



CITY ADMINISTRATION COMMITTEE

Date: Wednesday, September 28, 2022
Time: 6:00 P.M.
Location: City Hall, 108 E. Green Street
3rd Floor, Council Chambers

AGENDA ITEMS

Item	Voting Item?	Presenter(s)	Time Allotted
1. Call to Order	No	Chair, Robert Cantelmo	
1.1 Agenda Review			5 Min
1.2 Review and Approval of Minutes Approval of August 24, 2022, minutes	Yes		5 Min
2. Petitions and Hearings of Persons Before Council			
2.1 Statements from the Public The public will be able to provide short statements during the first hour of the meeting. *Written comments will be compiled and entered into the record.	No	Sign up for public comment here: https://bit.ly/3pDc1LD *Submit written comments here: https://j.mp/2XUYUdW	15 Min
2.2 Council's Response	No		15 Min
3. Government Administration, Human Resources & Policy			
3.1 HR - Suspension of Application Fees for Firefighter and Police Officer Examinations	Yes	S Michell-Nunn, Hir Director	5 Min
3.2 HR - Amendment to Personnel Roster – Director of Public Information and Technology	Yes	S Michell-Nunn, Hir Director	10 Min
3.3 An Ordinance Amending Ithaca City Code Section 346-5, "Traffic Control Signals" - Declaration of Lead Agency	Yes	E Hathaway, Traffic and Parking Director	5 Min
3.4 An Ordinance Amending Ithaca City Code Section 346-5, "Traffic Control Signals" – Negative Declaration of Environmental Significance	Yes	E Hathaway, Traffic and Parking Director	5 Min
3.5 An Ordinance Amending Ithaca City Code Section 346-5, "Traffic Control Signals"	Yes	E Hathaway, Traffic and Parking Director	10 Min
4. Finance, Budget & Appropriations			
4.1 DPW – Approval of SID Assessment, Budget and Work Plan http://www.cityofithaca.org/219/Sidewalk-Policy	Yes	J Lictira, Civil Engineer	5 Min
4.2 Finance - Controller's Office Local Law to Override Tax Cap	Yes	S Thayer, Controller	5 Min
5. Discussion			
5.1 No Items Submitted			
6. Meeting Wrap-Up	No	All	5 Min
6.1 Announcements			
6.2 Next Meeting Date: October 26, 2022			
6.3 Review Agenda Items for Next Meeting			
6.4 Adjourn			

3. Government Administration, Human Resources & Policy

.1 HR - Suspension of Application Fees for Firefighter and Police Officer Examinations

WHEREAS, Section 50.5(b) of New York State Civil Service Law allows for the establishment of application fees for civil service examinations; and

WHEREAS, the Ithaca Civil Service Commission and Common Council have established application fees for the Firefighter and Police Officer exams, with a \$15.00 application fee for Tompkins County residents and a \$50.00 application fee for all other residents, with fee waivers allowed under specific circumstances; and

WHEREAS, the City is experiencing significant difficulty recruiting applicants for both the Firefighter and Police Officer exams; and

WHEREAS, the Human Resources Department and the Ithaca Civil Service Commission are actively working to remove identifiable recruitment barriers; and

WHEREAS, the Ithaca Civil Service Commission wishes to amend the established application fees for the 2023 and 2024 Firefighter and Police Officer examinations to encourage applications; and

WHEREAS, at their September 7, 2022, meeting, the Ithaca Civil Service Commission voted to suspend the application fees for the 2023 and 2024 Firefighter and Police Officer examinations for all residents of Tompkins County and the contiguous counties of Cayuga, Chemung, Cortland, Schuyler, Seneca, and Tioga; and

WHEREAS, the suspension of application fees is subject to the approval of Common Council; now, therefore, be it

RESOLVED, That Common Council approves the suspension of civil service application fees for the 2023 and 2024 Firefighter and Police Officer examinations for all residents of Tompkins County and the contiguous counties of Cayuga, Chemung, Cortland, Schuyler, Seneca and Tioga.

3. Government Administration, Human Resources & Policy

.2 HR - Amendment to Personnel Roster – Director of Public Information and Technology

WHEREAS, in 2014 former Mayor Svante Myrick created the Department of Public Information and Technology to better align the City's communication and technology processes; and

WHEREAS, Public Information and Technology combined Information Technology, the Clerk's office, and Public Information; and

WHEREAS, The Director of Information Technology position was eliminated, and the City Clerk assumed oversight for the new department; and

WHEREAS, the City Clerk has announced her retirement and there is a need to create a Director of Public Information and Technology; now, therefore, be it

RESOLVED, That the Personnel Roster of the Department of Public Information and Technology be amended as follows:

Add: One (1) Director of Public Information and Technology

and be it further

RESOLVED, That the position of Director of Public Information and Technology shall be assigned to the Management Compensation Plan at salary grade 10, and, be it further

RESOLVED, That for the sole purpose of determining days worked reportable to the New York State and Local Employees Retirement System the standard workday for this position shall be established at eight (8) hours per day (forty (40) hours per week), and, be it further

RESOLVED, That the funding for this position shall be derived from existing funds within the Department of Public Information and Technology's approved budget.

3. Government Administration, Human Resources & Policy

.3 An Ordinance Amending Ithaca City Code Section 346-5, "Traffic Control Signals" - Declaration of Lead Agency

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Law and Section 176-6 of the City Code, Environmental Quality Review, require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

WHEREAS, State Law specifies that for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action; and

WHEREAS, Common Council proposes to amend City Code Section 346-6 to authorize the City to repair privately owned traffic control signals serving City roads at owner expense when the owner fails to do so, and to impose fines for failure to maintain such signals; and

WHEREAS, this is an Unlisted Action under the City of Ithaca Environmental Quality Review Ordinance § 176-4 and the State Environmental Quality Review Act § 617.4 b. and is subject to environmental review; now, therefore, be it

RESOLVED, That the City of Ithaca Common Council, as the agency having primary responsibility for approving and funding or carrying out the action does, by way of this resolution, declare itself Lead Agency in Environmental Review for the proposed Ordinance Amending Ithaca City Code Section 346-5, "Traffic Control Signals."

3. Government Administration, Human Resources & Policy

.4 An Ordinance Amending Ithaca City Code Section 346-5, “Traffic Control Signals” – Negative Declaration of Environmental Significance

WHEREAS, Common Council proposes to amend City Code Section 346-5 to authorize the City to repair privately owned traffic control signals serving City roads at owner expense when the owner fails to do so, and to impose fines for failure to maintain such signals; and

WHEREAS, this is an Unlisted Action under the City of Ithaca Environmental Quality Review Ordinance (“CEQRO”) §176-4 and the State Environmental Quality Review Act (“SEQRA”) §617.4 b and is subject to environmental review; and

WHEREAS, Common Council, as the agency having primary responsibility for approving and funding or carrying out the action did, on October 5, 2022, declare itself Lead Agency in Environmental Review; and

WHEREAS, Common Council, acting as Lead Agency, has on October 5, 2022, reviewed and accepted as complete a Short Environmental Assessment Form (“SEAF”) prepared by City staff and other related materials; and

WHEREAS, Common Council, acting as Lead Agency, after completing a thorough analysis of the Environmental Information and potential environmental impacts associated with the action, has determined, as more clearly elaborated in the SEAF, that proposed amendment will not have any potentially significant adverse environmental impacts; now, therefore, be it

RESOLVED, That Common Council determines that the proposed amendment will result in no significant adverse impact on the environment and this resolution, which was adopted by a majority vote of Council, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2) for the action, and is issued by Common Council, acting as Lead Agency pursuant to and in accordance with CEQRO and SEQRA.

3. Government Administration, Human Resources & Policy

.5 An Ordinance Amending Ithaca City Code Section 346-5, "Traffic Control Signals"

WHEREAS, the Board of Public Works and the Department of Public Works are responsible for the regulation of traffic control signals within the City of Ithaca, and

WHEREAS, there exist within the City of Ithaca a number of privately owned traffic control signals which regulate traffic on streets owned by or located within the right of way of the City, and

WHEREAS, a private owner's failure to maintain such privately owned traffic control signals in proper working order endangers the health and safety of pedestrians, motorists, and others travelling on or near the public streets of the City, and

WHEREAS, the Common Council determines that it is necessary to grant additional authority to the Department of Public Works and others to ensure that privately owned traffic control signals are maintained in proper working order in the event that the owner of any such signal fails to do so; now, therefore

ORDINANCE 2022-

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

Section 1. Legislative findings, intent, and purpose.

The Common Council makes the following findings:

1. Proper maintenance of traffic control signals serving public roads is essential to the safety of pedestrians, motorists, and others travelling on or near those roads.
2. There currently exist within the City of Ithaca a number of privately owned traffic control signals, and it is possible that additional privately owned traffic control signals may be installed in the City in the future.
3. The Department of Public Works and other City staff require additional authority to ensure that privately owned traffic signals are maintained in proper working order when the owner of any such signal fails to do so.

Section 2.

Section 346-5 of the Ithaca City Code is hereby amended to read as follows:

§ 346-5 Traffic control signals.

- A. Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I of the regulations of the Board of Public Works.
- B. Traffic control signals shall be maintained in working order by the owner or operator of said signal.

- C. Upon notice to the owner or operator of a privately owned traffic control signal located on and/or regulating traffic upon a street owned by or within the right of way of the City, the Department of Public Works is authorized to conduct or cause to be conducted any necessary repairs to restore a traffic control signal to working order.
- a. The cost for said repairs shall be charged to the owner of the traffic control signal. Written notice of all costs incurred in conducting any repairs shall be provided and a bill issued to the owner of the traffic control signal for the full amount of such costs.
 - b. Any such bill shall be payable without penalty for one month following the billing date. On any amount remaining unpaid after one month, and after each one-month period thereafter, 1% of the amount unpaid shall be added and collected.
 - c. Notice of any appeal of a bill or any portion thereof issued under this section must be provided, in writing, to the Board of Public Works within 60 days of the issuance of such bill. The Board of Public Works shall have exclusive authority to hear such appeals.
 - d. Any uncontested portion of the bill, with any added penalty or interest, shall be a lien upon the property on which the traffic control signal is located, and, if remaining unpaid on or before November 1 of any year, shall be added to and listed as a separate item on the subsequent year's City property tax bill. Fees which have been contested in a timely manner and which have been determined by the Board of Public Works to be due and payable before November 1 of any year shall be similarly listed.
 - e. The Superintendent of Public Works, City Controller, and City Chamberlain are authorized to develop additional billing practices and guidelines to further the purposes of this section.
 - f. The City shall be under no obligation to repair a privately owned traffic control signal, and all such decisions to repair or not to repair a traffic control signal shall be in the sole discretion of the Superintendent of Public Works or their designee.
 - g. The City shall bear no liability arising from or relating to any repair conducted to or any decision not to repair a privately owned traffic control signal.
 - h. The liability of the owner of the traffic control signal for any violations arising from or relating to its failure to maintain a traffic control signal in working order shall not be affected by any determination of the Superintendent of Public Works or their designee to repair or not repair a traffic signal.

D. Failure to maintain a traffic control signal in working order shall be a violation of this chapter punishable by a fine of not more than \$500. Each day a traffic signal is not in working order shall constitute a separate violation of this chapter.

Section 3. Severability Clause

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date

This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.

4. Finance, Budget & Appropriations

.1 DPW – SID – Approval of Assessment, Budget and Work Plan

WHEREAS, Section C-73 of the City Charter creates five Sidewalk Improvement Districts (each a “SID”) for the construction and repair of sidewalk, and provides for an assessment against each property located in each SID for the benefits received by the property from such construction and repair; and

WHEREAS, typically the Board of Public Works would recommend SID assessment, work plan, and budget to Common Council; however, the BPW is not able to make quorum at this time and in accordance with the City Charter, Council has oversight powers over the BPW; and

WHEREAS, Common Council, approves of the budget and schedule of work for each SID district for each fiscal year, following a public hearing; and

WHEREAS, Common Council has received a proposed SID assessment roll, budget, and schedule of work for Fiscal Year 2023; and

WHEREAS, the City provided public notice of the SID assessment roll, budget, and schedule of work in July 2022; and

WHEREAS, owners of assessed properties were provided an opportunity to file written objections with the City Clerk, and present evidence to the CA at a public hearing on August 24, 2022; and

WHEREAS, Council has given due consideration to the objections, if any, presented by the property owners in accordance with Section C-73; now, therefore, be it

RESOLVED, That Common Council approves the proposed 2023 SID budget, assessments (B or A), and schedule of work attached hereto, and be it further

RESOLVED, That Common Council recommends including the 2023 SID budget, assessments (B or A), and work plan by local law in the City’s 2023 Budget.

4. Finance, Budget & Appropriations

.2 A Local Law to Override the Tax Levy Limit Established in General Municipal Law

Local Law No. 2022 -

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

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Ithaca to adopt a budget for the fiscal year commencing January 1, 2023, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Common Council of the City of Ithaca, County of Tompkins, New York, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2023, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

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