

**COMMON COUNCIL PROCEEDINGS
CITY OF ITHACA, NEW YORK**

Regular Meeting

6:00 p.m.

February 1, 2012

PRESENT:

Mayor Myrick

Alderpersons (9) Brock, Dotson, Murtagh, Clairborne, Fleming, Rooker,
Kerslick, Proulx, Mohlenhoff

OTHERS PRESENT:

City Clerk – Conley Holcomb

City Attorney – Lavine

City Controller – Thayer

Planning & Development Director – Cornish

Community Development Director – Bohn

Superintendent of Public Works – Gray

Human Resources Director – Michell-Nunn

Fire Chief – Parsons

EXCUSED:

Aldersperson McCollister

PLEDGE OF ALLEGIANCE:

Mayor Myrick led all present in the Pledge of Allegiance to the American Flag.

ADDITIONS TO OR DELETIONS FROM THE AGENDA:

Individual Member Filed Resolutions:

Aldersperson Murtagh requested the addition of item 14.3 entitled “Resolution Authorizing a Grant Submission to the National Endowment of the Arts, for the Planning, Design, and Acquisition of Art for the Commons and Surrounding Areas”

No Council member objected.

Report of City Attorney:

Mayor Myrick requested the addition of an Executive Session to discuss pending litigation.

No Council member objected.

SPECIAL ORDER OF BUSINESS:

**4.1 The J. Diann Sams Annual African American History Month Recognition
Honoring Kenneth E. Glover**

By Aldersperson Clairborne: Seconded by Aldersperson Murtagh

WHEREAS, since 2004 the City of Ithaca Common Council has recognized an individual in our community of great esteem and stellar leadership during African American History Month and, in so doing, established a tradition of honoring outstanding leadership, courage against unspeakable odds, and an unwavering vision that is in keeping with the vision of Dr. Carter G. Woodson, founder of African American History; and

WHEREAS, Common Council first bestowed this honor in 2004 on former aldersperson J. Diann Sams, following her retirement from serving on Council; and

WHEREAS, Aldersperson Sams was a civil rights leader, long-time public servant, and the first African-American woman who also was disabled to serve on Common Council; and

WHEREAS, subsequent years have seen Council award the following outstanding leaders with said recognition:

- 2005, Dr. James Turner, a world-renowned scholar and founder of the Africana Studies and Research Center at Cornell University;

- 2006, Mr. Calemeze (Cal) D. Walker, a well-respected scholar, associate director of Cornell University's Learning Strategies Center, visionary leader with the Village at Ithaca, and deacon at the historic Calvary Baptist Church;
- 2007, Mrs. Frances Eastman, a long-time Southside community resident, first woman of color supervisor of medical records at the former Tompkins County Hospital, former civil service commissioner, and past recipient of the Tompkins County "Senior Citizen of the Year";
- 2008, Ms. Lucy J. Brown, a dedicated citizen with an unwavering commitment to social justice, speaking out against racism, discrimination, oppression, and injustice, and forging strong partnerships between our community and institutions such as Cornell University, Ithaca Neighborhood Housing Services, Ithaca City School District, Ithaca Urban Renewal Agency, and the Daughters of the Elks- Cayuga Temple No. 54;
- 2009, Ms. Marcia J. Fort, longtime director of the Greater Ithaca Activities Center (GIAC), so honored for her steadfast advocacy for the voiceless and oppressed of our community and elsewhere;
- 2010, Mr. and Mrs. Abraham A. and Denise C. Dendtler Lee, career educators in the Ithaca City School District who, during their 40 years in the Ithaca area have lent their time, talent, and personal resources to creating or furthering local achievement for scores of area children;
- 2011, Mr. Karl A. Graham, longtime community and youth-education advocate whose work through Alternatives Federal Credit Union, The Village at Ithaca, and numerous local organizations continues to push for access and social improvement for all local residents; and

WHEREAS, this annual recognition was renamed in 2007 in honor of the late Alderperson J. Diann Sams, after her passing, for her tireless efforts on behalf of African Americans and other underrepresented populations in and around Ithaca; and

WHEREAS, Dr. Woodson's lifelong devotion to educating African Americans about their own culture and history as part of U.S. history led to the modern-day, month-long observance of Black, or African American, History Month, which highlights the positive impact people such as this award's recipients have had on society; and

WHEREAS, such an individual who has made an indelible stamp upon Ithaca history and is so revered that he is worthy of community support is Mr. Kenneth E. Glover, a longtime community advocate whose commitment to Town-Gown relations has set a standard to emulate; and

WHEREAS, Mr. Glover is known locally as a person who does not accept "no" as an answer when advancing the social well-being of local youth – from children through college age; and

WHEREAS, Mr. Glover's commitment to service to this community stretches back over 20 years, the majority of which were spent heading Ujamaa Residential College at Cornell University where he ensured students bonded with Ithaca residents through numerous activities such as mentoring, tutoring, or volunteering with area youth at the Greater Ithaca Activities Center, the Southside Community Center, and the Ithaca Youth Bureau's Big Brother Big Sister organization; and

WHEREAS, Mr. Glover's dedication to the youth of our community consistently results in his calling attention via community forums, small-group meetings, or through the locally famed "Unity Hour" held at Cornell's Ujamaa College to community concerns and remedies around drug-abuse intervention, youth violence, the education achievement gap, police-community relations, and more; and

WHEREAS, through his continual involvement with these organizations and others, Mr. Glover has facilitated or helped coordinate numerous campus visits to Cornell by local youth, college tours throughout the East Coast, and recognition events in his role as co-adviser to Ithaca High School's African Latino Club; and

WHEREAS, Mr. Glover's more recent accomplishments in the face of mounting obstacles include coordinating a children's bar-be-cue and game day at the Southside

Community Center in which the young attendees received new backpacks filled with school supplies, and organizing transportation and visits with elected dignitaries for numerous local youth and adults during the historic inauguration of President Barak Obama in 2009; and

WHEREAS, Mr. Glover's efforts have been recognized by the likes of the Cornell chapters of Delta Sigma Theta Sorority, Inc., the Minority Greek Letter Council, and the Cornell Black Alumni Association; and

WHEREAS, like Alderperson Sams, Mr. Glover's commitment to helping improve the quality of life for Ithaca's children, teens, and young adults is focused on creating a better future for them in our city; and

WHEREAS, in their nominating statement, the panel of this award's past recipients note:

"Few people in Ithaca can call for a public forum on an issue and a crowd consistently shows up. The respondents have not done so out of idle curiosity, but because of a sincere respect for his ability to bring meaningful attention to matters that affect their lives"; now, therefore be it

RESOLVED, That the City of Ithaca Common Council urges all citizens to recognize the invaluable contributions of this positive, affirming, and dedicated citizen – Mr. Kenneth E. Glover – who, through his commitment to our youth and through his service to this community, has become a stalwart example of the many prominent figures we celebrate throughout history, particularly African-American history; and be it further

RESOLVED, That in so doing, Mr. GLOVER is worthy of honor not only each year in February, but throughout the entire calendar year.

Carried Unanimously (9-0)

Mr. Glover thanked those who have helped him while he's been in Ithaca. He urged Common Council to create job opportunities for young men and women who want to work and suggested the construction field as a place to begin. He further requested that Common Council work to ensure that the positive contributions of the young men and women of color are highlighted in the local media and not only the negative comments that are ill-founded. He stated his belief that the children are our future and we need to foster their growth.

Mr. Jack Nelson, son of J. Diann Sams, congratulated Mr. Glover and thanked Common Council for continuing this important award recognition.

SPECIAL PRESENTATIONS BEFORE COUNCIL:

Tom Hoard, Board of Fire Commissioners reported on the following:

The Board of Fire Commissioners has a vacancy for a City representative.

2011 Statistics:

- 11,345 hours of training for volunteers and paid staff
- 133 Fires
- 2,394 EMS calls
- 269 Hazardous condition calls
- 350 Service calls
- 433 Good intent calls
- 1,436 False alarms – 122 were classified as malicious calls
- 1 Bomb scare
- 1 Earthquake assist
- 1 Animal Risk call

PETITIONS AND HEARINGS OF PERSONS BEFORE COUNCIL:

Fay Gougakis, City of Ithaca – student behavior, campus codes of conduct, noise complaints on the Commons related to bars

Joel Harlan, Town of Newfield – student behavior, excessive drinking, corporations and higher education

Gino Bush, City of Ithaca – requested that Common Council raise their levels of thought regarding racism and the hiring of ex-convicts who want and need jobs.

The following people spoke in support of Item 14.1 – Resolution Calling for an Amendment to the United States Constitution to Abolish Corporate Personhood:

Scott Miller, City of Ithaca
Will Fudeman, City of Ithaca
Carolyn Peterson, City of Ithaca
Amanda Manfriedo, Move to Amend Movement
Victor Tiffany, Town of Ithaca
Carl Finsky, Town of Ithaca
Clare Nicholetti, Town of Ithaca
Donald Austin, City of Ithaca
Kevin Barlow, Town of Ithaca
Neil Oolie, City of Ithaca

Aldersperson Clairborne arrived at the meeting at 6:15 p.m.

PRIVILEGE OF THE FLOOR – COMMON COUNCIL AND THE MAYOR:

State of the City Address:

Mayor Svante L. Myrick presented the 2012 State of the City Address:

2012 State of the City Address

The City of Ithaca municipal code dictates that the Mayor shall, at the beginning of each year, address Common Council with “respect to the needs and resources of the city, including such programs and proposals for the good of the city as he/she may wish to recommend.”

After four years on Council, seven months speaking with thousands of Ithacans directly on the campaign trail, and one month in the Mayor’s office, I am here to tell you that the State of the City of Ithaca is strong. However, in order to keep it strong we all have work to do. Together we must overcome our budgetary difficulties, grow our economy, plan for our future, protect our environment, improve our service delivery and enhance our communications.

Budgeting:

2013 will be one of the most difficult budget years in the city’s history. Navigating it will require deep thought and hard choices on the part of Common Council.

A slow economy combined with ever increasing pension and health care costs, has pushed our city to the brink. Residents have been taxed to their limit and need solutions that don’t involve dramatic increases in their property tax bill.

Over the last four years, we’ve made changes around the edges to balance our budget - most notably taking millions from our savings and not filling positions as people retired or moved on.

It is time for a more proactive approach; time to make the hard decisions that will mean pain in the short term, but will set our city up for success and fiscal prosperity in the future.

We will explore streamlined processes, shared services, retirement incentives, furloughs and negotiations with our public unions. In the end, we must get our fiscal house in order and nothing is “off the table”.

To discuss these and other issues I’ve asked Aldersperson Deb Mohlenhoff to organize a strategic planning session later this month so Common Council can set their priorities.

I've also asked Alderperson J.R. Clairborne, now a veteran of the budget process, to lead a revamped process this year.

Economic Development:

We cannot simply cut our way out of this hole. We must diversify our economy, build more housing and expand our tax base.

Our local economy is built on education, agriculture and tourism. These industries have served us well. Our community has the highest rate of employment in New York State. As a city we will continue to support these mainstays by - among other things - fighting to protect the area from truck traffic, drilling rigs, air pollution and potential water contamination that threaten the natural environment.

The employment opportunities and continued growth of the student population have increased demand for housing. Failing to respond to this increased demand has led to high rents, high taxes and increased traffic. Recent studies by the Tompkins County Planning Department and the Downtown Ithaca Alliance document a need for thousands of new housing units countywide. We must make sure that population growth happens where it makes the most sense – in our urban core. Growth in our City will mean an expanded tax base, more customers for city-based businesses, and a higher percentage of people walking, biking and using public transit.

To guarantee prosperity and stability in the future, we must also diversify our economy. Creating more light industrial and manufacturing opportunities will provide higher paying jobs and an even more resilient economy. We'll look to the west end, downtown and the Emerson site as prime areas for redevelopment and job creation.

Emerson:

Working together to get it right

The now vacant Emerson plant and the dozens of acres of empty land present the City with tremendous opportunities amidst daunting challenges. We have an opportunity to create manufacturing jobs, install a combined heat and power plant, and add hundreds of housing units near downtown and Ithaca College. In order to achieve this vision we must remediate in-ground pollution and resolve difficulties arising from the fact that the site is split between the City and the Town.

I've already begun working to overcome these challenges and navigate the way to a brighter future. In the past month I have visited Cornell's Combined Heat and Power Plant and the Lake Source Cooling Facility along with city staff, Alderperson Cynthia Brock, and South Hill residents to learn more about what might be possible at the Emerson site.

I have also committed, along with Town Supervisor Herb Engman, to working together with the Town of Ithaca to overcome our challenges and turn the Emerson project into a success. We will be convening a joint city-town Emerson Task Force to resolve zoning, tax-revenue sharing and regulatory issues. The solutions this Task Force generates will pave the way for remediation and redevelopment.

Cornell University:

Partnering to enhance our community

Late in 2011, Mayor Carolyn Peterson sent a letter to Cornell University President David Skorton requesting an increased monetary contribution to our budget. The Mayor - and the city - was rebuffed.

Still we must persist. Cornell University's success is inextricably linked to the success of the City of Ithaca. We must make it clear that if the University does not increase their investment in our economy, our mutual success is in danger.

Inspired by Mayor Bloomberg's initiative in New York City that turned a \$100 million investment by that city into a \$2 billion return from Cornell and Israel's Technion

Institute, I have asked the City of Ithaca's economic development staff to develop our own proposal. Our goal: deliver to the upper administration at Cornell University a project that will fill a need of theirs while contributing to the tax base and economy of the City of Ithaca. It is no small task - but I have full confidence in the creativity and competence of our staff.

Planning

We must preserve the city's history even as we plan for its future.

We are in the midst of a city-wide comprehensive planning campaign. Once completed, our Comprehensive Plan will lay the groundwork for future infrastructure investments, zoning changes and private developments.

We must ensure that dense growth happens in the urban core and along transit lines. We must mitigate the visual and traffic impacts of this density on the surrounding neighborhoods.

We must ensure that the quiet residential neighborhoods that we all value are preserved and maintained. We must ensure that our natural environment remains accessible and pristine. Most importantly, we must ensure that everyone with an opinion about the future of the City of Ithaca has their voice heard.

While we plan, we must also recognize that the City continues to change under our feet. This year we will see construction projects in Collegetown, Breckenridge Place, Cayuga Green, Seneca Way, Holiday Inn and the Argos Inn. Many of these projects will be underway while the City is replacing the Clinton Street Bridge and the State of New York is repairing Green Street and Seneca Street.

Each of these public and private investments is good individually. Taken together they mean one thing: gridlock. The City will - as much as we can - do 'air traffic control' to stagger the projects and minimize the inconvenience. Still, given the large number of projects and the number of separate agencies involved, residents should expect delays. We will work hard to get the word out about the delays well in advance in order to help people plan their routes and avoid the construction.

Government Performance

We must institute a performance measurement system and create a Chief of Staff position to improve accountability and transparency, and enhance our public communications.

Ithacans demand a high level of service. They want an accountable, responsive and transparent government. We can give it to them by overhauling our management structure.

We cannot manage what we do not measure. A performance measurement system will give Council and the Mayor the information we need to make informed budgetary and personnel decisions. As recommended by the recently completed Novak report the City should also create a Chief of Staff position that will implement this performance measurement system. This position will also give the city departments badly needed administrative oversight and support.

Keeping the public informed continues to be a challenge. We must modernize our website so Ithacans can get the information they need without taking time away from their jobs and families to come to City Hall. We will begin broadcasting Common Council, Board of Public Works and other meetings online this year. We will also maintain an archive of videos on the website so that if you miss a meeting you can still find out what happened.

It is also time for the City to enter the world of social media. So many thousands of Ithacans are staying connected to each other and the outside world through Facebook and Twitter. These tools will allow us to inform people about routine matters like

meetings, announcements, events etc. and - importantly - will help us get information out more quickly in the event of a crisis.

To achieve these changes I've created a new committee, the Government Performance and Accountability (GPA) Committee, to be chaired by Alderperson Deb Mohlenhoff. They will work to create a performance measurement system, explore the creation of a Chief of Staff position, and will work to enhance our public communications.

The State of our City is strong, but its future hangs in the balance. In order to stay healthy, vibrant and successful we will need to reduce costs, grow our economy, partner meaningfully with Cornell University, measure our performance, and improve our public communication.

I have no illusions about the scale of the work that lies before us. I know that is an ambitious and far-reaching agenda. I know too that we are up to the task. I know that Common Council, city staff, and engaged community members can achieve all I've laid out today and more. I know this because I have come to learn what this City is capable of.

We are Ithaca. We are a city that prides itself on being overeducated and overcaffeinated. We are a city that prides itself on thinking otherwise. We are a city that believes an idea can change the world.

We are Ithaca. We are a city of tree-huggers. We are a city of environmentalists. We are a city that uses the term "sustainability" so much it became a buzzword that didn't mean anything. Then we kept using it until it meant something again. We are a city that knows that the future of our economy, our community and our life depends on keeping our air, our water, and our soil clean.

We are Ithaca. We are a city of entrepreneurs. We are a city that embraces local businesses. We are a city that spawns non-profits. We are the kind of community that - when a business like Buffalo Street Books is about to shut its doors because it cannot compete with box stores and online retailers - binds together to find a creative solution and bring that business back to life.

We are Ithaca. We are a city that believes in its young people. We believe that investing in our youth is not just our responsibility. We believe it is our greatest opportunity. We are a city that has seen how yesterday's member of the Ithaca Youth Council is today's Director of Planning and Development.

We are Ithaca. We are a city that believes that - given a chance - anyone can make a difference. We are a city that believes a 24 year old with a passion for public service, a willingness to work, and a love for this community, can lead the City.

We are Ithaca. And we will do this together!

Mayor Svante L. Myrick

CONSENT AGENDA ITEMS:

City Administration Committee:

8.1 Department of Public Works - Amendment to Personnel Roster – Addition of Light Equipment Operator Position - Resolution

By Alderperson Mohlenhoff: Seconded by Alderperson Rooker

WHEREAS, the upgrade of a Maintenance Worker Position to a Light Equipment Operator position will be funded from the current 2012 Department of Public Works budget, and

WHEREAS, the Ithaca Civil Service Commission has classified the Light Equipment Operator position; now, therefore be it

RESOLVED, That the Personnel Roster of the Streets & Facilities Division of the Department of Public Works be amended as follow:

Add: One (1) Light Equipment Operator

and be it further

RESOLVED, That the Maintenance Worker position vacated due to the promotion of an employee to Light Equipment Operator shall remain on the Department of Public Works personnel roster in an unfunded capacity, and be it further

RESOLVED, That said amendment shall be done within the existing 2012 authorized budget.

Carried Unanimously (9-0)

8.2 Human Resources - Approval of 2012 Authorized Roster Adjustments - Resolution

By Alderperson Mohlenhoff: Seconded by Alderperson Rooker

WHEREAS, as part of the approved 2012 Budget and as a result of the current difficult financial situation, several positions were adjusted to continue a staff reduction plan for the City; now, therefore, be it

RESOLVED, That Common Council hereby authorizes the following 2012 Roster amendments already incorporated into the approved 2012 Budget:

Human Resources: Employee Health and Safety Coordinator
position hour reduction from 40 hours to 20 hours per week,
effective February 13, 2012

G.I.A.C.: Custodial Worker position hour reduction from 40 hours to
25 hours per week, effective January 1, 2012

Youth Bureau: Youth Program Assistant in the YES Program
position reduced from 35 hours to 17.5 hours per week, effective
January 1, 2012

and, be it further

RESOLVED, That Common Council also approves the several other positions that were unfunded as part of the 2012 Budget.

Carried Unanimously (9-0)

CITY ADMINISTRATION COMMITTEE:

9.1 IURA/Planning and Development Housing Fund, Funding Round #4 – Authorize Disbursement of \$30,000 Pursuant to an Executed Memorandum of Understanding (MOU) - Resolution

By Alderperson Clairborne: Seconded by Alderperson Kerslick

WHEREAS, the Housing Fund Program Oversight Committee (POC) met on December 12, 2011, to review applications for funding submitted in November 2011, and recommended funding for the following affordable housing project from the Housing Fund, which is jointly capitalized by Cornell University, Tompkins County and the City of Ithaca:

Applicant	Program	Project	Dollar Amount Recommended	Number of Units	Location
Ithaca Neighborhood Housing Services	Trust	INHS Community Housing Trust: 314 S. Plain St.	\$30,000 (grant)	1 owner-occupied unit	City of Ithaca

and

WHEREAS on April 1, 2009, the Common Council of the City of Ithaca authorized the Mayor to execute a six-year Memorandum of Understanding (MOU) between the City of Ithaca, Tompkins County and Cornell University to develop, fund, and administer the Community Housing Affordability Program and the Community Housing Trust Program (collectively known as the “Housing Fund”), and

WHEREAS, on April 1, 2009, the Common Council found that the most appropriate locations for new housing units assisted through the Housing Fund are project sites located within existing urbanized areas of the County, rather than in new growth nodes or other areas of the County, and

WHEREAS, the Common Council found further that City contributions to the Housing Fund should be used to assist projects located within the City of Ithaca, and

WHEREAS, the Community Housing Affordability Program assists with pre-development costs associated with residential and mixed-use real estate development projects primarily benefiting low- and moderate-income households, and the Community Housing Trust Program provides grants to construct or rehabilitate homes that will be made permanently affordable to low- and moderate-income households, and

WHEREAS, City funds committed to the Housing Fund are derived from Gateway loan proceeds that originated from the sale of City-owned land for the Eddygate project, and are held by the Ithaca Urban Renewal Agency, and

WHEREAS, the POC recommended unanimously that the City fund the 314 S. Plain St. project to demolish the existing dilapidated structure and construct a new single-family dwelling to be enrolled in the INHS Community Housing Land Trust, and

WHEREAS, upon City authorization to fund the 314 S. Plain St. project, the allocation of funding between the sponsor organizations is the following:

Funding Round	Funding Sources (\$1,000s)			Total
	Cornell University	Tompkins County	City of Ithaca	
Round #1 (2009)	145	100	30	275
Round #2 (2010)	75	70	70	215
Round #3 (2011)	100	100	0	200
Round #4 (2011)	0	0	30	30
Totals	320	270	130	720
Funds carried forward to Round #5	280	30	170	480
Total 3-Year Funding Commitment	600	300	300	1,200

and,

WHEREAS, City of Ithaca funding is proposed to be used to fund construction and/or substantial rehabilitation of single family and two-family residences, which action qualifies as a Type II action listed at:

- §176-5(C)(8): “construction or expansion of a single-family, a two family, or a three family residence on an approved lot including provision of necessary utility connections as provided in Subsection C(10),” and
- §176-5(C)(2): “replacement, rehabilitation or reconstruction of a facility in kind on the same site, including upgrading buildings to meet building or fire codes,”

therefore, no further environmental review is required for this proposed action; now, therefore, be it

RESOLVED, That the Common Council for the City of Ithaca hereby authorizes expenditure of up to \$30,000, pursuant to the Housing Fund MOU, to assist the INHS Community Housing Trust: 314 S. Plain Street project as recommended by the Housing Fund Program Oversight Committee, and be it further,

RESOLVED, That such funds shall be derived from Gateway loan proceeds held by the Ithaca Urban Renewal Agency, and be it further,

RESOLVED, That the Mayor is authorized, subject to advice of the City Attorney, to execute a fiscal agency agreement with Tompkins County to implement this resolution.

Carried Unanimously (9-0)

9.2 City Clerk's Office - 2012 Special Event Policy - Resolution

By Alderperson Clairborne: Seconded by Alderperson Brock

WHEREAS, the City of Ithaca Special Events Team was tasked with the responsibility of creating a "fiscal emergency special event policy" in response to the city's increasing financial constraints and its declining ability to provide services to community events, and

WHEREAS, the City realizes the importance of festivals, competitive events, concerts, and neighborhood gatherings to the community as they contribute to the spirit and vitality of our City and enhance Ithaca's standing as a tourism destination, and

WHEREAS, a special event is defined in § 132-7 of the City Code as an event requiring three or more of the following permits: noise, assembly and parade, street closures, vending, alcohol, use of parks or city property; and

WHEREAS, current Special Events policy requires: (1) the City will approve only one special event that requires city resources per calendar day; and (2) any private security company used in an event must provide proof that all guards are certified and the company is licensed, bonded, and insured; and

WHEREAS, a subcommittee of the City Administration Committee was formed on January 25, 2012 to work with staff and the public to consider additional policy adjustments for implementation in 2013 such as volunteer training, park and parking fees, charges for non-routine city costs, and the creation of a budget line to fund city support for special events, with recommendations due for review to the City Administration Committee by May 30, 2012, and final recommendations due to the Mayor's Office by July 31, 2012; now, therefore, be it

RESOLVED, That Common Council hereby approves the following recommendations of the Special Events Team to reduce costs, increase revenues, and explore solutions that will reduce the pressure of departmental budgets while allowing not-for-profit organizations the ability to build budgets that will support the true costs of their events:

2012

- Special event permit applications will not be considered for days that are deemed holidays for City employees.
- Applications for walking, running, and biking events will only be considered for City-approved courses that require little to no law enforcement presence for traffic control.
- Applications for new street parades will not be considered. The Ithaca Festival and Veteran's Day parades will be considered on City-approved parade routes only.

and, be it further

RESOLVED, That this policy will be reviewed annually starting in 2013.

Alderperson Proulx noted that he supports this Resolution; however, he believes that events and festivals are a part of the fabric of the community and is looking forward to finding ways to balance costs while helping festivals grow. He noted that this Resolution is a good stepping stone that will allow the city to bridge the gap.

Alderperson Mohlenhoff suggested that the Special Event Policy not be so restrictive that it deters future revenue-generating events from locating in the city. She recommended that a fee structure be created so that these types of events could pay for the city services they may require.

Alderperson Dotson stated that she is looking for a stronger partnership with the community, and that she wants to ensure that new events will still be considered.

Aldersperson Clairborne thanked Alderspersons Brock and Proulx for agreeing to serve on the sub-committee that will be working on this issue, with Aldersperson Brock as Chair.

A vote on the Resolution resulted as follows:

Carried Unanimously (9-0)

9.3 Finance/Controller's Office - Adoption of Policy Statement on Environmentally Preferable Purchasing - Resolution

By Aldersperson Clairborne: Seconded by Aldersperson Proulx

WHEREAS, the City of Ithaca recognizes its responsibility to protect human health and the environment while supporting a diverse, equitable, and vibrant community and economy, and

WHEREAS, the City recognizes that the products and services it purchases create social, human health, environmental, and economic impacts, and that the procurement decisions should reflect the City's ongoing commitment to sustainability, and

WHEREAS, the U.S. Environmental Protection Agency has determined that 37% of greenhouse gas emissions can be attributed to the provision and use of products and packaging, and that reducing consumption and the emissions associated with products we procure will reduce significantly climate change impacts, and

WHEREAS, the City makes significant purchases of goods and services annually and can use this buying power to influence markets to create sustainable products and services and support green jobs, and

WHEREAS, including consideration of the entire lifecycle of a product or service in determining its environmental impacts and total cost creates a more robust decision-making process and encourages more efficient services and better product design and manufacturing, and

WHEREAS, environmentally preferable purchasing promotes practices that improve human and environmental health; protect and conserve natural resources, water and energy; and minimize the City's contribution to climate change, pollution, and solid waste, and

WHEREAS, the State of New York gives local governments the authority to enact local laws, ordinances, regulations and policies not inconsistent with the provisions of the State constitution or any general law, pursuant to which authority the City of Ithaca may define reasonably what constitutes a responsible bidder, and may investigate a bidder's skill, judgment, and integrity in considering whether that bidder is in fact a responsible bidder, and

WHEREAS, the adoption of environmentally preferable purchasing policy will further advance the City's environmental goals and commitments, including its Local Action Plan and Climate Smart Community Pledge, and

WHEREAS, for all the reasons stated above, the City is desirous of amending the existing Purchasing Policy to incorporate Environmentally Preferable Purchasing (EPP) Guidelines; now, therefore be it

RESOLVED, That the Common Council hereby adopts the following Policy Statement on Environmentally Preferable Purchasing, and declares its intention to modify existing City policies and ordinances and to take other steps, as needed, to reflect and support the adoption of this position:

Effective February 1, 2012, it is the policy of the City of Ithaca to require purchase of products and services that minimize environmental and health impacts, toxics, pollution, and hazards to worker and community safety and to the larger global community to the greatest extent practicable. It is not the intent of this policy to require a department, buyer or contractor to take any action that conflicts with local, state or federal requirements or to procure products that do

not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

The Environmentally Preferable Purchasing Guidelines are an important component of the City of Ithaca's purchasing policy and shall guide City efforts to meet the following goals:

- minimizing health risks to City staff and residents
- minimizing the City's contribution to global climate change
- improving air quality
- protecting the quality of ground and surface waters,
- minimizing the City's consumption of resources.

Further, Environmentally Preferable Purchasing Guidelines are adopted and encouraged by the City in order to:

- purchase products that include recycled content in order to support strong recycling markets
- institute practices that reduce waste by increasing product efficiency and effectiveness, use products that are durable and long-lasting, and reduce materials that are land filled
- purchase products and institute practices that conserve energy and water, use agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine free manufacturing processes, and use recycled wood and wood from sustainably harvested forests
- purchase energy from renewable or green sources in preference to fossil fuels,
- increase the use and availability of environmentally preferable products, services and distribution systems
- support emerging and established manufacturers and vendors that reduce environmental and human health impacts in their services and production and distribution systems
- create a model for successfully purchasing environmentally preferable products and services that encourages other buyers and consumers in our community to adopt similar goals.

Discussion followed on the floor regarding the monitoring/reporting mechanisms and creating a new standard. A vote on the Resolution resulted as follows:

Carried Unanimously (9-0)

9.4 Finance/Controller's Office - Amendment of the City of Ithaca Purchasing Policy – Resolution

By Alderperson Clairborne: Seconded by Alderperson Kerslick

WHEREAS, the Common Council of the City of Ithaca, has, on this date, adopted by resolution a City of Ithaca Policy Statement on Environmentally Preferable Purchasing; and

WHEREAS, in said resolution, the Council declared its intention to modify existing City policies and ordinances as needed, in order to implement its Environmentally Preferable Purchasing position; now therefore be it

RESOLVED, That the City of Ithaca Purchasing Policy be amended as follows, effective February 1, 2012:

(1) Paragraph 3[4], subsection (A) of the City of Ithaca Purchasing Policy is hereby amended as follows:

- A. Purchases will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that the maximum quality of goods and services will be purchased at the lowest possible cost price, and that favoritism will be avoided.

(2) *Paragraph 7[8] of the City of Ithaca Purchasing Policy is hereby amended as follows:*

Opportunity shall be provided to all responsible suppliers to do business with the City. To this end, the City Controller's Office or designee shall develop and maintain lists of potential suppliers (bidders list) for various types of materials, supplies, equipment, and services. Lists shall indicate suppliers who provide products in compliance with the City's Environmentally Preferable Purchasing guidelines, as referred to in Sections 17.1-17.2 of this policy. Such lists shall be used to develop mailing lists of potential suppliers and for distribution of specifications, drawings, and invitations to bid. Any supplier may be included [i]on the list upon request.

(3) *Insertion of the Environmentally Preferable Policy into the Purchasing Policy as Paragraphs 17.1-17.2, as follows:*

17.1 Specifications for Environmentally Preferable Purchasing

1. Any purchasing contract shall comply with all applicable federal, state, and local laws and regulations, including the City of Ithaca Purchasing Policy and Chapter 39 of the Municipal Code of the City of Ithaca.
2. To the extent allowed under General Municipal Law, Section 103, the City of Ithaca and its departments, to the maximum extent that is feasible, shall purchase or contract for goods and services which are in compliance with the City of Ithaca Environmentally Preferable Purchasing policy unless
 - a) no environmentally preferable purchasing option is available and that the acquisition of the product or services sought is essential or time-sensitive; or
 - b) the environmentally preferable purchasing option(s) would pose a risk of adverse health related reaction to any persons who would come into contact with such product.
3. For purposes of this policy, "environmentally preferable purchasing" shall refer to the following considerations:

a) Source Reduction

The City of Ithaca shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or workplace quality.

City departments shall purchase remanufactured products (i.e. for equipment and vehicles) whenever practicable, but without reducing safety, quality or effectiveness.

Products that are durable, long lasting, reusable, refillable, recyclable or otherwise create less waste shall be selected whenever practicable.

Vendors shall be required to minimize packaging to the greatest extent practicable. Packaging that is reusable, recyclable or compostable shall be selected when suitable uses and programs exist. The City shall not purchase any polystyrene foam food packaging.

Vendors shall be required whenever possible to take back and reuse pallets and packaging materials. Suppliers of electronic equipment shall be required to take back equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, unless the City deems it worthwhile to send the equipment to a non-profit organization for reuse.

Documents shall be printed and copied on both sides to reduce the use and purchase of paper, unless needed to be single sided as per legal requirements. The Information Technology staff shall provide guidance to City departments and staff for setting the duplex printing option as the default setting on each workstation, when feasible, or train employees to use this option, for all capable printers.

b) Toxics Reduction and Pollution Prevention

City departments shall purchase energy-efficient products and consider "less toxic alternatives" when purchasing products such as cleaning products, pesticides and herbicides.

To the maximum extent practicable, all cleaning or disinfecting products (i.e. for janitorial or automotive use) shall (i) meet Green Seal Standards for environmental preferability and performance, (ii) be products delineated on the New York State Office of General Services (NYS OGS) Green Cleaning Product List, or (iii) meet NYS OGS guidelines and specifications for green cleaning products. When contracting with new supply vendors, the City shall encourage training of its custodial staff.

Purchasing products containing persistent bioaccumulative toxic chemicals (PBTs) shall be avoided, where alternatives exist.

When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical and biological controls and use least toxic chemical pesticide products only after safer approaches or products have been determined to be ineffective or where safety and/or health concerns require immediate pest control measures.

To the maximum extent practicable, when maintaining buildings, the City shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde when purchasing materials such as paint, carpeting, flooring, adhesives, furniture and casework.

The City shall purchase products and equipment with no lead, cadmium or mercury whenever practicable. For products that must contain lead or mercury because no suitable alternative exists, preference shall be given to those products with the lowest quantities of these metals and to vendors with established lead, cadmium and mercury recovery programs.

The purchase of pentachlorophenol, arsenic and creosote treated wood shall be avoided whenever practicable.

When replacing vehicles, the City shall lease or purchase only the most fuel-efficient models available that are suitable for each task and through carsharing and carpooling, shall minimize the number of vehicles purchased, as referred to in the "Green Policy for the City of Ithaca Fleet." To the extent practicable, the City shall use and purchase renewably-derived fuels or fuels that are cleaner and less-polluting than gasoline and conventional diesel fuel, including biodiesel, natural gas and electricity.

c) Recycled Content Products

It is the policy of the City to purchase and use recycled products to the extent that such use does not negatively impact health, safety, or operational efficiency. A 10% price preference may be given to recycled content products based on the lowest bid or price quoted by the suppliers offering the competing non-recycled content products.

All products purchased for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines shall contain the highest postconsumer content

practicable, but no less than the minimum recycled content standard. These guidelines can be obtained at the U.S. EPA Website at the following address:

<http://www.epa.gov/epawaste/conservation/tools/cpg/products/index.htm>

Copiers and printers purchased shall be compatible with the use of recycled content and remanufactured products.

City departments will favorably consider the selection of other recycled content and renewable materials, products and supplies over their non-recycled content and non-renewable alternatives whenever availability, fitness, operational efficiency, quality, safety, and price are equally acceptable. The list of materials, products and supplies shall include, but not be limited to, business office products, compost, fuels, mulch, asphalt, transportation products (e.g. signs, cones, delineators, and barricades), and other items.

All suppliers of recycled content papers shall provide a statement that the paper has recycled content, and whenever feasible, the statement should indicate the percentage of postconsumer recycled content.

d) Energy and Water Savings

All products purchased by the City and for which the U. S. EPA Energy Star certification is available shall meet Energy Star certification. When Energy Star labels are not available, products shall meet or exceed the Federal Energy Management Program (FEMP) recommended levels, available at:

http://www1.eere.energy.gov/femp/procurement/eeep_modellang.html

New and replacement equipment for lighting, heating, ventilation, refrigeration and air conditioning systems, water consuming fixtures and processing equipment, and all other related components shall meet or exceed FEMP recommended levels whenever practicable.

When energy is purchased, renewable or green sources are preferred. These include wind power, solar thermal, photovoltaics, geothermal, sustainably managed biomass, methane waste and hydroelectric energy sources, and do not include fossil fuels (coal, oil or natural gas). On an annual basis, the City will review its energy requirements and to the extent practicable will consider purchasing from renewable sources at the greatest percentage possible.

Energy Star and power-saving features for copiers, computers, monitors, printers and other office equipment shall be enabled during the initial installation and shall remain enabled unless these features conflict with the manufacturer's recommended operation and maintenance of the equipment, or its specific operational use.

e) Landscaping

All landscape renovations, construction and maintenance by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction and maintenance whenever possible, including, but not limited to, integrated pest management, grasscycling, drip irrigation, composting, and procurement and use of mulch and compost that give preference to those produced from regionally generated plant debris and/or food waste programs.

Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals for color. Native and drought-tolerant plants that require no or minimal watering once established are preferred.

Hardscapes and landscape structures constructed of recycled content materials are encouraged. The City shall limit the amount of impervious surfaces in the landscape, wherever practicable. Permeable substitutes, such as permeable asphalt or pavers, are encouraged for walkways, patios and driveways.

When available, the City shall purchase landscaping equipment that is not dependent on the use of fossil fuels.

f) Forest Conservation

To the greatest extent practicable, the City shall not procure wood products such as lumber and paper that originate from forests harvested in an environmentally unsustainable manner. When practicable, the City shall give preference to wood and wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to, or stricter than, those of the Forest Stewardship Council certification.

17.2 Implementation of the Environmentally Preferable Purchasing Policy (EPP)

Department heads shall implement EPP practices, in accordance with this section of the policy, in coordination with the Controller's Office and other appropriate City personnel.

Whenever possible, the City will use recognized eco-labels, standards, and certification programs to make purchasing decisions.

Wherever feasible and appropriate, life cycle cost analysis shall be used by City departments and staff to assist in selecting products and services. "Cost" shall be calculated over the life of the item and should consider initial acquisition costs, useful life, costs of maintenance and operation over the useful life, and costs of disposal and/or replacement at the end of the useful life, rather than initial acquisition costs alone.

Although not the lowest proposal or price quoted by suppliers, City departments and staff may nonetheless purchase a product that adheres to the EPP specifications stated in this Section, as long as there is prudent and economical use of public moneys in the best interests of City taxpayers. Such determination of "best interests" may include full consideration and comparison of product life cycle costs (including product maintenance, operation and disposal costs), as described above. A further consideration may include direct and identifiable benefits to taxpayers, other than product cost (for example, the cost of permeable pavers might exceed the cost of asphalt paving, yet the use of permeable pavers could mitigate storm water run-off and reduce the potential for flooding and infrastructure damage in low-lying areas). Justification for a determination of "best interests" shall be documented by City departments and staff.

Successful vendors or bidders shall certify in writing that the environmental attributes claimed in bids or price quotes are accurate.

Vendor contracts shall be negotiated in light of the requirements of this policy. If a vendor that is under contract to the City of Ithaca is no longer able to provide a product that meets the City's environmentally preferable specifications, it shall notify the appropriate city representative and provide written justification for why compliance is not practical. Prior written consent from an authorized City representative shall be required before substituting any alternative product or service.

Training of buyers and other relevant city staff, vendors, contractors and grantees shall include instruction on the environmentally preferable purchasing requirements of the Policy.

The DPW Stock Room has made significant efforts to implement an environmentally preferable or green purchasing program for most cleaning and janitorial products supply. All City departments shall order and purchase such products through the Stock Room, unless these pose a risk of adverse health related reaction to any person who comes into contact with the product(s). The Stock Room is responsible for addressing and taking into consideration any staff complaints related to the use of these products.

(4) *Paragraph 5(B)(6) (entitled "Current Purchasing Procedures") of the City of Ithaca Purchasing Policy is hereby amended as follows:*

6. Buying goods that save and /or enhance our environment as referred to in the Environmentally Preferable Purchasing Policy in Section 17.1.

Carried Unanimously (9-0)

9.5 Controller's Office – An Ordinance to Amend the City of Ithaca Municipal Code Chapter 39 entitled "Contracts" to add Subsection 39-2(A)(13) regarding Environmentally Preferable Purchasing Policy Guidelines

By Alderperson Clairborne: Seconded by Alderperson Brock

WHEREAS, by resolution approved on February 1, 2012, the Common Council of the City of Ithaca adopted a City Policy Statement on Environmentally Preferable Purchasing; and

WHEREAS, in that resolution, the Council declared its intention to modify existing City policies and ordinances as needed, in order to implement its Environmentally Preferable Purchasing position; now therefore

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

ORDINANCE NO. 2012 -

Section 1. Chapter 39 ("Contracts") of the Municipal Code of the City of Ithaca is hereby amended as follows:

- (1) Addition of the following as Subsection 39-2(A)(13):
(13) Failure to offer for purchase, provide, or otherwise use products and services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose, or that are not in compliance with the City of Ithaca Environmentally Preferable Purchasing Policy guidelines.
- (2) Renumbering of the former subsections 39-2(A)(13) as 39-2(A)(14), so as to maintain the proper numerical sequence.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective date. This ordinance shall take effect immediately and in accordance with law, upon publication of notice as provided in the Ithaca City Charter.

Carried Unanimously

City Controller's Report

City Controller Thayer reported on the following:

The 2010 audit is nearly complete. The Controller's Office has assisted in 4 audits during the past 2 years, and is also actively participating in labor negotiations.

2011 Year End Process – Preliminary assessment indicate that the City will have a deficit for 2011. The final amount is not known; however, it is expected to be fairly significant. The 2011 budget was balanced using \$800,000 of fund balance. While the 2011 revenue figures were met; however, expenditures are over budget. The Overtime budget expenditures were \$903,000 - \$300,000 over budget. Most of the overtime costs are from the Ithaca Police Department; however, the salary lines for open positions that were not filled were approximately \$200,000. An additional \$265,000 of savings was derived from delays in hiring city-wide.

The City is now seeing the full impact of the economic recession. The 2012 budget was balanced by using \$955,000 of fund balance. There will be less flexibility with future budgets as this reserve is being depleted. Labor, benefit, pension and health care costs continue to soar. The 2011 salary lines city-wide equal approximately \$25 million.

2011 Sales tax figures were \$126,000 above budgeted figures. The 2012 budget projections (showing a 1.3% increase) appear to be solid.

2011 Parking revenues were \$48,000 short of the budgeted amount (but better than expected). The Parking Ad-hoc Committee continues to work on ways on parking management, operations efficiencies, and opportunities to maximize collections and increase revenues.

The City will be selling Bond Anticipation Notes (BANS) next week. There are low interest rates for borrowing; however, there are also low rates on investments.

The City Controller has been monitoring the proposed New York State budget closely. At this point it appears that AIM payments to municipalities will remain the same as last year. A 2% reduction in aid was budgeted for 2012 so if the proposed budget is approved remains the same, the City will have an approximate \$50,000 positive budget impact. There have not been significant increases in AIM funding since 1988: 2011 AIM payment = \$2.6 million - 1988 AIM payment = \$2.4 million. CHIPS funding appears to remain stable with no proposed reductions.

The Consumer Price Index (CPI) for 2011 is 3.2%. A 2.5% CPI was estimated in the budget, so the City will see a positive budget impact of \$8,300. The 2012 Cornell University contribution will be \$1.2 million.

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:

Alderson Dotson reported that the February 8th Planning and Economic Development Committee meeting will be short. The meeting will be followed by an Advice of Counsel session to discuss the best approach to protect the city from hydro-fracking.

Alderson Mohlenhoff reported that the smaller community group meetings are being coordinated by the Comprehensive Plan Committee. The Human Services Coalition will be hosting a meeting on February 8, 2012. There is a link on the home page of the City's website that leads to a lot of information about the Comprehensive Plan project and a listing of the meeting dates.

GOVERNMENT PERFORMANCE AND ACCOUNTABILITY COMMITTEE:

Alderson Mohlenhoff reported on the following items from the January, 2012 GPA Committee meeting:

City Survey Update:

-Final data from the Survey Research Institute (SRI) has been analyzed, including some additional cross tabulation.

- Yasamin Miller from SRI is scheduled to present at the GPA Committee meeting on February 15th.

-The Committee's goal is to release data from the survey to the public in a report format by March 1st.

Common Council Retreat:

-Final date is February 25th, from 9:00 am – 3:00 pm at GIAC. David Campbell, Chair of the Public Administration Masters program at Binghamton University will be the facilitator. A meeting has been scheduled with the facilitator later this week to develop the agenda and format of the retreat.

- An e-mail has been sent to everyone that included the Novak Summary sheet. In order to prepare for the retreat, use the summary sheet to rank items in terms of importance to you (1 through 14) Bring this sheet to the retreat.

-Be prepared to speak about individual goals you have in your role as a council person. If you are not able to attend, you can send this information to Alderperson Mohlenhoff ahead of time and your input will be included in the retreat discussions.

14. INDIVIDUAL MEMBER – FILED RESOLUTIONS:

14.1 Alderperson Dotson - Resolution Calling for an Amendment to the United States Constitution to Abolish Corporate Personhood

By Alderperson Dotson: Seconded by Alderperson Brock

WHEREAS, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and

WHEREAS, free and fair elections are essential to democracy and effective self-governance, and

WHEREAS, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food, health care, education, and housing, and

WHEREAS, corporations are entirely human-made legal fictions created by express permission of We The People and our government, and

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, and exist solely through the legal charter imposed by the government of We The People, and

WHEREAS, in addition to these advantages, the great wealth of large corporations allows them to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights, and

WHEREAS, corporations are not mentioned in the Constitution, and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States, and

WHEREAS, interpretation of the US Constitution by appointed Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People, and

WHEREAS, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate 'corporate rights' even when those laws serve to protect and defend the rights of human persons and communities, and

WHEREAS, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations, and

WHEREAS, large corporations' profits and survival are often in direct conflict with the essential needs and rights of human beings, and

WHEREAS, the recent Citizens United v. the Federal Election Commission Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, and

WHEREAS, in the dissenting opinion in the Citizens United decision, Justice John Paul Stevens wrote that, "...in a variety of contexts, we have held that speech can be regulated differentially on account of the speaker's identity, when identity is understood in categorical or institutional terms" and the dissent concludes that "...the Court's opinion is thus a rejection of the common sense of the American people..." and

WHEREAS, in response to the Citizens United decision, United States Senator Charles Schumer, representing the State of New York, introduced legislation to ban foreign-controlled corporations and government contractors from making political expenditures and also requiring disclosure of donors to organizations making political expenditures, and

WHEREAS, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning, and

WHEREAS, tens of thousands of people and municipalities across the nation are joining with the Move to Amend campaign to call for an Amendment to the US Constitution to Abolish Corporate Personhood; now, therefore, be it

RESOLVED, That the Common Council of the City of Ithaca hereby calls on our elected officials in Washington, DC, to join the tens of thousands of citizens, grassroots organizations and local governments across the country in the Move to Amend campaign to pass an Amendment to the Constitution to Abolish Corporate Personhood and return our democracy, our elections, our communities back to America's human persons and to thus reclaim our sovereign right to self-governance, and be it further

RESOLVED, That the Common Council of the City of Ithaca calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions, and be it further

RESOLVED, That the Common Council of the City of Ithaca supports education to increase public awareness of the threats to our democracy posed by Corporate Personhood, and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to democratically respond to these threats, and be it further

RESOLVED, That the City Clerk transmit copies of this resolution to President Barack Obama, United States Senators Charles Schumer and Kirstin Gillibrand and United States House of Representatives Member Maurice Hinchey.

Ayes (8) Dotson, Brock, Clairborne, Murtagh, Rooker, Kerslick,
Mohlenhoff, Proulx
Nays (1) Fleming

Carried (8-1)

14.2 Resolution of the City of Ithaca Common Council to Approve Becoming an Amicus Curiae in Actions Involving Municipal Home Rule Pending Before New York State Appellate Courts

By Alderperson Murtagh: Seconded by Alderperson Kerslick

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws have been challenged in court by opponents claiming that municipalities do not have the power to regulate natural gas drilling as a land use; and

WHEREAS, the Town of Ulysses has filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and

WHEREAS, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York appellate courts and has requested that other municipalities in New York State consider joining the Town of Ulysses’ brief as a powerful statement to the appellate courts, the New York State Department of Environmental Conservation, and the New York State Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling—or any other land use for that matter—is appropriate for its citizens, now, therefore, be it

RESOLVED, That the City of Ithaca Common Council hereby:

1. Determines that it is in the public interest of the citizens of the City of Ithaca to support municipal home rule by joining in the Town of Ulysses’ amicus brief to the appellate courts.
2. Authorizes and directs the Mayor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the City of Ithaca as the Mayor deems necessary or appropriate to carry into effect the foregoing resolution.
3. Directs that the City Clerk send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886.

City Attorney Lavine stated that it is important that municipalities have the ability to regulate gas drilling through land use regulations. He further noted that city staff time on this issue would be negligible as Ulysses has hire a strong legal firm to address this matter.

A vote on the Resolution resulted as follows:

Carried Unanimously (9-0)

14.3 Alderperson Murtagh - Resolution Authorizing a Grant Submission to the National Endowment of the Arts, for the Planning, Design, and Acquisition of Art for the Commons and Surrounding Areas

By Alderperson Murtagh: Seconded by Alderperson Dotson

WHEREAS, the National Endowment of the Arts has announced the availability of grant funding for creative placemaking projects that contribute towards the livability of communities and help transform them into lively, beautiful, and sustainable places with art at their core, and

WHEREAS, this grant program is designed to assist communities interested in integrating art into their key public spaces, and

WHEREAS, the City has contracted with Sasaki Associates to redesign the Commons, which will include incorporating new art elements, as well as the placement of existing art elements in appropriate locations, and

WHEREAS, the Common Council, in conjunction with the Downtown Ithaca Alliance (DIA) wishes to prepare an application for the planning, design, and purchase of art elements for the Commons and surrounding downtown locations, and

WHEREAS, the application will include the following elements:

- Developing a plan for the utilization and placement of art in the new Commons design and the surrounding downtown blocks. Such a plan would also focus on the relocation and placement of the existing inventory of public art currently located on the Commons owned by both the City and the DIA;
- Incorporation of art in the creation of a pedestrian wayfinding system in the downtown;
- The creation of an art corridor along Cayuga Street linking the Commons with the proposed new Holiday Inn Downtown Conference Center;
- Procurement of iconic art pieces at both ends of the Cayuga Street art corridor and at all three entrances to the Commons.

WHEREAS, these elements are expected to foster stronger and a more animated sense of place for the downtown, now, therefore, be it

RESOLVED, That Svante L. Myrick, as Mayor for the City of Ithaca, or his designee, is hereby authorized and directed to file an application for funds from the National Endowment of the Arts (NEA) in an amount not to exceed \$100,000.00 for a total project cost of \$200,000.00 and upon approval of said request to enter into and execute a project agreement with the NEA for such financial assistance to the City of Ithaca to plan, design and procure art elements for the Commons and the downtown area, and be it further

RESOLVED, That the 50% local share of this grant application will be derived from in-kind services and previously authorized funds for the Commons redesign, and no City funds will be expended.

Carried Unanimously (9-0)

MAYOR'S APPOINTMENTS:

15.1 Appointment of Town of Ithaca Representative to the Cable Access Oversight Committee - Resolution

By Alderperson Rooker: Seconded by Alderperson Brock

RESOLVED, That Rich DePaolo be reappointed to the Cable Access Oversight Committee with a term to expire December 31, 2014.

Carried Unanimously (9-0)

15.2 Appointments to Board of Public Works – Resolution

By Alderperson Dotson: Seconded by Alderperson Mohlenhoff

RESOLVED, That Mark Darling be appointed to the Board of Public Works to replace Wade Wykstra with a term to expire December 31, 2013, and be it further

RESOLVED, That Jeanne Leccese be appointed to the Board of Public Works to replace David Warden with a term to expire December 31, 2014.

Alderperson Brock expressed great appreciation for the service of Wade Wykstra and David Warden to the Board of Public Works. She noted that these are time intensive volunteer positions, and she is thankful for all of their contributions to the City.

Mayor Myrick echoed the sentiments that were expressed. He noted that Mr. Wykstra will continue to serve on the SJC and he encouraged Mr. Warden to serve on another city committee as well.

A vote on the Resolution resulted as follows:

Carried Unanimously (9-0)

15.3 Appointment to Natural Areas Commission – Resolution

By Alderperson Mohlenhoff: Seconded by Alderperson Rooker

RESOLVED, That Daniel Hoffman be appointed to the Natural Areas Commission to replace Gerard Cox with a term to expire December 31, 2014.

Carried Unanimously (9-0)

15.4 Appointment of City Representative to the Tompkins County Environmental Committee - Resolution

By Alderperson Proulx: Seconded by Alderperson Rooker

RESOLVED, That Emily Hamilton be appointed to the Tompkins County Environmental Management Council Seat for a two-year term to expire December 31, 2013.

Carried Unanimously (9-0)

REPORTS OF COMMON COUNCIL LIAISONS:

TCAT Board

Alderperson Dotson reported that the TCAT budget will be very challenging this year and all funding opportunities are being explored. TCAT recently received national recognition in being identified as the best public transit system of its size in North America but could be facing drastic cuts in 2013.

Parks Commission

Alderperson Brock reported that the Parks Commission has created an inventory of City parks and has been discussing the sale of a piece of surplus property on East Hill. The Commission noted that the property has not been used as a park and it is not anticipated to be used as a park due to budget constraints. In their resolution to Council, they did not take a position to support the reduction of City property holdings and chose to remain silent on the topic.

Human Services Coalition

Alderperson Mohlenhoff reported that the Human Services Coalition will be hosting their annual luncheon on February 23rd from 12:00 – 2:00 pm at the Women's Community Building and the Keynote Speaker will be Mayor Svante Myrick.

Tompkins Connect

Alderperson Rooker reported that Tompkins Connect will be hosting their "Jump on Board" event on February 23rd from 5:00 – 7:00 pm at the Holiday Inn. This event is intended to connect people with volunteer opportunities and he will be bringing information about opportunities to serve on city boards and committees.

Town of Ithaca

Alderperson Fleming noted that there are several issues on the horizon which will require further collaboration with the Town.

She further noted that discussions at the Board of Public Works meetings indicate that sidewalks are a big challenge.

Community Police Board

Alderperson Kerslick reported that there are five vacancies on the Community Police Board that need to be filled. Rick Rogers and Shirley Kane are serving as co-chairs for the Board. At the last meeting there was discussion regarding the investigation process, access to records and the Freedom of Information Law. In addition, Chief Valley shared letters of commendation from the community.

Recreation Partnership Board

Alderperson Kerslick reported that the Partnership offered 58 programs in 2010 that included sports, art, theater and more. There were 3,700 individual participants and

6,400 total registrations. The 2012 program budget is \$558,000 which is divided between revenues (activity fees = 51%), municipal contributions (42%= \$60,000 contribution from each partner), and donations/sponsorships (7%). Similar National programs cost approximately \$140 per participant; however, the Recreation Partnership has been able to deliver programs for approximately \$64 per participant.

Concerns expressed by the Partnership include:

- Budget funding has remained the same for 3 years and programs have been cut to minimum levels
- A new Partnership Agreement is due by January 2013 – there is an assumption that all partners will be renewing the agreement but there is concern regarding the County's contribution.

Youth Council

Aldersperson Clairborne reported that the Youth Council is looking to strengthen ties with Common Council. An idea is being discussed to have Youth Council members partner with Common Council members as a way to improve civic engagement.

REPORT OF CITY CLERK:

City Clerk Conley Holcomb read the following message into the record:

2012 Community Development Block Grant and Home Investment Partnership Program

On behalf of the City of Ithaca, the Ithaca Urban Renewal Agency is preparing to draft an Action Plan to fund projects through the 2012 community Development Block Grant (CDBG) and HOME Programs. Approximately \$160,000 in CDBG and \$350,000 in HOME funds are expected to be available. All funded projects must meet HUD National Objectives and primarily benefit the City's low-income residents.

A schedule of public meetings regarding the grant is available on the City's website, www.cityofithaca.org. Please note that the first of two public hearings for the grant is now scheduled for March 22, 2012 at 8:30 a.m. in Common Council Chambers.

For more information contact: Ithaca Urban Renewal Agency, 108 E. Green Street, 3rd Floor, Ithaca, NY 14850, (607) 274-6553, suek@cityofithaca.org

MINUTES FROM PREVIOUS MEETINGS:

19.1 Approval of the Minutes of the January 1, 2012 Special Common Council Meeting and the January 4, 2012 Regular Common Council Meeting – Resolution

By Aldersperson Mohlenhoff: Seconded by Aldersperson Rooker

RESOLVED, That the minutes of the January 1, 2012 Special Common Council meeting and the January 4, 2012 Regular Common Council meeting be approved as published.

Carried Unanimously (9-0)

REPORT OF CITY ATTORNEY:

Motion to Enter into Executive Session

By Aldersperson Rooker: Seconded by Aldersperson Dotson

RESOLVED, That Common Council enter into Executive Session to discuss pending litigation.

Carried Unanimously (9-0)

Reconvene:

Common Council reconvened into Regular Session with no formal action taken.

ADJOURNMENT:

On a motion the meeting adjourned at 8:55 p.m.

Julie Conley Holcomb, CMC
City Clerk

Svante L. Myrick
Mayor

