

**CITY COUNCIL WORK SESSION
CITY OF WATERTOWN
NOVEMBER 14, 2011
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

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

City Staff Present: Jim Mills, Ken Mix, Gene Hayes and Kurt Hauk

Mayor Graham opened the work session.

Marble, Martin and State Street Properties.

Mr. Mills reviewed his report to Council concerning the properties on Marble, Martin and State Streets. He explained that the Marble Street property is 134' x 217' and is zoned Heavy Industry. He suggested that the City sell the tax certificate as this would keep the City out of the chain of title.

Attorney Slye advised that the purchaser of the property could then apply for a tax deed themselves.

Council Member Butler asked if there had been any inquiries on the property.

Mr. Mills advised that he had received a couple of phone calls concerning the property but couldn't recall who the calls were from and indicated that the calls were more informational than wanting to purchase the property.

Council Member Butler asked about a minimum bid.

Mr. Mills advised that because the two-year redemption period had past, they could even start at \$1.00.

Council Member Butler stated that the City does have some money into it because of back taxes.

Mr. Mills indicated that it was about \$2100.

Council Member Butler responded that he doesn't know how much hope there is for the property and sees an auction as a dead end and feels that the City will be back in the loop with the property.

Mr. Mills stated that would be the case only if the new owner is delinquent on the taxes.

Mayor Graham commented that if it doesn't sell, the City would be leaving blight for the neighbors to deal with.

Attorney Slye advised that if the City takes title to the property we would be taking it down and cleaning it up.

Council Member Butler asked about the history of the property and when it was last used.

Mrs. Corriveau stated that she would check with Mr. McWayne to see if he has any information on it.

Referring to the Martin Street property, Mayor Graham remarked that this property was previously a recycling center and the neighbors expressed problems with it at that time.

Commenting on the State Street property, Mrs. Corriveau advised Council that this used to be Zeibart.

Mayor Graham asked Council Members what they wished to do about these properties. Council concurred unanimously that the tax sale certificates be auctioned off.

Council Member Butler asked when the auction would be held.

Mr. Mills stated that he would have a resolution before Council and then advertise once a week for three weeks. Therefore, the auction could probably be held sometime in December.

207 South Meadow Street

Referring to the report on this property, Council Member Burns stated that the proposal of adjacent parking for the playground makes a lot of sense.

Council Member Butler asked if the playground would have upgrades as well.

Mr. Hayes explained that this proposal, while still conceptual, would allow for a land transfer of the vacant lot located at 217/219 S. Meadow Street. The lot would be split so that the owner would retain sufficient width to allow him room to maintain a driveway along the south side of his house at 211-213 S. Meadow Street. The City would take ownership of the remaining portion of the parcel. Thus, allowing adequate width, when combined with the current 20 ft. wide access to the Taylor Street Playground, to allow for future construction of the proposed parking lot. This would also allow for sufficient boundary separations from both adjacent properties, 223 S. Meadow and 211-213 S. Meadow.

Mr. Hayes advised that this proposal would involve the City taking down a tree on the property. He also advised that Mr. Storino was able to pin point the markers on the abutting property.

Mr. Hayes and Attorney Slye advised Council that no money would be paid to the property owner.

Mayor Graham polled Council Members as to their thoughts on this proposal. Council concurred to move ahead with the plan.

111 South Orchard Street

Mr. Hayes advised Council that the house is condemned and there is a sewer easement across the property. He explained that there are at least 3 houses that are tied into the main that goes into the backyard. He also explained that the sewage flow is a real problem. It is a shallow main and there is root infiltration, thus making collapsing much easier. He suggested that when this property comes up for tax sale, the City should take it and install a new main. The remaining portions of the property could be divided up among the abutting property owners. He also commented that a viable alternative would be to take the residences there out into the Massey Street main.

Mayor Graham commented that if the City sold the property, they would get \$4,000 and not have the cost of demolition. He questioned if it wouldn't make sense to reroute those residences and get them off that main.

Council Member Smith remarked that the City would still have the cost of fixing that main versus putting the residences into the Massey Street main. He asked what those costs would be.

Mr. Hayes advised that those costs would have to be obtained from the City Engineer. He commented that there would probably be \$6,400 in asbestos abatement and \$4,000 in tipping fees if the City demolished the house. He explained that the actual demolition of the house would be done by the City as would the installation of the main. Therefore, it wouldn't be that expensive. The costs would be in turning the connections around in the houses to enable them to be hooked to the Massey Street main. He also commented that he thought the main could be placed deeper than it is now if the City kept it where it is presently located.

Mr. Hayes advised that 124 and 128 Massey as well as 341 Arsenal (Rite Aid) are on the main.

Mayor Graham commented that if the City rerouted the main and sold the property, it should be sold by auction.

Mrs. Corriveau advised that before that could be done, they need to look at the costs in rerouting.

Mayor Graham responded that we should look into the costs of rerouting the system.

Mr. Hayes stated that going out into Massey would be the best, but the most expensive. He also advised that if the property is sold, the City would have to have an easement.

Council Member Butler stated that he thinks the City should reroute the line and fix the problem and then sell the property. He stated that he doesn't think the house should be torn down.

GASB 45 Report

Mr. Mills answered questions posed by Council Member Butler concerning this report. He explained that the City continues to pay these obligations on a pay as we go basis. He also advised that many of the amounts in the report are based on actuarial types of calculations. He also advised that a full evaluation is done every 2 years and trending is done the other years. He puts it out to bid every 4 years.

Council Member Butler commented on the numbers of retirees under 65 and the amount of money the City is paying now and scheduled to pay in the future. He stated that the figures are astonishing.

Council Member Macaluso commented that this should balance out over a 5 year period.

Mr. Mills advised that the retirement would, but these figures refer to health insurance.

Mayor Graham responded that Council implemented the 25% contribution with the 2 non-union employees that they hire. He suggested that this would be a good policy to adopt in the future for other non-union employees being hired.

Mrs. Corriveau advised that this could be done by readopting the management-management confidential benefit plan. She also commented that she and Attorney Slye need to address some of the language currently in the plan.

Mayor Graham asked Council Members what their desire was with this. Council concurred that the 25% health insurance contribution should take place with new non-union hires in 2012 and asked that legislation be drawn to address that as well as to address the language in the plan.

Council Member Butler and Mr. Mills will get together to discuss the report further.

Draft Fence Zoning Amendment

Mr. Mix reviewed the draft legislation with Council and distributed the listing of items where there was agreement between the Council and Planning Board and also items where there were disagreements.

Council Member Smith referred to his own fence and remarked that a set back is fine in the front yard when looking at safety and vision issues. He commented that there will be situations where both parties agree that they want to have a fence, but they won't be allowed to. He questioned if that was fair.

Attorney Slye advised that the problem is that the permit goes with the property.

Mayor Graham asked if the fence companies are briefed when the City adopts a new ordinance like this.

Mr. Mix stated that we can. However, hopefully, people will check on the needed permits for fencing before putting one up.

Mayor Graham commented on the 3' vs. 4' issue and remarked that 3' doesn't necessarily contain pets and children.

Council Member Butler referred to the fact that he felt sections E and G contradicted each other.

Mr. Mix explained that section E could have "accept as required by paragraph G" and didn't feel that the two were contradictory.

Council Member Butler stated that he thought Council had agreed on 3' and 50%.

Mayor Graham questioned whether or not the fences are available in 3'.

Council Member Butler responded that we shouldn't try to accommodate the fence companies.

Mrs. Corriveau advised that the last time the fencing issue was addressed, the fence companies came in and said that 4' was the standard. However, if Council wants it to be 3', Council should say so.

Council Member Butler commented that to keep it simple, if the fence is built on the line, it should be 80% and 3'. Otherwise, it should be 50% transparency with a setback.

Mr. Mix stated that setbacks are addressed in G and doesn't need to be repeated in E.

Mayor Graham stated that Council wants to make it clear.

Council Member Macaluso stated that 4' is reasonable if there is a 5' setback.

After noting the comments of Council, Mr. Mix stated that they would draft up a formal ordinance for Council to consider.

Draft Dog Legislation

Referring to this draft legislation, Council Member Macaluso asked what the Chamber had to say about this.

Council Member Burns stated that the Chamber doesn't want dogs at the market. However, since the market is held on City property, they wanted the City to take the lead on this and they are pleased that the City is taking action.

Council Member Butler asked about it being unlawful for the dog to be on City property within 20' of playground equipment.

Attorney Slye commented that the paramount protection is to keep the dog on a leash.

Council Member Smith asked about t-ball games and if a family brings a dog but is not within 20' of playground equipment.

Mrs. Corriveau stated that if it is an organized game and they asked to use the City field, dogs can not be brought there.

Council Member Smith stated that he thinks that is a little too restrictive.

Attorney Slye stated that the legislation reads that dogs are not permitted at any special event. Discussion centered on what would determine a "special event". Attorney Slye indicated that this is something that Council can discuss before voting on any legislation.

Council Member Smith asked about dog shows being held at the fairgrounds.

Mrs. Corriveau advised that she had spoken with Mr. Simpson about that. The dogs in competition would be allowed. However, no other dogs would be allowed there.

Council Member Smith questioned how someone would be able to walk their dog down Sterling Street and across Washington Street when the market was going on.

Council Member Burns commented that this draft does take into consideration the essence of what we are looking at. She stated that she doesn't think dogs should be at the farmers' market, concerts or the Jefferson County fair. She also suggested that Council could discuss private events.

Attorney Slye advised that Council has to decide what the evil is that they are trying to eliminate.

Mayor Graham commented that it is having dogs at public events where there is a high density of people.

Attorney Slye asked what he thought of dogs at t-ball games.

Mayor Graham responded that he didn't see it as that. However, he didn't feel dogs should be going through large crowds of people and stated that they shouldn't be allowed at Red and Black football games due to the crowds and the fact that food is being served. He stated that if you are serving food, you shouldn't have dogs there. He stated that there are certain things in life where you leave your dogs at home.

Council Member Burns stated that the key is the number of people at the event.

Mayor Graham commented that special events should include those that require a permit and those that include activities of significant assembly to be conducted on City owned property.

Council Member Smith referred to the last paragraph of the draft and asked for clarification as to what therapy and war dogs are. The information will be supplied to Council.

Palmer Street

Mr. Hauk reviewed maps of Palmer Street and Palmer Street Extension. He advised that a section of Palmer Street from Arsenal Street was accepted as a City street in 1897. This portion of the street is 33' wide. He reviewed the section that is not dedicated and the fact that the City Charter indicates a City street has to be 3 rods wide – which is 50 feet. The map indicated a portion of land that would have to be acquired to make this happen. The last portion of Palmer Street is near the Palmer Street Apartments. Council was advised that the owners of the complex had previously offered the road to the City.

Mayor Graham commented that it was the intent of the Council to make the road wider and that the problem is that it is a universal use thoroughfare. He stated that there is no place for people to walk and it isn't safe.

Council Member Butler questioned if we had to adhere to the street standards if we take it as a dedicated street.

Mr. Hauk and Attorney Slye both stated that we do.

Discussion was held on the fact that many of these residences are on septic tanks. Council was also advised that within the right of way is where water and sewer lines are built.

Mrs. Corriveau stated that as they acquire the right of way, staff needs to know that Council is willing to do the improvements.

Mayor Graham remarked that it is a tough call. He stated that to have allowed the apartment complex to have been built with the road network as it was wasn't sensible planning at that time.

Council Member Butler asked about the traffic study and numbers of cars in that area. He stated that we should look at streets that are in just as bad condition but have more traffic.

Mr. Hauk advised that a 2006 study indicated that there were 1108 vehicles daily on Palmer from Arsenal to Emmett and 597 from Emmett to Wealtha.

Council Member Burns remarked that this area is having a lot of physical growth and they deserve a decent road to ride on.

Attorney Slye reminded Council that these people are not asking the City to do this.

Council Member Butler stated that there are other streets in rough shape which have higher traffic flow. He questioned how important it is to the long term sewer plan to do a sewer upgrade.

Mr. Hauk indicated that if we are fixing poor streets, we gravitate to do upgrades at that time.

Mayor Graham commented that this is the part of the City where growth is occurring.

Council Member Butler responded that he would be curious to talk with people down there and see what they want.

Mayor Graham stated that someone in 1985 said that they could build 100+ housing project there with no way to meet the street.

Mrs. Corriveau stated that the owners were willing to dedicate it to the City but Council didn't want it at that time.

Council Member Butler stated that he needed more cost details.

Council Member Smith suggested a survey for the people there.

Council Member Burns remarked that it isn't just a street that needs repaving. It is a safety issue. She also commented that she is always uncomfortable with the city maintaining a private street.

Mayor Graham remarked that Council seems to indicate that there is not enough desire to move ahead.

Mrs. Corriveau asked if Council wanted staff to reach out to the homeowners in the area.

Council Member Butler commented that it is probably the City's job to reach out to the homeowners. He also commented that the area's location, while being in the City, lends itself to being country-like and perhaps, the fact that it is difficult to get there is an advantage to some.

Council Member Macaluso stated that she didn't want to put \$3million into it. She questioned if she thought it was essential and stated that she didn't think Breen Avenue was essential, either.

Part-Time City Judge

Mayor Graham discussed the fact that since Judge Renzi was recently elected to replace Judge Harberson, there will be an opening for his part-time position. Since it is a Council appointment, he asked if people should contact Council Members expressing their interest in the position.

Attorney Slye suggested that Council send a letter to the BAR Association indicating the position.

Mayor Graham asked that it be put on the website as well indicating that a letter of interest and a resume be submitted to City Council.

Attorney Slye commented that it would be a news interest story that could appear in the paper as well.

J.B. Wise Project

Council Member Burns asked about the status of the completion date for this project.

Mr. Hauk indicated that once the building is done, the project will be substantially completed. This will occur very soon. There will be a few items left to do in the spring.

Hiring for Parks & Rec Positions

Council Member Burns asked about the status of this.

Mrs. Corriveau stated that interviews are still being held.

Council Member Burns asked what the hold up was.

Mrs. Corriveau responded that they are working through the process. Some of the second interviews have been conducted and one background check has been done. She stated that both teams involved are dedicated and are working through the process. She stated that she didn't want to say it would be done in 2 weeks and then have to tell Council it wasn't.

Mayor Graham stated that he would be disappointed too if it were to be two weeks and then it wasn't. He stated that he doesn't want to be put in a position where people are coming to the 3rd floor or to the elected officials for next year's events. He stated that it is his goal to have a person down there.

Mrs. Corriveau stated that she has the same sense of urgency. However, she wants the right people in the positions.

Council Member Smith commented that when the hockey association had the concession stand, they had to have it open during free skating time. Now it isn't.

Mrs. Corriveau responded that she will talk with Mr. Van Brocklin about it.

Mayor Graham stated that when just a few people go down there, they want to be able to go to the concession stand not just when there are 500 people there.

The work session ended at 9:16 p.m.

Donna M. Dutton, City Clerk

