

Minutes

PUBLIC SAFETY COMMITTEE

Monday, April 8, 2019

7:15 P.M.

Police Training Room 4th Floor
Municipal Building, Jamestown, New York

MEMBERS PRESENT: Chairwoman Maria Jones, Councilwoman Tamu Graham-Reinhardt, Councilwoman Vickye James

MEMBERS ABSENT:

OTHERS PRESENT: Police Chief/Director of Public Safety Harry Snellings, Deputy Fire Chief Sam Saleme, Council President Marie Carrubba

Councilwoman Jones called the meeting to order.

The minutes of the March 18, 2019 meeting were approved.

Public Comment/Persons to address the Committee

Councilwoman Jones: I do have one letter comment from the public. Are you here for the Public Safety? It's the public session.

Mr. Templin: I have some questions regarding the special events ordinance.

Councilwoman Jones: Okay, come up. We just need your name and address.

Mr. Templin: I'm Gary Templin, 18 East 4th Street in Jamestown. My question is, is there a special events application before you people today or not listing various activities?

Councilwoman Jones: Sure. There are three or four of them. Do you have one?

Mr. Templin: No, I don't. I'm concerned about having some that have been possibly going on because they have a direct impact on us if activities are being done in the downtown. My real problem is that according to the zoning ordinance, no outdoor activities or entertainment is allowed in the downtown area. And yet, by using the special events application, people are doing this. And basically, your zoning takes preference, or not preference, it's over and above the special events ordinance so that if a special events activity is being proposed, it is in opposition to what the zoning ordinance says is allowed, the zoning ordinance says it can't be done. And yet, people are just allowing it to happen.

As an example, in 2018, in the month of August, there were 24 different days that special events were done. That's 42% of the time. And they were all being done downtown.

There were block parties going on almost in front of us, there were every Friday night at the Wine Cellar there were bands going on, again outside, not controlled in terms of volume going on and I'd just like to know why the city doesn't enforce its own laws.

Councilwoman Jones: The zoning law that you're referencing is what?

Mr. Templin: It's section 300-0204 and section 300-0312. The first section is the interpretation of uses that are permitted and it says no use shall be permitted in the zoning district unless it's listed in the zoning ordinance. Outdoor entertainment is not permitted in the downtown area. It is not permitted until you get to the C-M service and highway district and also the manufacturing district. Where they actually can do it is around the river, but of any place in the actual downtown area, it is not legal to do. And by using the special events ordinance as a way around it. And it doesn't have the ability to get around it. So, my question is, why is it being done. Another question I had - supposedly for every special events request, you're supposed to pay a fee. There was - the fee was waived and put into a lump. In other words, one group of people asked for special events to be done. There were 46 different events involved in their application. They were not charged for each one as the law says, they were charged for an application fee which encompasses all of them. That's not what your law says you can do. So that's being waived and ignored.

Councilwoman Jones: I don't know. If we have multiple events inside one organization, we'll typically have one event at a time on the application. Let's hear what you've got for your notes and we'll double check. Is there a specific organization that you're thinking lumped events together?

Mr. Templin: Yes. JRC; Jamestown Renaissance Corporation.

Councilwoman Jones: Yes, but they don't - we'll check it out. You're right, JRC does multiple events in the summer throughout the summer.

Mr. Templin: And lots of times they'll come and only ask for one application - or put in one application that lists all these things.

Councilwoman James: No, we see them individually.

Councilwoman Jones: No. It doesn't come to me like that. The way I see them and approve them in this meeting is that they're individual when they have - because they typically have them at different times, but we'll double check. So, you're thinking JRC has had event applications waived and that's your concern. I'll find out.

Mr. Templin: Exactly. Basically, on June 18th of 2018 it was indicated by the city clerk in the public safety committee's own notes that the \$875.00 per day event was waived and arbitrarily wrapped into one application for \$175.00 which encompassed 46 different events.

Councilwoman Jones: I don't see that at all, but we'll find out for sure.

Mr. Templin: It was in the notes that day.

Councilwoman Jones: Yes. It never comes to this committee like that, but we'll find out. Because it has to be approved and Todd would have done that in 2018.

Mrs. Patti: It would have been presented to Public Safety and I can't think of anything specific...

Councilwoman Jones: I can't ever remember it being grouped like that, ever. JRC events are just like everybody else's individually. He's concerned that the fees have been waived maybe after this committee goes through the process, but I don't know. But we'll ask. If it's worth asking.

Mr. Templin: If I read it right, it's basically \$7,875.00 worth of fees that were waived.

Councilwoman Jones: We certainly can't afford that.

Mr. Templin: That's one of the reasons I get a little irritated as a taxpayer.

Councilwoman Jones: Well let's find out what happened. You can save a whole lot of irritation maybe. Maybe save it for later. I'm going to definitely find out about that.

Mr. Templin: I don't know if I gave you these or not.

Councilwoman Jones: You haven't given me anything yet.

Mr. Templin: This is the part of the zoning ordinance that prohibits these things from occurring.

Councilwoman Jones: We'll get it straightened out with the council and the clerk's office.

Mr. Templin: I think what has bothered me so much is that basically this was all done starting twenty years ago, when Philip Morris was the head of the Arts Council and was also on City Council as well and he put through the special events ordinance. Which is a complete conflict of interest. It was done so he could do what he wanted to do in the downtown. As I said, what he put through does not supersede the existing zoning ordinance itself. I think the problem we have is we've spent a great deal of money on our building and we've now lived there for thirty years and when we first moved in, we didn't have problems; until all these things started to happen.

Councilwoman Jones: These events are certainly ramping up downtown.

Mr. Templin: Do you people have a calendar where you mark down each time you approve these things so you have an idea of how many of these things are going on?

Councilwoman Jones: Well I don't know if anyone tallies them, but we have minutes. We approve them here and do minutes for the meeting.

Mr. Templin: I wonder if it's that you really don't understand the impact that's going on here. Those are the main things I'm concerned about. I just think that, basically, the law is being broken and I don't understand why it's being broken because we're not getting equal protection of the law which we should be getting.

Councilwoman Jones: We have one more work session which is next week. If you give me a number or some way to contact you, I can get ahold of you after I talked to the Corporate Counsel. Or you can come back and we can have Corporate Counsel talk to you directly. If you want to come back next Monday we'll be here.

Mr. Templin: When is the new corporate counsel coming in?

Councilwoman James: He's in now.

Mr. Templin: He's in now? Oh, thank God. I won't have to deal with her anymore. Realistically she'd read her own ordinances in court. It's just for your own sake, just to understand something. This is the downtown core area in 1971. Those are the properties that are tax exempt. This is what it is now. That exemption is going against me, the taxpayer, because I'm having to pay more because these things are being exempted all the time.

Councilwoman Jones: We see an increase in all of this, absolutely, throughout the city.

Mr. Templin: That's all I really have to say, but...

Councilwoman Jones: If you can come down one more time and we'll have folks here that will be able to answer your questions.

Mr. Templin: When will you meet?

Councilwoman Jones: We'll meet here next week between 7:00 and 7:15. I never know if the housing meeting is before me, so I just wait for the agenda to come out.

Mr. Templin: As far as I know, I will be here. Thank you very much.

Councilwoman Jones: We look forward to seeing you. Have a great evening. Thank you.

19 Elam Avenue Streetlight

Councilwoman Jones: Okay. There was another comment which came by letter. It's 19 Elam and they're looking for a light replacement on – the complaint was that there have been break ins at 19 Elam after the light broke and the light was off or whatever, that they've seen an increase in cars being broken into. Again, when they mean broken into, I don't know if the cars – typically cars that are unlocked will get hit. I don't know that then windows have been broken or anything. I don't know the degree of the broken into. But the complaint was that cars are being bothered and broken into in that area. They feel it's because the light is out. I've got that request. I'll give that to Dave Leathers over at the BPU or is that...

Mrs. Patti: We usually have a sheet that we...

Councilwoman Jones: There's a form, right. I have another request. I'll see him next week actually. It has the pole number on it. We'll take care of 19 Elam with the light request and if you keep an eye on the issues with the cars.

NEW BUSINESS

Special Event Application – Housing Options Made Easy Inc. – Home Run 4 Recovery – April 27, 2019.

The members approved the request.

Special Event Application – American Foundation for Suicide Prevention – 8th Annual Jamestown Out of the Darkness Walk – October 5, 2019.

The members approved the request.

Special Event Application – Conduit Ministries – (Re) Treat – May 18, 2019.

The members approved the request.

Councilwoman Jones: As I can see his comments under this application form, everyone lists the cost for each of the events. For instance, on this one for Home Run 4 Recovery, the DPW has listed \$300.00 for sweeping on the application. I'm saying that all the fees are listed that we see as fees that are listed. They're right here. There's an application fee for the very first event. It was for Home Run 4 Recovery and you'll see the application fee is listed for \$100.00 back here billed by the Jamestown Police Department. I don't know where he gets that there's some sort of a.... We can see how much everybody pays for these events if you look at the application, you can go through the application. Typically, if there's money involved on here, I usually always make a copy. There's one down here, I think it was \$500.00, Out of the Darkness. It just doesn't make sense to me that later on something else is done with no costs. It's very plain on these applications how much each organization is spending.

James N. Olson
Director of Financial Services/City Clerk