

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, January 8, 2014, at 7:30 p.m. in Council Chambers at City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. The State of the City Address by the Mayor.
4. General Announcements by the Council.
5. Draft unapproved minutes of the Regular Meeting of the City Council held December 18, 2013.
6. Issues Update/Old Business.
7. Residents may be heard on matters for Council consideration that do not appear on the agenda.
8. Appointment of the 2014 Deputy Mayor by the Mayor.
9. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term.
10. Designation of the City Council's Audit Committee by the Mayor.
11. Designation of the City Council Liaisons by the Mayor.
12. Designation of official City newspaper.
13. Appointment of two City Council Members for terms expiring January 1, 2015.
14. Appointments to Boards and Commissions, by the Mayor with Council approval.
 - A) Two appointments to the Board of Appeals for a three-year term.
 - B) Four appointments to the Board of Architectural Review for a three-year term.
 - C) One appointment to the Board of Ethics for a three-year term.
 - D) One appointment to the Conservation Commission/Advisory Council for a three-year term.
 - E) Two appointments to the Finance Committee for a three-year term.
 - F) Four appointments to the Flood Advisory Committee for a three-year term.
 - G) Three appointments to the Landmarks Advisory Committee for a three-year term.
 - H) Two appointments to the Planning Commission for a three-year term.
 - I) Two appointments to the Recreation Commission for a three-year term.

- J) Four appointments to the Rye Cable and Communications Committee for a three-year term.
- K) Four appointments to the Rye Playland Advisory Committee for a three-year term.
- L) Two appointments to the Rye Town Park Advisory Committee for a three-year term.
- M) Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term.

15. Designation of the amounts of faithful performance bonds:

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshall	\$ 100,000

16. Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV “Use Regulations” and Article VI “Appeals” to establish regulations regarding outdoor fire pits and outdoor kitchens.

17. New Business.

18. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, January 29, 2014. The City Council will hold a Strategic Workshop on Saturday, January 25, 2014 at 9:00 a.m. in Council Chambers at City Hall.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under “RyeTV Live”.

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager’s Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 3

DEPT.: City Council

DATE: January 8, 2014

CONTACT: Mayor Joseph Sack

AGENDA ITEM: The State of the City Address by the Mayor.

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Mayor Sack will deliver his 2014 State of the City Address.



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: January 8, 2014

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held December 18, 2013, as attached.

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Approve the minutes of the Regular Meeting of the City Council held December 18, 2013, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on December 18, 2013 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI (left at approximately 12:00 a.m.)
PETER JOVANOVICH
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. General Announcements

This was the last Council Meeting for Mayor French, and Councilmembers Filippi, Jovanovich and Parker.

Councilman Filippi thanked Mayor French and said it was great working on the team and also thanked City Manager Pickup for doing what the Council asked him to do, Corporation Counsel Wilson for her guidance, and City staff and all the volunteers who make the City work so well. Councilman Jovanovich commented on how ignorant he had been of City government when he first came on the Council and how much he had learned in the four years. He thanked staff members for teaching him. Mayor French said being Mayor was a great experience and that the most rewarding part was working with City staff, who are truly professional. He said the City has transformed itself in the last four years and is not in a great position. He offered particular thanks to the City Manager, Corporation Counsel and the City Manager's Assistant. Councilwoman Parker thanked Councilman Sack for the six years they had worked together. She said it was an honor to serve with Mayor French and Councilmen Jovanovich and Filippi and wished Councilwomen Brett and Killian continued success.

Councilman Sack made a presentation of street signs with their names on them to the outgoing members of the Council and wished them all well. Councilwoman Killian said she had enjoyed working with her fellow Councilmembers over the last year and a half. Councilwoman Brett thanked the outgoing Councilmembers for their leadership; saying they had served during challenging times and the community owes them their gratitude.

Carolyn Cunningham of the Conservation Commission/Advisory Council and Steve Fairchild of the Rye Cable and Communications Committee also thanked the outgoing members of the Council for their service to the City.

4. Draft unapproved minutes of the Regular Meeting of the City Council held December 4, 2013

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the draft minutes of the Regular Meeting of the City Council held on December 4, 2013, as amended.

5. Mayor's Management Report
● Capital Projects Update

City Manager Pickup reported that a large amount of salt was used during the recent storms and the City's inventory is currently low because the vendors are behind in their deliveries. The City is keeping an eye on the situation. He added that the DPW crews have done a very good job in keeping the roads and sidewalks open. A schedule for presentations on upcoming capital projects will be sent to the Council.

● Legal Update

Butler v. Mathisson – Oral argument on this matter will be held this week before the Appellate Division, Second Department.

6. Petition of Lazz Development/Pawling Holdings to change the zoning designation of County-owned property located on Theodore Fremd and North Street to the RA-5 District to provide for the construction of affordable senior housing

Mayor French said there is a proposal before the City that complies with the Federal Housing Monitor for Affordable Housing. City Manager Pickup said the discussion of development of the property goes back almost 30 years and is at a point where there is an opportunity to work cooperatively with the County. Norma Drummond, Deputy Commissioner of the County Department of Planning made a presentation on the proposal to build an affordable Senior Housing Development on a property on Theodore Fremd Avenue. There is a limited ability to do this type of housing and the County has reached the necessary benchmarks that will allow it do a senior housing project in Rye. This will require the City to adopt a Zoning Code Amendment that will rezone the property to a residential district that will allow multi-family residences. Although there have been issues related to contamination on the site, the NYS

Department of Environmental Conservation (DEC) now considers the site to be developable. Lou Larizza, the developer for Lazz Development/Pawling Holdings, provided an overview what his company would like to develop on the site - 54 units of senior housing (55 years and older), consisting of 42 one bedroom units and 12 two bedroom units.

Councilman Jovanovich made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby declares its intent to be lead agency under SEQRA in connection with the petition of Lazz Development/Pawling Holdings to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing; refers the draft local law and petition to the City Planning Commission for their advisory review and comment; and, refers the complete application to Westchester County Planning Board as required by Section 239-m of the General Municipal Law and Section 451 of the Westchester County Administrative Code.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,
Killian, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

7. Presentation by the Finance Committee of the Citizen's Budget

Warren Keegan, Chairman of the Finance Committee, made the presentation on behalf of the Committee, which he called a simplified report on the proposed budget. The current budget proposal is for a 1.99% increase of the 2013 rate with a tax rate of \$151.87 per \$1,000 of valuation or an average increase of \$72 per median household. Revenues are budgeted to be up by 3.2% from 2013 and mortgage tax revenue is budgeted up by \$400,000 over 2013. Expenditures, including capital, are up 5.9%. The budget includes \$1 Million for capital projects and two new positions. The City employee health insurance expense for 2014 will be 14% higher than 2013. The projected year end 2014 Unassigned Fund Balance is \$6.2 Million which equals 18.6% of expenditures vs. a 5% policy requirement. The biggest source of income is property tax levies (65%). Other major sources of income are: sales tax; licenses and permits; and inter-governmental transfers which included state aid and mortgage tax. Major expenditures in the budget include: Salaries and wages; Employee Benefits and taxes; Public Safety; and, Home and Community Services such as garbage collection and recycling.

8. Continuation of the Public hearing on the proposed 2014 Budget

The only member of the public who spoke on the proposed 2014 Budget was *Bertrand de Frondeville* who said that he believed that having 18.6% in the Unassigned Fund Balance was much larger than necessary. He suggested that 15.2% would be preferable and urged the Council to utilize the additional money in order to reduce the tax rate.

There was a discussion among the members of the Council of the advisability of reducing the amount in the Undesignated Fund Balance and of options that could be utilized to bring the tax rate down to a 0% increase. Options suggested included increasing the amount of money budgeted for mortgage tax revenues; utilizing fund balance; a combination of both; or, cutting expenses. There was also a suggestion that instead of utilizing Undesignated Fund Balance to reduce the tax rate, additional infrastructure projects should be included in the budget and paid for by the use of Fund Balance. The consensus of the Council was to reduce the tax rate by increasing the proposed mortgage tax revenue amount and not touch the Undesignated Fund Balance.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to close the public hearing.

Deputy Comptroller Fazzino said that to bring the tax rate increase to .99%, which equates to a \$150.39 per \$1,000 of assessed value or a \$35.13 increase per median household, the Council would need to increase the mortgage tax numbers by \$206,000.

Councilman Jovanovich made a motion, seconded by Councilman Parker, to adopt the following Resolution:

RESOLVED that the City Council of the City of Rye hereby adopts the following changes to the 2014 Proposed Budget which will result in a tax rate of .99%:

Increase Mortgage Tax revenues by \$206,000.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Parker and Sack
NAYS: Councilwoman Killian
ABSENT: None

The Resolution was adopted by a 6-1 vote.

9. Resolution to adopt the 2014 Budget and establish the 2014 tax levy and 2014 tax rate
Roll Call.

Councilwoman Brett made a motion, seconded by Councilman Jovanovich, to adopt the following Resolution:

WHEREAS, on November 6, 2013 the 2014 Tentative Budget was presented to the City Council, and,

WHEREAS, since November 6, 2013 the City Council has discussed possible amendments to the 2014 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as amended for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2014, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2014 City of Rye tax rate of \$150.38 per \$1,000 taxable assessed valuation and the 2014 City of Rye tax levy of \$20,813,446, and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Parker and Sack
NAYS: None
ABSENT: None
ABSTAIN: Councilwoman Killian

The Resolution was adopted by a 6 votes, with one abstention.

10. Resolution to add Chapter 177, “Taxation”, Article XII “Exemption for Historic Districts” to the Rye City Code to provide tax exemptions for improvements to historic properties

Councilwoman Brett made a motion, seconded by Councilman Jovanovich, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 4 2013**

**A Local Law to add Chapter 177 “Taxation” Article XII
“Exemption for Historic Districts” to the Rye City Code**

Be it enacted by the City Council of the City of Rye as follows:

**Section 1: Chapter 177 Taxation; Article XII
“Exemption for Historic Districts”**

§ 177-1. Legislative intent; review process; historic determination; rights of property owner.

- A. This real property tax exemption for historic property is being enacted in order to achieve the following goals: to increase incentives for property owners in historic districts to invest in the upkeep and rehabilitation of properties; to provide an incentive for the restoration and rehabilitation of commercial structures which qualify as landmarks in order to provide financial advantages, not available elsewhere in the country at this time, which may help to attract and retain businesses in the City of Rye; to assist homeowners who are interested in restoring their own properties but may not be able to afford to do so when faced with potential increases in taxation as the result of alterations which would qualify for this exemption; and to provide a concrete benefit for restoring or improving historically or architecturally significant properties which are subject to the regulations of Chapter 117, Landmarks Preservation.

- B. The City of Rye real property tax exemption is intended to apply to alterations or rehabilitations of historic property as authorized pursuant to §§ 96-a and 119-aa through 119-dd of the General Municipal Law and § 444-a of the Real Property Tax Law and all other powers granted to the City of Rye to provide such exemptions.

- C. This article is intended to create a real property tax exemption that preserves or increases the historic character of real property located within the City of Rye.

§ 177-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings.

ALTERATION

Only exterior work on a building that requires a building permit or demolition permit.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Board of Architectural Review authorizing a material change of appearance of a Protected Site or Structure or within a district, subject to other applicable permit requirements.

DEMOLITION

The destruction of the exterior of a building, in whole or in part, whether or not the foundation is also destroyed pursuant to the requirements of a duly issued demolition permit.

HISTORIC BUILDING

Any building that the Landmarks Advisory Committee has determined to be of an historic nature consistent with the criteria outlined in Chapter 117 of the Rye City Code and is located within an historic district. An historic building does not have to be designated as a Protected Site or Structure.

LANDMARK

Any parcel or building or structure designated as a Protected Site or Structure not located in a Preservation District, which nonetheless meets one or more of the criteria enumerated in § 117-5 and is designated as a Protected Site or Structure pursuant to § 117-5E.

§ 177-3. Amount; criteria.

Real property within the City of Rye altered or rehabilitated subsequent to the effective date of this article shall be exempt from City real property and special ad valorem levies, subject to and in accordance with the schedule set forth in § 177-3B and conditions outlined in § 177-3B and C.

A. Historic property which shall be defined hereafter shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

Year of Exemption	Percentage of Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

B. No such exemption shall be granted for such alterations or rehabilitation unless all of the following criteria are met.

- (1) Such property must be “historic,” which means: 1) that the property has been designated as a landmark pursuant to Chapter 117 of the Rye City Code; or 2) that the structure has been found to meet the criteria of being an historic building by the Landmarks Advisory Committee and is part of a historic district;
 - (2) Alterations or rehabilitation are consistent with the character of the historic building;
 - (3) Such alterations or rehabilitation or reconstruction of the historic building are approved by the Landmarks Advisory Committee and the Board of Architectural Review prior to the commencement of work and a certificate of appropriateness issued;
 - (4) The alterations or rehabilitation or reconstruction must otherwise result in an increase in the assessed valuation of the real property; and
 - (5) Alterations or rehabilitation or reconstruction are commenced subsequent to the effective date of this article.
- C. In the event an historic building is substantially demolished due to fire or other act of nature not caused by the property owner, the reconstruction of such building consistent with its historic character as reviewed and approved by the Board of Architectural Review shall qualify for the partial tax exemption, but in no event shall the assessment for the taxes to be paid be less than the assessment that existed prior to the substantial demolition.

§ 177-4. Application for exemption; approval.

- A. The exemption may be granted only upon application of the owner or owners of such historic building on a form prescribed by the New York State Office of Real Property Services, or any successor agency.
- B. The application must be filed with the Assessor on or before the appropriate taxable status date.
- C. The exemption shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section.
- D. All of the terms, conditions and exceptions as set forth in § 444-a of the Real Property Tax Law of the State of New York, as amended,

are adopted herein unless otherwise specified, as though fully set forth within this article.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,
Killian, Parker and Sack
NAYS: None
ABSENT: None

The local law was adopted by a 7-0 vote.

11. Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens

William Fegan, representing the Board of Architectural Review (BAR), said that the Bar has been looking at outdoor fireplaces and seen them grow in size and number. They tend to be large structures and they worry about them becoming a fire hazard and nuisance to neighbors. The BAR would like to have the structures limited in height and distance from the neighbors. They is also a proposal to require fireplaces to be gas-fired.

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to keep the public hearing open until January 5, 2014.

12. Resolution to amend changes to local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area

Councilwoman Brett made a motion, seconded by Councilman Jovanovich, to adopt the following local law:

**LOCAL LAW
CITY OF RYE NO. 5 2013**

**A Local law to amend Chapter 197 “Zoning”, of the
Code of the City of Rye, New York
to Amend the Definition of “Story, Half” and the
Calculation of Attics in Gross Floor Area.**

Be it enacted by the City Council of the City of Rye as follows:

Section 1. Article I, *Definitions, Section 197-1, Definitions and Usage*, of the Code of the City of Rye is hereby amended to amend the definition of “STORY, HALF” as follows¹:

STORY, HALF — A space under a gable, hip or gambrel roof, the gross floor area of which (measured between the wall plates of at least two opposite exterior walls extending two (2) or more feet above the floor of such story) does not exceed sixty (60) percent of the floor area of the next floor area immediately below.

Section 2. Article V, *Lot, Floor Area, Height, Yard and Court Regulations, Section 197-43.2.B, Attics*, of the Code of the City of Rye is hereby amended as follows:

B. Attics. Fifty (50) percent of the attic floor area shall be counted in the computation of gross floor area where the headroom height measured from the finished or unfinished attic floor to the bottom of the roof rafters exceeds seven (7) feet and the distance between existing or theoretical five-foot-high knee walls exceeds seven (7) feet.

Section 3. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 4. Effective Date

This Local Law shall take effect eight (8) months upon its adoption and filing with the Secretary of State.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,
Killian, and Sack
NAYS: Councilwoman Parker
ABSENT: None

The Resolution was adopted by a 6-1 vote.

13. Presentation by the Playland Advisory Committee on the Sustainable Playland meeting held on December 11, 2013

William Meyers, representing the Playland Advisory Committee (PAC), said that the role of the Committee is to provide feedback to the City Council on issues regarding the impact of Playland on the City of Rye. They believe that their role is to provide an unbiased representation of the community feedback in connection with the Sustainable Playland proposal. Several PAC members attended the December meeting regarding the proposed Field House plans. The concerns raised involved: parking; traffic; site lines; environmental/flood issues; noise and lighting; financial liability of the plan. Many of the concerns were answered at the meeting but not necessarily to the satisfaction of some of those in attendance. The PAC requests that Sustainable Playland provide: minutes from the meeting documented by Playland Sports; access to all studies discussed through links on a publically available website; and any revised plans and materials. The goal of PAC is to ensure that plans and decisions made are not detrimental to the community. The PAC proposed to hold two public meetings in January and February that will include all key participants with the outline of the agenda of the meeting to be determined by PAC. A public hearing will be held after the public meetings to allow the public to have their say in a controlled setting. The PAC will then present a report to the City Council.

Michael Visci, Ken Ball and Deirdre Curran spoke on this agenda item. The discussion touched on the December SPI meeting and their response to questions; buildings being built in compliance with the Waterfront Development Plan; concerns about flooding and parking issues related to the proposed Field Zone; and a petition that has been started asking that the County Legislature and City of Rye leaders to stop the Field Zone.

14. Residents may be heard on matters for Council consideration that do not appear on the agenda

Ann McCarthy, 24 Central Avenue, asked why the City-owned lot at the corner of Central Avenue and Boston Post Road was turned into a temporary parking lot and not returned to parkland after the Central Avenue Bridge was rebuilt. City Manager Pickup said the plan is to restore the area to parkland but gravel was put down in case the owners of the former Black Bass Grill approach the City to use the area as a staging area for an upcoming construction project. At this point they have not approached the City, but if they do any agreement would come before the City Council for action. The City Manager was asked to report back at the January meeting.

15. Resolution to establish the Whitby Castle Committee to oversee the response and negotiations to the Rye Golf Club's RFP for Whitby Castle

There is a proposal to establish a committee consisting of members of the Golf Club Commission, Golf Club Strategic Committee and City Council to work with the City to review RFP proposals in order to negotiation with potential vendors and get a contract before the Council for action by the end of February to allow for a May opening. Potential members discussed included Mack Cunningham, Leon Sculti and John Duffy from the Rye Golf Club Commission and Peter Marshall and Angelo Sposato from the Golf Club Strategic Committee. There was also discussion of how many members of the Council will serve. There was also a suggestion that someone should be appointed who is not a member of the Golf Club.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to adopt the following Resolution:

**RESOLUTION OF THE CITY OF RYE
ESTABLISHING THE WHITBY CASTLE COMMITTEE
TO OVERSEE THE RESPONSE AND NEGOTIATIONS TO THE
RYE GOLF CLUB'S RFP FOR THE OPERATION OF WHITBY CASTLE**

WHEREAS, the Rye City Council has decided to appoint an independent, temporary Committee to oversee the response and negotiations to the Request for Proposal (RFP) on operating the restaurant and catering facility at Whitby Castle; and

WHEREAS, the Committee will evaluate the responses received from the Food & Beverage vendors who have responded to the RFP; and

WHEREAS, it is expected that the Committee will report back to the City Manager, City Council, and Rye Golf Club Commission with their recommendations;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Whitby Castle Committee to oversee the response and negotiations to the RFP for the operation of Whitby Castle is hereby established; and be it further

RESOLVED, that the Committee shall be comprised of at least seven members: three (3) members of the Rye Golf Club Commission, at least two members of the Rye City Council, and two (2) members of the Rye Golf Club Strategic Committee; and be it further

RESOLVED, that the Committee is temporary in nature and shall function and report to the Council independently; and be it further

RESOLVED, that the members of the Whitby Castle Committee shall be appointed by the Mayor with approval of the City Council.

16. Consideration to amend the Resolution to televise all City Council meetings to include Land Use and Enterprise Fund meetings of the City of Rye

There was Council support for the idea of televising Land Use Board and Enterprise Fund Committee meetings, but suggestions were made that the Land Use boards should be asked for their input on the proposed Resolution and that Council members should sit in on meetings of these boards prior to the Council taking a vote in order to determine if both work sessions and public hearings should be televised and if it was worth the cost. This Agenda item was deferred.

17. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers
Roll Call

Councilman Jovanovich made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2013 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,
Killian, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

18. Resolution to authorize participation in Westchester County contracts
Roll Call

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

19. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2014
Roll Call

Councilman Filippi made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

RESOLVED, that the Mayor is hereby authorized to finalize an agreement with the Rye Free Reading Room to furnish library services for 2014.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Killian, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

20. Resolution authorizing contractual updates for the City Manager's 2010 employment agreement

Councilwoman Parker made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn into executive session at 11:30 p.m. to discuss a personnel issue. Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the executive session at 11:58 p.m. The regular meeting resumed at 11:59 p.m.

Mayor French said that at this meeting, the Council would only consider one proposed Amendment to the City Manager's Employment Agreement, the proposal to allow the City Manager to buy back five vacation days; and would leave the other proposals to be decided by the incoming Council.

Councilman Jovanovich made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves an amendment to the City Manager's 2010 Employment Agreement allowing a buy back of five vacation days effective December 24, 2013 in order to maintain compliance with the existing APG carryover maximum of 36 vacation days.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

21. Resolution designating the days and time of regular meetings of the City Council for 2014 setting January 8, 2014 as the first regular meeting

Councilwoman Brett made a motion, seconded by Councilman Jovanovich and unanimously carried, to adopt the following Resolution:

RESOLVED, that January 8, 2014 is hereby fixed as the first regular and the organizational meeting of the City Council; and be it further

RESOLVED, that the following dates are designated for the regular meetings of the City Council in 2014:

January 8
January 29

February 5
February 26
March 12
March 26
April 9
April 23
May 7
May 21
June 11
July 9
August 4 - including presentation of the CIP
September 10
October 8
October 22
November 5 – including presentation of the Budget
November 19
December 3
December 17

22. Four appointments to the Board of Architectural Review for a three-year term, by the Mayor with Council approval

Mayor French said the reason for making these appointments at this time was that there were possible quorum issues for the Board of Architectural Review (BAR) because the City Council would not meet to make appointments until after the first scheduled meeting of the BAR in January. Councilman (Mayor-elect) Sack said that because the terms do not expire until January 1st, the appointments should be a decision of the new Council. There was a brief discussion about making temporary appointments or scheduling a special meeting, but the Agenda Item was deferred.

23. Appeal of denial of FOIL request by Timothy Chittenden

Corporation Counsel Wilson said that a FOIL request was submitted to the Assessor for records regarding 3 Magnolia Place. The requestor was provided with the property card. The Assessor also uses building plans to determine assessed value but those records were not provided in conjunction with this request. The records will be provided as part of a request that is pending in the Building Department. These documents will be available to him as soon as a link can be provided. Her recommendation is to grant the appeal to the extent that he was not provided the building plans with the understanding that there is another FOIL request that was directed to the Building Department.

Councilman Sack made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

RESOLVED, that the Appeal of a response to a FOIL request submitted by Timothy Chittenden

is granted because the additional documents he seeks will be provided in response to a second FOIL request that is currently being processed by another department.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Filippi
ABSTAIN: Councilman Jovanovich

The Resolution was adopted by a 5 votes.

24. Consideration of a request by the Rye Free Reading Room for use of the Village Green and City Hall Parking lot to host the Annual Vehicle Fair on Sunday, May 4, 2014 from 11:30 a.m. to 3:00 p.m.

Councilman Jovanovich made a motion, seconded by Councilwoman Brett, and unanimously carried, to adopt the following Resolution:

RESOLVED that the City Council of the City of Rye hereby approves the request of the Rye Free Reading Room for use of the Village Green and City Hall Parking lot to host the Annual Vehicle Fair on Sunday, May 4, 2014 from 11:30 a.m. to 3:00 p.m.

25. Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2014.

Councilwoman Killian made a motion, seconded by Councilwoman Brett, and unanimously carried, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves the request of the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2014.

26. Resolution to declare the following RTV equipment as surplus: Knox Video router, Power Mac G4 computer, and Mackie Audio Board.

Councilwoman Brett made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

WHEREAS, the staff of RTV has recommended that the following equipment be declared surplus:
RTV Knox Video Router, Serial Number C0-018913-1-003
Apple Power Mac G4, Serial number X82090EKM8H
Mackie CR1604-VLZ, Serial number, A163016, now, therefore, be it

RESOLVED that said equipment is declared surplus, and, be it further

RESOLVED that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

27. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 26, 2014 from 9:45 a.m. to 10:15 a.m.

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves the request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 for use of city streets for a parade to commemorate Memorial Day to be held on Monday, May 26, 2014 from 9:45 a.m. to 10:15 a.m.

28. Miscellaneous Communications and Reports

Councilwoman Brett said that the DPW had done a great job in getting the streets cleared near the schools during the recent storms that had occurred on school days.

29. Old Business

Councilman Sack said that ICMA would be doing community interviews on January 9th and 10th regarding the position of Police Commissioner and anyone interested in participating should get in touch with the City.

30. New Business

There was nothing discussed under this Agenda item.

31. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 12:20 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: January 8, 2014

CONTACT: Mayor Joseph Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Council

DATE: January 8, 2014

CONTACT: Mayor Joseph Sack

AGENDA ITEM: Appointment of the 2014 Deputy Mayor by the Mayor.

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that _____ be appointed the Deputy Mayor for a one-year term commencing January 1, 2014, to serve as Acting Mayor in the Mayor's absence.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Section § C7-2, "Deputy Mayor" of the City Charter stipulates that "On or before the tenth day of January following his election, and within ten (10) days after any vacancy in the office of Deputy Mayor shall occur, the Mayor shall appoint a member of the Council as Deputy Mayor, to hold office as long as he remains such member and at the pleasure of the Mayor."



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Council

DATE: January 8, 2014

CONTACT: Mayor Joseph Sack

ACTION: Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term.

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that a Council member be appointed as Trustee of the Police Pension Fund for a one-year term commencing January 1, 2014.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Police Pension Fund was established by the City Council on 1-21-1942. Chapter 31 of the City Code outlines the rules for the Fund. Section § 31-4, "Trustees and other officers of fund" stipulates that "The Mayor, the Chief of Police and a member of the Council to be appointed by the Mayor with the approval of the Council in January of each year, except the year 1942, shall constitute the Trustees of the fund." The Trustees have charge of and administer the Fund and are empowered to make all necessary contracts and take all necessary and proper actions and proceedings in connection, including making payments of pensions from this fund. There is one recipient of the Police Pension Fund.



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: January 8, 2014

CONTACT: Mayor Joseph Sack

AGENDA ITEM: Designation of the City Council's Audit Committee by the Mayor.

FOR THE MEETING OF:

January 8, 2014

**RYE CITY CODE,
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SECTION**

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that two Council members be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2014.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Audit Committee was established at the January 19, 1977 City Council Meeting to facilitate Council participation in the City audits. The resolution stipulated that the Audit Committee consist of the Mayor and two Council members, appointed by the Mayor, to meet at least once yearly after completion of the independent audit.



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Council

DATE: January 8, 2014

CONTACT: Mayor Joseph Sack

AGENDA ITEM: Designation of the City Council Liaisons by the Mayor.

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

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SECTION

RECOMMENDATION: That the Council approve the appointments as presented by the Mayor.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Designation of the City Council Liaisons by the Mayor for the following Boards and Committees:

Audit Committee	Police Pension Fund
Board of Appeals	Recreation Commission
Board of Architectural Review	Rye Cable and Communications Committee
Boat Basin Commission	Rye City School Board
Conservation Commission/Advisory Council	Rye Free Reading Room
Emergency Medical Services	Rye Golf Commission
Finance Committee	Rye Merchants Association
Flood Advisory Committee	Rye Playland Advisory Committee
Government Policy & Research Committee	Rye Town Park
Landmarks Advisory Committee	Sustainability Committee
Legal Case Management Committee	Traffic & Pedestrian Safety Committee
Planning Commission	



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: January 8, 2014

CONTACT: Scott Pickup, City Manager

ACTION: Designation of the official City newspaper.

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

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SECTION

RECOMMENDATION: That the Mayor and City Council designate the Journal News as the official City newspaper for purposes of publishing legal notices.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye City Charter requires that the Council designate a newspaper circulated regularly at least once a week in the city as the official newspaper of the city. A daily newspaper provides the City staff with the most flexibility in meeting notice deadlines. Each of the newspapers covering the City provides different types of coverage but working with a weekly paper is much more difficult in meeting notice deadlines and a monthly paper cannot meet the notice needs of the City.



CITY COUNCIL AGENDA

NO. 13 DEPT.: City Council DATE: January 8, 2014
CONTACT: Mayor Joseph Sack

AGENDA ITEM: Appointment of two City Council Members for terms expiring January 1, 2015.

FOR THE MEETING OF:
January 8, 2014
RYE CITY CODE,
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SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Two City Council seats were vacated as of January 1, 2014 as former Councilmember Joseph Sack assumed the role of Mayor, and former Councilwoman Catherine Parker assumed her position on the Westchester County Board of Legislators.

The City Charter stipulates that the City Council shall, by a majority vote of the Council remaining in office, appoint a replacement to fill the vacant seat. The person appointed to fill such vacancy shall hold office by virtue of such appointment until the first day of January following the first general election after the happening of the vacancy.

The two City Council members appointed will fill the second year of the vacated terms, and serve through January 1, 2015, with a separate election to be held in November of 2014 to complete the terms which expire on January 1, 2017.



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Council

DATE: January 8, 2014

CONTACT: Mayor Joseph Sack

ACTION: Appointments to Boards and Commissions, by the Mayor with Council approval.

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: that the City Council approve the appointments.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

- A) Two appointments to the Board of Appeals for a three-year term.
- B) Four appointments to the Board of Architectural Review for a three-year term.
- C) One appointment to the Board of Ethics for a three-year term.
- D) One appointment to the Conservation Commission/Advisory Council for a three-year term.
- E) Two appointments to the Finance Committee for a three-year term.
- F) Four appointments to the Flood Advisory Committee for a three-year term.
- G) Three appointments to the Landmarks Advisory Committee for a three-year term.
- H) Two appointments to the Planning Commission for a three-year term.
 - I) Two appointments to the Recreation Commission for a three-year term.
- J) Four appointments to the Rye Cable and Communications Committee for a three-year term.
- K) Four appointments to the Rye Playland Advisory Committee for a three-year term.
- L) Two appointments to the Rye Town Park Advisory Committee for a three-year term.
- M) Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term.



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager's Office

DATE: January 8, 2014

CONTACT: Scott Pickup, City Manager

ACTION: Designation of the amounts of faithful performance bonds.

FOR THE MEETING OF:

January 8, 2014

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and City Council designate faithful performance bonds for the City Comptroller, City Clerk and City Marshal.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Section § C23-3, "Surety bonds" of the City Charter stipulates that "The City Comptroller, City Clerk, City Judge, Acting City Judge, City Marshal and such other officers and employees as may be specified by the Council shall give bond for the faithful performance of their duties. The bond shall be in such sum and with such corporate sureties as may be approved by the Council. The premium of all such surety bonds shall be paid by the city."

Faithful performance bonds will be designated in the following amounts:

- A. City Comptroller \$1,000,000
- B. City Clerk \$ 500,000
- C. City Marshal \$ 100,000



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager's Office

DATE: January 8, 2014

CONTACT: Scott Pickup, City Manager

ACTION: Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens.

FOR THE MEETING OF:

January 8, 2014

RYE CITY CODE,

CHAPTER 197
SECTION

RECOMMENDATION: That the Council hold a Public Hearing to amend Chapter 197 of the City Code.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal has been put forward to amend changes to the Board of Architectural review process to amend the local law to add regulations regarding outdoor fire pits/kitchens

See attached Draft Local Law.

CITY OF RYE
LOCAL LAW NO. ___ 2013

**A Local Law to amend Chapter 197 “Zoning” Article IV
“Use Regulations” of the Rye City Code**

Be it enacted by the City Council of the City of Rye as follows:

Section 1: Chapter 197 Zoning; Article IV “Use Regulations”

§ 197-9. Accessory uses.

A. Residence districts.

(1) Outdoor fireplaces may be permitted by the Architectural Review Board subject to the following conditions:

- (a) Not be wood burning unless the chimney is attached to the residence.**
- (b) Not be located in a required front yard.**
- (c) Be set back from side and rear yards at least 20 feet in R.1 Districts and 15 feet in all other districts.**
- (d) The outdoor fireplace structure shall not be greater than 8’ in height, measured from grade, if it is freestanding. Attached chimneys shall comply with all other regulations for chimneys in the Rye City Code.**
- (e) Have no floodlighting, directly or indirectly, and all other lighting shall be arranged and shaded as to reflect light away from adjoining premises or a public street.**

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.