

MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
DECEMBER 3, 2024

A meeting of the Common Council of the City of Oneida, NY was held on the third day of December 2024 at 6:30 pm at the City of Oneida Common Council Chambers, 109 N. Main Street, Oneida NY 13421.

The meeting was called to order by Mayor Rick Rossi.

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Rossi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Kyle Lovell, CM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Szczerba	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Hitchings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Winchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Also Present

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Public Safety Comm. Dave Jones	<input checked="" type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Supervisor Mary Cavanagh	<input checked="" type="checkbox"/>
Fire Chief Scott Jones	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>
Police Chief Steve Lowell	<input checked="" type="checkbox"/>	Other: _____	<input type="checkbox"/>

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC HEARING: A Local Law imposing a three (3) month moratorium on wind energy conversion systems (WECS) uses within the City of Oneida

OPEN PUBLIC HEARING
A LOCAL LAW IMPOSING A THREE (3) MONTH MORATORIUM ON WIND ENERGY CONVERSION
SYSTEMS (WECS) USES WITHIN THE CITY OF ONEIDA

RESOLUTION 24-283

Moved by Councilor Hitchings
Seconded by Councilor Szczerba

RESOLVED, that the Public Hearing on a Local Law imposing a three (3) month moratorium on Wind Energy Conversion Systems (WECS) uses within the City of Oneida by hereby opened at 6:30p.m.

Ayes: 7
Nays: 0

MOTION CARRIED

APPEARANCES

None

CLOSE PUBLIC HEARING
A LOCAL LAW IMPOSING A THREE (3) MONTH MORATORIUM ON WIND ENERGY CONVERSION
SYSTEMS (WECS) USES WITHIN THE CITY OF ONEIDA

RESOLUTION 24-284

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the Public Hearing on a Local Law imposing a three (3) month moratorium on Wind Energy Conversion Systems (WECS) uses within the City of Oneida by hereby closed at 6:30p.m.

Ayes: 7
Nays: 0

MOTION CARRIED

PUBLIC COMMENT

ROBERT BRITTON-ONEIDA

Robert Britton emphasized the necessity for increased funding for our Police Department and the importance of developing strategies to retain officers, enabling us to remain competitive with neighboring cities like Rome. He pointed out that currently, officers graduating from the academy are obligated to serve in Oneida for only one year before they can transition to other departments offering higher salaries.

Mr. Britton addressed the "Hen Law," highlighting its prohibition of roosters. He claims that a neighbor possesses a rooster and likely exceeds the permitted number of chickens. Despite multiple citations, the individual remains indifferent, prompting Mr. Britton to call for further action.

WAYNE WINCHELL-ONEIDA

Wayne Winchell expressed concerns regarding the city's approach to murals, questioning the timing of legal amendments that appear to benefit a single business. He also raised issues with the Codes Department, criticizing the invitation extended to the public to lodge complaints with an individual unaffiliated with the city during an ongoing investigation, deeming it inappropriate.

Mr. Winchell expressed his belief that the situation was retaliatory, stemming from Codes Department members engaging with the news media. He noted that, among the various families on social media, regardless of their stance, only one had issued verbal and written threats. Mr. Winchell emphasized that he is undeterred by such intimidation tactics.

RALPH KOHLER-ONEIDA

Mr. Kohler raised concerns about the mural ordinance, pointing out that he felt there were several issues and recommending that it be rewritten. He stated that while he was unsure if the ordinance was connected to the difficulties Mr. Rossi and his father were experiencing at the Barber Shop, it could easily give that impression. He expressed sympathy for the Mayor, noting that the situation appeared improper and suggested that the ordinance be revised and postponed until the matter is fully resolved. The Mayor responded, affirming that he was not involved in the situation.

Mr. Kohler recognized the significant time and effort the Council dedicated to the budget process, acknowledging the tough decisions they had to make. He requested that, instead of simply casting a yes or no vote, Council members take the opportunity to explain to the audience how they reached their conclusions and formed their opinions.

JOE MAGLIOCCA-ONEIDA

Joe Magliocca expressed anticipation for this being the final budget presented as the Mayor's budget. He noted that moving forward, it would become the City Manager's budget, adding an additional layer of oversight to help reduce the ongoing politicization of the City budget process.

Joe Magliocca reflected on his time serving on the Common Council from 1997 to 2001, when the expectation was to maintain a zero percent tax increase. He noted that during that period, the General Fund was 200-300 percent above the level recommended by New York State. However, he pointed out that the City no longer has the luxury of using the General Fund to offset tax increases. He emphasized that the community needs to understand that the City is not exempt from the effects of inflation, including rising labor and healthcare costs, all of which significantly impact the budget.

Mr. Magliocca expressed his anticipation for an open and honest dialogue among the Mayor, City Manager, Council, and the community. He emphasized the importance of discussing the community's identified wants and needs, as well as fostering a conversation about the value that city tax dollars provide to taxpayers.

Mr. Magliocca addressed the levels of tax levies, and the value of services provided, acknowledging that while no one wants to see a tax increase, maintaining services and protecting the General Fund may occasionally require adjustments. He referenced an instance during former Mayor Acker's term when a Tax Cap Levy override resolution was voted down. This decision, by law, necessitated a significant transfer from the General Fund to balance the budget that year. Mr. Magliocca described this as a clear example of "pay me now, or pay me later," noting that the financial consequences of that decision have now come due with the current budget.

Mr. Magliocca shared a memory of an old Tom Donegan cartoon from the *Oneida Dispatch*, which depicted a response to a significant budget increase in the Canastota School District. The cartoon showed two people standing in front of a staircase leading to a door labeled "Quality Schools." The steps were uneven in size, with the bottom three being very short and the top step significantly larger, each labeled with representative budget years. One resident remarked that the final step was too big, while the other observed that the earlier steps were too small, illustrating how inadequate incremental adjustments can lead to larger challenges later, much like the situation we face now.

He concluded by thanking the Council for their hard work on the budget and emphasized the importance of having community-wide discussions about wants and needs to prevent similar situations in the future.

MARTY WINCHELL-ONEIDA

Marty Winchell yielded his time to Angel Vargas

TERI VARGAS-ONEIDA

Teri Vargas yielded her time to Angel Vargas

ANGEL VARGAS-ONEIDA

Mr. Vargas, co-owner of the Oneida Barber Shop and the USA Barber School, addressed the Council regarding agenda Item No. 10—Murals. He welcomed the new City Manager and expressed concerns about a serious internal matter involving the Codes Department and certain Common Council members. Mr. Vargas reported receiving a citation for a mural painted on his building in 2019, which had been compliant for approximately six years, following a resident complaint filed with the Codes Department, by a person he claims is a friend of the Codes Director.

Mr. Vargas explained that the ticket he received was based on the mural being classified as a sign. However, he noted that in 2019, the City administration had supported the mural and even used it as part of the Downtown Revitalization Initiative (DRI) grant. Rather than simply paying the ticket to resolve the issue, he stated that he chose to hire an attorney, expressing frustration over what he described as ongoing harassment.

Mr. Vargas further detailed instances of alleged harassment by Wayne Winchell, noting that his Certificate of Occupancy was issued in March 2023 after inspections and approvals by Code Enforcement members Jay Ackerman, Brian Rose, and Bob Burnett. However, nearly a year later, he began receiving complaints. He also mentioned that while he was being served the ticket, Wayne Winchell was outside his building

filming the event to later post on social media, causing his students present at the time to feel threatened.

Mr. Vargas stated that he has personally filed hundreds of code complaints and noted that he has never received prior notification about when inspections would occur. He recalled that when the Barber Shop was opened, Mr. Burnett was a City employee, and at the time, no one seemed concerned about the condition of Mr. MacNamee's building. He further explained that significant changes only began when then Assemblyman John Salka expressed concerns about the safety of his staff and threatened to close his office in Oneida. This, Mr. Vargas noted, marked the turning point in addressing the building's issues.

Mr. Vargas also discussed a ticket he received in 2020 for not having a building permit. He acknowledged that this occurred during the COVID-19 pandemic, a time when a retiring Code Enforcement officer was transitioning out and a new Codes Department was being formed. He emphasized that despite this, he was issued a Certificate of Occupancy (COO) in March 2023.

Mr. Vargas elaborated on the events surrounding the second ticket he received in August, which he chose not to comply with as he believed he had done nothing wrong. He stated that on August 27, Code Enforcement officers Jay Ackerman and Brian Rose came to his building. While Mr. Vargas was not present, Mr. Rossi was on-site and allowed them entry but requested they return when Mr. Vargas could be present.

Mr. Vargas advised that the following day, a stop work order was placed on his door. When he questioned the order, he was informed it was due to non-compliance with a building permit. Mr. Vargas then invited Ackerman and Rose into the building, encouraging them to take pictures and identify the specific issues of non-compliance. He stated that the two stayed for approximately 30 minutes during this visit, which he recorded, and that although he played that recording for the news reporter, it was not put in the clip.

Mr. Vargas stated that he possesses 25 minutes of video and audio recordings of Code Enforcement officers in his building, which he asserts substantiate his claims. He also referenced minutes from a 2018 meeting where he was granted permission to paint the building. Despite this, he claimed that Code Enforcement officer Jay Ackerman, who he said acknowledged having the same meeting minutes, still issued the ticket. Additionally, Mr. Vargas challenged anyone to produce evidence of a threat made by his family toward any City employee. He emphasized that although such claims have been made repeatedly, no one has been able to provide proof of these allegations.

Mr. Vargas also raised concerns about internal, private documents that were leaked to social media by Wayne Winchell. He noted that Mr. Winchell refused to disclose the source who provided him with these documents, further aggravating the situation. Mr. Vargas also advised that Codes was unaware that the COO was issued and on file, noting that they came across the street twice without getting the commercial documents from the commercial codes department located in the same building as they were.

Mr. Vargas requested that the audio recording he possessed be submitted as part of the official minutes and made available in the City Clerk's office for reference to anyone who would like to hear it.

OLD BUSINESS: None

REPORTS:

- Mayor's Report None
- City Manager's Report: City Manager Lovell acknowledged his awareness of the issues within the

city and noted that he has listened to comments and feedback from citizens, including several who have shared their opinions directly with him in his office. He expressed appreciation for their input and gratitude for being part of such a passionate community. Mr. Lovell assured everyone that he has heard their concerns and is committed to addressing them. However, as he is only in his fifth week in the role, he asked for patience as he works through these challenges.

APPROVAL OF MINUTES

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that the minutes of the special meeting of November 13, 2024, are hereby approved as presented.

Ayes: 7
Nays: 0

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that the minutes of the regular meeting of November 19, 2024, are hereby approved as presented.

Ayes: 7
Nays: 0

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Simchik
Seconded by Councilor Laureti

RESOLVED, that Warrant No. 24, checks and ACH payments in the amount of \$2,549,408.37 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller or a third party duly retained by the City of Oneida to perform such services.

Ayes: 7
Nays: 0

MOTION CARRIED

ADOPT 2025 CITY OF ONEIDA BUDGET

RESOLUTION 24-285

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that agreeable to the estimates of the expenses and disbursements for the year 2025 constituting the budget, including Capital Plan, for the City of Oneida, the same is hereby approved by the Common Council on the third day of December, 2024 as set forth in the minutes of this meeting; there shall be levied and raised on the taxable property of the entire city, not including pension, pastor and over sixty-five (65) exempt property as follows:

Total Gross Budget: \$29,612,554

Less estimated revenues: \$29,199,526

Taxable balance: \$5,762,961

Of which, \$3,043,348 shall be levied on the entire city establishing a tax rate of \$6.21429 per thousand and \$2,070,053 shall be levied on the corporation tax district at a rate of \$6.0771 per thousand; thereby establishing a combined rate of \$12.29139 per thousand inside tax district; and be it further

RESOLVED, that \$615,060 shall be levied and a rate of \$4.66412 per thousand shall be established for the outside fire district, and be it further

RESOLVED, that \$34,500 shall be levied and a rate of \$0.079631 per thousand shall be established for hydrant tax, and be it further

RESOLVED, that the total tax levy for the City of Oneida 2025 budget is \$5,762,961.

Mayor Rossi	<u>YES</u>
Councilor Szczerba	<u>NO</u>
Councilor Laureti	<u>NO</u>
Councilor Hitchings	<u>YES</u>
Councilor Winchell	<u>NO</u>
Councilor Pagano	<u>YES</u>
Councilor Simchik	<u>YES</u>

MOTION CARRIED

DISCUSSION: Mayor Rossi acknowledged the unpopularity of tax increases but emphasized the city's fiscal constraints. He noted that proceeding with a 2.5% tax increase would reduce the General Fund to 20.3%, perilously close to New York State's mandated minimum of 20%. This action would necessitate withdrawing \$750,000 from the Fund Balance, a practice the city has unsustainably relied upon in recent years. Mayor Rossi conceded that more substantial tax increases in prior years could have prevented the

current financial predicament, while acknowledging that he was also part of the past administration responsible for this.

He advised that they looked tirelessly through the budget, and aside from cutting whole departments, which was mentioned as an option, left them where they are tonight.

Councilor Szczerba stated he would not support a 7.5% tax increase, expressing concern about the burden it would place on residents, particularly the elderly. He emphasized his commitment to keeping taxes as close to zero as possible, a pledge he made during his campaign. He also reaffirmed his dedication to addressing any issues brought to him by his constituents, as their representative.

He stated that people are struggling right now with the economy the way it is, and many people cannot afford this type of increase. Councilor Szczerba cautioned his fellow councilman that vote this in, they will “reap the whirlwind of the electorate next year.” Mayor Rossi stated that this should not be a political ordeal, that this should be about saving the city and doing what is needed to move forward.

Councilor Hitchings stated that if supporting a 7.5% tax increase costs her the election, she is prepared to accept that outcome. She acknowledged that no one wants to raise taxes but explained that she analyzed the financial impact of increases at 2.5%, 5%, and 7.5%. Even with a 10% increase, she noted, the city would still be in dire straits. She described the 7.5% increase as a reasonable compromise, highlighting that it accounts for critical needs, including pending raises for police and fire personnel, which have not yet been accounted for. She warned that if the city’s finances dip below the 20% threshold, it could face serious trouble, emphasizing the importance of acting now to address the situation.

Councilor Hitchings advised that they have had to make very tough decisions, but the city has been kicking the can down the road for years, and this cannot be done anymore, concluding that they have to do this.

Councilor Winchell added that he also cannot support 7.5%. He promised his constituents that he would keep the taxes low also. Councilor Winchell advised that he felt they did not work hard enough to make cuts. Noting that although he was aware that taxes would need to go up, he believes that 7.5% is too much and that they could have worked harder to make them a little lower.

Councilor Laureti expressed his belief that a 7.5% tax increase is too high, suggesting that raising taxes is the easy route. He shared that he proposed approximately 21 ideas for potential budget cuts and noted the extensive effort and long nights spent working on the budget. He advocated for a balanced approach, combining strategic cuts with a more modest tax increase, emphasizing the need to avoid placing undue hardship on elderly residents living on fixed incomes. Councilor Winchell added that the elderly were just given a tax break, and this now nullifies that. Councilor Hitchings advised that although Councilor Laureti had some good ideas, it was too late as the budget meetings had already taken place.

Mayor Rossi noted that the primary suggestion presented thus far was to cut the Recreation Department from the budget, sell the Kallet Civic Center, and refrain from building additional parks. In response, Councilor Laureti elaborated on some of his proposals. These included reevaluating city-owned properties removed from the tax rolls, such as land from the FEMA buyout, particularly in prime downtown locations like the Pocket Park, and considering selling off surplus city-owned properties, including land near Lowe’s. He reiterated his recommendation to sell the Kallet, arguing that the city should not be involved in the entertainment business. Additionally, he proposed that events currently funded by the Recreation Department should instead be sponsored by external parties, reducing taxpayer burden. Lastly, he

suggested delaying the filling of positions vacated by retirements as a cost-saving measure.

Councilor Simchik highlighted that up until three years ago, the Fund Balance remained in the low to mid-30% range. He pointed out that over the past three years, the budget has been balanced by drawing substantial amounts from the Fund Balance while implementing only minimal tax increases. He warned that if the same approach is taken for the 2025 budget, with no increases in staffing, the city would still face significant cost increases, including \$370,000 for health insurance and \$240,000 for retirement, with which is likely to rise further in 2026. He explained that a 2.5% tax increase would reduce the Fund Balance to 20.3%, leaving no room to draw from it in the future. He challenged those opposing a lower tax increase to explain how they plan to cover a \$750,000 shortfall for the 2026 budget when the Fund Balance will no longer be a viable option.

Councilor Simchik reiterated his agreement with Councilor Hitchings, noting that the city has yet to negotiate union contracts for the next three years, leaving future cost increases uncertain. He emphasized that at a 20.3% Fund Balance, the city would not have the flexibility to draw funds to cover these increases. Additionally, he pointed out that if a major emergency were to occur, the city would not be able to rely on the Fund Balance as it has in the past. He argued that by adopting the proposed 7.5% tax increase and reducing the reliance on the Fund Balance, the city would avoid depleting the full \$750,000 and retain a small financial cushion for unforeseen circumstances.

Councilor Simchik advised that by increasing taxes only minimally over several years and relying heavily on the Fund Balance, the city has reached an unsustainable position. Councilors Laureti and Winchell reiterated their stance that a balanced approach, combining expense cuts and a modest tax increase, is preferable. However, Mayor Rossi countered that the proposed cuts would provide only a short-term solution, benefiting the budget for one year without addressing long-term fiscal challenges. He questioned what solutions would be available for future years and pointed out that few practical, real-time measures had been proposed to meaningfully bolster the budget.

MISCELLANEOUS UTILITY BILLING

RESOLUTION 24-286

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that the Miscellaneous Utility Billing for unpaid service charges, water rents and sewer taxes in the amount of \$76,739.52 be hereby inserted into the 2024 assessment roll to be levied into the 2025 tax roll.

Mayor Rossi	YES
Councilor Szczerba	<u>YES</u>
Councilor Laureti	<u>YES</u>
Councilor Hitchings	<u>YES</u>
Councilor Winchell	<u>YES</u>
Councilor Pagano	<u>YES</u>
Councilor Simchik	<u>YES</u>

MOTION CARRIED

SCHEDULE YEAR-END CLOSEOUT MEETING

RESOLUTION 24-287

Moved by Councilor Winchell
Seconded by Councilor Hitchings

RESOLVED, to schedule to 2024 year-end closeout meeting for Tuesday, December 31, 2024, at 8:30a.m. in Common Council Chambers, 109 N. Main Street, Oneida, NY 13421.

Ayes: 7
Nays: 0

MOTION CARRIED

BOARD REAPPOINTMENTS-TRAFFIC SAFETY BOARD

RESOLUTION 24-288

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, to approve the Mayor's reappointments of Don White and Kathy Malinowski to the Traffic Safety Board for a 3-year term.

Ayes: 7
Nays: 0

MOTION CARRIED

MEMORANDUM OF AGREEMENT-ONEIDA CITY SCHOOL DISTRICT

RESOLUTION 24-289

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to authorize the City Manager to sign a Memorandum of Agreement with the Oneida City School District for the assignment of crossing guards employed by the City to serve as crossing guards at certain locations within the School District, through June 30, 2025.

Ayes: 7
Nays: 0

MOTION CARRIED

APPROVE LOCATION LIST-MOBILE FOOD VENDORS

RESOLUTION 24-290

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, to approve the attached designated locations for Mobile Food Vendors in accordance with Local Law No. 6 of 2024, Section 4-C.

Location No. 1	Freight house Alley	5 Food Trucks
Location No. 2	Higinbotham Park	2 Food Trucks
Location No. 3	Veterans Memorial Park	3 Food Trucks
Location No. 4	Harmon Field	2 Food Trucks

Ayes: 7
Nays: 0

MOTION CARRIED

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 24-291

Moved by Councilor Hitchings
Seconded by Councilor Pagano

RESOLVED, to approve the budget transfers and amendments as outlined by the Comptroller, or a third party duly retained by the City of Oneida to perform such services.

	<u>To</u>	<u>From</u>
<i>2024 Budget Adjustments</i>		
\$ 15,000.00	001.1420.0411.0000 Law Labor Services	001.0001.0912.0000 General Fund Balance
\$ 10,000.00	001.1420.0410.0000 Law Litigation	001.0001.0912.0000 General Fund Balance
<i>To allocate funds to cover legal service expenses</i>		
\$ 34,096.50	002.8300.0403.0000 Water Contracts	002.0022.2665.0000 Water Sale of Assets

To re-allocate funds from the sale of Timber to cover the cost of forestry services

\$	1,352.40	001.1364.0400.0000	001.0022.2660.0000
		Expenses on Property Acquired	Sale of Real Property

To re-allocate revenue from the sale of property to cover the expenses for the Auction

Ayes: 7

Nays: 0

MOTION CARRIED

AGREEMENT-2025-2029 GLENWOOD PLAZA HYDRANT AGREEMENT

RESOLUTION 24-292

Moved by Councilor Hitchings

Seconded by Councilor Simchik

RESOLVED, to authorize the City Manager to sign the following Hydrant Agreements:

- 2025-2029 Glenwood Plaza Hydrant Agreement
- 2025-2029 Nye Ford Hydrant Agreement
- 2025-2029 Workforce Housing Hydrant Agreement
- 2025-2029 Oneida High School Hydrant Agreement

Ayes: 7

Nays: 0

MOTION CARRIED

RELEASE/DISCHARGE, OR COMMUTE CITY/COUNTY TAXES

RESOLUTION 24-293

Moved by Councilor Hitchings

Seconded by Councilor Simchik

RESOLVED, approve the release, discharge, or commute of City/County taxes for real property located in the City of Oneida for years 2017-2021, in the amount of \$170,792.54, which includes taxes owed and interest incurred.

Ayes: 7

Nays: 0

MOTION CARRIED

INTRODUCE A LOCAL LAW CREATING A NEW CHAPTER 96, TITLED “MURALS,”
IN THE ONEIDA CITY CODE-SCHEDULE PUBLIC HEARING

RESOLUTION 24-294

Moved by Councilor Hitchings
Seconded by Councilor Pagano

WHEREAS, the proposed Local Law has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, the City of Oneida Common Council does recognize the aesthetic value of murals in the community and does further desire to regulate murals within the City of Oneida; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the City of Oneida, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Common Council shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that there are no other involved agencies, that the Common Council shall act as lead agency and that the enactment of the proposed Local Law is an unlisted action for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED, that the Common Council shall conduct a public hearing as to the enactment of the proposed Local Law at the Oneida City Hall located at 109 North Main Street, Oneida, New York on December 17, 2024, at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED, that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the City of Oneida.

Ayes: 7

Nays: 0

MOTION CARRIED

City of Oneida
Proposed Local Law
A LOCAL LAW CREATING A NEW CHAPTER 96, TITLED “MURALS,”
IN THE CITY OF ONEIDA CODE

Be it enacted by the Common Council of the City of Oneida, as follows:
Section 1.

So that a new Chapter 96, titled "Murals," shall be added to the Oneida City Code, which shall read, in its entirety, as follows:
"§96-1 Purpose.

The City of Oneida recognizes the aesthetic value of murals in the community. Artists, property owners and community residents are encouraged to work together in the creation of public art murals to beautify the environment and promote community pride. Any group or individual that wishes to paint or create a mural must obtain permission from the property owner, whether it is a private individual or public agency. Painting murals on public or private property without permission of the property owner is illegal and punishable by law. The City does not condone any type of illegal graffiti or art, irrespective of artistic content.

§96-2 Definitions.

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

MURAL - A painting, mosaic, fresco, or other permanent artwork attached or applied directly to the outside of a structure. It is usually a graphic display that covers all or a portion of a wall and depicts a scene or event of natural, social, cultural or historic significance.

§96-3 General guidelines.

- A. These guidelines provide anyone who wants to install a mural with a reasonable process that safeguards both the interests of the community and those of the individual building/property owner. The guidelines are designed to assure that murals within the City of Oneida enhance the community's appearance without confusing drivers and/or pedestrians or causing any other negative impact on public safety or welfare.
- B. In reviewing a proposal for a mural, the following criteria shall be considered:
 - 1. Location, with consideration of safety issues, maintenance, and building geometry.
 - 2. Number of murals within close proximity.
 - 3. Size, with consideration of the local streetscape.

§96-4 Detailed guidelines and criteria.

In addition to the general guidelines above, the Planning Commission/ Zoning Board of Appeals shall evaluate mural proposals based on the following:

- A. Design.
 - 1. Relevance of the piece to the building or City, its values, culture, and people. Murals within the City of Oneida should be based on one or more of the following themes: natural beauty; history of the City; school pride; or other relevant themes.

2. Prohibitions.
 - a. Murals shall not be allowed in any residential zoning district.
 - b. Murals with moving parts.
 - c. Murals affixed, applied, or mounted above, upon or suspended from any part of the roof of a structure.
 - d. Murals that project away from a wall surface.
- B. Suitability of the work for outdoor display, including its maintenance and conservation requirements.
- C. Relationship of the work to the site and the community, especially how it serves to activate or enhance public space.
- D. Appropriateness of the scale of the artwork.
- E. Site selection considerations.
 1. Is the site visible and accessible to the public?
 2. Does the mural enhance the site where it is located?
 3. Does the mural enhance the overall public environment?
 4. The mural should not obscure windows or entranceways nor disrupt normal pedestrian circulation.
 5. The mural should not disrupt the site's landscaping and maintenance requirements.
 6. The mural should not be so large as to overwhelm adjacent architecture or become a visual distraction.
 7. The mural should not detract from its surroundings nor create blind spots where illegal activity can take place.
- F. Construction and maintenance.
 1. Murals shall be well designed and incorporate high-quality materials that enhance the overall appearance of the site and do not adversely affect the safe and efficient movement of vehicles and pedestrians. Materials may include paint or other media appropriate for exterior use, such as tile or mosaic. Materials shall be long-lasting and graffiti-resistant to the greatest extent possible.
 2. Colors, though vibrant, should be complementary and harmonious with the exterior colors of the building structure, as well as consistent with the chosen theme. Neon, fluorescent, or reflective-type colors or materials are discouraged.
 3. The mural shall be designed and supervised by a qualified artist/muralist, one with sufficient knowledge and experience with the application of mural materials.
 4. Mural size shall be determined by the wall surface to be covered. Smaller walls may be completely covered. On large walls, murals should be large enough to dominate the wall surface but not so large as to overwhelm the local streetscape. Generally, one mural shall be permitted per structure.

5. The proposed mural, by its design, construction, and location, shall not obscure or detract from the significant architectural features of the building structure, nor should the building's architecture be altered to accommodate the mural.
6. The proposed mural, by its design, construction, and location, shall not have an adverse impact on adjacent properties or permitted uses. If the mural requires special lighting or other related construction, all applicable permits shall be required as part of installation. No flashing or moving lighting is permitted. No internal illumination is allowed.
7. Routine maintenance of an artwork becomes the responsibility of the building owner and/or sponsoring group where the artwork is located. As part of the contractual requirements, the artist should develop a maintenance program in cooperation with the building owner or manager for the proper long-term care of the artwork.
8. If, for whatever reason, the mural falls into disrepair, the building owner shall be notified, in writing, and required to make necessary repairs within 120 days. If the repairs are not made within the specified time, the City reserves the right to repair the mural at the owner's expense, remove the mural at the owner's expense, or cover the mural with opaque paint at the owner's expense.
9. If property ownership is transferred, all obligations for mural construction, maintenance and repair shall be assumed by the property owner.

G. Application review and approval process.

1. An applicant desiring to install a mural on is required to submit a formal application, a scaled color rendering of the proposed project, and a photograph showing the building location of the proposed mural to the City offices for review by the Department of Code Enforcement and the Planning Commission/ Zoning Board of Appeals.
2. Mural proposals that do not meet the design criteria/guidelines may be denied by the Planning Commission/ Zoning Board of Appeals or accepted with required modifications.
3. Mural proposals must comply with any applicable New York State Department of Transportation rules and regulations regarding visual appearance and possible effect on traffic in the area of the mural. Written approval from New York State Department of Transportation may be required, depending upon location of the mural.

H. Schedule.

1. Mural installation must begin within 60 days of approval and must be completed within six (6) months of the start date. If these dates are not met, the Planning Commission/ Zoning Board of Appeals may, at its discretion, revoke the mural permit. A one-time extension for an additional 60 days may be granted if the request is submitted in writing prior to the end of the initial 60-day period."

SECTION 2. Validity and severability.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

SECTION 3. Effective date.

This local law shall be effective upon filing with the office of the Secretary of State.

NEW BUSINESS: City Attorney, Nadine Bell requested that Council go into Executive Session to discuss potential litigation with possible action taken.

EXECUTIVE SESSION

RESOLUTION 24-295

Motioned by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, that the meeting is hereby adjourned to Executive Session at 7:10p.m. to discuss potential litigation with possible action taken.

Ayes: 7

Nays: 0

MOTION CARRIED

PRESENT: ☒ Mayor ☒ City Manager ☒ Council ☒ City Attorney
City Clerk, Sandy LaPera

1. Discussion was held to discuss potential litigation with possible action

Motioned by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that Executive Session is hereby adjourned to the regular meeting at 7:29 p.m.

Ayes: 7

Nays: 0

MOTION CARRIED

DEPARTMENT OF ENVIRONMENTAL CONSERVATION CONSENT ORDER

RESOLUTION 24-296

Moved by Councilor Hitchings
Seconded by Councilor Simchik

RESOLVED, to authorize the City Manager to execute the Consent Order as prepared by the Department of Environmental Conservation (DEC) for Case Number: R6-20241009-37.

Ayes: 7
Nays: 0

MOTION CARRIED

Motion to adjourn by Councilor Hitchings
Seconded by Councilor Simchik

Ayes: 7
Nays: 0

MOTION CARRIED

The regular meeting is hereby adjourned at 7:31p.m.

CITY OF ONEIDA

Sandra LaPera, City Clerk