



City Council Minutes
The City of Cortland
October 21, 2008

Council Meeting #18
October 21, 2008
Regular Session
City Hall
7:00 PM

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

Staff Present: Director of Administration and Finance Andrew J. Damiano and
Corporation Counsel Lawrence Knickerbocker

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

Jim Cunningham was present talked about work being done on the flood maps and supported funding for the building of a berm at the Water Works.

Len Ralston agreed and supported the building of a berm at the Water Works.

Edwin Keep, Commander of the VFW expressed that he had concerns with putting the Farmers' Market in the Market Place Mall parking lot.

Joan Franklin is a long-time vendor at the Farmers' Market. She gave some history of the market. She would like the market to stay on Main Street because she thinks it helps both the downtown businesses and the market. She would like to see it expanded to the other side of the street.

Barb Gage, of Barsoni's Pizza, stated that she supported the Farmers' Market. She felt that the Farmers' Market increased traffic at her business and she would like to see it stay on Main Street.

Ben Harmon is a vendor at the Farmers' Market. He's heard that it's being moved because of safety reasons and he also felt that it was the part time vendors who were pushing to move the market. He also noted that there wasn't enough space to set up

his stand and have a truck for each vendor at the Market Place Mall parking lot. He likes to be on Main Street and wants to stay there. A petition was presented in support of remaining on Main Street.

Tony Pace has concerns regarding the rental property permit program. He is concerned that will harm the owner occupied two family homes in the East End. Many of these people rent to the elderly, by keeping rents affordable, they are able to have good tenants. He feels that this program will actually hurt the City because owners won't keep up their homes if they aren't able to rent apartments and he feels that two family homes should be encouraged and not discouraged. He asks the Council to not put permit requirements on owner occupied rental property. He noted that the concern was student housing.

Anne Doyle asked the Council to set aside some money for flood control and not just on Arthur Avenue as reported in the Cortland Standard. She noted that there was also a flooding issue on Lincoln Avenue and she described the problem in her neighborhood.

Kathie Arnold is the Chairman of the Local Agriculture Committee, a subcommittee on the County Legislature. It was their idea to move the Farmers Market to increase the options for local people to buy more locally grown food. They would like to see more vendors and they didn't see any more room for more vendors in the current location. A committee went out and looked at possible alternative sites and the Market Place Mall Parking Lot was one area that was seen as a possibility. Their purpose is not to move the Farmers' Market that doesn't want to move, but there is interest in the County for more opportunities to sell local foods. Maybe the answer is just to leave the Cortland Market right where it is and then look to start another Farmers' Market somewhere else in the County. There is interest in starting one in Homer. They just wanted to improve things and not make people unhappy.

Julie Engel is part of the Local Agriculture Committee. She wanted everyone to know that they only had the best interests of the Market at heart. She felt that the current market wasn't meeting people's needs. This committee has looked at many sites. She reminded everyone that both farmers and consumers need to be served. She doesn't feel that the current Market is doing that.

Lisa Lickona went to a meeting to promote local agriculture and feels that she is an advocate for that. She often goes to the Ithaca Farmers' Market and feels that something that fits the Cortland community can be done here. Over the summer, she became a part time vendor at the Cortland Market. She did this to have a voice in the local Market. She also joined the Local Agriculture Committee. They were trying to get more space for the Market and make it more user friendly. They are not trying to force changes, but she asked the City Council to give the Local Agriculture Committee a chance to keep moving forward on this process and not to make any decisions that would stop this process and keep them from changing the Market for the good of the City of Cortland.

Gary Seales is a local landlord and he had comments on the proposed Rental Permit Program. He is not in favor of adopting the current law. There are many complex issues at play and no one seems to have all of the answers. He had heard that the Permit Law was initially going to be used to gather data to get a handle on the local housing stock. Once the data was analyzed, some rezoning and possibly overlay districts would be adopted. Once this was done the Permit Law would need to be reviewed and possibly amended and then enforcement would follow. He thought there might be a less costly way to accomplish this without adopting a complex far-reaching rental permit law. He felt that it would impact every rental unit in the City, when the real issues were in a fairly tight radius to the College. He thought the Council should focus on the problem areas and the effected parties and look for win win solutions. He noted that the economic climate precluded adopting something where no one knows the true cost to the affected parties. He is asking for fair, cost effective solutions. He recommends that the Rental Permit Law be tabled and that a representative group of affected parties revisit the issues, collect and analyze the data in the affected areas, review the City's Master Plan, review the College's Master Plan, determine where the high and low density is boundaries should be located and to recommend and institute needed zoning or density changes and then draft a law if one is needed. He thinks they should look at one that is less complicated and enforceable, both legally and resource enforceable and cost effective and fair and focused on the real problems.

Minutes of October 7, 2008

RESOLUTION #114 OF 2008 – Approve the minutes of October 7, 2008 as amended.

By: Alderman Dye
Seconded: Alderman VanGorder

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

He read a proclamation supporting the Red Ribbon Campaign for a drug free lifestyle and involvement in alcohol and drug prevention efforts for our youth. He proclaimed October 23 to the 31, 2008 as Red Ribbon Week and he asked all citizens to wear a red ribbon and participate in drug free activities during that week.

He attended the appreciation breakfast for Senator Seward at the Elks Club. He met with the new owners of the former Nordic Sports store to talk about their project which will be an unfinished furniture store. They plan to rehab the upper floors of the building, which will be used for rental housing. He was also guest speaker at Cinquanti Real Estate.

He met with Andy Damiano and the Scanlon family to discuss the progress of the Clocktower building. He attended the ribbon cutting ceremony at the new Cortland County Regional Training Center. He met with members of the apartment owners association concerned about the proposed Rental Permit Program. He was also guest speaker at the Youth Leadership program.

Ward 1 – Alderman VanGorder

She's had a few people contact her regarding the bond issue and the budget asking us to please be very careful with what the Council did. She has been contacted by a constituent who had a problem with their water bill that hopefully has been resolved. She received a compliant from someone with the leaf and brush pickup, but they had contacted the DPW also and DPW came right back out and cleaned it all up. She thanked Chris Bistocchi for his attention to that.

She asked Andy to contact Superior, the recycling pick up company. She has noticed herself and been contacted about how on recycling day there are always bottles and cartons left behind on the street. She acknowledged that it has been windy, but she feels that they are missing a lot of items and that those items are just floating around.

Ward 2 – Alderman Benedict

He received a number of e-mails and calls on the Rental Permit Program. Most of his e-mails were strongly in favor of using the "three (3) unrelated" as opposed to using square footage as a limit to density in residential districts. He noted that this was the most e-mails that he had ever received on a specific topic.

He spoke with a number of citizens that saw the article in the Cortland Standard on flood mitigation. They wanted the City to take steps to be sure that something was done to stop the flooding. He wanted to thank Aldermen Feiszli and VanGorder for representing the city on the Flooding Committee for a number of years. He hoped that Alderman Feiszli can give the Council an update on this topic. He urged the Council members to take a trip to the Water Works to see the proposed area for the retention pond. He had to see it to be convinced that it was a worthwhile project that would give real relief to those homeowners in the flood prone areas. He feels that it would not cost the City that much to make a big difference in the flooding situation now.

Another topic of concern was the house on Pleasant Street that needs to be taken down. Many expressed the feeling that this needs to happen before winter sets in. He hoped that the insurance issues are sorted out soon. The bond issue was also a concern of some of the e-mails. He also attended the Housing meeting where the Rental Permit Program was discussed extensively.

Ward 3 – Alderman Dye

He received three (3) phone calls regarding the creek walk and the clean up of Dry Creek. There is still a concern about the fallen tree in the creek near Helen Avenue that needs to be taken care of. All the callers were in support of the proposal for a berm being constructed in the Water Works as a temporary solution to help with potential flooding.

He received two (2) e-mails concerning the bond issue and the need for equipment for the Fire and the Police Departments. He received a call concerning the proposed budget for 2009. The caller was grateful that the proposed tax increase was below eight (8) percent and praised Director of Administration and Finance Andrew J. Damiano for the job he has done at keeping the tax increase at a reasonable amount.

Ward 4 – Alderman Tobin

The Housing Committee met to discuss the square footage versus three (3) or four (4) unrelated. He also met with some local landlords and hoped that they could address some of their concerns in terms of the rental permit program.

He's still in the process of organizing a Neighborhood Watch. He has Watch Captains but is looking for Captains on Sands and Tompkins Streets. His swim team is doing a community service project. On November 2, they are going to do a leaf raking project for those who are unable to do their own yards. Contact him by e-mail or phone and he will try to help people out. He spoke with a couple of constituents regarding the bond proposal.

Ward 5 – Alderman Quail

He received five (5) calls against the bond issue. They were concerned where the Council was going and concerned about the bond issue that they would be paying for over a number of years. He wanted to mention that many are raking leaves and leaving them in the street, he didn't know if that was illegal, but he felt it was a safety hazard.

Ward 6 – Alderman Feiszli

She did a walk with State representatives, the DEC, Flood Management and County officials and Soil and Water. She hoped to continue this every year to outline the creek beds and the importance of decaying walls and the increasing amounts of debris and weeds in the stream beds. Right now there is no stream bed maintenance program in place. She feels that we need one. She noted that Flood Management agreed to put one together and when done, it would be mailed to residents who live along Otter and Dry Creeks and it will be posted on the City website.

They also discussed various options with a committee made up of local and county representatives. She noted that the recommendation of that committee was to go with option #4. Options #1, #2 and #3 were expensive and needed to be funded with grant monies. Brenda DeRusso, of Emergency Management, is currently doing the mitigation

plan. Once that plan is done, the City will be eligible to apply for State grant monies. Meeting with Carol Tytler's committee, it was felt that the retention pond was a good option, but they had to determine where to obtain the money for this project. She spoke with Mike Arcuri and Barbara Lifton who thought that money might be available. She asked that the Council put money aside within the General Fund in the event that the money isn't available from the State level and we can do this with our own in-house labor and money.

Ward 7 – Alderman Hamilton

There are continuing issues with truck traffic on Hubbard Street. He met with Matt Duca, Plant Manager for Marietta on October 13, to discuss this problem. He explained what solutions he has implemented to alleviate the problems with the trucks. He believed that Mr. Duca, Marietta Corp. and the City police Department are trying to solve these problems. Some residents are also making it a priority to get involved and have been very helpful.

He had a resident report that she believed the train schedules had improved, as she had not been held at a crossing for quite awhile. He did receive a call about a train parked and left running from 8:00 PM Friday, October 17 until after 12:00 PM on Saturday, October 18. This was on the north side of Grant Street, along Harmon Avenue. This kept residents awake and spread smoke and diesel fumes across their neighborhood. He contacted the Susquehanna and Western Railway Corp., they checked their map and could see no reason that the train could not park farther north on the track where there are no houses as the residents had suggested. They will advise the engineers to park away from the residential area.

It also has been brought to his attention that there is a pedestrian safety issue at both four (4) way intersections next to the new Clinton Avenue Extension bridge. A resident had a near accident there and wanted attention given to the potential crossing hazards in that area. He asked for some suggestions on how this could be dealt with. He asked if the City was responsible for this or should he deal with State officials on this matter. Chief Nichols noted that he would meet with Alderman Hamilton, get specifics and investigate and then decide who to notify.

In walking around his neighborhood, he noted many wonderful fall and Halloween decorations. With that in mind, he reminded everyone that the East End Community Center is sponsoring a Christmas/Holiday Decorating Contest. He hoped that they will have many entrants from around the City.

Ward 8 – Alderman Michales

He has received concerns regarding the proposed bond issue and its timing. Some constituents feel the Council should rethink how monies should be allocated.

RESOLUTION #115 OF 2008 – Consideration of a Resolution scheduling a Special Council Meeting on November 12, 2008 at 5:00 P.M. in order to adopt the Mayor’s Proposed 2009 General Fund Budget as the Tentative 2009 General Fund Budget (Non-binding Charter Requirement).

Alderman Tobin noted that he could attend later, but would not be able to attend at this time. Alderman Feiszli asked for clarification. She voted “No” on the budget last year and asked if the Council voted “No” on the budget would it revert to the 2008 Budget. Director of Administration and Finance Andrew J. Damiano and Mayor Gallagher stated that was not the case and that it would revert to the Mayor’s proposed 2009 budget. Director of Administration and Finance Damiano also noted that if the Council did not adopt the budget by December 31, 2008, it would automatically revert to the Mayor’s proposed 2009 budget. Alderman Benedict asked if the majority voted “No” on the budget, he thought they had to re-write it. Director of Administration and Finance Damiano noted that not after December 31, 2008, but up until that point, “Yes”. He will be sending out the proposed schedule for the work sessions for reviewing the budget soon. They will begin after the general election.

By: Alderman Quail
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

RESOLUTION #116 OF 2008 – Consideration of a Resolution authorizing the scheduling of a Public hearing on November 18, 2008 at 7:00 P.M. to accept public comments on the proposed Multi-Purpose Bond Issue.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

RESOLUTION #117 OF 2008 – Consideration of a Resolution establishing the amounts to be deposited in escrow accounts pursuant to Chapter 101 of the Code of Ordinances as amended, with \$0 to \$25,000 Project Construction Costs having an Escrow Account Minimum of \$250 and \$25,001 to \$100,000 Project Constructions Costs having an Escrow Account Minimum of \$500 and the rest will remain the same as proposed.

Alderman Michales noted that there was quite a gap between costs up to \$100,000. He would like to narrow that down to \$0 to \$25,000 to \$250 and then from \$25,001 to \$100,000, it should go to \$500.00. Corporation Counsel Knickerbocker noted that the local law to collect these fees had been adopted at the last meeting and this resolution was to adopt the fee schedule. It was felt by all that the \$0 to \$25,000 to \$250 and

\$25,001 to \$100,000 would be \$500. The Council agreed with Alderman Michales proposed changes and voted to adopt the fee schedule as amended.

By: Alderman Benedict
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

Item No. 4 – Discussion regarding the creation of a committee to work on the possibility of establishing a policy for the use of City-owned vehicles (Alderman Feiszli).

Alderman Feiszli noted that the subject was brought up last summer and this purpose of this committee would be to conduct a thorough review of the City vehicle use and procedures. This community would look at other municipalities for their policies and present these to the Council for their review and consideration. She recognizes that some vehicles are essential 24-7 use vehicles and there is no intention of limiting fire and police response use for emergency purposes. They will be looking at a policy limiting personal use and taking City vehicles to and from work. In light of the current economic situation and the cost of maintenance and fuel, she feels that this is important. Alderman Michales asked if this could be done in a work shop session. Alderman Feiszli felt that a work shop session could be done. Alderman VanGorder felt that a committee studying this and then reporting back to the Council was a better option. Alderman Feiszli noted that up to four (4) Council members could be on this committee. Alderman Dye, Alderman Tobin and Alderman VanGorder and Alderman Quail volunteered to serve on the committee with Alderman Feiszli.

RESOLUTION #118 OF 2008 – Consideration of a Resolution authorizing the placement of bike racks at certain locations within the City.

By: Alderman Benedict
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

It was asked by Alderman Michales to switch agenda items No. 6 and 7 and it was agreed upon.

Item No. 7 – Discussion regarding the Cortland Farmers Market Rules and Regulations.

Mayor Gallagher noted that the City and Council was not involved in any of this until he received a letter from the sub-committee. This was done between the sub-committee and the Farmers Market. He did receive a letter today from Carol Tytler and he forwarded copies to all of the City Department Heads asking that they take a look at the Marketplace Mall and the VFW and letter him know what issues they foresaw. He has

already heard back from Chief Nichols. It was noted that this is an issue between the sub-committee and the Farmers Market, not the City. Mayor Gallagher noted that if the groups split up and each went their separate ways; that is not up to the City. They are just looking at whether the Marketplace Mall/VFW area is feasible or not for a Farmers Market and there are some issues there. Alderman Michales asked if the Farmers Market vendors are happy with their Main Street location. The Mayor noted that he had no issues with the current market location and had no idea that there was a problem.

Julie Engel noted that in the revised version of the Market Rules and Regulations, the Council is the Board of the Farmers Market and she wanted to ask the Council if they knew that. She asked them if they felt that these responsibilities were relevant or appropriate and what role the Council should play in the formation, oversight and governing of the Market regardless of where the Market is located.

Mayor Gallagher felt that the Council would become the lead agency like they do with the June Dairy Parade and the Pumpkinfest, etc., and the governance of the Market. He didn't feel that had anything to do with the Council.

RESOLUTION #119 OF 2008 – Confirmation of the Mayor's appointment of Jack Carr to the Planning Board.

By: Alderman VanGorder
Seconded: Alderman Dye

Approved: Ayes – 8
Nays – 0

RESOLUTION #120 OF 2008 – Confirmation of the Mayor's appointment of Brian Riccardi to the Zoning Board of Appeals.

By: Alderman Dye
Seconded: Alderman VanGorder

Approved: Ayes – 8
Nays – 0

Item No. 6 – Continuation of discussion regarding the proposed Rental Housing Program.

Alderman Tobin gave the history of the Rental Housing Permit Program development. He noted that the identified issues were the ability to inspect on a regular basis, over-occupancy and the quality of rental housing. He feels that this is for all renters, not just college students. He noted that they have been working on this since April and they're continuing to work on some adjustments, but he believes that this is the way the City should go. He noted the biggest issue in the development of the document was the

three (3) or four (4) unrelated versus the square footage. The Committee rationale was that the square footage would open up many properties to potentially becoming rentals that maybe would not be best suited. The thought was that could open up properties that weren't currently rentals to becoming rentals and it could also potentially eliminate some that already were rentals. This appeared to be a negative from two perspectives.

In terms of the three (3) unrelated law which was instituted in 1988, it was viewed as being something that could be more easily enforced by Code Enforcement if landlords were required to register the properties giving Enforcement the opportunity to get into a property. Code Enforcement has long complained that without permission of the residents, they could not go into a unit to investigate. This new program would at least give them the opportunity to view the property every three (3) years. He noted that this was not meant to be a punishment for landlords. He didn't want to do anything hastily as they wanted to help landlords as well as the City.

He noted that the Council needed to develop a timeline and determine how many rentals there were and how many the City actually needed. He felt that developing a rental inventory first and then implementing this policy would be the best approach. He noted that after research, a registration process would force landlords to report to Code Enforcement. He felt that part of the process would be to assure landlords that they would not be punished if they knowingly has a property over-occupied and couldn't prove that it was grandfathered, there shouldn't immediately be a revocation or non-issuance of a permit. This will be an ongoing process and he feels that this document can be good for the City.

Mayor Gallagher noted that if the Council went with the three (3) unrelated, it would cause more sprawl. He asked what the Committee came up with on that. Alderman Tobin noted that once they established an inventory, they would encourage larger occupancy in areas that already have moderate to dense occupancies. Right now that moderate to dense occupancy is happening in neighborhoods where it may not be as appropriate and the houses may not be situated for that over-occupancy.

Alderman Tobin stated that the Housing Committee had discussed the creation of an R5 district where they would allow more occupancy or the possibility of creating an overlay district to allow greater than three (3) or four (4). The Committee isn't clear on how to institute this process. Mayor Gallagher noted that if an apartment house was allowed to have eight (8) students in it and you go down to three (3), the assessment on that property is currently based on the income from the property. If it's knocked down to three (3), the property will have to be reassessed and the City will be collecting less property tax. Alderman Tobin noted they wanted to encourage students to live in the City and they wanted to encourage more single family residents to live in the City. Alderman Tobin noted that there was the possibility of more properties becoming rentals by enforcing the three (3) rule, but he felt it would eliminate the over-occupancy issue.

Alderman Benedict addressed the owner occupied rental issue. He felt that they weren't occupying it; they owned it and they wouldn't have to pay a registration fee or

have it inspected. Alderman Tobin noted that in the document, the owner's portion wouldn't have to be inspected and perhaps they could charge less for the permit for the portion that is rented. He will speak with the Code Office. Alderman VanGorder felt that perhaps just for establishing the inventory data, they could go with a voluntary owner-occupied registration. Corporation Counsel Knickerbocker noted that he thought they had already tried this voluntary program where landlords were to send in information and they received virtually no response from all landlords. Chief Glover noted that was correct. It was noted that at that time there was no penalty for a lack of response.

Tony Pace noted that a neighbor, who rented out properties, has kept his rates artificially low for years at \$350 and that included utilities. He recently had to increase the rent by \$10 per month and one of his tenants can't afford it and will be moving out. He also noted that he has another neighbor, who lives in the upstairs apartment and his father lives downstairs. There is no rent involved. He asked if they would be charged a fee. He felt that there wasn't much income from a two (2) family home. He also noted that this was a quality of life issue for many elderly people.

Alderman Tobin noted that the suggested permit inspection fee had been \$50 to \$100 over three (3) years, but an inspection fee would be charged again if there was a violation or a complaint. Director of Administration and Finance Andrew J. Damiano noted that there was no intent on the City's part to make this a profitable venture. Corporation Counsel Knickerbocker noted that exceptions could be made for owner-occupies by letting them self-report. Then check them less often.

Alderman Benedict noted that essentially they still had to work on the three (3) unrelated and the four (4) unrelated and work out the fourth zone with four (4) unrelated. He thought the basic language had been worked out and they were close. This would depend upon how the Council felt.

Alderman Michales asked for more information. Alderman Benedict stated that they had discussed having three (3) unrelated in zones R1, R2 and R3 and having four (4) unrelated in zone R4. Alderman Tobin noted that in the Commercial Business area they want to encourage occupancy downtown, but their biggest concern was about parking. Alderman Benedict noted that the overlay where the density was already high, they could encourage that, but in the single family neighborhoods, they could keep it to three (3) unrelated. Alderman Tobin noted that the language they had developed for the non-abuse of the owner occupied properties was pretty tight. Alderman Benedict noted that the purpose of developing this was not to bring in fees, but to establish compliance.

Tony Pace asked if the document could state something exempting them from the fee if a property is an owner occupied, two unit, but no rent was being collected and the unit is occupied by a relative. There were further comments from the audience regarding fees, their impact, further examples and questions. Alderman Tobin noted that if there's an over-occupied unit that is not grandfathered to before 1988, the law states that only three (3) unrelated are allowed, then that is illegal. There was more discussion about three (3) unrelated and owner responsibility. Alderman Benedict noted that they were

trying to protect the neighbors and the neighborhood. This would help them to regulate over-occupancy and protect the neighborhoods. True enforcement of this program was questioned based on the past enforcement of the 1988 law. It was noted that the problem was in gaining access to the property to determine if there is a violation of the 1988 law. There was further discussion regarding the lack of enforcement of the 1988 law and the protection of neighborhoods.

Alderman Benedict asked that this discussion be continued at the next meeting. Alderman Tobin vowed to pursue this as he saw it as a protection for the good landlords, but noted that there was the potential for some landlords to suffer, if they have been violating the law. Alderman VanGorder noted that it was not yet ready to vote on. Corporation Counsel Knickerbocker agreed that it was not yet in final form, but when it was, it would be placed upon the table for deliberation and a vote, a public hearing would be scheduled and then it would be voted upon.

Adjournment

By: Alderman VanGorder
Seconded: Alderman Benedict

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 21st DAY OF OCTOBER 2008. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER