



CITY OF BEACON, NEW YORK  
ONE MUNICIPAL PLAZA  
BEACON, NY 12508

Mayor Randy Casale  
Councilmember Lee Kyriacou, At Large  
Councilmember George Mansfield, At Large  
Councilmember Terry Nelson, Ward 1  
Councilmember John E. Rembert, Ward 2  
Councilmember Jodi M. McCrede, Ward 3  
Councilmember Amber J. Grant, Ward 4  
City Administrator Anthony Ruggiero

**City Council Workshop Agenda  
September 9, 2019  
7:00 PM**

**Workshop Agenda Items:**

1. Camp Beacon Presentation
2. HDLO Law Discussion
3. Nuisance Local Law
4. Comprehensive Review of Data Related to the Impact of Development on the City
5. Main Street Parking Discussion
6. Teller Avenue Supplemental Agreement
7. Fishkill Avenue Supplemental Agreement
8. Beacon Free Loop Contract
9. City of Beacon Policy Regarding Naming City Property and Other Locations Within the City

**Executive Session:**

1. Advice of Counsel

**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**Camp Beacon Presentation**

**Subject:**

**Background:**

**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**HDLO Law Discussion**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from City Attorney Regarding Potential Amendments to the Proposed HDLO Local Law	Cover Memo/Letter
Memorandum from Dutchess County Planning and Development Regarding the Proposed HDLO Expansion	Cover Memo/Letter
City of Beacon Code Section 199 -10 Regarding HDLO Tax Abatement	Backup Material
City Code Chapter 134 Historic Preservation	Backup Material
Uses Permitted by Special Permit in the Historic District and Landmark Overlay Zone	Backup Material
20 South Avenue Homeowner Request Letter Regarding HDLO	Cover Memo/Letter
403 Main Street Homeowner Request Regarding HDLO	Cover Memo/Letter
372 Main Street Extension Request	Cover Memo/Letter
250 Main Street Homeowner Letter Regarding HDLO	Cover Memo/Letter

## MEMORANDUM

**TO:** City Council

**FROM:** Nicholas M. Ward-Willis

**RE:** Potential HDLO Zoning Amendments

**DATE:** September 6, 2019

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At the August 26, 2019 City Council meeting there was an extended discussion regarding Chapter 134 of the Code, Historic Districts and Landmark Overlay Zone. The following items were to be discussed at a future work session to consider further amendments to the HDLO Code:

- 1) Examine the phrase “open to the public” set forth in Section 134-6.
- 2) Examine the language in Section 134-6 concerning a Certificate of Appropriateness for a change to an architectural feature that is visible from a public street or way, public property or public building. The focus should be on what is considered an appropriate public view and how is that defined with respect to view from a public building or public property.
- 3) Should the Code regulate the color of a building?
- 4) Should there be an administrative certificate of appropriateness to streamline the process?
- 5) Should the Code specifically list exempt categories?
- 6) Should the defined phrase “Exterior Architectural Features” include the last sentence which brings into the definition non-structural improvements on the property such as fences, trees, driveways, etc. It was discussed that some properties could contain significant exterior architectural feature and the solution might be that at the time of landmarking the Council be required to specifically

identify that in addition to the structure being landmarked, are there any exterior architectural features that are deemed to be landmarked and should be protected or regulated.

- 7) Examine whether there should be a separate criteria for homes versus larger buildings and how to address regular maintenance of homes.
- 8) The City wanted to examine whether there were additional funding mechanisms that can be made available for landmarked properties.
- 9) We will prepare a resolution requesting the County and School District adopt the tax abatement set forth in Section 199-10.

At the September 3, 2019 public hearing on the proposal to add 35 properties to the HDLO, a number of comments were made by the public, which, after review by staff, can be summarized as follows:

1. Clarify the process of making changes to the property.
2. What incentives will the city provide for property owners who are already exempt from paying property taxes?
3. The interior of buildings should not be regulated – already have this covered in # 1
4. What are the tax benefits? – already covered in # 8
5. The process will be too costly – already covered in # 8

As explained to the Council earlier, state law does not permit the Council from granting any local tax incentives other than the one offered in City Code Section 199-10 (which is authorized under NYS Real Property Tax Law Section 344-a). Additionally, the City has granted the maximum benefit offered under RPTL Section 344-a. If the City wanted to offer a real property tax incentive greater than presently allowed, the City would have to ask for Home Rule Legislation, which requires approval from the Assembly, Senate and Governor.



**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT

August 26, 2019

To: City Council, City of Beacon

Re: **Referral #19-260 — LL Proposing to add 35 properties to the Historic District Landmark Overlay**  
**Parcels: see referred materials**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (GML) (Article 12B, §239-l/m).

**ACTION**

The City is proposing to add 35 parcels to the Historic District Landmark Overlay.

**COMMENTS**

We are pleased to see that the City is proposing to add additional properties to the Historic District Landmark Overlay as recommended in its Comprehensive Plan. Each property has been evaluated for its historic contributions which are detailed on the Historic Resource Inventory Forms that were completed on behalf of each property.

If not already prepared, we suggest that the City provide informational resources to property owners regarding the particulars of owning a property in the HLDC, including guidance on making home improvements and repairs.

**RECOMMENDATION**

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP  
Commissioner

By

Jennifer F. Coccozza  
Deputy Commissioner

**Dutchess County Department of Planning and Development**

Fax info To: Jennifer Cozza Date # PGS  
 Dept Co. / Dept. Planning From Collin Milone  
 Fax # 845 486 3610 Phone # 845 838 5-10

**239 Planning/Zoning Referral - Exemption Communities**

Municipality: City of Beacon

Referring Agency:  Planning Board  Zoning Board of Appeals  Municipal Board

Tax Parcel Number(s):

Project Name: Historic District Landmark Overlay

Applicant: City of Beacon

Address of Property: Multiple Addresses (35)

Please fill in this section

- Parcel(s) within 500 feet of:**
- State Road \_\_\_\_\_
  - County Road \_\_\_\_\_
  - State Property (w/public building or recreation area)
  - County Property (w/public building or recreation area)
  - Municipal Boundary
  - Farm operation in an Agricultural District

- Actions Requiring 239 Review**
- Comprehensive/Master Plans
  - Zoning Amendments (standards, uses, definitions, district regulations, etc.)
  - Rezoning involving all map changes
  - Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
  - Site Plans (all)
  - Special Permits for all non-residential uses
  - Use Variances for all non-residential uses
  - Area Variances for all non-residential uses

- Exempt Actions:\* 239 Review is NOT Required**
- Administrative Amendments (fees, procedures, penalties, etc.)
  - Special Permits for residential uses (accessory apts, home occupations, etc.)
  - Use Variances for residential uses
  - Area Variances for residential uses
  - Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
  - Subdivisions / Lot Line Adjustments
  - Interpretations
- Exempt Action submitted for informal review

Date Response Requested (if less than 30 days): August 30, 2019

If subject of a previous referral, please note County referral number(s):

\* These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

FOR COUNTY OFFICE USE ONLY

**Response from Dutchess County Department of Planning and Development**

- |   |  |
|---|--|
| <p><b>No Comments:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Matter of Local Concern</li> <li><input type="checkbox"/> No Jurisdiction</li> <li><input type="checkbox"/> No Authority</li> <li><input type="checkbox"/> Project Withdrawn</li> <li><input type="checkbox"/> Exempt from 239 Review</li> </ul> | <p><b>Comments Attached:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Local Concern with Comments</li> <li><input type="checkbox"/> Conditional</li> <li><input type="checkbox"/> Denial</li> <li><input type="checkbox"/> Incomplete — municipality must resubmit to County</li> <li><input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County</li> <li><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</li> </ul> |
|---|--|

Date Submitted: <u>8/15/19</u>	Notes:	<input type="checkbox"/> Major Project
Date Received: <u>8/15/19</u>		
Date Requested: <u>8/30/19</u>		
Date Required: <u>9/13/19</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>Jennifer Cozza</u>
Date Response Faxed: <u>8/26/19</u>		

**§ 199-10. Exemption granted.**

A. Legislative intent.

- (1) This real property tax exemption for historic properties is being enacted in order to achieve the following goals: to increase incentives for property owners in historic districts to invest in the upkeep and rehabilitation of properties; to provide an incentive for the restoration and rehabilitation of commercial structures which qualify as landmarks in order to provide financial advantages, not available elsewhere in the county at this time, which may help to attract and retain businesses in the City of Beacon; to assist homeowners who are interested in restoring their own properties, but who may not be able to afford to do so when faced with potential increases in taxation as the result of alterations which would qualify for this exemption; to provide financial incentives for investment in low-income residential neighborhoods which may contain landmarked buildings or districts designated within the area; and to provide a concrete benefit to offset the possible financial disadvantage of owning historically or architecturally significant properties which are subject to the regulations of the City's Local Landmarks Ordinance.<sup>1</sup>
- (2) The City of Beacon real property tax exemption is intended to apply to alterations or rehabilitation of historic property as authorized pursuant to §§ 96-a and 119-aa through 119-dd of the General Municipal Law and § 444-a of the Real Property Tax Law and all other powers granted to the City of Beacon to provide such exemptions.
- (3) This article is intended to create a real property tax exemption that preserves or increases the historic character of real property located within the City of Beacon.

B. Real property within the City of Beacon altered or rehabilitated subsequent to the effective date of this article shall be exempt from City real property and special ad valorem levies, subject to and in accordance with the schedule set forth in § 199-10B(1) and conditions outlined in § 199-10B(1) and C.

- (1) Historic property which shall be defined hereafter shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule.

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1. Editor's Note: See Ch. 134, Historic Preservation.



<b>Year of Exemption</b>	<b>Percentage of Exemption</b>
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

(2) No such exemption shall be granted for such alterations or rehabilitation unless all of the following criteria are met:

(a) Such property must be historic, which shall mean that the property has been designated as a landmark or is a property that is located in and contributes to the character of a designated historic district, created by a local law which was passed pursuant to § 96-a or 119-dd of the General Municipal Law.

(b) Alteration or rehabilitation of exteriors and public interiors (to the extent that public interiors are regulated by the local preservation law) of historic property must meet guidelines and review standards established in the local preservation law.

(c) Alterations and rehabilitation of exteriors and public interiors (to the extent that public interiors are regulated by the local preservation law) of historic property are approved by the City's Landmarks Preservation Commission prior to commencement of work.

(d) Alteration or rehabilitation must be for the purpose of historic preservation. For purposes of qualifying for a real property tax exemption pursuant to this article, alterations and rehabilitation shall be deemed to be for the purpose of historic preservation if:

[1] Only exterior work is involved;

[2] Interior work involves the portion of the building that has been designated as a public interior under the

local preservation law, once public interiors are regulated under the local preservation law;

[3] At least 20% of the total cost of the project is directly attributable to exterior work and/or work that enhances the structural stability or structural integrity of the property; provided, however, that such portion of interior work done for the purpose of converting property from a one- or two-family dwelling to a multiple dwelling as defined in the City Code of the City of Beacon, and any increase in value resulting from such conversion, shall not qualify for the exemption; or

[4] The project returns to use a building which has not been used for a permissible purpose under applicable zoning ordinances for a continuous period of at least two years.

(e) Alterations or rehabilitation must be commenced subsequent to the effective date of this article.

- C. This exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the State Equalization and Assessment Board. The application shall be filed with the City Assessor on or before the appropriate taxable status date covering City real property.
- D. Such exemptions shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The Assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies for City real property taxation as provided in the schedule established in § 199-10B(1) of this article commencing with the assessment roll prepared on the basis of the taxable status date referred to in § 199-10C of this article. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemptions shown in a separate column.
- E. This article shall take effect immediately and shall apply to assessment rolls completed on or after such effective date.

# Chapter 134

## HISTORIC PRESERVATION

### GENERAL REFERENCES

Zoning — See Ch. 223.

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#### **§ 134-1. Purpose.**

There exist within the City of Beacon landmarks, structures, buildings and districts of special historic significance which, by reason of their antiquity or uniqueness of architectural construction or design, are of particular significance to the heritage of the City, county, state or nation.

#### **§ 134-2. Historic District.**

An Historic District and Landmark Overlay Zone (HDLO) is hereby established for the purposes of encouraging the protection, enhancement, perpetuation and use of buildings and structures and appurtenant vistas having special historical or aesthetic value which represent or reflect elements of the City's cultural, social, economic, political and architectural history.

#### **§ 134-3. Definitions.**

Unless specifically defined below, words or phrases in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

**ALTERATION** — Any act or process that changes one or more of the exterior architectural features of a structure, including but not limited to the erection, construction, restoration, renovation, reconstruction, demolition, moving or removal of any structure.

**CERTIFICATE OF APPROPRIATENESS** — A certificate issued by the Planning Board indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within an historic district.

**CERTIFICATE OF ECONOMIC HARDSHIP** — A certificate issued by the Zoning Board of Appeals authorizing an alteration, construction, removal or demolition even though a certificate of appropriateness has previously been denied.

**CONSTRUCTION** — The act of making an addition to an existing structure or the erection of a new principal or accessory structure on a lot or parcel.

**DEMOLITION** — Any act or process that destroys in part or in whole a landmark or a structure within an historic district.

EXTERIOR ARCHITECTURAL FEATURES — The design and general arrangement of the exterior of a structure open to view from a public way, public property or any part of any public building, including the kind and texture of building materials and number, proportion, type and spacing of windows, doors, walls, roofs, murals, projections and signs. This term shall also include all earthworks, sidewalks, driveways, fences, trees, landscaping and other features visible from a public way, public property or any part of any public building.

HISTORIC DISTRICT — An area designated as an "historic district" by action of the City Council in enacting this chapter and which contains within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

LANDMARK — A property or structure designated as a "landmark" by action of the City Council in enacting this chapter that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Beacon.

OWNER OF RECORD — The person, corporation or other legal entity issued as owner of a parcel according to the records of the Dutchess County Clerk.

REPAIR — Any change that is not construction, removal or alteration.

STRUCTURE — Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, walls, sidewalks, signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.

#### **§ 134-4. Designation of landmarks or historic districts.**

- A. The City Council may act upon its own initiative or upon petition from the owner of a proposed landmark, site, structure or property, the Planning Board, or historic preservation committee, to consider designation of an historic district or historic landmark, site, structure or property. All designated historic districts and landmarks shall be included in the HDLO.
- B. The City Council shall, upon investigation as it deems necessary, make a determination as to whether a proposed district or landmark meets one or more of the following criteria:
  - (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the City, county, state or nation;
  - (2) Is identified with historic personages or with important events in national, state or local history;

- (3) Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship;
  - (4) Is the work of a designer whose work has significantly influenced an age; or
  - (5) Qualifies for inclusion on the State or National Registers of Historic Places.
- C. Notice of a proposed designation shall be sent by certified mail or personal delivery to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the City Council to consider the designation. Once the City Council has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Council has made its decision.
  - D. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City of Beacon at least 14 calendar days prior to the date of such hearing.
  - E. The City Council shall hold a public hearing prior to designation of any landmark or historic district. The City Council, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain reports, public comments or other evidence offered outside of the hearing.
  - F. In determining whether or not to designate a new historic landmark, the City Council shall consider the factors listed in § 134-4B and any testimony or evidence presented during the public hearing.
  - G. The City Council shall make a decision within 60 days of the conclusion of the hearing. If the City Council fails to act within 60 days, or fails to extend the period in which to act, the designation shall be deemed to have been denied. A super majority vote of five Council members is necessary to designate a new historic landmark if the property owner objects to such designation.
  - H. The City Council shall forward notice of each property designated as a landmark and the boundaries of each designated historic district to the property owner, the City Clerk, the Planning Board, the Zoning Board, and the offices of the Dutchess County Clerk for recordation.
  - I. A list of designated properties shall be maintained on file with the City Clerk and shown on the City of Beacon Zoning Map.

**§ 134-5. Uses permitted by special permit.**

Section 223-24.7 of Chapter 223, Zoning, of the City Code, enumerates the uses which may be permitted by special permit, issued by the City Council, in the Historic District and Landmark Overlay Zone, and the process by which such uses may be permitted.

**§ 134-6. Certificate of appropriateness.**

No person shall carry out any exterior alteration of a landmark or property within an historic district without first obtaining a certificate of appropriateness from the Planning Board or a certificate of economic hardship from the Zoning Board. No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property or public building, or for the installation of a temporary sign as described in § 223-15F of the Zoning Ordinance of the City of Beacon if located in a nonresidential district. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within an historic district which does not involve a change in design, material or outward appearance.

**§ 134-7. Criteria for approval of certificate of appropriateness or special permit in HDLO.**

- A. Historic districts are living entities that have typically grown and accommodated change through multiple time periods. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council or Planning Board shall give consideration to:
- (1) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.
  - (2) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.
  - (3) The compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms, spacing and proportion of windows and doors, exterior architectural details, signs, and street-front fixtures.
- B. In applying the principle of compatibility, the City Council or Planning Board shall use the following standards for new structures, additions, or alterations in the HDLO. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board or City Council finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may"

means that the standard is an optional guideline that is encouraged but not required.

- (1) The design, character, and appropriateness to the property of the proposed alteration or new construction.
  - (a) Construction shall build on the historic context with applications required to demonstrate aspects of inspiration or similarities to adjacent HDLO structures or historic buildings in the surrounding area.
  - (b) Compatibility does not imply historic reproduction, but new architecture shall also not arbitrarily impose contrasting materials, scales, colors, or design features.
  - (c) The intent is to reinforce and extend the traditional patterns of the HDLO district, but new structures may still be distinguishable in up-to-date technologies and details, most evident in window construction and interiors.
  - (d) Exterior accessory elements, such as signs, lighting fixtures, and landscaping, shall emphasize continuity with adjacent HDLO properties and the historic characteristics of the sidewalk and streetscape.
  - (e) Where possible, parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views, unless another location provides better screening.
- (2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
  - (a) Where possible, an addition to an historic structure should be placed towards the rear, or at least recessed, so that the historic structure remains more prominent than the subsidiary addition.
  - (b) Any alteration or addition to an historic structure shall not damage or obscure the character-defining features of the architecture or site to the maximum extent possible.
  - (c) The height of any new building facades in the HDLO shall not conflict with the heights of adjacent historic structures on adjoining HDLO parcels.
  - (d) Larger buildings or additions should incorporate significant breaks in the facades and rooflines, generally at intervals of no more than 35 feet.
- (3) Architectural and site elements and their relation to similar features of other properties in the HDLO.

- (a) It is not appropriate to disrupt the relationship between an historic building and its front yard or landscape, including screening historic properties from traditional street views by high walls or hedges.
- (b) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features should not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
- (c) Deteriorated building features should be repaired rather than being replaced and, if not repairable, should be replicated in design, materials, and other historic qualities.
- (d) New buildings in the HDLO should have a top-floor cornice feature and first-floor architectural articulation, such as an architecturally emphasized entrance doorway or porch, to accent the central body of the building.
- (e) Architectural features and windows shall be continued on all sides that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls.
- (f) New HDLO buildings shall have a front entrance door facing the primary street and connected to the sidewalk.
- (g) Primary individual window proportions shall be greater in height than width, but the approving body may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass and all-glass walls, except greenhouses, shall not be permitted. Any shutters shall match the size of the window opening and appear functional.
- (h) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, smooth-finished fiber-cement siding, or other materials deemed acceptable by the approving body. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic rough-cut stone, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.
- (i) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.
- (j) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or



landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front facade of new buildings or additions.

**§ 134-8. Certificate of appropriateness application procedure.**

- A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Planning Board. The application shall include:
- (1) The name, address and telephone number of the applicant.
  - (2) Scaled drawings showing the proposed changes.
  - (3) Descriptions or samples of materials to be used.
  - (4) (Where the proposal includes signs or lettering,) a scaled drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, if any, and a plan showing the sign's location on the property.
  - (5) Any other information which the Planning Board may deem necessary in order to visualize the proposed work.
- B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Planning Board. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Beacon.
- C. The applicant may consult with the Planning Board or its designated agent prior to submitting an application.
- D. Where site plan review or subdivision approval is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.
- E. The Planning Board shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.3.
- F. All decisions of the Planning Board shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's Office for public inspection. The Planning Board's decision shall state the reasons for denying or modifying any application.

**§ 134-9. Hardship criteria and application procedure.**

- A. An applicant whose certificate of appropriateness has been denied may apply to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the requirements of this chapter. Upon receipt of an application for relief, the Zoning Board shall, within 45 calendar days thereafter, hold a public hearing. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.3.
- B. At the public hearing, the Zoning Board may hear testimony and entertain the submission of written evidence from the applicant and/or the public.
- C. To obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:
  - (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
  - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- D. The Zoning Board shall take into consideration the economic feasibility of alternatives to removal, alteration or demolition of a landmark or portion thereof, and balance the interest of the public in preserving the historic landmark or building, or portion thereof, and the interest of the owner in removing, altering or demolishing the landmark or portion thereof.
- E. The Zoning Board shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application.
- F. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be sent to the applicant, and a copy shall be filed with the City Clerk. The Board's decision shall state the reasons for approving or denying the application. If the Zoning Board of Appeals approves the application, the Board shall issue a certificate of economic hardship.

#### **§ 134-10. Enforcement.**

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event that work is found that is not performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Planning Board, the Building Inspector shall

issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

**§ 134-11. Penalties for offenses.**

- A. Failure to comply with any of the provisions of this local law shall be deemed a violation, and the violation is subject to the penalties provided in § 223-53 of Chapter 223, Zoning.
- B. The City Council is also authorized to institute any and all actions required to enforce this chapter. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

**§ 134-12. Fees.**

- A. Each application for a certificate of appropriateness shall be accompanied by a fee, in an amount set by the City Council, payable to the City Clerk.
- B. The applicant may be charged a fee by the Planning Board for the actual cost of preparation and publication of each public notice of hearing on the application. Said fees shall also be fixed from time to time by resolution of the City Council.

**§ 134-13. Assessment abatement.**

Any person who is granted a certificate of appropriateness and performs the work detailed in the application submitted to the Planning Board will not be subject to an increase in assessment for the subject property as a result of the improvements made to the buildings and structures on said property. This clause does not apply to applicants who also receive a special permit as set forth in § 223-18 of Chapter 223, Zoning.

**§ 223-24.7. Uses permitted by special permit in the Historic District and Landmark Overlay Zone. [Added 5-17-2010 by L.L. No. 4-2010]**

The following uses may be permitted by special permit, issued by the City Council, in the Historic District and Landmark Overlay Zone:

- A. Specialized business uses of low traffic volume, normally associated with history, the arts or cultural uses, appropriate to the structure and compatible with the neighborhood. Such uses may include:
  - (1) Artists' or artisans' studios.
  - (2) Antique shops.
  - (3) Rare book, coin or stamp shops or similar type uses as determined by the City Council.
- B. Residential or professional uses, provided that they are appropriate to the structure, compatible with the neighborhood and are located on a road that can accommodate increased traffic as determined by the City Council. These uses may include the following:
  - (1) Sit-down restaurants not to exceed a seating capacity of 50.
  - (2) Bed-and-breakfast establishments not to exceed 10 guest bedrooms, subject to the requirements of § 223-24.4B, C and E.
  - (3) Professional offices not to exceed 10 employees.
  - (4) Multifamily residential use not to exceed four units.
  - (5) Artist live/work spaces not to exceed four units.
- C. Special permits warranted under certain conditions.
  - (1) Notwithstanding the limitations in Subsection B above, and with the exception of Subsection B(2), the City Council may approve a special permit for any of the uses listed in said section, and may allow a larger number of seats, employees, dwelling units, or artist live/work spaces, when it determines that such larger number is warranted by one or more of the following:
    - (a) Building(s) size.
    - (b) Building(s) configuration.

- (c) The nature of the proposed preservation and/or adaptive reuse of the building(s).
  - (d) The historic nature and context of the building(s) and the need for preservation and/or adaptive reuse.
- (2) In approving any such special permit, the City Council shall establish such limitations on the number of seats, employees, dwelling units, or artist live/work spaces, as the case may be, as it deems warranted.
- D. Findings. **[Amended 4-16-2018 by L.L. No. 8-2018]**
- (1) The City Council must make the following findings before special permit approval is granted:
- (a) Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.
  - (b) The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.
  - (c) The resulting traffic generation will not overburden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.
  - (d) The proposed use is appropriate to the structure, will aid in the preservation of the structure and will not result in undue alterations or enlargement of the structure.
- (2) These standards shall be in addition to the general special permit standards set forth in § 223-18 and the standards set forth in § 134-7.
- E. A site plan shall be submitted to the Planning Board to accompany any special permit application under this section. The site plan shall be accompanied by schematic architectural drawings which shall show the existing conditions of the property and any existing structure and the proposed restoration or construction. The Planning Board must approve a certificate of appropriateness in order to grant site plan approval as set forth above.<sup>1</sup>

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**1. Editor's Note: Former § 223-24.8, Amusement centers containing only vintage amusement devices, added 8-30-2010 by L.L. No. 12-2010, which immediately followed this section, was repealed 1-22-2019 by L.L. No. 1-2019.**

To whom it may concern,

Barbara & Brenda Sims do not want their property at 20 South Avenue designated as an historic landmark.

Please advise of the procedure to opt out of being designated as an historic landmark?

Thank you in advance.

Sincerely,  
ORIGINAL SIGNED.  
Barbara & Brenda Sims

Erik J. Allgauer  
Patrick M. Malouf, D.C.  
403 Main Street  
Beacon, NY 12508

Dear City Administrator Anthony J. Ruggiero, M.P.A., Mayor Randy Casale, and  
City Council members:

Please be advised that we have received your letter dated August 15, 2019  
regarding putting our property at 403 Main Street, Beacon, NY on the historic  
registry.

We object to being listed on this registry because of the economic hardship we  
would incur as a result of the cost of repairs or renovating in compliance with Chapter  
134, Historic Preservation of the City of Beacon code.

As an example, the cost of replacing the existing slate roof with a historically  
compliant slate roof would be approximately five (5) times the cost of a currently  
acceptable roof made of modern materials. In addition be advised that any slate roof  
system is not warrantied by the manufacturer or installer. This one of many possible  
scenarios of economic hardship incurred by Chapter 134.

Thank you for addressing this matter.



Erik J. Allgauer

Patrick M. Malouf, D.C.





300 Westage Business Center, Suite 380  
Fishkill, New York 12524  
T 845 896 2229  
F 845 896 3672  
cuddyfeder.com

Jennifer L. Van Tuyl  
jvantuyl@cuddyfeder.com

September 3, 2019

Hon. Randy Casale and  
Members of the City Council  
City of Beacon  
One Municipal Plaza  
Beacon, NY 12508

Re: Proposed Local Law amending the Historic District and Landmark Overlay Map (HDLO) and Zoning Map by the addition of 36 landmarked properties: Salvation Army property, 372 Main Street

Dear Mayor Casale and City Council Members:

I am writing this letter on behalf of our client, The Salvation Army, owners of property at 372 Main Street, Tax parcel number 6054-29-018818.

The building on the property is a Church, where the Salvation Army holds two Church services per week, along with a Bible Study and Sunday School and several other religious based activities for both members and “friends” of the Church and anyone else who is interested in learning more about the Christian Faith and The Salvation Army. Additionally, the Church at 372 Main Street conducts many charitable and community outreach services, including: i) a seniors “day program” that includes a lunch; ii) an After School Music and Arts program for school age children; iii) a Basketball program for youth, young adults and adults; iv) a weekly food pantry; and (v) a “good neighbor (rent assistance program) fund” that is administered through a Case Worker.

The proposed HDLO designation creates unique difficulties for a Church.

- A Church listed in the HDLO would be subject to the most intrusive possible scope of the law. Since a Church is “open to the public,” [134-6] all interior improvements in the church building—even those that are not visible from the public street—would require a Certificate of Appropriateness from the City in advance of construction. Section 134-6 of the City’s existing HDLO Law provides:

No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property or public building, or for the installation of a temporary sign...

4216225.3



September 3, 2019

Page 2

The law is so broad that even improvements in the Church worship space (“changes to interior spaces”) would fall under the regulations requiring a Certificate of Appropriateness. The costs of such a review would place a heavy burden on a not-for-profit religious corporation, money better spent on religious and charitable programming. The Church is also troubled by the possible ramifications of such regulation of a worship space by a secular government.

- A Church is also subject to unique difficulties if the City denies an application for a Certificate of Appropriateness. The law provides for an appeal to the ZBA, but the only permissible ground for appeal is “economic hardship.” The formula provided in the law requires consideration of whether the property could yield a “profitable return” under some other use. The test in the City’s law provides no benefit at all to a Church, for which “alternate uses” are not a realistic remedy. The HDLO law also fails to provide a remedy for a denial of a Certificate on grounds other than economic grounds, leaving the Church subject to substantial expenses if it had to bring a challenge through methods other than a ZBA appeal.
- For a Church, there are no corresponding “benefits” of being in the HDLO, as there might be for private property owners. It does not help a Church to be allowed to conduct business and residential uses that are unrelated to the Church’s mission. Similarly, the tax exemptions in the law do not benefit a church, which is already tax exempt based upon its use.

For all these reasons, The Salvation Army objects to the proposed designation to the Historic District and landmark Overlay Zone, and respectfully requests that the listing of its property be eliminated from the proposed local law. See City Code 134-4 (G). There is no need to include the Church’s property in the HDLO at the present time. The Church plans to continue its mission work in the City of Beacon for the foreseeable future. If matters materially change at some point in the future, and the building were to ever cease to operate as a Church, the City always retains authority to reconsider a designation at that, more appropriate, time.

I understand that the City will not be acting on the law this evening, as the matter is on the Planning Board agenda next week. In fairness, it would be appropriate to continue the public hearing to make sure that all affected property owners have a reasonable time to consider and evaluate the effect of this law on their properties. The appropriate officials at the Church did not receive the Notice of Hearing until late last week, due to staff vacation schedules. The timing of the notice (sent in mid-August) means that similar problems may have arisen with other property owners. It does not appear that the Church received a copy of existing Chapter 134 as referenced in the Notice of Hearing, and others may have similarly not received an enclosure referred to in the Notice.

4216225.3



September 3, 2019  
Page 3

I ask that this letter be made part of the public hearing record, and respectfully reserve the right to submit further materials upon the continuation of the public hearing or public comment period.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jennifer L. Van Tuyl". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer L. Van Tuyl

cc: Captain Leilani Alarcon, 372 Main Street  
Graeme S. Hepburn, Director of Property Services,  
The Salvation Arm, GNY Division

To the City of Beacon, City Council,

We, Fa Tuan Ni and Ming Fang Chen, do not want our building:

250 Main Street  
Beacon, NY 12508

to be designated as part of the historical zone.

Thank you

**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**Nuisance Local Law**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Proposed Local Law to Amend Chapter 159, Article II of the Code of the City of Beacon	Local Law

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2019**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO  
AMEND CHAPTER 159 ARTICLE II OF THE CODE OF THE  
CITY OF BEACON**

A LOCAL LAW to amend Chapter 159 Article II of Code of the City of Beacon, concerning public nuisance abatement.

BE IT ENACTED by the City Council of the City of Beacon as follows:

**Section 1.** Chapter 159, Article II of the Code of the City of Beacon entitled “Public Nuisance Abatement” is hereby repealed in its entirety.

**Section 2.** Chapter 159, Article II of the Code of the City of Beacon entitled “Public Nuisance Abatement” is hereby created as follows:

**Article II Public Nuisance Abatement**

**§ 159-2 Findings and intent.**

- A. The City Council finds that public nuisances exist in the City of Beacon in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law, New York State Uniform Building and Fire Code and Municipal Code provisions, which nuisances substantially and seriously interfere with the interest of the public, in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The City Council further finds that the occurrence of such activities and violations is detrimental to the health, safety and welfare of the City of Beacon and its neighborhoods thereof, businesses thereof and visitors thereto.
- B. As a result of the activities occurring at these properties, and/or the conditions in which they are maintained, these properties tend to receive and require more than the general, acceptable level of police and code enforcement services. As a result they place an undue and inappropriate burden on the City’s taxpayers. The City Council has determined that existing laws do not sufficiently encourage such property owners to take reasonable steps to abate the nuisances that their properties are creating, and has determined that enhanced penalties will give such property owners additional incentives to ameliorate said problems and help to compensate the City for the increase in code enforcement services.
- C. This local law is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law and do not adversely affect their neighborhoods, unduly burden the City’s resources and provide a mechanism for the City to take action against property owners who fail to ensure property they own does not require a disproportionate level of the City’s resources to be devoted to such property.

- D. This Article is not intended to discourage crime victims or a person in legitimate need of police services from requesting them.
- E. This Article does not affect a property owner's duty to comply with all other laws governing residential tenancies which are contained in New York State Statutes.

**§ 159-3 Definitions.**

For the purposes of this article, the following terms shall have the meanings indicated:

**MORTGAGEE**

The person who is listed as the mortgagee on any unsatisfied or otherwise open mortgage on the premises recorded in the office of the Dutchess County Clerk.

**OWNER**

The person in whose name the premises affected by an order, issued in accordance with this article, is recorded as the owner in the office of the Dutchess County Clerk.

**PANEL**

The Chief of Police of the City of Beacon or their designee, the Fire Chief of the City of Beacon or their designee, the City Administrator of the City of Beacon or their designee and the Building Inspector of the City of Beacon or their designee and a member of the Human Relations Commission.

**PREMISES**

The building, place or property whereon a public nuisance is being conducted or exists.

**PUBLIC NUISANCE**

- A. The below definition of public nuisance is not intended and shall not be interpreted to cover or include requests for assistance from police, medical, fire or ambulance services from an owner, tenant or occupant of a building or premises.
- B. For purposes of this article, a public nuisance shall be presumed to exist pursuant to § 159-5.B for any building, structure or real property as follows:
  - (1) Any building, structure or real property used for the illegal use, possession or distribution of a controlled substance or marijuana, as defined by the State Penal Law.
  - (2) Any building, structure or real property used for prostitution as defined by the State Penal Law.
  - (3) Any building, structure or real property used for indecent or obscene performances and/or promotion of obscene material as defined by the State Penal Law.
  - (4) Any building, structure or real property used for illegal gambling activity as defined by the State Penal Law.
  - (5) Any building, structure or real property used for the commission of illegal possession, use or sale of firearms or weapons as defined by the State Penal Law.
  - (6) Any building, structure or real property used for the illegal sale, manufacture or consumption of alcohol beverages as defined by the State Alcohol Beverage Control Law.

- (7) Any building, structure or real property wherein there exists or has occurred a criminal nuisance, as defined by the State Penal Law.
- (8) Any building, structure or real property used for loitering, as defined by the State Penal Law.
- (9) Any building, structure or real property wherein there exists or has occurred any violation of the City Code, including, but not limited to, Chapter 223, Zoning, and the New York State Uniform Fire Prevention and Building Code, including the property Maintenance Code of New York State, and any subsequent amendments or superseding provisions thereto, all of which have been previously adopted and incorporated into this Code by reference.

#### **§ 159-4 Nuisance forbidden.**

No owner, operator, manger or tenant of any premises shall conduct, maintain, permit or allow the existence of a public nuisance at the premises.

#### **§ 159-5 Prima Facie Evidence of Public Nuisance.**

- A. Notice by first-class mail or personal service, from the City of Beacon, of the activities entailing a public nuisance to the owner, operator, manger or tenant of premises shall be prima facie evidence of knowledge of a public nuisance.
- B. The following shall constitute prima facie evidence of a public nuisance:
  - (1) The existence of two or more incidents of the following activities at any premises within the three-year period prior to the commencement of a civil action pursuant to this Chapter shall be prima facie evidence of the existence of a public nuisance:
    - (a) Any conviction or adjournment in contemplation of dismissal for any of the activities set forth in the definition of “public nuisance” in § 159-3 occurring on the premise.
    - (b) Service of an accusatory instrument (i.e. notice of violation or order to remedy) for a violation of the New York State Uniform Fire Prevention and Building Code and/or any violation of the Code of the City of Beacon occurring on the premise.
    - (c) Service of a search warrant on the building, structure or real property where controlled substances, marijuana and/or weapons are seized.
- C. The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance on the part of the owner, mortgagee or any other person directly or indirectly in control of the premises, or having any interest in the premises or in any property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owner, mortgagee or other person.

#### **§ 159-6 Determination by Panel.**

Whenever any Panel member has evidence to support a presumption of public nuisance, they shall notify the other members of the Panel to discuss the public nuisance. The Panel shall meet to review all supporting documentation, including copies of tickets and/or arrest paperwork. After its review, the Panel shall make a determination on whether a presumption of public nuisance exists at the premise.



**§ 159-7 Service of notice.**

- A. Once the Panel determines that a presumption of public nuisance exists, the Panel shall give notice to the property owner, and any other person directly or indirectly in control of the premises, and any tenants and/or occupants of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard may be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises pursuant to Article 3 of the New York State Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service.
- B. The notice provided for in Subsection A of this section shall:
- (1) Specify the activity creating the public nuisance;
  - (2) Provide 30 days for elimination of the public nuisance;
  - (3) Inform the owner or any other person directly or indirectly in control of the premises that, within five days after the 30 days has expired, the property owner must contact the City to schedule a meeting with the Panel to demonstrate to the Panel that the nuisance has been eliminated;
  - (4) Inform the owner or any other person directly or indirectly in control of the premises of their right to request a meeting with the Panel within 10 days of service of the notice;
  - (5) Inform the owner or any other person directly or indirectly in control of the premises that, upon expiration of 35 days after service without a meeting with the Panel, or upon noncompliance with any written agreement reached with the Panel, the City shall act to obtain compliance as provided by this article; and
  - (6) Inform the owner or any other person directly or indirectly in control of the premises of the obligation to post a copy of the notice within five days of receipt of said notice, in a conspicuous place, so that all premises occupants and others entering the premises shall have notice that the public nuisance is being conducted, maintained or permitted on the premises and that, upon expiration of 30 days after service of the notice, the City shall proceed under § 159-10.

**§ 158-8 Meeting with the Panel.**

- A. Upon receipt of notice, any person served with a notice described in § 158-7, shall have 10 days upon receipt of notice to request a meeting with the Panel to devise an abatement plan to remedy the nuisance activity.
- (1) If an abatement plan is not agreed upon, or the owner fails to abide by the abatement plan and a nuisance activity occurs within 12 months following the date of the meeting, the Panel shall advise the City Council that a presumption of public nuisance exists on the premises.
  - (2) If the owner abides by the abatement plan and no new nuisance activity occurs within the 12 months following the date of the abatement plan, the public nuisance determination shall

be waived. Any presumption of public nuisance after 12 months shall require a new determination by the Panel and additional notice pursuant to § 158-7.

- B. If the property owner or any other person directly or indirectly fails to schedule a meeting with the Panel within 10 days of receipt of the notice described in § 158-7, they shall have 30 days after service of the notice to eliminate the public nuisance.
- (1) The property owner shall be required to appear before the Panel within five days after the 30 days has expired to demonstrate to the Panel that the nuisance has been eliminated. The property owner must contact the City to request a meeting with the Panel within such time.
  - (2) The Panel shall make a determination about whether the public nuisance has been eliminated. If Panel determines that the nuisance has been abated, the public nuisance determination shall be waived. Any presumption of a public nuisance after such waiver, shall require a new determination by the Panel and additional notice pursuant to § 158-7. If the Panel determines that the nuisance has not been abated, then the Panel shall advise the City Council that a presumption of public nuisance exists on the premise.
  - (3) If the property owner fails to schedule the required meeting with the Panel, the Panel shall advise the City Council that a presumption of public nuisance exists on the premise.

**§ 159-9 Remedies enumerated.**

- A. At the direction of the City Council of the City of Beacon, the City Attorney may bring and maintain a civil proceeding in the name of the City for the following types of relief:
- (1) Civil penalties. Civil penalties may be pursued in Dutchess County Supreme Court or in the City Court of the City of Beacon.
  - (2) Permanent injunction. Permanent injunction may only be pursued in Dutchess County Supreme Court.
  - (3) Temporary closing order, as set forth under § 159-13. Temporary closing of any structure may only be issued by the Dutchess County Supreme Court.
  - (4) Temporary restraining order. A temporary restraining order may only be pursued in Dutchess County Supreme Court.
  - (5) Temporary injunction. A temporary injunction may only be pursued in Dutchess County Supreme Court.

**§ 159-10 Summons and complaint for civil action.**

- A. If the nuisance is not corrected within 30 days of the date of service of the notice set forth in § 159-7, or upon noncompliance with any written agreement reached with the Panel, the Panel shall notify the City Council that a public nuisance exists.
- B. At the direction of the City Council of the City of Beacon, the City Attorney may bring and maintain a civil action in the name of the City to abate a public nuisance and shall commence a civil action by filing a summons and complaint in the manner required by the New York State Civil Practice Laws and Rules.

- C. The summons and complaint shall name as defendant at least one of the owners of some portion of or having some interest in the property, as set forth in the last filed tax roll, and shall describe the owner's premises by tax number and/or street address.
- D. The summons and complaint may also name as defendant any owner, operator, manager or tenant of the premises.
- E. The complaint shall allege the facts constituting the public nuisance.
- F. The complaint shall be accompanied by an affidavit, to affirm that the owner or their agent had notice of the public nuisance and an opportunity to abate the public nuisance.
- G. Because the public nuisance is conducted, maintained, permitted or allowed in the City of Beacon, the venue of such action shall be in Dutchess County Supreme Court or in the City Court of the City of Beacon.
- H. In rem jurisdiction over the premises shall be completed by affixing the summons to the premises and by mailing the summons and complaint by certified or registered mail, return receipt requested, to the person in whose name the real property is recorded as determined by the last filed tax rolls.
- I. With respect to any action commenced or to be commenced, the City Attorney may file a notice of pendency pursuant to the New York State Civil Practice Laws and Rules.

**§ 159-11 Civil penalty.**

If, upon the trial of an action for a public nuisance or upon a motion for summary judgment in Supreme Court or in City Court, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, notwithstanding any other provision in the Beacon City Code concerning penalties, a penalty may be awarded as follows for each day it is found that the defendant conducted, maintained, permitted or allowed the public nuisance after notice to abate had been given by the City:

<b>Period of noncompliance</b>	<b>Penalty per day</b>
1-15 days	\$ 1,000
16-30 days	\$ 2,500
31 days or more	\$ 5,000

**§ 159-12 Permanent injunction.**

- A. If, upon the trial of a civil action for a public nuisance or upon a motion for summary judgment in Dutchess County Supreme Court, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, a permanent injunction may be granted.
- B. A permanent injunction may prohibit defendant from conducting, maintaining, permitting or allowing the public nuisance.
- C. A permanent injunction may authorize agents of the City to remove and correct any condition(s) in violation of the City Code. The judgment may further order that the cost of removing and correcting the violation(s), plus a charge of 50% as compensation to the City of administration and supervision expenses, be charged against defendant(s) and awarded to the City. The judgment may further order that the cost of removing and correcting the violation(s), plus the charge of

50% as compensation to the City for administration and supervision expenses, shall constitute a lien against the real property and shall be collected in the same manner as provided by law for the collection of real property taxes within the City.

- D. A judgment ordering a permanent injunction may direct the closing of the premises by the City, to the extent necessary to abate the public nuisance.
- E. A judgment awarding a permanent injunction shall provide for all costs and disbursements allowed by the New York State Civil Practice Laws and Rules and of the actual costs, expenses and disbursements of the City in investigating, bringing and maintaining the action.

**§ 152-13 Closing of the building, structure or real property.**

- A. If the judgment directs the closing of the building, structure or real property, the City shall serve the judgment upon defendant(s) in the manner required by the New York State Civil Practice Laws and Rules and shall post a copy of the judgment upon one (1) or more of the doors at entrances of the building, structure or real property, or in another conspicuous place on the building, structure or real property.
- B. In addition, the City shall affix upon one (1) or more of the doors at entrances of the building, structure or real property or in another conspicuous place on the building, structure or real property, a printed notice stating "CLOSED BY COURT ORDER" in block lettering of sufficient size to be observed by anyone intending to enter the premises. Mutilation or removal of such posted judgment or notice while it remains in force will be considered a separate violation and shall be punishable as contempt of court.
- C. After posting, the City may then command all persons present in the building, structure or real property to vacate the property forthwith. After the building, structure or real property has been vacated, the City may secure the premises.
- D. The closing directed by the judgment shall be for such period as the court may direct, but in no event shall the closing be for a period of more than a year from the posting of the judgment.
- E. A closing by the City shall not constitute an act of possession, ownership or control by the City.

**§ 159-14 Administrative liability.**

Neither the City of Beacon, nor any officer, agent or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this article.

**§ 159-15 Severability.**

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of such provision to other persons or circumstances shall not be rendered invalid thereby.

**Section 3. Numbering for Codification**

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law

shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 4. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

DRAFT

**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**Comprehensive Review of Data Related to the Impact of Development on the City**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from the City Administrator to the Mayor and City Council Regarding a Comprehensive Review of Data Related to the Impact of Development on the City	Cover Memo/Letter
City of Beacon Community Profile by Pattern for Progress	Backup Material
City of Beacon Housing Profile by Pattern for Progress	Backup Material




# CITY OF BEACON New York

Anthony J. Ruggiero, M.P.A.  
City Administrator

OFFICE OF CITY ADMINISTRATOR

845-838-5000

**To:** Mayor and City Council

**From:** Anthony Ruggiero, MPA, City Administrator 

**Re:** Comprehensive Review of Data Related to the Impact of Development on the City

**Date:** September 9, 2020

---

As discussed at the last workshop, the City Council would like to start a review of comprehensive data related to the Impact of Development on the City. In order to begin the discussion, below are some bullet points of information you may want to consider.

- Name of project
- Number of units
- Bedroom type:
- Affordable units
- Number of residents
- Number of parked cars
- Number of school aged children
- Taxes from project
- Commercial space: How much does the building have (i.e., 1000 sq. ft), how much is currently occupied, is any of it office/commercial or is it all retail space?
- Rent or sale price for units (i.e. - rent is \$x for a 3-bedroom mkt rate unit and \$Y for a 3-bedroom affordable unit)

Please find attached hard copies and links to two reports from Pattern for Progress that will assist in this review.

- City of Beacon Housing Profile <http://www.pattern-for-progress.org/wp-content/uploads/2018/10/Beacon.pdf>
- City of Beacon Community Profile <http://www.pattern-for-progress.org/wp-content/uploads/2018/03/Beacon.pdf>

Staff will also do a review and see if this type of report has been done in other localities. If you have any questions with regard to the above, please feel free to contact me.

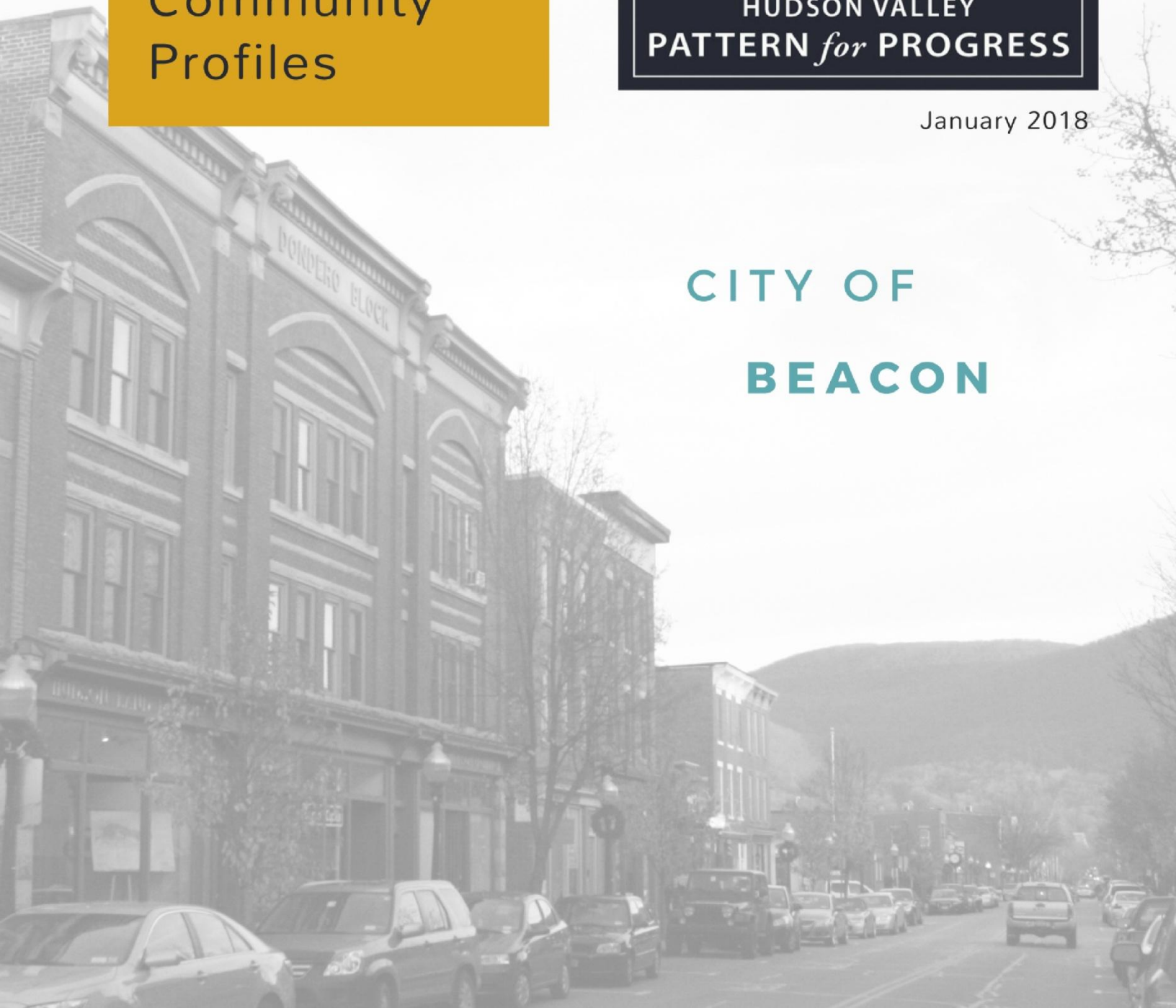
# URBAN ACTION AGENDA

Community  
Profiles

HUDSON VALLEY  
PATTERN *for* PROGRESS

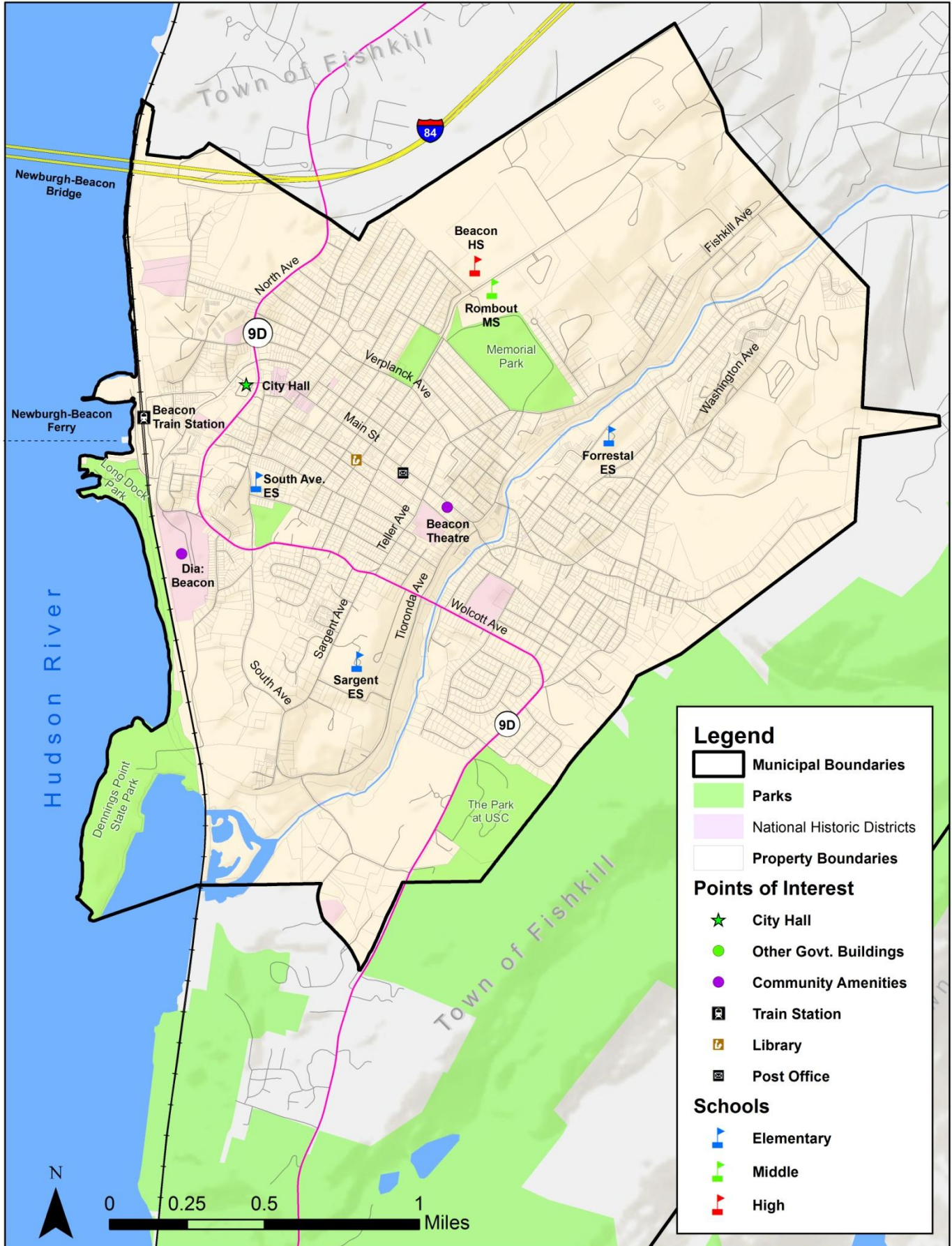
January 2018

CITY OF  
BEACON





# COMMUNITY OVERVIEW MAP



# POPULATION & DEMOGRAPHICS

## Population Basics

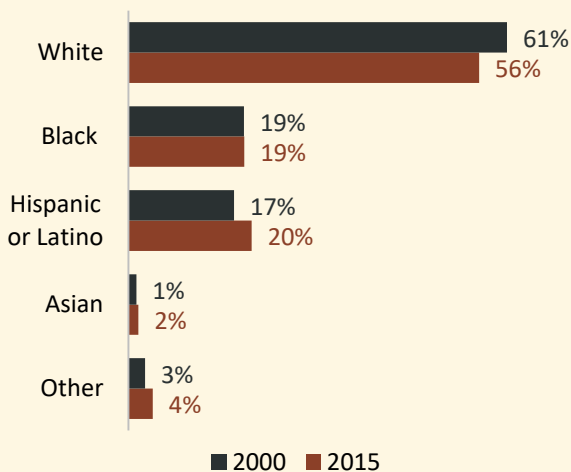
**14,375** Population (2015)  
**4.1%** Population Change since 2000  
**4.7** Square Miles  
**3,059** Population Density (people per sq. mile)

## Community Snapshot

**21%** Population under age 20  
**66%** Population ages 20-64  
**13%** Population 65 and older  
**\$65,305** Median household income  
**30%** Residents with a bachelor's degree or higher  
**49%** Owner-occupied housing  
**44%** Renter-occupied housing

Source: 2015 American Community Survey

## Population by Race and Ethnicity



Source: 2015 American Community Survey; 2000 Decennial Census

## Population & Demographics Analysis

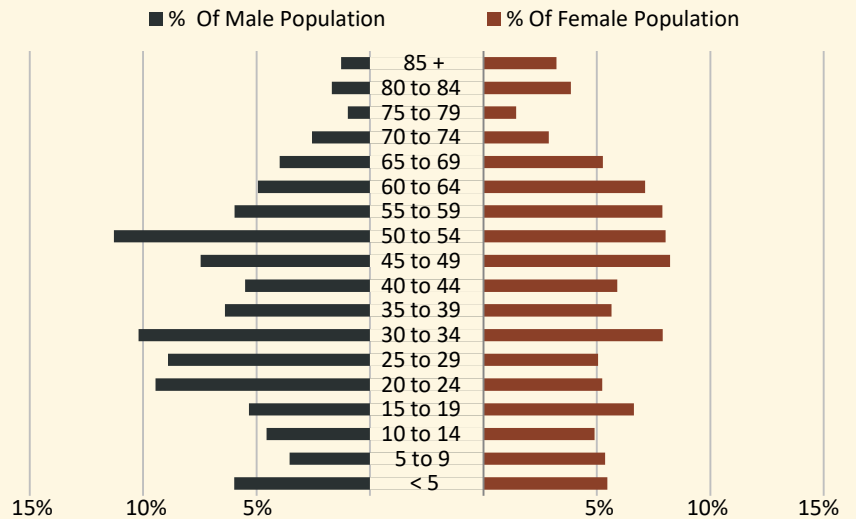
Beacon's population has grown slowly since 2000, with an average annual increase of far less than 1%. Over the last 16 years, the percent of the city's population identifying as White has dropped by 5% while the percent identifying as Hispanic or Latino has increased by 3%. Only a small number of Beacon residents were not born in the U.S.

### Data Notes

Population by Race & Ethnicity – The "Other" category includes Native Americans, Pacific Islanders, those who checked "Other" on the Census, and individuals with two or more races.

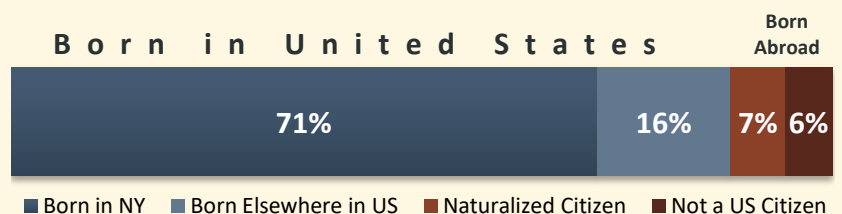
Place of Birth – The category of individuals who were born abroad and are not U.S. citizens includes both legal immigrants (with green cards, student visas, etc.) and undocumented immigrants. The U.S. Census does not ask individuals about their immigration status.

## Share of Population by Age and Sex



Source: 2015 American Community Survey

## Place of Birth



Source: 2015 American Community Survey

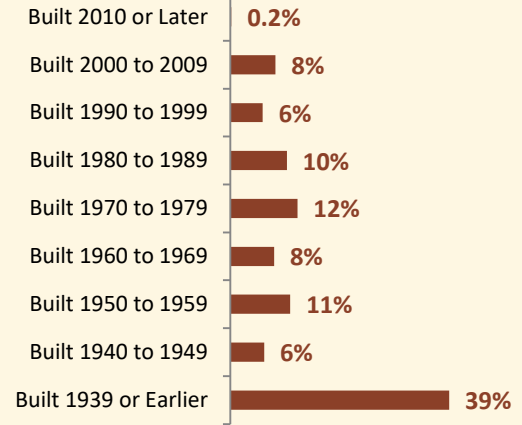
### Housing Analysis

Beacon's housing stock is divided relatively evenly between owner-occupied and renter-occupied units. While only 34% of Beacon homeowners are "cost burdened" (paying more than 30% of their income towards housing), 50% of renters are cost burdened including 25% who are severely cost burdened (paying more than 50% of their income towards rent). Inflation-adjusted home values in Beacon have risen by 44% since 2000, compared to just 30% in Dutchess County. A majority of homes (57%) are worth between \$200,000 - \$299,999 while about a quarter (24%) are valued under \$200,000. A majority of Beacon homes are at least 50 years old.

### Data Notes

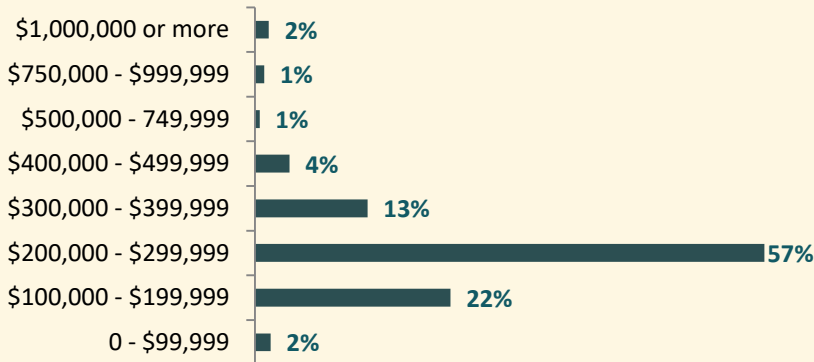
Median Home Value – 2000 figures adjusted for inflation using CPI inflation tables from the U.S. Bureau of Labor Statistics.

### Age of Housing Stock



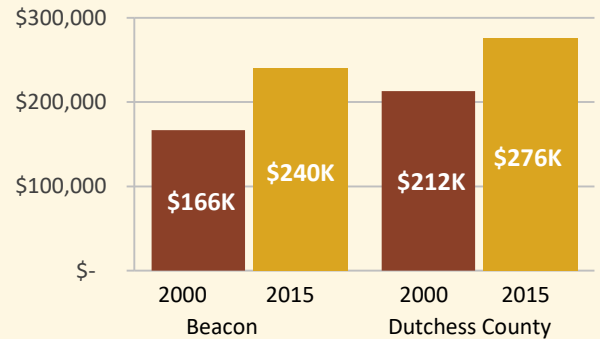
Source: 2015 American Community Survey

### Home Values



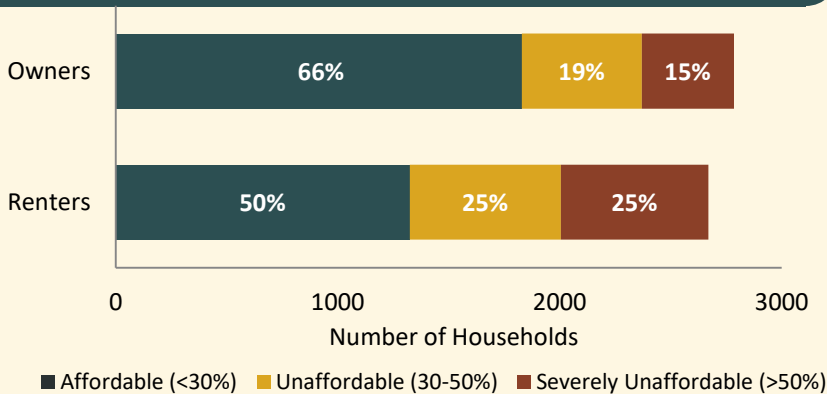
Source: 2015 American Community Survey

### Median Home Value



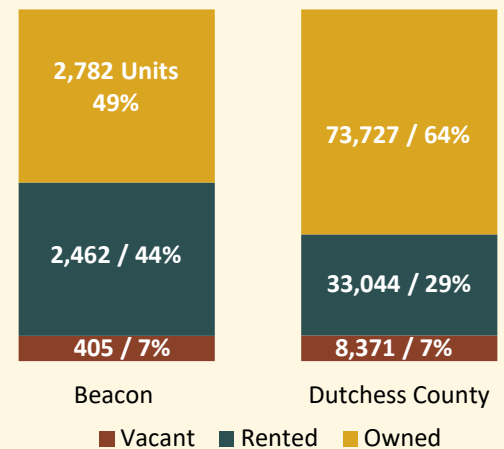
Source: 2015 American Community Survey; 2000 Decennial Census

### Affordability (% of Income Towards Housing Costs)



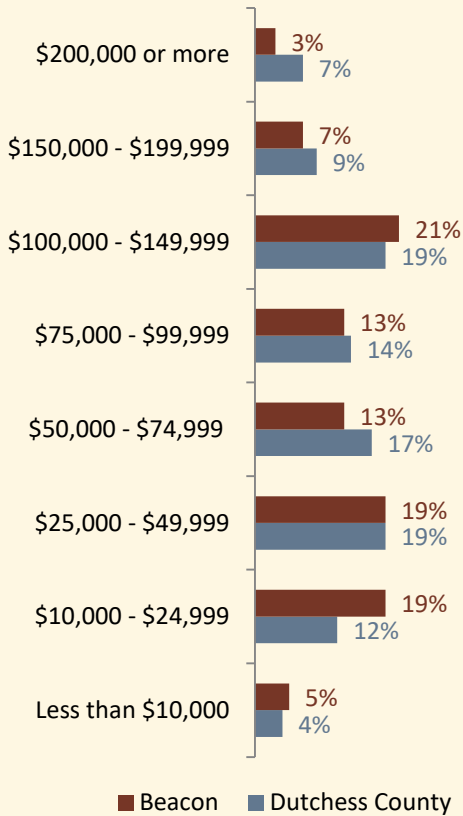
Source: U.S. Dept. of HUD - Comprehensive Housing Affordability Strategy Data (2017)

### Housing Occupancy



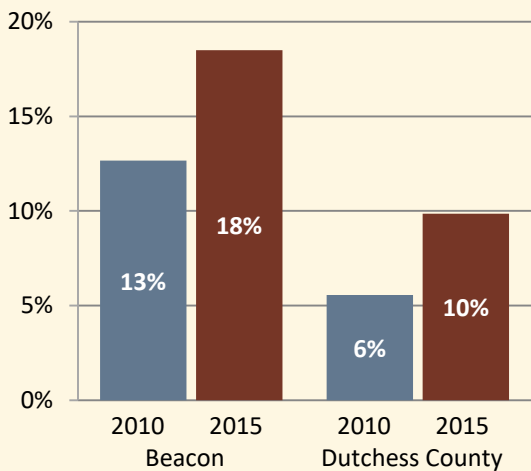
Source: 2015 American Community Survey

**Household Income Distribution**



Source: 2015 American Community Survey

**Households Receiving SNAP**



Source: 2010 & 2015 American Community Survey

**Income & Poverty Analysis**

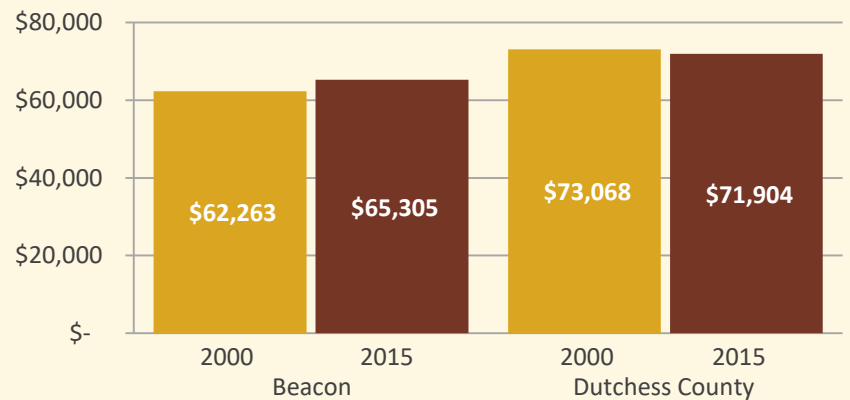
Since 2000, Beacon's median household income has risen 5% when accounting for inflation, while the poverty rate has risen from 11% to 13% and the share of households receiving SNAP benefits has risen from 13% to 18%. 30% of households earn more than \$100,000 while 43% of households earn less than \$50,000.

**Data Notes**

Median Household Income – 2000 figures adjusted for inflation using CPI inflation tables from the U.S. Bureau of Labor Statistics.  
Households Below the Poverty Line – The federal poverty line is adjusted on a yearly basis and varies by household size. As of 2015, the poverty line for a family of four was \$24,250.

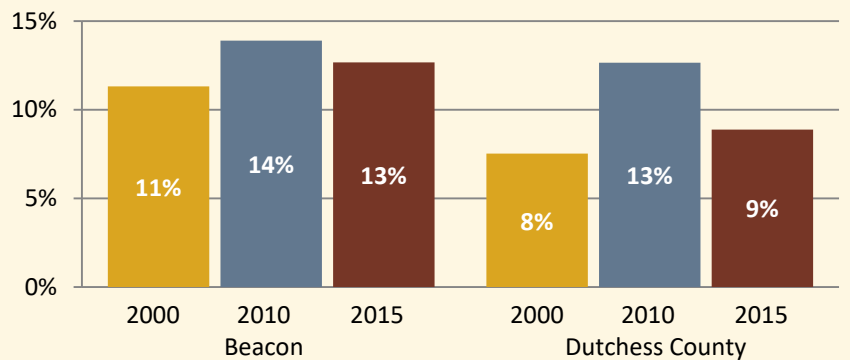
Households Receiving SNAP – SNAP is the Supplemental Nutrition Assistance Program (formerly Food Stamps). To qualify for SNAP, a household must have an income below 130% of the poverty line.

**Median Household Income**



Source: 2015 American Community Survey; 2000 Decennial Census (Inflation Adjusted)

**Households Below the Poverty Line**



Source: 2015 American Community Survey; 2000 Decennial Census

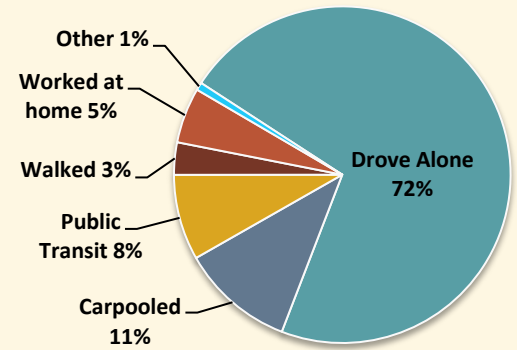
### Economy Analysis

The unemployment rate in Beacon has risen since 2000, although much of the change has come from people who were formerly not in the labor force. Only 20% of Beacon residents work in Beacon, and only 51% work in Dutchess County. More than 80% of residents commute by car, while just 8% take public transportation. Relative to 2010, there are fewer residents working in the “educational services, health care and social assistance” and “public administration” sectors and more working in the “arts, entertainment, and accommodation and food services” sector.

### Data Notes

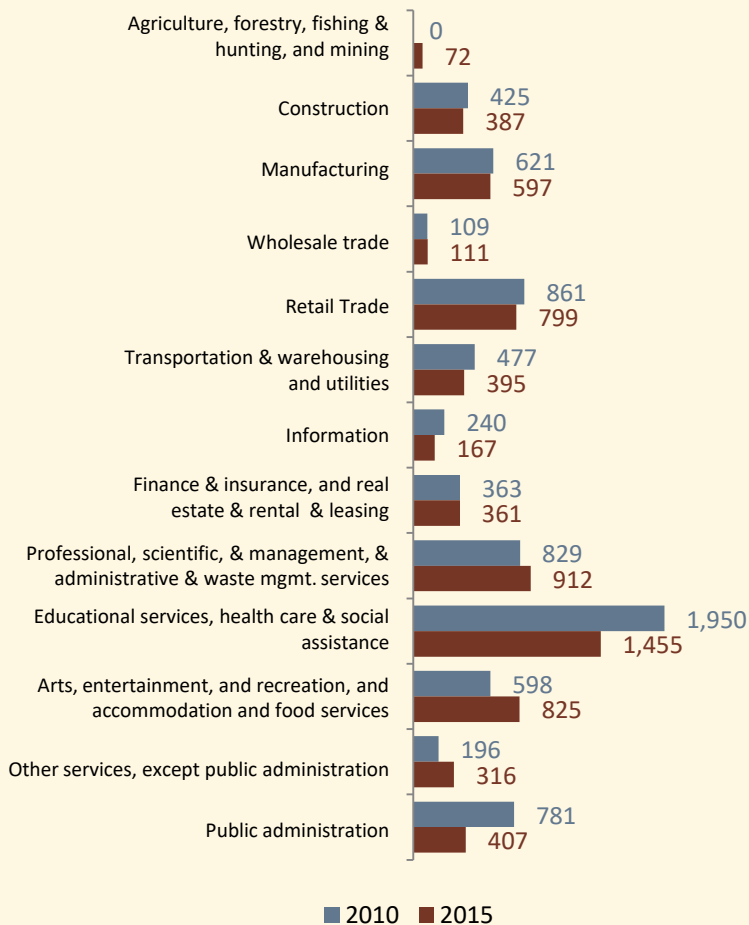
**Employment** – Data on unemployment comes from American Community Survey, which reports data by municipality. The Bureau of Labor Statistics is a common source for national unemployment rate data but does not report data at the municipal level.

### Means of Travel to Work



Source: 2015 American Community Survey

### Employment by Industry Among Beacon Residents



Source: 2015 American Community Survey

### Place of Work & Commute Time

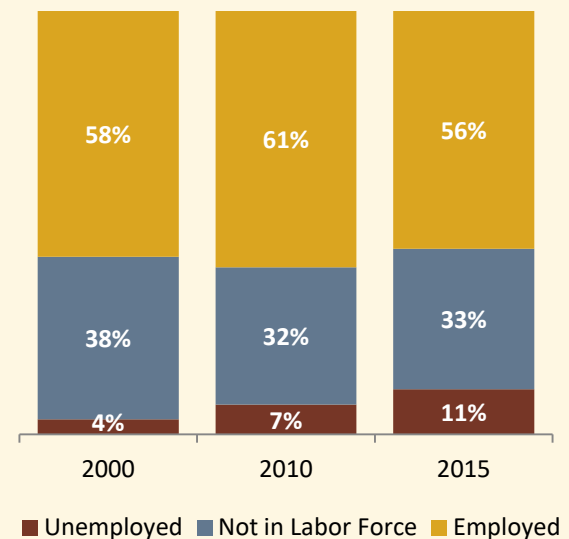
**% of residents who work in Beacon** **20%**

**% of residents who work in Dutchess County** **51%**

**Average Commute Time** **34 Minutes**

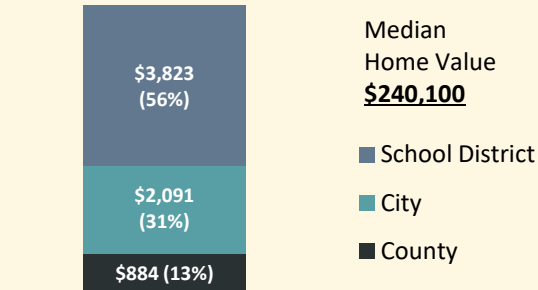
Source: 2015 American Community Survey

### Employment (Age 16 and Older)



Source: American Community Survey, US Decennial Census

### Taxes on Median Home



Total Taxes - \$6,798

Source: Dutchess County (2015)

### Municipal Finances

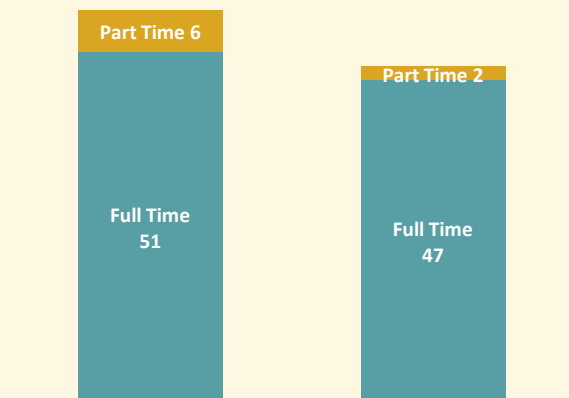
#### Did City Budget Stay Under NY State Tax Cap?

2012	2013	2014	2015	2016	2017
Yes	No	Yes	Yes	Yes	Yes

**Bond Rating (Moody's)**  
Aa2 (High Grade)  
Rating Date: May 9, 2016

Sources: Moody's; Office of the New York State Comptroller

### Municipal Employees



General Employees  
Median FT Salary:  
\$65,071

Police/Fire Employees  
Median FT Salary:  
\$92,578

Source: Office of the New York State Comptroller (2016)

### Dollars and Cents Analysis

Beacon has kept its municipal budget under the Tax Cap in all but one year since 2012 and its bond rating is strong. City property taxes are 31% of the average tax bill. The city has 98 full time and 8 part time employees. Transportation is the city's largest expense.

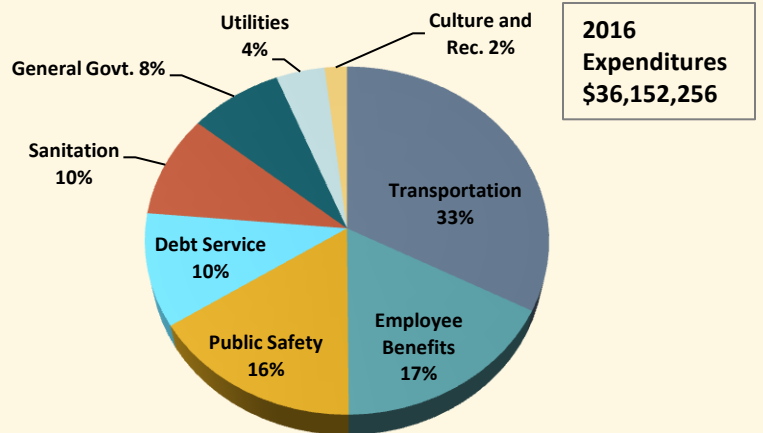
#### Data Notes

Municipal Finances – The NY Tax Cap law restricts schools and local governments from raising the property tax levy by more than 2% without a supermajority vote of the local governing body.

Municipal Employees – Employees were counted as part time if they earned less than \$30,000 in 2016 and full time if they earned over \$30,000. "General" employees are non-police/fire employees.

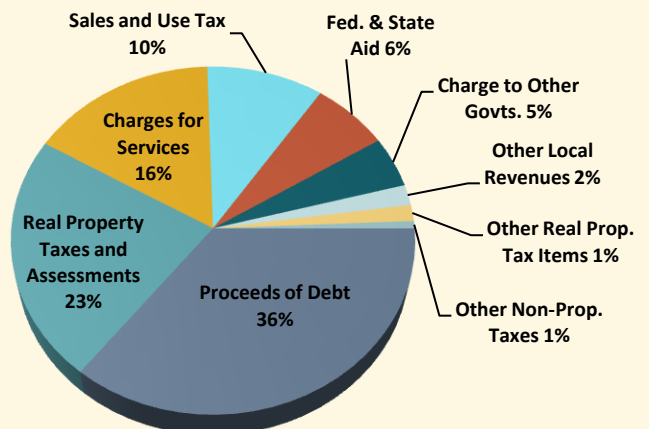
Municipal Revenues and Expenditures – Categories are determined by the Comptroller's Office. "Proceeds of Debt" revenue comes from sale of bonds and is not a recurring yearly source of revenue.

### Municipal Revenues and Expenditures



**2016 Expenditures**  
\$36,152,256

**2016 Revenues**  
\$44,200,668



Source: Office of the New York State Comptroller

**Education Analysis**

Beacon City School District serves 2,923 students in the city, and parts of two nearby towns. Over the past 10 years the graduation rate and CCR rate (see below) has steadily increased. Total enrollment is down 23% since the 04-05 school year. The number of students receiving free or reduced lunch (a measure of poverty) has increased significantly since the 2009-10 school year. Among all residents of Beacon, 38% have an associate's degree or higher, while only 11% lack a high school diploma.

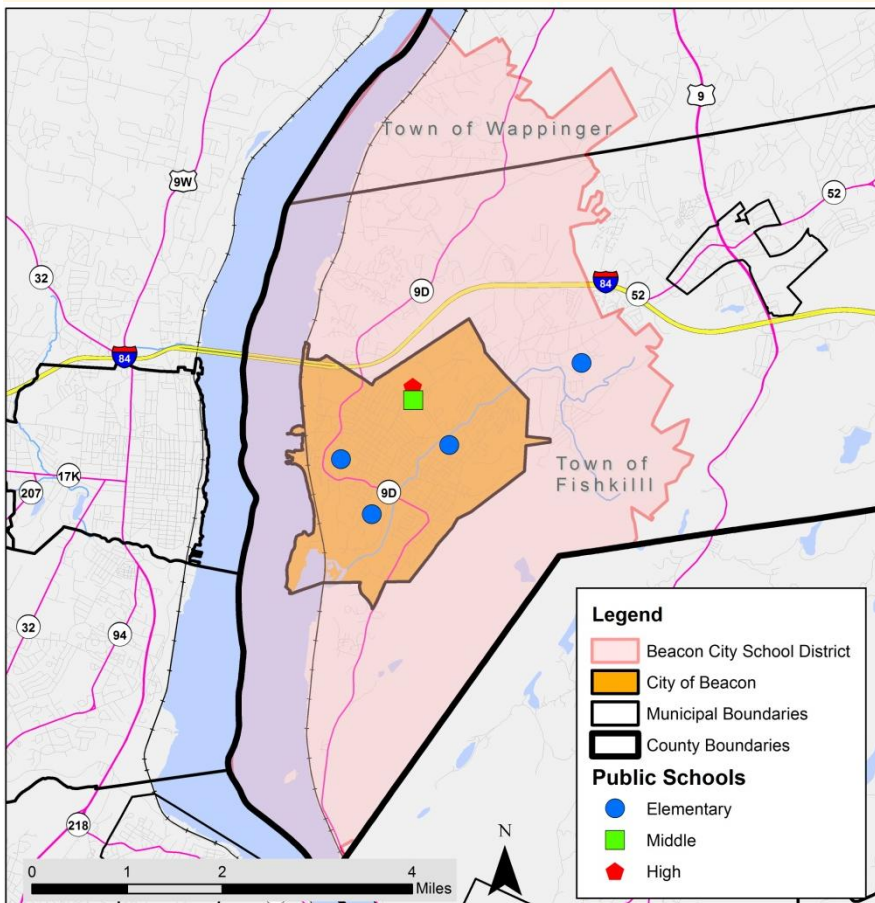
**Data Notes**

Expenditures per Pupil – Adjusted for inflation using CPI inflation tables from the U.S. Bureau of Labor Statistics.

Graduation Rate & College/Career Readiness – College/Career Readiness (CCR), also known as Aspirational Performance Measure, is a statistic created by NY State to track high school graduates' ability to succeed in college or the workforce. CCR is based on a student's Regents scores and was introduced in the 09-10 school year. 2015-16 data is not yet available.

Student Characteristics – Students are eligible for free school lunch if their family's income is below 130% of the poverty line and reduced price lunch if their family's income is below 185% of the poverty line. English Language Learners are students who have been classified as not proficient in English and require additional instruction.

**Beacon City School District**

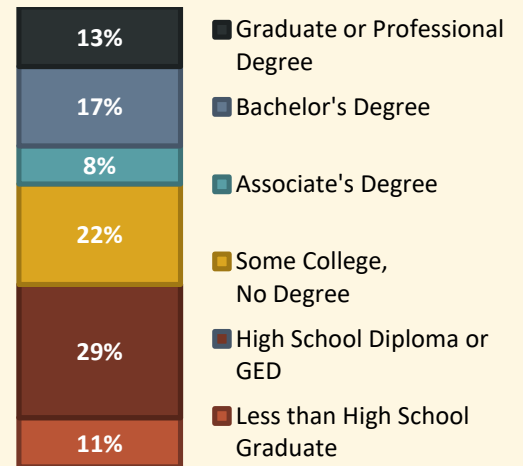


**Average SAT Scores**

Category	Score (800 max)	Rank Among 23 UAA districts
<b>Reading</b>	498	10
<b>Math</b>	495	9
<b>Writing</b>	469	10

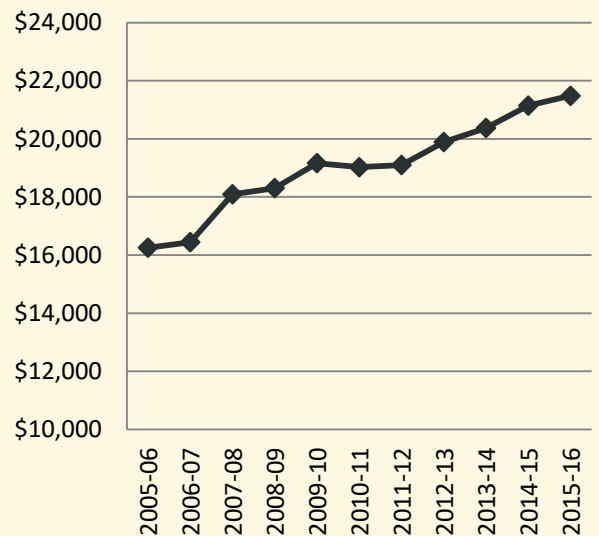
Source: New York State Department of Education (2015-16)

**Education Level of City Residents**



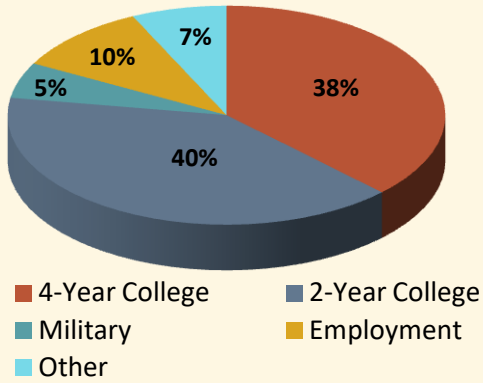
Source: 2015 American Community Survey

**Expenditures Per Pupil**



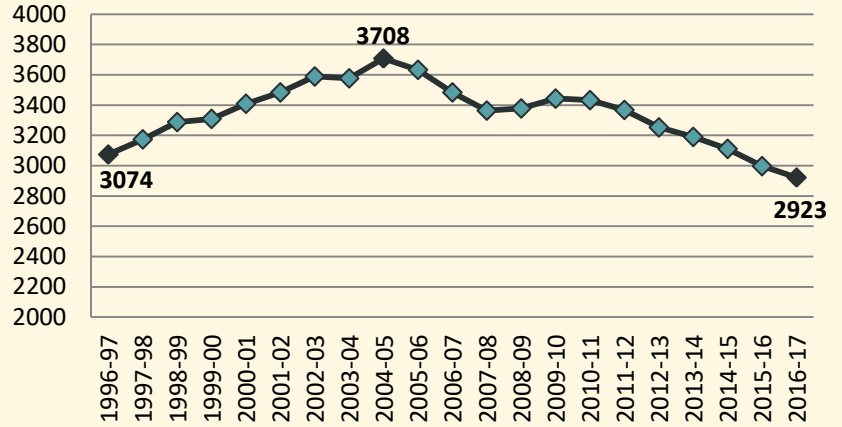
Source: New York State Department of Education (Infl. Adjusted)

**Post-Graduation Plans of  
Graduating High School Seniors**



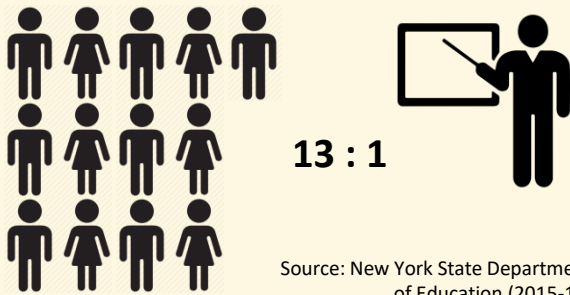
Source: New York State Department of Education (2015-16)

**Beacon City School District Enrollment**



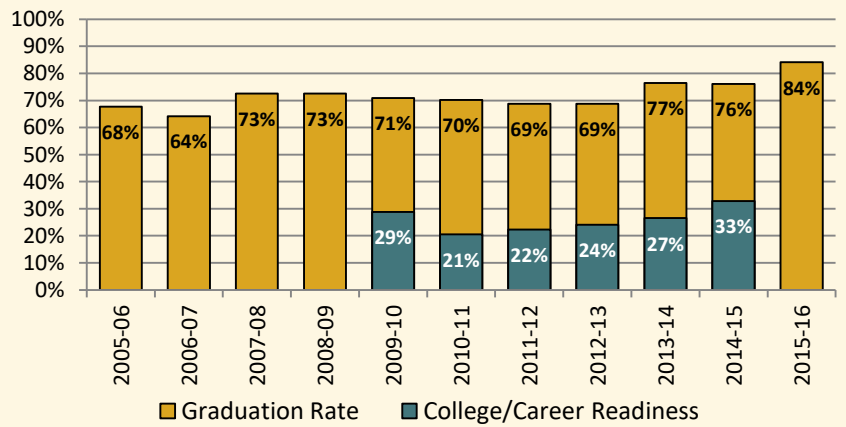
Source: New York State Department of Education

**Student to Teacher Ratio**



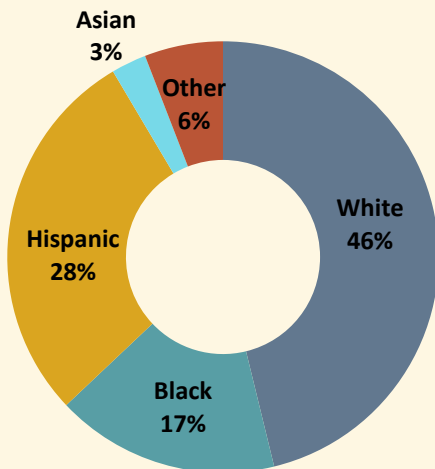
Source: New York State Department of Education (2015-16)

**Graduation Rate & College/Career Readiness**



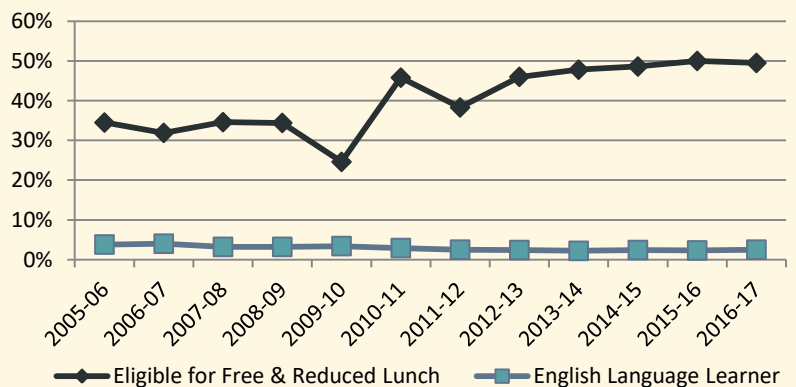
Source: New York State Department of Education

**Race & Ethnicity of Students**



Source: New York State Department of Education (2015-16)

**Student Characteristics**



Source: New York State Department of Education



**Health Analysis**

The number of births in Beacon has declined since 2002. 26% of students in the public schools were overweight or obese, lowest of any UAA community. 11% of residents lack health insurance.

**Data Notes**

County Health Ranking – Each year, the Robert Wood Johnson Foundation releases a health ranking for every county in the U.S. These rankings are based on dozens of key health metrics.

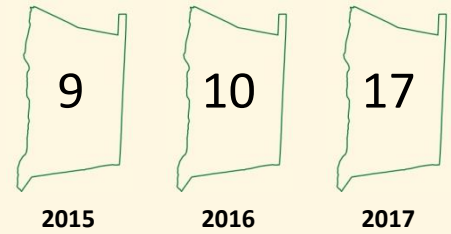
Access to Quality Food – The US Dept. of Agriculture defines census tracts as food deserts if the tracts have high poverty and low access to food. Pattern analyzed GIS data to find supermarket walktimes.

Childhood Obesity – These categories are mutually exclusive. Obese individuals are not also counted as overweight.

**County Health Ranking**

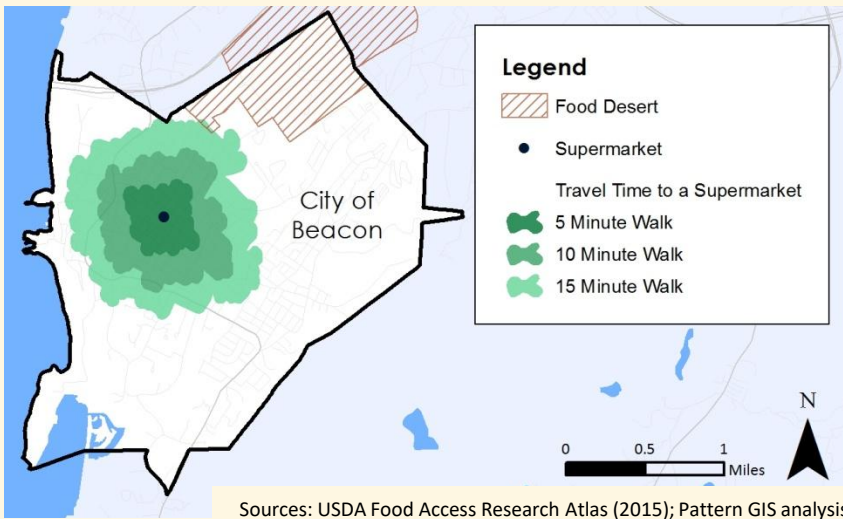
**Dutchess County**

Rank out of 62 New York Counties

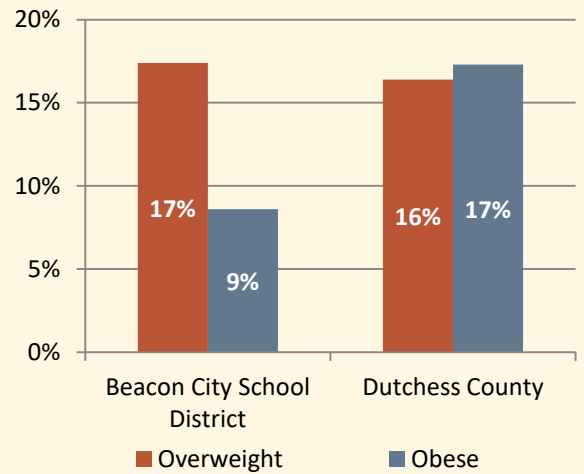


Source: Robert Wood Johnson County Health Rankings

**Access to Quality Food**

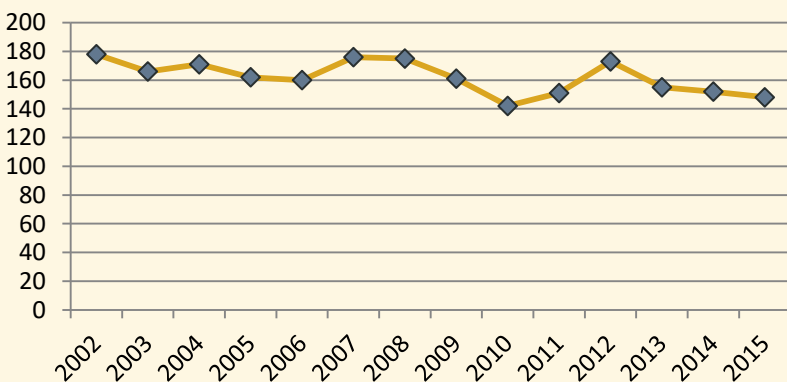


**Childhood Obesity**



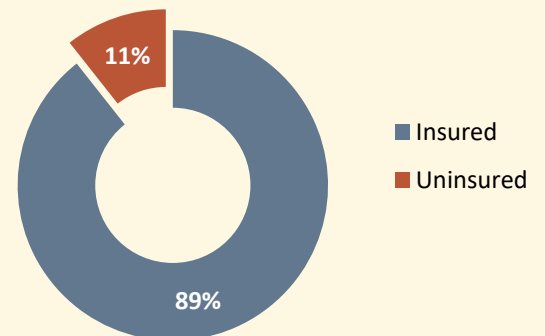
Source: New York State Department of Health (2014-16 average)

**Number of Births**



Source: New York State Department of Health

**Health Insurance Rate**



Source: 2015 American Community Survey

**Access to Parks**



Acres of Open Space & Parks in Municipality **234**



Residents per Acre of Parkland **61**

Source: Pattern for Progress Analysis of GIS Data

**Avg. Annual Household Spending**



**\$2,115**  
Apparel & Services



**\$3,187**  
Eating Out



**\$4,825**  
Groceries



**\$5,243**  
Health Care

Source: ESRI Business Analyst 2017

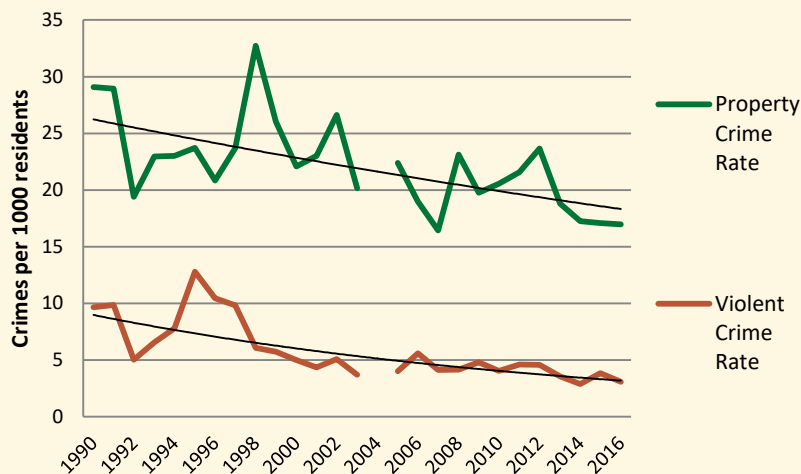
**Quality of Life Analysis**

Beacon's waterfront is preserved in several local and state parks, and just outside the city, Mount Beacon offers panoramic Hudson River views. Since 1990, crime in Beacon has significantly declined.

**Data Notes**

Per Capita Crime Rate – This metric tracks totals for certain types of property and violent crimes. The property crimes tracked are burglary, larceny, and motor vehicle theft. The violent crimes tracked are murder, rape, robbery, and aggravated assault. Data for 2004 was unavailable.

**Per Capita Crime Rate**



Source: NY State Division of Criminal Justice Services

**ABOUT THIS PROJECT**

The Urban Action Agenda (UAA) is a major initiative led by Hudson Valley Pattern for Progress to promote growth and revitalization in urban centers throughout the nine-county Hudson Valley Region. The Valley contains a wide variety of urban centers, large and small, located along the Hudson River and other historic transportation corridors. These cities and villages are where population, social, cultural, civic, and economic activity traditionally clustered. With their existing infrastructure, access to transit, and traditions of denser development, these communities are well positioned to accommodate the region's growth in the 21<sup>st</sup> Century.

Pattern began working on the UAA profiles in 2014 thanks to a multi-year grant from the Ford Foundation. To keep the project's scale manageable, the UAA focuses on a group of 25 higher-need urban areas in the region, selected for reasons including changing demographics and poverty. An initial set of

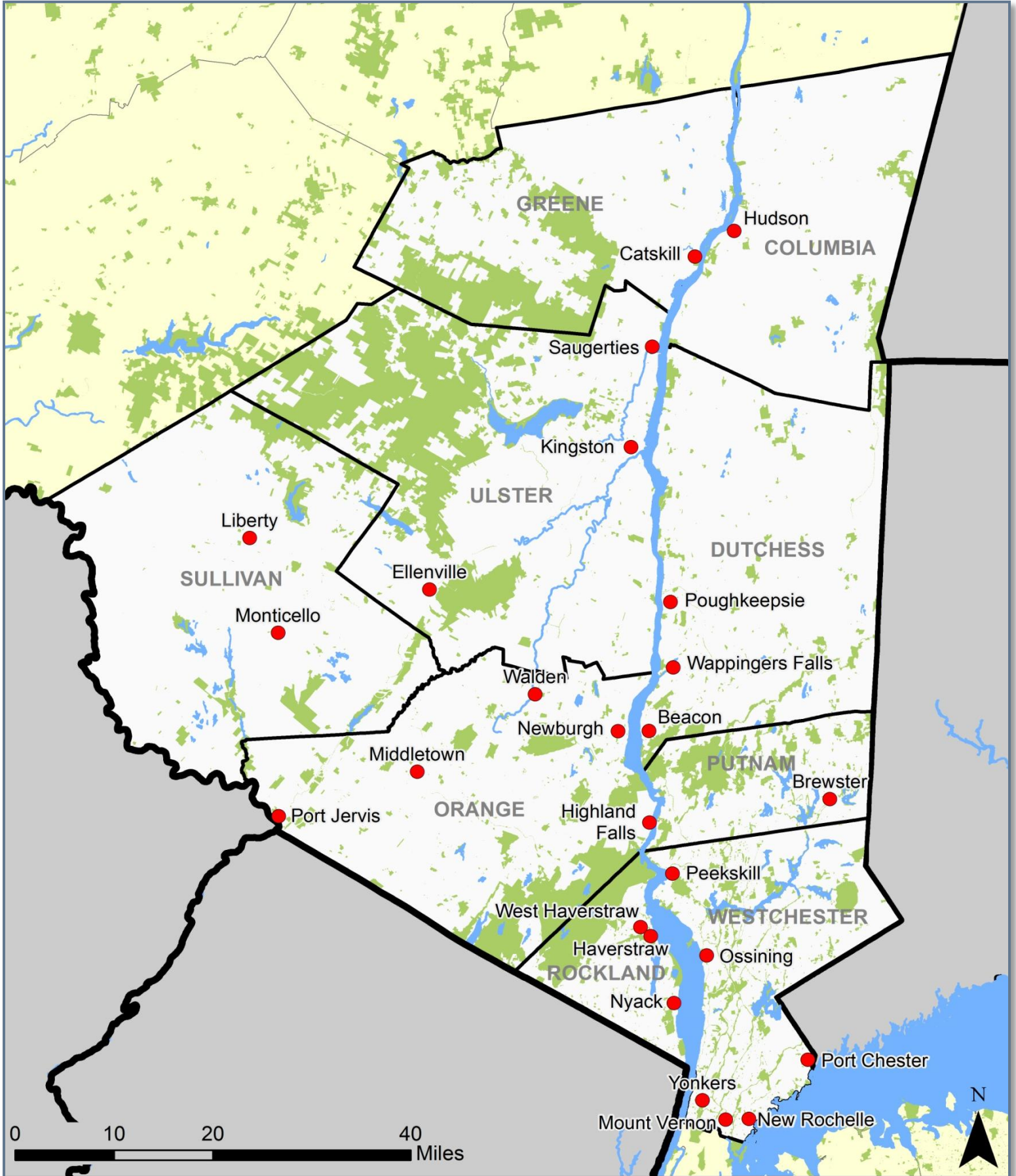
*This community profile was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.*

profiles were issued in early 2016 in partnership with the Regional Plan Association. Now, this set of updated and expanded community profiles represent the next step in the UAA's efforts to provide useful data to policymakers, residents, and business and community groups in the Valley's urban areas. Current funding for these profiles comes from Empire State Development and the NYS Department of State through the Mid-Hudson Regional Economic Development Council.

**About Hudson Valley Pattern for Progress**

Pattern is a half-century old not-for-profit policy, planning, advocacy, and research organization whose mission is to promote regional, balanced, and sustainable solutions that enhance the growth and vitality of the Hudson Valley. To learn more about Pattern and the UAA, visit our website: [www.pattern-for-progress.org](http://www.pattern-for-progress.org).

# URBAN ACTION AGENDA COMMUNITIES



# URBAN ACTION AGENDA

Housing  
Profiles



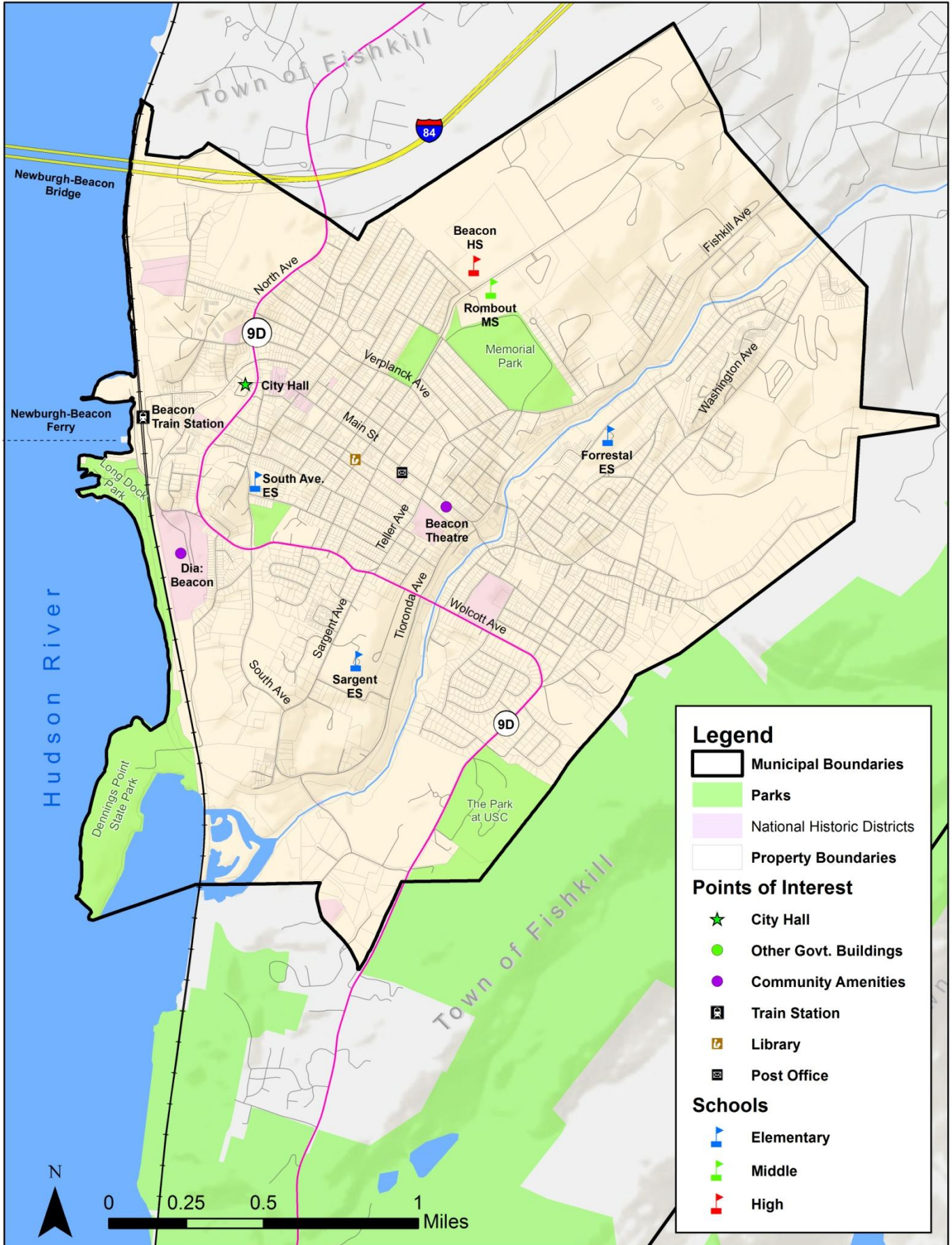
March 2018

March 2018

## CITY OF BEACON

HUDSON VALLEY  
PATTERN  
*for*  
PROGRESS

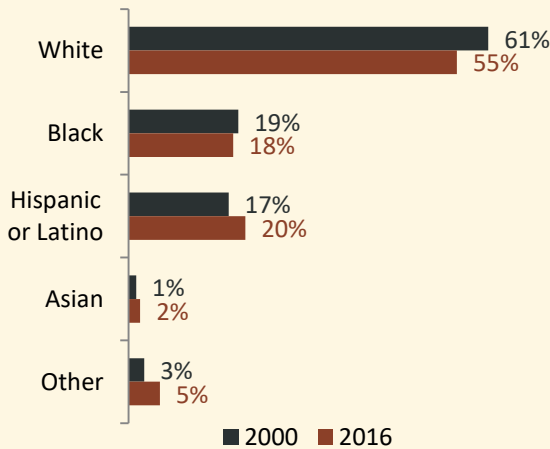
COMMUNITY OVERVIEW MAP



**Population Basics**

- 14,289** Population (2016)
- 3.5%** Population Change since 2000
- 5,203** Households (2016)
- 2.2%** Households Change since 2000
- 4.7** Square Miles
- 3,040** Population Density (people per sq. mile)

**Population by Race and Ethnicity**



Source: 2016 American Community Survey; 2000 Decennial Census

**Population Stats**

- 19%** Population under age 20
- 67%** Population ages 20-64
- 14%** Population 65 and older
- 42** Median Age

Source: 2016 American Community Survey

**Population & Demographics Analysis**

Population growth in the City of Beacon over the past 16 years has been modest. In 2000 Beacon had a population of 13,808. Since then, the population has grown by only 3.5%, reaching a population of 14,289 in 2016. This represents an average annual growth of less than 1% per year.

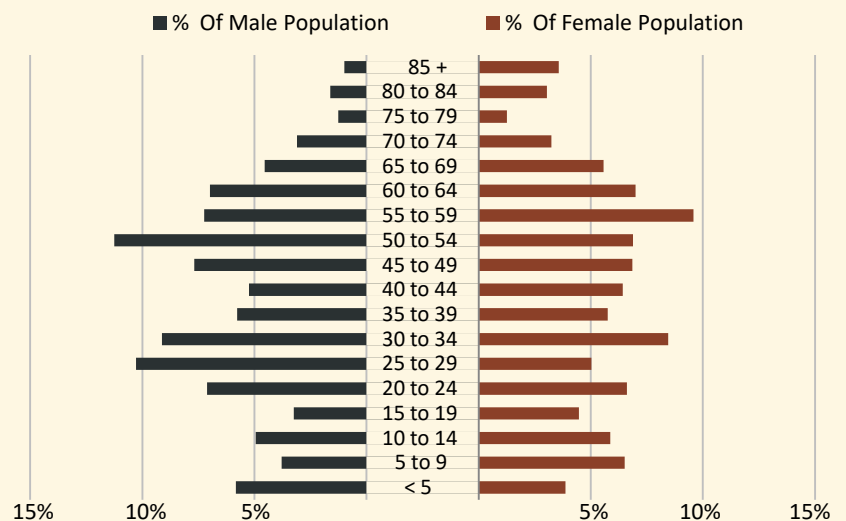
The city’s population is among the oldest of any UAA community, with a median age of 42. 14% of Beacon residents are aged 65 or older, and only 19% of residents are children or teenagers, one of the lowest totals in the UAA.

The majority of Beacon residents are White; however, since 2000, the White population has decreased by 458 residents, a 5% decrease. In contrast, the Hispanic population increased from 2,334 in 2000 to 2,812 in 2016, a 20% increase. Hispanic residents now make up 20% of Beacon’s total population.

**Data Notes**

Population by Race & Ethnicity – The “Other” category includes Native Americans, Pacific Islanders, those who checked “Other” on the Census, and individuals with two or more races.

**Share of Population by Age and Sex**



Source: 2016 American Community Survey

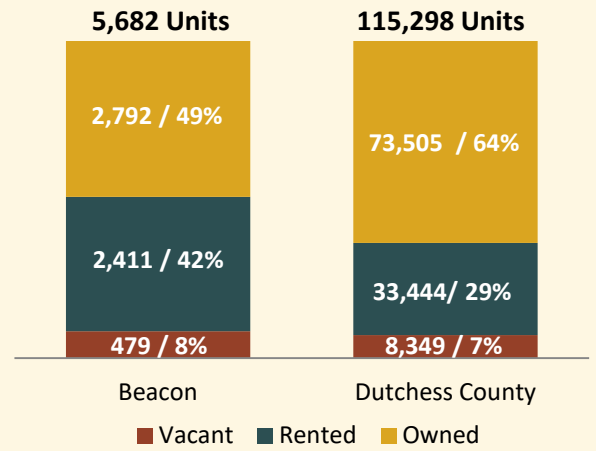
**Analysis**

65% of housing units in Beacon was built before 1970 and less than 1% of housing has been built after 2010. Roughly half (49%) of the housing in Beacon is a detached single family dwelling. A greater percentage of Beacon’s housing stock is occupied by renters (42% renter occupied) relative to Dutchess County (29% renter occupied).

**Data Notes**

Housing Statistics – Figures on public and subsidized housing come from local, state, and federal housing databases. Detailed data on these categories is on page 11 of this profile.  
Housing Occupancy – Vacant units do not include seasonally occupied units but do include both vacant homes and unrented apartments.

**Housing Occupancy**

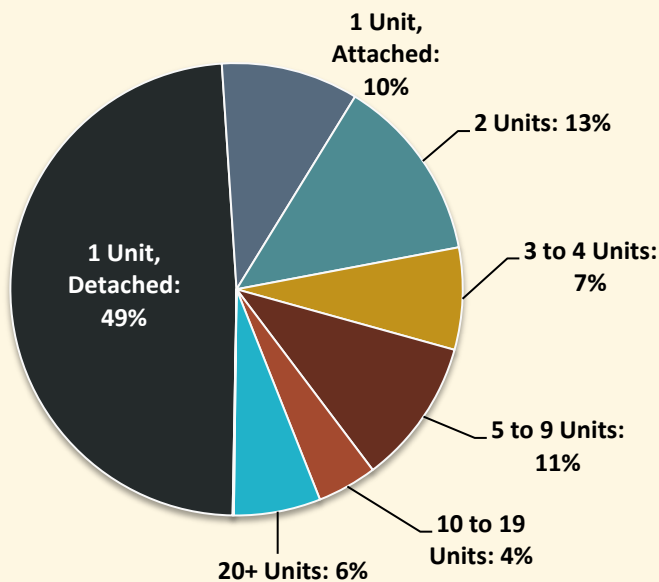


Source: 2016 American Community Survey

**Housing Statistics**

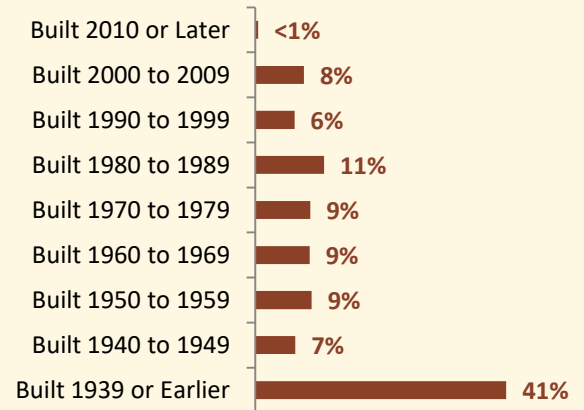
- 59%** Single Family Housing
- 41%** Multifamily Housing
- 65%** Housing built before 1970
- 10%** Public Housing
- 20%** Other subsidized affordable housing
- 70%** Market-rate housing

**Units in Structure**



Source: 2016 American Community Survey

**Age of Housing Stock**



Source: 2016 American Community Survey

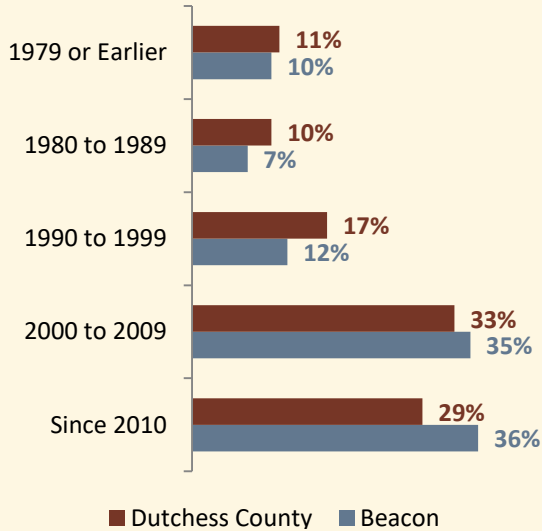
**Housing Bedroom Count**

	# of Units	% of Units
No Bedroom	688	12%
1 Bedroom	902	16%
2 Bedrooms	1,310	23%
3 Bedrooms	2,035	35%
4 Bedrooms	613	11%
5+ Bedrooms	257	4%

Source: 2016 American Community Survey

# OCCUPANT CHARACTERISTICS

## Year Moved to Current Home



Source: 2016 American Community Survey

## Analysis

Median household income in Beacon, when adjusted for inflation, has remained virtually flat from 2000 to 2016. In fact, household income dropped slightly in both Beacon and Dutchess County since 2000. Median household income in Dutchess County is approximately \$10,000 greater than median household income in Beacon.

71% of Beacon residents moved into their current home in 2000 or later, and 36% moved in after 2010. While some of these residents may have moved from within Beacon, the data indicates that Beacon is an increasingly popular destination for new residents. This is consistent with the resurgence of Beacon's Main Street in recent years.

## Data Notes

Median Household Income – 2000 figures adjusted for inflation using CPI inflation tables from the U.S. Bureau of Labor Statistics.

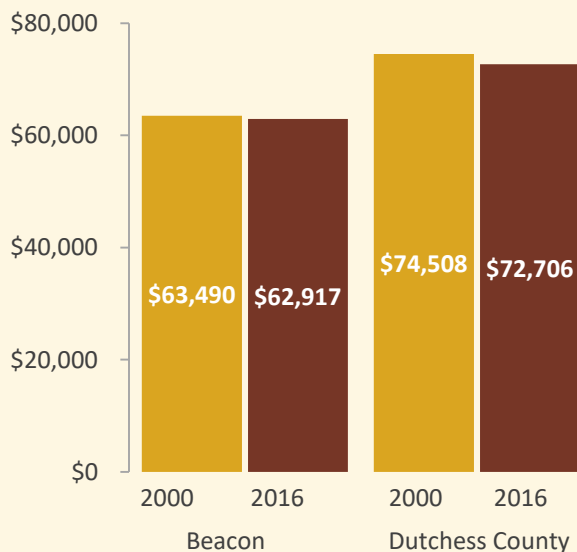
## Average Household Size

Owners: 2.8

Renters: 2.2

Source: 2016 American Community Survey

## Median Household Income

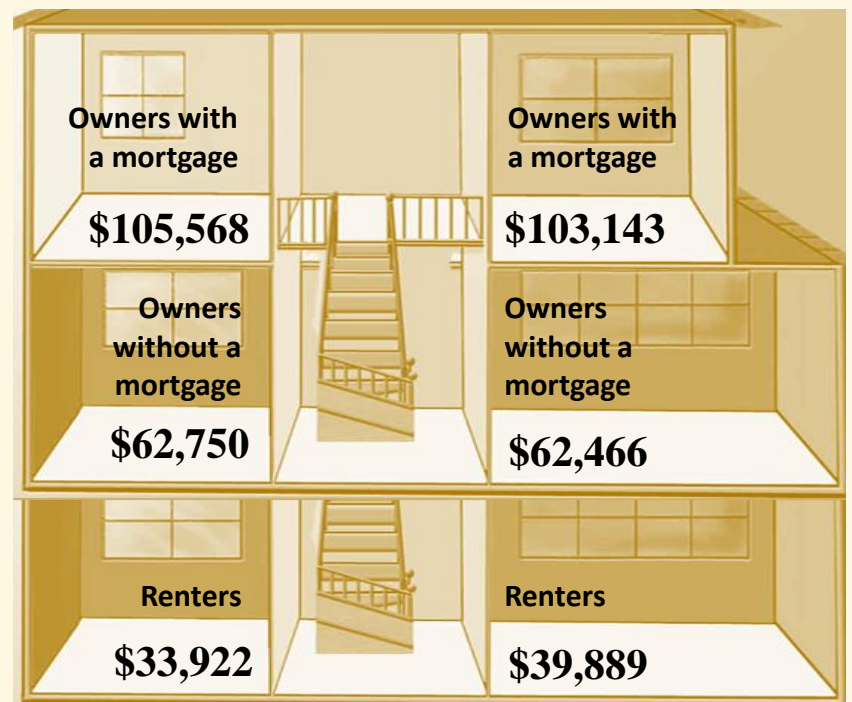


Sources: 2016 American Community Survey; 2000 Decennial Census (Inflation Adjusted)

## Median Income by Tenure

### Beacon

### Dutchess County



Source: 2016 American Community Survey



**Analysis**

Since 2000, the median rent in Beacon has increased by 20% when adjusted for inflation. Dutchess County as a whole experienced a similar trend with median rent increasing by 15% in the county since 2000. Median household income has decreased over that same time period. Median home values in Beacon have increased from \$170,000 in 2000 (adjusted for inflation) to \$245,000 in 2016, a 44% increase.

An analysis of housing costs reveals that rental housing in Beacon is relatively unaffordable. More than half of renters in Beacon are spending 30% or more of their income towards housing costs and 23% of renter households are spending more than half of their income towards housing costs.

**Data Notes**

Rental Statistics – Cost-burdened renter households do not include the category of severely cost-burdened households.

Median Rent – 2000 figures are adjusted for inflation using CPI inflation tables from the U.S. Bureau of Labor Statistics.

Housing Affordability – HAMFI stands for HUD Area Median Family Income, which is the median family income calculated by HUD for each jurisdiction.

Median Home Value – 2000 figures adjusted for inflation using CPI inflation tables from the U.S. Bureau of Labor Statistics.

**Rental Statistics**

**20%** Increase in median rent since 2000

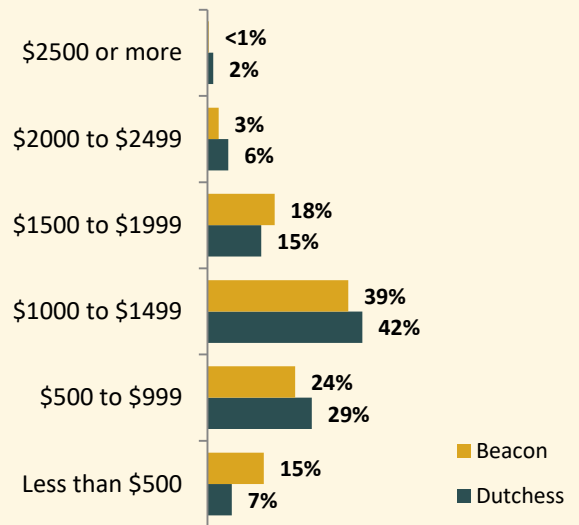
**705 (29%)** Cost-burdened renter households

**575 (23%)** Severely cost-burdened renter households

**39%** Apartments with monthly rent below \$1,000

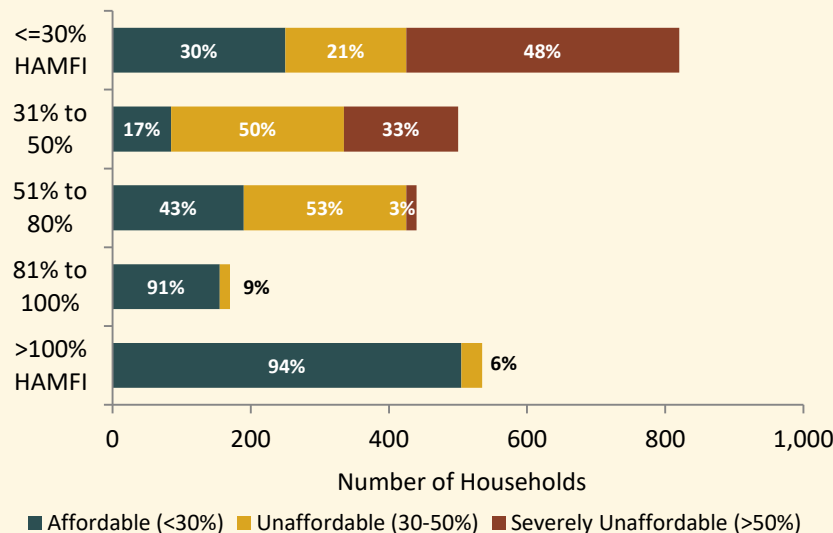
Sources: 2016 American Community Survey; US Dept. of HUD

**Distribution of Rents**



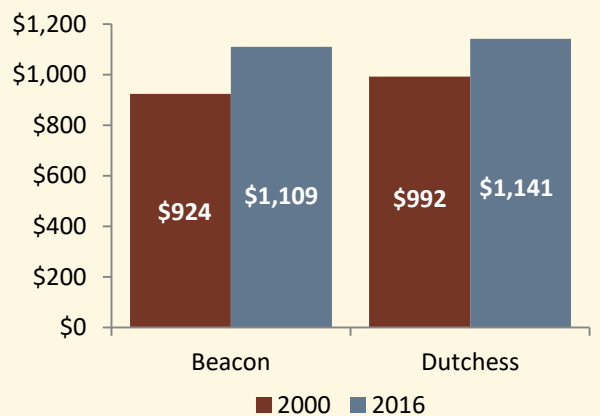
Source: 2016 American Community Survey

**Rental Housing Affordability**



Source: U.S. Dept. of HUD - Comprehensive Housing Affordability Strategy Data (2018)

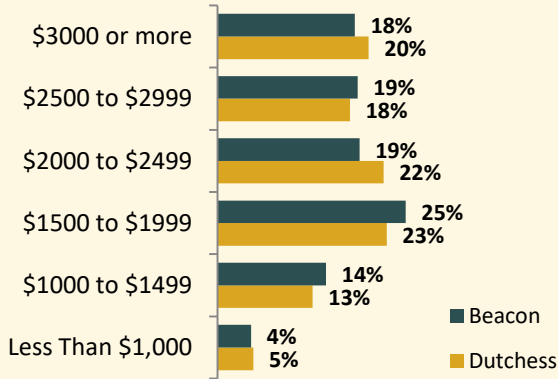
**Median Rent**



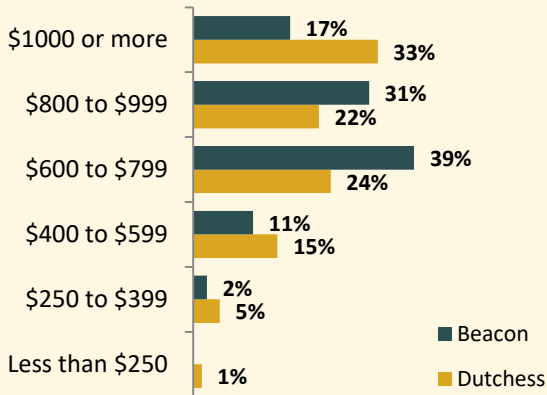
Source: 2016 American Community Survey

**Distribution of Owner Costs**

**With Mortgage**

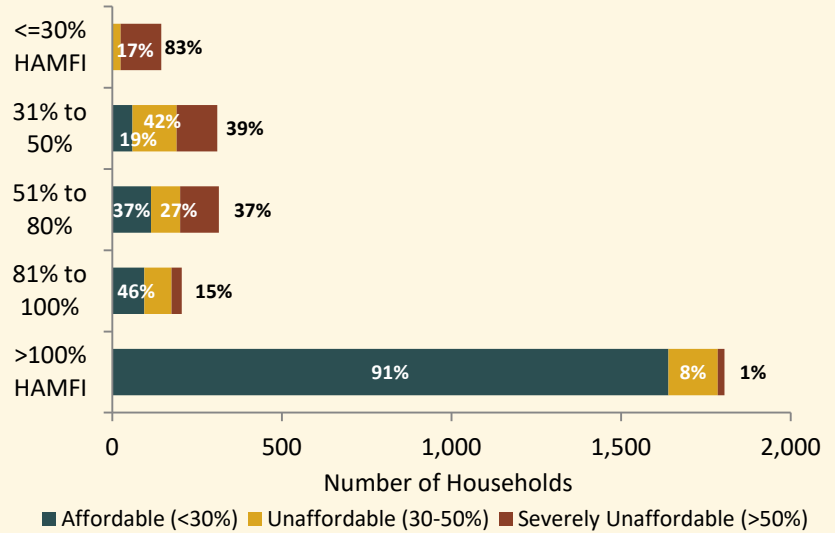


**Without Mortgage**



Source: 2016 American Community Survey

**Housing Affordability**



Source: U.S. Dept. of HUD - Comprehensive Housing Affordability Strategy Data (2018)

**Median Monthly Owner Costs**

**\$2,225** Dutchess County (Mortgage)

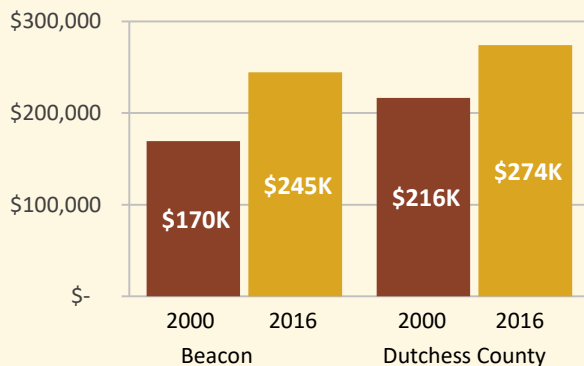
**\$842** Dutchess County (No Mortgage)

**\$2,157** Beacon (Mortgage)

**\$786** Beacon (No Mortgage)

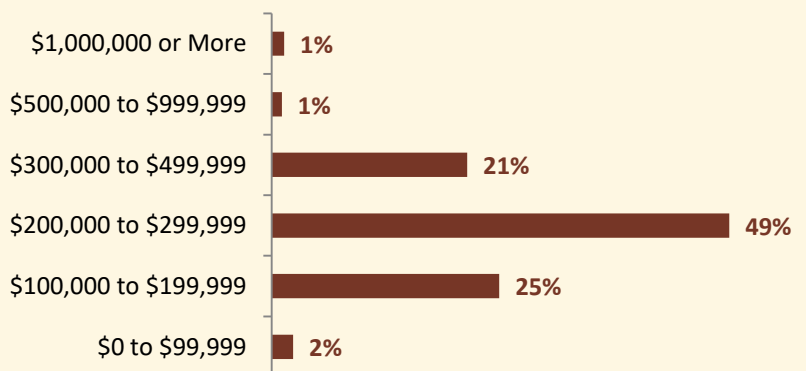
Source: 2016 American Community Survey

**Median Home Value**



Source: 2016 American Community Survey; 2000 Decennial Census (Inflation Adjusted)

**Home Values**



Source: 2016 American Community Survey

# A CHANGING HOUSING ENVIRONMENT

The City of Beacon is located along the Hudson River in the southwest corner of Dutchess County at the foot of the Hudson Highlands. The area that would eventually become the City of Beacon was settled by Europeans in the early 1700s as the Village of Fishkill Landing and the Village of Matteawan. The historical industries in the Beacon area were based around mills located on the Fishkill Creek, and ports along the Hudson River that facilitated trade with New York City.

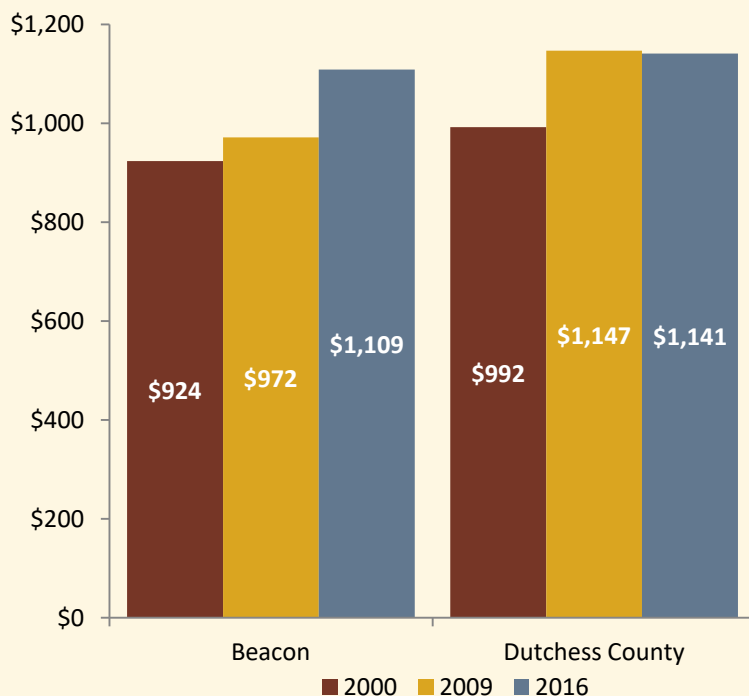
The push for urban renewal in the 1960s caused many historic buildings to be demolished in Beacon. By the 1980s, Beacon experienced a severe economic downturn and became characterized by empty factories and vacant storefronts. Fortunately, in the past 30 years Beacon has rebounded in a big way. The city is now home to a vibrant and active Main Street. Formerly vacant industrial buildings are being repurposed, and Beacon is now regarded as one of the premier examples of successful urban revitalization in the Hudson Valley.

As is often the case with revitalization, there is a concern that gentrification may occur in Beacon and traditional residents will be displaced as the cost of living becomes too high.

While there is no definitive definition of gentrification, it is typically characterized by an influx of affluent well-educated residents that replace lower income residents, particularly lower-income Black or Hispanic residents. Interestingly, while Beacon has seen a major increase in the percentage of the population with a bachelor's degree or higher, it has also experienced a 5% decline in the White population and 20% increase in the Hispanic and population since 2000.

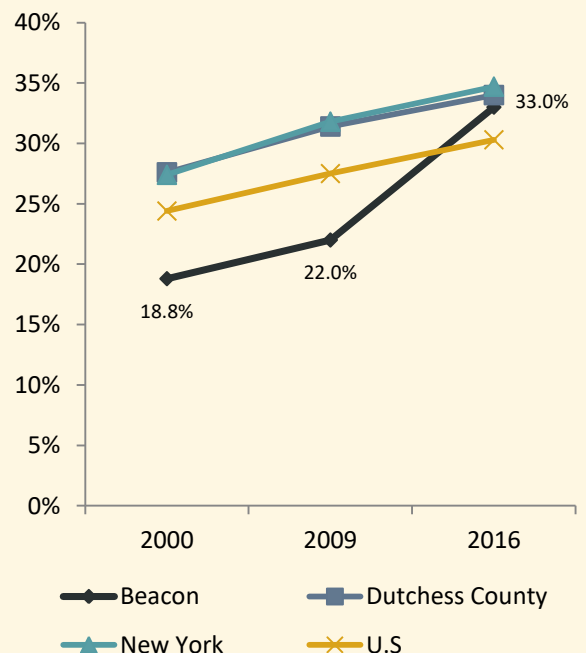
The median rent in Beacon has increased steadily, rising by 20% from \$924 in 2000 (adjusted for inflation) to \$1,109 in 2016. Worryingly, while rents have increased, median household income has remained flat since 2000 when adjusting for inflation.

## Median Rent



Sources: 2000 Census (Inflation Adj.); 2009 (Inf. Adj.) & 2016 American Community Survey

## % of Residents Age 25 and up with Bachelor's Degree or Higher



Source: 2016 American Community Survey; 2000 Decennial Census (Inflation Adjusted)

# A CHANGING HOUSING ENVIRONMENT

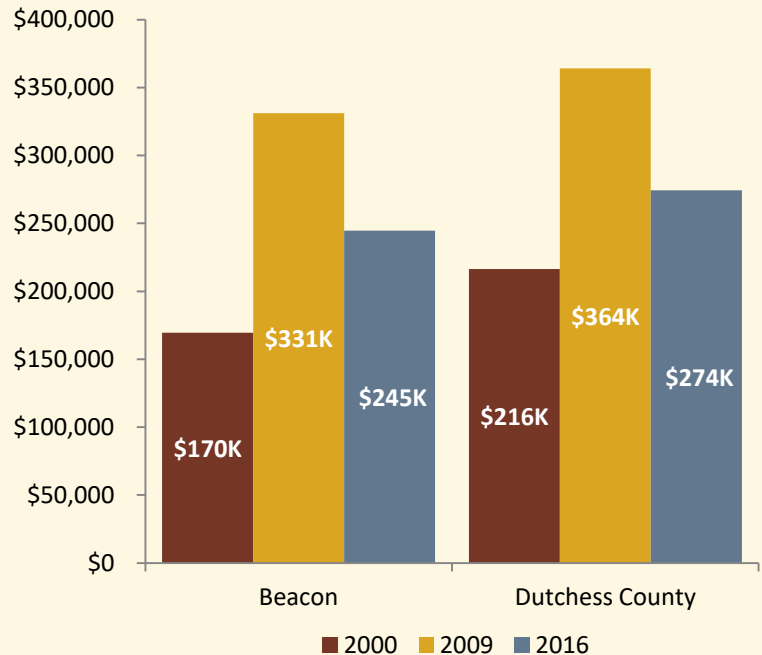
## A Toolkit for Housing Policy Top 10 “Best Practices”

A healthy community needs an array of housing options that are affordable to individuals at all income levels. Currently, the growing demand for housing is apparent across all 25 of the UAA communities. Establishing a comprehensive housing strategy is the first step for communities to understand the local needs and state of the housing market and to proactively facilitate the development of housing. The recommendations that follow are offered as strategies to equip local communities with tools to create local policy to help meet the demand for housing.

1. Provide zoning incentives such as a density bonus for developments that set aside a percentage of units as affordable housing.
2. Streamline the permit process to reduce fees for developers of affordable housing and establish a single point of contact to facilitate the approvals.
3. Establish a local Housing Trust Fund for the creation or preservation of affordable housing.
4. Update local comprehensive plans to prioritize affordable housing and establish a framework to support new construction and adaptive reuse of vacant and blighted buildings for housing.
5. Establish strong support from elected officials, school, planning and other local boards, community organizations and economic development agencies.
6. Consider using publically owned buildings and property to develop affordable housing.
7. Establish tax incentives, phase-ins and PILOTS for developers of affordable housing.
8. Conduct vigorous code enforcement to improve poorly maintained housing.
9. Support workforce training and education to facilitate employment and higher wages.
10. Support and require energy efficiency and green building techniques to reduce housing costs for owners and renters.

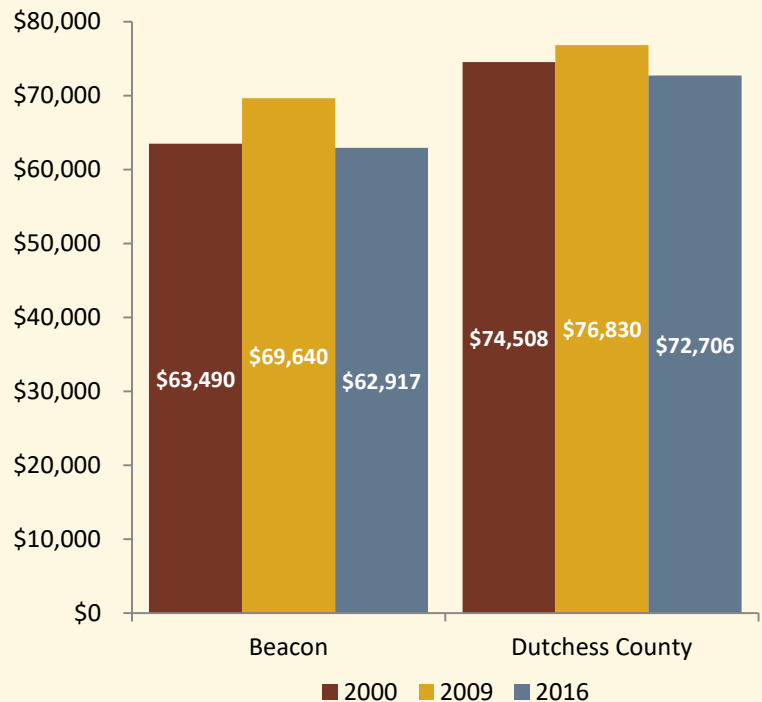
Some of the strategies in this toolkit may not apply to every community.

## Median Home Values

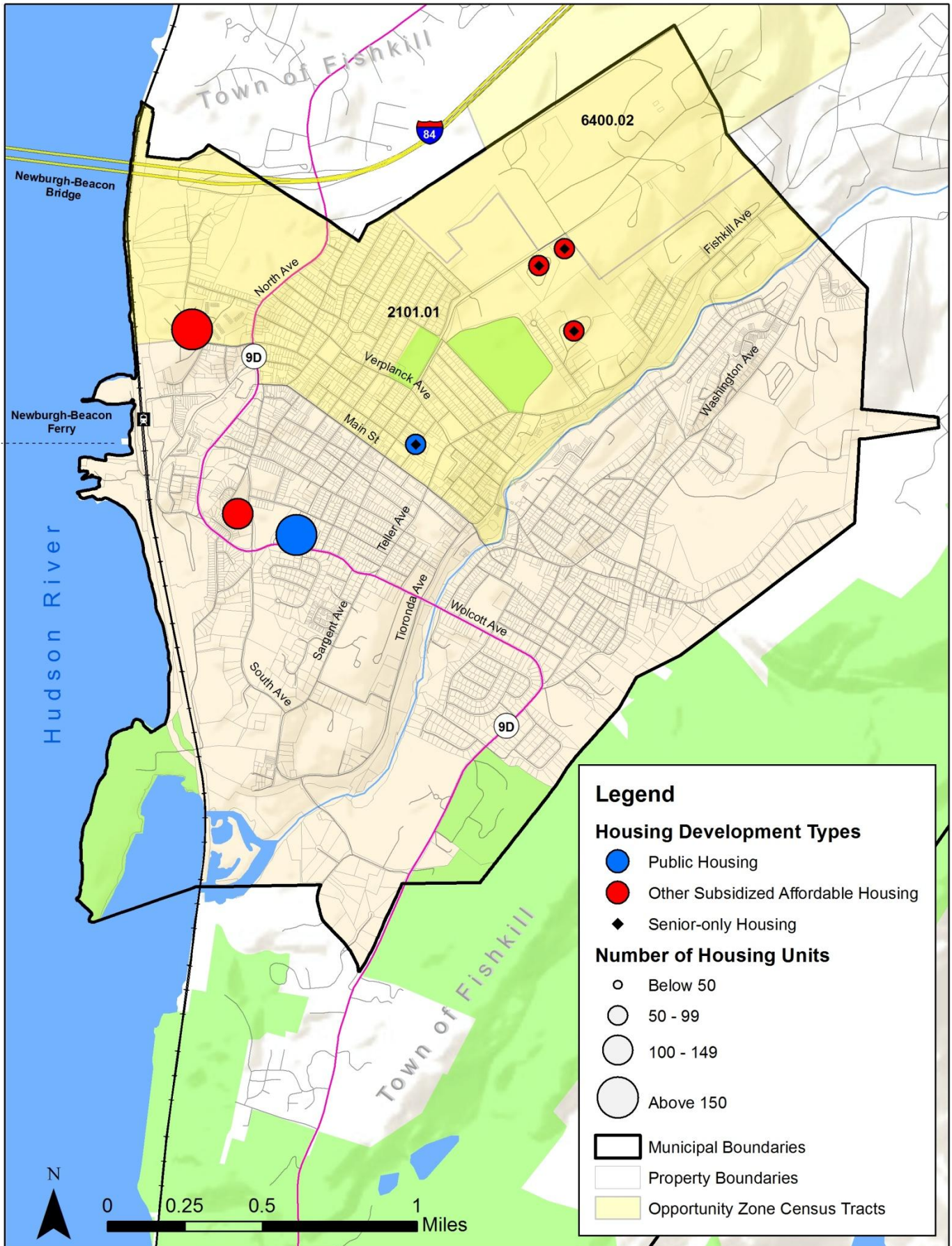


Sources: 2000 Census (Inflation Adj.); 2009 (Inf. Adj.) & 2016 American Community Survey

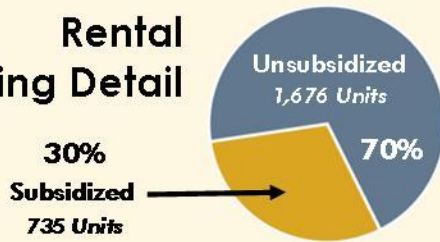
## Median Household Incomes



Sources: 2000 Census (Inflation Adj.); 2009 (Inf. Adj.) & 2016 American Community Survey



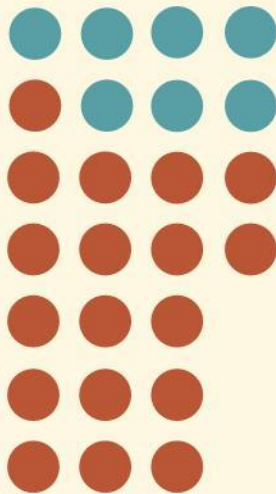
**Rental  
Housing Detail**



**TOTAL NUMBER OF  
SUBSIDIZED  
HOUSING UNITS\***

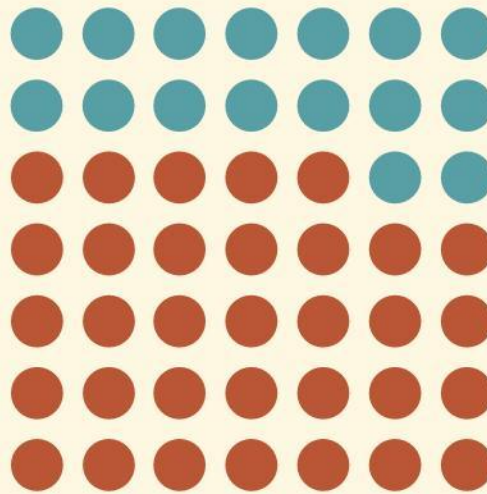
**735**

\*The subsidized housing unit total only includes sites with 10 or more units. Actual totals are likely to be slightly higher.



**SENIOR ONLY  
RESIDENCES**

**244**



**FAMILY  
RESIDENCES**

**491**

**244**  
**PUBLIC HOUSING  
UNITS**

**491**  
**OTHER SUBSIDIZED  
AFFORDABLE  
HOUSING UNITS**

**10** APPROXIMATELY  
10 RESIDENTIAL UNITS

**ABOUT THIS PROJECT**

The Urban Action Agenda (UAA) is a major initiative led by Hudson Valley Pattern for Progress to promote growth and revitalization in urban centers throughout the Hudson Valley. The Valley contains a wide variety of urban centers located along the Hudson River and other historic transportation corridors. With their existing infrastructure, access to transit, and traditions of denser development, these communities are well positioned to accommodate the region's growth in the 21<sup>st</sup> Century. To keep the project's scale manageable, the UAA focuses on a group of 25 higher-need urban areas selected for reasons including changing demographics and poverty.

In addition to the creation of an expanded set of Community Profiles issued in March, 2018, Pattern has developed new Housing Profiles for all 25 UAA communities. The Housing Profiles take a deep dive into rental and owner-occupied

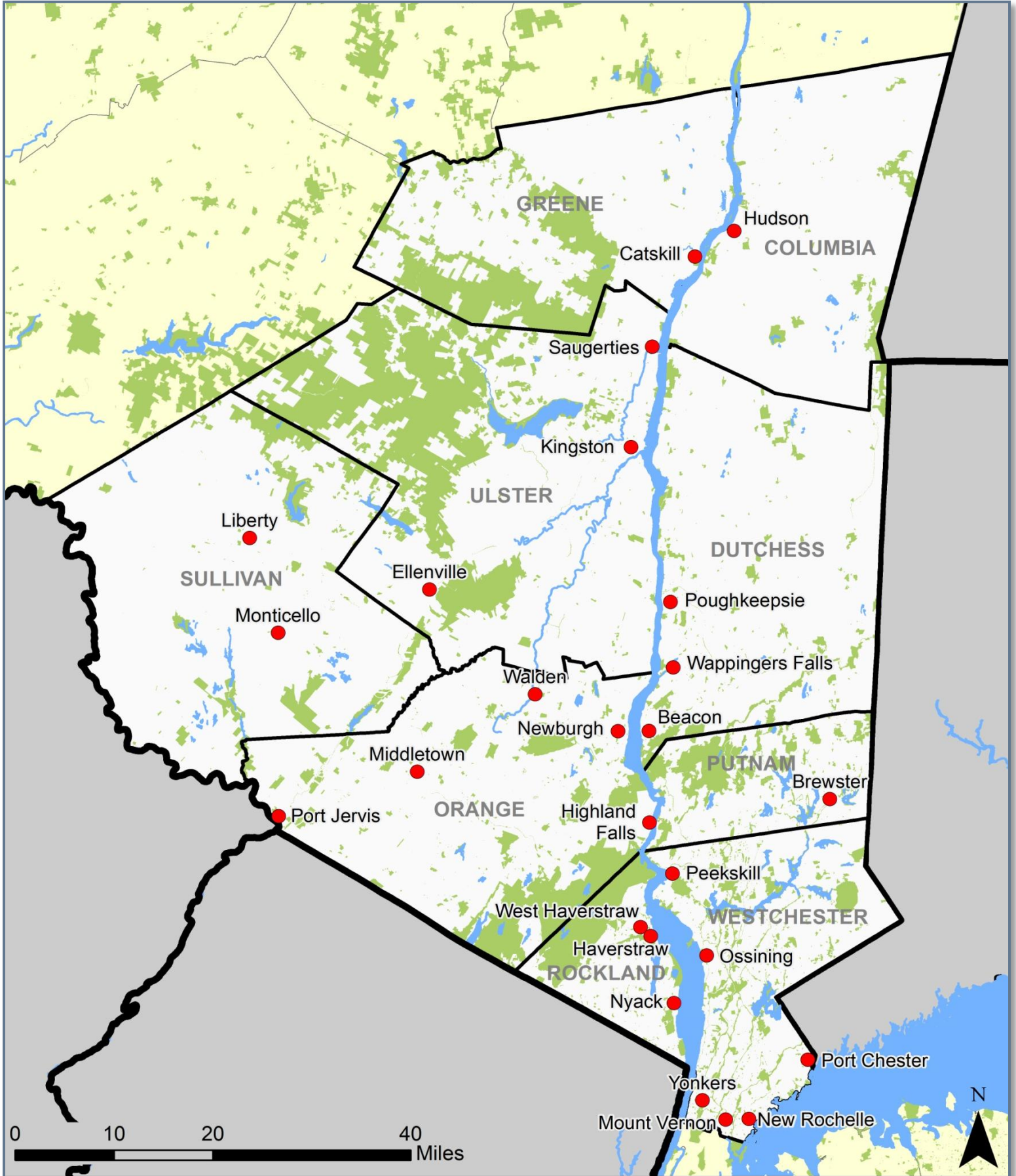
housing by providing analysis of affordability, existing conditions, and demographic changes. Shining a spotlight on housing in these 25 communities represent the next step in the UAA's efforts to provide useful data to policymakers, residents, and business and community groups. Funding for the housing profiles comes from Empire State Development and the NYS Department of State through the Mid-Hudson Regional Economic Development Council.

**About Hudson Valley Pattern for Progress**

Pattern is a half-century old not-for-profit policy, planning, advocacy, and research organization whose mission is to promote regional, balanced, and sustainable solutions that enhance the growth and vitality of the Hudson Valley. To learn more about Pattern and the UAA, visit our website: [www.patternforprogress.com](http://www.patternforprogress.com).

# URBAN ACTION AGENDA COMMUNITIES

Housing  
Profiles



**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**Main Street Parking Discussion**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from the City Planner Regarding Main Street Width and Parking	Cover Memo/Letter
Images Displaying the Width of Main Street	Backup Material



To: Mayor Casale and the Beacon City Council  
From: John Clarke, City Planner  
Date: August 23, 2019  
Re: Main Street Width and Parking

The width of Main Street has been a subject of discussion lately, along with potential changes to the parking configuration. To help in the upcoming workshop discussion I have attached the measurements for certain sections on Main Street. The curb-to-curb widths vary with the two narrowest sections near Bank Square and east of Chestnut Street, where the travel lanes are less than 10 feet wide.

The best source of guidance that I have found on these issues is *Walkable City Rules, 101 Steps to Making Better Places* by Jeff Speck, who has led urban design and pedestrian-oriented planning projects all over the country. The book has chapters with specific standards for right-sizing the lanes, getting the parking right, parking on street, building bike networks, and other relevant topics. Particularly for Beacon's Main Street problem, the book has two sections that promote adopting a 10-foot standard for travel lanes and encouraging curb-side parking almost everywhere.

The contention, backed up by research, is that city lanes more than 10 feet wide result in higher vehicle speeds that increase the risk of crashes and the severity of injuries to walkers. A 10-foot lane provides enough sense of side friction that drivers subconsciously slow down to safer speeds for a pedestrian environment, while still allowing for enough room for 6-foot-wide cars and larger 8.5-foot-wide buses to pass comfortably. His advice is to stripe the parking lanes for the appropriate width between 7 – 9 feet wide to provide the proper travel lane width. I have also attached examples from Wappingers Falls and Jim Thorpe, PA, where the parking lanes are striped to 7 feet and even 6 feet wide and drivers complied by just parking closer to the curb.

My recommendation is to decide on the ideal lane width for Main Street, at 10 feet or no more than 10.5 feet, and to restripe the parking lanes to provide a consistent travel lane width along the entire street.

As for on-street parking, Speck's book encourages it wherever possible. Curb-side parking provides the best sense of protection from moving traffic for walkers and sidewalk diners, it is essential as the most convenient access to Main Street businesses, it is the most space-efficient type of parking because there is no separate access aisle required, and it helps reduce the street-deadening effects of large parking lots. The 2014 Parking Analysis counted 326 on-street parking spaces along Main Street. These spaces are critical for a successful business district and active sidewalks.

I look forward to a lively discussion on August 26.

# City of Beacon Main Street

## Western Section Between Wolcott Ave. and Cross Street

35' 2" Curb to Curb  
8' Parking Lanes  
9' 7" Travel Lanes



## Western Section Between Cross Street and Cliff Street

36' 8" Curb to Curb  
8' Parking Lanes  
10' 4" Travel Lanes



## Central Section Between Chestnut St. and Eliza Street

34' 4" Curb to Curb  
8' Parking Lanes  
9' 2" Travel Lanes



## Eastern Section Between Schenck Ave. and Tioronda Avenue

37' 4" Curb to Curb  
8' Parking Lanes  
10' 8" Travel Lanes



## Main Street Examples



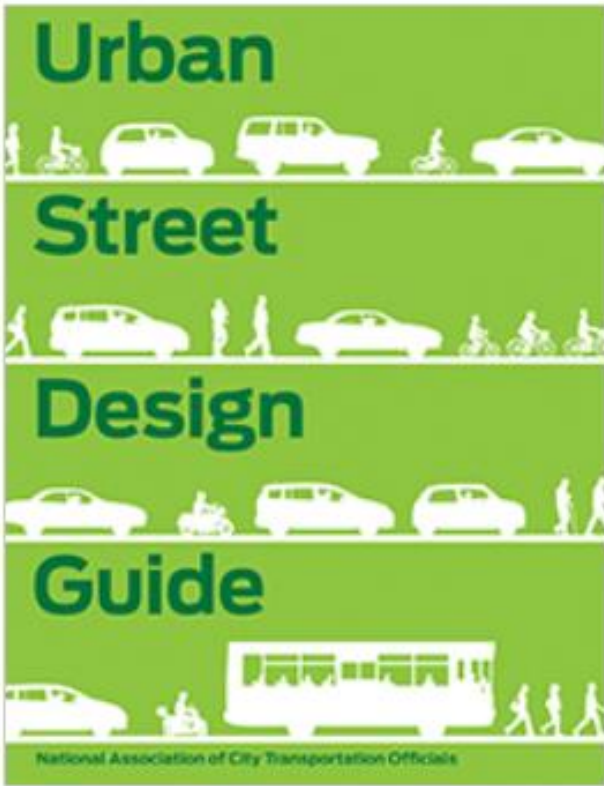
**Wappingers Falls, NY**  
**NYS Route 9D**

**36'** Curb to Curb  
**7'** Parking Lanes  
**11'** Travel Lanes



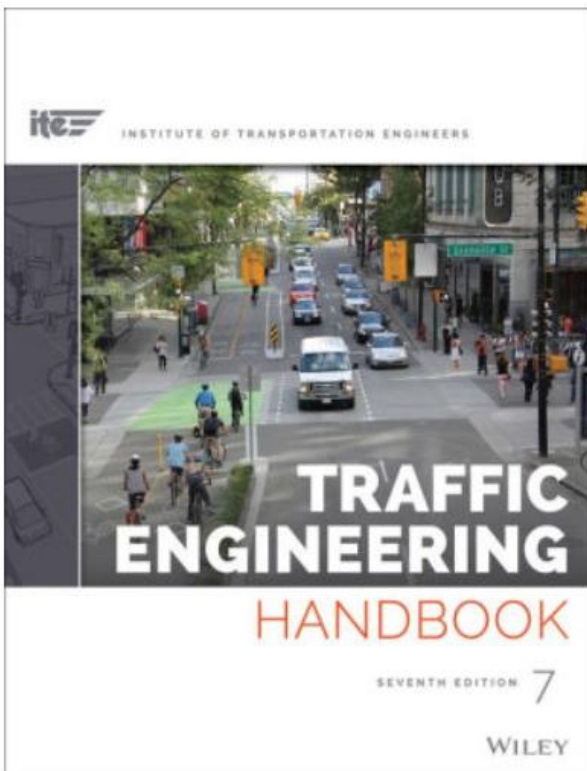
**Jim Thorpe, PA**  
**Main Street**

**27'** Curb to Curb  
**6'** Parking Lane  
**10' 6"** Travel Lanes



**“Lane widths of 10 feet are appropriate in urban areas and have a positive impact on a street’s safety without impacting traffic operations.”**

**National Association of City Transportation Officials,  
Urban Street Design Guide, 2013**



**“Ten feet should be the default width for general purpose lanes at speeds of 45 mph or less.”**

**Institute of Traffic Engineers,  
ITE Traffic Engineering Handbook,  
7<sup>th</sup> Edition, 2016**

**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**Teller Avenue Supplemental Agreement**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore	Resolution
Supplemental Agreement Regarding Teller Avenue	Agreement



**CITY OF BEACON  
CITY COUNCIL**

**Resolution No. \_\_\_\_\_ of 2019**

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the **Teller Avenue from Main Street to Wolcott Avenue in the City of Beacon**, identified as **PIN 8757.80** (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Beacon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection.

NOW, THEREFORE, the Beacon City Council, duly convened does hereby

RESOLVE, that the Beacon City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Beacon City Council hereby authorizes the Beacon City Council to pay in the first instance 100% of the federal and non-federal share of the costs of the additional right-of-way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$2,211,000** is hereby appropriated from \_\_\_\_\_ [or, appropriated pursuant to \_\_\_\_\_] and made available to cover the cost of participation in the above phases of the Project; and it is further

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

RESOLVED, that the City Administrator of the City of Beacon be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Beacon with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor, the following municipal titles: Mayor, City Engineer, City Finance Director, \_\_\_\_\_ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

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

RESOLVED, this Resolution shall take effect immediately.

Dated: \_\_\_\_\_

Resolution No. ____ of 2019			Date: _____				
" Amendments			" 2/3 Required				
" Not on roll call			" On roll call			" 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>John Rembert</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy Casale</b>					

**CERTIFICATE OF RECORDING OFFICER**

I, \_\_\_\_\_, Clerk of the City of Beacon, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said \_\_\_\_\_ at a meeting duly called and held at the \_\_\_\_\_ on \_\_\_\_\_ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Beacon, New York, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Iola C. Taylor  
 City Clerk  
 City of Beacon

**Supplemental Agreement Cover** for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8757.80

BIN: N/A

Comptroller's Contract No: D017290

Supplemental Agreement No. 4

Date Prepared & By: 9/03/2019 mg

**SUPPLEMENTAL AGREEMENT NO 4 to D017290**

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

**City of Beacon** (the Municipality/Sponsor)

Acting by and through the **City Administrator**

With its office at **One Municipal Plaza, Suite One, Beacon, New York 12508**

This amends the existing Agreement between the parties in the following respects only:

X Amends a previously adopted Schedule A by:

amending a project description

amending the contract end date

X amending the scheduled funding by:

X adding additional funding:

X adding **construction** phase which covers eligible costs incurred on/after

adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx

increasing funding for a project phases(s)

adding a pin extension

change from Non-Marchiselli to Marchiselli

deleting/reducing a project phase(s)

other (xxxxx)

Amends a previously adopted Schedule "B"

Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

Amends the Text of the Agreement as follows:



IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

**Approved for the Municipality/Sponsor**

**Municipality/Sponsor Attorney:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW YORK            )  
  )ss.:  
COUNTY OF DUTCHESS        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the \_\_\_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on \_\_\_\_\_ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
For Commissioner of Transportation

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL

By: \_\_\_\_\_  
Assistant Attorney General

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

COMPTROLLER'S APPROVAL:

By: \_\_\_\_\_  
For the New York State Comptroller  
Pursuant to State Finance Law § 112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements  
 NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.80**

<b>OSC Municipal Contract #:</b> D017290	<b>Contract Start Date:</b> 9/15/2000 <sub>(mm/dd/yyyy)</sub>	<b>Contract End Date:</b> 9/30/2020 <sub>(mm/dd/yyyy)</sub> <input type="checkbox"/> Check, if date changed from the last Schedule A
---	---	---

**Purpose:**  Original Standard Agreement  Supplemental Schedule A No. 4

**Agreement Type:**  Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon  
 Other Municipality/Sponsor (if applicable): \_\_\_\_\_

State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

**Authorized Project Phase(s) to which this Schedule applies:**  PE/Design  ROW Incidentals  
 ROW Acquisition  Construction/CI/CS

**Work Type:** HWY RECONST **County (If different from Municipality):** Dutchess County

**Marchiselli Eligible**  Yes  No *(Check, if Project Description has changed from last Schedule A):*   
**Project Description:** Reconstruction of Teller Avenue from Main Street to Wolcott Avenue in the City of Beacon, Dutchess County.

**Marchiselli Allocations Approved FOR ALL PHASES** *All totals will calculate automatically.*

<i>Check box to indicate change from last Schedule A</i>	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$24,000.00	\$7,933.00	\$0.00	\$31,933.00
<input type="checkbox"/>	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
<b>Authorized Allocations to Date</b>		\$24,000.00	\$7,933.00	\$ 0.00	\$31,933.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** *For each PIN Fiscal Share below, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.80.121	Current	STP (80%)	\$160,000.00	\$128,000.00	\$24,000.00	\$8,000.00	\$0.00
	Old	STP (80%)	\$160,000.00	\$128,000.00	\$24,000.00	\$8,000.00	\$0.00
8757.80.221 222.	Current	STP (80%)	\$54,670.00	\$43,736.00	\$7,933.00	\$3,001.00	\$0.00
	Old	STP (80%)	\$54,670.00	\$43,736.00	\$7,933.00	\$3,001.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$214,670.00	\$171,736.00	\$31,933.00	\$11,001.00	\$ 0.00

**NYSDOT/State-Local Agreement – Schedule A**

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8757.80.321	Current	STP	\$2,211,000.00	\$1,768,800.00	\$0.00	\$442,200.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$2,211,000.00	\$1,768,800.00	\$ 0.00	\$442,200.00

<b>C. Local Deposit(s) from Section A:</b>	\$ 0.00
<b>Additional Local Deposit(s)</b>	\$
<b>Total Local Deposit(s)</b>	\$ 0.00

**D. Total Project Costs** All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$1,940,536.00	\$31,933.00	\$ 0.00	\$453,201.00	\$2,425,670.00

<b>E. Point of Contact for Questions Regarding this Schedule A (Must be completed)</b>	Name: <u>Marshall Gioia</u> Phone No: <u>845-431-5804</u>
--	--

See Agreement (or Supplemental Agreement Cover) for required contract signatures.



**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**Fishkill Avenue Supplemental Agreement**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore	Resolution
Supplemental Agreement Regarding Fishkill Avenue	Agreement



**CITY OF BEACON  
CITY COUNCIL**

**Resolution No. \_\_\_\_\_ of 2019**

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the **Fishkill Avenue from the Beacon City Line to Main Street in the City of Beacon**, identified as **PIN 8757.30** (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Beacon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work.

NOW, THEREFORE, the Beacon City Council, duly convened does hereby

RESOLVE, that the Beacon City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Beacon City Council hereby authorizes the Beacon City Council to pay in the first instance 100% of the federal and non-federal share of the costs of construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$4,726,000** is hereby appropriated from \_\_\_\_\_ [or, appropriated pursuant to \_\_\_\_\_] and made available to cover the cost of participation in the above phases of the Project; and it is further

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

RESOLVED, that the City Administrator of the City of Beacon be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Beacon with the new York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the City Administrator, the following municipal titles: Mayor, City Engineer, City Finance Director, \_\_\_\_\_ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

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

RESOLVED, this Resolution shall take effect immediately.

Dated: \_\_\_\_\_

Resolution No. ____ of 2019			Date: _____				
" Amendments			" 2/3 Required				
" Not on roll call			" On roll call			" 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>John Rembert</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy Casale</b>					

**CERTIFICATE OF RECORDING OFFICER**

I, \_\_\_\_\_, Clerk of the City of Beacon, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said \_\_\_\_\_ at a meeting duly called and held at the \_\_\_\_\_ on \_\_\_\_\_ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Beacon, New York, this

\_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Iola C. Taylor  
 City Clerk  
 City of Beacon

**Supplemental Agreement Cover** for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8757.30

BIN: N/A

Comptroller's Contract No: D017347

Supplemental Agreement No. 6

Date Prepared & By: 09/03/2019 mg

**SUPPLEMENTAL AGREEMENT NO 6 to D017347**

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at  
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

**City of Beacon** (the Municipality/Sponsor)

Acting by and through the **City Administrator**

With its office at **One Municipal Plaza, Suite One, Beacon, New York 12508**

This amends the existing Agreement between the parties in the following respects only:

X Amends a previously adopted Schedule A by:

- amending a project description
- amending the contract end date
- X amending the scheduled funding by:
  - X adding additional funding:
    - X adding **construction** phase which covers eligible costs incurred on/after \_\_\_\_\_
    - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
  - increasing funding for a project phases(s)
  - adding a pin extension
  - change from Non-Marchiselli to Marchiselli
  - deleting/reducing a project phase(s)
  - other (xxxxx)

- Amends a previously adopted Schedule "B"
- Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act
- Amends the Text of the Agreement as follows:



**Supplemental Agreement Cover** for Local Agreements (11/12)

MUNICIPALITY/SPONSOR: City of Beacon

PIN: 8757.30

BIN: N/A

Comptroller's Contract No: D017347

Supplemental Agreement No. 6

Date Prepared & By: 09/03/2019 mg

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

**Approved for the Municipality/Sponsor**

**Municipality/Sponsor Attorney:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEW YORK            )  
  )ss.:  
COUNTY OF DUTCHESS        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the \_\_\_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on \_\_\_\_\_ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
For Commissioner of Transportation

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL  
By: \_\_\_\_\_  
Assistant Attorney General

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

COMPTROLLER'S APPROVAL:  
By: \_\_\_\_\_  
For the New York State Comptroller  
Pursuant to State Finance Law § 112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements  
NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.30**

<b>OSC Municipal Contract #:</b> D017347	<b>Contract Start Date:</b> 8/7/2001 <sub>(mm/dd/yyyy)</sub>	<b>Contract End Date:</b> 9/30/2020 <sub>(mm/dd/yyyy)</sub> <input type="checkbox"/> Check, if date changed from the last Schedule A
---	--	---

**Purpose:**  Original Standard Agreement  Supplemental Schedule A No. 6

**Agreement Type:**  Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon  
 Other Municipality/Sponsor (if applicable): \_\_\_\_\_

State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

**Authorized Project Phase(s) to which this Schedule applies:**  PE/Design  ROW Incidentals  
 ROW Acquisition  Construction/CI/CS

**Work Type:** HWY RECONST **County (If different from Municipality):** Dutchess County

**Marchiselli Eligible**  Yes  No *(Check, if Project Description has changed from last Schedule A):*   
**Project Description:** Improvements to Fishkill Avenue from Beacon City Line to Main Street in the City of Beacon, Dutchess County.

**Marchiselli Allocations Approved FOR ALL PHASES** *All totals will calculate automatically.*

<i>Check box to indicate change from last Schedule A</i>	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$49,500.00	\$24,444.00	\$0.00	\$73,944.00
<input type="checkbox"/>	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
<b>Authorized Allocations to Date</b>		\$49,500.00	\$24,444.00	\$ 0.00	\$73,944.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** *For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.30.121	Current	STP (80%)	\$330,000.00	\$264,000.00	\$49,500.00	\$16,500.00	\$0.00
	Old	STP (80%)	\$330,000.00	\$264,000.00	\$49,500.00	\$16,500.00	\$0.00
8757.30.221	Current	STP (80%)	\$179,800.00	\$143,840.00	\$24,444.00	\$11,516.00	\$0.00
	Old	STP (80%)	\$179,800.00	\$143,840.00	\$24,444.00	\$11,516.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$509,800.00	\$407,840.00	\$73,944.00	\$28,016.00	\$ 0.00

**NYSDOT/State-Local Agreement – Schedule A**

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
8757.30.321	Current	STP	\$4,726,000.00	\$3,780,800.00	\$0.00	\$945,200.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CURRENT COSTS:</b>			\$4,726,000.00	\$3,780,800.00	\$ 0.00	\$945,200.00

<b>C. Local Deposit(s) from Section A:</b>	\$ 0.00
<b>Additional Local Deposit(s)</b>	\$
<b>Total Local Deposit(s)</b>	\$ 0.00

<b>D. Total Project Costs</b> All totals will calculate automatically.				
Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$4,188,640.00	\$73,944.00	\$ 0.00	\$973,216.00	\$5,235,800.00

<b>E. Point of Contact for Questions Regarding this Schedule A (Must be completed)</b>	Name: <u>Marshall Gioia</u> Phone No: <u>845-431-5804</u>
--	--

See Agreement (or Supplemental Agreement Cover) for required contract signatures.



**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**Beacon Free Loop Contract**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City of Beacon Change Order Concerning Bus Service	Backup Material



DUTCHESS COUNTY  
DEPARTMENT OF PUBLIC WORKS  
CHANGE ORDER  
FOR  
MONETARY AND TERM CHANGE

Date: September 5, 2019

1. Contract Number: 18-0464-12/19-PW Change Order Number: 18-0464-12/19-PW-A1

2. County Attorney Number: 13999 Contractor:  
City of Beacon  
Attn: Randy Casale  
One Municipal Plaza, Suite One  
Beacon, NY 12503

3. Project:

Unlimited access for any potential passenger boarding within the boundaries of the City of Beacon to travel Dutchess county Public Transit's Fixed Route G

4. Reason for Change:

Paragraph "3" entitled "EXTENSION": Allows for three (3) additional one (1) year terms, Upon such terms and conditions as the parties may agree. All other terms and conditions of the underlying agreement, and any amendment thereto not expressly amended or altered by this agreement, shall remain in full force and effect.

**"Shall be changed to read "may be extended for Two (2) additional one (1) year terms"**

5. Term Change as Follows:

a. Original Term: From: August 15, 2018 to December 31, 2019  
w/two (2) - One (1) year extensions

b. Change order 1 Term Extension From: January 1, 2020 to December 31, 2021  
w/no extensions remaining

This contract shall be extended for two (2) additional terms as per below

a) January 1, 2020 to December 31, 2020 for \$12,100.00 annually, THE REMAINING BALANCE AT THE END OF THE TERM SHALL NOT CARRY OVER TO THE NEXT TERM.

B) January 1, 2021 to December 31, 2021 for \$13,310.00 annually, THE REMAINING BALANCE AT THE END OF THE TERM SHALL NOT CARRY OVER TO THE NEXT TERM.

APPROVED/ACCEPTED (Please Sign Below)

6. For Contractor - By: \_\_\_\_\_ Date \_\_\_\_\_

7. For Dept. of Public Works - By: \_\_\_\_\_ Date \_\_\_\_\_

8. For County Attorney - By: \_\_\_\_\_ Date \_\_\_\_\_

9. For County of Dutchess - By: \_\_\_\_\_ Date \_\_\_\_\_

**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**City of Beacon Policy Regarding Naming City Property and Other Locations Within the City**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Adopting a Municipal Policy on the Naming of City Properties and Other Locations Within the City	Resolution
City of Mitchell Municipal Sponsorship and Naming Rights Policy	Backup Material
City of Provo Policy Regarding Naming Rights of Facilities, Public Places, Tributes, and Monuments	Backup Material
City of San Diego Council Policy Regarding Naming of City Assets	Backup Material

**CITY COUNCIL**

Resolution No. \_\_\_\_\_ of 2019

**RESOLUTION ADOPTING A MUNICIPAL POLICY ON THE NAMING OF CITY PROPERTIES AND OTHER LOCATIONS WITHIN THE CITY**

**WHEREAS**, the City Council has determined that it is in the interest of the City government and the public to adopt a formal written policy for the naming of City-owned property.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon hereby adopts the attached Municipal Naming Policy for use by the City in naming of City properties and other locations within the City as described in the Policy.

DRAFT



## City of Beacon

### Municipal Naming Policy

#### I. PURPOSE

The purpose of this policy is to establish a uniform policy regarding requests for the naming or renaming of City-owned land and facilities including parks, recreation facilities, buildings, and streets (“City Assets”). This policy provides a guide to ensure that such name designations are compatible with community interests and will enhance the values and heritage of the City of Beacon.

#### II. GENERAL

- A. The City Council shall have the final authority to name and rename any City Asset and shall have the authority to designate commemorative street names and plaques.
- B. Under extraordinary circumstances that would cast a negative image upon the City, any naming of City-owned facilities in honor of an individual, family or group may be revoked at the discretion of City Council.
- C. The names of individuals or corporations or groups involved in controversial enterprises or activities, such as those that would be detrimental to the mission or image of the City of Beacon, shall be avoided.
- D. The donation of land, facilities or funds for the acquisition, renovation or maintenance of land or facilities shall not constitute an obligation by the City to name the City Asset or any portion thereof after an individual, family or organization.
- E. Any naming or renaming of any City property or other location within the City shall be made by resolution of the City Council.
- F. To avoid duplication, confusing similarity or inappropriateness, the City Council in considering name suggestions, shall review existing park, facility and/or street names, as applicable.
- G. In considering any proposal to name or rename a City Asset, the following questions shall be considered individually and collectively:
  - 1. Will the name have historical, cultural and social significance for generations to come?
  - 2. Will the name engender a strong and positive image?
  - 3. Will the name memorialize or commemorate people, places or events that are of enduring importance to the community or the nation?

4. Will the name engender significant ties of friendship and mutual recognition and support within the community or with those outside of the community?
5. Will the name be identified with some major achievement or the advancement of the public good within the community or the nation?
6. Will the name be particularly suitable for the park or recreational facility based on the location or history of the park, recreational facility or the surrounding neighborhood?
7. Will the name have symbolic value that transcends its ordinary meaning or use and enhance the character and identity of the park or recreational facility?

### **III. NAMING CRITERIA**

#### *A. Naming a City Asset Generally*

1. **Location.** As a general policy, a name should assist the public in identifying its location. The City shall first consider the name of the community area, the names of nearby geographic features, and the names of adjacent schools and streets when it is considering a naming/renaming request.
2. **Significant Events, People, and Places.** The history of a major event, place, or person may play an important role to preserve and honor a community's history, landmarks, or prominent geographical features. The City may name a City Asset for a major event, place, or person of social, cultural or historical significance to the local area when the City Asset is associated with or located near the events, people, or places of social, cultural or historical significance. The relationship of the event, person, or place to the City Asset must be demonstrated through research and documentation.
3. **Outstanding Individuals:** This category is designed to acknowledge individuals who have made substantial contributions to benefit the City, local community, park and recreation system, or public library. Naming or renaming a City Asset for an outstanding individual is encouraged for those person's whose significance and good reputation have been accepted in the community, City and/or State/National history. Naming or renaming can be subordinate to the name of the larger City Asset or the City may name an area or portion of the City Asset after an individual, including but not limited to a meeting room, structure, fountain, or garden. The individual must be deceased and shall have performed outstanding service in one or more of the following categories:
  - a. Maintained involvement in a leadership role in civic organizations that are devoted to community improvement.

- b. Provided assistance to the underprivileged, economically disadvantaged or physically and/or mentally handicapped.
- c. Actively promoted and directed community events and activities that have clearly added to the enrichment of the quality and quantity of cultural life within the community.
- d. Actively promoted and implemented effective programs and activities within the community for the City's youth.
- e. Actively promoted and implemented effective programs and activities within the community for the City's senior citizens.
- f. Assumed an active leadership role in developing and implementing programs directed to the improvement of the visual aesthetic appearance of the community at the commercial, public or residential level.
- g. Assumed an active leadership role in developing programs and Facilities directed toward the improvement of community social and health needs as well as programs directed toward humanitarian purposes.

B. *Additional Criteria Applicable for Honorary Street Names*

- 1. The person whose name is proposed for such honorary naming shall have resided in the City of Beacon for at least five continuous or non-continuous years during his/her lifetime, during which time such person shall have preferably resided on the street in question.
- 2. Names shall be unique, easily discernible and simple to pronounce for public safety consideration. Similar sounding or duplicate street names shall not be considered.
- 3. Street names may recognize native wildlife, flora, fauna or natural geologic features related to the community and the City of Beacon.
- 4. Street names shall not contain more than 18-letter characters, including any combination of spaces or letters.
- 5. Cumbersome, corrupted or modified names, discriminatory or derogatory names, from the point of view of race, sex, color, creed, ethnicity, religious affiliation, political affiliation or other social factors are not acceptable.
- 6. Commemorative street name signs are additions to the street name and will not change the street address. Existing street names shall be retained and a supplemental sign or plaque shall be installed. Commemorative street name signs shall consider the same criteria as for naming of streets.

#### **IV. NAMING PROCEDURE**

- A. Staff, city residents, community leaders and organizations interested in proposing a name for a park, recreational area or facility must submit written recommendations, petitions, etc. for presentation to the City Council.
- B. The request shall provide clear evidence that the individual to be honored has made significant contributions to the economic vitality and/or quality of life in the Beacon community.
- C. When naming after a person or persons, written documentation of approval by next of kin to be honored (if available/possible) is required as part of the proposal.
- D. Upon a petition to designate a secondary honorary name for an existing street or portion of existing street, the City Council shall refer such petition to the City Historian/City Historical Society for his/her or its report to the City Council regarding the following:
  - 1. Such person's history of contributions to the City of Beacon, County of Dutchess, State of New York.
  - 2. Such person's history of residence in the City, including duration and location of such residence.
- E. The City Council shall consider all requests at a public meeting. The City Council shall provide appropriate public notice of any street or facility naming actions, as required.
- F. The City Council shall allow for public input and comment.
- G. The City Council will confirm adopt a proposed name for a City Asset by resolution.
- H. The City Council has final approval and may reject any naming or renaming request.
- I. The City Council also reserves the right to rename any City Asset for any reason, for instance if the resident, organization, or business for which it is named turns out to be disreputable, becomes disreputable or does not otherwise support the guiding principles set forth in this Policy.

## CITY OF MITCHELL

### MUNICIPAL SPONSORSHIP AND NAMING RIGHTS POLICY

#### **Purpose.**

To establish for the City of Mitchell, South Dakota (the "City") a formal procedure and criteria for the receipt or solicitation of, selection of, and agreements with, persons or entities for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships and Marketing Arrangements, (including Facility Naming Rights), the following Municipal Sponsorships and Naming Rights Policy (this "Policy") is hereby adopted by the Mayor and Council of the City (the "City Council").

This Policy is intended to set forth the process for the City to participate in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement programs to give valuable support to important City programs, facilities and services for public benefit by (i) providing funding for City events from private businesses and (ii) allowing the City to partner with activities provided by outside entities. In doing so, the City must ensure its actions are consistent and appropriate to the City's vision, mission and values. This Policy is not intended to apply to Bequests or Donations (each as defined below).

#### **This Policy shall:**

Establish Procedures. Establish consistent procedures and practices for receipt or solicitation of Municipal Sponsorships (as defined below), Co-Sponsorships (as defined below), Sole Sponsorships (as defined below) and Marketing Arrangements (as defined below) by City staff.

Encourage Sponsorships. Encourage solicitation of Municipal Sponsorship opportunities such as Facility Naming Rights, Sole Sponsorships, Co-Sponsorships, Marketing Arrangements and similar agreements that generate revenue (financial or in-kind) in support of existing and new City facilities, projects, programs or services.

Encourage Partnerships. Develop public/private alliances to provide programs, events, venues and services within the City.

Encourage Staff Innovation. Empower City departments to seek Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement opportunities to provide funds for programs, events, venues or services they might not otherwise be able to provide to City residents and visitors.

Safeguard City Interests and Goals. Ensure that Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities ( 1) safeguard the City's assets and interests, (2) support the City's goals of service to the community and (3) remain responsive to the public's needs and values.

Establish Naming Framework. Provide a framework within which requests to name public facilities are considered and evaluated.

**1. Scope.** This Policy shall govern all City departments regarding the solicitation of, and the unsolicited offers/requests from third parties related to, Municipal Sponsorships, Co- Sponsorships, Sole Sponsorships and Marketing Arrangements for City programs, projects, events, venues, facilities and services. Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement solicitations shall be in furtherance of the City's needs and conducted in accordance with the provisions in this Policy. All City staff responsible for, or otherwise involved in, Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities on behalf of the City or their respective departments shall adhere to the policies, procedures and guidelines set forth herein.

**2. Third Party Solicitation.** Subject to the conditions of this Policy, City staff may solicit or respond to solicitations from third parties for such Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements for the City.

Fair Compensation. At all times, recognition for Municipal Sponsorships or Marketing Arrangements must be evaluated to ensure the City is receiving fair and competitive compensation and that such recognition is consistent with the scale of each Sponsor or Marketing Arrangement's contribution.

Outside the Scope of this Policy. This Policy shall not apply to:

- (1) Funding obtained through formal grant programs or through intergovernmental agreements with other political subdivisions of the State.
- (2) City support of external projects where the City provides funds to an outside organization (examples include, but are not limited to, grants to Nonprofit Organizations).
- (3) Gifts, Bequests, or unsolicited Donations to a City department or the City where no reciprocal commercial benefit is given or expected and no business relationship exists.

## **2. Definitions.**

Bequest. A gift or contribution of cash, goods or services given voluntarily and expressed in writing through a will or other testamentary document.

Co-Sponsorship. Participation by the City (via direct funding, waived fees, staff coordination or technical assistance) in an event that is provided by an outside entity and that is closely aligned with or furthers a core City program or service.

Donation. A gift or contribution of cash, goods or services given voluntarily toward an event, project, program or corporate asset where no reciprocal commercial benefit is given or expected. If reciprocal commercial benefits are given or a business relationship exists with a corporate donor, the contribution will be a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement, as applicable, and the principles of this Policy will apply.

Facility Naming Rights. The naming of City-owned and/or operated buildings, structures, natural features and recreational facilities, whether in whole or portions thereof (hereafter referred to

individually as a "Facility" or collectively as "Facilities"), and streets, roads or any public rights-of-way (hereafter referred to individually as a "Street" or collectively as the "Streets") within the corporate limits of the City. Portions of a Facility may have names other than that of the entire Facility and features may be dedicated to or in honor of a person such as "Smith Beach" or "Jones' Amphitheater," subject to the provisions of this Policy.

In-Kind Contribution. A contribution received in the form of goods and/or services rather than cash as part of a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement.

Marketing Arrangement. A mutually beneficial business arrangement between the City and a third party, wherein the third party provides cash and/or in-kind services to the City in return for access to the commercial marketing potential associated with the City. Marketing Arrangements may include Municipal Sponsorship or Sole Sponsorship of one or more of the City's programs, projects, events, Facilities or activities.

Municipal Sponsorship. A business relationship in which the City and another entity exchange things of value, including a public display of support. This value can be financial, in-kind or benefits related to visibility/exposures, publicity or market reach. It should not be confused with Donations (as defined above), the sale of advertising or innovative approaches to purchasing goods or services. Municipal Sponsorships include funds, products or services provided by a company or individual to the City, in consideration of the opportunity for the company or individual to promote its name, product or service in conjunction with a City program, project, event, venue or activity.

Nonprofit Organizations. Organizations designated under the Federal Tax Code as 501(c)(3).

Request for Proposals ("RFP"). An open and competitive process whereby the City invites companies, subsidiaries or individuals to express their interest in participating, and submit proposals to participate, in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement opportunities with the City.

Sole Sponsorship. A business relationship in which a company, subsidiary or individual has paid to be the only Sponsor of a City program, project, event, venue or activity.

Sponsor. A company or individual that provides the City with a Municipal Sponsorship and that enters into a Municipal Sponsorship agreement with the City to promote itself and/or its products or services.

Standards of Responsibility. The requisite standards to enter into a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement with the City. Factors to be considered in determining whether the standards have been met include, but are not limited to, whether a prospective sponsor: (i) has available (or the ability to obtain) the appropriate financial, material, equipment, Facility, personnel resources and expertise necessary to indicate its capability to meet all contractual requirements; (ii) is able to comply with required or proposed delivery or performance scheduling; (iii) has a satisfactory record of performance; (iv) has a satisfactory record of integrity and business ethics; and (v) is qualified legally to contract with the City.

### **3. Restrictions.**

In general, the following industries and products are not eligible for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements, including Facility Naming Rights, with the City, but the City may elect to enter into Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements with these restricted industries or products when it is deemed appropriate by the City Council acting in its sole discretion.

- A. Prohibited or Restricted Products. A company, subsidiary and association with products or services that are prohibited or restricted by City Code or other governing laws and policies.
- B. Adult Products. A company or subsidiary whose business is substantially derived from the sale or manufacture of tobacco products, products prohibited under federal law or sexual/adult-oriented products.
- C. Alcohol Sponsor at Youth-Related Events. Alcoholic beverages when the intended audience of or participants in the Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement are youth under the legal drinking age.
- D. Parties not Deemed Responsible. Parties that are not deemed responsible under the Standards of Responsibility.
- E. Parties to Litigation. Parties involved in a lawsuit with the City.
- F. Separate Contracts. Parties involved in any stage of negotiations for a City contract unless the contract is directly linked to a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity.
- G. Conflicts of Interest. Individuals or commercial enterprises having past, present or pending business agreements or associations with the City, if a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreement would create an appearance of impropriety.
- H. Pending Land-Use Approval. Parties with an active case for any land-use approval before the City.
- I. Religious or Political Entities. Religious or political associations or candidates running for any political office.

#### **4. Roles and Responsibilities.**

- A. Responsibilities of City Departments.
  - (1) **Initiating City Department.** The initiating City department shall
    - (a) ensure adherence to the principles and guidelines outlined in this Policy,
    - (b) prepare a proposal setting forth the scope of the program or project as provided in Subsection 6(A) below and
    - (c) work with the City Administrator to ensure appropriate budgeting of revenues and expenditures and with the City Attorney's Office to ensure the integrity of the procurement process and the legal sufficiency of contractual obligations.
  - (2) **Finance and Budget.** The City Administrator shall provide general guidance, cost/benefit analysis, and direction relating to the appropriate budgeting of revenues and expenditures in a manner that maximizes the benefits of each Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing



Arrangement or Facility Naming Rights arrangement for the initiating City department, the City and the Sponsor.

- (3) **Procurement.** When applicable, the Mayor or authorized designee shall oversee the preparation of the RFP or other competitive solicitation for Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights opportunities.
- (4) **City Attorney.** The City Attorney's Office shall provide legal review of any RFP or other competitive solicitation for Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights opportunities and oversee the preparation of all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights agreements.
- (5) **Mayor.** The Mayor shall review all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities, including interim reports provided from time to time by City departments. The Mayor also shall be responsible for determining the frequency of reports by City departments.

**5. Procedures.** The City's participation in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and/or Facility Naming Rights activities shall be according to the procedures set forth below. For Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships, Marketing Arrangements and/or Facility Naming Rights arrangements initiated by the City, subsections 6(A) - (G) shall apply; for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships, Marketing Arrangements and/or Facility Naming Rights arrangements initiated by another person or entity, subsections 6(8), (D), (E), (F) and (G) shall apply.

- A. **Prepare a Proposal.** A City department considering a potential Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights arrangement shall prepare a proposal setting forth the scope of the program or project, including a description of the community benefit, financial goals, means of recognition, potential interested Sponsors, and general marketing strategy if a Marketing Arrangement is involved. The proposal shall be submitted to the Department Director for review and approval. If Facility naming Rights are involved and will result in a name change to an existing Facility, the history and legacy of the current municipal Facility should be considered and/or incorporated within the new proposed name. All Facility or Street Naming shall be in accordance with the additional procedures set forth in Sections 8 and 9 below.
- B. **Estimate Value.** If the proposed Municipal Sponsorship or Marketing Arrangement includes Facility Naming Rights or granting Sole Sponsorship, the Department Director shall provide a reasonable basis for determining the value of the Municipal Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity. At the Mayor's discretion, a qualified third party may be used to establish value.

- C. Develop and Implement Solicitation. The applicable City department, working with the City Attorney, shall develop an RFP for each Municipal Sponsorship, Co- Sponsorship, Sole Sponsorship or Marketing Arrangement opportunity valued greater than \$30,000 and all Facility Naming Rights opportunities and the most beneficial, qualified response shall be submitted to City Council with a recommendation for approval.

City-originated Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangements valued at \$30,000 or below and revenue producing or "no-cost" Municipal Sponsorship, Co Sponsorship, Sole Sponsorship or Marketing Arrangement opportunities that involve the provision of commodities or services provided either to the City or the Mitchell community in support of City operations, functions or programs through which the provider will benefit monetarily, must be awarded using a competitive process that is appropriate to the value, complexity and profile of the business opportunity.

Municipal Sponsorship, Co- Sponsorship, Sole Sponsorship or Marketing Arrangement proposals forwarded to the City are not subject to competitive solicitations if the proposed Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity is determined through a good faith effort to be unique and without interested competitors.

- D. Evaluate Submissions. The applicable City department shall review and analyze all responsive submittals received and shall provide a recommendation of approval or denial to the Mayor. The submittals shall be reviewed against selection criteria that may include, but are not limited to:

- (1) Consistency of the prospective entity's products, customers and promotional goals with the City's character, values and service priorities, including the most recently adopted City Council goals.
- (2) The ability for the City to retain its identity as owner/operator of the Facility or principal provider of the service.
- (3) The prospective entity's historical participation and association with community projects, events and continued willingness to participate.
- (4) The operating and maintenance costs to the City associated with the proposed sponsorship.
- (5) Anticipated public perception of the association with the City and the prospective entity and community support for, or objection to, the prospective entity.
- (6) The prospective entity's regard for and demonstrated success in valuing diversity.
- (7) The prospective entity's regard or and demonstrated success in environmental stewardship.

- E. Develop Agreement. In the event a Municipal Sponsorship, Co- Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights proposal is

recommended for approval, the City department will work with the City Attorney's Office to prepare an agreement consistent with all applicable City Codes, policies and ordinances.

The agreement shall contain a provision granting the City the right to suspend or terminate the Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights agreement if, in the sole discretion of the Mayor or the City Council (whichever approved the agreement), the continued arrangement would no longer satisfy the selection criteria by which the arrangement was initially approved.

- F. Mayor Review; Council Approval. The Mayor shall review all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement proposals and shall submit all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreements with an aggregate value greater than \$30,000 and all agreements involving Facility Naming Rights to the City Council for final approval. Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreements with an aggregate value to the City of \$30,000 or less may be approved by the Mayor.
- G. Record Financial Transaction. In the event a Municipal Sponsorship is received as an "in-kind" donation of goods or services, the Finance Division shall create and retain a record of that donation and any associated revenue or expense to the City to document the financial transaction to the City.

6. **Co-Sponsorship Requests.** The City actively supports the efforts of Nonprofit Organizations, other governmental agencies and Sister Agencies whose events are (i) held in City parks and Facilities and (ii) further City core program goals and services. Such support may include fee waivers, reduced fees, reduced rental charges and co-sponsorship. All permit fee waivers and reductions, reduced Facility rentals and Co-Sponsorship agreements must comply with the guidelines and procedures set forth below.

- A. Fees. The City charges everyone a fee to permit and have priority use of any park, amenity, stage or recreation Facility. This fee is to cover extra operational expenses associated with the use or event and to guarantee the space for the permittee. Fees are based upon the purpose and size of the event. Additional fees are charged as a damage deposit. Fees may be modified as follows:
  - (1) Any Nonprofit Organization that meets the guidelines set forth below may receive a 50% reduction in fees or rentals.
  - (2) The City may further reduce or waive an outside organization's permit or rental fees for an event on City property, as determined by the Mayor or designee, that (a) has close association with the City's core program goals and services and (b) provides the City with positive marketing exposure.
- B. Requirements for Reduced Fees. Any Nonprofit Organization applying for a City permit or Facility rental may be granted a 50% reduction in fees if the following criteria are met:

(1) The mission of the Nonprofit Organization does not conflict with the City's regulations, mission or policies.

(2) No fundraising activities are involved as a part of the program or event. Any exceptions must be approved by the Mayor or designee.

(3) The Nonprofit Organization permit-holder must remain responsible for damage fees and other costs, including, but not limited to, general liability insurance, police coverage, player/team fees, electrical fees, lights, overnight security, concessions, toilet/trash service agreements, fencing and any other additional needs and agreements pertaining to the event. Damage deposits are never waived for events conducted by organizations from outside of Mitchell. Events at the Desert Vista Skate Park require an additional damage deposit in addition to the regular park permit procedure.

(4) Except for Municipal Sponsorship Agreements, any fee reductions for athletic field permits should be limited to youth tournaments and events only. Youth programs must be based in the City of Mitchell and primarily serve Mitchell residents. The permit-holder is responsible for the damage deposit and any athletic field light fees.

C. Requests for Co-Sponsorships of Non-Governmental Entities. The City has a limited in-kind budget each year to actively co-sponsor events. Primarily, the City can provide limited staff coordination and technical assistance. Organizations still must fund other associated costs, including, but not limited to, the cost of additional dumpsters, portable toilets, lighting, etc. When evaluating proposals from organizations, the following criteria are used:

(1) The event/program should promote beneficial use of the park, Facility, or program.

(2) The event/program should be free and open to the public.

(3) The event/program should support the City's core recreation programs, mission and goals.

(4) The event/program should demonstrate community pride and involvement.

(5) The event/program should not have a religious or political purpose.

(6) Priority should be given to events/programs that support or positively impact youth.

(7) The sponsoring organization should clearly recognize the City as a co-sponsor (including logo) on all materials and announcements associated with the event or program, subject to the City's prior, written approval of the use of the City logo or trademarks. The City may display its banners at all co-sponsored events.

D. Requests for Co-Sponsorship of Other Governmental Entities

(1) If another governmental entity (i.e. Mitchell School District) is only a supporting sponsor for another outside organization that other outside organization still must apply for City co-sponsorship.

- (2) If another governmental entity or Sister Agency is the primary organizer for a public program or event, generally the City will grant a request to be a co-sponsor. Like sponsorship of outside organizations, the governmental entity or Sister Agency still is responsible for all other costs associated with the program or event.
- (3) The governmental entity or Sister Agency holding the program or event must clearly acknowledge the City as a co-sponsor on all written materials associated with the event, subject to the City's prior, written approval of any use of the City logo or trademarks.

## **7. Facility Naming General Policies.**

- A. Recommendations to Other Bodies. This Policy should be followed in reviewing or preparing the City's official comments or recommendations to State, Federal, and/or intergovernmental boards taking actions regarding geographic names, naming or renaming of Facilities or Streets.
- B. City Request; City Council Consideration. The Mayor, three members of the City Council, or the Mayor may request the naming or renaming of a Facility or a Street. Thereafter, the City Council shall discuss the requested renaming at a public meeting.
- C. Bond-Financed Facilities or Streets. If a bond-financed Facility or Street is proposed or requested to be named or renamed, bond counsel must review and approve the request or proposal before consideration at a City Council meeting.
- D. Public Notice. The City Council shall provide appropriate public notice of any Street or Facility naming actions in conjunction with other agenda items for regularly-scheduled meetings.
- E. Changes to Approved Names. Once a name has been officially approved by the City Council, changes should be strongly resisted.
- F. City Council Discretion. In all cases, the City Council reserves the right to accept or reject any proposal to name or rename a Street or Facility, in its sole discretion.
- G. Mayor Duties. The Mayor, upon approval of the naming or renaming action by the City Council, shall implement names or name changes of Facilities or Streets. The Mayor shall notify those who have submitted the suggestion as well as other appropriate offices and agencies. Upon City Council denial of a name or name change, the Mayor shall notify those who requested the name change.

## **9. Facility Naming Criteria.**

A. For Facilities and Streets Generally. Recognizing that the naming or renaming of a Facility or Street should be approached cautiously with forethought and deliberation, the following criteria are hereby established:

(1) To avoid duplication, confusing similarity or inappropriateness, the City Council, in considering name suggestions, shall review existing Facility and/or Street names, as applicable.

(2) In naming Facilities and Streets, consideration shall be given to geographic location, historical or cultural significance and natural or geological features. In the construction of a Facility, the address designation shall be used until the formal naming of the Facility. Whenever possible, naming shall be made prior to the completion of construction of a Facility or Street.

(3) Facilities and Streets may be named only for a deceased individual or individuals if (i) the individual or individuals has/have enhanced the quality of life within the City and (ii) two years or more has elapsed between the consideration for naming and the time of death of the individual or, in the case of related individuals, two years after the death of one of the individuals. The deceased individual shall have performed outstanding service in one or more of the following categories:

- (a) Maintained involvement in a leadership role in civic organizations that are devoted to community improvement.
- (b) Provided assistance to the underprivileged, economically disadvantaged or physically and/or mentally handicapped.
- (c) Actively promoted and directed community events and activities that have clearly added to the enrichment of the quality and quantity of cultural life within the community.
- (d) Actively promoted and implemented effective programs and activities within the community for the City's youth.
- (e) Actively promoted and implemented effective programs and activities within the community for the City's senior citizens.
- (f) Assumed an active leadership role in developing and implementing programs directed to the improvement of the visual aesthetic appearance of the community at the commercial, public or residential level.
- (g) Assumed an active leadership role in developing programs and Facilities directed toward the improvement of community social and health needs as well as programs directed toward humanitarian purposes.

B. Additional Criteria Applicable to Streets. In considering the renaming or naming of a Street, the City Council shall consider the following:

( 1 ) Street names, plats, specific sites and places and natural features indicated on general usage maps for 50 years or more (age criteria applied by the National Register of Historic Places) should be changed only under exceptional circumstances.

Street names shall not be similar in spelling or pronunciation to a presently-existing major collector or arterial road in the Phoenix Metropolitan area.

No Street shall be named by number only according to the street numbering grid (i.e. 150th Street) unless the Street follows a straight north-south alignment.

(2) Attention should be paid to maintaining sequential, numerical and alphabetical naming patterns when considering any Street name changes or additions. All Streets shall be named and numbered consistently with the County-wide street numbering system and no such name or change of name shall take effect until (a) the affected public safety agencies have been notified and (b) all impacted public safety dispatch maps have been amended. Any extensions of presently-existing Streets within or into the City shall bear the same name as the existing roadway. No Street name shall contain a homonym.

(3) New Streets shall be named according to the following guidelines:

(a) In most cases, the Street name will be proposed by the property owner, reviewed by the City staff and approved by the City Council as part of its consideration of a final plat for a development within the City.

(b) If an unnamed private Street is dedicated to the City, the name may be suggested by the property owners thereon, but the City Council shall make the final determination.

(4) No Street shall be renamed unless:

(a) The new Street name is not one already well-known in the Mitchell area.

(b) There are no (or very few) buildings or other addressed Facilities presently existing along the Street.

(c) The new Street name will not be confused with other existing Streets in the City.

(d) The new Street name shall not be the same as a specific living person within the Mitchell area.

C. Historical Reference. Changes of names for Facilities or Streets should be approved only when they do not violate historical or common usage names. Facilities and Streets may be named after research reveals that the area around the Facility or Street has been commonly, yet unofficially, named by the residents in the area.

D. Donor Naming. Facilities and Streets may be permanently named for an individual (alive or deceased), organization, or business if that individual, organization or business has made a

donation of money, land or other goods and/or services to the City equal to at least half the full cost of the Facility or Street, either for purposes of developing a particular Facility or Street or for the City 's Capital Fund. Such arrangements will be called "Permanent Naming." Permanent Naming proposals that are not in accordance with Section 4 of this Policy shall not be considered.



## Chapter 3.14

# NAMING RIGHTS OF FACILITIES, PUBLIC PLACES, TRIBUTES, AND MONUMENTS

Sections:

- 3.14.010 Purpose.**
- 3.14.020 Scope.**
- 3.14.030 Naming Categories.**
- 3.14.040 Naming Standards.**
- 3.14.050 Changing an Existing Asset Name.**
- 3.14.060 Asset Name Removal.**
- 3.14.070 Rules and Procedures.**

### **3.14.010 Purpose.**

(1) The purpose of this Chapter is to promote the City's image and enhance public awareness of particular City assets by establishing guidelines for their naming or renaming.

- (a) City assets include, but are not limited to, parks and parklands; landscape elements such as trees, plants, plazas, and gardens; site furnishings such as benches, playgrounds, and donated art; open spaces; facilities; recreation elements such as sports fields; memorials, statues, and busts; and municipal buildings, properties, sites and structures.
- (b) The naming of City assets shall be consistent with adopted City policy and the provisions of this Chapter.
- (c) The policy set forth in this Chapter is to establish a systematic and consistent basis for recognizing contributions and support to the City from citizens, volunteers, organizations, financial donors, community leaders, officials, and others.

(Enacted 2012-16)

### **3.14.020 Scope.**

(1) This Chapter shall apply to the naming or renaming of any City asset except City assets named or renamed prior to the enactment of this Chapter.

(2) *Asset Naming Parameters.*

- (a) City assets shall be classified as either major or minor assets based on dollar value. Naming of major assets shall require Council approval while naming of minor assets shall be in the Mayor's discretion.

- (b) A City asset shall be considered major if the value exceeds five hundred thousand dollars (\$500,000.00) as determined by the Mayor or his designee.

(Enacted 2012-16)

### **3.14.030 Naming Categories.**

- (1) The following asset naming categories are hereby created:

- (a) *Category 1 - Sponsorships.* Following a request for qualifications, a request for proposals, or a request from the Administration, the City may enter into an agreement with an individual or an organization whereby the naming of a City asset may be selected by such individual or organization, pursuant to the requirements of this Chapter, in exchange for cash or other sufficiently valuable contribution to the City.
- (b) *Category 2 - City Recognitions.* The City may elect to name a City asset to formally recognize significant contributions and support given to the City by individuals or organizations.
- (c) *Category 3 - Tributes and Memorials.* As provided in this Chapter, an individual may petition the City to name a City asset as a tribute or memorial to an individual, group, event, or other thing.

(Enacted 2012-16)

### **3.14.040 Naming Standards.**

- (1) *Applicability.* The provisions set forth in this Section apply to the naming of any City asset, including, but not limited to, the opening of a new or refurbished City asset; honoring an individual, group, or organization; recognizing a gift, donation, sponsorship, joint venture/partnership, or significant contribution to the City or the general public; or improvements to existing City assets.

- (2) *General Provisions.* The following provisions shall apply to the selection of any name associated with a sponsorship, City recognition, or a tribute or memorial:

- (a) *Consent.* When a City asset is proposed to be named for an individual, before consideration of the proposal, consent shall be obtained from such individual or, if such individual is deceased, the individual's next of kin.
- (b) *Neighborhood Chair Recommendation.* When a direct relationship or association exists between a group or an individual's former place of residence and an asset to be named, the Mayor may consult with the neighborhood chair for the neighborhood and receive the chair's recommendation.
- (c) *Prohibited Names.* Unless otherwise determined by the City, in its sole discretion, no name shall be chosen that:
- (i) causes confusion due to duplication of, or similarity to, an existing name within Provo City;

- (ii) is the name of an entity associated with tobacco, alcohol, obscenity or a sexually oriented business, place or practice;
- (iii) may have an inappropriate acronym, short form, or modification;
- (iv) is discriminatory, derogatory or otherwise creates controversy within the City, as determined by the Mayor or Municipal Council;
- (v) is complex, unduly long, difficult to spell or pronounce; or
- (vi) recognizes a single individual for a contribution similar or identical to a contribution made by others within a particular group associated with that individual.

(d) *Asset Name Rejection.* The City, in its sole discretion, may reject any proposed asset donation or any proposed name for a new or existing City asset.

(3) *Sponsorships and City Recognitions.* The following provisions shall apply to the selection of any name associated with sponsorship or City recognition:

(a) *Context.* The selected name should:

- (i) have a longstanding or unusually significant identification with the City or its residents; or
- (ii) be consistent with the character and public value of the asset; the financial sponsorship categories, as may be established by the Mayor; specific geographical locations; or any other applicable City requirement.

(b) *Personal and Organization Names.* The name of an individual or an organization shall be considered only when such individual or organization has made a significant contribution to the City by:

- (i) enhancing the quality of life and well-being of the City;
- (ii) contributing to the historical, cultural, or societal preservation of the community;
- (iii) contributing a significant portion of project costs used for acquisition, development, or conveyance of land or construction or renovation of a City building; or
- (iv) achieving personal or organizational excellence that represents Provo City in a positive manner.

(c) *Public Gifts.* When selecting a name connected with a sponsorship, the following additional factors shall be considered:

- (i) The dollar value of the contribution compared to the construction and ongoing operating and maintenance costs of the City asset to be named;
- (ii) Any financial sponsorship categories, as may be established by the City, to recognize different contribution amounts;
- (iii) The cost of establishing the naming; and

(iv) In the case of a donated asset, projected ongoing operating and maintenance costs.

(4) *Tributes and Memorials.* The following provisions shall apply to the selection of any name associated with a tribute or memorial:

(a) *Quality.* An asset donated to the City shall conform to applicable City standards including, but not limited to, design, durability, location, and applicable safety considerations. The City, in its sole discretion, may reject an offer to donate an asset that does not meet City standards.

(b) *Maintenance.* An asset donated to the City that is unique and not within any asset class ordinarily purchased and maintained by the City shall be maintained by the donor unless otherwise provided in an asset naming agreement. The City will not consider for approval tributes and memorials which will impose a significant financial burden on the City to maintain.

(c) *Content.* It is in the City's discretion to approve or reject the design, size, material, text, and graphics to be used for tributes and memorials and to approve species of memorial trees. Any written content on a City asset is subject to review and may be rejected if it:

(i) is discriminatory, derogatory, or may otherwise create controversy, as determined by the Mayor or Municipal Council; or

(ii) contains statements of religious principles or scriptural verses unless such principles or verses are unavoidably entwined with an otherwise historically significant event or person proposed to be honored.

(d) *Ownership.* Unless otherwise agreed to in advance and in writing, all donated property of whatever kind becomes and remains City property. The City assumes no liability for the loss, damage and/or replacement of City assets.

(Enacted 2012-16)

### **3.14.050 Changing an Existing Asset Name.**

(1) *Criteria.* The name of a City asset shall be changed only after consideration of the:

(a) Historical significance of the name;

(b) Impact on the currently named individual or organization;

(c) Cost and impact of:

(i) changing existing signage, if any;

(ii) rebuilding community recognition; and

(iii) updating records such as letterhead, databases, and promotional materials; and

(d) Financial contribution of both the person or organization of the currently named asset and the person or organization proposing the new name.

(2) *Consideration.* Each petition to change an existing name shall be considered on a case-by-case basis pursuant to applicable provisions of this Chapter.

(Enacted 2012-16)

### **3.14.060 Asset Name Removal.**

(1) *End of Service Life.* When the City determines an asset has exceeded its service life or the asset is destroyed or damaged beyond feasible and economic repair, the asset and its associated name may be removed as provided by law.

(2) *Extension.* A named asset that has exceeded its service life may thereafter remain in service only if remaining in service poses no danger to the public and is approved by the City Council pursuant to an asset naming agreement that specifies the length of time that the asset name may be used, and provides for an endowment fund or other financial resources sufficient to pay the asset's ongoing maintenance and operation costs.

(Enacted 2012-16)

### **3.14.070 Rules and Procedures.**

The Mayor or the Mayor's designee may adopt rules, regulations, and procedures, including asset naming parameters, to implement the provisions of this Chapter consistent with the guidelines and limitations set forth in this Chapter.

(Enacted 2012-16)

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**The Provo City Code is current through Ordinance 2019-35, passed July 9, 2019.**

Disclaimer: The city recorder has the official version of the Provo City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

[City Website: www.provo.org](http://www.provo.org)

City Telephone: (801) 852-6000

[Code Publishing Company](#)

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

CURRENT

SUBJECT: NAMING OF CITY ASSETS

POLICY NO.: 900-20

EFFECTIVE DATE: April 13, 2017

BACKGROUND:

The City, through its departments, and advisory boards and commissions, has followed a number of processes/policies for *naming* or *renaming* its parks, libraries and other *City Assets*. Generally, these policies provide for the *naming* or *renaming* requests based on (1) the location of the *City Asset*, (2) the identity of an individual of historical significance to the local area, or (3) the identity of an individual or entity whose contributions to the City and/or the community supports the request. From time to time, the City has also named *City Assets* after a person or entity who has provided significant financial support for the *City Asset* being named.

The City wishes to replace any existing *naming* or *renaming* policies with one comprehensive citywide policy, as follows:

PURPOSE:

The purpose of this policy is to establish uniform guidelines for *naming* and *renaming* of *City Assets*.

This policy outlines the criteria, conditions, and procedures that govern *naming* and *renaming* of *City Assets* in order to maintain their integrity, to encourage philanthropic giving while acknowledging public investments, and to safeguard against unwanted commercialization of *City Assets*.

This policy does not apply to:

1. Marketing Partnerships entered into under Council Policy 000-40, except that consideration should be given to Guiding Principles, Section C (Funding Criteria) below in regards to them;
2. The *naming* of public streets addressed in Chapter 12, Article 5, Division 11 of the San Diego Municipal Code (SDMC);

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3. Artworks, which are exempt from this Council Policy. Artworks are defined and governed by San Diego Municipal Code 26.0701 et seq.;
4. Public safety-related *City Assets*;
5. Council Policy 100-02 (Donation Acceptance);
6. *Donor Acknowledgement*; and
7. Council Policy 200-10 (Honorary Street Names).

DEFINITIONS

For the purpose of this policy, the following definitions apply:

***Board:*** Board as recognized by the San Diego Municipal Code (SDMC) and/or City Charter.

***City Assets:*** Tangible or intangible items of value that are owned or created by the City, including but not limited to both *City facilities* and leaseholds that do not exceed 35 years and/or that confer ownership rights by agreement. This definition does not include Artworks, which are city assets under San Diego Municipal Code 26.0701 et seq.

***City Facility (included in City Assets):*** Any part of real property or structure owned by the City or for which *naming* rights are conferred by agreement, including, but not limited to parks, libraries, *Recreational Facilities* buildings, parking facilities, interior or ancillary features that are a part of, or within, a larger facility and other City facilities.

***City Sponsored or Recognized Support Group:*** May include, but is not limited to: recreation councils, “friends of” organizations, Community Planning Groups, town councils, or similar entities.

***Commission:*** Commission as recognized by the SDMC and/or City Charter;

***Department Director:*** Appointed director of the department that owns the *City Asset* eligible for *naming* or *renaming*. The director may assign this responsibility to other department staff within their delegation of authority.

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***Donation or gift:*** A monetary (cash) contribution, endowments, personal property, real property, financial securities, equipment, in-kind goods or services, or any other *City Asset* that the City has accepted and for which the *donor* has not received any goods or services in return. For purposes of this Council Policy, the terms “donation” and “gift” shall be synonymous.

***Donor:*** A person or other legal entity that proposes or provides a *donation* to the City.

***Donor Acknowledgement:*** Excluding *naming*, donor acknowledgement is permanent writing on plaques, walls, stone carvings, pavers, bricks, electronic display, or interpretive signs that are temporary or permanent and are used to recognize the financial contribution of a *donor*.

***Funding:*** Financial or in-kind resource to provide funding that might result in *naming* or *renaming*.

***Funding Source:*** The source of *funding* which can include individuals, nonprofit organizations, and for-profit entities.

***Naming:*** The selection and approval by the City for the initial *naming* of a *City Asset* other than streets within the public right of way.

***Non-profit Organization:*** A corporation or an association that conducts business for the benefit of the general public without shareholders and without a profit motive.

***Recreational Facility (included in City Assets):*** Major structures such as community centers, aquatic facilities, picnic shelters/pavilions, athletic courts, and fields.

***Renaming:*** The selection and approval by the City for a new name of an existing *City Asset* other than streets within the public right of way.

***Sign Ordinance:*** The City’s sign regulations contained in SDMC §§ 142.1201 – 142.1292.

POLICY:

The policy of the City is to reserve *naming* or *renaming* of *City Assets* for circumstances that will best serve the City’s interests and ensure a worthy and enduring legacy for the City. To this end, the City supports *naming* or *renaming* requests within the following broad categories:



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1. Location. As a general policy, a name should assist the public in identifying its location. The City shall first consider the name of the community area, the names of nearby geographic features, and the names of adjacent schools and streets when it is considering a *naming/renaming* request.
2. Significant Events, People, and Places. The history of a major event, place, or person may play an important role to preserve and honor a community's history, landmarks, or prominent geographical features. The City may name a *City Asset* for a major event, place, or person of social, cultural or historical significance to the local area when the *City Asset* is associated with or located near the events, people, or places of social, cultural or historical significance. The relationship of the event, person, or place to the *City Asset* must be demonstrated through research and documentation.
3. Outstanding Individuals. This category is designed to acknowledge individuals who have made substantial contributions to benefit the City, local community, park and recreation system, or public library. Naming or renaming a *City Asset* for an outstanding individual is encouraged for those person's whose significance and good reputation have been accepted in the community, City and/or State/National history. If it is not appropriate to name the larger *City Asset* after an individual, then naming or renaming can be subordinate to the name of the larger *City Asset* or the City may name an area or portion of the *City Asset* after an individual, including but not limited to a meeting room, structure, fountain, or garden.

In considering the *naming* or *renaming* of a *City Asset* after an individual, priority will be given to those who made a sustained and lasting contribution to:

- a. The City of San Diego
  - b. The State of California
  - c. The United States of America
4. Major Donations. The City has benefited from the generosity of residents, organizations, and businesses. The significance of *funding* may warrant acknowledging the *funding source* through *naming* or *renaming*.
    - a. The threshold for *naming* or *renaming* a *City Asset* for an individual, organization, or business when *funding* is involved should include a *donation* agreement and one or more of the following:

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- i. A significant contribution towards the capital construction costs of the structure;
  - ii. A deed to the City of land for the majority of the *City Asset* by the *donor*; and/or
  - iii. A twenty-year endowment for the continued maintenance and operations of the *City Asset*.
- b. *Donors* seeking *naming* or *renaming* rights for major *donations* with respect to an individual should use the guidelines for Outstanding Individuals above.

**GUIDING PRINCIPLES**

A. General Provisions

1. In considering proposals for the *naming* or *renaming* of a *City Asset*, the City will consider whether the proposed name will:
  - a. Engender a strong positive image consistent with the City's goals and values;
  - b. Be appropriate relative to the *City Asset*'s location and/or history;
  - c. Incorporate the assigned historic name if the *City Asset* is a designated historical resource listed on the local, State, or National Register of historic resources;
  - d. Have historical, cultural, or social significance for future generations;
  - e. Commemorate places, people, or events that are of continued importance to the City, community, region, or state;
  - f. Have symbolic value that transcends its ordinary meaning or use and enhances the character and identity of the *City Asset*;
  - g. Have broad public support; and
  - h. Not result in the excessive commercialization of the *City Asset*.

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2. The City will not permit corporate logos, insignias, or advertising slogans in a permanent naming or renaming of a City facility.
  3. A park or library's official documented name should not include the name of a corporation or business. If an organization or foundation's name consists of one or more individuals' names, then the guidelines for Outstanding Individual *naming* should be utilized.
  4. When considering the *naming* or *renaming* of a *City Asset* (excluding official documented names of parks and libraries) that includes a business name, *naming* or *renaming* must be for a defined contractual period of time with regard to the life of the *City Asset*.
  5. All related signage shall comply with the *Sign Ordinance*.
  6. The City shall retain full editorial control over all related signage subject to the *Sign Ordinance* and adhere to the below criteria.
    - a. Any physical form of on-site recognition shall not interfere with visitor use or routine operations.
    - b. The form of any on-site recognition shall:
      - i. Be of appropriate size and color within the design scheme of the facility;
      - ii. Not dominate the sign in terms of scale or color;
      - iii. Not detract from surroundings or any interpretive messages; and
      - iv. Be subject to review and approval by the *Department Director*.
- B. *Funding Acceptance Criteria*. The City may not accept *funding* as part of a *naming* or *renaming* proposal that would create any conflict of interest, as set forth in the City's Ethics Ordinance (Chapter 2, Article 7, Division 35 of the SDMC) and the Fair Political Practices Commission regulations (Title 2 of the California Code of Regulations, sections 18110 – 18997). The following principles form the basis of the City's consideration of *naming* or *renaming* proposals based on *funding* of a *City Asset*:

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1. The mission of a *Funding Source* must not compete, impair or conflict with the policies, goals or operations of the City;
2. The *funding source* must provide a desirable association according to the Guiding Principles under this Policy; and
3. *Naming* or *renaming* rights offered are commensurate with the relative value of the *funding*.

**PROCEDURES**

A. *Naming* or *Renaming* Application Process

1. Applicants and proposers (including *City Sponsored* and/or *City Recognized Support Groups*) shall submit their *naming* or *renaming* proposal to the *Department Director* depending on asset type.
2. If applicant's proposal follows the intent of this Council Policy, the *Department Director* shall make a proposal in writing for *naming* or *renaming* of a *City Asset* as follows:
  - a. For library facilities, the *Department Director* will make the proposal to the Board of Library Commissioners.
  - b. For parks and *recreational facilities*, the *Department Director* will make the proposal to the Park and Recreation Board.
  - c. For other *City Assets*, the *Department Director* will make the proposal to the appropriate Deputy Chief Operating Officer for the City Facility for which the *naming* or *renaming* is proposed.
  - d. Other City staff may review and provide input on the proposal for *naming* or *renaming*.
3. Written proposals must, at a minimum, include the following information:
  - a. The proposed name;
  - b. Reasons for the proposed name, including a discussion of the criteria identified in this policy;

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- c. The amount of the *donation* or *funding* provided for the *City Asset*, if applicable;
- d. Written documentation outlining community support for the proposed name; and
- e. If proposing to *rename* a *City Asset*, justification for changing an established name.

B. *Naming and Renaming Review Process*

1. Upon receipt of a *naming* or *renaming* proposal for any *City Asset*, the *Department Director* reviewing the *naming* or *renaming* proposal shall consider the following items in the review, including but not limited to, the following:
  - a. Submit the proposal to appropriate City historical staff to review the California Historic Resources Inventory Database (CHRID) to determine if the *City Asset* is a Designated Historical Resources with an assigned historic name;
  - b. Ensure that supporting information has been authenticated;
  - c. If the *City Asset* is a Designated Historical resource listed on the local, State or National Register of Historic Places, any on-site recognition shall comply with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties and shall be reviewed and approved by the City's Historical Resources staff according to those standards;
  - d. Ensure compliance with Charter section 225 (Mandatory Disclosure of Business Interests);
  - e. Consider the impact of the *naming* or *renaming* to the community; and
  - f. Consider the cost of implementation and signage, and identify the *funding* to cover such costs.
2. The *Department Director* will submit the proposal to the City Attorney's Office for legal review of the following issues that include, but are not limited to:
  - a. Ownership rights, by agreement or by law; and

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- b. Adherence to City policies, such as the San Diego Charter and SDMC, as well as any local, state, or federal regulation.
3. For all *City Assets* other than a library or park that do not involve *funding*, the *Department Director* will submit a recommendation to the Assistant Chief Operating Officer, Chief Financial Officer, or Deputy Chief Operating Officer as appropriate for review. The *Department Director* will submit the proposal for final approval of *naming* or *renaming* to the Chief Operating Officer. Prior to approval, City staff will notify the applicable Council District(s) and publish a notice with 30 days for comments by the public that will be taken into consideration by the Department Director following the process outlined herein.

If a *naming* or *renaming* request is for a library or park and does not involve *funding*, then the *Department Director* will advise the applicable board or commission who will invite comments from relevant community groups or associations.

- C. The City, in its sole discretion, may:
  1. Reject *naming* or *renaming* proposals or remove existing *naming* that portray or include depictions, words, or phrases that the City reasonably deems to be harmful, controversial or otherwise do not support the guiding principles stated in this policy; and
  2. Reserve the right to rename any *City Asset* for any reason, for instance if the resident, organization, or business for which it is named turns out to be disreputable, becomes disreputable or does not otherwise support the Guiding Principles set forth in this Policy.

### FUNDRAISING GUIDELINES

From time to time, the City may receive offers for outside support groups to identify donors to fundraise for specific *City Assets* in exchange for *naming* rights. *City Sponsored or Recognized Support Groups* intending to fundraise (excluding *Donor Acknowledgement* programs) for multiple *naming* rights or major projects must take the following steps:

1. Develop recommendations for *naming* opportunities with gift levels prior to receiving gifts and offering *naming* rights to prospective donors.

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2. Draft and submit recommended *naming* opportunities with gift levels to the *Department Director* for review.
3. Upon receipt of recommended naming opportunities with gift levels, the *Department Director* reviewing the *recommendation* will consider the following items in the review, including, but not limited to, the following:
  - a. Submit the request to appropriate City historical staff to review the City's CHRID to determine if the *City Asset* is a Designated Historical Resource with an assigned historic name;
  - b. Ensure that supporting information has been authenticated;
  - c. If the *City Asset* is a Designated Historical Resource listed on the local, State or National Register of Historic Places, any on-site recognition shall comply with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties and shall be reviewed and approved by the City's Historical Resources staff according to those standards;
  - d. Ensure compliance with Charter section 225 (Mandatory Disclosure of Business Interests);
  - e. Consider the community impact;
  - f. Consider the impact of the *donation* or *funding* to the completion of a project, if applicable; and
  - g. Consider the cost of implementation and signage, and identify the *funding* to cover such costs.
4. The *Department Director* will submit the proposal to the City Attorney's Office for legal review of the following issues that include, but are not limited to:
  - a. Ownership rights, by agreement or by law; and
  - b. Adherence to City policies, such as the San Diego Charter and SDMC, as well as any local, state, or federal regulation.
5. Upon completion of the above steps, the *Department Director* will work with the City Attorney to prepare a draft agreement with the *City Sponsored or Recognized Support Group*.

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6. Upon approval by the *Department Director*, the *City Sponsored or Recognized Support Group* will submit the recommended *naming* or *renaming* opportunities with gift levels and draft agreement to the corresponding board or commission.
7. Upon approval by the board or commission, the *Department Director* will submit the final draft recommendation on the *naming* or *renaming* opportunities with gift levels along with the draft agreement to the City Council for final approval. Only after City Council approval may the *City Sponsored or Recognized Support Groups* begin soliciting and accepting donations for *naming* or *renaming* rights.
8. No final commitment to name a *City Asset* or portion thereof shall be made to a potential donor without the final approval by the *Department Director* and Assistant Chief Operating Officer or Chief Operating Officer. *Naming* or *renaming* rights that include *funding* will have final approval by City Council.

HISTORY:

“Naming of City Assets”

Adopted by Resolution R-311043 – 04/13/2017



**City of Beacon Workshop Agenda**  
**9/9/2019**

**Title:**

**Advice of Counsel**

**Subject:**

**Background:**