

# PRNR Commission Meeting

Jan. 10, 2022

## Agenda

6:00 PM – Call to order

Chair, Monika Roth

6:05 PM – Additions/Changes to the Agenda

6:10 PM – Privilege of the Floor (3 min per person) – sign up on line in advance

6:15 PM – Commission member and advisor announcements if any

[Meeting time to be adjusted depending on whether or not there are comments]

6:30 PM - Staff updates (Jeanne and Jim)

6:45 PM – Minutes of Dec. 13 meeting – review/approve

6:55 PM Old Business –

- 1- Art in Park Policy: Update, report for BPW meeting – revised document attached.
- 2- Working groups and projects for 2022 (see attached table)
- 3- Vacancies – suggestions for candidates – 3 openings

7:25 PM New Business

- 4- Chair/Vice Chair/notetaker roles for 2022 – nominations
- 5- Agendas/old business for future meetings
  - February: Private Tree ordinance, Ithaca Market Waterfront plans
  - March: Cemetery Arboretum plans; Cass Park Waterfront trail updates
  - April:
  - May & June – Monika will be away

Unfinished Business – to be addressed at future meetings – your thoughts?

- SEQR process input
- Park Signage
- Bolton Point update
- Homeless update
- Green New Deal

7:55 PM – Next meeting – Feb. 14, Valentines Day, 6 PM

# PRNR Commission Meeting Notes

Dec. 13, 2021

6:00 PM – Call to order

Chair, Monika Roth

Present: Stephanie Figary, Tyler Moeller, Ellen Leventry, Dan Hoffman, Monika Roth

Absent: Scott Freyburger, Paul Paradine Kerslick

Council: Cynthia Brock, Graham

Advisors: Todd Bittner

Staff: Jeanne Grace, Jim Dalterio, Also Nikki Cerra – Environmental Planner

No Additions/Changes to the Agenda

Privilege of the Floor – no one in attendance

## OLD BUSINESS

**Private Tree Ordinance** – document shared.

Review and comment led by – Jeanne Grace & Nikki Cerra

Key points:

Trees that are going to be protected fall in two categories:

- Significant trees 8” or more
- Heritage tree – larger tree 24” or greater

Most City trees are in the 15-30” diameter range

Permit needed if more than 5 trees removed from one property.

Monika asked for a definition of Critical Root Zone – Jeanne suggested an image would be good to include.

Tree canopy goals – achieve 15% canopy coverage in commercial and industrial areas, and 40% canopy coverage in residential areas. We would need to look at specific areas to see how well we meet our goals. Seem to meet it in residential areas, but commercial and industrial areas maybe not. A zoning map overlay might be a useful tool.

Tree fund – money would help pay for trees in low income areas. Need clarity on “what is a low income area?” Could use Census tracts. OR Perhaps re-phrase this to allow flexibility that is not based on census tract data.

### Tree removal:

Ordinance allows for emergency tree removal and allows arborist to advise on appropriateness for removal. Emergency tree removal is allowed without a permit.

Discussed the list of undesirable (invasive) tree species – there are many lists that could be referenced. Norway Maple – for example is invasive but in some city back yards it may be a significant tree and therefore should not be removed if it is healthy. Encourage removal of invasive species but consideration should be given to impact. DEC, Cornell, and Tompkins County Environmental

Management Council have extensive Invasive Plants lists. The Shade Tree Committee had thoughtfully considered the list. Discussion followed regarding possible approaches to address invasive species in the built environment. We may want to have a City of Ithaca Urban environment tree list but don't want to make the list of undesirable trees too broad.

The Ordinance Goal is to prevent the clear cutting of trees ahead of site plan review and to avoid complaints of backyard tree removals, where trees are considered a community benefit. Suggestion made to split the legislation to address the two groups – residential, and development properties.

A key audience to engage/inform will be tree companies who when contacted about private tree removal will need to explain the law and apply for the permit. Jeanne feels that that process is not so tedious because the number of removals per year is not too great. She checked with some area arborists already. And once the ordinance is crafted, media stories can be released to help get the word out to residents and property owners.

This is a first draft – not a finished product. Discussion of pros and cons is encouraged at this point.

#### Approval Criteria:

Would the removal of a Walnut Tree be allowed if someone complained about the nuts damaging their car? It seems so. The purpose is not to prohibit the removal of trees, but to have a conversation.

Revisit the penalty section.

Exemptions: Todd Bittner, Cornell Botanic Garden has asked that an exemption be considered for educational institutions.

Todd is suggesting language that could be included in the definition section, and exemption section.

Definitions – ADD 306-3: Educational Institution. A public, private or church-affiliated establishment for the education at all levels of children and/or adults in subjects or skills, or any college, university, or other institution authorized to confer degrees by the State of New York.

And to the exemptions: item 3 – add at end of sentence...

, or by any Educational Institution on property that it owns or which is entrusted to its custody and control.

Rationale for suggesting this: This ordinance creates a lot of paperwork for annual tree removals on campus. Cornell's natural areas are in the City and many have invasive species present which are a priority for removal. Cornell removed as many as 200-300 trees a year pre-covid and pre-ash borer.

The ordinance purpose is to have a conversation about tree removals, not to prohibit the removal of trees. The intent is to protect the tree canopy. The ordinance must be written for the long haul and treat developers, homeowners, institutions, property owners fairly and equitably.

Is there adequate staffing to support a speedy turnaround for tree permits? It is felt there is adequate staffing.

A question was asked about whether there could be an annual tree removal permit for planned removals on campus. A set of guidelines could be developed for Cornell, in a manner similarly done for

NYSEG. Cornell is Tree Campus USA which includes certification. Could there be a pre-approval process for Cornell campus annual tree removal plan (would not have to be down to the specific tree, again, the point is to have a conversation).

Commission members were uncertain as to whether an exemption or special provisions would be needed for the School District or churches (less likely). A conversation with the school district grounds manager might be helpful.

*Discussion ended at 8:15 PM.* Nikki and Jeanne will continue tweaking document, with further input from the Shade Tree Committee and PRNR at future meetings. Thanks to everyone for their participation in this ordinance development process!

#### **Jungle Clean-up** – update – Cynthia Brock

Continued concerns about problems related to homeless encampment in the area of Southwest Park behind retailers. Retailers reporting an increase in theft and assaults. Cynthia has been meeting with a group that includes police, fire, retail managers, and agencies. There have been several clean up events held. A road was created at the south end of Cherry Street. Trees, trash removed and cleared. This is intended for fire and police access. There will be further discussion/meetings about how to address the situation.

**Art in Park** – Monika is presenting at BPW tomorrow, Dec. 14, 6 PM

**Working groups and projects for 2022** –document shared – please rank the various activities and suggest changes as relevant prior to January meeting

**SEQR input – Ithaca Market** - [21.11.23 IFM Design Review Sumission.pdf \(cityofithaca.org\)](#) – [This will be a long process till it comes to fruition. Parking lot and site plan redesign is still being tweaked. We should be prepared to make comments in January. We could ask the Whitham design team to present to PRNR.](#) Rick Manning has been in communication with Witham about the waterfront trail implications. Jeanne thinks designers are optimistic as to which trees they can preserve. There is a new Farmer's Market board in place that may want something more modest.

#### Other older updates:

- Bolton Point Six Mile Creek project – site is graded and seeded, more plantings in spring.
- Story Walk – no longer being pursued in the site by Cascadilla Creek, Sciencenter, and Conley Park
- Light Festival Ithaca Falls – 2022/23 – Tompkins County Convention and Visitor Bureau is looking for a contractor who will install light show for a next winter.

#### Minutes of Nov. 8 meeting – Dan suggested the following:

- Add an Absent Line for the attendance record
- revise the 1st sentence to say: "Cynthia reported...to discuss the homeless encampments in Southwest Park/Negundo Woods and other areas near the West End."
- Under "New Business," 1st item, 3rd sentence: "In Conley Park itself, there might be...."

Motion made by Monika to approve minutes with the above amendments, second by Ellen, all in favor.

**Members:** Ellen Leventry agreed to continue with the commission until such time when more of the vacant seats are filled. Monika indicated that she had written a press release for new members that was forwarded to the City Clerk, Mayor, and Planning staff. No one responded. No further action taken.

#### Staff Updates

*Jim* - End of year wrap up and equipment maintenance. Planning a Kickoff meeting for design for fields, grounds and outbuildings. Getting Rink enclosure out to bid for Jan 2022. Getting design for pool repairs out to bid so project is finished on time for summer operation.

*Jeanne* – sad that their bucket truck is broken. Jeanne, Ellen Leventry, and Christine from Historic Ithaca are meeting about the City Cemetery Arboretum designation which was received. They will be developing a plan for improvements. Ellen and Jeanne visited Mount Hope Cemetery in October to learn about how they handled terracing and other maintenance matters. They also gathered great ideas about fundraising.

#### Member updates/announcements

From Rick Manning: Cass Park waterfront trail is 20 years old, and needs attention and maintenance. Rick will be meeting with Jeanne, Jim and others to get a plan in place.

From Cynthia: Hangar Theater flooding issue. Hangar has asked for City assistance with flooding problems (losing their flood insurance, asking if the City could provide insurance?). Jon Negley, from TC Soil & Water District, did an analysis of the elevation and it appears that the Hangar elevation is the same as when the Lake is at flood stage (383 feet). As such, there are few mitigations available that can address the flooding of the facility as the lake level rises, as there is nowhere for the water to drain to away from the building. Similar flooding issues are prevalent in Cass Park.

**THANK YOU TO TYLER AND GRAHAM FOR THEIR SERVICE ON THE PRNR COMMISSION FOR THE PAST 4 YEARS! Much appreciated!**

#### Unfinished Business – to be addressed at future meetings:

- Park Signage
- SEQR process input – How to make it work better...
- Green New Deal input

8:10 PM – Meeting Adjourned

Next meeting – January 10, 2022

**City of Ithaca Art In Public Parks Policy – draft May 2021, updated 9/13/21, updated Dec. 14, 2021  
based on BPW meeting input**

The City of Ithaca has been active in promoting Art in public spaces both on City and private property. In 2019, 2 Art Project proposals were submitted to the City for sculptures recommended for siting in City parks. As a result, the City Parks, Recreation, and Natural Resources Commission (PRNR), was asked to make comment. A key concern that arose is that there are no criteria to use for evaluating the appropriateness of art being proposed for a particular park location. *Key among PRNR concerns were:* safety, alignment of the art with the intended purpose of the park, how the art contributes to the park experience and adds amenities, ensuring community/neighborhood input, how long the art would remain in the park and who would maintain it.

In response to these concerns, we are submitting the following proposed policy for consideration by Common Council. We have reviewed similar policies in other communities and have drawn heavily on the NYC Dept. of Parks & Recreation – Temporary Public Outdoor Art Guidelines.

<https://www.nycgovparks.org/art-and-antiquities/temporary-guidelines>

**Park Resources – Where to Exhibit**

The City has two major flagship parks (Stewart and Cass Park), and a total of 15 neighborhood parks most of which are located near residential housing. In addition, there are 3 major natural areas, however, at this time, this policy does not apply to the City's natural areas: Fuertes Bird Sanctuary, Ithaca Falls, and Six Mile Creek Preserve.

Most artists want their art to be seen, so if visibility is important, some parks are better situated than others. A smaller less visible neighborhood park provides the opportunity to engage the community in creating art they envision for their park. Some parks, like Stewart Park and Dewitt Park, have historical significance and therefore require that history be honored.

Each of our City Parks has a purpose and community use, and as such, art that is proposed should be complementary to the purpose, contribute to the overall park experience and aesthetic, and above all be respectful of what the neighborhood wants.

**List of parks/map:** (link to a website – Artists Guide to City of Ithaca Parks Public Art Sites)

[Consideration should be given to mapping sites in Parks where art would best fit]

Flagship Parks (large parks)

Stewart Park

Cass Park

Neighborhood parks

Auburn

Baker

Brindley

Bryant

Columbia

Conley

Conway

Dewitt – should this be taken off the list?

Hillview

McDaniels

Maple Grove

South Titus

Thompson

Wood Street

Washington

Other green spaces:

Dryden Road (in front of the parking garage)

Van Horn – very small area maintained by the Beautification Program

Strawberry Fields – no public access except from BS school

Negundo Woods – both a park and natural area

Floral Avenue - not a park, part of Flood Control channel

**Natural Areas** – at this time, this policy does not apply to the following sites:

Ithaca Falls

Fuertes Bird Sanctuary

Six Mile Creek

**Art in Parks Overarching Criteria:**

Art installations in parks are considered to be a value adding amenity and should enhance the overall park experience. Art proposed for parks should be in alignment with or complementary to the intended use of the park; for example, some parks are used for youth and adult sports, some for walking, biking or other exercise, some for social gathering, some for reflection, and in some, art may not be appropriate, or only appropriate in certain areas.

All prospective exhibitors, (except if art is proposed for Stewart Park) are required to share their proposed project with neighborhood associations and obtain neighborhood engagement, input, and general support for the art project being proposed. In the case of Stewart Park, input should be sought from the Friends of Stewart Park.

Art must not be disrespectful of any culture, history, and in no way be offensive by reasonable standards.

All art installations must minimize the disturbance of existing plant or wildlife habitat (unless the City Forester determines that habitat in a particular location will not be damaged and that the site will be improved as a result e.g. removal of invasive species); and shall not introduce elements that will negatively impact plants or wildlife (e.g. lights, noise, etc.)

Wherever possible and appropriate, art should be functional (serving multiple purposes) such as adding a much-needed amenity such as bench, play structure, waste bin, water fountain, etc.

All art must be demonstrated to be safe for the life of the installation ensuring that any risk of injury has been addressed fully. If art is deemed unsafe at any time during its exhibition, it must be removed by the artist or the artist's designated representative. In addition to safety, consideration should be given to minimizing the potential misuse that would cause injury to people or damage the structure.

Art projects may be temporary installations in place for a few weeks to a year, or if constructed of durable materials, may be approved for installation for multiple years as long as the work is deemed appropriate by the community and artist. In the case of longer-term installations, public input should be sought. It is recommended that longer term art installations once installed be inspected annually for durability.

Artists or designated representatives are responsible for production, installation, maintenance and removal/decommissioning of the art and all associated costs, including insurance. These responsibilities shall be specified in a standard memorandum between the City and artist or designated representative.

**Land Acknowledgement and Veto Clause**

PRNR recommends that the City allow the Gayogoho: no traditional leadership to comment upon any art proposal subject to this Art in Parks policy.

## Submission Requirements

- A written description of proposed artwork, including: title, medium, dimensions (height x width x depth), weight, installation method and anchoring procedure.
- Safety and how it will be addressed.
- If proposing existing work: photographs of artwork; include scale.
- If proposing a new work: working drawings or photograph to scale.
- Artist's statement and resume, with links to previous work.
- Installation budget – outlining all materials to be brought on site and any excavation required.
- Name of the sponsoring organization or other method of financing. Include the name, address and phone number of the contact person.
- Proposed duration of the installation.
- Proposed location for the installation.
- Evidence of insurance? See below

Applicants are strongly encouraged to submit materials at least six months prior to the intended installation date to allow time for proposal review and project development.

Proposal materials will not be returned and incomplete applications will not be reviewed.

Proposals may be submitted at any time, there is no submission deadline.

**Submit your proposal by email or by mail to: City of Ithaca Planning Department**

## Review Process

All proposals are submitted to the City of Ithaca Planning Department. Staff will review the submission to ensure it is complete and coordinate the review process.

First, the Community Life Commission shall review the proposal for artistic merit only.

Proposals for Art in Parks shall then be forwarded to the PRNR Commission for their review and recommendations, in consideration of the recommendations of the Community Life Commission.

Artists are encouraged to schedule a presentation at a PRNR Commission meeting.

Proposals presented to the PRNR Commission that meet Art in Park policy criteria shall then be circulated for public review as relevant:

For Neighborhood Parks, including Cass Park, public comments shall be requested via the relevant Council member(s) and neighborhood associations or citizens reached via media, meetings or other such means.

For Stewart Park, in addition to the general public, Friends of Stewart Park shall be asked for input.

PRNR will summarize all comments and recommendations for submission to the City of Ithaca Planning and Economic Development Committee, who in turn will review and share recommendations with the Board of Public Works and ultimately submit recommendations to Common Council for final approval.

Following Council approval of an art proposal, a **license agreement** (similar to what is generic for city) is issued to the artist and/or sponsoring organization.

## Exhibitors Responsibilities

When exhibiting in a City of Ithaca Park, the artist assumes responsibility for funding the project, including site preparation and remediation. Other artist responsibilities include:

- Propose high quality art responsive to community interests and guidelines for art in public spaces.
- Ensure that all documentation regarding the proposed work, installation of the work, and costs are fully available at the time of proposal submission.
- Be prepared to present the proposal at various City commission and government meetings and to the public in neighborhood gatherings.
- Provide funding for fabrication, installation, maintenance, insurance, security deposit, deinstallation, and site restoration.
- Oversee installation of artwork (tools, materials and equipment are not provided by Parks).
- Some projects may require technical reports prepared by a licensed engineer.
- Monitor and maintain the artwork during the exhibition period.
- For multi-year installations, coordinate an annual inspection of the to ensure it's safety and durability.
- Oversee deinstallation of artwork and site remediation.

### The following need more review/discussion!

- Obtain necessary insurance policies naming the City of Ithaca as additional insured. [Discussion: this may be limiting...individual artists may not be able to obtain – insure installation & artwork...avoid making it difficult to apply – maybe make this advisable, but maybe it would depend on what the work is...stand-alone vs wall art...Ask planning dept how they have dealt with murals, other public...]
- Insurance for art piece to protect work
- What is the City policy for people working on city property...insurance...covering their work, exempting city from liability
- A security deposit, which will be returned to the exhibitor upon restoration of the site.
- See public art plan...safety & durability...good statement to include from 2003 Public art plan
- Grant City the right to a royalty-free, perpetual license to use any depictions of the artwork for non-commercial purposes (credit will be given to the exhibitor). – should we check with city atty...do we need this?

## City's Responsibilities

- Assist the Artist with navigating the proposal review process and with scheduling presentations to commissions.
- Assist the Artist with ensuring ample public comment, in particular from neighborhood groups, is obtained.
- Review and select projects based on meeting evaluation criteria.
- Prepare legal documents for signature by artist or organization. – check w/atty....
- Grant artist sole ownership and copyright of the final design and artwork.
- Ensure the timeliness in the review of proposed projects.

| <b>General Operations</b>   | <b>Natural Areas, Public spaces</b>   | <b>Parks &amp; Recreation facilities, trees</b>   |
|---|---|---|
| -Parks & Rec Plan review – set priorities for recommendations to pursue   | -Natural areas management plan  | -Park signage   |
| -Grants funding for parks & rec improvements  | -Position – natural areas manager   | -Private property removal ordinance – addition to the city’s Tree ordinance   |
| -Development implications on Green space<br>Ways to fund parks and green space maintenance (charge developers?) | -Public education about why protect natural areas/climate benefits, etc.  | -Art in Parks - follow-up – possible sites for art, policy on website   |
| - SEQR environmental review of projects   | -Deer and invasives management  | -Memorial locations, promotion  |
| -Green New Deal – value of green space, trees, etc. Is there potential funding?                                 | -Volunteers – Ecostewards   | -Public input on what residents would like to see in their neighborhood parks: infrastructure like benches, picnic tables, plantings, etc.                          |
| -Memorial policy follow-up – annual review of requests, approvals   | -Negundo Woods – homeless impact on Environment   | -Recreation facilities – improvements needed, Cass Park: pool, rink, fields; Stewart Park: tennis courts; Play structures and other infrastructure in smaller parks |
| -Art in parks and public spaces- follow-up to ensure art in parks and public spaces policy is consistent        | -Ithaca Falls – overall plan for improvements – safety as a priority; Ezra tunnel?<br>-funding (tourism & other grants) | -Adopt-a-Park   |
| -Website info on parks, trails, natural areas etc.  | -Waterfront, waterways, Waterfront trail (Cass park portion 20 years old – to be reviewed in 2022)                      | -Connections with Friends of Stewart Park   |
| -General requests that arise from public  | -Fuertes Bird Sanctuary – improvements?   | -Connection with the County Beautification Program re public planting<br>-Connection with Citizen Pruners   |
| -Policy development as relevant   | Grants, funding   | -Connection with STAC   |