

## CITY COUNCIL MEETING

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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

### PRESENTATION

1. Director of Planning and Development Andrea Smith made a presentation to Council to provide an overview of the Planning Board recommendation regarding the map amendment for 1516 Ford Street. Ms. Smith explained the Planning Board did not recommend changing the zoning map for the parcel from Single-Family Residential (SFR) to Residential Business (R/B) but did recommend amending the Municipal Code section regarding permitted home occupations. Ms. Smith said Council is required to take action on the application even though the Planning Board does not recommend the zoning map change.

### PUBLIC HEARING

1. A public hearing regarding an ordinance to amend § AR-27.2 entitled “Workplace Violence Prevention Program Policy” of the Municipal Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

### PERSONAL APPEARANCE

1. Marlene Shaver, 405 William Street, addressed Council regarding brush pickup. Mrs. Shaver said if the City cannot afford to pick up brush, letters should not be sent threatening to impose fines. Mrs. Shaver said the fines should be eliminated.

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2. Andrew Rheome, 508 King Street, addressed Council regarding brush pickup. Mr. Rheome said the City should not be wasting funds on stamps, letters and an employee riding around patrolling for brush violations. Mr. Rheome said the City owns the old Paul Murray's store, and that property is not being maintained. Mr. Rheome questioned if the building will just sit there and decay. Mr. Rheome said he may be interested in the property to build a garage if the price was reduced. Mayor Ashley suggested Mr. Rheome contact City Manager Sarah Purdy to express his interest in that property.

### CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #11-2018 in the amount of \$528,295.60 and Library Fund Warrant #11-2018 in the amount of \$22,567.93 and Capital Fund Warrant #11-2018 in the amount of \$130.76 and Community Development Fund Warrant #11-2018 in the amount of \$619.09 and Community Renewal Fund Warrant #11-2018 in the amount of \$0.00 as audited, be and the same are ordered paid and Councillor Price seconded the motion.

The vote was:

CARRIED, AYES ALL

### ITEMS FOR COUNCIL ACTION

1. Councillor Kennedy moved an ordinance to amend § AR-27.2 entitled "Workplace Violence Prevention Program Policy" of the Municipal Code of the City of Ogdensburg, and Councillor Stevenson seconded to wit:

ORDINANCE #10 OF 2018

ORDINANCE TO AMEND § AR-27.2 ENTITLED  
"WORKPLACE VIOLENCE PREVENTION PROGRAM POLICY"  
OF THE MUNICIPAL CODE OF THE CITY OF OGDENSBURG

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

ITEM ONE: That § AR-27.2 Workplace Violence Prevention Program Policy of the Municipal Code of the City of Ogdensburg is hereby deleted in its entirety and replaced with the following:

§ AR-27.2 Workplace Violence Prevention Program Policy

A. PURPOSE: The City of Ogdensburg has a policy of zero tolerance for violence. Nothing is more important to the City of Ogdensburg than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property and events will not be tolerated.

B. POLICY: Violent behavior of any kind or threats of violence, either implied or direct, are prohibited in City of Ogdensburg buildings and properties, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events. Such conduct by a City of Ogdensburg employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal. Violent threats or actions by a non-employee may result in criminal prosecution. City of Ogdensburg will investigate all complaints filed and will also investigate any possible violation of this policy of which we are made aware. Retaliation against a person who makes a complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

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### C. DEFINITIONS:

(1) Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.

(2) Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

(3) Intimidation: Making others afraid or fearful through threatening behavior.

(4) Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.

(5) Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court Orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders and Orders of Protection.

(6) Deadly weapon: Any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

(7) Dangerous instrument: Any instrument, article or substance, including a "vehicle" as that term is defined in this section, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.

D. PROHIBITED BEHAVIOR: Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:

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1. Direct threats or physical intimidation.
2. Implications or suggestions of violence.
3. Stalking.
4. Possession of deadly weapons in City of Ogdensburg buildings, or while engaged in activities for City of Ogdensburg in other locations, or at City of Ogdensburg sponsored events, unless such possession or use is a requirement of the job.
5. Use of any instrument to threaten or to cause personal injury.
6. Assault of any form.
7. Physical restraint, confinement.
8. Dangerous or threatening horseplay.
9. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
10. Blatant or intentional disregard for the safety or well-being of others.
11. Commission of a violent felony or misdemeanor on City of Ogdensburg property.
12. Any other act that a reasonable person would perceive as constituting a threat of violence.

E. **DOMESTIC VIOLENCE:** Domestic Violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, “domestic violence” is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:

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- Spouse or former spouse;
- Domestic partner or former domestic partner;
- Cohabitant or former cohabitant and or other household members;
- A person with whom the victim is having, or has had, a dating or engagement relationship;
- A person with whom the victim has a child.

The City of Ogdensburg recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

### F. REPORTING ACTS OR THREATS OF VIOLENCE:

An employee who:

1. is the victim of violence, or
2. believes they have been threatened with violence, or
3. witnesses an act or threat of violence towards anyone else shall take the following steps:

a. If an emergency exists and the situation is one of immediate danger, the employee shall contact the local police department by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area. Once there is no immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the City of Ogdensburg Workplace Violence Incident Report Form (Appendix 1).

b. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the City of Ogdensburg Workplace Violence Incident Report Form.

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c: Incident Report Submission Procedure: The City encourages employees to follow their chain of command unless circumstances are such that the direct supervisor is not available or is named in the report being submitted. Chain of Command is as follows:

1. Direct Supervisor
2. Department Head
3. Safety Committee Chair
4. City Manager

d. The employer, with the participation of the authorized employee representative, shall conduct a review of the Workplace Violence Incident Reports at least annually to identify trends in the types of incidents in the workplace and review of the effectiveness of the mitigating actions taken.

G. PROCEDURES- FUTURE VIOLENCE: Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with City of Ogdensburg shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the City Manager, the Safety Committee Chair and the Police Department.

Employees who have received an order of protection, and/or a temporary restraining order, against an individual, who would be in violation of the order by coming to work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the City Manager, the Safety Committee Chair and the police.

H. INCIDENT INVESTIGATION: Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The employee's supervisor will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the City Manager will refer the matter to *the police* for their review of potential violation of civil and/or criminal law.

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Procedures for investigating incidents of workplace violence include:

1. Visiting the scene of an incident as soon as possible.
2. Interviewing injured and threatened employees and witnesses.
3. Examining the workplace for security risk factors associated with the incident, including  
any reports of inappropriate behavior by the perpetrator.
4. Determining the cause of the incident.
5. Taking mitigating action to prevent the incident from recurring.
6. Recording the findings and mitigating actions taken.
7. Workplace Violence Incident Reports will be filed with the City Clerk in a Workplace Violence file. If further discipline is warranted, proper discipline procedures will be followed.

In appropriate circumstances, the City Manager will inform the reporting individual of the results of the investigation. To the extent possible, the City Manager will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The City will not tolerate retaliation against any employee who reports workplace violence.

**I. MITIGATING MEASURES:** Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

1. Notification of Police Department when a potential criminal act has occurred.
2. Provision of emergency medical care in the event of any violent act upon an employee.
3. Post-event trauma counseling for those employees desiring such assistance.
4. Assurance that incidents are handled in accordance with the Workplace Violence Prevention Program Policy.
5. Physical and Procedural changes.

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- a. Annual risk assessment must be completed by each department by March 31<sup>st</sup> each year.
- b. The Safety Committee will meet at least in April each year to review annual risk assessments and the Workplace Violence Prevention Program Policy.
- c. Hierarchy of Controls: A hierarchy of controls to which the program shall adhere are as follow: engineering controls, work practice controls, and finally personal protective equipment.

J. TRAINING AND INSTRUCTION: City of Ogdensburg Safety Committee shall be responsible for ensuring that all employees, including managers and department heads, are provided training and instruction on general workplace security practices. The City Manager shall be responsible for ensuring that all employees and department heads, are provided training and instructions on job specific workplace security practices.

Training and instruction shall be provided as follows:

1. To all current employees when the policy is first implemented.
2. To all newly hired employees, department heads or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided.
3. To affected employees whenever management is made aware of a new or previously unrecognized hazard.

Workplace security training and instruction includes, but is not limited to, the following:

1. Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
2. Methods to diffuse hostile or threatening situations.
3. Escape routes.
4. Explanation of this Workplace Violence Prevention Program Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment. See Appendix 3, Workplace Violence Prevention Training Outline.

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K. Annual Workplace Assessment – The Safety Committee will be responsible for annual workplace risk assessment and incident review to identify the risks of workplace violence as well as illness and injury to which our employees could be exposed. See Appendix 2, Workplace Assessment.

Authorized Employee Representative(s) will be included in the review, at a minimum involvement of:

1. Evaluating the physical environment
2. Developing the Workplace Violence Prevention Program and;
3. Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigating actions taken.

The completed risk assessment (See Appendix 2) is found at the end of this policy.

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.

APPENDIX 1  
INCIDENT REPORT FORM

1. VICTIMS NAME: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

2. VICTIMS  
ADDRESS: \_\_\_\_\_

3. PREFERRED CONTACT NUMBER: \_\_\_\_\_

4. EMPLOYERS NAME AND ADDRESS: \_\_\_\_\_

5. WITNESS(ES) NAME(S): (if employee give title) \_\_\_\_\_

6. OTHER CONTACT NAMES: \_\_\_\_\_

7. DEPARTMENT/SECTION: \_\_\_\_\_

8. INCIDENT DATE \_\_\_\_\_

9. INCIDENT TIME: \_\_\_\_\_

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10. INCIDENT LOCATION: \_\_\_\_\_

11. WORK LOCATION (if different): \_\_\_\_\_

12. TYPE OF INCIDENT: (circle one): Assault, Robbery, Harassment, Disorderly Conduct, Sex Offense, Other. (Please Specify)

\_\_\_\_\_

13. WERE YOU INJURED: (circle): Yes No

If yes, please specify your injuries and the location of any treatment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. DID POLICE RESPOND TO INCIDENT: Yes No

15. WHAT POLICE DEPARTMENT: \_\_\_\_\_

16. POLICE REPORT FILED: Yes No

REPORT NUMBER: \_\_\_\_\_

17. WAS YOUR SUPERVISOR NOTIFIED: Yes No

18. SUPERVISORS NAME: \_\_\_\_\_

19. WAS THE LOCAL UNION/EMPLOYEE REPRESENTATIVE NOTIFIED:

Yes No

Who should be notified \_\_\_\_\_

20. WAS ANY ACTION TAKEN BY EMPLOYER: (specify)

\_\_\_\_\_

21. ASSAILANT/PERPETRATOR: (circle one): Intruder, Customer, Patient, Resident, Client, Visitor, Student, Co-Worker, Former, Employee, Supervisor, Family/Friend, Other, (specify):

\_\_\_\_\_

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22. ASSAILANT/PERPETRATOR - NAME/ADDRESS/AGE (if known): \_\_\_\_\_

\_\_\_\_\_

23. PLEASE BRIEFLY DESCRIBE THE INCIDENT: \_\_\_\_\_

\_\_\_\_\_

24. INCIDENT DISPOSITION: (Circle all that apply): No action taken, Arrest, Warning, Suspension, Reprimand, Other \_\_\_\_\_

25. DID THE INCIDENT INVOLVE A WEAPON: Yes No

Specify \_\_\_\_\_

26. DID YOU LOSE ANY WORK DAYS: Yes No

Specify \_\_\_\_\_

27. WERE YOU SINGLED OUT OR WAS THE VIOLENCE DIRECTED AT MORE THAN ONE INDIVIDUAL:

\_\_\_\_\_

28. WERE YOU ALONE WHEN THE INCIDENT OCCURRED: \_\_\_\_\_

29. DID YOU HAVE ANY REASON TO BELIEVE THAT AN INCIDENT MIGHT OCCUR: Yes No

Why: \_\_\_\_\_

30. HAS THIS TYPE OR SIMILAR INCIDENT(S) HAPPENED TO YOU OR YOUR CO-WORKERS: Yes No

Specify: \_\_\_\_\_

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31.HAVE YOU HAD ANY COUNSELING OR SUPPORT SINCE THE INCIDENT: Yes No

Specify:\_\_\_\_\_

32.WHAT DO YOU FEEL CAN BE DONE IN THE FUTURE TO AVOID SUCH AN INCIDENT:

\_\_\_\_\_

33.WAS THIS ASSAILANT INVOLVED IN PREVIOUS INCIDENTS:

Yes No

Specify:

\_\_\_\_\_

34.ARE THERE ANY MEASURES IN PLACE TO PREVENT SIMILAR INCIDENTS: Yes No

Specify:\_\_\_\_\_

35.HAS CORRECTIVE ACTION BEEN TAKEN:

Specify:\_\_\_\_\_

36.COMMENTS:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPENDIX 2  
WORKPLACE ASSESSMENT

RISK EVALUATION AND DETERMINATION ASSESSMENT FORM

Date: \_\_\_\_\_

Employer: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Department or Agency: \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

Risk Evaluation and Determination:

Every employer shall evaluate its workplace or places to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but are not limited to;

Yes      No

- a. Working in public settings;
- b. Working late night or early morning hours;
- c. Exchanging money with the public;
- d. Working alone or in small numbers;
- e. Uncontrolled access to the workplace; and
- f. Areas of previous security problems.

Number of employees on site between 10 pm and 5am.

\_\_\_\_\_

If any, describe activity.

\_\_\_\_\_

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Describe nature and frequency of client / customer / patient / passenger / other contact:

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Yes    No

    Are any cash transactions conducted with the public during working hours?

If yes, how much cash is kept in the cash register or in another place accessible to a robber? \_\_\_\_\_

    Is there a safe or lock-box on the premises into which cash is deposited?

What is the security history of the department?

What physical security measures are present?

What work practices has the employer implemented to increase security?

Has the employer provided security training to employees? Yes            No

If so, has the training been effective?

---

The annual workplace assessment and mitigation measures for each building will be filed with the City Clerk and a copy kept at each facility.

List of Risks and Mitigation Efforts Records Review

Instructions: Examine records below from the previous year to identify patterns, if any, of injuries in particular areas of the workplace or incidents which involve specific operations or specific individuals.
a. Log and Summary of Work Related Injuries and Illnesses (SH900 and 900.1)

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b. Illness and Injury Report (SH900.2) or Incident Report

c. Workplace Violence Incident Reports

d. Workmen's Compensation Reports

e. Other reports/incidents

APPENDIX 3  
WORKPLACE VIOLENCE PREVENTION TRAINING OUTLINE

The City of Ogdensburg shall provide each employee with information and training on the risk of workplace violence in their workplace or workplaces at the time of the employee's initial assignment and at least annually thereafter.

Any substantial change to the workplace violence program must be communicated to employees.

Upon completion of the workplace violence prevention program all employees must be provided information and training on:

- 1) Requirements of the regulation (12NYCRR Part 800.6)
- 2) Risk factors specific to the workplace that were identified in the risk evaluation and determination (Step 2 of the How to Comply Guide)
- 3) Measures that employees can take to protect themselves from the identified risks including specific procedures that the employer has implemented such as
  - a. Incident alert and notification procedures
  - b. Appropriate work practices
  - c. Emergency procedures
  - d. Use of security alarms and other devices
- 4) Procedures to report incidents of workplace violence
- 5) Location of the written workplace program and how to obtain a copy\*

\*This part of the training requirements only applies to employers with 20 or more full-time permanent employees.

Note: Information otherwise kept confidential for security reasons does not have to be disclosed to all employees. Examples of confidential information include but are not limited to information that would interfere with law enforcement investigations or judicial proceedings, would deprive a person of a right to a fair trial, would identify a confidential source or disclose confidential information relating to a criminal investigation, would reveal criminal investigative techniques or procedures except routine techniques and procedures, or would endanger the life or safety of any person.

The vote was:

CARRIED, AYES ALL

2. Councillor Stevenson moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property: tax map number 48.072-1-12, surplus property located at 1130 Ford Street, and Councillor Kennedy seconded to wit:

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

BE IT RESOLVED, that Ordinance No.11 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

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 25<sup>th</sup> day of June, 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.

The vote was:

CARRIED, AYES ALL

3. Councillor Price moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property: tax map number 59.029-1-19.1, surplus property located at 902/904 Ogden Street, and Councillor Skamperle seconded to wit:

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

BE IT RESOLVED, that Ordinance No. 12 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

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 25<sup>th</sup> day of June, 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.

The vote was:

CARRIED, AYES ALL

4. Councillor Skamperle moved a resolution calling for a public hearing and public notice on a proposed ordinance to amend Chapter 221 entitled 'Zoning', Section 221-8, entitled "Zoning Map", and Councillor Kennedy seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING  
AN AMENDMENT TO THE ZONING ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, Ordinance #13 of 2018 entitled "Ordinance Amending Chapter 221 entitled 'Zoning' of the City of Ogdensburg Municipal Code" be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

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WHEREAS, the Ogdensburg 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 25<sup>th</sup> day of June, 2018, at 7:00 p.m., and

BE IT 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 Shaver said he would like to see all of Ford Street zoned Residential/Business (R/B) and suggested Council look at changing it all rather than just one parcel. Councillor Skamperle agreed and said Ford Street is a main artery of the City. Councillor Shaver explained there are businesses at both ends of the street and only a few blocks of Ford Street are zoned Single-Family Residential (SFR). Councillor Stevenson said the Planning Board makes recommendations to Council and that board has already revamped the zoning map. Councillor Stevenson suggested we ask the Planning Board to review the idea of making all of Ford Street R/B. City Manager Sarah Purdy recommended Council address this topic in the future when reviewing the Planning Board recommendations. Director of Planning and Development Andrea Smith explained the Planning Board is concerned changing the zoning from SFR to R/B opens it up to other business types.

Councillor Shaver said Council needs to decide if we want businesses or residences on Ford Street. Ms. Smith said the Planning Board has recommended mixed use districts for Ford Street.

The vote was:

CARRIED, AYES ALL

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5. Councillor Price moved a resolution calling for a public hearing and public notice on a proposed ordinance to amend Chapter 221 entitled 'Zoning', Article V Residential/Business (R/B), adding §221-17.1 entitled Special permit uses, and Councillor Stevenson seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING  
AN AMENDMENT TO THE ZONING ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the Ordinance #14 of 2018 entitled "Ordinance Amending Chapter 221 Entitled 'Zoning' of the City of Ogdensburg Municipal Code" be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

WHEREAS, the Ogdensburg 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 25<sup>th</sup> day of June, 2018, at 7:00 p.m., and

BE IT 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 Shaver said requiring a special use permit sends the message Ogdensburg is not open to new businesses. Director of Planning and Development Andrea Smith said our Municipal Code not only lists permitted uses but also includes prohibited uses. Ms. Smith explained we are in the process of changing the Municipal Code now but until approved, she is obligated to follow the current Municipal Code. Ms. Smith outlined the process for obtaining a special use permit. Ms. Smith explained this process prohibits a nuisance business from being a detriment to a neighborhood.

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Councillor Shaver asked if bottle redemption facilities could be added as a permitted use if Council does not approve the proposed ordinance, and Ms. Smith said yes. Councillor Skamperle said the public hearing should be held on the matter, and Municipal Code changes could be discussed in the future as planned.

The vote was:

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

NAYS: Councillor Shaver

CARRIED, 6 TO 1

6. Mayor Ashley moved a resolution calling for a public hearing and public notice on a proposed ordinance to amend Chapter 221 entitled ‘Zoning’, Section 221-47 E (5) [h] [4] (c), entitled “Standards for permitted home occupations”, and Councillor Skamperle seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING  
AN AMENDMENT TO THE ZONING ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the Ordinance #15 of 2018 entitled “Ordinance Amending Chapter 221 Entitled ‘Zoning’ of the City of Ogdensburg Municipal Code” be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

WHEREAS, the Ogdensburg 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 25<sup>th</sup> day of June, 2018, at 7:00 p.m., and

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BE IT 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.

The vote was:

CARRIED, AYES ALL

### OLD BUSINESS

1. Mayor Ashley said the Chamber of Commerce's Car-B-Que this past weekend was very successful. Councillor Stevenson said the service clubs were invited to attend, and it was a great event.

2. Councillor Skamperle said he has received many complaints regarding brush pickup. Councillor Skamperle explained most people understand the change is required, but the tone of the letter was disturbing. Councillor Skamperle suggested the letter be amended to add an explanation of the new policy, an explanation of what to do if the property owner feels the letter was received in error and a list of upcoming brush pickup dates. City Manager Sarah Purdy said the second letters to be mailed will contain information that should have been included in the first letters. Councillor Skamperle asked if the second letters have been mailed yet, and Ms. Purdy said no. Ms. Purdy explained the second letters were held until determining if there was a consensus of Council to open the landfill on Saturday mornings.

Councillor Shaver asked for an estimate of the cost to open the landfill on Saturday mornings. Ms. Purdy said it will be approximately \$4,000.00. Public Works Director Scott Thornhill explained the cost will cover two employees and the required equipment. Mr. Thornhill said the employees will work from approximately 7:45 a.m. to 12:15 p.m. and process material accordingly while there. Mr. Thornhill explained two employees are required for safety purposes.

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Councillor Shaver asked if it would be more cost effective to simply have property owners call when they have brush to be picked up. Mr. Thornhill said that method had been used in the past, but his department determined it was better to schedule one pickup per district per month.

3. Councillor Skamperle said he received a call about a weed ordinance letter that was mailed on June 6, 2018, but the property owner had mowed their lawn on June 4, 2018. Public Works Director Scott Thornhill explained his office receives a list of properties in violation of the weed ordinance from Code Enforcement, and letters are prepared and mailed. Mr. Thornhill explained there may be a delay if his Administrative Aide is out of the office, but letters are typically mailed within two days of receipt of the list. Mr. Thornhill said the property owner is given seven days to cure the violation. Mr. Thornhill explained a crew is sent to the property on the eighth day for evaluation. Mr. Thornhill said if the property has been mowed, the crew simply notes it was completed upon arrival. Mr. Thornhill said if the property has not been mowed, the crew performs the work and the owner is billed.

4. Councillor Skamperle suggested certain language be included in the bid process for the Wastewater Treatment Plant project since we will not be able to do a PLA. Councillor Skamperle recommended the following language from the questionnaire: Section 5 which refers to employees being classified as such and not as independent contractors; Section 4 which refers to the subcontractors list; Section 6 which requires a minimum of 25% local workforce; and, Section 9 which refers to sanctions to cover workmanship. Councillor Skamperle said he would like to see a higher than 25% local workforce minimum requirement. City Manager Sarah Purdy said she will discuss the proposed language changes with City Attorney Andy Silver.

5. Councillor Shaver suggested Council discuss the City beach proposal. Councillor Skamperle said he is not in favor of a beach at the area proposed by Councillor Shaver at the last meeting. Councillor Kennedy asked what areas are available for a beach. City Manager Sarah Purdy said it depends if Council wishes to use City-owned property or obtain a property to create a beach. Ms. Purdy explained a beach presents many challenges.

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Councillor Stevenson said she likes the concept of a beach, but the City is just not in a financial position to move forward with it at this time. Councillor Shaver suggested the funding for Morrissette Park be used to redevelop the entire waterfront area. Councillor Stevenson said it just doesn't make any sense to remove a functional boat launch and the pool. Councillor Shaver said the pool is expensive to operate and now is the time to look at different ideas. Councillor Price said he is not in favor of a beach because it too would have expenses related to the operation. Ms. Purdy said the pool is closed and locked at the end of the day, but a beach would require constant patrol. There was not a consensus of Council to move forward with the beach proposal at this time.

Mayor Ashley suggested Citizen Participation be moved forward in the meeting for the sake of those wishing to address Council. There was a consensus of Council to move forward with Citizen Participation at this point in the meeting.

### CITIZEN PARTICIPATION

1. Marlene Shaver, 405 William Street, addressed Council regarding the brush pickup. Mrs. Shaver explained she had cut down a tree and was able to remove all but one section of the tree. Mrs. Shaver said she had asked City workers to enter her property when they came to pick up her brush but was told they were not permitted to do so. Mrs. Shaver explained by the time she was able to find assistance to roll the large section of tree to the brush pick up area, she had missed the pickup date. Mrs. Shaver said she now has to enlist the help of others to roll it back onto her property. Public Works Director Scott Thornhill said his staff will not enter any private property.

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### NEW BUSINESS

1. Councillor Kennedy said she was approached by Ron Green regarding the signage at his place of business on outer Champlain Street. Councillor Kennedy explained Mr. Green received a letter to remove his newly placed sign because a neighboring business located on the same property is over allocated on their signage. City Manager Sarah Purdy said she and Director of Planning and Development Andrea Smith met with Mr. Green regarding the sign requirements and accessory structures regulations. Ms. Purdy said Ms. Smith explained the variance process to Mr. Green and brought him the paperwork. Ms. Purdy said the property owner will need to complete the paperwork. Mr. Purdy explained the property owner could also rectify the situation by speaking with the other businesses on that property. Councillor Kennedy said the ability to advertise is very important and reaching out to Mr. Green shows we are business friendly.

Councillor Skamperle said there is also the issue of the bulk containers Mr. Green has at his business for sand and salt storage. Councillor Skamperle explained Mr. Green is being responsible by storing the product in containers, and there is concern about Mr. Green being required to keep reapplying for variances for the containers to be placed on the property. Councillor Skamperle suggested amending the Municipal Code to make this type of storage required so variances will not be required. Councillor Skamperle said Mr. Green is confused on how to proceed because he was told to wait, but then received another letter giving him five days to rectify the violations. Ms. Purdy explained an application for a variance and site plan review would show that the property owner and Mr. Green are addressing the issues.

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### ITEMS FOR DISCUSSION

1. Director of Planning & Development Andrea Smith discussed the proposed zoning revision public input process. Ms. Smith asked for feedback from Council regarding the manner in which to schedule the public comment sessions. After much discussion, there was a consensus to schedule three different introductory meetings at different dates and times to capture as many members of the community as possible followed by separate meetings scheduled by districts and topics of discussion.

2. Director of Planning & Development Andrea Smith presented Council with a map showing the Greenbelt Traffic Circle conceptual design. Ms. Smith described the project ideas depicted on the map. Councillor Skamperle said he would like to see a few parking spaces facing the river. Councillor Price said he likes the plan as drawn, and Councillor Kennedy agreed noting we do not want to obstruct the view of the river. Councillor Kennedy suggested something in the greenspace to encourage people to get out of their vehicles when visiting the Greenbelt area. Mayor Ashley questioned the 'no parking' spaces noted on the map. Public Works Director Scott Thornhill explained those spaces are for a service area for larger boats so no parking will be permitted in that area except for service vehicles. Councillor Skamperle asked if that area could be used for parking if someone was in one of the transient slips. Mr. Thornhill explained the circle will not be two-way traffic so a transient slip could be added near the outer ring. Councillor Stevenson suggested a parking time limit on the ten parking spaces to be developed, and Councillors Kennedy and Price agreed. Councillor Skamperle questioned why sidewalks are not shown on the map. Mr. Thornhill explained the final project will include sidewalks and crosswalks, but the primary concept was only required to proceed with the funding. Ms. Smith said this is not the final plan. Ms. Smith explained sidewalks and paths cannot be part of the FEMA funding. Councillor Skamperle said he does not want to be told in the future that the allocated greenspace cannot be used for sidewalks, and Ms. Smith said that will not be the case.

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Councillors Price and Kennedy said they like the design. Mayor Ashley, Councillor Skamperle and Councillor Shaver said they would like to see more parking spaces. Councillor Kennedy asked what type of barrier will be established between the river and the greenspace. Mr. Thornhill said the current elevation will not be changed so the established lip will remain. Councillor Kennedy said it is a great plan, and the presentation to Council was excellent.

3. City Manager Sarah Purdy announced that the Financial Restructuring Board will be meeting on Wednesday, June 13, 2018 at 10:00 a.m. to approve Ogdensburg's application.

Mayor Ashley said there was a need for Executive Session to discuss the employment history of a particular person and the appointment of a particular corporation, and Councillor Skamperle seconded the motion.

The vote to adjourn to Executive Session was:

CARRIED, AYES ALL

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