

CITY COUNCIL MEETING

November 10, 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 HEARING

1. A public hearing regarding an ordinance to amend Chapter 209 of the Ogdensburg Municipal Code entitled "Vehicles and Traffic" for the City of Ogdensburg (one way designation on Lake Street from Spring Street to Grove Street) was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding a Local Law to amend the Ogdensburg City Charter as requested by the Ogdensburg City Council to change the appointment process from Mayor to Mayor and City Council was held. No one being present to speak, the hearing was declared closed.

3. A public hearing regarding an ordinance amending Article II, §AR-9 of the Administrative Regulations of the City of Ogdensburg, entitled Personnel Policies and Procedures; Executive Compensation Program, to change the appointment process from Mayor to Mayor and City Council was held. No one being present to speak, the hearing was declared closed.

4. A public hearing regarding an ordinance amending the Ogdensburg Municipal Code to change the appointment process from Mayor to Mayor and City Council (Pride & Beautification, Tree Commission, Complete Streets, Planning Board and Zoning Board of Appeals appointments) was held. No one being present to speak, the hearing was declared closed.

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5. A public hearing regarding a resolution to sell City-owned property, obtained by the City under Real Property Tax Sale Law, a 23' x 95' lot (Tax Map #48.078-4-30) located adjacent to 101-113 Lake Street, to Club 1812 LLC was held. No one being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Doug Loffler, 311 Paddock Street, addressed Council regarding the 2015 budget. Mr. Loffler said a \$1.04 per \$1,000 tax increase is too much for the elderly and added there was a sewer fund increase last year and a \$42 proposed water fund increase this year. Mr. Loffler said tough decisions must be made because it is very difficult to increase the tax base in the City. Mr. Loffler said the City needs an Economic Development person rather than an assistant in the Planning & Development Department. Mr. Loffler asked Council to look at overtime in every department.

CORRESPONDENCE

1. City Clerk Kathleen Bouchard read a letter from Gil Jones offering to gift the Ogdensburg Cinema property to the City. Mayor Nelson turned the matter over to City Staff for recommendation. (A copy of Mr. Jones' letter follows these minutes.)

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #19-2014 in the amount of \$480,771.06 and Library Fund Warrant #19-2014 in the amount of \$21,356.87 and Capital Fund Warrant #19-2014 in the amount of \$17,731.47 and Community Development Fund Warrant #19-2014 in the amount of \$0.00 and Community Renewal Fund Warrant #19-2014 in the amount of \$15,456.00 and HOME Fund Warrant #19-2014 in the amount of \$0.00 and NSP Funds Warrant #19-2014 in the amount of \$1,050.00, as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

Mayor Nelson made a motion to move into Executive Session to discuss pending litigation and the IAFF Local 1799 contract negotiations, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

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

ITEMS FOR COUNCIL ACTION

1. Councillor Ashley moved an ordinance to amend Chapter 209 of the Ogdensburg Municipal Code entitled "Vehicles and Traffic" (one way designation on Lake Street from Spring Street to Grove Street), and Councillor Stevenson seconded to wit:

ORDINANCE #15 OF 2014
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 Section 209-41 entitled "Schedule IV: One-Way Streets" is amended to add the following:

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
Lake Street	SOUTH	from Spring Street to Grove Street

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.

Councillor Morley said this is not the safest way to resolve the issue. Councillor Hosmer explained this is just the first step, and we plan to re-evaluate it in the future. Councillor Stevenson said she is unsure where the City would find the funds to do it any other way right now.

The vote was:

AYES: Mayor Nelson, Councillors Ashley, Hosmer,
Mitchell, Skamperle and Stevenson

NAYS: Councillor Morley

CARRIED, 6 TO 1

2. Mayor Nelson moved a local law to amend the Ogdensburg City Charter as requested by the Ogdensburg City Council, to change the appointment process from Mayor to Mayor and City Council, and Councillor Morley seconded to wit:

LOCAL LAW #1 of 2014
AMENDING THE OGDENSBURG CITY CHARTER AS
RECOMMENDED BY THE OGDENSBURG CITY COUNCIL

A Local Law providing for changes in the Ogdensburg City Charter as recommended by the Ogdensburg City Council.

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Be it enacted by the City Council of the City of Ogdensburg as follows:

SECTION 1. Article III, §C-10.C(1) of the City Charter of the City of Ogdensburg entitled City Council and Mayor; Vacancies; Filling of vacancies, be and the same is amended as follows:

(1) Within 45 days from the effective date of this subsection, the Mayor and City Council, shall appoint a Vacancy Committee, which shall consist of a Chair and two members. The term of the Chair shall be five years. The initial terms of the members shall be four years and three respectively. The succeeding terms shall each be five years. The Mayor and City Council shall fill vacancies on the Committee as the same may occur.

SECTION 2. Article VIII, §C-29. of the City Charter of the City of Ogdensburg entitled Department of Planning and Development; Board of Planning and Development, be and the same is amended as follows:

There shall be a Board of Planning and Development, which shall be constituted and empowered as a Planning Board pursuant to General City Law, Article 3. The Board shall consist of seven members appointed by the Mayor and City Council for such terms as are specified in § 27 of the General City Law. The Board shall make recommendations to the City Manager and the City Council on all matters affecting the physical development of the City, shall be consulted on the Comprehensive Plan and the implementation thereof and shall exercise all other responsibilities as may be provided by law.

SECTION 3. Article VIII, §C-32. of the City Charter of the City of Ogdensburg entitled Department of Planning and Development; Board of Appeals, be and the same is amended as follows:

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There shall be a Board of Appeals which shall be constituted and empowered as a Board of Appeals pursuant to the General City Law, Article 5-A. The Board shall consist of seven members to be appointed by the Mayor and City Council. Such members shall serve for terms of three years pursuant to § 81 of the General City Law. The Board shall hear and decide appeals from administrative decisions, petitions for variances to City Council ordinances in the case of peculiar and unusual circumstances where practical difficulties or unnecessary hardship would prevent carrying out the strict letter of any such ordinances and such other matters properly coming before it pursuant to the General City Law and other laws applicable thereto.

SECTION 4. Article XIV, §C-48. of the City Charter of the City of Ogdensburg entitled Department of Parks and Recreation; Recreation Commission, be and the same is amended as follows:

There shall be a Recreation Commission which shall be constituted and empowered as a Recreation Commission pursuant to General Municipal Law, Article 13, except as otherwise provided in this Charter. The Commission shall consist of seven members to be appointed by the Mayor and City Council. The members shall serve for terms of office as provided in § 243 of the General Municipal Law. The Recreation Commission shall act in an advisory capacity to the Director of Parks and Recreation.

SECTION 5. Article XIV, §C-49. of the City Charter of the City of Ogdensburg entitled Department of Parks and Recreation; Arts Council, be and the same is amended as follows:

Pursuant to § 99-i of the General Municipal Law of the State of New York and §§ 165 through 167 of the General City Law of the State of New York, the City Council is authorized to create an Arts Council. Arts Council members shall be appointed by the Mayor and City Council. The City Council is authorized to appropriate funds for the activities of the Ogdensburg Arts Council as authorized by law.

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The Ogdensburg Arts Council shall be entitled to suggest, recommend and implement plans to increase the cultural enjoyment and potential tourist attraction of the arts within the City of Ogdensburg.

SECTION 6. Article XIV, §C-50. of the City Charter of the City of Ogdensburg entitled Department of Parks and Recreation; Historical Preservation Commission, be and the same is amended as follows:

Pursuant to § 119-dd of the General Municipal Law of the State of New York, the City Council is authorized to create an Historical Preservation Commission. The Historical Preservation Commission shall consist of up to 11 members, including the City Historian, to be appointed by the Mayor and City Council. The City Council is authorized to appropriate funds for the activities of the Ogdensburg Historical Commission as authorized by law. The Ogdensburg Historical Preservation Commission shall be entitled to suggest, recommend and implement local historic preservation programs and to otherwise promote the historic resources of the City of Ogdensburg.

SECTION 7. Article XV, §C-54. of the City Charter of the City of Ogdensburg entitled Department of Personnel; City Civil Service Commission, be and the same is amended as follows:

There shall be in the Department of Personnel a City Civil Service Commission, consisting of a Chairman and two other members not more than one of whom shall be a member of the same political party as is the Chairman. Each of the members shall be appointed by the Mayor and City Council. The term of office for each member shall be six years. The Commission shall have all the powers and duties of a municipal civil service commission as provided in the New York State Civil Service Law and/or in any other statute or local law pertinent to the Commission. The City of Ogdensburg shall provide staff assistance to the Civil Service Commission.

SECTION 8. Article XIX, §C-100. of the City Charter of the City of Ogdensburg entitled Transitional Provisions; Charter Review Commission, be and the same is amended as follows:

The Mayor and City Council shall either appoint a Charter Review Commission or place on the ballot the election of a Charter Review Commission no later than December 31, 2017, and immediately following each ten-year period thereafter. Should the appointment/election of a Charter Review Commission not occur by December 31, 2017, or in the ten-year periods immediately thereafter, all powers of the City vested in City Council pursuant to the Charter shall be vacated other than to cause the establishment of a Charter Review Commission, at which time vacated powers shall be restored. Such appointed or elected Commission shall consist of two members from each of the election districts in the City. It shall be the duty of said Commission to review the Charter in light of current needs and trends and make recommendations to the City Council.

SECTION 9. Effective Date: This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

The vote was:

CARRIED, AYES ALL

3. Councillor Skamperle moved an ordinance amending Article II, §AR-9 of the Administrative Regulations of the City of Ogdensburg, entitled Personnel Policies and Procedures; Executive Compensation Program, to change the appointment process from Mayor to Mayor and City Council, and Councillor Ashley seconded to wit:

ORDINANCE #13 OF 2014
ORDINANCE TO AMEND ADMINISTRATIVE REGULATIONS
ARTICLE II, PERSONNEL POLICIES AND PROCEDURES

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

ITEM ONE

That Article II, Section AR-9.A (2) (c) is hereby deleted in its entirety and replaced with the following:

c. The Executive Compensation Committee consisting of three Council members shall be appointed by the Mayor and City Council, for one-year terms, at each January 1 reorganizational meeting.

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.

The vote was:

CARRIED, AYES ALL

4. Mayor Nelson moved an ordinance amending the Ogdensburg Municipal Code to change the appointment process from Mayor to Mayor and City Council (Pride & Beautification, Tree Commission, Complete Streets, Planning Board and Zoning Board of Appeals appointments), and Councillor Mitchell seconded to wit:

ORDINANCE #14 OF 2014
AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE CITY OF OGDENSBURG

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

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ITEM ONE: That Chapter 58, Section 58-1(B) entitled “Pride and Beautification; Creation; Membership” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

B. It shall consist of eleven (11) formal members, called “Commissioners”, who shall be appointed by the Mayor and City Council 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.

ITEM TWO: That Chapter 59, Section 59-1 entitled “Tree Commission; Commission established” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

The City officially establishes a Tree Commission, to be appointed by the Mayor and City Council, consisting of up to seven volunteer citizens to work with city staff on the implementation of our comprehensive tree management program.

ITEM THREE: That Chapter 189, ARTICLE III, Section 189-25. (B) entitled “Streets and Sidewalks; Complete Streets; Complete Streets Active Living Task Force” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

B. The Task Force shall consist of seven (7) members holding staggered three-year terms appointed by the Mayor and City Council.

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ITEM FOUR: That Chapter 221, ARTICLE XVI, Section 221-72.(B)(C) entitled “Zoning; Planning Board; Members” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

- (1) Appointment. Planning Board and alternate members shall be appointed by the Mayor and City Council, who shall have authority to remove any member for cause after a public hearing.
- (2) Removal. Members may be removed by the Mayor and City Council for cause and after a public hearing has been held. Cause for removal may include, but shall not be limited to, unexcused absences from two consecutive regularly scheduled meetings, failure to fulfill general attendance requirements or failure to complete prescribed training. The Director of Planning and Development shall notify the City Manager in writing on or about December 1 in any year, or at any other time if warranted, of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year. In the event a member of the Planning Board has failed to complete the minimum attendance and/or training requirements set forth in this chapter, then the Mayor and City Council may remove such member for cause as herein provided:
 - (a) Notice. Such members shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements regarding training and attendance.
 - (b) Public hearing. Such notice shall specify a date, not less than 10 nor more than 30 days from the date of mailing such notice, when the Mayor and City Council shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing.
 - (c) Public notice. Public notice of such hearing shall be published in a paper of general circulation within the town at least 10 days prior to the date of the public hearing.

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(d) Conduct of hearing. The public hearing on the charges shall be conducted before the Mayor and City Council during a City Council meeting. The member shall be given an opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made. The decision of the Mayor and City Council shall be in writing and shall set forth specific findings with respect to each charge against such member. Said decision and findings shall be filed in the office of the City Clerk and mailed by certified mail, return receipt, to the member within five business days of such filing.

(e) Action by the Mayor and City Council. Following the hearing and upon a finding that such member has not met the minimum attendance and/or training established by this chapter, the Mayor *and City Council* may:

- [1] Remove such member from the Planning Board; or
- [2] Issue a written reprimand to such member without removing such member from such Board; or
- [3] Take no action if the Mayor and City Council shall find the reasons for failing to meet the minimum meeting attendance and/or training requirements are excusable because of illness, injury or other good and sufficient cause.

(f) Nothing contained herein shall be deemed to limit or restrict the Mayor and City Council's authority to remove a member from the Planning Board for cause for reasons other than as enumerated herein. The procedural rules established under this section shall govern any hearing to remove a member for such cause.

(g) In the event of the removal of a member for cause, such act shall not nullify any action or vote taken by said member as a member of the Planning Board.

(3) Eligibility.

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- (a) No member of the Zoning Board of Appeals shall be eligible for membership on the Planning Board.
 - (b) No elected official shall be eligible for membership on the Planning Board.
 - (c) No member of the Planning Board shall hold any paid position with the City.
 - (d) Full-time residency in the City of Ogdensburg is required.
 - (e) No person shall be disqualified from serving as a member of the Planning Board by reason of serving as a member or employee of the St. Lawrence County Planning Board or Department.
 - (f) Any person who shall fail to be in compliance with the training and/or attendance requirements shall be ineligible for reappointment to this Board.
- (4) Vacancy. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired term by the Mayor and City Council.

(5) Attendance.

- (a) All members of the Planning Board shall be required to attend a minimum of 75% of the Board meetings scheduled within a calendar year. Additionally, no member shall be absent, without excuse, for more than two consecutive regularly scheduled meetings.
- (b) Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office.

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(6) Training.

(a) All members of the Planning Board shall complete a minimum of five hours of relevant training within one year from the date of their initial appointment to the Planning Board. Thereafter, each member shall complete four hours of relevant training in each subsequent year of membership. Training sessions which relate to the duties of members of the Planning Board may include, but shall not be limited to, programs offered by the New York State Department of State, New York State Planning Federation, New York State Department of Environmental Conservation, St. Lawrence County Planning Department, New York State Conference of Mayors, and other such entities, as well as in-house updates, seminars, or other web-based training as may be approved and recommended by the Director of Planning and Development, the City Manager, and/or prescribed by the City Council by resolution or as required under § 27(7-a) of the General City Law.

(b) The costs of such seminars, workshops or continuing education courses so designated shall be a City charge. Members shall also be reimbursed for travel and meal expenses according to the administrative regulations. In order to be eligible for cost assumption and expense reimbursement, such training session shall be approved in advance by the Director of Planning and Development and the City Manager.

(c) Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office.

C. Officers, expenses and rules.

(1) Officers. The Mayor and City Council shall designate a member of the Planning Board to act as Chairperson or, on failure to do so, the Planning Board shall elect a Chairperson from its own members. In addition, the Planning Board shall elect a Vice Chairperson to act in the Chairperson's absence.

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(2) Expenses. The Planning Board shall have the power and authority to employ experts, clerks and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made by the City Council for the Planning Board. The City Council may also provide for compensation to be paid to the members of the Planning Board.

(3) Rules. The Planning Board may adopt rules for its operations as may be necessary to carry out its duties under this chapter. In particular, the Board shall conduct itself according to the following:

(a) Meetings. The Planning Board shall have regularly scheduled meetings or shall meet at such other times as the Chairperson determines. The Planning Board may also advertise and hold public hearings when it desires. Notice of all public hearings shall be published in the official paper at least five days prior to the date of the meeting. All meetings of the Planning Board shall be open to the public.

(b) Records. The Board shall keep minutes of its proceedings. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decision of the Board and the findings of fact on which the decision was based, and such record of every official determination of the Board shall be filed in the office of Planning and Development as a public record.

(c) Quorum and voting. Attendance by a majority of the Board's fully authorized membership, not the number of filled positions, satisfies a quorum to make official decisions. All decisions shall be made by at least a majority vote of the full membership. In site plan and special permit 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 recommendation; however, the Planning Board may deny any application by a simple majority vote of its full membership.

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ITEM FIVE: That Chapter 221, ARTICLE XVI, Section 221-73.(A)(B)(C) entitled “Zoning; Planning Board; Members” of the Code of the City of Ogdensburg, is hereby deleted in its entirety and replaced with the following:

§ 221-73. Zoning Board of Appeals; appeals procedure.

- A. Authority. As authorized by § 81 of the General City Law, there shall be a Zoning Board of Appeals (ZBA) consisting of seven members, holding staggered three-year terms, appointed by the Mayor and City Council. Additionally, pursuant to § 81(11) of the General City Law, two alternate members may be appointed by the Mayor and City Council to substitute for a regular member of the Zoning Board of Appeals in the event that a regular member is unable to participate in matters before the Zoning Board of Appeals because of a conflict of interest, illness or other absence.
- B. Members.
 - (1) Appointment. Members of the Zoning Board of Appeals and alternate members shall be appointed by the Mayor and City Council, who shall have the authority to remove any member for cause after a public hearing.
 - (2) Removal. Members may be removed by the Mayor and City Council for cause and after a public hearing has been held. Cause for removal may include, but shall not be limited to, unexcused absences from two consecutive regularly scheduled meetings, failure to fulfill general attendance requirements or failure to complete prescribed training. The Director of Planning and Development shall notify the City Manager in writing on or about December 1 in any year, or at any other time if warranted, of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year.

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In the event a member of the Zoning Board of Appeals has failed to complete the minimum attendance and/or training requirements set forth in this chapter, then the Mayor may remove such member for cause as herein provided:

- (a) Notice. Such members shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements regarding training and attendance.
- (b) Public hearing. Such notice shall specify a date, not less than 10 or more than 30 days from the date of mailing such notice, when the Mayor and City Council shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing.
- (c) Public notice. Public notice of such hearing shall be published in a paper of general circulation within the town at least 10 days prior to the date of the public hearing.
- (d) Conduct of hearing. The public hearing on the charges shall be conducted before the Mayor and City Council during a City Council meeting. The member shall be given an opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made. The decision of the Mayor and City Council shall be in writing and shall set forth specific findings with respect to each charge against such member. Said decision and findings shall be filed in the office of the City Clerk and mailed by certified mail, return receipt, to the member within five business days of such filing.
- (e) Action by the Mayor and City Council. Following the hearing and upon a finding that such member has not met the minimum attendance and/or training established by this chapter, the Mayor and City Council may:

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[1] Remove such member from the Zoning Board of Appeals;
or

[2] Issue a written reprimand to such member without removing such member from such Board; or

[3] Take no action if the Mayor and City Council shall find the reasons for failing to meet the minimum meeting attendance and/or training requirements are excusable because of illness, injury or other good and sufficient cause.

(f) Nothing contained herein shall be deemed to limit or restrict the Mayor and City Council's authority to remove a member from the Zoning Board of Appeals for cause for reasons other than as enumerated herein. The procedural rules established under this section shall govern any hearing to remove a member for such cause.

(g) In the event of the removal of a member for cause, such act shall not nullify any action or vote taken by said member as a member of the Zoning Board of Appeals.

(3) Eligibility.

(a) No member of the Planning Board shall be eligible for membership on the Zoning Board of Appeals.

(b) No elected official shall be eligible for membership on the Zoning Board of Appeals.

(c) No member of the Zoning Board of Appeals shall hold any paid position in the City.

(d) Full-time residency in the City of Ogdensburg is required.

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- (e) No person shall be disqualified from serving as a member of the Zoning Board of Appeals by reason of serving as a member or employee of the St. Lawrence County Planning Board or Department.
 - (f) Any person who shall fail to be in compliance with the training and/or attendance requirements shall be ineligible for reappointment to this Board.
- (4) Vacancy. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment for the unexpired term by the Mayor and City Council.
- (5) Attendance
 - (a) All members of the Zoning Board of Appeals shall be required to attend a minimum of 75% of the Board meetings scheduled within a calendar year. Additionally, no member shall be absent, without excuse, for more than two consecutive regularly scheduled meetings.
 - (b) Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office.
- (6) Training.
 - (a) All members of the Zoning Board of Appeals shall complete a minimum of five hours of relevant training within one year from the date of their initial appointment to the Zoning Board of Appeals. Thereafter, each member shall complete four hours of relevant training in each subsequent year of membership. Training sessions which relate to the duties of members of the Zoning Board of Appeals may include, but shall not be limited to, programs offered by the New York

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State Department of State, New York State Planning Federation, New York State Department of Environmental Conservation, St. Lawrence County Planning Department, New York State Conference of Mayors, and other such entities, as well as in-house updates, seminars, or other web-based training as may be approved and recommended by the Director of Planning and Development and the City Manager and/or prescribed by the City Council by resolution or as required under § 81(7-a) of the General City Law.

- (b) The costs of such seminars, workshops or continuing education courses so designated shall be a City charge. Members shall also be reimbursed for travel and meal expenses according to the administrative regulations. In order to be eligible for cost assumption and expense reimbursement, such training session shall be approved in advance by the Director of Planning and Development.
- (c) Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office.

C. Officers, expenses and rules.

- (1) Officers. The Mayor and City Council shall appoint the Zoning Board of Appeals Chairperson. The ZBA membership shall elect a Vice Chairperson to act as the Chairperson when the appointed Chairperson is absent.
- (2) Expenses. The City Council shall provide an appropriation to the ZBA to cover necessary expenses, including the means for the ZBA to provide proper notice of and maintain a record of its meetings and public hearings. The City Council may also provide for compensation to be paid to the members of the Zoning Board of Appeals.

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- (3) Rules. The ZBA may adopt rules for its operations as may be necessary to carry out its duties under this chapter. In particular, the Board shall conduct itself according to the following:
 - (a) Meetings. All meetings and hearings of the ZBA shall be held at the call of the Chairperson and at such other times as a majority of the members of the full Board may determine. Public notice of all meetings shall be published in the official paper at least 10 days prior to the date of the meeting or hearing. All meetings of the ZBA shall be open to the public.
 - (b) Records. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question put to vote or, if absent or failing to vote, indicating said fact. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decision of the Board and the findings of fact on which the decision was based, and such record of every official determination of the Board shall be filed in the office of Planning and Development as a public record.
 - (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. 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

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or the Code 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, except where such appeal is instituted by an official of the City or the Planning Board.

- (e) Rehearing. The ZBA may rehear any order, decision or determination of the Board previously reviewed upon a motion initiated by any member of the Board and adopted by the unanimous vote of the members present, but not less than a majority of all the members. Upon such rehearing, held with notice given as for the original hearing, the Board may reverse, modify or annul its original decision by a unanimous vote of the members present.

ITEM SIX: 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

5. Councillor Stevenson moved a resolution to authorize the sale of City-owned property obtained by the City under Real Property Tax Sale Law, a 23' x 95' lot (Tax Map #48.078-4-30) located adjacent to 101-113 Lake Street to Club 1812 LLC, and Councillor Ashley seconded to wit:

RESOLUTION TO APPROVE THE SALE OF
TAX PARCEL # 48.078-4-30 TO CLUB 1812, LLC

WHEREAS, CLUB 1812, LLC has made a purchase offer for City-owned property identified as Tax Map No. 48.078-4-30, a 23' x 95' lot adjacent to Club 1812, LLC, obtained by the City under Real Property Tax Sale Law, Article 11, Foreclosure Proceedings, and

WHEREAS, New York State Real Property Tax Law §1166 states that:

1. Whenever any tax district shall become vested with the title to real property by virtue of a foreclosure proceeding brought pursuant to the provisions of this article, such tax district is hereby authorized to sell and convey the real property so acquired, either with or without advertising for bids, notwithstanding the provisions of any general, special or local law.
2. No such sale shall be effective unless and until such sale shall have been approved and confirmed by a majority vote of the governing body of the tax district, except that no such approval shall be required when the property is sold at public auction to the highest bidder; and

WHEREAS, Club 1812, LLC has agreed to combine this parcel with his existing parcel located at 101-113 Lake Street; and

WHEREAS, Club 1812, LLC has agreed to pay the cost of a survey; and

WHEREAS, this parcel will be transferred by Quit Claim Deed, as-is, with no warranties; and

WHEREAS the appraised value of this vacant lot is \$1,800.00; and

NOW BE IT THEREFORE RESOLVED, that the City Council in accordance with New York State Real Property Tax Law § 1166, hereby authorizes the City Manager to sell Tax Parcel No. 48.078-4-30 to Club 1812, LLC for \$ 1,100., subject to City Attorney's review and approval of sales documents.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution to call for public notice and public hearing to sell City-owned property located at 1328 Ford Street, and Councillor Morley seconded to wit:

RESOLUTION OF CITY COUNCIL
PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING TO SELL
CITY-OWNED PROPERTY OBTAINED UNDER REAL PROPERTY
TAX SALE LAW

BE IT RESOLVED, that the City of Ogdensburg has received an offer to purchase City-owned Property, obtained by the City under Real Property Tax Sale Law, a 25' x 100' vacant lot (Tax Map #48.064-2-28) located at 1328 Ford Street., and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing regarding the possible sale of City-owned property (Tax Map #48.064-2-28), in the Council Chambers in the City of Ogdensburg, New York, on Monday the 24th day of November, 2014, 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 resolution in summary form.

The vote was:

CARRIED, AYES ALL

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7. Mayor Nelson moved a resolution introducing a local law and providing for public notice and public hearing to authorize a property tax levy in excess of the 2% cap, and Councillor Ashley seconded to wit:

RESOLUTION INTRODUCING LOCAL LAW #2 FOR 2014

BE IT RESOLVED that proposed Local Law #2 of the year 2014 entitled:

AMENDMENT to authorize an override of the property tax cap for 2015, be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 7:00 pm on Monday, November 24, 2014, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least seven days prior thereto.

Councillor Hosmer said he will not support this resolution. City Comptroller Philip Cosmo explained this is a NYCOM recommended precaution in the event there is a miscalculation discovered by an audit.

The vote was:

AYES: Mayor Nelson, Councillors Ashley,
Mitchell, Morley, Skamperle and Stevenson

NAYS: Councillor Hosmer

CARRIED, 6 TO 1

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8. Councillor Ashley moved a resolution to accept the 2015 Preliminary Budget and direct that the Preliminary Budget be filed with the City Clerk and the Comptroller of the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION TO ACCEPT THE
2015 PRELIMINARY BUDGET

WHEREAS, as required by the City Charter, the City Manager has submitted a preliminary budget for fiscal year 2015 to the City Council on or before November 1, 2014,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby accepts the preliminary budget and directs that the preliminary budget be filed with the City Clerk and the City Comptroller, and

BE IT FURTHER RESOLVED, and noted, that the preliminary budget is a public record and is available for inspection by the general public at the Office of the Comptroller.

The vote was:

CARRIED, AYES ALL

9. Councillor Ashley moved a resolution to establish a public hearing date for the Preliminary 2015 Budget for the City of Ogdensburg, and Councillor Morley seconded to wit:

RESOLUTION ESTABLISHING A PUBLIC HEARING
FOR THE 2015 PRELIMINARY BUDGET
OF THE CITY OF OGDENSBURG

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BE IT RESOLVED, that the Ogdensburg City Council hereby establishes a public hearing on the Preliminary Budget of the City of Ogdensburg for 2015, said public hearing to be held at 7:00 pm on December 1, 2014 in the City Council Chambers, City Hall, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed resolution in summary form.

The vote was:

CARRIED, AYES ALL

10. Councillor Mitchell moved a resolution to update the City of Ogdensburg Local Highway Inventory (LHI), which is a component for the Consolidated Local Streets and Highway Improvement Program (CHIPS) funding, and Councillor Hosmer seconded to wit:

RESOLUTION TO UPDATE THE CITY OF OGDENSBURG'S
LOCAL HIGHWAY INVENTORY (LHI)

WHEREAS, the New York State Department of Transportation (NYS DOT) requires all municipalities receiving Consolidated Local Streets and Highway Improvement Program (CHIPS) funding to complete an Annual Certification of Local Highway Mileage; and

WHEREAS, an important factor in the CHIPS allocation process is the local municipal Highway inventory (LHI) mileage; and

WHEREAS, the City of Ogdensburg has identified required updates while completing the Local Highway Inventory (LHI); and

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WHEREAS, the NYS DOT requires a supporting resolution for major revisions, additions or deletions from the LHI; and

WHEREAS, the Director of Public Works has determined that the following:

- | | |
|-------------------------|--|
| <i>Rose Street</i> | Located between the 300 blocks of Jefferson Ave and Madison Ave, is missing from the LHI and should be added accordingly. (+0.09) |
| <i>Kenrick Street</i> | Located to the north of Proctor Ave near the intersection with the Ford Street Extension, is missing from the LHI and should be added accordingly. (+0.04) |
| <i>Howard Street</i> | Located between the 400 blocks of Albany Ave and Mansion Ave, is missing from the LHI and should be added accordingly. (+0.06) |
| <i>Leyare Lane</i> | Located between the 400 blocks of Ogden St and Spring St, is missing from the LHI and should be added accordingly. (+0.07) |
| <i>O'Neill Lane</i> | Located between the 400 blocks of Ford Ave and New York Ave, is missing from the LHI and should be added accordingly. (+0.06) |
| <i>Pearson Lane</i> | Located between the 800 blocks of East David St and Jersey Ave, is missing from the LHI and should be added accordingly. (+0.08) |
| <i>Huff-Daland Lane</i> | Identified as "Lane Caroline" – DOT ID – 181904 is overstated in length and the section between Montgomery Ave and Lafayette St should be deleted. (-0.08) |

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- Edwards Lane* Identified as “Lane Congress” – DOT ID – 181905 is a name change only on the LHI.
- Forsyth Lane* Identified as “Lane Franklin” – DOT ID – 181906 is a name change only on the LHI.
- Morrow Lane* Identified as “Lane Hamilton M” – DOT ID – 181907 is a name change only on the LHI.
- Parish Lane* Identified as “Lane Mechanic” – DOT ID – 181908 is a name change only on the LHI.
- Hackett Lane* Identified as “Lane NY Ford Av” – DOT ID – 181909 is a name change only on the LHI.
- Judge Shea Way* Identified as “Lane Pickering” – DOT ID – 181910 is a name change only on the LHI.

NOW THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council acknowledges that the above-named streets and lanes are duly recorded on the Official Map of the City of Ogdensburg and request the New York State Department of Transportation to include the same in its Local Highway Inventory database.

The vote was:

CARRIED, AYES ALL

11. Mayor Nelson moved a resolution to provide public notice and public hearing with regard to an amendment to the Ogdensburg Municipal Code Chapter 206, entitled “Trees”, and Councillor Skamperle seconded to wit:

RESOLUTION
INTRODUCING ORDINANCE #16 FOR 2014

BE IT RESOLVED that proposed Ordinance # 16 of the year 2014 entitled:

Amendment to the Ogdensburg Municipal Code of the City of Ogdensburg be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Ordinance be laid upon the desk of each member of the City Council, and

BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Ordinance at the City Council Chambers at 7:00 pm on Monday, November 24, 2014, and

BE IT FURTHER RESOLVED that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Ogdensburg of said public hearing at least seven days prior thereto.

City Manager John Pinkerton said a resolution must be passed by December 1st. Director of Planning and Development Andrea Smith explained that the 2012 Urban and Community Forestry Grant requires the City to have a Tree Ordinance in place by December 1, 2014 or return the grant funds.

Councillor Morley said he has some reservations and would like to review hard copies of both proposals. Councillor Ashley agreed.

Mr. Pinkerton explained the City Attorney is concerned about liability issues associated with City staff maintaining trees on property not owned by the City. Councillor Morley said he believes when the City received the grant money, maintenance was a grant condition.

There was a consensus of Council to move forward calling for a public hearing on the Tree Commission's proposal.

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The vote was:

AYES: Councillors Ashley, Hosmer, Mitchell,
Morley and Skamperle

NAYS: Mayor Nelson and Councillor Stevenson

CARRIED, 5 TO 2

City Manager John Pinkerton requested that Council not act on resolutions #92 and #93 due to a productive Planning Board meeting held last Thursday. Mr. Pinkerton said the Planning Board would like to review the suggestions made by the public, make some changes to the proposed resolutions and hold another public meeting. There was a consensus of Council not to act on Bills # 92 and #93.

12. Mayor Nelson moved a resolution to call for a public hearing on a Local Law which would amend Chapter 215 (Sections 39, 40 and 41) of the Code of the City of Ogdensburg entitled "Water Rates", and Councillor Ashley seconded to wit:

RESOLUTION INTRODUCING LOCAL LAW #3 OF 2014

BE IT RESOLVED that proposed Local Law #3 of the year 2014 entitled:

Amendment to the OMC Chapter 215 entitled Water Rates be and it hereby is introduced before the City Council of the City of Ogdensburg, NY, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council, and

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BE IT FURTHER RESOLVED, that the City Council hold a Public Hearing on said proposed Local Law at the City Council Chambers at 7:00 pm on Monday, December 1, 2014, and

BE IT FURTHER RESOLVED, that the City Clerk give notice of such public hearing by publication, in the newspaper so designated for the publication of legal notices, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed Local Law in summary form.

The vote was:

AYES: Mayor Nelson, Councillors Ashley, Hosmer, Mitchell, Morley and Stevenson

NAYS: Councillor Skamperle

CARRIED, 6 TO 1

13. Mayor Nelson moved a resolution authorizing the City Manager to establish a new four-year Labor Contract with the IAFF Local 1799, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A LABOR CONTRACT WITH IAFF LOCAL 1799 FOR 2013-2016

WHEREAS, an agreement has been reached on a tentative labor contract with the IAFF Local 1799 and the City Manager, and

WHEREAS, the membership of the IAFF unit has voted to ratify the tentative agreement,

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NOW, THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute a labor contract with the IAFF that incorporates the terms of the tentative agreement, attached.

City Manager John Pinkerton said the discussion points during this contract negotiation were health care and wages. (A copy of the proposed contract follows these minutes.)

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Stevenson questioned when the traffic light at the intersection of Paterson and Ford Streets will be replaced. Director of Public Works Scott Thornhill said the new poles for the traffic light are expected to be delivered the week of November 17th.

NEW BUSINESS

1. Councillor Ashley requested that the City take a more aggressive approach with homeowners shoveling their sidewalks this winter.

Mr. Pinkerton advised Council that Director of Public Works Scott Thornhill and Public Works Supervisor Gregg Harland have established alternative locations for snow storage this winter.

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