

Agenda

Jamestown City Council

Monday, September 28, 2020

Work Session 7:15 P.M., voting session, 7:30 P.M.

Meeting will be held in the lobby of the Municipal Building and will be
livestreamed.

*Due the NYS Public Health State of Emergency, the meeting will be closed to the public and will be streamed live at www.jamestownny.gov/live All public comments should be submitted in writing by 5PM the day before the meeting via USPS mail or email to clerk@jamestownny.gov.

STANDING COMMITTEES

Standing Committees

Finance

1. Resolution authorizing payment of the regular audit.
2. Resolution suspending the hiring freeze and authorizing the filling of two (2) part-time Court Security Officers in the Jamestown Police Department (Funding provided by New York State OCA)
3. Resolution suspending the hiring freeze and authorizing the filling of one (1) full-time Clerk II in the Jamestown Police Department (Resignation - Funded in the 2020 General Fund Budget)
4. Resolution suspending the hiring freeze and authorizing the filling of one (1) full-time Mechanic I (Replacement for a separated employee)
5. Resolution authorizing the Mayor and Corporation Counsel to enter into an agreement with Wright, Wright and Hampton for legal services relating to the former Tracy Plaza contractor Patterson-Stevens lawsuit in an amount not to exceed Ten Thousand (\$10,000) Dollars without further action by the Council.
6. Resolution authoring the Mayor to execute an agreement with ID SignSystems, Inc., for Smart Tourism Transportation Jamestown services in the amount of Four Hundred Seventy-Two Thousand, Seven Hundred Eighty-Eight Dollars and Twenty-One Cents (\$472,788.21), the lowest of two bids, said agreement is subject to the approval of Corporation Counsel.
Note: The project will be partially funded with Federal Aid Funding, through project agreement no. DO35835, including a local match of \$122,000. The Gebbie Foundation has committed to funding \$100,000 of the local match.
7. Resolution authorizing the City Comptroller to make an amendment to the 2020 General Fund Budget for the purpose of funding the local match of the Smart Tourism project as follows:

Increase:	Appropriations	\$22,000
	Capital Outlay	
	A.9551.0500	

Decrease:	Appropriations	\$22,000
	Contingency	
	A.1990.0400	

8. Resolution authorizing the Mayor to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Jamestown with the New York State Department of Transportation to approve the non-federal share of the costs of \$122,000 as it relates to the Smart Tourism Project. This resolution shall take place immediately.
9. Resolution authorizing the Jamestown City Council to accept the donation of a Philips Heartstart Defibrillator AED Device to the City of Jamestown to be housed at Russell E. Diethrick, Jr. Stadium.
 - A note of thanks to City Councilmember and World Series Committee Vice President, Kim Ecklund for her role in the donation of this valuable piece of medical equipment.
10. Resolution authorizing a Parking Ticket Amnesty Program for the period of October 1, 2020 through October 31, 2020 for individuals bringing donations with the purpose of paying their parking tickets at the original amount of the fine.

Public Safety

11. Ordinance amending Section 300 of the Zoning Code relative to of body art facilities.

Public Works

New Business

12. Resolution authorizing the Mayor to enter into an easement agreement with Up State Tower Co., LLC d/b/a Dogwood Communications, in the amount of \$40,000.00, for a 100' X 200' area for the construction of a wireless telecommunication tower on the City- owned lot with the SBL # 388.09-1-22, for a term of ten years at \$5,200 per year, subject to approval by Corporation Counsel as to form.
13. Resolution authorizing the Department of Public Works to post two stop signs on Towner Avenue at Pleasantview Drive.

COUNCIL MEMBERS: PLEASE CONTACT THE COUNCIL PRESIDENT OR CITY CLERK IF UNABLE TO ATTEND THE WORK SESSION AT 7:15, OR THE REGULAR MEETING AT 7:30 P.M.

BY COUNCIL:

WHEREAS, on January 22, 2002 the Jamestown City Council adopted resolution number 200201C03 that effective immediately and until further notice instituted a hiring freeze for the City of Jamestown, and

WHEREAS, On November 20, 2006 the Jamestown City Council adopted resolution number 200611B17 to extend the freeze to any change in employment from Part-Time to Full-Time status, and

WHEREAS, it has become apparent that within the Jamestown Police Department an effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is in the City of Jamestown's best interest to lift the hiring freeze for a certain position, now therefore be it

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 and authorized the filling of the following position due to the essential nature of the position.

- Two (2) part-time Court Security Officers in the Jamestown Police Department (Funding provided by New York State OCA).
- The Jamestown Police Department is requesting two new part-time Court Security Officers.

BY COUNCIL:

WHEREAS, on January 22, 2002 the Jamestown City Council adopted resolution number 200201C03 that effective immediately and until further notice instituted a hiring freeze for the City of Jamestown, and

WHEREAS, On November 20, 2006 the Jamestown City Council adopted resolution number 200611B17 to extend the freeze to any change in employment from Part-Time to Full-Time status, and

WHEREAS, it has become apparent that within the Jamestown Police Department an effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is in the City of Jamestown's best interest to lift the hiring freeze for a certain position, now therefore be it

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 and authorized the filling of the following position due to the essential nature of the position.

- One (1) Clerk II in the Jamestown Police Department (Funded in the 2020 General Fund Budget).
- This position is vacant due to the resignation of Christina Zahm.

BY COUNCIL:

WHEREAS, on January 22, 2002 the Jamestown City Council adopted resolution number 200201C03 that effective immediately and until further notice instituted a hiring freeze for the City of Jamestown, and

WHEREAS, it has become apparent that within the Jamestown Department of Public Works an effort to effectively manage the city's day-to-day responsibilities in a cost-efficient manner, it is in the City of Jamestown's best interest to lift the hiring freeze for a certain position, now therefore be it

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and authorized the filling of the following position due to the essential nature of the position.

- One (1) Mechanic I as replacement for a separated employee.

September 28, 2020 Resolution number 5

BY COUNCIL:

RESOLVED, the Mayor and Corporation Counsel are authorized to enter into an agreement with Wright, Wright, and Hampton for legal services related to the Patterson-Stevens matter regarding the lawsuit from former Tracy Plaza contractor Patterson-Stevens, in an amount not to exceed Ten Thousand (\$10,000) Dollars without further action by the Council.

BY COUNCIL:

RESOLVED, That the bid submitted by ID SIGNSYSTEMS, Inc. 410 Atlantic Avenue, Rochester, NY 14609, for Smart Tourism Transportation Jamestown, based on the bid proposals due July 30, 2020, be and the same hereby is accepted; for a total bid amount of Four Hundred Seventy-Two Thousand Seven Hundred Eight-Eight Dollars and Twenty-One Cents (\$472,788.21), this being the lowest of two bids received meeting qualifications, and be it further

RESOLVED, That the Mayor be and he hereby is authorized to execute an agreement with ID SignSystems, Inc., which agreement will reflect the services to be performed by ID SignSystems, Inc., at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Note: The project will be partially funded with Federal Aid Funding, through Project Agreement No. DO35835, including a local match of \$122,000. The Gebbie Foundation has committed to funding \$100,000 of the local match.

BY COUNCIL:

RESOLVED, That the City Comptroller be and hereby is authorized to make the following amendment to the 2020 General Fund Budget for the purpose of funding the local match of the Smart Tourism project as follows:

INCREASE:	Appropriations	\$22,000.00
Capital Outlay		
A.9551.0500		

DECREASE:	Appropriations	\$22,000.00
Contingency		
A.1990.0400		

BY COUNCIL:

Smart Tourism Transportation Project by City of Jamestown

Authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Smart Tourism Transportation Project, P.I.N. 5762.34, (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20 % non-federal funds, and

WHEREAS, the City of Jamestown desires to advance the Project by making a commitment of 100% of the costs of the non-federal share of the costs of \$122,000 .

NOW, THEREFORE, the Jamestown City Council duly convened does hereby
RESOLVE, that the Jamestown City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Jamestown City Council hereby authorizes the City of Jamestown to pay in the first instance
100% of the cost of the federal and non-federal share of the cost of \$610,000 work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$610,000 is hereby appropriated from the General Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Jamestown City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Mayor of the City of Jamestown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Jamestown 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 so eligible, and it is 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 it is further

RESOLVED, this Resolution shall take effect immediately.

09/28/2020 Resolution number 9

BY COUNCIL:

WHEREAS, Jim Mulgrew is desirous of donating a Philips Heartstart Defibrillator AED Device to the City of Jamestown to be housed & used at Russell E. Diethrick, Jr. Stadium, now therefore it be

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

RESOLVED, the Jamestown City Council hereby extends its appreciation and gratitude on behalf of the citizens of the City of Jamestown to Jim Mulgrew on behalf of the Jamestown Babe Ruth World Series Committee for his generous donation.

BY COUNCIL:

RESOLVED a Parking Ticket Amnesty Program is authorized for the period of October 1, 2020 – October 31, 2020, for all license plate numbers that currently owe monies for parking violations to the City of Jamestown, except for those license plates under current SCOFFLAW hold by the Department of Motor Vehicles; and,

FUTHER RESOLVED, such Amnesty Program will allow individuals bringing a donation to City Hall, including school supplies, canned goods, or items for the elderly will have unpaid ticket charges revert back to the principal violation amount, and;

FURTHER RESOLVED, such Amnesty Program shall apply only to the five (5) oldest tickets owed by an individual who brings in one packets of school supplies PER VIOLATION OR one (1) item for the care of elderly PER VIOLATION OR one (1) canned goods PER VIOLATION.

CITY OF JAMESTOWN
ORDINANCE 2020-09-28
AN ORDINANCE PROVIDING FOR
REZONING OF BODY ART FACILITIES

By Councilmember Brent Sheldon

September 28, 2020

WHEREAS, current zoning code restricts the placement of tattoo parlors and body art facilities in any zone other than an industrial zoning district; and,

WHEREAS, the community, along with several city boards, commissions, and departments have determined that the placement of body art facilities are not incompatible in commercial districts; and,

WHEREAS, it is the recommendation of the Jamestown Planning Commission that an ordinance be passed to remove the restrictions on tattoo parlors and body art facilities in certain zoned areas; and,

WHEREAS, a public hearing was held on September 16, 2020, by Mayor Edward A. Sundquist, to receive and review comments from the public on the rezoning changes; and,

WHEREAS, after due deliberation, the members of the City Council find it to be in the best interests of the City to rezone the use of tattoo parlors and body art facilities in additional zoning areas across the City of Jamestown;

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

- Section 1. Chapter 300-106 of the Jamestown City Code is amended to include an additional definition: “Body Art Facilities: Any business including, but not limited to, those providing tattoo art and piercing services, at which the public can be provided the service of obtaining expressive body modification.”
- Section 2. Chapter 300-312(A)(2) of the Jamestown City Code is amended to remove Subsection (m) “Tattoo Parlors.”
- Section 3. Chapter 300-307(A) of the Jamestown City Code is amended to add Subsection (20) reading “Body Art Facilities.”
- Section 4. All ordinances and parts of ordinances hereto passed which are inconsistent with any provision of this ordinance are hereby repealed.
- Section 5. Effective Date. This ordinance shall take effect immediately upon adoption and publication according to law.

STAFF REPORT

Approved and Forwarded to City Council



Edward A. Sundquist, Mayor

DATE: September 21, 2020
TO: Edward A. Sundquist, Mayor
FROM: Benjamin Haskin, Associate Corporation Counsel

SUBJECT: Blu Wireless Cell Tower Easement and Lease- Lot 388.09-1-22

ACTION: Resolution Ordinance/Local Law Informational/Report

ISSUE STATEMENT:

Requesting approval for Mayor to enter into an easement agreement with Up State Tower Co., LLC d/b/a Dogwood Communications to construct a wireless telecommunication tower providing voice and data communications on a City-owned lot with SBL # 388.09-1-22 and a ten-year lease agreement with the same to allow for the collection of revenue on the property, both subject to the approval of Corporation Counsel as to form.

BACKGROUND:

Up State Tower Co., LLC d/b/a Dogwood Communications reached out to the City to inquire about placing a cell tower on the listed property. The City has negotiated with the LLC's Attorney and decided to negotiate an easement and a simultaneous ten-year lease. The result of the easement allowing the cell tower's construction will be to provide greater cell phone service to City residents. A granting of the easement would also include the BPU removing the unused tower currently occupying the property subject to the proposed easement.

FISCAL IMPACT:

The City will be granted a payment for the easement itself and also collect money annually pursuant to the ten-year lease agreement, which will directly benefit the City's budget.

RECOMMENDATION:

Staff requests that the City Council Public Works and Finance Committees approve the resolution allowing the Mayor to enter into an easement and lease agreement with Up State Tower Co., LLC d/b/a Dogwood Communications.

ATTACHMENT(S):

1. Resolution

**CITY OF JAMESTOWN
RESOLUTION**

**A RESOLUTION ALLOWING THE MAYOR TO ENTER INTO AN
EASEMENT AGREEMENT AND LEASE AGREEMENT WITH DOGWOOD
COMMUNICATIONS**

By Councilmember _____

September __, 2020

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Jamestown, New York that:


The Mayor be authorized to enter into an easement agreement with Up State Tower Co., LLC d/b/a Dogwood Communications, located at 4915 Auburn Avenue, Suite 208, Bethesda, MD 20814 in the amount of \$40,000.00, for a 100' X 200' area for the purpose of construction of a wireless telecommunication tower on the City-owned lot with the SBL # 388.09-1-22, subject to approval by Corporation Counsel as to form;

AND, ALSO, BE IT RESOLVED, by the City Council of the City of Jamestown, New York that:

The Mayor be authorized to enter into a lease agreement with Up State Tower Co., LLC d/b/a Dogwood Communications, located at 4915 Auburn Avenue, Suite 208, Bethesda, MD 20814, for a term of ten years at \$5,200 per year covering the city-owned lot with the SBL # 388.09-1-22, subject to approval by Corporation Counsel as to form.

STAFF REPORT

DATE: September 23, 2020
TO: Edward A. Sundquist, Mayor
FROM: Jennifer R. Williams, City Clerk on behalf of Council President Dolce
SUBJECT: Stop sign on Towner Avenue at Pleasantview Drive

Approved and Forwarded to City Council

Edward A. Sundquist, Mayor

ACTION: Resolution Ordinance/Local Law Informational/Report

ISSUE STATEMENT: Council President Dolce has been contacted by several residents requesting the placement of a stop sign on the corner of Towner Avenue and Pleasantview Drive due to safety concerns. There are no sidewalks on either Pleasantview Drive or Towner Avenue thus requiring children and other pedestrians to walk in the street.

BACKGROUND: Vehicles tend to drive much too fast during Towner Avenue causing frustration for the neighbors and a potentially dangerous situation for school children.

FISCAL IMPACT: The cost of a sign production and the labor of placement

RECOMMENDATION: Recommended by Council President Dolce

ATTACHMENT(S): 1. Resolution

BY

WHEREAS, the residents in the vicinity of the intersection of Towner Avenue and Pleasantview Drive have requested the City Council of the City of Jamestown for the installation of a STOP sign at the intersection for safety reasons, now therefore be it

RESOLVED, by the City Council of the City of Jamestown that the Department of Public Works is hereby authorized and directed to post two stop signs on Towner Avenue at Pleasantview Drive.