

COMMON COUNCIL MEETING

February 21, 2012

7:00 P.M. Call Meeting to Order
Salute to the Flag of the United States
Public Comments
Minutes of February 7, 2012
Bills
Ward Reports
Mayor's Report
National Grid Presentation
PINK SHEET Sign off

AGENDA:

1. Announcement of Holiday Lighting Contest Winners. (East End Community Center)
2. Discussion regarding Mike Dexter's contract renewal and Consideration of a Resolution to renew the City's contract with Mike Dexter. (Mayor Tobin)
3. Discussion of the City Charter's requirement that the Council appoint a committee to review the existing Ward boundaries and propose any changes, if needed, based upon the 2010 federal census. (Mayor Tobin)
4. Discussion of the City being the fiscal authority for the Assistance to Firefighter Grant in the amount of \$440,452.00. As the fiscal authority the grant proceeds will be held in trust, separate and apart from the City's General Fund and expended per the grant provisions for the benefit of the participating fire departments. (Chief Glover)
5. Consideration of a Resolution to adopt an Ordinance amending the City Code of Ordinances - Zoning- Chapter 300, Article XI - §300-100 et al - Signs. (Mayor Tobin)
6. Discussion regarding City lead agency status for the SUNY Student Life Complex building project. (Mayor Tobin)

Executive Session:

Contract Negotiations
Current Litigation
Personnel



City Council Minutes The City of Cortland February 7, 2012

Council Meeting #3
February 7, 2012
Regular Session
City Hall
7:00 PM

Present: Mayor Tobin, Aldermen Bird, Silliman, Dye, Bennett, Quail, Ferguson and Michales

Staff Present: Director of Administration and Finance Mack Cook, Corporation Counsel Kelly Colasurdo and City Clerk Judith Chamberlin

Mayor Tobin called the third Common Council meeting of the year to order at 7:02 P.M.

PLEDGE OF ALLEGIANCE

Public Comment

Mecke Nagle spoke about the Cortland Task Force for Sustainable Energy. She explained how we could all recycle and reuse throughout our daily lives and asked for the City's support in this. She invited everyone to learn more about residential and industrial recycling and wind turbines at a seminar at SUNY Cortland.

Bill Wood spoke about a fall 2011 Post Standard newspaper article listing tax rates. He stated that the City of Cortland had the second highest tax rate in the five (5) county region of Central New York. He noted that the City has to provide necessary services and he asked the Council to make City services more efficient by sharing costs and services with other municipalities and to try to cut taxes.

RESOLUTION #18 OF 2012 - Minutes – January 17, 2012 as amended and Executive Session Minutes of January 17, 2012

By: Alderman Bird
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays - 0

Bills were reviewed.

Ward Reports

Ward 5 – Alderman Quail

Alderman Quail spoke with some constituents regarding the Beaudry Park building and the wading pool there. He still has concerns regarding the garbage situation in the South Main Street.

Ward 7 – Alderman Ferguson

Alderman Ferguson noted concerns regarding garbage and Marietta. She clarified that there will be more meetings with SUNY Cortland and more opportunities for the public to attend.

Ward 2 – Alderman Silliman

Alderman Silliman attended the Neighborhood Watch meeting and concerns were expressed about getting through the snow berms on Main Street especially by the Post Office. She noted that Ward meetings notices will be placed on placards. There were also issues with the street lights, as well as no attractive affordable housing to attract people to the City. She attended the SUNY Cortland meeting regarding the Life Science Building and there will be more talks. She also dealt with a garbage issue and that was referred to the Code Office and the DPW. She will be having a Ward 2 meeting Feb. 28, at 6:30 PM at the Beard Building with Legislator Ray Parker. Flood Control, three unrelated lawsuit, the County tax base and hydrofracking will be topics of discussion.

Ward 3 – Alderman Dye

Alderman Dye asked that if there were issues with street lights that residents should email their Alderperson at their City Ward addresses for resolution.

Ward 1 - Alderman Bird

Alderman Bird is working with Alderman Ferrer and they will be scheduling a joint Ward meeting in late February or early March.

Ward 8 – Alderman Michales

Alderman Michales hosted a Ward meeting and noted that it was lightly attended. He hoped for better attendance at the next meeting.

Ward 4 – Alderman Bennett

Alderman Bennett received calls regarding trash pick up and a traffic back up caused by the timing of the trash trucks and school buses in the Delaware Avenue area. He contacted the DPW and Casella will change their schedule. He spoke with the DPW regarding snow removal downtown. He noted that in a typical winter there is no schedule to clear the snow banks downtown. They get to it when they can and it's all overtime. He noted that we've been lucky this year and the Downtown Partnership should be contacted

to see if they can help get people access to the sidewalks. He was happy the Giants won the Super Bowl.

Ward 5 – Alderman Quail

He noted that the crows are pretty much gone. It was noted by others that they do still congregate in the trees around the County Building and down Church Street.

Mayor's Report

Mayor Tobin reported that he has been meeting with various departments trying to get to know the employees and the duties of the departments. He also held an open house and he is having another one on February 24.

He swore in the Volunteer Officers for the Fire Department at their installation dinner. He also attended and spoke at the Cortland Youth of the Year Awards. He hosted a press conference with Chief Catalano, the Sheriff's Department and a representative from the District Attorney's Office supporting the Governor's initiative for the statewide DNA database. He attended the Regional Economic Council meeting in Syracuse. There will be awards made this year and he will keep everyone informed on this.

He met with some County Legislators about possible redistricting and sales tax negotiations.

He organized a meeting between the City Council and SUNY Cortland to initiate open discussions and more meetings will be held. He asked that citizens share their issues and concerns with the City representatives so that these concerns can be brought forward and addressed at these meetings.

PINK SHEET Sign Off

AGENDA:

Item No. 1 – Discussion of Consideration of a Resolution to approve the request by Gary Thomas to waive the \$6,242 in permit fees for the renovations to the Pomeroy School Apartments.

Gary Thomas is the Executive Director of the Cortland Housing Assistance Council, a not for profit agency. He noted that 1.45 million dollars of renovations will be done on the Pomeroy School Apartments building and there was an additional three hundred thousand dollars (\$300,000) in soft costs. He noted that this funding was from a grant. He spoke about the project and his concerns about a funding shortfall if they go over the grant dollars with various unknown cost increases. He explained concerns regarding the possible roof replacement which had not been anticipated. Mr. Thomas asked the Council to consider waiving the permit fees to help them stay within their budget.

Chief Glover spoke about the project review process and the cost to the City. He noted that this is the Council's decision to waive the fees.

Mr. Thomas spoke about the various unknowns that could cause costs to go up on this project. Alderman Bennett noted that they paid taxes on this property. Mr. Thomas explained that the units are rent regulated and they are only allowed a one (1) percent profit margin. He noted that they are not-for-profit and not required to pay property taxes, but their articles of incorporation state that they must stabilize the tax base and they pay taxes on the Pomeroy School and have done so since 1993. He explained that he would like to negotiate a PILOT agreement with the City to reduce their tax burden because the State has asked them to build their reserve balance. Alderman Ferguson went on record as opposing the waiving of any fees.

Mayor Tobin asked for more information from Deputy Chief Knickerbocker, Corporation Counsel and other department heads to present to the Council before a decision is made and this will be on the next agenda.

RESOLUTION #19 OF 2012 – Consideration of a Resolution to approve the attached listing of the Mayor's appointments to fill vacancies on the City Boards and commissions for the terms indicated. (Mayor Tobin)

Mayor Tobin noted the addition of the nomination of Jim Sponaugle to the Police Commission due to a recent resignation.

By: Alderman Quail
Seconded: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #20 OF 2012 – Consideration of a Resolution to approve the bid award for the construction of the Beaudry Park Recreation building to Finger Lakes Construction, Homer, N. Y., in the amount not to exceed \$205,000 and authorize the Mayor to enter into and sign the contract subject to review by Corporation Counsel. (John McNerney)

John McNerney, Youth Bureau Director, gave the history of the attempts to get this project done. He explained the poor condition of the current building and the various groups that use this park building. He explained that the building was in such poor condition that it was not longer rented out for group use. He noted that the new building will offer an increase in rental potential. He reviewed the project budget and the project funding sources. He explained how the DPW will be working with the Youth Bureau to reduce building construction costs. He also outlined other cost cutting measures and his hopes to stay within budget. He highlighted the differences between last year's and this year's proposal, noting the biggest cost saving measures were going to a steel post frame building with no foundation and the siding will be board and batten rather than cedar.

Mr. McNerney described the various features of the new building noting that the proposed building is still the same size as the previously proposed building. He also gave the timeline for construction starting in May, with the anticipated deadline for completion of

August 2012. Alderman Silliman asked if there were items inside the current building that might be usable. Mr. McNerney indicated that some game items were usable.

Alderman Michales asked if they would inquire about more energy efficient and less expensive siding. Mr. McNerney stated that he would ask Finger Lakes Construction. Alderman Bennett wanted to know if there was another siding material that required less frequent treatment to maintain.

Mr. McNerney spoke about the splash pool situation, noting that in the late 1990's the State Health Department closed the wading pool and the City had turned it into a sprinkler. He stated that it was little used and to cut costs they closed it. The Council asked him to explain constituent opinions on the sprinkler closing. Mr. McNerney explained that parents preferred Suggett Park and the Wickwire Pool for various reasons.

Discussion regarding the splash pool will be placed on the February 21, 2012 agenda.

By: Alderman Quail
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

RESOLUTION #21 OF 2012 – Consideration of a Resolution to enter into a contract with the Town of Cortlandville for the provision of 2012 recreational services and authorizing the Mayor to sign the contract subject to review by Corporation Counsel. (John McNerney)

By: Alderman Silliman
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #22 OF 2012 – Consideration of a Resolution to enter into an easement agreement with Time Warner Cable, Inc. to allow for a cable line extension to carry service from Port Watson Street to the Leroy R. Summerson Waste Water Treatment Facility and authorizing the Mayor to sign the agreement subject to review by Corporation Counsel. (Mack Cook)

By: Alderman Bennett
Seconded: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #23 OF 2012 – Consideration of a Resolution to adopt an internal, formal grievance procedure under Section 504 of the Rehabilitation Act of 1973 of the U.S. Dept. of Health and Human Services regulations as required of recipients of certain federal

funding and designating the City's Director of Administration and Finance as the Grievance Coordinator. (Thoma Development)

Linda Armstrong of Thoma Development gave the background on this request for adoption and public notification requirements. Mack Cook outlined the grievance procedure.

By: Alderman Silliman
Seconded: Alderman Bennett

Approved: Ayes – 7
Nays – 0

RESOLUTION #24 OF 2012 – Consideration of a Resolution to adopt the revised City of Cortland Procurement Policy. (Thoma Development)

By: Alderman Michales
Seconded: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #25 OF 2012 - Consideration of a Resolution to authorize the upgrade, repair and refit of the two boilers at the Leroy R. Summerson Waste Water Treatment Plant not to exceed \$62,209 based upon the lowest and best quote received. (Bruce Adams)

By: Alderman Silliman
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

RESOLUTION #26 OF 2012 - Consideration of a Resolution to recognize and appropriate \$20,915.00 from the proceeds of the sale of the surplus Cortland Fire Department vehicles into the CFD budget line A3410-206 to facilitate the purchase of an additional staff vehicle for the Volunteer Chiefs. Additionally requesting proceeds from the sale of surplus vehicles being replaced be returned to the Fire Department lines as needed to help offset these costs for both the Fire Department proper and the Board of Engineers. (Chief Glover)

Chief Glover provided an explanation of his replacement program.

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #27 OF 2012 - Consideration of a Resolution to recognize and appropriate \$10,252.50 from NYMIR Capital Investment reimbursement and appropriate it to A1990-400. (Mack Cook)

By: Alderman Silliman
Seconded: Alderman Dye

Approved: Ayes – 7
Nays - 0

Adjournment

By: Alderman Quail
Seconded: Alderman Silliman

Approved: Ayes – 7
Nays – 0

I, JUDITH CHAMBERLIN, CITY CLERK OF 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 FEBRUARY 2012. 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.



JUDITH CHAMBERLIN, CITY CLERK

MAYOR TOBIN

ABSTRACT OF AUDITED VOUCHERS, TO BE PAID MARCH 01, 2012

CLAIMANT	DESCRIPTION	CODE NUMBER	VENDOR #	AMOUNT	TOTAL
COMMON COUNCIL					
JOHN BENNETT	CITY OFFICIALS WORKSHOP REIMB.	A-1010-416-00	33055	\$80.00	\$80.00
FINANCE					
STUPAKE'S TOWING & SERVICE	IMPOUND TOWING - JAN	A-1325-414-01	59950	\$520.00	\$520.00
ASSESSMENT					
DAVID BRIGGS	CONTRACT - MARCH	A-1355-415-00	6830	\$1,600.00	\$1,600.00
PRINTING AND ADVERTISING					
SMITH INGALLS FRENCH	BLUE PAPER - TAXES	A-1362-400-00	57925	\$76.42	\$76.42
CITY CLERK					
CORTLAND STANDARD	LEGAL ADS	A-1410-405-00	15400	\$107.78	\$107.78
BUILDING AND GROUNDS					
CORTLAND COUNTY HIGHWAY DEPT.	FUEL - JANUARY	A-1620-402-00	13300	\$240.84	
CNY OFFICE PRODUCTS	PENS,INK CRTDG,TAPE,LEGAL PADS	A-1620-403-00	11018	\$96.41	
BUILDERS BEST	SWIVEL SAFETY HASP,WEATHERSTRIPA	1620-405-00	5300	\$13.88	
RILEY MAINT.	ICE REMOVER,FLOOR COND.	A-1620-405-00	53548	\$67.96	
JOHNSTON PAPER	LINERS,ROLL TOWELS,BLOCK SCREEEA	1620-405-01	33147	\$618.36	
AMES LINEN	LAUNDRY SERVICE	A-1620-405-02	2500	\$87.00	
AMES LINEN	MAT SERVICE	A-1620-415-00	2500	\$120.38	
DEWALD ROOFING CO. INC.	REPAIR ROOF LEAK-JUDGES DOOR	A-1620-415-00	17395	\$1,375.00	
SYRACUSE TIME & ALARM CO INC.	MAINT. AGREEMENT	A-1620-415-00	61103	\$930.00	\$3,549.83
CENTRAL SERVICE					
COMDOC INC.	COPIER LEASE - FINANCE	A-1670-415-00	11452	\$159.00	\$159.00
DATA PROCESSING					
STAPLES	USB CABLES	A-1680-403-00	58475	\$21.00	
CDW GOVERNMENT	EXTERNAL FLOPPY DRIVE USB	A-1680-405-00	10631	\$33.32	
THE CORTLAND CONNECTION	UPDATE CODE ON WEB SITE	A-1680-415-00	60055	\$150.00	
THE CORTLAND CONNECTION	PROFESSIONAL SERVICE	A-1680-415-00	60055	\$600.00	\$804.32
ANIMAL CONTROL					
CORTLAND COUNTY SPCA	CONTRACT - MARCH	A-3510-415-00	13400	\$6,708.34	\$6,708.34
DPW					
CASELLA WASTE SYSTEMS	CONTRACT 01/01 - 01/31	A-8160-415-00	52201	\$23,498.50	
CASELLA WASTE SYSTEMS	FRONT LOADING	A-8160-415-00	52201	\$665.00	\$24,163.50
	TOTAL				\$37,769.19

To: Sherrie Massman

From: Cecile Scott

Re: Council Agenda Item

Date: Feb 14, 2012

The East End Community Center has requested to be placed on the agenda for the Feb 21st Common Council meeting in order to announce the winners of the 2011 City Wide Holiday Lighting Contest. This is the 4th year that the East End Community Center has sponsored the contest. The Grand Prize of \$100 was donated by O'Shea Tire and The Eagles donated \$50 for the 1st Runner Up prize. The Ramada Inn donated and overnight stay and breakfast for two to the winner of the People's Choice Award. There were also 20 local businesses that donated gift certificates to the 20 families who received "honorable mention" recognition.

The top four awards will be announced by Richard Stock at the meeting. They are as follows:

Grand Prize to Donna Davis-Howard at 22 Delaware Ave

First Runner Up to the Paul Sweger Family at 16 Harmon Ave

2nd Runner Up to Bonnie and John Toomey at 65 W. Main Street

People's Choice Award to Leon Harvey at 3 Pearl Street

THIS AGREEMENT, for the period February 21, 2012 to February 26, 2013, between Michael Dexter (hereinafter "the Contractor") and the City of Cortland Water Department (hereinafter "the City") outlines the terms, conditions and compensation for the services that will be provided by the Contractor to the City.

WHEREAS, the City has determined that it wishes to continue its traditions of decorating the facilities for the holidays and special events, maintaining wildlife on Water Works property, and landscaping the grounds; and

WHEREAS, the Contractor is experienced in performing such duties, as demonstrated by his years of service in that regard as a former employee of the Cortland Water Board;

NOW, THEREFORE, for the purpose of carrying out the intentions of both parties, the Contractor agrees to provide the following services to the City for the sum of Five Thousand Dollars (\$5,000.00), to be paid in monthly installments of \$416.67 commencing March, 2012, with a final payment of \$416.63 to be paid February 2013:

1. Installation and maintenance of seasonal decorations at the Pumphouse, including but not limited to Christmas, Valentine's Day, St. Patrick's Day, and the Fourth of July.
2. Planting and maintaining flowers on the grounds.
3. Feeding and maintenance of wildlife (deer, geese, fish).
4. Mowing the lawn in front of the Pumphouse, in order to enhance the aesthetic value of the flower plantings noted above. Such mowing duties to include weed control and removal, and the policing of the front walk area.
5. Provide the Deputy Director of Administration and Finance with a list of the supplies and materials needed to complete the tasks and projects noted herein, as well as an estimated budget for such purchases. Once such purchases are approved and budgeted by the Common Council, the Contractor shall submit vouchers to the Deputy Director of Administration and Finance to facilitate such purchases. In the event the Contractor makes such purchases with his funds, he shall be reimbursed by the City upon the submission and approval of vouchers and such other documentation that may be required by the Deputy Director of Administration and Finance.
6. Water the Zonta flower garden from the hydrant nearest said garden (such services provided free of charge to Zonta).
7. Any other duties, projects, or services that the City and the Contractor mutually agree to undertake to enhance the aesthetics of the facilities.

FURTHERMORE, it is understood that the City agrees to provide the Contractor the following considerations in order to facilitate the orderly completion of the duties noted herein:

1. The Contractor shall be provided a key and access to the Main Pump House.
2. The Contractor shall be provided a key to the building where the City's equipment is stored (such as a lawnmower and other tools) in order to complete his duties. In addition, the Contractor is to be provided a key to the building where the animal feed is stored.
3. The Contractor, upon the approval of the Deputy Director of Administration and Finance, may be assisted by City employees when tasks requiring such assistance is required. It is understood that the prior approval of the Deputy Director of Administration and Finance must be obtained and the primary duties of the City's employees will take precedence in the event that such assistance is requested while the City's employees are occupied with those primary duties. However, the approval for such assistance will not be unreasonably withheld.

IT IS FURTHER UNDERSTOOD that the Contractor, at his expense, shall provide a certificate of insurance for Commercial General Liability coverage naming the City of Cortland as "additional insureds" with the following limits:

General Aggregate:	\$2,000,000.00
Products and Completed Operations Aggregate:	\$2,000,000.00
Personal and Advertising Injury:	\$1,000,000.00
Each Occurrence:	\$1,000,000.00
Fire Damage (any one fire):	\$50,000.00
Medical Expenses (any one person):	\$1,000.00

IN WITNESS WHEREOF, the parties hereto, by the signatures of their duly authorized officers, hereby enter into agreement this ___ day of _____ 2012.

Dated: _____, 2012

By: _____
Michael Dexter

Dated: _____, 2012

by: _____
Brian Tobin, Mayor

To: Mayor and Members of Common Council
From: Mack Cook
Re: Assistance to Firefighter Grant
Date: February 15, 2012

On the agenda for Common Council's February 21st meeting is a discussion of the City being the fiscal authority, sometimes referred to as the fiscal agent, for the Assistance to Firefighter Grant secured to fund 90% of the cost to upgrade the portable radios in the City and the eleven surrounding fire departments. Please see the attached memorandum from Chief Glover for a more detail description of the Grant.

The role of the fiscal authority is administration of the grant and accounting for the proceeds and expenditures. The role does not encompass the City being the guarantor of any fire department performance or adherence to the provisions of the Grant. The City would not be assuming fiscal responsibility for any fire department failure to contribute its 10% matching sharing.

The role of the City as the fiscal authority is accounting. This would best be done by placing the proceeds into a trust account, separate and apart from the City's General Fund. This Trust Fund would have the ability to invoice each of the participating 12 fire department for their prorated shares of the 10 percent matching funds, collect those monies and account for those that meant the matching requirement and those in the unlikely event have not.

The Trust fund would then have the ability to acquire the radios and pay the vendor. Upon completion of the transaction the Trust fund would then be dissolved and submit whatever accounting reports required under the provisions of the Grant.

The financial activity in the Trust Fund would be reported in the City's annual audit as a separate fund. However the activity in the Trust fund would not be included in the consolidated Government-Wide Balance Sheet or Statement of Revenues and Expenses.

Should you have questions or if you are in need of additional information I encourage you to contact either Chief Glover or myself.

Sincerely,

Mack Cook

**City of Cortland
Fire Department**



Charles S. Glover
Fire Chief

21 Court Street
Cortland, New York 13045

Phone: 607.756.5613

Fax: 607.758.8585

Email: cglover@cortland.org

TO: Brian Tobin, Mayor
Mack Cook, Director of Admin. & Finance
Common Council Members

FROM: Chief Glover

DATE: February 8, 2012

RE: Assistance to Firefighters Grant – Portable Radios

Cortland County is in the midst of upgrading the communications system for the county as the result of an FCC mandate as well as a need to provide better and more reliable communications throughout the county. This new system will also provide interoperable communications between the various agencies operating throughout the county.

As we prepared for this change in radio frequency capability we realized that we would have to prepare to outfit the various departments with portable radios that were not provided for in the county upgrade. With that in mind we were approached by the Cortland County Fire Chiefs Association and requested to sponsor a grant application for securing the additional portable radios that would be needed by the various fire departments and districts. These portable radios are essential for fireground as well as firefighter safety.

Therefore, I am pleased to announce that we were successful in obtaining an Assistance to Firefighters Grant. Our request totaled \$440,452.00 which would cover the amount of portable radios and chargers need by the various fire departments in the county. This is a matching grant award in which there is a 10% share to be borne by the twelve county fire departments. We have already begun the process of computing the pro rata share of the \$44,045.00 matching requirement in order to assess and invoice each fire department. The City of Cortland share will be \$4,256.79 which we will cover within our operating budget. We will be obtaining nearly \$80,000.00 worth of radios and chargers for our \$4,256.79 expenditure.

Consequently, I am requesting that the City of Cortland Common Council authorize the Cortland Fire Department to accept the grant award on behalf of the Cortland County fire service. This is another example of the inter-municipal cooperation that we have strived to establish.

City of Cortland, New York

Local Law Number _____ of 2012 to amend Chapter 300, Article XI, §§ 300-103, 300-105, and 300-107, of the Code of Ordinances of the City of Cortland, New York

Deleted: A

Proposed by Mayor Tobin

February 21, 2012

Sponsored: Alderman Tobin

Co-Sponsored: Alderman Quail

WHEREAS, the ordinances of the City of Cortland have been deemed to be unduly restrictive of free speech, particularly concerning political expression; and

WHEREAS, the exercise of free speech is a fundamental right of the citizenry of a democratic republic; and

WHEREAS, free speech is essential to the apt administration of the political process and ensure the proper governance of the City; and

Deleted: c

WHEREAS, the uninhibited exercise of free speech insures the responsiveness of the City to the body politic.

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NOW, THEREFORE

Be it enacted by the City of Cortland Common Council, Cortland County, New York, as follows:

Section 1. Title.

The title of this Local Law shall be, "Amendment to the Sign Ordinance."

Section 2. Authority.

This local law is adopted pursuant to Article 2, Section 10 of the Municipal Home Rule Law of the State of New York.

Section 3. Purpose.

The purpose of this Local Law is to insure Chapter 300, Article XI of the City Code of Ordinances is in compliance with constitutionally protected standards of Free Speech.

Section 4. Application.

This Local Law shall amend those sections of the City Code of Ordinances regarding the display of certain types of signs within the corporate limits of the City of Cortland, New York.

Section 5. Definitions.

As used in this Local Law, the following words shall have the following respective meanings:

Campaign Sign - Any sign that displays the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum.

Political Sign - Any sign pertaining to or advocating political views or policies.

Section 6. Amendment to the Sign Ordinance. *

§ 300-103 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMATED SIGN

Any sign ~~which~~ that includes movement of light or text.

AWNING SIGN

A sign ~~which~~ that is displayed upon a sheet of canvas or other material used to protect from sunlight or rain, ~~which~~ that is attached to the face of a building.

BANNER

A temporary sign, not exceeding ~~36 inches~~ three feet by ~~10~~ ten feet, composed of lightweight canvas-like material, ~~which~~ that can be attached to a structure or suspended by attachment at each end.

BILLBOARD

See "off-premises sign."

BUILDING STREET FRONTAGE

The lineal measurement of the wall of a building which faces a public street.

BUSINESS SIGN

A sign used for identification purposes, to direct attention to a business or profession conducted upon the premises at which the sign is located, and which may also refer to goods or services produced, offered for sale or obtained at such premises. Such a sign may include pricing.

CANOPY SIGN

A sign ~~which~~ that is displayed upon a permanent roof-like shelter extending from part of a building face over an entryway.

CAMPAIGN SIGN

* Amendments to Chapter 300, Article XI, §§ 300-103, 300-105, and 300-107, are reprinted herein for convenience. Text that is underscored is offered as an addition to the existing sections of the statute and text that is struck through is offered as a deletion to the existing sections of the statute.

Any sign that displays the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum.

CONSTRUCTION SIGN

A temporary sign erected on premises ~~on~~ upon which construction is taking place during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors and similar artisans, and the owners, financial supporters, sponsors and similar persons or firms having a role or interest with respect to the structure or project.

DIRECTIONAL SIGN

Any sign which that is designed and erected solely for the purpose of traffic or pedestrian direction or control. Such a sign contains no advertising copy.

GROUND SIGN

A sign supported by one or more columns, uprights or braces in or upon the ground and not attached to or forming part of a building.

MARQUEE SIGN

A permanent roof-like structure extending from and across part or all of a building ~~face~~ edifice and constructed of some durable material such as metal, glass or plastic and upon which a changeable sign message may be placed.

MEMORIAL SIGN

A sign or tablet memorializing a person, event, structure or the like.

OFF-PREMISES SIGN

A third-party sign which that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

POLITICAL SIGN

Any temporary sign which displays the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies.

PORTABLE SIGN

A sign that is not permanently affixed to a building, a structure or the ground, including A-frame style, freestanding sandwich board signs.

PRIVATE SALE SIGN

A temporary sign advertising private sales of personal property at house sales, garage sales, rummage sales and the like.

PUBLIC SERVICE INFORMATION SIGN

A sign capable of transmitting, by intermittent lighting, variable information to the public. Such information must be limited to time, temperature and weather.

REAL ESTATE SIGN

A temporary sign pertaining to the sale or rental of the property upon which it is located.

ROOF SIGN

Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

SANDWICH BOARD SIGN

A freestanding sign not exceeding four feet in height with a face no greater than two feet by three feet, of A-frame design and which is not illuminated.

SIGN

Any object, device, display or structure, or part thereof, situated outdoors or indoors, which that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. "Sign," as herein used, shall does not include the flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organization; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields; official notices issued by any court or public office or officer in the performance of a public or official duty; and traffic control signs as defined in the Vehicle and Traffic Law. For the purpose of removal, "signs" shall also include all sign structures.

SWINGING SIGN

A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

TEMPORARY SIGN

A sign which that is not permanently affixed and is not otherwise included within the definition of a portable sign; however, such definition shall not apply to campaign or political signs as defined herein.

WALL SIGN

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than ~~12~~ twelve inches from such building or structure.

WINDOW SIGN

A sign which that is applied or attached to the exterior or interior of a window or is installed inside of a window within ~~12~~ twelve inches of the window through which it can be seen, advertising the services or goods therein exchanged, sold or traded.

§ 300-105 Prohibited-signs.

The following signs are prohibited:

- A. Off-premises signs, except as allowed by special use permit, pursuant to § 300-153 I.
- B. Animated signs, except as expressly authorized.

C. Bare-bulb signs, except as allowed by special use permit.

D. Temporary signs, except as expressly authorized.

E. Any outdoor sign which that advertises, identifies or pertains to a business no longer conducted or a product no longer sold on the premises where such sign is located. Such signs shall be removed by the sign owner within three days following cessation of the relevant activity.

F. Any sign on a tree or utility pole or painted on or otherwise directly affixed to any rock, ledge or other natural feature.

G. Portable signs, except as sandwich board signs as are allowed by § 300-107 J.

H. Swinging signs.

I. Roof signs.

§ 300-107 Signs permitted without zoning permit or fee.

Except as expressly provided in this article, one of the following signs may be erected and maintained per zoning lot without ~~obtaining a sign permit~~ restriction:

A. Construction sign, provided it does not exceed ~~50~~ six (6) square feet in area, ~~shall not be more than six (6) feet in height, and may not be maintained for more than~~ must be removed within three days following the conclusion of the construction project. Notwithstanding, any construction signs which are currently erected on the Effective Date of this Local Law shall not be in violation thereof due to the size of said sign(s), provided said sign(s) are removed in accordance with this provision.

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B. Directional sign, provided that it does not exceed one square foot and shall not be more than three feet in height and may be utilized in sufficient number to accomplish adequate public notice.

~~C. Flags and emblems of a government or of a political, civic, philanthropic, education or religious organization.~~

~~DC.~~ Historical or architectural designation sign designed to provide information on the architectural or historical qualities or a structure, building or site, and which has been approved by the Historic District Commission.

~~ED.~~ Home occupation sign, ~~which that~~ shall not exceed one square foot in area, identifying a home occupation. Such sign shall be attached flat against the dwelling, shall not be lighted and shall contain only the occupant's name and occupation.

~~FE.~~ Memorial sign, ~~which that~~ shall be made of durable materials, such as bronze, stone or concrete, and ~~which that~~ is integral with the building.

~~GF.~~ Political Campaign sign in all districts, ~~which that~~ shall not exceed ~~three~~ six (6) square feet and shall ~~not be more than six (6) feet in height. Political Campaign~~ signs shall be erected no more than ~~45~~ forty-five days prior to such election to which they pertain and ~~must be removed within three days following~~

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~~election. Such sign shall pertain to elections, appointments to a public office, forthcoming public elections, or referenda affecting the district wherein such sign is displayed. Such signs shall be exempt from any numerical restriction expressed herein and may be in addition to any other permitted sign upon the zoning lot. Such signs may be either free-standing or placed in a window, provided that any such sign placed in a window shall not block any window area required for light, ventilation, or emergency exit by applicable code nor be illuminated. Such signs are exempt from all other restrictions on window signs.~~

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HG. Private sale sign, which that shall not exceed five square feet in area, shall be located entirely on the premises where such a sale is to be conducted, shall not be erected more than ~~42~~ twelve hours in advance of such sale and shall be removed on the day following the conclusion of such sale.

~~HH. Real estate sign, which that shall not exceed three square feet in area per residential lot, 33, six (6) square feet in area per commercial lot, or 50, six (6) feet in area per industrial lot. Such a sign shall not be more than six (6) feet in height and shall be removed within three days following the sale or rental of the property. Notwithstanding, any real estate signs which are currently erected in commercial or industrial lots on the Effective Date of this Local Law shall not be in violation thereof due to the size of said sign(s), provided said sign(s) are removed in accordance with this provision.~~

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HI. Sandwich board signs. Each business located with a building may display not more than one sandwich board sign in front of the property where the business being advertised is conducted. Such sign may only be displayed during the business hours of operation and may not impede pedestrian traffic. Such signs may not be placed within the peninsula areas of Main Street nor upon any sidewalk.

~~KJ. Special commercial promotional event sign. A banner announcing a special commercial event promotion is allowed to be erected three once times during a calendar year and may not be displayed for more than 30 thirty days on each such occasion.~~

LK. Temporary community signs: temporary, nonilluminated signs advertising coming events, special sales, contests, promotional activities, sponsored by a not-for-profit organization, and which shall not exceed eight square feet in area. The name, address and telephone number of the person responsible for removal of the sign shall be clearly marked on the sign. Such signs may be erected not more than three weeks twenty-one days prior to the beginning of the event and must be removed with three days after the conclusion of the event so advertised.

~~ML. Window signs, provided that the area of all window signage shall not exceed 25% of the window and does not exceed 25% of the window and does not block any window area required for light, ventilation or light, ventilation, or emergency exit by any applicable code, nor be in any window higher than the level at which the principal use takes place. No window sign installed in a window above the ground floor shall be illuminated.~~

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~~NM. Political signs, that shall not exceed six (6) square feet and shall not be more than six (6) feet in height. Such signs shall be exempt from any numerical restriction expressed herein and may be in addition to any other permitted sign upon the zoning lot. Such signs may be either free-standing or placed in a window, provided that any such sign placed in a window shall not block any window area required for light, ventilation, or emergency exit by applicable code nor be illuminated. Such signs are exempt from all other restrictions on window signs.~~

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Section 7. Separability.

If any section, paragraph, subdivision, clause, phrase or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of the Local Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 8. Repealer.

This Local Law shall supersede all prior Local Laws, resolutions, ordinances, rules and regulations, inconsistent with this Local Law and such shall be, upon the effective date of this Local Law, null and void.

Section 9. Effective Date.

This Local Law shall take effect immediately upon an affirmative vote of the City of Cortland Common Council, signing by the Mayor, and filing with the Secretary of the Department of State of the State of New York, in accordance with New York Municipal Home Rule Law, § 27.

Seconded: Alderman _____

Alderman	Ayes	Nays
1 st Ward Ms. Julie E. Bird		
2 nd Ward Ms. Kathryn J. Silliman		
3 rd Ward Mr. Ken Dye		
4 th Ward Mr. John G. Bennett, Jr.		
5 th Ward Mr. Daniel E. Quail		
6 th Ward Mr. Carlos Ferrer		
7 th Ward Ms. Linda A. Ferguson		
8 th Ward Mr. Thomas Michaels		

Brian T. Tobin, Mayor, City of Cortland

SEAL

ATTEST: Judith Chamberlin,
Clerk, City of Cortland

