

1. Agenda

Documents:

[AGENDA.2.18.2020.PDF](#)

2. Supporting Documents

Documents:

[CC SUPPORTING DOC. 2020.02.18.PDF](#)

## COMMON COUNCIL AGENDA February 18 , 2020

- 6:00 PM City Code Workshop
- 7:00 PM
- Call Meeting to Order
  - Salute to the Flag of the United States
  - Public Comments
  - Mayor's Report - Tom Casterline (25 years)
  - Minutes – Approval of minutes

### **AGENDA:**

**Item #1** – Presentation on Votingest City. (Andrea Rankin)

**Item #2** – Presentation on the “BIG Event”. (Jessica Hawley)

**Item #3** – Presentation on Youth Vaping. (Jennifer Hamilton, Matt Whitman)

**Item #4** – Discussion on amendments to Zoning section 300 and set a date for a Public Hearing. (Bob Rhea)

**Item #5** – Consideration of a Resolution to lift the hiring freeze to hire in the Police Department. (Chief Catalano)

**Item #6** – Consideration of a Resolution to Close Court Street from Main Street to Church Street on May 31, 2020 from 4:00 Pm to 9:00 Pm for the Second Annual Stone Soup community gathering on behalf of the Stone Soup Committee. (DC Sandy)

**Item #7** – Consideration of a Resolution to approve Amplified Sound Permit for May 31, 2020, from 4:00 Pm to 9:00 pm, in conjunction with the Second Annual Stone Soup community gathering on Court Street, to allow bands to perform for the attendees, on behalf of the Stone Soup Committee. (DC Sandy)

**Item #8** – Consideration of a Resolution to waive all permit fees associated with Street Closure Request and Amplified Sound Permit associated with the Second Annual Stone Soup community gathering on behalf of the Stone Soup Committee. (DC Sandy)

**Item #9** – Consideration of a Resolution to initiate the process with the New York State Local Retirement System to correct the retirement system status for Firefighter Travis Marshall from a 25 year “384” plan to the appropriate 20 year “384D” plan. This will require a commitment by the City of a potential difference in contribution from the incorrect plan to the corrected plan that will be determined by State Retirement. (Chief Friedman)

**Item #10** – Consideration of a Resolution to approve the Mayor to participate in the 5 year County-wide Hazard Mitigation Plan. (Mayor Tobin)

**Item #11** – Consideration of a Resolution to appoint Noah Beck to the Environmental Advisory Board for a 3 year term. (Mayor Tobin)

**Item #12** – Consideration of a Resolution to appoint Bruce Tytler to the PSTF. (Mayor Tobin)

**Item #13** – Discussion on adding a Yield sign where Yong St. meets Cowance. (Alderman McCarthy)

**Item #14** – Update on Parker School (Mayor Tobin)

**Item #15** – Update on the Recycling concerns (Mayor Tobin)

**Item #16** – Update on the DRI (Mayor Tobin)

**Adjournment**

- Comments in blue
- Existing text in black
- Proposed new text in red

Tables 300-13, 300-22 and 300-30 should correct the confusing categories. Only single-family, two-family and multi-family are residential uses (see attached documents Residential Uses Table and Business Uses Table) These tables would probably be easier to understand without the categories.

**§300-4 Residential Use – Includes one-family dwellings, two-family dwellings and multi-family dwellings**

Tables on pages 21, 25 and 30 should include prohibition from §300-163 M 3. On page 106 Table 300-13: Residential Permitted and Specially Permitted Uses

Land Use	R-1	R-2	R-3	R-4
Solar Photovoltaic Systems roof top units (accessory use only, <b>ground mounted units prohibited</b> )	P	P	P	SP

§300-163 M Solar Photovoltaic Systems. 3. Ground mounted solar photovoltaic systems are prohibited.

Page 30 §300-42 Industrial Permitted and Specially Permitted Uses  
**Solar, ground mounted units permitted in GI district with a Special Use Permit**

Table on Page 22 should link to §300-74 on page 54  
 Table 300-14: Residential Lot, Area, and Yard Requirements  
**Note: C. \*(1) (see §300-74) Front Yard Depth**

(Below should be eliminated)

§300-83 Off-street Parking Requirements

F. Maximum Parking

1. The maximum number of parking spaces allowable is not to exceed 110% of the requirement as outlined in Table 300-83: Required Parking, unless approved by the Planning Commission.
- i. Maximum parking shall not apply to GB-1 District.

Below would restore the exemption allowed for in the 2003 Codebook.

Page 59 §300-84 Parking Area Location, Layout and Design

7. Parking spaces shall be designed to permit entry and exit without moving any other vehicle, **except for single-family dwellings.**

Parking Table 300-83 remove categories and add some content (see attached document Parking Table 1)

Page 114 §300-182 Certificates of Zoning Compliance.

C. The Zoning Enforcement Officer is authorized to consult the following resources in assessing the use of a property for issuance of a Certificate of Zoning Compliance.

17. **Information from City Code, Fire and Police concerning the condition and use of the property.**

## §300-22 Residential Permitted and Specially Permitted Uses

Uses are allowed in residential or "R" zoning districts in accordance with Table 300-13 below.

- A. Uses identified with a "P" in the table are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.
- B. Uses identified with a "SP" in the table may be allowed if reviewed and approved in accordance with the special permit procedures contained in Article XVI.
- C. Uses not listed and those identified with a "-" are expressly prohibited.

**Table 300-13: Residential Permitted and Specially Permitted Uses**

Land Use	Zoning District			
	R-1	R-2	R-3	R-4
<b>1. Residential</b>				
Single-family Dwellings, detached	P	P	P	P
Single-family Dwellings, attached	SP	P	P	P
Single-family Dwellings, non-owner occ.	SP	P	P	P
Two-family Dwellings	-	P	P	P
Multifamily Dwellings	-	-	P	P
Bed and Breakfasts	-	SP	SP	SP
Home Occupations	SP	SP	SP	SP
Fraternity or Sorority Dwellings	-	SP	SP	SP
Rooming Houses and Boarding Houses	-	-	SP	SP
Accessory Dwelling Units	SP	SP	-	-
Accessory Uses or Structures	P	P	P	SP
Solar Photovoltaic Systems (accessory only)	P	P	P	SP
<b>2. Institutional</b>				
Places of Worship	SP	SP	SP	SP
Schools	SP	SP	SP	SP
Public Service Utilities	SP	SP	SP	SP
Clubs (lodges, fraternal organizations, etc.)	-	-	-	SP
Ancillary Parking Areas	-	-	-	SP
Parks, Playgrounds	SP	SP	SP	SP
<b>3. Commercial</b>				
Indoor Lodging	-	-	SP	SP
Extended-Care Medical Facilities	-	-	SP	SP
Personal or Professional Offices	-	-	SP	P
Medical Offices	-	-	SP	P
Day Care Centers	-	-	-	P
Cemeteries	SP	SP	SP	SP

**NOTES:** "P" = Permitted; "SP" = Specially Permitted; "-" = Prohibited

Land Use	CB	NB	PO	GB-2, GB-1
<b>1. Residential</b>				
Single-family Dwellings	-	P	P	- (1)
Two-family Dwellings	-	P	P	- (1)
Multifamily Dwellings	P	P	P	P
Bed and Breakfasts	SP	P	P	-
Home Occupations	-	SP	SP	SP
Fraternity or Sorority Dwellings	-	-	SP	SP
Rooming Houses and Boarding Houses	-	SP	-	-
Upper Floor Residential Units	P	P	P	P
Accessory Uses or Structures	SP	SP	SP	SP
Solar Photovoltaic Systems (accessory only)	SP	SP	SP	SP

NOTES: "P" = Permitted; "SP" = Specially Permitted; "-" = Prohibited

Cortland Zoning Code Update

(1) Single- and Two-family dwellings occupied as of the effective date of this revised Chapter are considered a permitted use. The development of new single- or two-family dwellings are prohibited.

Land Use	Zoning District			
	CB	NB	PO	GB-2, GB-1
<b>2. Institutional</b>				
Places of Worship	SP	SP	SP	SP
Schools	-	P	SP	P
Public Service Utilities	SP	SP	SP	P
Clubs (lodges, fraternal organizations, etc.)	P	-	SP	P
Ancillary Parking Areas	-	-	SP	SP
Parks, Playgrounds	SP	SP	SP	SP

proposed change below:

Mixed-use Buildings	- (2)	P	P	P
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(2) Mixed-use buildings are allowed with residences on the upper floors only.

**Table 300-83: Required Parking**

Use Types	Number of Spaces
<del>Residential Uses</del>	
Single-family dwellings (rental non owner occupied)	Two per dwelling unit
Two-family dwellings	Two per dwelling unit
Multifamily dwellings	One and one half spaces per dwelling unit
Townhouses	Two per dwelling unit
Upper-story residential	One per dwelling unit
<del>Student Residences</del>	<del>.80 per dwelling unit</del>
<del>Non-Residential Uses</del>	
Auditoriums, church convention halls, gymnasiums, stadiums, studios or other place of public assembly not otherwise classified	One per four permanent seats or one per each 40 square feet of seating area where fixed seating is not provided
Banks, savings and loan associations	One space per 250 square feet of gross floor area
Bars or nightclubs	One space per 100 square feet of gross floor area
Bed-and-breakfast establishments	One per guest bedroom
Bowling alleys	Six spaces per lane
Day-care center	One per employee + one per eight children capacity
Filling stations	One for every 100 square feet of store and business office space. Each pump station may be considered as a parking space.
Fraternal organizations	One and one-half for every person
Funeral homes	One space per three seats in the parlors and chapels
Furniture store	One per 500 square feet of gross floor area
Heavy industrial	One per 1,000 square feet of gross floor area
Hospitals	Two spaces per sleeping room, and one and one-half spaces per sleeping room for psychiatric hospitals
Hotels, motels, <b>fraternity/sorority, rooming/boarding houses</b>	One per guest bedroom, plus one per 200 gross floor area or restaurant area
Light manufacturing or light industrial	One per 250 square feet of gross floor area
Nursing homes	One per each five beds, plus one per each two employees on the premises at one time
Offices, business or professional	One per 400 square feet of gross floor area
Offices, medical	One per 250 square feet of gross floor area
Public or semipublic art gallery, library or museum	The same as auditorium, etc.
Repair garages	Three per service bay or repair station
Research institutions or laboratories	Determined by the Planning Commission upon site plan review
Restaurants, fast food and general eating establishments	One space per 100 square feet of gross floor area
Retail stores, sales and service	One per 300 square feet of gross floor area
Rooming and boarding house	One per bedroom
Veterinary hospital	One per 200 square feet of gross floor area
Wholesale establishment, warehouse	One per 1,000 square feet of gross floor area

APPLICATION  
For Street Closings  
PLEASE PRINT ALL INFORMATION

Today's Date: February 10, 2020

Address of Street Closing: Court street (Main st to Church st)

Describe Event: 2nd Annual Stone Soup Event

Applicant Sandy Paul A PH # 607-283-1481  
Last First MI (Home) (Work)

Address: 25 Court street E-mail Address: 7sandy@Cottland.org  
Street

Cottland Ny 13045  
City State Zip Code

Date of Street Closing: 05/31/20 Alternate or Rain Date: \_\_\_\_\_

Start Time: 4 AM or PM Finish Time: 9 AM or PM  
\* (No earlier than 9:00 AM) \* (No later than 8:00 PM)

(\*Unless altered by Common Council)

Estimated # of persons attending: 750

Will amplified music be provided?: Live Bands  
(If yes, refer to requirement #8 for compliance)

City Ordinance Sect. 193-5 requires Common Council permission; SCT. 193-7 requires \$250 fee

Will alcohol be available? NO  
If so, which address(es) will have alcohol? \_\_\_\_\_

Alcohol is only allowed on private property. All State and City alcohol laws still apply during Street Closings.

A Street Closing permit does not allow the sale of alcohol or the consumption of alcohol on public property or by persons younger than 21 years of age.



## SOUND DEVICE PERMIT APPLICATION

Date of request 02/10/20 Date of issue \_\_\_\_\_

Name Paul Sandy

Address 75 Conant St  
Cattond NY 13045

Phone # (607)-283-1481

Type of sound device Bands Days of the request 02/13/20 Hours 4PM-9PM

Non-Profit

License Fee: Fixed location - \$250

Mounted on a motor vehicle - \$500

For a business: \$100

*Fixed location:* For the use or operation of any radio, phonograph, microphone or other device by which sounds are magnified and caused to be heard over any public street or public place from any one fixed location and not in, or mounted upon a motor vehicle, the sum of \$250 for any day or part of a day for which the applicant desires permission hereunder. (Code of Ordinances 195-5 Noise Article II Sound Devices [adopted 8/5/69 as Ch.12, Art.VI, of the 1969 Code of Ordinances])

*Mounted upon motor vehicle:* For the use or operation of any radio, phonograph, microphone or other device by which sounds are magnified and caused to be heard over any public street or public place to be used in, or mounted upon a motor vehicle, the sum of \$500 for any day or part of a day for which the applicant desires permission hereunder. (Code of Ordinances 195-5 Noise Article II Sound Devices [adopted 8/5/1969 as Ch. 12, Art.VI of the 1969 Code of Ordinances])

*Business permit fee:* For the use or operation of any radio, phonograph, microphone or other device by which sound is magnified and caused to be heard over any public street or public place from any one fixed location and not mounted on a motor vehicle, the sum of \$100 for up to 6 events, as approved by Common Council in 2015.

  
Signature of Applicant

02/10/20  
Date

**APPLICATION MUST BE FILED WITH THE APPLICATION FEE AT LEAST TWO (2) WEEKS BEFORE FUNCTION AND ONE (1) WEEK PRIOR TO COMMON COUNCIL MEETING TO ALLOW TIME FOR APPROVAL.**

**IF APPROVED, YOUR PERMIT WILL BE MAILED TO YOU.**

**IF NOT APPROVED, YOUR APPLICATION FEE WILL BE RETURNED TO YOU.**



## **Cortland County Emergency Response & Communications**

January 13, 2020

To: City of Cortland Elected Official and Clerk

Happy New Year! Cortland County is preparing to update its county-wide hazard mitigation plan and is inviting your municipality to participate in its 5-year regulatory of the plan. This plan is an important part of increasing the resiliency of the County and your community and your municipality is strongly encouraged to participate in the planning process. Per Federal regulation, all local governments must have a FEMA-approved HMP in order to be eligible to apply for and receive Federal mitigation grant funding for public and private mitigation projects.

On behalf of the County, the Department of Emergency Response and Communications, Division of Emergency Management, are inviting your municipality to participate in the five-year update of the County's HMP. *Why participate?* There are numerous benefits to participating in the HMP update including:

- Increases your awareness of risk and vulnerabilities to severe weather and flooding events.
- Reduces hazard impacts – save lives, property, and money!
- Helps identify implementable strategies and funding sources.
- Eligible to apply for and receive FEMA mitigation funds for public and private mitigation projects.
- Creates more resilient communities – bounce back from disasters faster!

The requirements and expectations for municipal participation in the HMP update are summarized below and outlined in the attached Letter of Intent to Participate (LOI). In order to formally document your intent to participate, the LOI needs to be drafted on municipal letterhead, signed by a governing official, and returned to the County by February 6<sup>th</sup>. Please return your completed LOI to:

Courtney Metcalf, Deputy Director  
Emergency Response and Communications  
54 Greenbush Street, Suite 201  
Cortland, NY 13045

By participating in the HMP update, each municipality will have requirements and expectations to fulfill throughout the planning process. This includes:

- Provide a completed LOI to the County by February 6<sup>th</sup>.
- Assign a planning point-of-contact for your municipality, who will:
  - Provide representation at regular planning group meetings and workshops.
  - Be responsible for providing data and information as requested.
  - Review and comment on data and information compiled by the contract consultant relevant to their jurisdiction.

54 Greenbush Street Suite 201, Cortland, NY 13045 Ph: (607) 753-5064 Fax: (607) 756-8457 [www.cortlandcountyfire.org](http://www.cortlandcountyfire.org)  
Scott Roman, Director  
Dave Denniston, Deputy Fire Coordinator  
Dustin Contri, Deputy Fire Coordinator  
John Tillotson, Deputy Fire Coordinator – EMS  
Courtney Metcalf, Deputy Director  
Kevin Whitney, Deputy Fire Coordinator  
Mahlon Irish Jr., Deputy Fire Coordinator

- Be responsible for completing plan documents specific to your municipality, using provided templates with guidance and assistance by the contract consultant.
  - Assist with the identification of stakeholders within your community that should be informed and potentially involved with the planning process.
  - Facilitate public outreach efforts with citizens and local stakeholders within your community using materials provided by the contract consultant.
  - Assist with the identification of strengths, weaknesses, opportunities and obstacles to implementing natural hazard mitigation within your community.
  - Assist with the identification of past, ongoing and appropriate future mitigation strategies and activities within your municipality.
  - Review and comment on plan documents, specifically the draft and final plans prior to submission to NYS DHSES and FEMA.
- Formally adopting the updated plan once approved by FEMA.

The plan update process is meant to be a collaborative effort among the various departments in your community. The planning point-of-contact is not expected to do all the work. Their role is to ensure the assigned tasks are completed by the appropriate people within the given timeframe.

*We encourage your municipality to review and return the attached LOI to begin the mitigation planning process for your community and residents and continue the benefits that an HMP can provide to our County!*

Please contact me with any questions you might have regarding our plan update process.

Sincerely,

Courtney Metcalf  
Cortland County Emergency Response and Communications  
Deputy Director

***Save the date!*** The project's municipal kick-off meeting will be held on Friday, February 7<sup>th</sup> at 10:30am. During this meeting, we will discuss the process, benefits, expectations, and timeline of the plan update process. All municipalities who wish to participate in the plan update **MUST** attend this kick-off meeting, whether or not they have submitted the LOI. Meeting details will be sent out soon.

*Please provide a signed Letter of Intent to Participate as noted below on your municipal letterhead.*

[DATE]

Courtney Metcalf, Deputy Director  
Emergency Response and Communications  
54 Greenbush Street, Suite 201  
Cortland, NY 13045

Subject: Cortland County Multi-Jurisdictional All-Hazard Mitigation Plan Update  
Authorization and Letter of Intent to Participate  
[Municipality Name]

Dear Ms. Metcalf:

This is to confirm that the [Municipality Name] is committed to participating in the Cortland County Multi-Jurisdictional All-Hazard Mitigation Plan (HMP) update project. By way of this letter, the [Municipality Name]:

1. Authorizes the Cortland County Department of Emergency Response and Communications Division of Emergency Management and the Cortland County Hazard Mitigation Steering Committee (“Steering Committee”), to guide and direct this planning process, perform certain parts of the planning process, and prepare certain parts of the plan documents on our behalf.
2. Agrees to meet the minimum requirements of municipal participation (a.k.a. the Planning Partner Expectations), specifically:
  - Execute and return this “Authorization and Acknowledgement” letter to the Cortland County Department of Emergency Response and Communications Division of Emergency Management, attention: Courtney Metcalf.
  - Identify municipal representatives to serve as the planning point of contacts (POC), below. These people will be responsible for representing their community and assuring that these participation expectations are met by their community.
  - Support the Steering Committee selected to oversee the development of this plan.
  - Provide representation at municipal Planning Committee meetings (~ 3 meetings over 6-8 months, including a Kick-Off Meeting and a Mitigation Strategy Workshop).
  - Provide data and information about your community as requested by the Steering Committee or the contract consultant, including:
    - Structure and facility inventory data
    - Identification of new development and anticipated development
    - Identification of natural hazard risk areas
    - Identification of natural hazard events and losses that have impacted your community in the last five years
    - Identification of plans, studies, reports and ordinances addressing natural hazard risk
    - Identify mitigation activity in your community in the last five years, including progress on previously identified mitigation actions.
  - Support public outreach efforts in your community which may include:
    - Providing notices of the planning project on your municipal website with links to a County project website

- Providing notice of the planning project, the availability of Plan documents, and notice of public meetings via available local media (e.g. newsletters, flyers, email blasts, social media, etc.)
- Advertising and supporting public meetings in your area
- Supporting outreach to National Flood Insurance Program (NFIP) Repetitive Loss and Severe Repetitive Loss property owners in your community.
- Assist with the identification of stakeholders within your community that should be informed and potentially involved with the planning process.
- Completing data and information collection survey forms in a timely manner.
- Identify specific mitigation actions to address each of the natural hazards posing significant [or high or medium] risk to your community.
- Involve your local NFIP Floodplain Administrator in the planning process.
- Review draft Plan sections when requested and provide comment and input as appropriate.
- Adopt the Plan by resolution of their governing body after FEMA conditional approval.
- Periodically provide the Steering Committee with reports of municipal staff and volunteer labor spent on the planning process.

3. Assigns the following persons to be the Points of Contact for our jurisdiction. We understand that these POCs are responsible for assuring municipal representation at municipal Planning Committee meetings, and assuring that the other minimum requirements of jurisdictional participation, as detailed in the Planning Partner Expectations above, are met.

Primary POC:	Position/Department:
Phone Number:	Email Address:

Alternate/Secondary POC:	Position/Department:
Phone Number:	Email Address:

4. Our designated local Floodplain Administrator (FPA) under the NFIP is:

Name of NFIP FPA:	Position/Department:
Phone Number:	Email Address:

5. Recognizes that failure to meet the minimum participation expectations and deadlines, as determined by the Steering Committee will result in our municipality being excluded from the planning process.

Sincerely,

**[Chief Elected Official]**  
**[Municipality]**

**City of Cortland  
Fire Department**



**Wayne C. Friedman**  
**Fire Chief**

21 Court Street  
Cortland, New York 13045

Phone: 607-758-8383  
607-756-5612

Fax: 607.758.8385

Email: [wayne.friedman@cortlandfire.org](mailto:wayne.friedman@cortlandfire.org)

**TO: Mayor and Members of the Common Council**

**FROM: Chief Friedman**

**DATE: February 7, 2020**

**RE: Agenda Items for 2/18/2020 Meeting**

Please find attached the following resolutions for your consideration:

- 1- **Consideration of a Resolution to initiate the process with the New York State Local Retirement System to correct the retirement system status for Firefighter Travis Marshall from a 25 year "384" plan to the appropriate 20 year "384D" plan. This will require a commitment by the city of a potential difference in contribution from the incorrect plan to the corrected plan that will be determined by State Retirement. (Chief Friedman)**

Firefighter Travis Marshall was hired by the City of Cortland on July 24, 2013. At that point he was inadvertently enrolled into the incorrect retirement plan through the New York State Local Retirement System. FF Marshall was enrolled into the Police and Fire "384" Plan, 25 years of service. FF Marshall should have been enrolled in the Police and Fire "384d" Plan, 20 years of service. The council needs to adopt a resolution supporting the initiative for furtherance of a Senate and Assembly Bill pursuant to Article IX of the State Constitution and Municipal Home Rule Law.

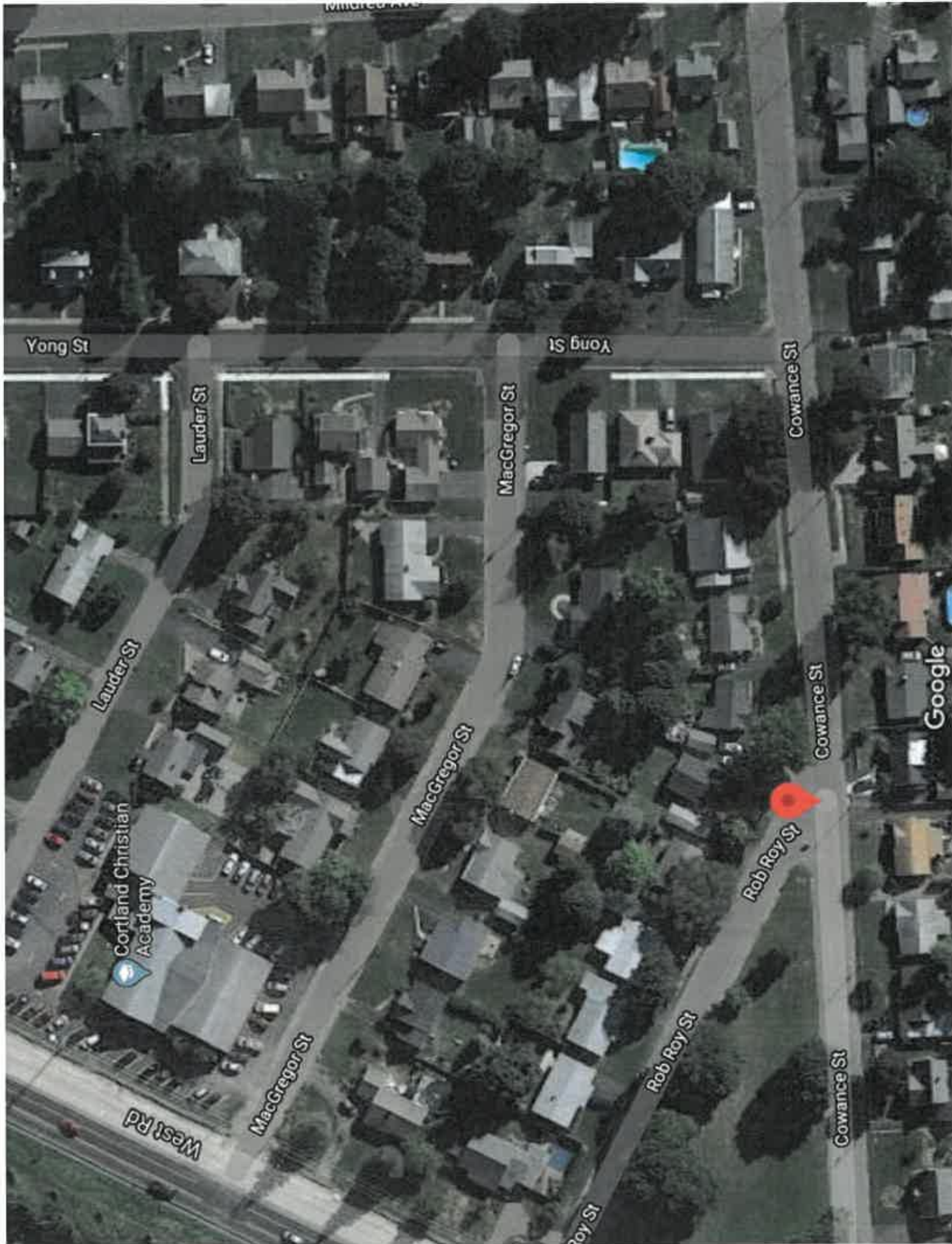
When respective Bills are introduced and assigned numbers, communication will occur with the State Retirement System actuary to determine what, if any, monetary contribution will be needed to reconcile potential shortcomings in the City's contribution between plans. A final resolution will be needed from council with all costs and recommendations at a later date.

**From:** noreply@civicplus.com  
**Sent:** Thursday, February 13, 2020 3:17 PM  
**To:** mayorofc  
**Subject:** Online Form Submittal: Application to Serve on a Board or Commission

## Application to Serve on a Board or Commission

Name	Noah Beck
Email	noah@cortlandymca.org
Phone	6074238540
Address	19 Melvin Ave
City	Cortland
State	NY
Zip Code	13045-2541
Commission or Board You Would Like to be Considered For	Environmental Advisory Committee
Why are you interested in this position?	I am interested in the committee because I feel strongly about its purpose and feel that I have the background and community connections to be effective in the role
What qualifications do you have for this position?	I have a degree in Biology, have held many positions with in the environmental science, conservation and ecology fields. I am currently the CEO of the Cortland County Family YMCA believe that it puts me in a strong position to make positive changes in our community.
Resume Upload	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)



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Yong St

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Cowance St

Cortland Christian Academy

Rob Roy St

West Rd

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