

CITY COUNCIL MEETING

February 13, 2014

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

PRESENT: Mayor Nelson, Councillors Ashley, Hosmer,
Mitchell, Morley, Skamperle and Stevenson

ABSENT: None

PUBLIC HEARINGS

1. A public hearing regarding the addition of Chapter 58, Pride and Beautification, to the Ogdensburg Municipal Code was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding an amendment to Article II, City Hall Policies, and the procedures for use of City Hall meeting rooms was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding an amendment to Chapter 189 entitled "Streets and Sidewalks" to add Article III entitled "Complete Streets" was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Robert Flavin, 116 Ogden Street, addressed Council regarding snow being dumped into the Oswegatchie River by the Department of Public Works. Mr. Flavin said he is concerned about the chemicals going into the river and hopes someone can come up with a better solution for snow removal. Mr. Flavin passed amongst Council a jar filled with a sample of the muddy melted snow he believes is being dumped into the river.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #3-2014 in the amount of \$1,387,101.95 and Library Fund Warrant #3-2014 in the amount of \$17,852.06 and Capital Fund Warrant #3-2014 in the amount of \$11,197.00 and Community Development Fund Warrant #3-2014 in the amount of \$98,328.91 and Community Renewal Fund Warrant #3-2014 in the amount of \$17,919.82 and HOME Fund Warrant #3-2014 in the amount of \$0.00 and AHC Funds Warrant #3-2014 in the amount of \$0.00 and NSP Funds Warrant #3-2014 in the amount of \$0.00 and Ogdensburg Growth Fund Warrant #3-2014 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Ashley moved an ordinance to add Chapter 58, Pride and Beautification, to the Ogdensburg Municipal Code, and Councillor Stevenson seconded to wit:

ORDINANCE 1 OF 2014
ORDINANCE ADDING CHAPTER 58 ENTITLED
"PRIDE AND BEAUTIFICATION COMMISSION" TO THE
CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE : That Chapter 58 entitled "Pride and Beautification Commission" is hereby added:

Chapter 58
PRIDE AND BEAUTIFICATION COMMISSION

§ 58-1. Creation; membership.

- A. There is hereby created a Pride and Beautification Commission for the City of Ogdensburg.
- B. It shall consist of eleven (11) formal members, called “Commissioners”, who shall be appointed by the Mayor for terms of three (3) years, except that, of those first appointed, two (2) shall serve for one (1) year, two (2) for two (2) years and three (3) for three (3) years. In addition and at the time of appointment, one (1) of the members shall be designated as Chairman by a majority vote of the appointed Commissioners. The term of the Chairman shall be for two (2) years. Vacancies shall be filled for the unexpired term.
- C. In addition to the formal members, any resident of the City of Ogdensburg, or other interested person, is encouraged to attend Commission meetings and to participate in Commission activities and discussions.

§ 58-2. Purposes.

The Commission is created for the following purposes:

- A. To encourage beautification of the City of Ogdensburg.
- B. To work with businesses and residents to encourage new plantings, beautification projects and to engender civic pride.
- C. To organize work groups and to encourage contributions to be used to improve the aesthetic quality of the City. All such contributions are to be paid to the City and shall be restricted for beautification projects approved by the City Council.
- D. To encourage the beautification of buildings and structures and the preservation of historic structures.

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- E. To advise the City Council on all matters involving beautification of the City and to make recommendations to the City Council for making public property, streets and ways more attractive and aesthetically pleasing.
- F. To exercise such other and further powers as may, from time to time, be delegated to it by law or resolution of the City Council.

§ 58-3. Expenditures; quorum.

- A. The City Council may, based on the recommendations of the Commission, budget and expend moneys for beautification projects on the public property of the City.
- B. At least six (6) of the appointed members must be present to constitute a quorum; adoption of any resolution or action shall be by majority of all appointed members.

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.

Councillor Stevenson asked if Mayor Nelson's appointments are based on residency. Mayor Nelson said he would appoint anyone who is willing to help enhance the City. Councillor Morley said the committee does an excellent job. Councillor Skamperle asked what happens if the committee membership falls below 11 members. Mayor Nelson said new members are recruited by the Pride and Beautification Commission when that happens.

The vote was:

CARRIED, AYES ALL

2. Councillor Skamperle moved an ordinance to amend Article II, City Hall Policies, and the procedures for use of City Hall meeting rooms, and Councillor Hosmer seconded to wit:

ORDINANCE #2 OF 2014
ORDINANCE TO AMEND ADMINISTRATIVE REGULATIONS
ARTICLE III, CITY HALL POLICIES

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

ITEM ONE: That Article III, City Hall Policies, is hereby renamed Article III, Municipal Buildings Policies.

ITEM TWO: Section AR-26, Building use, is hereby renamed AR-26, City Hall building use.

ITEM THREE: That Article III, Section AR-26.B. is hereby deleted in its entirety and replaced with the following:

B. Procedures for use. In order to avoid conflicts over building use, the following procedure is to be followed:

(1) Rooms available for public use.

Room	Maximum Number
Council Chambers	175
Meeting Room No. 1	30
Meeting Room No. 2	20
Court Room	100
Jury Meeting Room	12

(2) Hours of building use: Monday through Friday, 7:00 am to 9:00 pm.

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(3) Restrictions:

- (a) City Council can preempt, for its own use, any room in City Hall.
- (b) Court room and jury meeting room are restricted for court functions on every Monday for Drug Court and every Thursday for Traffic Court, Small Claims, and Ogdensburg Municipal Code Violations.
- (c) City Court may preempt use of the court room or jury rooms at any time for court proceedings.
- (d) Whenever possible, City government functions will be given priority as long as they are scheduled early enough to allow prior scheduling to be changed.
- (e) No religious ceremonies will be allowed in City Hall.

(4) Scheduling: Everyone wishing to use the Council Chambers, Meeting Room No. 1 or Meeting Room No. 2 in City Hall must schedule its use with the City Manager's secretary at 393-6100. Everyone wishing to use the Court Room or the Jury Meeting Room must schedule its use with the Chief Court Clerk at 393-3941. Scheduling will be done on a first-come, first-served basis.

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

Councillor Morley asked if we encourage small groups to use the smaller rooms when they make reservations. City Manager John Pinkerton said yes. Councillor Morley asked why religious ceremonies are not allowed. Mr. Pinkerton said to alleviate the appearance that the City supports any one particular religion. Councillor Morley said a group was allowed to pray on the steps of City Hall and he believes anyone should be allowed to use the rooms. Councillor Ashley stated these changes make sense because the Community Center is already open and staffed on weekends.

The vote was:

CARRIED, AYES ALL

3. Councillor Hosmer moved an ordinance to amend Chapter 189 entitled “Streets and Sidewalks” to add Article III entitled “Complete Streets”, and Councillor Stevenson seconded to wit:

ORDINANCE #3 OF 2014
ORDINANCE AMENDING CHAPTER 189 ENTITLED "STREETS AND
SIDEWALKS" 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:

SECTION ONE: That Article III entitled “Complete Streets” is hereby added, as follows:

ARTICLE III
Complete Streets

§ 189-18. Definition.

“Complete Streets” means streets that are designed and operated to enable safe access for all users, in that pedestrians, bicyclists, motorists and public transportation users of all ages and abilities are able to safely move along and across a street.

§ 189-19. Policy.

The City shall develop a safe, reliable, efficient, integrated and connected multimodal transportation system that will promote access, mobility and health for all users, and will ensure that the safety and convenience of all users of the Public transit, people of all ages and abilities, motorists, emergency responders, freight providers and adjacent land users.

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§ 189-20. Scope of Applicability.

- A. All City-owned transportation facilities in the public right-of-way including, but not limited to, streets, bridges and all other connecting pathways shall be designed, constructed, operated, and maintained so that users of all ages and abilities can travel safely and independently.
- B. Privately constructed streets and parking lots shall adhere to this policy.
- C. The City shall foster partnerships with the State of New York, St. Lawrence County, neighboring communities, business and school districts to develop facilities and accommodations that further the City's complete streets policy and continue such infrastructure beyond the City's borders.
- D. The City shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation and maintenance. Other changes to transportation facilities on streets and rights-of-way, including capital improvements, re-channelization projects and major maintenance, must also be included.

§ 189-21. Exceptions.

- A. Any exception to this policy, including for private projects, must be reviewed and approved by both the Director of Public Works and the Director of Planning and Development and be documented with supporting data that indicates the basis for the decision. Such documentation shall be publicly available.
- B. Exceptions may be considered for approval when:
 - (1) An affected roadway prohibits, by law, use by specified users (such as an interstate freeways or pedestrian malls), in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway;

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- (2) The activities are ordinary maintenance activities designed to keep assets in serviceable condition (e.g. mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal or interim measures);
- (3) The Director of Public Works issues a documented exception concluding that the application of Complete Streets principles is unnecessary, unduly cost prohibitive, or inappropriate because it would be contrary to public safety; or
- (4) Other available means or factors indicate an absence of need, including future need.

§ 189-22. Design Standards.

The City shall follow accepted or adopted design standards and use the best and latest design standards available. These standards include, but are not limited to: ITE Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; and AASHTO Guide for Planning, Designing and Operating Pedestrian Facilities.

In recognition of context sensitivity, public input and the needs of many users, a flexible, innovative and balanced approach that follows other appropriate design standards may be considered, provided that a comparable level of safety for all users is present.

§ 189-23. Performance Measures and Reporting.

- A. The City shall measure the success of this Complete Streets policy using, but not limited to, the following performance measures:
 - (1) Total miles of bike lanes
 - (2) Linear feet of new pedestrian accommodation
 - (3) Number of new curb ramps installed along city streets
 - (4) Crosswalk and intersection improvements

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B. An annual report will be made by the Complete Streets Active Living Task Force to the Ogdensburg City Council showing progress made in implementing this policy. The annual report on the annual increase or decrease for each performance measure contained in this ordinance compared to the previous year(s) shall be posted on-line for each of the above measures.

§ 189-24. Implementation.

A. The City of Ogdensburg shall view Complete Streets as integral to everyday transportation decision- making practices and processes. To this end:

- (1) The Department of Public Works, the Department Planning and Development, and other relevant departments, agencies, or committees will incorporate Complete Streets principles into all existing plans, manuals, checklists, decision-trees, rules, regulations, and programs as appropriate (including, but not limited to the Local Waterfront Revitalization Program, the Comprehensive Plan, Transportation Capital Program, and other appropriate plans);
- (2) The Department of Public Works, the Department Planning and Development, and other relevant departments, agencies, or committees will review current design standards, including subdivision regulations which apply to new roadway construction, to ensure that they reflect the best available design standards and guidelines, and effectively implement Complete Streets, where feasible;
- (3) When available, the City shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops;
- (4) City staff shall identify all current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects;

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- (5) The City shall promote inter-departmental project coordination among City departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources;
- (6) Every Complete Streets project shall include an educational component to ensure that all users of the transportation system understand and can safely utilize Complete Streets project elements.

§ 189-25. Complete Streets Active Living Task Force.

- A. There is hereby created a Complete Streets Active Living Task Force for the City of Ogdensburg.
- B. The Task Force shall consist of seven (7) members holding staggered three-year terms appointed by the Mayor.
- C. The purpose of the Complete Street Active Living Task Force is to promote health through physical activity and active transportation for all users, specifically, the most vulnerable - children, older adults, and those with disabilities within Ogdensburg.

SECTION 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.

Councillor Morley asked if it is mandatory that we do this to every street we redo. City Manager John Pinkerton said it is mandatory that we review our complete streets policy when we do any improvements to a transportation byway. Councillor Morley asked if we are under contract for the Paterson Street project and if it requires a review of our complete streets policy. Mr. Pinkerton said a complete streets review is not necessary because that project was done prior to this change. Councillor Morley asked if all future projects will need to incorporate these additional walking and bicycling lanes. Mr. Pinkerton said if we can incorporate it into the system, we have to consider it. Councillor Morley asked if it will cost the City extra money to create these additional lanes.

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Mr. Pinkerton said yes, but the cost for the complete streets portion would be taken into consideration and put before Council for a decision at that time. Councillor Hosmer asked if this means we are required to add the extra lanes. Mr. Pinkerton said no, we are only required to review it. Councillor Skamperle explained Clause 189-21 under Exceptions gives us leeway if it becomes too costly. Councillor Skamperle asked if the same leeway will be given to private developers because he does not want to restrict private developers with housing projects. Mr. Pinkerton said there is no intent to restrict private development, and variances are always an option. Councillor Stevenson said this requirement will enhance the waterfront and marina projects. Mr. Pinkerton explained the intent is to get people out moving, walking and biking.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved a resolution calling for a public hearing and public notice for the purpose of considering the application of Time Warner Cable Northeast LLC, for a franchise renewal to provide cable television services through the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING A RESOLUTION AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that a public hearing be held by the Ogdensburg City Council for the purpose of considering the application of Time Warner Cable Northeast LLC, for a franchise renewal to provide cable television services through 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 approval of the aforesaid to be held at the Council Chambers in the City of Ogdensburg, New York, on the 24th day of February, 2014 at 7:00 p.m., and

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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 in summary form.

Mayor Nelson said there were extensive negotiations when the last contract was renewed and this topic will be discussed at the St. Lawrence County Mayors Meeting on March 13th. Mayor Nelson explained that the rising service costs are outrageous while service decreases. Mayor Nelson said the number one complaint is increased costs, and he would like to see what other communities are using for cable service. Mayor Nelson stated he will not be ready to vote on this matter until after the March 13th County Mayors meeting. There was a consensus of Council to hold the public hearing as per this resolution, but not act on it until the March 24, 2014 meeting.

The vote was:

CARRIED, AYES ALL

5. Councillor Stevenson moved a resolution to amend the budget to allow for the use of 2011 Operation Stonegarden Grant funds in the purchase of specialized equipment approved by the grant, and Councillor Ashley seconded to wit:

A RESOLUTION TO AMEND THE 2014 GENERAL FUND BUDGET IN CONNECTION WITH 2011 OPERATION STONEGARDEN FUNDS

WHEREAS, the City was awarded funding from the Office of Homeland Security, to be utilized in participating in the 2011 Operation Stonegarden Program, and

WHEREAS, a portion of those funds amounting to approximately \$54,722 were earmarked for the purchase of various items of specialized equipment to be utilized in performing our obligations within the program, and

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WHEREAS, the process of following the proper procurement guidelines and obtaining the necessary bidding and State contract award information on some these items, went beyond the date of approval of the 2014 Budget and therefore the funding was not reflected in the 2014 Budget, and

WHEREAS, now that the proper procurement process has been completed and the funding needs to be reflected within the 2014 Budget,

NOW, THEREFORE BE IT RESOLVED, that the City Council amends the 2014 budget to allow for the expenditure of the 2011 Operation Stonegarden Program grant funds, in the amount of \$54,722.00, to be appropriated as follows;

\$54,722.00 to the Specialized Equipment Line – A3120.240

AND BE IT FURTHER RESOLVED that the 2011 Operation Stonegarden Program revenue line be amended in the 2014 budget as follows;

\$54,722.00 to be added to the 2011 Operation Stonegarden Program revenue line – A4096

Councillor Morley asked what specialized equipment will be purchased. Police Chief Richard Polniak said the amount requested would cover two new radar detectors, a license plate reader, an enclosed equipment trailer, equipment boxes and covert equipment.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Skamperle said he has received complaints about the DPW dumping snow in the Oswegatchie River. Councillor Skamperle stated that both he and the local sportsman's club are against it. Interim Public Works Director Gregg Harland explained the snow is dumped in the river as a last resort.

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Mr. Harland stated we are presently storing snow at the Diamond National property to avoid dumping into the river. Councillor Morley asked if the DPW has enough equipment to clear the snow. Mr. Harland said yes, but the banks are frozen ice. Councillor Morley said the ice storm ended the banks being pushed back and the streets are now very narrow. City Manager John Pinkerton said Watertown is going through the same issues. Mayor Nelson said it has been a tough winter and advised that the streets in Albany are worse. Councillor Stevenson asked if we can prepare another site for snow dumping next year. Mr. Harland said there is a small parcel near Lighthouse Point and another near the pistol range which we may use. Councillor Skamperle said he is concerned chemicals are getting into the river. Mayor Nelson said dumping into the river is used only as a last resort. Mr. Harland said he would like to use the river in early winter and then let snow accumulate in the parking lots later in the winter when more sand and salt are used.

2. Councillor Skamperle said he would like to see more information regarding the in lieu of taxes fee for outside water users. City Manager John Pinkerton said he would obtain that information and give it to Council. Mr. Pinkerton added Oswegatchie, Lisbon and Heuvelton are looking into a joint water district and have approached him about using City water. Mr. Pinkerton said he would like two Council members to join him at these meetings. Councillor Stevenson and Councillor Skamperle agreed it is a very complex issue. Councillor Skamperle said there are many questions to be answered. Mr. Pinkerton said DANC will also be attending these meetings.

3. Councillor Morley asked for an update on the Oddfellow's Club water issue. Mr. Pinkerton explained we have the funding to do the loop and Tisdell Associates are in the process of obtaining easements from private entities. Mr. Pinkerton said work could begin in late spring and he has been keeping the Oddfellow's Club updated.

4. Councillor Hosmer said for the last two nights all of the lights on the Maple City Trail were not working. City Manager John Pinkerton said he will have City staff address the issue. Mr. Pinkerton updated Council regarding the RVRDA loan granted to the City last year to purchase LED lights for the Maple City Trail.

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Mr. Pinkerton explained there are legalities with the City accepting the loan and the paperwork is needed to transfer it to a lease program. Mr. Pinkerton said he hopes the LED lights will be installed on the trail this spring.

5. Councillor Hosmer asked if the Arena scoreboard lights have been replaced. Mr. Pinkerton said the lights were on order. Recreation Director Matt Curatolo explained the lights will be installed as soon as they arrive. Mr. Pinkerton added that Mr. Curatolo has done a great job with the attendance at the arena this year.

6. Councillor Morley said he was happy to see all department heads present at this meeting.

NEW BUSINESS

1. Councillor Morley asked about an advertisement for an aide in the Planning Office. City Clerk Kathleen Bouchard explained a Senior Stenographer/Technical Specialist position has been reclassified to a Technical Specialist position due to a retirement, and we are accepting applications.

2. Councillor Morley asked if the Charter will need to be changed if we change the qualifications for the Director of Public Works position. City Manager John Pinkerton said no.

ITEMS FOR DISCUSSION

1. City Manager John Pinkerton said Council requested City staff explore options to project presentations in the Council Chambers. Mr. Pinkerton explained one option is to have a hanging projector, but it would cost about \$3,800. Mr. Pinkerton said another option suggested by ADR is to put a television screen with a converter in Council Chambers. Mr. Pinkerton explained this option would allow for Power Point presentations as well as the ability to use Face Time when a Councillor is unable to attend a meeting.

Mr. Pinkerton said the cost would be approximately \$2,800, and ADR could provide Council with a demo to review prior to making a decision. There was a consensus of Council to have a demo set up for review.

2. City Manager John Pinkerton said calls for the City's housing program were previously answered by an outside agency, but now those calls are being answered in the City Clerk's Office. Mr. Pinkerton said since the service is now internal and the cost for the external source is eliminated. Mr. Pinkerton said a proposed RFQ (Request for Qualifications) seeking someone to administer our housing program was forwarded to Council for review. There was a consensus of Council to proceed with the RFQ.

There was a consensus of Council to move to Executive Session to discuss the proposed acquisition of real property and Union contract negotiations.

Upon returning from Executive Session, all members of Council were still present.

Councillor Skamperle moved a resolution authorizing the City Manager to execute a labor contract with the United Public Service Employees Union (Police Benevolent Association) for 2014-2016, and Councillor Mitchell seconded to wit:

A RESOLUTION TO AUTHORIZE
THE CITY MANAGER TO EXECUTE A LABOR CONTRACT
WITH THE UNITED PUBLIC SERVICE EMPLOYEES UNION
(POLICE BENEVOLENT ASSOCIATION)
FOR 2014-2016

WHEREAS, a tentative labor contract has been negotiated between the City Manager and representatives of the United Public Service Employees Union (Police Benevolent Association) for 2014 through 2016, and

WHEREAS, said agreement has been authorized by the membership of the United Public Service Employees Union (Police Benevolent Association),

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NOW THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute said labor contract with the United Public Service Employees Union (Police Benevolent Association), as negotiated in the tentative agreement.

The vote was:

CARRIED, AYES ALL

3. Director of Planning & Development Andrea Smith said she would like to put out an EOI (Expression of Interest) to seek qualifications of developers to develop an active senior living complex on a portion of the Diamond National property.

Ms. Smith explained the EOI has been reviewed by the City Attorney and is ready to be released. Ms. Smith said it has an eight week window beginning on February 18th and ending on April 15th. Councillor Stevenson said the project looks exactly like what they have been discussing and she supports putting the EOI out. Councillor Morley stated he does not support senior housing in that area because he envisions a recreational area. City Manager John Pinkerton said there will be room for additional development as this project will only take a small portion of the available land. Mr. Pinkerton said he would like at least one member of Council to be part of the review committee. There was a consensus of Council to move forward with releasing the EOI.

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