

**REGULAR COUNCIL MEETING  
CITY OF WATERTOWN  
October 7, 2002  
7:00 P.M.**

**MAYOR JOSEPH M. BUTLER PRESIDING**

**PRESENT:**           **COUNCILWOMAN ROXANNE M. BURNS  
COUNCILMAN PAUL A. SIMMONS  
COUNCILMAN JEFFREY M. SMITH  
MAYOR BUTLER**

**ABSENT:**           **COUNCILMAN PETER L. CLOUGH**

**ALSO PRESENT:**   **CITY MANAGER JERRY C. HILLER  
ASSISTANT CITY MANAGER MARY M. CORRIVEAU  
CITY ATTORNEY ROBERT J. SLYE**

Assistant Manager Corriveau presented the following reports to the Council:

- No. 1 - Approving Appointments to Combined Sewer Overflow Long Term Control Plan  
Public Participation Committee
- No. 2 - Agreement for Public Benefit Services Between the City of Watertown and the  
Miss New York State Scholarship Pageant
- No. 3 - Authorizing Overhead Utility Easement, Arsenal Street
- No. 4 - Authorizing Overhead Utility Easement, Coffeen Street
- No. 5 - Approving Sale of Real Property, 136 N. Orchard Street
- No. 6 - Approving Bid for Wheeled Refuse Containers, Toter, Inc.
- No. 7 - Approving Supplemental Agreements No. 1 and 2, Design and Construction  
Inspection, Bellew Avenue Reconstruction, Earth Tech, Inc.
- No. 8 - Approving Supplemental Agreement #2 For Marchiselli Aid Local Agreement,  
Bellew Avenue Reconstruction, Construction, Construction Inspection and  
Supervision Phase, PIN 775272
- No. 9 - Authorizing City Comptroller to Make Withdrawals, Transfer Funds on Deposit  
and Issue Checks on Behalf of the City of Watertown
- No. 10 -An Ordinance Authorizing the Issuance of \$60,000 Serial Bonds of the City of  
Watertown, Jefferson County, New York, to Pay the Cost of the Demolition of  
the Structure Located at 649 Factory Street To Provide for the Health, Safety and  
Welfare of the Citizens of the City and Pursuant to Order of the Supreme Court
- No. 11 -An Ordinance Authorizing the Issuance of \$22,000 Serial Bonds of the City of  
Watertown, Jefferson County, New York, To pay the Cost of the Purchase of An  
Anti-Theft Book Detection System for the Flower Memorial Library In and For  
Said City
- No.12 -7:30 p.m. – Approving the Special Use Permit Request Submitted by Steven C.  
Daily of Red & White Auto Sales to Allow a Used Car Sales Lot at 424-440

Arsenal Street, Parcels No. 7-05-206, 7-05-207 & 7-05-208  
No. 13 - Laid Over Under the Rules – Amending City Municipal Code Section 293-58,  
Schedule X, Stop Intersections  
No.14 - Regulation of Front Yard Parking

**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 September 16, 2002 and the adjourned meetings of September 23, 2002 and September 27, 2002 was dispensed with and accepted as written by motion of Councilwoman Burns, seconded by Councilman Simmons and carried with all voting in favor thereof.

**PRESENTATION**

Mayor Butler presented Gary Beasley, Executive Director of Neighbors of Watertown and Ken Mix, Planning & Community Development Coordinator for the City of Watertown with a **New York State Comprehensive Award**.

**PROCLAMATION**

Mayor Butler proclaimed October as **National Breast Cancer Awareness Month** and October 18<sup>th</sup> as **National Mammography Day** in the City of Watertown

**COMMUNICATIONS**

From Neighbors of North Meadow Street as designated on a previously filed petition expressing their concerns about the environmental impact on the surrounding residential area if the Special Use Permit is granted.

**ABOVE PLACED ON FILE**

From the Greater Watertown Christmas Parade Committee requesting a \$500 donation from the City.

**ABOVE PLACED ON FILE**

From Thomas O’Riley, President of Black Water Development, offering to purchase vacant lots on Water Street, Parcel Nos. 428103,428102.a and 428102.b, as well as a vacant lot located in the 1100 block of Huntington Street, Parcel No. 612501. Mr. O’Riley has offered \$1500 inclusive for all of these city-owned lots.

**ABOVE PLACED ON FILE**

Minutes were received from the library's board meeting.

**ABOVE PLACED ON FILE**

From the Italian American Civic Association inviting Council to attend the annual Columbus Day Ceremony to be held in front of City Hall at Noon on Friday, October 11<sup>th</sup>.

**ABOVE PLACED ON FILE**

From the City Assessor advising Council that Joseph R. Delaney, Jr. has offered to negotiate the sale and purchase of City owned properties that are vacant lots on Merline Avenue, Parcel Nos. 1-10-101 through 1-10-104 and 1-10-124 through 1-10-128.

**ABOVE PLACED ON FILE**

The following claims against the City were received:

1. From James Major for alleged harassment from the City Code Department.
2. Notice of Action to foreclose on a mortgage was received for 530 West Mullin Street.

**ABOVE REFERRED TO THE BOARD OF AUDIT**

**PRIVILEGE OF FLOOR EXTENDED**

**Richard Monahan**, 722 Morrison Street, addressed the chair on behalf of R.A.S.S.P. asking the status of the drainage system off the LeRay Street hillside which drains down under the pad. He also asked about the zoning proposal, which the group had previously given to Council.

Attorney Slye explained that he has reviewed the zoning proposal and feels that there are other things that could be done to address such a situation in the future. It is still under review and he has sent written communication to the City regarding this.

Mr. Hiller advised that this topic would be discussed at a future work session.

Mayor Butler asked about sharing Attorney Slye's letter with the group.

He was advised that it is an internal document at this time and cannot be shared.

Mayor Butler commented that American Rock Salt has to receive an approved work plan for drainage before any changes can be made. They can only continue to operate under the current SPEDES permit.

**Carol Armstrong**, 219 Arlington Street, addressed the chair concerning the Downtown Development Coordinator's position and the facts as she sees them. She remarked that when she was hired she was told that the primary function of her position would be to conduct downtown business recruitment and then would be evaluated in six months. She stated that to carry out such a program, she needed to recruit businesses directly and to enhance the downtown area for corporations to see the quality of life the community would have. She stated that she was dismayed that while business recruitment was number one on the list, there were no funds available to do it with. She discussed the various packages she planned on putting together to present to prospects. She stated that she bought various products as a show of confidence and had planned brochures and a power point presentation. She stated that she was trying to create an image. She stated that she had provided JCJDC with lists of expenditures and what they were used for. She also explained that while her personal expenses on the card would have been approximately \$816.00, her mileage expenses owed to her is about \$2,500. She provided Council with lists of expenses as well as her daybook. Ms. Armstrong commented that all of her references had been checked out and she questioned the anonymous faxes. Ms. Armstrong also advised that the gentleman with her this evening was a former colleague from Canada who could vouch for her.

**Dan Francis**, 463 Harris Drive, addressed the chair apologizing to Ms. Armstrong for comments that he had made at the last meeting. He said that he feels the problem lies with the Council. He stated that he doesn't believe that this issue is of a criminal nature. He also commented that he feels that there is a conflict of interest on the part of Councilwoman Burns. He asked that she recuse herself from the discussion and/or any vote on this subject. He questioned why the County or State didn't investigate this and why the cost has to be born by the City of Watertown taxpayers. He stated that something should be done to get to the facts quickly.

Mayor Butler commented that the City does have legal counsel and they will rely on the advise of Attorney Slye.

Councilwoman Burns advised that she sits on the Downtown Development Board as a representative of City Council and therefore, it is not a conflict of interest.

**Michael LaDue**, 415 Seward Street, addressed the chair questioning why the board is needed if they can't act on this.

Mayor Butler explained that the board was created by Council to establish policy. The City of Watertown is one of the major sources of funding for the position.

Mr. LaDue remarked that the investigation should be started immediately and either bring charges or clear the individual. He also commented that there should not be a settlement.

### **PUBLIC HEARING**

**AT 7:30 P.M. MAYOR BUTLER ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SPECIAL USE PERMIT REQUEST TO OPERATE A USED CAR SALES LOT AT 424 THROUGH 440 ARSENAL STREET, PARCELS NO. 7-05-206, 7-05-207 AND 7-05-208.**

### **MAYOR BUTLER DECLARED THE HEARING OPEN**

Mayor Butler asked Attorney Slye to outline the special use permit process.

Attorney Slye did so and explained that if the criteria is met for a special use permit request, Council is constrained to grant the permit but they can impose reasonable conditions in granting such a permit. In addition to the criteria suggested by the Planning Board, Council is free to impose additional reasonable conditions.

**Frank Howard**, 126 N. Meadow Street, addressed the chair stating that New York State will not issue a permit to operate this business there because there isn't an office there. He questioned how the City could over ride New York State.

Attorney Slye explained that New York State regulates the used car business just as the State Health department regulates restaurants. However, the only thing before Council is a special use permit request. If Mr. Dailey has other problems they are with New York State, not with this Council.

**Frances Soluri**, 140 N. Meadow Street, addressed the chair in opposition to the car lot. She explained that she is concerned with the drainage problem, especially if snow is plowed over near the 10' drop-off.

**Joan Gokey**, Watertown, addressed the chair in support of the car lot and explained that snow won't be plowed over in that particular area as there will be a fence there. Mrs. Gokey commented that Mr. Dailey bought rundown property and fixed it up.

**Steven Dailey**, petitioner for the special use permit, addressed the chair explaining that there is not a 10' drop-off and also indicating that the snow will be removed from the site.

**William Gaylord**, US Rte 11 and a manager of an Arsenal Street business, addressed the chair in support of the special use permit. He explained that Mr. Dailey has cleaned up the area.

Mayor Butler advised those present that the only option the Council has is to set reasonable site requirements. If the requirements are not met, the City will pull the permit.

**Margaret Howard**, 126 N. Meadow Street, addressed the chair stating that she had contacted Code Enforcement and they informed her that no special permit had ever been pulled.

Mayor Butler remarked that Mrs. Howard must have misunderstood since Codes has pulled permits in the past and also recently.

Mrs. Howard asked Councilman Simmons to abstain from voting since she feels he has a conflict of interest. She also asked Council to consider the surface and ground water problems that would occur as a result of allowing this business to locate there.

Councilman Simmons responded that as the owner of AMMCO Transmissions, he has done business with Red & White. Therefore, he asked Attorney Slyer if there was a conflict of interest. Attorney Slyer determined after asking Councilman Simmons questions relative to the work done and/or any promises made that there was not a conflict of interest.

Councilman Simmons also explained that his company did work for Red & White in May and hasn't seen another car since June.

**Kevin Townsend**, Eastern Shore Associates, addressed the chair stating that he supports the request and would eventually like to place his insurance office near the site.

**Billie Jo Gokey**, Rte. 11, addressed the chair urging Council to support the special use permit. She explained that Mr. Dailey had cleaned up the City and pays his taxes.

**Amanda Funk** and **Cassandra Dailey** also addressed the chair also in support of the business.

**Mr. Perry**, 432 S. Hamilton Street, addressed the chair asking what the requirements are for a special use permit.

Attorney Slye explained the requirements and the fact that the City Council of 1950 felt that there should be extra criteria for gas stations and used car lots so that they would be in harmony with the rest of a Neighborhood Business District and so these businesses would not be detrimental to the area. Therefore, Council can impose conditions to minimize inconvenience to the neighborhood. Since no new construction is going in there, no site plan criteria needs to be considered.

Mr. Perry remarked that this would jeopardize real estate values in the area.

Attorney Slye explained that if Mr. Dailey were to undertake any other type of business allowed in that zoning district other than the used car lot, he could do it without a special use permit. He also advised that if Mr. Dailey puts up a building, he would have to come back to Council for site plan review.

**Polly Sanford**, Theresa, addressed the chair asking to have the conditions explained. She also urged Council to support the permit.

**Scott Bartholomew**, 529 W. Mullin Street, addressed the chair explaining that the car lots on Outer Washington Street have garages to do New York State inspections. He commented that the cars located on this site would have to be moved out and back which would mean more traffic.

**Cheryl Schloop**, 432 S. Hamilton Street, addressed the chair asking who sets the conditions.

Mayor Butler explained that the Planning Board listened to the neighbors and did suggest conditions that should be met.

Attorney Slye also advised that the purpose of this public hearing is to discuss the conditions that should be placed on the permit.

**Billie Jo Gokey** and **Joni Kurtz** gave a presentation concerning the property relative to what was there before, what it looks like at the present time and what is being proposed for the future.

**Steven Dailey** explained to the Council that the neighbors came up with these recommendations.

**Virginia Burdick**, 247 Bellew Avenue, questioned the comment by Mr. Townsend concerning operating an insurance business out of a building on the site.

**Joni Kurtz**, owner of Red & White Auto, addressed the chair explaining that this might possibly be something in the future. She explained that at the present time, the cars would have signs on them indicating a phone number to call. She would sell the car either from her home, which is outside the City, or she would make the car deal at the buyer's home. Therefore, it is not necessary to have an office building on the site at this time.

**MAYOR BUTLER DECLARED THE HEARING CLOSED AT 8:23 P.M.**

## **RESOLUTIONS**

### **INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS the City of Watertown owns and operates a Wastewater Treatment Plant, and

WHEREAS the City's Wastewater Treatment Plant is operated in accordance with a New York State Pollution Discharge Elimination System (SPDES) permit issued by the NYS Department of Environmental Conservation, and

WHEREAS on June 1, 2002, the City's SPDES permit was amended requiring the City to prepare a Long Term Combined Sewer Overflow (CSO) Control Plan (LTCP), and

WHEREAS the US Environmental Protection Agency has provided guidance that the development of the LTCP should be a public process and that the formation of a program team which represent all interests and agencies that have a stake in the program outcome,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby establishes the City of Watertown's Combined Sewer Overflow Long Term Control Plan Public Participation Committee, and

BE IT FURTHER RESOLVED that the following individuals are appointed to the Public Participation Committee for a term of two (2) years, effective October 1, 2002:

Brian Wohnsiedler  
Executive Director, Jefferson County Soil & Water Conservation  
District  
Chairman, Jefferson County Water Quality Coordinating  
Committee  
PO Box 838  
Watertown, New York 13601

Alex Atchie  
Adirondack River Outfitters  
515 West Mullin Street  
Watertown, New York 13601

Linda Dittrich

Associate Dean, Division of Science and Math  
Jefferson Community College  
Coffeen Street  
Watertown, New York 13601

John Connor  
Environmental Manager  
Knowlton Specialty Papers Inc.  
213 Factory Street  
Watertown, New York 13601

Katie Malinowski  
Natural Resources Specialist  
Tug Hill Commission  
317 Washington Street  
Watertown, New York 13601

**SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS the City Council has received a request for funding to support the Miss New York State Scholarship Pageant, and

WHEREAS the City Council of the City of Watertown desires to appropriate \$4,000 from the 2001-2002 Publicity Account to support the Miss New York State Scholarship Pageant, and

WHEREAS the Miss New York State Scholarship Pageant will expend the funds to market and promote the City of Watertown through the public media, print, radio, television, direct contact and other promotional devices and that this will encourage tourism in the City of Watertown, and

WHEREAS the City of Watertown wishes to enter into an Agreement for Public Benefit Services between the City of Watertown and the Miss New York State Scholarship Pageant, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves a Public Benefit Services Agreement between the City of Watertown, New York and the Miss New York State Scholarship Pageant, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN JEFFREY M. SMITH**

WHEREAS it has been determined by Niagara Mohawk that a new utility pole needs to be installed on Arsenal Street, and

WHEREAS Niagara Mohawk Power Corporation is requesting a overhead utility easement to install, construct and maintain said overhead utility pole and guy wire on City owned property located on Arsenal Street, and

WHEREAS the City Engineering Department and Electric Department have reviewed and approved this request,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes and directs Mayor Joseph M. Butler to execute the Overhead Utility Easement Agreement on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution.

**SECONDED BY COUNCILMAN PAUL A. SIMMONS AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILMAN PAUL M. SIMMONS**

WHEREAS it has been determined, by Niagara Mohawk that a new utility pole needs to be installed on Coffeen Street, and

WHEREAS Niagara Mohawk Power Corporation is requesting a overhead utility easement to install, construct and maintain said overhead utility pole and guy wire on City owned property located on Coffeen Street, and

WHEREAS the City Engineering Department and Electric Department have reviewed and approved this request,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes and directs Mayor Joseph M. Butler to execute the Overhead Utility Easement Agreement on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution.

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

**INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain piece of property known as 136 North Orchard Street, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 7-05-112, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Donald Bryant, for the purchase of Parcel No. 7-05-112 is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Donald Bryant upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

**SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Mr. Hiller explained that this property had originally been slated for demolition. Mr. Bryant expressed an interest in it and as a result, it will save the City between \$8,000 - \$12,000 in demolition costs. He stated that Mr. Bryant keeps his properties in compliance.

**INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of new and unused wheeled refuse containers and lifting devices for the City's three (3) refuse vehicles, and

WHEREAS invitations to bid were issued to nine (9) prospective bidders, and

WHEREAS on September 5, 2002, the four (4) bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Robert Cleaver and Superintendent of Public Works Eugene P. Hayes have reviewed the bids received and inspected the product samples provided by the bidders and are recommending that the City Council approve the bid submitted by Toter, Inc. as the lowest qualifying bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the bid submitted by Toter, Inc. as the lowest qualifying bid meeting the City's specifications, and

BE IT FURTHER RESOLVED that the awarding of this bid is contingent on the City Council approval of a bond ordinance to cover the cost associated with the purchase of the three (3) lift devices, and

BE IT FURTHER RESOLVED that since there is no appropriation in the current operating budget to cover the cost associated with the purchase of the totes, the City Council authorizes the expenditure of funds from the A8160 account for this purpose.

**SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Mr. Hayes addressed questions posed by Council members concerning bid prices, and the number of totes to be purchased. Mr. Hayes explained that they will offer all three sizes and will purchase between 50 and 100 of each. He also explained that billing would be done by quarter in advance. People will still be able to use bags with stickers instead of the totes if they prefer to.

**INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS in February 2001, the City received notification from the State of New York Department of Transportation that the reconstruction of Bellew Avenue was added to its Capital Construction Program, and

WHEREAS on June 4, 2001, the City Council approved an Agreement with Earth Tech of New York, Inc. that provides the following services for this project: data collection and analysis, preliminary design, environmental review, right-of-way incidentals, detailed design, advertisement, bid opening and award, construction support, but not construction inspection, and

WHEREAS the total cost associated with this contract is \$418,189, and

WHEREAS the City Engineering Department is requesting that the City Council approve Supplemental Contract Agreements No.1 and No. 2 to the original agreement with Earth Tech in the amount of \$75,597 and \$384,311 respectively, and

WHEREAS Supplemental Agreement No. 1 covers expenses associated with design services beyond the original scope and additional construction support services as detailed in the attached Supplemental Agreement No. 1, and

WHEREAS Supplemental Agreement No. 2 provides for Resident Engineering and Inspection Services, as detailed in the attached Supplemental Agreement No. 2, for the project that were not included in the original scope of work,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreements No. 1 and No. 2 with Earth Tech of New York, Inc. in the amount of \$75,597 and \$384,311 respectively, copies of which are attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that Mayor Joseph M. Butler is hereby authorized and directed to execute the Agreements on behalf of the City of Watertown.

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

**INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS on March 5, 2001 the City Council of the City of Watertown adopted a resolution approving the Master Federal and Local Aid Agreement for the reconstruction of Bellew Avenue, and

WHEREAS the reconstruction of Bellew Avenue, PIN 775272, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS the City has received notification from the NYSDOT that Marchiselli funding to support the construction, construction inspection and supervision phase of this project has been approved for this phase of the project, and

WHEREAS the entire phase cost is \$2,425,000, which includes \$175,000 in sewer betterments, with the federal share equal to \$1,800,000 and the non-federal share equal to \$625,000, and

WHEREAS Marchiselli funds have been requested and approved for this phase of the project, in the amount of \$337,500, and

WHEREAS the City Council of the City of Watertown desires to advance the project by making a commitment of 100% of the non-federal share of the costs of this phase of the reconstruction of Bellew Avenue,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No 2 to the Marchiselli Local Agreement for the Construction, Construction Inspection and Supervision Phase of the reconstruction of Bellew Avenue, and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Comptroller, James E. Mills, to pay, if required, in the first instance 100% of the federal and non-federal share of the cost of the Construction, Construction Inspection and Supervision Phase for the Project, and

BE IT FURTHER RESOLVED that the total cost for the above mentioned phase of the project is \$2,425,000; with federal funding of \$1,800,000 and non-federal funding of \$337,500 and that the City Council authorizes the appropriation of \$287,500 from the Capital Fund to cover the City's cost of participation in the above phase of the project, which includes \$175,000 for sewer betterments associated with the reconstruction, and

BE IT FURTHER RESOLVED that in the event that the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Assistant City Manager thereof, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown is hereby authorized and directed to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not eligible, and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute Supplemental Agreement No.2 to the Marchiselli Aid Local Aid Agreement on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project, and

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

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

**INTRODUCED BY COUNCILMAN PAUL A. SIMMONS**

WHEREAS on March 5, 2001 the City Council of the City of Watertown adopted a resolution approving the Master Federal and Local Aid Agreement for the reconstruction of Bellew Avenue, and

WHEREAS the reconstruction of Bellew Avenue, PIN 775272, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS the City has received notification from the NYSDOT that Marchiselli funding to support the construction, construction inspection and supervision phase of this project has been approved for this phase of the project, and

WHEREAS the entire phase cost is \$2,425,000, which includes \$175,000 in sewer betterments, with the federal share equal to \$1,800,000 and the non-federal share equal to \$625,000, and

WHEREAS Marchiselli funds have been requested and approved for this phase of the project, in the amount of \$337,500, and

WHEREAS the City Council of the City of Watertown desires to advance the project by making a commitment of 100% of the non-federal share of the costs of this phase of the reconstruction of Bellew Avenue,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No 2 to the Marchiselli Local Agreement for the Construction, Construction Inspection and Supervision Phase of the reconstruction of Bellew Avenue, and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Comptroller, James E. Mills, to pay, if required, in the first instance 100% of the federal and non-federal share of the cost of the Construction, Construction Inspection and Supervision Phase for the Project, and

BE IT FURTHER RESOLVED that the total cost for the above mentioned phase of the project is \$2,425,000; with federal funding of \$1,800,000 and non-federal funding of \$337,500 and that the City Council authorizes the appropriation of \$287,500 from the Capital Fund to cover the City's cost of participation in the above phase of the project, which includes \$175,000 for sewer betterments associated with the reconstruction, and

BE IT FURTHER RESOLVED that in the event that the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Assistant City Manager thereof, and

BE IT FURTHER RESOLVED that the Mayor of the City of Watertown is hereby authorized and directed to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not eligible, and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute Supplemental Agreement No.2 to the Marchiselli Aid Local Aid Agreement on behalf of the City of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project, and

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

**SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS the City of Watertown has funds on deposit with various banks, and

WHEREAS the City of Watertown makes withdrawals, transfers funds on deposit, and issues checks from various accounts, and

WHEREAS the City Comptroller is designated to perform these duties,

NOW THEREFORE BE IT RESOLVED that City Comptroller James E. Mills is authorized to make withdrawals, transfer funds on deposit, and issue checks in the name of the City of Watertown, and

BE IT FURTHER RESOLVED that any check authorized to be drawn in the name of the City of Watertown may be signed with the facsimile or original signature of the City Comptroller James E. Mills.

**SECONDED BY COUNCILMAN JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY STEVEN C. DAILY OF RED & WHITE AUTO SALES LOT AT 424-440 ARSENAL STREET, PARCELS NO. 7-05-206, 7-05-207 AND 7-05-208 WAS PRESENTED TO COUNCIL** (Introduced to Council on September 16, 2002; public hearing held this evening; appears in its entirety on page 218 of the 2002 Minutes Book).

Following Council’s review of the SEQRA form, Attorney Slye answered questions posed by Council and explained that they could impose conditions to minimize something if they felt it would affect the neighborhood.

Councilwoman Burns expressed concerns with the run-off issue.

Mayor Butler commented that the run-off concern was there before.

Councilman Simmons remarked that the neighbors have stated that the cellars have flooded before so this won’t create the problem.

Councilman Smith commented that it could be a significant impact if the snow is not removed and felt that there should be a clear and defined condition for snow removal added to the resolution.

Councilwoman Burns commented that she has always been consistent in voting with the neighbors when there is a zoning issue. However, a special use permit is unlike a zoning request and the best thing Council can do is to be sensitive to the neighbors’ concerns.

Councilman Simmons commented that he is the one who brought up the issue of a possible conflict of interest first. He also mentioned that the Codes Department does watch special use permits very carefully.

Councilman Smith remarked that he has concerns with the wording of the buffer zone, as it seems to be too broad.

Mr. Dailey explained that the lot is unfinished now. However, crushed stone will be brought in and the fencing will be put up. He asked if a parking lot was permitted on the site now.

Mr. Mix explained that an automobile parking lot would be allowed by special approval only.

The question of fencing being placed from the sidewalk back was discussed.

Chief Piche explained that while there is nothing in V&T Law pertaining to fences, for safety purposes the fence shouldn't be higher than 3' near the sidewalk.

Mr. Mix and Attorney Slye prepared wording to address Council's concerns on the various portions of the criteria.

**MOTION WAS MADE BY COUNCILMAN SIMMONS TO AMEND THE RESOLUTION TO BE CONTINGENT UPON THE FOLLOWING:**

- 1. That an 8' wide landscaped buffer zone be installed in accordance with the buffer zone landscape guidelines for site plan approval and maintained around the perimeter of the entire property including the west and north side, excluding the east side and also installing stone and 8' of grass at the front of the property.**
- 2. That two lights designed to shine downward and illuminate only the car lot area and not the neighboring properties be installed at the rear of the lot.**
- 3. That a 6' wooden stockade fence be continued along the western property line and also installed along the northern property line with the finished side facing the neighbors as well as that a 3' fence be installed from the sidewalk back 25' on the lot where it would then go to 6' in height.**
- 4. That the hours of operation for the used car sales lot be limited to 9 a.m. to 8 p.m.**
- 5. That no more than 25 cars be allowed on the lot at any one time.**
- 6. That the tree stumps be removed.**
- 7. That snow will not be permitted to accumulate on the lot in any area at a depth greater than 6' and that snow removal be done only during the hours of 9 a.m. to 8 p.m.**
- 8. That crushed stone shall be placed throughout the parking area.**

**MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND WITH ALL VOTING YEA**

After the vote on the foregoing resolution, Mayor Butler addressed the neighbors explaining that the issue was difficult for everyone and sometimes change is not in the best interest of the neighborhood.

## ORDINANCES

### INTRODUCED BY COUNCILMAN ROXANNE M. BURNS

WHEREAS, the City of Watertown, Jefferson County, New York, has determined that the structure located at 649 Factory Street, Watertown, is a nuisance and poses danger to the health, safety and welfare of the inhabitation of said City; and

WHEREAS, by Order dated April 30, 2002, the Supreme Court in and for the County of Jefferson, has ordered that the City of Watertown be permitted to take any and all necessary actions to remove the offending structure located at 649 Factory Street, Watertown; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize of obligations in accordance with such Order;

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the demolition of the structure located at 649 Factory Street, for the purpose of protecting the citizens of the City of Watertown, to provide for the health, safety and welfare of said citizens and in accordance with Order Index No. 02-0366, Supreme Court in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$60,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$60,000 and that the plan for the financing thereof is by the issuance of the \$60,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be

of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCILMAN PAUL A. SIMMONS**

**LAI D OVER UNDER THE RULES**

**INTRODUCED BY COUNCILWOMAN ROXANNE M. BURNS**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the purchase of an anti-theft book detection system for the Flower Memorial Library, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$22,000 serial bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$22,000 and that the plan for the financing thereof is by the issuance of the \$22,000 serial bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the

date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCILWOMAN ROXANNE M. BURNS**

**LAI D OVER UNDER THE RULES**

**MOTION WAS MADE BY COUNCILMAN SIMMONS TO TAKE FROM THE TABLE THE ORDINANCE "AMENDING CITY MUNICIPAL CODE § 293-58 SCHEDULE X, STOP INTERSECTIONS" WAS PRESENTED TO COUNCIL**

(Introduced to Council on September 16, 2002; tabled; appears in its entirety on page 219 of the 2002 Minutes Book).

**MOTION WAS SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Commenting on the foregoing ordinance, Councilman Smith asked how traffic has increased today as compared to before. He remarked that there is still the same number of people going to the same location and there have been no accidents or traffic hazards at that location.

Chief Piche explained that there is now a new exit from Case Middle School. The new 4-way intersection has increased vehicle traffic plus students attempting to cross at that area. Now cars are also coming out of the school campus. He remarked that while Councilman Smith is correct that no traffic counts or statistics are available, he didn't think the City needs statistics of students getting hit before this was put in place. He stated that alternatives would be to put a traffic officer there or place a crossing guard at the intersection. However, a stop sign is less costly. He also commented that there is no traffic engineer in the department, however in this case it was based on the new configuration at the intersection and he thought a stop sign would improve the safety of the students.

Councilman Smith responded that it seems to him that the school system didn't take time to consider the safety of the students before this was designed and now they threw it over to Council to deal with.

Councilman Simmons responded that this was not the way it was done. The exit was put in to allow traffic to get off the campus. It aligns with Green Street and the residents wanted a 4-way stop sign.

Councilman Smith remarked that he while he doesn't blame Chief Piche, he does blame the school district for not having vision before hand.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS**

**Joint Maintenance Facility**

Mr. Hiller advised that he and Mayor Butler would be meeting later this week with Mr. Hayes, Mr. Robbins, Mr. Hagemann and Mr. Thomas relative to the joint maintenance facility.

Councilman Smith commended Mr. Hiller for keeping Council up to date on this matter. He stated that it is unfortunate that the County Legislature hasn't been kept up to date as well. He commented that many months ago he and Councilman Simmons met with Mr. Fykes trying to encourage the County to do a joint maintenance facility.

### **City's Industrial Park**

Relative to a recent news article, Mr. Hiller explained that Mr. Behling had misconstrued his information concerning businesses locating in the City's industrial park. The warehouse does want to locate there.

Mayor Butler commented that there are ongoing successful negotiations relative to this.

### **Downtown Development Coordinator**

Councilwoman Burns reviewed the Downtown Development Board's meeting of October 3<sup>rd</sup>. She explained that the board asked that the Council take the assignment from JCJDC and that the Council take appropriate legal action. She explained that the board had been advised that they didn't have the position to take legal action but Council could. She also advised that Mr. Steve Bradley, a member of the board, was present this evening to answer questions as well.

Councilman Smith commented that he was confused. He stated that the City didn't hire nor fire the individual and she didn't work for the City. In addition, she didn't steal from the City and therefore he questioned how the City was involved. He stated that the City had contracted with JCJDC for professional services and if the alleged actions occurred, they didn't take place with the City's credit card. He questioned why JCJDC was not stepping up to the plate.

Mayor Butler commented that the Downtown Development Board hired the coordinator. Council established the board, which is a policy recommending board. The board was asked by the City to hire a coordinator. The City is also one of the four major sources of funding for the position.

Attorney Slye advised Council that these discussions should be taking place in executive session.

Councilman Simmons asked about legal problems the City could face if they assumed this role of accepting assignments and taking appropriate legal action.

Attorney Slye responded that he would be glad to discuss this in executive session.

Councilman Smith questioned if the Council should go in to executive session to discuss this position, since the individual was not an employee of the City.

Attorney Slye advised that except for causes of action for personal injuries, all other assignments can be accepted.

**EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCILWOMAN BURNS TO MOVE INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER AND THAT CHIEF PICHE AND STEVE BRADLEY BE ALLOWED TO ATTEND.**

**MOTION WAS SECONDED BY MAYOR BUTLER AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCILMAN SMITH VOTING NAY**

Council moved into Executive Session at 9:56 p.m.

Council reconvened at 10:59 p.m.

Attorney Slye advised that the City has no option for a criminal investigation. The City can't and won't pursue one. However, the City can accept assignment for civil action based on review.

Mayor Butler remarked that he would recommend pursuing civil action.

Councilwoman Burns commented that the City, on advice of legal counsel, is not in a position to pursue criminal action. However, they will pursue civil action.

Councilman Smith commented that the improprieties, if any, are not against the City and therefore accountability should be held by JCJDC. He stated that he couldn't support using taxpayers' money to pay for litigation for wrongs not done to the City. He commented that JCJDC should be taking action

Councilman Simmons responded that most of the funding for the position does come from taxpayers. He stated he felt the funds to pay for this investigation would be more affordable for civil action and should come from the downtown funds. He stated that this is all about accountability and integrity.

Mayor Butler polled the Council and there was a consensus of three members to accept the assignment. Mayor Butler advised all present that in the future, Attorney Slye will be the only one answering questions concerning this issue.

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 11:06 P.M. UNTIL TUESDAY, OCTOBER 15, 2002 AT 7:00 P.M. BY MOTION OF COUNCILMAN SIMMONS, SECONDED BY COUNCILWOMAN BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

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Donna M. Dutton, City Clerk