

**REGULAR COUNCIL MEETING
CITY OF WATERTOWN
February 2, 2004
7:00 P.M.**

MAYOR JEFFREY A. GRAHAM PRESIDING

PRESENT: **COUNCILMAN STEPHEN J. BRADLEY
COUNCILWOMAN ROXANNE M. BURNS
COUNCILMAN PETER L. CLOUGH
COUNCILMAN TIMOTHY R. LABOUF
MAYOR GRAHAM**

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU
ATTORNEY ROBERT J. SLYE**

City Manager Corriveau presented the following reports to the Council:

- 1 - Approving Agreement Between the City of Watertown and the Thompson Park Conservancy
- 2 - Authorizing Application for Federal Section 5311 Transit Capital Project Grant
- 3 - Approving Contract with New York State Department of Economic Development for Empire Zone Administration Grant
- 4 - Approving a Shift of Operation Into the Empire Zone, The Whimsical Pig
- 5 - Public Hearing -7:30 p.m. – 2004 Small Cities CDBG Application
- 6 - Public Hearing -7:45 p.m. – Request to Amend the Special Use Permit for the Operation of an Auto Repair Shop and Used Car Sales Business at 604 W. Main Street, Parcel No. 1-02-113
- 7 - Laid Over – Resolution Approving the Request to Amend the Existing Special Use Permit at 604 W. Main Street, Parcel No. 1-02-113
- 8 - Monthly Financial Report

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence in memory of Richard Johnson, a retired 35-year City employee who passed away last week.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of January 20, 2004 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Clough and carried with all voting in favor thereof.

C O M M U N I C A T I O N S

From J.R. Gardner & Co. representing Mrs. Fern Farquhar who wishes to sell her section of Gaffney Drive to the City of Watertown for \$50,000.

ABOVE PLACED ON FILE

Minutes were received from the library's board meeting.

ABOVE PLACED ON FILE

Claim against the City was received from Clifford King for personal injuries he sustained when he fell at the City Park.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

James O'Brien, 1324 Marra Drive, addressed the chair asking that Council review the sidewalk program in a work session. He remarked that the entire City should be surveyed and each sidewalk should be categorized and people should be cited by a letter. He stated that he felt the property owner should pay the labor costs, but questioned charging the taxpayers for equipment time since they have already paid for the equipment in their taxes. Mr. O'Brien also suggested odd/even parking during the day in the winter months to help alleviate traffic congestion and to give more room the DPW crews trying to clear the streets of snow.

Howard Sprague, 1409 Ives Street, addressed the chair urging Council to demolish the Iron Block. He stated that it is an eyesore and it would still be an old building if the City put money into it. He also urged Council to stick to the sidewalk program and put the cost on the tax rolls.

Wayne Zimmer, 139 Katherine Street, addressed the chair stating that the City should take care of their own sidewalks and then other people would have an incentive to take care of theirs.

Rosemary Russell, 408 Franklin Street, addressed the chair stating that money should not be put into the Iron Block.

Mary Clemo Smith, 1106 State Street, addressed the chair urging Council not to demolish the Iron Block Building. She compared the amount of money that the City would have to pay in health insurance premiums for members of Council who wanted to be covered by the plan to the costs of stabilizing the building. She stated that the health plan would only benefit two or three people while the building stabilization would benefit the entire community. She also commented that City Council is not a full time position.

Derryl Johnston, Chaumont, addressed the chair stating that it is appalling to let the Iron Block be demolished. She referred to other cities she has visited and the fact that they are preserving, not demolishing.

Samuel Thomas, Winslow Street, addressed the chair also urging Council not to demolish the Iron Block. He reiterated his concerns that he had expressed in other Council meetings and stressed the importance of preservation.

Sally Cole, 212 Butterfield Avenue, addressed the chair stating that the Iron Block is a strong anchor for the City and it should be kept.

PUBLIC HEARINGS

AT 7:30 P.M., MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE CITY'S APPLICATION FOR THE SMALL CITIES CDBG FUNDING FOR THE FY 2004.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN.

Mr. Mix, Planning and Community Development Coordinator, distributed the informational sheets concerning the CDBG program. A single purpose application is being proposed in the amount of \$400,000. This would be used to expand the current Housing Improvement Program and promote housing rehabilitation activities on a citywide basis. Additional federal and state funds will be sought to continue that program and support other local community development activities in future years.

Mr. Mix explained that the objective of this program is to support basic improvements in residential properties where the most severe problems and the greatest needs are found. Financial assistance will vary based on the income and household size of each property. In addition, landlords will be eligible for grants to cover 50% of the cost of eligible improvements in their rental units, which are occupied by qualified tenants, with income less than 80% of median. Loans will also be available to cover the owner's share of this cost.

Mr. Mix answered questions concerning the landlord's income and the fact that this is based on the tenant's income only. He also explained that the rental units must be occupied by lower income tenants and rents must be affordable for five years after all improvements are completed.

Mr. Mix also answered questions concerning other projects and the fact that this program may appear to be the most successful to apply for. He explained that larger projects, such as the YWCA building, would require additional funding sources. The local dollars for the housing rehab program comes from the homeowners.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED AT 7:37 P.M.

AT 7:45 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE AMENDMENT TO SPECIAL USE PERMIT REQUEST FOR THE OPERATION OF AN AUTO

**REPAIR SHOP AND USED CAR SALES BUSINESS AT 604 W. MAIN STREET,
PARCEL NO. 1-02-113.**

MAYOR GRAHAM DECLARED THE PUBLIC HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE PUBLIC HEARING CLOSED.

R E S O L U T I O N S

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the Lessor, City of Watertown, owns the facility known as Thompson Park, located in the City of Watertown, County of Jefferson, State of New York, and

WHEREAS the Lessor has entered into an Agreement with the Tenant, Thompson Park Conservancy, Inc., to lease certain premises located at the Park for the operation of the “Thompson Park Zoo” by lease of December 1997, and

WHEREAS since that time the City of Watertown has provided both financial and in-kind services in support of the Thompson Park Conservancy, and

WHEREAS the City Council has determined that it is in the best interest of the taxpayers of the City of Watertown to provide direct support to the Thompson Park Conservancy to be used to improve the leased premises as detailed in the attached Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and the Thompson Park Conservancy, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED
WITH ALL VOTING YEA**

INTRODUCED BY COUNCILMAN PETER L. CLOUGH

WHEREAS the City of Watertown is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as the purchase of two (2) type II state

contract buses and associated equipment that will be used to provide public transportation service, and

WHEREAS the City of Watertown and the State of New York are entering into an Agreement which authorizes the undertaking of the project and payment of Federal and State shares for the project,

NOW THEREFORE BE IT RESOLVED that the City of Watertown certifies through this resolution that the estimated local share of twelve thousand three hundred and ninety four dollars (\$12,394) described in the Federal Section 5311 Project Application is committed to this project, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to act on behalf of the City of Watertown to sign the application and any and all agreements between the City of Watertown and the State of New York for the above named project, and

BE IT FURTHER RESOLVED that the City Manager is authorized to sign any and all contracts or agreements between the City of Watertown and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the municipal attorney.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS

WHEREAS Senator James Wright has secured a legislative initiative to grant \$20,000 for the administration of the Watertown Empire Zone, and

WHEREAS the funds are to be administered through New York State Department of Economic Development, and

WHEREAS a contract between New York State Department of Economic Development and the City of Watertown for the disbursement of the funds has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the contract for the legislative initiative funds to cover a part of the cost of administration of the Watertown Empire Zone between New York State Department of Economic Development and the City of Watertown, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the contract on behalf of the City of Watertown.

SECONDED BY COUNCILMAN STEPHEN J. BRADLEY AND CARRIED WITH ALL VOTING YEA

Commenting on the foregoing resolution, Councilman Clough thanked Senator Wright for the funding which will help with the administration costs for the Empire Zone.

Councilwoman Burns commented the EDZ board and Chairman Clough for the effort they have put in. She also commented that the decision to contract with Camoin Associates was going well.

INTRODUCED BY COUNCILMAN TIMOTHY R. LABOUF

WHEREAS The Whimsical Pig, operated a home based business manufacturing and selling hand painted artware at 123 Mullin Street and 1223 Faichney Drive from February 1999 through October 2003, and

WHEREAS The Whimsical Pig entered into an agreement with the owners of 139 J.B. Wise Place to renovate the above mentioned property and to utilize it as a location for the manufacture and resale of custom made frames and hand painted artware, and

WHEREAS the above mentioned property is located in the City of Watertown Empire Zone,

NOW THEREFORE BE IT RESOLVED that the City of Watertown consents to the relocation of The Whimsical Pig from its location at 123 Mullin Street to the Watertown Empire Zone.

SECONDED BY COUNCILWOMAN ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA

Commenting on the foregoing resolution, Councilwoman Burns stated that this is a perfect example of how the City should be using the Empire Zone as a tool for economic development.

Mayor Graham agreed with the comments and stated that he appreciated the owners moving into the downtown area. He also commented that J.B. Wise Place needs to have more signage as to where it is located.

Mrs. Corriveau explained that Clough, Harbour & Associates would take a look at it during the streetscape project.

THE RESOLUTION “APPROVING THE REQUEST TO AMEND THE EXISTING SPECIAL USE PERMIT AT 604 W. MAIN STREET, PARCEL NO. 1-02-113” WAS PRESENTED TO COUNCIL (Introduced on January 20, 2004; public hearing held this evening; appears in its entirety on page 19 of the 2004 Minutes Book).

Commenting on the foregoing resolution, Councilman Clough expressed his concerns with the fact that the special use permit was never followed over the years. He stated that he has had numerous complaints about the vehicles there. He also commented that the property could have been cleaned up for the past four year and it hasn't been. He stated that he has his doubts about changing the permit.

Mayor Graham asked Attorney Stone to comment on this proposal.

Attorney Stone, who represents the City, explained that contempt of court proceedings have been brought against the property owner as a result of failure to comply with the original conditions. The Planning Board did an extensive review of the application and recommended the amendment. Attorney Stone explained that a used vehicle, under DMV regulations, is one that can be made road-worthy within 30 days. She also commented that the DMV does not monitor this and if it is monitored it would have to be done by Codes.

Attorney Keith Caughlin, filling in for Attorney George Mead and representing the property owners, addressed the chair explaining that this proposed amendment would promote clarity in how the laws are enforced and would allow the owners to conduct their business properly. He stated that it could be enforced under the City Code and junk vehicles would go to the 618-620 W. Main Street.

Councilman Bradley asked about the fence between the Aubertine property and 618-620 W. Main Street.

Attorney Caughlin explained that Mr. O'Connor and Mr. Aubertine have been talking about fencing issues. He also remarked that the resolution before Council concerns 604 W. Main only.

Councilman Clough reiterated his concerns. He stated that used vehicles were only to be parked at 604 W. Main. He stated that he is concerned that this will be a junkyard and questioned who would monitor what's behind the fence.

Councilman LaBouf commented that he had spoken with Mr. O'Connor and he would like to see the resolution passed this evening. He stated that the Planning Board spent a lot of time on this issue and hopefully, this will address Councilman Clough's concerns.

Mayor Graham commented that the Planning Board recommended the amendment and there was no public comment during the hearing this evening. Therefore, he would support the amendment.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING
RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT
COUNCILMAN CLOUGH VOTING NAY**

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

NYCOM Legislative Meeting

Mrs. Corriveau advised Council that the legislative meeting would be held on February 23rd and 24th. Mayor Graham will be attending on the 23rd. She asked that if any other Council members were interested in attending they contact her.

Work Session

The next work session will be held on Tuesday, February 24th.

Joint Meetings With County

Mayor Graham referred to a recent meeting between the Town Supervisors and County officials. He remarked that sales tax was discussed at the meeting. He also commented that he was disappointed that the City was not privileged to attend the meeting. He commented that sales tax is a very important issue as an extra cent increase could bring in \$10 million and there will be pressure for the County to take all of it.

Councilman Clough remarked that a few years ago the clothing tax was implemented and the City had no input whatsoever. He stated that it is important to have input and it is imperative to stay on top of this issue.

Gaffney Drive

Mayor Graham referred to the correspondence this evening concerning Mrs. Farquhar's desire to sell her portion of Gaffney Drive. He asked if this was a credible threat to close the road.

Mrs. Corriveau responded that discussion of the acquisition of property is more appropriate in executive session.

RFP/Route 3 Wave

Mayor Graham asked about the RFP put out for the Route 3 Wave.

Mrs. Corriveau explained that the RFP is going out to look at the different spots along the Black River and it is not specifically addressing the Route 3 Wave.

Sewall Island

Mayor Graham asked about this.

Mrs. Corriveau explained that it is an issue of brownfields and who is going to pay for the cleanup of the property. She stated that discussions would be held to talk about the City's position in an effort to move forward. The grant that was received was to define and survey what needed to be done. This hasn't been done and the funding was moved from the JCJDC to the City when Mr. Edmonston left.

Stream Parking Lot

Councilwoman Burns referred to the fact that this lot is not getting the usage that was predicted. She stated that while the City did make a commitment, she feels that the City Manager and staff should approach Stream about freeing up a portion of the lot, especially the enclosed garage area, since there have been fewer vehicles than anticipated.

Mrs. Corriveau responded that the City had discussion with Stream regarding this issue about four months ago and at that time they were only willing to free up property behind the building, which is across from the Liberty Christian Church. The lease is with JCIDA.

Executive Session

MOTION WAS MADE BY COUNCILWOMAN BURNS, SECONDED BY COUNCILMAN BRADLEY AND CARRIED WITH ALL VOTING IN FAVOR THEREOF TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE SALE OF REAL PROPERTY WHEREBY PUBLIC DISCLOSURE COULD AFFECT THE VALUE THEREOF.

COUNCIL MOVED INTO EXECUTIVE SESSION AT 8:07 P.M.

COUNCIL RECONVENED AT 8:20 P.M.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:20 P.M. BY MOTION OF COUNCILMAN CLOUGH, SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk