

# Minutes

## **PUBLIC SAFETY COMMITTEE**

**Monday, May 6, 2019**

**7:15 P.M.**

**Police Training Room 4<sup>th</sup> 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 Salemme

Councilwoman Jones called the meeting to order.

The minutes of the April 15, 2019 meeting were approved.

### Public Comment/Persons to address the Committee

#### Linnea Carlson and Peter Miraglia – Jamestown Renaissance Corporation

Ms. Carlson: I'm Linnea Carlson, this is Pete Miraglia from the Jamestown Renaissance Corporation. We're here to bring attention to the committee a matter that we feel is safety related regarding the Jamestown Public Market. We run the market every Saturday. We have a street permit every year from 8:00 am to 3:00 pm and we close that entire street off for the market. We have to have it completely clear of all vehicles by 9:30 at the latest.

Councilwoman Jones: What street?

Ms. Carlson: Cherry Street between Second and Third. In order for our vendors to set up because they set up along the sides of the street. We have to keep the middle clear for both the fire lane and for pedestrians. An issue that has been something that the market has dealt with for several years has been when we get there at 8:00 in the morning, there are cars parked on Cherry Street. We have had a few days where there's been upwards of six vehicles and that poses a safety hazard for us as the vendors start to arrive at 8:00 am and if there's a car in their spot, I don't know what to do with them. We used to have these signs that the JRC created that just let people know that the market was there. What we are hoping to advocate for is some type of permanent signage that can help remind people of no parking on Saturdays. What we have done in the past is Fridays, we go out there and put up our own signage every Friday night. It really doesn't do much; people still park there.

Councilwoman Jones: You've had your signs up on these Friday nights and cars are still there on Saturday?

Ms. Carlson: Yes. And what it has done for the city in terms of - we kind of want to find an easier solution because when I get there, I have to find a way to get these cars off the street. We have resorted to contacting the police department to try to see if they can run the license plate, figure out who owns the car. Sometimes that works; more often than not it doesn't. We have asked to get the cars towed; we were able to do that one time. There were two instances where we couldn't get the car moved before the market opened at 10:00 am. I can't put my vendor in that spot. I have to leave the car in the middle of the market and I cannot watch that car the entire market because I'm the manager, I'm all over the place. And the person has returned to their vehicle at noon, while the market's in full session, I have 100 people in the street, they get in their car and they drive through the market. We have children, we have families, we have people that live in the Covenant Manor and Hotel Jamestown and so it's just kind of been a consistent issue for us. We have funding that can help with creating signs similar to this. I spoke with people in the Parks Department about what they thought it could say, that could just help be another reinforcement for people. Even if we were able to give people tickets; that would be helpful. Because right now, there's really no consequence if somebody leaves their care there. Like I said, we've been able to get it towed once, but that was really, really difficult.

Councilwoman James: I have a question; your special permit, did you mark that you need the street closed from 8:00 to whenever?

Ms. Carlson: Yes.

Mr. Olson: Yes, they always have.

Councilwoman Jones: But, for 8:00. The issue is that Friday night, people are parking there.

Ms. Carlson: It's usually, what I've noticed, a lot of people that come downtown to go out drinking and leave their car there overnight and then they don't come back until the morning.

Councilwoman Jones: Is that a parking violation of any sort? If I leave my car downtown in that area at night.

Chief Snellings: Not this time of the year. In the wintertime from 2:00 am to 7:00 am. In your permit application, you may want to look at blocking it off the night before. Because even the people that are working there, they need some time to get out of there, the barricades will be up. You shouldn't have any issues. We did assist with the tow and right now we have a claim against us for the tow, but that goes with the territory.

Mr. Miraglia: The barricades are the Parks Department's. Do we have police barricades?

Chief Snellings: You can, but I don't think it really matters because a barricade is a barricade, you can't cross it.

Mr. Miraglia: With police on it, it wouldn't give more...

Chief Snellings: No. We've had people run over ours.

Ms. Carlson: I put the barricades up at 8:00 am and I've had people get out of their car and move the barricade and drive through the market. It's always going to be an issue. My only concern with blocking it off Friday night is if people are there when we block it off Friday night, how are they going to leave, how are they going to get off of Cherry Street.

Chief Snellings: They're going to get out of the car and move the barricade. We can spot check it during the night and make sure the barricades are still up.

Mr. Miraglia: Should it be a full - across the street or just half?

Chief Snellings: If you're going to block the street, block the street.

Councilwoman James: Then you don't have to worry about people parking in there. That's what I was getting at. Thank you Chief.

Councilwoman Jones: With any other street blockage, you have to get the businesses to sign off on that. I don't know; on Cherry Street there are a couple of places there.

Ms. Carlson: I think the only one that would be an issue would be the Chadakoin Club. They're the ones that are close. I'm not sure how late they're open Friday nights.

Chief Snellings: There's only a handful of parking spots there. Because they park a lot across the street. It's a solution. It's an option for you.

Mr. Olson: You've got the apartments on both sides of the street as well.

Ms. Carlson: Yes, that's another thing too, people from those apartments park on Cherry Street. We're going to be submitting our application in the next few days, so we can certainly put down to close it Friday night. I'm not sure how you feel Pete, but I would still like to advocate for signage just to - not only because it's a hassle for us every Friday to go out there and put the signs up, but so that it's reinforced every day, week to week, that the market's on Saturdays between this time.

Councilwoman Graham-Reinhart: Can you do a little card that you would put under somebody's...

Ms. Carlson: I've tried that.

Councilwoman Graham-Reinhart: Okay. It doesn't work.

Mr. Olson: You should go to Jeff Lehman and Kris Brown in DPW and discuss the signs with them.

Councilwoman Jones: Yes, they would be the ones who do the signs. You're in a real pickle with this. You know that. Because legally there's not a lot - and you've got businesses and people that live there and it's like, what I can't park my car where I live. Do you see what I mean?

Ms. Carlson: I am interested to know about the legality of closing the street because I know that in other cities with markets; Fredonia etc., if they have a permit to close the street, it's illegal to park on that street during that time.

Chief Snellings: Correct.

Councilwoman Jones: Alright, so now the permit has to be adjusted.

Chief Snellings: However, how do you address the residents now?

Ms. Carlson: To be honest with you, don't get many residents that park there. It's usually, from the people I've seen, people who are downtown.

Councilwoman Jones: They can't drive home.

Chief Snellings: They're doing the right thing.

Ms. Carlson: The residents - we go to Covenant Manor and we go to the Wellman Building and talk to the building managers and we also put signs up two weeks ahead that say the market's starting, please don't park here. I don't think we've had one issue with any residents parking there with the market.

Councilwoman Jones: So, it's people that leave their cars. If the permit says you can't park here during these hours and they're parked there, wouldn't that be...

Chief Snellings: Yes, and that's when I would tow the vehicle

Councilwoman Jones: But towing...

Chief Snellings: Sure. That's an option.

Mr. Templin: Could there be a better place for the market to be rather than on Cherry Street. I'm Gary Templin and I live at 18 East 4<sup>th</sup> Street in Jamestown. My suggestion is around where the Desi Lucy Museum is, back behind to the railroad station. There's all kinds of space back there, people are going to come walking because they'll find a way to get there. And maybe that's a better place and you won't be blocking off and adversely affecting people who live and work there.

Ms. Carlson: We have considered that. This year we are keeping on Cherry Street since that's historically where it's been. We looked at other options and we're not opposed to it in the future. I do want to clarify with the chief though, if we do contact the police department, what is the proper procedure for us to get a car towed because we've unfortunately run into some issue with that as well.

Chief Snellings: Generally, we try to contact the registered owner first to see if they can come out and move it. Especially if they're a resident. If not, then we just tow it. Because if you have a permit and the street's supposed to be blocked off, it's no different than any other event.

Councilwoman James: That seems like that'd be the best way to go.

Chief Snellings: Right.

Councilwoman Graham-Reinhart: So, the claim is saying you towed my car and you shouldn't have?

Chief Snellings: Correct.

Councilwoman Jones: Well the way that the permit is written now, is that why?

Chief Snellings: Correct.

Councilwoman Jones: 8:00 is – I moved it..

Ms. Carlson: Well that car, I do know, the one car we towed, he was there until about 9:45.

Councilwoman Jones: Okay, so he could have gotten towed legally. That would have been a legitimate tow.

Chief Snellings: Sure, it wasn't prior to; it was during the event.

Councilwoman Jones: Right, but if we change the time of the permit time about when you can be there, does that help?

Chief Snellings: That's an option, but the other thing is putting it out there in the media, we're having the market and get signage up that says this is the time of the market, there's no parking in that area. That's a Jeff Lehman and Kris Brown issue, the signage. Again, nothing's perfect.

Ms. Carlson: Thank you.

Councilwoman James: Thank you so much. The market is great. It's a great service.

Councilwoman Graham-Reinhart: When does it start again?

Ms. Carlson: June 8<sup>th</sup> is the first day.

Councilwoman James: And runs to...

Ms. Carlson: Till the end of October. We hope to see you, we're excited.

Gary Templin 18 East 4<sup>th</sup> Street

Mr. Templin: I brought some information for you. Unfortunately, my printer went out on me, so I have one copy to give you. Gary Templin, 18 East 4<sup>th</sup> Street, Jamestown. I brought this along. I have some questions about why the city isn't enforcing its own laws. I mentioned this before to you. I brought in some more detail. It bothers me a great deal that the zoning ordinance specifically says you cannot have outdoor entertainment in the downtown area. People are using this special events ordinance to overcome it; they say. The unfortunate thing is that the zoning ordinance overrides the special events ordinance. Are you familiar with the history of the special events ordinance? Okay. Back in 1999, 1998 actually, the city adopted its current zoning ordinance. In 1999, Phillip Morris who was the head of the Arts Council wanted to do activities in the downtown and he found out that the zoning ordinance said he couldn't do it. So, he managed to run for city council, got elected and then promptly sponsored the special events ordinance which is two things; one, it's a conflict of interest because he was doing it for his own sake and his own organization. He got it through, but the problem it had is it does not overrule the zoning ordinance restriction on any time it's in conflict with any other ordinance, the zoning ordinance prevails. It's specifically written in the ordinance. So therefore, even though they gave a written special events ordinance, it didn't really override the zoning ordinance. Everybody has just looked the other way.

And our problem is, as an example with our house, during last August, 40% of the days in August, we couldn't use our outdoor patio because there was something going on that was creating noise where we couldn't go out and even enjoy our own area. Most of these activities are being put on by people who don't even live downtown, don't even work downtown, but they think they know what's good for the downtown, so they put these activities on there. And

we're, frankly, sick and tired of them and here we are coming with another summer coming up and I'm sure people have probably already come to you with things that they want to do and my comment is, you basically are breaking your own laws by approving them. And I'd like to see you enforce the laws so people like us are protected. Now we've been paying taxes all the way along, we've done improvements to our property, we ran a business for 33 years in the downtown and we're the foster children for what is supposed to happen in the downtown. Poster children, not foster children.

But at any rate, the other thing that bothers me is that nobody seems to understand that they are doing damage to the downtown's tax base by what we have seen happen, back in '99 I think it was, I did a survey of a bunch of the merchants and asked them to fill out forms and I've got the forms here if you want to take a look at any of them at all, but we basically asked them, did the activities downtown hurt your business? More than half of them said it did, but they didn't want to upset people, customers of theirs coming in. So, they just kept quiet. One guy wrote down that he was upset because at this point in time, it was Lee Harkness who was running the activities. He went and actually put on and closed-in part of one of the areas that they had, that they owned, and put a, for lack of a better term, a wine bar in there. They actually got a wine permit. Right next to the Wine Cellar. Now, the guy at the Wine Cellar was real upset because he's saying, here they are, they're not paying taxes, etc., etc., they get a permit to come in here and they can do these activities. What basically happened, of the original people that we talked to back in '99, more than half of them have since gone out of business or they've moved out of downtown. Some have just taken their business and gone.

What I'm saying here, is these activities are not necessarily beneficial. I have - these were the years; these were the mayors at the time. This is the number of, I think, activities at that particular year. This was the number of, what I call, anchor stores. In any shopping center that you go to you'll find that the anchors are at the end and parasite stores in between. Well, as the anchor stores decreased, you'll notice that the actual number of businesses decreased as well upon going down. So, you need the anchor stores to keep the parasite stores going. The common factor appears to be that - you'll notice that as the activities decreased, the number of stores started coming back again. So there appears to be a cause and effect between the activities going on in downtown that are taking away parking spaces, blocking off streets, making it difficult to have people get down there and drive around and difficult for the merchants to get their products delivered to them. So, there is a negative impact when these things go on and you should be aware of it and should be very careful about how many times you allow it to happen.

I can put up with four or five events in the summertime. That isn't going to kill me. But when you have 40% of one month taken up with activities, you need to be more selective in what you allow to occur. And when you allow it to occur. At least in my opinion. This indicates the various parts of your laws that are basically opposed to the outdoor activities in the downtown; specifically saying you cannot do it. And they've just been ignored. What happens when the stores move out, somebody else comes in to buy the property and what's happening is, the only people who are coming in and buying these things are non-profits. Here's where the non-profits or tax-exempt properties were. I think that's '71. This is last year's. so, basically what's happening is the entire downtown core area is going to non-profits. Which means you're losing tax dollars. And one of the reasons that that's happening is because the businesses can't

stay downtown any longer; they can't survive. If a person makes 10% profit, which I'm sure most businesses would be very pleased to make a 10% profit, if you take them away, one or two days a week from them, in effect, you're taking away their profit, there's no reason to be in business.

I'm not going to hold you much longer. I thought one of the things you should know is, as I've said, we ran a business for 33 years in the downtown. We actually were a reason why a lot of people came to the Holiday Inn to stay. People who were going from New York to Chicago, they could stay anywhere they wanted to, but they'd stay here because of our restaurant. This was put out by the state of New York; the I Love New York campaign. They were trying to select...

Councilwoman Jones: Your restaurant is in there?

Mr. Templin: Obviously, it's in there.

Councilwoman Jones: What was the name of it?

Mr. Templin: MacDuff's. MacDuff's was named for our dog. But we were written up and we were selected as one of the top forty restaurants in New York State outside the city of New York. We were well thought of and we stayed in business even though some things went on in the downtown; mainly because we were able to do something better than anybody else could do and they would come. I just wanted you to know who we are and who you're talking to. You're not talking to somebody that doesn't know what the heck they're talking about. Do you have any questions for me?

Councilwoman Jones: We do not. But we will - I need your number or a way to get ahold of you so we can pull this meeting together.

Mr. Templin: That's something else I wanted to mention which I was really upset about. I don't know if he's here or not. I don't know if I'd recognize him anyway; your new city attorney.

Councilwoman Jones: Yes; Peter.

Mr. Templin: I've been trying to get ahold of him. He said he was going to meet with me sooner rather than later. I have been after him for a couple of weeks now; he has not gotten back to me. When I finally looked him up on the internet, I found a phone number and I called him. And I was promptly chastised because that was a personal phone and he didn't want me calling his personal phone.

Councilwoman Jones: Give me a way to get ahold of you and I'll be the other person here. But I didn't have your phone or your email.

Mr. Templin: 664-4736 is the phone number. I don't have a cell phone, so if you call that number, you may get an answering machine; leave a message. If you want my...

Councilwoman Jones: No, this will do. And then I'll get with Peter and we'll figure things out for you.

Mr. Templin: Fine. Because like I said, I want to sit down with him and go over all these things and he just refuses to talk to me. So far.

Councilwoman Jones: We'll fix it. Thank you.

### RESOLUTIONS

1. 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 Fire 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 authorizes the filling of the following positions due to the essential nature of the position.

- One (1) Fire Fighter in the Jamestown Fire Department (1 retirement funded in the 2019 General Fund Budget).

Note: This item appears on the Finance Agenda

The members agreed that a resolution be prepared for the May 20, 2019 meeting.

2. RESOLVED, That Firefighters Adam Akin and Andrew Caruso be and they hereby are authorized to attend the Fire Investigation Course at the New York State Academy of Fire Science to be held in Montour Falls, New York on June 10-21, 2019, with expenses paid pursuant to Section 77-b of the General Municipal Law. Note: This item appears on the Finance Agenda

The members agreed that a resolution be prepared for the May 20, 2019 meeting.

NEW BUSINESS

Special Event Application - Chautauqua Pastors Prayer Group -National Day of Prayer - May 2, 2019 (reviewed and approved via e-mail).

The members approved the request.

Special Event Application - Jamestown Babe Ruth World Series Committee and City of Jamestown - World Series of Wheels - July 27, 2019. Note: This is a Park event.

The members approved the request.

OLD BUSINESS

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Administrative Services/City Clerk