

CITY COUNCIL MEETING

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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, Morley, Skamperle and Stevenson

ABSENT: Councillor Mitchell

Mayor Nelson said Councillor Mitchell asked to be excused from the meeting because he is out of town. There was a consensus of Council to excuse Councillor Mitchell.

There was a consensus of Council to move two recognition ceremonies to the beginning of the meeting and Personal Appearances to the end of the meeting.

Mayor Nelson presented Parks and Recreation employee Chelsea Martin with a certificate of recognition for her efforts in lacrosse at SUNY Cortland.

Mayor Nelson asked the family and friends of Peg LaVigne to join Council at the front of the room. Councillor Stevenson moved a resolution naming the women's softball field located next to the Ogdensburg Department of Public Works Garage on Champlain Street as the "Peg LaVigne Softball Field", and the remaining Council members seconded to wit:

RESOLUTION NAMING THE SOFTBALL FIELD ON CHAMPLAIN STREET
NEXT TO THE DEPARTMENT OF PUBLIC WORKS BUILDING
"PEG LAVIGNE WOMEN'S SOFTBALL FIELD"

WHEREAS, Patricia "Peg" LaVigne was a native of the City of Ogdensburg, born October 17, 1931; and

WHEREAS, Peg graduated from Ogdensburg Free Academy, married and raised four children in Ogdensburg; and

WHEREAS, Peg was a past president of the Lincoln School PTA; and

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WHEREAS, Peg was involved with the Ogdensburg City Recreation Department for 40 years, where she promoted and taught adult exercise class, volleyball at Lincoln and Kennedy Schools, supervised public skating at the Golden Dome and high school dances; and

WHEREAS, Peg received the Ogdensburg Parks & Recreation Certificate of Appreciation in 1989, from the Recreation Commission and Director, for 40 years of outstanding and dedicated service; and

WHEREAS, Peg served as 1st Vice President of the Ogdensburg Senior Citizens Club was named the Senior Citizen of the year in 2006; and

WHEREAS, Peg served as past President of the Ogdensburg Boys and Girls Club Board of Directors and was very active promoting and assisting the Ogdensburg Boys and Girls Club Expo for over 30 years; and

WHEREAS, Peg was a member of the City's delegation that traveled to the All America City Competition in Anaheim in 2006; and

WHEREAS, Peg was instrumental in forming and leading the Ogdensburg Women's Softball League, which is still very active in Ogdensburg today; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Ogdensburg, in acknowledgement and appreciation of Patricia "Peg" LaVigne's noteworthy achievements and accomplishments to our community that the women's softball field located on Champlain Street next to the Ogdensburg Department of Public Works now be known as the Peg LaVigne Women's Softball Field.

The vote was:

CARRIED, AYES ALL

PUBLIC HEARING

1. A public hearing regarding a proposed ordinance to sell City-owned properties located at 18-20 Mill Street and a Mill Street lot at public auction was held. No one being present to speak, the hearing was declared closed.

CONSENT AGENDA

Mayor Nelson moved that the claims as enumerated in General Fund Warrant #11-2015 in the amount of \$1,362,634.23 and Library Fund Warrant #11-2015 in the amount of \$21,024.54 and Capital Fund Warrant #11-2015 in the amount of \$0.00 and Community Development Fund Warrant #11-2015 in the amount of \$0.00 and Community Renewal Fund Warrant #11-2015 in the amount of \$3,332.22 as audited, be and the same are ordered paid and Councillor Ashley seconded the motion.

The vote was:

CARRIED, AYES ALL

APPOINTMENTS

1. Mayor Nelson moved to appoint Donald J. Hooper to a three-year term on the Frederic Remington Art Museum Board of Trustees, term to expire 12/31/2017, and Councillor Stevenson seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Nelson moved a resolution providing for Public Notice and Public Hearing, to add Article VII, Adaptive Reuse District, to the Ogdensburg Municipal Code, pending County review, and Councillor Stevenson seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
THE ADDITION OF ARTICLE VII – ADAPTIVE REUSE DISTRICT
TO THE CODE OF THE CITY OF OGDENSBURG
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED that the ordinance entitled "Ordinance Adding Article VII Entitled 'Adaptive Reuse District (ARD)' to the Code of the City of Ogdensburg" and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 22nd day of June, 2015, 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 days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

Councillor Morley said he supports the ARD, but he would like property owners to apply to be included in the new district. Councillor Stevenson said making that change would lengthen the ARD application process. Councillor Morley disagreed. Councillor Hosmer asked if a zone can exist without containing parcels. Director of Planning and Development Andrea Smith said yes, the PDD is a floating zone with minimum criteria and an application process. City Manager John Pinkerton explained the ARD proposal has been amended several times over the past few

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months. Mr. Pinkerton said only parcels under two acres with a 600 or 800 property class are included in the current proposal. Councillor Hosmer said Council could just create another floating zone and set the criteria for application, but Ms. Smith said the ARD is a predefined zone. Councillor Stevenson asked how long it would take for parcels not scheduled to be included in the ARD to be added. Ms. Smith estimated four to five weeks.

The vote was:

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

NAYS: Councillor Skamperle

CARRIED, 5 TO 1

2. Councillor Skamperle moved an ordinance to sell City-owned properties located at 18-20 Mill Street and a Mill Street lot at public auction, and Councillor Ashley seconded to wit:

ORDINANCE #_ of 2015
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>
48.078-5-34	18-20 Mill Street	\$2,650. (includes both lots & estimated \$400. attorney, \$350. SLC recording fee & \$700. survey fee)	Both are adjacent non-conforming lots.
48.078-5-33	vacant Mill Street		An adjacent owner would need to combine & record.

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.

Councillor Morley asked if the City acquired these parcels for unpaid taxes. City Manager John Pinkerton said yes, and the most transparent way to sell City-owned property is at public auction. Councillor Skamperle commended Mr. Pinkerton and City staff for getting parcels back on the tax roll.

The vote was:

CARRIED, AYES ALL

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3. Councillor Ashley moved a resolution to approve the sale of 905 Mechanic Street to Gary Brabant, Jr., and Councillor Skamperle seconded to wit:

RESOLUTION TO APPROVE THE SALE OF
TAX PARCEL #59.023-12-2 TO GARY BRABANT, JR.

WHEREAS, Gary Brabant, Jr. has made a purchase offer for City-owned property located at 905 Mechanic Street identified as Tax Parcel #59.023-12-2 as 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, the redevelopment of this property is consistent with the Goals of the Strategic Management Plan, particularly the Goals for a Balanced, Sustainable Local Economy and Revitalizing Aging Neighborhoods and Commercial Areas; and

WHEREAS the City Manager has negotiated a sale price of \$1,950. (includes estimated \$400. Attorney, \$350. SLC recording fee & \$700. survey fee);

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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 #59.023-12-2 to Gary Brabant, Jr. for \$1,950.00., subject to City Attorney's review and approval of sales documents.

The vote was:

CARRIED, AYES ALL

4. Councillor Stevenson moved a resolution authorizing the City Manager to submit a Consolidated Funding Application in an amount not to exceed \$500,000, and if received, to enter into any necessary contracts to administer this NYS HCR NYS Main Street grant, and Councillor Skamperle seconded to wit:

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF
A CONSOLIDATED FUNDING APPLICATION

WHEREAS, the City of Ogdensburg desires to prepare a 2015 New York State Consolidated Funding Application (CFA) to strengthen the economic vitality of traditional Main Streets and neighborhoods; and

WHEREAS, New York State Homes & Community Renewal is accepting applications for the 2015 NYS Main Street Program that provides participating property owners with matching renovation grants up to \$50,000 per building, with an additional \$25,000 for each residential unit assisted, not to exceed 75% of the total projects costs or \$100,000, whichever is less; and

WHEREAS, in furtherance of this economic development initiative City staff have identified the Paterson Street, Canton Street, Jersey Avenue Business Triangle as an eligible target area; and

WHEREAS, property owners will be responsible for providing the matching funds required for each eligible project; and

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WHEREAS, the City of Ogdensburg, as an eligible Applicant, may request up to \$500,000 for NYS Main Street Projects in accordance with grant guidelines; and

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Manager is hereby authorized to submit a Consolidated Funding Application in an amount not to exceed \$500,000, and if received, to enter into any necessary contracts to administer this NYS HCR NYS Main Street grant.

City Manager John Pinkerton explained there are forty businesses in the proposed district. Mr. Pinkerton said City staff sent letters to business owners and plans to meet with them next week. Mr. Pinkerton explained we are working with DANC and described this project as similar to the Main Street program. Councillor Morley asked how the amount of \$500,000 was determined. Mr. Pinkerton said each business will be evaluated to determine the amount required. Mr. Pinkerton explained he doesn't anticipate all forty businesses will apply, but we will still try to obtain the maximum amount.

The vote was:

CARRIED, AYES ALL

5. Mayor Nelson moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property located at 721 Congress Street, and Councillor Morley seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property " be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 22nd day of June, 2015, at 7:00 p.m., and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

6. Mayor Nelson moved a resolution authorizing the City Manager to sign an abandonment confirmation agreement between the City and Fort La Presentation Company, confirming that the City retains no ownership interest in the paper streets on Lighthouse Point, and Councillor Hosmer seconded to wit:

RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO SIGN AN ABANDONMENT CONFIRMATION AGREEMENT
WITH FORT LA PRESENTATION COMPANY

WHEREAS, the Fort La Presentation Company is committed to building a historic fort on 20.80 acres of undeveloped land located on Lighthouse Point, and

WHEREAS, the City of Ogdensburg at one time in history was the reported owner of several mapped but undeveloped paper streets on Lighthouse Point;

WHEREAS, The Fort has commissioned a title report for the paper streets titled: "Report of Land Owned by Fort La Presentation Company" by the Title Service Company, dated May 12, 2014, Title No TSC-25329 by Terence G. Carle (Title Report). The Title Report concludes that the City, long ago, either abandoned or transferred all rights in and to the Paper Streets. A copy of the Title Report is attached hereto and made part hereof as Exhibit A; and

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WHEREAS, The Paper Streets bisecting the Fort Property are identified by name as: Albany Avenue, Brown Street, Covington Street, Jackson Street, Front Street, Garrison Street, Ferry Street and Morris Street (“Paper Streets”); and

WHEREAS, funding to build this historic fort consists of various grants which are contingent upon the fort having clear and sole title; and

BE IT RESOLVED, that the City Manager is hereby authorized to sign the attached Abandonment Confirmation Agreement with the Fort La Presentation Company, pending City Attorney review.

City Manager John Pinkerton asked City Attorney Andy Silver to address Council regarding this resolution and City Assessor Bruce Green to display the map for Council’s review. Attorney Silver explained the proposed agreement is a result of Fort La Presentation’s request. Attorney Silver explained they need confirmation that the City no longer maintains any interest in the paper streets that run through the Fort property for their grant applications. Attorney Silver explained the Fort’s attorney has prepared a title search of the property which basically indicates the paper streets are owned by the Fort and were abandoned by the City because they have never been developed. Attorney Silver explained the City can do its own title search, but it would be expensive.

Attorney Silver said there is an issue with one of the paper streets. Attorney Silver explained Council passed a resolution on November 16, 1966 to open Jackson Street to the public, but the title opinion prepared by the Fort Attorney does not address that matter. Attorney Silver explained there is some uncertainty because the City did not take the next step by paving it and using it at that time. Attorney Silver said Council needs to determine if the City needs the paper streets in the future but reminded Council that the Fort is of great benefit to the citizens of Ogdensburg. Attorney Silver said there are basically two questions to consider: 1) Is this a good move for Ogdensburg and the citizens; and, 2) Does the City maintain Jackson Street as a public street.

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Attorney Silver advised Council that the City is not obligated in any way to sign the agreement. Attorney Silver explained clarification that the City has no ownership interest in the paper streets is required because the Fort intends to develop trails which will dissect these paper streets. Attorney Silver said he has asked the Fort Attorney to confirm their title report since it doesn't address the issue of Jackson Street. Attorney Silver added the Fort's grant money is tied to this agreement.

Councillor Ashley asked for Attorney Silver's opinion on Jackson Street. Attorney Silver said Council's history regarding Jackson Street is an unusual issue that needs to be researched. Councillor Skamperle said the Fort Attorney defined abandonment as lack of action by the City to open and maintain streets. Councillor Skamperle said Brown Street has been maintained and plowed by the City. Councillor Skamperle explained the Fort is asking for the portion of Brown Street from the point that the City owns all the way to the lighthouse and asked what the Fort is proposing for the owners of Lighthouse Point. Attorney Silver explained there will be a perpetual easement granted which will not impair or prevent access for the owners of Lighthouse Point. Attorney Silver said he received a detailed letter from the Fort Attorney regarding the Roethel rights and that language will be recognized in the agreement. Attorney Silver explained the Fort will not take any rights away from the Roethel family.

Councillor Skamperle said he supports the Fort and if the resolution doesn't succeed, it could prevent development. Attorney Silver explained he proposed the City enter into the agreement but not sign over any interest in the paper streets until the financing is in place. Attorney Silver said unfortunately he was advised that is not an option. Councillor Skamperle said he cannot support this agreement as written because it would be a disservice to the taxpayers for the City to give City-owned property to a non-tax paying entity.

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Councillor Ashley said it is difficult to determine if the City could have an interest in a paper street in the future. Attorney Silver explained the City needs to evaluate its potential future use and the benefit of the Fort's planned development to the community. Councillor Hosmer said the Fort is trying to develop the property by creating a trail system and may never get another CFA grant. Councillor Stevenson agreed and said it is better to have a walking trail than grass that gets maintained a few times per year.

Mayor Nelson said the Fort is good for the community, but he has concerns about the 1966 Council resolution, access to Lighthouse Point and paper street Albany. Councillor Stevenson said we need to get answers and not hinder future development. Mayor Nelson suggested an overlay of the Fort proposal with our City map so Council can view what would be changed by the execution of the agreement.

After much discussion, Mayor Nelson made a motion to table the resolution, and Councillor Stevenson seconded the motion.

The vote to table the resolution was:

CARRIED, AYES ALL

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OLD BUSINESS

1. Councillor Morley said he wants to review the DEC landfill regulations and neighboring communities' brush pickup policies. Director of Public Works Scott Thornhill said there were multiple links to the DEC webpage on the document provided to Council. City Manager John Pinkerton said he will obtain the information requested for Council from the DEC webpage. Councillor Morley asked what brush pickup schedule we are currently following. Mr. Pinkerton said we are using the schedule approved by Council last year. Mr. Pinkerton explained a new proposal is being developed for presentation to Council.

2. Councillor Morley said he has received noise complaints regarding the Paterson Street reconstruction project beginning as early as 5:30 a.m. Mr. Pinkerton said he and Mr. Thornhill will discuss it with the contractor. Councillor Hosmer asked if there is a plan in place for when construction reaches the nearby businesses. Mr. Pinkerton said yes. Mr. Thornhill explained when the project reaches the business district, they will enter Phase 3 and traffic will be limited to one way instead of completely blocked off.

3. Councillor Stevenson asked for an update on the Ogdensburg Museum proposal. Mr. Pinkerton explained we will need an alternate location because the LWRP grant used to construct the Dobisky Center prohibits that type of use. Councillor Stevenson suggested we look at changing the legislation and said the library has agreed to loan the City space for a museum. Mayor Nelson said when we applied for the LWRP grant one of the conditions was that we display historical artifacts and suggested we review the language used in the request for a museum. Councillor Ashley asked for an update on his suggestion of an enlarged photo of our local Hall of Fame baseball team to be displayed at the Dobisky Center. Mr. Pinkerton said he will follow up on that request.

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4. Councillor Stevenson suggested Personal Appearances be held at the beginning and also at the end of Council meetings. Councillor Stevenson explained those who wish to address Council at the beginning would sign up with the City Clerk prior to the start of the meeting. Councillor Stevenson said those approved by Council to speak at the end would be limited to speaking only on items addressed by Council at that particular meeting.

5. Councillor Stevenson said she is concerned about the milling depth of some of the City streets. Mr. Thornhill said we are doing an overlay of the curbing. Mr. Thornhill explained we have to make sure the asphalt is not higher than the curbs and allows proper drainage. Mr. Thornhill said we are prepping Ford and Park Streets and have contracted with Barrett Paving to complete those streets. Mr. Thornhill explained we will pave the other City streets ourselves. Councillor Stevenson asked Mr. Thornhill to check the crowning on Ford Street.

6. Councillor Skamperle asked for an update on Mr. Basta's request to change his zoning from RB to MDR. City Manager John Pinkerton explained the first step in the process is for Mr. Basta to apply to the Planning Board, but it appears Mr. Basta is waiting for the full zoning change. Councillor Hosmer asked for the process to be posted on the City website and also explained to Mr. Basta.

NEW BUSINESS

1. Councillor Ashley suggested a posting on the City website to encourage residents to remove garage sale signs from telephone poles when the sales end.

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2. Councillor Morley said the Lafayette Street bridge curbing is low and asked if there are any funds available to install a buffer. Mr. Pinkerton said he will discuss this matter with City staff. Mayor Nelson suggested painting the curb.

PERSONAL APPEARANCE

1. Carol Shaver of 1610 Lafayette Street addressed Council regarding the ARD proposal. Mrs. Shaver made the following points:

- The only changes she discovered with this version are parcels must now be less than two acres and the language amendments to “Purpose” shown at “3iii”
- There is a typographical error at PH221-25 regarding the public hearing
- An explanation of the consequences for not meeting required timeframes has been omitted

Mrs. Shaver suggested the 239m decision be simply approved or denied with no option for amendments. Mrs. Shaver also requested an updated list of the ARD parcels.

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