



Common Council Minutes

City of Cortland

April 16, 2013

Council Meeting #8
April 16, 2013
Public Hearing and Regular Session
City Hall
6:00 PM

Mayor Tobin opened the Public Hearing at 6:00 PM on the Proposed Local law to establish a Real Property Tax Exemption for new construction and major rehabilitation of mixed use property in the Central Business District.

Elise Johnson Schmidt, Preservation Architect in Corning, and has been working with Downtown Revitalization since 1990. She is a frequent speaker on developing upper floors, including one workshop here in Cortland and wanted to speak in favor of the opportunity you are considering to create a benefit to people who are willing to invest money in revitalizing the Community.

Corning adopted a similar legislation, and after five years of working hard to convince people that it was the right thing to do, we started one project in 2001, developing 4 apartments. Ten years later we had almost 70 units, and now almost 100 units established, it has substantially increased downtown success and brought several new businesses back to the central area. It changes the demographics of the Community and greatly enhances the esthetics.

Bob Haight from the Chamber of Commerce is behind the development of the upper levels on Main Street. Great things are happening in the City, new businesses coming in, established businesses expanding, and we should do what ever we can to assist developers in renovation of the second and third floors of buildings downtown.

Elsie Ferro questioned how the City could possibly grow with tax exemptions. The City is now 60% tax exempt, and the burden falls on fewer and fewer of us tax payers. Until the stores downtown sell what people need and want, it won't progress. People will continue to go to the malls to do their shopping. A bowling alley was taken off the tax roles and a tax exempt theater was opened there. The City needs to start thinking about more than Main Street and the College.

Mark Zaharis owns 45 Main Street (the old Nordic Sport building) wanted to clarify that the proposed law is not an exemption, it's a tax abatement, and for the past four years I have been looking at the possibility of rehabilitating the upper levels of my building. Now my project is looking feasible and I am also working with the Pothos family on the corner to renovate that building (the old Jones Jewelry store).

Helen Ackroyd, a resident of Port Watson Street spoke against the proposed law. She liked the idea of doing something downtown, but wondered who would be expected to come into these apartments. McNeil is the only corporation downtown. Where these people would park was a question.

Tony Pace wanted to clarify what he heard part of at a Common Council meeting, that the proposed law would need to be passed by the County Legislature and the School District, which Mark Zaharis confirmed. Mr. Pace chairs the Budget & Finance Committee for the County Legislature. He asked what the target population would be, as most Senior citizens would not likely be able to afford to live there, they would need parking, and would need to drive to grocery stores. Mr. Pace had reservations about what would happen when the tax incentives expired, as Rubbermaid vacated as soon as their incentive was gone.

Emanuel Pothos owns the B. T, Jones building and was in favor of the proposed law, especially since his building was destroyed by arson and not just a matter of deterioration. It is important to understand that this would be a tax abatement, not a tax exemption. The program would be a major asset in renovating the downtown area.

Phil Simon and his brother have owned buildings on Main Street since the 1960's, some of which we have improved and some we have not because the funds were not there. In the past couple of years people have shown some interest in 2 Main Street and 181-185 Main Street and in both cases the upper floors have not been occupied as parking has always been an issue. Developers are discouraged to purchase these buildings because the taxes are so high. This incentive might be what a developer needs in order to work to renovate the Main Street buildings.

There was no one further to speak therefore Mayor Tobin closed the Public Hearing at 6:52 and thanked everyone for their participation in the discussion. The Mayor agreed that 50 years is too long for the Main Street buildings to be vacant. The Council will have this on the May 7th agenda and decide whether to approve this law. This is about a vision for Main Street and what Main Street will look like in 20 years.

Regular Session

Mayor Tobin called the eighth Common Council meeting of the year to order at 7:00 PM.

Present: Mayor Brian Tobin, Aldermen Ken Dye, Julie Bird, Kathryn Silliman, Linda Ferguson, Carlos Ferrer, Dan Quail and Thomas Michales.

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

Absent: Alderman John Bennett

PLEDGE OF ALLEGIANCE

Public Comments

Mike Dexter spoke about the Bradford trees planted about 30 years ago on West Main Street. They are falling apart; they were the wrong kind of tree to be planted there. Over the past few years, DPW has had to trim and trim them. Some of the homeowners on West Main were asked for permission to remove the trees, and the stumps will be removed. Some of the new trees will be planted in their place. April 26th is Arbor Day and we will be planting a tree in front of the new NBT bank at 9:00 AM. Mr. Dexter noted that this is the sixth consecutive year that the City of Cortland was declared a Tree City USA, something to be proud of, and much of the work the Landscape & Design Committee does would not get done if not for Diane Batzing.

MINUTES

Council agreed to move approval of the minutes from the April 5th meeting to the end of the agenda.

Proclamations - Attached

A moment of Silence was requested and held in respect for the people of Boston.

RESOLUTION #67 of 2013 – Resolution to permit the Cultural Council of Cortland County use of the South side of the Courthouse Park on Saturday, August 3, 2013 from 10:00 Am to 5:00 PM for the Annual Arts and Wine Festival. (Mayor Tobin)

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #68 OF 2013 - Resolution to grant the Cultural Council of Cortland County a waiver from the City's Open Container Ordinance during the Annual Arts and Wine Festival within the designated area from 10:00 AM to 5:00 PM on Saturday, August 3, 2013. (Mayor Tobin)

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 7
Nays – 0

RESOLUTION #69 OF 2013 – Resolution to accept and recognize the following donations from local business and individuals for the Wickwire Pool Trust Fund. (Mayor Tobin)

C. Ashley & Beverly Ellefson	\$100.00
Brix Pubaria c/o COM350	100.00
Total Donations -	\$200.00

Motion By: Alderman Bird
 Seconded By: Alderman Michales

Approved: Ayes – 7
 Nays – 0

Mayor Tobin noted that a number of events have taken place in the Community based upon efforts of some SUNY Cortland students. The SUNY students are commended for all the work and time they have put forth to raise funds.

RESOLUTION #70 OF 2013 – Resolution to authorize the Mayor to execute the agreement with Syracuse Signal, Inc. for repair and maintenance of traffic signals within the City. (Chris Bistocchi)

Motion By: Alderman Silliman
 Seconded By: Alderman Quail

Approved: Ayes – 7
 Nays – 0

Chris Bistocchi was present to give a brief overview. He noted that the Public Works Department is learning how to manage and maintain the traffic signals, and having someone to cover the repairs we can't handle is important. A request for proposal was sent out back in November, the contractor that got the bid but took a job out of town and could not commit to the terms of the contract so we went with the second contractor, Syracuse Signal. Their on-call employee lives in Dryden if an emergency arises.

Council asked if at some point he and Nick Dovi would be able to handle the repairs and maintenance themselves, to which Mr. Bistocchi replied yes, in time.

Item #5 – Consideration of a Resolution to authorize the issuance of \$1,400,000.00 in Serial Bonds to finance the cost of the 2013-2018 Road Improvement Program. (Mack Cook)

Motion By: Alderman Ferrer
 Seconded By: Alderman Bird

Mack Cook explained that on the advice of the City's Financial Advisor, the City will borrow the funds to pay for the next five years of street repair. The first resolution for Council to consider is the SEQRA, a negative finding, that the repaving of streets does not pose an environmental threat or condition.

Aldermen Bird and Ferrer withdrew their motions in order to review the SEQRA form.

RESOLUTION #71 OF 2013 – Resolution to determine that proposed paving and street reconstruction actions are Type II Actions for purposes of the New York State Environmental Quality Review Act.

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

SEQRA was reviewed

WHEREAS, the Common Council of the City of Cortland, New York (the “City”) is considering undertaking the reconstruction and resurfacing of the City’s existing streets and roads not involving the addition of new travel lanes (the “Project”); and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations”), the City desires to comply with SEQR Act and the Regulations with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, NEW YORK AS FOLLOWS:

1. The Project constitutes a “Type II Action” under 6 NYCRR 617.5(c) (4) and no further action under the SEQR Act and the Regulations is required.
2. This Resolution shall take effect immediately.

The foregoing Resolution was thereupon declared duly adopted.

	<u>Ayes</u>	<u>Nays</u>
Alderman Julie E. Bird	X	
Alderman Kathryn Silliman	X	
Alderman Ken Dye	X	
Alderman Daniel E. Quail	X	
Alderman Carlos Ferrer	X	
Alderman Linda A. Ferguson	X	
Alderman Thomas Michales	X	
Alderman John Bennett	Absent	

Approved: Ayes 7
Nays 0

RESOLUTION #72 OF 2013 – Resolution to authorize the issuance of \$1,400,000.00 in Serial Bonds to finance the cost of the 2013-2018 Road Improvement Program. (Mack Cook)

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 7
Nays - 0

RESOLUTION #73 OF 2013 – Resolution to authorize the City Clerk to publish the Estoppel Notice in connection with the issuance of \$1,400,000.00 in Serial Bonds to finance the cost of the 2013-2018 Road Improvement Program. (Mack Cook)

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes - 7
Nays – 0

Item # 8 - Consideration of a Resolution to determine that proposed actions at the City's Wastewater Treatment Plant is an Unlisted Action for purposes of the New York State Environment Quality Review Act. (Mack Cook)

Mack Cook asked that this item be pulled from this agenda as there has been a very good response from the Council regarding the work shop on the 30th at the Wastewater Treatment Plant to encompass the total reconstruction and funding for that and put this item on the agenda for the May 7th Common Council meeting. That meeting will be on Tuesday, April 30th at 6:00PM at the Wastewater Treatment Plant, open to the public. A representative from the DEC will be on hand to answer any questions.

Item #9 – Discussion of the impact of the second grant for the Interoperable Radio System upon the 2013-2018 County/City Sales Tax sharing agreement. (Mack Cook).

This item was tabled from the last meeting. Mayor Tobin and Director of Administration and Finance Cook met with County officials.

Mack Cook gave an overview of the issue before the City. The interest on the lease agreement is 3.1% interest. The County suggests using additional grant funding to pay off the lease in about 3 years rather than the original 10-year time frame. The City would benefit much more from using its share of the additional funds to pay toward the City's higher interest rate loans, some of which are as old as 20 years. This decision does not have to be made right away, as the 2013 payment has already been made.

Mayor Tobin and the Council agreed that the long term plan was a good idea.

RESOLUTION #74 OF 2013 - Resolution to recognize and appropriate funds reimbursed for the Smoke Detector Grant. Deposit from FEMA in the amount of \$23,344.00 transferred to Account #A3410-415 (Contractual) (Chief Glover)

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes - 7
Nays – 0

Chief Glover noted that close to 1200 detectors have been installed so far, but every ward has not been covered yet. The program has been a huge success.

RESOLUTION #75 OF 2013 – Resolution to close the City parking lot on Central Avenue on Saturday, May 11, 2013 from noon to 8:00 PM for the Cortland Spring Stage Concert.

The Mayor had a conversation with Steve Franco of Place Insurance and liability with alcohol sales posed a huge issue and two of the sponsors withdrew, so it will be an outdoor alcohol free concert. Businesses interested in sponsoring the concert should contact Chris Merkley.

Chris Merkley was present to explain his plan to have bands facing Central Avenue, in the City parking lot, free to the public, with food and non-alcoholic beverages available. McNeil Company has agreed to allow use of the entire parking lot, and there are two ways to enter the lot, from Central Avenue and one from Main Street between the Beard Building and VanDeusen Music. Four local bands have agreed to play, and possibly one band from Ithaca and one from the Syracuse area.

The Police Chief and Fire Chief did not foresee any interference should they be called to that area and the neighboring businesses have been apprised of the event.

Motion By: Alderman Quail
Seconded By: Alderman Silliman

Approved: Ayes - 7
Nays – 0

The new agenda item #12, from the last meeting was not voted on and shall be stricken from the minutes of the April 2, 2013 meeting.

RESOLUTION #76 OF 2013 – Resolution to approve the hiring of Antea Group to audit the Wastewater Department’s Risk Management Program. (Second step in satisfying the EPA’s citation of the Department’s RMP implementation as not being fully compliant. The first step was hiring the Soaring Eagle Safety Consultants to assist the Department in addressing its non-compliance issues) (Bruce Adams)

Motion By: Alderman Silliman
Seconded By: Alderman Bird

Approved: Ayes - 7
Nays – 0

Minutes

On the minutes of the April 2, 2013 meeting, it was noted that Resolution #56 did not show the vote. The painting of the green footsteps was voted in favor unanimously. Let the minutes of that meeting reflect the vote was

Approved: Ayes - 8
Nays – 0

RESOLUTION #77 OF 2013 – Resolution to approve the minutes of the April 2, 2013 meeting as amended.

Motion By: Alderman Silliman
Seconded By: Alderman Quail

Approved: Ayes – 7
Nays - 0

Adjournment

Motion By: Alderman Bird
Seconded By: Alderman Ferrer

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 16th DAY OF APRIL, 2013. 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