

COMMON COUNCIL

AGENDA
February 19, 2019
6:30 PM

Call To Order

Pledge of Allegiance

Invocation

Approval of minutes of the regular meeting of January 22, 2019

Public Hearing – Proposed Ordinance (A) of 2019 Regarding Peddling and Soliciting Non-Profit Fundraising Permit

Open Forum

Correspondence

- ◆ Achieve 5K Race
- ◆ After Prom Committee Bottle Drive
- ◆ Chenango County Rabies Clinic
- ◆ U.S. Census Bureau – Firehouse Use

Department, Board and Commission Reports

- ◆ Traffic Commission Minutes – January special meeting
- ◆ Youth Bureau Minutes – February
- ◆ Park Commission Minutes - November
- ◆ Police Department Report – December
- ◆ Fire Department Report – January

Announcement of Appointments to BIDMA for one-year terms expiring December 31, 2019

- ◆ Mayoral Representative – Luke Murphy
- ◆ Council Representative – Matthew Caldwell
- ◆ Director of Finance Representative – Tyler Oliver

Ward Reports

Resolutions

- ◆ AUTHORIZING APPROPRIATION OF GRANT FUNDS FROM R.C. SMITH FOUNDATION FOR CITY BAND SUMMER CONCERT SERIES
- ◆ AUTHORIZING TRANSFER OF FUNDS – NEW BOILER AT POLICE DEPARTMENT
- ◆ AUTHORIZING END OF YEAR 2018 BUDGET TRANSFERS
- ◆ PROMOTING MEO 1 TO HEO I
- ◆ ADOPTING PROPOSED ORDINANCE NO. (A) OF 2019 REGARDING PEDDLING AND SOLICITING
- ◆ UPDATING MUNICIPAL FEES AND FINES SCHEDULE
- ◆ SUPPORTING THE COMMERCE CHENANGO DRI PROGRAM APPLICATION

Payment of January and February 2019 Bills

Executive Session (if needed)

Adjournment

Public Hearing – Proposed Ordinance (A) of 2019 Regarding Peddling and Soliciting

Mayor Carnrike opened the Public Hearing at ____p.m. for Proposed Ordinance (A) of 2019 regarding peddling and soliciting. There being ____ comments, the hearing was closed at ____ p.m.

Correspondence

Achieve .5K Race – Ald. _____ **moved** to approve the request from Achieve at a new event, The overACHIEVER’S HalfK Classic Fun Run (0.6 mile), for Police Assistance on Saturday, September 28, 2019 beginning at 10:00 a.m. The race route begins at East Park, to Mitchell St., to State St. and ending at the Classic Car Museum on Rexford St. Seconded by _____, approved ayes all.

After Prom Committee Bottle Drive – Ald. _____ **moved** to approve the request from the After Prom Committee for use of the Firehouse to conduct a bottle drive fundraiser on Sunday, March 17, 2019. Seconded by _____, approved ayes all.

Chenango County Rabies Clinic – Ald. _____ **moved** to approve the request from Chenango County Public Health for the use of the Firehouse to conduct a rabies clinic on March 23, 2019 from 9:30 a.m. to 11:00 a.m. Seconded by _____, approved ayes all.

U.S. Census Bureau – Ald. _____ **moved** to approve the request from the U.S. Census Bureau for use of the Firehouse to conduct training sessions for local residents working for the Census. Training would be 3 to 5 days from 8 a.m. to 4 p.m. or 9 a.m. to 5 p.m. Approval is pending the availability of the Firehouse after the training schedule is made. Seconded by _____, approved ayes all.

Resolutions

RESOLUTION # - 2019 **AUTHORIZING APPROPRIATION OF GRANT FUNDS FROM R.C. SMITH FOUNDATION FOR CITY BAND SUMMER CONCERT SERIES**

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, a grant in the amount of \$2,051.50 has been received from the R.C. Smith Foundation for supporting the Norwich City Band 2017 summer concert series; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that \$2,051.50 from the RC Smith Grant be and hereby are appropriated for the Norwich City Band 2019 summer concert series; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following supplemental appropriation in the 2019 General Fund budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A910	General Fund – Appropriated Fund Balance	\$ 2,051.50

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A7270.4020	Band Concerts - Contracted Services	\$ 2,051.50

Seconded by Ald. _____, and duly adopted, _____, on a roll call vote.

RESOLUTION # - 2019 **AUTHORIZING TRANSFER OF FUNDS – NEW BOILER AT POLICE DEPARTMENT**

Ald. _____ introduced the following and moved its adoption:

WHEREAS, the boiler at the Police Department has deteriorated over time and is no longer functioning, and repairs are not economically feasible; and

WHEREAS, funds are required for its replacement; and

WHEREAS, the Superintendent of Public Works has made certain recommendations; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2019 budget:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR 33-878	Capital Reserves – Municipal Buildings	\$ 15,302.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1620.2100	Municipal Buildings – Equipment	\$ 15,302.00

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.

RESOLUTION # -2018 AUTHORIZING END OF YEAR 2018 BUDGET TRANSFERS

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, funds need to be reallocated among line items to cover the cost of expenses through December 31, 2017; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfers in the 2018 General Fund and Sewer Fund Budgets:

2018 Budget Transfers

GENERAL

TO:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.1010	Fire Department – Personal Services	\$ 2,870.12
A3410.1020	Fire Department – Overtime	\$ 79,080.40
		=====
	GENERAL	\$ 81,950.52

FROM:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A1990.4	Contingency	\$ 81,950.52
		=====
	GENERAL	\$ 81,950.52

SEWER

TO:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8120.1010	Sanitary Sewers – Personal Services	\$ 14,898.97
G8130.1010	Treatment & Disposal – Personal Services	\$ 24,503.05
G8130.1020	Treatment & Disposal – Overtime	\$ 4,854.50
G9030.8	Sewer Fund – Social Security	\$ 206.55

=====

SEWER \$ 44,463.07

FROM:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8110.1010	Sewer Administration – Personal Services	\$ 27,588.42
G8130.4026	Treatment & Disposal – Lab Expense	\$ 16,874.65

=====

SEWER \$ 44,463.07

Seconded by Ald. _____, and duly (adopted / defeated), _____, on a roll call vote.

RESOLUTION # - 2019 PROMOTING MEO 1 TO HEO I

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, the position of HEO I exists; and

WHEREAS, the DPW Superintendent and Joint Committees have recommended the promotion of Peter Christopherson of Oxford, NY to such position; now, therefore be it

RESOLVED, that Peter Christopherson of Oxford, NY, be and hereby is granted a permanent appointment HEO I in the DPW, effective February 20, 2019, and further be it

RESOLVED, that Peter Christopherson of Oxford, NY, be and hereby is promoted to the position of HEO I for the City of Norwich at the entry level salary and shall be subject to any action as may be necessary by the Norwich Civil Service Commission.

Seconded by Ald. _____ and duly adopted, _____, on a roll call vote.

RESOLUTION # - 2019 ADOPTING PROPOSED ORDINANCE NO. (A) OF 2019 REGARDING PEDDLING AND SOLICITING

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, the Common Council received proposed Ordinance No. (A) of 2019 on January 22, 2019, to amend the §383 – Peddling and Soliciting; and

WHEREAS, a public hearing was held on February 19, 2019, in connection with said proposed ordinance now, therefore be it

RESOLVED, that Ordinance No. (A) of 2019 to amend the §383 – Peddling and Soliciting, as presented to the Common Council on January 22, 2019, be and hereby is adopted, and is hereby designated as Ordinance No. 1 of 2019.

PROPOSED ORDINANCE NO. (1)
OF 2019

AN ORDINANCE TO AMEND THE
PEDDLING AND SOLICITING ORDINANCE
OF THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, is hereby amended as follows:

Section 1. Chapter 383 - Peddling and Soliciting Ordinance of the City of Norwich, New York, is hereby amended as follows:

§ 383-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DESIGNATED AREAS

Include specified areas in the City of Norwich which allow mobile food vendors for an extended duration between the hours of 8:00 a.m. through 11:00 p.m. without the need to move. The designated area shall be the size of two parking spaces.

[Added 8-13-1991 by Ord. No. 2-1991; amended 9-14-2010 by Ord. No. 3-2010]

ESTABLISHED PLACE OF BUSINESS

Includes a building or store in which or where the person transacts business and deals in the goods, wares or merchandise he hawks, peddles or solicits for during regular hours of business daily.

HAWKER, PEDDLER or VENDOR

Includes any person, either principal or agent, who in any public street or public place, or by going from house to house or from place of business to place of business, on foot or on or from any vehicle, sells or barter, offers for sale or barter, or carries or exposes for sale or barter any goods, wares or merchandise and periodicals.

[Amended 5-18-1999 by Ord. No. 3-1999; 9-14-2010 by Ord. No. 3-2010]

NON-PROFIT

Includes the term Not-for-Profit: a corporation or an association that conducts business for the benefit of the general public without shareholders and without a profit motive.

PERSON

Includes one or more persons of either sex, natural persons, firms and corporations, and all other entities of any kind capable of being sued.

SOLICITOR

Includes any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

[Amended 5-18-1999 by Ord. No. 3-1999]

SPECIAL EVENT

An event of specific, limited duration at which the sponsoring organization will have vendors.

[Added 9-14-2010 by Ord. No. 3-2010]

SPECIAL EVENT DESIGNATION

Granted by the Common Council upon written request of an organization sponsoring an event at which it will have vendors.

[Added 9-14-2010 by Ord. No. 3-2010]

Section 383-5 A. Fees

[Amended 10-9-1956; 8-13-1991 by Ord. No. 2-1991; 6-16-1998 by Ord. No. 2-1998; 5-18-1999 by Ord. No. 3-1999; 9-22-2009 by L.L. No. 2-2009]

The following fees shall be paid for the license hereinabove required:

A. Where a vehicle or vehicles is or are to be used by the applicant, the fees shall be:

(1) Designated area annual fee: as set by the Common Council; allows for the lease of one of the six designated spaces in the City where goods and services may be sold from a mobile unit without having to fulfill the requirement of movement every 10 minutes.

(a) All four of the downtown spaces are available for annual lease. Permits are nontransferable. Limit one designated space per vendor. The annual permit may be renewed by the same vendor. To assure renewal of the same space the vendor must renew by the last day of February of the licensing year.

[Amended 9-14-2010 by Ord. No. 3-2010]

(b) Designated spaces for annual lease are as follows:

(1) Northwest corner of East Side Park.

(2) Southeast corner of East Side Park.

(3) Northeast corner of East Side Park.

(4) Northeast corner of West Side Park.

(2) Designated area seasonal fee: as set by the Common Council; allows for the length of six months from the date of permit or December 31st, whichever comes first.

(a) Designated spaces for seasonal lease are as follows:

(1) Parking lot at Weiler Park near the Pavilion.

(2) Kurt Beyer Park, next to the Kurt Beyer Pool Filter House.

(3) Standard (all others): fee as set by the Common Council; allows for a calendar year permit allowing a vendor to sell throughout the City of Norwich under the standard conditions, including moving every 10 minutes.

(4) Any person using a vehicle may employ under the same license not more than one person to assist in selling and delivering, but such person shall so act only when accompanying a licensed hawker, peddler or solicitor and, when any additional persons are so employed, an additional license shall be required for each such additional person and the fee fixed in Subsection A(3) shall be paid therefor.

B. Where no vehicle is used by the applicant, the fee shall be:

(1) Standard: as set by the Common Council; allows for a calendar-year permit allowing the vendor to sell throughout the City of Norwich.

C. Special events: as set by the Common Council; allows for a vendor to set up for a special event designated by the Common Council. A permit is required, whether the vendor is on public or private property, and is required in addition to any other permit issued under this chapter. Any vendor setting up in the area designated by the Common Council as the special event area is required to obtain a permit. There is no requirement to move every 10 minutes with this permit.

D. Non-Profit Fundraising Permit: as set by the Common Council; allows for a non-profit vendor to set up as designated by the Common Council. A permit is required, whether the vendor is on public or private property, and is required in addition to any other permit issued under this chapter. Any vendor setting up in the area designated by the Common Council as a non-profit fundraiser is required to obtain a permit. There is no requirement to move every 10 minutes with this permit.

§383-14

Non-Profit Fundraising Permit

- A. An organization requesting non-profit designation must submit a License Application as provided in §383-3. Non-profit fundraising shall be limited to a singular non-profit vendor or a singular non-profit sponsored vendor for the purposes of fundraising on behalf of the non-profit.
- B. A Non-Profit Organization is limited to no more than (4) four permits per calendar year.
- C. Application for permit. The non-profit organization must provide the City with the following information.
 - 1. Name of vendor/company.
 - 2. Names of owner and all employees/volunteers who will be present.
 - 3. Address of vendor/company.
 - 4. Address of owner, if different than that of vendor/company.
 - 5. Dates of birth of owner and all employees/volunteers who will be present.
 - 6. Make, model and license plate number of vehicles used for selling, if any.
 - 7. Certifications, if applicable, for New York state sales tax, Chenango County food permit, weights and measures.
 - 8. Proof of Non-Profit status must be submitted.
 - 9. All requirements must be met before Non-Profit Fundraising Permit will be issued.
- D. The license fees shall be as set by the Common Council on the fee schedule and as amended from time to time by resolution of the Common Council.
- E. Shall be exempt from moving every 10 minutes. The location of fundraising must be fully contained on the non-profit's property or in an area designated by the Common Council.
- F. No more than (1) one Non-Profit permit per park per day within the City limits will be issued.
- G. Non-Profit Fundraising Permit holders are not exempt from the special event permit within a special event designated area and must obtain a permit from the organization holding the special event.
- H. Special Event Permits will take precedence over Non-Profit Fundraising Permits.
- I. §383-2 through §383-13 shall apply unless expressly exempted.

Section 2. This ordinance shall take effect immediately.

New material is underlined.

Seconded by Ald. _____ and duly adopted, _____, on a roll call vote.

RESOLUTION # - 2019

UPDATING MUNICIPAL FEES AND FINES SCHEDULE

Ald. _____ introduced the following and **moved** its adoption:

WHEREAS, the Common Council adopted Resolution #71-2010 on October 19, 2010, establishing a consolidated Municipal Fees & Fines Schedule of various fees and certain fines into a single document; and

WHEREAS, it has been determined that a Chapter 383 Peddling and Soliciting has established a Non-Profit Fundraising Permit; and

WHEREAS, the recommended fee is \$10; and

WHEREAS, the Common Council have made certain recommendations; now, therefore be it

RESOLVED, that the following portions of the Municipal Fees & Fines Schedule be and hereby is updated effective as of February 20, 2019:

CITY OF NORWICH
UPDATED MUNICIPAL FEES & FINES
Effective Date as of February 20, 2019

Peddler's Permits

Standard \$50.00*

Additional Employee \$50.00*

*License Fee is doubled if Peddler is reported to be peddling without a license.

Annual \$200.00

Seasonal \$150.00

Special Event \$50.00** + \$5.00 per

Vendor

Non-Profit Fundraising \$10.00

**License Fee of \$100.00 is doubled if the two (2) month prior written requested requirement is not complied with.

(bold italic is new material)

Seconded by Ald. _____, and duly adopted, _____, on a roll call vote.

RESOLUTION # - 2019

SUPPORTING THE COMMERCE CHENANGO DRI PROGRAM APPLICATION

Ald. _____ introduced the following and moved its adoption:

WHEREAS, Commerce Chenango is submitting an application to the New York State DRI program for funding through the Empire State Development Program; and

WHEREAS, such grant would provide for revitalization in the City's downtown area; and

WHEREAS, the City is committed to the ongoing efforts to revitalize and improve the downtown; now, therefore be it

RESOLVED, that the City of Norwich be and hereby authorizes its support of the application to the DRI program for downtown revitalization by Commerce Chenango to New York State for funding through the Empire State Development Program.

Seconded by Ald. _____ and duly adopted, _____, on a roll call vote.

Payment of January 2019 Bills

Ald. _____ moved to pay the January 2019 bills after proper audit and certification.

	Prepaid	1/22/2019	Grand Total
General Fund	\$149,724.16	\$200,159.76	\$ 349,883.92
Sewer Fund	22,461.69	16,118.81	38,580.50
Water Fund	22,347.22	2,243.60	24,590.82
Trust	28,117.68	-	28,117.68
Debt Service	-	-	-
Comm. Dev. - Special Grants	-	3,630.54	3,630.54

Capital Projects		4,346.48		-		4,346.48
TOTALS		\$226,997.23		\$222,152.71		\$449,149.94

Seconded by Ald. _____ and duly (adopted/defeated) _____.

Payment of February 2019 Bills

Ald. _____ **moved** to pay the February 2019 bills after proper audit and certification.

		<u>Prepaid</u>		<u>2/19/2019</u>		<u>Grand Total</u>
General Fund		\$921,571.82		\$71,435.13		\$ 993,006.95
Sewer Fund		56,674.30		4,271.91		60,946.21
Water Fund		58,336.44		12,056.04		70,392.48
Trust		35,158.66		-		35,158.66
Debt Service		-		-		-
Comm. Dev. - Special Grants		-		199.00		199.00
Capital Projects		35,000.00		-		35,000.00
TOTALS		\$1,106,741.22		\$87,962.08		\$1,194,703.30

Seconded by Ald. _____ and duly (adopted/defeated) _____.