



City Council Minutes
The City of Cortland
September 2, 2008

Council Meeting #15
September 2, 2008
Regular Session
City Hall
7:00 PM

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

Staff Present: Corporation Counsel Lawrence Knickerbocker

PLEDGE OF ALLEGIANCE

**Public Hearing: Local Law No. 2 of 2008 – Creating a car “Booting Program”
for failure to pay parking fines.**

Mike Dexter was present. He supported the Booting Program.

There was no one further to speak.

The public hearing was closed.

Mayor Gallagher calls the fifteenth Common Council meeting of the year to order at 7:05 PM.

PUBLIC COMMENT

Ann Doyle also indicated her support for the Booting Program. She thanked the police department for their presence since the college was back in session. She felt that many students were trying to be good neighbors. She inquired about the three (3) unrelated occupying an apartment. She was aware of some cases where there were more than three (3) unrelated individual occupying an apartment. She wanted to know if anything was going to be done about this. She also wanted to know about the for rent signage that is still up. She noted that some slow progress was being made on these issues, but she asked that others who are unhappy about the progress, they should contact the Mayor, their Alderman or the police. She urged citizens to participate with government.

Minutes of Aug 19, 2008

RESOLUTION #97 OF 2008 – Approve the minutes of August 19, 2008 as amended.

By: Alderman Benedict
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

He attended the FEMA meeting at the County Office Building. He did a radio interview with WHCU. He met with Governor Paterson's advance team several times to plan for his visit. He introduced the Governor at the Clocktower ground breaking. He met with Chief Nichols and Deputy Chief Catalano and a representative from a company interested in providing a parking ticket program for the City. He met with Brown & Brown to discuss upcoming premiums with Blue Cross/Blue Shield. Brown & Brown is our agent handling our Blue Cross/Blue Shield insurance.

Ward 1 – Alderman VanGorder

She attended the FEMA Revised Flood Plain Meeting at the County Office building. Unfortunately it was not set up in a question and answer format, but there were several stations set up to answer individual questions. Despite the format there were over one hundred (100) people there, so it was a very good turnout. She thanked and commended the group in her Ward including Mr. Menapace, Beverly and Ash Ellefson, Mike Pitcher and so many others who have worked tirelessly on this issue.

She also attended a Comprehensive Planning Board meeting. They discussed housing in the City and the vision of what kind of house they would like to see developed in the city, such as the South Main Street plan of repairing and remodeling existing housing and looking to add new housing that would appeal to young professionals or to older residents looking to downsize. She also had a couple of other issues in the Ward that she is working on or that have been taken care of.

Ward 2 – Alderman Benedict

He received a couple of calls regarding front yard parking and he's looking into that. He attended the FEMA Flood Map meeting as well as the Governor's Clocktower groundbreaking.

Ward 3 – Alderman Dye

He spoke with two (2) families in his neighborhood concerning a two family house that is for sale on our street. One person had heard that someone is buying the house and will

convert it to student housing. Although the house is not in his Ward, it is across the street from us.

He received two (2) e-mails concerning the FEMA meeting in August. Both were concerned and upset that people were unable to question and voice their concerns about the maps. One e-mail stated that they got more input and satisfaction from the joint Ward meeting in July. He was approached by a neighbor regarding a problem with skunks roaming in backyards near Madison Street. He noted that there is still a real problem with feral cats. The cat problem has multiplied and is not getting any better.

Ward 4 – Alderman Tobin

He noted that a Housing Committee meeting was held August 26, last Tuesday. They have gotten as much done for the rental permit program as they can and they want to bring it to the Council to look at recommendations from the committee and to move forward with the Rental Permit Plan. He was hoping that the latest copy of the plan could be given to the Council and placed on the agenda for September 16, 2008 for discussion.

He noted that the Housing Committee would like to become a permanent fixture. There are many housing issues in the City and a committee is needed to consistently pay attention to those issues. There was a neighborhood gathering with a closing of Pearl Street on Labor Day. He thanked Wendy Flacco and Cheryl Cody for organizing the neighborhood event. About eighty (80) people attended the neighborhood event.

He also announced that he is scheduling a Ward meeting to be held jointly with Tom Hartnett, the 4th Ward Legislator. It is tentatively scheduled for Barry School Cafeteria, 7 PM, September 9th. The possibility of establishing neighborhood watches will be on the agenda.

Ward 5 – Alderman Quail

He attended the groundbreaking ceremony for the Clocktower. He met with the owner of a South Avenue unit that is looking to rehab it. He had some interesting discussions regarding the reduction of density in the area. He felt that they should continue to reduce density in those areas. He is still working with some residents on Code issues. He had a skunk at his property.

Ward 6 – Alderman Feiszli

She noted that the monies for rodent control have been depleted and homeowners would have to bear the cost of removal themselves. She spoke with Chief Nichols about a different plan for next year, in that the City could perhaps pay half the cost of each removal and get twice as many rodents removed.

She noted that traffic by the Riverside Mall at the new bridge was horrendous a few weeks ago while students were going back to College. She checked the timing of the light, which appeared to be working correctly. Bridgework is moving along smoothly and should have additional lighting and more lanes will be open this month. There will be more sidewalks, crossing lights, etc. She noted that there has been some interest at the Riverside Plaza with the potential acquisition, which is exciting. She noted that the East End Strategic Plan that she has been working with individuals and Thoma Development on. She noted that is very positive for the East End in applying for funds. She asked for volunteers who would like to participate in this process to contact her. She had a couple of issues that were turned in to the Code Office and are currently being addressed.

She noted that the meeting with FEMA and the public went smoothly for the most part. A petition was presented signed by one hundred thirteen (113) people who were in opposition to the expanded flood zone. She asked if the Council agreed to file an appeal this evening, that this petition will be included as evidence of community support. She thanked all those individuals who worked on this and Pat Reidy and Amanda Barber of Cortland County Soil and Water Conservation District for their assessment of FEMA's New Floodplain Delineations for Otter and Dry Creek.

Alderman Quail noted that he disagreed with her proposal regarding partial payment for skunk removal. He felt that would lead to a lot of record keeping. The Mayor noted that some individuals had used the service five (5) and six (6) times depleting the funds and that perhaps the City should set a limit of perhaps a single use per year.

Ward 7 – Alderman Hamilton

He thanked Aimee Milks and the Cortland Standard for their timely and informative article concerning the railroad traffic problems and the steps being taken to alleviate them. He also thanked Amy Bertini for her efforts in addressing traffic and lighting concerns of the residents living next to the new Tim Horton's Restaurant. On September 8th, workers will be installing filters on the lights outside and trees are being removed at the entrance. He noted that another sign was added at the parking lot exit to help with traffic flow.

He attended the Back to School Health and Safety Night at the East End Community Center. This event was well attended and a great kick off to the new school year.

He is also hosting a Ward meeting at the East End Community Center on Thursday, September 25th at 7:00 PM and he hopes to have a guest speaker. He will also have a short meeting to address neighbor's concerns.

Ward 8 – Alderman Michales

He attended the groundbreaking ceremony at the Clocktower Building. He attended the County meeting held at the County Building regarding the proposed plans for the new

DMV and the Office of the Aging Building. This was a great topic for discussion a few years ago. He was dissatisfied with the delivery entrance at the Main Street site portion of the building. He expressed concerns regarding traffic and school buses.

He noted that the Second Annual Block Picnic which was another great success with over sixty (60) people showing up for great food, good weather and good neighbors. He gave special thanks to the picnic's organizers.

He had some Code related issues at the Squires Apartments. There was some debris along the fence line in the rear of the building. There was also a strong concern expressed regarding litter along Tompkins Street this past weekend. There were a lot of take-out containers, pizza boxes and plastic cups. He also asked that he had a National Grid issue and that Pole #3 at Woodcrest and Sunset had a light out. He also received a call from a neighbor regarding workers at 50 Port Watson Senior Center getting styrofoam in the air which was getting all over that neighbor's newly oiled driveway.

The Mayor read a proclamation honoring the 80th Anniversary of St. Mary's School.

Item No. 1 – Presentation by Pat Reidy of the Cortland Soil & Water Conservation District regarding his review of FEMA's revised plans.

Pat Reidy noted that Cortland Soil & Water has conducted an assessment of the floodplains that were recently delineated by FEMA and prepared a technical report based upon that assessment. It was sent to FEMA and the DEC as well as to other interested individuals and government representatives. They believe that the floodplain that was recently delineated is inaccurate and doesn't represent a one hundred (100) year or one (1) percent event. There are two (2) main reasons.

One being hydraulically, it's implausible. There's a standard approach to delineating floodplains. You take a peak flow rate and you apply it to the geometry of the stream channel and based upon standard scientific procedures you come up with a water level for that flow rate. FEMA did that for Otter and Dry Creeks, but they combined those two because they said that there was no high ground between those two streams and they took the higher level of either stream and applied it to the other. Long story short, it's made a floodplain that really isn't practical. He felt that the new flow rates were much higher than what the original flow rates used for the individual streams.

This report was sent off and we requested that they revisit these floodplains and reanalyze them. It doesn't mean that they will do that, but the best case scenario is that we prepared this technical report and that they are going to read it and agree with it and go back and redo the floodplains. He noted that the ninety (90) days started on August 1, 2008 and we have requested that they respond to this by October 1, 2008, which will be sixty (60) days out. If we can get an answer from them on whether they will delineate this or that they want more information, it will be worth the community's while to continue to think about doing a formal appeal, so that they can get it in by the ninety

(90) days. There was some confusion regarding an extension and that should be obtained in writing. He also noted that he was unsure that enough information was given in this report for an appeal based on information on the website. He noted that the report was pointing out flaws in their methodology rather than providing technological data. Soil and Water probably couldn't provide that data and should hire an engineer. He has heard from various people, that you don't need to go through all of that process, however, the website indicates that you do need to go through that process. He felt that should be gotten in writing from someone from FEMA. The good news is that there is information in their report that a reasonable person would use to re-evaluate the determination.

The Council felt very positive about the report provided by Soil and Water and thanked Mr. Reidy. The Mayor asked that property owners wait to file their appeals until after the City has filed its appeal. He felt it would save the property owners money.

RESOLUTION #98 OF 2008 – Consideration of the adoption of Local law No. 2 of 2008 creating a car “Booting Program” for failure to pay parking fines.

By: Alderman Benedict
Seconded: Alderman Tobin

Roll Call Vote: Alderman VanGorder – Aye
Alderman Benedict – Aye
Alderman Dye – Aye
Alderman Tobin – Aye
Alderman Quail – Aye
Alderman Feiszli – Aye
Alderman Hamilton – Aye
Alderman Michales – Aye

Approved: Ayes – 8
Nays – 0

RESOLUTION #99 OF 2008 – Consideration of a Resolution amending Chapter 11, Article IX, Section 11 of the Code of Ordinances to create a registry of towing companies willing to remove vehicles by order of the City (tabled on August 19, 2008).

Corporation Counsel Lawrence Knickerbocker noted that this had been tabled because of some differences between what Alderman Tobin had brought to the Council and what the Police Department had set forth internally and they had been using for forty (40) years. It will be up to the Council to adopt one or the other or come up with a merge of these two documents. There was some discussion regarding the purchase of boots, how many might be needed and which tires they might be installed on. There was some discussion regarding the registry fee for towing companies and if some companies would stop participating. It was noted that the actual reason that this was brought forward, was to allow the towing companies to charge more than what was

currently being allowed by the Code as costs had gone up considerably for these companies. Alderman Tobin explained some points of his proposal. He noted that other than changing the rates and drop the creation of a registry and that an informational flyer be given to the owner of the car being towed. Corporation Counsel Knickerbocker felt that it was not the City's responsibility, but the tow company's responsibility. Alderman Feiszli asked if there was a liability to the City by creating a registry or if there should be a disclaimer to protect the City. Deputy Chief Catalano noted that tow truck companies already provided information regarding rates and regulations regarding length of impoundment before a vehicle could be confiscated by the towing company for non-payment of towing and impoundment fees. Corporation Counsel Knickerbocker noted that they would be deciding about the revised fee schedule, the registration fee and also what has been regularly utilized, which are the guidelines currently used by the City Police Department and whether you want to incorporate them into the Code to more formalize what has been the Police Department's internal procedures for this.

It was noted that they would amend Chapter 11, Article IX, Section 11 as set forth in the letter dated August 8, 2008 dealing with the revised towing fees for the work performed at various times and the additional storage fee per day.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

Continuation of a discussion regarding a proposed local law that would require project sponsors to pay for third party review of projects by engineers and/or architects for projects being considered by the Planning Commission and/or the ZBA (tabled on August 19, 2008).

Corporation Counsel Lawrence Knickerbocker noted that he would be meeting with Nancy Hansen, Chairperson of the Planning Commission and Ken Teter, Engineer/Advisor to the Planning Commission later this week. He will be discussing this matter at that time. He noted that they had some suggestions and he would like to also get input from Chief Glover at that meeting and then to bring this proposal back to the Council after that. He felt that the concept was fine; it just needed some minor adjustments. He asked that this be tabled until September 16, 2008 until he could have the revised form for their review.

Alderman Feiszli noted a concern that these fees could hold someone hostage or that this would cost the City more money.

RESOLUTION #100 OF 2008 – Consideration of a Resolution authorizing the submission of an appeal to FEMA questioning their Flood Insurance Rate Maps of 2008.

Alderman Benedict asked if an engineer would be necessary prior to filing this appeal. The Mayor noted that this was not necessary to file the appeal and that these map changes affected a lot of people.

By: Alderman Michales
Seconded: Alderman VanGorder

Approved: Ayes – 8
Nays - 0

Adjournment

By: Alderman VanGorder
Seconded: Alderman Tobin

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 2nd DAY OF SEPTEMBER 2008. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER