

# **CITY OF BATAVIA BUSINESS MINUTES OCTOBER 13, 2020**

The regular business meeting of the City Council was held Tuesday, October 13, 2020 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilmembers Pacino, Briggs, Viele, Canale, Christian, McGinnis, Karas, and Bialkowski.

In attendance from the City of Batavia were Matt Worth, Chief Napolitano, Chief Heubusch, Lisa Neary, and Lisa Casey.

Council President Jankowski called the meeting to order at 7:00 PM. Councilmember Christian led the Invocation and the Pledge of Allegiance.

The minutes from the September 2020 meetings and the July and August 2020 financials were approved

The Council President assigned the regular agenda items.

\* \* \*

## **Communications**

Batavia Rotary requested to hold a chicken barbeque on Saturday, October 31, 2020 from 12:00 – 3:00pm in the Alva St parking lot. Council approved.

\* \* \*

## **Council President's Report**

Council President Jankowski announced that the next City Council Conference Meeting would be held on Monday, October 2020 at 7:00pm at City Hall, Council Board Room, 2<sup>nd</sup> Floor.

Council President Jankowski presented a proclamation to Steve Robinson, Police Dispatcher, who gave nearly 30 years of dedicated service to the City of Batavia. Mr. Robinson began as the first civilian police dispatcher for the City and served as a role model for new officers and dispatchers. Council President Jankowski sincerely thanked Mr. Robinson for his dedicated service to the community. Mr. Robinson thanked the fire department and especially the police department calling them more than friends, but family.

Councilmember Briggs presented a proclamation to the fire department declaring October, fire prevention month in the City of Batavia. Within the proclamation were several fire facts and noted that residents who had a plan and practiced that fire escape plan were more likely to survive. She also mentioned the importance of staying alert and to use caution when cooking since a large number of fires start in the kitchen.

\* \* \*

### **City Attorney's Report**

David Fitch, representing the City Attorney's office, noted that he had nothing specific to report.

\* \* \*

### **City Manager's Report**

Rachael Tabelski, Acting City Manager, noted that sales tax figures had come in and the loss was only about 4%, not the 15% loss as anticipated. She noted that up to 94% of property taxes had been collected, the overall projected loss was down from \$2.5 million at the beginning of the year to approximately \$793,000 and continuing to take measures for cuts and cost savings. Mrs. Tabelski reminded Council that we had received the unbudgeted VLT aid, SRO payment and higher than expected permit fees. She noted that Moody's kept the City's rating at A1 and she was working on the pandemic operations plan that is due 3/31/2021. She noted that the YMCA was moving forward with their DRI project and, on October 24<sup>th</sup> the police department would have their drug drop off at the Alva St parking lot from 10:00am – 2:00pm.

\* \* \*

### **Committee Reports**

Councilmember Pacino stated that there were 50 scarecrows, a record number, along Main St, and people should vote for their favorite as there were prizes to the winners. Councilmember Briggs noted that she was on the police collaboration stakeholder group, they had met twice, and asked Mrs. Tabelski to give an update on those meetings. Mrs. Tabelski noted that after the first two meetings she noticed several emerging themes coming from those meetings including officer training, use of force, mental health training, burn out, qualifications of police officers, and breaking down mistrust barriers. She noted they were in the fact finding phase and reviewing points from the executive order.

\* \* \*

### **Unfinished Business**

Councilmember Bialkowski noted that he'd had some calls regarding trick or treating and noted that there were recommendations of other activities instead of trick or treating to

keep people safe. He suggested coming up with other suggestions and discussing at next meeting. Mrs. Tabelski noted that the City's administration has taken the position that they would not ban trick or treating unless directed by the County or the State and that Genesee County was actually listed as a low-risk area for Halloween activities. She agreed with Councilmember Bialkowski that people can take extra precautions and only do what they feel comfortable with.

\* \* \*

**#69-2020**

**A RESOLUTION TO AUTHORIZE ADDITIONAL COMPENSATION  
FOR THE ASSISTANT CITY MANAGER**

**Motion of Councilmember Viele**

**WHEREAS**, the City Manager has submitted his resignation effective June 20, 2020; and

**WHEREAS**, pursuant to Section 5-4 of the City Charter the Assistant City Manager, Rachael Tabelski, has served as Acting City Manager since June 20, 2020 and agreed to serve as City Manager until such time that a permanent City Manager is appointed; and

**WHEREAS**, The City Council of the City of Batavia wishes to compensate Rachael Tabelski for assuming the duties and additional responsibilities of City Manager with a stipend of \$1,000.00 per month in addition to her current salary; and

**WHEREAS**, the City Council is of the opinion that it is in the best interests of the City to compensate the Assistant City Manager and recognizes that for an interim period of time she will be taking on additional duties and responsibilities.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia authorize additional compensation for Rachael Tabelski, she shall be paid a stipend of \$1,000.00 per month in addition to her current salary effective July 20, 2020 until such time as City Council permanently fills the positions of City Manager.

**Motion of Councilmember McGinnis and on roll call approved 7-2. Councilmembers Christian and Bialkowski voted no.**

\* \* \*

**#70-2020**

**A RESOLUTION TO DISCONTINUE THE PUBLIC USE AND TO AUTHORIZE THE  
COUNCIL PRESIDENT TO SIGN A PURCHASE AND SALE CONTRACT FOR 50 OAK  
STREET WITH BATAVIA HOUSING AUTHORITY**

**Motion of Councilmember Pacino**

**WHEREAS**, the City foreclosed on 50 Oak Street (SBL # 84.032-1-8) for non-payment of property taxes; and

**WHEREAS**, on October 12, 2010 and pursuant to Section 150 of the Public Housing Law the City Council adopted a Residential Re-Development Land Use Plan for the purpose of assisting the City and Batavia Housing Authority with the elimination of blight and existing substandard housing conditions, while providing a means for individuals and families of low income to acquire and reside in adequate housing; and

**WHEREAS**, the Habitat for Humanity has agreed to assist and partner with the City of Batavia and Batavia Housing Authority with property transfer and residential re-development efforts subject to the Residential Re-Development Land Use Plan; and

**WHEREAS**, the aforementioned property is to be exchanged in consideration of One Dollar (\$1.00); and

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia, that it discontinues the public use of said property and authorizes the City Council President to sign a Purchase and Sale Contract for each property, as well as, all necessary and appropriate closing documents, to convey 50 Oak Street to the Batavia Housing Authority, subject to the Batavia Housing Authority's execution of the Purchase and Sale Contract that is satisfactory to the City Attorney's Office.

**BE IT FURTHER RESOLVED**, this transfer of property and redevelopment is consistent with the City's Strategic Plan in achieving Key Intended Outcome's identified under the Vibrant, Livable Neighborhoods strategic priority.

**Seconded by Councilmember Viele and on roll call approved 9-0.**

\* \* \*

**#71-2020**

**A RESOLUTION TO INTRODUCE AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND I-1 INDUSTRIAL ZONE TO INCLUDE PUBLIC GARAGE BUSINESS WITH SPECIAL USE PERMITS AND TO SCHEDULE A PUBLIC HEARING**

**Motion of Councilmember Canale**

**WHEREAS** it has been requested to allow public garage businesses in I-1 Industrial Zone of the City of Batavia Municipal Code with a special use permit; and

**BE IT RESOLVED** that a proposed Ordinance entitled **"AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE CITY OF BATAVIA MUNICIPAL CODE TO AMEND I-1 TO INCLUDE PUBLIC GARAGE BUSINESSES BY A SPECIAL USE PERMIT IN THE CITY OF BATAVIA"** is introduced before the City

Council of the City of Batavia, New York; and

**BE IT FURTHER RESOLVED** that copies of the aforesaid proposed Ordinance be laid upon the desk of each member of the City Council; and

**BE IT FURTHER RESOLVED** that the City Council hold a public hearing on said proposed Ordinance at the City Hall, One Batavia City Centre, Batavia, New York, at 7:00 P.M. on Monday, October 26, 2020; and

**BE IT FURTHER RESOLVED** that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of said public hearing at least five days prior thereto.

**Seconded by Councilmember Christian and roll call approved 9-0.**

## **ORDINANCE #2-2020**

### **AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE CITY OF BATAVIA MUNICIPAL CODE TO INCLUDE PUBLIC GARAGES IN AN I-1 DISTRICT**

**Be It Enacted** by the City Council of the City of Batavia, New York as follows:

#### **SECTION 1.**

##### **190-15. I-1 Industrial Districts**

- C. Uses permitted by special use permit.
  - (1) Junkyards, salvage and scrap processing, outside storage.
  - (2) Uses which may cause a danger to the public due to the hazards of fire and explosion.
  - (3) Automobile service stations.
  - (4) Live/work units. Live/work units must comply with § 190-37, Subsection J, entitled "Standards applicable for all special use permits."
  - (5) Brew pub, micro brewery. Brew pubs and micro breweries must comply with § 190-37, Subsection J, entitled "Standards applicable for all special use permits."
  - (6) Public storage rental units/buildings with or without outside storage.
  - (7) **Public garages for the storage, adjustment or repair of motor vehicles.**

##### **190-37. Special Use Permits.**

**E.** Automobile service stations; garages; drive-in restaurants. Automobile service stations and/or **garages for the storage, adjustment or repair of motor vehicles**, drive-in restaurants and other similar uses where specific attention and consideration must be given to traffic generation and the disruption of traffic flow as well as the danger to the general public due to hazards by fire and explosion, may be permitted by special use permit in C-2, 1-1 and 1-2 Districts, provided that:

**(1) A site plan shall be prepared to show the location of buildings, parking areas, and driveways. In addition, the site plan shall show the number and location of fuel tanks to be installed; the dimensions and capacity of each storage tank; the depth the tanks will be placed below the ground; the number and location of pumps to be installed; the type of structure and accessory buildings to be constructed; the location, height, and lighting power of proposed lighting standards; and the manner in which buffering is to be provided.**

(2) Automobile service stations and drive-in restaurants shall have the following yard restrictions:

- (a) A minimum lot size of 15,000 square feet with a minimum width of 125 feet.
- (b) Minimum front and side yard areas of 25 feet with a minimum rear yard of 35 feet.
- (c) Maximum lot coverage of 20%.
- (d) Maximum building height of one story or 18 feet.

(3) Driveways at service stations, drive-in restaurants and other uses providing drive-in service shall not be less than 20 feet nor more than 24 feet in width at any point. Driveways must be at least 20 feet from any side lot line and 50 feet from the intersection of street lines. No more than two driveways shall be permitted for each 125 feet of street frontage.

**(4) The entire area of the site traveled by motor vehicles shall be hard surfaced.**

**(5) Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside an enclosed building.**

**(6) Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.**

(7) All fuel pumps shall be located at least 20 feet from any street or property line and pumps shall have automatic shutoffs as approved by the Fire Department.

(8) Parking for service stations shall be provided in the ratio of one space per 100 square feet of floor area or fraction thereof in the principal building. Parking for drive-in restaurants shall be provided in the ratio of four spaces per 100 square feet of floor area or fraction thereof in the principal building.

(9) Where such parking areas abut a residential zoning district, they shall be screened by a buffer area not less than 10 feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the City Council will be adequate to prevent the transmission of headlight glare across the district boundary line. Such buffer screen shall have a minimum height of six feet above finished grade at the highest point of the parking area. The materials shall be in keeping with the character of the adjacent residential area.

**(10) No automobile service station or public garage shall be located within 500 feet of any public entrance to a church, school, library, hospital, charitable institution or place of public assembly. The distance shall be measured in a straight line from the public entrance to the lot line nearest such entrance along the street line.**

- (11) No service station shall be located within 1,000 feet of an existing station on the same side of the highway. If a station is located at the intersection of two streets, this distance shall be measured along both streets which abut the property.
- (12) The areas shall be illuminated by nonglare lighting standards, focused downward, and which, in the opinion of the City Council, will not create a nuisance to adjoining property owners.
- (13) Drive-in restaurants for the purposes of this subsection are defined as eating establishments for customers normally arriving by motor vehicles, who are provided quick service, food and drink, and such customers obtain their own food and drink at a counter or other place for dispensing food therein and consume such food and drink upon the premises; or in such type restaurants where customers may be waited upon without leaving their vehicles by employees of the drive-in restaurant.
- (14) The use of an automobile service station may include the sale or rental of vehicles with a special permit from the City Council. No vehicles shall be parked or displayed in the required front yards, and a detailed plot plan showing the areas in which such vehicles are to be stored shall accompany the application for the special use permit.

**K. Standards applicable for all special use permits. The Planning and Development Committee may issue a special use permit only after it has found that all the following standards and conditions have been satisfied, in addition to any other applicable standards and conditions contained elsewhere in this chapter.**  
[Added 11-9-1998]

- (1) The location and size of such use and intensity of the operations involved in or conducted therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons therewith will not be hazardous and shall be in harmony with the orderly development of the district.
- (2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.
- (3) The operation of any such use shall not be more objectionable to nearby properties than would be operation of any permitted use.
- (4) The operation of any such use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact adjacent properties.
- (5) When a commercial or industrial special use abuts a residential property the Planning and Development Committee may find it necessary to require screening of sufficient height and density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.
- (6) Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.
- (7) The proposed use shall meet the off-street parking and loading requirements of similar uses.
- (8) Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water-related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.

- (9) Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards.
- (10) Such use shall be attractively landscaped.
- (11) A special use permit shall not be issued for a use on a lot where there is an existing violation of this chapter unrelated to the use which is the subject of the requested special use permit, as determined by the Planning and Development Committee.
- (12) As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.
- (13) In addition to the general standards for special use permits as set forth herein, the Planning and Development Committee may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this chapter.
- (14) The above standards are not intended to apply to uses whose regulation has been preempted by the state or federal government.

\* \* \*

**#72-2020**

**A RESOLUTION TO AMEND THE 2020/2021 BUDGET  
RESERVE AND EXPENSE ACCOUNTS FOR CHANGE TO BATAVIA CITY CENTRE  
ROOF ALTERATIONS AND REPLACEMENT PROJECT**

**Motion of Councilmember McGinnis**

**WHEREAS**, pursuant to General Municipal Law 6-c the City of Batavia has an established Facilities Reserve Fund; and

**WHEREAS**, the City Centre roof deck was more severely deteriorated than expected and to accommodate the existing structure of the roof a change order in the amount of \$21,653 has been created which is \$5000 more than the already requested contingency; and

**WHEREAS**, the City would like to move forward with the change order to accommodate the roof deck repair and close out the project; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the Director of Public Works is hereby authorized on behalf of the City to execute the change orders for the City Centre Roof Alterations and Replacement Project with Grove Roofing Services, Inc.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, By the City Council of the City of Batavia to authorize the City Manager to amend the 2020/2021 budget by increasing the accounts as follows:



Revenue A.00.0000.0000 511-2106 \$ 5,000.00

Expense A.01.9950 906-2106 \$ 5,000.00

**Seconded by Councilmember Briggs and on the roll call approved 9-0.**

\* \* \*

**#73-2020**

**A RESOLUTION TO DECLARE CITY OF BATAVIA VEHICLES  
AND EQUIPMENT SURPLUS FOR THE PURPOSE OF SALVAGE AND DISPOSAL**

**Motion of Councilmember Bialkowski**

**WHEREAS**, the Department of Public Works has declared the equipment listed below surplus and as part of the equipment replacement plan; and

**WHEREAS**, the City of Batavia requires a surplus declaration of property to be made prior to disposal or sale of vehicles and equipment; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager is authorized to declare the following as surplus for the purpose of salvage and disposal by auction or trade. All proceeds from the surplus of equipment shall be deposited in the equipment reserve account for Wastewater, or Fire Department as appropriate;

- 2001 FORD F-350 Dump Body VIN 1FDWF36S71EC67249 (Wastewater)
- 1994 Vactor 2100 VIN 1HTGLADT5SH613979 (Wastewater)
- 2009 Dodge Durango VIN 1D8HB38P49F712670 (Fire)

**Seconded by Councilmember Karas and on roll call approved 9-0.**

\* \* \*

**#74-2020**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH  
NEW YORK POWER AUTHORITY FOR A LED STREET LIGHTING PROJECT**

**Motion of Councilmember Karas**

**WHEREAS**, a project to replace City owned streetlights with LED lighting; and

**WHEREAS**, a project of this size will save the City over \$3,000 a year during financing and over \$40,000 a year after financing is complete; and

**WHEREAS**, New York Power Authority is a New York State Preferred Vendor.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Council President is hereby authorized on behalf of the City to execute an agreement with New York Power Authority in the amount of \$549,033.03 for the replacement of City owned streetlights with LED lighting.

**Seconded by Councilmember Viele and on the roll call approved 9-0.**

\* \* \*

## **MOTION TO ENTER EXECUTIVE SESSION**

### **Motion of Councilmember Pacino**

**WHEREAS**, Article 7, Section 105(1)(f), of the Public Officer's Law permits the legislative body of a municipality to enter into Executive Session to discuss "...the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation..."and;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Batavia, that upon approval of this Motion, the City Council does hereby enter into Executive Session.

**Seconded by Councilmember Viele and on roll call approved 9-0. Council entered executive session at 7:44 PM and ended at 7:49 PM.**

**Meeting adjourned at 7:49 PM.**

**Respectfully submitted,**

**Heidi J Parker  
Clerk-Treasurer**