



City Council **Minutes**
The City of Cortland
August 7, 2018

Council Meeting #14
August 7, 2018
25 Court Street
7:03 PM

Present: Mayor Brian Tobin, Aldermen Katy Silliman, John C. Bennett, Carlos Ferrer, Troy Beckwith, William Carpenter, and Thomas Michales

Excused: Aldermen Michelle Mastropolo and Gary Thomas

Staff Present: Corporation Counsel Ric VanDonsel, Director of Administration and Finance Mack Cook, Superintendent of Wastewater Bruce Adams, Police Chief Catalano, City Clerk Raymond A. Parker, and Confidential Secretary Devon Rainbow.

Public Hearing:

Mayor Tobin opened the Public Hearing at 7:00 PM to hear comments on the proposed new Zoning update concerning the amendment of Local Law/Chapter 300-11.

- *Sharon Stevens*: expresses thanks to Katy for work; expresses strong support for the amendments, as she is concerned for the single-family homes being converted into rental homes, which are run as businesses. Homes are being degraded and sold out of town, with little interest in the community itself.
- *Tom Larson*: expresses support for the amendments, and insists laws need to be enforced. Larson links quality of life to the current housing/rental challenges.
- *Daniel Blood (201 Tompkins St.)*: has a few questions, as he owns and rents property; can he rent his property to certain persons, such as family, given the amendments? Wary of the amendment, particularly since some criteria are worded ambiguously to act as catch-alls, and not as identifiable, specific standards to meet.
- *Jim Reeners*: cites the purpose of an R1 district. This district exists to enhance and promote single-family dwellings. Several rentals are not legal given the purpose of the districts and current standards for special use permits.
- *Abi Cleary (Stevenson St.)*: Given Cortland's potential for growth, we need to protect the R1 district for future development. Students leave housing empty during the summer. Loss of residential spaces results in the loss of people, an integral resource and component of a healthy community. Supports this resolution.
- *Gerry Ruggiero*: does not support this resolution, but suggests that the laws be more thoroughly enforced. Building code of NYS citations include that Chapter 131 – 1996 (fair housing) cites the right to rent a house without discrimination. Chapter 102-4 rental law cites maintenance and repair regulations/scope. He insists that he has a right to rent these homes. Ruggiero threatens to file a lawsuit should this be passed.
- *Patricia Wood*: in favor of preserving the neighborhood. She does not, however, support this resolution as it raises a number of potential conflicts. This resolution may not completely improve

the aesthetics of these homes. The resolution has the potential to rob the people the freedom of choice that may lead to marginalization of certain people.

- *Jo Shaffer*: states that this is an amendment to enforce current code. Zone changes are not occurring here; we are simply ensuring that individuals go through the proper channels for special use applications.
- *Steve Muka*: owns many homes that would be affected; all districts deserve a nice neighborhood. All rentals need a permit. Violations should be followed with fines.

Mayor Tobin closed the Public Hearing at 7:38 PM

Public Comments:

- *Daniel Blood (201, 203 Tompkins St.)*: acknowledging agenda item number nine; 2017 data on the website for rental permits cites that the Res. #9 would affect 48 parcels in his area.
- *Tom Gobel (Cemetery)*: the cost is too much for a city takeover of the cemetery, but there are several other options including grants, SUNY assistance, and other choices to assist in facilitating the transfer of ownership/etc.
- *Erik Ricardi*: regarding item number 14: “It’s been a long twelve years.” Thank you for helping me address the flooding in my home. Thank you Bill Carpenter and Mayor Tobin.
- *Carrie Kane*: confirmed Leader of the Cortland Elks Club/Lodge; requests a waiver of the fee for application, sound, and parking lot closure for the annual car show on August 26, 2018. The event is free and open to the public, and hopes to maintain this dynamic. Last year, nobody was towed, and we hope to keep this up.
- *Jenny Toomey*: request via special permit for a tent for her wedding outside (for a few hours) of the Cortland Elks Lodge, secured with sandbags and buckets, with no damage to the lot.
- *Gary Smith*: 170 people reside in the tower next door. When will the speed and noise abatement laws be enforced on Church St.? Motorcycles are using the street “as a drag strip.” Several sidewalk spaces along Church St. are in need of repair.

Ward Reports/Mayor’s Report:

- Ward 1: Absent
- Ward 2: Concerns about burglaries on Lincoln and Maple with arrests and warrants live. Pothole concerns on Lincoln. Silliman is on the Parker School Committee.
- Ward 3: Absent
- Ward 4: Nothing to Report
- Ward 5: Nothing to Report
- Ward 6: Some minor issues on Charles St. regarding item #9.
- Ward 7: Severe flooding and traffic issues present; designate a traffic route for the kik products, perhaps in a public meeting; please mow your lawns!
- Ward 8: Trash issues on rental properties dealt with.
- Mayor: *Tom Tobin* recognized for twenty-five years of employment and service.
Norm Stitzle a volunteer for Toys-4-Tots for the last 50 years recognized for exceptional service towards the betterment of the community.
 Traffic Route Public Hearing Date on the Agenda for August 21, 2018.
 Removed Item #12 from Agenda, as it was not ready to be discussed.
 Executive Session on Contract Negotiations with No Action to follow was added to agenda.
 Music Series, Taste of Cortland, Arts and Wine, Brockway Truck Show events advertised.

Resolution #181 of 2018 – Resolution to approve the Common Council minutes of June 19, 2018.

Motioned by: Alderman Silliman

Seconded by: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Resolution #182 of 2018 – Consideration of a Resolution to approve the Special Event Application including all permits for the Cortland Elks Lodge Cruise In, held on August 26, 2018 from 11AM – 4PM at Groton Ave Parking Lot.

Motioned by: Alderman Silliman
Seconded by: Alderman Beckwith

Approved: Ayes – 6
Nays – 0

Resolution #183 of 2018 – Consideration of a Resolution to waive the application fees for Cortland Elks Lodge Cruise In.

Motioned by: Alderman Beckwith
Seconded by: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #184 of 2018 – Consideration of a Resolution to approve the Special Event Application including all permits for a Wedding Reception, held on September 2, 2018 from 1PM – 7PM at Groton Ave Parking Lot.

Motioned by: Alderman Carpenter
Seconded by: Alderman Silliman

Approved: Ayes – 6
Nays – 0

Resolution #185 of 2018 – Consideration of a Resolution to accept, recognize and appropriate the following donations to the Youth Bureau.

Donation	Amount	Event/Project	Budget Line
Reagan Land Surveying	\$100.00	Porchfest	A-7550.5405
Cortland Regional Medical	\$500.00	Porchfest	A-7550.5405
Lime Hollow	\$100.00	Porchfest	A-7550.5405
Sharon Braman	\$100.00	Porchfest	A-7550.5405
Catherine Bertini	\$1,200.00	Rocket Ship Slide Repairs	A-7140.5405
Stephen Valentine	\$1,000.00	Rocket Ship Slide Repairs	A-7140.5405
Larry & Linda Jones	\$100.00	Rocket Ship Slide Repairs	A-7140.5405
Doreen Stacy	\$500.00	Rocket Ship Slide Repairs	A-7140.5405
Robert Gregory/K Starr	\$500.00	Rocket Ship Slide Repairs	A-7140.5405
Mary Leary	\$500.00	Rocket Ship Slide Repairs	A-7140.5405
Siegle Foundation	\$100.00	Rocket Ship Slide Repairs	A-7140.5405
Kathleen O'Connell	\$100.00	Rocket Ship Slide Repairs	A-7140.5405
Diane Tennant	\$100.00	Rocket Ship Slide Repairs	A-7140.5405
Mike Browngardt	\$50.00	Rocket Ship Slide Repairs	A-7140.5405
Total	\$4,950.00		

Motioned by: Alderman Bennett
Seconded by: Alderman Carpenter

Approved: Ayes – 6
Nays – 0

Resolution #186 of 2018 – Consideration of a Resolution to authorize the Mayor to execute an agreement between the City of Cortland and the Town of Cortlandville for services rendered by the Cortland Youth Bureau from January 1, 2018 – December 31, 2018.

Motioned by: Alderman Ferrer
Seconded by: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Resolution #187 of 2018 – Consideration of a Resolution to recognize and appropriate proceeds from the sale of Membrane BioReactor equipment from the Wastewater facility declared surplus by the Common Council on 2/6/18, in the amount of \$50,000.00, to the budget line G8130-540500 CONTRACTUAL FUNCTIONING OPERATING EQUIPMENT.

Motioned by: Alderman Bennett
Seconded by: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

Resolution #188 of 2018 – Consideration of a Resolution to appropriate \$300.00 from used tire sale by Cortland City Police to budget line Motor Equipment Repair (A3120-402.00) to be used for the purchase of new tires.

Motioned by: Alderman Beckwith
Seconded by: Alderman Carpenter

Approved: Ayes – 6
Nays – 0

Resolution #189 of 2018 – Consideration of a Resolution to approve the Local Law for Sidewalk Regulations.

Motioned by: Alderman Silliman
Seconded by: Alderman Carpenter

The city now has a means to clear and mend sidewalks, and bill those that do not care for their sidewalks, more aggressively enforcing the law.

Approved: Ayes – 6
Nays – 0

Resolution #190 of 2018 – Consideration of a Resolution to approve the Local Law to amend 300-11 R-1 Residential District.

Motioned by: Alderman Silliman
Seconded by: Alderman Bennett

This amendment is structured and designed to protect houses and homes. [300-11] “The purpose of the R-1 district is to protect and enhance stable, developing, single-family neighborhoods. Be it resolved that the operation of the rental business in an R-1 district in the city of Cortland is not now nor ever has been a use by right, regardless of the character of tenant, as there is no business use by right in an R-1 district. Furthermore, be it resolved that the unregulated operation of such business can and may result in the erosion of a peaceful family neighborhood. It is critical for the city to protect these R1 districts. Henceforth, be it resolved that all current and future rental property to any degree in such a district must possess a special use permit [AND] add five single-family rental minimum criteria” to the current city codes, including:

- A.) Tenancy must conform to this chapter’s definition of traditional family (one, two or three persons occupying a dwelling unit // four or more persons occupying a dwelling unit and living together as a traditional family or as a functional equivalent of a traditional family).
- B.) Tenancy must conform to all state and local laws and ordinances as they pertain.

Individuals already in possession of rental property must apply for a special use permit, no matter how much they have already invested, as they were running a business in an R1 district without a permit.

Motion to table this resolution until the first meeting on September 4th, for fear of miscommunication lack of material review, and need of making language less ambiguous/uncertain.

Motioned by: Alderman Michales
Seconded by: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Resolution #191 of 2018 – Consideration of a Resolution authorizing the Issuance of \$955,000 in Serial Bonds to Finance the Cost of Purchase of Fire-Fighting Vehicles and Apparatus:

Whereas; Common Council by Resolution 201 of 2017 authorized the acquisition of a Rescue Truck at a cost not to exceed \$400,000 and an Engine at a cost not to exceed \$600,000.

Therefore Be It Resolved; that Common Council hereby authorizes the Bond Resolution of the City of Cortland, New York, authorizing the issuance of \$955,000 serial bonds to finance the cost of purchase of fire-fighting vehicles and apparatus.

Motioned by: Alderman Bennett
Seconded by: Alderman Carpenter

Approved: Ayes – 6
Nays – 0

Resolution #192 of 2018 – Consideration of a Resolution to authorize the publication of the Estoppel Notice pertaining to the Bond Resolution of the City of Cortland, New York, authorizing the issuance of \$955,000 serial bonds to finance the cost of purchase of fire-fighting Vehicles and apparatus.

Motioned by: Alderman Bennett
Seconded by: Alderman Carpenter

Approved: Ayes – 6
Nays – 0

Item #12 – Consideration of a Resolution suspending the payment of vacant house fees for 62 Lincoln Avenue. Such approval conditioned upon sale of the house to a permanent owner and completion of repairs to eliminate code deficiencies.

This Item was pulled from the agenda.

Resolution #193 of 2018 – Consideration of a Resolution to authorize the Issuance of Bonds in the aggregate of \$500,000 to Fund the Reconstruction of the City Hall Roof, Replacement of the HVAC Chiller System thereon, and Repairs and Repaving to the City Hall Parking Lot.

Whereas; on July 17, 2018, Common Council adopted by resolution approval of the Reconstruction of the City Hall Roof, Replacement of the HVAC Chiller System thereon, and Repairs and Repaving to the City Hall Parking Lot, and

Whereas; on July 17, 2018, the adopted resolution set forth the estimated pre-RFP cost of replacing the Roof to be \$175,000, and

Whereas; on July 17, 2018, the adopted resolution set forth the estimated pre-RFP cost of replacing the HVAC chiller to be \$125,000, and

Whereas; on July 17, 2018, the adopted resolution set forth the estimated pre-RFP cost of repaving the parking lot to be \$200,000.

Therefore Be It Resolved; that Common Council hereby authorizes the Bond Resolution of the City of Cortland, New York, authorizing the issuance of \$300,000 serial bonds to finance the cost of the reconstruction and renovation of City Hall, and

Be It Further Resolved; that Common Council hereby authorizes the Bond Resolution of the City of Cortland, New York, authorizing the issuance of \$200,000 serial bonds to finance the cost of resurfacing of the City Hall parking lot, and

Be It Further Resolved; that Common Council hereby authorizes the publication of the Estoppel Notice pertaining to the Bond Resolution authorizing the issuance of \$300,000 serial bonds to finance the cost of the reconstruction and renovation of City Hall, and

Be it Further Resolved; that Common Council hereby authorizes the publication of the Estoppel Notice pertaining to the Bond Resolution of the City of Cortland, New York, authorizing the issuance of \$200,000 serial bonds to finance the cost of resurfacing of the City Hall parking lot.

Motioned by: Alderman Bennett

Seconded by: Alderman Beckwith

Approved: Ayes – 6
Nays – 0

Resolution #194 of 2018 – Consideration of a Resolution to Amend the 2018 Adopted General Fund Budget by Transferring \$44,500 Dollars for the Contingent Account to the Department of Public Works’ Storm and Sanitary Accounts to Fund Repairs of the Pendleton Street Sanitary/Stormwater System in the Vicinity of Fox Hollow Drive. (Mack Cook)

Whereas; conditions exist in the Pendleton Street Sanitary/Stormwater system in the vicinity of Fox Hollow Drive that presents a continuing risk to the structural integrity of public streets, and

Whereas; conditions exist in the Pendleton Street Sanitary/Stormwater system in the vicinity of Fox Hollow Drive that presents a risk to safe passage on public streets in time of winter conditions, and

Whereas; conditions exist in the Pendleton Street Sanitary/Stormwater system in the vicinity of Fox Hollow Drive that create marshland conditions that promote the infestation of insects that pose a risk to public health, and

Whereas; conditions exist in the Pendleton Street Sanitary/Stormwater system in the vicinity of Fox Hollow Drive that create marshland conditions that promote the growth in invasive vegetation, and

Whereas; it is estimated that \$40,000 is required for materials to rehabilitate the Pendleton Street Sanitary/Stormwater system in the vicinity of Fox Hollow Drive, and

Whereas; it is estimated that \$ 4,500 is required to rent equipment to rehabilitate the Pendleton Street/Stormwater system in the vicinity of Fox Hollow Drive.

Therefore be it Resolved, that conditions exist in the Pendleton Street Sanitary/Stormwater system in the vicinity of Fox Hollow Drive that presents a continuing risk to the public health, safety and welfare, and

Be it Further Resolved, that the 2018 Adopted General Fund Budget be amended as follows:

Account	Department	Description	Action	Amount	Current Available Balance as of July 19, 2018	Revised Available Balance
A8140-540100	Storm & Sanitary Sewers	Motor Equip Op	Increase	\$ 4,500	\$ 2,230	\$ 6,730
A8140-540500	Storm & Sanitary Sewers	Funct of Equip	Increase	\$ 40,000	\$ 793	\$ 40,793
A1990-540000	Contingent	Cogeneral	Decrease	\$ 44,500	\$ 140,938	\$ 96,438
Net Affect				\$ -		

Be it Further Resolved, which the Mayor is to discuss with the Cortland City School District regarding its financial participation in the rehabilitation of the Pendleton Street Sanitary/Stormwater system in the vicinity of Fox Hollow Drive.

Motioned by: Alderman Bennett
 Seconded by: Alderman Carpenter

Approved: Ayes – 6
 Nays – 0

Resolution #195 of 2018 – Consideration of a Resolution to authorize the Mayor to execute a Sales Tax agreement with the County of Cortland with the terms set forth in the attached proposed agreement.

Motioned by: Alderman Bennett
 Seconded by: Alderman Carpenter

Approved: Ayes – 5
 Nays – 1 (Silliman)

Resolution #196 of 2018 – Resolution determining that the Proposed Actions of Reconstruction of the City Hall Roof and HVAC Chiller System thereon are Type II Actions for Purposes of the New York State Environmental Quality Review Act (SEQR).

Motioned by: Alderman Silliman
 Seconded by: Alderman Beckwith

Approved: Ayes – 6
 Nays – 0

Resolution # 197 of 2018 – Resolution determining that the Proposed Action of Resurfacing the City Hall Parking Lot is a Type II Action for Purposes of the New York State Environmental Quality Review Act (SEQR).

Motioned by: Alderman Silliman
 Seconded by: Alderman Beckwith

Approved: Ayes – 6
 Nays – 0

Resolution #198 of 2018 – Resolution Determining that the Proposed Action of purchasing fire-fighting vehicles and apparatus, including the acquisition of original furnishings, equipment, machinery and apparatus required is a Type II Action for Purposes of the New York State Environmental Quality Review Act (SEQR).

Motioned by: Alderman Silliman

Seconded by: Alderman Beckwith

Approved: Ayes – 6
Nays – 0

Update: **DRI** – there has been discussion and communications with the State. Project leads have been awarded and some of which will allow the city to be the leads. Downtown art works will be organized soon in the future. A State department representative has helped to advise to move forward expeditiously.

Update: **Parker School Task Force** Session #2 was conducted successfully. Suggestions include multilevel student and teacher housing, reschooling/charter opportunities, renting through the school district, daycare, eldercare, and pre-K, alongside potential partnering and wildlife rehabilitation. These sessions are well attended thus far. The next meeting is to be conducted on August 8th. A third meeting will take place on August 13, 2018 at City Hall, 5:30pm.

Enter into Executive Session:

Motioned by: Alderman Silliman
Seconded by: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Come out of Executive Session:

Motioned by: Alderman Silliman
Seconded by: Alderman Bennett

Approved: Ayes – 6
Nays – 0

Adjournment: Motion to Adjourn

Motioned by: Alderman Silliman
Seconded by: Alderman Ferrer

Approved: Ayes – 6
Nays – 0

I, RAYMOND A. PARKER, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 7th DAY OF AUGUST, 2018. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED FOR HIS CONCURRENCE IN ADOPTION OR REJECTION BY VETO POWER.

RAYMOND A. PARKER, CITY CLERK

MAYOR BRIAN TOBIN