



City Council Minutes The City of Cortland

April 3, 2007

Council Meeting #7
April 3, 2007
Regular Business Session
City Hall
7:00 PM

Present: Alderman VanGorder, Terwilliger, Cobb, DeCarlo,
Quail, Feiszli, Partigianoni and Michales

Staff Present: Director of Admin. & Finance Andrew Damiano and
Corporation Counsel Lawrence Knickerbocker

Mayor Gallagher calls the seventh Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Ann Doyle was present to ask that the Council support the moratorium on multiple housing units that has been suggested by Alderman Feiszli of the 6th Ward. They have more than enough multi housing in the City of Cortland and in the 2nd Ward. She referred to the Master Plan. She noted that they are losing their single family homes. She asked the public to contact their Aldermen with their opinion on this subject.

Mike Dexter was present. He agrees with Ann Doyle and Alderman Feiszli. Since he is back reading water meters again, he has noticed that housing units once occupied by the elderly are now occupied by students. He isn't against student housing, but thinks the college needs to look into the amount of student housing off campus and make some kind of arrangements so that it isn't spreading out throughout the City.

Rick Van Donsel was present and he lives on West Court Street. The proposal at 19 West Court Street has sparked a lot of interest in what is going on with the density of student housing and the impact on the neighborhoods. He encouraged the Aldermen and the Mayor to entertain discussion, considering the issues being raised, on a more comprehensive way to plan for student housing to determine what is needed for housing students and to see what the plans are for the College in the next five (5) or ten (10) years. Is more student housing necessary or does the College need to build more dorms. He has spoken with the Mayor and Aldermen regarding the impact of student

density on City services and City neighborhoods. He called for a moratorium on student housing.

Minutes of March 20, 2007

RESOLUTION #28 OF 2007 - Approve the minutes of March 20, 2007 as amended.

By: Alderman DeCarlo
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Mayor's Report

- Attended luncheon meeting with President Erik Bitterbaum and his staff with Jill Harvey, Senator Schumer's District Representative.
- Welcomed new enrollees for SUNY Cortland.
- Attended East Side Community Center "Walk Your 'Weigh' to Good Health" program kick-off.
- Met with Kristen Mucitelli-Heath, Regional Representative for Governor Spitzer.

Ward 1 - Alderman VanGorder

She had a Ward meeting last Monday and forty (40) people were in attendance. Jean Polento was there from NYS DOT, as well as an assistant and he brought the plans for the proposed Rt. 281 expansion. He indicated that if any residents had concerns or questions regarding the project, that they should bring them to Alderman VanGorder, who would then relay them to the DOT. They will address some concerns. She also handed out a flyer in the Ward updating residents on things she has been working on. She has about three (3) more streets to get to, but already she had received a lot of emails and calls. She has received a lot of feedback regarding speeding in the Ward and the use of removable speed bumps. She has contacted Chief Nichols and Chris Bistocci regarding this. Erin Stevens is working on a petition on Van Hoosen and in that area to see what public opinion is on removable speed bumps. There are a lot of streets that do not have stop signs and she is looking into the procedure for getting a stop sign installed at the end of a street. She has received several emails regarding the multiple housing moratorium issue. She reminded everyone that the Community Clean Up is April 28. She and her husband, Gary, are working on getting the plans together for this year's clean up. She is hoping for a good volunteer turn out. They will be meeting at Courthouse Park, but will be using the Armory for a drop off. It is a litter pick up only, not an amnesty day.

Ward 2 - Alderman Terwilliger

She reminded everyone of the combined Ward 2 and 3 meeting to be held April 16 at 7:00 p.m. at the Birch Building in Suggett Park. She also received numerous phone calls and e mails regarding the multi housing moratorium suggested by Alderman Feiszli. Most of them were in support of this. She thanked those residents who were in the audience tonight for coming to the meeting. She asked that those who were particularly concerned regarding the proposed 19 W. Court Street apartment building, to attend the Cortland Planning Commission public meeting on April 23 at 5:15 p.m.

Ward 3 - Alderman Cobb

She received a couple of calls regarding large trucks on Groton Avenue and she contacted the police chief. She also received a lot of emails and calls regarding the moratorium. She urged people to come to the public hearing and to voice their opinions.

Ward 4 - Alderman DeCarlo

He also received calls and emails regarding the moratorium. He also received a call from the Corsi's regarding the Holiday Inn Express and the dangerous Denny's intersection. He was contacted Systems East and would like to put them on the agenda for a presentation for the Council.

Ward 5 - Alderman Quail

He was also contacted by the Corsi's regarding the Holiday Inn Express and traffic concerns. He also noted that there is an issue with speeding on the streets in his Ward. He asked that everyone be more conscious of their rate of speed on the City streets. He reminded everyone of his Ward meeting at the Randall School, April 24 at 6:30 p.m. Topic of discussion will be the draft of the strategic plan which can be seen on-line at the City and Thoma websites. He sent out emails to all of his constituents to remind them of the meeting and of the Community Clean Up. He also received several emails regarding the moratorium.

Ward 6 - Alderman Feiszli

At the last CCTVS meeting, they continued the discussion regarding the joint municipal grant application with Thoma. The next meeting is scheduled for May 26, where either Marty Mack or Atty. John Ryan will attempt to do a presentation on municipal consolidation. Jennifer Hamilton of the Cortland County Health Department was also in attendance at that meeting to discuss the promotion of tobacco free parks and recreation programs which would prohibit tobacco from parks and recreational areas. She believes that Jennifer has asked to be placed on the Council agenda to discuss that program.

She attended the East End Forum with Alderman Partigianoni and Alderman Michales. She is hoping that another date can be set up for continuation of these talks. She received a couple of calls regarding unsafe and unkempt properties and they were resolved. She is continuing to work on the bus shelter on Grant Street, working with Public Safety on putting a light in between the bus station and Grant Street. There were some concerns expressed about this at the East End Forum, as well as the non-working public pay phone. There were concerns from Kennedy Parkway and Yaman Park concerning the level of the Tioghnioga River a few weeks ago. She spoke with Brenda DeRusso of the County Emergency Management Office who put together a link on the County website and check on the level of the river and what to do at certain levels and at what levels the Emergency Plan would be instituted in that area.

She asked that an additional discussion item be placed on tonight's agenda in regard to the multiple housing moratorium.

Ward 7 - Alderman Partigianoni

He also received calls regarding the housing moratorium and he reminded those in attendance that there were two sides to every issue and there would be a full discussion on this topic. The East Side Forum was attended by forty-one (41) residents and business people, six (6) panelists, three (3) Council members and one (1) County Supervisor. Linda Hartsock led an informative meeting and it lasted about two (2) hours. It will be televised next Monday at 11:00 a.m. and on Tuesday at 8:00 p.m. He received a call regarding the parking lot at 25 Clinton Avenue. The two (2) businesses noted that there is no light there and he is looking into putting a light on the rear telephone pole there. There has been some small incidents of vandalism there, which is being attributed to the darkness in the area.

He participated in the Meals on Wheels Day. It was a pleasant surprise; people enjoy the City's participation on that special day. A few individuals asked for the Mayor, but he was unavailable that day. He asked that other Alderman consider participating next year. On Monday, was the kick off day to "Walk Your 'Weigh' to Good Health. He and the Mayor were there. It is a fitness program for City and County employees and senior citizens and thirty (30) walkers signed up. The Youth Bureau has a grant for free pedometers, water bottles and bags for the first fifty (50) people who sign up. He urged people to attend tomorrow from 11:30 a.m. to 2:30 p.m. every Monday, Wednesday and Friday at the East End Community Center. He has been informed by the Community That Cares that their website is now up and running. It's very informative.

Ward 8 - Alderman Michales

He also received calls from residents regarding the moratorium. He attended the East Side Forum. He attended the Planning Board meeting last Tuesday night. There were a lot of people in attendance to hear what was going on in regards to that Board's agenda. He received a call regarding a code violation on Bartlett Avenue. If it's not in a blue bag, you will be cited for it. He dealt with street flooding down on Kellogg Road. They are moving forward to replacing two (2) drywells this year. He will be hosting a Ward meeting on April 25 at the BOCES Career Center at 7:00 p.m. The agenda that

night will be home security and one of the City police officers will be doing the presentation. They will also be discussing the April 28 Clean Up and they are looking for volunteers for that day. They also will be talking about County, City and Ward issues. He also asked to add an agenda item to tonight's Council meeting regarding an exotic pet permit for a ferret.

The Mayor read a proclamation declaring April as Fair Housing Month in the City of Cortland.

Item No. 1 - Discussion regarding the proposal to alter the tax exemption schedule for senior citizens and persons with disabilities.

David Briggs, City Assessor, was present at the request of Alderman Partigianoni, to outline the tax exemption adjustment proposal. The changes were in regards to the adjustment of the maximum income qualifications needed to qualify for a reduction in City, County and School taxes. Right now the limit starts at \$14,300 or less for a 50% reduction in City taxes up to a maximum of \$20,000 or less for a 20% reduction in taxes. The problem in the past has been that as Social Security benefits for seniors increased ever so slightly, people made just over \$20,000 and no longer qualified. Another option for the Council besides the income limit is to have it go down to a 5% reduction, extending the sliding scale past \$20,000. That is, in his opinion, a much fairer option. He has looked at some impacts, but it is difficult to estimate. Coupled with STAR, on average, two hundred (200) or so people have qualified for this exemption for City purposes. Last year, one hundred ninety-three (193) participated. He estimated that forty-eight (48) new people could potentially qualify if the limits were increased down to the 5% benefit. He estimated that by doing this the Council could potentially take about \$325,000 of value off of the tax rolls. That would represent an impact on the tax rate of 1.33 cents or for the average person; it would change their taxes by about ninety-nine (99) cents. It's not a huge impact on the taxpayers of the City of Cortland. He has done these estimates in the past, and they are relatively accurate. He noted that the City currently has one of the highest limits and the County and School District have much lower limits. He has been contacted by one (1) Legislator regarding the impact on the County and possibly visiting this issue in the future.

There are two (2) options, one (1) to raise the limits and two (2) to adjust the limits down to 5%. His recommendation is to do the second. It would be a more gentle phase out. He noted that it should be done for both the senior citizen and person's with disabilities programs. He will send the Mayor information and noted that any adjustment would have to be by two (2) separate local laws and should be done soon to make the August 1 tax roll deadline.

Alderman Partigianoni noted that in the past, Mr. Briggs estimates of the impact of this exemption have been quite accurate.

Corporation Counsel indicated that the process would be to rescind the two (2) old local laws regarding these exemptions and enact two (2) new ones.

Alderman Michales asked if Mr. Briggs could discuss the upcoming property re-evaluation that is coming up.

Mr. Briggs noted that the last time a re-assessment was done in the City was over ten (10) years ago. Most of the towns in the County try to maintain their assessments at one hundred percent (100 %), because of the volatile real estate markets in the area, towns have been doing a reval on average every four (4) or five (5) years, keeping them up near one hundred (100 %) percent. The City hasn't had those volatile changes as some of the towns have had, but the City's equalization rate has started to drop. The last being eighty-four (84) percent. It looks like it will drop again this year. This has an effect on County apportionment of taxes and City School District apportionment of taxes. As the assessments in the City remain at a constant level, that apportionment can be detrimental to City residents. The City needs to contemplate reassessment and he put together a proposal of what to do, how to do it, the cost and the time frame. It is now up to the Council to decide when and if they want to do it. One of the things about doing the City reassessment is that if it is done accordance with certain steps prescribed by the NYS Office of Real Property Tax Services, the City would be entitled to a five dollar (\$5) per parcel payback for doing the reassessment. The first step to get into that program would be for the Council to do a resolution stating that they were going to reassess at 100% and most likely for the 2008 assessment roll. We would not be able to complete a reassessment for the entire City between now and August for the 2007 roll, it would take a year or so to do it. He outlined the process that would be followed during a reevaluation. He noted that not all types of properties and not all locations change in value in the same way and different locations appreciate in value at different rates. He noted that now some areas of the City were vastly undervalued. He noted that as soon as the tentative assessment roll was established for the City in 2007, he could begin the process if authorized to. It could begin this Fall.

Alderman Partigianoni asked what the cost of a reevaluation would be. Andy Damiano noted that it would be about sixty thousand dollars (\$60,000). Mr. Briggs outlined his fees for the reevaluation. He also noted that assessments were based on sales figures for each area, so identical houses located in different neighborhood areas of the City might be valued differently. Mr. Damiano noted that the Council had already approved \$30,000 in funding in the 2007 budget for Mr. Briggs to begin this process. There was no need for an appropriation of money, it was already there in the budget and now all that was needed was to adopt a resolution authorizing Mr. Briggs to proceed with this and notifying the State. They would be putting it on the agenda. He also explained that a reevaluation did not necessarily mean an increase in taxes and he gave examples.

RESOLUTION #29 OF 2006 - Consideration of a request from the Main Street Music Committee to waive the open container alcohol regulation and to close the market Place Mall parking lot for the evenings of their 2007 concert series.

By: Alderman DeCarlo
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Item No. 3 - Discussion regarding the issue of animal harboring and the operation of animal clinics within the City (Alderman VanGorder).

Alderman VanGorder noted that the City needed to do something. She has spoken with Corporation Counsel Knickerbocker. He stated that based on her request, he contacted Bill Carr, Animal Control Officer. Mr. Carr reviewed the City's ordinance and suggested a revision. Mr. Knickerbocker noted that this was a good starting point. It was a permitting requirement to be placed in the ordinance. He noted that the Council would have to discuss how much a permit would be, what a violation would be and what the fines should be or other penalties should be incurred. He thought it might be able to be done by resolution, but possibly it might require a local law. Andy Damiano noted that what was currently proposed by Mr. Carr was that if you had more than four (4) cats and three (3) dogs, you would have to get a permit. The idea was so that as certain situations arise and that if more than that number were being harbored and there was no permit issued, the individual could be fined. He suggested a graduated fine scale. It was also noted that harboring would not include short term stays. It was also noted that the wording of this ordinance had to be looked at closely to cover the many points that were brought up in discussion. It was thought that a work session would be in order. It was thought that it could be scheduled on May 1.

RESOLUTION #30 OF 2007 - Consideration of a Resolution authorizing the partial closing of Main Street on May 20, 2007 from 2:00 p.m. to 6:00 p.m. for Cruise Night 2007.

It was noted that an insurance certificate had been submitted to the Mayor. Mr. O'Gorman outlined the event. He asked that Main Street be closed from Central Avenue to Tompkins Street. It's a no charge event to bring people downtown. This is on a Sunday and Lloyd Purdy has checked with the college and their graduation events are finished on May 19. Anything leftover for Sunday will be some parents moving students home and that should be pretty well cleared out by the time their event takes place.

By: Alderman VanGorder
Seconded: Alderman Quail

Approved: Ayes - 8
Nays - 0

RESOLUTION #31 OF 2007 - Consideration of a Resolution approving an exotic pet permit for a ferret owned by the Moshers at 30 ½ South Ave.

Alderman Michales stated that he had inspected the premises and he recommended that the permit be issued. He also asked that a permit for a snake be placed on the agenda for the next meeting.

By: Alderman Michales
Seconded: Alderman Terwilliger

Approved: Ayes - 8
 Nays - 0

Item No. 6 - Discussion of the moratorium to stop new construction of multiple unit housing and to stop the conversions of single family dwellings to multi-family dwellings from now until December 31, 2007.

Alderman Feiszli stated that the last Planning Commission meeting prompted a realization that over the course of the past few years has brought out the increase in housing congestion on the college hill. A lot of residents have contacted her and other Alderman telling them, this is enough and what can be done to stop this. She asked for a discussion to stop new construction of multi-unit housing and to stop the conversion of single family homes into two (2) or more multi-unit houses or apartments in the 2nd, 3rd and 4th Wards until December 31, 2007 of this year. She feels putting a deadline on it will force them to get the issue resolved. She asked Corporation Counsel to look into the possibility of doing this and she asked that the Council schedule a work session to discuss this issue and zoning. It was scheduled for April 17, 2007 at 5:30 p.m. She read the email that she sent to each of the Aldermen. Aldermen Partigianoni and Michales noted that there was student housing in all Wards and would it be limited to just those three (3) Wards. Alderman Partigianoni didn't feel that new building projects should be included in the moratorium. The Mayor noted that they should find out where they stood legally on a moratorium and he thought certain areas couldn't be singled out. Corporation Counsel Knickerbocker noted various questions he had and he would have to look into a number of issues being brought up about this moratorium and the resulting liability that might be incurred by the City by an adoption of a moratorium.

The Mayor suggested that perhaps a rental permit process that can be controlled be considered rather than a moratorium. Alderman Feiszli asked Mr. Knickerbocker to look into this, also. There was discussion regarding ideas in the current Master Plan and if they were enforceable. It was noted that the Master Plan was not an enforceable document, but a goal. It was noted that they could discuss setting up some enforceable legislation at the scheduled work session. This would give Mr. Knickerbocker time to look into this. Mr. Knickerbocker noted that he would not be at the April 17, 2007 meeting. Alderman Feiszli noted that the student housing has gotten out of hand and drastic things need drastic measures. It was noted that this could not be discriminatory. It was felt that much more discussion was needed and a plan was needed. The Mayor noted that the zoning issue has to be looked at because the three (3) unrelated is not being supported in the court. It also is hard to prove.

Individuals in the audience gave their opinions to the Council on this issue. The Mayor urged them to come to the Planning Commission Public Hearing on April 23, 2007.

Adjournment

By: Alderman Cobb
Seconded: Alderman Terwilliger

Approved: Ayes - 8
 Nays - 0

**I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO
HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR
MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON
THE 3RD DAY OF APRIL 2007. I FURTHER CERTIFY THE FOREGOING
RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER