

**MINUTES OF THE COMMON COUNCIL
JUNE 16, 2020**

DRAFT

A meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of June, 2020 at 6:30 o'clock P.M. via ZOOM Video Voice Conferencing livestreamed through ZOOM via the link on the City website www.oneidacity.com.

The meeting was called to order by Mayor Helen Acker

PRESENT: Councilors Carrie Earl, Michael Bowe, James Coulthart,
Michelle Kinville, Brandee DuBois and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
City Engineer Eric Schuler
Comptroller Lee Ann Wells
Director of Planning and Development
Police Chief Paul Thompson
Recreation Director Luke Griff

Mayor Acker said that this meeting is in compliance with the Governor's Executive Order 202.11, and we have a quorum.

OLD BUSINESS

Councilor Coulthart questioned where we are on the remaining tax collection, noting that we are still at 91.5%. The Mayor said that she would have to get that answer from the City Chamberlain, and she will get back to him with more information.

SUPERVISORS REPORT - None

Moved by Councilor Coulthart
Seconded by Councilor Bowe

RESOLVED, that the minutes and verbatim transcript of the regular meeting of June 2, 2020 are hereby approved as presented.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

Moved by Councilor Simchik
Seconded by Councilor Earl

RESOLVED, that Warrant No. 12, checks and ACH payments in the amount of \$289,172.74 as audited by the Voucher Committee is hereby approved for payment in the usual manner at the discretion of the Comptroller.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

Moved by Councilor Coulthart
Seconded by Councilor Earl

RESOLVED, that checks in the amount of \$8,871.00 (City Attorney) as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller.

Councilor Earl – Yes
Councilor Bowe – Abstain
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 20-93

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, that Monthly Reports from the Chamberlain, City Clerk, City Engineer, Comptroller, Fire Chief, Police Chief and Recreation Director be hereby received and placed on file.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

Councilor Coulthart said that he sees that we are about \$245K short in sales tax, the unemployment expenses are on a rapid incline, questioned the funding progress regarding the USDA loan for the library, and asked if the procedures and policies in the Recreation Department have been put into place.

Mayor Acker said that she is working with the Recreation Director on the policies/procedures. She said with respect to the USDA, all the involved municipalities are united as one unit, and noted that we do have some good news. The Comptroller said that we found out from USDA that the interest rate is dropping as of July 1st, so closing before the end of the month would not be appropriate. She said they are dropping to 2.25% with USDA for the next quarter. Mayor Acker said that we will be renewing the

ban until the project is completed and then bonding at the lower rate. She said that all the municipalities are 100% on board.

In response to a question, the Mayor said that she has been meeting with Department Heads on a continual basis, there is a halt on unnecessary spending, we have laid off seventeen people (part-timers) and will not be opening the pool, which will save approximately \$60,000. She said that we are holding our own right now, but added that more reports will be coming from the State, and then she will determine if we have to make even more changes.

Councilor Coulthart said that there is a long hot summer ahead with nothing planned for our youth. He questioned if some resources could be allocated for the programming through the Recreation Department. The Mayor asked what he meant, as there are no additional funds. Councilor Coulthart said that the Recreation Director and Program Coordinator are spending a lot of time mowing lawns, and he is not certain if this the best use of our Director's resources and time. Mayor Acker said that Luke and Justin are mowing all the lawns, as there are no programs due to the virus. The Mayor noted that the Program Coordinator is working out of his title and has offered to do so without any union concerns. She said that we are trying to save every dime by not hiring extra workers. Mayor Acker said if there is a change in the next couple of months, we will look at it then, but right now there is no programming allowed due to the virus. Councilor Coulthart questioned who was receiving unemployment through the City. The Mayor explained how filing for NYS Unemployment benefits works, and the Comptroller said that her department fills out all the appropriate paperwork. The Comptroller added that unemployment benefits are a determination by New York State, not by the City. Mayor Acker noted that it is cheaper to pay the unemployment taxes than to hire the workers back.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR IMPACT GRANT

RESOLUTION 20-94

Moved by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, to authorize the Recreation Department to expend funds from the Erie Canalway National Heritage Corridor Impact Grant for The History of the Erie Canal and Oneida Interpretive Sign Project not to exceed \$12,000.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

Recreation Director Luke Griff said the Madison County Planning Department assists with grant writing. The project will design, fabricate and install four interpretive signs to be placed on trails in the City. Signs will highlight canal resources, including an aqueduct, a dry dock, and the adjacent feeder canal.

ADOPT ORDINANCE 20-01 AMENDING CHAPTER 190 ZONING

RESOLUTION 20-95

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby ordain and enact Ordinance 20-01 amending Chapter 190 Zoning §190-14 Accessory Buildings and Uses H. (3) of the City of Oneida Code as follows:

Chapter 190 Zoning

§ 190-14 Accessory buildings and uses

H. (3)

A pool shall be surrounded by a fence at least four feet high and capable of preventing small children from entering. Aboveground pools with unclimbable vertical sides 48 inches or higher shall not have to be fenced.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

ADOPT ORDINANCE 20-02 AMENDING CHAPTER 159 SWIMMING POOLS

RESOLUTION 20-96

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, that the Common Council of the City of Oneida, Madison County, State of New York, pursuant to the Authority vested in it by law does hereby ordain and enact Ordinance 20-02 amending Chapter 159 Swimming Pools §159-3 Construction permit and certificate of approval; fee of the City of Oneida Code as follows:

Chapter 159 Swimming Pools

§ 159-3 Construction permit and certificate of approval; fee.

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the City unless a permit therefor shall have been first been obtained from the Building Inspector/Code Enforcement Officer. Such permits shall be obtained by the contractor or the person responsible for the actual construction. Said person must be prepared to show that he or she carries adequate liability, property damage and workers' compensation insurance. Permit fees for any inground and any metal-wall swimming pool that can contain more than 24 inches of water depth or for any seasonal, inflatable, inflatable ring, self-set or "kiddie" swimming pools that can contain more than 24 inches of water depth shall be established by resolution of the Common Council. Such fees may thereafter be

amended from time to time by like resolutions. Fees shall be submitted with the plans and specifications submitted with the application for permit. The contractor obtaining a permit shall notify the Building Inspector/Code Enforcement Officer when the work is in progress. Before the pool can be used, a certificate of approval shall be obtained from the Building Inspector/Code Enforcement Officer.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

FEE SCHEDULE – ORDINANCE 20-02 – CHAPTER 159 SWIMMING POOLS

RESOLUTION 20-97

Moved by Councilor Earl
Seconded by Councilor Coulthart

WHEREAS, the Common Council adopted Ordinance 20-02 amending Chapter 159 Swimming Pools §159-3 Construction permit and certificate of approval; fee of the City of Oneida Code on March 17, 2020, **and**

WHEREAS, said Ordinance 20-02 states that fees shall be established by Resolution of the Common Council, **now therefore**

RESOLVED, that there shall be a permit fee of \$50.00, plus a certificate of compliance fee for any inground and any metal-wall swimming pool that can contain more than 24 inches of water depth, **and be it further**

RESOLVED, that there shall be a permit fee of \$20.00, plus a certificate of compliance fee for any seasonal, inflatable, inflatable ring, self-set or “kiddie” swimming pools that can contain more than 24 inches of water depth.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

The permit fee for seasonal pools was increased from \$5 to \$20, plus the certificate of compliance fee and the \$50 fee for inground/above ground that contain more than 24” of water remains the same.

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 20-97

Moved by Councilor Bowe
Seconded by Councilor Earl

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes
MOTION CARRIED

**REQUEST TO RENT KALLET CIVIC CENTER PARKING SPACES
AT FAIR MARKET VALUE FROM JUNE TO OCTOBER**

RESOLUTION 20-99

Moved by Councilor Earl
Seconded by Councilor DuBois

WHEREAS, many festivals and vendor shows have been cancelled due to the COVID 19 virus with many vendors being displaced, **and**

WHEREAS, the City of Oneida Common Council would like to support efforts to economically revitalize downtown Oneida by allowing an outdoor Flea Market and/or Artisan Market to be held in the parking lot behind the Kallet Civic Center on Saturdays and Sundays, so as not to interfere with downtown businesses and their need for parking, **and**

WHEREAS, the Common Council has previously permitted private vendors to use the parking spaces behind the Kallet Civic Center for purposes of a flea market event, **and**

WHEREAS, Chapter 112 of the Oneida City Code, titled “Special Events,” permits special events which are privately sponsored but open to the public, such as a flea markets, to be held on public streets and sidewalks, subject to the execution and submission of an application for a special event and receipt of a permit, **now therefore be it**

RESOLVED, that an email request from Elise Allen, owner of Oneida Commons asking to hold a Flea Market and/or Artisan Market in the parking lot owned by the City of Oneida behind the Kallet Civic Center be hereby received and placed on file, **and be it further**

RESOLVED, that the City of Oneida Common Council does hereby authorize Elise Allen, on behalf of Oneida Commons, the use of a maximum of 20 parking spaces behind the Kallet Civic Center at a fair market value of \$3.60 per parking space, per day, on Saturdays and Sundays during the months of June through October 2020 to conduct a Flea Market and/or Artisan Market, subject to the submission of a special permit application, **and be it further**

RESOLVED, that the Oneida Commons will provide insurance coverage in the amount of \$1,000,000 with the City of Oneida named as an additional insured, and each vendor will supply the Oneida Commons with a liability policy naming the City as an additional insured.

Councilor Earl – Yes
Councilor Bowe – Yes
Councilor Coulthart – Yes
Councilor Kinville – Yes
Councilor DuBois – Yes
Councilor Simchik – Yes

MOTION CARRIED

Councilor Coulthart questioned if this was in line with the Center City Market arrangement, and the Mayor said that City Center Market was a joint event with the City. She said that this is different, the Commons will be renting space from the City. City Attorney Bell said that Elise is required to complete the Special Events application and in compliance with Chapter 112 of the City Code, she will submit proof of insurance as the resolution requires. The City Attorney said that reimbursement for use of the spaces will be at market rate cost and any gifting concerns will not be an issue. Mayor Acker said this will be a good event to bring people downtown, along with a bit of sales tax for the City. The Mayor said that Elise will also be having vendors outside her store 10 feet apart on the sidewalk.

NEW BUSINESS

Councilor Bowe said that he would like to propose another Resolution to have the next Council meeting in-person in the Council Chambers rather than via ZOOM. City Attorney Bell said that having the meeting in-person would not remove the need to have the meeting live-streamed. The Mayor said we can have up to 25 people, spaced six-feet apart. A discussion ensued which included moving the meeting to the Kallet Civic Center, whether WIFI is available at the Kallet, seeing what is on the agenda before deciding on a location and waiting another two weeks to see if the Governor announces the numbers for gatherings to be more than 25 people. The Mayor and Council all agreed that they would like to have the next meeting on July 7 in-person. The City Clerk said a Resolution is not necessary.

Mayor Acker said that the Church on the Rock is planning a Special Event for Saturday, July 18, 2020 using the Kallet Parking lot from 4-9pm. She said that cars will drive past the church and stop to pick up some refreshments, then continue into the Kallet lot and park their cars. The Mayor said there will be a stage set up to listen to a special speaker discussing his recovery from drugs and alcohol. The City Clerk said that she has not received the insurance policy as of yet, but is expecting it within the next week. She said this will be on the agenda for approval at the next meeting.

Motion to adjourn by Councilor Kinville

The regular meeting is hereby adjourned at 7:04 p.m.

CITY OF ONEIDA

Susan Pulverenti
City Clerk