



CITY OF CORTLAND COMMON COUNCIL

OCTOBER 18, 2022 – 6:00 PM

City Hall, 25 Court Street, Cortland NY 13045

Join Zoom Meeting - <https://us02web.zoom.us/j/9235664700>

Meeting Room: 923 566 4700

AGENDA

PUBLIC HEARINGS

- Public Hearing No. 1.** **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**
- Public Hearing No. 2.** **Proposed Local Law No. 13 of the Year 2022 to Amend Article §238 of the City Code Relating to Smoking on Public Property**

CALL TO ORDER – ROLL CALL

SALUTE TO THE FLAG

MOMENT OF SILENCE/REFLECTION

PROCLAMATIONS/PRESENTATIONS

PRIVILEGE OF THE FLOOR

MAYOR'S REPORT

WARD REPORTS

APPROVAL OF THE MINUTES FOR OCTOBER 4, 2022

RESOLUTIONS

- Agenda Item No. 1** **Adopt 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**

WHEREAS, the City of Cortland authorized an annual Registration Fee of \$100 for each tow company maintained on the tow rotation for the City, and for City to be added as additional insured on the tow company policy by Resolution No. 99 of the Year 2008; AND

WHEREAS, the City wishes to encourage tow companies to continue to conduct business within the City, and to protect its self from financial obligations arising from functions performed by tow companies working in the City by eliminating the requirement for an annual registration fee while maintaining the insurance requirement; AND

WHEREAS, the City has maintained a tow fee schedule with set pricing for towing performed within the City which has been amended over the years to ensure rates are fair to both the City residents and the tow companies; AND

WHEREAS, the last amendment to this tow fee structure by Resolution No. 99 of the Year 2008, and fuel prices, labor costs, and maintenance of equipment cost have risen significantly since 2008, making the tow fee structure unfair to local tow companies; AND

WHEREAS, the City wishes to rectify the unfair fee structure to provide relief to the local tow companies on the rotation list by increasing the tow fee by \$50 per category with the new fee structure for tow work performed as follows: 7:00AM to 6:59PM Monday through Friday - \$120; 7:00PM to 6:59AM Monday through Friday - \$150; all day Saturday and Sunday - \$170; at any time in which tow company is faced with extenuating circumstances, (such as a vehicle has crashed into a building or a vehicle which has crashed into a waterway) - time rates plus \$100; AND

WHEREAS, the City has authorized the Police Department to store towed vehicles and charge a daily storage fee of \$40 per day by Resolution No. 99 of the Year 2008; AND

Whereas, the cost of maintaining and operating the Impound Lot has increased since 2008, and the City wishes to increase this daily storage fee to allow for proper maintenance of the Impound Lot by increasing the daily fee by \$20.00 to \$60 per day; AND

WHEREAS, such changes would amend the City Code and must be made through enactment of a local law; AND

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, a 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 was held on the 18th day of October, 2022 at 6:00 p.m. at City Hall, 25 Court Street, Cortland NY; NOW, THEREFORE, BE IT

RESOLVED, that the Common Council does hereby adopt 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; AND BE IT FURTHER

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

CITY OF CORTLAND, NEW YORK
LOCAL LAW NO. 12 OF THE YEAR 2022
“AMENDMENT OF ARTICLE §11 RELATIVE TO TOWING FEES, STORAGE FEES, AND TOWING SERVICE
INSURANCE COVERAGE”

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

Section 1. Enactment and Title.

§11-82 Storage and Charges; Requirement of Insurance.

- A. After removal of any vehicle as provided in this article, the Police Department may store such vehicle in a suitable place at the expense of the owner. Such owner, or person in charge of the vehicle, may redeem the same upon payment to the owner or person in charge of the suitable place of storage the amount of all expenses actually and necessarily incurred in effecting such removal, such removal charges not to exceed

WHEREAS, the primary purpose of this measure is to reduce the proximate exposure of the public to the hazards and annoyance of second-hand smoke, in all forms; and is intended to reduce the litter and possible contamination from smoking-related refuse, including discarded cigarette butts in public places: AND

WHEREAS, amendments to the City Code must be made through enactment of a local law; AND

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, a public hearing on proposed Local Law No. 13 of 2022 to amend Chapter 238 of the City Code relating to smoking on public property was held on the 18th day of October, 2022 at 6:00 p.m. at City Hall, 25 Court Street, Cortland NY; NOW, THEREFORE, BE IT

RESOLVED, that the Common Council does hereby adopt Local Law No. 13 of 2022 to amend Chapter 238 of the City Code relating to smoking on public property; AND BE IT FURTHER

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

CITY OF CORTLAND, NEW YORK
LOCAL LAW NO. 13 OF THE YEAR 2022
“AMENDMENT OF ARTICLE §238 RELATING TO SMOKING ON PUBLIC PROPERTY”

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

Section 1. Enactment and Title.

§238-1 Title. This article shall be entitled “Smoking, Use On City Property.

§238-2 Authorization, Purpose, and Intent.

- A. The primary purpose of this article is to reduce the proximate exposure of the public, especially children, to the hazards and annoyance of second-hand smoke, in all forms. Furthermore, this legislation is intended to reduce the litter and possible contamination from smoking-related refuse, including discarded cigarette butts in public places and to reduce the likelihood that young persons will initiate smoking, vaping, nicotine, tobacco, or cannabis use (by reducing the incidence of public smoking in places where young persons are likely to be present).

§238-3 Definitions.

SMOKE

The emission produced by the burning of a lighted cigar, cigarette, pipe, or any other matter or substance meant for inhalation into the lungs, including but not limited to vaping, or any other mechanism which produces emission, and which may contain tobacco, nicotine, and/or cannabis, as that term is defined by the New York State Penal Law.

SMOKING

The burning of a lighted cigar, cigarette, pipe, or any other matter or substance meant for inhalation into the lungs, including but not limited to vaping and which may contain tobacco and/or cannabis, as that term is defined by the New York State Penal Law.

VAPING

The use or operation of any electronic aerosol delivery system.

§238-4 Rules. Smoking shall not be permitted and no person shall smoke in the following outdoor areas, subject to the limited exception for streets open to regular traffic:

C. In certain other areas as follows:

- (1) Main Street Area, as follows: At all times, within 25 feet of any entrance or exit of any building located on Main Street that provides access to or from Main Street and any public sidewalk that run along it, or other adjacent public sidewalk (i.e. corner buildings on Main Street with multiple entrances and/or exits).
- (2) The rules and restrictions set forth for the Main Street Area as defined in C.(1) above shall extend to adjacent or nearby areas as follows:
 - (a) West Court Street: Commencing at the intersection of West Court Street and Main Street, extending west to the intersection of Haskell Place and West Court Street.
 - (b) Court Street: Commencing at the intersection of Court Street and Main Street, extending east to the intersection of Church Street and Court Street.
 - (c) Central Avenue: Commencing at the intersection of Central Avenue and Main Street, extending east to the intersection of Church Street and Central Avenue.
 - (d) Orchard Street: Commencing at the intersection of Orchard Street and Main Street, extending west to the intersection of Haskell Place and Orchard Street.
 - (e) Clayton Avenue: Commencing at the intersection of Clayton Avenue and Main Street, extending west to the location known as 14 Clayton Avenue.
 - (f) Main Street / Williams Street: Continuing south along Main Street through the intersection of Port Watson Street, Tompkins Street, and Main Street, extending to the intersection of Williams Street and Main Street.
 - (g) Port Watson Street: Commencing at the intersection of Port Watson Street and Main Street, extending east to the intersection of Church Street and Port Watson Street.
 - (h) Groton Avenue: Commencing at the intersection of Groton Avenue and Main Street, extending west to the intersection of Monroe Heights and Groton Avenue.
 - (i) Clinton Avenue: Commencing at the intersection of Clinton Avenue and Main Street, extending east to the intersection of Church Street and Clinton Avenue, including the area south of said intersection where Church Street intersects with Elm Street.
- (3) Outside City-Owned Property and Entrances, as follows: At all times, in or on any City-owned property - including parks, recreational areas, and school entrances, as further defined by this chapter - within 25 feet of any entrance or exit or ventilation intake for any building owned by the City of Cortland.
- (4) City Parks, Schools, Recreational Areas (i.e. dog parks): At all times, in or on any public park, playground or other public recreational area, or within 25 feet of any public park, playground, or recreational area, including but not limited to, vehicle accessible roadways and pedestrian access/walkways.

§238-6. Applicability of Definitions. The definitions and restrictions as included in the Chapter shall also be applicable to Chapter 202. Parks and Recreation Areas, and any inconsistent provisions therein shall be controlled by this Chapter.

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.

Agenda Item No. 3 Authorize Mortgage Subordination and Agreement

WHEREAS, the City of Cortland (the “City”) provided assistance to an Income Property owner (the “Owner”) for the rehabilitation of an income property under the City’s 2019 Community Development Income Property Program, which included both a direct loan and deferred loan; AND

WHEREAS, said Owner gave a mortgage to the City in the amount of the assistance provided for the rehabilitation of the subject property; AND

WHEREAS, said resident applied to refinance the existing first mortgage at a lower rate and for funds to provide upgrades to this and other income properties owned, requiring a subordination by the City; AND

WHEREAS, the City’s Loan Committee reviewed the facts of this subordination request and hereby makes a recommendation to the City’s Common Council that the Council approve subordination of the remaining deferred payment loan portion of the total assistance as of October 1, 2022 of approximately \$20,434; said subordination contingent upon paying off the direct loan portion of approximately \$6,947 after the October 2022 payment is made by the Owner with funds received in the refinance; NOW, THEREFORE, BE IT

RESOLVED that the City of Cortland subordinates, its mortgage instrument #2021-07448 recorded on December 20, 2021 with the Cortland County Clerk to the above noted remaining deferred payment loan portion, said subordination to facilitate a new first mortgage with CFCU in the maximum amount of \$303,000 for said Owner, and further authorizes Mayor Scott Steve to sign a subordination agreement for the same.

Agenda Item No. 4 Transfer Funds to City Departments for Fuel Budget Shortages

WHEREAS, all City Departments propose an annual budget to the Mayor that is approved by the Common Council for the following fiscal year; AND

WHEREAS, department heads are diligent to estimate anticipated cost for the following fiscal year; AND

WHEREAS, certain expenditures may increase through external, uncontrollable financial influences which significantly impact established budgets for all departments; AND

WHEREAS, City departments are currently near or over on the FY2022 fuel-line budgeted expenditures due to the exceptionally high fuel costs; NOW, THEREFORE, BE IT

RESOLVED, that the Common Council approves transfer of funds totaling \$65,250 from the Contingency Account #A1325-41120 to the following City Department’s fuel lines:

Youth Bureau	A7110-540100 Contr Motor Equip	\$2,250
Police Department	A3120-540100 Contr Motor Equip	\$32,000
DPW	A5110-540100 Contr Motor Equip	\$13,000

Fire Department A3410-540100 Contr Motor Equip \$18,000

Agenda Item No. 5 Authorize Sale of Police Department Surplus Vehicle

WHEREAS, the Cortland City Police Department maintains a fleet of vehicles used exclusively for law enforcement purposes; AND

WHEREAS, these vehicles are typically used far more extensively than non-police vehicles, in that they are often driven on a 24/7 schedule and under non-typical driving conditions; AND

WHEREAS, the Cortland City Police Department routinely seeks to cycle in newer vehicles to replace those that are of no further service to the agency; AND

WHEREAS, the Cortland City Police Department has a 2015 Chevrolet Tahoe, which was originally used for patrol duties (Old Car 14), before being replaced and being used as a transport for academies and trainings; AND

WHEREAS, the Cortland City Police Department believes this vehicle has served its usefulness to the agency and would like it to be declared as surplus; AND

WHEREAS, the Cortland City Police Department would like to auction the above noted vehicle on Auctions International and have any proceeds placed back in the department budget for new equipment; NOW THEREFORE BE IT,

RESOLVED, that the Common Council hereby declares a 2015 Chevrolet Tahoe utilized by the Cortland City Police Department as surplus and grants permission for the agency to sell the vehicle on Auction International, with any proceeds from the sale being placed in the Cortland City Police Department 2022 budget account A3120-520600-Operating Equipment to be used towards the purchase of new police vehicles and/or equipment.

Agenda Item No. 6 Appoint Carrie Kane to Wastewater Treatment Board

WHEREAS, in accordance with the Cortland City Charter, Article XVII §C17-3, there shall be a Wastewater Treatment Board consisting of five members who shall be appointed by the Mayor with confirmation by the Common Council; AND

WHEREAS, the members shall serve three year terms with no compensation, except the Common Council may authorize reimbursement of expenses; AND

WHEREAS, the term of Carrie Kane expires October 31, 2022; AND

WHEREAS, the Mayor has nominated Carrie Kane to the Wastewater Treatment Board for an additional term expiring October 31, 2025; NOW, THEREFORE, BE IT

RESOLVED, that the Common Council does hereby affirm the appointment of Carrie Kane to the Wastewater Treatment Board for a term beginning November 1, 2022 and expiring October 31, 2025.

Agenda Item No. 7 Authorize Sale of Youth Bureau Surplus Lifeguard Equipment

WHEREAS, the City of Cortland Youth Bureau wishes to replace two lifeguard chairs at Yaman Beach; AND

WHEREAS, the current lifeguard chairs have been used daily during the summer months for over fifteen (15) years and should be replaced; NOW THEREFORE BE IT

RESOLVED, that the Common Council affirms the surplus of two (2) lifeguard chairs AND BE IT FURTHER

RESOLVED, that the Common Council authorizes the Youth Bureau Director to sell the surplus lifeguard chairs on Auctions International with the money from the sale appropriated to budget line 7180.5206.

Agenda Item No. 8

Accept and Recognize Donations to Cortland Youth Bureau

WHEREAS, donations have been given to the Cortland Youth Bureau, AND WHEREAS, the Common Council must accept and allocate such funds, AND

WHEREAS, the Mayor, Common Council and Cortland Youth Bureau wish to publicly recognize these donations and the generosity of the donors, NOW, THEREFORE, BE IT

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>
Royal Motor Company	\$1000.00	Youth Football	Small Fry Account

ADJOURNMENT