OFFICIAL NOTICE OF MEETING

A Regular meeting of the Common Council will be held on Wednesday, June 5, 2019, at 6:00 p.m. in the Common Council Chambers at City Hall, 108 East Green Street, Ithaca, New York. Your attendance is requested.

AGENDA

1. **PLEDGE OF ALLEGIANCE:**

2. **ADDITIONS TO OR DELETIONS FROM THE AGENDA:**

3. **PROCLAMATIONS/AWARDS:**

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

5. **SPECIAL PRESENTATIONS BEFORE COUNCIL:**
   5.1 Presentation from Youth Council
   5.2 Reports of Municipal Officials

6. **PETITIONS AND HEARINGS OF PERSONS BEFORE COUNCIL:**

7. **PRIVILEGE OF THE FLOOR – COMMON COUNCIL AND THE MAYOR:**

8. **CONSENT AGENDA ITEMS:**
   **City Administration Committee:**
   8.1 Human Resources – Request to Amend Authorized Budget for a Safety Grant - Resolution
   8.2 Department of Public Works (DPW) – Parking Division - Amendment to Personnel Roster - Resolution

9. **PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:**
   9.1 2019-2023 Consolidated Plan Adoption – HUD Entitlement Program - Resolution
   9.2 Adoption of the Draft 2019 Action Plan — HUD Entitlement Program - Resolution
   9.3 Proposed Planned Unit Development Application-Park Grove Realty and Cayuga Medical Center-Common Council Conditional Approval Resolution
   9.4 Approval of E- Scooter Pilot Program - Resolution
   9.5 Resolution Supporting New York State (NYS) Emergency Tenant Protection Act (ETPA) of 1974
10. **CITY ADMINISTRATION COMMITTEE:**
   10.1 Adoption of the Ithaca Green New Deal - Resolution
   10.2 A Resolution Authorizing the Issuance of $2,669,000 Bonds of the City of Ithaca, Tompkins County, New York to Pay the Cost of Certain Capital Improvements in and for said City
   10.3 City Controller’s Report

11. **REPORTS OF SPECIAL COMMITTEES:**

12. **NEW BUSINESS:**

13. **INDIVIDUAL MEMBER – FILED RESOLUTIONS:**
   13.1 Alderperson Murtagh - Ithaca Common Council Resolution Supporting Reproductive Rights
   13.2 Mayor Myrick - Establishment of the Salary for the Acting Police Chief - Resolution

14. **MAYOR’S APPOINTMENTS:**
   14.1 Appointment to Community Life Commission – Resolution

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

16. **REPORT OF CITY CLERK:**

17. **REPORT OF CITY ATTORNEY:**

18. **MINUTES FROM PREVIOUS MEETINGS:**
   18.1 Approval of the May 1, 2019 Common Council Meeting Minutes – Resolution

19. **ADJOURNMENT:**

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

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

   “This meeting can viewed via livestream on [https://ithacany.viebit.com/](https://ithacany.viebit.com/)”

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Julie Conley Holcomb, CMC, City Clerk

Date: May 30, 2019
8. CONSENT AGENDA ITEMS:
   City Administration Committee:

8.1 Human Resources – Request to Amend Authorized Budget for a Safety Grant - Resolution

   WHEREAS, the City applied for and received an Occupational Safety and Health Training Education Program Grant from the New York State Department of Labor in the amount of $12,435; and

   WHEREAS, the grant will run until July 31, 2019, and provide City staff with various safety training, including, but not limited to confined space, trenching, excavation, lockout/tagout, hazard communications and work zone safety; now, therefore be it

   RESOLVED, That Common Council hereby amends the 2019 Authorized Human Resources Budget to account for the $12,435 Safety and Health Training and Education Program Grant from New York State as follows:

   Increase Revenue Account:
   A1430-3489 NYS Aid Health $ 12,435

   Increase Appropriations Account:
   A1430-5435 Human Resources Contracts $ 12,435
8.2  **Department of Public Works (DPW) – Parking Division - Amendment to Personnel Roster - Resolution**

WHEREAS, the Director of Parking is continuing to assess and realign staffing to most effectively address operational needs; and

WHEREAS, the Director of Parking is recommending the elimination of a maintenance position and the addition of a parking lot attendant position; and

WHEREAS, a current employee is interested in changing from a maintenance position to a parking lot attendant position; now, therefore be it

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

Unfund: One (1) Building and Grounds Maintenance Worker
Fund and increase to full-time: One (1) Parking Lot Attendant

; and, be it further

RESOLVED, That the above changes shall be funded within the existing budget.
WHEREAS, in the Fall of 2003, the U.S. Department of Housing and Urban Development (HUD) notified the City that it qualified as an ‘Entitlement Community’ and it would be receiving an annual allocation of HUD funds through the Community Development Block Grant Program (CDBG) and HOME Investment Partnerships (HOME) Program; and

WHEREAS, in order to access these funds, the City is required to undertake a public input process and prepare a Consolidated Plan, which identifies priority community development needs for the City of Ithaca, every five years; and

WHEREAS, the City’s fourth Consolidated Plan is required to be submitted to HUD by June 16, 2019; and

WHEREAS, under the terms of the February 14, 2013 agreement between the City of Ithaca and the Ithaca Urban Renewal Agency (IURA), the City has designated the IURA as the Lead Agency to develop and administer the Consolidated Plan on behalf of the City; and

WHEREAS, the Consolidated Plan may only be adopted by the City of Ithaca after it has undergone a 30-day public comment period and been the subject of two Public Hearings; and

WHEREAS, the first Public Hearing was held before the IURA on March 28, 2019, and the second Public Hearing was held at the Planning and Economic Development Committee of Common Council on May 8, 2019; and

WHEREAS, the IURA adopted the draft Consolidated Plan at its April 18, 2019 meeting and recommended that Common Council approve it; and

WHEREAS, the 30-day public comment period for the Consolidated Plan ends on May 31, 2019; and

WHEREAS, any additional public comment received will be incorporated into a revised draft version of the Consolidated Plan; now, therefore be it

RESOLVED, That the Common Council of the City of Ithaca hereby adopts the draft Consolidated Plan, dated April 18, 2019; and, be it further

RESOLVED, That the Common Council authorizes the Mayor, subject to review by the City Attorney, to execute certifications and any other documents necessary to submit the Consolidated Plan to HUD.
1. Introduction

The City of Ithaca has a valuable resource that many communities do not. As a U.S. Department of Housing and Urban Development (HUD) entitlement community, Ithaca receives HUD dollars to dedicate to affordable housing and other community development projects, with a focus on increasing opportunity for people with low-to moderate-incomes (LMI). In the past five years, this funding has helped Ithaca leverage other resources for new construction of affordable housing, both rental and homebuyer, like 210 Hancock Street; filled the gaps on qualified projects, such as the renovation of our local domestic violence shelter; and, in relatively unusual cases, provided the bulk amount for an entire project.

Ithaca is a busy small city -- a strong, regional employment center with two thriving institutions of higher education. People from across the region and the globe come to Ithaca for work, study, or both. In turn, Ithaca has become a vital hub with access to employment; educational and enrichment opportunities for people of all ages; exquisite natural areas and well-maintained green spaces proximate to City neighborhoods; and robust public facilities and public services that strengthen the quality of life for City residents. These characteristics and economic opportunities also put pressure on Ithaca’s housing market, creating scarcity and unaffordability. Even as affordable rental and for-sale housing has been newly constructed or preserved through rehabilitation and repair (all prioritized activities in our previous Consolidated Plans), housing at every level of affordability continues to be voiced as a major need.

Purpose: This plan’s purpose is to guide the next five years’ use of HUD entitlement funding in the City of Ithaca. It is the City’s fourth Consolidated Plan. Through the consolidated planning process, community members have given input about the housing and community development needs in Ithaca. Community leaders, committees, organizations, and subject-matter experts have been consulted. Quantitative data has been analyzed. Together, these sources of information create a comprehensive picture of the ways in which HUD funding could be deployed to help meet these needs. This plan discusses and prioritizes the needs that have been identified; evaluates past performance; surveys existing resources; and updates past goals. It outlines possibilities for future action and aligns these prospective actions with goals, to ensure we focus on meeting the community’s most pressing needs.

Note on Terminology: HUD often shortens “Consolidated Plan” to “Con Plan.” This report will avoid that terminology, however, to prevent confusion with a similar-sounding plan, the City of Ithaca’s Comprehensive Plan, or, “Comp Plan.”

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment
Overview

The Consolidated Plan outlines goals that will be pursued over the next five years to address identified community needs. CDBG and HOME programs advance the following statutory objectives, for the principal benefit of low-and moderate-income households:

- Provide decent, safe, and affordable housing (CDBG)
- Create suitable living environments (CDBG)
- Expand economic opportunities (CDBG)
- Expand the supply of decent, safe, sanitary, and affordable housing (HOME)

The City has established the following local goals for this Consolidated Plan period, which reflect the needs identified by the community and support the above-named statutory objectives.

Improve and Expand Affordable Housing Options

There continues to be an acute shortage of affordable housing in the City of Ithaca. The City’s 2017 Assessment of Fair Housing found 53% of all City households were cost-burdened, with 36% severely so. (Source: American Community Survey 2010-2015). To address this need, the City will support projects that increase the total supply of affordable units of all types and the affordability of existing units, and will improve the condition of existing affordable units.

Develop Economic and Employment Opportunities

Ithaca is highly-educated community with a low unemployment rate. This creates a very difficult dynamic for low-and moderate-income community members who do not have specialized skills or advanced educational attainment. To address this need, the City will provide direct loans and support technical assistance to businesses to create jobs; support entrepreneurship training and technical assistance; and support initiatives that provide career-readiness training, job placement, skill development, and on-going post-placement support.

Remove Barriers to Opportunity

The opportunities of our community should be accessible to all its residents, regardless of residents’ particular physical or socio-economic characteristics. Where barriers exist, they should be removed. To address this need, the City will seek to increase transportation options; will support residential and public physical accessibility improvements; support early childhood, senior, and homeless programming; and services to immigrants.

Strengthen Neighborhoods

For our City to thrive as a whole, each of its constituent parts must have the adequate resources and infrastructure to meet the needs of its residents and support their aspirations. To address this need, the City will support physical improvements to streets, parks, recreational facilities, public buildings, and transportation systems for the benefit of low- and moderate-income neighborhoods; support
necessary repairs and improvements housing stock, both rental and homeownership; and support programs that facilitate homeownership.

**Meet Essential Needs for Food, Shelter, and Safety**

Ithaca’s most vulnerable, at-risk populations require public services and public facilities that will meet basic human needs for food, shelter, and safety. To address this need, the City will support programs that prevent homelessness; improve access to health care; ensure safe living environments; and/or increase awareness and utilization of existing community resources in these areas.

**Affirmatively Further Fair Housing**

The City’s 2017 Assessment of Fair Housing (AFH) analyzed data in order to identify local factors that contribute to local fair housing issues and lack of access to opportunity. The AFH identifies seven fair housing goals, with associated timelines and milestones, to guide the City in promoting fair housing. The City will support projects which promote fair housing. Projects could include strategies to address displacement caused by gentrification, disparity in opportunity, housing problems (as defined by HUD), enforcement, or otherwise support fair housing.

**Priority Needs**

HUD asks all entitlement communities to identify their Priority Needs during the consolidated planning process. The table below lists Ithaca’s Priority Needs for the next five years. Any of the items listed as a Priority Need—whether its priority level is “high” or “low”—is eligible for CDBG funding. If, after the Consolidated Plan is created, a new need should emerge, it may be added through the amendment process.

**Table 1 Priority Needs**

<table>
<thead>
<tr>
<th></th>
<th>Code</th>
<th>Priority Need</th>
<th>Priority Level</th>
<th>Associated Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>AH</td>
<td>Production of New Units</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>2</td>
<td>AH</td>
<td>Tenant-Based Rental Assistance (TBRA)</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>3</td>
<td>AH</td>
<td>Homeowner Rehab/Repairs</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>4</td>
<td>AH</td>
<td>Accessibility Improvements</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Description</strong></td>
<td><strong>Priority</strong></td>
<td><strong>Goals</strong></td>
</tr>
<tr>
<td>---</td>
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<td>------------------------------------------------------</td>
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<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5</td>
<td>AH</td>
<td>Transitional Housing</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>6</td>
<td>AH</td>
<td>Permanent Supportive Housing</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>7</td>
<td>AH</td>
<td>Affordable Homeownership</td>
<td>High</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>8</td>
<td>AH</td>
<td>Rental Rehab/Energy Efficiency</td>
<td>High/Low</td>
<td>Improve &amp; Expand Affordable Housing Options</td>
</tr>
<tr>
<td>9</td>
<td>ED, AH, PF</td>
<td>Childcare Centers</td>
<td>Low</td>
<td>Develop Economic &amp; Employment Opportunities; Remove Barriers to Opportunity</td>
</tr>
<tr>
<td>10</td>
<td>ED</td>
<td>Job Creation &amp; Entrepreneurship</td>
<td>High</td>
<td>Develop Economic &amp; Employment Opportunities; Remove Barriers to Opportunity</td>
</tr>
<tr>
<td>11</td>
<td>ED</td>
<td>Job Readiness &amp; Placement</td>
<td>High</td>
<td>Develop Economic &amp; Employment Opportunities</td>
</tr>
<tr>
<td>12</td>
<td>PF</td>
<td>Public Facilities</td>
<td>High</td>
<td>Strengthen Neighborhoods</td>
</tr>
<tr>
<td>13</td>
<td>PF</td>
<td>Emergency Shelter</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety</td>
</tr>
<tr>
<td>14</td>
<td>PF</td>
<td>Domestic Violence Shelter</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety</td>
</tr>
<tr>
<td>15</td>
<td>PF</td>
<td>Health Facilities</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety</td>
</tr>
<tr>
<td>16</td>
<td>PF</td>
<td>Blight Removal</td>
<td>High</td>
<td>Strengthen Neighborhoods</td>
</tr>
<tr>
<td>17</td>
<td>PI</td>
<td>Public Infrastructure</td>
<td>High</td>
<td>Strengthen Neighborhoods</td>
</tr>
<tr>
<td>18</td>
<td>PI</td>
<td>2017 AFH-Identified Goals for City of Ithaca</td>
<td>High</td>
<td>Affirmatively Further Fair Housing; Remove Barriers to Opportunity; Meet Essential Needs for Food, Shelter, and Safety</td>
</tr>
<tr>
<td>19</td>
<td>PS</td>
<td>Information &amp; Referral</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter, and Safety</td>
</tr>
<tr>
<td>20</td>
<td>PS</td>
<td>Immigrant Services</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter, and Safety</td>
</tr>
<tr>
<td>21</td>
<td>PS</td>
<td>Transportation Services</td>
<td>High</td>
<td>Remove Barriers to Opportunity</td>
</tr>
<tr>
<td>22</td>
<td>PS</td>
<td>Code Enforcement</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter, &amp; Safety</td>
</tr>
<tr>
<td>23</td>
<td>PS</td>
<td>Landlord/Tenant Counseling</td>
<td>High</td>
<td>Meet Essential Needs for Food, Shelter, &amp; Safety</td>
</tr>
<tr>
<td>24</td>
<td>PS</td>
<td>Youth Services</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter, &amp; Safety; Develop Economic &amp; Employment Opportunities; Remove Barriers to Opportunity</td>
</tr>
<tr>
<td>25</td>
<td>PS</td>
<td>Homeless Services Day Programming</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety</td>
</tr>
<tr>
<td>26</td>
<td>PS</td>
<td>Senior Services</td>
<td>Low</td>
<td>Meet Essential Needs for Food, Shelter &amp; Safety; Remove Barriers</td>
</tr>
</tbody>
</table>
3. Evaluation of past performance

The 2014-2018 Consolidated Plan included specific objectives intended to address community needs identified during the planning process. These objectives and their associated outcomes to date appear in Table 2, below. Since the 2014 Consolidated Plan’s final program year (2018-2019) runs concurrently with the creation of the 2019 Consolidated Plan, outcomes continue to develop as the 2019 plan is created. As required by HUD, IURA documents all outcomes on a yearly basis in the report known as the “CAPER” (Consolidated Annual Performance Evaluation Report). Final outcomes for the 2014-2018 Consolidated Plan cycle will be available in the 2018-2019 CAPER. Moreover, CAPERs for the previous Consolidated Plan period may be accessed on the Ithaca Urban Renewal Agency’s website under the “Reports” link on the left-hand navigational bar. See www.ithacaura.org.

Some projects anticipated in the last Consolidated Plan did not materialize. Others had longer timelines than anticipated due to their scale, complexity, or unanticipated barriers. For example, the 2015 Spencer Road Sidewalks project is just wrapping up as the 2019 Consolidated Plan is developed. IURA Staff monitors all projects, and records results achieved into HUD’s Integrated Disbursement and Information System (IDIS).

Table 2, Past Performance of 2014 Consolidated Plan Specific Objectives

<table>
<thead>
<tr>
<th>Specific Objectives</th>
<th>Performance Measure</th>
<th>Expected Units</th>
<th>Actual Units (as of 7/31/18)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing Objectives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New construction - Rental housing</td>
<td>Assisted units</td>
<td>35</td>
<td>21</td>
</tr>
<tr>
<td>New construction - Homeowner¹</td>
<td>Assisted units</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Repair or rehabilitation - Homeowner⁴</td>
<td>Assisted households</td>
<td>250</td>
<td>168</td>
</tr>
<tr>
<td>First-time homebuyers⁵</td>
<td>Assisted households</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Tenant-based rental assistance (TBRA)</td>
<td>Assisted Households</td>
<td>250</td>
<td>328</td>
</tr>
</tbody>
</table>

¹ This table (Table 1) ties to the objectives identified in the 2014 Consolidated Plan’s Strategic Plan Overview (SP-05) on pp. 74-75. Additional goals created through the Annual Action Plans are fully reported on in CAPERs.
² This column documents outcomes achieved by the end of the 2017 Program Year (and reported in the 2017 CAPER). The 2018-2019 Program Year is the fifth year of the 2014-2018 Consolidated Plan and concludes on 7/31/2019, at which time further outcomes will be available.
³ For-sale to homebuyers
⁴ Owner-occupied units
⁵ Direct financial assistance, usually in the form of down payment assistance
<table>
<thead>
<tr>
<th>Economic Development Objectives</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transitional housing⁶</td>
<td>Assisted beds</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Job creation or retention</td>
<td>Jobs</td>
<td>40</td>
<td>34⁷</td>
</tr>
<tr>
<td>Job readiness⁸</td>
<td>Persons assisted</td>
<td>250</td>
<td>168</td>
</tr>
<tr>
<td>Job training &amp; placement</td>
<td>Persons assisted</td>
<td>--</td>
<td>29⁹</td>
</tr>
<tr>
<td>Micro-enterprise assistance</td>
<td>Businesses assisted</td>
<td>3</td>
<td>13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Facilities &amp; Infrastructure Objectives</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvements to Public Facilities</td>
<td>Beneficiaries</td>
<td>5,026</td>
</tr>
<tr>
<td></td>
<td>(Persons)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Services Objectives</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Services that help meet essential needs for food, shelter, and safety</td>
<td>Persons assisted</td>
<td>2,925</td>
</tr>
</tbody>
</table>

4. **Summary of citizen participation process and consultation process**

The IURA conducted significant outreach and consultation with citizens, neighborhood groups, non-profits, and government agencies to determine community needs and establish Plan priorities. In accordance with the City’s approved *Citizen Participation Plan*, outreach consisted of both meetings with neighborhood residents and consultations with professionals and practitioners in fields related to community development.

Criteria for selecting meeting places included convenience and accessibility to the neighborhoods served by the IURA. Meetings were advertised in accordance with the City’s *Citizen Participation Plan*. Neighborhood Public Input meetings were held as follows:

1/17/2019, 6:00 p.m., Tompkins County Public Library, 101 E. Green Street
1/23/2019, 5:30 p.m., Greater Ithaca Activities Center, 301 W. Court Street
1/24/2019, 12:00 noon, Common Council Chambers, City Hall, 108 E. Green Street
1/28/2019, 5:00 p.m., 2nd Floor Conference Room, City Hall, 108 E. Green Street

Further opportunities for the public to identify needs for the Consolidated Plan to address were afforded through a presentation and discussion at the Continuum of Care’s Homeless and Housing Task Force Meeting; a focus group with local affordable housing advocates; presentations and discussions at

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⁶ Case management, a Public Service activity, was provided to individuals in transitional housing; however, no sponsor was identified for the creation of a new Public Facility to provide 25 beds of transitional housing.

⁷ Jobs created/retained under the “Expand Economic and Employment Opportunities” goal are outcomes of the CDBG Economic Development Loan Fund.

⁸ The objective “the provision of job readiness and/or job training with placement to 250 persons” has been divided into its component parts and outcomes are reported for “job readiness” and “job training and placement.”

⁹ Jobs created/retained under the “Increase Physical and Economic Mobility” goal are associated with the job training and placement programs.
two meetings of City of Ithaca’s Community Life Commission; and presentations with discussion at one meeting of the Tompkins County Legislature’s Housing Subcommittee.

In addition to the outreach specified in the City’s Citizen Participation Plan, postings were placed on the Human Services Coalition Listserv, which has a reach of over 3,000 subscribers, and the IURA website to encourage the public to attend input sessions and/or reach out directly to schedule individual comment sessions.

5. Summary of public comments

Comments received were grouped into the following categories.

Accessibility

- Remove architectural barriers in public places (Public Facilities)
- Remove architectural barriers in housing
- Promote increased use of universal design features in new construction for people with disabilities, for aging populations, and so people can age in place affordably
- Public restrooms needed, accessible to those with disabilities (Public Facilities)

Aging in Place

- Mini-Repair
- Homeowner Rehab
- Accessibility improvements/modifications (age-related disabilities)

Affordable Housing

- Increase availability at all income levels
- Affordable housing with supportive services needed for an array of special needs populations: recovery, reentry, exiting homelessness, and more.
- Increase availability/access to affordable housing through increased acceptance of Section 8 and other subsidies (landlord education/engagement)
- Housing “assistance cliff” (when a modest increase in income makes a household ineligible for financial assistance)
- Increase affordable homeownership opportunities
- Repair/rehab of Ithaca Housing Authority (IHA)-held properties
- Address housing conditions at housing sites to which people receiving Department of Social Services (DSS) housing shelter allowance are referred – poor conditions, no heat, vermin, unclean, etc.
- Examine process/remove barriers in home loan process that prevent otherwise qualified LMI individuals from being eligible for purchase
- See comment in Health re: service to eradicate bed bugs
Services and Coordination related to Housing

- Connect tenants with service providers to landlords willing to rent
- Support Rapid Rehousing goals
- Educate/outreach to landlords to accept tenants with any source of income (SOI)
- Service to help LMI people improve credit scores for better rental options and/or homeownership
- Eviction prevention
- Landlord/tenant counseling
- Safety net needed for individuals on Housing Choice Voucher list (housing burden issue)
- “Damages fund” available to Landlords who take a chance on tenant with high barriers
- “Landlord Liaison”-type service to help people access and retain housing

Childcare

- Increase opportunities for home-based childcare (Economic Development)
- Include compliant ground-floor units within affordable housing developments for seamless provision of home-based childcare (Affordable Housing, Economic Development)

Code Enforcement

- Understand how code enforcement relates to aiding access to affordable housing
- Promote ways to streamline, improve, etc., code enforcement, so it is systematic, timely, and promotes decent affordable housing
- See comment in Affordable Housing re: housing conditions

Displacement Due to Gentrification

- Preserve ability for LMI people to live in neighborhoods where they have long-standing connections
  - These neighborhoods provide access to Ithaca’s high opportunities (walkable access to education, employment, etc.) – fair housing issue
  - Preserve community and cultural fabric
- Increase homeownership opportunities for long-tenured residents
- Targeted economic development – by/for LMI residents
- Targeted Small Repair
- Targeted Homeowner Rehab
- Sponsor community conversation about displacement to find other solutions

Economic Development

- Microenterprise assistance
- Loans to businesses for job creation and other desired outcomes (local hiring, living wages)
- Loans, education, and training to LMI people wishing to start small businesses
• Help overcoming barriers to small business

Fair Housing

• Pursue City’s AFH-identified Fair Housing Goals (7)
  o Source of Income Protection
  o Strategies to prevent displacement due to gentrification
• Local enforcement is needed (funding for, designation of local entity)

Health

• Opioid Crisis
  o Access to treatment
  o Adequate treatment facilities/centers
  o Housing for those in treatment
  o Housing for those in recovery
  o Low-barrier shelter
• Service to eradicate bed bugs

Homelessness

• Low-barrier shelter for homeless people with multiple barriers preventing access to housing (Southwest Park)
• Services for homeless people with multiple barriers in encampments e.g. Southwest Park
• Increase funding for Homeless Outreach staff (current focus is supposed to be the Commons, but staff need to go to many locations)
• Pathway to permanent housing for homeless people with high barriers
• Low-barrier/high-tolerance shelter (for people who are using and/or may be ineligible for services from DSS)
• Youth shelter (specify ages)
  o Youth under 18 can’t be served by adult shelter
• See comment in Affordable Housing re: housing conditions

Job Training Programs

• Programs that reach people with barriers to employment are necessary.
• Programs that build in flexibility are beneficial, so participants can address other life issues that create employment barriers.
• Promote training programs to trades and other professions that provide sustainable living wage
• Employee-Assistance (EAP)-type program for people in job training programs to provided needed support during times of crisis, aid in retention, promote employability

Landlord/Tenant
- Landlord-tenant counseling, services, workshops
- Services directed to tenants in need of eviction-prevention or other assistance
- Landlord training and “licensing” class

Planning Process (Consolidated Plan and Action Plan)

- Process is flawed. Some applicants are funded year after year, which dissuades others from applying.
- There is a lack of people of color or independent people receiving grants

Public Art

- Ithaca needs public art built by and reflective of the community that made it

Public Facilities

- Playground for lower West Hill neighborhood
- Basketball Court for lower West Hill neighborhood
- Public restrooms that are accessible (i.e., on the Commons)
- Low-barrier shelter
- Youth shelter
- Aid for eligible public facilities identified in Southside Plan (i.e., park lighting)
- Acoustics improvement at Southside Community Center’s gym

Public Housing

- Funding to assist Ithaca Housing Authority with needed repair and maintenance

Transportation

- More affordable transportation options needed to address housing affordability/transportation mismatch (i.e., much affordable housing is within the County, not the City, but there is inadequate transportation to get to jobs from these affordable locations).
- “B” and “C” shift options/emergency ride homes
- Employer-assisted or employer flexibility of start times needed to address limited transportation
- Promote ability for children to participate in after-school activities (i.e. West Hill/Cayuga Heights)
- Promote ability for parents to attend teacher conferences

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted and considered in the preparation of this Consolidated Plan.
7. Summary

The 2019-2023 Consolidated Plan aims to address our community’s priority needs with the entitlement funds HUD makes available on a yearly basis. Members of the public, community organizations, practitioners in community development fields, and others were engaged and consulted in the making of this plan. Technical assistance is available throughout the year for individuals and organizations seeking to develop projects to address priority needs, in order to be ready to apply for Action Plan funding. Contact Anisa Mendizabal, Community Development Planner, Ithaca Urban Renewal Agency at amendizabal@cityofithaca.org or (607) 274-6553.
9.2 Adoption of the Draft 2019 Action Plan — HUD Entitlement Program - Resolution

WHEREAS, the City of Ithaca (City) is eligible to receive an annual formula allocation of funds to address community development needs through the U.S. Department of Housing & Urban Development (HUD) Entitlement Program from the Community Development Block Grant (CDBG) program and the HOME Investment Partnerships (HOME) program funding sources; and

WHEREAS, the City has contracted with the Ithaca Urban Renewal Agency (IURA) to administer, implement, and monitor the City’s HUD Entitlement Program in compliance with all applicable regulations; and

WHEREAS, on an annual basis, an Action Plan must be submitted to HUD to access HUD Entitlement Program funding allocated to the City; and

WHEREAS, the 2019 Action Plan identifies a specific list of budgeted community development activities to be funded from the 2019 HUD Entitlement Program allocation and associated funds administered by the IURA; and

WHEREAS, the following funding is available to be allocated through the 2019 Action Plan:

\[
\begin{align*}
\text{CDBG 2019 allocation} & \quad 688,397.00 \\
\text{CDBG 2019 projected Program Income} & \quad 107,000.00 \\
\text{CDBG recaptured/unallocated funds} & \quad 26,786.99 \\
\text{HOME 2019 allocation} & \quad 305,972.00 \\
\text{HOME 2018 Community Housing Development Organization (CHDO) reserve} & \quad 97,022.70 \\
\text{HOME 2017 Community Housing Development Organization (CHDO) reserve} & \quad 4,309.08 \\
\text{HOME recaptured/unallocated funds} & \quad 5.00 \\
\text{Total} & \quad 1,229,492.77
\end{align*}
\]

; and

WHEREAS, the IURA utilized an open and competitive project selection process for development of the 2019 Action Plan in accordance with the City of Ithaca Citizen Participation Plan; and

WHEREAS, the IURA developed a draft 2019 Action Plan for public comment and Common Council consideration; and

WHEREAS, a public hearing on the draft Action Plan was held on May 8, 2019; now, therefore be it

RESOLVED, That the Common Council for the City of Ithaca hereby adopts the Draft 2019 City of Ithaca Action Plan, dated April 18, 2019, for allocation of the City’s 2019 HUD Entitlement Program award along with associated funds listed above; and, be it further

RESOLVED, that the Ithaca Urban Renewal Plan shall be amended to include activities funded in the adopted 2019 Action Plan.
### Draft 2019 City of Ithaca Action Plan — Summary

**HUD Entitlement Program**

**Back-Up Item 9.2**

Adopted by the Ithaca Urban Renewal Agency: 4/18/19

---

### HOUSING

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Total Project Cost</th>
<th>Summary Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2019 Homeowner Rehab</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$125,000.00</td>
<td>$201,779.00</td>
<td>Assist at least 5 low-income homeowners with projects that improve the condition and performance of their homes.</td>
</tr>
<tr>
<td>2</td>
<td>Small Repair Program</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$32,500.00</td>
<td>$33,250.00</td>
<td>Provide 40 homeowners with maintenance and repairs focused on health/safety issues, accessibility, and providing links to other programs and services.</td>
</tr>
<tr>
<td>3</td>
<td>Immaculate Conception School Redevelopment*</td>
<td>Ithaca Neighborhood Housing Services, Inc. (INHS)</td>
<td>$350,000.00</td>
<td>$21,498,342.00</td>
<td>Redevelop 2-acre property to provide approximately 72 affordable rental housing units and non-profit space, with a minimum 15% special needs set-asides for a disabled population (FBD).</td>
</tr>
<tr>
<td>4</td>
<td>Housing Scholarship Program</td>
<td>The Learning Web, Inc.</td>
<td>$70,560.00</td>
<td>$70,560.00</td>
<td>Provide 8 LMI homeless youth residing in supported apartments to maintain stable housing and increase their ability to live self-sufficiently.</td>
</tr>
<tr>
<td>5</td>
<td>Security Deposit Assistance for Vulnerable Households (2019-20)</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$61,500.00</td>
<td>$88,496.00</td>
<td>Provide security deposits to 100 LMI households at risk for homelessness to access safe/stable housing and avoid/eliminate homelessness. Includes $5,000 for 20 housing inspections.</td>
</tr>
</tbody>
</table>

#### HOUSING SUBTOTALS:

$889,560.00

$21,498,342.00

$100,094.32

$376,711.58

$1,229,492.77

### ECONOMIC DEVELOPMENT

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Total Project Cost</th>
<th>Summary Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Finger Lakes ReUse Job Skills Training</td>
<td>Finger Lakes ReUse, Inc.</td>
<td>$108,029.00</td>
<td>$224,249.00</td>
<td>Provide job training opportunities for LMI populations and place at least 22 adults with employment barriers into permanent unsubsidized positions.</td>
</tr>
<tr>
<td>7</td>
<td>Work Preserve Job Training: Job Placements</td>
<td>Historic Ithaca, Inc.</td>
<td>$67,500.00</td>
<td>$180,185.00</td>
<td>Staff salaries and participant stipends for job placements of 6 LMI individuals, following job-readiness training.</td>
</tr>
<tr>
<td>8</td>
<td>Hospitality Employment Training Program (HETP)</td>
<td>Greater Ithaca Activities Program, Inc. (GIAC)</td>
<td>$122,500.00</td>
<td>$1,807,600.00</td>
<td>Staff, supplies, stipends, and professional fees to train 2,700 to 3,000 individuals annually (in addition to those already in the program) to become skilled workers in high demand fields.</td>
</tr>
<tr>
<td>9</td>
<td>Ithaca ReUse Center Expansion</td>
<td>Finger Lakes ReUse, Inc.</td>
<td>$100,000.00</td>
<td>$1,000,000.00</td>
<td>Forgivable loan for acquisition of 2-14 Elmira Rd. property (Finger Lakes ReUse Center), retaining at least 3 FTE jobs.</td>
</tr>
<tr>
<td>10</td>
<td>Economic Development Loan Fund</td>
<td>IURA</td>
<td>$107,000.00</td>
<td>$203,300.00</td>
<td>Capitalize loan fund for business loans resulting in job creation (including underwriting and delivery).</td>
</tr>
</tbody>
</table>

#### ECONOMIC DEVELOPMENT SUBTOTALS:

$505,029.00

$2,661,184.00

$481,151.28

$476,805.90

$1,229,492.77

### PUBLIC FACILITIES (NO PROPOSALS)

### PUBLIC SERVICES

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
<th>Sponsor</th>
<th>Funding Request</th>
<th>Total Project Cost</th>
<th>Summary Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Black Girl Alchemists Public Art Mosaic Project</td>
<td>Community Arts Partnership (CAP)</td>
<td>$26,250.00</td>
<td>$26,250.00</td>
<td>Partial funding contingent upon sponsor securing sufficient match funding to complete the project. Enroll 12-18 local youth to lead transformative visual arts neighborhood project to be installed at the Downtown Ithaca Child Care Center.</td>
</tr>
<tr>
<td>12</td>
<td>Housing for School Success</td>
<td>Ithaca Neighborhood Housing Services (INHS)</td>
<td>$15,700.00</td>
<td>$30,000.00</td>
<td>Fund school social worker as case manager to assist 26-30 homeless students.</td>
</tr>
<tr>
<td>13</td>
<td>2-1-1 Information &amp; Referral</td>
<td>Tompkins County Health and Human Services (TCHHS)</td>
<td>$20,000.00</td>
<td>$251,720.00</td>
<td>Support for 2-1-1 Call Center referrals to 2,700 LMI persons.</td>
</tr>
<tr>
<td>14</td>
<td>Work Preserve Job Training: Job Readiness</td>
<td>Historic Ithaca, Inc.</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
<td>Staff salaries to provide 20 LMI youth and adults with job-readiness training, workplace evaluations, and support transition to other services or employment.</td>
</tr>
<tr>
<td>15</td>
<td>A Place to Stay: Night/Weekend Support for Women in Transition</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$20,000.00</td>
<td>$83,191.00</td>
<td>Case management support for 21 very low-income homeless (or facing homelessness) women, at least half of whom will be working through substance abuse recovery.</td>
</tr>
<tr>
<td>16</td>
<td>Immigrant Services Program (ISP)</td>
<td>Catholic Charities of Tompkins/Tioga Counties</td>
<td>$30,000.00</td>
<td>$78,795.00</td>
<td>Staffing to provide 100 refugees and immigrants with direct services and referrals so they can integrate into the community.</td>
</tr>
</tbody>
</table>

#### PUBLIC SERVICES SUBTOTALS:

$133,950.00

$413,706.00

$103,259.00

$103,259.00

8%

### ADMINISTRATION

<table>
<thead>
<tr>
<th>#</th>
<th>Project</th>
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<th>Total Project Cost</th>
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</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>CDBG Administration (20%)</td>
<td>IURA</td>
<td>$137,679.40</td>
<td>$137,679.40</td>
<td>Planning, administration, and monitoring for CDBG program.</td>
</tr>
<tr>
<td>18</td>
<td>HOME Administration (10%)</td>
<td>IURA</td>
<td>$30,597.20</td>
<td>$30,597.20</td>
<td>Planning, administration, and monitoring for HOME program.</td>
</tr>
</tbody>
</table>

#### ADMINISTRATION SUBTOTALS:

$168,276.60

$168,276.60

$137,679.40

$413,706.00

$103,259.00

14%

#### TOTALS:

$1,444,815.60

$24,353,199.60

$822,183.99

$407,308.78

$1,229,492.77

100%

* 2018 CHDO Set-Aside Eligible Project

Minimum Required 2019 HOME CHDO Set-Aside Funding (15%): $45,895.80

Public Services Funding Cap = 15% of 2019 CDBG Award: $103,259.55

2019 CDBG award: $688,071

2019 HOME Funding Awarded to CHDO Activities: $98,668.22

2019 CDBG Funding Awarded to Public Services Projects: $103,259.00

2019 HOME award: $305,972
WHEREAS, the Planning and Economic Development Committee requested that the applicant ensure that the project will provide the Community Gardens with an equal amount of space as currently exists, and include a dental clinic that accepts Medicaid; and

WHEREAS, the project is intended to provide the following benefits to the community:

1. Provide a permanent and improved space for the Community Gardens,
2. Generate approximately 150 new jobs,
3. Build approximately 40 units of housing that would be priced to be affordable to those earning 50-60% of AMI,
4. Provide high-quality public amenities, including improved pedestrian, transit, and bicycle access throughout the site, and public spaces including open green space, plazas for events and/or outdoor dining, a playground, and storm water management gardens featuring native plantings,
5. Create an improved gateway into the City of Ithaca on Route 13 North,
6. Align with the City’s Comprehensive Plan and ongoing planning related to the Route 13 corridor and the Waterfront Zone

; and

WHEREAS, in accordance with the adopted City process for consideration of a PUD, notice of the proposal was circulated by mail to all properties within 500' of the project site and a public information session was held on Monday, April 8, 2019; and

WHEREAS, the meeting was advertised in the Ithaca Journal and on the City’s web site and the property was posted with the appropriate signage; and

WHEREAS, the process for consideration of an application for a Planned Unit Development requires that the applicant obtain an approval, in concept only, from the Common Council prior to beginning the site plan review process; now, therefore be it

RESOLVED, That the City of Ithaca Common Council does hereby grant approval, in concept only, to Park Grove Realty and Cayuga Medical Center for their application to establish a Planned Unit Development District on City of Ithaca Tax Parcel numbers 36.-1-3.3 and 36-1-3.5; and, be it further

RESOLVED, That by granting an approval, in concept, the Common Council acknowledges that the applicant is able to begin the site plan review process despite any zoning-based deficiencies in the application; and, be it further

RESOLVED, That the Common Council does hereby request that the City of Ithaca Planning and Development Board update the Common Council after each Planning Board meeting where this project is considered and request ongoing written comments from the Common Council about the project; and, be it further

RESOLVED, That the Common Council strongly encourages the project developers to incorporate a dental clinic that accepts Medicaid; and, be it further

RESOLVED, That if this project receives a negative declaration of environmental significance and contingent site plan approval, the applicant will return to the Common Council for final consideration of the adoption of the Planned Unit Development District.
To: Common Council

From: Jennifer Kusznir, Economic Development Planner

Date: May 21, 2019

RE: City of Ithaca Planned Unit Development (PUD) – Conditional Approval: Carpenter Circle

The purpose of this memo is to provide information regarding an application from Park Grove Realty and Cayuga Medical Center to create a Planned Unit Development (PUD) District at Carpenter Circle, City of Ithaca Tax Parcels 36.-1-3.3 and 36.-1-3.5.

The project team presented an overview of their proposal at the Planning and Economic Development Committee of Common Council in March of 2019. In accordance with the adopted City process for consideration of a PUD, the applicant has completed the enclosed application. Notice of the proposal was circulated to all properties within 500’ of the project site and a public information session was held on Monday, April 8, 2019. The meeting was advertised in the Ithaca Journal and on the City’s web site and the property was posted with the appropriate signage. The meeting was well attended and the applicant answered questions on their proposed project. Comments that were received at the meeting are enclosed.

The process for consideration of an application for a PUD requires that the applicant obtain an approval in concept from the Common Council prior to beginning the site plan review process. When the project was presented to the Planning and Economic Development Committee, the committee requested the applicant explore ways to reduce the number of parking spaces, increase the number of shade trees, and add screening along the rear property line and in the parking areas. They also requested that the project provide the Community Gardens with an equal amount of space as currently exists and that they include a dental clinic that accepts Medicaid.

If this project is granted the conditional approval to proceed, the applicant will be permitted to begin the site plan review process, despite any zoning-based deficiencies in the application. As a part of the environmental review process for the project and the PUD, the City of Ithaca Planning and Development Board will update the Common Council after each Planning Board meeting where the project is considered and will request ongoing written comments from the Common Council. When and if the project has completed the environmental review process and has received site plan approval, it (the applicant) will return to the Common Council for final consideration of the adoption of the PUD.

If you have questions or require additional information, please feel free to contact me at jenniferk@cityofithaca.org.
This meeting was advertised in the Ithaca Journal on 03/30/19 and again on 04/8/19. It was also posted online on the Ithaca Journal website. Below is a copy of the media release that was distributed.

— MEDIA RELEASE —

Proposed Planned Unit Development (PUD)
Public Information Session: Carpenter Circle-Park Grove Realty and Cayuga Medical Center Project Proposal

Day: April 8, 2019
Time: 4:00 PM
Place: Common Council Chambers, City Hall
108 E. Green St., Ithaca

On April 8, 2019, the City of Ithaca will hold a Public Information Session for a proposed PUD located at Carpenter Circle, tax parcels 36.-1-3.3 and 36.-1-3.5. The Public Information Session will begin at 4:00 PM, in the Common Council Chambers in City Hall, 108 E. Green Street, Ithaca. In accordance with the requirements of the City of Ithaca Planned Unit Development (PUD), the developer and project team will present information about the project and answer questions from the public.

The proposed project is the development of a new urban neighborhood, comprised of a medical facility, one 4-story residential building, and two 6-story buildings containing ground floor commercial space, parking, and 3 stories of apartments. The site will also be developed with neighborhood streets, pedestrian and transit connections, shared parking, and green space. The project includes a plan to reconfigure, improve, and establish a permanent site for the Ithaca Community Gardens. The total proposed development contains approximately 64,000 SF of medical office space, 200 new housing units, 40 of which will be designated as affordable units, and 400 parking spaces.

For questions regarding this project, or to see the completed PUD application, please contact Jennifer Kusznir at jkusznir@cityofithaca.org, or 274-6550.

Department of Planning, Building, Zoning, & Economic Development
108 E. Green St., Third Floor, City of Ithaca (City Hall)
Ithaca, New York 14850
Office Hours: 8:30 a.m. - 4:30 p.m., M-F
Attendees:
Brian Noteboom        Charlene Temple        Dan Hoffman
Fred Swayze        Marc Messing        Sheryl Swink

Common Council Members
George McGonigal
Cynthia Brock
Ducson Nguyen
Laura Lewis

Project Team
Yamila Fournier
Scott Whitham

City Staff
JoAnn Cornish
Jennifer Kusznir
Lisa Nicholas
Alex Phillips

Questions & Answers
Applicable questions from attendees and developer responses are summarized below, but are not recorded verbatim.

<table>
<thead>
<tr>
<th>Public Comments/Questions</th>
<th>Applicant Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. If buildings were taller could the affordable housing be moved further into the site closer to the other residential structures?</td>
<td>There is limited buildable area on the site because of the NYSEG easements that restrict development on a large portion of the site. The financing also requires it to be a separate project that cannot be mixed with the rest of the project. This has allowed the developer to add 42 units of housing that would be priced to be affordable to those earning 50-60% of AMI. Also, adding any additional stories would change the construction type and increase the costs.</td>
</tr>
<tr>
<td>2. Has the project team spoken with NYSEG about relocating the power lines to increase developable area?</td>
<td>The City has asked NYSEG and have been told that this is not possible.</td>
</tr>
</tbody>
</table>
3. How long will the units remain affordable?  It will likely be a 50 year regulatory period and might be extended if at some point during that period repairs/restoration is required and an additional financing agreement is needed.

4. What are the total number of parking spaces on site?  416 total parking spaces, including those that are inside of the building. 120 spaces are dedicated to CMC.

5. Will you have permeable surface?  Permeable surface is not possible in this location. Stormwater management will be addressed in a comprehensive way, but has not yet been determined.

6. Could the residential only building be switched with the CMC office building?  The CMC office building requires the most parking and there is not enough space for the building and the parking in the location where the residential only building is located. CMC also prefer to have visibility from Route 13 for their building so that it will be a gateway building.

7. The site was just rezoned. Did you try to adhere to the existing zoning?  Most of the places where the project will not conform with zoning are minor and include height and setbacks. The residential building doesn’t have the appropriate setback in order to move it further from the railroad and doesn’t have the minimum first floor height because no commercial is anticipated for this building. The mixed use buildings exceed the maximum height in order to accommodate a floor of parking into the building to reduce the amount of surface parking needed. The medical building exceeds the height in order to accommodate taller floors and deep foundations. The project could move forward in the existing zoning, but the project team feels that the given the complexity of the site, a PUD would allow for a better project.

8. Housing may not be an appropriate use everywhere. This site is between the Railroad and the WWTP. The WWTP will likely expand in the future. It has odors and noises that do not make it ideal for residential uses. Has the project considered eliminating the The project team explored a lot of options and feels that this is the most viable way to plan the site. In order to get funding from the state to make this financially feasible the affordable portion has to be separate. The project didn’t originally have affordable units, but staff, the Mayor
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>affordable housing building and if that were eliminated could the project fit under the existing zoning.</td>
<td>and the Common Council requested it. It is actually an asset to the project, it creates a more balanced neighborhood and includes more of the population that the medical facility serves.</td>
</tr>
<tr>
<td>9. The project has too much hardscape.</td>
<td></td>
</tr>
<tr>
<td>10. The location of the residential only building is actually quieter and more desirable then the rest of the site because it is adjacent to the gardens and the playground and set back further from route 13. It feels more family oriented.</td>
<td></td>
</tr>
<tr>
<td>11. Project Growing Hope is supportive of this proposal. The Board has met twice with the project team and they have been very responsive to the concerns raised.</td>
<td></td>
</tr>
<tr>
<td>12. How will the facility be powered and will it be energy efficient?</td>
<td>These details are being worked out and we will look at various available energy systems that are available and will meet city green energy building standards.</td>
</tr>
<tr>
<td>13. What is the plan for stormwater management?</td>
<td>We have not yet engineered the storm water management, but exploring options for possible shared grey water with gardens.</td>
</tr>
<tr>
<td>14. Could B and W be incorporated into this project?</td>
<td>They are not interested in selling the property.</td>
</tr>
<tr>
<td>15. How does one access the medical building?</td>
<td>The project is applying to NYSDOT for a break in access on Route 13 and is also working with TCAT to get service all the way through the project site. If DOT approves, there will be a direct crossing at 5th Street and there will be sidewalks throughout the site.</td>
</tr>
<tr>
<td>16. What is the vision for the retail space? Is there enough demand for new retail and will it detract from retail in other areas in the City?</td>
<td>This project will have enough demand within the project to support small retail. In order for the project to be successful as a mixed use neighborhood, the project team feel that it is an essential aspect of the project. It will provide convenient neighborhood commercial uses.</td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Crossings on Route 13 are difficult. How will you make this safe? Also, it is important to note that on the corner of fifth street is FLICC that serves disabled individuals so it is important that traffic be calm. There is also a high population of non-English speakers on fifth street.</td>
<td>Here it would be a perpendicular crossing that will feel more of a friendly crossing and would be a pedestrian activated signal crossing.</td>
</tr>
<tr>
<td>17. There is not enough greenspace in this project, it is mostly hardscape.</td>
<td>We will continue to explore how we can incorporate more green, but we hope the community gardens is an opportunity for our residents.</td>
</tr>
<tr>
<td>18. Could vehicles drive through the site and go to Green Star</td>
<td>The project team is working with Organic waterfront to try and have a ped/bike and bus crossing into their site. However, this is still being evaluated.</td>
</tr>
<tr>
<td>19. Have you planned out traffic circulation and considered how best to make it a safe walkable neighborhood for families? Have you considered making a signalized at 3rd street intersection going into the sites.</td>
<td>We are working with SRF traffic engineers to look at all of the projects to try and come up with a plan. A light at third street might back up into Route 13, but SRF can explore it.</td>
</tr>
<tr>
<td>20. What is the timeline?</td>
<td>The project team is hoping to have approvals in the late fall/early winter.</td>
</tr>
<tr>
<td>21. When the WWTP was rebuilt neighbors complained. I am very concerned with adding residential uses in the vicinity of the plant that is likely to expand services. The Railroad is difficult to live near. The residents of Nates often complain about the noise and vibrations from the idling trains.</td>
<td>The project is adding special glass to mitigate any noise from the railroad.</td>
</tr>
<tr>
<td>22. Could the playground/greenspace be made larger?</td>
<td></td>
</tr>
<tr>
<td>23. IS the project team aware that the railroad plans to increase transport of liquid natural gas?</td>
<td></td>
</tr>
<tr>
<td>24. Can more middle income housing be included? Could there be for sale affordable units included?</td>
<td></td>
</tr>
<tr>
<td>25. Why is there so much parking?</td>
<td>The parking is to support all of the uses. However, it is not be used as much on the weekend and can be shared with the Farmer’s Market.</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>26.</td>
<td>When the Cayuga Medical Center opted to purchase this land it was considered a long term investment. The goals was to control the property and to add medical services to this part of the City that has been requested repeatedly for many years.</td>
</tr>
</tbody>
</table>
9.4 Approval of E-Scooter Pilot Program - Resolution

WHEREAS, The City of Ithaca Planning and Economic Development Committee (PEDC) asked the Mobility, Accessibility, and Transportation Commission (MATCom) to research several facets of e-scooter implementation to help the City of Ithaca determine whether and how to launch an e-scooter sharing pilot program; and

WHEREAS, e-scooters represent an exciting opportunity for the City of Ithaca, and a pilot program for e-scooter sharing would allow the City to observe how e-scooter sharing impacts Ithaca and to collect ridership data without tying the City to a permanent decision; and

WHEREAS, MATCom recommended a pilot e-scooter sharing program be conducted from May 2019 through mid-November 2019, and that the pilot should be monitored on a weekly basis; and

WHEREAS, MATCom recommended establishing an exclusive agreement with one e-scooter provider, Lime; and

WHEREAS, an MOU regarding e-scooters should follow the guidelines outlined by NACTO and amended by Council and should establish clear regulations regarding e-scooter usage; and

WHEREAS, Ithaca should consider requiring Lime to maintain a minimum fleet of bicycles, both pedal and e-bikes, along with the e-scooter program, to meet the needs of the entire community; and

WHEREAS, Common Council supports stipulations requiring e-scooter providers to ensure e-scooters are distributed among a variety of neighborhoods, as equitable distribution and usage of e-scooters can potentially provide a new, affordable mode of transportation to those who need it most; now, therefore be it

RESOLVED, That the Common Council of the City of Ithaca authorizes Lime to conduct a pilot program, beginning in the Spring of 2019, to assess the functionality of e-scooters as it pertains to the city of Ithaca; and, be it further

RESOLVED, That authorization is contingent upon Lime’s maintenance of a minimum fleet of bicycles in the community and the equitable distribution of scooters across the City; and, be it further

RESOLVED, That Common Council authorizes the Mayor, together with the City Attorney, to establish a Memorandum of Understanding (MOU) with Lime prior to implementation of the e-scooter pilot program; and, be it further

RESOLVED, That authorization is contingent upon (i) Lime’s maintenance of a minimum fleet of bicycles in the community and the equitable distribution of scooters across the City; (ii) a maximum scooter speed of ten (10) miles per hour, (iii) Lime’s implementation of a rider training plan with the goal of achieving lower proportion of injuries incurred by first-time riders than seen in the May 2019 CDC report, (iv) Lime’s implementation of a helmet promotion program that results in increased helmet use.
E-Scooter Pilot Program Recommendation
Approved by Matcom on 04-22-19

MATCom recommends that the City of Ithaca authorize Lime to conduct a pilot program, pending review by the City Attorney, to assess the functionality of e-scooters as it pertains to our city. The e-scooter pilot program should have the following qualities:

I. General:
   A. E-scooter sharing should not occur without a Memorandum of Understanding (MOU) from the City. The City should require that any dockless bike or scooter sharing vendor pay for a permit and have an MOU approved with the City.
   B. The e-scooter MOU should follow the same format as the bike share MOU.
      1. The MOU should reflect the best practices for shared active transportation as detailed by NACTO.
   C. Proposed pilot program duration is May 2019 through mid-November 2019.
   D. Require Lime to attend a monthly “check-in” with the City and relevant stakeholders. Plan for an early assessment of the pilot to be conducted in September.
      1. Include a provision allowing for the extension of the pilot or formalization of the MOU should the City determine the pilot to be beneficial. The pilot should not be extended until the Data Collection detailed in Section V is completed and reviewed.
      2. The arrangement should be exclusive with Lime for the duration of the initial pilot program. If the City determines they would like to continue to allow e-scooters to operate beyond the conclusion of the pilot program, the City should also reserve the right to sign conditional MOUs with other companies as well.
   E. The City of Ithaca reserves the right to terminate the pilot program with or without cause.
   F. Initial launch must consist of 50 or fewer e-scooters. Additional e-scooters may be introduced at a rate of 10 per day as long as the number of rides per scooter per day exceeds 3.
   G. Require Lime to honor the bicycle share MOU and require Lime to maintain a minimum bike fleet. Recommendation: a minimum bike fleet of 102 bikes (68 pedal, 34 e-bikes, following a 2:1 ratio), regardless of the number of e-scooters; beyond this, a minimum of 2 pedal bikes and 1 e-bike for every 10 e-scooters

II. Operations Oversight:
   A. E-scooters should be subject to a curfew period outlined in the MOU, such that they will all be removed from the public right-of-way at a given time each evening and will be returned at a given time each morning. Suggested ranges include:
      1. 6:00 am - 9:00 pm
      2. 7:00 am - 9:00 pm
      3. Propose a flexible curfew based on the time of year. Later in the summer and earlier in the winter.
   B. E-scooters should be banned from use in pedestrian-only areas such as The Commons and sidewalks.
      1. Geofencing will be used to establish “no ride” (motor reduces to 0 mph) and “reduced speed” (motor reduces to 12 mph) zones. The Commons should be designated as a “no ride” zone.
2. The City should be empowered to designate new zones.

C. The City should make a determination between the following options about the staging of e-scooters at the tops of or on the sides of hills during the pilot program. This determination should be subject to change should the MOU be extended beyond the pilot.
   1. Lime may stage e-scooters at the tops of and on hills to offer a new transportation option for traversing Ithaca’s challenging geography, or
   2. Lime may not stage e-scooters at the tops of and on hills to mitigate perceived risk associated with downhill riding, or
   3. Lime may stage e-scooters at uphill locations, but downhill rides on designated hills would be prohibited.

D. Lime is responsible for removing e-scooters which are damaged, abandoned, and improperly parked within 30 minutes of being reported to Lime via one of the communication channels listed on the device.

E. The MOU should outline acceptable parking guidelines, this being on sidewalks not blocking fire hydrants, ADA access, entrances, or pedestrian right-of-way.

III. Fees:
   A. City Administration should establish fees for certain aspects of the e-scooter share. Fees should be used as a moderating feature. Fees should be based on industry standards and should not be based on ad-hoc judgement of the company’s worth.
      1. A per ride fee should be assessed. Industry standard: $0.10 - $0.15 per ride.
      2. An initial permit fee should be set. Industry standard: $500.00 - $1000.00.
      3. A fine per e-scooter should be assessed to damaged, abandoned, and/or improperly parked e-scooters not addressed after 1 hour of reporting during in-use hours or by the start of the next access period during curfew hours. This fee should then increase per improperly parked e-scooter that remains in their location for 2 hours after the e-scooter has been reported. Suggested increments of $25.00 after 1 hour; $100.00 after 2 hours.

   B. These fees should be sent to a designated fund, the balance of which should be applied towards administrative overhead, active transportation improvements and supports, such as stenciled parking, bike corrals, bike lanes, community awareness and behavior campaigns, broad outreach, education and/or enforcement efforts for any and all road and sidewalk users, data gathering efforts, steps to improve transportation equity, etc.

IV. Insurance and Indemnification:
   A. The MOU must include insurance and indemnification sections as deemed appropriate by the City attorney.

V. Data Collection:
   A. Both the City of Ithaca and the Center for Community Transportation already have access to Lime’s Data Dashboard, which provides GPS-driven data on frequency and location of bicycle rides. This access will extend to e-scooter data as well.
B. Lime and the City of Ithaca shall make appropriate efforts to gather accident and injury data from relevant sources as it pertains to both bicycles and e-scooters. A report compiling injury data should be provided by the end of the proposed pilot period.

C. Lime, the City of Ithaca, and an appropriate Non-Government Organization (NGO) should collaborate to conduct a survey of e-scooter users and to the general population to determine whether e-scooters will contribute to the City’s mobility, equity, and climate action goals. A report compiling survey data should be provided by the end of the proposed pilot period.

D. IPD and Fire should collect data on the number of tickets they write and calls they respond to which involve bicycles and/or e-scooters.

VI. Privacy and Non-Discrimination:
   A. Lime will adhere to the City’s data privacy policies. App permissions for location sharing and camera use shall be clearly explained.
   B. Customers shall not be required to share personal information with third parties. Customers may be asked to opt in to sharing some personal information to aid in pilot program evaluation.
   C. Lime will adhere to the City’s non-discrimination policies.

VII. Safety:
   A. Consult the City Attorney regarding Ithaca City Code 157-13A (Commons – Bicycles and other wheeled devices) since it does not explicitly reference scooters and e-scooters.
   
   B. Update Ithaca City Code 137 (Bicycles) to one of the following:
      1. No person shall ride, drive or operate a bicycle, e-scooter, skateboards or skates along any public sidewalk or footpath intended for the use of pedestrians. Allow bicycles, e-scooters, skateboards and skates on multi-use paths, unless otherwise stated. This provision shall not apply to: children 10 years of age or under riding a bicycle or skating; nor to anyone who, because of a disability, warrants the use of a bicycle, e-scooter, or other similar small, quiet wheeled devices as a means of transportation or mobility.
         or
      No person shall ride, drive or operate a bicycle or scooter along any public sidewalk or footpath intended for the use of pedestrians. This provision shall not apply to children 10 years of age or under nor to anyone who, because of a disability, requires the use of a bicycle as a means of transportation or mobility. This provision shall not apply to multi-use paths and trails. Any violation of the provisions of this section constitutes a civil offense punishable in accordance with § 1-1 of the City of Ithaca Municipal Code.
2. Add a subsection stating that wherever bicycles and similar devices are ridden where pedestrians are present (except in bicycle lanes and other infrastructure designed for primary use by small, wheeled devices), the user must yield to pedestrians, maintain a speed at or below 12 mph, provide at least 1’ side clearance, and make an audible signal before passing.

C. Require robust education initiatives for e-scooter users as well as pedestrians and motorists.

VIII. Equity:
   A. Shared e-scooter providers shall offer access to people without smartphones and bank cards. This program is facilitated by the Center for Community Transportation and includes features such as text-to-unlock, pay-in-cash, and a 95% discount on pedal bikes and a 50% discount on Lime-E. This program will apply to both bicycles and e-scooters.
   B. Lime will ensure distribution not only along central hot spots but also throughout the entirety of the City. The City may designated particular neighborhood for distribution, or they may simply use Lime’s existing quadrant breakdown. The approach the City selects should be clearly stipulated in the MOU.

IX. Education:
   A. Lime must collaborate with the City and any NGO they select to create and maintain a city-specific website which provides user instructions, safety education, and explains terms of service, privacy policies, fees, costs, penalties, and other charges. This service must be provided in English and in any other languages required by the City, as specified by the MOU. This website should have information pathways directed at e-scooter users, pedestrians, and motorists.
   B. Prior to the pilot launch Lime must set up staffed booths at various public spaces throughout Downtown and provide one-on-one rider education. This education initiative should be repeated daily for a minimum of two weeks. After the pilot begins, Lime should arrange for similar in-person education to occur at community events, including Ithaca Festival and StreetsAlive.
   C. In-app messaging must reflect that helmets are required for use per Lime’s Terms of Service; that it is illegal to ride on sidewalks; that e-scooters must be parked upright, in approved parking zones, and without impacting ADA or emergency access; that a city-specific website can be accessed for more information.
   D. Lime, the City of Ithaca, and any NGO they select should promote the in-person education booths and city-specific website through as many channels as possible, including radio, print, TV, social media, and mailing lists.
Compilation of e-Scooter Research
Prepared for the Ithaca PEDC and Common Council

Sarah Barden and Megan Powers
Members, Mobility Accessibility, and Transportation Commission

Created 5 February 2019
Revised 8 April 2019

Sarah Barden and Megan Powers (SB/MP, “we”) have done this research on behalf of the Mobility, Accessibility, and Transportation Commission (MATCom) at the request of the Planning and Economic Development Committee (PEDC). We presented our draft report and findings to MATCom, which has reviewed and commented on the evolving report and has approved its moving forward to PEDC for review on its merits.
Revision Summary

February 26, 2019
Initial Release (MATCom February Meeting)

March 6, 2019
- Added page numbers and table of contents
- Added Methodology section
- Added Pros and Cons section
- Added Safety section
- Added Insurance and Liability section
- Added Equitable Ridership section
- Added Geography section
- Clarified and expanded feedback from Lime

March 20, 2019
- Clarified statistics from Portland about choosing scooters over cars
- Clarified that injury data from Austin, TX was using statistics collected for all bicycle injuries.

April 6, 2019
- Added Revision Summary
- Extended and organized Safety section
- Added additional information about Harrisonburg
- Added information about Nashville
- Re-formatted citations and added a bibliography
Executive Summary

The City of Ithaca Planning and Economic Development Committee (PEDC) asked the Mobility, Accessibility, and Transportation Commission (MATCom) to research several facets of e-scooter implementation to help the City of Ithaca determine whether and how to launch an e-scooter sharing pilot program. This research was undertaken by Sarah Barden and Megan Powers.

Given our research, we believe e-scooters represent an exciting opportunity for the City of Ithaca and that it is in Ithaca’s best interest to establish a Memorandum of Understanding (MOU) for an e-scooter pilot program beginning in Spring 2019. Creating a pilot program for e-scooter sharing allows Ithaca to observe how e-scooter sharing impacts Ithaca and to collect ridership data without tying the city to a permanent decision. Until e-scooter riding in Ithaca is well understood, we believe establishing an exclusive agreement with one e-scooter provider is reasonable.

The basics of a dockless e-scooter sharing program typically include:

- Access to e-scooters via a smartphone app, unless using the LimeAcess program (see Equitable Ridership for more details).
- In-app User Agreement, education, and safety instructions.
- A daily curfew (as determined by the municipality) after which all e-scooters are turned off and removed from city streets; during this time they are re-charged.
- A minimum age requirement of 18.

Any MOU regarding e-scooters should follow the guidelines outlined by the NACTO (2018) and should establish clear regulations regarding e-scooter usage, including points listed below.

- Inclusion of insurance and indemnification clauses
- Establishment of a maximum e-scooter speed of 15 mph
- Establishment of fees or payments made to Ithaca by the e-scooter provider

Ithaca should consider requiring Lime to maintain a minimum fleet of bicycles along with the e-scooter program to serve the youth and underprivileged population.

Even with a detailed MOU, Ithaca should expect challenges with an e-scooter program. Citizens and tourists will ride e-scooters illegally on the sidewalks, and residents will express concern about both improper ridership and lack of enforcement. Further, some e-scooters will be parked inappropriately, possibly impacting ADA or rescue access. Ithaca can address these concerns proactively by creating education initiatives, leveraging local interested NGOs, and formally documenting expectations with Lime.
All the cities we interviewed faced some challenges in implementing their e-scooter programs, but all have chosen to renew the programs for the next year.

Methodology

Sarah Barden and Megan Powers have spoken with representatives from several cities to learn how these municipalities have approached e-scooter sharing and what challenges they have faced. We have also researched best practices for e-scooter implementation. We have shared our initial findings with several city departments (City Clerk, Engineering, Planning and Economic Development, and Fire) and collected their feedback. Finally, we have spoken with Jeff Goodmark, local Operations Manager for Lime, to understand Lime’s hopes and expectations for an e-scooter program in Ithaca. Our findings are summarized in the following sections.

Pros and Cons of E-Scooter Sharing

E-scooters provide a new transportation option for residents and tourists, but they also have drawbacks. See also data from

- “The State of E-Scooter Sharing in United States Cities” (Kaufman and Buttenwieser, 2018)
- “E-Scooter Scenarios: Evaluating the Potential Mobility Benefits of Shared Dockless E-Scooters in Chicago” (Smith and Schweiterman, 2018)
- “2018 E-Scooter Findings Report” (Portland Bureau of Transportation [PBOT], 2018)

Pros of E-Scooter Sharing

- E-scooters help solve the “last-mile” problem, giving people an easy option to make a trip that is too long for a comfortable walk but too short for a car ride. In specific, Smith and Schweiterman (2018) study found e-scooters were a strong, cost-efficient, time-competitive alternative to cars for trips between 0.5 and 2 miles.
- E-scooters have a smaller parking footprint than bicycles or automobiles.
- E-scooters require little effort or skill to ride, especially compared to bicycles.
- E-scooters can provide a reliable means of transportation for those who cannot use or afford a car. This, in turn, can have a positive impact on job accessibility and business commuting.
- E-scooters have the potential to make jobs more accessible compared to public transit or walking alone. For example, Smith and Schweiterman (2018) found this to be true for 16% of jobs in their study area.
- E-scooters can replace cars, especially among tourists. In the Portland survey, 34% of residents and 48% of tourists reported that if e-scooters had not been available for their most recent scooter ride, they would have chosen to take a personal vehicle or taxi, Uber, or Lyft ride (PBOT, 2018).
Cons of E-Scooter Sharing

- E-scooters are a new technology. Cities and residents must learn how to integrate them into daily living while their risks are not yet understood.
- E-scooters are often used on sidewalks, increasing pedestrian discomfort and frustrating those who would like to see sidewalk riding regulations enforced.
- E-scooters that are parked improperly can cause accessibility concerns.
- E-scooters bring some people a perception of danger and risk. The studies needed to assess the risk have not yet been completed. A careful evaluation of bike-sharing and e-scooter-sharing statistics would reveal the relative risks, but this has not been done.
- E-scooters may be more sensitive to irregular pavement than bicycles. Because of their bigger wheels, bicycles tend to be more stable across bad pavement than e-scooters. Note: the diameter of the Lime-S Gen 3.0 e-scooter is 10 inches, while the diameter of a toddler’s balance bike is 12 inches.
- E-scooters are less visible than Lime bicycles. They can be less visible than general bicycles because of their smaller profile, but they also have front and rear lights.

Safety

Like bicycles and other small transportation devices, e-scooters are associated with safety risks. To date, few extensive studies have been completed regarding e-scooter safety, and results are mixed. Most evidence suggests that the injury risk associated with e-scooter usage is comparable to that of bicycle usage.

Fatalities

There have been two fatalities associated with e-scooter sharing programs in the United States. At the time these fatalities occurred, there had been approximately 21 million rides on e-scooters. Schmitt (Sept. 2018) used this statistic to suggest that e-scooter sharing was approximately six times more deadly than bike share programs, using two US bike share fatalities over the course of 123 million rides. With such a small number of incidents in each case, however, the statistical uncertainty in the actual fatality rate is larger than the difference between the two modes of transportation (2 ± 1.4 in each case). It is thus impossible to draw useful conclusions from this data. A later report by the same author, Schmitt (Dec. 2018) took a more nuanced approach.
Injuries

E-Scooter Injury Statistics

Comprehensive injury statistics for e-scooter use are not yet available, but the CDC launched its first study of e-scooter safety by evaluating data collected in Austin, TX, last fall (Solomon, 2018). Until those results are released, there are a few other sources of injury data collection available for review. Austin’s Mobility Committee of Council (2018) reported that between Sept. 29, 2018 and Oct. 31, 2018, there were nine scooter injuries, compared to 32 bicycle injuries (all bicycles), 44 pedestrian injuries, and 592 motor vehicle injuries in the same period.

A study done by the Journal of the American Medical Association (JAMA) studied injuries related to standing e-scooters by reviewing data from emergency department visits to the Ronald Reagan UCLA Medical Center and UCLA Medical Center–Santa Monica from September 1, 2017 through August 31, 2018 (Trivedi, Liu, and Antonio, 2019). The study identified 249 patients with injuries from e-scooters. Of these injuries, fifteen required admission to the hospital, with two patients requiring service from the intensive care unit.

The city of Portland, OR, found there were 176 e-scooter-related injuries reported to the emergency room between July 25 and Nov. 20, 2018. During the same period, there were 429 bicycle-related ER visits (PBOT, 2018).

Relative Safety of E-Scooters Compared to Bicycles

As explained in the Portland report (PBOT, 2018), it is difficult to compare e-scooter and bicycle injury rates because there is relatively little information about the number and length of bicycle trips. Evidence suggests that where e-scooters are available, they are a far more popular mode of transportation than bicycles. The City of Santa Monica, featured in Trivedi et al. (2019), licenses 2,000 e-scooters but only 1,000 e-bikes in dockless sharing programs (Walker, 2018). From July 1 to September 20, 2018, e-scooters outnumbered dockless bicycles in Houston 3,212 to 632 (5:1). Houston users traveled 595,437 miles on e-scooters compared to 41,973 miles on dockless bikes (14:1), with an average trip being 1.05 miles on an e-scooter compared to 0.65 miles on a dockless bicycle (Chiquillo, 2018).

Helmet Use

In the JAMA study, ten of the patients said they had been wearing a helmet when the injury occurred (Trivedi et al., 2019). The study included an observational study of the riding habits of 193 e-scooter users compiled from three different sessions. They observed only eleven riders using helmets. The observational study also found 51 riders using the sidewalk. When the study was conducted, both riding on the sidewalk and riding without a helmet were illegal in the study area. A post-hoc review found 195 visits for bicycle injuries and 181 visits for pedestrian injuries in the same time period.
Injuries among Case-Study Cities

Among the cities we contacted to discuss e-scooter programs, Memphis and Harrisonburg reported evidence of e-scooter injuries. According to McGowen (personal communication, 2019), there were a couple of serious head injuries in Memphis during the pilot period that were related to e-scooter use. The city responded by mandating the e-scooter apps include rider education, and they pushed for safety demonstrations and free helmet giveaways. Memphis also trained its downtown tourism representatives about e-scooter usage for tourists. These measures appeared to make a positive impact on rider safety.

Wesley Russ of Harrisonburg (personal communication, 2019) reported a James Madison University student fell while riding down a steep hill, breaking his arm.

Providence and St. Paul both commented that safety was a priority for them and that they wanted to provide education initiatives, but that they did not have injury statistics and had only limited injury anecdotes (Ellis, personal communication 2019, and Collins, personal communication, 2019).

Additional Comments about Safety

There is a learning curve associated with riding e-scooters that results in an initial elevated risk of crashes when riding an e-scooter. Further, because e-scooter tires are smaller in diameter than most bicycle tires, they can be comparatively more difficult to ride safely over cracks and uneven pavement.

Lime is replacing all their e-scooters with the new Lime-S Gen 3.0 (MATCom, Apr. 2019), which Wired reviewed in October of 2018 (Marshall, 2018). This model has notable safety improvements over previous models, including larger (10-inch) tires, dual suspension, an improved braking system (electrical and mechanical in front; step-based at the back), a maximum speed of 14.8 mph, and an active rear light and reflectors for increased visibility.

Educational outreach and demonstration programs, along with customized safety tips, could be used to help address e-scooter ridership risks. Eric Hathaway from Engineering has begun the process of working with Cayuga Medical Center to help collect injury statistics.

Lime requires all e-scooter riders to be at least 18 years old.

Insurance and Liability

It is common for cities to include insurance and indemnification clauses in their agreements with e-scooter providers, and NACTO guidelines recommend that cities require providers to hold insurance and to indemnify the city in the event of injury (NACTO, 2018).
The current MOU between Ithaca and Lime for bicycle sharing includes provisions for both indemnification and insurance:

6. Indemnification. LimeBike shall defend, pay, indemnify and hold harmless City, its officers, officials, employees, agents, invitees, and volunteers (collectively "City Parties") from all claims, suits, actions, damages, demands, costs or expenses of any kind or nature by or in favor of anyone whomsoever and from and against any and all costs and expenses, including without limitation court costs and reasonable attorneys' fees, resulting from or in connection with loss of life, bodily or personal injury or property damage arising directly or indirectly out of or from or on account of:
   a. Any occurrence upon, at or from City Property or occasioned wholly or in part by the entry, use or presence upon City Property by LimeBike or by anyone making use of City Property at the invitation or sufferance of LimeBike, except such loss or damage which was caused by the sole negligence or willful misconduct of City.
   b. Use of LimeBike's bikes by any individual, regardless of whether such use was with or without the permission of LimeBike, including claims by users of the bikes or third parties.

7. Insurance. LimeBike shall procure and maintain for the duration of this agreement insurance against claims for which LimeBike has indemnified the City pursuant to Section 5 of this Agreement. LimeBike shall maintain General Liability limits no less than One Million and no/100 Dollars ($1,000,000.00) per occurrence for bodily injury, personal injury and property damage, and in the sum of One Million and no/100 Dollars ($1,000,000.00) for injury to or death of more than one person for each occurrence, and Umbrella coverage no less than Five Million and no/100 Dollars ($5,000,000.00). Each insurance policy shall name the City as an additional insured and it shall be endorsed to state that: (i) coverage shall not be suspended, voided, or cancelled by either party, or reduced in coverage or in limits except after thirty (30) calendar days prior written notice by certified mail, return receipt requested, has been given to City; and (ii) for any covered claims, the LimeBike's insurance coverage shall be primary insurance as respects the City and any insurance or self-insurance maintained by the City shall be in excess of the LimeBike's insurance and shall not contribute with it. The insurance required to be provided herein, shall be procured by an insurance company approved by City, which approval shall not be unreasonably withheld.

Currently, insurance coverage for riders is handled through the e-scooter companies' usage agreements. There is no explicit coverage to protect riders in the event of an injury or malfunction.

Lime’s User Agreement can be found here: https://www.li.me/user-agreement
Equitable Ridership

Access to e-scooters can potentially provide a new, affordable mode of transportation to those who need it most. To help encourage equitable distribution and usage of e-scooters, several cities, including Providence, Portland, and St. Louis, have stipulations requiring e-scooter providers to ensure e-scooters are distributed among a variety of neighborhoods (Ellis, 2019; PBOT, 2018; St. Louis, 2014).

St. Louis (2014) did so by specifying Social Equity and Inclusion Target Neighborhoods “which mapped out areas with high concentrations of low income households, people of color, households with no access to a vehicle, and non-English speakers. The neighborhoods with high concentrations of those factors that were also within reasonable biking distance of MetroLink and the urban core of the city were chosen as places that could benefit the most from additional affordable transportation option.”

Lime has a program called Lime Access which provides access to their bicycles for people without smartphones, bank cards, or people who live in a low-income household. Lime Access users can text-to-unlock bikes, pay in cash, and receive a 95% discount on pedal bikes and 50% discount on Lime-E. Jeff Goodmark from Lime has confirmed that Lime Access will be active for e-scooters as well (MATCom, 2019).

Geography

Because of their relatively small motors, e-scooters struggle to climb steep hills such as those that surround the Ithaca Commons. Scooters can be staged along hills and at the tops of hills to provide users with downhill access.

Of the cities we questioned, both Providence and Harrisonburg have some significant hills.

Harrisonburg has a similar geography to Ithaca, with a flat downtown area surrounded by steep hills. Harrisonburg reported that Bird stages quite a few e-scooters to serve students living at the top of the hill. Ridership declines sharply in areas where the hills are steepest, but they did report one student broke his arm as a result of a fall while riding an e-scooter down a steep section of hill (Russ, personal communication, 2019).

Providence reported that e-scooters are not used as much on hills (Ellis, personal communication, 2019).

Lime does not recommend geofencing the hills, since geofencing reduces the speed of the e-scooter via motor throttling but does not initiate the braking system. Therefore, e-scooters may
be ‘free-ridden” down the hill even if it was geofenced, removing the value of geofencing that area (Goodmark, personal communication, 2019).

E-Scooter Sharing in Other Cities

Sarah Barden and Megan Powers have communicated firsthand with city employees about their e-scooter programs in four cities: Harrisonburg, VA, Memphis, TN, Providence, RI, and St. Paul, MN. Portland, OR, provides extensive information about its e-scooter program online. Reviewing conversations with these cities revealed several common themes.

- Cities use the NACTO Guidelines to model their MOUs and ordinances.
- Cities rely on their existing bike infrastructure for e-scooters (as opposed to building new infrastructure).
- Cities limit e-scooter speed to 15 mph, at least in some areas.
- Cities employ selective geofencing to prohibit e-scooters from particular areas.
  Geofencing uses GPS to establish a virtual perimeter around an area. The device’s software can respond to the geofence in a variety of ways. For example, a geofence can be set up so that an e-scooter cannot be ridden within a particular boundary (for example, on the Ithaca Commons).
- Cities are concerned about poorly parked e-scooters. Lime scooters have generally been parked well, and Lime staffing has been responsive.
- Cities are concerned about safety and want to launch education initiatives. Most have not done so because of the logistics and cost involved.
- Cities struggle with citizens riding e-scooters on sidewalks but do not have a good solution.

Harrisonburg, VA

Of all the cities MATCom investigated, Harrisonburg is closest in size to Ithaca. Like Ithaca, it is a college town with a centralized downtown area. Harrisonburg was the least prepared of the cities for the influx of e-scooters. Both Bird and Lime brought e-scooters to Harrisonburg before the city had prepared e-scooter guidelines or established an MOU. Harrisonburg found itself at the center of an escalating e-scooter competition between Bird and Lime and became overwhelmed with the number of e-scooters.

The city was able to rein in the e-scooter companies and now has a good relationship with Lime. It has worked with Lime to implement temporary geofencing for events. Harrisonburg is now looking to expand the Lime fleet to include bicycles.

More so than other cities we researched, Harrisonburg reported conflict between drivers and e-scooters.
After the first 32 days with Bird scooters, Bird told Harrisonburg that there had been 26,779 total rides, with an average ride length of 0.77 miles and duration of 8.9 minutes. During this period, Harrisonburg estimates the scooters received an average of close to 5 trips per day.

During January and February, the Lime scooters averaged only 1.6 rides per scooter per day, but this included two days of inclement weather where there were no rides recorded. Removing these days, the scooters average between 2 and 2.2 rides per day.

In early 2019, the city of Harrisonburg created an e-scooter regulation process and pilot program (Peterson, 2019). Since then, Bird has applied for a permit to continue operations in the city, which was approved. Bird is currently authorized to host up to 150 e-scooters in the city (Russ, personal communication, 2019). Lime is not pursuing further e-scooters in Harrisonburg at this time (Goodmark, personal communication, 2019).

Contact:
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Assistant City Attorney
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(540) 432-7110

Memphis, TN

Memphis studied how other cities responded to e-scooters and created an ordinance in advance of their arrival in the city. When Nashville ejected Bird e-scooters from the city, Memphis invited Bird there instead and quickly worked with Bird to create an interim operating agreement.

Lime introduced 250 e-scooters after being asked by the city to wait for the interim agreement with Bird, but Memphis responded by impounding the Lime e-scooters. Memphis negotiated a deal with Lime two months later.

Improper parking that blocked ADA access was initially a problem in Memphis, but Bird helped address the issue by firing some of the chargers who were not complying with regulations and by including staffers who ride around the city and reposition poorly parked devices.

Memphis added e-scooter specific parking. Its bike infrastructure was lightly used, so the introduction of e-scooters has not caused a strain.

Memphis manages volume by requiring e-scooters to average 3 rides per day.

A few citizens needed care at a trauma center following head injuries related to e-scooter use. Memphis has since required that the e-scooter apps include rider education. Memphis has also educated its downtown representatives about e-scooter usage for tourists.
Providence, RI

Providence is interesting because it allows both cycling and e-scooter riding on its sidewalks. The sidewalks in Providence are not particularly wide, and the increased ridership has caused increasing tension. So far, there isn’t enough data to determine whether crashes between e-scooter riders and pedestrians are more likely to occur in Providence than in other cities. Providence is investigating several options to limit e-scooter riding on sidewalks, including introducing a ban to riding e-scooters on downtown streets and explicitly linking allowed sidewalk use with the lack of a designated bike lane.


Citizens’ reception to the e-scooter program has been less enthusiastic than the reaction to the bike-sharing program. The on-the-ground team for the bike share component has generally been more responsive than a similar team for the e-scooter program.

Providence currently hosts two e-scooter companies. One of them pulled out for the winter, and the other has significantly reduced ridership, even though Providence has had relatively little snowfall to date.

Providence charges its scooter providers $1 per scooter per day, and its scooters have averaged 2.5 trips per day per scooter.

St. Paul, MN

St. Paul currently has agreements with both Bird and Lime for e-scooter sharing. The city preemptively addressed concerns about poorly parked e-scooters by including a provision that
the e-scooter providers would pay the city whenever a city employee was called to reposition an
e-scooter. The agreement gives the e-scooter company a window before the city employee is
called. St. Paul has still struggled with illegally or poorly parked e-scooters, but the city has
found that the e-scooters are repositioned or re-rented before its staff can arrive on the scene.

St. Paul struggles with citizens riding e-scooters on the sidewalks (which is illegal) and in
various parks where bicycles and similar devices are banned. They hope to launch an education
initiative in the future.

Overall response to the e-scooter program has been positive. There have been complaints
about negative pedestrian-scooter interactions, but there has not been a noticeable uptick in
crashes.

St. Paul does not have an e-scooter program active for the winter but plans to renew
agreements for the spring.

The St. Paul MOU can be viewed here:
https://drive.google.com/file/d/0B3kAZ5t5YyDKem5LR3F3TDBoX1h5TUhxNHZpOU83YXVMeTQ4/view?usp=sharing

Contact:
Reuben Collins
Transportation/Planning Engineer
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(651) 266-6059

Portland, OR

We have not spoken with anyone in Portland firsthand, but Portland has made a wealth of
information available online.

Portland commissioned an independent, scientific study of e-scooter ridership and perceptions
as part of its pilot program.

On the whole, the people of Portland approve of the e-scooter program. Citizens with positive
views of the program stressed the flexibility, convenience, and fun of the program. Those with
negative views were concerned about improper or illegal use of e-scooters. Top priorities
among all survey respondents were education about and enforcement of the current rules

During its first pilot program, Portland had 2,043 e-scooters that covered 801,887 miles in
700,369 trips. The pilot lasted 120 days, so, on average, there were 2.86 trips per scooter per
day, and the average scooter ride was 1.14 miles long.
See PBOT (2019) for more information and to read Portland’s reports.

Nashville, TN

We contacted Nashville, TN, in early April 2019 to learn more about why they had barred e-scooters from the city.

Nashville initially transmitted a cease-and-desist letter to Bird (Costonis, 2018), the first company to launch e-scooter sharing within Nashville, because the e-scooters were blocking the public right-of-way, and there was no legislature in place to govern e-scooter sharing.

Since the initial cease-and-desist letter, Nashville has adopted city ordinances, and e-scooter companies now operate within the city (following an application process) (Nashville, 2018).

Feedback from City Departments

Representatives from city departments we have interviewed have generally been positive about implementing an e-scooter program. Most are concerned about helping to ensure safety and/or to curtail improper parking.

City Clerk

Julie Holcomb is especially concerned about safety and is willing to collaborate with Lime and NGO’s like BikeWalk Tompkins to deploy education initiatives. In particular, she would like to see a proactive education campaign prior to the launch of any pilot program. She recommends a FAQ and timeline to be provided to City staff and downtown representatives. She prefers a curfew that aligns with sunset to prevent scooter use after dark.

Engineering

Tim Logue suggests Ithaca ask the Health Department to help collect e-scooter incident data. He also recommends we ask Lime to sponsor an independent study about e-scooter usage. He recommends we wait to see where the e-scooters are used before introducing new infrastructure requests. He is in favor of using a pilot program to learn more about how this alternate form of transportation would be utilized by residents and visitors.

Fire Department

Chief Tom Parsons has concerns about insurance and liability, but his top priority is safety. He would be in favor of e-scooters if Ithaca can implement requirements and education to make their use as safe as possible.
Planning and Economic Development

The Planning and Economic Development Division was particularly interested in ensuring the scooters and bikes are spread equitably throughout Ithaca. Scooter use is limited to people who are 16 or older, but Ithaca Youth can benefit strongly from enhanced mobility options. An agreement with Lime could also require Lime Bikes to be distributed so that they’re easy for middle- and high-school students to use for accessing after-school activities.

They saw an opportunity to make The Commons more accessible by allowing scooters on The Commons but limiting their speed to 5 mph. Unfortunately, the technology for scooters to achieve this is not quite ready, and Lime recommends enforcing having no scooters on the Commons.

JoAnn Cornish strongly endorses education initiatives and encourages training downtown tourism staff to promote safe scooter ridership.

To address concerns about parking, Planning recommended considering drop-off zones for bike and scooter share vehicles as seen in Seattle (Mah, 2018) to be designated with on-street/sidewalk paint or installation of physical corrals or barriers. Locations would be chosen not to detract from vehicle parking or interfere with accessibility.

The Planning Division appeared open to an interim scooter agreement with Lime and would appreciate a draft MOU that meets the NACTO Guidelines to serve as a basis moving forward. They believe Lime should pay an operating fee of some amount to the City of Ithaca.

City Attorney

Aaron Levine recommended that he be involved in drafting the MOU if the city indicated interest in pursuing a pilot program for e-scooters, but that he did not need to weigh in at this time.

Police Department

To date, we have not been able to schedule a meeting with the Ithaca Police Department.

Feedback from Lime

Jeff Goodmark from Lime says his company places emphasis on safety foremost and also concentrates on accessibility, affordability, and availability of shared transport devices (Goodmark, personal communication, 2019). Since its bicycle-sharing launch in April 2018, there have been approximately 90,000 rides, with 12,000 of these on e-bikes. Lime currently employs several people in Ithaca depending on the season. Currently, in the winter, Lime has
two full-time employees and six part-time employees. This will be increasing soon as temperatures increase.

Lime attests it will not launch e-scooters without a formal agreement to do so with the city of Ithaca (MATCom, 2019). The company is willing to conduct education and publicity events leading up to a program launch. The maximum scooter speed will be set to 15 mph. The company will target an average ridership of three rides per scooter per day. The Lime Access program is still available with e-scooters.

While e-scooters are profitable to Lime, the bicycles are not. Consequently, Lime feels it is important to introduce e-scooters to Ithaca (Goodmark, personal communication, 2019). Lime would like to see e-scooters introduced in May and requests that Ithaca sign an exclusive agreement with Lime for e-scooters.

New York State Law

Currently, e-scooters are illegal in New York State, but enforcement appears to be largely left to individual municipalities. E-scooters are not clearly defined in New York State’s Vehicle Traffic Law (Beltramo, 2018).

A proposal in Gov. Andrew Cuomo’s state budget would establish state traffic laws governing electric bikes and scooters and authorize local governments to authorize them as they prefer (FY2020 Executive State Budget, p102+).

NACTO Guidelines

NACTO, the National Association of City Transportation Officials, developed a set of policy guidelines it believes all cities should follow when navigating “shared active transportation.” See NACTO (2018 pp. 6-9)

Conclusion

Sarah Barden and Megan Powers have found that on the whole, e-scooters represent an exciting opportunity for the City of Ithaca. We believe Ithaca should develop an exclusive e-scooter agreement with Lime, separate from the bike-share MOU, to launch a pilot e-scooter program for a predefined, renewable period of time.

Ithaca should expect citizens to ride e-scooters illegally on the sidewalks. Residents will express concern about both improper ridership and lack of enforcement. The city can help alleviate these concerns by working with Lime to ensure proper ridership is supported and to leverage
local interested NGOs and groups to better educate residents. We strongly support a proactive education campaign prior to the launch of the pilot program.

The parking of e-scooters will be a second area of concern. Ithaca should act proactively with Lime to ensure its employees are actively monitoring scooters for improper parking.

Any MOU regarding e-scooters should follow the guidelines outlined by NACTO. Ithaca should ensure the insurance and indemnification clauses are in place and that the maximum scooter speed is limited to 15 mph. Ithaca should establish fees associated with e-scooter operation in the city. Because e-scooters are more expensive to ride than bicycles, and because e-scooter ridership is limited to those 18 and older, Ithaca should consider requiring Lime to maintain a minimum fleet of bicycles along with the e-scooter program. Lime asked for an exclusivity agreement for e-scooters. Ithaca is small enough that it is reasonable to work exclusively with one provider until e-scooter riding is well understood.
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Solomon, Dan (2018), The CDC’s first study of dockless electric scooters will happen in Austin. Texas Monthly. Retrieved from https://www.texasmonthly.com/article/cdc-study-electric-scooters-austin/


Statement regarding e-scooters in Ithaca
Submitted by Traci Nathans-Kelly, 105 Cornell St., Ithaca NY 14850
Submitted May 8, 2019

E-scooters are billed as a “disruptive” business model, and disruptive they are. The rollout of these scooters in various cities in the US has caused many problems, ranging from traumatic personal injury and serious accidents to blocking the right of way for all citizens using sidewalks. The research that Ithaca provided is cherry-picked, and the statement of equity doesn’t address people with disabilities being able to have equal access to all passages.

The City of Ithaca has stars in its eyes about e-scooters, touting how it will make Ithaca more accessible and friendly. I expect the opposite will be true. Let me give an example. Just about 18 months ago, Nashville decided to end its e-scooter program because it was, quite precisely, disruptive to the city’s health and livelihood. Memphis swooped in and invited Bird to bring the scooters there. Memphis also had an MOU, with many of the same pieces that the drafted one for Ithaca has. Yet, daily, my friend Charles—who has severe mobility issues—has to navigate the scooters that litter the sidewalks and passages as he tries to get to his university job each day with his walker. In Memphis, the scooters are literally everywhere, and no law, regulation, warning, training, ticketing or other tactic has curbed the significant problems. The Ithaca MOU has language about the scooters being removed within 35 minutes to 2 hours, but that does nothing to solve the problem in the moment.

As well, scooters have a lower visual profile than any other mode of transport, and riders sense that vulnerability, so they take to the sidewalks. Ithaca does not have enough bike lanes, and now we want to increase the problem? We don’t have enough police to do regular work, let alone ticket scooter abuse. And I am terrified at what will happen to an out-of-control scooter rider down one of our hills. We all know it’s a catastrophe waiting to happen. The agenda put out by the board has language about bike, but not scooters, in many places, creating loopholes. While the MOU has information about collecting crash data, injury data, there is no information the trial period will be assessed and by what metrics or if public hearings will contribute to the assessment of the trial period.

I include recent photos from my friend Charles taken within one day of his trying to get to work in Memphis, shared with his permission.

Supporting the gig culture in favor of taking care of all of our citizens—especially those that already face mobility challenges every day— is a poor choice, in my view.
May 7, 2019

TO: City of Ithaca Common Council
FROM: Gary Ferguson, Downtown Ithaca Alliance

RE: A CASE FOR A SCOOTER PILOT PROGRAM

Scooters will be an important and welcome part of a broad based transportation system needed here in Ithaca.

For several years, the Downtown Ithaca Alliance has been working to implement a strategy to promote transportation demand management (TDM). The notion of TDM is that we work to shift people from single occupancy vehicles to alternative modes of transportation. We do this for multiple reasons: to reduce stress and demand on the crowded Downtown parking garages; to reduce our carbon footprint; and to relieve traffic congestion. We also believe TDM can be a cost effective tool for individuals and households, to reduce their personal parking and transportation costs.

We continually seek alternative modes for moving people from place to place: we currently can use TCAT buses, Gadabout shuttles, Lime bikes, and walking. But we would really like the opportunity to test and make use of scooters.

Personal mobility devices (scooters/bikes) have become a new form of transit in many cities across the country. While bikes and scooters have been with us for over a century, the personal mobility device movement is a relatively new occurrence. Packaged as affordable tools for short distance travel, today's bikes and scooters fill a tremendous void in the transportation matrix. Transportation planners often talk about “first mile/last mile” connections—getting from your residence to a bus stop, for example. Scooters and bikes provide a great tool for making these connections. They will replace some automobile trips; they will give mobility to those unable to buy an automobile. In cities across America, scooters have already begun to change the way people travel short distances.

Walking and biking are not for everyone. Likewise, Scooters are not for everyone, although I've seen people of all ages riding them in other cities. But, in a world where we desperately want people to adopt and embrace other non-automobile modes of travel, scooters can be an important part of a holistic transportation package.

Larissa Ortiz, a NYC based Downtown planning and retail consultant, recently visited Ithaca to help us with our strategic planning. She remarked about the importance of scooters to a community and noted that resistance to the idea of introducing a new form of travel is not a new idea. It took several decades before people came to fully embrace the automobile. But our forefathers and foremothers didn’t ban this new-fangled form of transportation- they allowed it to grow and learned to regulate and govern it. In the same way, scooters and other personal mobility devices are the new transportation tools of this generation. While it might also take time for some of us to integrate them into our life, we should follow the same lead as those who went before us.
MAT Comm has done an excellent job researching other cities and reviewing the history and record scooter use and impact. Their recommendations are solid and sensible.

Make no mistake; scooters will undoubtedly provide us with challenges in the months and years to come. They are a different way of moving around, one that requires us to share our roads in ways we have not previously done. They require rules and regulation, just like any other form of travel.

It is time for Ithaca to join the hundreds of cities that are now using and living with scooters. If we are committed to combatting climate change, we want to embrace scooters. This proposed pilot is an excellent and appropriate way to introduce them to our community and to evaluate their impact and fit.

We look forward to including scooters into our TDM toolkit.
9.5 Resolution Supporting New York State (NYS) Emergency Tenant Protection Act (ETPA) of 1974

WHEREAS, the City of Ithaca has documented and identified unmet need for affordable housing opportunities to serve low and moderate income residents; and

WHEREAS, as a result, in 2018, Common Council amended the Community Investment Incentive Tax Abatement Program (“CIITAP”) to expand its applicable boundaries and to require new residential developments participating in the program of 10 units or more to have a minimum of 20 percent of their housing units be affordable to households earning up to 75 percent of the Area Median Income (“AMI”) calculated using the average AMI of the 3 most recent years; and

WHEREAS, CIITAP is only one way to address housing affordability, and aside from the new construction that is required to be affordable according to this program, currently state law does not provide local authority to form a local board that would determine annual allowable rental increases in order to protect tenants from arbitrary rent increases; and

WHEREAS, according to recent data, 73% of the residents in the City of Ithaca are renters, and the average vacancy rate is the lowest in Tompkins County at approximately one percent; and further, over 50% of Tompkins County residents pay 30 percent or more of their income (a standard affordability metric) to pay their rent; and

WHEREAS, the New York State’s Emergency Tenant Protection Act (ETPA) of 1974 provides rental protections including rent stabilization whereby landlords are subject to regulated rent increases\(^1\) and tenants have the right to renewal leases\(^2\); and

WHEREAS, under the current ETPA law only municipalities in Nassau, Westchester, Rockland counties and New York City are eligible to adopt a form of rent stabilization, resulting in rent protections only applying to tenants in 8 of the state’s 62 counties; and

WHEREAS, in 2019, New York State’s Emergency Tenant Protection Act (ETPA) of 1974 will be expiring, presenting an opportunity for our leadership in Albany to improve and extend the tenants’ rights moving forward; now therefore be it

\(^1\) https://www1.nyc.gov/nyc-resources/service/2069/new-york-city-rent-increase
Market rate apartment rental rates and lease terms are negotiated between the owner and tenant. The New York City Rent Guidelines Board (NYCRGB) determines rent increases for lease renewals of rent stabilized apartments, lofts, hotels and single room occupancies (SROs). It does not set the rent increase for vacancy leases, rent controlled apartments, unregulated apartments, or subsidized housing. Rent increase percentages for rent stabilized apartments and lofts are adjusted each year. For renewal leases beginning between October 1, 2018, through September 30, 2019, the rent increase for rent stabilized apartment and loft renewals is:
- 1-year lease: 1.5%
- 2-year lease: 2.5%

\(^2\) https://www.nysenate.gov/legislation/laws/ETP
RESOLVED, That the City of Ithaca Common Council supports and endorses A7046 (Cahill) in the Assembly, and S5040 (Breslin) in the Senate, which calls upon our leaders in Albany to strike the geographic restrictions from the ETPA so that local governments can take an active role addressing the cost of rental housing and provide critical rental rights to tenants in the City of Ithaca and across the state; and, be it further

RESOLVED, That the City Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, Governor Andrew Cuomo, New York State Senator Thomas O'Mara, New York State Assemblywoman Barbara Lifton, Senate Assembly Chair Brian Kavanagh, and Assembly Housing Chair Steven Cymbrowitz.

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3 https://www.nysenate.gov/legislation/bills/2019/a7046
# 1 Rent Stabilization and Rent Control

Introduction

A number of communities in New York State have rent regulation programs known as rent control and rent stabilization. Rent regulation is intended to protect tenants in privately-owned buildings from illegal rent increases and allow owners to maintain their buildings and realize a reasonable profit.

Rent control is the older of the two systems of rent regulation. It dates back to the housing shortage immediately following World War II and generally applies to buildings constructed before 1947. Rent stabilization generally covers buildings built after 1947 and before 1974, and apartments removed from rent control. It also covers buildings that receive J-51 and 421-a tax benefits. Outside New York City, rent stabilization is also known as ETPA, short for the Emergency Tenant Protection Act and is applicable in some localities in Nassau, Westchester and Rockland counties.

RENT STABILIZATION

Rent stabilization provides protections to tenants besides limitations on the amount of rent. Tenants are entitled to receive required services, to have their leases renewed, and may not be evicted except on grounds allowed by law. Leases may be renewed for a term of one or two years, at the tenant's choice. Tenants can file relevant complaints on a variety of forms created by the Division of Housing and Community Renewal (DHCR). DHCR is required to serve the complaint on the owner, gather evidence and then can issue a written order which is subject to appeal.

If a tenant's rights are violated, DHCR can reduce rents and levy civil penalties against the owner. Rents may be reduced if services are not maintained. In cases of overcharge, DHCR may assess penalties of interest or treble damages payable to the tenant.

Rent Increases

The Rent Guidelines Boards (one in New York City and one each in Nassau, Westchester, and Rockland counties) each set rates for rent increases in stabilized apartments. These guidelines rates are set once a year and are effective for leases beginning on or after October 1st of each year. New York State Law sets vacancy lease increases for new tenants who sign vacancy leases.
Both in New York City and the ETPA counties, rents can be increased during the lease period in any one of three ways, so long as the lease provides for the collection of an increase during the lease term:

1. with the written consent of the tenant in occupancy, if the owner increases services or equipment, or makes improvements to an apartment;
2. with DHCR approval, if the owner installs a building-wide major capital improvement; or
3. in cases of hardship with DHCR approval.

Rent Overcharges

For rent stabilized apartments, owners may be ordered to refund excess rent collected based upon a finding of a rent overcharge. A finding by DHCR of a willful rent overcharge by the owner may result in the assessment of treble (triple) damages payable to the tenant. DHCR is generally prohibited from investigating issues concerning rent overcharges and registrations for years occurring more than four years before the filing of a rent overcharge complaint.

Rent Reductions for Decreases in Services

Rents may be reduced if the owner fails to provide required services, or fails to make necessary repairs for an individual apartment or on a building-wide basis. Examples of such conditions are lack of heat/hot water, unsanitary common areas (halls, lobby), and broken door locks. If a tenant receives a rent reduction from DHCR, the owner cannot collect any rent increases until services are restored and DHCR restores the rent.

Harassment

The law prohibits harassment of rent regulated tenants. Owners found guilty of intentional actions to force a tenant to vacate an apartment can be denied decontrol and lawful rent increases and may be subject to both civil and criminal penalties. Owners found guilty of tenant harassment are subject to fines of up to $5,000 for each violation.

Rent Registration

Within 90 days after an apartment first becomes subject to rent stabilization, an owner is required to file an initial registration. After the initial registration, owners must file an annual registration statement giving the April 1st rent for each unit and provide tenants with a copy of their respective apartment's registration form. Owners who do not file initial or annual statements will not be eligible for rent increases and are subject to additional penalties.
However, upon the service and filing of a late registration, an owner cannot be found to have collected an overcharge for the period of non-registration, provided the increases in the rent were lawful except for the failure to file a timely registration. The penalty of treble damages cannot be assessed against an owner based solely on that owner's failure to file a timely registration.

**RENT CONTROL**

Rent control limits the rent an owner may charge for an apartment and restricts the right of any owner to evict tenants. Tenants are also entitled to receive essential services. Owners are not required to offer renewal leases, as tenants are considered "statutory" tenants. Tenants may file relevant complaints on a variety of forms created by DHCR. DHCR is required to serve the complaint on the owner, gather evidence and then can issue a written order which is subject to appeal.

If a tenant's rights are violated, DHCR can reduce rents and levy civil penalties against the owner. Rents may be reduced if services are not maintained. In cases of overcharge, DHCR may establish the lawful collectible rent.

**Rent Increases**

In New York City, rent control operates under the Maximum Base Rent (MBR) system. A maximum base rent is established for each apartment and adjusted every two years to reflect changes in operating costs. Owners, who certify that they are providing essential services and have removed violations, are entitled to raise rents up to 7.5 percent each year until they reach the MBR. Tenants may challenge the proposed increase on the grounds that the building has violations or that the owner's expenses do not warrant an increase.

For New York City rent controlled apartments, rents can also be increased because of increases in fuel costs (passalongs) and in some cases, to cover higher labor costs. Outside New York City, the New York State Division of Housing and Community Renewal (DHCR) determines maximum allowable rates of rent increases under rent control. Owners may apply for these increases periodically.

Rents can also be increased in any one of three ways, both inside and outside of New York City:

1. with the written consent of the tenant in occupancy, if the owner increases services or equipment, or makes improvements to an apartment;
2. with DHCR approval, if the owner installs a building-wide major capital improvement; or
3. in cases of hardship with DHCR approval.
Rent Overcharges

For rent controlled apartments, complaints submitted by tenants will result in an order by DHCR that establishes the Maximum Collectible Rent and directs that any overcharge be refunded for a period of no greater than two years before the filing of the complaint. If the refund is not made, the tenant can proceed to court to calculate the overcharge and enforce the order.

Rent Reductions for Decreases in Services
Please refer to the section above under Rent Stabilization.

Harassment
Please refer to the section above under Rent Stabilization.

Rent Registration
Apartments subject to Rent Control are not required to be registered annually with DHCR.

HIGH-RENT VACANCY Deregulation and HIGH-RENT HIGH-INCOME Deregulation

The rent laws provide for the deregulation of apartments based on rents and occupants' incomes reaching certain levels.

The Deregulation Rent Threshold (DRT) can be adjusted on January 1st of each year based on the one year renewal lease guideline percentage issued the prior year by the local rent guidelines boards.

The Deregulation Rent Thresholds for 2019, for both kinds of deregulation are:

<table>
<thead>
<tr>
<th>City</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York City</td>
<td>$2,774.76</td>
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<tr>
<td>Nassau</td>
<td>$2,774.89</td>
</tr>
<tr>
<td>Rockland</td>
<td>$2,733.75</td>
</tr>
<tr>
<td>Westchester</td>
<td>$2,830.21 ($2,803.86 if tenant pays for heat or hot water)</td>
</tr>
<tr>
<td>Ossining</td>
<td>$2,774.72 ($2,759.70 if tenant pays for heat or hot water)</td>
</tr>
</tbody>
</table>

The Deregulation Income Threshold, which is not adjusted annually, is $200,000. Deregulation of an apartment for High-Rent High-Income requires the issuance of a written order by DHCR.
For more information or assistance, call the DHCR Rent InfoLine, or visit your Borough Office or call or visit your County Rent Office.

**Queens**  
92-31 Union Hall Street  
6th Floor  
Jamaica, NY 11433  
(718) 739-6400

**Lower Manhattan**  
25 Beaver Street  
5th Floor  
New York, NY 10004

**Brooklyn**  
55 Hanson Place  
7th Floor  
Brooklyn, NY 11217

**Bronx**  
1 Fordham Plaza  
4th Floor  
Bronx, NY 10458

**Upper Manhattan**  
163 W. 125th Street  
5th Floor  
New York, NY 10027

**Westchester**  
75 South Broadway  
3rd Floor  
White Plains, NY 10601
May 2, 2019

Joanne Cornish  
Director of Planning and Development  
City of Ithaca  
108 E. Green St.  
Ithaca, NY  14850

Re: Universal Rent Stabilization and Control

I own and manage a number of multi-family apartment buildings which I rent primarily to students. I am commenting on the resolution entitled “Supporting Universal Rent Stabilization and Control”. Nels Bohn, in an email, suggests that if the regulation is adopted, landlords would be required to renew all residential leases unless the tenant violates the lease agreement and the maximum allowable rent increase in the renewal would be capped at 150% of the trailing annual CPI as of August.

As best as I can tell, this legislation is driven by tenant needs in New York City. It would relate to tenants being pushed out of long-term residential leases by unscrupulous landlords. I rent to many students. No lease is longer than 1 year and our renewal rate for student leases is high at 25-30% suggesting that we are renewing virtually all leases that are possible renewals. these numbers would be vastly different in New York City. We of course are thrilled to renew leases, but students tend to change their living situation frequently and, of course, they graduate and leave town.

There are sometimes good reasons not to renew a given lease. There are times when a tenant causes problems to ourselves and/or our tenants, and these problems are not lease related. Who from the City will perform lease review if a tenant complains to the City concerning our unwillingness to renew their lease? At times, when we learn that students have financial problems, problems with other landlords, are fire victims, or come from other untenable living situations, we will give these students either low or
free rent to help them through the semester or the year. If we are bound by this new law to continue to offer a free or lower than market lease, we would be unable to offer this good service.

Our lease terms are usually for 12 months, starting either June 1 or August 15th. New student tenants start signing leases the October of the prior year of occupancy. It would be impossible to apply a CPI increase starting in June or August for the new lease term when the August CPI of their lease term is not published until October or November after the time they occupy the apartment. In other words, basically with this law in place, we would need to apply a CPI increase to their lease almost a year before that CPI increase is published.

We, and developers in general, often purchase buildings which come with tenants and their current leases. Should we wish to take these buildings off line for demolition in order to create better housing in our community, how would we deal with the above proposal? I think that while there are real benefits to the proposed legislation, there is more benefit to the applicability of this proposal in New York City and that it will have many unintended consequences here in Ithaca.

More generally, I think Common Council would benefit by including business people to help study proposals so that rules or laws that Common Council pass can achieve the correct results without burdening given businesses with unintended consequences. Thank you.

John Novarr
10. **CITY ADMINISTRATION COMMITTEE:**

10.1 **Adoption of the Ithaca Green New Deal - Resolution**

WHEREAS, the City of Ithaca Common Council has demonstrated its desire and commitment to be a leader in sustainability and social equity by passing resolutions to:

- Join the International Council for Local Environmental Initiatives (2001)
- Endorse the US Mayors’ Climate Protection Agreement (2005)
- Adopt the Climate Smart Communities Pledge (2009)
- Adopt the City of Ithaca Energy Action Plan 2012-2016 (2013)
- Adopt Plan Ithaca, the City’s Comprehensive Plan (2015), which features equity and sustainability as thread-through themes and contains the chapter Sustainable Energy, Water, & Food Systems

; and

WHEREAS, the October 2018 report entitled “Special Report on Global Warming of 1.5 C” by the Intergovernmental Panel on Climate Change and the November 2018 Fourth National Climate Assessment report found that human-caused climate change is causing an increase in extreme weather events that threaten human life, healthy communities, and critical infrastructure; and

WHEREAS, there is a clear emerging international consensus that to avoid the most severe impacts of a changing climate, we should work together to limit global warming to 1.5 degrees Celsius, which is even more ambitious than the previous target of 2 degrees; and

WHEREAS, to accomplish this, scientists say that the entire world needs to get to net-zero emissions by 2050, meaning the same amount of greenhouse gases would have to be absorbed as released into the atmosphere; and

WHEREAS, the United States should take a leading role in achieving that, but with active resistance at the federal level, it has fallen to the states, to local governments and to individual citizens to lead the way; and

WHEREAS, versions of a Green New Deal, which have been proposed at both the Federal and the State level, aim to address climate change and other societal problems like economic inequality and racial injustice; and

WHEREAS, local sustainability professionals, activists, and a growing youth climate movement have urged the City of Ithaca to show more leadership on these challenges; and

WHEREAS, the City has already taken several steps to reduce greenhouse gas emissions, including the following:
• Performed energy efficiency upgrades and installed rooftop solar energy systems at several locations. The Ithaca Area Waste Water Treatment Facility, recognized by the U.S. DOE for its efforts, has improved the efficiency of its operations dramatically and produces up to three quarters of its energy needs on-site through the production and use of biogas;

• The City is actively working to upgrade its entire inventory of streetlights to LED technology, cutting greenhouse gas emissions 50-60% and slashing lighting costs even more dramatically;

• The City worked for years to develop a large scale solar array located at the Ithaca Tompkins airport, which would have generated enough clean electricity to power about one third of City government operations, with significant cost savings. Due to circumstances beyond the City’s control, the project ultimately fell through;

• Since 2014, the City has shared a Sustainability Coordinator with the Town of Ithaca; The position is dedicated to reducing greenhouse gas emissions in government operations and the Ithaca community;

• In 2018 the City adopted the Ithaca Green Building Policy report, with the intention of enacting legislation in 2019, which is currently under development;

• The City installed five electric vehicle charging stations in three public parking garages and is an active partner in the EV Tompkins program, which aims to double the number of local EV drivers. The City is working on incorporating the first EV into its fleet;

• In collaboration with four other municipalities, the City developed a residential energy score program that would tap market forces to improve the energy efficiency of existing homes. New York State is now rolling out regional home energy score pilot programs in several locations across the state, including Ithaca, thanks in part to these efforts;

• The City enabled the innovative Property Assessed Clean Energy (PACE) financing program to offer long-term low-cost financing for energy efficiency and renewable energy projects in commercially-owned buildings. The City of Ithaca and Tompkins County were the first two upstate NY communities to offer this program

; and

WHEREAS, by adopting a Green New Deal for Ithaca, the City has the opportunity to build on existing momentum and be the most climate forward city in New York State; and

WHEREAS, there would be multiple benefits besides greenhouse gas reduction, including local job creation and improved community health; and
WHEREAS, the City of Ithaca acknowledges that to implement a Green New Deal will require support from New York State and the Federal government; and

WHEREAS, to be successfully implemented, the Ithaca Green New Deal must have the support of the City of Ithaca at all levels of government; and

WHEREAS, this support can be demonstrated at first by the City of Ithaca Common Council through the adoption of this resolution; and

WHEREAS, in accordance with the City of Ithaca Code §176-5C (26) “adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list”, this action does not require a City Environmental Quality Review (CEQR); now, therefore be it

RESOLVED, That the City of Ithaca adopts a goal to meet the electricity needs of City government operations with 100% renewable electricity by 2025; and, be it further

RESOLVED, That the City of Ithaca adopts a goal to reduce emissions from the City fleet of vehicles by 50% by 2025; and, be it further

RESOLVED, That the City of Ithaca hereby adopts a goal of achieving a carbon neutral city by 2030; and, be it further

RESOLVED, That the City of Ithaca endorses the following actions to achieve these goals:

- Create a climate action plan (CAP) in 2020 to provide details on how to achieve the Ithaca Green New Deal, and update the CAP every five years;
- Adopt a Green Building Policy for new buildings in 2019;
- Adopt a Green Building Policy for existing buildings by 2021; and
- Assign additional staff as needed to implement the plan

; and, be it further

RESOLVED, That the Mayor and Common Council will work with department heads and city staff, members of appropriate boards and commissions, businesses, community groups, academic institutions, organizations, and other local governments to develop a comprehensive public input process to enable achievement of these goals; and, be it further

RESOLVED, That the City Clerk send copies of this resolution to United States Senators Chuck Schumer and Kirsten Gillibrand; United States Representatives Tom Reed and Alexandria Ocasio-Cortez; Governor Andrew Cuomo; Assemblywoman Barbara Lifton; State Senator Tom O'Mara, and all the other members of the Honorable New York State Congressional delegation.
Adoption of the Ithaca Green New Deal

WHEREAS, the City of Ithaca Common Council has demonstrated its desire and commitment to be a leader in sustainability and social equity by passing resolutions to:

- Join the International Council for Local Environmental Initiatives (2001)
- Endorse the US Mayors’ Climate Protection Agreement (2005)
- Adopt the Climate Smart Communities Pledge (2009)
- Adopt the City of Ithaca Energy Action Plan 2012-2016 (2013)
- Adopt Plan Ithaca, the City’s Comprehensive Plan (2015), which features equity and sustainability as thread-through themes and contains the chapter Sustainable Energy, Water, & Food Systems, and

WHEREAS, the October 2018 report entitled “Special Report on Global Warming of 1.5 C” by the Intergovernmental Panel on Climate Change and the November 2018 Fourth National Climate Assessment report found that human-caused climate change is causing an increase in extreme weather events that threaten human life, healthy communities, and critical infrastructure, and

WHEREAS, there is a clear emerging international consensus that to avoid the most severe impacts of a changing climate, we should work together to limit global warming to 1.5 degrees Celsius, which is even more ambitious than the previous target of 2 degrees, and

WHEREAS, to accomplish this, scientists say that the entire world needs to get to net-zero emissions by 2050, meaning the same amount of greenhouse gases would have to be absorbed as released into the atmosphere, and

WHEREAS, the United States should take a leading role in achieving that, but with active resistance at the federal level, it has fallen to the states, to local governments and to individual citizens to lead the way, and

WHEREAS, versions of a Green New Deal, which have been proposed at both the Federal and the State level, aim to address climate change and other societal problems like economic inequality and racial injustice, and

WHEREAS, local sustainability professionals, activists, and a growing youth climate movement have urged the City of Ithaca to show more leadership on these challenges, and

WHEREAS, the City has already taken several steps to reduce greenhouse gas emissions, including the following:

- Performed energy efficiency upgrades and installed rooftop solar energy systems at several locations. The Ithaca Area Waste Water Treatment Facility, recognized by the U.S. DOE for its efforts, has improved the efficiency of its operations dramatically
and produces up to three quarters of its energy needs on-site through the production and use of biogas;

- The City is actively working to upgrade its entire inventory of streetlights to LED technology, cutting greenhouse gas emissions 50-60% and slashing lighting costs even more dramatically;

- The City worked for years to develop a large scale solar array located at the Ithaca Tompkins airport, which would have generated enough clean electricity to power about one third of City government operations, with significant cost savings. Due to circumstances beyond the City’s control, the project ultimately fell though;

- Since 2014, the City has shared a Sustainability Coordinator with the Town of Ithaca; The position is dedicated to reducing greenhouse gas emissions in government operations and the Ithaca community;

- In 2018 the City adopted the Ithaca Green Building Policy report, with the intention of enacting legislation in 2019, which is currently under development;

- The City installed five electric vehicle charging stations in three public parking garages and is an active partner in the EV Tompkins program, which aims to double the number of local EV drivers. The City is working on incorporating the first EV into its fleet;

- In collaboration with four other municipalities, the City developed a residential energy score program that would tap market forces to improve the energy efficiency of existing homes. New York State is now rolling out regional home energy score pilot programs in several locations across the state, including Ithaca, thanks in part to these efforts;

- The City enabled the innovative Property Assessed Clean Energy (PACE) financing program to offer long-term low-cost financing for energy efficiency and renewable energy projects in commercially-owned buildings. The City of Ithaca and Tompkins County were the first two upstate NY communities to offer this program, and

WHEREAS, by adopting a Green New Deal for Ithaca, the City has the opportunity to build on existing momentum and be the most climate forward city in New York State, and

WHEREAS, there would be multiple benefits besides greenhouse gas reduction, including local job creation and improved community health, and

WHEREAS, the City of Ithaca acknowledges that to implement a Green New Deal will require support from New York State and the Federal government, and

WHEREAS, to be successfully implemented, the Ithaca Green New Deal must have the support of the City of Ithaca at all levels of government, and

WHEREAS, this support can be demonstrated at first by the City of Ithaca Common Council through the adoption of this resolution, and
WHEREAS, in accordance with the City of Ithaca Code §176-5C (26) “adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list”, this action does not require a City Environmental Quality Review (CEQR); now, therefore, be it

**RESOLVED.** That the City of Ithaca adopts a goal to meet the electricity needs of City government operations with 100% renewable electricity by 2025, and, be it further

**RESOLVED.** That the City of Ithaca adopts a goal to meet 100% of its electricity needs for City government operations with renewable electricity by 2025, without the use of renewable energy credits (RECs), and, be it further

**RESOLVED.** That the City of Ithaca adopts a goal to reduce emissions from the City fleet of vehicles by 50% by 2025, and, be it further

**RESOLVED.** That the City of Ithaca hereby adopts a goal of achieving a carbon neutral city by 2030—that is, reducing community-wide greenhouse gas emissions by 100% by 2030, and, be it further

**RESOLVED.** That the City of Ithaca endorses the following actions to achieve these goals:

- Create a climate action plan (CAP) in 2020 to provide details on how to achieve the Ithaca Green New Deal, and update the CAP every five years;
- Adopt a Green Building Policy for new buildings in 2019;
- Adopt a Green Building Policy for existing buildings by 2021; and
- Assign additional staff as needed to implement the plan, and, be it further

**RESOLVED.** That the Mayor and Common Council will work with department heads and city staff, members of appropriate boards and commissions, businesses, community groups, academic institutions, organizations, and other local governments to develop a comprehensive public input process to enable achievement of these goals; and, be it further

**RESOLVED.** That the City Clerk send copies of this resolution to United States Senators Chuck Schumer and Kirsten Gillibrand; United States Representatives Tom Reed and Alexandria Ocasio-Cortez; Governor Andrew Cuomo; Assemblywoman Barbara Lifton; State Senator Tom O’Mara, and all the other members of the Honorable New York State Congressional delegation.
To: Members of Common Council  
From: Nick Goldsmith, Sustainability Coordinator  
Date: May 29, 2019  
Re: Adoption of the Ithaca Green New Deal Resolution

Dear Common Council,

This document provides additional information related to the Adoption of the Ithaca Green New Deal resolution, which is on the agenda for your June meeting.

Several proposed changes to the resolution were discussed at the City Administration Committee meeting on May 15. In the attached updated resolution, I have incorporated these changes, and also proposed a few clarifications. All proposed changes are addressed below in order.

1) First resolved

Existing language:
“RESOLVED, That the City of Ithaca adopts a goal to meet 100% of its electricity needs for City government operations with renewable electricity by 2025, without the use of renewable energy credits (RECs), and, be it further”

Proposed language:
“RESOLVED, That the City of Ithaca adopts a goal to meet the electricity needs of City government operations with 100% renewable electricity by 2025, and, be it further”

Explanation:
The intent is for the City to develop solar farms or other renewable energy projects that generate at least the amount of electricity that City government operations use on an annual basis. The City currently purchases RECs to offset its electricity use.

2) Additional resolved (new second resolved)

As proposed by Common Council member Nguyen:
“RESOLVED, That the City of Ithaca adopts a goal to reduce emissions from the City fleet of vehicles by 50% by 2025, and, be it further”

For the City to meet the community-wide goal of carbon neutrality by 2030, roughly speaking, we would have to reduce emissions from all City operations by about 50% by 2025. The proposed fleet goal is a specific instance of this.

Brian Carman, the City’s Fleet Manager, provided data about the City vehicle fleet. The major takeaways from the data include:

Page 1 of 2
• The City operates about 400 vehicles and equipment units.

• The City fleet is responsible for about one quarter of the GHG emissions from government operations (2010 data). Carbon dioxide emissions from the fleet in 2018 are estimated at 1,660 tons CO2.

• Year over year, emission levels fluctuate greatly. 2018 emissions were estimated to be 11% higher than 2017. In addition to weather-related changes, increases are thought to be partly due to a trend of rising infrastructure maintenance needs.

• By department, the top two fuel users are responsible for almost half of all fleet emissions. The top four fuel users are responsible for three quarters of fleet emissions. The top fuel users, in order, are: Police; Water & Sewer; Highway; and Fire.

Carman also provided feedback in relation to the proposed goal:

“A plan to reduce GHG emissions from any municipal fleet poses a long list of variables to consider. Our fleet contains every type of vehicle class on the road today, from passenger to heavy haul, emergency response to trenching and paving. Each class presents a unique set of circumstances when it comes to reducing emissions while still fulfilling the intended mission. From my perspective we need a plan that is formed and followed from the top down and is also well-funded. By that I mean everyone - from administration to the staff on the street - has to buy into it and know their role in achieving the goals. Some actions could be very easy, such as reducing idle time in our vehicles. Others will be more complex, especially when it comes to heavy trucks and construction equipment. Realistic goals with a solid plan and staff support are achievable.”

Carman adds that he fully supports the goal of aggressively reducing fleet GHG emissions, but doesn’t have enough information on hand to say whether the 50% reduction by 2035 goal is realistic.

3) Third resolved (previously second resolved)

Deleted “that is, reducing community-wide greenhouse gas emissions by 100% by 2030,” as discussed in CA meeting.

4) Fifth resolved (previously forth resolved)

Small edits were made in an attempt to capture the spirit of the suggestions made at the CA meeting.

I am happy to discuss the items above in more detail with you. Please feel free to contact me at your convenience.
A Resolution Authorizing the Issuance of $2,669,000 Bonds of the City of Ithaca, Tompkins County, New York, to Pay the Cost of Certain Capital Improvements in and for said City.

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital projects; now therefore be it

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Ithaca, Tompkins County, New York, as follows:

Section 1. For the object or purpose of paying the cost of certain capital improvements in and for the City of Ithaca, Tompkins County, New York, there are hereby authorized to be issued $2,669,000 bonds of said City pursuant to the provisions of the Local Finance Law, apportioned among such capital improvements in accordance with the maximum estimated cost of each. The capital improvements to be financed pursuant to this bond resolution, the maximum estimated cost of each, the amount of bonds to be authorized therefor, the period of probable usefulness of each, and whether said capital improvements are each a specific object or purpose or a class of objects or purposes, including in each case incidental improvements, equipment, machinery, apparatus, appurtenances, furnishings and expenses in connection therewith, are as follows:

a) Replacement of the Cecil A. Malone Drive Bridge, at a maximum estimated cost of $2,172,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of $2,172,000 bonds of the $2,669,000 bonds of said City authorized to be issued pursuant to this bond resolution; provided, however, that to the extent that any Federal or State grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 20 years, pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law;

b) Construction of sidewalks along Elmwood Avenue and Valley Road, at a maximum estimated cost of $195,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of $195,000 of the $2,669,000 bonds of said City authorized to be issued pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 10 years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law;
c) Computer equipment and software upgrades for the Storage Area Network, at a maximum estimated cost of $102,000. It is hereby determined that the plan for the financing of such class of objects or purposes shall consist of the issuance of $102,000 bonds of the $2,669,000 bonds of said City authorized to be issued pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 5 years, pursuant to subdivision 89, based upon subdivisions 32 and 108 of paragraph a of Section 11.00 of the Local Finance Law; and

d) New improvements to the Dryden Road Parking Garage, at a maximum estimated cost of $200,000. It is hereby determined that the plan for the financing of such specific object or purpose shall consist of the issuance of $200,000 bonds of the $2,669,000 bonds of said City authorized to be issued pursuant to this bond resolution. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 25 years, pursuant to subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The aggregate maximum estimated cost of the aforesaid objects or purposes is $2,669,000, and the plan for the financing thereof is by the issuance of the $2,669,000 serial bonds authorized by Section 1 hereof, allocated to each of the objects or purposes in accordance with the maximum estimated cost of each stated in Section 1 hereof; provided, however, that the amount of serial bonds will be reduced by any Federal or State grants-in-aid received therefor, as specifically provided herein.

Section 3. The faith and credit of said City of Ithaca, Tompkins County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Controller, consistent with the provisions of the Local Finance Law.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Controller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Controller shall be a full acquittance to the
purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

**Section 6.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Controller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Controller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Controller shall determine.

**Section 7.** The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 8.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 9.** This resolution, which takes effect immediately, shall be published in summary form in the *Ithaca Journal*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.
WHEREAS for nearly 50 years Roe v. Wade has been settled constitutional law in the United States, upholding the individual’s right to privacy in healthcare decisions and the right to access safe, legal abortion services; and

WHEREAS in 2019 Georgia, Alabama, and other states have passed extreme abortion bans that are clearly meant as efforts to overturn Roe v. Wade, providing no exception for cases of rape or incest; and

WHEREAS these bans threaten medical professionals with jail time for carrying out legally-sanctioned abortions; and

WHEREAS in addition to being unconstitutional, these bans are not based on sound medical or scientific practice and if enacted would put women’s lives at risk by dramatically curtailing access to reproductive healthcare services, especially among women with lower incomes and women of color; and

WHEREAS a majority of people in the United States support legalized abortion, including many conservative and religious leaders; and

WHEREAS, the State of New York recently enacted the Reproductive Health Act, which codifies the constitutional standard of Roe v Wade in state law, removing abortion from the criminal code and establishing it as a matter of public health; and

WHEREAS, Plan Ithaca, the City of Ithaca’s comprehensive plan, states that “preventative, ongoing, and emergency healthcare will be available to all” and access to reproductive healthcare is vital to ensuring the health and wellness of women and families in Ithaca and Tompkins County; and

WHEREAS, in 2018 Planned Parenthood of the Southern Finger Lakes offered sexual and reproductive healthcare and counseling services in more than 17,000 visits throughout their region, including in their largest health center in the City of Ithaca; and

WHEREAS, Planned Parenthood of the Southern Finger Lakes would be directly impacted by the rollback or reversal of Roe v. Wade; now, therefore be it

RESOLVED, That the City of Ithaca Common Council strongly condemns any effort at local, state, or federal levels to roll back or overturn the rights guaranteed by Roe v. Wade, specifically the rights of people to make their own reproductive health decisions in consultation with their medical providers; and, be it further

RESOLVED, That the Common Council directs the City Clerk to send a copy of this resolution to Assemblywoman Barbara Lifton, State Senator Tom O’Mara, Congressman Tom Reed, US Senator Kirstin Gillibrand, and US Senator Charles Schumer.
WHEREAS, Police Chief Pete Tyler retired from the Ithaca Police Department on May 30, 2019; and

WHEREAS, Deputy Chief of Professional Standards Dennis Nayor agreed to serve as Acting Chief, effective May 31, 2019; and

WHEREAS, the Acting Chief also continues to fulfill the duties of Deputy Chief of Professional Standards; and

WHEREAS, Common Council has historically sought to avoid issues of internal salary compression between supervisors and the employees whom they supervise; and

WHEREAS, according to Common Council resolution adopted May 3, 2017, after 30 days the Acting Chief's salary would be increased to Grade 12, Step 2 of the Management Compensation Plan, which is lower than the salary of the Deputy Police Chief who will supervised by the Acting Chief; and

WHEREAS, on September 28, 2019, in accordance with the aforementioned resolution, the Acting Chief's salary would move to Grade 12, Step 3 of the Management Compensation Plan; and

WHEREAS, to avoid the salary compression issue, it is recommended that the Acting Chief's salary be set at Grade 12, Step 3 after only 30 days; now, therefore be it

RESOLVED, That Common Council hereby authorizes the Acting Police Chief salary at Grade 12, Step 3 of the Management Compensation Plan, effective June 30, 2019; and be it further

RESOLVED, That the Acting Police Chief salary will remain at Grade 12, Step 3 until the earlier of September 28, 2020, at which time it will move according to the resolution adopted May 3, 2017, or upon the appointment of a permanent Police Chief.
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May 3, 2017 Common Council Meeting Minutes

8.14 **Human Resources Department - Establishment of Promoted Acting Department Head and Department Head Salaries - Resolution**

By Alderperson Martell: Seconded by Alderperson Kerslick

WHEREAS, in 2015, Common Council adopted the Management Compensation Plan; and

WHEREAS, the newly adopted Management Compensation Plan did not include a procedure for providing a salary increase to an employee who is acting in a department head role, nor did it repeal the procedure established in 2009; and

WHEREAS, the 2009 procedure for calculating a salary increase for an acting department head does not align with the 2015 procedure for calculating a salary increase for a newly appointed department head; now, therefore be it

**RESOLVED**, That after acting in the role of a department head for thirty (30) days, a deputy department head shall be assigned to the lowest salary step for the department head position that results in a salary increase for the deputy; and, be it further

**RESOLVED**, That if an employee other than a deputy department head is appointed to serve in an acting department head role, the employee shall immediately be assigned to the lowest salary step for the department head position that results in a salary increase for the employee; and, be it further

**RESOLVED**, That an employee acting as a department head shall not be entitled to annual salary step increases for the acting title, but shall remain eligible for any step increases the employee would have otherwise received in the employee’s permanent title; provided, however, that if a step increase in the employee’s permanent title results in a higher salary than the employee’s current acting department head salary, the acting department head salary shall be recalculated as specified above; and, be it further

**RESOLVED**, That employees who are promoted to or within the Managerial Compensation Plan shall be assigned to the lowest salary step that provides at least an eight (8%) percent increase in the employee’s base salary, with subsequent step movement occurring annually on the employee’s anniversary date in the current job title, until the employee reaches the maximum step, at which time step movement shall cease; and, be it further

**RESOLVED**, That under no circumstances shall a managerial employee earn a salary greater than the maximum step for the employee’s position, or the position in which the employee is acting, whichever is higher.

**Carried Unanimously**
14.  MAYOR’S APPOINTMENTS:
14.1 Appointment to Community Life Commission – Resolution
RESOLVED, That Joy Das be appointed to the Community Life Commission to replace Carlie McClinsey with a term to expire December 31, 2019.