



City Council Minutes
The City of Cortland
August 5, 2008

Council Meeting #13
August 5, 2008
Regular Session
City Hall
7:00 PM

Present: Alderman Benedict, Dye, Tobin, Quail, Feiszli, Hamilton and Michales

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

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

PLEDGE OF ALLEGIANCE

The Mayor announced that twenty-five (25) years ago today, was the first televised Common Council meeting. He noted that Vince Minella was instrumental in operating that and he recognized him for his work.

PUBLIC COMMENT

Dick Menapace was present representing himself and his neighbors on Chestnut Street and he was encouraging everyone located in the new FEMA revised floodplain to attend the meeting on August 20, 2008 at 7:00 PM in the Auditorium of the County Office Building. He delivered flyers to the Aldermen of the affected Wards. He noted that there were two hundred and twenty-nine (229) households affected by this Ward 1. Alderman Benedict had fifty-seven (57). Alderman Dye had a total of ninety-nine (99). Alderman Feiszli had thirty (30) in her Ward. He was asking the Aldermen to obtain volunteers to distribute the flyers the weekend before the meeting. He urged as many as possible to attend the meeting on August 20 and to bring their concerns and questions to FEMA and the DEC.

Minutes of July 15, 2008

RESOLUTION #83 OF 2008 – Approve the minutes of July 15, 2008 as amended.

By: Alderman Dye
Seconded: Alderman Hamilton

Approved: Ayes – 7
Nays – 0

Bills were reviewed and received.

Mayor's Report

He did radio interview with WHCU and attended the Partigianoni dedication. He met with representatives of the Town of Cortlandville to discuss on-going cooperative efforts. He was a guest speaker at Rotary breakfast club. He attended the annual ARCO Day in the Park. He also met with representatives of Marietta Corporation. He attended the swearing in of the new magnetometer officers. He attended the farewell party for Susan Williams at the Youth Bureau. He attended the Arts and Wine Festival at Court House Park.

Ward 2 – Alderman Benedict

He attended the hearing on 50 Tompkins Street and the regular meeting of the Planning Commission. He attended the Housing Committee meeting and he went to the Arts and Wine Festival. He was out of town and unable to attend the dedication ceremony. Alderman Michales referred a situation to him regarding the flooding problems at the Cortland Fitness Center. He is working on that. He has received the new revision of the Code and he asked what the next step would be to get that into law.

Corporation Counsel Lawrence Knickerbocker noted that it was not a completed document, there are some things that can be added to this if the sub-committee desires and Mr. Cheney is looking for some direction on this. Mr. Cheney is willing to meet with whomever to discuss the implementation of this and any proposed changes.

Ward 3 – Alderman Dye

He's received three (3) emails and has spoken to two (2) people regarding the use of City vehicles. All seemed to be in favor of the way vehicles are currently being used, but two (2) of the three (3) were in favor of having a written, enforceable, policy in place. One (1) person suggested that to cut down on the number of cars that were driven home at night and on weekends, was to have a rotating person on call for departments other than fire and police.

He has spoken with three (3) people about the FEMA flood control map. He advised them that there would be another meeting coming up on August 20 with FEMA and if they still had questions to contact Amy Bertini at City Hall.

He walked the neighborhood around Stevenson Street and spoke with a professor that still has issues with student housing. One concern he had is the placing of small signs in yards advertising apartments for rent.

He has spoken with a couple of people regarding the committee that Alderman Tobin is in charge of. They have nothing but praise for the way his committee utilizes input from everyone, to gain ideas, suggestions and potential solutions to a large ugly situation.

Ward 4 – Alderman Tobin

There was a Housing Committee meeting where we discussed having the rental permit program proposal to the City Council in time for our September 2, 2008 meeting. They also met with a couple of representatives from Thoma Development to try to get more feedback on where the steering committee is going with some of the ideas for housing. He met with Director of Administration and Finance Andrew Damiano and Mayor Gallagher to discuss the concept of consolidation of services, what has been done, what could potentially be done.

He attended the Town of Cortlandville's Zoning Board of Appeals and the Planning Commission meetings for the student housing complex proposed for Tompkins Street Extension and it did get approval. A letter was read from Corporation Counsel Knickerbocker opinion aquifer protection evaluation showing the City's concern for development outside of the City.

He has been following up on the towing situation to obtain more information which will be discussed later in this meeting.

Ward 5 – Alderman Quail

He noted that he was out of town and apologized to the Partigianoni Family for not being able to attend the dedication. He noted that Jimmy was a person who had the City close to his heart and noted that he was missed.

He has been dealing with some Code issues. He also noted a situation where it's reported that there is a house with fifty (50) cats in it. He is looking into that. He thanked the City Planning Commission for denying a variance request for a house on South Avenue. He noted that there was a lot of density in that area and he felt it was a good move by the Commission.

Ward 6 – Alderman Feiszli

She received a call of concern regarding the recent assessments in the Hickory Park and Morning Side Drive neighborhood. The City Assessor has agreed to review all of the assessments in those two (2) neighborhoods. Property owners will be receiving the revised assessments by the second week of August.

She received a call regarding late trash pick up, which was reported to Administration and the DPW. She also received a call regarding a vacant house on Willow Avenue that is overgrown with grass, brush and dead trees. She contacted the Code Office and they took care of the yard and she is trying to locate the owner of the property as there are some other issues going on right now.

She received a call from a constituent on Miller Street who had a concern about vandalism on her property. The issue has been reported to the police and she directed the individual to the neighborhood watch group to be added to their phone and email list. She received a call of concern about storm water run-off from the street onto private property. She contacted the DPW and they went right over to talk to the property owner and a swale will be constructed to divert the water to a nearby drainage pipe. She received some calls about branches hitting utility wires. She contacted the Police Department regarding a couple of issues of trespassing. In regards to the flood maps, FEMA and Soil and Water have been reviewing the mapping and they are in the process of preparing a report to send to the DEC and FEMA stressing their technical concerns and questions. This report is expected to be completed by the end of this month.

She received an email from the neighborhood watch on Euclid Avenue where gas has been stolen from two (2) vehicles. After many discussions with Director of Administration and Finance Damiano, regarding the use of City vehicles, they have agreed to work together on a policy and we plan to have a draft for the Council to review in September. She asked the Council's permission to remove Item No. 9 off of tonight's agenda.

Ward 7 – Alderman Hamilton

He had several residents who have either missed appointments or have been late getting back to work on their lunch hour because a train was blocking the street. He's speaking with officials on how this can be avoided, perhaps with a better train schedule. He's still concerned about emergency response issues because of such lengthy stops.

He would like to thank Chief Nichols and his officers for efficiently handling a late night party and a trespassing problem that occurred recently.

He has had questions from residents regarding the changes in polling places. He spoke with a representative from the Board of Elections and was informed that the polling places had been consolidated because they now had fewer voting machines and the decision on where the polling places would be was based on the areas where more people voted.

The East End Community Center is hosting a back to school health and safety night on August 27th from 5 to 8 PM. The event is free. The East End Community Center Advisory Board will be holding a Christmas Lighting Contest. Details are being worked on and he will keep everyone informed.

Ward 8 – Alderman Michales

He was unable to attend Jim Partigianoni's dedication because he was out of town. He placed a call to Carol and the family. He thanked Chris Bistocchi and his crew for doing a great job on cleaning up Franklin Street which included the old couches, mattresses and other items dropped off for the City to deal with.

He attended the Housing Committee Meeting at the Blue Frog. He forwarded a courtesy call to Clay Benedict for a business and he met with the business owner to assess the damage. He attended the Arts and Wine Festival in the park on Saturday.

He received a call from a constituent regarding fecal matter in the yard from ducks, geese and pigeons that are being fed by a person on the Port Watson Street bridge. He placed a call to City Administration and the County Health Department due to medical issues with the homeowner.

RESOLUTION #84 OF 2008 - Consideration of the following actions relating to the Cortland Celtic Festival:

- A. Use of the City's portion of Courthouse Park from August 22-24, 2008 to stage the event.
- B. Use of a portion of the area for a tent where alcoholic beverages will be served.
- C. Closure of Central Avenue, from Church Street to Greenbush Street, on August 23, 2008 from 9:00 A.M. to 5:00 P.M.

Dan Ross was present to review last year's success and to provide information regarding this year's event. Alderman Michales asked that the park be left in the same condition it was found in prior to the event. Mr. Ross noted that he would fill in holes and reseed and everything would be cleaned up. An insurance certificate will be provided.

By: Alderman Feiszli

Seconded: Alderman Quail

Approved: Ayes – 7

Nays – 0

Item No. 2 – Update on yard waste collection.

Alderman Feiszli indicated that she would contact the Mayor tomorrow with further information. It was noted that as of this date, the County had not assisted in the pick up of yard waste.

RESOLUTION #85 OF 2008 - Consideration of the confirmation of the Mayor's appointment of Pam Abbott to the Historic District Commission.

By: Alderman Dye
Seconded: Alderman Michales

Approved: Ayes – 7
Nays – 0

RESOLUTION #86 OF 2008 – Consideration of a Resolution authorizing the issuance of sound enhancement device permits for The Stone Lounge (128 Main Street) for the following dates, from 6:00 P.M. to 10:00 P.M.: August 6, 13, 20 and 27, 2008 and September 3, 10, 17 and 24, 2008 (separate permits are required for each event).

Alderman Dye inquired about the number of bars going to decks and fenced in areas where they are serving alcohol and expressed a concern regarding their close proximity to sidewalks and pedestrians. Chief Glover and Amy Bertini noted that the Planning Commission reviewed each application regarding location and the public right of way. It was noted that the State Liquor Authority also had to approve these outside locations. Chief Nichols was asked if there were previous noise complaints regarding this property and he noted that there were none. Joey Hage also asked for September 3, 2008 and discussed the differences between amplified and non-amplified bands and the fact that a permit was only needed for amplified bands and not acoustic ones.

By: Alderman Dye
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Item No. 5 – Discussion regarding a proposed “Booting and Towing Law”.

Alderman Tobin passed out information. Chief Nichols noted that this type of law has increased revenues in other cities that have used it. He noted that the booting would begin when there was \$100 or more in outstanding tickets for an individual. He went on to say that other cities started the program with an amnesty period prior to implementation of the ordinance. His question for the Council was if they would require payment of the fine and penalties during this amnesty program or just the original fine. Connie Sorrells noted that she would like to see the penalty amounts paid. It was noted that the penalty would be the booting and the amnesty would be when the person would have time to pay and if the outstanding tickets aren't paid, then their car would be booted. Corporation Counsel Knickerbocker noted that this needed to be enacted by local law. Chief Nichols noted that a tow service would have to be selected, because they would be the ones placing the boot on the vehicles. The patrol cars would track down cars with outstanding tickets with their license plate reader and then contact the Finance Department to verify that the tickets are still outstanding and when that is

verified that they are still owed, they'll then contact the towing company. The idea behind this is compliance. The person who's car is booted will have to pay the outstanding tickets, the penalty fees, the towing fee and the storage fees, which could mount up to be considerably more than the outstanding, overdue tickets. It was noted that the booted vehicle would remain where it was booted for twenty-four (24) hours if it wasn't impeding traffic. It was noted that there were two (2) individuals who owed over \$6,000 total. Alderman Michales asked if the City had any jurisdiction to go after people who had moved out of the community. Mayor Gallagher stated that the scoff law addressed those outstanding fines as long as those people didn't turn in their plates. A tow owner operator, who was in attendance (Stupke), noted that people who owed more than the vehicles were worth might not claim the vehicles. Mayor Gallagher indicated that they would probably be auctioned off if not claimed.

Director of Administration and Finance Andrew Damiano asked the Council if they wished to start the process of enacting this as a local law. Corporation Counsel Knickerbocker asked that they establish an effective date for this so that an amnesty period could begin. He asked for a date other than the filing date with the State. Director of Administration and Finance Andrew Damiano asked the Council if they also supported the idea of not forgiving the penalties that have accrued. They have been billed repeatedly and there have been costs involved in this process already. It was noted that the current parking tickets were about \$15 to \$30. The Council agreed to have an amnesty period, but there would be no forgiving of accrued penalties and a public hearing would be scheduled for September, but the local law would be placed on the table at the August 19, 2008 meeting. Alderman Tobin spoke about the current towing fees and he noted that the current fees, the proposed new fees, storage fees and what the towing policy currently is, should be published. Mr. Stupke's company would be first on-call and if they didn't respond in the specified time, the next company would be called. He also noted that there was an abandoned vehicle law and he was concerned that the City might be open to liability regarding abandoned vehicles stored in a tow lot. He felt more research should be done on this. There were concerns expressed about obtaining title to such vehicles and what to do with the vehicle until title is received and who would be responsible until it was received. He felt a flyer should be published and given to the offender outlining what will be done if they don't claim the vehicle by a certain time. Corporation Counsel Knickerbocker also noted that some of these cars could have liens on them already such as outstanding car loans.

Item No. 6 – Consideration of a request submitted by Zion Restoration Ministries to stage a Christian “Hip Hop Day in the Park” on September 6, 2008 from 11:00 A.M. to 4:00 P.M. and further requesting the following:

- A. Use of the Showmobile
- B. Use of the City's portion of Courthouse Park
- C. Issuance of a Sound Enhancement Permit

This item has been withdrawn from the agenda by Diane Ferri, the requestor.

RESOLUTION #87 OF 2008 – Consideration of a Resolution to place a proposed Local Law on the table establishing fees for sprinkler systems, authorization is needed to schedule a public hearing on the issue for 7:00 P.M. on August 19, 2008.

Alderman Benedict and Alderman Tobin expressed concerns about allowing enough time for the College and some smaller not-for-profits to budget money to pay for this. It was noted that charges were for a per line location to cover places with multiple lines.

By: Alderman Feiszli
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0

Item No. 8 – Continuation of discussion regarding the proposed Rental Housing Law and revisions proposed for the Code of Ordinances and Zoning Laws.

Alderman Tobin noted that questions were given to Mr. Cheney and it was hoped that something would be available for the Council by the first meeting in September. The idea would be, in terms of implementation, to get all of the properties registered with Code Enforcement during the first year and then having the next two or three years after that where Code Enforcement would have the opportunity to evaluate how many units we're talking about. He felt that the steering committee for Thoma had done a good job of identifying properties, but not the number of units at each property. There are discrepancies. He felt that giving a year to register so that the City could officially have a grasp on the number of properties that are out there and then enforcement would follow. Over-occupancy could then be better determined. He felt that the building owners would be responsible to contact Code Enforcement to register their properties, giving them the number of units and the number of beds in each property. He hopes that the Housing Committee will have a document to share and talk about at the September Council meetings. They also have to have a recommendation regarding three unrelated versus square footage. Director of Administration and Finance Damiano noted that the Council would also have to address the issue of manpower in the Code Office. It will be impossible for them to deal with the additional workload with the existing staff. Alderman Tobin felt that fees established might help offset the cost of additional personnel or perhaps there were grants out there to help. Mayor Gallagher noted that David Briggs, the assessor, might be able to be another resource in reporting on the properties. It was noted that this will be a self-reporting program to start, but it will be good to have other assistance with this.

Corporation Counsel Knickerbocker noted that there are some other items that Mr. Cheney can put into this document and then he can come down and speak to the Council. After that, the document has to go to County and City Planning and then a public hearing will need to be held and then SEQR review done, as well. Alderman Benedict asked if City Planning received these preliminary copies. Corporation Counsel

Knickerbocker stated that he would give copies to the all of the members who had not already received a copy.

Adjournment

By: Alderman Tobin
Seconded: Alderman Benedict

Approved: Ayes - 7
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 5th DAY OF AUGUST 2008. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER