

## COMMITTEE OF THE WHOLE

Tuesday, November 17, 2020– 5:30 p.m.

via Zoom

Present: Members: Alderman Gonzalez, Alderman Witte, Alderman Panus, Alderman Dougherty, Alderman Crawford, Alderman Robinson, and Alderman Anastasia. Others: Mayor William Aiello; Kris Shewairy, Director of Youth and Recreation Department; Fred Saradin, City Auditor; Keri Kerper, Community Development Program Coordinator; Tiffany Taylor, Managerial Confidential Administrative Secretary; Rich Longer, and Mike Cullitan.

### 1. Roll Call

Alderman Gonzalez called the meeting to order at 5:30 p.m. and asked that the record show that all Alderman were present.

### 2. Discussion – Disc Golf

Mayor Aiello explained that he has emailed to everyone the items that Mr. Longer had sent. Mr. Longer presented a PowerPoint and explained that he is a Packaging Engineer at Zippo who lives in Olean and enjoys our local parks. He explained that the Recreation Department is constantly seeking ways to bring in new activities. He explained that a disc golf course at Gargoyle Park would be a great way to reinvent the park and get people outdoors and active. He explained that he would like to move forward with this idea in spring 2021.

Mr. Longer explained that disc golf or Frisbee golf has the same rules as traditional golf, including the same etiquette and comradery. He explained that the goal is to get the disc in the basket in as few throws as possible. He explained that the basket is made of metal and catches the disc mid-air. There are 9 and 18 hole courses about a third in size of a standard gold course, and the courses are measured in feet, not yards.

Mr. Longer explained that disc golf is one of the fastest growing courses in the country, and there are currently about 7,000 nationwide. He explained that there is a Professional Disc Golfers Association with 60,000 members, and growing, plus tens of millions of recreational players. He explained that many would argue that disc golf is the golf of the future. Next Tuesday the New York State Dynamic Disc Golf Championship will be the first disc golf tournament televised on national media.

Mr. Longer explained that he has been playing competitively for four years. He explained that disc golf is very affordable. When he moved to this area from Ohio he found a black hole of disc golf, as from the Twin Tiers there is an hour drive to the closest course, which is at Houghton College. He explained that Houghton College has an 18 hole course that was installed last year,

and since it received such a positive response they are installing a second 18 hole course. He explained that New York has a relatively low amount of disc golf courses, and only Rhode Island and New Jersey have less.

Mr. Longer explained that disc golf has the benefits of golf at a fraction of the cost. He explained that one of the biggest reasons that people switch is for the affordability. He explained that a starter set of three discs costs \$20 compared to the cost of golf clubs. He explained that a majority of courses are in parks and are free to the public. He explained that it only takes an hour or two to play a round, and the City could collect fees for tournaments to make money. He explained that he and Mr. Cullitan saw tournaments in Buffalo and Rochester in the past year that fill up within a day of registration opening. Mr. Cullitan added that for one tournament, 88 players registered within three minutes of the registration opening, and a second tournament had to be held for those who could not register for the first.

Mr. Longer explained that anyone can play disc golf, regardless of their age and economic status. He explained that tennis and basketball courts cost more to construct and can't allow for as many people to enjoy them at the same time as disc golf courses.

Mr. Longer explained that several students from St. Bonaventure University have approached him regarding a disc golf course. He presented several letters of recommendation in favor of the course, and explained that he has gotten quotes on the cost for a course. He explained that what makes a great course includes location, and Gargoyles Park is spacious, quiet, and an easy place to drop distractions. He explained that a bonus is the proximity to the River Walk Trail, as passerby walkers who are interested in trying disc golf can stop to check it out.

Mr. Longer explained that the number one goal of any disc golf course is safety. He explained that the course shouldn't be too close to the pavilion or walking paths, and you do not want it to interfere with playgrounds or picnics. He presented photographs of different types of baskets, and explained that he chose Veteran Basket for this proposal because of the affordability and durability. He explained that signage on the course is very important to give players information about the terrain and the sport itself. He explained that signage would include a laminated plate attached to a post, which would cost \$25 per tee. He added that a course kiosk would welcome players to the course, show maps of the course and give information on the sport.

Mr. Longer explained that there are a large variety of tee pads from grass and natural pads to gravel and artificial turf. He explained that while working on this project he met Dan Neilly, a local landscaper who used to play disc golf. He gave a discount on tee pads, and he explained that he personally thinks that pads at Gargoyles Park would be great. He explained that for community outreach, the Twin Tiers Disc Golf Club has been founded in Olean, New York. He

explained that since people can't enjoy what they don't know exists, he suggests that discs be purchased at a wholesale price of \$5 each and be given to participants at clinics.

Mr. Longer explained that the total budget for the course is \$9,000, and a little maintenance work will be needed as far as mowing. He explained that there is also an option to do 18 holes and an 18 hole layout has been mapped out so that 9 additional holes can be added at any point. He suggests focusing on a nine hole course for now with the opportunity to expand in the future.

Alderman Witte explained that her family plays disc golf in Vermont, and it is a lot of fun. She explained that you do not need to be athletic to do it, and she thinks that this is a great idea. She asked if possibly having sponsors for each hole would help raise funding for the project. Mr. Longer explained that courses he has been to in Ohio have been raised this way. He explained that \$500 per hole would be reasonable, which would raise half of the cost for the course, if the City would be willing to match the rest.

Alderman Gonzalez explained that he feels that this is definitely something that should be considered as a Council and a City. He explained that if a portion is funded via sponsorships, he would definitely consider matching the raised funds.

Alderman Crawford explained that this is a great idea. He explained that he had done a proposal on this some time ago to put in a course that doesn't require that trees be torn down, which can be done within the beauty of a park space. He explained that this totally makes sense to him. He feels that we should be open minded and do whatever we need to in order to get the City's park spaces activated again. He noted that this would also bring St. Bonaventure University in closer ties with Olean.

Alderman Crawford explained that it sounds like Mr. Longer and Mr. Culliter have done a lot of research for this. He explained that he wants to make sure that the course is eligible and to the standards and specifications required to be able to hold official tournaments there. Alderman Gonzalez explained that Gargoyle Park is tied to the downtown via the River Walk Trail. Alderman Witte explained that we will have a new hotel open not too far from Gargoyle.

Mayor Aiello explained that we will move forward in conversations regarding this and that there will probably be a monetary ask during the next budget discussion. Mr. Culliter asked if the golfers should start raising money by doing fundraisers to come up with the match. Alderman Gonzalez explained that he thinks that this is what he is getting from the Council, and he thinks that it is safe to assume that there is matching money.

Mr. Longer explained that he wanted to know that if they raised money, that it would go towards a course. He explained that he would make sure that the course is eligible for

tournaments, as it is another residual income. He noted that one of the biggest complaints that he hears at tournaments is about the tee pads. He explained that a lot of power can be generated off of a hard surface tee pad, so the City match will help make this a premium course for the area. Alderman Gonzalez explained that if we are going to do this, that we want to do it right. Mayor Aiello explained that the City will work with Mr. Longer and Mr. Culliter to move forward. He explained that he thinks that this is a great idea for Gargoyle Park that will move the park forward.

### 3. Unfinished Business

- a. PL #61-20: (Crawford) To amend the City of Olean Code of Ordinances Chapter 12, Housing Code, to include Article IV, Short-Term Rental Registration and Licensing.

Alderman Crawford explained that we have gone over this a number of times, and most of the Council understands and has provided feedback. He explained that he made some recommendations based on the feedback of the City Attorney and Ed Jennings in Code Enforcement. He explained that the current draft has been updated to include changes from the last conversation on the legislation which was based on the Mayor's recommendation to refer the applicant to the Planning Board for Site Plan Review to determine the suitability of the rental unit at the proposed location. He explained that coming out of the last meeting, he believes that the Mayor recommended that the Planning Board can handle that additional workload.

Ms. Kerper explained that this is why she is present at this meeting. She explained that she oversees the Planning Board and she has gone through Article 9 of the Zoning Ordinance and has not found criteria that allows the Planning Board to determine the suitability of a Short-Term Rental. She explained that she read the entire proposed legislation, and every inspection for the rental is done by Code Enforcement. She explained that the Planning Board actually visits a commercial site prior to making decisions, and she does not feel that it would be appropriate for the Planning Board to visit someone's home. She explained that there are no building permits here so this is not under the Planning Board's purview.

Alderman Crawford explained that he is open to suggestions or recommendations on how to clean this legislation up. Mr. DiCerbo explained that assuming this went forward as proposed, the Council could do an enabling statute amending and allowing the Planning Board to do a Site Plan Review for Short Term Rentals. Ms. Kerper responded that the Planning Board does not do housing to that degree, and they are not certified Code Enforcement Officers. She explained that she feels that it would be more appropriate for them to make those determinations.

Alderman Gonzalez explained that Code Enforcement may make the determination, and then it would be up to Code Enforcement to solicit feedback from neighbors within an appropriate radius of the potential location. Alderman Dougherty explained that with a curb cut, the Department of Public Works determines if it is appropriate and then the applicant can go to the Common Council with an appeal, if necessary. The applicant could go to the Planning Board for review. Ms. Kerper explained that the Planning Board has no enforcement power, and that they use Code Enforcement. She explained that it still doesn't make sense to go to the Planning Board with these applications if they don't have the power to enforce.

Alderman Gonzalez questioned if this could be treated like a curb cut. He explained that Code Enforcement could receive the request, send something out to anyone within a certain proximity letting the residents know that if there are any concerns to contact Code Enforcement, and if there is feedback it can be brought to the Council. Alderman Witte explained that with a curb cut, you have to go to the property owners and have them sign off on a letter stating that they do not object to the curb cut. She asked if we would like at least the same level of the surrounding property owner's support with short-term rentals.

Alderman Crawford explained that he would be fine with that, and his stipulation has always been to give the people that live in the community a voice. He asked how many people are notified of a curb cut, and noted that they have to sign that they are okay with it and that the Council is the appeal. He explained that it is workable. Alderman Dougherty explained that with a curb cut process, the property owner applying actually only needs to sign a form stating that they have delivered the letters. He explained that the Department of Public Works deemed what property owners were within the parameters and then the neighbors could contact DPW or say nothing, but there was no signing off.

Alderman Gonzalez questioned at the end of the day, how many Airbnb's we will actually see in Olean. Alderman Witte explained that they will probably grow, and Alderman Gonzalez explained that if that is the case, then we can go back and revisit the legislation.

Mr. DiCerbo explained that it seems like we all know what the end result we want to see is, which is public knowledge and an appeals process for a permit. He suggested that Code Enforcement determine who gets a letter, Code Enforcement makes a determination after an appropriate comment period, but he is not sure that Code Enforcement is appropriate for an appeal as they have a vested role in this. Alderman Panus asked what kind of criteria Code Enforcement would use to determine if a short term rental should be given a permit if a neighbor responds that they do not want this next door. Mr. DiCerbo explained that the big things are size and safety, and then Code Enforcement will look at parking, and he really thinks that this is something that Code Enforcement will have to balance. He explained that the main thing is that if an applicant is denied a permit there needs to be some sort of due process. He

explained that if the permit is turned down based on statements from the neighbor, then the applicant has the ability to appeal and it puts the burden on the neighbor to show why the short-term rental permit shouldn't be issued.

Alderman Panus asked if the appeal is coming back to the Council and not involving the Planning Board. Mr. DiCerbo explained that this is what the Council is hashing out now. He explained that we can easily rewrite the Planning Board's duties, but what Ms. Kerper is explaining is that they deal with parking lots and businesses, not houses. Ms. Kerper explained that they deal with natural built features, greenspaces, lighting and parking. He explained that this would be like the Planning Board dealing with the housing property inspection.

Alderman Crawford asked if he has his house and he wants to run a business out of his house and he needs a variance, who he goes before. Ms. Kerper explained that he would go before the Zoning Board, because the Zoning Board deals with home occupation, not the Planning Board. Alderman Crawford asked why we excluded the Zoning Board from the legislation. Mr. DiCerbo explained that it was his original recommendation to go to the Zoning Board for approval, and he cannot recall why we chose to include the Planning Board.

Alderman Crawford explained that Mr. DiCerbo has a more intricate knowledge of how the two boards work, and he asked if we can replace the Planning Board with the Zoning Board. Mr. DiCerbo explained that he thinks that we can, but we need to double check the State statute for Zoning Board that states what they can and can't do. He explained that we can enable the Planning Board to do other things easily, but if we can do this for the Zoning Board, okay. Alderman Crawford explained that his preference would be that we check first and see if the Zoning Board would be better suited to do the review. He explained that if you have a residential property but people are paying to stay there, then it is becoming a business. He explained that if there is a process in place, with a hearing where residents have an opportunity to go there and voice their concerns, he would rather do that. He explained that with the Forest hills debatable, we ended up with the project on our table which is really not necessarily our specialty.

Mr. DiCerbo explained that the point, as he originally stated, is that we need to have the ability for both the neighbors and the applicant to be heard. He explained that the Council is right on how we are going about it. Alderman Dougherty explained that he would consider renting your home for short-term rentals a business as a stretch. Alderman Crawford explained that Airbnb is a corporation, and Alderman Dougherty responded that it is like renting your properties out on Zillow. He explained that is his argument, that it is a slippery slope. He explained that he doesn't think that the City should have ever deemed it necessary to have separate boards. He feels that the Council should act as the Planning and Zoning Boards.

Alderman Witte explained that Planning and Zoning are required to take training and to understand the parameters that they are working in. She asked if the Aldermen could imagine all of that coming to the Council. She explained that the Aldermen's job is to represent our constituents. If someone in Ward 1 wants to do something, she will work hard to make sure she can. She thinks that it should go through the Zoning Board, and she feels that we need the two boards for a multitude of reasons. She explained that they are the elements that Code Enforcement goes to with appeals and we need to do things right.

Ms. Kerper explained that we are holding the next Planning Board meeting virtually. She welcomed the Council to attend. She explained that everything that they do is well thought out so that people are good neighbors and adhere to the Zoning Ordinance. She explained that there are two new applications and they are quite different projects. Alderman Witte explained that she attended meetings for the Boardmanville building when it switched to having BOCES classes and it is a very thorough process. She explained that she thinks that everyone on the Council should attend.

Alderman Crawford explained that it is the Council's opinion to ask Mr. DiCerbo to review the State statutes regarding the Zoning Board.

A motion to postpone PL #61-20 to the next Committee of the Whole meeting was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

#### 4. New Referrals for Consideration

##### a. Discussion – County Tax Payments

Mayor Aiello explained that he was approached by the County Treasurer. He explained that normally the City collects the County taxes for them and it goes into a separate fund and in turn for collecting their taxes we get to keep the penalties. He explained that there are many expenses that come out of it, as we also generate the tax bills and send them out, so the printing and mailing creates a cost for the City. He explained that they now want to start collecting their own taxes. He explained that he has sent the Council a document that is an agreement so that they can start collecting their own, so taxpayers would need to pay their County taxes online or at the County Building.

Mayor Aiello explained that he had Mr. Martial and Mr. Saradin do a study and although we collect some penalties many years more than not it ends up costing us by the time we pay for paper, toner, manpower, mailing fees, Incode programming fees, duplication and receipts. He explained that there is a fee that is also paid to the County for 6060 parcels, and we pay this fee to get the information from them for the tax bills, so allowing them to collect their own taxes would eliminate all of the fees that we pay. He explained that it is the recommendation of Mr.

Martial that allowing the County to collect their own tax bills would be in the best interests of the City, as we have been doing this at a loss.

Mr. DiCerbo explained that the only thing that he wants to add is that this is for the County taxes only. He explained that the City tax bills will still be produced and collected by the City as our normal course of business. Alderman Dougherty explained that in the past we had issues because we had to purchase special software to handle their taxes. Mayor Aiello explained that is where the Incode fee comes in. He explained that we will be able to reduce the City's Incode fee by \$5,000 a year. He explained that we will be integrated with the County and they have informed us that they will provide this to us at no cost to us.

Alderman Gonzalez asked if we allow people to pay with a credit card. Mayor Aiello explained that we do for City taxes, but we do not for County taxes because the County will not pay us back for our fees for taking credit cards for the tax payments.

Mayor Aiello explained that there will be a resolution on the next Regular Meeting agenda to allow us to enter into this agreement with the county.

#### 5. Approval of Committee Reports

None

#### 6. Adjournment

A motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:25 p.m.