

1. Agenda

Documents:

[AGENDA.03.20.2018.PDF](#)

2. Supporting Documents

Documents:

[CC SUPPORTING DOC. 2018.03.20.PDF](#)

COMMON COUNCIL AGENDA March 20, 2018

- 7:00 PM Public hearing to review City of Cortland’s performance under the Community Development Block Grant (CDBG) Program and CDBG #285HR303-14 for city-wide housing rehabilitation.
- 7:02 PM Public hearing to review City of Cortland’s performance under the Community Development Block Grant (CDBG) Program and CDBG #285PW33-14 for the replacement of the culvert over Otter Creek at Arthur Avenue.
- 7:03 PM
- Call Meeting to Order
 - Salute to the Flag of the United States
 - Public Comments
 - Minutes – Approval of minutes
 - Proclamation – April is Fair Housing Month
 - Fire Chief - James Zelsnack promotion

AGENDA:

Item #1 – Consideration of a Resolution to approve the Special Event, Porchfest on August 19, 2018 from 12:00 PM – 6:00 PM. (Mayor Tobin)

Item #2 – Consideration of a Resolution to approve the subordination of a \$3,199 City mortgage to facilitate a first mortgage refinance for a HOME Homeownership Program participant contingent upon repayment of the remaining balance of HOME funds. (Thoma Development Consultant)

Item #3 – Consideration of a Resolution to amend the City’s procurement policy to add language relative to soliciting bids/quotes from Minority and Women’s-Owned Enterprises (M/WBE), Labor Surplus Area businesses, and Section 3 businesses, when appropriate, as recommended by the State’s Community Development Block Grant administrator. (Thoma Development Consultant)

Item #4 – Discussion regarding the playground renovation project design plans and the DASNY State and Municipal Facilities Program grant. (John McNerney)

Item #5 – Discussion on a proposed Local Law pertaining to the City of Cortland skate park operation. (John McNerney)

Item #6 – Discussion on a proposed Local Law prohibiting the use of hand held metal detectors in City Parks. (John McNerney)

Item #7 – Consideration of a Resolution to approve the demolition of a garage on 10 William St. due to fire damage, cost not to exceed \$1,500.00. (DC Knickerbocker)

Item #8 – Consideration of a Resolution to approve the Local Law change to add 2 more stop signs at the intersection of Pomeroy St. and Central Ave making it a 4-way stop with flashing LED lights. (Mayor Tobin)

Adjournment

PROCLAMATION

WHEREAS, in accordance with Title VIII Fair Housing Policy of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988, and

WHEREAS, the month of April 2018 has been designated by the U. S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity as Fair Housing Month,

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Cortland hereby declares and proclaims April as Fair Housing Month in the City of Cortland, New York.

Given under my hand and the Seal
of the City of Cortland, this ____
day of March 2018

Brian Tobin, Mayor

City of Cortland Special Event Application

Event Name: Porch Fest Cortland Today's Date: 3/8/2018
 Event Contact: Molly Keagan Andrejko CDP Member? Yes No
 Address: 19 Van Horsten St. Cortland New Event Existing Event
 Email: mollyandrejko@gmail.com Phone: 607-423-7078
 Will proceeds of your event benefit a charitable cause that provides service to Cortland residents? Yes No If yes, name the charitable causes: Cortland Youth Bureau Music Program + Playground Non-profit Tax ID: _____

Event Information

NAME OF EVENT: Porch Fest Cortland
 TYPE OF EVENT (I.e., walkathon, street fair, festival, etc.): Street fair / Music festival
 EVENT LAYOUT if the event is a walkathon, run, etc., attach a map of route and/or street closures. If the event is a festival or street fair, attach a map to indicate location of street blockages requested, booth alignment and type of merchandise vended from each booth.

DATE DAY 1: <u>August 19 2018</u>	DATE DAY 2: _____
<input type="checkbox"/> STREET CLOSURE: Start Time: <u>12pm</u> End Time: <u>6pm</u> Street: <u>Van Horsten / Harrison / Day Chestnut</u>	<input type="checkbox"/> STREET CLOSURE: Start Time: _____ End Time: _____ Street: _____
<input type="checkbox"/> LOT CLOSURE: Start Time: _____ End Time: _____ Lot: _____	<input type="checkbox"/> LOT CLOSURE: Start Time: _____ End Time: _____ Lot: _____
<input type="checkbox"/> AMPLIFIED MUSIC: Start Time: <u>12pm</u> End Time: <u>6pm</u>	<input type="checkbox"/> AMPLIFIED MUSIC: Start Time: _____ End Time: _____

START LOCATION: Van Horsten St. neighborhood END LOCATION: "
 EXPECTED # OF PARTICIPANTS: 350 # OF SPECTATORS: _____ # OF VEHICLES: _____
 HOTELS: Is this event expected to generate area overnight stays? If so, estimated # of rooms: _____

Event Components

Location/Safety	Structures	Food
<input checked="" type="checkbox"/> City park use - <u>Sugart</u>	<input checked="" type="checkbox"/> Temporary structures	<input checked="" type="checkbox"/> Food cooked on-site - <u>possibly</u>
<input checked="" type="checkbox"/> City streets blocked	<input checked="" type="checkbox"/> Canopies up to 10' x 10'	Alcohol
<input checked="" type="checkbox"/> City sidewalks blocked	<input type="checkbox"/> Grounded tents over 10' x 10'	<input type="checkbox"/> Alcohol sold on-site
<input type="checkbox"/> City parking lots closed	<input type="checkbox"/> Beer and/or wine garden	<input type="checkbox"/> Alcohol served
<input checked="" type="checkbox"/> City barricades	<input type="checkbox"/> Street banner requested	Vending
<input type="checkbox"/> City cones	<input type="checkbox"/> Rides or amusements	<input type="checkbox"/> Vending of goods
<input type="checkbox"/> Animal ban	<input type="checkbox"/> Showmobile rental requested	<input checked="" type="checkbox"/> Vending of food
<input type="checkbox"/> Animals are part of the event	<input checked="" type="checkbox"/> Portable restrooms - <u>possibly</u>	Power Source
<input type="checkbox"/> EMTs needed on site	<input type="checkbox"/> Seating area	<input type="checkbox"/> City electricity use
<input type="checkbox"/> Police escort requested	Sound	<input type="checkbox"/> Generator use
Waste Management	<input type="checkbox"/> Fireworks	Insurance
<input type="checkbox"/> City litter pickup	<input checked="" type="checkbox"/> Amplified sound or music	<input type="checkbox"/> General Liability Insurance certificate
<input checked="" type="checkbox"/> City street sweeping	<input type="checkbox"/> Ceremonial Gun Salute	<input type="checkbox"/> Liquor Liability Insurance certificate

Other components not listed: _____

Fire Approval: _____
 CPD Approval: _____
 Council Approval: _____

Marketing budget: \$0 Admission Fee: optional donation

given to CyB Music Program + Playground project

MAR 8 10 58 AM '18



CITY OF CORTLAND
OFFICE OF COMMUNITY DEVELOPMENT
THOMA DEVELOPMENT CONSULTANTS

25 Court Street, Cortland, New York 13045 Ph. 607.753.1433 Fx. 607.753.6818
www.cortland.org

MEMORANDUM

TO: Mayor Tobin and Members of the Common Council
FROM: Thoma Development Consultants
RE: Amendment to the City's Procurement Policy
DATE: March 13, 2018

The State administrative agency for the Community Development Block Grant (CDBG) Program, NYS OCR, monitored two block grants recently and issued their reports. The reports are divided into three parts, (1) findings (most serious), (2) concerns, and (3) recommendations. The State advises, "Recommendations should be incorporated into the administration policies of all future grants. Failure to address recommendations could result in the issuance of concerns during future monitoring visits." Concerns, if not addressed, can rise to the level of a "finding", which if not addressed within 30 days can result in "...suspending funds for all open grants..."

The State's report made a recommendation relative to the City's procurement policy as follows, "...the City did provide a copy of the City's written procurement policy, however, the documentation did not include required language addressing equal employment opportunity and Section 3 objectives in their procurement processes. For all future NYS CDBG grants, the City is strongly encouraged to review the procurement policy and to incorporate and address any required regulations..." The City was then referred to Chapter 4 of the CDBG Grant Manual, two pages of which I have attached that indicate efforts should be made to encourage participation for Minority and Women-Owned Businesses, Businesses located in Labor Surplus Areas (LSA), and Section 3 concerns.

At the current time, the State accepts incorporation of language in local procurement policies that direct a grantee to reach out to MWBEs, LSA and Section 3 concerns. We have several customers that have had the same concern or recommendation in their reports and we prepared language that has been adopted by these grantees. So far the State has not

"The Crown City"

challenged the language. I have, thus, attached suggested language for review by the City and subsequent incorporation in the City's policy.

In 2011 the State cited the City for the lack of MWBE language in its policy during a visit. Since that time, the State has added LSAs and Section 3 businesses for inclusion in procurement policies along with MWBEs. Language that includes all 3 is attached for your review. Note this language includes the phrases such as, "when appropriate" or "for projects subject to Section 3 requirements". It would "be appropriate" to solicit MWBEs, LSAs, and Section 3 where a project includes federal funding that requires outreach and efforts to encourage these group's participation.

Linda Armstrong will be at the Council meeting March 20th. If you have any questions prior to that time, you can reach her at 753-1433.

Attachments

Professional services provided for a longer period than originally procured must be re-advertised. The original consultant may respond to the Recipient's RFP, and it is perfectly legitimate to consider that consultant's prior performance when making the selection. The RFP process does not preclude you from hiring an engineer that has previously worked for you and who performed well. It does mean that you must give other qualified firms a reasonable opportunity to submit a proposal.

A community may receive a proposal for what is called a loss-leader-arrangement, where the consultant offers to prepare or assist with a grant application at cut rates or for no cost in return for favorable consideration in the selection process for a project manager, architect or engineer. No such arrangement, whether based on an oral or written agreement, can be valid or binding on the Recipient since it clearly violates federal requirements mandating "full and open competition." Also, using an evaluation criterion such as "familiarity with project or community" or "has previously worked with the community," for example, would be considered as restricting competition because it would favor a consultant or firm that had worked with the community previously and could possibly discourage competition by other consultants.

VI. USE OF CONSULTANTS ALREADY UNDER CONTRACT


If the Recipient has a consultant under a pre-existing, multi-year contract, it is permissible to use that consultant if the activity to be carried out was outlined in the original scope of work used to procure the consultant and the process used to procure the consultant met federal requirements. Please note that multi-year contracts should be limited to three years and to one specialty area, such as housing, public works or economic development.

A single Request for Proposals (RFP) for NYS CDBG administrative services including housing, public works and economic development is not consistent with federal procurement requirements. That is, an RFP of such broad scope would place unreasonable requirements on firms for them to qualify to do business. Therefore, OCR restricts three-year contracting to specific specialty areas. A single RFP to carry out all NYS CDBG housing-related activities or all NYS CDBG economic development-related activities is acceptable.

VII. CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS

Recipients are required to take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Recipients shall take all the following steps to further this goal:

Ensure that small businesses, minority-owned firms, and women's business enterprises are used fully practicable.



Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.

Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.

Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.

Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

Recipients should obtain a list of Minority and Women-owned Business Enterprises (MBE/WBE) certified firms by contacting the, ESD Division of MWBD, Albany, NY 12245, (518) 292-5250 or utilize the website-based retrieval process at <http://www.esd.ny.gov/MWBE.html>.

VIII. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968 (12 USC 1701U)

In accordance with the requirements under Section 3 of the Housing and Urban Development Act of 1968, as amended, Recipients shall ensure that employment and other economic opportunities generated using NYS CDBG funds shall, to the greatest extent feasible, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons. Assistance covered by Section 3 includes the expenditure of NYS CDBG funds for work arising about housing rehabilitation, housing construction, or other public construction projects.

Section 3 requirements are applicable to all procurement actions more than the small purchase threshold established at 24 CFR 85.36(d)(1), regardless of whether the procurement is governed by 24 CFR 85.36. Section 3 applies to the entire project or activity funded with assistance that triggers Section 3 requirements.



Recipients of NYS CDBG grants that exceed \$200,000 must include a Section 3 clause in all construction contracts for \$100,000 or more.

IX. DEBARMENT, SUSPENDED OR INELIGIBLE CONTRACTORS

FOR REVIEW & ADOPTION AS PART OF THE CITY'S PROCUREMENT POLICY

Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the City will solicit up to three MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The City's established purchase/contracting thresholds will apply.

For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The City will keep documentation of M/WBE solicitation in its records and any response(s) thereto.

Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Village will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan.

Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The City's established purchase/contracting thresholds will apply.

The Village will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

Labor Surplus Area Business Participation in Procurement and Contracting: The City will solicit bids or quotes for federally funded projects from at least one business located in a labor surplus area (LSA) as defined by the US Department of Labor. The City will access information on eligible labor surplus areas for the most current time period through the NYS Department of Labor. Quotes or bids from a business or businesses in an LSA or LSAs will be solicited directly by phone, email or letter. The City's established purchase/contracting thresholds will apply.

The City will keep documentation of LSA solicitation in its records and any response(s) thereto.

1

Suggett & Beaudry Park Playground Renovations

City of Portland Youth Bureau



2

Goal

Provide a outline of our playground renovation project that will include: Suggett & Beaudry park playgrounds, and the Suggett Park splash pool.



3

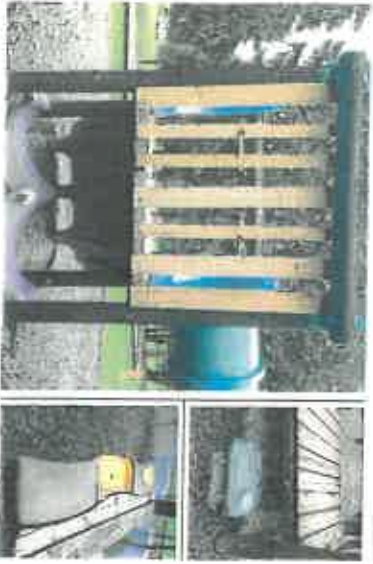
The Need

- 45% of children in Cortland County receive free or reduced-price school lunches.
- Playgrounds are a place where children can go to play with no restrictions, no fees, and no worries.
- With many people unable to afford a family vacation, trip to an amusement park, or specialized activity our playgrounds are utilized more than ever.

The Need

- The current condition of our playground equipment is deteriorating.
- Protective padding is missing, wood structures are rotting out, and select pieces have already been removed.
- The pea stone below the equipment can be dangerous to children who throw it, and it can be easily dispersed into the grass causing problems while mowing.

4



Suggest Park Playground

5



6

The Parks

- We have the opportunity to create facilities that allow children to play freely with no restrictions and use their imaginations.
- Children will be excited and look forward to going to the park to play and it will encourage them to be active and lead a healthy lifestyle.
- Parks play an important role in the quality of life of our residents.



7

Playground Designs

8

Suggett Playground Photo

Suggett Park

All inclusive playground

9

10

Suggest Playground Photo

11

Suggest Playground Photo

12

What makes it inclusive?

- Making all playground equipment usable and accessible for children of all abilities makes an inclusive playground.
- Solid surfaces around the entire playground allow for a wheelchair or walker to navigate around and up to the playground equipment. (Poured in place rubber)
- Ramps leading up to all the play structures make the playground activities accessible for anyone using a wheelchair or walker.

What is poured in
place rubber?

- Stambles rubber surfaces
composed of two layers that
are poured in place.
- Made up of crumb rubber or
recycled tires.



13

Beauty Park



14



15

Beauty park renovations will include removing all of the current equipment and
placing the new playground where the splash pad was located. This will keep
children away from the road and parking lot, where the current equipment is located.



The Beauty playground will include a separate area for 2-5 year olds and 5-12 year olds.

16



Beauty will have a therapeutic swing, a generational swing, toddler and belt swings.

17



Splash Pool Renovation

18

Suggestt Splash Pool

- Remove the fence around the area.
- Push button activation, play anytime you want.
- Smooth, even playing surface.
- Multiple spraying units and play structures per pool.
- Water conservation.
- Staff savings will pay for the upgrade over time.

19



20



21



22

Questions, Comments, Feedback....

23



CORTLAND YOUTH BUREAU

35 Port Watson Street • Cortland, NY 13045 • (607) 753-3021 • Fax: (607) 753-3023 • www.cortland.org

Hand Held Metal Detectors in City Parks

In recent years the City of Cortland parks have experienced damage to turf areas due to metal detector users. Outlined below is a list of damage/issues that occurs by users of metal detectors.

- Holes left in grass areas
- Kills Grass on athletic fields
- Athletes/park users safety because of trip hazards
- Currently staff has no enforcement policy

The City of Cortland Youth Bureau recommends....

City of Cortland Municipal Code

Chapter 202

Section 202-32

The use of metal detectors is prohibited in all City parks. No person shall make any excavation by tool, equipment, or utilize metal detectors of whatever kind, across or over any city park lands unless authorized by permit or written easement.



SKATE AT YOUR OWN RISK

This is an unsupervised skate park. Skateboarding, in-line skating, scootering and BMX biking are hazardous recreational activities and use of this facility may result in serious injury or death. The City of Cortland does NOT assume responsibility for injuries or damages. ANY USE OF THIS FACILITY IS AT YOUR OWN RISK.

City of Cortland Municipal Code

CHAPTER 202

Sec. 31

Helmets required for persons operating a bicycle.

- (a) No person, one or more years of age and less than 16 years of age, shall operate a bicycle unless such a person is wearing a helmet meeting the standards of the American National Standards Institute or the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling.
- (b) This section shall be administered and enforced in accordance with section 1238 of the Vehicle and Traffic Law of the State of New York.

Helmets required for persons operating skateboards, scooters and rollerblades.

No person under the age of 16 shall operate a skateboard, scooter, or rollerblades unless such person is wearing a helmet meeting the standards of the American National Standards Institute of the Snell Memorial Foundation's Standards for Protective Headgear for Use in Skateboarding.

Use for recreational purposes limited.

It shall be unlawful to operate skateboards, scooters and rollerblades on public property in any manner for the purpose of recreation within the City of Cortland except in the skateboard park at Yaman Park and other areas specifically designated by the City of Cortland for recreational purposes.

Enforcement.

It shall be the duty of the City of Cortland Police Department to enforce the provisions of this chapter.

Assumption of Risk.

The use of the skate park at Yaman Park is considered a high-risk recreational activity with inherent risk of serious injury or death. The use of the skate park is an assumption of that risk by the user. The City of Cortland strongly recommends that proper protective equipment such as helmets, elbow pads, and knee pads be used by all users of the skate park, regardless of age.

Effective Date.

This chapter shall take effect on March 1, 2018, and in accordance with law upon publication of a notice as provided in the Cortland City Charter.

Skate Park Rules & Regulations

This facility is not supervised. Skate at your own risk. Know your abilities.

- All users must wear a helmet at all times.
- Elbow and knee pads are recommended.
- Smoking, alcoholic beverages, and drugs are prohibited.
- Skateboards, in-line skates, scooters, and BMX bikes only. No motorized vehicles.
- Use of the facility during inclement weather or when the facility is wet or slippery is prohibited. The skate park will be closed at these times.
- No profanity, cursing, abusive language, or roughhousing.
- Additional obstacles or any modifications to existing structures are prohibited.
- All acts of vandalism will be prosecuted to the fullest extent of the law.
- No dogs or animals allowed in the skate park - except service animals.
- Amplified music is prohibited.
- No food, drink, gum, glass or breakable objects on the skating surfaces.
- Children under the age of 10 should not be left unsupervised.
- Skate park is open dawn to dusk.
- Skate park is under video surveillance.

In an emergency call 911

Report facility damage or problems to Cortland Youth Bureau at 607-753-3021

- Entering after hours is considered trespassing and may result in a criminal trespass citation and seizure of equipment.
- The City of Cortland is not responsible for personal property.
- The Cortland Youth Bureau reserves the right to close the skate facility for events, emergencies, or when conditions necessitate.
- The park is considered closed during inclement weather or unsafe facility conditions.
- All other park rules and regulations must be followed. Failure to comply with these rules may result in your privileges being revoked.