



City Council Minutes The City of Cortland

May 1, 2007

Council Meeting #9
May 1, 2007
Regular Business Session
City Hall
7:00 PM

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

Staff Present: Corporation Counsel Lawrence Knickerbocker, Director of Admin. &
Finance Andrew Damiano and City Clerk John O. Reagan

Acting Mayor Feiszli calls the ninth Common Council meeting of the year to order at
7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Ann Doyle was present to thank Val VanGorder and everyone involved with the
Community Clean Up Day. She also spoke in regards to helping retain single family
older homes by making them more affordable for young buyers. She also spoke in
support of the housing moratorium and explained what they were working towards.

Mike Dexter was present. He has been attending various City meetings and he read a
Cortland Standard editorial regarding backyard housing in various areas of the City. He
is opposed to the 19 West Court Street project and gave his reasons.

Vivian Bosch was there to present a petition to the Council in support of the housing
moratorium and signed by four hundred seventy-four (474) local people. She noted that
it was not just against the 19 West Court Street project, but in support of the housing
moratorium. She noted that strong neighborhoods brought in businesses and
strengthened economic and social benefits. She asked for their support of the
moratorium.

Minutes of April 17, 2007

RESOLUTION #41 OF 2007 - Approve the minutes of April 17, 2007.

By: Alderman Quail
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Ward 1 - Alderman VanGorder

She thanked everyone who participated in the Community Clean Up. It was a tremendous success. They had all of two hundred (200) people that came. She thanked the media for helping get the word out. She felt bad that the newspaper didn't give them a bigger story. She noted all the different groups of people who volunteered. She thanked her husband, Gary and the Chamber of Commerce for all of the help. She also thanked the City and their employees who helped. She thanked Intertech, a sponsor; Graph Tex for the t shirts, the J.M. Murray Center who donated the bags, Deli Central who donated the coffee, Chris Gregory, who got a big group of kids from the High School. Kim McCrae from Reality Check who organized a group, Tom Quinn who got a group from the hospital and student government volunteers from the College and several of the Greek House representatives. She also noted that they worked with Lloyd Purdy and the Downtown group and Jerry Contento donated a dumpster which everyone used. The most positive thing about all of this was that they had twice as many people, but they did not have as much garbage as last year. That was their goal and she hopes that that continues. It was noted that a police officer also participated. Others noted that residents came out of their homes to thank participants and others showed their support.

Ward 2 - Alderman Terwilliger

She thanked Alderman VanGorder for organizing the Clean Up Day. She and her whole family participated that day. She reminded everyone that on Tuesday, May 8 at 7:00 p.m. there will be a combined Ward meeting at the Burch Building. She is working on a few issues. She has worked on a one particular issue, which she thought was remedied, but hasn't been. It is an issue with dumpsters being emptied at 5:00 a.m. in the morning. She has spoken with a College representative and will continue to work on this issue.

Ward 3 - Alderman Cobb

She thanked everyone who came out for Community Clean Up Day and it was a great success. Three small boys from Parker School came and helped along with some girls from the high school. Her Ward has been very quiet except for the moratorium. The Council and the rest of the City continue to work on this issue. She appreciates the public's feedback and the Council is making every effort to do the right thing.

Ward 4 - Alderman DeCarlo

He thanked Ann Doyle for single-handedly doing the clean up on Lincoln Avenue. She collected four (4) full bags. He also thanked John DelVecchio who donated a dump truck that day. They picked up two (2) loads in that as well as pick up truck loads. There was a lot of garbage picked up that day. He thanked his son-in-law who came from out of town to help. He has worked on a couple of housing issues. He has also been contacted about the storm sewers on Squires Street. He thinks that they need to be cleaned. When it rains, the water is standing in areas and on the corner of Squires down by Owego Street a neighbor has told him that the catch basin is raised so that is higher than the road grade. It was also reported that the plows are banging up the curbing at the driveways ends.

Ward 5 - Alderman Quail

He thanked everyone who helped and acknowledged the college students who volunteered. He attended the firemen's dinner and it was a good evening. The 5th Ward meeting was a very good one. A large number of constituents attended and they brought forth a number of concerns. Some of the concerns were in regards to the block grant and looking at people with low incomes. They were hoping the income levels could be raised so more could participate. His biggest concern is getting a good core of people together to lead the charge in driving the action plan so that all the items that they want to happen in the plan, do take place. He feels that it is a good plan and a majority of the people in attendance supported it.

Ward 7 - Alderman Partigianoni

He also attended the annual firemen's dinner at the Elks Club. It was fun as usual. He has had some code issues come up in the Ward and they have been looked into and resolved. He has received a number of calls regarding pot holes. He is happy to report that the DPW filled them shortly after he contacted them. One of the largest was on Clinton Avenue between Church and Main. The DPW put the grinder on that the next day and it will be paved soon. He received a call from a long time gardener in the East End wanting to know about the woodchucks. He inquired and noted that there is money allocated for Sweeney Pest Control and another firm. He asked that residents contact the Police Department and put their names on the list and until the money runs out, the woodchucks and skunks will be trapped. He asked if the senior citizen and disabled persons property tax exemption would be on the next agenda. He was told by Corporation Counsel that it would be placed on the table.

Ward 8 - Alderman Michales

He attended the firemen's dinner at the Elks Club last week. He hosted a Ward meeting last Wednesday night. Many questions were raised regarding zoning and code issues. He thanked Amy Bertini for being there to field some of the questions. He did his annual spring ride along with the City Police Department last Friday night. He had a chance to look at the new track system that was approved for installation in their vehicles. It is an automated system that prints out the tickets right in the vehicle and it copies the information right from your driver's license as well as the car registration. This is copied right on a form and the officer fills in a few blanks and the ticket is printed

right out. It cuts down on time and puts the officers back in the field in a much shorter time. He feels that it is a cost saving measure that is working out quite well.

He noted that they are working on some reporting features and will be rolling those out shortly. He noted that the Community Clean Up Day was quite successful and he thanked those who came out from the Ward to participate. One woman came out of her house to thank them for cleaning up the neighborhood. He noted that there was a pot hole on the corner of Cedar and Port Watson Streets that needs attention. It's quite large.

Ward 6 - Alderman Feiszli

She attended the River Trail Meeting that was hosted by C & S Engineers and the County Highway Superintendent Don Chambers. Basically it was a discussion regarding the design of the trail. It starts at Yaman Park and goes all the way up through the 6th Ward and ends up by the County Highway Garage. The next Sunday, she took her children and dog for a walk there. As a result, she had some questions. The engineers couldn't answer questions regarding liability and safety issues and she asked how the City was involved in the decision making process, how do property owners whose property is affected by the trail, etc. So there are a lot of questions that were not answered during that meeting. She would like to set up a meeting at their earliest convenience, so some of those questions could be resolved.

The Kennedy Parkway design plan for storm/flood water mitigation is 95% completed. The DPW has done the grinding of the top coat of the street so that it will all be repaved once the project is completed. She has a question regarding the sidewalk replacement now that the snow is melted. She has noticed in the newspaper that there is a City program, but some people have asked if this only applied to owner occupied properties. She asked if something could be written up for Council persons so they could answer questions for Ward residents.

She contacted the Planning Commission Chairperson in regards to the next stage for the Holiday Inn Express. There are two (2) major concerns: one being traffic concerns and the other being a four (4) story building being built in an area that is mostly two (2) or less in stories. Residents are concerned about how that would blend into the surrounding landscape. The architects have agreed to do a rendering showing the existing site from various angles with the proposed building. She will share that information with the constituents in that area once she receives it.

She thanked everyone for their efforts in the Community Clean Up Day. She recognized that it was a lot of work and she appreciates that a lot. She worked along the Plaza Drive area and the Riverside Mall. Chief Nichols rode by and she asked him if there was any program involving County inmates assisting in cleaning parking lots throughout the year and she hopes to hear back from Sheriff Lee Price on that.

She attended the SUNY Cortland 2007 Student Recognition Reception and she spoke about how student workers make contributions throughout our community and she noted that they are definitely an asset. She attended the CCTBS meeting; we

continued to talk about consolidation within the City and cooperation within the government. The next meeting will be with former Mayor, Marty Mack, who wrote, "Consolidation and Cooperation between Intermunicipal Governments". He co-wrote that in conjunction when he was working with Elliott Spitzer in the attorney general's office. She sent e-mails regarding meetings with the East End Businesses and 6th Ward last month and talked about a follow up. At the Business Showcase, a few of the members asked when this was going to be done. She asked for a meeting on May 14 at 6:30 p.m., with the location to be determined.

It was asked who was responsible for cleaning the public parking lots. Andrew Damiano noted that primarily the Public Works Department did it, but other departments did it as well.

RESOLUTION #42 OF 2007 - Consideration of the approval of a Community Development loan.

Linda Armstrong was present to answer any questions. She offered to go into executive session with the Council to provide them with financial information. Andrew Damiano noted that he sat on the Loan Committee and voted yes on this item. Alderman Michales asked if the applicant was living up to their employment obligation. Linda Armstrong noted that the note was closed on February 2007 and the applicant had three (3) years to create forty-seven jobs. In year one, they needed to create between sixteen (16) and twenty (20) jobs and right now they are at twelve (12) with only two (2) months into the year. She noted that there is an ad in the paper and they have hired only shift workers to this point, but are looking to hire two (2) managers. Once approved, she addressed the audience, telling them the loan was to Cortland Plastics. She gave information regarding the background on getting them to move to Cortland and the specifics on the loan agreement with them.

By: Alderman Quail
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLUTION #43 OF 2007 - Consideration of a Resolution authorizing the Mayor to enter into an agreement with Stub's Tree Service for tree and stump removal services.

It was noted that four (4) companies were contacted, as well as placing required legal ads and there was only one (1) bidder. It was also noted that Stub's, who was last year's contractor, decreased their price from last year's, pretty much across the board.

By: Alderman Partigianoni
Seconded: Alderman Cobb

Approved: Ayes - 8
Nays - 0

Item No. 3 - Discussion regarding proposed procedures for the issuance of street closing permits for neighborhood picnics.

Andy Damiano noted that in the Council packets there were the original proposed street closing procedures, the marked up copy with red print, came from Chief Nichols after his review. Alderman Feiszli noted that she met with Chief Nichols the day before. She said there was an issue with one (1) street in her Ward last year and there were concerns with the rules and regulations regarding alcohol, participation, the length of time and noise control. There were a lot of questions like those that were vague. She asked a group of people who have been doing this for seventeen (17) years if they would like to work with the Council in adopting a street closing permit application and procedure program. They got some samples from other municipalities and worked all winter on this to put this together. Then it was given to Chief Nichols for his review and changes, which is before you. She wasn't sure if this needed to be an ordinance and if they needed to have approval for the permit itself. Corporation Counsel Knickerbocker felt that it would be a good idea for the Council to approve the procedure in which it is done. Alderman Michales asked what the \$250 fee was for and Andy Damiano noted that it was for noise enhancement devices and this was already on the books in the existing ordinance. Andy Damiano noted that this fee had been collected in the past. The City Clerk would collect the fee; the Police Department would review the application and make then make a recommendation to the Council for their approval.

Alderman Feiszli asked if the Council could review this procedure and if it could be placed on the agenda for the next meeting. Corporation Counsel Knickerbocker noted that if it was approved, that would be all that would be necessary. Alderman Partigianoni asked if the \$250 was a new fee. Andy Damiano noted that it already existed, but that was for an amplification system. Typically neighborhood picnics had a radio or some other stereo device and did not have loudspeakers. This fee is for a loudspeaker or a live band situation. So in the past, these permits have not been issued for street picnics or closures, but they have issued them in the past for events at Courthouse Park, etc. They have also waived that fee for not for profit organizations or charitable organizations, but have still issued the permit. It's very unusual for a neighborhood group to ask for one of those permits. There are very strict regulations for approval of the application for that permit. It will be a guideline for street parties and applicants can expect the police to drop off barriers and then return to pick them up. Seventy-five percent of the residents on that street must be participating and Chief Nichols is working on a flyer to notify all residents for a closed off area of the coming closure. Andrew Damiano stated that there were major concerns in regards to parties sponsored by a particular group of individuals in this community that might get out of hand with participants drinking large quantities of alcohol. He asked that they might want to consider limiting these permits to a season of just a few months, such as June, July and August. Alderman Partigianoni asked that the times of street closure be added to the permit application per Chief Nichols recommendation. This will be on the May 15 agenda.

RESOLUTION #44 OF 2007 - Consideration of a Resolution to add an agenda item to discuss the moratorium.

By: Alderman Quail
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Item No. 4 - Discussion of the housing moratorium.

Alderman Quail asked Corporation Counsel for the status of this housing moratorium. Corporation Counsel Knickerbocker understood that he was to contact outside counsel, but before he did that, he wanted to get a defined set of what the Council wanted him to hire this person or ask them to be doing. He has developed a list of individuals to contact. He wanted to clarify if they wanted him to ask the individual to deal with the moratorium issue or if they wanted him to ask the individual to deal with a more expansive idea as far as reviewing and revising the City Zoning Ordinances in conjunction with the zoning map and master plan, as well as dealing with some of the questions that have come up. These include density, lodging, permit systems, etc. He needs further direction so that he is clear on what to ask of these individuals he will be contacting.

He felt that the first issue would be the moratorium. How long, the liability, should it be done, does it match with our master plan and our existing zoning map, etc. Then his intention would be to have that person report back to the Council with what their determination is and then get further guidance from the Council to move on from there. He will contact the attorneys immediately and evaluate them once he is clear on what the Council would like.

Alderman Feiszli would like it by zones instead of Wards, as far as being on the moratorium. She read what she had written for Corporation Counsel to ask each attorney.

This resolution requests that the Corporation Counsel determine the legality of the City in enacting a local moratorium law obtaining additional assistance as he deems necessary. If it is determined that the City has such authority, the Corporation Counsel is directed to prepare for the Common Council consideration, a local law enacting a moratorium on:

1. The issue of permits and approvals of construction of new multi-unit and two-unit housing or
2. The conversion of single family or two-family buildings to multi-unit and two-family housing or
3. Creation of additional housing units in existing structures.

The proposed local law would include an initial 180 day moratorium period. (She took out the extension of this 180 day period, per Corporation Counsel's advice.) The moratorium would affect all City areas currently zoned R1, R2, R3 and R4.

The purposes for the moratorium would include:

1. A review of the present zoning areas in the City of Cortland,
2. Determining if changes to zones or permitted uses in zones should be made or
3. Addressing issues of density, neighborhood preservation, impact on fire and police resources or
4. Making other code amendments to better align the City Code with
 - a. The City Master Plan and
 - b. The County Comprehensive Plan
 - c. Other recommendations for the City's land use

Corporation Counsel is directed to provide his opinion, recommendations and proposed local moratorium laws, if appropriate, to the Common Council by May 12, 2007 for their review.

Alderman Feiszli stated that this basically asks if you are or are not in favor of a moratorium providing that legality can be established. The deadline is given so we can move forward if so desired. This is the first step in a process. This will be a local law and it will have to go to the County Planning Commission for their recommendation, the City Planning Commission for their recommendation, Zoning Board of Appeals for their comments; so it is not something that we'll be voting on right here, right away. It's got to go through a local law procedure and then finally after it has been tweaked, then that's when the Council will be voting on it.

Alderman Terwilliger asked if the proposed time frame was appropriate. Corporation Counsel indicated that it was a bit tight. Alderman Terwilliger asked that in addition to their looking into the moratorium, if they could look into the feasibility of the rental permit plan that Mayor Gallagher proposed at the last work session. Corporation Counsel indicated that they should look at all aspects. It was noted that the City Planning Commission should also be contacted and let them try to define the issue, so the process can be started by them. There is the possibility that they might meet sooner if certain project applicants submitted further plans earlier in the month. He will work on getting this done by May 15, but with all of the things to read, that it is a lot of work for them to undertake in a very short time.

Alderman Feiszli noted that if this was determined to be legal, then they would work on defining this local law. She thinks that would be the first step. Corporation Counsel Knickerbocker asked if the attorney should address the first three (3) items that were read. Alderman Quail noted that he would like to see the moratorium address the adding of a second structure on a property. Corporation Counsel Knickerbocker noted that was adding a secondary primary use on a single lot. Alderman Feiszli asked what Alderman Quail's purpose was in asking that question as far as the moratorium is concerned. He felt that it should be addressed on an existing lot to address density and neighborhood preservation and the effect on public resources. Alderman Terwilliger noted that they could extend the date, so that Corporation Counsel could do this appropriately and not rush this. She means another few weeks. Corporation Counsel Knickerbocker noted that he would share the information as soon as it was received and not necessarily wait for another meeting past the 15th.

RESOLUTION #45 OF 2007 - Consideration of a Resolution requesting that the City of Cortland Corporation Counsel determine the legality of the City in enacting a local moratorium law obtaining additional assistance as he deems necessary. If it is determined that the City has such authority, the Corporation Counsel is directed to prepare for the Common Council's consideration, a local law enacting a moratorium on:

1. The issue of permits and approvals of construction of new multi-unit and two-unit housing or
2. The conversion of single family or two-family buildings to multi-unit and two-family housing or
3. Creation of additional housing units in existing structures, or
4. Adding a second primary use on a single lot

The proposed local law would include an initial 180 day moratorium period. (She took out the extension of this 180 day period, per Corporation Counsel's advice.) The moratorium would affect all City areas currently zoned R1, R2, R3 and R4.

The Common Council also directs Corporation Counsel to submit the information regarding the moratorium to the City Planning Commission for their consideration and review. These things should be done and submitted to the Common Council by May 12, 2007 or as soon as possible thereafter.

By: Alderman Terwilliger
Seconded: Alderman Feiszli

Approved: Ayes - 8
Nays - 0

Adjournment

By: Alderman Terwilliger
Seconded: Alderman Cobb

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 1st DAY OF MAY 2007. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER