Present: Members: Chairman Jester, Vice Chairman Gonzalez, Alderman leFeber, Alderman Andreano (arrived late), and Alderman Smith; Others: Alderman Tertinek; Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney (via teleconference); Fred Saradin, City Auditor; Mary George, Community Development Program Coordinator; Jeff Rowley, Police Chief; Ed Jennings, Code Enforcement Supervisor; Tiffany Taylor, Managerial Confidential Administrative Secretary; Larry Sorokes, Greater Olean Area Chamber of Commerce; Chuck Banas and Chris Hawley, Chuck Banas Design.

1. Roll Call

Alderman Jester called the meeting to order at 6:00 p.m. and asked that the record show that all committee members were present except Alderman Andreano (who arrived late).

2. Approval of Minutes of the Previous Regular Meeting (Wednesday, September 16, 2015)

A motion to approve the minutes of the Wednesday, September 16, 2015 meeting was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

3. Unfinished Business

a. Discussion – Curb Cut Standards

Alderman Jester stated that the curb cut discussion has also been had with the Mayor’s Blight Committee. He has repeatedly expressed frustration that the Council has to make these decisions, when there are other experts in the building who are better able to handle them. He stated that he would like to take the decision away from the Council and send it to Code Enforcement or another department that has more experience with this.

Mayor Aiello suggested having an internal appeal process to the Council. Alderman Jester stated that he would like to see more governance from the Zoning and Planning boards.

Mayor Aiello stated that we are disrupting the character of our neighborhoods with excessive curb cuts. People are looking to make their lives more convenient, but it is taking away from the character, as well as depleting on street parking.

Mr. DiCerbo stated that he cannot find any reason why the Council reserved the right to make the curb cut decisions themselves. He agrees that Code Enforcement should make the
decisions, and then decisions can be appealed to the Zoning or Planning boards. As long as you have a due process for appeal procedures, then it is okay to change the current process.

Alderman Jester expressed the need for conformity, and Alderman Smith expressed concern that decisions could be made based on the personality of the Planning or Zoning board at the time of the decision. Alderman Jester stated that the reality is that the boards are tasked with adhering strictly to the Code, and we should see uniformity, no matter their “moods”. Alderman Smith replied that he feels that the Council is always voting “yes”, while the Zoning Board is always voting “no”. He wants to see some set standards before making decisions and changes. Alderman Jester stated that he just doesn’t believe that the curb cut decisions belong in the political process.

At this time, Alderman Andreano entered the meeting.

Mayor Aiello stated that he believes we should form an internal committee to look not only at curb cut standards, but at all of the Code of Ordinances. He also stated that setting standards could be a task of the Blight Committee.

b. PL #94-15: (Jester) To amend the City of Olean Code of Ordinances Chapter 1, Section 1-8, to amend the penalty located in subparagraph (c) from a maximum fine not to exceed $250 to a maximum fine not to exceed $1,000.

Alderman Jester explained that at the last meeting, he discussed updating fines in the hopes of correcting behavior. He stated that he sent out a list of fines to the Aldermen in email earlier in the day. He explained that this section is the catch-all area of the Code for fines not specifically defined. He did mention in his email suggestions of both maximum and minimum fines, and he feels that this is worth additional discussion at a later time.

Alderman leFeber stated that he read through the email and it all seems fine to him. Alderman Andreano added that it looks fair. Alderman Jester explained that he will present a PL or PL’s down the road to change other fines, as mentioned in his email.

Mr. DiCerbo stated that he would like to see all of the fines in the Code put into a schedule, and Alderman Jester agreed. Mayor Aiello stated that he will have his secretary, Ms. McElfresh, complete this task.

A motion to refer PL #94-15 to the October 27, 2015 regular meeting was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

c. PL #95-15: (Jester) To authorize the removal of “Permit Parking Only” signs in City Lot 10C, formerly the OBI parking lot, and to allow free public parking in said lot.
Alderman Jester stated that the Council had a great discussion regarding parking at the last meeting. He stated that he has spoken with Mayor Aiello and the suggestion was made that this discussion deserves its own night.

Mayor Aiello added that he, Mr. DiCerbo, Chief Rowley, and Mr. Windus have met to discuss the issue, and he asked the Council to give them more time. He stated that he has reached out to Ithaca regarding to their procedure, he has asked Mr. DiCerbo to research kiosks (as they are less expensive than we previously had thought), and he is considering going to the parking conference in Buffalo on the 16th and 17th to obtain more information. He stated that this is all part of a bigger picture – not simply changing parking in one lot – and he wants to make sure that when they make changes, they do it right.

Mayor Aiello added that they have budgeted to put attendants in the lot at the beginning of the year, but they can put them in the lots now if the Council wishes to. Alderman Jester questioned if this would open up parking in the lots and Mayor Aiello responded that it would. You could get a ticket from the merchant you are visiting and present it when you leave to park for free; otherwise, you pay for parking.

He continued in reiterating that more research needs to be done. His short answer for the parking issue is that he will do more research, and present it to the Council at a later time.

Mr. Sorokes explained that no community really seems to know how to sort out the parking issue. Parking is also a large concern with a lot of merchants. We want to be fair, we want to make the downtown more accessible, and we do not want to turn people away. He is glad more research is being done, and he would be happy to join the conversation and encourage future research and discussion on the issue.

Alderman leFeber added that he wants to make sure that people know that the “free parking” is temporary, and that after the construction period things will change. He doesn’t want to leave people with a “gotcha” feeling.

Mr. Sorokes added that, if we make the downtown into what we want it to be, that people will not mind paying for parking as long as it is fair.

A motion to postpone PL #95-15 indefinitely while the Council awaits further research and discussion results was made by Alderman Jester, seconded by Alderman leFeber. Voice vote, ayes all. Motion carried.

4. New Referrals for Consideration
a. PL #99-15: (Jester) To amend the City of Olean Code of Ordinances Chapter 21, Article VII, Section 21-172, to amend the operation period and necessary insurance coverage for sidewalk cafes.

Alderman Jester explained that he proposed this amendment as the current Code for sidewalk cafes was written in 1995, and since then with the complete street transformation project, he wants to make sure that we are sending the right message with the Code, that we (the City) are business friendly.

He began by asking why we should set a time limit. We can write snow removal requirements into the Code, as well as requirements that the outdoor cafe be removed when not in use. Some restaurants may want to set up large heaters for outdoor patrons. Alderman Gonzalez stated that this would work well during the Santa Clause Lane parade, and would make the City feel Ellicottville-esque. Alderman Jester stated that his main idea is to remove the time limit, make sure the owner still is responsible for snow removal, and ensure that equipment is removed when not in use.

He continued in stating that he doesn’t feel that the City should name an amount required for the sidewalk cafe’s liability policy. They only want to ensure that they have sufficient liability coverage so that the City is not financially responsible in the case of an incident. Mr. DiCerbo stated that we could look at adding language that the restaurant will hold the city harmless in the case of an incident.

Alderman Jester also stated that Mr. Jennings has recommended that they maintain six feet of sidewalk clearance at all times.

Mr. Sorokes stated that he is currently working with a new business who is looking into adding a back patio, but may add a sidewalk cafe in addition to or as an alternative. He stated that this is an up and coming issue.

Mr. Banas and Mr. Hawley stated that they would put some language together to update the Code.

A motion to refer PL #99-15 to the City Attorney for Resolution was made by Alderman Jester, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

5. Approval of Committee Reports

A motion to approve committee reports was made by Alderman Jester, seconded by Alderman leFeber. Voice vote, ayes all. Motion carried.

6. Discussion – Form Based Code
Mr. Banas stated that he and Mr. Hawley are here to give the Council an update on the zoning process. He stated that they are currently in the middle of writing the update, and they are just about done. There are still some loose ends to clear up. They presented an internal working draft to the Council. He stated that they are waiting on some feedback from the technical committee, but that is to be received by Wednesday 10/14, and they plan to deliver the final version to the Council by Monday, 10/19.

Mr. Hawley stated that the document is highly illustrative and in plain English. He stated that it will help make decisions downtown, and will assist the Planning Board with decisions regarding architectural standards. He stated that he is really excited about the sign illustrations, and they have done a lot of fun, historical research in order to complete this.

Mr. Banas stated that they want to legalize everything that will make the downtown Walkable Olean successful. Ms. George added that, for example, sandwich signs are currently not allowed, and the update would allow for such signs under certain circumstances.

Mr. Hawley stated that the standards are derived from downtown development DNA. He stated that if the Council or City Officials find anything in the working draft, to go to Mary with comments and questions before Wednesday.

In response to a question, Mr. Hawley suggested having a dedicated review annually to assess the performance of the Code, and suggest revisions. Mr. Banas stated that Rochester did annual reviews for the first three years, and now they perform reviews every three years.

Mr. Hawley added that it is advisable, before the effective date, to sit down and have a 2 hour session with the Planning Board and Zoning Board to inform them of the changes. He stated that a lot of details will be reviewed by Code Enforcement before anything is sent to the Planning Board, so they can focus more on design rather than other issues.

Mr. Jennings stated that he has reviewed most of the document, and believes that this is a change in the right direction. Our Zoning Laws have been archaic for quite some time and are in desperate need of review.

Alderman Jester stated that it is their intention to try to adopt the change before the end of the year.

He continued in asking Mr. Banas and Mr. Hawley for their opinion on curb cuts. Mr. Hawley stated that a good recommendation to follow, is only to allow the minimum amount necessary to allow for access into a site. After some discussion regarding curb cuts and the possibility of changes on North Union Street, Mr. Banas added that making a new parking area on North Union Street should not be an easy option.
Mr. Hawley stated that you need to provide reasonable access, while also considering the comfort and safety of pedestrians, cyclists, and the ability impaired. He suggested 12 feet for one lane and 24 feet for two.

Mr. Banas added that too many curb cuts means you are catering to automobiles, and that is not what a “Walkable Olean” is all about. He stated that you have to decide what you want.

7. Executive Session

A motion to enter into executive session to discuss pending contractual negotiations was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Executive session entered at approximately 6:50 p.m.

A motion to exit executive session was made by Alderman leFeber, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:30 p.m.

8. Adjournment

A motion to adjourn was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:35 p.m.