OFFICIAL NOTICE OF MEETING

A Regular meeting of the Common Council will be held on Wednesday, March 7, 2018, at 6:00 p.m. in the Common Council Chambers at City Hall, 108 East Green Street, Ithaca, New York. Your attendance is requested.

AGENDA

1. PLEDGE OF ALLEGIANCE:

2. ADDITIONS TO OR DELETIONS FROM THE AGENDA:

3. PROCLAMATIONS/AWARDS:

4. SPECIAL ORDER OF BUSINESS:
   4.1 Presentation of Quarterly Employee Recognition Award

5. SPECIAL PRESENTATIONS BEFORE COUNCIL:
   5.1 The J. Diann Sams Annual African-American History Month Recognition Award – Resolution (resolution to be distributed under separate cover)
   5.2 Southern Tier AIDS Program Presentation Related to Ithaca’s Supervised Injection Facility/Safe Consumption Station – Michelle McElroy

6. PETITIONS AND HEARINGS OF PERSONS BEFORE COUNCIL:

7. PRIVILEGE OF THE FLOOR – COMMON COUNCIL AND THE MAYOR:
   7.1 Announcement of the Availability of the 2018 Annual Disclosure Forms for Mayor Myrick and Common Council Members

8. CONSENT AGENDA ITEMS:
   City Administration Committee:
   8.1 Department of Public Works - Amendment to Personnel Roster - Resolution
   8.2 Water & Sewer Department - Amendment to Personnel Roster – Add Two (2) Senior Wastewater Treatment Plant Operators - Resolution
   8.3 Water & Sewer Department - Amendment to Personnel Roster – Add Maintenance Worker – Resolution
   8.4 Authorization for Tompkins County Area Transit (TCAT) to Erect and Maintain an Auxiliary Storage Building on City-Owned Land - Resolution
   8.5 Department of Public Works (DPW) - Reallocation of Position – Director of Parking - Resolution
   8.6 Department of Public Works (DPW) – Parking Structure State Audit Corrective Action Plan - Resolution
   8.7 Ithaca Fire Department (IFD) - Authorization to Distribute Funds - Resolution
   8.8 Ithaca Fire Department (IFD) – Award of Bid for Fire Hose - Resolution
8. **CONSENT AGENDA ITEMS (Continued):**
   **Department of Public Works – Superintendent’s Office:**
   8.9 Viva Taqueria & Cantina Alcohol Permit Request - Resolution

9. **PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:**
   9.1 Approval of the *Downtown Design Guidelines***:
   A. Declaration of Lead Agency – Resolution
   B. Determination of Environmental Significance – Resolution
   C. Approval of Resolution

   **Link to Downtown Design Guidelines:**

   9.2 Approval of the *Collegetown Design Guidelines***:
   A. Declaration of Lead Agency – Resolution
   B. Determination of Environmental Significance – Resolution
   C. Approval of Resolution

   **Link to Collegetown Design Guidelines:**

   9.3 Approval of the Ithaca Urban Renewal Agency’s (IURA) Recommended Amendment to the 2017 Housing and Urban Development (HUD) Action Plan for the Harriet Giannelis Child Care Center - Resolution

9.4 Historic Resources Survey Grant Application – Authorization to Apply - Resolution

10. **CITY ADMINISTRATION COMMITTEE:**
   10.1 An Ordinance to Amend Chapter 120 of the City of Ithaca Municipal Code Entitled “Youth Council”
   10.2 A Local Law to Improve and Strengthen the Sustainable Energy Loan Program
   10.3 Authorization to Amend Municipal Agreement Between the City of Ithaca and the Energy Improvement Corporation to Implement and Administer a Sustainable Energy Loan Program in the City of Ithaca - Resolution
   10.4 Addition to Common Council Rules of Procedure – Resolution
   10.5 Declaration of Support for the Ithaca Children’s Garden’s Intention to Construct an “Urban Environmental Education Center” - Resolution
   10.6 Request to Charter Communications to Reinstate Channel WENY in Ithaca - Resolution
   10.7 City Controller’s Report
11. **REPORTS OF SPECIAL COMMITTEES:**

12. **NEW BUSINESS:**

13. **INDIVIDUAL MEMBER – FILED RESOLUTIONS:**
   13.1 Alderperson McGonigal – Request that Charter Communications Not discontinue WSKG TV From Its Basic Cable Service - Resolution

14. **MAYOR’S APPOINTMENTS:**
   14.1 Appointments to the Local Advisory Board of Assessment Review for the City of Ithaca – Resolution
   14.2 Appointments/Reappointments to Various City Boards and Committees – Resolution
   14.3 Appointments to Four New Commissions – Resolution

15. **REPORTS OF COMMON COUNCIL LIAISONS:**

16. **REPORT OF CITY CLERK:**

17. **REPORT OF CITY ATTORNEY:**

18. **MINUTES FROM PREVIOUS MEETINGS:**
   18.1 Approval of the October 12, 2017 Budget Meeting Minutes – Resolution
   18.2 Approval of the November 1, 2017 Common Council Meeting Minutes – Resolution
   18.3 Approval of the December 6, 2017 Common Council Meeting Minutes – Resolution
   18.4 Approval of the January 1, 2018 Special Common Council Meeting Minutes – Resolution
   18.5 Approval of the January 3, 2018 Common Council Meeting Minutes - Resolution.

19. **ADJOURNMENT:**

If you have a disability that will require special arrangements to be made in order for you to fully participate in the meeting, please contact the City Clerk at 274-6570 at least 48 hours before the meeting.

*Out of consideration for the health of other individuals, please try to refrain from using perfume/cologne and other scented personal care products at City of Ithaca meetings. Thank you for your cooperation and understanding.*

Sarah L. Myers, IMS for Julie Conley Holcomb, City Clerk

Date: March 1, 2018
8. **CONSENT AGENDA ITEMS:**

   **City Administration Committee:**

8.1 **Department of Public Works (DPW) - Amendment to Personnel Roster - Resolution**

   WHEREAS, the Streets and Facilities Division of the Department of Public Works has a vacant, funded Custodian (40 hours/week) position at the Ithaca Police Department (IPD); and

   WHEREAS, the Department of Public Works has determined that the existing Custodian position can be changed to a Buildings and Grounds Maintenance Worker (40 hours per week) position because the Custodian position allows for supervisory duties, yet there are no other Custodial Worker positions to supervise at IPD; and

   WHEREAS, this change will provide more efficient use of City resources, as the Building and Grounds Maintenance Worker title more accurately reflects the work that is performed; now, therefore be it

   **RESOLVED,** That the Personnel Roster of the Department of Public Works be amended as follows:

   **Add:** One (1) Building and Grounds Maintenance Worker (Grade 4)
   **Delete:** One (1) Custodian (Grade 5)
8.2 Water & Sewer Department - Amendment to Personnel Roster – To Add Two (2) Senior Wastewater Treatment Plant Operators - Resolution

WHEREAS, the Ithaca Area Wastewater Treatment Facility (IAWWTF) is in the process of an organizational restructuring to more effectively and efficiently conduct its operations; and

WHEREAS, the Ithaca Area Wastewater Treatment Facility (IAWWTF) has immediate need of two (2) Senior Wastewater Treatment Plant Operators; and

WHEREAS, two (2) Senior Wastewater Treatment Plant Operators were included in the 2018 Final Budget for the IAWWTF; and

WHEREAS, with the funding and authorization of two (2) Senior Wastewater Treatment Plant Operators to the roster, the current titles of Wastewater Treatment Plant Operator Mechanic and Wastewater Treatment Plant Instrumentation Technician will be defunded and removed from the roster; and

WHEREAS, a new job description and new position duties statement has been prepared for the Senior Wastewater Treatment Plant Operator and vetted by the City of Ithaca Human Resources Department; now, therefore be it

RESOLVED, That the Personnel Roster of the Ithaca Area Wastewater Treatment Facility be amended as follows:

Add: Two (2) Senior Wastewater Treatment Plant Operators
Delete: One (1) Wastewater Treatment Plant Operator/Mechanic
One (1) Wastewater Treatment Plant Instrumentation Technician

; and, be it further

RESOLVED, That the position of Senior Wastewater Treatment Plant Operator shall be assigned to the CSEA Administrative Unit at salary grade 13; and, be it further

RESOLVED, That for the sole purpose of determining days worked reportable to the New York State and Local Employees’ Retirement System, the standard workday for this position shall be established at eight (8) hours per day (forty (40) hours per week); and, be it further

RESOLVED, That the funding for this roster change shall be obtained from within the allocated departmental budget.
WHEREAS, the Ithaca Area Wastewater Treatment Facility (IAWWTF) has immediate need of a full time Maintenance Worker; and

WHEREAS, the Ithaca Water Treatment Plant also has immediate need for a full-time Maintenance Worker; and

WHEREAS, both plants previously shared a single Maintenance Worker position; and

WHEREAS, a full time Maintenance Worker for each plant was included in the 2018 Final Budget; and

WHEREAS, the existing shared position is being re-assigned to the Water Treatment Plant on a full-time basis; and

WHEREAS, a new position duties statement has been prepared specifically for the new Maintenance Worker position at the IAWWTF and vetted by the City of Ithaca Human Resources Department; now, therefore be it

RESOLVED, That the Personnel Roster of the IAWWTF be amended as follows:

Add: One (1) Maintenance Worker
Authorization for Tompkins County Area Transit (TCAT) to Erect and Maintain an Auxiliary Storage Building on City-Owned Land - Resolution

WHEREAS, TCAT has requested authorization from the City to construct and maintain a post frame building to be used for storage supporting TCAT’s functions; and

WHEREAS, TCAT’s proposal contemplates placing a post frame building 30’ by 30’, 12 feet high, in the area northeast of the TCAT building located at 725 Willow Avenue within City-owned land and part of the Department of Public Works (DPW) parcel identified as tax map parcel 16-1-3 that is currently used as parking, as shown in the documents attached and incorporated into this resolution as Exhibit A; and

WHEREAS, TCAT’s use of the land underlying its existing building is memorialized in a number of agreements, with a lease expiration of October 9, 2021. Such lease includes authorization to use a right-of-way at the south end of the TCAT facility and two easements on the north side of the facility for parking and access to the facility, with such easements remaining titled to the City; and

WHEREAS, due to the City’s ongoing facilities master plan study, City staff has expressed concerns to TCAT about the permanence of the proposed structure, but finds that the property is not currently needed for other City purposes and TCAT is in need of additional space to support its operations; and

WHEREAS, City staff supports permitting TCAT to erect and maintain the auxiliary storage building provided the following conditions are met:

- construction of the storage facility is at TCAT’s sole risk and expense;
- the City does not guarantee any rights to maintain the structure upon, and/or in the event of, termination of the TCAT lease; and
- the proposed structure will not increase the area shared by the City and County, ; and

WHEREAS, the original lease specified pre-paid rent in the form of 50% of the design and construction costs as consideration of the City’s conveyance of the underlying parcel; and

WHEREAS, TCAT would be solely responsible for all expenses related to construction of the proposed storage building; now, therefore be it

RESOLVED, That the Common Council hereby grants the request for authorization to erect and maintain a storage building, as proposed and in the area identified in Exhibit A, contingent upon the execution of an agreement memorializing the following conditions on TCAT’s use of the land:

- construction of the storage facility is at TCAT’s sole risk and expense;
- the City does not guarantee any rights to maintain the structure upon, and/or in the event of, termination of the TCAT lease;
- TCAT’s authorization to use the parcel shall terminate upon such date when TCAT ceases to use 725 Willow Avenue or expiration of the TCAT parcel lease in 2021, whichever is earlier;
- Upon termination of the City’s authorization to use the premises, TCAT shall remove the storage building at its expense unless the parties agree otherwise; and
- the proposed structure will not increase the area shared by the City and County

; and, be it further

RESOLVED, That the Mayor, upon consultation with the Director of Planning, Superintendent of Public Works, and City Attorney, is hereby authorized to execute an agreement allowing said use of City property under the conditions specified above and containing the City’s usual terms and conditions for use of City land.
Complete Construction Concepts, LLC has been serving the post frame building industry for over 30 years. Every building project comes with a complete set of drawings, stamped by a NYS licensed architect/engineer to ensure the integrity of your building. All of our buildings are designed to meet the wind and snow loads for the location where your building is being built. Complete Construction Concepts, LLC, crews are properly insured and have spent many hours of training to ensure the quality of workmanship that you and your building deserve and to meet the high standards of quality set by Complete Construction Concepts, LLC.

Complete Construction Concepts, LLC. Proposes to supply all necessary labor, material and equipment to complete the following:

**Proposed EPS Pre-engineered Post Frame Building**

30’W x 30’L x 12’H

**Roof & Wall Panels**
Weatherbest 29 gauge Structural Quality full-hard steel. Galvalume roofing and siding panels are a minimum grade “E”, 80,000 psi tensile strength to resist dents. Anti-siphon side-lap design will provide unmatched weather tightness. Long length custom cut pieces mean fewer overlaps and joints. Siliconized polyester paint system is a premium defense against the elements and is attached with matching, pre-painted, non-corrosive screw fasteners. All paint systems come with a Paint Vendor 40 year warranty against chip, crack, check or peel and a 30 year warranty against chalk or fade.

**Trusses and Plate Connections**
EPS manufacturers their own roof trusses, along with engineered headers and other components. Every truss is custom engineered to meet the load designs for your area (Includes: 55-5-0-5 Loading, 2x6 TC – 2x6 BC).
Columns
3-Ply laminated column with .60 PT 4’ below grade. Columns are factory built on state of the art equipment. Machine planed after lamination ensures uniformity of size. Material is all #1 Southern Yellow Pine for strength. Foundation grade pressure treated lower column bases have a 50 yr. warranty on lumber and labor if columns fail due to decay or insect infestation.

Footers
Concrete, pre-cast footers (8” x 24” are included) at a minimum of 48” below grade.

Entrance Door Framed Opening
1 – Framed opening for a 3068 door is included (Door is By Others).

Windows
No windows are included at this time

Garage Door Framed Opening
1 – Framed opening for a 12’W x 10’H garage door is included (Door is By Others).

Overhangs
12” vented overhangs on sides with 12” end wall overhangs complete with vented painted aluminum soffit panels and painted metal fascia.

Vented Ridge
Every Building we construct has a properly sized, continuous vented ridge cap which works in conjunction with the vented overhangs to ensure proper ventilation and to control condensation.

Snow Load: 55#

6/12 Roof Pitch

Warranties
We supply the following warranties: 50 years on the posts/columns, 5 years for materials and workmanship CCC will repair or replace any building components that prove to be defective or through workmanship, and for 5 years, CCC will repair free of charge any roof leaks due to defects in materials and workmanship.


Insurance
Complete Construction Concepts, LLC is properly insured for construction operations.

Items Not Included
Building permits, Site work, HVAC, Plumbing, Electrical, Trash/Waste Removal, and anything else not listed above.

OPTION #1 OSB Roof Sheathing:
The roof will have 5/8" OSB sheathing installed prior to steel roofing.

OPTION #2 Skybelt:
36" White, Translucent, Polycarbonate skybelt will be installed on one side of the building (under the eave)

OPTION #3 Steel Wainscot:
Weatherbest 29 gauge Structural Quality full-hard steel wainscot will be installed on all four exterior walls. Includes the same paint system, with warranty for walls and roof, to include transition trim and attached with painted screw fasteners.

OPTION #4 Roof & Wall Insulation:
* Insulated wall cavities (R-19) utilize dense, non-chopped fiberglass insulation, Resists settling and fits tightly between the framing members. 4'6" and 8' widths designed especially for the
Post Frame industry. A 6 mil vapor barrier is installed to provide moisture control, and to help reduce air infiltration. Vapor barrier is installed facing the heated side of the wall to help control moisture and is installed with fasteners.
* The ceiling will include similar insulation (R-30) installed in a similar manner between the trusses.

OPTION #5 Snow Bar
One row of Snow Bar will be installed on each side of the roof (color matching the roof steel color).
Soil shall be removed and appropriate depth concrete pad to be poured. Building requirements to meet New York state guidelines and per manufacturer’s recommendations.
8.5 **Department of Public Works (DPW) - Reallocation of Position – Director of Parking - Resolution**

WHEREAS, the position of Director of Parking was created in 2012 and assigned to the Managerial Compensation Plan based on an outline of the position’s anticipated duties and responsibilities; and

WHEREAS, the duties and responsibilities of the position evolved into more than originally anticipated, including the addition of responsibility for the maintenance of the Ithaca Commons; and

WHEREAS, the Human Resources Department has reviewed the point factor evaluation of the Director of Parking position and determined that the growth in responsibilities merits an increased point factor rating, which results in the reallocation of the position to a higher salary grade; now, therefore be it

**RESOLVED,** That the position of Director of Parking be reallocated from Grade 7 to Grade 8 on the City of Ithaca Managerial Compensation Plan; and, be it further

**RESOLVED,** That the funding for this reallocation shall be derived from within the approved 2018 Department of Public Works budget.
8.6 **Department of Public Works (DPW) – Parking Structure State Audit Corrective Action Plan - Resolution**

WHEREAS, the Office of the State Comptroller conducted an audit of certain aspects of parking structures safety inspections used by various municipalities including the city; and

WHEREAS, the final audit report was issued on December 29, 2017, and contained five recommendations for improvements to the City’s parking structure inspection process and documentation; and

WHEREAS, General Municipal Law §35 requires Common Council to approve a Corrective Action Plan detailing how and when measures will be implemented to address the recommendations; and

WHEREAS the Department of Public Works (DPW) has already started to implement some corrective action to address the recommendations contained in the audit, as detailed in the attached Corrective Action Plan, and Council believes that such actions effectively address the issues raised in the report; now, therefore be it

**RESOLVED,** That Common Council approves the DPW 2018 Corrective Action Plan; and, be it further

**RESOLVED,** That the City Clerk shall submit a copy of the DPW 2018 Corrective Action Plan to the Office of the State Comptroller, and shall maintain the plan on file for review by the public.
For each recommendation included in the audit report, the following is our corrective action(s) taken or proposed. For recommendations where corrective action has not been taken or proposed, we have included an explanation.

**Audit Recommendation:**
Consider establishing regular structural inspection cycles for the parking structures.

**Implementation Plan of Action(s):**
The City has formalized its regular inspection cycle for the three City-managed parking structures. The City has created two inspection checklists, one to be used for monthly inspections by parking division staff, and one to be used at least annually by staff engineers in the City’s engineering department. In addition to annual inspections, a staff engineer will perform an inspection whenever the regular monthly inspections turn up non-routine maintenance issues or structural concerns.

Please see the attached memo that was sent to City staff outlining the new system along with the two checklists.

**Implementation Date:**
The monthly inspections began in January 2018. The annual inspections will begin in the spring of 2018.

**Person Responsible for Implementation:**
Monthly Inspections: Duane Ross, Commons and Parking Maintenance Supervisor
Annual Inspections: Tim Logue, Director of Engineering

**Audit Recommendation:**
Obtain and retain inspection reports.

**Implementation Plan of Action(s):**
The City has contracted for structural inspections in the past and will continue to do so. The City has created a file structure for retaining inspection reports received from outside structural engineering inspections, and will use this same structure to store inspection checklists generated internally. Electronic copies of reports will be stored in the designated location on the Department of Public Works’ file server drive, as described in the attached memo.

**Implementation Date:**
The file folder was created in October 2017, and we have begun to store reports in this folder.

**Person Responsible for Implementation:**
Michael Thorne, Superintendent of Public Works
**Audit Recommendation:**
Document the inspection decisions, priorities and dispositions of identified needed repairs and update as necessary.

**Implementation Plan of Action(s):**
Findings from monthly and annual garage inspections will be recorded on the Inspection Issues and Dispositions form. Depending on the degree of defect, follow up activities may consist of monitoring, minor repairs performed by DPW, review by a structural engineer, closure of affected portions of the garage, and/or major repairs through future capital projects.

**Implementation Date:**
The form was created in February 2018.

**Person Responsible for Implementation:**
Tim Logue, Director of Engineering

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**Audit Recommendation:**
Ensure operational elevators are inspected and meet minimum code requirements.

**Implementation Plan of Action(s):**
The City will continue to ensure that elevators are inspected and meet code requirements.

As mentioned in the City’s earlier response to the global parking structures report, it has been extremely difficult to get reliable service from the elevator maintenance companies in our region. The City will continue to explore options for reliable elevator inspections and maintenance.

The roof leak in the Seneca garage will be repaired in the Summer of 2018.

**Implementation Date:**
Inspections: ongoing
Elevator roof leak repair: Summer 2018

**Person Responsible for Implementation:**
Inspections: Steve Nann, Building Maintenance and Solid Waste Supervisor
Elevator roof leak repair: Duane Ross, Commons and Parking Maintenance Supervisor

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**Audit Recommendation:**
Develop Capital Improvement Plans based on inspection reports and documented decisions.

**Implementation Plan of Action(s):**
The City will continue to develop its capital improvement plans based on inspection reports, as has been the City’s practice heretofore. The Director of Engineering and Superintendent of Public Works will review the Annual Inspection Checklist and Inspection Issues and Dispositions form on an annual basis when developing the capital plan for the upcoming year.

**Implementation Date:**
Ongoing

**Person Responsible for Implementation:**
Tim Logue, Director of Engineering

Signed:

__________________________________________
Name

__________________________________________
Date
WHEREAS, the City of Ithaca Board of Fire Commissioners had fiduciary responsibility for the following funds and accounts, which are held by the City Chamberlain:

- Donation fund (Checking Account with Tompkins Trust Company) – November 2017 Balance = $2,794.79
- Rescue Donation fund (Checking Account with TTC) – November 2017 Balance = $1,648.61
- Bunker Fund (Trust account maintained by City Chamberlain) Balance = $5.00
- 1896 Steamer Display Fund (Trust account maintained by City Chamberlain) Balance = $875.
- 175th Anniversary Fund (Trust account maintained by City Chamberlain) Balance = $1,173.12
- Child Safety Seats (Trust account maintained by City Chamberlain) Balance = $238
- Community Risk Account (Trust account maintained by City Chamberlain) Balance = $3,023.06

; and

WHEREAS, the original purpose for which some of these funds were established has already been addressed; and

WHEREAS, there has been no specific fiduciary responsibility assigned for these funds after December 31, 2017, and the Board of Fire Commissioners, in exercising its fiduciary responsibility over the balance in these accounts, determined that the following actions are an appropriate use or distribution of these funds; now, therefore be it

RESOLVED, That the City Chamberlain be authorized and directed to distribute the entire balance of the Rescue Donation Fund and that the funds be placed into the Ithaca Fire Department’s Equipment Operating account; and, be it further

RESOLVED, That the City Chamberlain be authorized and directed to close the Rescue Donation fund account; and, be it further

RESOLVED, That the City Chamberlain be authorized and directed to distribute the balance of the Donation Fund, less $1,500 which shall be left in the account for future use of the Ithaca Fire Department, and that the distributed funds be placed into the Ithaca Fire Department’s Equipment Operating account; and, be it further
RESOLVED, That the Fire Chief be authorized and directed to spend the funds that were transferred to the Equipment Operating Account to help Neriton Fire Company No. 9 outfit their new fire police vehicle and for other equipment acquisitions in amounts at his discretion; and, be it further

RESOLVED, That the City Chamberlain be authorized and directed to transfer the entire balance of the Child Safety Seats fund and the Bunker Fund into the Community Risk account; and, be it further

RESOLVED, That the City Chamberlain be authorized and directed to close the Child Safety Seats fund and Bunker Fund accounts; and, be it further

RESOLVED, That the City Chamberlain be authorized and directed to transfer the entire balance of the 1896 Steamer Display Fund into the 175th Anniversary Fund; and be it further

RESOLVED, That the City Chamberlain be authorized and directed to close the 1896 Steamer Display Fund account; and, be it further

RESOLVED, That the City Chamberlain be authorized to distribute funds in perpetuity from the Community Risk Account at the discretion of the Fire Chief for purposes of providing materials to the members of the public that reduce the risk of loss of life, injury, or property damage; and, be it further

RESOLVED, That Common Council directs that the authority to distribute funds from the trust accounts be transferred under the authority of the City Controller; and, be it further

RESOLVED, That Common Council hereby grants authority to the Fire Chief and City Controller to use and distribute current and future funds held in the Donation fund account for the benefit of the Ithaca Fire Service based on the advice and recommendation from either Neriton Volunteer Company No. 9 or the Career Staff of the Ithaca Fire Department.
WHEREAS, bids were received and opened on February 13, 2018, and reviewed by staff for the 2018 Ithaca Fire Department Municipal Fire Hose Acquisition; and

WHEREAS, staff recommends that the low bid from Tyler Fire Service Co., Elmira, New York be accepted; now, therefore be it

RESOLVED, That Common Council hereby accepts staff’s recommendation and awards the bid for the 2018 Fire Department Municipal Fire Hose Acquisition to Tyler Fire Service Co., Elmira, New York for their low bid meeting specifications; and, be it further

RESOLVED, That Common Council hereby authorizes the Fire Chief to enter into an agreement for said acquisition.
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8. **CONSENT ITEMS CONTINUED:**  
Department of Public Works – Superintendent’s Office:

8.9 **Viva Taqueria & Cantina Alcohol Permit Request - Resolution**
WHEREAS, since 1998 the City of Ithaca has issued a license to Viva Taqueria & Cantina Restaurant allowing them to utilize certain areas along North Aurora Street for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful; and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons; and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Viva Taqueria & Cantina Restaurant, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

**RESOLVED,** For the year 2018, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Viva Taqueria & Cantina Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
9. **PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:**

9.1 **Approval of Downtown Design Guidelines:**

A. **Declaration of Lead Agency for Environmental Review - Resolution**

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action; and

WHEREAS, the proposed adoption of the Downtown Design Guidelines is an “Unlisted” Action under the City of Ithaca Environmental Quality Review Ordinance, and the State Environmental Quality Review Act and is subject to environmental review; now, therefore, be it

**RESOLVED,** That the Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review of the approval of the Downtown Design Guidelines.
B. **Determination of Environmental Significance – Resolution**

WHEREAS, the City of Ithaca is considering the approval of the *Downtown Design Guidelines*; and

WHEREAS, appropriate environmental review has been conducted including the preparation of a Short Environmental Assessment Form (SEAF), dated October 24, 2017; and

WHEREAS, the City of Ithaca Conservation Advisory Council and Tompkins County Department of Planning and Sustainability have been given the opportunity to comment on the proposed design guidelines, and no comments have been submitted to date; and

WHEREAS, the proposed action is an “Unlisted” Action under the City Environmental Quality Review Ordinance and the State Environmental Quality Review Act; and

WHEREAS, the Common Council of the City of Ithaca, acting as lead agency, has reviewed the SEAF prepared by planning staff; now, therefore be it

**RESOLVED,** That this Common Council, as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth in the Short Environmental Assessment Form, dated October 24, 2017; and, be it further

**RESOLVED,** That this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary; and, be it further

**RESOLVED,** That this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in the City Clerk’s Office, and forward the same to any other parties as required by law.
C. **Approval of the Downtown Design Guidelines - Resolution**

WHEREAS, *Plan Ithaca*, the City’s Comprehensive Plan, calls for the implementation of design guidelines as a tool to help achieve the plan’s goals of encouraging additional housing and employment opportunities while preserving the character of established neighborhoods; and

WHEREAS, Downtown has been and will remain a thriving urban center, and much of the Downtown area was rezoned in 2013 to further promote a dense, mixed-use urban core with street-level activity; and

WHEREAS, the new zoning focuses on use and density requirements with very little regulation of built form, and design guidelines are needed to build upon the zoning to promote high-quality design and construction as well as sensitivity to the historic context of Downtown and adjacent residential neighborhoods; and

WHEREAS, the City worked with project consultants Winter & Company to prepare design guidelines for the Downtown area that:

1. Build upon existing zoning to promote high-quality construction and urban design;

2. Formally establish design expectations for new construction;

3. Help implement the goals of *Plan Ithaca*; and

4. Add clarity and predictability to the development approval process for Property owners and the Planning and Development Board; and

WHEREAS, Winter & Company worked with a client committee of Common Council members, Planning Board members, and City staff and sought input from property owners, neighborhood residents, architects, and other members of the public that informed the design guidelines; and

WHEREAS, the *Downtown Design Guidelines* outline design objectives and provide ways that the objectives can be met but, unlike zoning, allow a property owner the flexibility to suggest alternative ways to achieve the same goal; and

WHEREAS, once approved, the design guidelines will serve as the basis for design review in the Downtown area and will be implemented through the City’s existing design review process, as outlined in Chapter 160, Design Review, of the City Municipal Code; and

WHEREAS, the Planning and Development Board reviewed the *Downtown Design Guidelines*, dated August 2017, at its meeting on October 24, 2017 and recommended approval of the document with several modifications; and
WHEREAS, the Downtown Design Guidelines have been reviewed by the Tompkins County Department of Planning and Sustainability, pursuant to §239-l-m of New York State General Municipal Law, and have also been distributed for review by the City of Ithaca Conservation Advisory Council; and

WHEREAS, the Common Council has reviewed the Downtown Design Guidelines, dated August 2017, and has considered the modifications recommended by the Planning and Development Board; now, therefore be it

RESOLVED, That the Common Council hereby approves the Downtown Design Guidelines [with modifications recommended by the Planning and Development Board]; and, be it further

RESOLVED, That the Downtown Design Guidelines shall serve as a guide for the mandatory design review of any projects within the Downtown area, as required by Chapter 160, Design Review, of the City Municipal Code.
November 3, 2017

Megan Wilson, Senior Planner
City of Ithaca
108 East Green St.
Ithaca, NY 14850

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: City of Ithaca Proposed Downtown Design Guidelines

Dear Ms. Wilson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning and Sustainability Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

[Signature]

Katherine Borgella, AICP
Interim Commissioner of Planning and Sustainability
CITY OF ITHACA SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF)

Project Information
(to be completed by applicant or project sponsor)

<table>
<thead>
<tr>
<th>1. Applicant/Sponsor: City of Ithaca</th>
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<td>5. Describe project briefly: The proposed action would adopt design guidelines for the Downtown area that will be administered under the City’s existing design review process</td>
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<td>6. Precise Location (road intersections, prominent landmarks, etc., or provide map): Downtown, City of Ithaca (see attached map)</td>
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<td>8. Will proposed action comply with existing zoning or other existing land use restrictions?</td>
<td>X Yes ☐ No If no, describe briefly:</td>
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<td>9. What is present land use in vicinity of project:</td>
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I certify the information provided above is true to the best of my knowledge.

PREPARER’S SIGNATURE: Megan Wilson DATE: 10/24/17
PREPARER’S TITLE: Senior Planner
REPRESENTING: City of Ithaca
**SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF)**

**Part II**

(to be completed by staff)

In order to answer the questions in this Short Environmental Assessment Form (SEAF), the preparer is to use currently available information concerning the project and the likely impacts of the action.

**PROJECT NAME:** Proposal to Adopt Downtown Design Guidelines

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If any question has been answered **YES**, a completed Full Environmental Assessment Form (FEAF) is necessary.

**PREPARER'S SIGNATURE:** Megan Wilson

**DATE:** 10/24/17

**PREPARER'S TITLE:** Senior Planner

**REPRESENTING:** City of Ithaca
Planning and Development Board’s Recommended Revisions
to the Downtown Design Guidelines, dated August 2017

~ October 24, 2017 ~

- Add client committee to acknowledgements page.
- Page 7, Design Review Process: Revise text to read “All recommendations from the design review process are non-binding unless they are made a condition of site plan approval, or have been fully incorporated into the approved set of drawings.
- Page 15, Tuning Fork: Revise text to read “Because the Tuning Fork likes adjacent to two historic districts and includes a portion of one of these and is also a gateway to Downtown, it strongly influences the traditional character of the greater Downtown Area.”
- Page 41, SD.24: Make the word “panel” plural in the final bullet.
- Page 44, SD.31:
  - Change SD.31 to a priority guideline
  - Revise the second bullet to read “Shield site lighting to avoid minimize off-site glare.”
- Page 46, Adaptive Reuse and Incorporating Existing Buildings: Revise text to read “These practices are particularly relevant in locally and nationally designated historic districts and in the West State Street Character area, where an eclectic mix of buildings is a key feature.”
- Page 46, SD.34: Revise guideline to read “Encourage reuse of an existing building instead of developing a new building, especially within or adjacent to local or national historic districts and in the West State Street character area.”
- Page 53, BD.5: Revise second bullet to read “Vertically align windows on upper and lower floors.”
- Page 53, BD.9: Change BD.9 to a priority guideline.
- Page 54, BD.11: Change BD.11 to a priority guideline.
- Page 56, Roof Materials Chart: Change “Asphalt Tile” to “Asphalt Shingle” and revise the chart to indicate that asphalt shingle is not an appropriate roofing material in the Downtown Core or Tuning Fork character areas.
- Page 61, BD.17: Change BD.17 to a priority guideline.
- Page 62, Parking Garages:
  - Correct opening narrative to indicate that “Street Level Interest” is on page 65.
  - Revise the caption of “Wrap with an active use” to note that this method is the preferred screen method.
  - Move the image of the preferred screen method to be the top photograph.
- Page 63, BD.21: Add the following bullet:
  - “Use air- or ground-source (geothermal) heat pump systems for space heating and cooling, air-source heat pumps for hot water, and non-natural gas-fired boilers.”
- Page 65, BD.26:
  - Revise first bullet to remove “(MU-1 and MU-2)”.
  - Revise third bullet to read “Apply these guidelines to a parking garage that occurs at the street level. As stated on page 62, the ideal solution is wrapping the garage with active uses.”
• Remove images of landscaping, decorative wall surface, and wall art to emphasize the preference for architectural elements.

- Page 68, A7. Upper Floor Stepback: Increase the suggested depth of a stepback from 8-12 feet to a minimum of 12 feet. REMOVED BY PEDC AT 12/13/17 MEETING

• Page 70, BD.27: Revise guideline to read “Use a combination of “façade articulation” and “massing variation” methods as shown in Figure 13 and as specified in more detail in items A.-E. on pages 71-75.”

• Pages 71-75: Revise the headings as follows:
  o A. Maintaining Compatibility with Traditional Scale at the Street
  o B. Addressing a Sensitive Edge Condition
  o C. Creek Walk
  o D. Maintaining Public Views/Increasing Solar Access
  o E. Creating Outdoor Space

• Page 71, A. Maintaining Compatibility with Traditional Scale at the Street: Under the “Width” section, reduce the dimension of a long wall in the West State Street character area to greater than or equal to 60 ft. and reduce the dimension of a short wall to less than 60 ft.

• Page 72, B. Addressing a Sensitive Edge Condition: Revise the text of the intent to read “Use one or more of the following options to address when a potentially incompatible building is proposed adjacent to a sensitive edge condition.”

• Page 74, C. Creek Walk:
  o Revise the bullets to read as follows:
    - **Option One:** The building should provide an increased setback (A6) of at least 5 feet from the required setback line for the first two stories, and an increased stepback (A&) of at least 10 additional feet for any portion above two stories.
    - **Option Two:** Buildings over 2 stories can be completely setback (A6) fifteen feet from the required setback line.
  o Label the left diagram “Option One” and label the right diagram “Option 2”.

• Page 76, Interior Façade Articulation:
  o Add a new bullet as the first bullet to read “Any façade visible to the public.”
  o Revise the text following the bullets to read “Use minimal articulation methods to express human scale on an interior façade that is not visible to the public; additional articulation there is encouraged but not required.” Label this text as guideline BD.28 and make this a secondary guideline.

• Page 88, DC.1: Revise second bullet to read “An additional setback area may be appropriate to provide an expanded sidewalk, an entry plaza, landscaped area or other outdoor feature provided that it is still designed to establish a street edge through materials or other features.

• Page 90, WSS.1:
  o Revise the first bullet to read “Setbacks of zero to fifteen (0-15) feet are appropriate for all street-facing facades (or as required by zoning).
  o Revise second bullet to read “An additional setback area may be appropriate to provide an expanded sidewalk, an entry plaza, landscaped area or other outdoor feature provided that it is still designed to establish a street edge through materials or other features.

• Additional editorial revisions throughout (missing punctuation, extra spaces, etc.)
9.2. Approval of Collegetown Design Guidelines:

A. Declaration of Lead Agency - Resolution

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action; and

WHEREAS, the proposed adoption of the Collegetown Design Guidelines is an “Unlisted” Action under the City of Ithaca Environmental Quality Review Ordinance, and the State Environmental Quality Review Act and is subject to environmental review; now, therefore be it

RESOLVED, That the Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review of the approval of the Collegetown Design Guidelines.
B. **Determination of Environmental Significance - Resolution**

WHEREAS, the City of Ithaca is considering the approval of the *Collegetown Design Guidelines*; and

WHEREAS, appropriate environmental review has been conducted including the preparation of a Short Environmental Assessment Form (SEAF), dated October 24, 2017; and

WHEREAS, the City of Ithaca Conservation Advisory Council and Tompkins County Department of Planning and Sustainability have been given the opportunity to comment on the proposed design guidelines, and no comments have been submitted to date; and

WHEREAS, the proposed action is an “Unlisted” Action under the City Environmental Quality Review Ordinance and the State Environmental Quality Review Act; and

WHEREAS, the Common Council of the City of Ithaca, acting as lead agency, has reviewed the SEAF prepared by planning staff; now, therefore be it

**RESOLVED,** That this Common Council, as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth in the Short Environmental Assessment Form, dated October 24, 2017; and, be it further

**RESOLVED,** That this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary; and, be it further

**RESOLVED,** That this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in the City Clerk’s Office, and forward the same to any other parties as required by law.
C.  **Approval of Collegetown Design Guidelines - Resolution**

WHEREAS, *Plan Ithaca*, the City’s Comprehensive Plan, calls for the implementation of design guidelines as a tool to help achieve the plan’s goals of encouraging additional housing and employment opportunities while preserving the character of established neighborhoods; and

WHEREAS, the 2009 Collegetown Urban Plan & Conceptual Design Guidelines, endorsed by the Common Council in 2009, recommended the adoption of a form-based code and design guidelines for Collegetown, and the *Collegetown Area Form Districts*, adopted in 2014, stipulate zoning requirements that promote high quality architecture and urban form; and

WHEREAS, the new zoning does not address more detailed design issues, such as building materials, massing variation, and site design; the design guidelines will build upon the existing zoning to address these issues; and

WHEREAS, the City worked with project consultants Winter & Company to prepare design guidelines for the Collegetown area that:

1. Build upon existing zoning to promote high-quality construction and urban design;

2. Formally establish design expectations for new construction;

3. Help implement the goals of *Plan Ithaca* and the 2009 Collegetown Urban Plan & Conceptual Design Guidelines; and

4. Add clarity and predictability to the development approval process for property owners and the Planning and Development Board;

; and

WHEREAS, Winter & Company worked with a client committee of Common Council members, Planning Board members, City staff, and sought input from property owners, neighborhood residents, architects, and other members of the public that informed the design guidelines; and

WHEREAS, the *Collegetown Design Guidelines* outline design objectives and provide ways that the objectives can be met but, unlike zoning, allow a property owner the flexibility to suggest alternative ways to achieve the same goal; and

WHEREAS, once approved, the design guidelines will serve as the basis for design review in the Collegetown area and will be implemented through the City’s existing design review process, as outlined in Chapter 160, Design Review, of the City Municipal Code; and
WHEREAS, the Planning and Development Board reviewed the *Collegetown Design Guidelines*, dated August 2017, at its meeting on November 28, 2017 and recommended approval of the document with several modifications; and

WHEREAS, the *Collegetown Design Guidelines* have been reviewed by the Tompkins County Department of Planning and Sustainability, pursuant to §239-l-m of New York State General Municipal Law, and have also been distributed for review by the City of Ithaca Conservation Advisory Council; and

WHEREAS, the Common Council has reviewed the *Collegetown Design Guidelines*, dated August 2017, and has considered the modifications recommended by the Planning and Development Board; now, therefore be it

RESOLVED, That the Common Council hereby approves the *Collegetown Design Guidelines* [with modifications recommended by the Planning and Development Board]; and, be it further

RESOLVED, That the *Collegetown Design Guidelines* shall serve as a guide for the mandatory design review of any projects within the Collegetown area, as required by Chapter 160, Design Review, of the City Municipal Code.
November 3, 2017

Megan Wilson, Senior Planner
City of Ithaca
108 East Green St.
Ithaca, NY 14850

Re: Review Pursuant to §239-l, -m and -n of the New York State General Municipal Law
Action: City of Ithaca Proposed Collegetown Design Guidelines

Dear Ms. Wilson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning and Sustainability Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

[Signature]

Katherine Borgella, AICP
Interim Commissioner of Planning and Sustainability

Inclusion through Diversity
# CITY OF ITHACA SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF)

## Project Information
(to be completed by applicant or project sponsor)

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I certify the information provided above is true to the best of my knowledge.

PREPARER'S SIGNATURE: Megan Wilson DATE: 10/24/17
PREPARER’S TITLE: Senior Planner
REPRESENTING: City of Ithaca
In order to answer the questions in this Short Environmental Assessment Form (SEAF), the preparer is to use currently available information concerning the project and the likely impacts of the action.

**PROJECT NAME:** Proposal to Adopt Collegetown Design Guidelines

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If any question has been answered **YES**, a completed Full Environmental Assessment Form (FEAF) is necessary.

**PREPARER'S SIGNATURE:**

**DATE:** 10/24/17

**PREPARER'S TITLE:** Senior Planner

**REPRESENTING:** City of Ithaca
Planning and Development Board’s Recommended Revisions
to the Collegetown Design Guidelines, dated August 2017

~ November 28, 2017 ~

- Add client committee to acknowledgements page.
- Page 7, Design Review Process: Revise text to read “All recommendations from the design review process are non-binding unless they are made a condition of site plan approval, or have been fully incorporated into the approved set of drawings.”
- Page 8, Priority and Secondary Guidelines: Change the example at the end of the first paragraph since all Collegetown zoning districts require a minimum of two stories.
- Pages 8-9, Relationship to the Collegetown Area Form Districts: Revise the text in this section to be consistent with the similar section in the Downtown Design Guidelines.
- Page 10, Historic Preservation: Update this section to note the recent designation of the Larkin Building.
- Page 15: Change the top and bottom photo to show buildings that are in the Residential Transition area.
- Page 39, SD.22: Make the word “panel” plural in the final bullet.
- Page 42, SD.29:
  - Change SD.29 to a priority guideline
  - Revise the second bullet to read “Shield site lighting to avoid minimize off-site glare.”
- Page 45: Insert “Adaptive Reuse of an Existing Building” section from the Downtown Design Guidelines as a new section before “Sensitive Site Design Transitions.”
- Page 49, BD.5: Revise second bullet to read “Vertically align windows on upper and lower floors.”
- Page 49, BD.9: Change BD.9 to a priority guideline.
- Page 50, BD.11: Change BD.11 to a priority guideline.
- Page 52, Roof Materials Chart: Change “Asphalt Tile” to “Asphalt Shingle” and revise the chart to indicate that asphalt shingle is not an appropriate roofing material in the Collegetown Core character area.
- Page 57, BD.17: Change BD.17 to a priority guideline.
- Page 59, BD.19: Add the following bullet:
  - “Use air- or ground-source (geothermal) heat pump systems for space heating and cooling, air-source heat pumps for hot water, and non-natural gas-fired boilers.”
- Page 61, Street Level Interest: Remove images of landscaping, decorative wall surface, and wall art to emphasize the preference for architectural elements.
- Page 64, A7. Upper Floor Stepback: Increase the suggested depth of a stepback from 8-12 feet to a minimum of 12 feet. REMOVED BY PEDC AT 12/13/17 MEETING
- Page 66, BD.25: Revise guideline to read “Use a combination of ‘façade articulation’ and ‘massing variation’ methods as shown in Figure 12 and as specified in more detail in items A.-D. on pages 67-70.”
- Pages 71-75: Revise the headings as follows:
  - A. Maintaining Compatibility with Traditional Scale at the Street
  - B. Addressing a Sensitive Edge Condition
- Maintaining Public Views/Increasing Solar Access
- Creating Outdoor Space

- Page 67, A. Maintaining Compatibility with Traditional Scale at the Street:
  - Under the “Width” and “Height” sections, reduce the dimension of a long wall in the Collegetown Core character area to greater than or equal to 40 ft. and reduce the dimension of a short wall to less than 40 ft. Reduce the dimension of a long wall in the Residential Transition character area to greater than or equal to 40 ft. and reduce the dimension of a short wall to less than 40 ft.
  - Under “Height,” add a new bullet under both “Long Walls” and “Short Walls” to read: “Use A7 for any portion of a front façade over 65’ in height as measured from the ground.” REMOVED BY PEDC AT 12/13/17 MEETING

- Page 68, B. Addressing a Sensitive Edge Condition: Revise the text of the intent to read “Use one or more of the following options to address when a potentially incompatible building is proposed adjacent to a sensitive edge condition.”

- Page 70, C. Maintaining Public Views/Increasing Solar Access: reduce the dimension of a long wall in the Collegetown Core character area to greater than or equal to 40 ft. and reduce the dimension of a short wall to less than 40 ft.

- Page 71, Interior Façade Articulation:
  - Add a new bullet as the first bullet to read “Any façade visible to the public.”
  - Revise the text following the bullets to read “Use minimal articulation methods to express human scale on an interior façade that is not visible to the public; additional articulation there is encouraged but not required.” Label this text as guideline BD.26 and make this a secondary guideline.

- Page 81, Building Orientation and Placement (MU-2): Change CC.2 to a priority guideline.

- Page 83, Corner Design (MU-2):
  - Revise intent text to read: “Building corners in the MU-2 district should provide a special design element to highlight these focal points, improve visibility around them, and provide generous space for pedestrian movement there.”
  - Replace chamfered corner photograph and drawing with an example of a larger chamfer.

- Page 84 and 85: On both pages, replace bottom image with a building from the Residential Transition character area.

- Page 86, Front Yard Setback Character: Change NP.2 to a secondary guideline.

- Additional wording changes to make the document consistent with the Downtown Design Guidelines.

- Additional editorial revisions throughout (missing punctuation, extra spaces, etc.)
Additional Revisions Proposed by Cynthia Brock to the
Collegetown and Downtown Design Guidelines
- Approved by PEDC – 12/13/17 -

Primary Structures and Interior Facade Articulation
The design guidelines imply that they are intended to apply mainly to primary structures, and I am interested in ensuring that these guidelines clarify that this is indeed the case for all primary structures - regardless of if the building is visible from the street or not. As the City moves to (a) allow PUDs throughout the area, (b) promote in-fill development with numerous primary structures on a property, (c) promote internal pedestrian connectivity, and (d) through-block connectivity, attention and care should be given to the design, articulation and material selection of all primary structures, and not be merely focused on street-facing facades and structures.

- **Revision:** Language emphasizing the importance of articulation of facades visible to the public (from either the street or private properties accessible to the public) to be added on page 17 of both documents, under “Public and Private Realm”.

Building Equipment
My request here is two-fold. I agree with the Planning Board that BD 17 - Minimize visual impact of equipment - should be a priority guideline.

I would add, if possible, mitigations for noise impacts from building equipment in the guidelines. I am mindful of the experience with BJM and McGraw House with regards to the installation of large-scale or numerous air conditioning and HVAC equipment which resulted in alarm from neighboring residents. Is there a way we can incorporate some reference of noise impacts into the guidelines, or at the minimum a way to oversee a project who desires to add - now or at a later date - exterior equipment that may cause both a visual and auditory impact to the community (i.e.: individual air conditioning units).

- **Revision:** Language indicating that the building design and placement of mechanicals should minimize noise impacts will be added as a bullet under BD.17.

Open Space
With increasing use of sidewalk spaces for commercial use, is it possible to specify mindful placement of utilities, rails, barriers and planters and tree boxes to reinforce accessibility and ADA compliance? I would like to avoid replicating the experience with the Hilton Garden Inn and their columns in the sidewalk/curbed parking area, in addition to the permanent/temporary sidewalk obstructions seen on Aurora or College Ave.

- **Revision:** Language to reinforce the importance of accessibility and ADA compliance when placing site features will be added to several sections in Chapter 3, Site Design.

Historic Preservation
As the list of historically designated properties can be modified over time, I would suggest adding a hyper-link to an updated list of historic designated properties as compared to listing the properties out individually (Collegetown Guidelines pg. 10).

- **Revision:** A hyper-link to a current list of designated historic properties will be provided in both documents.
WHEREAS, the Ithaca Urban Renewal Agency (IURA) recommends approval of an amendment to the 2017 HUD Action Plan to provide $90,960 in supplemental loan assistance to Tompkins Community Action, Inc. (TCA) for relocation assistance associated with the new Harriet Giannelis Child Care Center under construction at 661-701 Spencer Road; and

WHEREAS, the City of Ithaca (City) receives funds annually to address community development needs through the U.S. Department of Housing & Urban Development (HUD) Entitlement program; and

WHEREAS, the City has contracted with the IURA to administer, implement and monitor the City's HUD Entitlement program in compliance with all applicable regulations; and

WHEREAS, the City adopts an Action Plan annually that identifies a specific list of budgeted community development activities funded from the HUD Entitlement program; and

WHEREAS, a change in activity funding of more than $25,000 requires Common Council approval; and

WHEREAS, the need to relocate TCA offices during construction of the Child Care Center was unforeseen in the original project budgeting; and

WHEREAS, TCA requested IURA loan assistance to fund unforeseen relocation expenses; and

WHEREAS, the IURA approved a $90,960 loan at 2.5% interest for 10 years to TCA; and

WHEREAS, relocation assistance of administrative offices is a Type II action under the City Environmental Quality Review Ordinance, so no further environmental review of this action is required; now, therefore be it

RESOLVED, That the Common Council for the City of Ithaca hereby approves the following IURA-recommended amendment to the 2017 HUD Action Plan:

Project: Harriet Giannelis Child Care Center, 661-701 Spencer Road, Ithaca, NY
Sponsor: Tompkins Community Action, Inc.
Amount: $90,960
Description: Supplemental loan assistance for relocation assistance of administrative offices,

;and, be it further

RESOLVED, That funding shall be derived by transferring $90,960 from the IURA Community Development Revolving Loan Fund to the 2017 HUD Action Plan.
9.4 Historic Resources Survey Grant Application – Authorization to Apply - Resolution

WHEREAS, as a participating municipality in the Certified Local Government (CLG) program, the City of Ithaca is required to regularly update its inventory of historic resources, an activity typically conducted through historic resource surveys; and

WHEREAS, in a recent review of the City’s CLG activities from 2013-2016, the State Historic Preservation Office (SHPO) noted that the City had not applied for CLG funding to conduct a historic resource survey during the evaluation period and “strongly encourage[d] the City to seek a CLG grant this coming grant cycle for a historic resource survey”; and

WHEREAS, the City’s comprehensive plan, “Plan Ithaca”, also recommends seeking grant funding to conduct intensive-level surveys of historic resources; and

WHEREAS, the Department of Planning, Building, Zoning & Economic Development proposes to apply to the New York State Office of Parks, Recreation and Historic Preservation Certified Local Government Sub-grant program for funds to engage a consultant to survey and document nineteen (19) selected historic resources adjacent to the western boundary of the East Hill Historic District; and

WHEREAS, such sub-grants are available exclusively to New York State government entities that have received certification from the New York State Office of Parks, Recreation, and Historic Preservation, such as the City of Ithaca; and

WHEREAS, the estimated project budget is between $8,000 and $10,000 for which the CLG Sub-grant program guidelines recommend a local match of 40%, which can be a combination of in-kind, services and/or cash contributions; and

WHEREAS, the Department plans to satisfy the 40% local match through in-kind contributions of City personnel professional services, and donated volunteer research work; now, therefore be it

RESOLVED, That Common Council authorizes the application for a Certified Local Government Sub-grant to survey and document nineteen (19) selected historic resources adjacent to the western boundary of the East Hill Historic District along N. Aurora, E. Court, and Linn Streets.
As a participating municipality in the Certified Local Government (CLG) program, the City of Ithaca is required to regularly update its inventory of historic resources. This is primarily done through historic resource surveys. In a recent review of the City’s CLG activities from 2013-2016, the State Historic Preservation Office (SHPO) noted that the City had not applied for CLG funding to conduct a historic resource survey during the evaluation period and “strongly encourage[d] the City to seek a CLG grant this coming grant cycle for an historic resource survey.” Based on this suggestion, the Department of Planning, Building, Zoning and Development plans to submit on behalf of the Ithaca Landmarks Preservation Commission an application for CLG funding to engage a consultant to complete a historic resource survey of nineteen properties located on N. Aurora, Linn, and E. Court Streets adjacent to the East Hill Historic District. The research may result in the inclusion of the survey area in the National Register East Hill Historic District and the consideration of local designation by the Ithaca Landmarks Preservation Commission. The estimated total project budget is between $8,000 and $10,000. Based on the CLG grant guidelines, the department plans to submit a grant request for 60% of the project cost and will fulfill the 40% municipal contribution through in-kind personnel professional services and donated volunteer research work.

The proposed survey area includes nineteen contributing properties roughly bounded on the north by the south bank of Cascadilla Creek; on the east and south by the existing boundary of the East Hill Historic District; and on the west by the east side of N. Aurora St. from 309 N. Aurora St. to the Cascadilla Creek bridge. (See attached map.) As the map indicates, the existing western boundary of the East Hill Historic District is irregular and does not appear to be based on geographic conditions or historical or contextual development patterns. The proposed survey area was selected for its potential to regularize and provide strong geographic justification for this boundary.

In keeping with the architectural character and significance of the East Hill Historic District, the properties within the survey area are primarily residential and display a range of architectural styles and modes dating from the 1830s through the 1920s, including Greek Revival, Italianate, Queen Anne, Colonial Revival, and bungalow. In terms of historic context, the properties were constructed during the same period and in response to the same social, political and economic conditions as those already included in the East Hill Historic District.

At the Planning & Economic Development Committee meeting held on February 14, 2018, the Committee voted unanimously to recommend that Common Council authorize the grant application.
10. CITY ADMINISTRATION COMMITTEE:
10.1 An Ordinance to Amend Chapter 120 of the City of Ithaca Municipal Code Entitled “Youth Council”

ORDINANCE 2018-

BE IT ENACTED by the Common Council of the City of Ithaca as follows:

Section 1.
Chapter 120 of the City of Ithaca Municipal Code entitled “Youth Council” is hereby amended to read as follows:

§ 120-1 Creation.
In recognition of the history of youth councils in the Ithaca community, the Common Council of the City of Ithaca hereby creates an entity that shall be known as the "City of Ithaca Youth Council," hereinafter also referred to as the "Youth Council," in accordance with the following conditions.

§ 120-2 Purposes and duties.
The purposes and duties of the Youth Council shall be as follows:

A. To develop future leaders by providing the teenage members opportunities to participate in city governance and have an active role in addressing community issues.

B. To give a formal voice to the youth of the community. The Youth Council will provide ongoing, two-way communication with policymakers, especially the Common Council, so as to better address youth and community issues. The Youth Council will develop mechanisms to receive input regularly from other youth about their ideas and concerns.

C. To help provide a hands-on civic education to participating members through direct experience with democratic processes and practical skill development.

D. To contribute to the community in a concrete way. The Youth Council will plan and execute projects to improve conditions for teenagers.

E. To submit a written annual report on the membership and activities of the Youth Council, to the Mayor and Common Council (and the City Clerk), and to report on a regular basis to the Mayor. To help youth build their social networks, engage with the opportunities available within their local community, and help their peers make positive connections to the local community.

F. To submit a written annual report on the membership and activities of the Youth Council, to the Mayor and Common Council (and the City Clerk), and to report on a regular basis to the Mayor.
§ 120-3 Membership.
A. The Youth Council shall consist of 7-10 members, all of whom shall be voting members, appointed by the Youth Council Advisory Board subject to the approval of the Common Council. The appointing entities, staff, shall commit to assembling a diverse, multicultural and inclusive membership of the Youth Council, with regard to the protected classes and other unique characteristics that represent the needs of the entire community.

B. Notwithstanding the provisions of Chapter 103 of this Code, at least five½ of the Youth Council members shall be residents from the City of Ithaca. The remaining members shall be selected from within the municipalities comprising the Ithaca City School District. The members of the Youth Council must be at least 16 years old and not past the 12th grade (or the age of 19, if not enrolled in high school).

C. The members of Ithaca Youth Council shall hereinafter be referred to as Youth Council Ambassadors or Ithaca Ambassadors.

§ 120-4 Associates.
The Youth Council Advisory Board may designate up to four associates who are 14 or 15 years of age. Such associates shall be invited to attend and participate in Youth Council meetings and events but shall have no voting authority and may not hold office in the Youth Council.

§ 120-45 Terms; vacancies.
A. Except as provided for in Subsection B below, the members of the Youth Council shall be appointed for a term of two years or one year or until the time of their high school graduation, if that occurs first. A member who has reached the end of a two-year appointment while still in high school may elect to extend his or her term by one additional year. Terms shall begin in September (or, in the initial year of the Youth Council's operation, as soon as is practical after its establishment), except in the case of members appointed to fill vacancies. Vacancies shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of a term of office shall be filled only for the remainder of the unexpired term.

B. Notwithstanding the above, the initial terms for members of the Youth Council shall be set at one or two years, such that staggered terms are established for subsequent appointments. The appointing entities may make an appointment for a one-year term, as needed, in order to maintain a balance of staggered terms.

§ 120-6 Officers.
A. At the start of each year, the Youth Council shall select its officers, for the purpose of providing general leadership, recordkeeping and fiduciary oversight. The manner of such selection and the titles and specific responsibilities of the officers shall be set forth in operational rules adopted by the initial Youth Council and as amended from time to time as needed by the Youth Council.
B. The lead officer of the Youth Council shall serve as liaison to the Common Council and shall have an opportunity to report at Common Council meetings.

C. The leadership of the Youth Council shall meet regularly with the Mayor at a time convenient to all, with the goal of meeting not less than bimonthly.

§ 120-7 Youth Council Advisory Board.
A. A Youth Council Advisory Board is hereby established, to oversee the activities of the Youth Council.

B. The Youth Council Advisory Board shall consist of up to 10 members, each of whom shall be appointed for a term of three years (or for the remainder of the term in question when a vacancy is being filled). Membership of the Advisory Board shall be composed of one staff member appointed respectively by the directors of the Greater Ithaca Activities Center, the Ithaca Youth Bureau, and the Southside Community Center and up to seven members appointed by the Mayor and approved by the Common Council, including at least one member of the standing committee of Common Council responsible for working with the City’s youth services departments, members selected from the local education and youth advocacy communities and representatives of major funders of the Youth Council.

C. In addition to providing oversight, the Youth Council Advisory Board shall interview all applicants for membership on the Youth Council and shall make recommendations as to their appointment, on the basis of the candidates’ leadership potential and commitment to effective service on the Council.

§120-58 Staff support.
A staff person(s) from a City Youth Services Department shall act in consultation with the Youth Council Advisory Board Liaisons and under the direction and supervision of the City department head so designated by the Mayor. The duties of this staff person with regard to the Youth Council shall be set forth in writing and kept up-to-date by the department head and provided to the Mayor, and a current version of such description shall be appended to the annual report required by §120-2 herein.

§120-69 Meetings; records; annual report.
The Youth Council shall meet publicly at least monthly regularly to complete projects and adopt rules tasks towards their annual goals.

The Youth Council shall report twice a year to Common Council regarding youth and procedures for its meetings community issues.

The Youth Council shall keep accurate records of its meetings and activities and shall prepare and submit an annual report as provided for in § 120-2 of this chapter.
Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.
To: City Administration Committee
From: Liz Klohmnn, Director
Re: Youth Council Codes
Date: 1/17/18

In 2018 Ithaca Youth Council program will go through some changes in order to meet the needs of teens in our area, attract a more diverse group of students and provide experiences that will grow leadership and other skills they need to be successful adults.

The Youth Bureau has met with Youth Council liaisons Deb Mohlenhoff and Ducson Nguyen to discuss the changes during the program planning process. As a result we are proposing the following changes to the City Code Chapter 120: Youth Council:

120 – 2 Purposes and duties
Add:
E. To help youth build their social networks, engage with the opportunities available within their local community, and help their peers make positive connections to the local community.

120-3 Membership
Create a range of membership from 10 to 7 – 10.
Delete “all of whom shall be voting members, appointed by the Youth Council Advisory Board subject to the approval of the Common Council.”
Delete “entities” and add “staff” as shown below.

A. The Youth Council shall consist of 7-10 members, The appointing staff shall commit to assembling a diverse, multicultural and inclusive membership of the Youth Council, with regard to the protected classes and other unique characteristics that represent the needs of the entire community.

Delete “at least 5 members; add “at least half of Youth Council”

B. Notwithstanding the provisions of Chapter 103 of this Code, at least ⅔ of the Youth Council members shall be residents from the City of Ithaca. The remaining members shall be selected from within the municipalities comprising the Ithaca City School District.
C. The members of Ithaca Youth Council shall hereinafter be referred to as Youth Council Ambassadors or Ithaca Ambassadors.

Delete section 120-4 Associates

The Youth Council Board may designate up to four associates who are 14 or 15 years of age. Such associates shall be invited to attend and participate in Youth Council meetings and events but shall have no voting authority and may not hold office in the Youth Council.

Change "120-5" Terms; vacancies to "120-4" Terms and; vacancies

Change the length of term from 2 years to 1 year as noted below.

The members of the Youth Council shall be appointed for terms of 1 year or until the time of their high school graduation, if that occurs first. Terms shall begin in September (or, in the initial year of the Youth Council’s operation, as soon as is practical after its establishment), except in the case of members appointed.

Delete section 120-6 Officers

Delete section 120-7 Youth Council Advisory Board

Change “120-8” Staff support to 120-5 Staff support

Delete “Youth Council Advisory Board”

Add “Common Council Liaison to read as follows:

A staff person(s) from a City Youth Services Department shall act in consultation with the Common Council Liaisons and under the direction and supervision of the City department head so designated by the Mayor. The duties of this staff person with regard to the Youth Council shall be set forth in writing and kept up-to-date by the department head and provided to the Mayor, and a current version of such description shall be appended to the annual report required by § 120-2 herein.

Change “120-9” Meetings; records; annual report to 120-6 Meetings; records; annual reports

Delete “publically at least monthly and adopt rules and procedures for its meetings. Add “regularly to complete projects and tasks towards their annual goals. The Youth Council shall report twice a year to Common Council regarding youth and community issues, as noted below.

The Youth Council shall meet regularly to complete projects and tasks towards their annual goals. The Youth Council shall report twice a year to Common Council regarding youth and community issues. The Youth Council shall keep accurate records of its meetings and activities and shall prepare and submit an annual report as provided for in § 120-2 of this chapter.
A Local Law to Improve and Strengthen the Sustainable Energy Loan Program

LOCAL LAW 2018-

BE IT ENACTED by the Common Council of the City of Ithaca, as follows:

Section 1. Legislative Intent.
Common Council hereby finds and determines that the City of Ithaca enacted Local Law No. 1-2015 pursuant to provisions of New York General Municipal Law, to establish a Sustainable Energy Loan Program. This program authorized the Energy Improvement Corporation (“EIC”), a local development corporation acting on behalf of the City of Ithaca, to make funds available to qualified property owners for the installation of renewable energy systems and energy-efficiency measures.

Common Council further finds that the New York State Legislature recently amended certain provisions of the municipal sustainable energy loan program to “eliminate barriers that have been identified that have prevented the program from reaching its full potential.”

Common Council finds that the amendments to the program, enacted as Chapter 320 of the 2017 Laws of the State of New York, seek to encourage net metered and community solar projects, will allow the City of Ithaca’s program to use monies available from the State or any State authority, and will permit a more flexible loan standard for commercial properties.

Therefore, the purpose of this law is to amend the City of Ithaca’s Sustainable Energy Loan Program in conformity with changes recently enacted to the New York State enabling legislation.

Section 2. Amendments.
Chapter 4 of the City of Ithaca Municipal Code entitled “Administration of Government”, Article VII entitled “Energize NY Benefit Financing Program” is hereby amended as follows:

ARTICLE VII Energize NY Benefit Financing Program

§4-33. Legislative findings, intent and purpose, authority.
A. It is the policy of both the City of Ithaca (hereinafter, “City”) and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This [article] law establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the City, pursuant to the municipal agreement to be entered into
between the City and EIC pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”), to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this [article] law and fulfilling an important public purpose.

B. The City is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.

C. This [article] law shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the City of Ithaca”.

§4-34. Definitions
For purposes of this [Article] law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this [article] law) and providing for repayment of such funds from monies collected by the City tax [collector] collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the City taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.
Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the City that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this [article] law.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§4-35. Establishment of an Energize NY Benefit Financing Program
A. An Energize NY Benefit Financing Program is hereby established by the City, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this [article] law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.

C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of: (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.
§4-36. Procedures for eligibility
A. Any property owner in the City may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City offices.

B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in [subsection A of] section 4-37 of this article law. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC acting on behalf of the City, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 4-38 of this article law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§4-37. Application criteria
Upon the submission of an application, EIC acting on behalf of the City, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;

B. The proposed property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements [and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments] to be installed on the property as determined by EIC;

D. Sufficient funds are available from EIC to provide financing to the property owner;

E. The property owner is current in payments on any existing mortgage;

F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and

G. Such additional criteria, not inconsistent with the criteria set forth above, as the City, or EIC acting on its behalf, may set from time to time.
§4-38. Opt-in, Energize NY Finance Agreement
A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the City (the “Energize NY Finance Agreement”).

B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the City, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 4-39 of this law have been met.

C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 4-40 of this law.

§4-39. Energy audit, renewable energy system feasibility study
A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 4-34.

B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in 4-34.

C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§4-40. Terms and conditions of repayment
The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City, shall set forth the terms and conditions of repayment in accordance with the following:

A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on its City tax bill and shall be levied and collected at the same time and in the same manner as City property taxes, provided that such charge shall be separately listed on the tax bill. The City shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the [City tax] date the payment is due [date to be made to the City].
B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City.

C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City at the time the Energize NY Finance Agreement is executed by the property owner and EIC.

D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§4-41. Verification and report
A. EIC shall be responsible for verifying and reporting to the City on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.

B. The City shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 3. Severability Clause
Severability is intended throughout and within the provisions of this Local Law. If any section, subsection, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

Section 4. Effective and Operative Date.
This Local Law shall be effective immediately after filing in the office of the Secretary of State.
To: Members of Common Council  
From: Nick Goldsmith, Sustainability Coordinator  
Date: January 24, 2018  
Re: Amending the City of Ithaca Property Assessed Clean Energy (PACE) Local Law

This document provides additional information related to proposed changes to the City’s PACE law, discussion of which is on the agenda for your February 7 meeting. This memo is not substantively different to the one provided to the City Administration Committee (CA) except that I have addressed questions that came up during the CA discussion on the last page of this document. Attached are documents for your consideration: a Local Law to Improve and Strengthen the Sustainable Energy Loan Program and a Resolution Authorizing an Amended Municipal Agreement between the City of Ithaca and the Energy Improvement Corporation to Implement and Administer a Sustainable Energy Loan Program in the City of Ithaca.

In 2015, by Local Law No 2015-2, The City of Ithaca created the Energize NY Benefit Financing Program (also known as the Sustainable Energy Loan Program, and the PACE Financing Program).

Through the Program, the Energy Investment Corporation (EIC), a local development corporation acting on behalf of the City, provides long-term financing to qualified property owners for energy efficiency projects in existing buildings and renewable energy projects. This PACE Financing is repaid through an annual charge on the property tax bill. A Municipal Agreement establishes the roles, responsibilities, and obligations of the EIC and the City in the administration of the Program.

New York State recently amended its PACE Law to make PACE financing more accessible to clean energy projects. The changes listed below, and detailed in tables later in this document, will expand the usefulness of Energize NY PACE and increase its appeal to energy efficiency and renewable energy project developers. To date, no PACE projects have closed in the City. Only one has closed in the County. It is hoped that PACE 2.0, which incorporates the changes below, will increase participation.

In order to permit these PACE enhancements in the City, the City will need to amend its local PACE law (2015-2) to incorporate the amendments to NY State’s PACE law (Article 5L of the NYS General Municipal Law) and the other refinements to PACE 2.0.
described below. The language in the **Local Law to Improve and Strengthen the Sustainable Energy Loan Program** has been approved by the City Attorney’s Office.

Changes in PACE 2.0 (also see tables below)
1) Amendments to Article 5-L allow the governing administrator (e.g., EIC) to determine the maximum amount of financing that would be permitted for properties that are not individually owned.

2) Amendments to Article 5-L change the definition of eligible renewable energy projects to permit remote net metering and community solar projects.

3) Adopts the positive savings-to-investment ratio (SIR test) used by New York State Energy Research and Development Authority (NYSERDA) in its new commercial PACE guidelines that measures savings and costs over the life of the project, rather than annually. This change is consistent with industry standards and PACE programs in other states. It also broadens the range of solar projects that can be financed with PACE.

4) Allows the PACE Charge to be placed on the tax bill at the beginning of construction, which is the norm in most PACE programs and standard practice for most project developers. Without the availability of PACE during construction, the types of projects that can use PACE are limited to smaller projects or those projects where a third party is willing to finance the cost of construction through to completion.

5) Amendments to Article 5-L allow the use of State as well as Federal sources to fund PACE reserves, which creates the opportunity for municipalities with lower credit ratings to participate in PACE.

The tables below compare PACE 1.0, the current version (first table) with PACE 2.0 (the version recently adopted by the state).
<table>
<thead>
<tr>
<th>EIC MUNICIPAL AGREEMENT - Attachment 1</th>
<th>ENERGIZE NY PACE 1.0 PRODUCT DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MAXIMUM AMOUNT OF FINANCING AVAILABLE</strong></td>
<td>10% of Appraised Value</td>
</tr>
<tr>
<td><strong>MINIMUM FINANCE AMOUNT</strong></td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>LENGTH OF FINANCING TERM</strong></td>
<td>Minimum term of 5 years and Maximum term of 20 Years</td>
</tr>
<tr>
<td><strong>ELIGIBLE MUNICIPALITIES</strong></td>
<td>Municipalities with a Credit Rating Above &quot;A&quot;</td>
</tr>
<tr>
<td><strong>ELIGIBLE PROJECTS</strong></td>
<td>Energy efficiency and renewable energy projects that comply with NYSERDA and investor owned utility programs including certain Remote Net Meter Projects</td>
</tr>
<tr>
<td><strong>ELIGIBLE PROPERTIES</strong></td>
<td>Existing buildings owned by an entity, other than an individual, including substantial renovations and new construction in the case of renewable energy projects</td>
</tr>
<tr>
<td><strong>ELIGIBLE PROPERTY OWNERS</strong></td>
<td>Not in bankruptcy; current on mortgage and property taxes for the past three years</td>
</tr>
<tr>
<td><strong>LOAN TO VALUE (LTV) LIMITATION</strong></td>
<td>Property's total amount of land secured loans is less than or equal to 90%, including the requested PACE financing</td>
</tr>
<tr>
<td><strong>ANNUAL CASH FLOW REQUIREMENT</strong></td>
<td>Estimated Annual Savings must be greater than estimated Annual Finance Charge</td>
</tr>
<tr>
<td><strong>COST EFFECTIVENESS/SIREX</strong></td>
<td>Estimated Savings must be greater than total cost of improvements</td>
</tr>
<tr>
<td><strong>EIC MEMBER OBLIGATED TO PAY DURING DELINQUENCY</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>ABILITY TO ADD PACE TAX CHARGE TO BILL DURING CONSTRUCTION</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>MUNICIPAL RESERVE POOLS</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>LINK TO ENERGIZE NY PACE 1.0 UNDERWRITING STANDARDS</strong></td>
<td><a href="http://energizeny.org/images/uploads/ENY_PACE_1dot0_Standards.pdf">http://energizeny.org/images/uploads/ENY_PACE_1dot0_Standards.pdf</a></td>
</tr>
<tr>
<td></td>
<td><a href="http://energizeny.org/images/uploads/ENY_PACE_1dot0_Standards.pdf">http://energizeny.org/images/uploads/ENY_PACE_1dot0_Standards.pdf</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EIC MUNICIPAL AGREEMENT - Attachment 2</th>
<th>ENERGIZE NY PACE 2.0 PRODUCT DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MAXIMUM AMOUNT OF FINANCING AVAILABLE</strong></td>
<td>35% of the property's appraised value</td>
</tr>
<tr>
<td><strong>MINIMUM FINANCE AMOUNT</strong></td>
<td>$10,000</td>
</tr>
<tr>
<td><strong>LENGTH OF FINANCING TERM</strong></td>
<td>Minimum term of 5 years and Maximum term of 20 Years</td>
</tr>
<tr>
<td><strong>ELIGIBLE MUNICIPALITIES</strong></td>
<td>Municipalities with a Credit Rating Above Investment Grade, provided that municipalities rated A or better will have access to reserve pools that are separate from those for Below A rated municipalities</td>
</tr>
<tr>
<td><strong>ELIGIBLE PROJECTS</strong></td>
<td>Energy efficiency and renewable energy projects, including remote net metering, that comply with NYSERDA and investor owned utility programs or otherwise meet NYSERDA's Commercial PACE Guidelines; renewable energy projects on new construction and substantial renovations are eligible</td>
</tr>
<tr>
<td><strong>ELIGIBLE PROPERTIES</strong></td>
<td>Existing buildings owned by an entity, other than an individual, including new construction and substantial renovations in the case of renewable energy projects</td>
</tr>
<tr>
<td><strong>ELIGIBLE PROPERTY OWNERS</strong></td>
<td>Not in bankruptcy; current on mortgage and property taxes for the past three years</td>
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<tr>
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<td>Yes</td>
</tr>
<tr>
<td><strong>EIC MEMBER OBLIGATED TO PAY DURING DELINQUENCY</strong></td>
<td>Yes</td>
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<tr>
<td><strong>ABILITY TO ADD PACE TAX CHARGE TO BILL DURING CONSTRUCTION</strong></td>
<td>Yes</td>
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<tr>
<td><strong>MUNICIPAL RESERVE POOLS</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Link to NYSERDA C-PACE Guidelines</strong></td>
<td><a href="https://www.nyserda.ny.gov/cpace-guidelines">https://www.nyserda.ny.gov/cpace-guidelines</a></td>
</tr>
<tr>
<td><strong>Link to Energize NY PACE 2.0 Underwriting Standards</strong></td>
<td><a href="http://energizeny.org/images/uploads/ENY_PACE_2dot0_Standards.pdf">http://energizeny.org/images/uploads/ENY_PACE_2dot0_Standards.pdf</a></td>
</tr>
</tbody>
</table>
As before, the City may make modifications that limit how PACE is offered to its constituents. The City currently has stipulations, mirrored by Tompkins County’s PACE law, that require that

(1) Property owners be current on City and County property tax payments, and that

(2) The property not house a business primarily engaged in the sale of gasoline, and that the property not present a high risk of environmental contamination.

The City has also placed a limit of $5 million on the cumulative amount of outstanding loans.

A few questions came up in the CA discussion which I was not able to answer. These are addressed below.

**Question: How many municipalities have adopted PACE 2.0?**
Answer: It is expected that within a couple of months, about half of the municipalities that have enabled the PACE program statewide will have adopted PACE 2.0. Details: 48 municipalities have enabled the PACE program statewide, 6 have adopted PACE 2.0, 18 are in the legislative process of adopting PACE 2.0, and 10 are in discussions about adoption.

**Question: Why was the minimum finance amount raised from $5,000 to $10,000?**
Answer: The resources required to provide financing necessitate a higher minimum amount to make it worthwhile. This was a decision made by the EIC board, and was judged to have minimum impact since not many projects can be financed with $5,000.

A Common Council member expressed concern about a recent article on Governing.com describing new regulations that California is putting in place to protect homeowners from less reputable contractors and lenders. It should be noted that our local program is protected from the issues that California has faced for two major reasons:

1. In New York, individual residential property owners are not able to participate in the PACE program, and

2. In New York, there is one PACE program, enabled by state legislation and with state oversight. The program is administered by EIC, a NYS non-profit controlled by its member municipalities. PACE is not administered locally, (as it is in California), so the programs do not vary across the state.

I am happy to discuss the items above in more detail with you; feel free to contact me at your convenience. Also, Energize NY is very responsive, and I would be happy to reach out to them to obtain answers to any detailed questions you might have before the meeting.
10.3 **Authorization to Amend Municipal Agreement Between the City of Ithaca and the Energy Improvement Corporation to Implement and Administer a Sustainable Energy Loan Program in the City of Ithaca**

WHEREAS, by Local Law No. 2015-2, the City of Ithaca created the Energize NY Benefit Financing Program (also known as the Sustainable Energy Loan Program) utilizing the Energy Investment Corporation (EIC), a local development corporation acting on behalf of the City, to provide Property Assessed Clean Energy (PACE) financing to assist qualified property owners who undertake energy efficiency measures and install renewable energy systems; and

WHEREAS, in 2015 the City entered into a Municipal Agreement with EIC to administer the Energize NY Benefit Financing Program; and

WHEREAS, New York State recently amended its PACE Law to make PACE financing more accessible to clean energy projects; and

WHEREAS, by local law No. 2018-___, the City of Ithaca amended the Energize NY Benefit Financing Program to enable the changes made by New York State at the local level; and

WHEREAS, an amended Municipal Agreement is required to establish the roles, responsibilities, and obligations of the EIC and the City in the administration of the amended Energize NY Benefit Financing Program; and

WHEREAS, Federal practice currently does not enable participation in PACE programs by individual residential property owners; and if participation is enabled in the future at the Federal and State level, then written authorization from the City would be required to enable individual residential property owners to participate in the City program; now, therefore be it

**RESOLVED**, That the Mayor, upon review of the City Attorney, is hereby authorized to enter into an amended Municipal Agreement with the Energy Improvement Corporation that shall set forth the duties and obligations of each party in connection with the City’s participation in the Energize NY Benefit Financing Program.
10.4 **Addition to Common Council Rules of Procedure - Resolution**

WHEREAS, Common Council believes that interaction with constituents is a high priority for elected officials; and

WHEREAS, some constituents do not have access to long distance phone service without paying a fee per call; now, therefore be it

RESOLVED, That Section XI of the Common Council Rules of Procedure be amended as follows:

**XI. Communication and correspondence with Council Members and the Public**

XI. A Communications between Council Members and Staff

XIA - 1. Council members who need information from City staff to assist them in developing policy or in responding to a request from a constituent, shall transmit information requests to the department head or directly to the department staff.

XIA - 2. Whenever Council members seek information directly from departmental staff, the following procedures should be pursued since individual Council members do not supervise staff nor do they establish or change programs.

   1) If the information request is more than minimal in terms of staff time required, the Council member should direct the inquiries to the Mayor or the chair of the committee to which the department reports. If the Mayor or the committee chair declines to authorize the request, an appeal may be made to the appropriate committee; and if that fails, to the whole Council.

XIA - 3. A Council member should never attempt to influence the conduct of a staff person on the job. Any concerns that a Council member has about a staff person’s conduct on the job or job performance should be directed to the Department Head, the Mayor, the Human Resources Director or the appropriate committee.

   1) In the event that any Council member does so attempt to influence the conduct of a City staff member on the job, the staff person should bring this to the attention of the department head who will in turn notify the Human Resources Director, the Mayor and the Chair of the committee to which the department reports.

B Use of Council letterhead

XIB – 1 The primary use of Common Council letterhead stationery is to communicate official Council positions on matter of public concern. These positions may be communicated by members of Council designated to speak for the whole when a majority of Council members have consented.
XIB – 2- A secondary use of Common Council letterhead stationery is to allow individual Council members to express views regarding matters of official City business. In these instances it shall be clear that that the opinion expressed by the Council member is that member’s opinion only and may not be the official opinion of the City or Council as a body.

XIB - 2 – a – When expressing her/his own position on City letterhead, a Council member shall use letterhead designating her/his office, e.g. “Ezra Ithacan, Sixth Ward Alderperson, Common Council, City of Ithaca.” This personal letterhead may also be used, for example, for letters of reference or recommendation if the Alderperson, in her/his capacity as a City official, has known the subject.

XIB – 2 – b – When two or more Council members collaborate to express a view not officially advocated by the majority of Council, those Alderpersons may electronically design their own joint letterhead indicating their names and offices, or use Council letterhead, but in either case shall explicitly state in the letter that their view is not that of the majority or the official view.

XIB – 3 – Council members shall not use City letterhead stationery or the City logo for their private correspondence or on behalf of private individuals or organizations. Correspondence on letterhead should never give the appearance of using the office of Alderperson for personal gain or influence.

C. Access by telephone.

XIC -1. Council members shall maintain and publicize a local telephone number such that members of the public can reach him/her by telephone without incurring long-distance fees.
10.5 Declaration of Support for the Ithaca Children’s Garden’s Intention to Construct an “Urban Environmental Education Center” - Resolution

WHEREAS, the Ithaca Children’s Garden is a three-acre public garden, leased within the City of Ithaca’s Cass Park, that inspires, promotes, and sustains youth and community stewardship of the natural environment through garden-based learning and discovery; and

WHEREAS, the New York State Department Regional Economic Development Council provides funds for various forms of community development throughout New York State; and

WHEREAS, the Ithaca Children’s Garden intends to apply for such funding so that it may construct an “Urban Environmental Education Center” at the garden as part of an expansion of the garden into additional acreage in Cass Park that is in close proximity to the garden’s already-leased space; and

WHEREAS, an “Urban Environmental Education Center” at the Ithaca Children’s Garden would advance the mission of the garden, provide additional community space and educational opportunities, and otherwise benefit members of the public visiting Cass Park and the Ithaca Children’s Garden; now, therefore be it

RESOLVED, That the City of Ithaca Common Council hereby declares its support for the Ithaca Children’s Garden’s intention to construct an “Urban Environmental Education Center” and an application by the Ithaca Children’s Garden for funding therefor.
10.6   **Alderson McGonigal – Request to Charter Communications to Reinstate Channel WENY in Ithaca - Resolution**

WHEREAS, soon after Charter Communication/Spectrum purchased the local television cable franchise from Time Warner, the Elmira/Corning/Ithaca TV station, WENY, was dropped from the basic cable offering in Ithaca; and

WHEREAS, for many years, WENY has been the leading TV source for local news and events in the Ithaca area; and

WHEREAS, local school districts belong to sports leagues that are located primarily in the Southern Tier, which is the viewing area of WENY; and

WHEREAS, WENY sends reporters to cover City of Ithaca and Tompkins County government meetings, as well as sporting events in Ithaca and the surrounding school districts, and at Cornell University and Ithaca College, while Syracuse TV stations cover local governments and schools that are closer to home; and

WHEREAS, Ithaca is part of the 23rd U.S. Congressional District, the 58th N.Y.S. Senatorial District, and the 125th N.Y.S. Assembly District, all of which are located in the Southern Tier/Finger Lakes region that coincides with the WENY viewing area, and which are reported on extensively by WENY; and

WHEREAS, acknowledging the fact that Federal Communications Commission (FCC) regulations dictate that major network affiliates from a community's home region, in Ithaca's case Syracuse, must be carried, Charter Communication's predecessor, Time Warner, OPTED to offer WENY as well; and

WHEREAS, television cable subscribers in the Ithaca area have come to rely on WENY to bring them important local news, sports and weather reports, as well as announcements of upcoming events; now, therefore be it

RESOLVED, That the City of Ithaca's Common Council formally requests that Charter Communications reinstate WENY into the Ithaca area's basic, least expensive cable offering, and that Charter Communications commit to keeping WENY as part of their basic cable offering into the foreseeable future.
10.6 Request to Charter Communications to Reinstate Channel WENY in Ithaca -
Resolution
WHEREAS, soon after Charter Communications/Spectrum purchased the local
television cable franchise from Time Warner, the Elmira/Corning/Ithaca TV station,
WENY, an ABC affiliate, was dropped from the basic cable offering in Ithaca; and

WHEREAS, this change seems to have been instigated by Nextar, the company that
owns the Syracuse ABC affiliate in Ithaca's designated market area, WSYR; and

WHEREAS, for many years, WENY has been the leading TV source for local news and
events in the Ithaca area; and

WHEREAS, local school districts belong to sports leagues that are located primarily in
the Southern Tier, which is the viewing area of WENY; and

WHEREAS, WENY sends reporters to cover City of Ithaca and Tompkins County
government meetings, as well as sporting events in Ithaca and the surrounding school
districts, and at Cornell University and Ithaca College, while Syracuse TV stations,
including WSYR, focus their reporting on local governments, schools, and state and
federal election districts that are closer to home; and

WHEREAS, Ithaca is part of the 23rd U.S. Congressional District, the 58th N.Y.S.
Senatorial District, and the 125th N.Y.S. Assembly District, all of which are located in
the Southern Tier/Finger Lakes region that coincides with the WENY viewing area, and
which are reported on extensively by WENY; and

WHEREAS, acknowledging the fact that Federal Communication Commission
regulations dictate that major network affiliates from a community's designated market
area, in Ithaca's case Syracuse, must be carried, Charter Communication's
predecessor, Time Warner, opted to offer WENY as well; and

WHEREAS, WETM in Elmira does not cover Ithaca and Tompkins County in its local
newscasts, nor compete with WENY for advertisers in the Ithaca area; and

WHEREAS, television cable subscribers in the Ithaca area have come to rely on WENY
to bring them important local news, sports and weather reports, as well as
announcements of upcoming events; and

WHEREAS, Spectrum/Charter Communications has continued to offer WENY to a
portion of its Ithaca and Tompkins County customers on Channel 1210, as a CBS-
affiliated station; now, therefore be it
RESOLVED, That the City of Ithaca’s Common Council formally requests that Charter Communications reinstate WENY into the Ithaca area's basic, least expensive cable offering for all its customers, and that Charter Communications commit to keeping WENY as part of their basic cable offering into the foreseeable future; and, be it further

RESOLVED, That the City of Ithaca's Common Council formally requests that Charter Communications not drop WSKG, our public TV station out of Binghamton, from our local basic cable; and, be it further

RESOLVED, That this resolution be forwarded to the New York State Public Service Commission, WSYR in Syracuse, WETM in Elmira, Nextar Broadcasting, Lilly Broadcasting, the Tompkins County Legislature, Assemblywoman Barbara Lifton, State Senator Tom O'Mara, Governor Andrew Cuomo, Congressman Tom Reed, and Senators Charles Schumer and Kirsten Gillibrand.
14. MAYOR’S APPOINTMENTS:
14.1 Appointments to the Local Advisory Board of Assessment Review for the City of Ithaca – Resolution
RESOLVED, That Jonathan Greene, Robert Sparks, and John Guttridge be appointed to the Local Advisory Board of Assessment Review for the City of Ithaca for 2018.

14.2 Appointments/Reappointments to Various City Boards and Committees – Resolution
A. Civil Service Commission:
RESOLVED, That Arlene Richardson be reappointed to the Civil Service Commission with a term to expire May 31, 2022; and, be it further
RESOLVED, That Cate Thompson be reappointed to the Civil Service Commission with a term to expire May 31, 2024.

B. Housing Board of Review:
RESOLVED, That Christopher Anagnost be appointed to the Housing Board of Review to replace Joseph Steuer with a term to expire December 31, 2019.

C. Planning and Development Board – Resolution
RESOLVED, That Robert Lewis be reappointed to the Planning and Development Board with a term to expire December 31, 2018; and, be it further
RESOLVED, That Emily Petrina be appointed to the Planning and Development Board to replace Garrick Blalock with a term to expire December 31, 2019; and, be it further
RESOLVED, That Mitch Glass be appointed to the Planning and Development Board to replace John Schroeder with a term to expire December 31, 2020.

D. Board of Zoning Appeals:
RESOLVED, That Steven Beer be reappointed to the Board of Zoning Appeals with a term to expire December 31, 2018; and, be it further
RESOLVED, That Steven A. Wolf be reappointed to the Board of Zoning Appeals with a term to expire December 31, 2019; and, be it further
RESOLVED, That Teresa Halpert Deschanes be reappointed to the Board of Zoning Appeals with a term to expire December 31, 2019; and, be it further
RESOLVED, That Lindsay Jones be appointed to replace Marilyn Tebor Shaw with a term to expire December 31, 2020; and, be it further
RESOLVED, That Marshall McCormick be appointed as an Alternate Board of Zoning Appeals member to replace Susan Cummings with a term to expire December 31, 2018.
14.3 Appointments to Four New Commissions – Resolution

A. 1. Public Safety and Information Commission Chair - Resolution
RESOLVED, That Tierra Labrada be appointed as the chair for the Public Safety and Information Commission with a term to expire December 31, 2019.

2. Public Safety and Information Commission Members – Resolution
RESOLVED, That the following applicants be appointed to the Public Safety and Information Commission with terms to expire December 31, 2018:

   Mike Comella
   Lindsay Jones
   Nicholas Segerson
   Kenneth McLaurin

; and, be it further

RESOLVED, That the following applicants be appointed to the Public Safety and Information Commission with terms to expire December 31, 2019:

   Catherine Holmes
   Erica Cotraccia
   Anthony Hayton
   Mark Spadolini

B. 1. Parks, Recreation, and Natural Resources Commission Chair - Resolution
RESOLVED, That Monika Roth be appointed as the chair for the Parks, Recreation, and Natural Resources commission with a term to expire December, 31, 2019.

2. Parks, Recreation, and Natural Resources Commission Members:
RESOLVED, That the following applicants be appointed to the Parks, Recreation, and Natural Resources Commission with terms to expire December 31, 2018:

   Daniel Hoffman
   Tyler Moeller
   Claire Concepcion
   Thomas Shelley

; and, be it further

RESOLVED, That the following applicants be appointed to the Parks, Recreation, and Natural Resources Commission with terms to expire December 31, 2019:

   Scott Freyburger
   Michelle Berry
   Ellen Leventry
   Beth Myers

C. 1. Community Life Commission Chair – Resolution
RESOLVED, That Davi Mozie be appointed as the chair for the Community Life Commission with a term to expire December 31, 2019.
2. **Community Life Commission Members – Resolution**

RESOLVED, That the following applicants be appointed to the Community Life Commission with a term to expire December 31, 2018:

- Caroline Byrne
- Melissa Hall
- Rusty Keeler
- Sara Warner

; and, be it further

RESOLVED, That the following applicants be appointed to the Community Life Commission with a term to expire December 31, 2019:

- Gibrian Hagood
- Sean Hillson
- Carlie McClinsey
- Jocelyn Scriber

D. 1. **Appointment of Mobility, Accessibility, and Transportation Commission Chair – Resolution**

RESOLVED, That Eric Lerner be appointed as the chair of the Mobility, Accessibility, and Transportation Commission with a term to expire December 31, 2019.

2. **Appointment of Mobility, Accessibility, and Transportation Commission Members – Resolution**

RESOLVED, That the following applicants be appointed to the Mobility, Accessibility, and Transportation Commission with terms to expire December 31, 2018:

- Sarah Brylinsky
- Theresa Lyczko
- William Reed
- Sarah Barden

; and, be it further

RESOLVED, That the following applicants be appointed to the Mobility, Accessibility, and Transportation Commission with terms to expire December 31, 2019:

- Hector Chang
- Megan Powers
- Larry Roberts
- Peter Parkes
RESOLVED, That the City of Ithaca's Common Council formally requests that Charter Communications not drop WSKG, our public TV station out of Binghamton, from our local basic cable; and, be it further

RESOLVED, That this resolution be forwarded to the New York State Public Service Commission, WSYR in Syracuse, WETM in Elmira, Nextar Broadcasting, Lilly Broadcasting, the Tompkins County Legislature, Assemblywoman Barbara Lifton, State Senator Tom O'Mara, Governor Andrew Cuomo, Congressman Tom Reed, and Senators Charles Schumer and Kirsten Gillibrand.
13. **INDIVIDUAL MEMBER – FILED RESOLUTIONS:**

13.1 **Alderson McGonigal – Request that Charter Communications Not discontinue WSKG TV From Its Basic Cable Service - Resolution**

WHEREAS, in February 2018 Charter Communications announced that, beginning in mid-March 2018, the “duplicate PBS station, WSKG” would no longer be available in the Candor, Cortland, Hamilton and Ithaca Channel line-ups, while the “In Market Station WCNY” would remain on basic service; and

WHEREAS, WSKG is, in fact, not a “duplicate” PBS television station, but rather is known for its singular local productions, offering more local programming than WCNY, and broadcasting many local award winning documentaries relating specifically to Ithaca and the Southern Tier and Finger Lakes Region; and

WHEREAS, just a few of these award winning documentaries produced and shown by WSKG include:

- Cornell, Birth of the American University
- Class of 1950
- Hurricane Agnes, 1972
- Racing at Watkins Glen

; and

WHEREAS, WSKG produces several local TV shows that feature Ithaca-area businesses, musicians and artists, such as “Brew Beats,” “Expressions,” and “Let's Polka!”; and

WHEREAS, WSKG, by law, cannot and does not charge for their programming and receives zero financial compensation from Charter Communications; and

WHEREAS, WSKG has approximately 2,300 members in Tompkins County who contribute to the station and should be able to watch it; and

WHEREAS, while Charter Communications has the legal right to limit the Ithaca area to one PBS TV station from its Designated Market Area, which is Syracuse, it can legally carry more than one PBS station; now, therefore, be it

RESOLVED, That the Common Council of the City of Ithaca hereby strongly requests that Charter Communications not discontinue WSKG TV from its basic cable service; and be it further

RESOLVED, That the Common Council of the City of Ithaca also requests that Charter Communications upgrade the signal of WSKG from standard definition to high definition; and be it further

RESOLVED, That a copy of this resolution be forwarded to the offices of Charter Communications, the New York State Public Service Commission, the offices of WSKG, the Tompkins County Legislature, Assemblywoman Barbara Lifton, State Senator Tom O’Mara, Governor Andrew Cuomo, Congressman Tom Reed, and Senators Charles Schumer and Kirsten Gillibrand.