

**CITY COUNCIL MEETING
CITY OF WATERTOWN
August 17, 2015
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Stephen A. Jennings
Council Member Teresa R. Macaluso
Mayor Graham

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

City staff present: Kenneth Mix, James Mills, Fire Chief Herman, Police Captain Labarge, Justin Wood, Brian Phelps, Geoffrey Urda, Jeffrey Polkowski, Michael Lumbis, Michael Sligar, David Wurzburg, Amy Pastuf, Amie Davis, Scott Weller, Matthew Roy, Eugene Hayes

The City Manager presented the following reports to Council:

- Resolution No. 1 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Leslie E. Atkinson
- Resolution No. 2 - Approving the Funding Approval/Agreement for the Fiscal Year 2015 Community Development Block Grant Program
- Resolution No. 3 - Approving the Site Plan for the Construction of a 1,659 square foot storage building at VL-3 Marble Street, Parcel 4-27-402.100
- Resolution No. 4 - Authorizing the Sale of Surplus Vehicles and Equipment
- Resolution No. 5 - Reappointing Ann M. Saunders as a Marriage Officer for the City of Watertown
- Resolution No. 6 - Adopting City of Watertown Citi-Bus Charter Policy
- Public Hearing - Eminent Domain Procedure – Palmer Street Extension
- 1171 Coffeen Street (Nelson’s Dry Cleaning) Deed Restriction
- 138 Court Street Asbestos
- Projected FY 2016-17 Projected Tax Cap
- Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report

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 August 3, 2015, was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

No Communications.

PRIVILEGE OF THE FLOOR

S.G. Gates, 157 Dorsey Street addressed the chair expressing disappointment in the rejection of P.J. Simao's offer to purchase Factory Square Park. He said the reconstruction of Factory Street was meant to help the businesses on that street and the development of this land would aid in that, mentioning the intended use of land was supposed to be commercial. He discussed Council Member Jennings' role in establishing a dog park and indicated he has always been open to listen. He mentioned the 19 neighbors that complained about the location of the dog park and that their concerns have not been addressed. Regarding future grants for the dog park, he said the location's issues need to be disclosed and he will continue to try to stop this project as long as it is on the table.

Daniel Daugherty, 1341 Marra Drive, indicated he was the Vice President and current acting President of International Association of Fire Fighters Local 191. He read from a prepared statement (on file in the City Clerk's Office) stating the membership of Local 191 would like to convey disappointment in Council for not accepting the SAFER grant. By failing to accept this grant, he said, Council demonstrated that approving use of City funds takes a backseat to their agenda to reduce the Fire Department and listed items in support of this statement. He noted that some Council Members did not understand the terms or positive impacts that this grant would have provided and asked Council to reevaluate the importance of the safety of its employees and citizens versus the continued misuse of public funds in the pursuit of further staffing reduction.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing pursuant to Section 203 of the New York Eminent Domain Procedure Law, to inform the public and to review the purpose of the acquisition by condemnation of a privately owned street commonly known as Palmer Street Extension, which is that portion of Palmer Street commencing at a point approximately 966 feet north of its intersection with Arsenal Street in the City of Watertown, and then continuing north for a distance of approximately 733 feet to its intersection with lands owned by Jefferson Heights, LLC; and further to discuss the proposed condemnation of fee title to a 0.027± acre parcel of land located at the southeast corner of the intersection of Palmer Street Extension and the lands owned by Jefferson Heights, LLC. After a presentation by City staff, any person in attendance shall be given a reasonable opportunity to present oral and/or written statements and to submit other documents concerning the proposed public project. The name of the proposed condemnees for Palmer Street Extension are the heirs of A. Palmer Smith and Timothy A. Smith. The names of the proposed condemnees of the 0.027± acre parcel of land are Frank and Debra Battista.

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

Attorney Slye read directly from the Eminent Domain Procedure Law explaining the purpose of this public hearing. He summarized that Council's obligation is to discuss and hear testimony in connection with the proposed location of the public project and then within 90 days after the hearing is closed,

Council is required to make a determination and findings in connection with the public hearing. He further explained that after the determination is appropriately filed, the public has 30 days to challenge this determination in court before the City proceeds with any condemnation proceedings.

Justin Wood, City Engineer, presented a map of the proposed area. He stated Palmer Street consists of four segments and gave a description of each one, as well as identifying the area which is subject to this public hearing. In order to provide one continuous stretch of Palmer Street, he summarized there are two subject properties which will need to be acquired by the City, and he stressed that Palmer Street Extension is not completely contained within the right-of-way. He explained the northern tip of it goes onto private property owned by Frank Battista so there have been discussions with this individual over exchanging property of a similar size.

Adam Storino, Storino Geomatics, read from a prepared statement (on file in the City Clerk's Office) which provided Council with a summary of what was done for this project. In addition, he reviewed in detail the dimensions and markings of the four segments of Palmer Street referencing the "Survey Plat of a Portion of Palmer Street, "Palmer Street Extension", and Adjacent Properties", File No. 14-009-COW, dated 5/19/2015, revised 12/5/2014 and the "Subdivision Final Plat of Parcels A, B, C, and D, Rearrangement of the Northerly Terminus of "Palmer Street Extension", File No. 14-009.01-COW, dated 12/5/2014.

Mr. Wood summarized that the acquisition process would put the City in a position to ensure this section could be properly maintained and be a safe passage for emergency vehicles as well as other users of the road way.

Mayor Graham asked if Palmer Street Extension was envisioned as a private driveway servicing the new houses and asked if there was a subdivision plan put into place. He wondered why a street was not put in at that time.

Mr. Wood said that based upon previously approved subdivisions, there were lots laid out over the years which were very large tracts but then further subdivided into smaller residential lots. He confirmed that Emmett Street is a City-owned street and clarified that the City owns the section of Palmer Street that begins at Arsenal Street and proceeds 966 feet north. He advised there is not public sanitary sewer on the section of Palmer Street Extension and the homeowners use septic systems. Regarding the apartment complex, Mr. Wood indicated water and sewer service comes from Wealtha Avenue. If the City goes through the acquisition process, he advised, Council needs to decide whether to patch what is there or do a full rebuild of the street with storm sewer.

Mayor Graham remarked that is a decision for the future and not the subject of this hearing.

Council Member Butler argued the storm sewer would be a financial burden for the homeowners on the road so part of the public comment should be to tell the public what the City's intention is for this road and the resulting repercussions for homeowners.

Mayor Graham stated that this area has transitioned from an agriculture farm area into a true neighborhood so providing order, in terms of the streets and public facilities, is part of what allows that development to continue. Personally, he said he does not have an agenda of embarking into elaborate projects and he thinks basically there is a desire to maintain the street. He added that he would think the

people that built homes there would want to have a house that faces a street, especially the ones on the Extension portion. He stated he would like to provide a higher quality street but not to build a fancy thoroughfare.

Council Member Macaluso mentioned that she has talked to Mr. Battista and noted there are not complaints from the people that live on the street because they seem very content. She added that she is not sure what the motivation is to get this street done so she is not willing to spend a lot of money on the legal process and construction of the street. She concluded by stating the neighbors do not want it developed so that more people will be driving down the street.

Frank Battista, 201 Palmer Street, addressed the chair stating he and his family moved off busy Washington Street 15 years ago and purchased a wooded lot on Palmer Street to construct a home. He said he spent an entire year and a lot of hard work leveling and filling in the land to construct. Shortly after moving in, he told Council he quickly realized that he had the best of both worlds; this area has the convenience of living in the City and the peace and quiet of living in the country. He continued by stating the City wants to reconstruct the section of the street from the corner of Emmett Street to Wealtha Avenue and spend \$1 million to make it wider, installing a sewer line in an area of the street where he and his widowed neighbor have new septic systems. If this project goes through, he stated, it would be a financial hardship for the people struggling to pay property taxes at a time when the City is supposed to be looking for ways to save money. In addition, Mr. Battista said it would be a hardship on his neighbor and him because they would be forced to pay \$10,000 to hook up to the City's sewer line and remove their underground septic systems. He stressed there are two streets that run parallel to Palmer Street (Bellew Avenue and Wealtha Avenue) so this means that Palmer Street is not the only access to Coffeen Street. There does not need to be a \$1 million shortcut to Coffeen Street that will cause another financial hardship for City taxpayers. He pointed out that not one family living on Palmer Street has written the City asking for a reconstructed, wider street. He said City leaders want to turn a small 85 foot section of damaged, uneven road into a million dollar project, and for the money that has been spent over the last 20 years on cold patch, the entire area could have been paved. He advised the City wants his family to deed over a small section of land that is needed to widen the street, but he cannot consciously turn over any land that will negatively affect the City taxpayers. He asked members of City Council to take a stand and vote no on taking this section by eminent domain. He suggested that DPW could pave this small damaged section for under \$20,000. He concluded by stating that during these economic hard times, the City Mayor should be spending tax dollars wisely and he urged Palmer Street residents to vote their disapproval on the project as it will raise taxes as well as increase traffic and noise to an otherwise peaceful area off of Arsenal Street.

S.G. Gates, 157 Dorsey Street, said he was under the impression that most people thought this was a City street all along and his feeling was that it should be taken in order to be addressed that way. However, he said if the residents that live on that street are against it, then he cannot see the benefit to spending that much money.

James Harberson, 729 Nellis Street, former City Judge, indicated he read in the paper that it would cost \$1 million to connect two areas that do not seem to be interested in being connected and proving no benefit to the people that live there. He said that Council Member Macaluso and Mr. Battista made good points. Stating he has talked to prior assessors of the City, he estimated that less than 35% of the properties are on the tax roll. He added that he could be wrong, noting the current City Assessor is here,

but he cautioned that spending needs to slow down. He asked who is going to pay for the cost of doing the eminent domain proceedings.

Mayor Graham replied the research that has been done so far on the surveys and abstracts have been done over the years by the City Attorney and Mr. Storino's firm.

Judge Harberson asked if City Corporation Counsel is paid separately and distinctly for this work in addition to the retainer of \$300,000 per year that was reported in the paper.

Mayor Graham clarified that \$300,000 is a budgeted amount that is for the services provided by the Corporation Counsel's law firm.

Noting there is an hourly rate, Judge Harberson asked how much more the eminent domain process will add to the cost of rebuilding this road.

Mayor Graham explained this was not a proposal to spend \$1 million, adding that it was a proposal to unify the ownership of what is commonly used as a street. Whether or not the City chooses to make incremental improvements is a decision that Councils will make, he said.

Regarding costs, Attorney Slye replied the charge will be \$140 per hour for the proceeding and the cost of the index number fee is waived. He indicated this is not a large proceeding because there are only three condemnees, of which two of them are deceased. He added the heirs of A. Palmer Smith and Timothy A. Smith will get an order to show cause and a Supreme Court Judge will determine how those interests can best be served.

Judge Harberson commented the City has enough streets that need work now and mentioned potholes are very dangerous. Noting the City is self-insured, he discussed his concerns with the condition of the streets, in particular the intersection of Arsenal Street and South Meadow Street. He said that if the City is going to spend money maintaining streets, it should have an overall plan and questioned if it is worth spending a million dollars on this one street. He suggested taking a look at all of the City streets and work on filling the potholes through the summer.

Motion was made by Council Member Roxanne M. Burns to adjourn the Public Hearing until Tuesday, September 8, 2015, at 7:30 p.m. Motion was seconded by Mayor Jeffrey E. Graham and carried with all voting in favor thereof.

RESOLUTIONS

Resolution No. 1 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Leslie E. Atkinson

Introduced by Council Member Stephen A. Jennings

BE IT RESOLVED by the City Council of the City of Watertown, New York, that Leslie E. Atkinson, 277 Thompson Boulevard, Watertown, New York, is hereby appointed to the Roswell P. Flower Memorial Library Board of Trustees to fulfill the unexpired term of Matthew Doheny, such term expiring on December 31, 2021.

Seconded by Council Member Roxanne M. Burns

Prior to the vote on the foregoing resolution, Mayor Graham mentioned Ms. Atkinson had hoped to be in attendance tonight but unfortunately had a family issue out of town.

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

Resolution No. 2 - Approving the Funding Approval/Agreement for the Fiscal Year 2015 Community Development Block Grant Program

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown has completed its Fiscal Year 2015 Annual Action Plan for the Community Development Block Grant Program and submitted it to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS HUD has approved said Annual Action Plan and prepared a Funding Approval/Agreement which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED that the City of Watertown hereby approves the Funding Approval/Agreement with the U.S. Department of Housing and Urban Development, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the Agreement on behalf of the City Council.

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

Resolution No. 3 - Approving the Site Plan for the Construction of a 1,659 square foot storage building at VL-3 Marble Street, Parcel 4-27-402.100

Introduced by Council Member Teresa R. Macaluso

WHEREAS Ron England of Al's Siding LLC has submitted an application for site plan approval for the construction of a 1,659 square foot storage building at VL-3 Marble Street, Parcel Number 4-27-402.100, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on August 4, 2015, and recommended that the City Council of the City of Watertown approve the site plan with the following conditions:

1. The applicant shall provide an approved median between the existing edge of pavement and the property line along the entire street frontage of the property, excluding the driveway openings, to delineate the driveway access points and to provide an area for snow storage.
2. The site plan shall be amended to show existing and proposed contours at 1' intervals and labeled with appropriate spot elevations. Existing contours should be dashed.
3. The applicant shall address all concerns of the City Engineering Department prior to the issuance of any permits.
4. The applicant shall obtain the following permits prior to any further construction: a Building Permit and a City Permit for any work within the

City right-of-way.

And,

WHEREAS the City Council has determined that the project, 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 site plan approval is hereby granted to Ron England of Al's Siding, LLC for the construction of a 1,659 square foot storage building at VL-3 Marble Street, Parcel Number 4-27-402.100, as depicted on the plans submitted to the City Engineer on July 21, 2015, subject to the conditions recommended by the Planning Board and listed above.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Attorney Slye clarified that this is a Type II action which requires no further review under SEQRA.

Michael Lumbis, City Planner, explained construction was started but a stop-work order was issued so that it could go through the site plan approval process. He confirmed that if this resolution is approved tonight, then the work could start tomorrow.

Council Member Butler asked for clarification on the Planning Board's vote.

Mr. Lumbis explained the Planning Board voted all in favor of it and highlighted where it appeared in the Planning Board's minutes, which were attached to the report.

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

Resolution No. 4 - Authorizing the Sale of Surplus Vehicles and Equipment

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown has accumulated surplus vehicles and equipment at the City Department of Public Works, and

WHEREAS these items may have some value best determined by on-line auction, and

WHEREAS the six three-wheel ATV vehicles to be scrapped to avoid liability,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by on-line auction, of surplus vehicles and equipment from the City Department of Public Works, the listing of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that final acceptance of such bids shall constitute acceptance of the same by the City Council.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Ms. Addison confirmed for Mayor Graham that the three-wheel ATV vehicles are not included in this sale.

Attorney Slye clarified that these vehicles were illegal to operate but not illegal to own. He indicated that they have not been used for some time.

Ms. Addison said they would be sold for scrap.

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

Resolution No. 5 - Reappointing Ann M. Saunders as a Marriage Officer for the City of Watertown

Introduced by Council Member Teresa R. Macaluso

WHEREAS Section 11-C(1) of the New York State Domestic Relations Law permits the City Council of the City of Watertown to appoint one or more Marriage Officers who shall have the authority to solemnize marriages within the City, and

WHEREAS the City Council of the City of Watertown adopted Local Law No. 2 of 2002, establishing the position of City Marriage Officer under Section 45-11.3 of the City Code of the City of Watertown, and

WHEREAS Ann M. Saunders is over the age of 18 and is a resident of the City of Watertown, as required by Section 11-C(2) of the New York State Domestic Relations Law,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that Ann M. Saunders shall be appointed as a Marriage Officer for the City of Watertown with the duties established by Section 45-11.3 of the City Code of the City of Watertown and by Article 3 of the New York State Domestic Relations Law for a term of four (4) years commencing September 1, 2015 and expiring August 31, 2019.

Seconded by Council Member Stephen A. Jennings and carried with all voting yea.

Resolution No. 6 - Adopting City of Watertown Citi-Bus Charter Policy

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown is the recipient of Urbanized Area Formula Funding, 5307 funds, and

WHEREAS Federal regulations allow the City of Watertown to participate in certain community-based charter services excepted under regulation 49 CFR Part 604,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby adopts the City of Watertown Citi-Bus Charter Policy, a copy of which is attached and made part of this resolution.

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

STAFF REPORTS

1171 Coffeen Street (Nelson's Dry Cleaning) Deed Restriction

Mayor Graham explained this is the release of a deed restriction on 1171 Coffeen Street.

Council concurred with staff's recommendation and a resolution will be presented at the next meeting.

Projected FY 2016-17 Projected Tax Cap

A memo was available for Council to review.

138 Court Street Asbestos

Mayor Graham explained this memo lists the estimated cost of asbestos removal at \$237,000 and reminded Council that one of the developers did not want to continue further if he had to incur this expense. He noted the cost of demolition is higher so Council needs to decide whether to do the remediation and re-seek proposals or decide between the two proposals already received. He pointed out that Council does not want to take the building down, noting there are risks with that in terms of the adjacent wall.

Council Member Macaluso commented that demolishing the building will cost the City more than removing the asbestos.

Ms. Addison informed Council of a Regional Redevelopment Program which consists of grant and loan money available but the owner of the property would have to apply for it. She clarified that a municipality cannot apply for this. She added the money comes from the DANC and that James Wright, Executive Director, said he would be willing to support this specific project.

Mayor Graham remarked that this would mitigate the cost of asbestos removal and wondered how it would affect the two proposals received.

Council Member Jennings asked for the turnaround time of the grant application because he said the clock is ticking on that building.

Council Member Butler mentioned the Environmental Protection Agency (EPA) has given money towards asbestos abatement in other communities. He also questioned whether CDBG funds could be used towards this.

Kenneth Mix, Planning Coordinator, replied CDBG funds could be used as long as the occupants meet the restrictions of low-to-moderate income. Regarding the EPA grants, his research showed it was through their Brownfield's program and the only ones highlighting asbestos removal were ones where it was removed by advocacy groups. He pointed out that by the time the review process was completed, it might not be until next year before something could be done.

Council Member Burns questioned if there would be funding available through Main Street initiatives.

Mr. Mix explained the NYS Main Street Program has been used by Neighbors of Watertown with downtown projects but the limit is approximately \$50,000 per building.

Stephen Bradley, 150 Court Street, indicated he is one of the developers interested in this building and said he was told the grant money from DANC was a loan program.

Mayor Graham said he supports Mr. Bradley's proposal over the other one because Mr. Bradley has a proven track record in rehabilitating his current building and shares the adjacent wall to this building.

Council Member Jennings commented he was persuaded by Mr. Bradley's proposal because the work he has done in his current building is impressive. He stated it will provide more varied housing which is a benefit.

Council Member Macaluso agreed and supports Mr. Bradley's plan.

Council Member Burns said she would be comfortable with the other developer but it only makes sense for Mr. Bradley to develop this building because it shares a common wall with his building.

Thomas Millar, 17 West Cayuga Street, Oswego, identified himself as the other developer that submitted a proposal. He provided Council with a recap of his proposal and history regarding other rehabilitation projects that he has been involved in. He highlighted that he would like to use historic tax credits to assist with the funding and advised he has budgeted \$180,000 into his proposal for remediation and a new roof. He stressed he will pay cash for the building, as well as pay for all the remediation and asbestos removal.

Mayor Graham asked if Council would want to give the developers more time to research funding.

Council Member Butler said he likes that Mr. Bradley's proposal is for market rate use because the downtown area is abundant with low-to-moderate income projects. He stated that he would like to know if there are opportunities for the municipality to handle the abatement in order to prepare the building to be marketed.

Mr. Millar commented that he did not realize a decision might be made tonight. He offered to make a presentation of his full proposal to Council at the next meeting. He discussed his redevelopment of buildings in Oswego as well as some of his plans for this building.

Council Member Butler indicated he wants to do what is best for the City and if there is money available to help with the remediation in order to prepare for the project, he does not want to miss out on that opportunity.

In response to Council Member Jennings's question, Ms. Addison confirmed that the money from DANC needs to be applied for by the investors and not the City.

Mr. Bradley addressed Council to point out that he has available parking for the project and has also done a similar project with the adjacent building so he knows what issues he will encounter.

Mayor Graham suggested giving more time to the developers to research the DANC funding and possibly getting more information at the next meeting.

Public Hearing for the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report

Motion was made by Council Member Stephen A. Jennings to schedule a Public Hearing to hear public comments on the City's Community Development Block Grant Consolidated Annual Performance and Evaluation Report for Monday, September 21, 2015 at 7:30 p.m. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

NEW BUSINESS

Planning Board Appointment

Mayor Graham informed Council that he appointed Stephen Rowell to the Planning Board. He said he appreciates Mr. Rowell's willingness to serve and thinks he will be a good addition.

Signs in the Margin Between the Sidewalk and Street

Council Member Burns asked the City Manager to have staff review the ordinance on sign placement, especially through the political season. She indicated she received a complaint from a Holcomb Street resident today so she would like the ordinance go to all of the political candidates. She noted there are other signs, such as appliance repair and youth employment, in the public right-of-way as well.

Olmsted Drive Code Violation – Overgrown Hedges

Council Member Butler stated he received a call regarding a code violation in which the hedges on a corner are overgrown. After driving by the hedges, he agreed they exceed the height limit but it is not creating a hazardous situation. He asked if the City could work with the homeowner.

Mayor Graham mentioned this property is owned by Cindy Habeeb's mother, who is 90 years old, and she has had hedges there for quite some time. He pointed out that this is a classic example of a code system that is complaint driven because a citizen can go decades without thinking they are doing anything wrong until someone calls with a complaint. He indicated he does not know of the City's ability to work with her because she asked if she could reduce them gradually over time. Unfortunately, with a complaint driven system, he said once it is in Code's hands, not much can be done without

basically ordering subordinates to disobey the law which causes a lot of ethical and legal issues. He suggested a timetable could be worked out but ultimately to alleviate this burden, the ordinance should be amended.

Council Member Burns commented she received information from the City Manager, which she thought was reasonable, working with the property owner on a gradual basis.

Palmer Street Public Hearing

Council Member Butler noted he has been consistent on this issue. He said the homeowners are not asking for a new street, which could be potentially very expensive, and he is not getting a lot of public input on this. He noted the traffic count on this street is low and there are streets with higher traffic counts that are just as bad or in worse condition. He supports spending money on streets but feels there are other streets that are in need. He stated that he is not in support of taking this through the eminent domain process.

Mentioning his past comments about the condition of the street, Council Member Jennings said he has since talked to Mr. Battista and visited this area, noting the street has been filled in. He commented the condition is still not great but is better than it was. He said he would only support resurfacing the small area because there is hardly any traffic on the street. He pointed out it is a tranquil area and everything Mr. Battista said is true. He does not want to burden the neighbors with a complete reconstruction of the street.

Mayor Graham remarked that by framing the issue as spending \$1 million, it becomes very unappealing and the original intent was to create a unified ownership and deal with the anomalies of plowing and maintaining privately owned land. He stressed he does not think anyone in the room would advocate for blacktopping privately owned land. In addition, he pointed out that no one on Council ever discussed doing a million dollar project and forcing people to use City utilities. He said this project was not intended to divert money from other streets; it was to provide a safe passage along that street.

City-owned Trees on Charles Street

Council Member Butler mentioned there are some City-owned trees on this street that are encroaching on power lines attached to houses. He asked staff to look at this.

424 Vanduzee Street Property / Abandoned Properties

Council Member Butler commented this tour brought to mind research he had done previously. He explained abandoned properties, even with current tax status, cause hazardous situations and detracts from neighborhoods. In other cities, he said there are residential abandoned property programs and/or vacant abandoned property initiatives, in which pressure is put on owners to address the issues. He wondered if there is legislation that could be put in place to address these abandoned properties.

Regarding 424 Vanduzee Street, Mayor Graham remarked that Council needs to explore all options and mentioned there may be avenues to help the City remediate it through the Regional Council. He mentioned the City Manager has had some discussions about getting assistance with remediating it and asked for her recommendation for dealing with this parcel.

Ms. Addison replied that the City should take it, noting there are no specific plans at this point, but time is on the City's side if it takes the certificate.

Mayor Graham asked if that would mean exercising what needs to be done with the certificate and filing the deed in order to take title.

Ms. Addison confirmed this.

Mayor Graham stated this is something that he had expressed at a previous meeting and the allure of putting it back on the tax rolls just creates a situation similar to what Council Member Butler discussed. He said the City Manager's recommendation deserves serious consideration but he does not presume that a decision be made tonight, but as the time comes for deciding what to put up for auction, Council needs to make a decision on this property. He indicated he is in favor of taking title to it and working through DANC or other agencies to begin the process of remediation.

Factory Street Reconstruction

Mayor Graham noted that work on Factory Street is beginning so Mill Street will be closed. He advised that even though this has been communicated to the public, everyone should be prepared for receiving calls regarding this.

Time Capsule for 10th Mountain Division Monument

Mayor Graham mentioned he attended the groundbreaking for the monument in Thompson Park and the City was requested to gather items for a time capsule. He has asked the City Clerk to oversee this project.

Motion was made by Council Member Stephen A. Jennings to move into Executive Session to discuss collective bargaining.

Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Council moved into Executive Session at 8:32 p.m.

Council reconvened at 9:35 p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 9:35 p.m. by motion of Mayor Jeffrey E. Graham, seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk