

**CITY COUNCIL MEETING
CITY OF WATERTOWN
July 15, 2013
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham

Also Present: Sharon Addison, City Manager
Robert J. Slye, City Attorney

City staff present: Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Justin Wood, Erin Gardner, Amy Pastuf, Pete Monaco, Mike Sligar, Peter Keenan

The City Manager presented the following reports to Council:

- Resolution No. 1 - Accepting Bid for Coagulation Basin Dredge; VMI, Inc.
- Resolution No. 2 - Approving Agreement Between the City of Watertown, NY and New York State Energy Research and Development Authority for \$585,646 Grant Award
- Resolution No. 3 - Approving Change Order No. 2 to Agreement, Mid-America Pool Renovation, Inc.
- Resolution No. 4 - Approving an Amendment to Site Plan Approval for Construction of Additional Trash Enclosures at Creekwood Phase II, 980 Rear Mill Street, Parcel 3-14-105.100
- Resolution No. 5 - Supporting Neighbors of Watertown, Inc.'s Funding Application to the NYSHCR's Urban Initiatives Program and New York Main Street Program in Support of the Lincoln Building Revitalization Project
- Resolution No. 6 - Approving Professional Services Agreement with Stantec Consulting Services, Inc.
- Resolution No. 7 - Public Hearing Authorizing Spending From Coagulation Basin Reserve Fund
- Public Hearing - 7:30 p.m. Resolution Authorizing Spending From Capital Reserve Fund
- Tabled - Ordinance Amending the Code of the City of Watertown, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts
- Jefferson County Agricultural Society
- 22615 Plaza Drive – Sanitary Sewer Connection
- 138 Court Street
- Consolidated Funding Application for Black River Parks Improvements
- Letter from Kathy Plante-Hunt

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of July 1, 2013 was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

A letter was received from Carol Kopf in regards to a communication from Shelly Gehshan of the Pew Foundation regarding fluoride.

From Kathy Plante-Hunt in regards to a proposal to bring water and electrical availability to the eastern section of the Arsenal Street cemetery.

From Time Warner Cable regarding the expiration of service agreements with programmers and changes to take place with offered services.

From Rose Cavise regarding current issues and politics.

Above communication was placed on file in the office of the City Clerk.

PRIVILEGE OF THE FLOOR

Kathy Plante-Hunt, 1116 Bronson Street, addressed the chair wishing to summarize her letter to Council about the importance of work being done in the Arsenal Street Cemetery. She said they are in their seventh season and stressed that the work they do is lifelong work and dedication noting that now is the appropriate time to ask for water and electrical hook ups for the cemetery.

Anthony Doldo, Breen Avenue, addressed the chair and noted his support of Kathy and that she has done a tremendous job with the cemetery and said he hopes Council will support her as well.

Jennie Adsit, addressed the chair and expressed her support of Kathy as well. Ms. Adsit mentioned that she has a sister buried there and every year they have to carry in gallons of water in order to decorate the gravesite. She said she would really appreciate it if she did not have to lug gallons of water to the grave.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the Deputy City Clerk to read the notice of Public Hearing Concerning Spending from the Capital Reserve Fund

Mayor Graham declared the hearing open at 7:30 p.m.

No one spoke.

Mayor Graham declared the hearing closed at 7:31 p.m.

RESOLUTIONS

Resolution No. 1 – Accepting Bid for Coagulation Basin Dredge; VMI, Inc.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of for one (1) dredge for use at the Coagulation Basin by the City Water Department, and

WHEREAS funding for said purchase of one (1) dredge is included in the 2013-2014 Adopted Budget through a transfer of \$138,000 from the Coagulation Basin Reserve Fund and a transfer of \$237,000 for the Water Fund, and

WHEREAS invitations to bid were issued to six (6) dredge manufactures and one (1) on-line plan room, with two (2) bids received and publicly opened and read in the City Purchasing Department on Monday, July 1, 2013 at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy Pastuf and Water Superintendent Michael Sligar reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by VMI, Inc. as the lowest responsive bidder in the amount of \$235,907.00;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by VMI, Inc. for the purchase of one (1) dredge for use at the Coagulation Basin by the City Water Department.

Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.

Resolution No. 2 – Approving Agreement Between the City of Watertown, NY and New York State Energy Research and Development Authority for \$585,646 Grant Award

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown applied to the 2012 Regional Economic Development Council for grant assistance through the New York State Energy Research and Development Authority (NYSERDA) for the implementation of the Sludge Disposal Process Modification Project at the Waste Water Treatment Plant (Project), and

WHEREAS on December 20, 2012, the City of Watertown received notice that grant assistance in the amount of \$585,646 had been awarded for the implementation of said Project, and

WHEREAS, the City of Watertown released a Request for Qualifications to select an Engineering Firm to perform a number of tasks associated with the implementation of said Project, selecting GHD Consulting Services, Inc. and

WHEREAS at their Regular Meeting on April 1, 2013, the City Council of the City of Watertown approved a Consulting Services Agreement between GHD Consulting Services, Inc. and the City of Watertown, and

WHEREAS said Consulting Service Agreement included provisions for Preliminary Design and Final Design Phase engineering services, including conceptual layout, product marketing, preparation of a Preliminary Design Report, final design, and preparation of Contract Documents, in the amount of \$638,280 and

WHEREAS said grant award from NYSERDA, combined with the necessary 25% match from the City for the implementation of said Project, is not sufficient to cover the full cost of the project, and as such the scope of the Agreement between the City of Watertown and NYSERDA includes only the planning, design, and permitting services associated with the project, and

WHEREAS City of Watertown staff are diligently working to locate and secure attritional means of funding to complete said Project;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and NYSERDA for a grant award in the amount of \$585,646, attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea

Resolution No. 3 – Approving Change Order No. 2 to Agreement, Mid-America Pool Renovation, Inc.

Introduced by Council Member Roxanne M. Burns

WHEREAS on August 6, 2012 the City Council of the City of Watertown approved a bid by Mid-American Pool Renovation, Inc. in the amount of \$115,400 for the resurfacing of the Stephen D. Alerti Municipal Pool, and

WHEREAS on December 2, 2012, the City Council of the City of Watertown approved Change Oder No. 1 to the contract between the City and Mid-American Pool Renovation, Inc. for no additional cost, but to extend the timeframe for completion of the work, and

WHEREAS Civil Engineer II Justin Wood has submitted Change Order No. 2 to the contract for consideration by the City Council, and

WHEREAS Change Order No. 2 will increase the cost of the project by \$1,350 to a total contract price of \$116,750 for the purpose of purchasing four (4) Virginia Graeme Baker Compliant pool drain covers;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Change Order No. 2 to the contract with Mid-American Pool Renovations, Inc. for the resurfacing of the Stephen D. Alerti Municipal Pool, increasing the total cost of the project by \$1,350 to a total contract price of \$116,750, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Change Order on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea

Resolution No. 4 – Approving an Amendment to Site Plan Approval for Construction of Additional Trash Enclosures at Creekwood Phase II, 980 Rear Mill Street, Parcel 3-14-105.100

Introduced by Council Member Teresa R. Macaluso

WHEREAS City Council approved a site plan for construction of the Creekwood multi-family housing development on July 7, 2008, and

WHEREAS Tom Ross of GYMO, PC, has submitted a request for an amendment to the site plan allowing construction of additional trash enclosures at Creekwood Phase II, 980 Rear Mill Street, Parcel 3-14-105.100, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan amendment at its meeting held on July 9, 2013, and voted to recommend that the City Council of the City of Watertown approve the site plan amendment as submitted, with revisions as presented at the meeting, and

WHEREAS the Jefferson County Planning Board reviewed the request at its June 25, 2013 meeting, and determined that the project does not have any significant County-wide or inter-municipal issues and is of local concern only, and

WHEREAS the City Council has determined that the site plan amendment, as submitted, involves less than 4,000 square feet of gross floor area, and is consistent with local land use controls, and is thus a Type II Action under SEQRA requiring no further review,

NOW THEREFORE BE IT RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is

approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that an amendment to site plan approval is hereby granted to Thomas Compo of GYMO, PC for construction of a additional trash enclosures at Creekwood Phase II, 980 Rear Mill Street, parcel 3-14-105.100, as submitted to the City Engineer on June 13, 2013, and revised to include additional landscaping and presented to the Planning Board on July 9, 2013.

Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea

Prior to the vote on the foregoing resolution, Mayor Graham said he noticed it mentions Rear Mill Street.

Ken Mix, Planning Coordinator, replied that it is the address given for a vacant parcel and that it will most likely change once the Phase II is constructed.

Council Member Burns added that it is typical that if there is a vacant lot behind a numbered lot to use that description.

Resolution No. 5 – Supporting Neighbors of Watertown, Inc.’s Funding Application to the NYSHCR’s Urban Initiatives Program and New York Main Street Program in Support of the Lincoln Building Revitalization Project

Introduced by Council Member Roxanne M. Burns

WHEREAS Neighbors of Watertown, Inc. is a 501 C-3 not-for-profit corporation that was formed in 1967 and incorporated in 1969 under the laws of the State of New York, and

WHEREAS Neighbors of Watertown, Inc. became a Neighborhood Preservation Company in 1981 funded by the New York State Division of Housing and Community Renewal with a service area encompassing the City of Watertown, and

WHEREAS over the years, Neighbors of Watertown, Inc. has provided housing advocacy, counseling, referral, and has experience in many types of development, both residential and commercial, and

WHEREAS not-for-profit corporations that have been engaged primarily in relevant community preservation activities for at least one year are eligible to apply for funding through the New York State Homes and Community Renewal’s Urban Initiatives program and New York Main Street program, and

WHEREAS Neighbors of Watertown, Inc., as an eligible applicant, was approached to apply for grants to the above-mentioned programs in the amount of \$300,000.00 on behalf of Doolittle and Hall, LLC, in order to rehabilitate the Lincoln Building located at 95 Public Square, and

WHEREAS the total project that Doolittle and Hall, LLC will be undertaking is estimated at \$12.8 Million which includes renovating the 50,000 square foot Lincoln Building which when completed will house commercial and office space, a business incubator, and market-rate apartment rental units, and

WHEREAS the Lincoln Building, an iconic piece of the landscape in downtown Watertown located in Public Square which is undergoing revitalization efforts that began over a decade ago, is a crucial next step in the efforts to renew the downtown community and create an economic draw to downtown Watertown,

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby officially submits this resolution in support of Neighbors of Watertown, Inc.'s funding applications in support of the revitalization of the Lincoln Building in downtown Watertown.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea

Resolution No. 6 – Approving Professional Services Agreement with Stantec Consulting Services, Inc.

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown owns and operates a facility known as the Municipal Arena, located at 600 William T. Field Drive, for the purpose of promoting recreational activities for the citizens of the City of Watertown, and

WHEREAS the City Council of the City of Watertown included in the 2013-14 Adopted Budget a capital expense for the design, rehabilitation, and expansion of the Municipal Arena in order to support increased and expanded year-round use, and

WHEREAS the City of Watertown Purchasing Office advertised for consultant proposals, with five proposals received and reviewed by the Selection Committee, and

WHEREAS it is the recommendation of the Selection Committee that the City Council of the City of Watertown approve the Professional Service Agreement with Stantec Consulting Services, Inc. in the amount of \$99,790;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Professional Services Agreement with Stantec Consulting Services, Inc. in the amount of \$99,790, a copy of which is attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute this agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea

Prior to the vote on the foregoing resolution, Council Member Butler inquired if there were any other firms interested in the project.

Kurt Hauk, City Engineer, replied that there were a total of five consultants who submitted proposals and the two top consultants came back for a second look and there were probably three tours of the facility by the top two consultants.

Council Member Butler asked if they were local firms or from outside the area.

Mr. Hauk replied they are mostly from outside the area but noted that one of the firms partnered with a local firm.

Mayor Graham questioned how this will play out after discovering what exactly will be done over there, so the public and Council can better understand.

Mr. Hauk said this will be the first of two steps for the design and it will come back to staff in December or January with all of the items listed in the scope of the work, with an estimate of each item then that will be worked into a final scope. From that, he said, there will be a supplemental which will again come before Council and after that it would go out to bid.

Mayor Graham commented that the total of all the items may end up being more than the widely publicized total for work.

Mr. Hauk said it is possible, which is why staff wanted to do it in a two step process to see where the figures are at the end of the first step and then see what the potential costs of all the items are.

Resolution No. 7 – Public Hearing Authorizing Spending from Coagulation Basin Reserve Fund

Introduced by Council Member Jeffrey M. Smith

WHEREAS in adopting the 1998-99 Water Fund Budget, the City Council approved establishing a Repair Reserve Fund for the costs associated with dredging and pumping of the coagulation basin, and

WHEREAS the City has appropriated \$375,000 in the Fiscal Year 2013-14 Capital Budget to purchase a dredger and construct a pole barn, concrete ramp and rail launching system to have the ability to dredge the coagulation basin every year, and

WHEREAS the Coagulation Basin Reserve Fund was to provide \$138,000 for the project was to come from the, and

WHEREAS on Monday, August 5, 2013, at 7:30 p.m., the City Council of the City of Watertown held a public hearing to discuss the expenditure of funds from this reserve fund, and

WHEREAS it has been determined that the expenditure of these funds is in keeping with the purpose for the reserve fund,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the appropriating of funds to pay for the dredging equipment, pole barn, concrete ramp and rail launching system at the City's coagulation basin.

Seconded by Council Member Joseph M. Butler

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing resolution for Monday, August 5, 2013, at 7:30 p.m. Motion was seconded by Council Member Joseph M. Butler Jr. and carried with all voting in favor thereof.

ORDINANCES

No new Ordinances were presented.

OLD BUSINESS

The Resolution "Authorizing Spending From Capital Reserve Fund". *(Introduced on 7/1/2013; public hearing held this evening; appears in its entirety in the 2013 Minutes Book on page 9 of the 7/1/2013 minutes).*

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

The "Ordinance Amending the Code of the City of Watertown, §310-1, Definition of Family and §310-34, Accessory Uses in Residence Districts". *(Introduced on 4/1/2013; tabled on 4/15/2013; appears in its entirety in the 2013 Minutes Book on page 5 of the 4/1/2013 minutes).*

Mayor Graham asked Attorney Slye about procedure regarding this legislation, questioning if it has to be removed from the table to set a public hearing.

Attorney Slye responded that he believes it has to be an active, pending ordinance in order to debate it and to have a public hearing on it. He added that it has to be referred to the County Planning Board as well.

Motion was made by Mayor Graham to take the foregoing ordinance from the table. Motion was seconded by Council Member Macaluso and carried with all voting in favor thereof.

Mayor Graham suggested the ordinance go back to the original course but to also add the Planning Board's functions first so Council can hear some recommendations and when people go to the public hearing they can have the benefit of the Planning Board's input.

Motion was made by Mayor Graham to schedule a Public Hearing on the foregoing ordinance for Monday, August 5, 2013, at 7:30 p.m.

Mayor Graham added that Mr. Mix forward the matter on to the Planning Board and asked if there were any other reviews needed.

Mr. Mix replied that once staff knows which version of the ordinance the public hearing will be held, that will be sent over to the County Planning Board and the SEQRA resolution will be prepared.

Mayor Graham noted that, as a matter of procedure, the ordinance that has just been taken off the table is the one that will be sent and if someone wants another ordinance they could ask for that one to be drafted and it could be introduced and seconded.

Council Member Smith commented that the existing ordinance coming off the table does not have the Planning Board's recommendations.

Mayor Graham said that is correct, that it is the original one that was drafted several weeks ago.

Motion was seconded by Council Member Burns

Prior to the vote on the motion, Council Member Butler said he would support the public hearing but that he would vote against this version of the ordinance.

Council Member Smith questioned if only this version is recommended to go before a public hearing with no amendments or recommendations from the Planning Board.

Mayor Graham responded that the purpose of the Planning Board review and the public hearing is to provide the Council with additional perspective in which to either deliberate and consider the ordinance or to amend it. If it is a substantive amendment, he said, then there might need to be another public hearing. He said he is not sure it can be voted on or amended before it goes through its hearing.

Council Member Butler said he will vote to defeat it at the public hearing date because he thinks it can be improved upon. Meantime, he said, an amended version could be drafted and it would be better to just scrap this version as it is and start over fresh with a new version rather than something with multiple amendments. He said some of the Planning Board recommendations are valid and they can be improved upon as well and that is to let people know where he stands and where he would like to see the legislation go.

Council Member Smith agreed that he would support the public's input but the request is to go back to the original ordinance in which the planning board had made a recommendation to change. He said he would like to look at their minutes and if Council can make it better, he does not think the legislation should go back to square one. He pointed out that the second recommendations made by the board are not included in this ordinance.

Council Member Burns said this is something that has been presented then tabled and that Council would be interested in hearing public input on the issue. She added that this gets the ball rolling, in her opinion, and at that time hopefully Council will have public input and the public will also have input on what the Planning Board recommendation is and Council will get the chance to gauge the public support of what the Mayor has supported and what the Planning Board has proposed. At that time, she said, it

can be approved, defeated or come up with an amalgamation that Council can live with. She said Council needs to move forward with this public hearing to get public input on the record, mentioning that people calling talk shows, anonymously going online or talking to Council members individually at the grocery store is not necessarily the best gauge of what the real feel of the community is.

At the call of the chair vote was taken on the foregoing motion with all voting in favor thereof.

STAFF REPORTS

Letter From Kathy Plante-Hunt regarding Arsenal Street Cemetery

Mayor Graham mentioned that Council would like to support these kinds of projects, much like the island on Holcomb Street, and that staff should put up a structure that they deem appropriate for security in order to add water and electrical service to that portion of the cemetery. The Mayor added he would support that initiative.

Council Member Burns remarked that she is surprised that volunteers were able to make the strides that they have without having water or electricity and said she supports the Mayor on this topic.

Council Member Butler said he supports the efforts as well.

Council Member Smith added that he supports adding the electricity and water and that he would like to thank Mrs. Hunt for all her hard work and effort over the past seven years, saying it is noticed and greatly appreciated by Council and the public.

22615 Plaza Drive – Sanitary Sewer Connection

Ms. Addison said the City had received a correspondence from Robert Suiter requesting that his property be hooked up. Engineering looked into it, she said, and the property lies outside the City so it would take Council approval to make a connection.

Mayor Graham asked about its location.

Mr. Hauk replied it is between Creekwood and Plaza Drive, on the Creekwood side.

Mayor Graham asked if they could petition for annexation, which would give them the City rates.

Attorney Slye said anyone can petition for annexation on an adjacent property.

Mayor Graham said he believes that is the remedy for these types of situations and asked how Council felt on the matter.

Discussion centered on the difference in tax rates and Council Member Burns commented that the Town of Pamela does not have a tax as they buy their tax rate down with their sales tax revenue. Council

Member Burns said Council is here to look out for the City taxpayers not the Town of Pamela taxpayers.

Council Member Butler said he agreed and asked if they will pay the infrastructure costs for the connection.

Mr. Hauk replied they would like to negotiate with the contractor that is doing the Creekwood project and then the owner would pay the cost to the contractor. He added that staff is looking to see if there is any interest by the Council to proceed and if there is not, staff will let the property owner know that.

Council Member Butler said he would like to see the property in the City and if it comes back or if it is something the owners decide they do not want to do, and the City wants to defeat it, then the City is losing out on the opportunity to charge someone water at 120% of the inside rate.

Mr. Hauk reminded Council that they are requesting sewer service only.

138 Court Street

Mayor Graham asked if there was ever any reversion language for this property.

Attorney Slye replied that the reversion language did not make it into the deed, however, Mr. Capone does not deny that that was the deal, and he acknowledged that if they do not comply that it would give the City a cause of action for reversion, even though it was not in the deed. He said Mr. Capone has not yet had a conversation with his client to find out what is going on, and the City has been promised a report on that.

Mayor Graham said he was on Court Street today and had stopped in to Abbey Carpet to see former Council Member Bradley and his wife and they took him on a tour of their ten new upstairs apartments. He recommended Council ask to take a tour of them, and likened them to loft apartments one would see in SoHo and are totally different than what is usually seen in Watertown. The Mayor mentioned that eight of the ten are rented, and they are investing in a building that is right next door to a building that is deteriorating. He added that the City should pursue the reversion vigorously and asked in the future to have it added into the deeds.

Attorney Slye acknowledged it was a mistake.

Council Member Butler asked if the taxes were paid.

Mr. Mills said when he looked, the current City tax bill had not been paid, as it had just come out. He noted that is the first bill that has come out since the City acquired the property because it was exempt on the tax status date and for the full fiscal year, he will essentially be double billed as there will be two years worth of taxes on this cycle.

Consolidated Funding Application for Black River Parks Improvements

Mayor Graham asked if this is what Council had in mind as far as supporting.

Council Members asked if this would include all of the parks or if Council can pick and choose.

Council Member Butler asked about the Black River Fund total of \$57,000 for 2013-2014 and if it would be enough to cover the City's portion of the local match if all four projects were to be pursued.

Mr. Mix replied that it would not. He noted that State Parks has some funding and the Department of State has other funding under the Environmental Protection Fund. The City is under a special category because of its demographics in terms of income in this area which means an increase from State Parks from a 50/50 match to a 75/25 match but the catch is that with State Parks, the location has to be on dedicated park land which is no problem for the Fairgrounds but mentioned other areas which would need to be declared parkland including on Huntington Street and Edmund Street. The design work for the Veteran's Memorial Riverwalk and Whitewater Park connection would only be eligible for the 50/50 match. He remarked that there is not enough money in the Black River Fund to cover all the projects.

Council Member Macaluso inquired about doing two of the projects and suggested doing the Fairgrounds and Veteran's Walkway.

Mayor Graham voiced his concern about doing projects in areas that do not really get utilized.

Council and staff discussed the various parks and the possible trails. Mr. Mix mentioned that the Department of State does not require dedication to parkland. Mayor Graham added that he is hesitant to commit to work at the Fairgrounds due to the uncertainty of arena renovations and said the one he sees as most worthwhile is the Huntington Street project.

Council Member Smith and Council Member Burns said they concur.

Council Member Smith said he would suggest holding off on the Fairgrounds and mentioned there is a section used as a staging area for home shows and concerts. He asked if there were any numbers on the usage of the current trail. He said the most reasonable project is the Huntington Street Trail.

Council Member Burns commented that Council Member Smith raises a good point about how often the trails and certain parks are actually used. She said it would be useful information to know before making decisions on continuing the trails.

Council Member Butler said he agrees and noted that he knows the Veterans' Memorial Walkway is used.

Mayor Graham asked what the park or trail would consist of by the Riverwalk.

Mr. Mix replied that the request for the Riverwalk is for new design work and cost estimates have not been put together because the City is unsure of what it owns for land and noted the right of way could be anywhere in relationship to the road and the proposal is to not do any construction work but rather get some engineering done.

Mayor Graham noted that he fully supports the Huntington Street project and Council and staff discussed that the Edmund Street location is isolated and not connected to anything else. Mayor Graham said again that he is not sure how the Fairgrounds location will play out.

Council Member Butler inquired if the overgrowth on Edmund Street will be addressed.

Mr. Mix replied that it had been cleared out but staff said it was very difficult to get through the area to figure out how to develop it.

Reallocation of Vacant Staff Positions

Mayor Graham referred to the memo presented and asked if Council had been briefed on the issue.

Ms. Addison said Council Members Butler and Smith have not but that the memo speaks for itself and that she would be happy to answer any questions.

The Mayor suggested getting back to the Manager with any questions.

Council Member Butler said he is ok with the memo and Council concurred.

NEW BUSINESS

Dog Legislation

Council Member Burns mentioned City legislation which prohibits dogs from being at certain events and pointed out other communities which employ the same logic due to crowded areas, which include the Cheese Festival in Adams and concerts in Carthage.

Flags on Utility Poles

Council Member Butler said a resident approached him about putting the American flag on some utility poles and inquired who this person should get permission from.

Ms. Addison said the City approaches National Grid for Christmas decorations since they are plugged in.

St. Mary Street

Council Member Butler mentioned a memo in the City Manager's report in regard to the speed devices employed and asked about the frequency of their use.

Ms. Addison remarked that the device should be there for two weeks recording data.

Lincoln Building

Council Member Butler told Council he had recently toured the Lincoln Building and although it was not requested, it does bring up the possible 485a exemption that could be utilized for developers looking to convert buildings. He mentioned the building on Court Street which could utilize the 485a.

Mayor Graham said a work session would be appropriate with the suitable people from staff.

Maggie's on the River

Council Member Butler questioned where the City stands regarding Maggie's on the River. He said he read the memo from Attorney Slye and asked if the City will grant them the right to use the deck.

Attorney Slye said the purpose of his email was to give advice on what he said he believes is the law and what he believes is the potential downside of acting contrary to the wishes of the Department of State.

Mayor Graham noted this topic has gone on for some time and obviously the original intent of that construction was to provide value to the building to incentivize Mr. Schweitzer's purchase and development of it, and as such, it should be used in that capacity, which was clearly the intent of staff at that time. He said this should be approached proactively, through a lease at a suitable rent, and commit the revenue stream from the lease to waterfront improvements. He said he could broach the subject with the State Comptroller. Approving use on a piecemeal basis does not provide the business model Mr. Schweitzer sought, he said. He said he respectfully disagrees with the City Attorney.

Council Member Macaluso noted she does not have much of an issue with the lease but wants to make sure it does not come back to harm the City in the future.

In order for Mr. Schweitzer to operate he needs to have some kind of contractual control of the deck to exercise his rights under the Alcohol and Beverage Control law, Mayor Graham said, and added that staff may not have realized that at the time.

Council Member Butler pointed out that there was a grant awarded for a substantial amount of money and the City does not want that to come full circle.

Council Member Smith said if the lease can be done in such a way that it is legal, he said he does not necessarily have a problem with that, but he said he disagrees that it was constructed with that original intent.

Council Member Burns noted that the original artist renderings done by Syracuse University students were conceptual in nature. Once the project got under way, she said, actual renderings would have gone on to the Department of State and to the different State officials and added she cannot believe they did not see and approve these plans. She said she supports moving forward and allowing the owner to sign a lease with the City and allow him to use that deck. If the City could start collecting funds, she said, from the property owner, he would get use of the deck and the City would recoup some of the public funds which were used to build the deck.

Council Member Macaluso reiterated that she is ok with the lease as long as it is good for the City.

Mayor Graham suggested that something should be drafted to have before Council for the August 5 meeting.

Council Member Butler said he would like to see the State Comptroller's opinion on the matter.

Council Member Burns commented that this needs to be voted on one way or the other so the current property owner knows what he can do and what he cannot do and she appreciates the owner's patience.

Mayor Graham asked if there are events scheduled in the interim that he would need a permit for, that the City would sign off on them, between now and August 5.

Attorney Slye noted that the City would continue to allow use of the deck on Thursday through Saturday nights.

Mayor Graham added that the City will continue to authorize temporary events and that it is Council's desire to have a lease arrangement be negotiated and presented for the August 5, 2013, meeting.

Corner of Chestnut and Holcomb Streets

Council Member Smith commented that on that intersection where work has recently been done there is a drop off which collects water when it rains and mentioned the potential for curbing there.

Mr. Hauk asked if he was referencing the south side of the street.

Council Member Smith said that is correct.

485 Exemption

Council Member Smith said that a few years ago he brought forth the 485 exemption as being beneficial for downtown and that it is something the City should reexamine for the future.

Flag at the Fire Station

Mayor Graham mentioned that he appreciates seeing the jumbo version of the American Flag on display, as there had been some issues there over the years and how invigorating it is to see a flag in front of a public building.

Sunday Hours at Library

Mayor Graham said that renovations are set to start at the Library soon and also the Sunday hours have gained some favor among staff.

Ms. Addison replied that the employees have worked together with management and posted coverage for Sunday hours.

Pavilion at Thompson Park

Mayor Graham commented that he has seen construction on the new pavilion and that it looks great. He stated Council is looking forward to the dedication sometime in August.

Mr. Hauk noted that the biggest operations are the cedar shake roof and the concrete slab work.

Mayor Graham mentioned that he encourages Council members to stop by and take a look at the work.

Closing Hours at Various Parks

Mayor Graham said that sometime ago Council addressed the issue of rules and closing hours at various parks and it did not seem to make it to ordinance form and he wondered if that needs to be addressed. He asked if Planning staff could come up with a report that would refresh Council's memory on the matter.

Caves

Mr. Hauk told Council that staff has finally received a complete set of plans regarding the type of gate they wanted. Since that was received, three companies were contacted for quotes which includes a Syracuse company which said it does not do that type of work anymore.

Mayor Graham noted this is one of those issues that has gone on a long time and questioned if some kind of plate or fence could be fastened to the opening rather than a gate. He added that it does not seem that complicated.

Mr. Hauk explained the timeline with the plans and the delay.

Ms. Addison added that there was a six month hiatus in which the spelunkers communicated that they were not interested in further exploration.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:12 p.m. by motion of Council Member Macaluso, seconded by Council Member Butler and carried with all voting in favor thereof.

Amanda C. Lewis
Deputy City Clerk