

AGENDA
Council Meeting
Thursday, February 13, 2014
7:00 P. M.

I. Call to Order

II. Pledge of Allegiance

III. Presentation

IV. Public Hearing

1. A public hearing regarding the addition of Chapter 58, Pride and Beautification, to the Ogdensburg Municipal Code. (Agenda Bill #5)
2. A public hearing regarding an amendment to Article II, City Hall Policies, and the procedures for use of City Hall meeting rooms. (Agenda Bill #6)
3. A public hearing regarding an amendment to Chapter 189 entitled "Streets and Sidewalks" to add Article III entitled "Complete Streets". (Agenda Bill #7)

V. Personal Appearance

(Anyone wishing to address the Council should notify the Clerk prior to the meeting)

VI. Correspondence

VII. Consent Agenda

(All Matters listed under this item are considered to be routine and will be enacted by one motion in the form below without separate discussion. If discussion is desired, the item will be removed from the consent agenda and considered separately.)

1. Approval of previous minutes
2. Approval of warrant

VIII. Appointments

IX. Items for Council Action

1. An ordinance to add Chapter 58, Pride and Beautification, to the Ogdensburg Municipal Code. (Agenda Bill #5)
2. An ordinance to amend Article II, City Hall Policies, and the procedures for use of City Hall meeting rooms. (Agenda Bill #6)

3. An ordinance to amend Chapter 189 entitled "Streets and Sidewalks" to add Article III entitled "Complete Streets". (Agenda Bill #7)
4. A resolution calling for a public hearing and public notice for the purpose of considering the application of Time Warner Cable Northeast LLC, for a franchise renewal to provide cable television services through the City of Ogdensburg. (Agenda Bill #8)
5. A resolution to amend the budget to allow for the use of 2011 Operation Stonegarden Grant funds in the purchase of specialized equipment approved by the grant. (Agenda Bill #9)

X. Old Business

XI. New Business

XII. Items for Discussion

1. Projector for Council Chamber
2. Housing phone line

XIII. Executive Session

1. The proposed acquisition of real property
2. Union contract negotiations

IXV. Adjournment

Business of the City Council
City of Ogdensburg

SUBJECT: Ordinance Adding Chapter 58 Entitled "Pride And Beautification Commission" to the Code of the City of Ogdensburg

FOR AGENDA OF: February 13, 2014

BILL #: 5

DEPT. OF ORIGIN: City Clerk

DATE SUBMITTED: January 15, 2014

APPROVED AS TO FORM BY CITY ATTORNEY

EXHIBITS: Ordinance

APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

The Pride and Beautification Commission was created by resolution of the City Council on April 10, 2000, to consist of seven members. On March 10, 2003, the City Council expanded the Commission to nine members. The ordinance will add a section to the City's Municipal Code outlining membership, purposes, and expenditures/quorum. It will also increase membership to eleven members and require six of the appointed members be present to constitute a quorum.

RECOMMENDED ACTION

Approval of ordinance.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON	_____	COUNCILLOR ASHLEY	_____
COUNCILLOR HOSMER	_____	COUNCILLOR MITCHELL	_____
COUNCILLOR MORLEY	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

ORDINANCE _____

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

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

ITEM ONE

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

Chapter 58
PRIDE AND BEAUTIFICATION COMMISSION

§ 58-1. Creation; membership.

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

§ 58-2. Purposes.

The Commission is created for the following purposes:

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

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

§ 58-3. Expenditures; quorum.

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

ITEM TWO

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

Business of the City Council
City of Ogdensburg

SUBJECT:
Ordinance amending Article II, City Hall Policies, and the procedures for use of meeting rooms in City Hall.

FOR AGENDA OF: February 13, 2014

BILL #: 6

DEPT. OF ORIGIN: City Clerk

DATE SUBMITTED: January 15, 2014

APPROVED AS TO FORM BY CITY ATTORNEY

EXHIBITS: Ordinance

APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

This ordinance amends Article II, City Hall Policies with regard to the procedures for use of meeting rooms in City Hall.

RECOMMENDED ACTION

Approval of ordinance.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON _____

COUNCILLOR ASHLEY _____

COUNCILLOR HOSMER _____

COUNCILLOR MITCHELL _____

COUNCILLOR MORLEY _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

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

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

ITEM ONE

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

ITEM TWO

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

ITEM THREE

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

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

(1) Rooms available for public use.

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

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

(3) Restrictions:

(a) City Council can preempt, for its own use, any room in City Hall.

(b) Court room and jury meeting room are restricted for court functions on every Monday for Drug Court and every Thursday for Traffic Court, Small Claims, and Ogdensburg Municipal Code Violations.

(c) City Court may preempt use of the court room or jury rooms at any time for court proceedings.

(d) Whenever possible, City government functions will be given priority as long as they are scheduled early enough to allow prior scheduling to be changed.

(e) No religious ceremonies will be allowed in City Hall.

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

ITEM FOUR

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

Business of the City Council
City of Ogdensburg

SUBJECT:	FOR AGENDA OF:	February 13, 2014
Ordinance Amending Chapter 189	BILL #:	7
Entitled "Streets and Sidewalks" of the	DEPT. OF ORIGIN:	City Clerk
Code of the City of Ogdensburg	DATE SUBMITTED:	January 22, 2014
APPROVED AS TO FORM BY CITY	EXHIBITS:	Ordinance
ATTORNEY		

APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: -0-	BUDGETED: -0-	REQUIRED: -0-

SUMMARY STATEMENT

This ordinance will amend Chapter 189 "Streets and Sidewalks" to add Article III "Complete Streets".

Ogdensburg strives to be a "livable community" with a well-balanced, connected transportation system that allows for safe walking and biking. Complete Streets are a sound financial investment for the City that will provide long-term savings. Creating Complete Streets also reduces infrastructure costs by requiring far less pavement per user compared to increasing road capacity for vehicles alone; this saves money at the onset of projects and reduces maintenance costs over the long-term. On February 20, 2013, the City received a \$7,500 grant award from the SLC Health Initiative for a Complete Street Initiative Program. Adoption of Article III entitled "Complete Streets" will conclude the City's contract requirements.

RECOMMENDED ACTION

Approval of ordinance.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON	_____	COUNCILLOR ASHLEY	_____
COUNCILLOR HOSMER	_____	COUNCILLOR MITCHELL	_____
COUNCILLOR MORLEY	_____	COUNCILLOR SKAMPERLE	_____
COUNCILLOR STEVENSON	_____		

ORDINANCE _____

ORDINANCE AMENDING CHAPTER 189 ENTITLED "STREETS AND SIDEWALKS"
OF THE CITY OF OGDENSBURG MUNICIPAL CODE

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

SECTION ONE

That Article III entitled "Complete Streets" is hereby added, as follows:

ARTICLE III
Complete Streets

§ 189-18. Definition.

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

§ 189-19. Policy.

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

§ 189-20. Scope of Applicability.

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

§ 189-21. Exceptions.

- A. Any exception to this policy, including for private projects, must be reviewed and approved by both the Director of Public Works and the Director of Planning and Development and be documented with supporting data that indicates the basis for the decision. Such documentation shall be publicly available.
- B. Exceptions may be considered for approval when:
 - (1) An affected roadway prohibits, by law, use by specified users (such as an interstate freeways or pedestrian malls), in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway;
 - (2) The activities are ordinary maintenance activities designed to keep assets in serviceable condition (e.g. mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal or interim measures);
 - (3) The Director of Public Works issues a documented exception concluding that the application of Complete Streets principles is unnecessary, unduly cost prohibitive, or inappropriate because it would be contrary to public safety; or
 - (4) Other available means or factors indicate an absence of need, including future need.

§ 189-22. Design Standards.

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

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

§ 189-23. Performance Measures and Reporting.

- A. The City shall measure the success of this Complete Streets policy using, but not limited to, the following performance measures:
 - (1) Total miles of bike lanes
 - (2) Linear feet of new pedestrian accommodation
 - (3) Number of new curb ramps installed along city streets
 - (4) Crosswalk and intersection improvements
- B. An annual report will be made by the Complete Streets Active Living Task Force to the Ogdensburg City Council showing progress made in implementing this policy. The annual report on the annual increase or decrease for each performance measure contained in this ordinance compared to the previous year(s) shall be posted on-line for each of the above measures.

§ 189-24. Implementation.

- A. The City of Ogdensburg shall view Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:
- (1) The Department of Public Works, the Department Planning and Development, and other relevant departments, agencies, or committees will incorporate Complete Streets principles into all existing plans, manuals, checklists, decision-trees, rules, regulations, and programs as appropriate (including, but not limited to the Local Waterfront Revitalization Program, the Comprehensive Plan, Transportation Capital Program, and other appropriate plans);
 - (2) The Department of Public Works, the Department Planning and Development, and other relevant departments, agencies, or committees will review current design standards, including subdivision regulations which apply to new roadway construction, to ensure that they reflect the best available design standards and guidelines, and effectively implement Complete Streets, where feasible;
 - (3) When available, the City shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops;
 - (4) City staff shall identify all current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects;
 - (5) The City shall promote inter-departmental project coordination among City departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources;
 - (6) Every Complete Streets project shall include an educational component to ensure that all users of the transportation system understand and can safely utilize Complete Streets project elements.

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

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

SECTION TWO

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

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution calling for public hearing and public notice regarding Time Warner Cable Northeast LLC franchise agreement renewal.

FOR AGENDA OF: February 13, 2014

BILL #: 8

DEPT. OF ORIGIN: City Manager

DATE SUBMITTED: February 5, 2014

APPROVED AS TO FORM BY CITY ATTORNEY _____

EXHIBITS: Resolution

APPROVED BY CITY MANAGER FOR SUBMITTAL _____

EXPENDITURE REQUIRED: -0-	AMOUNT BUDGETED: -0-	APPROPRIATION REQUIRED: -0-
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SUMMARY STATEMENT

A resolution calling for a public hearing and public notice for the purpose of considering the application of Time Warner Cable Northeast LLC, for a franchise agreement renewal to provide cable television services through the City of Ogdensburg.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON _____	COUNCILLOR ASHLEY _____
COUNCILLOR HOSMER _____	COUNCILLOR MITCHELL _____
COUNCILLOR MORLEY _____	COUNCILLOR SKAMPERLE _____
COUNCILLOR STEVENSON _____	

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

BE IT RESOLVED, that a public hearing be held by the Ogdensburg City Council for the purpose of considering the application of Time Warner Cable Northeast LLC, for a franchise renewal to provide cable television services through the City of Ogdensburg, be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the approval of the aforesaid to be held at the Council Chambers in the City of Ogdensburg, New York, on the 24th day of February, 2014 at 7:00 p.m., and

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

**A RESOLUTION AUTHORIZING APPROVAL OF A
FRANCHISE RENEWAL AGREEMENT WITH
TIME WARNER CABLE NORTHEAST LLC**

WHEREAS, an application has been duly made to the Board of the City of Ogdensburg, County of St. Lawrence, by Time Warner Cable Northeast LLC (“Time Warner Cable”), d/b/a Time Warner Cable, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of an initial agreement for Time Warner Cable’s cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings,

WHEREAS, a public hearing was held at the City Hall, Ogdensburg, New York on February 24, 2014 at 7:00 p.m. and notice of hearing was published in the Ogdensburg Journal on February 14, 2014.

NOW THEREFORE, the Board of the City of Ogdensburg finds that:

1. Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the City of Ogdensburg hereby grants the cable television franchise of Time Warner Cable in the City of Ogdensburg for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the City of Ogdensburg hereby confirms acceptance of this Franchise Renewal Agreement.

Business of the City Council
City of Ogdensburg

SUBJECT:
Budget amendment in connection with
2011 Operation Stonegarden.

FOR AGENDA OF: 02/13/2014
BILL #: 9
DEPT. OF ORIGIN: Police Department
DATE SUBMITTED: 02/05/2014
EXHIBITS: resolution

APPROVED AS TO FORM BY CITY
ATTORNEY

APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: \$54,722.00	BUDGETED: -0-	REQUIRED: \$54,722.00

SUMMARY STATEMENT

This resolution is to amend the 2014 budget to allow for the use of 2011 Operation Stonegarden Grant funds in the purchase of specialized equipment approved by the grant. This will not require the expenditure of any local funds.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____

SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR NELSON _____

COUNCILLOR ASHLEY _____

COUNCILLOR HOSMER _____

COUNCILLOR MITCHELL _____

COUNCILLOR MORLEY _____

COUNCILLOR SKAMPERLE _____

COUNCILLOR STEVENSON _____

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

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

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

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

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

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

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

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

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