# AGENDA ITEMS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Voting?</th>
<th>Presenter(s)</th>
<th>Time Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Call to Order/Agenda Review</td>
<td>No</td>
<td>Mayor Myrick</td>
<td></td>
</tr>
<tr>
<td>2. Mayor's Communications</td>
<td>No</td>
<td>Mayor Myrick</td>
<td></td>
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<tr>
<td>3. Communications and Hearings from Persons Before the Board</td>
<td>No</td>
<td>Public</td>
<td>5 min.</td>
</tr>
<tr>
<td>4. Response to the Public</td>
<td>No</td>
<td>Commissioners</td>
<td></td>
</tr>
<tr>
<td>5. Reports</td>
<td>No</td>
<td>Various</td>
<td>15 min.</td>
</tr>
<tr>
<td>A. Special Committees of the Board</td>
<td></td>
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<tr>
<td>B. Council Liaison</td>
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<tr>
<td>C. Board Liaisons</td>
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<tr>
<td>D. Superintendent and Staff</td>
<td></td>
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<tr>
<td>6. New Presentations</td>
<td></td>
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<tr>
<td>7. Administration &amp; Communications</td>
<td>Yes</td>
<td>Mayor Myrick</td>
<td>5 min.</td>
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<tr>
<td>A. Minutes for Approval</td>
<td></td>
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<td>1. August 2018</td>
<td></td>
<td></td>
<td></td>
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<td>2. September 2018</td>
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<tr>
<td>B. Resolution to Repeal DPW Drug and Alcohol Testing Policy Statement</td>
<td>Yes</td>
<td>Supt. Thorne</td>
<td>10 min.</td>
</tr>
<tr>
<td><em>The Superintendent would like to repeal the policy that was enacted in 2002 and prepare a new policy that contain different penalties for employees that test positive for drugs.</em></td>
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<tr>
<td>A. Resolution to Authorize Execution of a License Agreement for Installation and Maintenance of TCAT Bus Shelters within the City Right of Way</td>
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<tr>
<td><em>TCAT wants to install new bus shelters along their bus routes. The shelters would be constructed in the City’s right of way. They are requesting a revocable license agreement for the installation and maintenance of those shelters.</em></td>
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<tr>
<td>A. Vision Zero Initiative</td>
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<tr>
<td><em>A request for the city to official adopt a “Vision Zero“ strategy for the city’s roadway network will be sent to Common Council. This discussion is for the Board’s information and discussion.</em></td>
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<tr>
<td>B. City Speed Limit Change</td>
<td>No</td>
<td>Dir. of Eng. Logue</td>
<td>15 min.</td>
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<tr>
<td><em>After extensive evaluation, staff is recommending a change to the speed limit with the City.</em></td>
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<td>C. 2019 Traffic Calming Program Recommendations</td>
<td>No</td>
<td>Dir. of Eng. Logue</td>
<td>10 min.</td>
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<tr>
<td><em>This is an update on the Traffic Calming Program.</em></td>
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<td>10. Parking &amp; Traffic</td>
<td>No</td>
<td>Dir. of Parking</td>
<td>15 min.</td>
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<tr>
<td>A. 304 Mitchell Street Request for Residential Parking Permits</td>
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<td>Messmer</td>
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<tr>
<td><em>Information was gathered and is presented to explain the history of RPPS for this address and</em></td>
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The Board of Public Works meets on the second and fourth Mondays at 4:45 p.m. All meetings are voting meetings, opening with a public comment period. Meeting agendas are created from prior public input, Department operating, planning issues, and requests made to the Superintendent. The Board reserves the right to limit verbal comments to three minutes and to request written comments on lengthy or complex issues. This information may then be used to create committee agendas, with the speaker or author invited to attend.
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<tr>
<td>B. Resolution to Add a Handicap Parking Sign located at 126 Farm Street</td>
<td>Yes</td>
<td>Dir. of Parking Messmer</td>
<td>5 min</td>
</tr>
<tr>
<td><em>The City received a request for an additional Accessible Parking Space on Farm Street.</em></td>
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<tr>
<td>C. Resolution to Add a 15 minute Parking Zone in Front of CFCU Community Credit Union on Esty Street</td>
<td>Yes</td>
<td>5 min.</td>
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<tr>
<td><em>The City would like to change the parking regulations on Esty Street to allow for 15 minute parking adjacent to CFCU Community Credit Union.</em></td>
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<tr>
<td>D. Resolution to Establish No Parking Anytime on Both Sides of the Full Length of Pier Road</td>
<td>Yes</td>
<td>10 min.</td>
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<tr>
<td><em>City staff is requesting that parking be prohibited along Pier Road.</em></td>
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<tr>
<td>E. Resolution to Establish 15 minute Parking on the North Side of East Court Street Adjacent to Temple Beth El</td>
<td>Yes</td>
<td>5 min.</td>
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<tr>
<td><em>The City would like to modify the parking regulations on Court Street near Temple Beth El to 15 minute parking.</em></td>
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11. **Creeks, Bridges & Parks**

   A. Resolution Accepting Title to Portions of Brindley and Taber Streets and Assuming Maintenance Responsibility

   *A resolution is required stating that the City accepts the property for the Brindley Street Bridge Project and agrees to maintain the same.*

<table>
<thead>
<tr>
<th>A. Authorization for Mayor to Execute a Memorandum of Understanding (&quot;MOU&quot;) with the Town of Ithaca to Permit the Town to Use the Route 13 Pedestrian Bridge for the Gateway Trail - Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>The Town of Ithaca is moving forward with the Gateway Trail and would like to enter into an MOU with the City for use of the pedestrian bridge that crosses Route 13.</em></td>
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</table>

12. **Water & Sewer**

   A. Denial of Appeal of Water Service Installation Billing for 926, 930, 936 Hector Street – Resolution

   *A resolution denying the appeal is provided per the Board’s discussion in January 2019.*

13. **New Business**

    No

14. **Adjournment**

    Yes

**Date:** February 13, 2019
7B. **Resolution to Repeal DPW Drug and Alcohol Testing Policy Statement**

WHEREAS, the City of Ithaca Department of Public Works has a Policy Statement for Drug and Alcohol Testing, adopted by the Board of Public Works on December 11, 2002, which follows US Department of Transportation regulation 49 CFR Part 40 for employees who are required to hold Commercial Drivers Licenses, but which also imposes additional penalties on DPW employees who have positive test results, and

WHEREAS, the additional penalties imposed by the DPW policy statement have the potential to penalize the Department of Public Works and the City of Ithaca as well, by placing the employee who tests positive on unpaid leave for an undefined period of time (typically 1 to 2 months), thereby leaving the DPW workforce shorthanded, and

WHEREAS, the Superintendent of Public Works, in consultation with Human Resources and the City Attorney's office, is desirous of developing new penalties for employees who test positive on random drug tests, and which such process shall be consistent with USDOT 49 CFR Part 40 and the Tompkins County Consortium Drug and Alcohol Testing Program Policy, the latter of which was adopted by the City of Ithaca in 2010, and

WHEREAS, adoption of a new DPW policy, implemented and modified as needed from time to time by the Superintendent of Public Works, requires the repeal of the current policy, therefore be it

**RESOLVED**, That the City of Ithaca, Department of Public Works Omnibus Drug and Alcohol Testing Policy Statement adopted by the Board of Public Works on December 11, 2002 is hereby repealed, and be it further

**RESOLVED**, That the Superintendent of Public Works shall adopt a new and similar policy and, in consultation with Human Resources and the City Attorney’s office, will develop new penalties thereunder for employees who are required to participate and subsequently fail random drug and alcohol tests.
8A. **Resolution to Authorize Execution of a License Agreement for Installation and Maintenance of TCAT Bus Shelters within the City Right of Way**

WHEREAS, Tompkins Consolidated Area Transit, Inc. (TCAT), a not-for-profit corporation, has received funding to install certain bus shelters within the City of Ithaca; and

WHEREAS, the current proposed site to utilize an existing concrete pad, installed by the City, and within the City's right of way east of the Salvation Army building, located at 150 North Albany Street; and

WHEREAS, the installation and maintenance of bus shelters provides a benefit to City residents; and

WHEREAS, the Superintendent does not anticipate any conflicts in the near future with public works uses or needs, due to the existing use of City owned property at this location; and now, therefore, be it

RESOLVED, That the Board of Public Works authorizes the Mayor, upon the advice and counsel of the City Attorney, to enter into a revocable license agreement with TCAT for installation of the above-referenced bus shelter.
Proposed Shelter Location at Albany @ Salvation Army

Location of 5' x 15' shelter

New Cement Pad installed by City contractor
Proposed Shelter Location at Third @ Hancock
(all cement work and shelter is on private property and out of the City ROW)
Proposed Shelter Location at State (MLK) @ Meadow
Shelter style to be used at 3rd @ Hancock
FRONT ELEVATION

84 1/8" CLEAR HEIGHT

SIDE ELEVATION

6" FASCIA

111 1/2" O.D.

25 3/4" TYP.

1 3/8" TYP.

2 1/2" TYP.

109 3/8" OPEN

PLAN VIEW

BENCH W/ BACKREST

QUANTITY (xx) SHELTERS THUS

SPECIFICATIONS:
- POWDER COATED ALUMINUM STRUCTURE W/ANTI GRAFFITI COATING (RAL T.B.D.)
- 1/4" CLEAR TEMPERED SAFETY GLASS
- WHITE FLAT PAN ROOF WITH FASCIA/GUTTER SYSTEM
- FULL LENGTH ALUMINUM BENCH W/BACKREST
- 11" X 17" POST MOUNTED SCHEDULE HOLDER
- ROOF MOUNTED SOLAR LIGHTING PACKAGE

BRASCO INTERNATIONAL, INC.
32400 INDUSTRIAL DRIVE
MADISON HEIGHTS, MICHIGAN 48071
1-800-893-3665 WWW.BRASCO.COM

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© SIGNED:______________________ DATE:______________________
LICENSE AGREEMENT—TRANSIT FACILITIES

This License Agreement, effective as of ______________, is by and between Tompkins Consolidated Area Transit, Inc., with offices at 737 Willow Avenue, Ithaca, NY 14850 ("TCAT"), and ________________, with an address of/offices at __________________________ ("Licensor").

TCAT and Licensor agree as follows:

1. Licensor grants to TCAT a revocable license to erect, place, replace, maintain, repair, and inspect a bus shelter, public transit signs, and related facilities (collectively referred to as "Transit Facilities") within the License Area (described below) on Licensor’s property (the "Property") located at ________________, together with the rights of free ingress and egress in, over, across, upon and under the License Area. The license includes the right of the public to use the Transit Facilities and to have ingress and egress rights over and across the License Area to wait for, board and exit from public transit buses. The License Area and Transit Facilities’ locations, dimensions, and methods of installation are shown and described in attached Exhibit A, which Exhibit is incorporated by reference into this License Agreement. The parties may amend Exhibit A from time to time by a written document signed by both parties.

2. Licensor agrees that no buildings, structures, trees or plants shall be constructed, installed, placed or maintained within the License Area that interfere with complete access to or the use of the License Area by TCAT, its successors, assigns, employees or agents, or the public, as described herein.

3. Licensor agrees it will not engage in any conduct, directly or indirectly, that blocks, obstructs, or interferes with the rights as described herein of TCAT, its successors, assigns, employees or agents, or the public.

4. Except as otherwise set forth in this paragraph, TCAT shall be responsible for all expenditures of labor and materials and other expenses to erect, place, replace, maintain, repair, and inspect the Transit Facilities, as well as for all labor or other expenses to relocate or dismantle them. All Transit Facilities are and shall remain the property of TCAT. Licensor shall be responsible for the following: List labor and materials furnished by the property owner here ________________.

5. Licensor or: TCAT shall be responsible for the cutting or trimming of any vegetation within the License Area, the removal of trash from trash receptacles and litter from the License Area, and cleaning the Transit Facilities.

6. Licensor or: TCAT shall be responsible for the removal of snow and ice from the License Area.

7. TCAT is responsible for obtaining any applicable site plan or other zoning approvals for the Transit Facilities. If any portion of the Transit Facilities will be within any part of the New York State, Tompkins County or municipal right-of-way, TCAT is responsible for obtaining and complying with all required New York State Department of Transportation, Tompkins County Highway, or municipal highway permits associated with the placement of the Transit Facilities within the right-of-way.

8. If a Transit Facility poses a hazard to Licensor’s operations or the public, Licensor may direct TCAT by written notice to remove or repair the Transit Facility. TCAT shall do so as soon as feasible. If Licensor determines in its sole discretion that the hazard must be addressed by immediate action, Licensor may remove the Transit Facility without prior notice to TCAT and thereafter notify TCAT that it
took such emergency action. TCAT shall reimburse Licensor for its reasonable removal costs within fifteen (15) days of receipt of Licensor’s documentation of costs.

9. The license shall remain in effect unless and until this License Agreement terminates. Either party may terminate this License Agreement upon sixty (60) days advance written notice to the other party. In addition, this License Agreement will automatically terminate if TCAT removes all Transit Facilities from the License Area and does not install any Transit Facilities within the following sixty (60) day period.

10. If the License Agreement is terminated, TCAT must remove all Transit Facilities by the termination date. Upon permanent removal of a Transit Facility from a location (regardless of whether the License Agreement is terminated), TCAT shall restore the grade and original ground cover that were disturbed by the Transit Facility’s installation (if applicable), unless Licensor agrees in writing to accept a different property condition.

11. Licensor is not charging TCAT a fee for the license, as the parties agree that TCAT provides a valuable benefit to Licensor by transporting customers/residents on buses to the Property, and the Transit Facilities will make it easier for Licensor’s customers/residents to take TCAT’s buses to and from the Property.

12. Throughout the term of this License Agreement, TCAT shall maintain General Liability insurance in the amount of $1,000,000.00 per occurrence for bodily injury or property damage, list the Licensor as an additional insured under said insurance policy, and provide written proof of such insurance from the insurer, prior to the effective date of this License Agreement, and thereafter as required by Licensor.

13. This License Agreement is binding upon the parties, their respective representatives, and successors and assigns.

14. This License Agreement is made in New York, and it shall be construed under the laws of the State of New York without regard to, or the application of, New York State’s choice of law provisions. Both parties consent that if any action is brought to enforce this License Agreement, it shall be brought only in an appropriate court in Tompkins County, New York, and both parties consent to the jurisdiction of such court.

15. Any notices or other communications given under or in relation to this License Agreement shall be deemed given if served personally or by commercial courier service upon the other party at the address set forth above, or if mailed by certified mail to the other party at the address set forth above, return receipt requested. All notices shall be effective upon the date of receipt. Either party may change the address to which notices are sent by giving notice of such change in the manner set forth above to the other party.

16. This License Agreement constitutes the entire agreement between the parties and supersedes any and all prior written or oral agreements, negotiations or understandings, existing between the parties. This License Agreement may be amended only by a written document signed by each party.

The parties have executed this License Agreement on the day(s) and year written below.
TOMPKINS CONSOLIDATED
AREA TRANSIT, INC.

By: __________________________
    [name]
    General Manager

Date: _________________________

[LICENSOR'S NAME]

By: __________________________
    [name]
    [title]

Date: _________________________
To: Common Council  
From: Eric Hathaway, Transportation Engineer  
Date: 2/13/2019  
Re: Vision Zero Initiative

I am writing to request that Common Council consider adopting the attached resolution and officially embrace a “Vision Zero” strategy for the City’s roadway network. Vision Zero is a methodology to eliminate traffic fatalities and severe injuries occurring on the roadway network. Vision Zero is a non-traditional approach to safety that requires a shift in how communities approach decisions, actions, attitudes and safe mobility.

Vision Zero’s innovative “Safe Systems” approach acknowledges that people make mistakes and focuses on influencing system-wide practices, policies, and designs to lessen the severity of crashes.

The three core elements for all Vision Zero communities are described below:

Core Elements

Leadership and Commitment

- The Mayor, elected officials, and leaders within transportation, public health and police, commit to the goal of eliminating fatalities and serious injuries by a specific timeframe. These leaders work collaboratively toward this goal.
- Meaningful and accessible community engagement is employed with a focus on equity
- An action plan is developed with goals and strategies for achieving them
- Projects are prioritized that have safety benefits

Safe Roadways and Safe Speeds

- Streets are designed to create safe, well-connected transportation network for all users
- Proven speed management policies are used to achieve safe conditions for all users
Data-Driven Approach, Transparency and Accountability

- Commitment is made to equitable approach and outcomes, prioritizing engagement and investments in under-served communities
- A proactive, systems-based approach is used to identify and address risk factors
- Map of fatal and severe injury crashes is developed to prioritize projects
- Findings are shared with decision makers and the public

I believe that the core elements described above represents a comprehensive approach to traffic safety that would effect change in our community. The natural question to ask; however, is whether we have a problem worth solving. What I have described above is a significant effort and represents a change from how most communities approach safety.

The engineering office has begun a city-wide evaluation of the crash trends for a 10 year period using a state-wide database. We have found a record of 11,525 crashes, 1,393 (12%) injury crashes, 178 (1.5%) severe injury crashes and 5 fatalities. Based on these numbers, I do believe that the City of Ithaca has room to improve safety and that a comprehensive approach is justified.

Next Steps

If Common Council and Mayor Myrick adopt Vision Zero, below are some of the initiatives that I would undertake to move towards a safer transportation network. I invite further suggestions as well.

- Conduct a kick-off meeting with at least the following stakeholders to discuss Vision Zero, partnership opportunities and key components of an action plan.
  - Jan Lynch, Executive Director of Finger Lakes Independence Center
  - Lisa Monroe, Director of Tompkins County Office for the Aging
  - Nydia Boyd, Executive Director Southside Community Center
  - Pete Tyler, Police Chief
  - Dr. Luvelle Brown, Superintendent ICSD
  - David Smith, NYSDOT Region 3 Regional Director
  - Fernando DeAragon, Executive Director ITCTC
  - Frank Krupa, Public Health Director Tompkins County
  - Victoria Armstrong, Bike Walk Tompkins
  - Bridgette Brady, Senior Director of Transportation Cornell University
  - Scot VanderPool, TCAT Operation Manager
  - Gary Ferguson, Downtown Ithaca Alliance
  - Member of Common Council
  - Member of Board of Public Works
  - Member of MATCOM
  - Member of Way2Go
  - A representative from all active neighborhood groups
• Create a working group, made up of representatives from the Ithaca Police Department, Public Health Department and the Transportation Engineer to meet quarterly on initiatives and report back annually to the group listed above.

• Conduct Public Outreach Meetings with a focus on existing community groups and communities that have not already requested traffic calming improvements. These meetings would focus on anecdotal safety information not available from crash data such as near-misses or places where people avoid walking or biking due to safety concerns.

• Send an open invitation to neighborhoods that would like to welcome the Transportation Engineer to walk their streets with them and discuss their concerns.

• Engage with the public health community to bring a new perspective and information to the issue of traffic crashes. Some communities have partnered with hospitals to collect additional information on crashes involving pedestrians and bicyclists, as this information is often under-reported in traditional crash records. The health community could also bring an epidemiological perspective to identify risk factors in crashes.

• Develop a complete streets design policy in coordination with the City’s upcoming Transportation Plan.

• Further evaluate crash records resulting in severe injuries and fatalities to find trends and associated systemic countermeasures.

• Investigate locations with higher crash occurrences and rates to identify location specific countermeasures.

• Seek grants to install advanced traffic signal equipment that can better detect and react to vehicle, bicycle and pedestrian behavior.

• Update existing traffic signal controllers and communications network to optimize vehicle progression at speeds of 25 miles per hour.

• Continue to pursue jurisdictional realignment that would grant the City control over traffic signal operation and roadway design in downtown Ithaca along Green Street and Seneca Street.

An Immediate Action

The first action I recommend under the Vision Zero initiative is to pursue lowering the area-wide speed limit from 30 miles per hour to 25 miles per hour.

The Engineering Office has evaluated speeds at roughly 20 locations as part of the City’s traffic calming program. One finding from this work is that traffic speeds on many of these streets is almost entirely under the city-wide speed limit of 30 miles per hour. Considering this, along with the residential nature of almost all of Ithaca’s streets, it is our conclusion that it would be appropriate to reduce the speed limit to 25 miles per hour on the majority of Ithaca’s roadway network and to 20 miles per hour in some locations.
A recent study by the Insurance Institute for Highway Safety found that a City-wide speed limit reduction in Boston from 30 miles per hour to 25 miles per hour resulted in lower speeds. This was independent of roadway infrastructure changes. Average speeds were not greatly impacted, but the number of vehicles traveling over 35 miles per hour was reduced by 29.3 percent. It is well documented that speeds in this range represent a danger to pedestrians.

Unfortunately, New York state law does not currently allow communities to establish city-wide speed limits under 30 miles per hour. The attached resolution would establish that Common Council believes this is not appropriate. The attached resolution states that an appropriate state law would permit the City of Ithaca, and all other cities and villages in New York State, to establish appropriate city-wide and individual street speed limits, based on accepted engineering practices.

Through my conversations with Barbara Lifton’s office, this resolution would be the first step towards requesting that the state law be changed to allow communities to establish appropriate speeds in their community. I do want to clarify that setting a city-wide speed limit of 25 miles per hour does not preclude setting individual speed limits higher than 25 miles per hour. It is likely that some roadways in the City would remain posted at 30 miles per hour; however, they would be the minority of roadways. Therefore, a 25 mile per hour area speed limit would be more appropriate and efficient for city-wide signage.

Conclusion

I believe that, by the City adopting Vision Zero as a philosophy, we have an opportunity to better understand traffic safety issues and will be better equipped to improve safety.
RESOLUTION NO.
A RESOLUTION SUPPORTING THE CITY OF ITHACA’S VISION ZERO PLAN TO ELIMINATE ALL TRAFFIC-RELATED FATALITIES AND SERIOUS INJURIES

WHEREAS, traffic crashes are among the leading cause of death and injury within the United States; and

WHEREAS, traffic crashes are the leading cause of injury related death, second leading cause of injury related hospitalizations and third leading cause for injury related emergency department visits in New York State. On average, three New Yorkers die every day due to a traffic-related crash. The combined hospitalization and emergency department charges average $1.1 billion, annually; and

WHEREAS, from 2008 to 2017 the City of Ithaca had a total of 182 serious injury crashes including 5 fatalities; and

WHEREAS, the City is hereby recognizing that these crash statistics are not acceptable for citizens, commuters, and tourists who live, work and play in the City of Ithaca; and

WHEREAS, death and injury on our streets is unacceptable and many serious crashes are preventable; and

WHEREAS, traffic deaths and serious injuries in the United States have disproportionately impacted pedestrians, cyclists, people of color, low-income households, older adults and youth, people with disabilities, and households with limited vehicle access; and

WHEREAS, the City will hereby commit to decreasing these crash statistics by endorsing Vision Zero, which is a safe systems approach and strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all; and

WHEREAS, the City of Ithaca will create a Vision Zero action plan that focuses on safety as a primary objective in designing transportation projects;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Ithaca, NY, that:

SECTION 1. The City of Ithaca hereby adopts a goal of eliminating traffic deaths and serious injuries; and endorses Vision Zero as a comprehensive and collaborative approach that involves several City departments in order to achieve this goal, and be it further

RESOLVED The Common Council directs Public Works and Police Department to create and pursue a Vision Zero Action Plan for future consideration by the Common
Council, based upon a comprehensive analysis of traffic deaths and injuries in the City of Ithaca.

SECTION 3. Common Council directs the Transportation Engineer to oversee the Vision Zero Action Plan to addresses traffic deaths and serious injuries through a collaborative combination of engineering, enforcement, education, and evaluation, with public engagement and other stakeholders.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

To: Common Council
From: Eric Hathaway, Transportation Engineer
Date: 2/13/2019
Re: City Speed Limit Change

The Engineering Office has evaluated speeds at roughly 20 locations as part of the City’s traffic calming program. One finding from this work is that traffic speeds on many of these streets is almost entirely under the city-wide speed limit of 30 miles per hour. Considering this, along with the residential nature of almost all of Ithaca’s streets, it is our conclusion that it would be appropriate to reduce the speed limit to 25 miles per hour on the majority of Ithaca’s roadway network and to 20 miles per hour in some locations.

A recent study by the Insurance Institute for Highway Safety found that a City-wide speed limit reduction in Boston from 30 miles per hour to 25 miles per hour resulted in lower speeds. This was independent of roadway infrastructure changes. Average speeds were not greatly impacted, but the number of vehicles traveling over 35 miles per hour was reduced by 29.3 percent. It is well documented that speeds in this range represent a danger to pedestrians.

Unfortunately, New York state law does not currently allow communities to establish city-wide speed limits under 30 miles per hour. The attached resolution would establish that Common Council believes this is not appropriate. The attached resolution states that an appropriate state law would permit the City of Ithaca, and all other cities and villages in New York State, to establish appropriate city-wide and individual street speed limits, based on accepted engineering practices.

Through my conversations with Barbara Lifton’s office, this resolution would be the first step towards requesting that the state law be changed to allow communities to establish appropriate speeds in their community. I do want to clarify that setting a city-wide speed limit of 25 miles per hour does not preclude setting individual speed limits higher than 25 miles per hour. It is likely that some roadways in the City would remain posted at 30 miles per hour; however, they would be the minority of roadways. Therefore, a 25 mile per hour area speed limit would be more appropriate and efficient for city-wide signage.
RESOLUTION NO. ____________

A RESOLUTION SUPPORTING THE REDUCTION OF THE CITY-WIDE DEFAULT SPEED LIMIT FROM 30 MILES PER HOUR TO 25 MILES PER HOUR

WHEREAS, the observed speeds that citizens report as feeling unsafe in their communities has been shown to be less than 30 miles per hour through speed evaluations; and

WHEREAS, Federal Highway Administration methodologies recommend speed limits 25 miles per hour and under on the type of roadways common in the City of Ithaca; and

WHEREAS, a study by the Insurance Institute for Highway Safety demonstrated that a City-wide speed limit reduction in Boston from 30 miles per hour to 25 miles per hour resulted in lower speeds, especially in excess of 35 miles per hour; and

WHEREAS, reduced speeds minimize stopping distance of vehicles and the likelihood of injury or fatality as a result of a collision with a pedestrian; and

WHEREAS, reduced speeds narrow the difference in operating speeds of vehicles and bicycles, which can improve safety for these vulnerable users of the roadway network; and

WHEREAS, lower speeds provide greater flexibility in roadway design; and

WHEREAS, a reduction in speed from 30 miles per hour to 25 miles per hour represents an increase in travel time of only 24 seconds per mile under free flow conditions; and

WHEREAS, the State Vehicle and Traffic Law Section 1643 prohibits cities and villages from establishing area-wide speed limits below 30 miles per hour and also prohibits establishing any speed limit under 25 miles per hour on any roadway (except school zones).

WHEREAS, in some cases, this law prevents the City from establishing appropriate speed limits based on accepted engineering practices; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Ithaca, NY, that:

SECTION 1. The City of Ithaca hereby requests that the State of New York amend Vehicle and Traffic Law Title 8, Article 38, Section 1643 to allow all communities to establish a city-wide speed limit as low as 25 miles per hour. Further, on roadways where established FHWA methodologies for establishing speed limits recommend speed limits lower than 25 miles per hour, cities and villages should be permitted to post speed limits lower than 25 miles per hour.
PASSED AND DULY ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ITHACA THIS _____ DAY OF ________________, 2019.
TO:       Board of Public Works  
FROM:    Eric Hathaway, Transportation Engineer  
          Kent Johnson, Assistant Transportation Engineer  
RE:      2019 Traffic Calming Program recommendations  
DATE:    January 23, 2019  

This memo provides an update to the previous Traffic Calming Program memo dated 3/7/18. The previous memo outlined the work proposed to occur in 2018. This memo summarizes the work accomplished in 2018 and work to be carried over into the 2019 season, along with a few proposed revisions to the work plan.

Work accomplished in 2018:
- Twenty traffic calming request applications were processed and evaluated.
- Staff proposed and evaluated possible traffic calming measures at a few additional locations.
- Traffic calming infrastructure plans were created.
- Six driver speed feedback signs were installed.
- In 2018, almost $40,000 was invested in traffic calming infrastructure and equipment.

Work proposed to occur in 2019:
- A spreadsheet is provided below detailing the evaluation results from each traffic calming request – a summary of the work proposed to occur in 2019 is listed below:
- 200 block S. Geneva St. – establish an at-grade mid-block crosswalk including curb bump-outs to shorten the crossing distance and improve visibility.
- 300 block S. Geneva St. – install a concrete center island at the approach to N. Titus Ave. to encourage drivers to slow down when turning from N. Titus Ave. onto S. Geneva St.
- Hudson St./Hillview Pl. intersection area – install additional pedestrian crossing treatments including a curb bump-out, new curb ramps, and in-street yield to pedestrian sign. Also install white edgeline in the northbound direction on Hudson St. between Crescent Pl. and Hillview Pl.
- E. Falls St. – install a raised crosswalk across E. Falls St. at the N. Tioga St. intersection.
- E. Seneca St. – install curb bump-outs at the Schuyler Pl. intersection.
- W. Court St. – install two raised crosswalks to connect to Washington Park to complete previously planned work.
- Mitchell St. – install speed hump in the 800 block.
- Madison St. – install speed hump in the 200 block.
- Fair St. area – install concrete raised center islands on South St. and on Wood St. on their eastbound approaches to Fair Street. Install a speed hump in the 300 block of Wood St.
- The total cost for design and construction work planned for 2019 is estimated to be around $80,000.
<table>
<thead>
<tr>
<th>Date Requested</th>
<th>Requested by</th>
<th>Requested for</th>
<th>Requested for Organization</th>
<th>Summary of Engineering Office’s traffic evaluation</th>
<th>Status of Request</th>
<th>Implementation process completed</th>
<th>Reimbursement (if applicable)</th>
<th>Description of impact or improvements achieved</th>
<th>Total Estimated Cost</th>
<th>Notes or Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/23/2017</td>
<td>John Smith</td>
<td>City Planning</td>
<td>Department of Transportation</td>
<td>For this type of change, the traffic volume is either high and/or the traffic speeds are within the target range.</td>
<td>In progress</td>
<td>No</td>
<td>$5,000 - $10,000</td>
<td>Utilities and pedestrians are affected.</td>
<td>$7,500</td>
<td>$500 rebate.</td>
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<td>1/28/2018</td>
<td>Jane Doe</td>
<td>Traffic Safety</td>
<td>Police</td>
<td>For this type of change, the traffic volume is either high and/or the traffic speeds are within the target range.</td>
<td>Completed</td>
<td>Yes</td>
<td>$10,000</td>
<td>Pedestrian safety is increased.</td>
<td>$10,000</td>
<td>$500 rebate.</td>
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<tr>
<td>2/14/2019</td>
<td>Bob Johnson</td>
<td>Engineering</td>
<td>Civil Engineering School</td>
<td>For this type of change, the traffic volume is either high and/or the traffic speeds are within the target range.</td>
<td>Completed</td>
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<td>3/23/2020</td>
<td>Alice Brown</td>
<td>Public Works</td>
<td>Engineering Office</td>
<td>For this type of change, the traffic volume is either high and/or the traffic speeds are within the target range.</td>
<td>Completed</td>
<td>Yes</td>
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<td>Pedestrian safety is increased.</td>
<td>$20,000</td>
<td>$500 rebate.</td>
</tr>
<tr>
<td>4/15/2021</td>
<td>Emily Davis</td>
<td>City Council</td>
<td>City Planning</td>
<td>For this type of change, the traffic volume is either high and/or the traffic speeds are within the target range.</td>
<td>Completed</td>
<td>Yes</td>
<td>$25,000</td>
<td>Pedestrian safety is increased.</td>
<td>$25,000</td>
<td>$500 rebate.</td>
</tr>
</tbody>
</table>

Notes: All requests have been approved and implemented. Additional costs may include aesthetic enhancements. Initial costs for utilities and pedestrians are estimated at $5,000. Reimbursement varies based on the scope and scale of the project.
Thanks Peter for the Memo. It lays out the extensive considerations that you have put into clarifying this issue for us—much appreciated.

I have one question as to the inclusion of 304 Mitchell in the parking permit system. Was 304 Mitchell included as an eligible property for the parking permit system from the creation of the RPP program? Or was 304 Mitchell included only as a result of the hardship petition in 2004?

If it’s the latter, then I think more discussion is warranted. From Julie’s previous email regarding the same property, it sounds like there’s some ambiguity in the code, and I would be interested in hearing what other Commissioners and Council Members have to say about whether a hardship petition should carry with a property in perpetuity.

Jan 17 2019:
"The discussion that Pete and I were having is whether or not the hardship cases are approved for the RESIDENTS of the property and therefore null and void upon transfer of the property to new owners OR whether the hardship case is grandfathered to the PROPERTY regardless of who requested it and what the situation was. We have been having a conversation about clarifying the language in the City Code by splitting out the reasons that hardship cases are considered:

(1) Where residents living on a street with a R-1 or R-2 zoning designation and located within the residential parking permit zone without on-street parking wish to purchase a permit for on-street parking on a street where permits are required. **If approved, the option to purchase parking permits is assigned to the property address in perpetuity.**

(2) Such o Other instances of hardship (excluding self-created hardship) as the Board of Public Works in its discretion determines sufficient for issuance of additional residential parking permits.

The first instance would be property based and the second instance would be for resident related hardships – health issues / health care providers, etc. The Board would designate which category the hardship is being approved for and then my office would know how to handle future requests."

Best,
Marshall

---
Marshall McCormick
Fingerlakes Wealth Management
450 N. Aurora St.
Ithaca, NY 14850

Office: 607.257.1008
Cell: 607.339.2775
Fax: 914.819.0210

www.FingerlakesWM.com
Marshall@FingerlakesWM.com
To: Board of Public Works
From: Peter Messmer, Director of Parking
Date: 2/12/19
Re: 304 Mitchell Street Request for Residential Parking Permits

Attachments:
Attachment 1 – RPP Zone Map
Attachment 2 – City of Ithaca Official Zone Map Excerpt of Mitchell Street and Delaware Avenue.
Attachment 3 – Chapter 260 of the City of Ithaca Code
Attachment 4 - CITY OF ITHACA RESIDENTIAL PARKING PERMIT SYSTEM
REGULATIONS: Adopted by the Board of Public Works on March 24, 2014
Attachment 5 - § 346-80Schedule XXX: Residential Parking Permit Zones
Attachment 6 – Proposed Resolution for Residential Parking Permits for 304 and 304A Mitchell St.

This memorandum is being written to explain the history of the Residential Parking Permit status associated with the property located at 304 Mitchell Street and to explain the current disposition of the request from the present owner of the property for Residential Parking Permits.

**History**

2004 - Hardship application was approved for 304 Mitchell Street, in accordance with City Code Chapter § 260-4 Exemptions.

Dec 6, 2018 – Mr. Vitali Arujau, co-owner of the property at 304 Mitchell Street, requested that he be granted residential parking permits to park in the currently designated Residential Parking Permit zone on 100 and 200 blocks of Delaware Avenue.

Dec 18, 2018 - Parking Division wrote a draft resolution for residents of 304 and 304A Mitchell Street to purchase permits for the Residential Parking Permit zone on Delaware Avenue. This draft resolution was not included on the agenda for the December 2018 BPW meeting.
Dec 21, 2018 – Parking Division researched records regarding 304 Mitchell Street and found that this property is already in the RPP program and is included in § 346-80: Schedule XXX: Residential Parking Permit Zones. (Reference Attachment 5)

Dec 21, 2018 – Parking Division informed Mr. Vitali Arujau that he is eligible to purchase two (2) Residential Parking Permits and to contact the City Clerk’s office to complete the transaction.

January 15, 2019 – Draft resolution (Reference Attachment 6) to grant residents of 304 and 304 A Mitchell Street Residential Parking Permits inadvertently included on January 15, BPW meeting agenda. BPW voted not to grant Residential Parking Permits for 304 and 304 A Mitchell Street, prior to arrival of Director of Parking. Director of Parking was asked to fully research and document the situation and provide information to BPW.

Week of January 21, 2019 - Mr. Vitali Arujau met with the City Clerk, Julie Holcomb. She explained to Mr. Arujau what had happened and that he would have to wait for further clarification on whether or not he would be able to purchase Residential Parking Permits.

The Parking Division has investigated and documents the following:

1. Verification of the RPP Zone:
   a. In accordance with Chapter 260 Residential Parking Permit System, 304 Mitchell Street is located in RPP Zone A (Reference Attachment 1)
   b. City Code § 346-80: Schedule XXX: specifically states the 100 and 200 blocks of Delaware Avenue are an RPP zone. (Reference Attachment 3)
   c. City Code § 346-80: Schedule XXX: Residential Parking Permit System further specifically includes 304 Mitchell Street in the 100 and 200 blocks of the Delaware Avenue residential zone for the RPP program. (Reference Attachment 3)

2. Verification that 304 Mitchell Street is in an R-1 Zone – The City of Ithaca Official Zoning Map shows that the property is zoned R-1b. (Reference Attachment 1).

3. Number of Parking Permits Allowed - In accordance with the Paragraph C. of the Permit Allocation Sections of the CITY OF ITHACA RESIDENTIAL PARKING PERMIT SYSTEM REGULATIONS (Adopted by the Board of Public Works on March 24, 2014) the property is allowed to have two (2) Residential Parking permits. (Reference Attachment 4)

4. Compliance with City zoning regulation – The Building Division Housing Inspector was interviewed about the issue of the property being in compliance. The Inspector reported that the house has been inspected and is in substantial compliance.
with the exception of execution of a Quit Claim deed by the owner, which is pending but in progress.

5. **Location of the driveway access to the property** – The driveway access to the property is located on the Delaware Avenue side of the lot.

**Final Disposition**

Based upon the above facts, the Parking Division has made the determination that the property at 304 Mitchell Street meets all the requirements of the City of Ithaca Official Zoning regulations and the RPP program and is eligible to apply for and receive two (2) residential parking permits, and that no action is required by the Board of Public Works to sustain this decision. The Parking Division will therefore inform Mr. Vitali Arujau that he may proceed with his transaction to purchase the permits.
Attachment 2 - City of Ithaca Official Zone Map
Excerpt of Mitchell Street and Delaware Avenue
Attachment 3 - Chapter 260 of the City of Ithaca Code

City Code Chapter 260

§ 260-1 Declaration of legislative findings and purpose.
The Common Council finds that:
A. There has been a lack of parking for residents of the neighborhoods surrounding Cornell University in the City of Ithaca.
B. The streets in residential areas have been used for daily long-term parking by commuters to Cornell University.
C. A study of existing parking demand and Zoning Ordinance[1] parking requirements showed that a substantial number of commuters park in the residential neighborhoods surrounding Cornell University every day.
[1] Editor's Note: See Ch. 325, Zoning.
D. The use of streets in the residential neighborhoods for commuter parking has resulted in noise, air pollution, litter, traffic congestion, traffic hazards, and hazards to residents and other pedestrians, and severely diminishes the amount of parking space available to residents of the residential neighborhoods.
E. The establishment of a residential parking permit system in the neighborhoods surrounding Cornell University is necessary in order to preserve the character of the neighborhoods by reducing neighborhood noise, litter and air pollution; improving access to dwelling units and parking for residents; improving the efficiency of City services such as street maintenance, snow plowing, street-sweeping, garbage collection and the movement of emergency vehicles; and reducing hazardous traffic conditions and congestion in order to provide for the health, safety, peace, good order and comfort of the residents of the neighborhood.
F. This residential parking permit system is adopted pursuant to § 1640-e of the Vehicle and Traffic Law.

For the purposes of this chapter, the following definitions of terms shall be controlling:
COMMUTER A person who does not live in the residential parking permit area, but parks in the area and whose destination is outside the area.
RESIDENT A homeowner or tenant residing in a dwelling unit in the residential parking permit area in the R-1a, R-1b, R-2a, or R-2b Zones of the City of Ithaca as established in
§ 325-4 of the Municipal Code of the City of Ithaca.

RESIDENTIAL PARKING PERMIT AREA

A sub-area of the residential parking permit zone. Only the portions of the area which are zoned as R-1 and R-2 Districts (as established by Article II of Chapter 325 of the Municipal Code of the City of Ithaca) will be included in the area.

RESIDENTIAL PARKING PERMIT ZONE

A. The area bounded by the following roadways and corporate boundaries:

(1) East State Street from Cornell Street to Giles Street;
(2) Giles Street to Water Street;
(3) Water Street to East State Street;
(4) East State Street from Water Street to Seneca Way;
(5) Seneca Way from East State Street to East Seneca Street;
(6) East Seneca Street from Seneca Way to Parker Street;
(7) Parker Street to Terrace Place;
(8) Terrace Place to Linn Street;
(9) Linn Street from East Court Street to University Avenue;
(10) University Avenue from Linn Street to Willard Way;
(11) Willard Way from University Avenue to Stewart Avenue;
(12) Stewart Avenue from Willard Way to the corporate boundary between the City of Ithaca and the Village of Cayuga Heights;
(13) Following the corporate boundary between the City of Ithaca and the Village of Cayuga Heights east to the corporate boundary between the City of Ithaca and the Town of Ithaca;
(14) Following the corporate boundary between the City of Ithaca and the Town of Ithaca south to East State Street; and
(15) East State Street from the corporate boundary to Giles Street; and

B. Consisting of the following roadways:
(1) Treva Avenue west of Water Street;
(2) Valentine Place south of East State Street;
(3) Quarry Street south of East State Street;
(4) Ferris Place south of East State Street;
(5) Linn Street north of Terrace Place to Farm Street;
(6) Lake Street north of University Avenue to the north property line of Tax Map Parcel 28-4-7; and
(7) Willard Way and Willard Way Loop north of University Avenue.

C. The residential parking permit zone shall include properties that face both sides of the above-named roadways.

D. The Residential Parking Permit Zone Map is on file in the City Clerk's office.

§ 260-3 Designation of permit parking areas; rules and regulations. [Amended 6-2-2004 by Ord. No. 2004-9]

A. The Board of Public Works of the City of Ithaca may designate residential parking permit areas in accordance with this chapter. Such areas shall be designated only within the residential parking permit zone, and shall exclude any streets located within the boundaries of the Cornell University campus.

B. The Board of Public Works shall establish rules and regulations for the designation of residential parking permit areas and the issuance and use of residential parking permits.

C. Permit requirements established pursuant to this section shall be in effect during all or a portion of the following times: from Monday to Friday between 9:00 a.m. and 5:00 p.m.

D. No less than 20% of the parking spaces within the residential parking permit zone shall be available to nonresidents.

E. Short-term parking of no less than 120 minutes in duration shall be available in the residential parking permit zone.

F. The fee for a residential parking permit shall be $45 per year. All such fees shall be credited to the general fund of the City.


A. Motor vehicles registered pursuant to § 404-a of the Vehicle and Traffic Law shall be exempt from any permit requirement established pursuant to this chapter.

B. A resident may apply to the Board of Public Works for a permit not otherwise available pursuant to the aforementioned rules and regulations in the following circumstances:
(1) Where a home health care provider provides home health care to a resident and regularly drives to the resident's home.

(2) Where a resident has a short-term health emergency.

(3) Where residents living on a street within the residential parking permit zone without on-street parking wish to purchase a permit for on-street parking on a street where permits are required.

(4) Such other instances of hardship (excluding self-created hardship) as the Board of Public Works in its discretion determines sufficient for issuance of additional residential parking permits.


A. No person shall park a vehicle nor allow a vehicle to be parked in an area which has been designated a residential parking permit area by the Board of Public Works, and at times when parking is prohibited in such residential parking permit area pursuant to regulations established by the Board of Public Works, unless the vehicle shall have affixed to the bottom rear corner of the passenger window on the driver's side of the vehicle a valid residential parking permit, or unless said vehicle is registered in accordance with § 404-a of the Vehicle and Traffic Law and the vehicle is being used for the transportation of a person with disabilities. A violation of this section shall be punishable by a fine of not more than $100; a second such violation within 18 months thereafter shall be punishable by a fine of not more than $200; a third or subsequent violation within 18 months after the first violation shall be punishable by a fine of not more than $300.

B. No resident of a residential parking permit area designated by the Board of Public Works shall permit a nonresident to use a residential parking permit issued to a resident, or aid a nonresident in any way in obtaining a residential parking permit. Violation of the terms of this section shall be punishable by a fine not to exceed $250 and/or suspension of residential parking permit privileges for a period not to exceed 12 months.
Attachment 4 - CITY OF ITHACA RESIDENTIAL PARKING PERMIT SYSTEM REGULATIONS: Adopted by the Board of Public Works on March 24, 2014

CITY OF ITHACA
RESIDENTIAL PARKING PERMIT SYSTEM REGULATIONS:
Adopted by the Board of Public Works on March 24, 2014

Petitioning for the Permit System.
A. Residents within the residential parking permit zone established by Common Council on May 6, 1998, are required to petition the Department of Public Information and Technology for the establishment of a Residential Parking Permit Area.

B. A Residential Parking Permit Area within the Residential Parking Permit Zone shall be one permit block. Each permit block shall be established according to the block numbers, such as the 100 or 200 block of a street.

C. Only R1 and R2 zones, as established in the City of Ithaca Municipal Code, Chapter 325 entitled “Zoning”, Section 325-4 are eligible to participate in the Residential Parking Permit System.

D. A permit block is one city street and its abutting block faces, which differs from a city block. A city block does not include the street.

E. The permit block for a corner property shall be determined by the property’s assessment address.

Petition Eligibility.
A. The petition may be requested from the Department of Public Information and Technology, and when returned must be signed by at least 51% of the eligible residents in the proposed permit block in order to qualify for inclusion in the permit system.

B. In an R1 zone, not more than one resident per tax parcel shall be permitted to sign the petition for the establishment of the permit system.

C. In an R2 zone, not more than one resident per dwelling unit or two residents per tax parcel, whichever is fewer, shall be permitted to sign the petition for the establishment of the permit system.

D. All eligible residents signing the petition must be at least 18 years of age.

E. A block petitioning for the permit system must hereby meet certain minimum requirements with respect to parking occupancy. The City Traffic Systems Engineer will conduct a parking survey over two separate days during average weekly peak hours to determine that at least 75% of the legally available parking spaces are being utilized.

Permit System Renewal.
Once a block is included in the permit system, it is included unless and until it is formally repealed.

Permit System Repeal.
A. If 51% of the eligible residents wish to have the permit system regulations rescinded, they may petition the Department of Public Information and Technology for removal from the Residential Parking Permit System.

B. Action to rescind may not begin until a waiting period of six months from the enactment date for that block has passed.

**RESIDENTIAL PARKING PERMIT SYSTEM REGULATIONS:**
Page Two

C. The Board of Public Works reserves the right to rescind the Residential Parking Permit System Regulations for a block if the City Traffic Systems Engineer determines that the parking permit system is being underutilized by the eligible residents of the block. The determination may be made based on the fact that less than 25% of the eligible permits for the block have been sold in the past two (2) consecutive years.

**Permit Allocation.**
A. Only residents of properties zoned R1 and R2 located in the Residential Parking Permit Zone shall be eligible to purchase parking permits.

B. The City zoning category in which the property is located shall determine the maximum number of permits allowed per dwelling unit.

C. Properties in an R1 zone are hereby allowed access to two permits, and no more.

D. Properties in an R2 zone are hereby allowed access to two permits per dwelling unit with a maximum of four permits and no more per property. Based on City zoning laws the greatest legal number of dwelling units allowed in a structure in an R2 zone is two.

E. Permits shall be issued to vehicles registered to residents in the permit area, and are non-transferable.

F. Permits shall be available for sale on July 1st and shall expire on July 31st of the following year.

G. Residents in blocks participating in the Residential Parking Permit System may purchase up to 4 Visitor Passes per year with a limit of 8 passes per property in an R1 zone and 16 passes per property in an R2 zone. Visitor Passes shall be valid for a period of two consecutive weeks, and will be issued to a specific vehicle.

H. It shall be a violation of Chapter 260 of the City of Ithaca Municipal Code entitled “Residential Parking Permit System” for residents to purchase permits for people who do not reside in the permit area.

**Permit Allocation for Non-Conforming Uses.**
A. Properties not conforming to the traditional R1 and R2 zone uses (such as grandfathered properties) shall not receive any grandfathered rights regarding the residential parking permit system.

B. Grandfathered properties in an R1 zone shall hereby be considered a single-family house.
C. Grandfathered properties in an R2 zone shall hereby be treated as a duplex.

D. The zone in which the property is located, not the number of apartments or the number of occupants, determines how many permits may be purchased.

**Permit Issuance.**
A. The permits shall be issued to individual residents of a permit area and assigned to a unique vehicle license plate number.

B. A resident is defined as any person, homeowner or renter, living in a dwelling unit in a permit area.

**RESIDENTIAL PARKING PERMIT SYSTEM REGULATIONS:**
Page Three

C. The issuance of permits through landlords is hereby prohibited.

D. Homeowners and renters must provide the current vehicle registration or copy thereof.

E. Homeowners and renters may prove residency by producing a deed, current lease, signed by landlord and tenant, driver’s license or current vehicle registration, telephone or utility bill with valid address.

F. The fee for a residential parking permit shall be $45 per year.

G. Permits may be purchased any time during the year for the said annual fee.

H. Partial year permits shall not be issued.

I. Permits shall be valid from date of issue through July 31.

J. The fee for a visitor pass is $10.

K. This is a voluntary program. Residents living in a block included in the permit system are not required to purchase permits, however compliance with city parking regulations is required.

L. Permits may be renewed through the mail with proper documentation and $45 fee. Permits will be issued by the Department of Public Information and Technology on a “first come – first served” basis.

M. Transfer of residential parking permits to another vehicle may only occur when the resident peels off and returns the current residential parking permit from their vehicle. Permits will only be reissued to the original permit holder for their new vehicle. Upon presentation of the old permit and a copy of the new vehicle registration the Department of Public Information and Technology will issue a new residential parking permit to that same resident – without charge.

If the old permit is not returned, a new permit will only be issued to the current permit holder if a permit is available for that property or upon sufficient proof that the permit was not accessible (i.e. accident report). A $45.00 fee will be charged for the permit.
A resident may return the residential parking permit or remnants thereof to the Department of Public Information and Technology at anytime, to open up the availability of a permit to another resident of the same property. No refunds will be issued.

N. Residential parking permits are non-transferable to another individual.

**Hours in Effect.**
A. Permit requirements established pursuant to this section shall be in effect during all or a portion of the following times: From Monday to Friday between 9:00 a.m. and 5:00 p.m., excluding holidays.

B. Permit holders will be exempt from the 9 a.m. to 1 p.m. and 1 p.m. to 5 p.m. “no parking” regulations in residential parking permit areas.

C. Street signage will display the restricted hours.
RESIDENTIAL PARKING PERMIT SYSTEM REGULATIONS:
Page Four

D. Permit holders and non-permit holders must abide by all other City parking restrictions set forth in the Vehicle and Traffic Chapter of the City of Ithaca Municipal Code Chapter 346 entitled "Vehicles and Traffic" including the odd/even overnight parking restriction (which is in effect November 1 through March 31 each year), 24-hour parking limitations, loading zones, and handicap parking requirements, etc.

E. Placement of the “no parking” time restrictions will be staggered in order to provide some short-term visitor parking on a block at all times. In the case of blocks with legal on-street parking only on one side, the time restrictions will be split along the legal side of the street.

Permit System Alternative.
Residents may petition the City Traffic Systems Engineer to install appropriate weekday time restriction signage (such as “No Parking 9 a.m. to 1 p.m.”) on their streets. This offers an alternative option for blocks that elect not to participate in the residential parking permit system but want the benefits of time restricted parking for their street.

Appeal Process.
Residents may file written appeals with the Board of Public Works for either hardship consideration or the denial of permits by the Department of Public Information and Technology.
## Attachment 5 - § 346-80 Schedule XXX: Residential Parking Permit Zones

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<th>Street</th>
<th>Block</th>
<th>Side</th>
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</thead>
<tbody>
<tr>
<td>Brandon Place</td>
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<td>West</td>
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<tr>
<td>Bryant Avenue</td>
<td>200</td>
<td>North</td>
</tr>
<tr>
<td>Cascadilla Park Road</td>
<td>100</td>
<td>North</td>
</tr>
<tr>
<td>Cornell Street</td>
<td>100 and 200</td>
<td>East</td>
</tr>
<tr>
<td>Delaware Avenue (includes 304 Mitchell)</td>
<td>100 to 200</td>
<td>West</td>
</tr>
<tr>
<td>Dryden Road</td>
<td>400</td>
<td>North</td>
</tr>
<tr>
<td>Dryden Road (not inclusive)</td>
<td>500</td>
<td>North</td>
</tr>
<tr>
<td>East Buffalo Street</td>
<td>400</td>
<td>Both</td>
</tr>
<tr>
<td>East Seneca Street</td>
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<td>Both</td>
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<tr>
<td>Elmwood Avenue</td>
<td>100</td>
<td>East</td>
</tr>
<tr>
<td>Elmwood Avenue</td>
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<td>North</td>
</tr>
<tr>
<td>Elmwood Avenue</td>
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<td>South</td>
</tr>
<tr>
<td>Fairmount Avenue</td>
<td>200</td>
<td>West</td>
</tr>
<tr>
<td>Fairmount Avenue (includes 413 Dryden Road)</td>
<td>200 and 300</td>
<td>West</td>
</tr>
<tr>
<td>Harvard Place</td>
<td>100</td>
<td>South</td>
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<tr>
<td>Irving Place</td>
<td>100</td>
<td>North</td>
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<tr>
<td>Ithaca Road [Amended 11-26-2012]</td>
<td>90, 100, 200, and 300</td>
<td>East</td>
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<tr>
<td>Maple Grove Place</td>
<td>100</td>
<td>West</td>
</tr>
<tr>
<td>Oak Avenue</td>
<td>300</td>
<td>North</td>
</tr>
<tr>
<td>Pearl Street [Added 2-18-2016]</td>
<td>100</td>
<td>West</td>
</tr>
<tr>
<td>Schuyler Place</td>
<td>100</td>
<td>West</td>
</tr>
<tr>
<td>Valley Road</td>
<td>100</td>
<td>Both</td>
</tr>
<tr>
<td>Worth Street</td>
<td>100</td>
<td>South</td>
</tr>
</tbody>
</table>
Attachment 6 – Proposed Resolution

Board of Public Works

December 18, 2018

A Resolution to Grant Hardship for 304 and 304A Mitchell Street for the Residential Parking Permit System

WHEREAS, the Board of Public Works (BPW) has promulgated regulations, adopted June 9, 2004, for implementation of the Residential Parking Permit System (RPPS), which was established by Common Council on May 6, 1998 after an act of the New York State Legislature, and

WHEREAS, in accordance with Section 260-4 of the City Code and in accordance with the BPW regulations, the BPW may grant hardship requests, and

WHEREAS, 304 Mitchell Street is on a street within the residential Parking Permit Zone without on-street parking and is within the R-1 zoning designation; therefore allowing up to two permits per single family dwelling, now, therefore be it

RESOLVED, that the Board of Public Works hereby grants the residents of 304 and 304A Mitchell Street to purchase permits for the Residential Parking Permit Systems, in accordance with the above-mentioned regulations.
10B. Resolution to Add a Handicap Parking Sign located at 126 Farm Street

WHEREAS, the Board of Public Works (BPW) has promulgated regulations, adopted October 6, 2010, for implementation of a Schedule of Traffic Regulations, which was established by Common Council by Ordinance No. 2010-08, and

WHEREAS, in accordance with Chapter 346 of the City Code, entitled Vehicles & Traffic, and in accordance with the BPW Regulations, the BPW may grant hardship requests, and

WHEREAS, a request has been received for a handicap parking sign on the east side of the 100 block of Farm Street, in the vicinity of 126 Farm, and

WHEREAS, this Handicap Parking space can be used by any driver with a handicap parking permit or license plate; now and therefore, be it

RESOLVED, That the BPW hereby approves the installation of a Handicap Parking Sign and space to be installed at the above-mentioned address.
10C. Resolution to Add a 15 minute Parking Zone in Front of CFCU Community Credit Union on Esty Street

WHEREAS, the Board of Public Works (BPW) has promulgated regulations, adopted October 6, 2010, for implementation of a Schedule of Traffic Regulations, which was established by Common Council by Ordinance No. 2010-08, and

WHEREAS, the south side of Esty Street, from its intersection with Meadow Street, to a point approximately 210 feet to the east, is now regulated as No Parking Anytime, and

WHEREAS, the north side of Esty Street, from its intersection with Meadow Street, to a point approximately 50 feet to the east, is now regulated as No Parking Anytime, and

WHEREAS, No Parking Anytime can be used for Standing but does not allow the driver to leave the vehicle, and

WHEREAS, the No Parking Anytime zone on the south side of Esty Street mentioned above, is consistently used by clients who park, leave their vehicle, and do business at the Cornell Federal Credit Union adjacent to this No Parking Anytime zone, and

WHEREAS, the No Parking Anytime zone on the south side of Esty Street could also be used as a short term parking zone, with no impact to the current traffic flow on the street, and

WHEREAS, the two aforementioned No Parking Anytime zones on Esty Street mentioned above are incorrectly listed in Section 346-64 Schedule XIV: No Standing, now, be it

RESOLVED, That Section 346-64 Schedule XIV: No Standing be amended as follows:

Remove the following entry from this schedule:

<table>
<thead>
<tr>
<th>Name</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Esty Street</td>
<td>Both</td>
<td>From a point 50 feet east of Meadow Street to a point 125 feet west thereof</td>
</tr>
</tbody>
</table>

Now, be it further

RESOLVED, that Section 346-62 Schedule XII: Parking Prohibited at All Times be amended to include the following for Esty Street:

<table>
<thead>
<tr>
<th>Name</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Esty Street</td>
<td>North</td>
<td>From its intersection with Meadow Street, to a point approximately 50 feet east thereof</td>
</tr>
</tbody>
</table>

And be it further

RESOLVED, That a 15 minute parking zone be established on the south side of Esty Street beginning at a point located three (3) feet east of the east edge of the Cornell Federal Credit Union parking lot entrance driveway to a point located 100 feet east thereof and, now, be it further
RESOLVED, That Section 346-68 Schedule XIII: Time Limit Parking be amended to add the following for Esty Street:

<table>
<thead>
<tr>
<th>Name</th>
<th>Side</th>
<th>Time Limit: Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Esty Street</td>
<td>South</td>
<td>15 min: All/All</td>
<td>Beginning at a point located three (3) feet east of the east edge of the Cornell Federal Credit Union parking lot entrance driveway to a point located 100 feet east thereof.</td>
</tr>
</tbody>
</table>
10D. **Resolution to Establish No Parking Anytime on Both Sides of the Full Length of Pier Road**

**WHEREAS**, the Board of Public Works (BPW) has promulgated regulations, adopted October 6, 2010, for implementation of a Schedule of Traffic Regulations, which was established by Common Council by Ordinance No. 2010-08, and

**WHEREAS**, Pier Road is only 22 to 24 feet wide, this pavement width being insufficient to accommodate parking a vehicle fully on the paved roadway without obstructing the traveled way to an unacceptable degree, and

**WHEREAS**, in order for vehicles to park on Pier Road, without obstructing traffic, the vehicles would have to be parked off the edge of pavement, and

**WHEREAS**, there are no paved or gravel shoulders that can be utilized for parking, and the roadsides are mostly grass turf which cannot sustain repeated instances of parking without excessive damage; therefore, be it

**RESOLVED**, That the Board of Public Works hereby designates both sides of Pier Road, for the full length of the road as a "No Parking Any Time" zone, and, be it further

**RESOLVED**, That Section 346-62 and Schedule XII be amended to include the following for Pier Road:

<table>
<thead>
<tr>
<th>Name</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pier Road</td>
<td>Both</td>
<td>Entire Length</td>
</tr>
</tbody>
</table>
10E. **Resolution to Establish 15 minute Parking on the North Side of East Court Street Adjacent to Temple Beth El**

WHEREAS, the Board of Public Works (BPW) has promulgated regulations, adopted October 6, 2010, for implementation of a Schedule of Traffic Regulations, which was established by Common Council by Ordinance No. 2010-08, and

WHEREAS, there exists an approximately 50 foot “No Parking Any Time” zone located on the North Side of East Court Street adjacent to Temple Beth El, which is not presently listed in Section 346-62 Schedule XII Parking Prohibited at All Times for Court Street, and

WHEREAS, Temple Beth El operates a pre-school from 9:00 a.m. to 3:00 p.m. and parents need curbside short term parking to drop off and escort pre-school children into and out of the Temple, and

WHEREAS, The current No Parking Any Time zone allows parents to stand to drop of children, but does not allow parents to leave the vehicle and escort pre-school children into and out of the Temple for school, and

WHEREAS, Section 346-68 Schedule XVII, must be updated to add this zone; now, therefore, be it

RESOLVED, That the Board of Public Works hereby changes the designation of the No Parking Any Time zone on East Court Street adjacent to the Temple Beth El to be 15 minute parking, and, be it further

RESOLVED, That Section 346-68 Schedule XVII Time Limit Parking for East Court Street be amended to read as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Side</th>
<th>Time Limit Hours/Days</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Street</td>
<td>North</td>
<td>15 mins. 8:00 am to 5:00 p.m. Monday through Friday</td>
<td>Between the driveways for 720 West Court Street and 710-712 West Court Street</td>
</tr>
<tr>
<td>(Added 11-16-11)</td>
<td></td>
<td>15 mins. All/All</td>
<td>From a point 20 ft. west of Tioga Street to a point 70 ft. west of Tioga St.</td>
</tr>
</tbody>
</table>
11A. Resolution Accepting Title to Portions of Brindley and Taber Streets and Assuming Maintenance Responsibility

WHEREAS, a Project for the Brindley Street Bridge Replacement over Cayuga Inlet, P.I.N. 375611 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the project involves the construction of new roadway and bridge on a relocated horizontal alignment that will connect Taber Street with the West State Street/Taughnmock Boulevard intersection, and

WHEREAS, on June 7, 2017, the City of Ithaca Common Council authorized the City of Ithaca to pay in the first instance 100% of the federal and non-federal share of the cost of Right-of-Way Acquisition phase of the Project; and

WHEREAS, Congdon & Co. Inc. has facilitated the acquisition of 1098 square feet of real property located at 120-140 Brindley Street on behalf of the City of Ithaca, and

WHEREAS, in accordance with the City of Ithaca Charter Section 53, "The Board of Public Works may enter upon any lands for the purpose of survey and examination; otherwise, in the name of the City of Ithaca all lands, water rights, easements, privileges and franchises and all other real and personal property whatsoever, either within or outside of the corporation limits of the City of Ithaca, which are necessary, in the judgment of the Board, for any of the purposes herein set forth and shall have the right to enter upon, take possession of and appropriate all such property and to do any and every act or thing that may be necessary to carry out the full intent and purpose of all the provisions contained in this Charter;" now, therefore, be it

RESOLVED, That the City of Ithaca, through its Board of Public Works, agrees to accept real property acquired by Congdon & Co. Inc. for the project and agrees to maintain same, and it is further

RESOLVED, That this resolution shall take effect immediately.
Return To
COUGHLIN & GERHART

Maureen Reynolds, County Clerk
Tompkins County Clerk
320 North Tioga Street
Ithaca, NY 14850
(607) 274-5431

Document Type: DEED

Grantor (Party 1)
AEROPLANE FACTORY LLC THE

Grantee (Party 2)
CITY OF ITHACA

Receipt Number: 18-207781

Transfer Amt: $5,500.00
Instrument #: 2018-10259
Transfer Tax #: 000313

Property located in City of Ithaca

Fees
Recording Fee $20.00
Pages Fee $25.00
State Surcharge $20.00
TP-584 Form Fee $5.00
RP-5217 Form Fee $250.00
State Transfer Tax $22.00
County Transfer Tax $11.00

Total Fees Paid: $353.00

State of New York
County of Tompkins

Recorded on September 7th, 2018 at 3:59:22 PM
with a total page count of 5.

Tompkins County Clerk

This sheet constitutes the Clerk’s endorsement required by section 319 of the Real Property Law of the State of New York

Do Not Detach
Warranty Deed

This Indenture made this 30th day of August, 2018

Between

THE AEROPLANE FACTORY, LLC, a New York Limited Liability Company
with offices at 120-40 Brindley Street, Ithaca, Y 14850

parties of the first part, and

CITY OF ITHACA, a municipality having an address of 108 E. Green Street, Ithaca,
New York 14850

party of the second part.

WITNESSETH, that the parties of the first part, in consideration of One and no/100
dollars, lawful money of the United States, paid by the parties of the second part, do hereby grant
and release unto the parties of the second part, the heirs, successors and assigns of the parties of the
second part, forever,

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate in the City of
Ithaca, Town of Ithaca, County of Tompkins and State of New York as depicted in Schedule A,
attached, and comprising 1,098 square feet of real property together with the improvements
thereon as described herein as Map 2, Parcel 2.

Being a portion of the same premises conveyed to Parties of the First Part by Deed dated
April 5, 2001 and recorded in the Tompkins County Clerk’s Office on April 5, 2001 in Liber 900 of
Deeds, Page 222.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever.

AND the party of the first part covenants as follows:

First, That said party of the first part is seized of the said premises in fee simple, and has good right to
convey the same;

Second, That the party of the second part shall quietly enjoy the said premises;

Third, That the said premises are free from encumbrances, except as aforesaid;

Fourth, That the party of the first part will forever Warrant the title to said premises.

Fifth, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party
of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as
a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the
payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word “party” shall be construed as if it read “parties” whenever the sense of the indenture so requires.
CITY OF ITHACA
BRIDLEY STREET
OVER CAYUGA INLET

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
PN 375621

MAP NO. 2
PARCEL NO. 2
SHEET 2 OF 2 SHEETS

FEC MAP 2 PARCEL 2

At that place or parcel of property hereinafter described as Parcel No. 2, being part of the City of Ithaca, County of Tompkins, State of New York, also being a portion of lands described in Liber 399 of deeds at page 222 filed in the Tompkins County Clerk's Office on April 5, 2001, said Parcel No. 2 being shown on the accompanying map and plans hereinafter bounded and described as follows:

Beginning at the westerly boundary of Bridley Street at the intersection of the division line between the southerly boundary of the Cayuga Inlet to the north and the property owned by The Aeroplane Factory, LLC, the southerly boundary of Bridley Street, a distance of 10.64 feet; thence easterly along the southerly boundary of Bridley Street a distance of 20.41 feet; thence northerly along the easterly boundary of Bridley Street a distance of 50.61 feet; thence easterly along the southerly boundary of Bridley Street a distance of 50.61 feet; thence southerly along the easterly boundary of Bridley Street a distance of 50.61 feet; thence westerly along the southerly boundary of Bridley Street a distance of 50.61 feet; thence southerly along the easterly boundary of Bridley Street a distance of 50.61 feet; thence westerly along the southerly boundary of Bridley Street a distance of 50.61 feet; thence northerly along the easterly boundary of Bridley Street a distance of 50.61 feet, a distance of 495 feet to the western boundary of the City of Ithaca, a distance of 495 feet to the point of beginning.

The above described parcel contains 1.0981 acres, 41 feet, or 0.0055 acre.

I hereby certify to the Commissioner of the State of New York Department of Transportation that the property described above is necessary for the project and the acquisition thereof is recommended.

Date: September 12, 2017

S. L. Heron
Superintendent
City of Ithaca
City of Ithaca

THE AEROPLANE FACTORY, LLC
REPUTED OWNER

Map of Property shown in the Commissioner of Transportation's files necessary to be acquired for and at the request of the City of Ithaca by appropriation in the name of the People of the State of New York for the purpose of constructing, maintaining, and extending the highway lines and the assessment of the proposed project. An order for the same shall be made by Section 30 of the Highway Law as made applicable by Section 34 of the Highway Law and the eminent domain procedure law.

There is excepted from this appropriation the right, title, and interest, if any, of the United States of America in or to said property.

Pursuant to the statement set forth above and the authority granted to me by Section 34 of the Highway Law and the Commissioner of Transportation, this acquisition map is hereby approved and filed in the office of the New York State Department of Transportation.

Date: 2017

Office of Right of Way

Office of Right of Way

Authorized Signature

The following is an exact copy of the acquisition map with the original thereof, as filed in the Office of the State Department of Transportation, and I hereby certify the same to be a true and correct copy of the original and of the whole thereof.
In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

The Aeroplane Factory, LLC

By: [Signature]
Scott Tobey

And:
Cornelia Tobey

STATE OF NEW MEXICO )
COUNTY OF SANTA FE )

On this 5 day of September, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared SCOTT TOBEY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of , State of New Mexico.

[Signature]
Primus Washington
NOTARY PUBLIC State of New Mexico
3-29-2019

STATE OF NEW MEXICO )
COUNTY OF SANTA FE )

On this 5 day of September, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared CORNELIA TOBEY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of , State of New Mexico.

[Signature]
Primus Washington
NOTARY PUBLIC State of New Mexico
3-29-2019
11B. **Authorization for Mayor to Execute a Memorandum of Understanding ("MOU") with the Town of Ithaca to Permit the Town to Use the Route 13 Pedestrian Bridge for the Gateway Trail - Resolution**

WHEREAS, the City owns a pedestrian bridge that runs over Route 13 ("Route 13 Pedestrian Bridge") and the City also holds a permit issued by the New York State Department of Transportation ("NYSDOT") authorizing the City to occupy and maintain the Route 13 Pedestrian Bridge within the State’s airspace; and

WHEREAS, the Town of Ithaca wishes to use the Route 13 Pedestrian Bridge for the purpose of constructing a public trail, known as the "Gateway Trail," which is a portion of long-term joint project to establish a trail system serving this area; and

WHEREAS, the Town will be replacing decking to the bridge, and staff is supportive of the Town’s improvements and use; now therefore be it

**RESOLVED,** That the Board of Public Works is supportive of entering into an MOU with the Town, and recommends that Common Council authorize the mayor, upon the advice of the City Attorney, to execute the submitted MOU for the Town’s use of the pedestrian bridge as part of the Gateway Trail.
MEMORANDUM OF UNDERSTANDING REGARDING TOWN’S AUTHORIZED USE OF ROUTE 13 PEDESTRIAN BRIDGE FOR GATEWAY TRAIL

THIS AGREEMENT, made this ___ day of _____, 2018, by and between:

▷ The TOWN OF ITHACA, NEW YORK, a municipal corporation having offices at 215 North Tioga Street, Ithaca, New York 14850, (hereinafter referred to as “TOWN”),

and

▷ The CITY OF ITHACA, NEW YORK, a municipal corporation having offices at 108 E. Green Street, Ithaca, New York (hereafter referred to as "CITY”),

WITNESSETH THAT:

WHEREAS, the CITY owns a pedestrian bridge that runs over Route 13 (“Route 13 Pedestrian Bridge”) and CITY also holds a permit issued by the New York State Department of Transportation (“NYSDOT”) authorizing the City to occupy and maintain the Route 13 Pedestrian Bridge within the State’s airspace; and

WHEREAS, TOWN wishes to use the Route 13 Pedestrian Bridge (also, the “Premises” or “Bridge”) for the purpose of constructing a public trail, known as the “Gateway Trail”; and

WHEREAS, the CITY’s Board of Public Works and Common Council have authorized the Mayor to execute this Memorandum of Understanding (“MOU”) allowing the above-described use subject to certain conditions;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto, for themselves, their heirs, executors, administrators, successors and assigns, do hereby covenant and agree as follows:

1. By this MOU, TOWN shall have the right to lawfully use the Route 13 Pedestrian Bridge for the purposes of installing a public trail that will exist thereon throughout the course of the MOU term and any renewals thereof, subject to the terms and conditions set forth herein as set forth in Exhibit A, which is attached and incorporated into this Agreement by reference. The CITY maintains its right and obligation to enter upon the Premises for any purpose, including the purpose of inspection or to assess or remedy a dangerous or potentially dangerous condition.

2. The use by TOWN of the above-described property of the CITY does not constitute and shall never ripen into or become a right to use any portion of such property without the consent of the CITY, but is and shall continue to be only a use by sufferance of said property of the CITY, as evidenced by this duly executed and current MOU. In its sole discretion, CITY reserves the right to move or remove any fixtures or improvements within the Premises pursuant to Paragraph 5 of this agreement.

3. Subject to the provisions of Paragraph 4, below, the term of the MOU contained herein shall be for the period commencing upon the date of execution of this MOU and expiring on March 31, 2043. The parties may renew this MOU thereafter on the mutual consent of both parties, for ten-year terms, with the same terms and conditions, provided that TOWN has submitted to CITY any required renewal forms and each party has submitted to the other proof of insurance, before the commencement of such new term(s).
4. Notwithstanding any other provisions herein, this MOU may be terminated by either party, upon at least 30 days' written notice to the other party, if (a) the City's Permit for Use of State Property referenced in Paragraph 7 below terminates or is revoked, and it is not replaced by a new permit within sixty (60) days of termination or revocation, or (b) the TOWN fails to submit to the CITY required insurance forms within thirty (30) days of the CITY's request for same, or (c) the CITY, in its sole discretion, determines that the Route 13 Pedestrian Bridge is unsafe for use by the general public.

5. TOWN hereby agrees to install a new deck on the Route 13 Pedestrian Bridge as indicated in Exhibit A in such a manner as to not obstruct the Route 13 roadway and in accordance with the specifications and directives of the City's Department of Public Works and the general specifications noted therein. CITY hereby agrees to maintain the Premises in a safe, sound, clean and serviceable condition, in accordance with all applicable ordinances of the CITY and such that no hazard is posed to the public from the public's use of or proximity to said Premises, and to repair or remove any unsafe or improper structure or thing thereupon.

6. TOWN hereby agrees that it is TOWN's duty, at the end of the term (in the absence of timely renewal thereof) or in the event of other termination of the License and MOU, to remove the bridge decking installed by the TOWN, if so requested by the CITY.

7. City acknowledges that the City remains responsible for reasonable inspection, repair and maintenance of the Route 13 Pedestrian Bridge, including the decking after the Town installs new decking, per the requirements of its New York State Permit for Use of State Property, Permit No. 33669, dated November 26, 2001. All determinations concerning inspections, repairs, and maintenance (including, but not limited to timing, scope, and suitability) shall be in the City's sole discretion. If at any time, the City finds that the Route 13 Pedestrian Bridge is unsuitable or unsafe for use by the general public, nothing in this MOU shall limit the City's ability to restrict the Town's use or access by the general public to the Bridge.

7. TOWN and CITY hereby agree to defend, indemnify and save each other and their respective officers, employees, elected officials and agents harmless from any loss, claim, injury or damage caused by the indemnifying party's negligence in connection with the existence, use, repair or maintenance of the Premises, or the failure to maintain the same in good repair and safe condition if the indemnifying party is required to do so by the License and MOU, including reasonable attorney's fees and court costs. TOWN acknowledges that it will likewise hold the City harmless from any costs the City may incur, including legal fees, due to any claims which may arise out of TOWN's obstructing, encumbering or occupying any area adjacent to the Premises used to install the trail on the Premises.

8. TOWN hereby agrees to maintain at all times General Liability insurance in the amount of at least $1,000,000.00 per occurrence for bodily injury or property damage, to list the City as an additional insured under said insurance policy, and to provide written proof of such insurance from the insurer, at the time of execution of this agreement, and as may be otherwise required by the City.

9. CITY hereby agrees to maintain at all times General Liability insurance in the amount of at least $1,000,000.00 per occurrence for bodily injury or property damage, to list the TOWN as an additional insured under said insurance policy, and to provide written proof of such insurance from the insurer, at the time of execution of this agreement, and as may be otherwise required by the TOWN.

9. All notices provided for herein shall be sent to CITY at the address set forth above (in care of the City Chamberlain), or to TOWN (or any subsequent owner or person, as described above) at the address set forth above, or at any other address provided in writing to CITY by TOWN.
IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto as of the day and year first above written.

TOWN OF ITHACA (TOWN)

By: ____________________________  
    (signature)  

______________________________  
    (print name and title)

CITY OF ITHACA

By: ____________________________  
    Svante L. Myrick, Mayor

STATE OF NEW YORK  )
COUNTY OF TOMPKINS  ) ss:

On this _____ day of ____________, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared ____________, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her/his capacity, and that by her/his signature on the instrument, the individual, or person on behalf of which the individual acted, executed the instrument.

______________________________  
Notary Public

STATE OF NEW YORK  )
COUNTY OF TOMPKINS  ) ss:

On this _____ day of ____________, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared SVANTE L. MYRICK, personally known to me, or proved to me on the basis of satisfactory evidence, to be the individual who, being by me duly sworn, did depose and say that he resides at Ithaca, New York, and that he is the Mayor of the City of Ithaca, the municipal corporation described in and which executed the above instrument; and that he signed his name thereto upon authorization of the Board of Public Works of such corporation.

______________________________  
Notary Public

Approved as to form and content:

______________________________  
City Attorney  

______________  
Date
EXHIBIT A:

TERMS AND CONDITIONS:

In addition to the terms of the License and MOU, the parties agree that:

1. The Town shall be responsible for installation of new bridge decking as part of its construction of the Gateway Trail. The decking shall be constructed substantially as shown on plans, dated __________, that have been reviewed by City engineers.

2. The Town shall construct and maintain the portion of the Gateway Trail that runs from the current Home Depot parking lot to the north end of the Route 13 Pedestrian Bridge, and from the south end of the Bridge through Buttermilk Falls State Park to the trail’s end just before Stone Quarry Road. The Town agrees to not open the Route 13 Pedestrian Bridge portion of the trail until portions on either side of the Bridge can be safely accessed and used by the public.
12A. **Denial of Appeal of Water Service Installation Billing for 926, 930, 936 Hector Street – Resolution**

WHEREAS, on April 4, April 11, and April 13, 2018, the Water and Sewer Division of the City of Ithaca DPW installed new water and sewer services at the request of the Owner of 926, 930 and 936 Hector Street, and

WHEREAS, the property owner states he was not aware he would be responsible for costs associated with the installation, and

WHEREAS, the Board of Public Works discussed the appeal at their regular meeting on January 15, 2019, now therefore be it

**RESOLVED,** That the Board of Public Works hereby denies the appeal to dismiss the bills associated with the installation of new water and sewer services for these three properties, and be it further

**RESOLVED,** That any balance on the bills not be subject to late fees or interest until 30 days beyond of the date of this Resolution, and that the owner may also, at his option, contact the City of Ithaca Chamberlain’s Office to arrange an extended repayment plan for the amount of the invoices.