



City Council Minutes
The City of Cortland
May 15, 2012

Council Meeting #10
May 15, 2012
Public Hearing, Workshop and Regular Session
City Hall
6:30 PM

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

Staff Present: Corporation Counsel Kelly Colasurdo and City Clerk Judith Chamberlin

Public Hearing

Mayor Tobin opened the Public Hearing on the City of Cortland's Comprehensive Plan at 6:30 PM.

The Common Council acknowledged their gratitude for the great amount of effort that was put forth by all to complete this process.

No one was present to speak, therefore Mayor Tobin closed the Public Hearing.

Work Session

County/Municipal Sales Tax Agreement

Regular Session

Mayor Tobin called the tenth Common Council meeting of the year to order at 8:00 P.M.

PLEDGE OF ALLEGIANCE

Public Comment

Karina Murphy spoke as an advocate for a two way Main Street. She has written a letter to the Council and Mayor and collected signatures of support for this proposal. She stated that downtown businesses are not able to share in the revenues from this summer's anticipated Jets Training Camp attendees because of the one way Main Street. She cited percentages that reflected that downtown received a much smaller share of revenues in the past. She stated that the State DOT indicated that the intersection of Main Street and Pt. Watson/Tompkins Street was the busiest intersection in Cortland. She noted that traffic is unable to make a right hand turn onto Main Street and the traffic is funneled along that

route on to WalMart. She respectfully requested that the Council consider temporarily changing Main Street to two way during the Training Camp this year and then to review the economic impact numbers following that time to see if they would like to make the change permanent.

Alderman Dye noted that this was proposed a few years ago and he felt that Main Street was not made for two way traffic, citing traffic signal light problems and parking issues. He also noted that to change the lights would be a big expense and he also stated that parking spaces are not set up for two way traffic.

Karina Murphy asked that the Council reopen the discussion and consider a two way Main Street once again. She would like to find out the actual cost for the change and she didn't feel that the current parking configuration was an issue.

Alderman Quail noted that when this was originally discussed the cost cited was over one hundred thousand dollars (\$100,000) to do a temporary change. He noted that curb cuts would have to be removed and that Main Street would have to be repaved and sixteen (16) parking spots would have to be removed and that was a big issue. He noted it sounded simple, but it isn't. He agreed that the Council should look at it again.

Karina Murphy noted that for visitors coming in along the Pt. Watson/Tompkins St. route, there wasn't an easy way to access Main Street. She felt that a two way Main Street should be looked at and she cited the support of downtown business owners.

Mayor Tobin noted that there were over forty (40) signatures on her petition which were obtained over just a few hours and most were business owners on Main Street.

Ward Reports

Ward 7 – Alderman Ferguson

Alderman Ferguson noted that after the work session she would like to applaud Mayor Tobin and two (2) Council members who served on that sales tax committee. She cited that the entire Council was kept well informed every step of the way and she appreciated that.

Ward 2 – Alderman Silliman

Alderman Silliman announced that there would be a Ward 2 meeting tomorrow night, May 16, at the Beard Building, 9 Main Street at 7:00 PM. She stated that representatives from Thoma Development would be present.

RESOLUTION #93 OF 2012 – Minutes of May 1, 2012

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes- 8

Nays – 0

Bills were reviewed.

PINK SHEET Sign Off

AGENDA:

RESOLUTION #94 OF 2012 – Resolution to adopt the City of Cortland’s Comprehensive Plan. (Thoma Development)

Alderman Quail noted that he was glad that this had finally reached the Council.

Mayor Tobin noted that Rich Cunningham of Thoma Development, had done an excellent job of guiding the City through this process and in making the City responsive to the needs and concerns of constituents.

Alderman Silliman noted that she had contacted Mr. Cunningham for assurance that the Comprehensive Plan is a blueprint and that changes can be made to it. She noted that those changes should be within the spirit of the plan and reminded everyone that it is not set in stone. She informed everyone that it’s posted on the City’s website.

Alderman Quail noted that it gives the City guidance and acknowledged that many groups spent time and effort to develop this plan and he felt that there was good information in the document.

By: Alderman Quail
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #95 OF2010 – Resolution to award the tree and stump removal contract for June 1, 2012 – March 31, 2013 to Stub’s Tree Service, McGraw, NY and authorizing the Mayor to enter into and sign the contract subject to review by Corporation Counsel. (Tom Tobin)

Alderman Ferrer asked if this was the same company that was contracted with last year.

Tom Tobin noted that Stub’s had been contracted with for about the past twenty (20) years and he indicated that the bid numbers were the same as the previous year’s quote. He explained that a second bid had been received which had lower stump prices, but their tree prices were quite a bit higher. Mayor Tobin noted that this was put out to bid.

Alderman Silliman asked if someone was interested in bidding on these projects, where could they obtain the information. Tom Tobin stated that legal notices are placed in the newspaper and he mails out bid information to interested companies who have asked to be part of the bid process. Alderman Silliman noted that this is an annual occurrence and

if someone is hearing about this for the first time tonight and is interested in bidding, they should contact Public Safety and get on next year's list.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #96 OF 2012 – Resolution to approve the Mayor's appointment to fill a vacancy on the City Boards and Commissions for the term ending indicated. (Mayor Tobin)

Chris Ryan Planning Commission 01/31/14

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #97 OF 2012 – Resolution to approve three (3) noise permit requests for Gators, LLC, 83 Owego Street for June 9, July 28, and August 11 at \$250 for each live band outdoor event held and restricted to the hours of 3:00 PM until 8:30 PM pending evaluation and recommendation (following the May 26, 2012 event) by Police Chief Catalano.

Alderman Quail appreciated the Police review because he thought that he might hear from some neighbors in back of Gators. Alderman Ferrer noted that the applicant was supposed to contact the neighbors regarding these events.

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #98 of 2012 – Resolution to authorize the City Code Office to demolish one (1) vacant building at 26 Fox Hollow Road and one (1) vacant garage building at 117 Pendleton Street and authorize the expenditure of \$19,100 from Contingency. (Asst. Chief Knickerbocker)

Mayor Tobin noted that these properties were discussed in a work session at the last Council meeting and Code Department representatives were present to answer questions.

Alderman Quail noted that he had been asked who owned the property where these buildings were being demolished. Asst. Chief Knickerbocker explained that the bank was not in total control of 26 Fox Hollow and the property is two (2) years behind in taxes and

the City will take control after the third (3rd) year, assuming the taxes are not paid. Capt. Tenkate stated that in all likelihood they would not be paid and that in the case of 117 Pendleton Street the City is in the process of foreclosing on that property and will likely own that property within the next month.

Alderman Silliman noted that money would be lost on 26 Fox Hollow, but if the City was able to sell 117 Pendleton St., then they would not lose money. Capt. Tenkate stated that 117 Pendleton is currently in foreclosure and the City will make money on that property, but not on 26 Fox Hollow. He noted the hope was that the City would at least break even or make a little money with the sale of the Pendleton Street property.

Alderman Bennett noted that will also happen eventually when someone purchases the parcel at 26 Fox Hollow and builds on it. Asst. Chief Knickerbocker stated that it would be back on the tax rolls then, but he thought that would be down the road.

Alderman Bennett asked how soon work would be scheduled. Capt. Tenkate noted that demolition work would begin after Council approval and 117 Pendleton would be scheduled as soon as the contractor, Mr. Bergeron, was available and with 26 Fox Hollow, they are still waiting for the results of the asbestos survey. He noted that as soon as that is received they would obtain three (3) written quotes and when that process is completed they'll move forward.

Alderman Michales asked if the Code Office would be reaching out to the neighbors around 26 Fox Hollow to let them know when work will take place. Capt. Tenkate noted that the neighbor to the south has been in contact with the Code Office on a regular basis and he assured Alderman Michales that he will contact the other neighbors, as well.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #99 OF 2012 – Resolution to approve the request of the Wishing Wellness Center proposal to use Courthouse Park on Wednesday nights to show a series of outdoor family movies from June 6, 2012 to August 29, 2012 from 7:00 PM until 11:00 PM, which includes approving their first two (2) sound device permit requests (upon submission) and also, pending evaluation and recommendation following the June 6 and June 13, 2012 events from Alderman Michales and Chief Catalano; approving the list of following future 2012 events and their sound permits as requested. (Jessica Hazel)

Alderman Michales asked what evenings the park was reserved for band performances. It was noted that performances were on Thursday nights. Jessica Hazel made her request and provided information on the program.

Mayor Tobin asked if it would be dark enough at 7:00 PM to show movies. Andrew Pierce, owner of the movie screen company, explained that the set up would begin at 7:00 PM and

the movies will start at 8:30 PM and end around 10:00 PM and breakdown would occur at the conclusion of the film showing. He explained that the screen was inflatable.

Alderman Ferrer asked about the sound. Andrew Pierce was unsure of the decibel level, but compared it to the concert in the park noting that the speakers are directed to the audience and they would be out of the park by 10:30 PM. He noted that the speakers didn't project very far from the sides and neighbors living a house away on Huntington wouldn't even hear the sound.

Chief Catalano asked if amplified sound needed to be addressed and he asked if food vending would take place at the event. Andrew Pierce stated that the only vendor that he was aware of was Mr. Trevits, the City permitted hot dog vendor for the City park. Mr. Pierce has already spoken with him. Alderman Ferguson asked if these events would be advertised. Jessica Hazel indicated that these events would be advertised, but due to restrictions, they are not allowed to advertise the name of the movie, but they can promote in other ways.

Alderman Bird expressed concern for the impact on neighbors who have to go to work the next day. It was noted that this has been done before. Alderman Michales suggested that they start this on a trial basis for a couple of weeks and see if any feedback is received. He noted that he was reluctant to commit to the entire summer at this point. Alderman Dye asked if they would be using the park area closest to City Hall and if that was the case, the only close residents were at the church rectory. Alderman Dye noted that the Youth Bureau has done this before down by Wickwire Pool on a Thursday night. Alderman Michales noted that the last time amplified sound was done in the park; it projected all the way over to Huntington Street.

Alderman Dye noted that this was a movie and the speakers for this event might be different than music speakers. He supported a trial basis. Alderman Ferrer noted that there would be two (2) movie dates prior to the Council's June meeting. It was noted that since the applicant can't advertise, perhaps there were alternatives the Council could use to promote attendance. Jessica Hazel was hesitant.

Alderman Bennett noted that most movies were ninety (90) minutes long. Alderman Bird thought it was a good idea, but still expressed concerns regarding Wednesday dates and inconveniencing park neighbors mid-week. Alderman Ferrer asked for more information regarding discussions with the Youth Bureau and the Police Department. Chief Catalano asked if they had contacted anyone with regards to conflicting events. Andrew Pierce stated that they had contacted John McNerney of the Youth Bureau and he had recommended they approach the Council first. He noted that they are also working with John with regards to rain nights and the use of the County Office Building gym.

Alderman Ferrer asked if any additional permits were required. Chief Catalano noted that sound permits were probably required. Alderman Dye noted that they were funded by a not for profit and a County agency so there would be no charge. Mayor Tobin noted that the next Council meeting was on June 19 and the resolution could be modified pending submission of the sound device permit and if the Council is agreeable, it should be okay. Corporation Counsel Colasurdo indicated it would be okay. It was noted that the Council

should approve this and an evaluation should be done after the first two events and that Alderman Michales will provide the Council with feedback.

By: Alderman Bird
Seconded: Alderman Silliman

Approved: Ayes - 8
Nays – 0

EXECUTIVE SESSION

Discussion of Potential Settlement Agreement

Motion to go into:

By: Alderman Bird
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

Motion to come out of:

By: Alderman Bird
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #100 OF 2012 – Resolution to authorize the Mayor to enter into an agreement on behalf of the City with the Environmental Protection Agency and the Town of Cortlandville regarding the Buckbee Mears Co. site.

Alderman Quail noted it was good for the City to move forward on this. Others agreed. Alderman Michales hoped that this is a milestone and he hoped it would be a quick process.

By: Alderman Bennett
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Adjournment

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved:

Ayes – 8

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 15th DAY OF MAY 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