



City Council Minutes  
The City of Cortland  
December 16, 2008

Council Meeting #22  
December 16, 2008  
Regular Session  
City Hall  
7:00 PM

Present: Alderman VanGorder, Benedict, Dye, 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 twenty-second Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Holly Greer was present to further the progress of the river trail program. This has been going on since 2000 and they are hoping that with the support of the Council and community members that they can convince the County Legislature at its next meeting to support it. To date, they have three quarters of the funding necessary for this project. Bernie Thoma feels that they can obtain the rest of the money if the Legislature will make a commitment. The Mayor will write a letter of support if authorized by the Common Council and she asked them for their support of this worthwhile project. She has a fact sheet available.

Abigail Cleary a resident of Stevenson Street was there regarding support for the rental permit program. She noted that homeowners citywide were the most important investors in their community for many reasons. She asked for the Council's support for the homeowners.

Randy Stark was present to support the rental permit program to help reduce density in R1 neighborhoods. She is a faculty member of the college community and she is concerned about the quality and quantity of rental housing and its impact on the community. Many faculty members choose not to live in Cortland in direct response to high density and the negative impact student housing has on the community. There is

an overall sense in the community that the local government is a silent partner in this condition. She finds it heartening that the Council is seriously considering new standards and regulations that will monitor the business of rental home ownership and rental properties and will reform current practices.

Chad Cotterill was present from the 4<sup>th</sup> Ward. He is a member of the Housing Committee that is proposing this rental permit program plan. He wanted to be on this committee because he was a concerned homeowner. His family loves their home and it needs renovations, but the thought of adding tens of thousands to their home and wondering what the direction of their neighborhood will be and if they can eventually get their investment out of it, is a concern for them. He noted that when they purchased their home, there wasn't a rental property in sight and now there are five (5) that they can see and he is concerned that the number will be growing. His concern also is that while his assessment keeps going up, the real value of his home is not going up because of the unchecked spread of rental housing. He noted that other residents have come out to say the same thing.

He has heard landlords say that they weren't aware of the three (3) unrelated law, but he noted that they were stating dates of the law's enactment, the court case dates where this law was upheld or not upheld; so he feels that that they bought their income properties with full knowledge that there was a law in place, but it couldn't be upheld. He has also heard concerns expressed for students being displaced or families on the East side being displaced and he noted that this law should be enacted quickly so that these people can be provided with a list of inspected units and to provide them with a renters' bill of rights. He noted that this was not him against the landlords, but for everyone in the community and he urged the Council to push forward with the rental permit program.

Andrea Rankin was present to give a history of the river trail project. She noted that a thirty-three (33) mile trail was proposed from Little York to the Marathon train station. ADA standards would be implemented on the trail so wheelchair users could use the trail. She noted that importantly Cortland is a link right in the middle of the development of this trail. It could be a connecting link between the Onondaga Trail and the Southern Tier Susquehanna trail. She asked the City to encourage the County to support the development of this trail and to use the money that has already been given for this project and cannot be used for anything else.

Elizabeth Clapp was present to discuss the landlord registration program. She is a landlord and she doesn't live here, but she spends a lot of money here on her houses. She is not opposed to the rental permit program which she called a certificate of compliance with housing inspections. They have that in Ithaca already and that is good for tenants. Ithaca is also struggling with the three (3) unrelated versus the familial law. She knows something about it, but not much. She noted that it has been challenged in Ithaca. Her stand is that Cortland should institute the inspection program, but not tie it into the three (3) unrelated issue. She feels that inspections will solve a lot of complaints. She thought it was an advantage to move forward with the inspection program and the issuing of certificates of compliance. Without a certificate the landlord

couldn't sign up with the college or rent to families. She sent a letter to each of the Council members regarding this.

Minutes of December 2, 2008

**RESOLUTION #132** OF 2008 – Approve the minutes of December 2, 2008.

By: Alderman Dye  
Seconded: Alderman VanGorder

Approved: Ayes – 7  
Nays – 0

Bills were reviewed and received.

Mayor's Report

He attended the Cortland Business Roundtable at Cortland Press. He also met with the new owners of the former Rascal's to discuss business development opportunities. He met with Jim and Sherry Foster of Little Big Shots Fireworks Company. He noted that the First Night Committee decided not to have a First Night this year. After it was in the paper, there was an outpouring of people in the Community who wanted to do things. The Little Big Shots Company of Little York offered to do the fireworks for free. The Committee is not paying for the fireworks and the program will be held this year. He attended the Youth Bureau meeting with Ken Dye. He participated in the bell ringing for the Salvation Army and also attended the tree lighting ceremony at City Hall. He attended BDC/IDA meeting. He attended the PBA awards ceremony as well as the United Way meeting. He received a phone call from the Governor's office late this afternoon. Our AIM funding for 2009 will be \$2,192,000 compared to \$2,209,000 for 2008.

Ward 1 – Alderman VanGorder

Her Ward has been quiet. She is working on an issue with a neighbor who is having a problem with a tenant next door and she is working with the landlord on this. She has received several e-mails regarding the rental permit program. She wished everyone a very Merry Christmas and a Happy New Year and a safe holiday season.

Ward 2 – Alderman Benedict

He has received many e-mails regarding the rental permit program. He asked that the River Trail be added to tonight's agenda so that it could be discussed. It was also noted that the First Night should be added to the agenda, as well.

Ward 3 – Alderman Dye

He noted that he and the Mayor met with John McNerney and Cecile Scott of the Youth Bureau. They discussed the programs and services that they offer. He noted that John had developed a listing of programs they offered during the past year and there were almost 18,000 participants. He has received many e-mails regarding the rental permit program. They seem to be split fifty fifty and those who are against it want to hang us.

#### Ward 5 – Alderman Quail

He has received a number of calls about crows. They are back in droves. He has received e-mails and comments regarding the rental permit program and by and large it's the apartment owners against and the public for it. He attended the Christmas tree lighting ceremony. He noted that his wife took her class to ring the bell for the Salvation Army for two (2) hours. He noted that this is the last Council meeting of 2008. Before they got into the discussion regarding the budget, he wanted noted that a lot of hard work was put into the budget and this was a tough one. He recognized Director of Administration and Finance Andrew J. Damiano for all of his hard work and patience during this process.

#### Ward 6 – Alderman Feiszli

She spent a lot of time listening to both sides on the rental permit program and she tried to keep an open mind. She noted that they spent a lot of time on the budget and the proposed bond and she urged everyone to check her postings on the website.

#### Ward 7 – Alderman Hamilton

He's been out of town for two (2) weeks. Most e-mails that he received on the rental permit program were from apartment owners who are concerned that the permit program is close to being voted on and passed. They think that the Housing Committee should be disbanded and reborn with representation from more apartment owners. The only thing this would accomplish as he sees it is that this would drag out endlessly. He believes that the citizens of Cortland are demanding that the Council take action on this matter and move forward as soon as possible. The permit program may not be perfect, but it is an excellent start. It can be modified as they move forward in implementing it.

He noted that the East End Community Center's Holiday Lighting Contest is moving along. The committee will be out Saturday night, December 20 to judge all of the entrants' displays.

#### Ward 8 – Alderman Michales

He noted that he received another call from the same resident regarding another dead crow found in their back yard. Results from testing of the first one have yet to be received back as it seems that testing is not a high priority for the State right now. He also picked up the crow abatement machine and placed it in his Ward with great results and he's passing it on to the 5<sup>th</sup> Ward.

He received some calls regarding lights not being lit at the Water Works. He e-mailed Mike Dexter and it was promptly taken care of. He met with John McNerney of the Youth Bureau and they spoke of many things.

**RESOLUTION #133** OF 2008 – Consideration of a Bond Resolution in the amount of \$3,880,000 for the purpose of issuing serial bonds to finance a number of capital purchases and projects. (Roll Call Vote)

Alderman Quail noted that the budget needed to be gotten in order to get an appropriation in the Capital Fund every year instead of waiting this many years before we do something. He felt that it should be done with computers and other assets to routinely purchase them as needed. Alderman Feiszli agreed. She noted that the Police Department has already started doing that. Alderman VanGorder thanked Director of Administration and Finance Andrew J. Damiano for all his hard work on the various bond revisions. Alderman Benedict urged the Council to support this bond issue. Alderman Michales noted that it was difficult to make cuts. Alderman Michales asked when this would go out to bid. Director of Administration and Finance Andrew J. Damiano it would happen probably in February and he didn't know what the percentage would be on this borrowing.

By: Alderman Benedict  
Seconded: Alderman Dye

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

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #134** OF 2008 – Consideration of the Mayor's proposed 2009 General Fund Budget, as amended, with a tax rate of \$14.0645 per \$1,000 of taxable evaluation.

Alderman Benedict asked about the revenues from the Booting Program. Director of Administration and Finance Andrew J. Damiano noted that it was about \$29,000 and he hoped that funds from this would cover the loss in the AIM funds and it is pretty close. Alderman Quail noted that workshops with departments would continue in 2009 on this process. Alderman Feiszli felt that they could've required the various departments to have had a two (2) percent cut across the board. She noted that this was done by the County a few years ago. She felt the Council will be more pro-active on the 2010 budget process. She noted that the storm water usage fee was another source of revenue that they will be discussing in February. The Mayor thanked all of the

department heads for the job they did with their budgets. Alderman Hamilton felt they would be better prepared to do a better job next year.

By: Alderman Dye  
Seconded: Alderman VanGorder

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

Approved: Ayes – 5  
Nays – 2

Item No. 3 – Review of a proposed storm water management ordinance. (Pat Reidy)

Pat Reidy was present to give a report on this. He gave background on the storm water management in the County. He noted that Homer and Cortlandville have adopted ordinances and he wanted to talk to the City Council about adopting one. This is zoning that would have to be adopted that would require certain types of construction projects to develop a storm water management plan. This type of plan is typically detailed by an engineer. It is complicated with a lot of calculations and design criteria indicated and costs thousands of dollars. There would be elements pertaining to erosion and flood control some of which are temporary practices and others are permanent practices. He noted that the value for the City would be that currently the storm drain system in the City becomes overtaxed by a large storm causing street flooding problems. This ordinance would give the City the opportunity, as construction projects go on, to reduce the amount of runoff that goes into the storm drain system. This could be used to address some of the local drainage and runoff problems that are currently occurring. It could also help protect the water quality. It could be crafted to target larger construction projects or types of projects that are unique to the City. Currently the State has regulations for projects that disturb more than an acre of land and there are not that many one (1) acre parcels in the City, so the State regulations aren't that effective for the City, so that it's better for the City to have their own ordinance. He noted that they could choose their own square footage trigger for their ordinance. He noted that Tim Horton's site was under an acre, but it has more than ten thousand (10,000) square feet of impervious surface and if they had done the project in Cortlandville, they would've had to have done a storm water management plan. He noted that the City currently has a Site Plan Review process that does have the ability to request a project provide drainage plans if there are drainage concerns. An ordinance that clearly spells this out would provide a better tool for requiring a storm water management plan for projects in the City.

The companion to it could be an inspection and review process. His experience with Cortlandville has found that without someone overseeing the coordinants and seeing that the storm water plans are implemented correctly there is a potential to not have an effective program. He noted that the City could hire a consultant to do this and noted that Soil and Water currently is doing this for Cortlandville and they might be able to do it for the City as well.

He noted that on projects done in Cortlandville the City of Cortland having an ordinance in place would have no effect or say in a Cortlandville project. Alderman Feiszli noted that there would be no additional cost to the City as the applicant would have to pay for the review. Pat Reidy noted that in Cortlandville, the money to pay for the review comes from the applicant. Soil and Water could be approached to manage this for the City. Alderman VanGorder asked if all of the projects in Cortlandville within the past ten (10) years have fallen under this ordinance.

Item No. 4 – Consideration of an ordinance requiring owners of habitually vacant and dangerous properties to post a sign identifying their property as such. (Alderman Feiszli)

Alderman Feiszli noted that this should be tabled and placed on the January 2009 agenda so that the Council could currently focus on the Rental Permit Program.

**RESOLUTION #135** OF 2008 – Consideration of the confirmation of the appointment of Cheryl Massmann as Registrar of Vital Statistics and John O. Reagan as Deputy Local Registrar for the term January 1, 2009 to December 31, 2010.

By: Alderman Quail  
Seconded: Alderman VanGorder

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #136** OF 2008 – Consideration of a Resolution authorizing the closing of Main Street from Court Street to Tompkins Street to Williams Street at 9:00 PM to accommodate the First Night New Year’s Celebration on January 31, 2008 and this closure to take place as the Police Department deems necessary.

By: Alderman Dye  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #137** OF 2008 – Consideration of a Resolution directing Mayor Gallagher to draft a letter to the County in support of the River Trail Project.

Alderman Quail noted that he's in support of the River Trail. Long term, there are some nice things that can come out of this project. The Mayor agreed and noted that they've been working on it for twenty (20) years. Alderman Benedict felt that many would use it and spend money while they are here. The Mayor noted that there was a lot of enthusiasm when it first came out. Alderman Feiszli noted that the trail is entirely in Ward 6 and she has walked the trail and supports it and its access to Yaman Park. She doesn't understand why the materials have to be asphalt and change the materials so that it isn't quite so expensive or to do it in phases. The Mayor felt that the grant was pretty explicit and perhaps it couldn't be changed. That was confirmed. She also is concerned about property acquisition and the cost, but she supports the Trail.

By: Alderman Quail  
Seconded: Alderman Benedict

Approved: Ayes – 7  
Nays – 0

Item No. 6 – Continuation of discussion of Rental Housing Permit Program.

Corporation Counsel Lawrence Knickerbocker noted that Mr. Cheney was present to answer questions. How the Council plans to approach implementation will determine how this document should be written. As it appears now, it is an addition to our Zoning Ordinance and as such, will have to go before County Planning for their opinion and recommendation. It has also gone out to the City Planning Commission as it is presently proposed. He wants to get a good handle on what the Council wants to do before sending it on to the County to avoid sending it back again. He also urged them not to go into the area of legal strategies.

Mr. Cheney noted that after many discussions, emails and changes, they should try to get something finalized. Alderman Feiszli is all for the inspection program and permit program and she is for adding the verbage that will allow those inspections to begin. She is not comfortable about the verbage allowing for four (4) unrelated in the central business and general business areas because many of them are contiguous to R1 and R2 districts. She asked him if the City zoning should be reviewed. She asked if they should wait to change occupancy regulations in any zones until the revised Comprehensive Plan is finalized. Mr. Cheney felt it was a hard question to answer, but he noted that the idea is a good one to end some of the conflicts between rental housing and single family housing. There were some areas of the City where more density or occupancy made sense and didn't harm anyone. They could be labeled student housing zones. It is the Council's decision on when they should act. Alderman Benedict asked if they requested three (3) unrelated adults in R1 and R2 and perhaps four (4) unrelated in other areas, would that be a conflict with the present code. Mr. Cheney wasn't sure, but it would take precedence over what is already on the books. There was further discussion of three (3) unrelated and perhaps a variance procedure for those groups that didn't fit the definition. Mr. Cheney also noted that before enacting this, the City should follow their procedure of review by County and City Planning and the City should also do a SEQR. Corporation Counsel Lawrence Knickerbocker noted

that it was the safest way to go so that the new law would not be thrown out on a procedural technicality. It was noted that County Planning next met on January 21 and then the City Planning could consider it.

It was noted that when landlords were away or did not live close by that there should be a local contact person in the event of a problem. It was felt that if this was approved by County and City Planning and the Council that they could begin the registration process as soon as possible and it could be tweaked as needed. Alderman Feiszli asked Mr. Cheney if he was familiar with Ithaca's rental housing permit law and she offered to send it to him. She felt that there were still concerns being expressed by the public and she personally felt that no exceptions should be grandfathered in an R1 district. Mr. Cheney felt that these were things the Council needed to decide on. There was further discussion regarding profitability amortization, grandfathering of over occupied houses which were allowed prior to 1988 and how many houses there were like that and where they were located. It was felt that these would show up in the registration process.

Corporation Counsel Lawrence Knickerbocker felt that what they were trying to do was enact a local law dealing with registration and inspection of properties, obtain the information, then based on that information, implement provisions or approve a second local law dealing with the information gathered. The registration would cover every rental property in the City, whether it is a single family home or multi-unit property. There was further discussion regarding single family dwelling conversions. Chief Glover noted that no permits had been issued in the past year for any of those types of conversions. Alderman Feiszli read sections from the Ithaca Rental Housing Law. Alderman VanGorder felt that registration and inspections were the best thing that could be done. It was further discussed what could happen to over occupation of housing before and after the enactment of the 1988 law.

Corporation Counsel Lawrence Knickerbocker noted that the document was not ready for a vote, but the Council needed to reach some consensus about what they would like to do with this document. Whether they wanted it broken out or if they wanted things excised, but before they sent it over to County Planning, they needed to have the document in its final form. The Mayor felt that the Housing Committee needed to review the document once more. Alderman Michales felt that the current document wasn't far off. Mr. Cheney stated that the Council could, if they wished, suspend prosecutions of violating properties until all registrations have been completed.

Alderman Feiszli asked if a new law would supercede what was currently on the books. Mr. Cheney indicated that it would. A representative of the College noted that implementing this immediately would impact large numbers of students and he asked for consideration on their behalf.

Alderman Benedict asked to make a motion to pass the law as written and to modify it later. Corporation Counsel Lawrence Knickerbocker noted that it was not ready to pass as a local law. He noted that the more appropriate motion would be to send it to County Planning as written for their recommendations. Alderman Benedict asked that they

send the document as presently drafted to Cortland County Planning for their recommendation.

**RESOLUTION #138** OF 2008 – Consideration of a Resolution asking that the City of Cortland Rental Housing Permit Law as presently drafted be referred to Cortland County Planning for their recommendation.

Alderman Feiszli asked that they send the entire document except for the section regarding the increasing of occupancy in to four (4) unrelated. She would like to see a revised document with that section taken out which includes Section B, page 9 and let everything remain as our current law states. That section then would say that occupancy would remain as it presently exists in the City of Cortland Zoning Ordinance and everything else would be excised. There was some discussion regarding current penalties for violations of zoning laws. The Mayor recommended that the Housing Committee review this document, remove the section that the majority of the Council recommends and then they could send it on to County Planning. Alderman Benedict would like to move this along. There was some discussion regarding clarification, change or removal of the current grandfathering section. Alderman Benedict moved that the Cortland City Rental Housing Permit Law as presently drafted be submitted to Cortland County Planning for their recommendation.

By: Alderman Benedict  
Seconded: Alderman Hamilton

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

Not Approved: Ayes – 2  
Nays – 5

**RESOLUTION #139** OF 2008 – Consideration of a Resolution asking that the City of Cortland Rental Housing Permit Law, as presently drafted with Section B, Page 9 removed and the provisions as to occupancy in the current Cortland City Zoning Law remain in place, be referred to Cortland County Planning for their recommendation.

By: Alderman Feiszli  
Seconded: Alderman Benedict

Roll Call Vote: Alderman VanGorder – Aye  
Alderman Benedict – Aye  
Alderman Dye – Aye  
Alderman Quail – Aye

Alderman Feiszli – Aye  
Alderman Hamilton – Aye  
Alderman Michales – Aye

Approved: Ayes – 7  
Nays – 0

**Adjournment**

By: Alderman Dye  
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 16th DAY OF DECEMBER 2008. I FURTHER CERTIFY THE FOREGOING  
RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

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**JOHN O. REAGAN – CITY CLERK**

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**MAYOR THOMAS GALLAGHER**