

June 24, 2013

City Council

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Proceedings by Authority

State of New York

City of Jamestown

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City Council Chambers

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, June 24, 2013 at 7:30 p.m.

Members Present: Council Members, Steve Szwejbka, Tony Dolce, Michael Taylor, Marie Carrubba, Maria Jones, Paul Whitford, Kim Ecklund and George Spitale

Members Absent: Council President Greg Rabb

Others Present: Director of Financial Services/City Clerk James N. Olson, Police Chief/Director of Public Safety Harry Snellings, Corporation Counsel Marilyn Fiore-Lehman, Deputy Chief Chet Harvey, Director of Development Vincent DeJoy, Director of Public Works Jeff Lehman

In the absence of City Council President Rabb, Director of Financial Services/City Clerk James N. Olson called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

The Invocation was given by the Rev. Jim Read of the Bethel Baptist Church.

Councilwoman Ecklund nominated Councilman Dolce to act as President Pro-Tem in the absence of City Council President Greg Rabb.

Councilman Whitford seconded the motion.

Councilwoman Ecklund moved to close the nominations.

Carried: 7 ayes, 0 nays

Councilman Spitale moved to approve the minutes from the May 20th, 2013 meeting.

Councilman Taylor arrived.

201306B00.01

**OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL**

Pastor Jim Read, 93 Lovall Avenue: Let me just share a couple of things that I want to do by way of encouragement and just hopefully guidance and to help you out in your job. I live next to Nordstrom Park. My backyard backs up to Rosemead Avenue which is right next door

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to the park. I love where I live. I love the Park. I want to commend your Parks and Recreation people for a fine job – they make that place look wonderful and I hope they do with the rest of them as well. What I'd like to ask you to consider is on the backstop, at least in our neighborhood, on the backstop of the baseball diamond, is a "No Smoking" sign to remind people of the ordinance that the park is no smoking. The problem is, I've never found any parents who stand or sit behind the backstop to look at that sign and so they do it where they sit which is along the sidelines. I don't mind...I pick up the cigarette butts – your parks guys do a great job with that, but the reality is I would like to encourage it...the season's almost done so I'm not worried about this year, but maybe for next year, make some signs that you could put along the sidelines where people sit where they would be a little more knowledgeable. I think a great idea would be to maybe have an article in The Post-Journal at the beginning of the season saying our parks, not just the ball field is smoke free, because obviously the kids aren't smoking – it's the entire park area. At least that's how I think it would be. Again, if we care about having an ordinance, if we care about the kids, which I love having them at my back yard yelling and playing ball – that's great; but I feel bad that they have to walk through a haze of smoke often times to get to and from the ballpark. Maybe that would just be a suggestion on how to improve. The facilities are great; but again, I don't want to ??????????????even move the on from the backstop so you only have to buy one for each place????? That's just something to encourage you to think about for next year. Again, if you're going to have an ordinance to protect the kids, that would be a great way to publicize it in The Post-Journal and at least put it where they're going to have to look at it when they're smoking their cigarettes and that way I can come out there and say "do you see the sign?" If they don't like it then the Chief can come over and bail me out. Thanks – I appreciate it.

Council President Pro-Tem Dolce: Thank you. Anyone else like to speak? Just a note on that too, I know that I'm not familiar with Nordstrom, but the other parks have the "young lungs that play" signs, I don't know – is that's what's there? Okay. Maybe it's just a matter of relocating, putting in a couple more signs and then maybe...I know with the Babe Ruth, the Cal Ripkin, they kind of really hit hard with the parents about that and they themselves try to enforce it and police it as much as possible.

Pastor Read: If I am correct in understanding, the park is smoke-free, correct?

Council President Pro-tem Dolce: The park is smoke-free.

Pastor Read: ...because I think that's one thing people don't realize – it's the whole park, not just where they're parking their cars and the alley. I think they think if they're in the alley, not on the grounds, technically they're okay. So if we could do some kind of educational program, I think that would be helpful.

Council President Pro-Tem Dolce: Absolutely. Is there anyone else who would like to speak tonight? Seeing none, we'll move on to our Standing Committees.

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**FINANCE**

201306B01

BY COUNCILWOMAN CARRUBBA:

RESOLVED, that bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital fund, Special Revenue Fund and Trust & Agency Fund \$5,454,604.16 in accordance with the period ending June 24, 2013, copy of which is annexed hereto and a copy to be filed in the Office of the City Clerk, and be it further,

RESOLVED, that disbursements in the total amount of \$1,266,981.11, as paid by the Comptroller and Director of Financial Services, a copy of which is annexed hereto and a copy to be placed on file in the Office of the City Clerk, be and hereby are approved.

Carried: 8 ayes, 0 nays

201306B02

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of two hundred eighty-four thousand six hundred thirty-seven dollars and fifty cents (\$284,637.50) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds Series A**, issue of June 1, 2011, two hundred ten thousand dollars (\$210,000.00) principal and seventy-four thousand six hundred thirty-seven dollars and fifty cents (\$74,637.50) for six months interest at 3.50% per annum on three million eight hundred seventy-five dollars (\$3,875,000).

Carried: 8 ayes, 0 nays

201306B03

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of three hundred forty-six thousand fifty-six dollars and twenty-five cents (\$346,056.25) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds, Series A**, issue of June 15, 2010, two hundred fifty-five thousand dollars (\$255,000.00) principal and ninety-one thousand fifty-six dollars and twenty-five cents (\$91,056.25) for six months interest at 4.25% per annum on four million two hundred eighty-five thousand dollars (\$4,285,000.00).

Carried: 8 ayes, 0 nays

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201306B04

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the United Way of Southern Chautauqua County in an amount not to exceed \$6,500 for the purpose of funding a portion of the 2013 Summer Playground Program for the Parks, Recreation and Conservation Department subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201306B05

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$5,000 for the purpose of funding a portion of the 2013 Summer Playground Program for the Parks, Recreation and Conservation Department subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201306B06

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a grant agreement with the Chautauqua Region Community Foundation for the purpose of funding the "Good Neighbor Fund" operated by the Board of Public Utilities which assists individuals in paying their water and/or electric bills. Said grant agreement is subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201306B07

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$10,000 for the purpose of funding the Veteran's Park Relocation Project subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201306B08

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Hultquist Foundation, Inc. in an amount not to exceed \$15,000 for the purpose of funding the Veteran's Park Relocation Project subject to the approval of the Corporation Counsel as to form.

Councilwoman Ecklund: I just want to publicly thank all the local foundations for resolutions 4 through 8. Without their support, some of these very worthy programs and projects in the City could not take place.

Carried: 8 ayes, 0 nays

201306B09

BY COUNCILWOMAN CARRUBBA:

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into an agreement with TriadSynergy Group, 537 Fillmore Avenue, Tonawanda, New York 14131 for the purchase of one (1) Self-Contained Breathing Apparatus Compressor with fill station in an amount not to exceed \$57,049.00 in accordance with funding received by the Department of Homeland Security Assistance to Firefighters Grant Program Award EMW-2012-po-00927 subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201306B10

BY COUNCILWOMAN CARRUBBA:

WHEREAS, the Chautauqua County Health Network as a part of the New York State Department of Health Creating Healthy Places to Live, Work and Play grant initiative is desirous of contributing equipment and materials valued at approximately \$12,610.27 to the City of Jamestown to be used at the Lillian Dickson Park, and

WHEREAS, the proposed gift will allow the City of Jamestown to continue to improve Lillian Dickson Park to assist this community by creating Healthy Places to Live, Work and Play; now therefore be it

RESOLVED, that the City of Jamestown hereby accepts the donation, and be it further

RESOLVED, that the Jamestown City Council hereby extends its appreciation and gratitude on behalf of the citizens of the City of Jamestown to the Chautauqua County Health Network for its generous donation.

Carried: 8 ayes, 0 nays

BY COUNCILWOMAN ECKLUND:

WHEREAS, under the Community Development Block Grant (CDBG) and HOME programs, entitlement communities are allotted funds to implement housing, neighborhood, community, and economic development activities; and

WHEREAS, the City of Jamestown has been designated an entitlement community and is eligible to prepare and submit an Annual Action Plan which includes proposed housing, neighborhood, community, and economic development activities to be funded through the City's CDBG and HOME Program funding allotments; and

WHEREAS, in conjunction with an extensive public input process conducted by the City of Jamestown's Department of Development, the staff has developed a draft FY 2013 Annual Action Plan which includes proposed housing, neighborhood, community, and economic development activities to be funded with \$1,070,178 through the 2013 CDBG allocation and \$274,227 through the 2013 HOME allocation, for a total of \$1,344,405; and

WHEREAS, said development activities will occur in designated target areas in the community and include a variety of housing rehabilitation, infrastructure, planning, public services, and economic development initiatives; and

WHEREAS, in addition to the extensive, informal, public input process conducted by the Department of Development, two (2) required public hearings were held on April 3, 2013, and May 13, 2013, for the purpose of obtaining citizen input regarding the FY 2013 Annual Action Plan and the specific CDBG and HOME activities to be contained therein; and

WHEREAS, the draft FY 2013 Annual Action Plan has been available for public review for a minimum of 30 days as required by U.S. Department of Housing and Urban Development (HUD) regulations; and

WHEREAS, additional comments of support and public input were received during the aforesaid public input period and carefully considered by Administration officials and City Council members; now therefore be it

RESOLVED, that the Mayor be, and is hereby authorized and directed to submit the draft FY 2013 Annual Action Plan, including the specific CDBG and HOME activities contained therein, to the U.S. Department of Housing and Urban Development; and be it further

RESOLVED; that the specific CDBG and HOME activities contained within the FY 2013 Annual Action Plan will be comprised of the list hereto attached.

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## FY 2013 Community Development Block Grant and HOME Programs

### Summary of FY 2013 CDBG Activities:

#### Proposed Low-Moderate Benefit Activities = 82.22 % of Active Funds

<u>Activity</u>	<u>Amount</u>
A.D.A. Improvements –Public Facilities	\$ 100,000
Neighborhood Target Area Infrastructure Improvement Program	\$ 255,000
Neighborhood Target Area Demolition Program	\$ 213,892
Owner Occupied Emergency Repair Program	\$ 45,000
Downtown Handicapped Accessibility Improvement Program	\$ 90,000
<b>SUB-TOTAL (Low - Moderate Benefit Activities)</b>	<b><u>\$ 703,892</u></b>

#### Proposed Slums and Blight Activities = 17.78 % of Active Funds

<u>Activity</u>	<u>Amount</u>
Downtown Greenlining Façade Improvement Program	\$ 152,250
<b>SUB-TOTAL (Slums and Blight Activities)</b>	<b><u>\$ 152,250</u></b>
Administration/Program Delivery	\$ 214,036
<b>TOTAL (CDBG Program)</b>	<b><u>\$ 1,070,178</u></b>

### Summary of FY 2013 HOME Program Activities:

<u>Activity</u>	<u>Amount</u>
Citywide Owner-Occupied Rehabilitation	\$ 205,670
CHDO Set-Aside (15%)	\$ 41,134
Administration/Program Delivery	\$ 27,423
<b>TOTAL (HOME Program)</b>	<b><u>\$ 274,227</u></b>

Carried: 8 ayes, 0 nays

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201306B12

BY COUNCILWOMAN ECKLUND:

RESOLVED, that resolution 201305B06 adopted on May 20, 2013 be and hereby is rescinded.

Carried: 8 ayes, 0 nays

201306B13

BY COUNCILWOMAN ECKLUND:

RESOLVED, that resolution 201305B07 adopted on May 20, 2013 be and hereby is rescinded.

Carried: 8 ayes, 0 nays

201306B14

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be, and hereby is, authorized to enter into an agreement with Blue Cross Blue Shield of Western New York, 257 West Genesee Street, Buffalo, New York 14202-2657 to administer the City of Jamestown's self-insured medical program including claims adjudication, customer service, enrollment, utilization management, HIPAA certification, reporting, case management, baseline disease management, network access, core web services and stop-loss management at the rate of \$38.85 per subscriber per month for the period June 1, 2013 to December 31, 2014, and a quality incentive program charge of \$2.74 per member per month for the period January 1, 2014 to December 31, 2014, subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201306B15

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be, and hereby is, authorized to enter into an agreement with Blue Cross Blue Shield of Western New York, 257 West Genesee Street, Buffalo, New York 14202-2657 to administer the City of Jamestown's self-insured prescription drug program including claims adjudication, customer service, enrollment, access to Medco pharmacy network "C", clinical management and access to Medco programs and services at the prescription administrative fee of \$1.50 per claim, dispensing fee of \$1.30 per script and a broker commission of \$.25 per script for the period of June 1, 2013 to December 31, 2014, subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

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201306B16

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the offer of John D. Rivera, for the purchase of parcel 387.12-5-73, located on Kinney Street., assessed value of one thousand seven hundred dollars and no cents (\$1,700.00), lot size 60x120, in the amount of one hundred two dollars and no cents (\$102.00), be and hereby is accepted and be it,

RESOLVED, That the Mayor be and he hereby is authorized to execute a quit claim deed on said property and the City Comptroller be and he hereby is authorized to credit the amount of one hundred two dollars and no cents (\$102.00), to Account A330, Property Acquired for Taxes, and to charge-off the balance of one thousand three hundred thirty seven dollars and twenty four cents (\$1,337.24) to Account A1950 Taxes and Assessments for parcel 387.12-5-73.

Carried: 8 ayes, 0 nays

201306B17

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Battalion Chief Samuel Salemme be, and he hereby is, authorized to attend a New York State Public Employer Labor Relations Association Annual Training Conference to be held in Saratoga Springs, New York on July 16-19, 2013, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

201306B18

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Police Chief/Director of Public Safety Harry Snellings and Police Captain Robert Samuelson be, and they hereby are, authorized to attend a New York State Public Employer Labor Relations Association Annual Training Conference to be held in Saratoga Springs, New York on July 16-19, 2013, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

201306B19

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Marilyn Fiore-Lehman Corporation Counsel be, and she hereby is, authorized to attend a New York State Public Employer Labor Relations Association Annual Training Conference to be held in Saratoga Springs, New York on July 16-19, 2013, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

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201306B20

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into a contract with Ahlstrom-Schaeffer Electric Corporation, 46 Hopkins Ave., Jamestown, New York 14701 in the amount of \$885 for work associated with the installation of an Air Compressor for the Jamestown Fire Department subject to the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

**PUBLIC WORKS**

201306B21

BY COUNCILMAN SPITALE:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new 2013 Caterpillar D5K LGP Dozer from Milton CAT, 4610 East Saile Drive, Batavia, NY 14020-1017, for the amount of One Hundred Fourteen Thousand Two Hundred Sixty-three Dollars (\$114,263.00) plus Five Hundred Dollars (\$500.00) for delivery, for a total amount not to exceed One Hundred Fourteen Thousand Seven Hundred Sixty-three Dollars (\$114,763.00), by “piggybacking” off Board of Public Utilities bid #BD-06-13.

Carried: 8 ayes, 0 nays

201306B22

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by D & S Glass Service, Inc., 333 Fluvanna Avenue, Jamestown, NY 14701, for *City Hall Window Glass Replacement*, based on their bid opened May 27, 2013, and their proposal dated June 6, 2013, in the amount of One Hundred Ninety-three Thousand Nine Hundred Eight Dollars and Seventy-nine Cents (\$193,908.79), be and the same hereby is accepted, this being the only bid received, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with D & S Glass Service, Inc., 333 Fluvanna Avenue, Jamestown, NY 14701, which agreement will reflect the services to be performed by D & S Glass Service, Inc., at the price referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 8 ayes, 0 nays

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201306B23

BY COUNCILMAN SPITALE:

RESOLVED, that the bid submitted by CPS Construction Group, Inc., 927 Route 91, Suite 200, Cheswick, PA 15024, for the City of Jamestown Tracy Plaza Parapet Wall Removal and Replacement, based on the bid opened June 1, 2013, and their proposal dated June 24, 2013, for the revised amount of Eight Hundred Forty-one Thousand Dollars (\$841,000.00), be and the same hereby is accepted, this being the only bid received, and be it further

RESOLVED, that the Mayor be, and he hereby is, authorized to execute and agreement with CPS Construction Group, Inc., 927 Route 91, Suite 200, Cheswick, PA 15024, which agreement will reflect the services to be performed by CPS Construction Group, Inc., at the price referred to above, said agreement to be subject to approval as to form by the Office of the Corporation Counsel.

Carried: 8 ayes, 0 nays

**PUBLIC SAFETY**

201306B24

BY COUNCILMAN WHITFORD:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install fifteen (15) new 10ft, 150W “period matchstick lighting poles” and two (2) new 14ft 150W “period matchstick lighting poles,” on the north side of the Riverwalk, North Side Extension near Blackstone Ney Ultra Sonics, AND Three (3) new 10ft, 150W “period matchstick lighting poles” at the trail heads of the proposed Riverwalk Bike Path running from Eighth Street to Clifton Avenue.

Carried: 8 ayes, 0 nays

201306B25

BY COUNCILMAN WHITFORD:

RESOLVED, That the following person be and he hereby is reappointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Jeremy Swanson

June 28, 2013 to June 27, 2015

Carried: 8 ayes, 0 nays

201306B26

BY COUNCILMAN WHITFORD:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

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Chapter 300, ZONING

ARTICLE I General Provisions

Section 1. Section 300-0106, Definitions of the Code of the City of Jamestown is hereby added as follows:

COMMUNITY GARDEN - A **community garden** shall mean privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members. A source of water must be provided. A community garden must have liability insurance by the property owner or community garden operator.

HOME GARDEN - A **home garden** shall mean the property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property, or a gardening business hired by the property owner.

Section 2. This ordinance shall be effective immediately upon adoption.

Carried: 8 ayes, 0 nays

201306B27

BY COUNCILWOMAN JONES:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

Chapter 300, ZONING

ARTICLE II General Regulations

Section 1. Section 300-0212, Gasoline Service Stations and Repair Garages of the Code of the City of Jamestown is hereby added as follows:

E. Gasoline service stations and repair garages are prohibited from locating these facilities within 200 feet (from the top of bank) of the Chadakoin River.

Section 2. This ordinance shall be effective immediately upon adoption.

Carried: 8 ayes, 0 nays

BY COUNCILWOMAN JONES:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

Chapter 300, ZONING

ARTICLE II General Regulations

Section 1. Section 300-0217, Community and Home Gardens of the Code of the City of Jamestown is hereby added as follows:

Community and Home Gardens shall only be permitted in an R-1, R-2 and R-C Districts provided that:

- A. Community gardens shall be less than one acre in size. Cultivated space shall occupy no more than 60% of the lot.
- B. Home gardens are a permitted use in all residential districts.
- C. All community gardens and their uses must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the garden premises. Site users may not introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may **NOT** use pesticides.
- D. Prior to establishment, site users shall inquire into historical use of the property and undertake soil testing to measure nutrients, heavy metals, and any other harmful contaminants that may be present. The soil testing results and proposed remediation methodology (if needed) shall be provided to and kept on file with the City. Construction of raised bed(s), which are then filled with clean soil, will obviate the need to test soil.
- E. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements; must have a gardening coordinator to perform the coordinating role for the management of the community gardens and to liaise with the City; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator (*or those of the leadership team members*) and a copy of the operating rules shall be kept on file with the City (*insert department name*) Department (*or the lead community garden nonprofit organization, as appropriate*).
  - a. The land shall be served by a water supply sufficient to support the cultivation practices used on the site
  - b. The site must be designed and maintained so that water will not drain into adjacent property
  - c. All seed shall be stored in a sealed, rodent-proof container (*and housed within an enclosed structure*)
  - d. To the extent permitted under federal and state law, site users must use organic and sustainable growing practices.

- F. In a Community Garden, compost materials from the garden or gardeners shall be stored (at least 10 feet from adjacent property) and in manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure), controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties. Waste shall be collected regularly by the municipality. Gardeners shall ensure that containers are placed in specified location to assist municipality in waste removal.
- G. Setbacks in Community Gardens and Urban Farms shall be consistent with setback standards of the underlying zoning districts. Grass shall be maintained in a manner consistent with the City's Housing Maintenance Code.
- H. Fences are permitted as regulated in the underlying zoning district.
- I. Fences shall not exceed (*four feet*) in height, and shall be constructed of wood, chain link or ornamental metal. For any garden that is (*15,000 square feet in area or greater*) and is in a location that is subject to a staff level site plan review and approval by City Staff, on behalf of the Planning Commission, so that best efforts are taken to ensure that the fence is compatible in appearance and placement with the character of nearby properties.
- J. Any signs shall comply with applicable City ordinances.
- K. At Community Gardens, produce shall be grown primarily for personal or shared use or donation.

Section 2. This ordinance shall be effective immediately upon adoption.

Carried: 8 ayes, 0 nays

201306B29

BY COUNCILMAN SZWEJBKA:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

Chapter 300, ZONING

ARTICLE V, Automotive Use Areas and Off-Street Parking Regulations

Section 1. Section 300-0502, Design and Layout Standards of the Code of the City of Jamestown is hereby amended as follows:

F. Setback.

- 2) In all C and L-M Districts, all automotive use areas (not including driveways) shall be setback from front property line, rear property line and side yard property lines as outlined below (not to be less than 10 feet);
  - a. If the dimension of the property is less than 200 feet, setback shall be 15 feet;
  - b. If the dimension of the property is 200 feet and up to 350 feet, setback shall be 20 feet;
  - c. If the dimension of the property is 350 feet and up to 500 feet, setback shall be 30 feet;
  - d. If the dimension of the property is 500 feet or greater, setback shall be 40 feet

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Section 2. This ordinance shall be effective immediately upon adoption.

Carried: 8 ayes, 0 nays

201306B30

BY COUNCILMAN SZWEJBKA:

WHEREAS, the Jamestown City Council has reviewed the potential impacts of the proposed amendments to the Jamestown City Zoning Code, (Section 300-0212, 300-0217, 300-0502) through the preparation of an Environmental Assessment Form in accordance with 6 NYCRR Part 617, pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and in accordance with Chapter 135 of the Code of the City of Jamestown (Environmental Quality Review Ordinance), and

WHEREAS, this proposed zoning amendments will allow stricter guidelines related to Gasoline Service Stations and Repair Garages in areas along the Chadakoin River, Community and Home Gardens and Automotive Use Areas and Off-Street Parking Regulations, and

WHEREAS, the Planning Commission of the City of Jamestown on May 21, 2013, recommended the proposed zoning amendments, now therefore be it

RESOLVED, that pursuant to 6 NYCRR Part 617 and Chapter 135 of the Code of the City of Jamestown, the City Council of the City of Jamestown has determined that the proposed zoning amendments will not have a significant impact on the environment.

Carried: 8 ayes, 0 nays

**NEW BUSINESS:**

201306B31

BY COUNCILWOMAN CARRUBBA:

WHEREAS, On December 17, 2012, Governor Andrew Cuomo signed the Uniform Notice of Claim Act into law, and

WHEREAS, The Act, which became effective on June 15, 2013, amended New York's General Municipal Law to allow notices of claim against cities and villages to be served on the New York Secretary of State as agent for New York's public corporations, and

WHEREAS, Pursuant to the Act, the New York Department of State will forward any notice of claim served on it to the individual the city or village designates to receive the notices of claim, and

WHEREAS, To effectuate this new method of serving notices of claim on public corporations, General Municipal Law § 53 was added and requires each city and village to file with the New York Department of State a certificate that (a) designates the New York Secretary of State as the local government's agent for service of notices of claim, (b) provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim, and (c) provides the applicable time limit for filing a notice of claim on the city or village, now therefore be it

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RESOLVED, that in pursuant to the Uniform Notice of Claim Act, James N. Olson, Director of Financial Services/City Clerk is hereby designated by the City of Jamestown to receive Notices of Claim from the New York State Secretary of State effective immediately.

Note: City and village officials have until July 15, 2013 to file the certificate with the Secretary of State.

Carried: 8 ayes, 0 nays

201306B32

BY COUNCILWOMAN CARRUBBA:

WHEREAS, the County of Chautauqua heretofore applied for State funding under the New York State Division of Criminal Justice Services Operation IMPACT Grant Program for 2013 and,

WHEREAS, the County's application has been approved and a portion of the grant funds must be shared with the City of Jamestown Police Department, now therefore be it

RESOLVED, that the Mayor and Police Chief/Director of Public Safety be, and they hereby are, authorized and directed to participate in Operation IMPACT for the period of July 1, 2013 through June 30, 2014 with funding in the amount of ninety-two thousand nine hundred dollars (\$92,900) provided by the State of New York.

Councilman Szwejbka: I would just like to say I believe it's \$10,500.00 more and we definitely can use it.

Carried: 8 ayes, 0 nays

There being no further business, the meeting was adjourned.

James N. Olson, Director of Financial Services/  
City Clerk