



City Council Minutes
The City of Cortland
June 19, 2012

Council Meeting #11
June 19, 2012
Regular Session
City Hall
7:00 PM

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

Staff Present: Director of Administration & Finance Mack Cook and City Clerk Judith Chamberlin

Mayor Tobin called the eleventh Common Council meeting of the year to order at 7:03 P.M.

PLEDGE OF ALLEGIANCE

Public Comment

Sharon Stevens spoke about the sales tax agreement. She feels that City taxpayers do a lot for the County, perhaps they do more than their fair share and she outlined some of the things that the City does for the County.

Ruth Grunburg agreed that cities are the life blood of the geographic area that they're located in. She spoke about the East End Community Center's move to the Dexter Park Building. She gave a history of the Community Center's funding and noted that there is a separate bank account for them and she questioned this. She is also opposed to the move of the Community Center to the Dexter Park Building and she felt that Alderman Partigianoni would also oppose this location for the Center. She also noted that the proposed location is not handicapped accessible and there is no air conditioning. She volunteered to work on a solution to find another location that would be better suited.

Mayor Tobin noted that a portion of the facility at Dexter Park is being utilized for storage and there will be discussion at future Council meetings regarding these issues.

Jo Schaffer spoke about drawing people into the Main Street area. She feels that the natives of the City find Main Street because they know where it is, but she felt that visitors or strangers to the area weren't able to locate Main Street because there is a serious lack of good signage directing them to Main Street. She felt that this would be a good effort to get visitors to Main Street that would please downtown business owners.

Mayor Tobin noted that this was going to be discussed this evening and that he has also spoken with the Chamber Director Mr. Haight about this issue.

RESOLUTION #101 OF 2012 – Minutes of May 15, 2012

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes - 8
Nays – 0

Bills were reviewed.

Ward Reports

Ward 4 – Alderman Bennett

Alderman Bennett noted some concerns regarding that SUNY Cortland would use Chugger Davis Field as a staging site for dorm construction. He has discussed this with SUNY reps and he noted that the staging area is the fenced in area on Broadway, but they do reserve the right to use Davis Field if they feel the need. He noted that the walk through on Warren and Pearl will be closed by the College to eliminate some of the parking problems on Pearl Street as well as some of the late night student pedestrian traffic. He noted that he will continue working on this.

Ward 8 – Alderman Michales

Alderman Michales noted that he, Director of Administration and Finance Cook and Mayor Tobin toured the Courthouse Park on Wednesday, June 6 to look at the movie. He was impressed with the set up and he has not received any complaints regarding the noise level. He encouraged everyone to attend the movies on Wednesday nights.

Alderman Michales brought up the issue of unmowed lawns throughout the City and discussed setting up a link on the City website where overgrown property locations could be reported. He noted this was unsightly for neighbors and reported that he has resolved some of these issues in his Ward.

Alderman Michales asked that when demolishing buildings that the City take into consideration the neighbors. He had reports of heavy dust at one demo site and the contractor had asked neighbors for the use of their hoses to keep the dust down. He spoke with the Code Office and noted that City hydrants are to be used for that purpose.

Mayor Tobin noted that Movies in the Park were at 8:30 PM on Wednesdays.

Ward 1 – Alderman Bird

Alderman Bird reported that the Image Committee met on June 12 and they'll be focusing on a Community Clean Up Day for July 21 and will be announcing more information as the date draws closer.

Ward 3 – Alderman Dye

Alderman Dye spoke with some neighbors who were upset about the County's tax plan, but they figured out that if the City went differently, the City would lose a lot more money than with the proposed County plan. He noted that he will be working on a Ward meeting to discuss ways for the City to make more money and he hoped that would be at the end of August.

Ward 2 – Alderman Silliman

Alderman Silliman has spoken with Alderman Dye about combining Ward meetings so that they could gain input from constituents. She noted that her Ward has been quiet, but she also received a call regarding lawn mowing and reported it to the Code Office and received an immediate response.

Ward 7 – Alderman Ferguson

Alderman Ferguson received calls regarding the sales tax agreement. She noted that she isn't for the proposal, but she doesn't see any alternative that's in the City's best interest. She spoke about resident requests regarding water play at Dexter Park. Alderman Ferguson has spoken with John McNerney, Youth Bureau Director, and they are working on something.

Alderman Ferguson noted that someone has come up with the idea of a children's garden at Dexter Park and she liked the idea. She noted that creating and keeping children's activities going in the park will be at the top of her agenda for the summer.

Alderman Ferguson has received complaints regarding some businesses that do not appear to be neighborhood friendly and she would like to think of ways to get residents and businesses together to work on this and perhaps work on some projects together.

Ward 6 – Alderman Ferrer

Alderman Ferrer has also received calls on the sales tax issue. He has also received calls regarding speeding cars on some of the side streets and this is being taken care of. He received some complaints regarding foliage in the right of way and front yard and that is also being addressed.

Ward 5 – Alderman Quail

Alderman Quail also has had some issues reported with unmowed lawns. He has also had some reports of illegal business being conducted and those areas are being watched. Alderman Quail noted that the dust issue brought up by Alderman Michales could be addressed in the Demolition Permit. Alderman Michales noted that perhaps having

someone on site to oversee this would also be good. Alderman Quail and Michales both noted that someone should be accountable for addressing this.

Mayor Tobin noted that this would be something that the Code Office could quickly work on.

Mayor's Report

Mayor Tobin noted that he has held two (2) youth development initiative meetings with great representation from non-profits, school districts and SUNY Cortland. He is looking to establish a youth council to engage kids in our community. The group is meeting again on Friday, June 22 and Friday, June 29 to here opinions from youth on what is being offered for them in Cortland.

He noted that the two way Main Street issue continues to come up and he noted that the idea of making it that way for a short time frame does not appear to be cost effective, but he is investigating other ways to draw visitors to our downtown from the SUNY campus. He thanked Chief Catalano, Dave Stathis and Director of Administration and Finance Cook helped to come up with a potential solution to the deficiencies our Police Department would have experienced when the County's radio system comes on line and it is about \$50,000 less than what was quoted. He reported that he, Mack Cook, Fire Chief and Deputy Fire Chief and a Volunteer Chief attended a meeting with representatives from Cortlandville and the Village of Homer regarding the fire departments and how mutual aid is structured. He believes this was informative for all and noted the need to have future meetings like this. He thanked County Legislator Kevin Whitney who facilitated both of these meetings.

Mayor Tobin reported on a brief meeting with the Cortland Rural Cemetery Board and Foundation representatives and they are working hard to develop ways to help the Cemetery without incurring a financial burden for the City taxpayers.

Mayor Tobin spoke about the sales tax negotiations and the perspective of the City receiving less revenue from the County's proposal, he has taken the initiative of meeting with the City Financial Advisory Committee and with the Fire Commission and he has asked both entities to meet to discuss what is presently being done and to review what is being done to provide services and to look at cost effectiveness. He wants to deliver a high level of service to the public and doing it in a cost efficient manner and he felt that both of these committees were equipped to review this.

Mayor Tobin reported that he volunteered at the Empire State Senior Games. He noted that there were over thirteen hundred (1,300) participants. He noted that Michelle Phelps did a great job of running the event. He also reported that he attended the Flag Retirement Ceremony on Flag Day at the American Legion in conjunction with the Elks Club. He noted that the flags on Main Street were done by a volunteer group. He asked people interested in donating to assist the Restore American Pride Fund to contact City Clerk Judith Chamberlin or Alderman Michales. He explained that the Committee fundraises to purchase the flags and also hang the flags. He thanked all Committee members for their efforts.

Reports on Events

Mayor Tobin noted that no complaints were received regarding the Gator's outdoor event held on May 26, 2012, so the other requested dates may go forward.

Mayor Tobin noted that Alderman Michales had also given a positive report on the Movies in the Park.

PINK SHEET Sign Off

AGENDA:

RESOLUTION #102 OF 2012 – Resolution to approve the 2013 – 2017 Cortland County Sales Tax Agreement and authorize Mayor Tobin to sign the agreement subject to review by Corporation Counsel. (Director of Admn. & Finance Cook)

Director of Administration and Finance Cook thanked the Common Council for all their work. He noted that the first two (2) items on the agenda were related. The first was the County sales tax agreement and the second item would be imposing the City's own tax. He reviewed the options, noting no increase of tax revenues with any of the options. He explained that the City would receive four (4) percent either way. He explained that one third of the cities in the State are imposing their own sales tax. He explained segment pre-emption and noted that the City would keep all the tax money that was collected. He explained that taxable sales within the City are less than what is collected in Cortlandville and he outlined how those revenues would be split by pre-emption noting no revenue increase for the City. He did note that towns and villages would receive more revenues as a result of choosing this option. He explained that with a pre-emption vote that one hundred percent of the cost of the radios would become the responsibility of the County and if this was the decision, the County would be the big loser and that this could possibly cause the County to fail.

Director of Administration and Finance Cook asked why there wasn't a larger amount of revenue to divide. He noted that traffic and per capita income studies show that money is not being spent in the City and we are losing taxable sales dollars are flowing outside of the City, especially to the north. He felt that the discussion within the County with the City, towns and villages should be about increasing the sales tax amount generated.

Alderman Bennett thanked Mack Cook for the considerable amount of time he has been on this, as well as Alderman Quail, the Mayor, Richard Tupper and Ted Testa. He stated that he does not like the agreement, but realizes that presently there isn't an alternative. He noted professional representation by City representatives during this difficult process.

Alderman Quail noted that he didn't feel that the City had a negotiation process with this and he didn't feel that complete information was provided or that information was provided in a timely manner. He thanked Mack Cook for providing information to all parties and for all of his research. He noted that most of the entities involved treated this as a County project.

Alderman Silliman thanked Alderman Bennett for all of his work on this and that Mack Cook and Alderman Bennett kept the Council well informed. She would like to see the City and the County work together to serve the residents. She didn't agree with pre-emption at this point, but noted that it could be an option in the future.

Alderman Dye thanked Mack Cook for all of his work and noted that the City was better prepared when they entered into this process and he asked for a roll call vote on this proposed resolution.

Alderman Bird thanked everyone, but expressed concerns because of the losses to the City. She noted that the Council will have to make some hard decisions and she is afraid that some residents will not agree with those decisions. She noted that approving this proposed resolution is the lesser of two evils at the current time.

Alderman Michales noted his concern that by the time the radio project is paid for, that the system will be obsolete because technology is changing so rapidly. He wished that the City had been involved in the process earlier so that they could've provided more input. He thanked all of the individuals for their efforts in this process.

Alderman Quail thanked the three (3) County Legislators who didn't vote for this.

Mayor Tobin noted that was Dick Bushnell, Tom Hartnett and Susan Briggs. Mayor Tobin gave an explanation regarding the radio system's impact on the sales tax agreement. He also thanked those who worked so hard on this, noting that the Council is working in the best interests of constituents.

Alderman Bennett explained that this opened their eyes as to the sales tax revenues being lost and how to reverse that.

Alderman Ferguson thanked all those who worked for the best interests of the residents.

Alderman Quail asked for some clarification on the percentage of revenue and received it from Mack Cook.

By: Alderman Ferrer
Seconded: Alderman Bennett

Roll Call Vote: Alderman Bird – Aye
Alderman Silliman – Aye
Alderman Dye – Aye
Alderman Bennett – Aye
Alderman Quail – Aye
Alderman Ferrer – Aye
Alderman Ferguson – Aye
Alderman Michales - Aye

Approved: Ayes – 8

Nays – 0

Item No. 2 - Consideration of a Resolution authorizing the City of Cortland to impose taxes on sales and uses of tangible personal property and on certain services and on hotel room occupancy, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York. (Director of Admn. & Finance Cook)

Item removed from the agenda.

Item No. 3 – Presentation by C & S Engineering re: City Gateway Project

Matt Geitner and Mike Gridley of C & S Engineering from the Syracuse area gave the presentation. He explained that this project was about drawing Rt. 81 highway traffic to the City's businesses. He explained the RFP process.

Mike Gridley outlined their vision for the scope of this project. He spoke about the northeast gateway, which is the Rt. 81 exchange at Rt. 13 and River, Pomeroy and Clinton Streets and drawing that traffic into the City of Cortland. He explained that their proposal is to capture some of that visitor traffic that's passing through and to create a sense of place for residents. The plan is to create a gateway at the Clinton corridor. He noted that they want to get the public involved by getting an advisory committee together to find out what the problems and issues are and to find out what they would like to see. He explained that they also want a public workshop to provide information to and to work with that advisory committee. He outlined the goals they hoped to achieve including developing design ideas and obtaining funding.

Director of Administration and Finance Cook explained the hope that a concrete plan would be developed by early September for presentation to Council. Alderman Silliman noted that if public discussion and planning were to occur before that, they would have to do a lot of outreach to achieve that.

Alderman Michales asked if C & S would be working closely with Thoma Development to obtain grants and to find out what's available. Mr. Geitner explained that they would be working with Thoma and noted that C & S also had a lot of experience in obtaining grant money.

Mayor Tobin explained the make up of the committee that did research on this and that had interviewed several different companies that made presentations. He felt that this company had some very good ideas. Mack Cook noted that this development was not being paid for with grant funding, but since 1981 the City has been sitting on about thirty-two thousand (\$32,000) dollars from the sale of two (2) properties in the South End and the funds have been held in trust for over thirty (30) years and this would be a good way to utilize those funds without shorting City services.

RESOLUTION #103 OF 2012 – Resolution authorizing Mayor Tobin to enter into a contract with C & S Engineering for design services based upon the lowest and best quote (\$30,000) received for the City Gateway Project subject to review by Corporation Counsel. (Director of Admn. & Finance Cook)

Jo Schaffer asked how much this contract was for and stated that the amount should be put on record. Mayor Tobin amended the resolution to reflect the thirty thousand dollar (\$30,000) cost of this contract.

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #104 OF 2012 - Resolution to authorize and direct Mayor Tobin to file an application for funds from the New York State Office of Community Renewal through its New York Main Street Program 2012, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Cortland for the Cortland Downtown Revitalization Program. (Thoma Development)

Linda Armstrong was present. Director of Administration and Finance Cooked noted that not only is the Council working on the downtown gateway, but this grant will provide funding to improve the appearance of buildings on Main Street.

Alderman Michales asked if this was limited to a certain area of Main Street. Mack Cook noted that two (2) buildings on the east side of Main Street would be rehabbed. Linda Armstrong noted that a smaller area had been targeted to get a bigger impact, but there were back up properties identified, as well.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #105 OF 2012 - Resolution to approve and endorse the Cortlandville, New York application to the NYS DEC for a project grant under the Round 11 Urban and Community Forestry Program for the project known as the Testa Park Tree Planting Project on Starr Road in the Town of Cortlandville. (Thoma Development)

Alderman Silliman noted that shade was needed and that this would not cost the City any money. Mayor Tobin noted that this was only assisting Cortlandville in obtaining a grant. Linda Armstrong noted that this was showing support and cooperation.

By: Alderman Quail
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

Mayor Tobin expressed congratulations to Bernie Thoma and Rich Cunningham for their recognition by the Chamber of Commerce.

RESOLUTION #106 OF 2012 - Resolution to increase the asset limit for qualifying for the City's Emergency Repair Program from \$10,000 to \$20,000. (Alderman Ferguson)

Alderman Ferguson provided the background for this increase request. Linda Armstrong explained that the individual who had originally applied for this program qualified income-wise, but not asset-wise and they were seeing this as typical of many senior citizens.

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #107 OF 2012 - Resolution to accept the Main Street Proposal for lights on Main Street and authorize Mayor Tobin to sign the agreement subject to review by Corporation Counsel. (Adam Megivern)

Mayor Tobin noted that a local business stepped forward to pay for half of this. Adam Megivern gave further information on this project. Mayor Tobin explained why the lights have to be City owned and he noted that this was a great collaborative effort between all parties.

By: Alderman Bird
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #108 OF 2012 - Resolution to approve the Cortland Downtown Partnership's request to have the Marketplace Mall parking lot remain closed and barricaded after the Main Street Music Series concert on Friday, July 13, 2012, from 10:30 P.M. until Saturday, July 14, 2012 at 6:30 P.M. for the set up and operation of the Taste of Downtown Festival events to be held there. (Adam Megivern)

Mayor Tobin noted that the barricades will be movable in case of emergency. Adam Megivern noted that this was an effort to eliminate overnight parking so they could get started with early morning set up for the Taste of Downtown Festival.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #109 OF 2012 - Resolution to recognize and approve a budget modification to appropriate auction proceeds from the sale of two (2) retired police vehicles. (Deputy Chief Sandy)

A3120.206.00 Operational Equipment \$8,280.00

There was some discussion regarding this and it was noted that it was hoped that newer vehicles would be more fuel efficient.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
 Nays – 0

RESOLUTION #110 OF 2012 - Consideration of a Resolution to recognize and approve a budget modification to appropriate grant proceeds from a DCJS DNA Burglary Initiative Grant. (Deputy Chief Sandy)

A3120.405-01 Evidence Supplies \$1,987.00

By: Alderman Ferrer
Seconded: Alderman Ferguson

Approved: Ayes – 8
 Nays – 0

RESOLUTION #111 OF 2012 - Consideration of a Resolution to recognize five (5) donations and to approve a budget modification to appropriate funds into the Cortland Youth Bureau operating budget as follows: (Director of Admn. & Finance Cook)

Director of Administration and Finance Cook explained that these were restricted gifts.

Cortland Rotary Club	\$2,500	A7110.206
Borg Warner	\$ 300	A7550.405
CFCU	\$ 280	A7140.405.01
Todd & Michelle Funk	\$ 500	A7330.400
Lehman Family	\$ 25	A7310.405

BY; Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
 Nays – 0

RESOLUTION #112 OF 2012 - Consideration of a Resolution to recognize and approve a budget modification to appropriate \$5,650.00 in CPR Grant funds received by the Cortland Fire Department as follows: (Chief Glover)

Personal Services	\$3,810.83	A3410.101
Tools & Equipment	\$1,839.17	A3410.405.01

Mayor Tobin explained that this offset the costs of conducting free CPR training.

By: Alderman Silliman
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #113 OF 2012 - Consideration of a Resolution to amend the City Code of Ordinances Section 11-41 and approve the Public Safety Commission's recommendation to place a Stop Sign at the corner of Kinney Lane and Delaware Avenue. (Alderman Bennett)

Alderman Bennett explained this need.

By: Alderman Bennett
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #114 OF 2012 - Resolution to amend the City Code of Ordinances Section 11-63 (a)(1) and approve the Public Safety Commission's recommendation to place No Parking signs on the south side of Stockton Place +/- 85 feet east of the east curb line of Homer Avenue. (Alderman Ferrer)

Alderman Ferrer explained this need. Chief Catalano noted there was no sidewalk in that area, as well.

By: Alderman Ferrer
Seconded: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #115 OF 2012 - Resolution to lift the hiring freeze to hire a part-time paralegal for the Law Department. (Corporation Counsel Colasurdo)

Mayor Tobin noted Corporation Counsel Colasurdo was ill this evening and unable to attend. City Clerk Judith Chamberlin was present to answer questions. Mayor Tobin noted that a dollar amount should be attached to this resolution. The successful applicant will be offered an hourly rate of \$19.50.

By: Alderman Ferrer

Seconded: Alderman Silliman

Approved: Ayes – 8
Nays – 0

RESOLUTION #116 OF 2012 - Resolution to lift the hiring freeze and fill the vacant Maintenance Mechanic position for the Wastewater Treatment Department. (Bruce Adams)

Bruce Adams stated the position had been vacant for about four (4) weeks. Mayor Tobin noted that there were no budget issues regarding Waste Water. Alderman Bird noted that this was replacing a person who had left, not creating a whole new position.

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 8
Nays – 0

RESOLUTION #117 OF 2012 - Resolution to lift the hiring freeze and fill the vacant laborer position for the Wastewater Treatment Department. (Bruce Adams)

By: Alderman Ferguson
Seconded: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #118 OF 2012 - Resolution to define and allow the hiring of seasonal employees (under the hiring freeze). (Mayor Tobin)

Mayor Tobin defined seasonal employees, “temporary positions that have a definitive starting date and an established ending date and employment that does not exceed three hundred sixty-five (365) days and season employees are currently not eligible for health insurance”.

Mayor Tobin noted that this came up because of two (2) seasonal employees being hired by the DPW. He noted that the Youth Bureau employs about one hundred seventy (170) seasonal employees between coaches, referees, etc., and their hiring should be managed in a cost effective manner. He noted that in the budget process the temporary positions will be included.

Alderman Ferrer asked that emails be sent to the Council to keep them informed as the seasonal employees are hired. Mayor Tobin thought they should be included in the monthly reports giving the Council oversight. There was discussion regarding the variation in numbers. Mayor Tobin noted that the fluctuation depends on the enrollment in programs. Alderman Michales asked for a breakdown of who is working for whom. Mayor Tobin noted that two (2) are in the DPW and the rest are working for the Youth Bureau.

Mayor Tobin noted that the question of continuing the hiring freeze was brought up at the Department Head's meeting. Council members felt it should continue, so that they knew what was happening in the departments.

By: Alderman Ferrer
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #119 OF 2012 - Resolution to adopt City Finance Policies. (Director of Admn. & Finance Cook)

Director of Administration and Finance Cook noted that the Council had developed six (6) objectives and five (5) had been addressed in these policies. He explained that this will give the Council good control over finances and this will serve the City well and help improve the City's bond rating. He explained that this document can be amended as needed.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays - 0

RESOLUTION #120 OF 2012 - Resolution to authorize the purchase of an accounting and finance software package and authorize the Mayor to sign the agreement subject to review by Corporation Counsel. (Director of Admn. & Finance Cook) **(Amended later in the meeting)**

Alderman Ferrer asked for the cost of the package. Director of Administration & Finance Cook noted that the cost would be about three hundred fifty thousand (\$350,000) over five (5) years. Alderman Dye asked how much. Mack Cook told him sixty thousand (\$60,000) over five (5) years. Mack Cook spoke about the advantages of obtaining a better program. He noted that it would provide up to the minute information and allow tracking of information. He noted that it would provide a foundation for communication of financial information.

Alderman Ferrer noted he's in favor of this, but was concerned about the cost because of the sales tax losses. He asked if our current equipment would support this software package and how was it being paid for. Mack Cook explained that it will appear as a budget item in 2013. He noted that the program will not go live until July 2013. He explained that the closure of the Noss Park, DEC claims will result in a reimbursement and that portions of the cost of this program would also be allocated to the Sewer and Water Funds. The General Fund would cover the rest.

Mack Cook stated that the City was also receiving more non-property tax revenues. He explained that time clocks will be used in two (2) departments where employees come and go from the same place and other departments will utilize a different system.

Dave Stathis, IT Director, explained that there will be some other costs incurred when an outside person is necessary. Mayor Tobin noted that the Comptroller's Office was positive about the direction that the City was headed in with this process. He explained that a lot of research had been done before this decision had been reached.

Mayor Tobin noted that many vendors were investigated as well as joining in with the County. Dave Stathis noted support for a package was very important and the County could not guarantee any support.

By: Alderman Ferrer
Seconded: Alderman Silliman

Approved: Ayes – 8
Nays - 0

Item No. 22. - Discussion regarding an amendment to the Rental Housing Permit Program Law (Local Law #1 of 2009), proposed Local Law No. 1 of 2012, and to schedule a Public Hearing for 6:30 PM on July 3, 2012. (Director of Admn. & Finance Cook)

Mayor Tobin asked that Council members notify his office if they were not going to be able to attend the July 3, 2012 Council meeting as a quorum was necessary to conduct business.

Mayor Tobin noted that the Council could schedule two (2) public hearings for Local Law #1 in order to give the public convenient times to comment. Alderman Dye asked if this document was ready for a public hearing. Mack Cook stated that the final document would be ready tonight. Mayor Tobin noted that this is the current draft and the final draft did not have to be presented until ten (10) days before the Council's vote. He cautioned the Council to be sensitive to current litigation when discussing this.

Alderman Silliman asked how the public would have access to this document. Mack Cook stated that it would be on line tomorrow. He then proceeded to outline some of the key changes.

Mack Cook noted that this will change how rental property is registered and the object is to balance a sacred duty with a sacred right. He noted that the sacred duty of a municipality is to protect the safety of health, safety and welfare of the residents. He then explained that the sacred right that they were balancing was the right of property owners to live free in their apartments without unwarranted intrusion by government. This is the motive behind this local law amendment. He noted key changes to the amendment.

Mack Cook noted that two (2) family dwellings occupied by the record title holder (owner occupied) are now excluded. Alderman Ferguson noted her support for this change.

Mack Cook noted the addition of a definition of “common area” on Page 4. He noted on Page 7, about delinquent property taxes as grounds to revoke a permit as well as delinquent water and sewer bills which are delinquent six (6) months or unpaid fees. He explained the reasoning behind these changes. He noted a change on Page 8 of an added requirement that the owner of the residential property does not live in the County, that they designate an entity or person older than eighteen (18) years old who resides in the City of Cortland, so that the City can make contact with them if necessary.

Mayor Tobin noted that the previous wording allowed the owner to reside in Cortland County or contiguous counties. Mack Cook noted that on Page 10 “under penalty of perjury” has been added because of the self-certification which is allowed. He also noted that if the property is advertised with a certain number of units that there is a presumption that the advertiser is abiding by the law. He noted that the owner is allowing inspection based on that presumption and if the Code Office comes up with a different opinion, they can rebut that presumption and this mirrors State Law to the letter and is being incorporated into the City Code.

Mack Cook noted that on Page 11 the deficiencies are being addressed in pursuing our duty with regards to a sacred right. He noted that the Code Officer must have consent to inspect a property. He noted that if it is a common area, that consent can be given by the person in lawful possession of any part of the dwelling unit or failing to get proper consent, to obtain an administrative warrant. He explained that a landlord cannot consent to a search of a tenant’s apartment.

Mack Cook noted that on Page 13 an addition allows the City to take unpaid fines and treat them as any other unpaid taxes or water bills and they would become a lien upon the property and subject to the in rem procedure. He noted that the first reading of the law, as well as the public hearing, will take place on July 3, 2012.

Eric Mulvihill noted that the County Fireworks display was scheduled for July 3, 2012.

Alderman Silliman thanked Mack Cook and Corporation Counsel Colasurdo for their work on this law. Mayor Tobin also expressed his thanks and noted the hours of work put in by both individuals. The Council discussed this and a straw poll showed the majority felt that two (2) public hearings should be held.

Mayor Tobin noted that the public hearings would take place on July 3, 2012 at 6:30 PM and again on July 17, 2012 at 6:30 PM. He noted that the July 3 Council agenda will only go to 8:00 PM or 8:15 PM so that Council members may participate in holiday plans or attend the fireworks display.

Mayor Tobin noted that the Council asked to revisit a resolution and amend Resolution #120 of 2012.

RESOLUTION #120 OF 2012 (AS AMENDED) - Resolution to authorize the purchase of an accounting and finance software package and authorize the Mayor to sign the agreement subject to review by Corporation Counsel not to exceed the total of three

hundred fifty thousand (\$350,000) dollars over the course of five (5) years. (Director of Admn. & Finance Cook)

By: Alderman Ferrer
Seconded: Alderman Bennett

Approved: Ayes – 8
Nays - 0

Adjournment

By: Alderman Ferrer
Seconded: Alderman Silliman

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 19th DAY OF JUNE 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