

CITY COUNCIL MEETING

April 16, 2018

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

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

ABSENT: None

PERSONAL APPEARANCE

1. Salvation Army Lieutenants Shaun and Stacy McNeil addressed Council regarding the Salvation Army fundraiser 'Fly the Flag'. Lieutenant Shaun McNeil explained individuals, businesses or organizations can sponsor a flag in memory of a loved one or as a donation. Lieutenant Shaun McNeil said the idea is to beautify our City and restore American pride while raising funds for the Salvation Army programs. Lieutenant Stacy McNeil explained the annual donation amount is \$60.00, and the Salvation Army installs, collects, stores and maintains the flags.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #08-2018 in the amount of \$119,617.75 and Library Fund Warrant #08-2018 in the amount of \$22,687.60 and Capital Fund Warrant #08-2018 in the amount of \$96,270.00 and Community Development Fund Warrant #08-2018 in the amount of \$0.00 and Community Renewal Fund Warrant #08-2018 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Davis seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Mayor Ashley made a motion to take a resolution calling for a public hearing on an ordinance to amend Chapter 83 entitled Brush, Grass and Weeds of the Municipal Code of the City of Ogdensburg off the table, and Councillor Price seconded to wit:

The vote to take the resolution off the table was:

CARRIED, AYES ALL

RESOLUTION INTRODUCING AN ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance No. 9 of 2018, entitled "An Ordinance to amend Chapter 83 entitled "Brush, Grass and Weeds", 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 adoption of the aforesaid Ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 14th day of May 2018, 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.

Councillor Shaver said the civil penalties should be higher, and Councillors Davis and Stevenson agreed. Mayor Ashley asked if the City has the authority to impose a civil penalty without due process. City Manager Sarah Purdy said City Attorney Andy Silver has reviewed and approved the proposed ordinance.

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Public Works Director Scott Thornhill said sections of the Administrative Regulations dictate when and how the City can enter a property. Mr. Thornhill said a property owner has the right to refuse the City access to their property. Mr. Thornhill explained when that occurs the property owner is served with the proper documents, and it becomes a civil matter. Mr. Thornhill outlined the actions taken by the City when weeds grow too high and said extra time to cure the defect is given when needed.

The vote on the ordinance was:

CARRIED, AYES ALL

2. Mayor Ashley made a motion to take an ordinance to amend Chapter 149 entitled "Parks", §149-6. entitled "Use of Marina" of the Municipal Code of the City of Ogdensburg off the table, and Councillor Davis seconded the motion.

The vote to take the ordinance off the table was:

CARRIED, AYES ALL

Councillor Kennedy moved the ordinance, and Councillor Stevenson seconded to wit:

ORDINANCE #10 of 2018
AN ORDINANCE TO AMEND CHAPTER 149 ENTITLED "PARKS",
SECTION 149.6 ENTITLED "USE OF MARINA"
OF THE OGDENSBURG MUNICIPAL CODE

ITEM ONE: WHEREAS, the Ogdensburg City Council has the authority to amend sections of the Ogdensburg Municipal Code and the Parks & Recreation Department seeks to update Chapter 149 entitled "Parks", §149-6, entitled "Use of Marina"; and

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WHEREAS, the Ogdensburg City Council also requested that the Ogdensburg Recreation Commission review Chapter 149 entitled "Parks", §149-6. entitled "Use of Marina" and the following is their recommended draft policy for adoption.

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

ITEM ONE: That Chapter 149 entitled "Parks", §149-6. entitled "Use of Marina", is hereby deleted and replaced with the following:

§ 149-6. Use of marina.

A. Dockage for private pleasure craft will be made available during the months of May, June, July, August, September and October. The fee to be charged shall be established on an annual basis by the Ogdensburg City Council.

B. Transient dockage within the marina shall be limited to a maximum consecutive period of 48 hours unless given permission by the Director of Parks & Recreation.

C. Dockage will be allowed only within the slips provided by the marina itself, and only one boat per slip shall be permitted. The boat moored at a slip will be required to be owned by the person leasing the boat slip. No other boats will be allowed. No Jet-Skis will be allowed to occupy the same slip as a boat. Mooring of any vessel along the western or northern seawall of the municipal marina shall be prohibited unless written and specific permission is granted by the Director of Parks & Recreation.

D. The City Manager is hereby empowered to issue a permit allowing dockage for periods in excess of 48 hours and allowing dockage in places other than designated slips in exceptional circumstances and when, in the judgement of the City Manager, a public purpose and the best interests of the City shall be served by such a permit.

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E. Vessels entering and exiting the marina, or within 100 feet of the marina shall be operated at no more than 5 mph or idle speed to prevent any wake.

F. Water skiing within 100 feet of the marina or municipal dock is prohibited.

G. Swimming is prohibited in the marina area. Fishing from docks within the marina is prohibited, but shall be allowed along the northern face of the municipal dock.

H. No one will be allowed to keep chairs, coolers, or other possessions on the docks itself.

I. Glass beverage containers are prohibited in the Greenbelt area, including the marina.

J. On or about Feb. 1 of each year, the Parks & Recreation Department will send a letter and renewal form to all of those who rented seasonal boat slips the previous marina season. Those receiving a letter and renewal forms will have at least an 8-week period with a deadline to be determined by the Parks & Recreation Department to return the renewal form, complete payment, driver's license, boat insurance and current boat registration to the Parks & Recreation Department offices at the Dobisky Center, 100 Riverside Ave., in order to be eligible to receive a boat slip for the upcoming marina season. Those who do not return the required paperwork will forfeit their slip.

K. Payment for boat slips will be determined by the length of the vessel stated on the boat registration submitted to the Parks & Recreation Department.

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L. The following dictates the city marina's boat slip waiting list:

- 1) City of Ogdensburg residents/property owners and non-residents desiring to lease a boat slip in the City of Ogdensburg owned marina must fill out an application provided by the Parks & Recreation Department and hand that document, as well as a copy of their driver's license, boat registration and boat insurance, to the Parks & Recreation Department offices at the Dobisky Center, 100 Riverside Ave. The department will use documents from the Assessor's Office to verify residency or whether the applicant owns property in the City of Ogdensburg. Depending on his/her residency or whether they own property in the City of Ogdensburg, applicants will be placed on the appropriate and separate waiting lists for city resident/property owner or non-residents. City residents/property owners shall be given first priority over non-residents. All vacancies occurring in dock space shall be filled from the respective waiting lists based on a first-come, first serve basis.
- 2) Applicants who have properly completed the application in full, will receive written notification of receipt of their application and placement on the appropriate waiting list. The respective waiting lists, for both city residents/property owners and non-residents, will be posted on the City of Ogdensburg's website, marina webpage. The person's name and municipality of residence will be listed. The waiting list will be updated annually.
- 3) Properly completed applications for a boat slip will be recorded in chronological order from the date of receipt and the awarding of a boat slip will take these following steps:

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- a) When a boat slip is available, the Parks & Recreation Department will notify the next applicant on the wait list with a vessel of appropriate length and width for the available slip determined by the Director of Parks & Recreation. Those on the city resident/property owner list will be contacted first, followed by those on the non-resident list. Only when all those on the resident/property owner list have either accepted or declined a slip will slips be offered to those on the non-resident list.
 - b) If he/she declines the boat slip when approached, the applicant may waive the boat slip but can elect to remain on the waiting list for the next available slip.
 - c) When selected from the waiting list, the Parks & Recreation Department will attempt to contact the applicant for two (2) days by the telephone number listed on the application. If no contact is made by phone, a letter will be sent to the address provided on the application and the applicant will be given seven (7) days to respond. If there is no response by telephone or letter then the applicant will be removed from the wait list and the slip will be offered to the next applicant per the wait list policy.
 - d) Once successful contact has been made, the applicant will have seven (7) days to return a completed boat slip application, driver's license, boat registration, boat insurance and full payment to the Parks & Recreation Department office at the Dobisky Center, 100 Riverside Ave.
- 4) In order for an applicant to maintain his/her status on the waiting list, he/she must notify the Parks & Recreation Department office in writing by using an established "waitlist renewal form" between November 1 and January 1 of each year, to express his/her desire to remain on the waiting list.

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The “waitlist renewal form” is located at the Parks & Recreation Department office at the Dobisky Center, 100 Riverside Ave., and is also found on the City of Ogdensburg’s website, marina webpage. If a renewal form is not filled out in the appropriate time frame, then he/she will be removed from the established waiting list.

M. Dockage for transient boaters will be made available during the months of May, June, July, August, September and October. The fee to be charged for transient boaters shall be established on an annual basis by the Ogdensburg City Council.

1) Day use of transient slips in the City Marina will be allowed only after receiving permission from Parks & Recreation staff.

2) If a transient boat is to remain in a slip overnight, then the boater must fill out a transient boat docking form found at the Dobisky Visitors’ Center, 100 Riverside Avenue, and pay the appropriate fee based on the size of the boat before they spend the night.

N. Upon adoption of this policy, all returning renters for the 2018 boating season will be able to renew their slips regardless of whether they are residents or non-residents, provided they comply with all other documentation requirements.

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 Skamperle asked why it is necessary to own a boat just to be placed on a waiting list. Recreation Director Matthew Curatolo said the changes were made to tighten procedures and make sure a person resides at the address on their boat registration and insurance. City Manager Sarah Purdy said another concern is that in the past there have been instances when a slip holder did not own the boat.

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Councillor Skamperle suggested the registration and insurance information be provided before the person is given the boat slip rather than just to be placed on a waiting list. Councillor Skamperle said he will not support two waiting lists, and Councillor Davis agreed. It was noted that a previous ordinance listing one waiting list was defeated at the last Council meeting.

Councillor Price said Councillors Kennedy and Shaver should recuse themselves from any vote regarding the marina waiting lists. Councillor Price explained that Councillor Kennedy is on the current waiting list and Councillors Kennedy and Shaver are related, and he believes a conflict of interest exists. Councillor Kennedy said she has secured a boat slip and is no longer on the waiting list. Councillor Shaver questioned how he could benefit from voting. Councillor Price said he was concerned when Councillor Shaver changed his vote from one meeting to the next. Councillor Shaver explained he now supports two lists after speaking with members of the community.

Councillor Price asked if the information provided by the City Assessor's Office can determine residency or just property ownership. City Assessor Suzanne Arquette said the information she can provide will show property ownership but not information on tenants. Ms. Purdy said a utility bill could be used by tenants to establish residency. Councillor Price said the ordinance does not dictate any length of residency requirement. Councillor Price said this ordinance permits the Recreation Director to award slips based on size and asked what constitutes appropriate length and width. Mr. Curatolo said not every boat will fit in every slip. Mr. Curatolo explained if the next person on the wait list has a vessel too large for the vacant slip, he would notify the next applicant on the wait list with a vessel of appropriate length and width. Mr. Curatolo said we would always desire to put the biggest boat in the biggest slip because fees are based on length. Mr. Curatolo said he sometimes has to move boats around the marina due to the size of the slips and boats to maximize space. Mr. Curatolo said this is explained to slip renters.

The vote on the ordinance was:

AYES: Mayor Ashley, Councillors Kennedy, Shaver and Stevenson

NAYS: Councillors Davis, Price and Skamperle

CARRIED, 4 TO 3

3. Mayor Ashley moved a resolution to approve the sale of Tax Parcel #48.080-4-22 (property located on paper Jersey Avenue), for \$1,950.00 to Thomas W. and Margaret E. Gooshaw, and Councillor Stevenson seconded to wit:

RESOLUTION TO APPROVE THE SALE OF TAX PARCEL 48.080-4-22
TO THOMAS W. AND MARGARET E. GOOSHAW

WHEREAS, the Ogdensburg City Council, on March 26, 2018, authorized the public auction of surplus City-owned real property, and

WHEREAS, the City held an auction on April 11, 2018 to sell said property, and

WHEREAS, the City received bids that met the minimum bids set by City Council,

NOW THEREFORE BE IT RESOLVED, that the City Council approves the following sale of:

<u>TAX MAP #</u>	<u>LOCATION</u>	<u>MINIMUM PURCHASE PRICE</u>	<u>RESTRICTION(S)</u>
48.080-4-22	paper Jersey Ave	\$1,950	nonconforming lot, SFR (includes estimated No developed street \$400 Attorney and frontage. \$350 recording fees)

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BE IT FURTHER RESOLVED, that the sale shall be subject to the terms of the March 26, 2018 resolution.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Mayor Ashley said the City has planned a special ceremony to celebrate Arbor Day on April 27, 2018 at 9:30 a.m. in front of the City pool. Mayor Ashley explained this is the first in a series of events planned to celebrate the 150th anniversary of the City's incorporation. City Manager Sarah Purdy said the event will be followed by a reception at the Dobisky Center. Councillor Skamperle asked what type of tree will be planted. Recreation Director Matthew Curatolo said the Tree Commission has selected a Princeton Sentry Ginkgo because it is a hardy tree that could live for 150 years if cared for properly.

NEW BUSINESS

1. City Manager Sarah Purdy said a presentation will be made to Council on May 14, 2018 regarding The People Project. Ms. Purdy said Ogdensburg will be represented in the project and explained she will share some information with Council by email.

ITEMS FOR DISCUSSION

1. Director of Planning and Development Andrea Smith made a presentation to Council regarding the Zoning Amendment recommendation. Ms. Smith provided Council with a copy of §221 of the Municipal Code. (A copy of §221 is available on the Planning Department website at ww.ogdensburg.org.)

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Ms. Smith explained the Planning Board has completed a thorough review of the entire section which began in 2012. Ms. Smith said a formal presentation will be made at the May 29, 2018 Council meeting, but the draft being provided to Council is a good place to start.

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