

BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
Monday, November 28, 2016 at 7:00 PM**

AGENDA

- I. Call to Order
- II. Invocation – Council President Jankowski
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communication
 - a. Little Ridge Liquor License
- VII. Council President Report
 - a. Announcement of the next regular City Council Business meeting to be held on Monday, December 12, 2016 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre.
- VIII. Sign Code Revisions
- IX. Prosecutorial Services Agreement with Genesee County
- X. 2017 Council Meeting Schedule
- XI. 2016/2017 6-Month Budget Projections
- XII. Community Choice Aggregation (CCA) Control/Reduce Energy Supply
- XIII. GFLRPC Conduct Forum NYSERDA Clean Energy Communities Program
- XIV. Executive Session...Employment Matters
- XV. Adjournment

November 15, 2016

The Little Ridge
107 Evans Street
Batavia, NY 14020
585-815-5118

City of Batavia NY
One Batavia City Center
Batavia, NY 14020
Attention: City Clerk

To whom this may concern:

Attached, please find our Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board, as we prepare to renew our liquor license.

Would you please confirm receipt and let us know whether your office is the correct recipient for this notice?

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Luetticke-Archbell", written over a horizontal line.

Greg Luetticke-Archbell
The Little Ridge - Member

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____


**State Liquor
Authority**
**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
Local Municipality or Community Board**

(Page 1 of 2)

1. Date Notice Was Sent: _____ 1a. Delivered by: _____

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

☐ New Application ☒ Renewal ☐ Alteration ☐ Corporate Change ☐ Removal ☐ Class Change

For New applicants, answer each question below using all information known to date.

For Renewal applicants, set forth your approved Method of Operation only.

For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s).

For Corporate Change applicants, attach a list of the current and proposed corporate principals.

For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.

For Class Change applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board: City of Batavia
Applicant/Licensee Information

4. License Serial Number, if Applicable: 3155725 Expiration Date, if Applicable: 12/31/16

5. Applicant or Licensee Name: LA JAMZ LLC

6. Trade Name (if any): The Little Ridge

7. Street Address of Establishment: 107 Evans Street

8. City, Town or Village: Batavia, NY Zip Code: 14020

9. Business Telephone Number of Applicant/Licensee: 585-815-5118

10. Business Fax Number of Applicant/Licensee: _____

11. Business E-mail of Applicant/Licensee: info@thelittleridge.com

12. Type(s) of Alcohol sold or to be sold: ☐ Beer & Cider ☐ Wine, Beer & Cider ☒ Liquor, Wine, Beer & Cider

13. Extent of Food Service: ☒ Full food menu; ☐ Menu meets legal minimum food availability requirements;
Full Kitchen run by a chef or cook Food prep area at minimum

14. Type of Establishment: Restaurant

15. Method of Operation: (Check all that apply)
☐ Seasonal Establishment ☒ Juke Box ☐ Disc Jockey ☒ Recorded Music ☐ Karaoke
☒ Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): Acoustic
☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment
☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel
☐ Other (specify): _____

16. Licensed Outdoor Area: (Check all that apply)
☐ None ☒ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure
☐ Sidewalk Cafe ☐ Other (specify): _____



**State Liquor
Authority**

OFFICE USE ONLY
☐ Original ☐ Amended Date _____

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
Local Municipality or Community Board**

(Page 2 of 2)

17. List the floor(s) of the building that the establishment is located on: 1st Floor
18. List the room number(s) the establishment is located in within the building, if appropriate: N/A
19. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No
20. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.

22. Does the applicant or licensee own the building in which the establishment is located? ☒ Yes (If Yes SKIP 23-26) ☐ No

Owner of the Building in Which the Licensed Establishment is Located

23. Building Owner's Full Name: _____
24. Building Owner's Street Address: _____
25. City, Town or Village: _____ State: _____ Zip Code: _____
26. Business Telephone Number of Building Owner: _____

**Representative or Attorney representing the Applicant in Connection with the
application for a license to traffic in alcohol at the establishment identified in this notice**

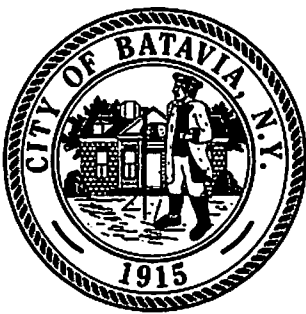
27. Representative/Attorney's Full Name: Gregory & David Luettkie-Archbell
28. Street Address: 8101 Conlon Rd
29. City, Town or Village: Le Roy State: NY Zip Code: 14482
30. Business Telephone Number of Representative/Attorney: 585-815-5118
31. Business Email Address: info@thelittleridge.com

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.


32. Printed Name: Gregory Luettkie-Archbell Title: Owner

Signature: X



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: November 22, 2016

Subject: Revised Sign Code

Attached please find revisions to the City's sign code Chapter 190-43 of the Batavia Municipal Code (BMC), as well as subsequent amendments to the sections 190-3 and 190-14(D). These revisions of the code are a result of over seven months of work in which the Planning and Development Committee (PDC) reviewed and updated the City's sign code. The most notable change in the sign regulations is the change in format. The format is easy to read and user friendly when compared to the current code format.

Background: In February City Council tasked the PDC to review the sign code and other common provisions related to electronic and digital signage. The current code does not permit the functionality or use of electronic message boards (digital signs). As a component or function of a sign, rather than a sign type, electronic message boards required an expansive review of the sign code in order to incorporate a new sign function with existing regulations. This included a review of the approval, permitting and enforcement components of the sign code as well as design guidelines, location and other parameters associated with all signs that may include the functionality of an electronic message boards. With the assistance of the Genesee County Planning Department this code revision reflects modern sign regulations, the inclusion of electronic message boards and improved and streamlined processes for sign approval and permitting.

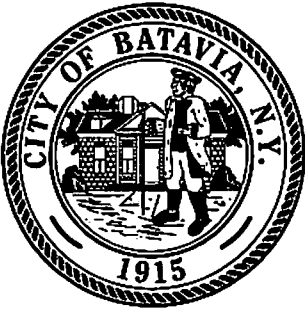
Some of the changes to the sign code include:

- Easily to read format, making it easier for applicants and code officers to interpret the code and sign regulations.
- Updated definitions section.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov

**Office of the City Manager
One Batavia City Centre
Batavia, New York 14020**

**TDD 800-662-1220
Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com**



City of Batavia

- Removal of special sign permits and changed the appeal process to make it a function of the Zoning Board of Appeal for dimensional relief (area variances).
- Includes and authorizes the use of electronic message boards in certain zoning districts within the City.
- Determination and approval of an annual permit fee to defray the City's cost to monitor and regulate their operations in accordance with the provisions of the code changes. (Recommended for \$25).
- Updated the City's Downtown Design Guidelines that streamlines the approval process, not requiring an applicant in the C-3 zone (downtown) to appear in front of the County Planning Board or City Planning and Development Committee for approval if they fit within the code regulations.

The PDC worked through multiple drafts to ensure issues were discussed and language was included in the revisions that would reflect best practices. In addition, the City Attorney has reviewed the recommended changes.

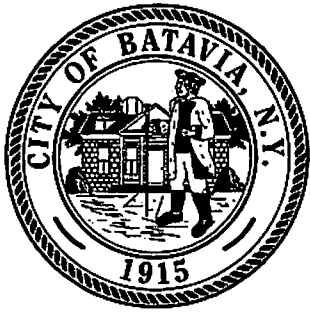
On November 15th, the PDC held a public hearing regarding the proposed changes. Comments made with respect to the proposed changes addressed two issues that were discussed over several months of dialogue with the PDC. The first issue was the time frame for message changes may not be more than once every hour. Comments made at the public hearing requested a shorter time duration for message changes.

The second issue included concerns regarding electronic message boards that already exist at the time of code revision. Under the proposed code revision, Section AA, Nonconforming Signs, (1) provides that "Any sign not conforming to the regulation of the district in which it is located at the time of adoption of this chapter shall be nonconforming" and as a result would not be able to utilize the functionality of electronic message boards, specifically the changing of electronic messages, that are authorized under the code revisions for other districts. This section is specifically referring to existing electronic message boards that will be located in zoning districts not authorized to have electronic message boards. If adopted, six property owners that currently have electronic message boards would only be able to use them as static signs, and not change messaging. They include two schools and two churches in R-1A and R-1 districts respectively, one business in an I-1 district and the hospital in the P-

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2 district. It should be noted that while these electronic message boards currently exist, they cannot, under the current code, be used to change messaging. This would be no different under the proposed sign code changes, while other existing electronic message boards that are located in authorized zoning districts would be able to change messages.

The ultimate goal of the zoning code is to achieve uniformity of property uses within each zoning district which can only be accomplished by the elimination of uses that do not conform to the specifications of district regulations. It is very normal that nonconforming use provisions are included in zoning codes when it is adopted or amended. Nonetheless, uniformity can still be achieved through different applications of nonconforming articles within zoning codes. While the proposed changes to the sign code prohibit the use of the electronic message boards in specific zoning district, the City Council can consider "grandfather" language that would allow the use of only the existing electronic message boards in nonconforming zoning districts, however not allowing new electronic message boards from being established in those zoning districts. This would achieve the growth of uniformity of sign uses within each zoning district over time, while allowing existing property owners that have already invested in electronic message boards to make use of their investment.

Next steps for the City Council would include: 1) review of the sign code recommendations and receive consensus on changes, 2) schedule a public hearing and 3) adopt a local law making any changes into law. In addition a resolution adopting an annual permit fee of \$25 is recommended.

Attachments:

- 1) Draft BMC Chapter 190-43, 190-3, 190-14(D)

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§ 190-43 Signs.

A. Statement of Purpose. The purpose of this section is to promote the public health, safety and welfare of the community by regulating the placement and size of outdoor signs and advertising displays. It is intended to protect all property values by ensuring that individual signs do not detract from the overall appearance and safety of the community.

B. Applicability.

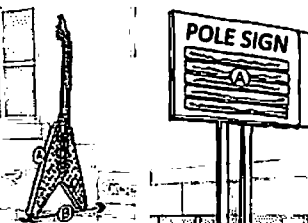
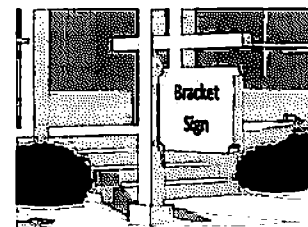
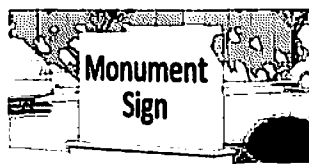
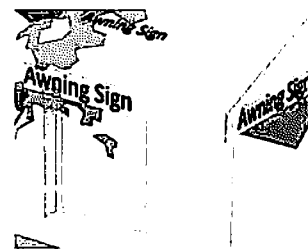
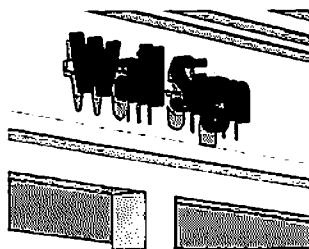
- (1) Permit required. It is unlawful for any person to erect, enlarge, relocate or change the copy of any sign other than those identified as exempt in this section, without first obtaining a sign permit and paying the fee therefor as provided in this section. Routine maintenance of existing signs, not involving erection, enlargement, relocation or change of copy, shall not require a permit.
- (2) All signs must be located on the same lot as the permitted use.

C. Application for Permit. Application shall be made in writing to the Department of Public Works on forms prescribed and provided by the City of Batavia and shall contain the following information:

- (1) Name address and telephone number of applicant and property owner.
- (2) Location of building, structure or land upon which the sign now exists or is to be erected.

- (a) If a new sign is to be erected, elevation and plan drawings should be included. A clear description of the placement and appearance of the proposed sign should include the following:

- [1] Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
- [2] The method of illumination, and position of lighting.
- [3] Graphic design, including symbols, letters, materials, and possible color combinations.

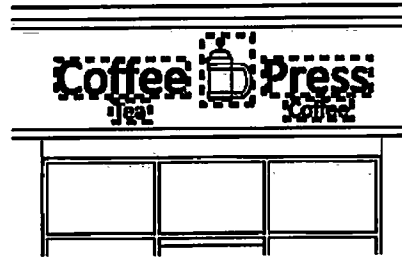


- (b) If the sign is in compliance, the Department of Public Works shall issue a permit for the proposed or existing sign. The Department of Public Works shall give written notice to the applicant if the sign application has been denied.

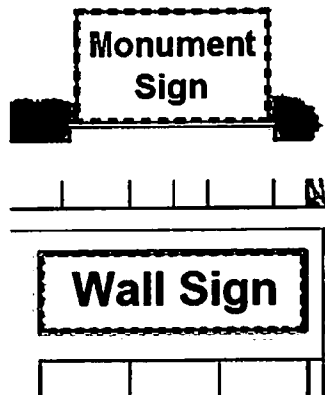
D. Common Sign Plan. A common sign plan must be filed with the Department of Public Works for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan.

E. Computation of Sign Type Area. The area of a sign type is determined as follows:

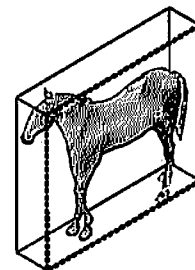
- (1) For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



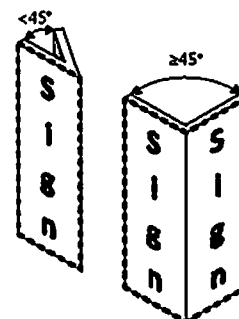
- (2) For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.



- (3) The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



- (4) The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.



- (8) No signs shall be placed anywhere within the City or state rights-of-way without the permission of the Department of Public Works, excepting awning signs, canopy signs, projecting signs, and shingle signs in commercial, industrial and planned development districts not exceeding six square feet and sidewalk signs not exceeding 20 square feet in commercial industrial and planned development districts. All signs must be a minimum of 18 inches inside the street line.

K. Portable Signs.

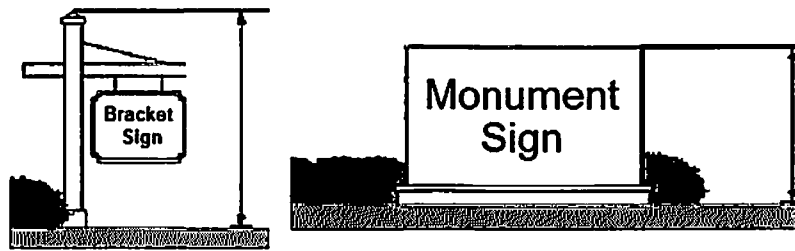
- (1) Portable signs, if powered by electric, must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Portable sign size shall not exceed 32 square feet and shall be limited to five feet above grade.
- (3) Portable signs must be removed after 60 days. Another portable sign permit can be applied for 30 days after removal of a portable sign.

- L. Sign Types Allowed by District.** Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

Sign Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3, P-1, P-2, P-3	L
Wall Sign	●	●	●	●	●	●	●	
Awning Sign			●	●	●	●	●	
Canopy Sign			●	●	●	●	●	
Projecting Sign	●	●	●	●	●			
Shingle Sign	●	●	●	●	●	●		
Window Sign			●	●	●	●	●	
Pole Sign				●		●		
Monument Sign	●	●	●	●	●	●	●	●
Marquee Sign				□	●			
Iconic Sign			□	□	●			
Bracket Sign	●	●	●	●	●	●	●	●
Sidewalk Sign			●	●	●			

KEY: ● = Sign type allowed □ = Sign type allowed on State highways Blank Cell = Sign type not allowed

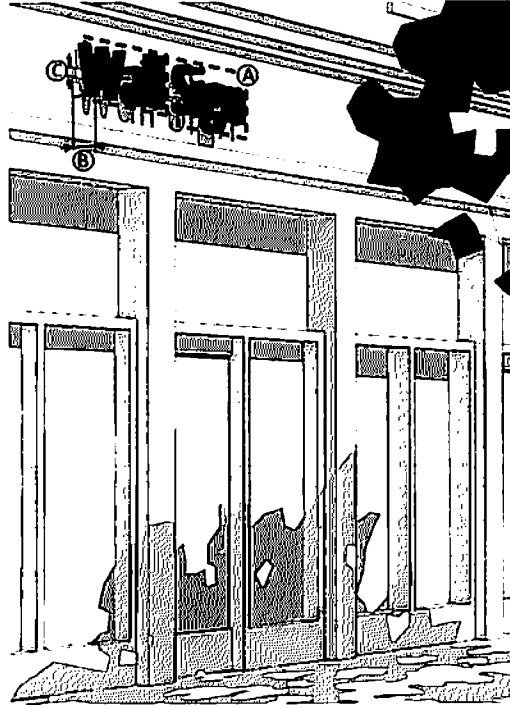
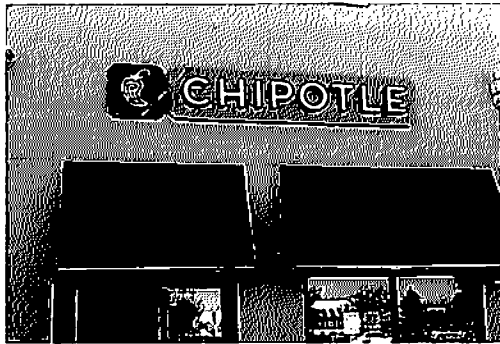
- F. Measurement of Sign Height.** The total height of a freestanding sign is measured from the highest point of the sign or supporting structure to the adjacent grade.



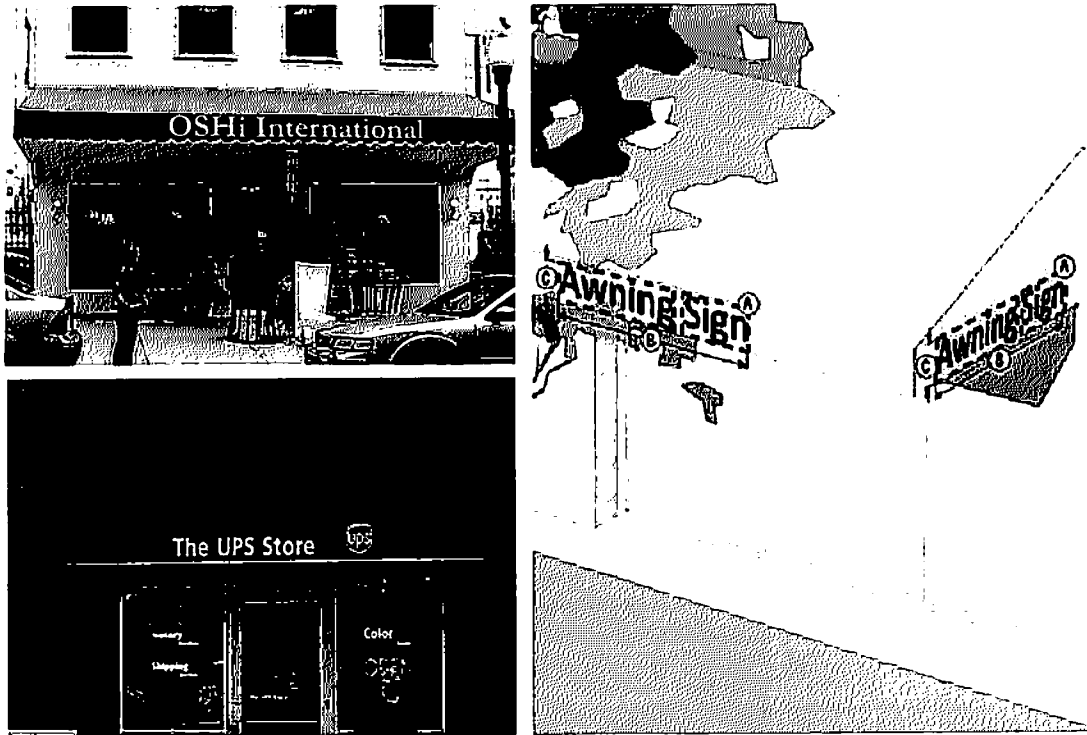
- G. Fees.** Fees for sign permits shall be as set by resolution of the City Council.
- H. Permitted Signs.** All signs which comply with the provisions and conditions set forth in this Section and obtain a permit shall be allowed, and all signs not so compliant are specifically prohibited.
- I. Exempt Signs.** The following signs are considered to be exempt from obtaining a permit, but not exempt from the provisions of this section. Exempt signs of a temporary nature shall not be attached to fences, utility poles or the like and shall not impair traffic visibility. Exempt signs, not in compliance with the provisions of Subsections (1) through (5) below may not continue after the effective date of any amendment of this section.
- (1) Historical markers, tablets and statues, memorial signs or plaques; when cut into masonry surface or when constructed of bronze, stainless steel or similar material and not exceeding six square feet.
 - (2) Flags
 - (3) Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two square feet per face.
 - (a) "Warning," "private drive," "posted" or "no trespassing" signs shall not be in excess of four feet in height and shall not be in excess of two square foot per face. A maximum of one posted, "warning" or "no trespassing" sign shall be permitted to be placed along the perimeter of property lines at intervals not less than 100 feet apart. This restriction will not apply to properties owned by public entities or utility companies.
 - (4) Three or fewer temporary signs (window, posters, lawn, and directional) not exceeding 60 days, and per the overall area allocation in Sec. M below.
 - (5) Decorations, including lighting.
- J. Prohibited Signs.**
- (1) No off-premises signs shall be allowed other than those allowed.
 - (2) No sign shall be illuminated by or contain flashing, rotating, scrolling, strobing, or moving lights.
 - (3) No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design color or placement.
 - (4) No sign shall be placed upon the roof of any building.
 - (5) No sign shall consist of or simulate moving, revolving or fluttering devices such as ribbons and streamers.
 - (6) No advertising message shall be extended over more than one sign placed along a street or highway.
 - (7) No signs shall be attached to utility poles in all zones of the City of Batavia. No permanent, temporary or exempt signs shall be attached, placed, painted or drawn upon fences, trees or man-made or natural features, including permanent, temporary or exempt signs.

M. Allocation of Overall Sign Area The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell, except for only one free standing sign per 200 feet of street frontage and one building mounted sign per establishment per building wall visible from a public right-of-way is allowed (awning and window signs excluded). The total area of wall or canopy signs shall not exceed what would be allowed on the largest wall visible from the public right-of-way. Sign area is measured in square feet or percentage of wall area and total window space for window signs.

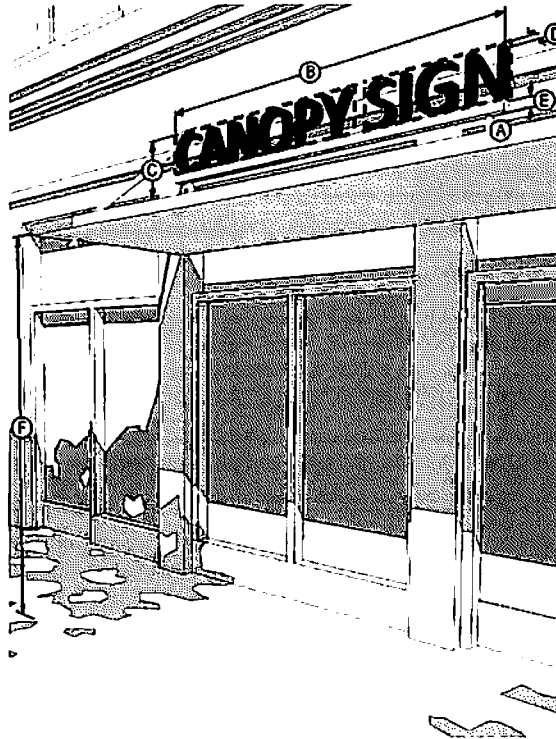
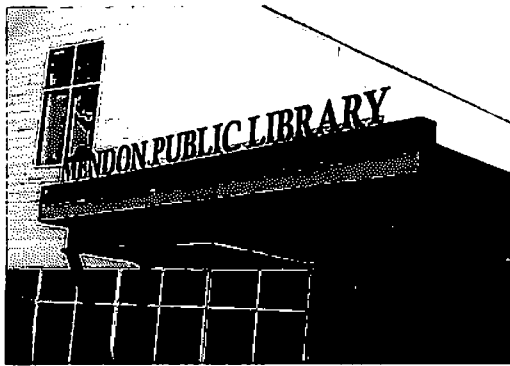
[illegible]

N. Wall Signs.

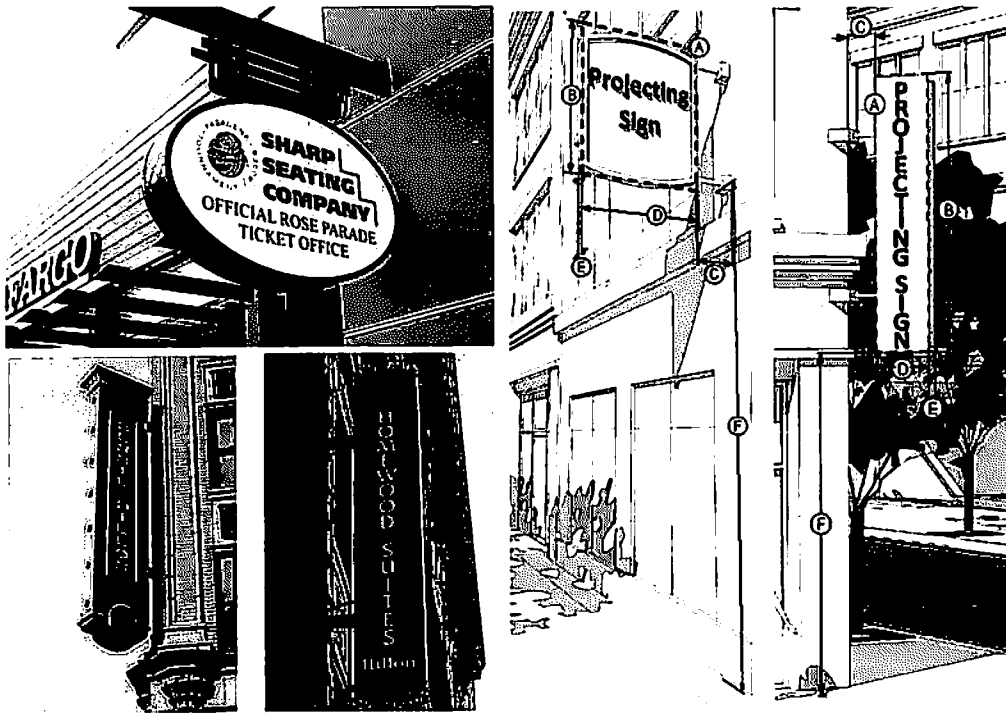
Description		
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> 1. No portion of a wall sign may extend beyond the ends, above the roof line, above a parapet wall of a building with a flat roof, or above the second story in a building with more than two stories. 2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof. 3. A wall sign cannot cover windows or architectural details. 4. A wall sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Projection - measured from building facade (max)	15 in.
C	Electrical raceway (max % of letter height)	50%

O. Awning Signs.

Description		
A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.		
General Provisions		
<ol style="list-style-type: none"> 1. An awning sign cannot extend outside the awning. 2. Only awnings over ground story doors or windows may contain signs. 3. A maximum of one sign is allowed per awning face per establishment. 4. Signs are only allowed in the vertical areas of the awning. 5. An awning sign may only be externally illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Width (max % of awning width/depth)	75%
C	Height of text and graphics on valance (max)	2 ft.

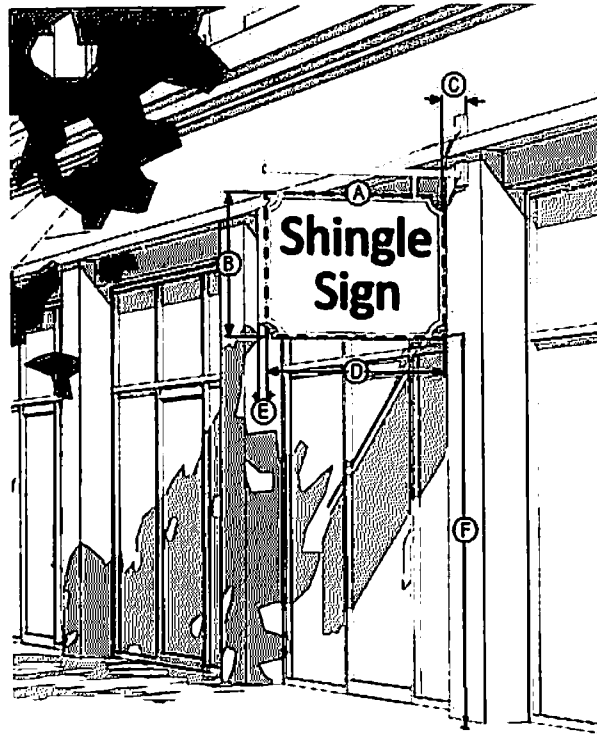
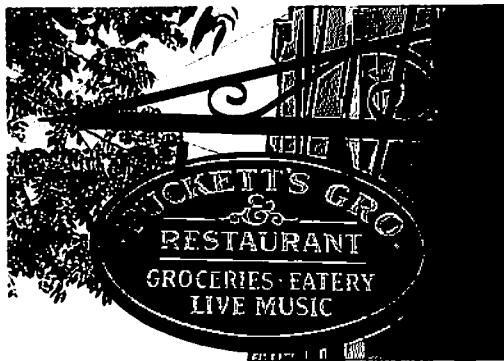
P. Canopy Signs.

Description		
A sign placed on a canopy so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> 1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy. 2. A maximum of one sign is allowed per canopy per establishment. 3. A canopy sign must be located over an accessible building entrance. 4. Electrical raceways are permitted for signs extending below or above the canopy. Otherwise, electrical raceways are not permitted and the sign must be flush with the canopy face. 5. A canopy sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Width (max % of canopy width)	75%
C	Height of text and graphics (max)	2 ft.
D	Depth (max)	1 ft.
E	Electrical Raceway (max % of letter height)	50%
F	Clear height above sidewalk (min)	10 ft.

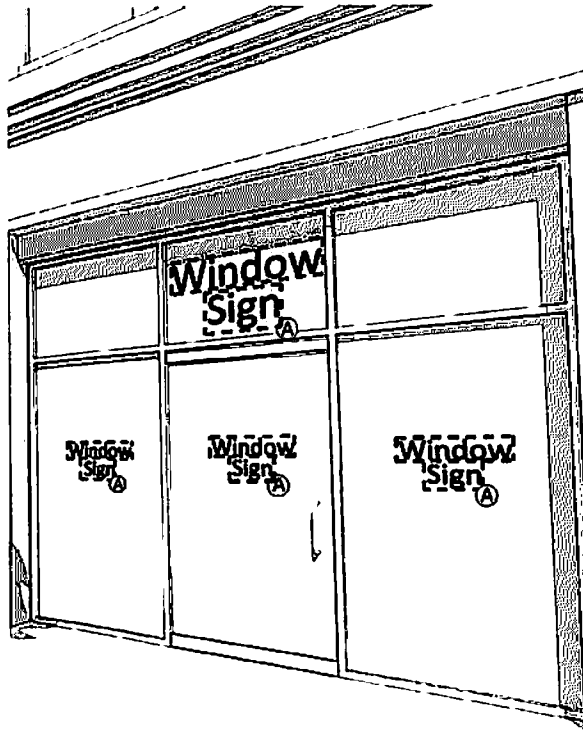
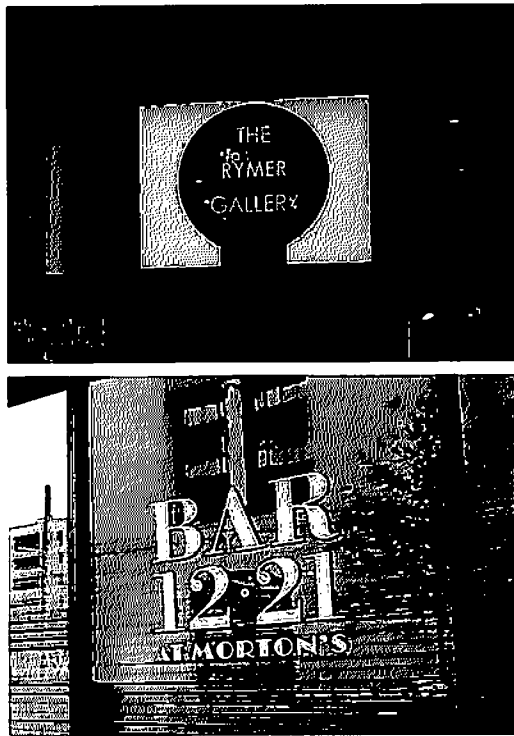
Q. Projecting Signs.

Description		
A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.		
General Provisions		
<ol style="list-style-type: none"> 1. A projecting sign must be located at least 25 feet from any other projecting sign. 2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used; however, in no case can the sign exceed the maximum height and width standards. 3. The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building. 4. Buildings four stories and higher, a projecting sign must be located below the window sills of the 4th story. 6. A projecting sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (1) (max)	
	Mounted below 2nd floor	4 ft.
	Mounted on 2nd or 3rd floor	8 ft.
C	Spacing from building facade (min/max)	1 ft./2 ft.
D	Projection width (max)	6 ft.
E	Depth (max)	1 ft.
F	Clear height above sidewalk (min)	10 ft.

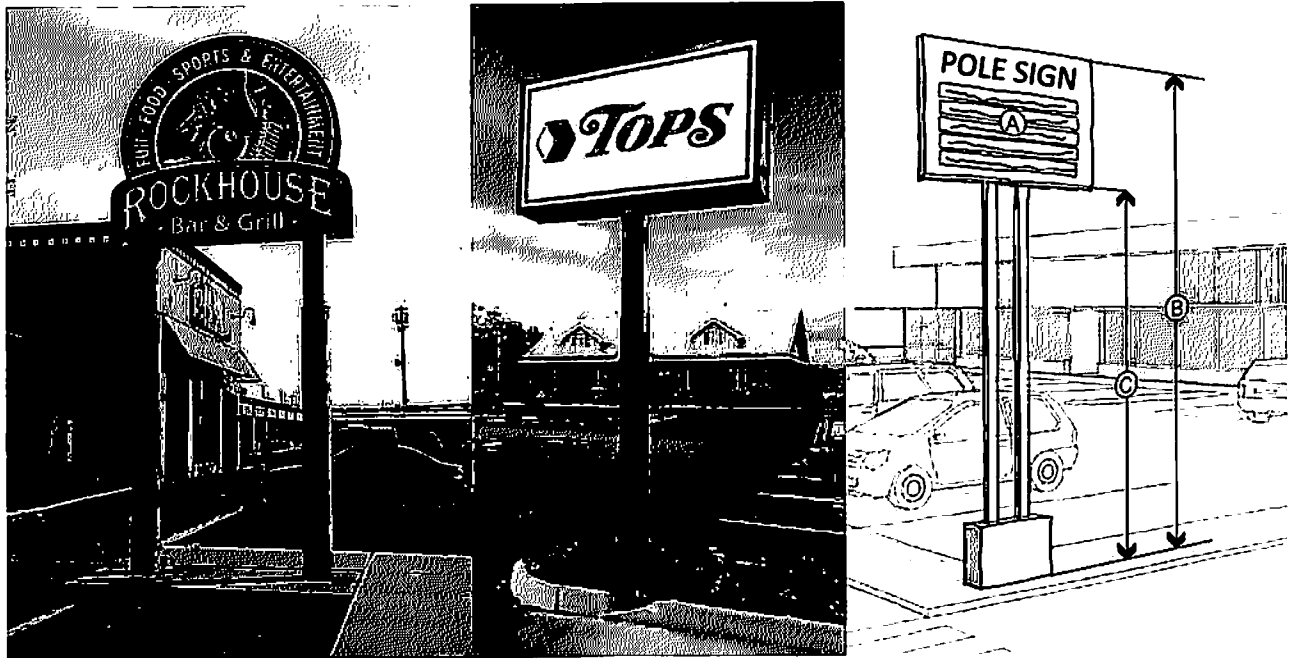
(1) If a sign is mounted across two floors then the maximum height is the average of the maximum heights for each respective floor.

R. Shingle Signs.

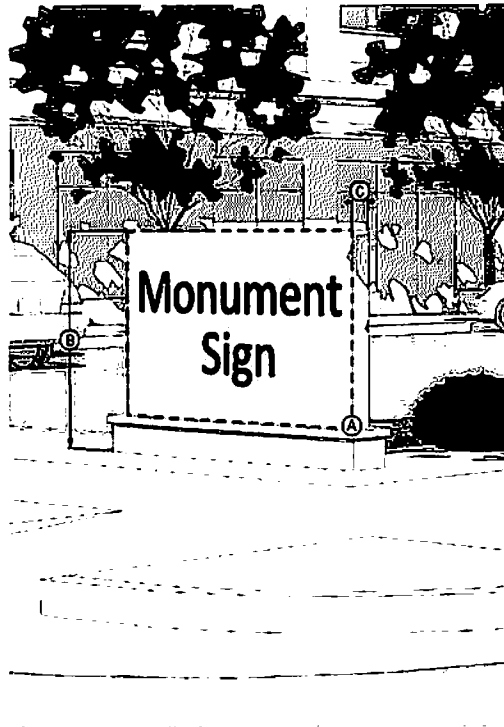
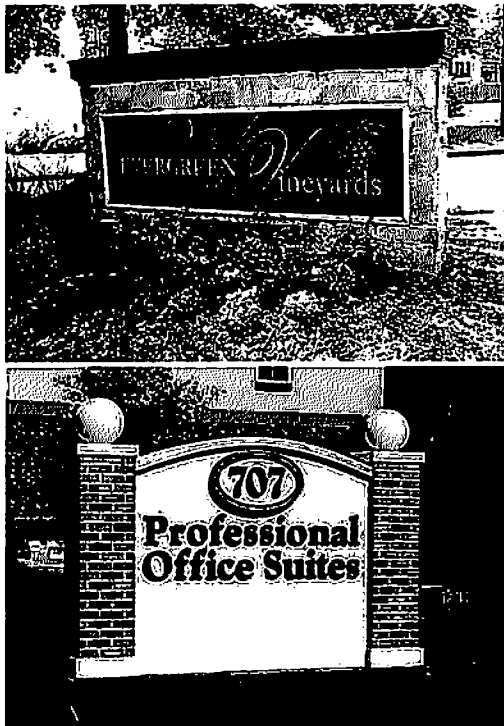
Description		
A small projecting sign that hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> 1. A shingle sign must be located within 5 feet of an accessible building entrance. 2. The hanging bracket must be an integral part of the sign design. 3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building. 4. A shingle sign cannot be illuminated. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	3 ft.
C	Spacing from building facade (min/max)	6 in./12 in.
D	Projection width (max)	3.5 ft.
E	Depth (max)	6 in.
F	Clear height above sidewalk (min)	10 ft.

S. Window Signs.

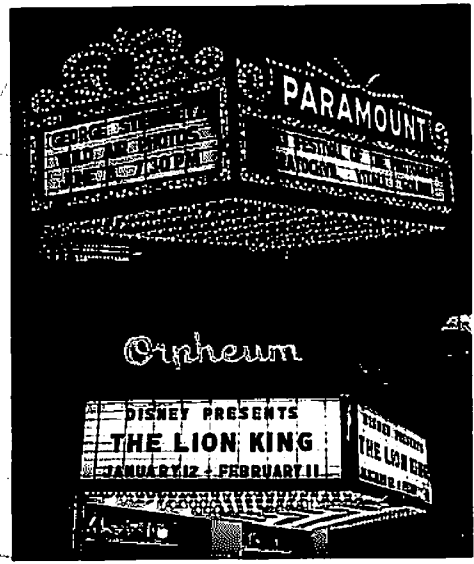
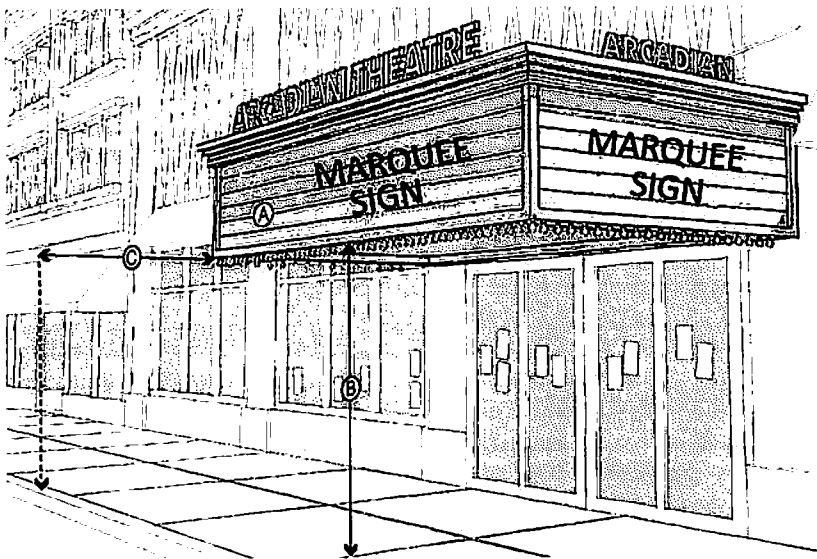
Description		
A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.		
General Provisions		
<ol style="list-style-type: none"> 1. Windows signs are only allowed on ground and second story windows and doors, except that second story windows signs are only allowed if for a different establishment than that of the ground story and if no other sign is attached to the building for that establishment. 2. A window sign can only be internally illuminated in accordance with <u>Sec. Z</u> below. 3. Overall area allocation shall be calculated for all windows per floor, per establishment, per side of the building. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above

T. Pole Signs.

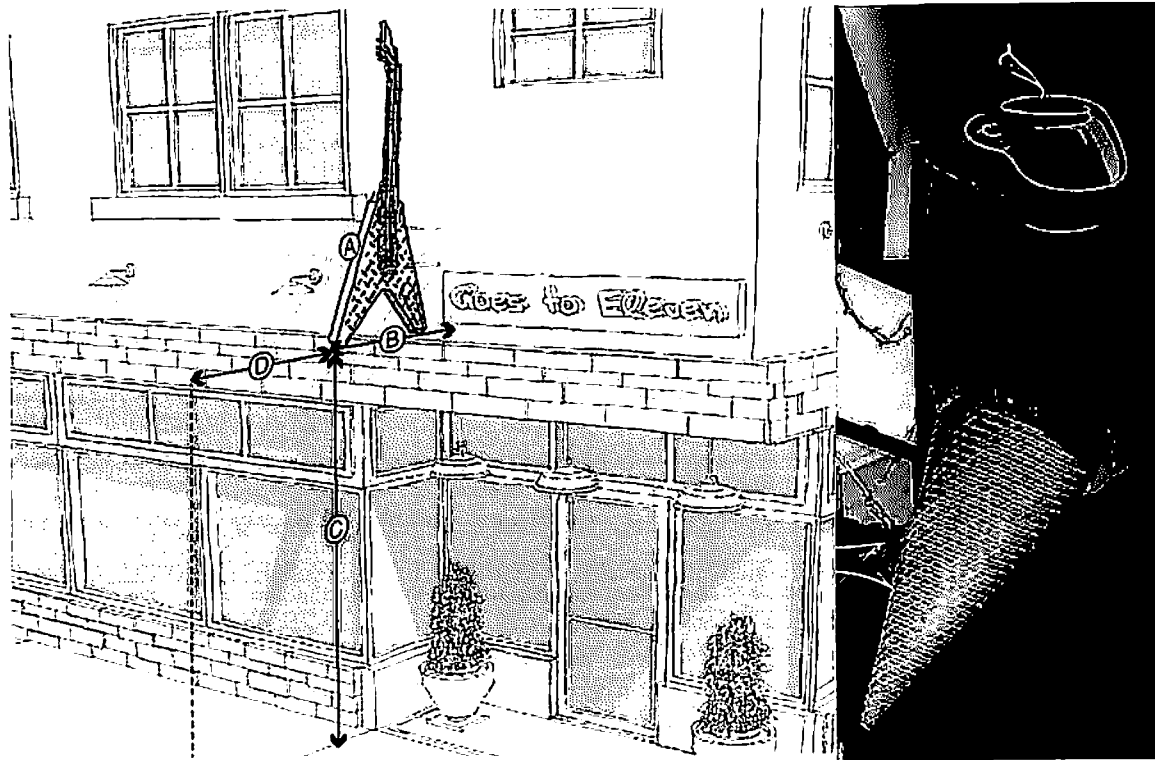
Description		
A freestanding sign constructed on a structure of one or more poles.		
General Provisions		
<ol style="list-style-type: none"> 1. One pole sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart. 2. A pole sign must be set back at least 5 feet from any property line. 3. A pole sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	25 ft. (C-2), 18 ft. (I-2)
C	Vertical clearance (min/max)	10 ft./15 ft.

U. Monument Signs.

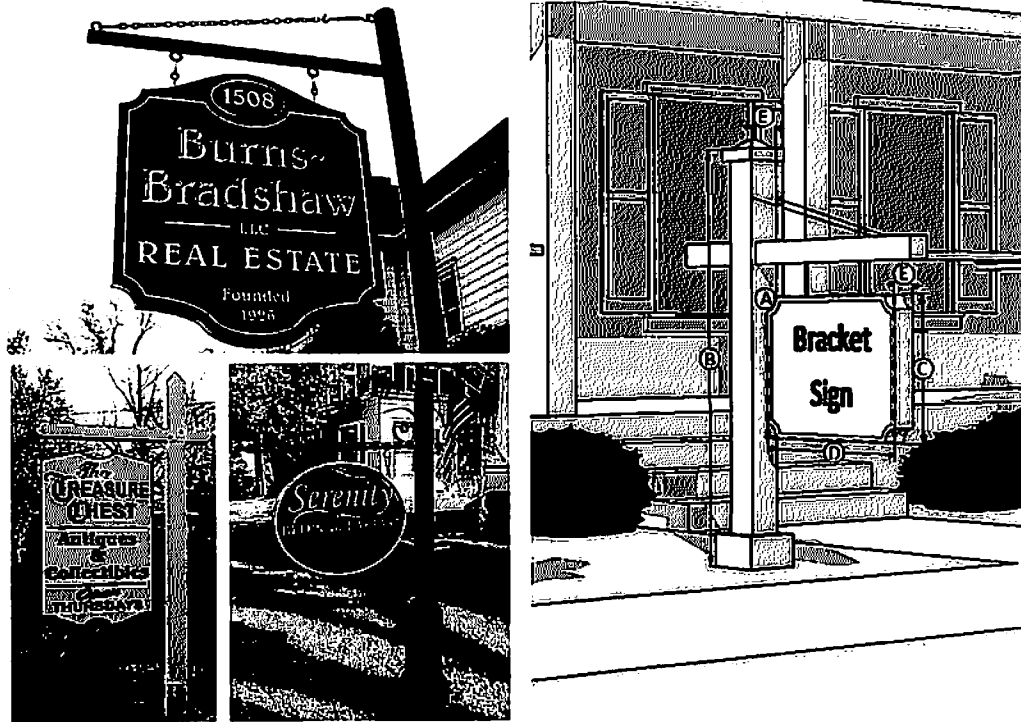
Description		
A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.		
General Provisions		
<ol style="list-style-type: none"> 1. One monument sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart. 2. A monument sign must be set back at least 5 feet from any property line, except for signs in the Land Conservation (L) District where the sign has to be 10 feet from any property line. 3. A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation. 4. A monument sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	6 ft.
C	Depth (max)	18 in.

V. Marquee Signs.

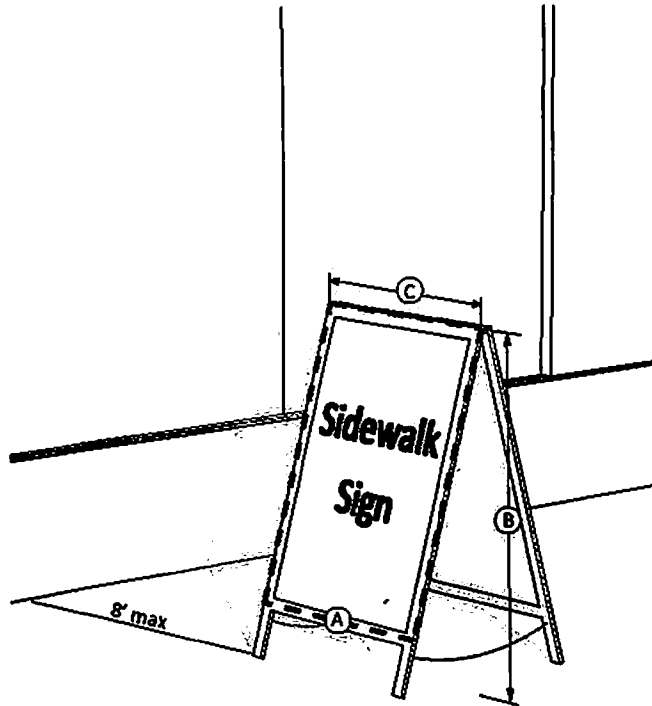
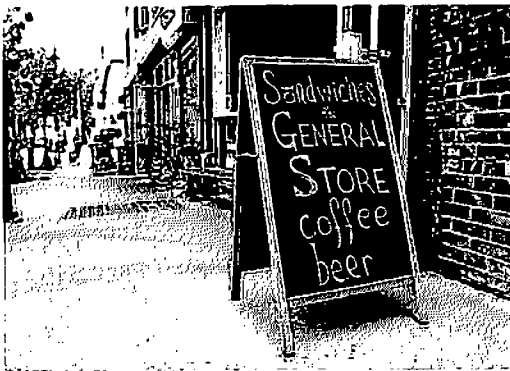
Description		
A sign attached to the top or the face of a permanent roof-like structure.		
General Provisions		
<ol style="list-style-type: none"> 1. A maximum of one marquee sign is permitted per building. Only the following types of establishments may erect a marquee sign: assembly, large or small; cultural facility; school, college/university; hotel/hostel; amusement facility, indoor or outdoor; or live entertainment. 2. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side. 3. A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports. 4. All marquees, including anchors, bolts, supporting rods and braces, must be constructed of non-combustible material and must be designed by a licensed design professional. 5. Water from the marquee roof must not drain, drip, or flow onto the surface of a public right-of-way. Sufficient gutters, downspouts, and drains must be installed as part of each marquee to prevent water from flowing onto the surface of a public right-of-way. 6. A marquee sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Vertical clearance from sidewalk level (min/max)	10 ft.
C	Setback from curb line (min)	18 in.

W. Iconic Signs.

Description		
A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.		
General Provisions		
<ol style="list-style-type: none"> 1. A maximum of one iconic sign is permitted per establishment. 2. An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information. 3. The top of an iconic sign can be no higher than the top of the building. However, on one story buildings, the top of an iconic sign may have a maximum of 20% of the sign height above the top of the building. 4. Buildings four stories and higher, an iconic sign must be located below the window sills of the 4th story. 5. An iconic sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Projection from wall (max, including supports)	5 ft.
C	Vertical clearance from sidewalk level (min)	10 ft.
D	Setback from curb line (min)	18 in.

X. Bracket Signs.

Description		
A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> 1. Only one bracket sign is allowed per building. 2. A bracket sign must be located at least 25 feet from any other bracket sign. 3. The hanging bracket must be an integral part of the sign design. 4. A bracket sign can only be externally illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Sign structure height (max)	5 ft.
C	Sign area height (max)	3 ft.
D	Sign area width (max)	3 ft.
E	Sign structure/area depth (max)	6 in.

Y. Sidewalk Signs.

Description		
A moveable sign not secured or attached to the ground or surface upon which it is located.		
General Provisions		
<ol style="list-style-type: none"> 1. Sidewalk signs do not require a permit but must be taken inside the place of business at the close of business. 2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign. 3. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility. 4. A sidewalk sign cannot be illuminated. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	5 ft.
C	Width (max)	4 ft.

Z. Sign illumination.

Illumination of signs must be in accordance with the following requirements.

(1) External Illumination

- (a) Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
- (b) Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.

(2) Internal Illumination

- (a) The background must be opaque or a darker color than the message of the sign.

(3) Exposed Neon

- (a) Exposed neon may be used for lettering or as an accent.

(4) Backlit Illumination

- (a) Light can be white or a color.
- (b) The background surface that the light shines onto shall not be reflective.

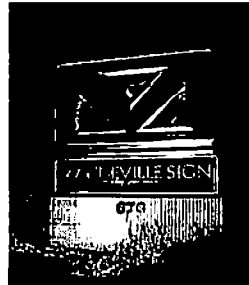
(5) Prohibited Light Sources.

The following light sources are not allowed:

- (a) Blinking, flashing and chasing.
- (b) Bare bulb illumination except for Marquee Signs.

(6) Electrical Raceways and Transformers

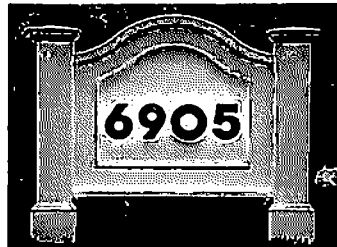
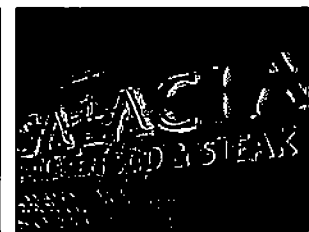
- (a) If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- (b) A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (c) Visible transformers are not allowed.



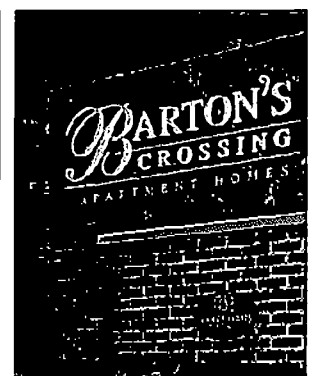
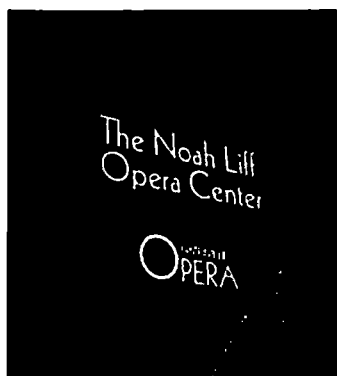
External light sources



Internally lit channel letters



Back lit channel letters



Internally lit sign with darker background

(7) Electronic Message Boards

- (a) Electronic message boards are allowed as part of a permanent freestanding sign and can only comprise as much as 30% of the total square footage permitted in Sec. M above.
- (b) One electronic message board is allowed per street frontage and shall also be considered a pole or monument sign per the density/spacing provision in those sections above.
- (c) An electronic message board may not change or move more often than once every hour.
- (d) The images and messages displayed must be static and shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation or any similar effect of animation.
- (e) The transition from one static display to another must be instantaneous without any special effects.
- (f) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- (g) An electronic message board must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with this section.
- (h) An electronic message board must not be brighter than is necessary for clear and adequate visibility.
- (i) An electronic message board must not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
- (j) An electronic message board must not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.
- (k) An electronic message board must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
- (l) An electronic message board must not be equipped with audio speakers, excluding two-way communication devices.
- (m) Electronic message boards (except static numeric signs) require an annual permit to defray the City's cost to monitor and regulate their operations in accordance with the provisions of this chapter. Failure to obtain and maintain such annual permit will constitute a violation and the operation of the sign shall be terminated. The cost of this permit shall be established as deemed appropriate through approval of City Council resolutions.



(8) Illumination Types Allowed by District.

Illumination Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, P-1, P-2, P-3	L
External Illumination	●	●	●	●	●	●	●	●
Internal Illumination			●	●		●	●	
Backlit Illumination			●	●	●	●	●	
Exposed Neon				●	●			
Electronic Message Board				□		□		

KEY: ● = Allowed Blank Cell = Not allowed

□ = Allowed on State highways except where entire parcel is directly adjacent to the H-O District

AA. Nonconforming Signs.

- (1) Any sign not conforming to the regulation of the district in which it is located at the time of adoption of this chapter shall be nonconforming.
- (2) Any sign or other advertising structure lawfully in existence on the date this amendment to this section is enacted or the effective date of any amendment to this section may continue and shall be maintained.
- (3) An existing sign may change the face or panel of the sign that does not meet the area or height standards of this law. However, there shall be no increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. Z above.
- (4) A sign must be brought into compliance with this law if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All sign permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.
- (5) If the repair is caused by involuntary damage or casualty and not deferred maintenance, the sign may be repaired to any extent.

BB. Removal of Signs. Any sign, existing on or after the effective date of this amendment to this section, which is no longer associated with the establishment upon which such a sign is located, or is unsafe shall be removed within 30 days upon written notice from the Department of Public Works. Upon failure to correct, the Department of Public Works shall remove or cause to be removed said sign and shall cause to be assessed against the property all costs and expenses incurred.

CC. Maintenance. All signs shall be maintained in such a condition so as to not constitute a danger to the public health, safety or welfare. The Department of Public Works shall inspect and have the authority to order the painting, repair and alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

DD. Construction Standards. All signs shall be constructed and installed in conformance with the New York State Uniform Fire Prevention and Building Code. Separate certification may be required for illuminated signs indicating compliance with the National Electrical Code (NFPA 70). The Department of Public Works shall have the option to require a review by the City Engineer. If the City Engineer

finds the mounting technique questionable, a professional review by a New York State registered engineer would be required.

- EE. Appeal procedures.** Any person aggrieved by a decision of the Department of Public Works relative to dimensional provisions of this section may appeal such decision by applying for an area variance. The Department of Public Works shall refer the application to the Zoning Board of Appeals for approval or denial. In granting a variance, the Zoning Board of Appeals must determine that the sign is in harmony with the general purposes of this section, does not harm the neighborhood character, and is not detrimental to public health, safety or welfare. The Zoning Board of Appeals should also consider the benefit to the applicant versus the detriment to the community in the granting of any variance. The City Planning and Development Committee shall review and issue recommendations to the Zoning Board of Appeals for area variances for signs within the Central Commercial (C-3) District.
- FF. Substitution Clause.** The owner of any sign which is otherwise allowed by this law may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.
- GG. Severability Clause.** Should any section or provision of this law be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the law as a whole or any part thereof, other than the part so declared to be invalid.

Modifications to section 190-3:

SIGN

(1) AWNING/CANOPY SIGN

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself. A sign incorporated into an awning attached to a structure.

(2) BACKLIT ILLUMINATION

Signs that are backlit illuminated involve a low level of external light shining out from behind solid object, most often letters, creating a soft glow around the outside of the objects.

(3) BRACKET SIGN

A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.

(4) CANOPY SIGN

A sign placed on a canopy so that the display surface is parallel to the plane of the wall.

~~(2)~~ COPY CHANGE SIGN

~~A sign on which the visual message may be periodically changed.~~

~~(3)~~(5) DIRECTIONAL SIGN

~~A permanent sign which is designed for the purpose of directing traffic or pedestrian traffic to the location of an activity or business. A logo or advertising is not permitted.~~

(6) ELECTRICAL RACEWAY

A raceway (sometimes referred to as a raceway system) is an enclosed conduit that forms a physical pathway for electrical wiring. Raceways protect wires and cables from heat, humidity, corrosion, water intrusion and general physical threats.

(7) ELECTRONIC MESSAGE BOARD

An illumination type that produces a static or changeable electronic message using light-emitting diodes (LED), liquid crystal display (LCD) or other digital display method; that is designed to provide an electronic message or display that may generate and periodically changed using an internal, external or remotely located electronic control system; which contains an illuminated, programmable message or graphic, whether fixed or moving.

(8) EXTERNAL ILLUMINATION

Signs that are externally illuminated have light shining on to the outer surface of the sign. External illumination may be downlit (lit from above) and uplit (lit from below).

~~(4)~~(9) FREESTANDING SIGN

~~A self-supporting sign not attached to any building, wall or fence, but in a fixed location, includes pole signs, pylon signs, and masonry wall-type signs, but does not include portable trailer-type signs.~~

(10) ICONIC SIGN

A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

{5}(11) ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light either for the interior, back lit or exterior of the sign, and which includes reflective and phosphorescent light.

(12) INTERNAL ILLUMINATION

Signs that are internally illuminated have light shining through the surface of the sign. Typically, these either involve a rectangular-shaped box sign or individual letters (channel letters) that are lit from inside. Neon signs are not considered internally illuminated.

{6}(13) MARQUEE SIGNS

A sign attached to the top or the face of a permanent roof-like structure. A sign, usually associated with a movie house or playhouse, projecting over an entrance to a building.

(14) MONUMENT SIGN

A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.

{7}(15) OFF-PREMISES SIGN

A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

(16) POLE SIGN

A freestanding sign constructed on a structure of one or more poles.

{8}(17) PORTABLE SIGN

A sign designed to be portable and not structurally attached to the ground, building, structure or another sign.

{9}—PRICE POB

A secondary sign located on the same pole as a primary freestanding dedicated to displaying prices of products, such as gasoline, sold on premises

{10}(18) PROJECTING SIGN

A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional. A sign which hangs perpendicular to a building wall.

(19) SHINGLE SIGN

A small projecting sign that hangs from a bracket or support.

(20) SIDEWALK SIGN

A moveable sign not secured or attached to the ground or surface upon which it is located.

(11)(21)SIGN

A structure or device designed or intended to convey information to the public in written or pictorial form.

(12) SIGN DIRECTORY

~~A listing of two or more business enterprises, consisting of a matrix and sign components.~~

(13)(22)SIGN STRUCTURE

The supports, uprights, bracing and framework for the sign. ~~In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or the projections thereof exceeds 30°, each side shall be considered a separate sign structure.~~

(14)(23)SIGN SURFACE AREA

The entire area within the single, continuous perimeter enclosing the limits of writing representation, emblem or any figure or similar character. Supports, uprights or structures on which any sign is supported shall not be included in the sign face area unless it is an integral part of the sign.

(15) SUSPENDED SIGNS

~~A sign which hangs down horizontally from a plane surface such as a porch or other structural element.~~

(16)(24)TEMPORARY SIGN

~~A sign related to a single activity or event having a duration of no more than 60 days.~~

(17)(25)WALL SIGN

A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall. ~~A sign that is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than 15 inches from the face of such wall.~~

(18)(26)WINDOW SIGN

A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

Modifications to section 190-14 (D)

(2) Application procedures. The Planning and Development Committee shall review all applications for the following actions that lie within the Downtown Batavia Business Improvement District as described in Chapter 58 of the Code of the City of Batavia:

(a) Any action, except those solely related to sign permits, involving exterior changes which requires the issuance of a building permit or demolition permit.

(b) Any application for a sign or sign structure. Applications are not necessary for the following actions:

—— [1] Any actions that require review by the Historic Preservation Commission.

—— [2] ~~Any~~ Any action reviewed and approved for a Facade Grant award from the Downtown Batavia Business Improvement District (BID). A letter confirming approval of the award shall be forwarded to the Code Enforcement Officer by the BID Manager or President.

—— [3] Any ordinary maintenance or repair that does not involve a change in design, material or outer appearance thereof. The Committee must act on all applications within 60 days of their receipt.

(d)[8] ~~Signs and awnings~~Awnings. Signs in the Downtown Batavia Business Improvement District shall comply with ~~5~~ and the following:

{a} ~~Primary signs are restricted to displaying the name of the business and some immediate relevant information only. They should be simple, straightforward and easy to read from a distance. Secondary information, such as details about the business, hours of operation, etc., should be reserved for smaller window signs which may be read close up at the pedestrian level.~~

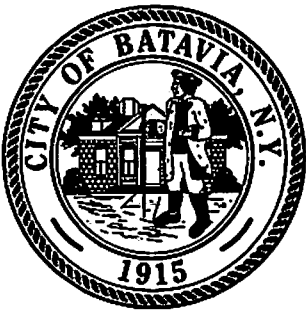
{b} ~~Primary signs should be located directly above the front door, within a vertical band down one side near the door, or on the awning face. Such signs should not project more than six inches from the plane of the facade.~~

{c} ~~Long, continuous lengths of awnings are not recommended. Instead, a series of similar sized smaller ones is preferred.~~

{d} ~~Building identification and signs should be incorporated into the design of the facade itself, with a clear and distinguishable portion of the facade reserved solely for the purpose of framing it. It is recommended that lettering be applied directly to the building itself, instead of onto a sign which is tacked on the building. Colors should be kept to a minimum, and should complement those found on the building.~~

{e} ~~Exterior box type backlit, moving, flashing or neon signs and awnings are discouraged. Other types of signs not recommended are those made of plywood and plastic materials.~~


{f} ~~The use of small lettering on the inside of the upper floor windows to identify the businesses within is encouraged.~~



City of Batavia

Memorandum

To: Jason Molino, City Manager

From: Shawn Heubusch, Police Chief 

Date: November 8, 2016

Subject: Prosecutorial Services Agreement with Genesee County

As you are aware the City of Batavia and Genesee County entered into an agreement to have the Genesee County District Attorney's Office provide prosecutorial services for, not only misdemeanors, but also for traffic violations and penal law violations handled in Batavia City Court. This agreement was last renewed in December of 2013 for a 3 year term, 2014 – 2016.

Attached is a proposed renewal of that agreement for the period of one year. Having the one year agreement in place will assure that there is sufficient prosecutorial services in place for Batavia City Court, but will allow for management to evaluate and consider any requested changes to the level of service article of the contract.

Please let me know if you have any questions.

Attachments: Draft Inter-Municipal City Court Prosecutorial Service Agreement
Draft Resolution

Police Department
10 Main Street
Batavia, New York 14020



Phone: 585-345-6350
Fax: 585-344-1878
Records: 585-345-6303
Detective Bureau: 585-345-6370
www.batavianewyork.com

#-2016
RESOLUTION TO CONTRACT FOR PROSECUTORIAL SERVICES WITH
GENESEE COUNTY

Motion of Councilperson

WHEREAS, the City of Batavia has contracted with Genesee County for the past several years for Prosecutorial Services; and

WHEREAS, the Contract between the City and County for these services expires December 31, 2016; and

WHEREAS, the City is desirous of continuing with the Inter-Municipal City Court Prosecutorial Services Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council President for the City of Batavia is hereby authorized to sign an Inter-Municipal City Court Prosecutorial Services Agreement between the City of Batavia and Genesee County.

Seconded by Councilperson
and on roll call

**INTERMUNICIPAL CITY COURT PROSECUTORIAL
SERVICE AGREEMENT**

THIS AGREEMENT, made this ____ day of December, 2016, by and between the CITY OF BATAVIA, NEW YORK, a municipal corporation of the State of New York with offices at One City Centre in the City of Batavia, New York, hereinafter referred to as the "CITY" and the COUNTY OF GENESEE, a municipal corporation of the State of New York having offices at County Courthouse, 7 Main Street, in the City of Batavia, New York, hereinafter referred to as the "COUNTY".

WITNESSETH:

WHEREAS, the County of Genesee is obligated to provide prosecutorial services for misdemeanors in Batavia City Court;

WHEREAS, the City and County are desirous of providing for all prosecutorial services for the City Court of the City of Batavia; and

WHEREAS, this Agreement is contingent upon the City requiring Prosecutorial Service as set forth in the attached Schedule A;

NOW, THEREFORE, in consideration of the terms, covenants and conditions herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed between the parties as follows:

**ARTICLE I
LEVEL OF SERVICE**

The City and County agree that upon payment of the sums hereinafter contained, the County will provide for the prosecution of not only misdemeanors, but also vehicle and traffic violations and penal law violations in Batavia City Court, this is to include the processing of any charges or

violations through the mail. The County further agrees that under the terms of this contract the County will be obligated to have an Assistant District Attorney present on all days that City Court is in session as set forth on Schedule A which is attached hereto and made part hereof, unless City Court indicates that it does not need a prosecutor on a specific date.

ARTICLE II CONTRACT FEE

The City shall pay the County for ADA prosecutorial services provided as per Schedule A as follows:

January 1, 2017, through December 31, 2017: \$58,900

ARTICLE III PAYMENT SCHEDULE

The City shall be obligated to make quarterly payments for ADA prosecutorial services as set forth on Schedule B which is attached hereto and made part hereof the County of Genesee with said quarterly payments being due the first of each calendar quarter.

ARTICLE IV CANCELLATION OR RENEWAL OF CONTRACT

Either party shall notify the other at least one hundred and twenty (120) days prior to the expiration of this agreement of its intention not to renew. In addition, either party shall have the authority to terminate this agreement upon one hundred and twenty (120) days written notice in the event that the City shall determine that the services to be provided in Schedule A are not sufficient to meet its needs.

ARTICLE V TERM OF AGREEMENT

The term of this Agreement shall be from January 1, 2017 through December 31, 2017.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed and their respective hands and seals to be affixed by their duly authorized officers the day and year first above written.

CITY OF BATAVIA

(SEAL)

By _____
Eugene Jankowski Jr., President
Batavia City Council

COUNTY OF GENESEE

(SEAL)

By _____
Raymond Cianfrin, Chair
Genesee County Legislature

SCHEDULE A

WEEKLY SCHEDULE BATAVIA CITY COURT PROSECUTORIAL SERVICES

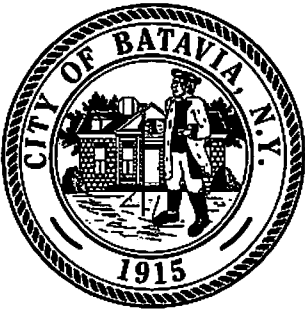
MONDAY	NOON - 1:00 PM 2:00 PM - 4:30 PM	TREATMENT COURT TEAM MEETING DRUG COURT IN SESSION (Appearances as needed)	JUDGE B }
TUESDAY	1:00 PM - 2:00 PM 2:00 PM - 4:00 PM	ARRAIGNMENTS/MAIL REVIEW PRIVATE PROBATION/ASSIGNED COUNSEL/PLEASE CASES	JUDGE B }
WEDNESDAY	9:00 AM - 10:00 AM 10:00 AM - 11:00 AM 11:00 AM - 12:00 PM 1:00 PM - 2:00 PM	TRAFFIC COURT TRAFFIC TRIALS ALCOHOL/DRUGS TRIALS CRIMINAL/TRAFFIC/ SMALL CLAIMS/CIVIL	JUDGE B }
THURSDAY	9:45 AM - 1:30 PM 2:00 PM - 4:00 PM	PSYCHIC DEFENDER DAY DWI TREATMENT COURT AND MENTAL HEALTH COURT IN SESSION (Appearances as needed)	JUDGE D }
FRIDAY	9:00 AM - 12:00 PM	CRIMINAL/TRAFFIC/ SMALL CLAIMS/CIVIL VETERANS' COURT	JUDGE D }

~ 2ND WEEK OF EVERY MONTH JURY TRIAL MAY BE SCHEDULED

SCHEDULE B

2017 Intermunicipal City Court Prosecutorial Services Agreement Payment Schedule for Services Provided


Due:	January 1, 2017	\$ 14,725
	Services for 1st Quarter: January 1 through March 31, 2017	
Due:	April 1, 2017	\$ 14,725
	Services for 2nd Quarter: April 1 through June 30, 2017	
Due:	July 1, 2017	\$ 14,725
	Services for 3rd Quarter: July 1 through September 30, 2017	
Due:	October 1, 2017	\$ 14,725
	Services for 4th Quarter: October 1 through December 31, 2017	
2017 Total:		\$ 58,900



City of Batavia

Memorandum

To: Honorable City Council

From: Jason Molino, City Manager 

Date: November 22, 2016

Subject: 2017 City Council meeting dates

Attached please find a list of City Council meeting dates for 2017. Please note it is recommended that the February Business meeting be moved to Tuesday February 14th, rather than Monday. This due to the New York Conference of Mayor's (NYCOMs) Winter Legislative Session being held on February 12-14th. In the past the City Manager and City Council members have attended the winter session to discuss current issues with NYCOM members as well as address issues facing the City directly with our State Representatives in Albany. The past several years this NYCOM session has conflicted with a regularly scheduled Council meeting and as a result Council members have not attended the session. Moving the Council meeting to Tuesday would allow several Council members to attend the NYCOM session.

If you have any questions please do not hesitate to contact me.

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**Office of the City Manager
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**TDD 800-662-1220
Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com**

2017 City of Batavia Council Meetings

January 9, 2017 (Business)

January 23, 2017 (Conference)

February 14, 2017 (Tuesday - Business)

February 27, 2017 (Conference)

March 13, 2017 (Business)

March 27, 2017 (Conference)

April 10, 2017 (Business)

April 24, 2017 (Conference)

May 8, 2017 (Business)

May 22, 2017 (Conference)

June 12, 2017 (Business)

June 26, 2017 (Conference)

July 10, 2017 (Business and Conference)

August 14, 2017 (Business and Conference)

September 11, 2017 (Business)

September 25, 2017 (Conference)

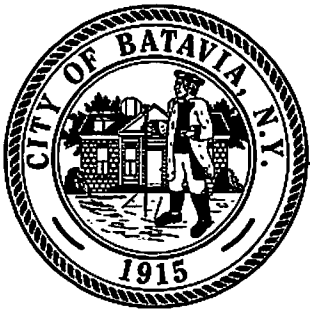
October 10, 2017 (Tuesday - Business)

October 23, 2017 (Conference)

November 13, 2017 (Business)


November 27, 2017 (Conference)

December 11, 2017 (Business and Conference)



City of Batavia

To: Honorable City Council

From: Jason Molino, City Manager 

Date: November 22, 2016

Subject: 6 Month Review and Budget Amendments

Background: Annually the City conducts a 6 month budget review and projection to identify potential unexpected variances in the budget after adoption. In reviewing the 2nd quarter financial statements, there is one budget amendment that is recommended to complete the fiscal year. The budget amendment is suggested to be made from the City's contingency budget.

- 001.1325.0472 – Tax Foreclosure Expenses – The tax foreclosure expenses will be approximately \$15,000 higher than budgeted due to the payment of school taxes for tax delinquent properties. The Tax Foreclosure Expenses budget line includes expenses related to the foreclosure process such as prorated school taxes for properties foreclosed on by the City. The City is not necessarily foreclosing on more properties however the City is responsible for paying school taxes on delinquent properties.

It is recommended that \$15,000 be transferred from the contingency budget to cover the increase in tax foreclosure expenses.

In addition to conducting a six month review of revenues and expenditures, the City from time to time has a need to make budget amendments or adjustments due to unexpected revenues (ie grants, insurance payments, etc.) that may be received. The following is list of budget amendments that account for the receipt of additional revenue and expenditures that was not part of the original budget adopted last March.

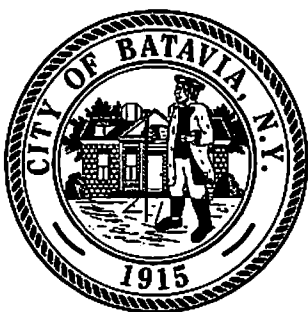
Police Transportation – the City received an insurance settlement from a vehicle accident in which a City vehicle was damaged. This payment came from an insurance carrier representing the other party involved in the vehicle accident.

Youth Service - the Youth Bureau received an increase in funding from Genesee County through their allocation process as a result of state add-on funding. This funding was used towards supporting the summer recreation program, youth center and technology center.

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City of Batavia

Community Development – In September the City received a \$66,500 grant to assist with addressing zombie homes within the City. The grant funds encompass a variety of initiatives including developing a Program for Public Information that clearly outlines how the City plan to connect those at-risk of foreclosure with resources, developing a database of existing Zombie homes, facilitating the acceptance of zombie properties from mortgagees for redevelopment or razing and revising three municipal codes targeted at minimizing the correction time for frequent property maintenance violations. The grant funding is for a two year period 1/1/17 – 12/31/18.

Washington Sewer and Summit Water Capital Projects - The Washington Street Sewer and Summit Street Water Capital projects were under budget and as a result the scope of the project was enhanced to include the replacement of 20+ year old water meters in the amount of \$16,125.00 and \$21,245.01 respectively. This enhancement was conducted as a pilot project not only to replace old water meters but also monitor the accuracy of the new meters over the upcoming year. If successful, future water and sewer line projects may incorporate meter replacement as part of the project.

Revenue: After reviewing revenue lines and projections it should be noted that the City's sales tax receipts are currently \$100,000 less when compared to last year's receipts at this time. The current year budget was adopted with the expectation of receiving less sales tax than in prior years. While there are many factors impacting sales tax receipts, the lower than average gas prices are most likely a contributing factor as it was last year. We will continue to monitor receipts closely as we begin to prepare the budget for the 2017/18 year; however it should be expected that there will not be growth in sales tax going into next year.

No action by City Council is recommended at this time regarding sales tax.

Recommendation: It is recommended that City Council make the above mentioned budget amendment at the next Business Meeting December 12th.

We continue to monitor and review all revenues and expenditures for any variances from budgeted amounts.

Attachments:

1. A Resolution to Authorize Budget Amendments

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Decreasing expense account:

001.1990.0500	Contingency	\$ 15,000.00
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and increasing revenue accounts:

001.0001.2690	Other Compensation for Loss	\$ 3,958.53
001.0001.3820	Recreation Program	\$ 1,345.00
001.0001.3989	State Aid - Other Home and Community Srv	\$ 66,500.00

**Seconded by Councilperson
and on roll call**

- 2016
A RESOLUTION TO AUTHORIZE BUDGET AMENDMENTS

Motion of Councilperson

WHEREAS, the City of Batavia has experienced an increase in tax foreclosures thereby increasing tax foreclosure expenses over and above the adopted budget; and

WHEREAS, the City of Batavia received insurance and other settlements for property damage; and

WHEREAS, the City's Youth Bureau received an increase in funding from Genesee County through their allocation process as a result of state add-on funding; and

WHEREAS, the Washington Street Sewer and Summit Street Water Capital projects were under budget, and the scope of the project was enhanced to include the replacement of 20 year old water meters in the amount of \$16,125.00 and \$21,245.01 respectively, with more accurate and updated radio read meters which will aid in reducing lost water revenues; and

WHEREAS, the City of Batavia is in receipt of a Zombie and Vacant Properties Remediation and Prevention Initiative grant for \$66,500 from the Local Initiatives Support Corporation to assist with supporting housing quality improvement and enforcement programs; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby authorize the following budget amendments:

Effective November 28, 2016, amend the 2016-17 budget by increasing expenditure accounts:

001.1325.0472	Tax Foreclosure Expenses	\$ 15,000.00
001.3120.0406	Police – Transportation	\$ 3,958.53
001.7310.0401	Youth Service - Supplies	\$ 895.00
001.7310.0456	Youth Service – Contract Program	\$ 450.00
001.6460.0100.1160	Community Devel. – Personnel	\$ 30,750.00
001.6460.0801.1160	Community Devel. – State Retirement	\$ 3,250.00
001.6460.0802.1160	Community Devel. – Social Security	\$ 2,000.00
001.6460.0430.1160	Community Devel – Office Supplies	\$ 10,000.00
001.6460.0435.1160	Community Devel. – Travel & Training	\$ 1,000.00
001.6460.0201.1160	Community Devel – Small Equipment	\$ 7,500.00
001.6460.0423.1160	Community Devel. – Contr Svc (Research)	\$ 2,000.00
001.6460.0423.1160	Community Devel. – Contr Svc (Other)	\$ 10,000.00

MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson

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...".

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 Councilperson
and on roll call**