



## CITY OF CORTLAND COMMON COUNCIL

**OCTOBER 4, 2022 – 6:00 PM**

City Hall, 25 Court Street, Cortland NY 13045

and via Zoom

### MINUTES

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#### PUBLIC HEARINGS

**Public Hearing No. 1                      Submission of Grant Application Under the RESTORE NY Program**

A Public Hearing was opened at 6:00 p.m. regarding submission of grant application under the RESTORE NY Program. No one was present to speak. The public hearing was closed at 6:01 p.m.

**Public Hearing No. 2                      Proposed Local Law No. 9 of the Year 2022: Amendment of Article §300 - Revisions and Clarifications Relating to Zoning Regulations and Enforcement**

A Public Hearing was opened at 6:01 p.m. regarding proposed Local Law No. 9. No one was present to speak. The public hearing was closed at 6:02 p.m.

**Public Hearing No. 3                      Proposed Local Law No. 10 of the Year 2022: Amendment of Article §74 Relating to Number of Animals Permitted**

A Public Hearing was opened at 6:02 p.m. regarding proposed Local Law No. 10. No one was present to speak. The public hearing was closed at 6:03 p.m.

**Public Hearing No. 4                      Proposed Local Law No. 11 of the Year 2022: Amending Chapter 234 Relating to Sidewalk Cafes**

A Public Hearing was opened at 6:03 p.m. regarding proposed Local Law No. 11. No one was present to speak. The public hearing was closed at 6:04 p.m.

**Public Hearing No. 5                      Relating to the Director, and the Department of Administration & Finance**

A Public Hearing was opened at 6:04 p.m. regarding the Director, and the Department of Administration & Finance. No one was present to speak. The public hearing was closed at 6:05 p.m.

#### CALL TO ORDER AND ROLL CALL

Mayor Steve called the meeting to order at 6:05 p.m., and the City Clerk called the roll. The following Common Council members were in attendance:

Katy Silliman – Second Ward Alderperson  
Mary Clare Pennello – Third Ward Alderperson  
Patricia Lane – Fourth Ward Alderperson  
Seth Thompson - Fifth Ward Alderperson  
Troy Beckwith – Seventh Ward Alderperson  
Thomas Michales – Eighth Ward Alderperson

The following Council Members were recorded absent:

Wayne Schutt – First Ward Alderperson  
William Carpenter – Sixth Ward Alderperson

SALUTE TO THE FLAG

MOMENT OF SILENCE/REFLECTION

PROCLAMATIONS/PRESENTATIONS

**Proclamation No. 1                      Declaring October 5, 2022 “A Day in Honor of Alton B. Parker”**

RESOLVED, that October 5, 2022 is hereby declared “A Day in Honor of Alton B. Parker.”

Motioned by: Council Member Beckwith

Seconded by: Council Member Silliman

Approved:     Ayes – 6  
                  Nays – 0

**Presentation No. 1                      Recognition of Outstanding Performance by Cortland Police Officers**

Lieutenant Cote presented certificates of recognition to Police Officers Fitts, Drake and White for outstanding performance. Officer Fitts made an arrest that resulted in a Class A-II felony narcotics conviction. Officer Fitts was assisted by Officer Drake. Officer White made two separate arrests for destruction of property and graffiti in which suspects were in need of mental health services. His actions resulted in arrests and mental health services being provided to the suspects.

PRIVILEGE OF THE FLOOR

No one was present to speak

FINANCE REPORT

Mayor Steve noted that financial statements and grant funding updates were provide to Council Members and posted publicly to the City website. He said the City is behind sales tax revenue projections and is waiting reimbursement of State aid. The NYS Comptroller released a list of municipalities in fiscal distress based on the 2021 fiscal year. Cortland is one of six cities on that list. The Mayor said that efforts are being taken to correct deficiencies so that the City will not be designated as fiscally distressed in 2022.

MAYOR’S REPORT

Mayor Steve noted that Norm Stitzel is being honored this evening by the Boy Scouts of America, Baden-Powell Council as Cortland County Distinguished Citizen. Council Member Schutt is absent from the Council meeting as he is presenting a proclamation to Mr. Stitzel at the ceremony. The Mayor spoke about the success of the Great Cortland PumpkinFest and a job fair for employees being displaced by the pending closure of Voyant and ALPA.

An information session will be held October 12<sup>th</sup> regarding upcoming changes to the City's parking system. The Mayor will be meeting with the CEOs of Guthrie Cortland Medical Center and the Guthrie parent organization on future issues. He also said there are pond water maintenance improvement being made at Yaman Park.

#### WARD REPORTS

- Ward 2: Council Member Silliman said she appreciates the proactive approach the Police Department is taking with noise issues and complaints. She said a recent meeting of the Town and Gown Ad Hoc Committee with college representatives was productive, focusing on student housing, noise, parking and student culture. Ms. Silliman said that the street lights on West Court St. have been repaired and are working. She said an update will be provided at an upcoming meeting about the fault under the sidewalk in front of the Elks Lodge.
- Ward 3: Council Member Pennello said she received a code complaint on James St., and noise complaints. She was asked by a Helen Ave. resident when stumps left after tree removal will be removed. The Mayor said that the work will take place soon.
- Ward 4: Council Member Lane received a complaint about parking on Pearl St. including blocking driveways and driving on lawns. She reiterated her concerns about speeding on Tompkins St.
- Ward 5: Council Member Thompson noted that a number of home owners in the Ward are making exterior home improvements such as new windows, and driveway and sidewalk repairs.
- Ward 8: Council Member Michales said that preparations between the City and SUNY Cortland are taking place in advance of next year's Cortaga Jug football game between SUNY Cortland and Ithaca College. He said that a resident has a potbellied pig that needs to be registered with the City.

#### APPROVAL OF THE MINUTES

The minutes of September 20, 2022 were approved.

Motioned by: Council Member Silliman

Seconded by: Council Member Beckwith

Approved: Ayes – 6  
Nays – 0

#### RESOLUTIONS

##### **Resolution No. 167 of 2022      Resolution to Authorize Submission of Restore NY Grant for Lofts at Gillette Factory Project**

RESOLVED, that the Mayor of the City of Cortland is hereby authorized and directed to file the application for funds from the New York State Empire State Development Corporation under the Restore NY Round 6 Program, in an amount not to exceed \$2,000,000; AND BE IT FURTHER

RESOLVED that the Mayor of the City of Cortland is hereby authorized to sign said application on behalf of the

City; and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Cortland; AND BE IT FURTHER

RESOLVED, that this Resolution shall take effect immediately.

A motion was made by Council Member Thompson, seconded by Council Member Silliman and approved 6-0 to allow Council Member Beckwith to abstain from voting on this matter.

Motioned by: Council Member Pennello

Seconded by: Council Member Silliman

Approved: Ayes – 6  
Nays – 0  
Abstention – 1 (Council Member Beckwith)

**Resolution No. 168 of 2022                      Determining that Proposed Actions within Local Law No. 9 of the Year 2022 are Type II Actions for Purposes of the NYS Environmental Quality Review Act**

RESOLVED, that Common Council has determined that the amendments to the City of Cortland’s zoning provisions are classified as Type II; AND BE IT FURTHER

RESOLVED, that the Council hereby declares that the proposed amendments will have no significant adverse impact on the environment; AND BE IT FURTHER

RESOLVED, that no further action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) is required relating to the adoption of proposed Local Law No. 9 pertaining to revisions and clarifications relating to zoning regulations and enforcement.

Motioned by: Council Member Beckwith  
Seconded by: Council Member Silliman  
Approved: Ayes – 6  
Nays – 0

**Resolution No. 169 of 2022                      Adopt Local Law No. 9 of the Year 2022: Amending Chapter 300 Relating to Zoning Regulations and Enforcement**

RESOLVED, that the Common Council approves the adoption of Local Law No. 9 of 2022, amending Chapter 300 of the City Code relating to revisions and clarifications relating to zoning regulations and enforcement; AND BE IT FURTHER

RESOLVED, that the text of the local law shall read as follows:

**CITY OF CORTLAND, NEW YORK  
LOCAL LAW NO. 9 OF THE YEAR 2022**

**“AMENDMENT OF ARTICLE §300 - REVISIONS AND CLARIFICATIONS RELATING TO ZONING REGULATIONS AND ENFORCEMENT”**

Be it enacted by the Common Council of the City of Cortland as follows:

**Section 1. Enactment and Title.**

§300-4 Definitions. A. When used in this Chapter, unless otherwise expressly stated, the following words and phrases shall have the meanings herein after set forth.

ANCILLARY PARKING AREA – A parking area which is either across the street from or contiguous to the lot served by the parking area.

POLE SIGN – A Sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 7 feet or more above the grade and the top edge of the sign face is no greater than 20 feet above the grade.

HIGH-RISE SIGN – A pole sign with a ground height greater than 20 feet.

§300-6 Designation of Districts. A. The zoning districts will be referred to herein after in this chapter and on the Zoning Map as follows:

Type of District	Designation
Low Density Residential	R-1
Medium Density Residential	R-2
Mixed Density Residential	R-3
Multifamily Residential	R-4
Professional Office	PO
Neighborhood Business	NB
General Business Regional	GB-1
General Business Local	GB-2
Central Business	CB
General Industrial	GI
Historic Overlay	HO
Flood Hazard	FH
Floodway Zone	FW

§300-10 Prohibited Uses. B. The following uses are specifically prohibited as a principle use, however: they may be permitted as an accessory use:

- (1) The storage of crude oil or any of its volatile products or other highly flammable liquids in aboveground tanks.
- (2) The sale of used motor vehicles or equipment, which are regulated herein as an outdoor sales use.

§300-10 Prohibited Uses. C. The following uses are specifically prohibited as a principle or accessory use under this chapter; however they may be permitted pursuant to another chapter of the Code of the City of Cortland:

- (1) Adult entertainment businesses: see Chapter 60.
- (2) Animal harboring: see Chapter 74.
- (3) Junkyards and scrapyards: see Chapter 164
- (4) Sidewalk Cafés: see Chapter 234

§300-22 Residential Permitted and Specially Permitted Uses. Uses are allowed in residential or “R” zoning districts in accordance with Tale 300-13 below.

- A. Uses identified with a “P” in the table are permitted as of right in the subject zoning district, subject to compliance with all other applicable standards of this chapter.
- B. Uses identified with a “SP” in the table may be allowed if reviewed and approved in accordance with the special permit procedures contained in Article XVI.
- C. Uses not listed and those identified with a “ – ” are expressly prohibited.

Table 300-13: Residential Permitted and Specially Permitted Uses

<b>Zoning District</b>				
<b>Land Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>

Single-family Dwellings, detached	P	P	P	P
Single-family Dwellings, attached	SP	P	P	P
Two-family Dwellings	-	P	P	P
Multifamily Dwellings	-	-	P	P
Bed and Breakfasts	-	SP	SP	SP
Home Occupations	SP	SP	SP	SP
Fraternity or Sorority Dwellings	-	SP	SP	SP
Rooming Houses and Boarding Houses	-	-	SP	SP
Accessory Dwelling Units	SP	SP	-	-
Accessory Uses or Structures	P	P	P	SP
Solar Photovoltaic Systems (accessory only)	P	P	P	SP
Ground-mounted Solar Photovoltaic	-	-	-	-
Places of Worship	SP	SP	SP	SP
Schools	SP	SP	SP	SP
Public Service Utilities	SP	SP	SP	SP
Clubs (lodges, fraternal organizations, etc.)	-	-	-	SP
Ancillary Parking Areas	-	-	-	SP
Parks, Playgrounds	SP	SP	SP	SP
Indoor Lodging	-	-	SP	SP
Extended-Care Medical Facilities	-	-	SP	SP
Personal or Professional Offices	-	-	SP	P
Medical Offices	-	-	SP	P
Day Care Centers	-	-	-	P
Cemeteries	SP	SP	SP	SP

§300-23 Residential Lot, Area and Yard Requirements. The lot, area and yard requirements listed in Table 300-14 below shall apply to the residential districts within the City.

Table 300-14: Residential Lot, Area, and Yard Requirements

D. Minimum Side Yard

**Zoning District**

<b>Land Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Single Family / Two Family	7 feet	7 feet	7 feet	7 feet
Multifamily	--	--	15 feet	15 feet
Nonresidential Uses	10 feet	10 feet	15 feet	15 feet

§300-32 Business Permitted and Specially Permitted Uses. Uses are allowed in business zoning districts in accordance with Table 300-22 below.

- A. Uses identified with a “P” in the table are permitted as of right in the subject zoning district, subject to compliance with all other applicable standards of this chapter.
- B. Uses identified with a “SP” in the table may be allowed if reviewed and approved in accordance with the special permit procedures contained in Article XVI.

C. Uses not listed and those identified with a “ – “ are expressly prohibited.

Table 300-22: Business Permitted and Specially Permitted Uses

**Zoning District**

<b>Land Use</b>	<b>CB</b>	<b>NB</b>	<b>PO</b>	<b>GB-2, GB-1</b>
Single-family Dwellings	-	P	P	- (1)
Two-family Dwellings	-	P	P	- (1)
Multifamily Dwellings	P	P	P	P
Bed and Breakfasts	SP	P	P	-
Home Occupations	-	SP	SP	SP
Fraternity or Sorority Dwellings	-	-	SP	SP
Rooming Houses and Boarding Houses	-	SP	-	-
Upper Floor Residential Units	P	P	P	P
Accessory Uses or Structures	SP	SP	SP	SP
Solar Photovoltaic Systems (accessory only)	SP	SP	SP	SP

**NOTES:**

(1) Single and two-family dwellings occupied as of the effective date of this chapter are considered a permitted use. The development of new single or two-family dwellings are prohibited.

<b>Land use</b>	<b>CB</b>	<b>NB</b>	<b>PO</b>	<b>GB-2, GB-1</b>
Ambulance Service	-	-	-	P
Ancillary Parking Areas	-	-	SP	SP
Art Galleries and Studios	P	P	P	P
Cemeteries	-	-	SP	-
Clubs (lodges, fraternal organizations, etc.)	P	-	SP	P
Day Care Centers	SP	P	P	-
Dry Cleaner Outlets and Laundromats	P	P	-	P
Extended-Care Medical Facilities	-	-	SP	P
Financial Institutions and Services	P	P	SP	P
Fuel Stations	-	SP	SP	P
Funeral Parlors	-	P	P	-
Indoor Entertainment and Recreations	P	SP	-	P
Indoor Lodging	P	-	SP	P
Medical Offices	P	P	P	P
Motor Vehicle Sales	-	-	-	P
Motor Vehicle Service Shops	-	SP	-	P
Outdoor Entertainment and Recreation	-	-	-	SP
Outdoor Sales	SP	-	-	SP
Parks, Playgrounds	SP	SP	SP	SP
Personal or Professional Offices	P	P	P	P
Personal Service Shops	P	P	SP	P
Places of Worship	SP	SP	SP	SP
Public Service Utilities	SP	SP	SP	P
Restaurants and Taverns	P	SP	SP	P
Retail Stores	P	P	SP	P
Schools	-	P	SP	P
Upper Floor Offices	P	P	P	P

§300-42 Industrial Permitted and Specially Permitted Uses. Uses are allowed in industrial zoning districts in accordance with Table 300-30 below.

- A. Uses identified with a “P” in the table are permitted as of right in the subject zoning district, subject to compliance with all other applicable standards of this chapter.
- B. Uses identified with a “SP” in the table may be allowed if reviewed and approved in accordance with the special permit procedures contained in Article XVI.
- C. Uses not listed and those identified with a “ – “ are expressly prohibited.

Table 300-30: Industrial Permitted and Specially Permitted Uses

Land Use	Zoning District
Accessory Uses or Structures	GI
Ambulance Service	P
Ancillary Parking Areas	P
Art Galleries and Studios	P
Cemeteries	P
Clubs (lodges, fraternal organizations, etc.)	P
Concrete and Paving Plants	P
Contractor’s Services	P
Crematoriums	SP
Day Care Centers	P
Dry Cleaner Outlets and Laundromats	P
Dry Cleaning and Laundering Facilities	P
Enclosed Assembly of Manufactured Goods and Services	P
Enclosed Fabric and Clothing Production Facilities	P
Enclosed Processing of Raw Materials	P
Enclosed Research, Development, Experimental or Testing Lab	P
Extended-Care Medical Facilities	P
Extractive and Mining Operations	-
Financial Institutions and Services	P
Food Processing, Baking, and Packaging Plants	P
Fraternity or Sorority Dwellings	P
Fuel Stations	P
Funeral Parlors	P
Ground mounted solar photovoltaic	SP

§300-53 Approval of Historic Commission Required.

- A. Applicability. No person shall carry out any exterior modification, alteration, restoration, reconstruction, new construction, or moving of a landmark or property within a historic district; nor shall any person make any material change in the appearance of such property, its landscaping, signage, lighting, sidewalks, fences, paving or other exterior elements which affect the appearance and cohesiveness of the landmark or historic district, without first obtaining approval from the Historic Commission. However, this shall not be construed to prevent normal maintenance as



provided for in Section 300-55 of this Article.

- B. Application Requirement. Prior to the commencement of any work requiring Historic Commission approval, the owner and/or their designee shall file an application for Historic District Modification with the Historic Commission. Each applicant shall submit to the City Clerk an application in such form as the Commission shall determine, including the following:

§300-83 Off-Street Parking Requirements.

F. Maximum Parking.

(1) The maximum number of parking spaces allowable is not to exceed 200% of the requirement as outlined in Table 300-83: Required Parking, unless approved by the planning commission.

- a. Maximum parking shall not apply to GB-1 District.

G. Bicycle Parking.

(1) Bicycle Parking shall be provided with all multifamily and nonresidential developments at 10% of the vehicle parking requirements as outlined in Table 300-83: Required Parking, but not less than two bicycle spaces and not more than 20 bicycle spaces for any single use.

H. Recreational Vehicles.

(1) No boat, camper travel trailer, camping trailer, utility trailer, motor home, motorcycle, or any other recreational vehicle may be parked or stored in any area of a front or side yard. The foregoing shall not apply in the General Business Districts (GB-1, GB-2), or the Industrial District where such vehicles are temporarily displayed for sale.

Table 300-83: Required Parking

Use Types	Number of Spaces
Single-family dwellings	Two per dwelling unit
Two-family dwellings	Two per dwelling unit
Multifamily dwellings	One and one half spaces per dwelling unit
Townhouses	Two per dwelling unit
Upper-story residential	One per dwelling unit
Auditoriums, church convention halls, gymnasiums, stadiums, studios or other place of public assembly not otherwise classified	One per four permanent seats or one per each 40 square feet of seating area where fixed seating is not provided
Banks, savings and loan associations	One space per 250 square feet of gross floor area
Bars or nightclubs	One space per 100 square feet of gross floor area
Bed-and-breakfast establishments	One per guest bedroom
Bowling alleys	Six spaces per lane
Day-care center	One per employee + one per eight children capacity
Filling stations	One for every 100 square feet of store and business office space. Each pump station may be considered as a parking space.
Fraternal organizations	One and one-half for every person
Funeral homes	One space per three seats in the parlors and chapels
Furniture store	One per 500 square feet of gross floor area
Heavy industrial	One per 1,000 square feet of gross floor area

Hospitals	Two spaces per sleeping room, and one and one-half spaces per sleeping room for psychiatric hospitals
Hotels, motels	One per guest bedroom, plus one per 200 gross floor area or restaurant area
Light manufacturing or light industrial	One per 250 square feet of gross floor area
Nursing homes	One per each five beds, plus one per each two employees on the premises at one time
Offices, business or professional	One per 400 square feet of gross floor area
Offices, medical	One per 250 square feet of gross floor area
Public or semipublic art gallery, library or museum	The same as auditorium, etc.
Repair garages	Three per service bay or repair station
Research institutions or laboratories	Determined by the Planning Commission upon site plan review
Restaurants, fast food and general eating establishments	One space per 100 square feet of gross floor area
Retail stores, sales and service	One per 300 square feet of gross floor area
Rooming and boarding house	One per bedroom
Veterinary hospital	One per 200 square feet of gross floor area
Wholesale establishment, warehouse	One per 1,000 square feet of gross floor area

§300-84 Parking Area Location, Layout and Design.

- A. Location in Residential (R-1, R-2, R-3, R-4) Districts
  - (1) Off-street parking may be located in the rear yard, side yard or underground.
- B. (7) Except for single-family dwellings, parking spaces shall be designed to permit entry and exit without moving any other vehicle.

§300-94 Fences and Walls.

B. Use and Design Regulations

(2) Within residential districts, no fence or wall over four feet in height shall be constructed in the front yard of any lot and it must maintain a maximum open to closed ratio of 1:1, other than a necessary retaining wall.

§300-103 Building Placement, Orientation, and Frontage.

§300-112 General Sign Standards

- C. Sign Height.
  - (1) Sign ground height shall be measured between grade and the highest point of the highest element of the sign.
  - (2) Sign height shall be measured between the lowest and highest points of the sign.

§300-113 Signs Permitted and Prohibited

A. Permitted Signs

(2) No lot, structure or use shall have more than one type of sign per façade or lot line with street frontage, unless otherwise approved by the Zoning Board of Appeals by area variance.

B. Signs that Do Not Require a Permit. Except as provided in this article, the following signs may be erected and maintained per zoning lot without obtaining a sign permit. Each such sign must adhere to the requirements of the sign type and zoning district in which it is located.

- (1) Banners. Up to two banners may be permitted per lot or use provided the following conditions are met:
- (a) It shall be displayed for no more than 30 days total, per year;
  - (b) It shall not extend above the first floor façade of the building or project beyond property lines;
  - (c) It shall not be illuminated; and
  - (d) It shall not be placed in such a manner as to impede pedestrian traffic.

(9) Temporary Signs

- (10) Residential Rental Signs. Must be building mounted with a ground height of no greater than 6 feet, no greater than 2 feet in depth, unlit, and no greater than 3 square feet in total surface area. A uniform shape and size template will be provided by the City of Cortland. Compliance is required within one year of enactment of this chapter.

§300-114 Sign Type Standards in Residential (R-1, R-2, R-3, R-4) Districts

- B. Up to two grounds signs may be permitted per lot provided that the following conditions are met:
- (1) Maximum Ground Height: 4 feet.

§300-117 Sign Type Regulations in General Business Local (GB-2) and General Business Regional (GB-1) Districts.

C. Pole Signs.

- (7) Lots located within 800 feet of the exits of a limited-access highway may be permitted a high-rise sign per the extended area and height requirements listed below, provided that the supports and foundations are designed by a licensed, professional engineer, and that the drawings bear such seal and signature.

§300-152 Access Ramp Variances.

- C. The variance granted pursuant to this section shall not run with the land and shall terminate with the need for it.

**Section 2. Separability.**

If any part of provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Cortland hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 3. Findings.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 4 Effective Date.**

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Motioned by: Council Member Beckwith

Seconded by: Council Member Pennello

Discussion: Zoning Officer Bob Rhea explained that the zoning amendments are intended to fix conflicting language and provide other clarifications. He referred Council Members to a color coded document which tracks the changes. This document is available on the Zoning Division page of the City website.

The following typographical errors were corrected: the word “Expect” was replaced with “Except” in §300-84 A. (7) and §300-113 B.; and the word “great” was replaced with “greater” in §300-113 B. (10).

A question was raised about the size of a political sign on a building. The Zoning Officer said that it is protected political speech but that a permit may be needed for it.

Approved: Ayes – 6  
Nays – 0

**Resolution No. 170 of 2022                      Adopt Local Law No. 10 of the Year 2022: Amending Chapter 74 Relating to the Number of Animals Permitted**

RESOLVED, that the Common Council approves the adoption of Local Law No. 10 of 2022, amending Chapter 74 of the City Code relating to the number of animals permitted; AND BE IT FURTHER

RESOLVED, that the text of the local law shall read as follows:

**CITY OF CORTLAND, NEW YORK**

**LOCAL LAW NO. 10 OF THE YEAR 2022**

**“AMENDMENT OF ARTICLE §74 RELATING TO NUMBER OF ANIMALS PERMITTED”**

Be it enacted by the Common Council of the City of Cortland as follows:

**Section 1. Enactment and Title.**

**§74-1 Permit Required for Keeping or Raising of Certain Animals.**

It shall be unlawful for any person, firm or corporation to own, harbor, keep, raise or maintain any pigeons, fowl, horses, cattle, sheep, goats, swine, chickens or other domestic or wild animals, as well as cats and dogs, within the limits of the City of Cortland without first obtaining a permit therefor from the Common Council of the City of Cortland. The harboring of dogs or cats shall be allowed with such a permit.

**§74-2 Application for Permit.**

- A. Any person, firm or corporation desiring to own, harbor, keep, raise or maintain any pigeons, fowl, horses, cattle, sheep, goats, swine or other domestic or wild animals, as well as cats and dogs, shall make an applications in writing to the Common Council of the City of Cortland for a permit. Such application shall state and name the address of the applicant or applicants, a description in metes and bounds of the premises to be used, and shall illustrate by diagram the land and buildings or corral to be used for the keeping and harboring of the animal or animals, with respect to the boundary lines of the applicant’s property and other buildings within said plot or lot, and the relative positions of all other buildings or land immediately adjacent on all sides of the land of the applicant.
- B. Conditions for a Permit.
  - (1) In addition to any other requirements listed under this chapter, an applicant must pass an inspection by the Cortland County S.P.C.A. or other City of Cortland designee. Said inspection shall include a review of the following:
    - a. Whether there is sufficient outdoor area and indoor area, that is deemed both appropriate and adequate for the use at the proposed site; and
    - b. Whether the conditions – which shall include shelter, cleanliness, and availability of food and water – at the proposed site are acceptable for the use.

- (2) The animals shall not disturb the orderly and reasonable use of adjacent properties;
- (3) The site shall be particularly suitable for the location of the proposed in the community;
- (4) An adult (18+) shall be regularly present on the premises and/or site, and in any event when more than three dogs are outside.
- (5) The Common Council retains the authority, consistent with the authority described in §74-11 infra, to revoke any permit issued herein upon a determination of the S.P.C.A. or City of Cortland designee of a failure to comply with any of the above listed conditions.

**§74-9 Lofts and Coops**

- A. No permit shall be issued to any applicant to own, harbor, keep, raise or maintain pigeons, fowl, or similar domestic or wild animals unless such applicant has a completely enclosed building which is deemed suitable to be used as a loft or coop to keep or harbor such animals. Any such loft or coop shall be at least 50 feet from the doors and windows of any neighboring residential or business dwelling, and at least 3 feet from any adjacent property line.
- B. All lofts and coops shall be constructed in such a manner and of such material to prevent pigeons, fowl, or similar domestic or wild animals from running at large. Accordingly, at no time shall such pigeons, fowl, or similar domestic or wild animals be permitted to run at large.

**Section 2. Separability.**

If any part of provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Cortland hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 3. Findings.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 4 Effective Date.**

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

- Motioned by: Council Member Silliman
- Seconded by: Council Member Thompson
- Approved: Ayes – 6  
Nays – 0

**Resolution No. 171 of 2022                      Adopt Local Law No. 11 of the Year 2022: Amending Chapter 234 Relating to Downtown Sidewalk Cafes**

RESOLVED, that the Common Council approves the adoption of Local Law No. 11 of 2022, amending Chapter 234 of the City Code relating to sidewalk cafes; AND BE IT FURTHER

RESOLVED, that the text of the local law shall read as follows:

**CITY OF CORTLAND, NEW YORK  
LOCAL LAW NO. 11 OF THE YEAR 2022**

**“AMENDMENT OF ARTICLE §234 RELATING TO SIDEWALK CAFES”**

Be it enacted by the Common Council of the City of Cortland as follows:

**Section 1. Enactment and Title.**

§234-2 Regulations. All sidewalk cafes must comply with the following general regulations:

E. The tables and chairs must be “outdoor” style furniture.

**Section 2. Separability.**

If any part of provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Cortland hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 3. Findings.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 4 Effective Date.**

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Motioned by: Council Member Pennello

Seconded by: Council Member Beckwith

Approved: Ayes – 6  
Nays – 0

**Resolution No. 172 of 2022                      Appoint Hiring Search Committee for the Position of Director of Administration & Finance.**

RESOLVED, that the Common Council does hereby provide consent to the following Mayoral appointments to a committee tasked with advertising for, interviewing and making a hiring recommendations to the Common Council:

- Erik J. Bitterbaum, Ph. D., President of SUNY Cortland
- Robert Corpora, County Administrator, Cortland County
- Daniel F. McNeil III, President of McNeil & Co. Insurance and Risk Management
- Johanna Ames, President of Ames Linen Service
- Scott Steve, Mayor
- A.J. Meldrim, Esq., City Attorney/Executive Personnel Committee
- Mary Clare Pennello, Council Member/Executive Personnel Committee
- Troy Beckwith, Council Member/Executive Personnel Committee
- Tom Michales, Council Member/Executive Personnel Committee
- Service Employees International Union (SEIU) Representative/City Employee
- Bruce Adams, Director, Department of Waste Water Treatment/Senior City Department Head

AND BE IT FURTHER RESOLVED, that the hiring search committee shall elect a committee chair, and the City Clerk shall serve as secretary providing administrative support.

Motioned by: Council Member Beckwith

Seconded by: Council Member Silliman

Approved: Ayes – 6

Nays – 0

**Resolution No. 173 of 2022                      Authorize Public Hearing on Proposed Local Law No. 12 of the Year 2022 to Amend Chapter 11 of the City Code Relative to Towing Fees, Storage Fees, and Towing Service Insurance Coverage**

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, a public hearing on said proposed Local Law No. 12 of the Year 2022 to amend Chapter 11 of the City Code relative to towing fees, storage fees, and towing service insurance coverage shall be held on the 18<sup>th</sup> day of October, 2022 at 6:00 p.m. at City Hall, 25 Court Street, Cortland NY and that the City Clerk shall publish notice of such hearing in the official newspaper of the City of Cortland.

Motioned by: Council Member Beckwith

Seconded by: Council Member Pennello

Approved: Ayes – 6

Nays – 0

**Resolution No. 174 of 2022                      Authorize Public Hearing on Proposed Local Law No. 13 of the Year 2022 to Amend Article §238 of the City Code Relating to Smoking on Public Property**

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, a public hearing on said proposed Local Law No. 13 of 2022 to amend Chapter 238 of the City Code relating to smoking on public property shall be held on the 18<sup>th</sup> day of October, 2022 at 6:00 p.m. at City Hall, 25 Court Street, Cortland NY and that the City Clerk shall publish notice of such hearing in the official newspaper of the City of Cortland.

Motioned by: Council Member Beckwith

Seconded by: Council Member Thompson

Approved: Ayes – 6

Nays – 0

**Resolution No. 175 of 2022                      Approve Police Chief and Deputy Chief Pay Increase**

RESOLVED, that the salary of the Deputy Chief of Police shall be \$113,694 and the salary of the Chief of Police shall be \$128,694; AND BE IT FURTHER

RESOLVED, that said salaries shall be effective retroactive to the Cortland Police Benevolent Association (PBA) collective bargaining agreement effective date of January 1, 2022.

Motioned by: Council Member Beckwith

Seconded by: Council Member Pennello

Approved: Ayes – 6  
Nays – 0

**Resolution No. 176 of 2022                      Accept Bullet Proof Vest Partnership Grant Funds**

RESOLVED, that the City of Cortland Common Council agrees to accept these grant funds and place them in the Cortland City Police Department budget (A3120-5408.00 Uniform & Safety) to help offset the cost of purchasing bullet proof vests for officers.

Motioned by: Council Member Beckwith  
Seconded by: Council Member Michales  
Approved: Ayes – 6  
Nays – 0

**Resolution No. 177 of 2022                      Approve Property Conveyance**

RESOLVED, that the Common Council does hereby approve the conveyance of a vacant strip of land owned by the City, abutting western property lines of lots on western side of Glenn Street to Desiree Campbell of 14 Glenn Street (Tax Map ID 86.55-02-01000) in exchange for covering any filing fees with the Cortland County Clerk.

Motioned by: Council Member Beckwith  
Seconded by: Council Member Silliman  
Approved: Ayes – 6  
Nays – 0

Agenda Item No. 12: Authorize Repair to Armory Floor was tabled on September 20, 2022 to the present meeting. Agenda Item No. 12 was pulled from consideration at this time.

**Resolution No. 178 of 2022                      Accept and Recognize Donations to the Cortland Youth Bureau**

RESOLVED, that the Common Council accepts the donations listed below, and appropriates funds to the Cortland Youth Bureau operating budget accounts outlined below.

<u>Donor</u>	<u>Amount</u>	<u>Project/Event</u>	<u>Budget Line</u>
Timothy & Bethany Herman	\$250.00	Water Polo Equipment	7180.5206
Visions Credit Union	\$2,500.00	Visions of Christmas	7550.5405
Cortland Prof. Fire Fighters Assoc.	\$750.00	Football Sponsorship	7140.5405
Police Benevolent Association	\$750.00	Football Sponsorship	7140.5405

Motioned by: Council Member Beckwith  
Seconded by: Council Member Lane  
Approved: Ayes – 6  
Nays – 0

DISCUSSION ITEMS

**Discussion Item No. 1                      Parker School**

The Mayor addressed several inaccurate public statements about the YWCA and CAPCO’s announcement that they are withdrawing from the proposal to use the Parker School building as a child care center. He said that the



City was not part of discussions about the decision; that the YWCA and CAPCO informed the City after their decision to withdraw was made. He also providing clarification about the availability of grant funds. He said that no grant funds have yet to be provided to the City; that they are all based on the City expending monies on the project and being reimbursed thereafter. Mr. Steve said that the NYS Dormitory Authority (DASNY) has a lien on the building through 2023 which restricts the building's use and that he is discussing options with bond counsel that could make the building available for additional uses. He said the City is examining ways to mitigate the cost to the City while the building is vacant.

**Discussion Item No. 2                      Sidewalk Survey**

The Codes Enforcement Division and Zoning Office surveyed the condition of sidewalks in the City and compiled a list of the locations most in need of repair particularly in high-traffic areas. Captain Everett said that the new Code Officers are doing a good job of identifying violations of the property maintenance code. Residents are given a violation notice that they need to fix the issue and information about the City's Sidewalk Replacement Program which will pay half the cost of sidewalk replacement at the recently approved Revolving Loan Fund Programs for Sewer/Storm/Water Service Repair/Replacement Program, and Sidewalk Repair/Replacement. Complaints or notations about sidewalks in disrepair or other City Code-related concerns may be made through a form on the Code Enforcement Division's webpage on the City website or by calling him.

ADJOURNMENT

The meeting was adjourned on motion of Council Member Beckwith and approved by a vote of 6-0.

**I, ANDREW T. JEWETT, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 4<sup>TH</sup> DAY OF OCTOBER, 2022. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED FOR HIS CONCURRENCE IN ADOPTION OR REJECTION BY VETO POWER.**

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**ANDREW T. JEWETT, CITY CLERK**

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**SCOTT STEVE, MAYOR**