

**ADJOURNED COUNCIL MEETING
CITY OF WATERTOWN
NOVEMBER 23, 2009
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JASON R. BURTO
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

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

The City Manager presented the following reports to Council:

- 1 - Approving Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena, Watertown Hockey Association
- 2- Amending City Code Chapter 320, Article III, §320-4, Schedule of Fees
- 3 - Staff Report – Snow-Dumping Facility 2008-2009 Permit Record
- 4 - Watertown Wizards Request, Gathering Deck

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Mayor Graham opened the adjourned Council session.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown owns and operates an Arena at the Alex T. Duffy Fairgrounds, and

WHEREAS the Watertown Hockey Association expressed their desire to enter into an Agreement for bulk rental of ice time at the Fairgrounds Arena to support their programs, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facility,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Agreement for Bulk rental of Ice Time at the Watertown Municipal Arena between the City of Watertown and the Watertown Hockey Association, 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 said Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR. AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City is a municipal corporation organized under the laws of the State of New York and, as such, owns a facility known as the Watertown Municipal Arena within the City of Watertown, and said facility is a community recreational asset, and

WHEREAS the City desires to promote future recreational activities at the ice arena for the valid purpose for the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS in pursuit of this public purpose the City desires to enter into an Agreement for the rental of bulk ice time,

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Watertown amends the City Code Chapter 320, Article III, Section 320-4, Schedule of Fees, by adding the following:

D. Nothing in this Section shall prohibit the City from entering into an Agreement for the use of the Fairgrounds Arena, at rates other than the rates stated above. However, any such Agreement shall require approval of the City Council.

And

BE IT FURTHER ORDAINED that this amendment shall take effect immediately.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER AND CARRIED WITH ALL VOTING YEA EXCEPT MAYOR GRAHAM VOTING NAY

UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Prior to the votes on the Ordinance and Resolution, Mrs. Corriveau noted that during the discussions concerning raising fees for the City, the topic of raising the fee for ice time was considered. Mrs. Corriveau noted that the Watertown Hockey Association wished to add some hours for ice time on various holidays. After talks between City staff, Attorney Slye, Council and the Hockey Association, Mrs. Corriveau reviewed the information and a resolution and ordinance are presented for Council this evening.

Nina Harff of the Hockey Association, staff and Council discussed the proposed hours and rates.

Mrs. Harff told Council that the Association is asking for the same number of hours plus various holidays.

Council Member Smith noted that this plan frees up staff time and allows the Association to get more ice time but not necessarily the prime slots.

Mayor Graham noted that some additional hours on holidays would be more expensive to staff.

Mrs. Corriveau replied that part time staff is utilized for holidays and that some of the holidays mentioned include school vacations, not necessarily a federal holiday.

Mayor Graham said that he is not going to vote 'no' on the unanimous consent but that he has his reservations on this topic.

Mayor Graham inquired how the concession stand is working out.

Mrs. Harff replied that there are no problems that she is aware of and that the Association plans to report back to Council after the season.

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Watertown Wizards Request, Gathering Deck

Mrs. Corriveau told Council that staff is here this evening prepared to discuss the topic.

Mr. Hayes noted that he just received this information on Friday and that he has some issues with the egress area of the deck. He also stressed the need for handicap accessibility and questioned the materials being chosen for the deck in terms of durability and maintenance. Mr. Hayes noted that pressure treated lumber looks nice but requires annual upkeep and that wood-looking plastic is more desirable.

Mayor Graham asked for the dimensions of the deck and if this is really just a marketing scheme.

Mr. Hayes replied that they are 24 ft. x 40 ft.

Paul Simmons, 27487 Rt. 12, Watertown, told Council that the deck is a marketing tool in which sponsors can bring families and clients and can also be used for other events such as DPAO concerts. He said that tables and chairs would also be utilized on the deck as well. He noted that the location of the deck, behind third base, is safer because the majority of foul balls are hit behind first base. Mr. Simmons added that the pressure treated lumber has already been donated and that the deck would not be a permanent fixture at the ball field so it can be moved anywhere in a couple of days.

Mr. Hayes showed a power point presentation to Council displaying where the deck could be located.

Mayor Graham asked if these logistical details could be worked out between City staff and Mr. Simmons.

Mr. Hayes reiterated that he was just presented with this information on November 20, and that this may be his one opportunity to voice his concerns before the project is completed.

Council Member Butler inquired if there is seating behind the dugout.

Mr. Simmons said that there is.

Council Member Smith asked if the seating on that side is ADA compliant.

Mr. Hayes noted that it was built before the ADA rules were created.

Mrs. Corriveau requested that Council give Mr. Hayes an opportunity to present the information he gathered on this topic.

Council Member Burns asked if there were any conversations between the Wizards and staff on this matter.

Mrs. Corriveau replied that the Wizards came to staff with plans for the deck area, they were reviewed by Codes, Mr. Simmons provided a letter on November 19 and staff asked to have this topic presented on the agenda.

Council Member Burns inquired again as to whether this was discussed before this evening.

Mrs. Corriveau said there was no discussion and that this will not go before the planning board because the work to be done is on City property.

Mayor Graham asked if the plans were approved by Codes and about the timeline for the work.

Mrs. Corriveau said that there were approved structurally.

Mr. Simmons told Council that it will probably be completed in the spring. He added that this will also be where birthday parties are held.

Mr. Hayes commented that a more desirable location for the deck would be on the first base line with almost identical orientation to the original plan. He said this would create a better flow for fans and pedestrians in that area.

Council Member Smith noted that the plastic material is expensive and asked if cedar would be a good middle ground.

Mayor Graham asked if the pressure treated lumber has already been donated.

Council Member Burns said she understands the urgency of this issue but urges Mr. Simmons and City staff to come to some common ground.

Mrs. Corriveau told Council that the materials have already been delivered and asked if it is the Council's desire to move forward.

Council Member Burns repeated that this is the first time that this issue has come before Council and that she does not want to be forced to vote on this tonight.

Council Member Butler asked if a resolution is needed.

Mrs. Corriveau said that it would be needed to accept the deck as a gift to the City.

Council Member Butler said that he has no problem with the deck's location on the home field side and noted it is an advantage. He said he supports the proposed location and the construction with the donated lumber.

Mr. Hayes suggested that the deck be built but not gifted to the City then the Wizards can maintain the deck.

Council Member Smith asked if the primary concern is the maintenance.

Mr. Hayes replied that maintenance is a worry as well as location.

Mr. Simmons told Council that he would be more than happy to go ahead with the plans. He noted that the deck will start twelve feet from the dugout. Mr. Simmons added that the deck does not have to be ADA accessible because there is enough wheelchair accessible seating in place already. He also said that he has no problem keeping ownership of the deck. Mr. Simmons told Council that this is the best ballpark in the league and spoke very highly of City staff and that by gifting the deck, the organization was just trying to give back to the City.

Council Member Burns commented that she has always been supportive of the Wizards and that she supports the concept in theory but does not feel comfortable making a decision this evening. She added that she is baffled as to why the decisions were not worked out before and noted the importance of making sure the deck is ADA compliant. She reiterated that she supports the concept but that the details need to be worked out with City staff.

Mr. Simmons replied that the deck will be built to ADA regulations but noted that it does not have to be because of the amount of accessible seating already in place at the park.

Council Member Burns stated that she would retract her previous comment on that topic.

Mayor Graham noted that it is not a good idea to have materials for a project delivered before one has permission to do the work.

Council Member Smith said that he also approves the concept but wished to let the Wizards and City staff work out the details.

Mrs. Corriveau said that the existing agreement between the City and the Wizards will have to be amended.

Attorney Slye commented that the underlying agreement will have to be worked on to make sure the deck also falls under the Wizards' insurance.

Mr. Hayes noted that the deck could be built on one side but then moved to the other side of the field.

Snow Dumping Facility 2008-2009 Permit Record

Mrs. Corriveau noted that an amendment to the City Ordinance could be required. She also said that the majority of permit holders have one or two vehicles.

Mr. Hayes told Council that the report indicates when permits were issued last season.

Mrs. Corriveau stated that a person is not likely to pay \$500.00 for a permit not knowing how much snow will fall during the season.

Mr. Hayes noted that two permits have been issued for this season so far.

Council discussed the permit fee structure and agreed on \$125.00 for each of the first four vehicles or a cap at \$500.00.

Mayor Graham suggested an ordinance be prepared to come before Council.

** **

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER BURNS TO MOVE INTO EXECUTIVE SESSION AT 7:45 P.M. TO DISCUSS COLLECTIVE BARGAINING, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:45 P.M.
BY MOTION OF COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER
SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Amanda C. Lewis
Deputy City Clerk