



City Council Minutes
The City of Cortland
April 7, 2009

Council Meeting #7
April 7, 2009
Regular Session
City Hall
7:00 PM

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

Staff Present: Corporation Counsel Lawrence Knickerbocker

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

James Sponaugle was present to speak about the donation to the City. His brother, who is a physician, was contacted about a hospital that was closing in Chicago and dispersing their equipment and supplies. He brought back a truck load of free items. Many items can be used by the City Fire Department and the rest were donated to Access to Independence. He presented a listing of the items and their value. He is asking for a two thirds reimbursement for truck rental fees and gas monies expended to retrieve this donation. City items are stored at the Armory.

Mike Stevans was present. He is in favor of the Rental Housing Permit Program and he feels it is reasonable and he hopes it is gotten in place soon. He feels that if parts are later struck down in court, they can be fixed.

Thomas Quinn was present. He operates a farm and participates in the downtown Farmers' Market. He's in support of the East End Farmers' Market, also. He feels it will be a very valuable asset to the City and the people of the East End.

Tammie Whitson is a County resident, business owner, artist and sheep farmer. She is also an organizer of the East End Farmers' Market. She feels it will bring people together with an attractive venue. She feels local people will come.

Lisa Lickona is from McGraw and owns Red Rose Farms. She is also an organizer of the East End Farmers' Market. They have worked with Gary VanGorder and the

County Legislature to develop this market. She would like to see a destination market, something in a different location than the Main Street market. They want a local only market by and for Cortland County citizens. They also want a destination market with music and refreshments. They're excited about participating in the revitalization of the East End. They want to create a market that is targeted toward Cortland with high end foods made available to everyone. They are committed to this project and working with the City.

Vickie Marsted supports the East End Farmers' Market 100%. As a business owner, she feels that this market has the potential to be another tool to revitalize the East End. As a consumer, she's delighted. She feels that locally grown foods are important. She travels to Trumansburg to buy vegetables and looks forward to buying quality vegetables locally.

Beth Klein is in favor of the East End Farmers' Market. She's a local advocate and is excited about the opportunity to have a local farmers' market. She feels that this is a great opportunity.

Tim Armstrong is the owner of the East Side Bakery on Elm Street, near Dexter Park and lives nearby. He is working with Thoma Development to revitalize the East End. As a small business owner and resident of the Dexter Park area, he is 100% positive that the Farmers' Market located there will contribute to the growth and revitalization of the East End. He has spoken to many in the area and they feel it is a great idea. He also had a petition at his bakery and in two days he received over two hundred signatures. He noted that there's a lot of parking in the area and he welcomed people to the East End. He urged people to park their cars legally when visiting the area. He felt that there was room in the City for the two markets and that competition is healthy.

Carol Tytler is in support of the East End Farmers' Market. She feels that the availability of quality produce is important. She feels that its good conservation for things to be available locally, rather than having people traveling. It also keeps dollars local.

Ben Harmon represents the Main Street Farmers' Market which has been operating for thirty-seven (37) years. He is concerned about the location of the market at Dexter Park. He feels that if the grounds are wet, it will leave tire tracks and that use of the basketball courts will be limited. He noted that other areas had multiple markets, but not on the same days. He is not against the East End Farmers' Market, but he is against it operating on the same days as the Main Street Market. He noted that the East End Farmers' Market had said that they would not compete when first presenting their proposal.

Ray Hamilton of Hubbard Street was present. He has a petition signed by many regarding the truck traffic and noise in the area due to the Marietta Corp. He is concerned that children playing in the area could be injured and would like something done about the trucks.

Ron Powell made a request to the Council earlier about suspending the two and a half (2 ½ %) penalty for paying taxes in two (2) installments. He feels that in these hard economic times, they should consider suspending that penalty. The second issue is an environmental issue. He has been attending the Cortlandville meetings regarding the TOPS gas station issue. He has not seen any Cortland governmental participants at those meetings and he's disappointed. He feels that this is a great threat to the City water supply. He handed out maps showing the gas station location as being very close to City wells. He asked them to write to the Cortlandville Planning Commission stating their opposition. He noted that the County Health Department and the County Planning Commission have already stated their opposition to this project. He noted that the next Cortlandville Planning Board meeting was on April 28, 2009 at 7:30 PM at the Cortlandville Town Hall. He also noted that Time Warner is on tonight's agenda to be approved to provide service to the City. They have recently raised their rates 7.4% and this is getting to be a bad habit with them. Time Warner has a monopoly on the service in this City and he suspects that will continue, but he feels that in negotiations with Time Warner, the City should demand that they hold the line on their rates for the term of the contract or the very least, cap their rate increases at two (2) or three (3) percent a year so its more in line with the rate of inflation and what the residents of the City can afford.

Alanna Boudreau supports the East End Farmers' Market. She noted that attendees of St. Anthony's Church in that area are excited about the opportunity of being able to walk to get fresh fruits and vegetables.

Minutes of March 17, 2009

RESOLUTION #33 OF 2009 – Approve the minutes of March 17, 2009.

By: Alderman Dye
Seconded: Alderman Michales

Approved: Ayes – 8
Nays – 0

Bills were reviewed and received.

Mayor's Report

He did a radio interview with WXHC. He attended the USDA office opening at First Niagara. He also met with the EPA at the Buckbee Mears site for an update on progress. They expect to be done in September and then they will issue a report. He met with Cortland Plastics to discuss possible expansion. He attended the United Way annual meeting. He also assisted with Meals on Wheels delivery as part of Mayor's Meals on Wheels. He met with the DEC and the USDA to discuss the deer herd at the Water Works and he'll report more on this later. He met with ETL representatives to discuss sewer extension to their property. He also met with SUNY college staff to discuss the possibility of the Jets coming to Cortland. He met with Mayor and Chief of Police from Auburn, TLC and Chief Nichols. He also met with TC3 to discuss the

possible new building on South Main Street. He attended BDC/IDA meeting and also attended the Business Showcase preview party. He provided opening remarks to incoming freshmen at SUNY Cortland. He met with Senator Gillibrand. He also met with the DOT for Safe Routes to School Program on Huntington and Randall to discuss the installation of sidewalks and the radar speed monitor.

Ward 1 – Alderman VanGorder

She reminded everyone that the Community Clean Up Day is Saturday April 18 from 8:30 AM to 11:00 AM and they will meet at the Chamber of Commerce parking lot. There will be refreshments and then they will break into groups going to various wards. They will be issuing T shirts for participants. They are hoping for a couple of hundred people. She received a call regarding a person's garbage that didn't get picked up and another where the garbage truck tore up their lawn. She contacted John Gale directly. She is working on a couple of code issues and a couple of things with the DPW. She has received some e-mails regarding the tax increases and pro and con for the Rental Housing Permit Program. She also attended the Chamber Business Showcase Preview Party and the Business Showcase. Both were very well attended. It was good to see so much support for local businesses and she thanked Gary VanGorder of the Chamber for all of his work.

Ward 2 – Alderman Benedict

He attended the Chamber Business Showcase and he was impressed with the number of businesses in this area and all of the participants. He thanked the Chamber for setting this up. He attended Senator Gillibrand's visit to Cortland. People at the forum were provided with resources to apply for recovery funds. The Senator urged people to get help from her office to get grants for many things, including fire and police. He was able to express his concern about small business' ability to provide health care insurance. Even big business have trouble competing with foreign industries that have national health care programs. Our Senator is hopeful that the Obama administration will address this situation. She wants to give individuals a choice of a government insurance plan or private plans that are already there. She pointed out that many people that do not have insurance use the emergency rooms and that is very expensive. Local government and hospitals spend an enormous amount of our money on this. Senator Gillibrand has a clear idea of how important SUNY Cortland and farming are to this area. He was impressed by her knowledge of farming, business, education and health care. He will be attending Congressman Arcuri's Health Care Forum at the Cortland High School at 3:30 PM on April 20, 2009.

He will not be able to attend the Clean Up later this month, so he has gotten a bag and started on his own clean up on Groton Avenue. Some of his family members will be there to help out on the official Clean Up Day. He also thanked Chris Bistocchi and the DPW for taking care of the fallen tree near the Byrne Dairy. That could have been a big problem with high water. He noted that people have brought to his attention the problem of garbage piling up at a couple of student apartment buildings. He did not have to call the Code Office or the Health Department. He contacted the landlords and

they took care of it. He is glad that so many landlords want to cooperate and keep this City looking clean. He wanted to clear up a misconception about the Housing Committee. There is landlord representation on this committee. At the start of this committee, he invited the president of the Landlord's Association to attend and he declined to attend at that time.

Ward 3 – Alderman Dye

He has received many e-mails concerning the Rental Housing Permit Program. The consensus is that it is long overdue and a policy needs to be finalized soon. He received a couple of phone calls concerning trash that has been hidden by the snow and snow banks. He talked with the people concerned and it has been cleaned up. During his walk of the Ward, he noticed that a house on Groton Avenue had broken furniture, glass and bags of trash in the yard and around the house. He notified Chief Glover and he is taking care of this matter. He wanted to stress that during his walks through his Ward, if he notices a hazard or trash in the yard, he will be contacting the landlords or City Code Enforcement.

Ward 4 – Alderman Tobin

He is working with the college to help establish a sidewalk from the college's entrance on Tompkins Street to the first driveway on the east end, north side of the road. Currently there is no sidewalk, which makes it dangerous for people walking along that section. A representative from the college called the resident who owns the property and they asked if they found the funding for the paving, would the resident do the maintenance (shoveling) on that sidewalk. He hopes that things will move forward with this.

He noted that last Monday, he, along with a couple members of the Friends of the River Trail and Kathy Arnold from the County Legislature went to Syracuse to meet with representatives from the Dept. of State and the Dept. of Transportation to hear about the monies that have been approved for the River Trail. He noted that if it's done well, it can be a pretty valuable resource to the community.

He also attended Senator Gillibrand's meeting this morning. He has begun exchanging e-mails with John Daniels again about consolidation. Everybody is realizing that in these hard economic times that the financial impact on everyone needs to be lessened. He also spoke with Tom Hartnett, his legislator and John Daniels about meeting again to talk about potential areas of shared services. The Council is also continuing to address the budget for next year. They are concerned about taxes and have been holding meetings with department heads over the past few months to try to be proactive on next year's budget.

Ward 5 – Alderman Quail

He has several e-mails regarding their concerns about taxes and that is why the Council is having these budget meetings. He noted that after driving through his Ward, he has

addressed a number of code issues, especially since the snow has melted. It has uncovered a lot of garbage

Ward 6 – Alderman Feiszli

She noted that she had asked Lori Crompton to look into a suspension of the two and a half percent (2 ½) penalty for multiple payment. She apologized for not having an answer for Mr. Powell and noted that she would be following up on that tomorrow and she will contact him. She also will give John Heligran a call regarding the TOPS gas station and possible contamination and she will do that tomorrow, as well. She met with the Cortland County Sub-Planning Committee that has been working with City flooding issues. Tom has raised concern with Kellogg Road and Dan with Sunnyfield regarding run off from Perplexity Creek. The committee is exploring grant opportunities to address these areas. Request SEQR for Water Works Berm be placed on the next agenda. She worked with Corporation Council and City Code Office on the proposed vacant building registry. She received a call about recycling not being picked up on Washington Street. Reported complaint to DPW to resolve issue and record complaint. Called Jean Huang of Dewberry Engineering regarding the updated FIRM. Properties have been removed but we will not know where and how many until the maps are received. She will continue to call them until the maps are received.

She spoke to National Grid about a couple of lighting issues on Pearne Ave. She received a concern about a catch basin caving in on Samson Street. Reported it to DPW who put it on their list to fix later this month. She attended the East End Strategic Planning Committee meeting. She also attended a budget meeting with the Youth Bureau, and Public Safety to look at ways to cut spending and/or generate additional revenue for next year. She received a call of concern regarding yard waste pick up not being continued during the summer months. She received a call of concern about a couple of construction projects in the City and the fact that local contractors not working on them. She received an email about the amount of city owned vehicles that do not have a city emblem on them. Other than unmarked detective cars, she believes that all City owned vehicles should have an emblem. She made a request that the Vehicle Use Policy be placed on the next agenda. She received an email about garbage in the City and how the results of clean up day do not last more than a day. I especially see this along Riverside Drive by the Plaza. I have spoken to someone who works for the County about having recipients on Public Assistance do in-kind services by picking up trash between the curb and sidewalks in the City. She also plans on looking into “No Littering” signs with a penalty. She received a request to have East Main Street repaved this year. She was told by DPW that South Main from Grant Street to Miller Street will be paved but there is not enough time or manpower to include East Main this year. She has been asked a few times what the City has requested in terms of the Stimulus Package. She has not seen anything listed on the website and would like to ask the Mayor for a copy of the City’s requests. She felt that shovel ready projects that have been bonded for should be added to the City’s request.

Ward 7 – Alderman Hamilton

He continues to receive complaints regarding tractor trailer traffic on Hubbard Street. A petition has been signed by forty-six (46) residents of that area asking that the restrictions that are in place now be enforced. There is a "No Truck" sign on the corner of Elm and Hubbard Streets directing drivers not to go down that street and the drivers are ignoring that sign. In the past, one (1) resident has been calling the Police Department and the Mayor's Office and to him regarding concerns about this matter. Now forty-six (46) residents are expressing their concerns. He noted that all of the parties that could solve this problem are aware of what is going on. Maybe now that so many people have spoken up, perhaps a solution can be found. He has seen for himself, the number of potholes in the City streets. He has spoken with Chris Bistocchi of the DPW who assured him that they will be dealt with as weather allows. He also noted that with all the complaints regarding garbage, he felt that things were improving. He witnessed the trash employees picking up trash from the ground and he thanked the Casella Company and their employees for doing a much better job, at least on the East End. He also reminded the residents that it was their responsibility in putting out their containers that they, too had to follow regulations. He asked that this be put on the agenda for further discussion.

Ward 8 – Alderman Michales

He received a call regarding a Code issue and a few calls from residents on East Avenue regarding a Code issue that turned into a police issue. He thanked Chief Nichols for helping out with that situation, as well as the Mayor. He received a call regarding potholes, especially the ones on the corner of Cedar and Pt. Watson Streets. He also followed up on agenda item No. 3, following up on an appearance ticket issued as a result of a violation of the City's noise ordinance. He wanted to make a point that construction will begin the week of April 13 on the Pt. Watson Street and Tompkins Street corridor, weather permitting. It is his understanding that the work will begin at the end of Tompkins and end up on Pt. Watson. There will be surface reconstruction and sewer and water main line work along with the railroad doing the crossing near the Hess Gas Station on Pt. Watson Street. This will take most of the summer.

He also met with the EPA regarding Buckbee Mears along with the Mayor. He attended the Business Showcase Preview Party. ETL is pursuing waste water connections to the City's Waste Water Facility. He met with the Mayor, Dick Tupper, Harvey Davis and Chris Bistocchi and they are looking at finding out what is involved with permits and answering other questions.

RESOLUTION #34 OF 2009 – Consideration of a Resolution authorizing the installation of a stop sign at Hickory Park Lane at 58 Hickory Park Road (Alderman Feiszli).

Alderman Feiszli noted that this was a request from a constituent that lives by the Yaman Park sub-division. It was noted that there are many families in that area with young children who are playing in the street because there are no sidewalks in that area. The initial request had been for a Yield Sign, but Public Safety had gone over to that intersection and determined that a Stop Sign was necessary.

By: Alderman Feiszli
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

RESOLUTION #35 OF 2009 – Consideration of a Resolution authorizing the following actions regarding the East End Farmers' Market:

- A. Develop a market at the Dexter Park basketball court
- B. Assess a \$200 usage fee for 2009
- C. Add the market as an additional rider to the City's policy

Alderman Feiszli noted that the East End Strategic Plan Committee had noted on their wish list that there be improvements to the East End and one of improvements was to add a farmers' market to the East End. She also would like to keep the \$50 per use fee. Alderman VanGorder noted that perhaps they could pay \$250 for the whole summer's usage. Lisa Lickona, a representative of the East End Farmers' Market, noted that arrangements had already been made to meter and reimburse the City for the Market's electrical usage at the site. Alderman Benedict noted that the vendors should clean the site after each use. Alderman Michales asked if extra trash receptacles would be necessary. It was also asked if there would be extra trash removal as a result of the Market. The representative noted that it would be the responsibility of the vendors to provide the trash receptacles and to take their trash home with them. She felt garbage wouldn't be an issue. She noted that there were currently five (5) vendors signed up to participate in the Market and there could be a maximum of about fifteen (15). Alderman Michales asked if they had considered staggering times and dates to not conflict with the Main Street Market. The representative of the Market noted that they had decided that a Saturday morning market was the best time to be open and they felt there was enough community support for both markets. Alderman Michales noted that he didn't want to see the Main Street Market vendors impacted as they had been with the community for a very long time. The representative noted that their vision for their market was much different than that of the Main Street Market and that they would be catering to a much different clientele. Alderman VanGorder inquired about the question brought up about parking in the grass. The Mayor noted that the parking would be in the paved parking lot across the street and there would be no parking in the park. Alderman Hamilton noted that vendors would be using the basketball court. The Mayor also noted that they wouldn't be there during September during small fry football season. The representative noted that they would like to work that out with the City. The Mayor noted that the Chief of Police was present tonight to talk about the huge parking problem in that area during small fry football season. The market representative noted that they were well aware of the issue and wanted to work with the City on this issue and not make the problem worse. Gary VanGorder noted that they would not add to the parking situation during small fry football and not add to the calls that the police department receives about parked vehicles during that time of the year. It was noted that the vendors would be parking on the grass perimeter of the basketball court and they would be driving on the grass to get there, but there would be no other

vehicles allowed on the grass. Customers would be confined to the basketball court. Tim Armstrong noted that he was not concerned about the competition of vendors selling baked goods across the street from his bakery and he was not concerned about the parking. It was noted that this is an experiment and they will learn from this year's experience. It was noted that there was no fee for the use of the market on Main Street, but there is an established fee for using Dexter Park. This Market will run from June 13 to October 24 and the only date in question is July 4. Alderman Benedict suggested a \$200 annual fee. Alderman Michales suggested that they might want to leave that fee open in case there was damage to the park that needed to be assessed to the Market. Tammie Whitson noted that it was the Market's mission to not damage the park. Corporation Counsel Lawrence Knickerbocker noted that it was in the Market's self interest to keep the park as nice as possible, so that they could come back and ask to use it next year.

By: Alderman Benedict
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #36 OF 2009 – Consideration of a Resolution to table the granting of a noise permit to Ultimate Music.

The Mayor noted that they had been issued a summons based on neighbor complaints and the Police Department's follow up. Alderman Benedict asked that the Council consider enforcing the City Noise Ordinance. Corporation Counsel Lawrence Knickerbocker noted that this was in the downtown Business District where there were many bars with music. Chief Nichols noted that the neighbors had had enough and had complained to his department. Alderman Tobin asked Chief Nichols to explain the current ordinance. It was noted that the noise was not actually projected outside, but it was heard outside. The Mayor noted that the Council was being asked not being asked to waive the noise ordinance, but to grant a noise permit to Ultimate Music. Alderman Benedict asked if they would be paying for the permit. The Mayor noted that it was a recording studio. Alderman Michales noted that many bands used the studio and because they had daytime jobs, could only record at night. Alderman VanGorder noted that they should consider sound proofing the studio. Corporation Counsel Lawrence Knickerbocker felt that the person who owned the studio should consider insulating it. Chief Nichols noted that area factories also made noise and received complaints. He felt it was reasonable that there would be noise, because they were in the music business. Alderman VanGorder thought it wasn't unreasonable to ask that they sound proof their studio as part of doing business. Alderman Feiszli asked who was affected by this. It was noted that there were apartment tenants over the book store, apartments across the street and apartments over the Pita Gourmet. There was concern that this was occurring daily and not a one time event. Chief Nichols also noted that they didn't want to lose business downtown. Alderman Michales noted that this was in this Ward.

By: Alderman Michales

Seconded: Alderman Feiszli

Approved: Ayes – 7
Nays – 1 (Quail)

Recognition of additional revenue received from the New York State Office of Real Property Services.

This a \$5 payment received for each parcel done during the recent property re-evaluation amounting to \$23,534.70. The money has already been received and will be going into the General Fund Revenues.

RESOLUTION #37 OF 2009 – Consideration of a Resolution to grant Time Warner Cable temporary authority for providing service in the City of Cortland. The City and Time Warner are in a franchise renewal process.

Negotiations have been ongoing for over a year. The Mayor noted that they are getting closer to an agreement, but the Public Service Commission was called in to these negotiations because of some of the demands being made by Time Warner. John Nagelschmidt, Chairman of the Cable Commission, noted that the PEG was the big issue, which was the Government and Educational Public Access through the cable system over three (3) channels. The rates were negotiated through the Public Service Commission and the local Commission only deals with the service provided by Time Warner Cable. The Council and the local Commission can't control the rate increases. Ron Powell stated that the rate increases were too much and he would like to be offered a smaller package of channels that he preferred to watch.

By: Alderman Benedict
Seconded: Alderman Hamilton

Approved: Ayes – 8
Nays – 0

RESOLUTION #38 OF 2009 – Consideration of a Resolution to reimburse James Sponaugle \$168.08 for the expenses incurred by him to procure donated equipment and supplies from Chicago.

By: Alderman Michales
Seconded: Alderman Benedict

Approved: Ayes – 8
Nays – 0

Alderman Benedict asked if they should have a resolution to draft a letter regarding the TOPS gas station. Alderman Feiszli volunteered to go to the meeting and stated that she would draft a letter for the Council to review and report back to the Council at their next meeting.

Corporation Counsel Lawrence Knickerbocker noted that a new design has been submitted with above ground tanks and there is yet another design being worked on. The Mayor also suggested that Alderman Feiszli talk with Matt Wethje at the Cortland Water Works to get some more information.

There was discussion regarding further communication to the public regarding how to put out their recycling. It was noted that it was printed on the blue bags, pink letters were sent out to all residents and there was information on the DPW section of the City website. It was also felt that enforcement of the regulations was also needed.

Item No. 6 – Discussion regarding the Rental Housing Permit Program.

Alderman Tobin handed out a yellow sheet summarizing the Rental Housing Permit Program. It's a seventeen (17) page document and he wanted everyone to know what had been discussed and what the Council potentially will be voting on. He also hoped that they could get it on the website as soon as it was finalized so everyone could see the content. He noted that occupancy was an issue brought up several times by landlords and others and what the document says is that "whatever the occupancy is before the Rental Housing Permit Program is implemented, will continue". There is nothing in the Permit Program about three (3) unrelated or "X" number of people, but it says refer to the City Code for enforcement regarding occupancy. It applies just to rentals, not to owner occupied and since rental properties of three (3) units or more are currently inspected, this would apply directly to single family and two (2) family dwellings, which currently are not inspected on a periodic basis. So this will basically bring one (1) and two (2) family units into compliance with New York State Law which covers three (3) units or more. It does say that inspections will take place every three (3) years if there is a registered complaint. The proposed law also states that the tenant will go through the landlord, first and foremost, before they go forward with Code Enforcement. Owner occupied units of two (2) family houses can be self-certified. Revocation of permits can be enforced for habitual violations, but the person can have a hearing before the Zoning Board of Appeals prior to the revocation. Mr. Cheney feels that the ZBA is the appropriate body to deal with those hearings. Alderman Michales asked if that should be in the Code. Corporation Counsel Lawrence Knickerbocker noted that was not necessary. The ZBA would have jurisdiction over the appeals process. The ZBA will consider what is presented before them.

Property owners will sign a registration form that will be put together by Code Enforcement, which they are working on. The permit would give the contact information for the owner, the number of units and the legal number of occupants for the dwelling and contact information for the owner's agent if the owner is not local. The agent would have to either live in Cortland County or a contiguous county. Fees will be set by the Common Council at a later date, either for inspections or violations. The Mayor noted that they should consider that if there is a change of ownership that the permit would have to be renewed at that time, even if it had not expired. Alderman Tobin noted that it was in the original document, this was just a brief outline of the high points of the program. Alderman Tobin went on to read that new structures would have to be

inspected before occupancy or have existing ones inspected within 30 days of the expiration of the permit. There was a provision for a temporary permit if the Code Enforcement Office was backlogged and could not get out to do an inspection within the 30 day period. It was noted that if violations were noted during an inspection, written notice would go to the owner and/or agent and if there is a dangerous or serious situation noted, the permit can be suspended and the structure vacated. Code Enforcement can obtain an administrative search warrant to enter properties where they are not allowed in. This has been a problem in the past. It gives them a better opportunity to do their job appropriately. Next, the rental permit must be displayed at the main entrance of the property and the content of the permit will include the contact information for the owner and/or local agent and Code Enforcement and include occupancy limits. This is so it will be clear to whoever is planning to rent. It must be displayed prominently at each unit entrance, in a secure location and be made of a protected material.

Alderman Feiszli asked who would issue the administrative search warrants. The Mayor stated that the judge would issue those. Alderman Feiszli asked if these had been issued in the City and what evidence would be necessary to issue one. Corporation Counsel Lawrence Knickerbocker noted that one was issued in regard to Perfect World. The police obtained a regular search warrant and then the Code Office needed to go in and Corporation Counsel applied for an administrative search warrant. Alderman Feiszli asked if the warrants would allow the inspectors into the bedrooms or just the common areas. Alderman Benedict noted that the inspectors would be allowed into all of the rooms, but not to search under the beds, etc. They would only be there to inspect for safety violations or potential fire hazards. Alderman Benedict had an outline of a time schedule for this enacting this Local Law. He would like to see it up for a final vote on May 19, 2009. Corporation Counsel Knickerbocker noted that May 14, 2009, was a work shop and not a formal meeting and it needed to be presented at a public hearing. He noted it had to be on the desks in final form before the public hearing was opened. Alderman Tobin noted that the final document would've had to have been presented at tonight's meeting in order to have the vote on May 19, 2009. Corporation Counsel Knickerbocker noted that the finalized document should be distributed on the desks April 21, with a public hearing on May 5 with the idea that it could be voted on that night. If there's only some very minor modification, it wouldn't need to be held over to the next meeting. Alderman Benedict wanted the final copy distributed by Corporation Counsel and asked that it include the Rental Housing Permit Program as it was in the last revision with a few modifications that the attorney gave before March 31.

Alderman Michales asked if anyone had gotten back to the Council on the cost of instituting this permit program. He felt it was important to know the cost before the Council could approve this program. Alderman Tobin felt that it wouldn't cost anything more, since they already were inspecting units. He felt that registering wouldn't increase the cost. It was noted that single family rentals were the only increase and it amounted to about two (2) more inspections a week over the three (3) year period. Alderman Tobin felt that they would have to go to a third party inspector if there was cost, because he was not going to increase costs to the taxpayers. Other Alderman agreed with that. The Mayor noted that they should ask Chief Glover about his

perception of the costs of the program. It was thought that the registration fees would cover the cost of the inspections. Alderman Tobin also noted that the costs of going to court would be held down because landlords who knew they couldn't pass an inspection or would be in violation, would just not get a permit and then they couldn't rent. Corporation Counsel Knickerbocker noted that this was a voluntary compliance and would take some time before any violations came to light because he felt those in violation would not volunteer. It might be a year or two before any went to court.

It was noted that the Code Office would need a software upgrade. Alderman Feiszli suggested that perhaps they could look for a grant or to contact Cortlandville because they received some inexpensive new equipment and software for their inspection program. Alderman Tobin noted that they were talking about the administration costs as opposed to the equipment costs. They would ask Chief Glover next week about this. Alderman Benedict wanted reasonable assurance that they could vote on this on May 5. It was noted that they had dropped the owner occupied inspections, where they could now self-certify.

They established the time line for the public hearing, which will be on May 5. Corporation Counsel Knickerbocker noted that he would not be here on April 21, but could arrange for Atty. Cheney to be present. It was thought that was a good idea by the Council. They will also talk with Chief Glover at the next meeting regarding his recommendations for fees based on information from other municipalities. It was noted it was best to set fees by resolution once the law was on the books by both the Council and Corporation Counsel Knickerbocker. Alderman Tobin noted that in the future they could address the density issue, the strategic plan and zoning. He went on to say that to sum it up, the three (3) unrelated will not immediately be enforced with enactment of this law, but will occur within about a year. They will then need to take a look at zoning to decide what is best to do for the City as a whole.

Adjournment

By: Alderman Benedict
Seconded: Alderman Feiszli

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 7th DAY OF APRIL 2009. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER