

Auburn City Council Meeting, September 28, 2023

**Auburn City Council
Regular Meeting
Thursday, September 28, 2023 5:00 P.M.
City Council Chambers
Memorial City Hall
24 South St.
Auburn, NY 13021**

Minutes

The meeting of the Auburn City Council was called to order at 5:00 p.m. from the City Council Chambers, 24 South St. Auburn, NY by Mayor Quill.

ROLL CALL – The City Clerk called the roll. Mayor Quill and Councilor Ginny Kent, Councilor Jimmy Giannettino, Councilor Terry Cuddy and Councilor Tim Locastro were present.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Corporation Counsel, Nate Garland
- Police Sergeant, Greg Gilfus
- Superintendent of Public Works, Mike Talbot

Pledge of Allegiance to the Flag – Mayor Quill led the Pledge of Allegiance.

Moment of Silent Prayer or Reflection – Mayor Quill asked for a moment of silent prayer.

Public Announcements –

The next meeting of the City Historic Resources Review Board meeting will be held on Tuesday, October 10, 2023 at 7 p.m. and the meeting will be held in Council Chambers, Memorial City Hall, 24 South Street.

The Cayuga County Fall Electronic Collection Event Information has been announced and is as follows:

Who: Cayuga County Residents ONLY

What: HOUSEHOLD ITEMS ONLY. No businesses or commercial items will be accepted.

When: October 7, 2023, 8:30am — 12:15pm

Where: To be announced with your registration

WE WILL NOT BE ACCEPTING FREON CONTAINING MATERIALS, FLUORESCENT LIGHT BULBS, OR BATTERIES AT THIS EVENT. Fluorescent light bulbs and batteries can be brought to our

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HHW Event on October 21, 2023. To see options for Freon appliance recycling, click [here](#). To see a flyer with more details on the accepted/not accepted items for this event, see attached flyer or click [here](#).

Fall E-recycle Pre- Registration link: <https://form.jotform.com/Sunnking/cayuga-october-2023> Spaces are limited. Please register early. Questions? Call Sunnking at (585) 637-8365 or email them at office@sunnking.com

Ceremonial Presentations – none

Public to be heard: The City Clerk read the rules for Public To Be Heard and the following individuals spoke: Lisa Carr, Executive Director of the Seymour Public Library The Seymour Public Library District will hold a Budget Referendum and Trustee Election on Wednesday, October 25, 2023, from 9 a.m. to 7 p.m., at the library, 176-178 Genesee St., Auburn.

Approval of Meeting Minutes –

September 21, 2023 Council Meeting Minutes

Motion to approve the September 21, 2023 minutes by Councilor Giannettino, seconded by Councilor Locastro. Motion to approve carried 5-0.

Reports of City Officials

City Manager's Report –

- There will be a public meeting to gather input on a future project to refresh the Wall St. Playground. The meeting will take place at the playground at 152 Wall St. on Wednesday October 4, between 5 and 6:30pm.
- This week staff took part in the monthly meeting of the county Micron Steering Committee. Several members of the CNY Regional Economic Development Council were also in attendance and valuable updates and answered questions from the committee.
- Also in attendance were representatives of a company called Fourth Economy. They have been contracted to help gather information and provide insight to guide the Micron Community Engagement Committee (CEC). The initiative will utilize a combined \$500m in funding from various sources to identify and address community priorities that will result in lasting and impactful changes in CNY. Members of the public are encouraged to take part in an online survey to gather their ideas at microncec.org. We will have a link to the survey on the city webpage shortly as well.

Reports from members of Council – none

Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR) – none

B. Ordinances – none

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C. Local Laws – none

D. Resolutions – none

E. Staff or Vendor Presentations –

- Downtown Parking Update - Greg Gilfus, Traffic Safety Officer
- Housing and Neighborhood Discussion - Jenny Haines, Director of Planning and Economic Development, Jeff Dygert, City Manager and Nate Garland, Corporation Counsel
- Bar Graph Reports for August 2023 - Jeff Dygert, City Manager

TABLED ITEMS – none

Second Public to be Heard:

David Steigerwald spoke regarding the presentation on housing and neighborhoods.

Kathy Barnard representing the City of Auburn Human Rights Commission. The Auburn Human Rights Commission is requesting an expedited release of \$4,500.00 for the payment of the fee for the DEI training (Diversity, Equity and Inclusion) to be presented by Blaine Harding Consulting on October 20, 2023. The training will be presented in two sessions as follows: Auburn High School from 8:45 a.m to 10:45 a.m., and at the Auburn Junior High school from 1:00pm to 3:00 p.m.

Karen Walter. Spoke to state that she appreciated the presentation on housing and neighborhoods. She suggested that maybe the Community Development Block Grant could assist with the issues identified. She stated that even though changes are made to the City Code it often will take time to carry out the enforcement of the new code. She stated she is on the City Planning Board and there is a Design Review Committee that meets to discuss applications and that they will receive verbal reports on what the Design Review Committee decides but she would like to recommend there be written reports presented about the Design Review Committee decisions. Sometimes the Planning Board will receive applications that are incomplete and she does not think that should be allowed to happen. The same thing will happen at Zoning Board of Appeals and some applicants will apply after they have conducted the work and previously there has been a request to better communicate code requirements of property owners.

OTHER BUSINESS –

Executive Session: Councilor Giannettino made a motion to enter Executive Session, seconded by Councilor Kent. Council voted to enter an executive session regarding the following matters:

- Two matter made confidential under attorney client privilege.
- Two matters pertaining to the sale or lease of real property.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:49 p.m. Executive session adjourned at 8:00 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:01 p.m..

Minutes submitted by: Chuck Mason, City Clerk



PARKING ENFORCEMENT RESUMES THROUGHOUT DOWNTOWN ON OCTOBER 1, 2023



PARKING LOTS: DILL ST COURT ST SEMINARY AVE EXCHANGE ST PLAZA

Parking at City lots is enforced Monday through Saturday from 9am to 5pm. Parking is set at a rate of \$1 per hour. Meters require quarters for payment. Kiosks accept coins and credit/debit cards. Parking lots are suggested for those parking over two hours and the kiosks will accept payment up to 10 hours.

ON STREET PARKING KIOSKS & METERS

On-street parking in Downtown Auburn has a two-hour time limit. Parking meters and kiosks are used to monitor these spaces. Parking is enforced Monday through Saturday from 9am to 5pm. Parking is set at a rate of \$1 per hour. Meters require quarters for payment. Kiosks accept coins and credit/debit cards.

DOWNTOWN PARKING GARAGE ON LINCOLN STREET

The inside and upper levels of the parking garage set the following rates for usage Monday through Friday 9am - 5pm:

- 0-2 hours is free
- 2-3 hours is \$1.00
- 3-4 hours is \$2.00
- 4-5 hours is \$3.00
- 5-6 hours is \$4.00
- 6-7 hours is \$5.00
- 7+ hours is \$6.00

Long-term parking permits at discounted rates are available by calling 315-255-4143

DOWNTOWN AUBURN, NY

PARKING ENFORCEMENT RESUMES THROUGHOUT DOWNTOWN ON OCTOBER 1, 2023

Courtesy Ticket Program: A courtesy ticket program is in effect that will issue a courtesy ticket rather than a parking ticket if the vehicle has not received a parking violation ticket in the previous 3 months.



PANGO Mobile-Pay Parking App

Pay for Parking from your Phone with the PANGO App. Sign up for PANGO Mobile Parking on your mobile phone and pay & manage your parking session remotely.

Download the app for free at mypango.com/get-app/



City of Auburn

Housing and Neighborhoods

Overview of Programs and Challenges Related to Maintaining Quality of Life,
Buildings, and Neighborhoods

City Council
September 28, 2023

Many Factors = Numerous Approaches

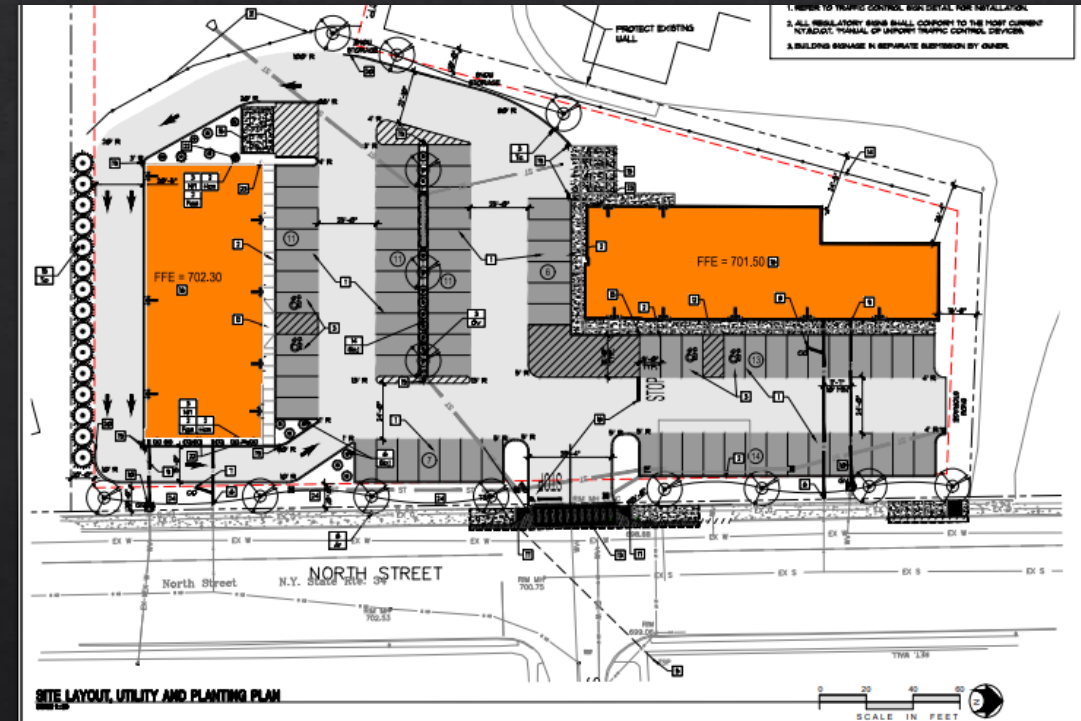
- ◆ Property Use/Occupancy
- ◆ Blight/Neglected Properties
- ◆ Public Safety
- ◆ Property Values
- ◆ Housing Market
- ◆ Multi-Unit Ownership
- ◆ Illegal Occupancy & Squatters
- ◆ Mental Health/Addiction
- ◆ Covid
- ◆ NYS Laws
- ◆ Zoning
- ◆ Code Enforcement
- ◆ Building Permits
- ◆ Fire Inspections
- ◆ Vacant Building Registry
- ◆ Nuisance Abatement Committee
- ◆ Tax Foreclosures
- ◆ Court
- ◆ Police Intervention
- ◆ Demolition

Zoning

- ◆ Attempts to group properties by use and encourage complimentary uses within a zoning district.
- ◆ Attempts to avoid property uses that negatively impact property values and quality of life.
- ◆ Necessary to update occasionally to meet the changing needs of the community

Planning

- ◆ Site Plan Review
- ◆ Zoning
- ◆ Traffic
- ◆ Utilities
- ◆ Storm Water
- ◆ Flood Zone
- ◆ Fire Safety and Access
- ◆ Impact on Adjacent Property

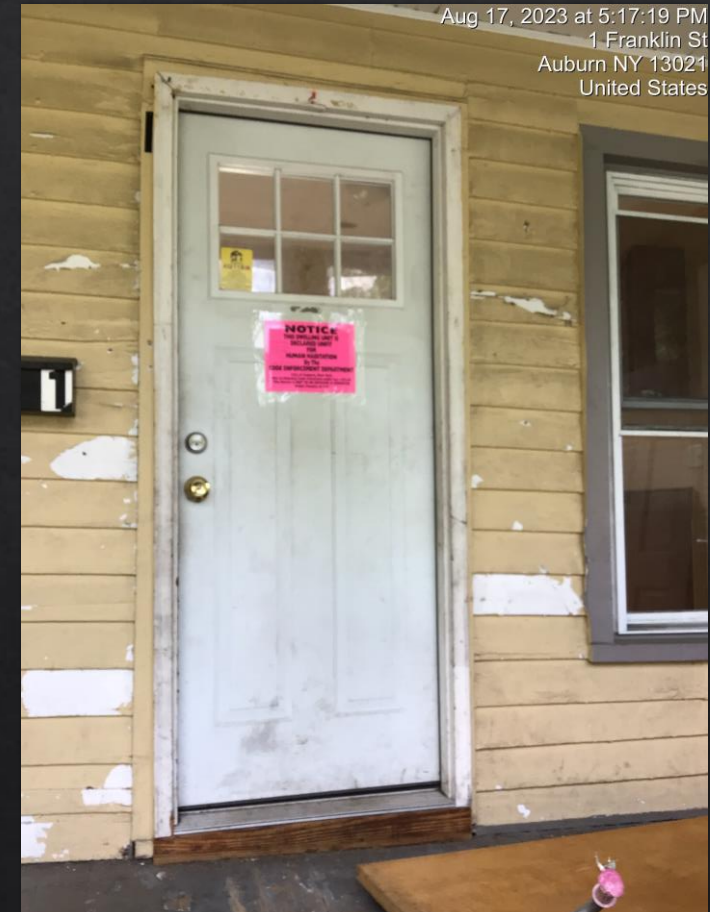


Code Enforcement

- ◆ The first known written building code was enacted by King Hammurabi in Babylon in 1758 B.C.
- ◆ Provided for harsh penalties in the event poor design or construction led to injury or death of occupants.

Code Enforcement

- ◆ In the US, first building codes focused on public safety and the risk to adjacent structures.
- ◆ In densely populated areas with structures in close proximity to each other; property design, construction, and maintenance impact the safety of neighboring properties, and sometimes entire neighborhoods, villages, or cities.



Code Enforcement

- ❖ Fire safety, structural stability, and proper measures to ensure the delivery of safe drinking water and the removal of sewage are the basis of modern building codes.
- ❖ More recent influences on building codes include accessibility and energy efficiency.



Code Enforcement

- ◆ For most residents, Code Enforcement is most visible as the outward appearance or curb appeal of individual properties and neighborhoods. The visual condition of properties is usually also related to the safe and healthy maintenance of those properties.



City of Auburn Code Enforcement

- ◆ Staff
- ◆ Building Permits
- ◆ Building Inspections
- ◆ Certificates of Occupancy
- ◆ Building Plans Review
- ◆ Code Interpretation
- ◆ Court Preparation
- ◆ Zoning Compliance & Technical Assistance
- ◆ Demolition
- ◆ Electric Inspections by third party
- ◆ Plumbing Inspections by in-house inspector



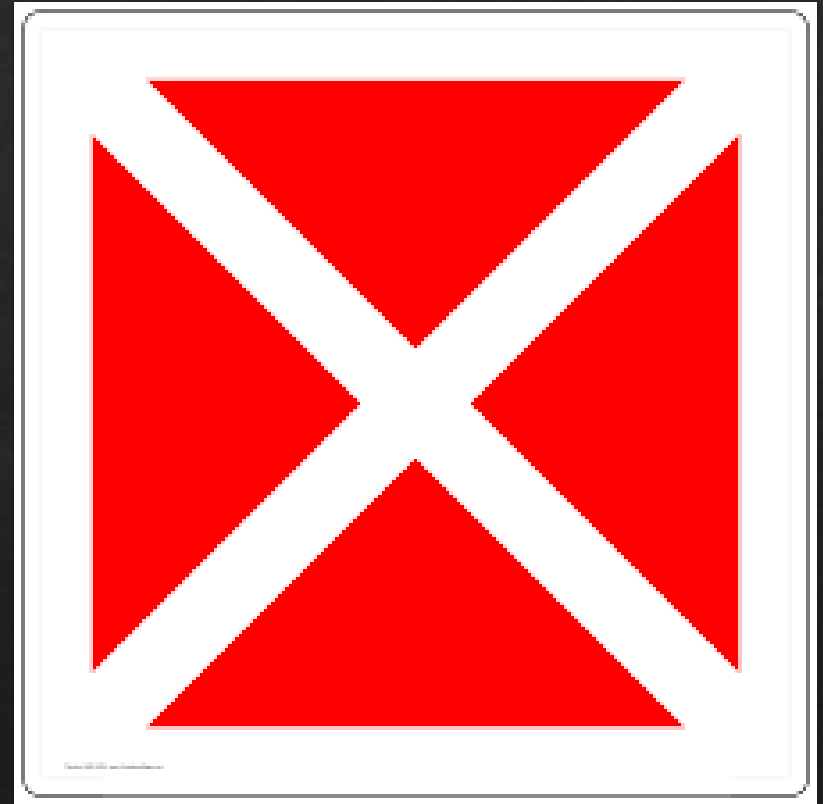
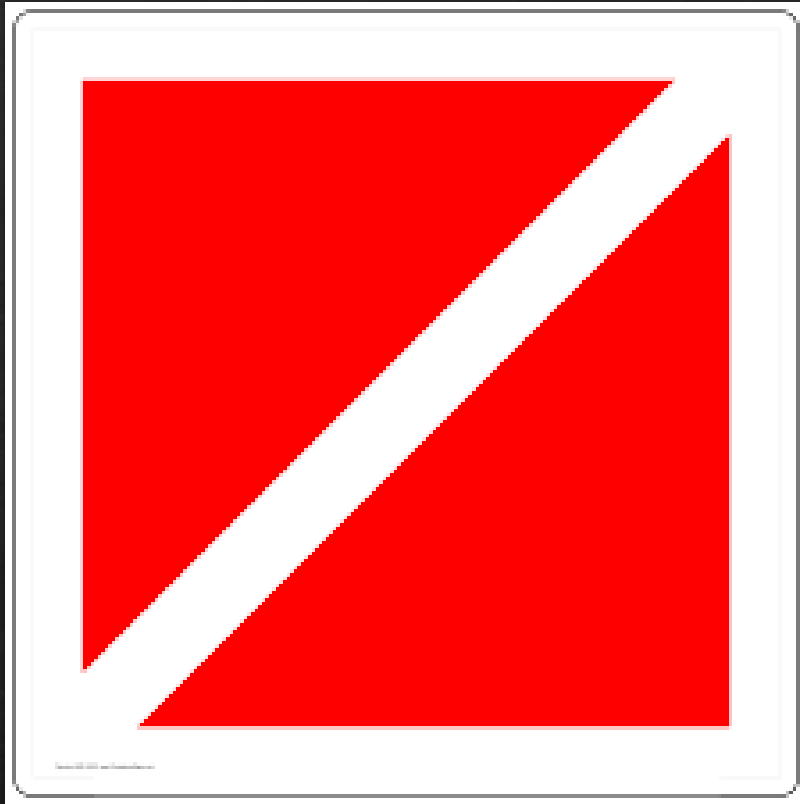
Rendering by ACH Cancer Center Design Team

City of Auburn Codes Clean Up Crew



- ◇ Grass, Trash and Snow Removal
- ◇ Maintenance of City-owned Residential Properties
- ◇ Preparation of Properties for Sale

Vacant Building Registry (VBR)



Vacant Building Registry (VBR)

- ◆ Authorized by City Council 2013
- ◆ Includes a hazard ranking and marking system that is required by the NYS and ICC Code for the protection of fire fighting personnel
- ◆ Attempts to capture owner contact information and remediation plan
- ◆ Includes escalating fees for each property declared unsafe or inadequately maintained
- ◆ Administered by the Fire Department
- ◆ Each property is inspected monthly by FD to track condition and improve familiarity with personnel

Vacant Building Registry (VBR)

2014

- ◆ 119 properties on initial list
- ◆ Expected the list to grow based on community input
- ◆ 28 notices not deliverable
- ◆ 49 owners outside of Auburn
- ◆ 6 owners outside of NYS

2023

- ◆ 202 properties on list
- ◆ 114 owners outside of city
- ◆ 45 owners outside of NYS
- ◆ 23 properties vacant since first list established in 2014
- ◆ 14 properties tax delinquent

Demolitions

- ◆ Demolitions are undertaken when a structure is:
- ◆ A physical hazard due to structural deficiencies beyond a reasonable expectation of repair.
- ◆ No longer able to be rehabilitated due to imbalance between the necessary financial investment and the property value upon completion.



Nuisance Abatement Committee

- ◆ Code Compliance vs Criminal or undesirable activity



Tax Foreclosure Considerations



Tax Foreclosure Process

- Treasurer provides list of properties that have delinquent taxes
- Corporation Counsel orders stubs searches
- After review of title information, Corporation Counsel sends out 90 day letters, allowing owners or secured creditors 3 months to pay the delinquent taxes
- Treasurer tracks payments during the 3 month timeframe
- If no payment, then Code Enforcement posts property informing owner/occupants of delinquent taxes
- Treasurer tracks payments for a two week timeframe while the building is posted
- If no payment, Corporation Counsel prepares tax deed and accompanying documents
- Tax deed then recorded at Cayuga County Office building, giving City ownership

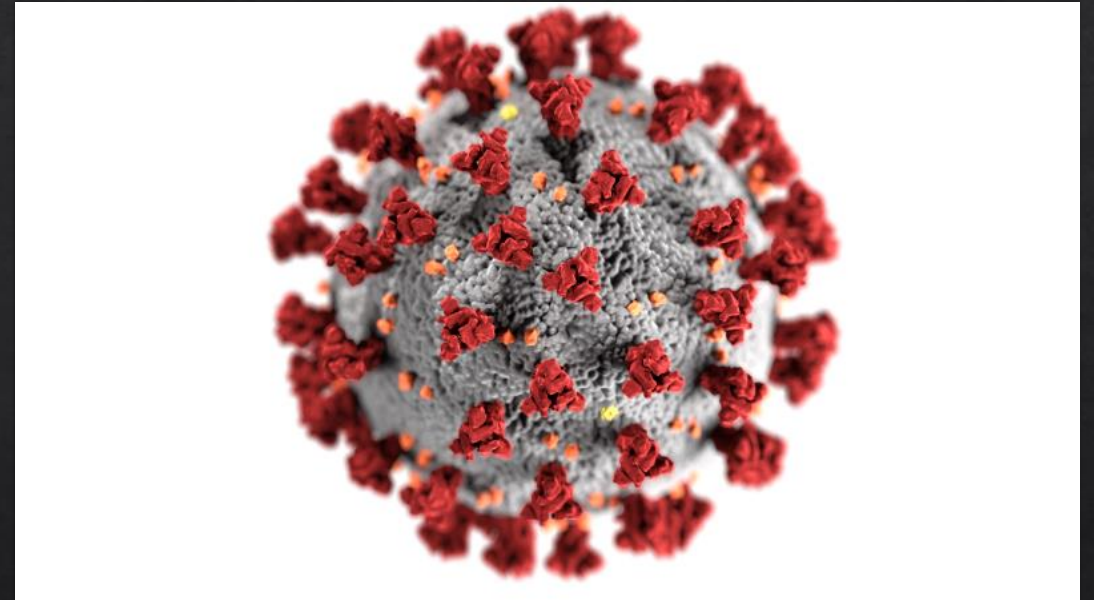
Return of Foreclosed Properties to Productive Use

- ◆ Sale vs Auction
- ◆ 113 North Street



Impact of COVID

- ◆ Evictions
- ◆ Tax Foreclosure Process
- ◆ Legal Proceedings
- ◆ Homeless / Squatter Issues
- ◆ Cost Impacts for Renovation
- ◆ Property Values / Affordability in Market



Trends

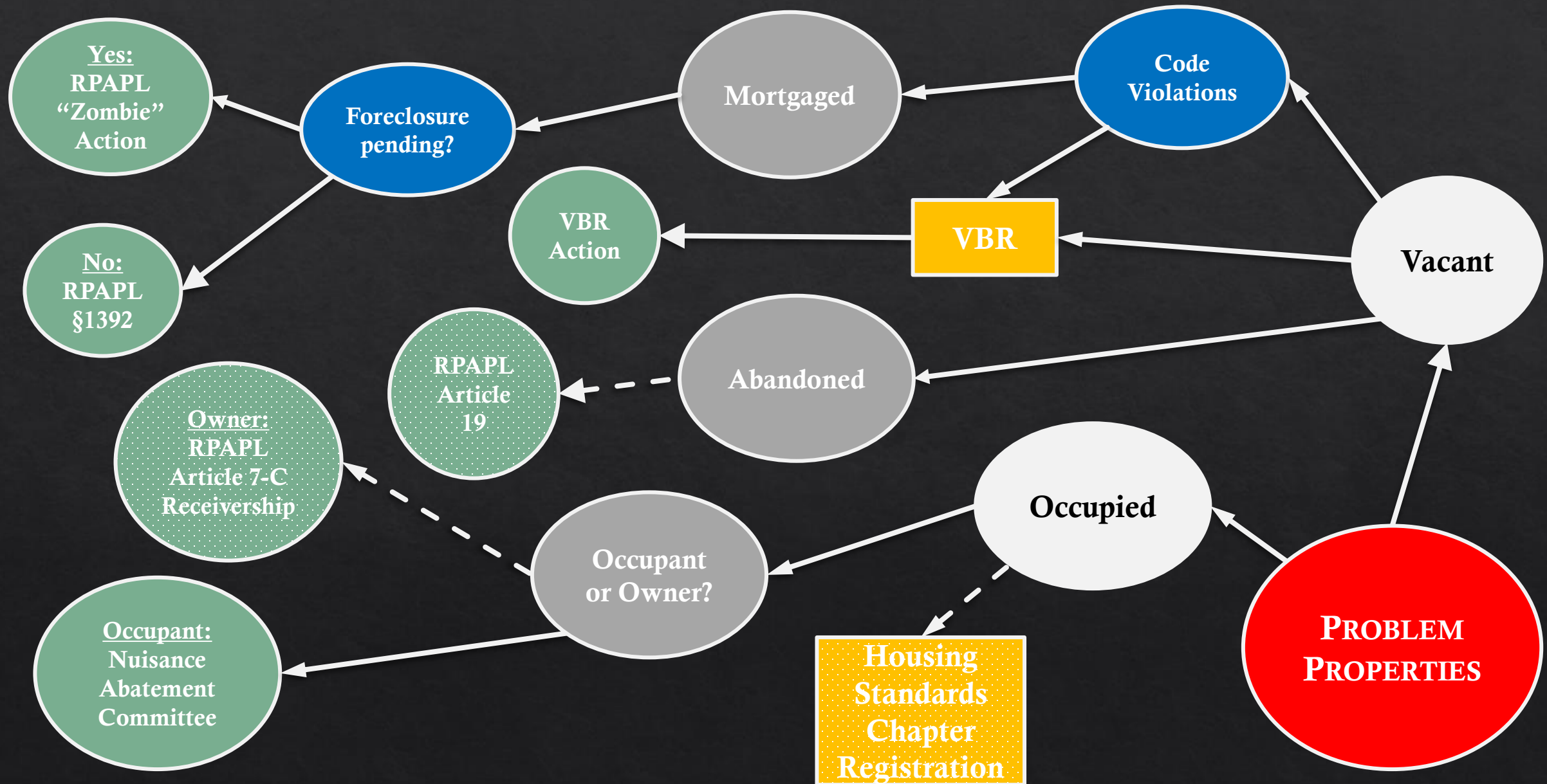
◆ Ownership:

- ◆ Local vs Out of Town
- ◆ Individuals with multiple properties
- ◆ Property Managers
- ◆ Impact of LLCs

◆ Mental Health:

- ◆ Hoarding
- ◆ Squatters
- ◆ Drug use, distribution, violence
- ◆ Neighbor Interactions

Approaches to Problem Properties



Real Property Actions and Proceedings Law

“Zombie” Action

- ◆ RPAPL § § 1308, 1309 and 1310 require that during the pendency of a mortgage foreclosure action, the vacant property be:
 - ◆ Registered with the New York State Department of Financial Services
 - ◆ Maintained safe condition
- ◆ A RPAPL § 1308 action allows a municipality to file an action against the mortgage lender or servicer requiring the same
- ◆ \$500 civil penalty per day that code violations are not cured

Yes:
RPAPL
“Zombie”
Action

RPAPL §1392

- ◆ If a property has been certified abandoned or deemed vacant and abandoned the city in which the property is located may commence a proceeding in a court of competent jurisdiction to compel any or all mortgagees to:
 - ◆ if the note is in default, the mortgagee shall commence a foreclosure procedure within three months and shall meet all deadlines to ensure the case is ready to be moved to judgment within a reasonable time period but not to exceed one year;
 - ◆ if a foreclosure has already been commenced, file the necessary motions and within three months paperwork to move the case to judgment foreclosure within three months; or
 - ◆ issue a certificate of discharge of the mortgage within three months and file a satisfaction of the mortgage with the appropriate local office.

VBR Action

- ◆ The owner of a vacant building will take such steps and perform such acts as may be required of him or her from time to time to ensure that the building and its grounds remain safe and secure and do not present a hazard to the adjoining property or the public. Owners will be responsible for maintaining their buildings and structures so that they do not become an unoccupied hazard.
- ◆ Subject to a fine of \$1,000
- ◆ Each day of violation will be deemed to constitute a separate offense.

Housing Standards Chapter Registration

Owners and lessors of premises shall file with the Housing Code Inspector the following information:

- ◇ The names and addresses of the owner and lessor, and of their respective agents, upon whom violation orders may be served;
- ◇ A description of the property, by street and number or otherwise, as will enable the Housing Code Inspector to locate the same; and
- ◇ Such other appropriate information as may be requested, including but not limited to the use of premises, available facilities, number of units, and number and size of rooms, together with a schematic diagram showing the typical floor layout of the units and rooms with appropriate designations and identifications.

**Housing
Standards
Chapter
Registration**

Housing Standards Chapter Registration

- ◆ It shall be unlawful to occupy or use any premises unless and until a certificate of compliance has been issued by the Housing Code Inspector certifying that such premises conform to the housing standards, except that a temporary certificate may be issued upon a showing, to the satisfaction of the Housing Code Inspector, that remedial action is being taken to correct violations.

RPAPL Article 7-C Receivership

- ◆ A municipality may maintain a special proceeding as provided in this article, upon the grounds that there exists in a dwelling, or in any part thereof:
 - ◆ a lack of heat, running water, light, electricity, adequate sewage disposal facilities, or any other condition dangerous to life, health or safety, which has existed for five days, or an infestation by rodents, or any combination of such conditions; or
 - ◆ a course of conduct by the owner or the owner's agents of harassment, illegal eviction, continued deprivation of services or other acts dangerous to life, health or safety.

Owner:
RPAPL
Article 7-C
Receivership

RPAPL Article 7-C Receivership

- ◆ The rents of all residential and non-residential tenants occupying such dwelling shall be deposited with the administrator appointed by the court
- ◆ Deposited rents shall be used, subject to the court's direction, to the extent necessary to remedy the condition or conditions
- ◆ The Administrator may accept and repay moneys for the purpose of managing the premises, replacing or substantially rehabilitating systems or making other repairs or capital improvements authorized by the court.

Owner:
RPAPL
Article 7-C
Receivership

RPAPL Article 7-C Receivership

- ❖ All moneys expended shall constitute a debt recoverable from the owner and a lien upon the building and lot and upon the rents and other income thereof.
- ❖ Until all of the work specified has been completed and payment for such work has been made, no other disbursements shall be permitted, except for fuel bills, fire and liability insurance, and bills for ordinary repairs and maintenance.
- ❖ Payment of outstanding real property tax liens claimed by any municipality in which the dwelling is located.
- ❖ Payment of outstanding emergency repair liens filed and recorded by any municipality

Owner:
RPAPL
Article 7-C
Receivership

RPAPL Article 19

- ◆ A city responsible for the enforcement of any other law, code or ordinance governing the occupancy and maintenance of residential property may institute a proceeding for a judgment vesting in the city title to a dwelling which has been abandoned by the owner.
- ◆ Does not apply to a one-family or two-family dwelling occupied by the owner thereof

RPAPL Article 19

- ◊ Abandonment Means
- ◊ In the case of an occupied dwelling:
 - ◊ the owner has failed for a period of at least three consecutive months either to collect rent or to institute summary proceedings for nonpayment of rent,
 - ◊ and the department finds that the dwelling has become a danger to life, health or safety as a result of the owner's failure to assume his responsibility for its condition.
- ◊ Such failure may be shown by such facts as an owner's failure to provide services including, but not limited to:
 - ◊ the failure to make repairs,
 - ◊ supply janitorial service,
 - ◊ purchase fuel or other needed supplies,
 - ◊ or pay utility bills.
- ◊ The appointment of an administrator pursuant to article seven-A of this chapter shall not prevent the department from making a finding that a dwelling is abandoned; or

RPAPL Article 19

- ◆ Abandonment Means
- ◆ In the case of a vacant dwelling:
 - ◆ it is not sealed or continuously guarded as required by law or
 - ◆ it was sealed or is continuously guarded by a person other than the owner, a mortgagee, lienor or agent thereof, and either of the following facts exists:
 - ◆ A vacate order of the department or other governmental agency currently prohibits occupancy of the dwelling; or
 - ◆ The tax on such premises has been due and unpaid for a period of at least one year

Questions?

New Approaches?

Thoughts?