



COMMON COUNCIL

AGENDA ITEMS

Date: 12-02-2020
 Time: 6:00 PM
 Location: [City of Ithaca Public Meetings YouTube Channel](#)

Item	Voting Item	Presenter(s)	Time Allotted
Call to Order	No	Mayor Svante L. Myrick	15 Mins
1.1 Additions to or Deletions from the Agenda			
1.2 Proclamations/Awards			
1.3 Special Presentations Before Council			
1.4 Reports of Municipal Officials			
2.1 Petitions and Hearings of Persons before Council	No	*Note: See instructions on how to participate on page 2 of the agenda.	45 Mins
2.2 Privilege of the Floor – Mayor and Council	No		
Consent Agenda Items			
3.1 Authorization to Cover Red Accounts	Yes	Common Council	5 Mins
3.2 Amendments to Personnel Rosters as Adopted in the 2021 Budget			
3.3 Amendment to Personnel Roster – Planning Department			
3.4 An Ordinance Amending Late Fees			
City Administration Committee Items			
4.1 East State/MLK Jr. Street Mill & Pave Project	Yes	Dir of Engineering Logue	10 Mins
4.2 A Local Law Amending Late Fees	Yes	City Chamberlain Wright	5 Mins
4.4 Approval of Bond Refunding	Yes	City Controller Thayer	10 Mins
4.5 Report of the City Controller	No	City Controller Thayer	10 Mins
Planning & Economic Development Committee Items			
5.1 An Ordinance to Amend Chapter 157 of the City of Ithaca Municipal Code, entitled “Commons” To Allow for Leashed Dogs on the Primary Commons	Yes	City Planner Kusznr	20 Mins
Mayor’s Appointments			
6.1 Recommendation to the TCAT Board of Directors	Yes	Mayor Myrick	5 Mins
6.2 Re-appointment to the Examining Board of Electricians			
6.3 Re-appointment to the Board of Appeals on Building Code			
6.4 Re-appointment to the Housing Board of Review			
6.5 Appointments to the Board of Zoning Appeals			
6.6 Appointments to the Planning & Development Board			

Item	Voting Item	Presenter(s)	Time Allotted
Reports from Council and Staff			
8.1 Reports of Special Committees	No	Common Council	15 Mins
8.2 Reports of Common Council Liaisons		Staff	
8.3 Report of City Clerk			
8.4 Report of City Attorney			
Meeting Wrap-Up			
9.1 Approval of Minutes	No	Common Council	5 Mins
9.2 Adjournment	No		

How to Participate in Public Comment Virtually

You are welcome to participate in the public comment portion of the meeting in one of the following ways:

Email Common Council Through the Agenda Link

Written comments can be submitted to Common Council using this form: [Common Council Public Comment Form](#). Comments should be submitted no later than 5:00 pm on the day of the meeting. These comments will not be read into the record but will be included as an attachment to the meeting minutes. Any comments received after 5:00 pm will be saved for the next meeting.

Register to Speak at a Meeting Via Zoom

At 9:00 am on the day of the Common Council meeting, a link will be opened on the [Common Council webpage](#) to register for speaking at the beginning of the Zoom meeting. Up to 40 people can register to speak and the first hour of the meeting will be dedicated to public speaking. Registration will close at 3:00 pm in order to allow time to calculate how long each person will be allowed to speak. If you register, you will be emailed the Zoom link later that day. Use that link to sign in and enter the Zoom waiting room. You will be moved into the meeting for your allotted time in the order that you were registered to speak. You must be present in the waiting room when it is your turn to speak or you will forfeit your time. You can use video or telephone to participate.

Get Creative: Send us a Social Media Link

Send us a social media video with your thoughts and ideas. You can send it in using the public comment link found on each agenda and then the URL to your video will also be included in the public record.

Questions about the meeting protocol can be forwarded to City Clerk Julie Conley Holcomb at (607) 274-6570 or jholcomb@cityofithaca.org in advance of the meeting.

CONSENT AGENDA:
CITY ADMINISTRATION COMMITTEE:
3.1 Finance – Authorization to Cover Red Accounts

RESOLVED, That the City Controller be empowered to make transfers within the 2020 Budget appropriations, as needed, for the remainder of the 2020 Fiscal Year.

3.2 Human Resources – Amendments to Personnel Rosters as Adopted in the 2021 Budget

WHEREAS, Common Council adopted the 2021 budget on November 4, 2020, and

WHEREAS, several position changes were incorporated in the 2021 budget; now, therefore, be it

RESOLVED, That the Personnel Rosters of the departments specified below be amended as follows:

DPW:

Abolish: One (1) Executive Assistant
One (1) Manager of Fiscal Operations

Controller's Office:

Decrease: One (1) Deputy Controller from 35 hours/week to 20 hours/week

GIAC:

Decrease: One (1) Administrative Coordinator from 37.5 hours/week to 30 hours/week

One (1) GIAC Program Assistant from 35 hours/week to 30 hours/week

One (1) GIAC Program Coordinator from 40 hours/week to 35 hours/week

Human Resources:

Decrease: One (1) Manager of Organizational Development from 40 hours/week to 32 hours/week

Mayor's Office:

Decrease: One (1) Executive Assistant to the Mayor from 40 hours/week to 32 hours/week

Youth Bureau:

Decrease: One (1) Recreation Program Coordinator from 40 hours/week to 35 hours/week

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 the Administrative Coordinator and GIAC Program Assistant positions at GIAC shall be established at six (6) hours per day (thirty (30) hours per week), 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 the Manager of Organizational Development position shall be established at six and four tenths (6.4) hours per day (thirty-two (32) hours per week), 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 the Executive Assistant to the Mayor position shall be established at six and four tenths (6.4) hours per day (thirty-two (32) hours per week).

3.3 Amendment to Personnel Roster – Planning Department

WHEREAS, the Planning Division wishes to create the position of Environmental Landscape Planner, and

WHEREAS, since a Senior Planner was promoted to Deputy Director of Planning in 2017, the position of Environmental Landscape Planner will replace an entry level Planner position that the Division has had difficulty filling and/or retaining, and

WHEREAS, the position of Environmental Landscape Planner has a higher required level of knowledge, expertise and experience than an entry level Planner and is more suitable to the duties and responsibilities needed by the Planning Division, and

WHEREAS, this position is urgently needed to assist with Planning Board and other functions that continue to be carried out in the interim by the Deputy Director of Planning, a situation that is unsustainable due to the unprecedented amount of development as well as transitions/successions within the Department and Division, and

WHEREAS, the position will play a primary role in managing the aesthetic, technical and environmental review of development projects and developing programs and processes to implement the City's long-range goals and objectives relating to land use, sustainability, and the protection and management of the natural and built environment, and

WHEREAS, the position will also provide guidance and staff support to the Planning and Development Board, Common Council and other decision-making bodies, and develop and implement environmental and sustainability programs and projects related to planning and development; now, therefore, be it

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

Add: One (1) Environmental and Landscape Planner (40 hours)

and, be it further

RESOLVED, That the position of Environmental and Landscape Planner shall be assigned to the CSEA Administrative Unit Compensation Plan at salary grade 16, 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 the Environmental and Landscape Planner shall be established at eight (8) hours per day (forty (40) hours per week), and, be it further

RESOLVED, That the above changes shall be funded as described in the 2021 City Budget, adopted by Common Council on November 4, 2020.

3.4 An Ordinance to Amend the City Code Regarding the Assessment of Late Fee Penalties

WHEREAS, in many sections of the City Code, the late fee structure specifies adding interest in the amount of 12% per annum or a \$3.00 per month charge, whichever is greater, and

WHEREAS, this late fee structure is in City Code provisions implemented by ordinance or local law, and amendment requires both an ordinance and a local law, and

WHEREAS, the City's Finance Department now uses Munis software, and due to the new software limitations only one late fee structure can be imposed, and

WHEREAS, the City Chamberlain's office has determined that in most cases it is more beneficial for the City to impose the 12% per annum interest late fee; now, therefore

Ordinance No. 2020-__

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

Section 1. Findings of Fact.

The Common Council makes the following findings of fact:

1. The City's financial software, Munis, is limited in its ability to apply multiple fee structures to late fee payments.
2. In many sections of the City Code, Common Council has authorized imposition of the greater of 12% per annum interest or \$3.00 per month charge for late payments.
3. In most cases, imposition of 12% per annum is more beneficial to the City.

Section 2. Code Amendments

(1) Add a new Section 4-20 entitled "Late Fees" as follows:

§ 4-20 Interest for Late Payment.

In the absence of a higher interest or late fee payment set forth in this Code, the Chamberlain is authorized to assess interest in the amount of 12% per annum for any fee, bill, tax or assessment which has not been paid within 30 days from the billing date, or other period established for the particular fee, bill, tax or assessment.

(2) Amend Section 210-43 as follows, with the remainder of the Section unchanged:

G. Upon the issuance of a certificate of compliance or when the accumulated fee pursuant to Subsection F is \$300 or more, the property owner shall be billed for services rendered at the rates established pursuant to Subsection F. This fee shall be paid to the City Chamberlain within 30 days of the billing date. If the required fee is not paid within 30 days of the billing date, the City Chamberlain shall enter the same as a lien against the premises as provided in § C-54 of the Charter of the City of Ithaca. The Chamberlain shall add the same to the next assessment roll of general City taxes and shall collect and enforce the assessment in the same manner and by the same proceedings, at the same time and with the same penalties as the general City tax and as a part thereof, except that, in addition to the penalties provided for in the aforementioned provisions, interest shall accrue from the date of billing to the date of actual payment at 12% per annum or \$3 per month, whichever is greater.

(3) Amend Section 285-4 as follows:

Upon the failure of the owner of such property to clear any such sidewalk or access ramp within 24 hours of when the obstruction initially occurs, the sidewalks and/or access ramps may be cleared by employees or agents of the city at the expense of the property owner. In such event, the property owner will be charged the actual out-of-pocket cost to the city of such work plus an additional 50% for overhead and administration charges. Such charge shall be paid to the city within 30 days from the date the bill is sent to the owner. Bills remaining unpaid after such thirty-day period shall accrue a late penalty of 12% per annum from the date of the bill or \$3 per month, whichever amount is greater.

(4) Amend Section 325-37 as follows with the remainder of the Section unchanged:

D. Collection of fees. Upon the issuance of a zoning compliance approval, the property owner shall be billed for services rendered at the rates established pursuant to Subsection C. This fee shall be paid to the City Chamberlain within 30 days of the billing date. If the required fee is not paid within 30 days of the billing date, the City Chamberlain shall enter the same as a lien against the premises as provided in § C-54 of the Charter of the City of Ithaca. The Chamberlain shall add the same to the next assessment roll of general City taxes and shall collect and enforce the assessment in the same manner and by the same proceedings, at the same time and with the same penalties as the general City tax and as a part thereof, except that, in addition to the penalties provided for in the aforementioned provisions, interest shall accrue from the date of billing to the date of actual payment at 12% per annum or \$3 per month, whichever is greater.

Section 3. Severability Clause.

Severability is intended throughout and within the provisions of this Ordinance. 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 5. Effective Date.

This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.

CITY ADMINISTRATION COMMITTEE:
4.1 East State/MLK Jr. Street Mill & Pave Project

A resolution authorizing implementation and funding in the first instance 100% of the federal aid-eligible costs and State "Marchiselli" program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the State St (Rt 79) Mill and Pave, P.I.N. 375620 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the City of Ithaca desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering/Design; and

WHEREAS, preliminary engineering and design are exempt from further environmental review as Type II actions, now, therefore, the Common Council, duly convened does hereby

RESOLVE, That the Common Council hereby approves the above-subject project, subject to further environmental review of construction; and it is hereby further

RESOLVED, That the Common Council hereby authorizes the City of Ithaca to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering/Design work for the Project or portions thereof, and it is further

RESOLVED, That the sum of \$300,000 is hereby appropriated from the issuance of serial bonds and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, That Common Council hereby creates Capital Project # _____, East State/MLK Jr. Street Mill & Pave, to include the Project costs of \$300,000, and it is further

RESOLVED, That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Ithaca shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and it is further

RESOLVED, That the Mayor of the City of Ithaca be and is hereby authorized to execute all necessary Agreements, and the Superintendent of Public Works is hereby authorized to execute all necessary certifications or reimbursement requests for Federal Aid on behalf of the City of Ithaca with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, That this project be undertaken with the understanding that the final cost of the Project to the City of Ithaca will be roughly 20% of said portion, currently estimated at \$60,000 of the \$300,000 authorized for this portion of the project, in monies and in-kind services as managed by the Superintendent of Public Works and monitored by the City Controller, and it is further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and, be it further

RESOLVED, This Resolution shall take effect immediately.

4.2 A Local Law Entitled “Amendment of the City Code Late Fee Penalties”

WHEREAS, in many sections of the City Code, the late fee structure specifies adding interest in the amount of 12% per annum or a \$3.00 per month charge, whichever is greater, and

WHEREAS, this late fee structure is in City Code provisions implemented by ordinance or local law, and amendment requires both an ordinance and a local law, and

WHEREAS, the City’s Finance Department now uses Munis software, and due to the new software limitations only one late fee can be imposed, and

WHEREAS, the City Chamberlain’s office has determined that in most cases it is more beneficial for the City to impose the 12% per annum interest late fee, and

WHEREAS, amendment of the City Charter and certain provisions of City Code must be accomplished by local law and others by the accompanying ordinance; now, therefore

Local Law No. 2020 -

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

Section 1. Legislative Findings, Intent, and Purpose.

The Common Council makes the following findings of fact:

1. The City’s financial software, Munis, is limited in its ability to apply multiple fee structures to late fee payments.
2. In many sections of the City Code, Common Council has authorized imposition of the greater of 12% per annum interest or \$3.00 per month charge for late payments.
3. In most cases, imposition of 12% per annum is more beneficial to the City.

Based upon the above findings, the intent and purpose of this Local Law is to amend the Charter and City Code to set the City’s late fee structure at 12% per annum.

Section 2. Charter Amendments.

Subsection C-73.1 (E) is amended as follows with the remainder of the section unchanged:

(1) The determination of cost, apportionment and assessment of any sidewalk improvement carried out pursuant to Subsection C or D herein shall be governed by the provisions relating to improvement assessments (in § C-89 of the Charter), except that the entire cost thereof shall be deemed to benefit the adjoining owners.

(2) Any expense incurred by the City pursuant to the provisions of this section shall be billed to the property owner, together with an overhead fee of 25%. The bill shall be payable to the City Chamberlain within 30 days of the billing date or, upon written request to the City Chamberlain within 30 days of the billing date, shall be payable in no more than five annual installments. If any bill or annual installment is not paid by November 1 of each year, the City Chamberlain shall enter the same as a lien against the premises as provided in § C-54 of the Charter of the City of Ithaca. The Chamberlain shall add the same to the next assessment roll of general City taxes and shall collect and enforce the assessment in the same manner and by the same

proceedings, at the same time and with the same penalties as the general City tax and as a part thereof, except that, in addition to the penalties provided for in the aforementioned provisions, interest shall accrue on any unpaid balance from the date of billing to the date of actual payment at 12% per annum or \$3 per month, whichever is greater.

Section 3. Code Amendments.

Subsection 348-49 (K) is amended as follows with the remainder of the section unchanged:

K. The cost for the installation of water service lines and or sewer laterals shall be billed to the owner of the property, and bills shall be issued and penalties assessed in accordance with § C-54 of the Ithaca City Charter, except that the penalty for bills not paid within 30 days shall be the greater of 12% per annum or \$3 per month. If the service lines or laterals are installed at the request of someone other than the property owner, or if the property is not within the City of Ithaca, a deposit sufficient to cover the estimated cost of the installation shall be collected prior to commencement of the work.

Section 4. 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 5. Effective Date.

This Local Law shall take effect upon the filing of the Local Law in the office of the Secretary of State.

4.4 REFUNDING BOND RESOLUTION DATED DECEMBER 2, 2020.
A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE CITY OF ITHACA, TOMPKINS COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the City of Ithaca, Tompkins County, New York (hereinafter, the “City”) heretofore issued \$3,044,137 Public Improvement (Serial) Bonds, 2013 Series C, dated August 1, 2013, pursuant to duly authorized bond resolutions authorizing said serial bonds for certain City purposes, and a bond determinations certificate of the City Controller (hereinafter referred to as the “Refunded Bond Certificate”), such Public Improvement (Serial) Bonds, 2013 Series C, now outstanding in the amount of \$2,315,000, maturing on August 1 annually in each of the years 2021 to 2035, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the \$2,195,000 outstanding principal balance of said bonds maturing in the years 2022 to 2035, both inclusive (the “Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Common Council of the City of Ithaca, Tompkins County, New York, as follows:

Section 1. For the object or purpose of refunding the \$2,195,000 outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium payable on the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$2,300,000 refunding serial bonds of the City pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the “City Refunding Bonds” or the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$2,045,000, as provided in Section 4 hereof. The City Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-21 (or R with the last two digits of the year in which the

Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Controller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Controller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Controller.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book Entry Only system of DTC. In the event that either DTC shall discontinue the Book Entry Only system or the City shall terminate its participation in such Book Entry Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book Entry Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Controller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Controller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Controller, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non certificated form; provided, however, that the City Controller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds.

The City Controller is hereby further delegated all powers of this Common Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Controller, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Controller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the objects or purposes financed by the Refunded Bonds, pursuant to paragraph a of Section 11.00 of the Local Finance Law, is as described in Exhibit A attached hereto and hereby made a part hereof;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the

Local Finance Law and subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law, as applicable;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$2,045,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This Common Council recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The City Controller is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Controller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law as applicable. The City Controller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Controller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Controller shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Ithaca, Tompkins County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the

taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call in and redeem each of the Refunded Bonds which the City Controller shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public competitive sale or at private sale to Roosevelt & Cross Inc. (the "Underwriter") for purchase prices to be determined by the City Controller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the City Controller, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter if sold at private sale. After the Refunding Bonds have

been duly executed, they shall be delivered by the City Controller to the purchaser or to the underwriter in accordance with said purchase contract upon the receipt by the City of said the purchase price, including accrued interest.

Section 11. The City Controller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Controller and all powers in connection thereof are hereby delegated to the City Controller. The City Controller shall be further authorized to issue said Refunding Bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law as said officer shall determine necessary.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: December 2, 2020.

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE ITEMS:

5.1 An Ordinance to Amend Chapter 157 of the City of Ithaca Municipal Code, Entitled “Commons” To Allow for Leashed Dogs on the Primary Commons

WHEREAS, Chapter 164-Article II of the City of Ithaca Code, “Dogs and Other Animals”, states that in all areas of the City it is illegal for dogs to not be restrained by an adequate collar and leash when not on private property, and

WHEREAS, Chapter 157, “Commons”, further states that on the primary Commons no animals are permitted without a special permit, with the exception of service animals providing assistance to people with special needs and police working dogs, and

WHEREAS, because the primary Commons is the only place in the City of Ithaca where dogs are not permitted, many people are not aware of this rule and bring their dogs onto the Commons, and

WHEREAS, this inconsistency with the rest of the City creates confusion among dog owners visiting the downtown area and makes it difficult to enforce any rules regarding dogs; now, therefore

ORDINANCE NO. 2020 -

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 157 of the City of Ithaca Municipal Code, entitled “Commons”, is hereby amended as follows:

Section 1. Chapter 157, Section 157-15A, be amended to read as follows:

§ 157-15. Dogs and other animals.

A. No animals are allowed on the Primary Commons except by special permit. This provision does not apply to leashed dogs, as allowed by Chapter 164-Article II-“Dogs”, and any service animals providing assistance to people with special needs and police working dogs. All dogs on the Commons are subject to the following rules:

1. Dogs will be leashed at all times.
2. Dogs will be limited to no more than two per person.
3. Hand- held leashes will be no longer than 6 feet.
4. Tethering a dog to a stationary object will not be permitted.
5. No person will allow a dog in his or her custody to defecate or urinate on the Primary or Secondary Commons without immediately removing said waste.
6. Dogs may not enter any planter for any reason at any time.

Section 2. Chapter 157, of the City Code is hereby amended to delete Sections 157B-15E.

Section 3. Severability. 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 portion.

Section 4. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.



CITY OF ITHACA
108 E. Green St. — Third Floor Ithaca, NY 14850-5690
DEPARTMENT OF PLANNING AND DEVELOPMENT
JoAnn Cornish, Director
Planning & Development – 607-274-6550
E-Mail: dgrunder@cityofithaca.org

Community Development/IURA – 607-274-6565

To: Common Council
FROM: Jennifer Kuszniir, Economic Development Planner
DATE: November 23, 2020
RE: **Proposal to Allow Leashed Dogs on the Commons**

The purpose of this memo is to provide information regarding a proposal to allow leashed dogs on the Commons.

Currently, there are only two locations within the City that do not allow dogs, the Ithaca Commons and Fuertes Bird Sanctuary. All other areas in the City are subject to Chapter 164 of the City of Ithaca Code, “Dogs and Other Animals”, which outlines the rules for owning dogs within the boundaries of the City. The Code states that in all areas of the City it is illegal for dogs to not be restrained by an adequate collar and leash when not on private property.

In September, the Downtown Ithaca Alliance passed a resolution requesting that the City amend the Commons ordinance regarding dogs to mirror the existing rules in other parts of the City. In order to support the City in this change the Downtown Ithaca Alliance has agreed to purchase dog waste bag stations for the Commons entrances.

Staff from the Downtown Ithaca Alliance, the City Planning and Police Departments, and the Common’s Outreach Worker meet regularly to discuss Common’s related concerns. Issues surrounding dogs on the Commons have been an ongoing topic of conversation. There are currently many dogs on the Commons, both leashed and unleashed and staff receive complaints regularly about unleashed dogs. However, given that the primary Commons is one of only two places in the City of Ithaca where dogs are not permitted, many people are not aware of this rule. This disconnect with the rest of the City creates confusion among dog owners visiting the downtown area and makes it difficult to enforce any rules regarding dogs. Staff recommends amending the City code to permit leashed dogs on the Commons.

Enclosed for your consideration is a draft ordinance that would amend the City Code to allow for dogs on leash to be on the Commons. When this proposal was discussed at the Planning Committee, they added rules for bringing regarding dogs on the Commons and removed language from the existing code that pertained to permits for dogs. All of these changes are underlined in the enclosed ordinance. If you have any concerns or questions regarding this information, feel free to contact me at 274-6410.

MAYOR'S APPOINTMENTS:

6.1 Recommendation to Tompkins Consolidated Area Transit Board

RESOLVED, That Common Council recommends that Ducson Nguyen be elected as a director of the Tompkins Consolidated Area Transit Board with a term to expire December 31, 2023.

6.2 Re-appointment to the Examining Board of Electricians

RESOLVED, That Robert Sparks be re-appointed to the Examining Board of Electricians with a term to expire December 31, 2022.

6.3 Re-appointment to the Board of Appeals on Building Code

RESOLVED, That Brian Grout be re-appointed to the Board of Appeals on Building Code with a term to expire December 31, 2022.

6.4 Re-appointment to the Housing Board of Review

RESOLVED, That Brian Grout be re-appointed to the Housing Board of Review with a term to expire December 31, 2023.

6.5 Appointments to the Board of Zoning Appeals

RESOLVED, That David Barken be appointed to the Board of Zoning Appeals to replace Steven Beer, with a term to expire December 31, 2021, and, be it further

RESOLVED, That Stephen Henderson be appointed to the Board of Zoning Appeals to replace Steven Wolf, with a term to expire December 31, 2022, and, be it further

RESOLVED, That Suzanne Charles be reappointed to the Board of Zoning Appeals with a term to expire December 31, 2023.

6.6 Appointments to the Planning & Development Board

RESOLVED, That Stephanie Egan-Engles be appointed as an Alternate to the Planning and Development Board effective immediately, with a term to expire December 31, 2022, and, be it further

RESOLVED, That Emily Petrina be re-appointed to the Planning and Development Board with a term to expire December 31, 2022, and, be it further

RESOLVED, That Mitch Glass be re-appointed to the Planning and Development Board with a term to expire December 31, 2023.