the North Country; and

WHEREAS, the maximum request for the DOS LWRP grant program is \$2 million.

THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council authorizes the submission of a single Consolidated Funding Application seeking maximum funds from ESD and DOS not to exceed a total request of \$4.6 million.

BE IT FURTHER RESOLVED, that the Ogdensburg City Manager, or her designee, is hereby authorized to submit a CFA grant application on or before July 27, 2018 for improvements to the City's WWTP and if received, to enter into any necessary contracts to administer said grants.

The vote was:

CARRIED, AYES ALL

CITY COUNCIL MEETING

June 25, 2018

Page 202

ITEMS FOR DISCUSSION

1. Councillor Skamperle said he received complaints from neighbors of the old St. Joseph's Nursing Home site who report that groundhogs and other varmint are now appearing in the area. Police Chief Andrew Kennedy asked for the names of the neighbors and said he will contact a vendor to address the issue.

2. Councillor Stevenson said the Community Garden is active and asked for volunteers on Wednesday, June 27, 2018 around 5:30-6:00pm. Councillor Stevenson said there are about eight beds to be planted for the local food pantries.

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