

# **CITY OF BATAVIA BUSINESS MINUTES AUGUST 14, 2017**

The regular business meeting of the City Council was held Monday, August 14, 2017 at 7:00 PM in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Pro Tem Viele presiding.

Present were Council President Pro Tem Viele and Councilpersons Pacino, Briggs, McGinnis, Canale, Bialkowski, Tabelski and Christian. Council President Jankowski was absent.

Council President Pro Tem Viele called the meeting to order at 7:00 PM. Councilperson Canale led the Lord's Prayer and the Pledge of Allegiance.

The minutes from the July 2017 meetings and the June 2017 financials were approved.

The Council President Pro Tem assigned the regular agenda items.

\* \* \*

## **Communications**

GO ART submitted a liquor license application for a tavern at 201 East Main St. There were no objections from the police department. Council approved.

The Batavia Area Jaycees submitted an application for the 31<sup>st</sup> annual Labor Day 5K from 8:00am – 12:30pm. The 5K would be held on Monday, September 4<sup>th</sup> beginning and ending at MacArthur Drive. Council approved.

The YWCA of Genesee County requested to hold a 5K on Thursday, October 5<sup>th</sup> at 301 North St throughout City streets to highlight Domestic Violence Awareness month.

\* \* \*

## **Council President's Report**

Council President Pro Tem Viele announced the next regular City Council Business meeting would be held Monday, September 11, 2017 in the City Hall Council Board Room, 2<sup>nd</sup> Floor, City Centre.

Councilperson Briggs presented a proclamation for Police Officer Arick Perkins who, just after midnight on July 18<sup>th</sup>, located a stabbing victim bleeding uncontrollably and was able to apply a tourniquet until emergency services arrived. It was with great pleasure that

Councilperson Briggs was able to present the proclamation to Officer Perkins for his quick response saving the victim's life. Police Chief Shawn Heubusch noted that Officer Perkins was also receiving the City Police Department's Life Saving Award for his actions. A representative from the University of Rochester noted that they recognized responders for their immediate actions through the Trauma Star Program and Office Perkins earned a Gold Trauma Star.

\* \* \*

## **Comprehensive Plan Update**

Rob Holzman, Elan Planning, gave an overview of the process his firm took to update the City's 1997 Comprehensive Plan. He noted there had been approximately 10 meetings over 20 months, 2 open houses, 11 interviews, focus groups and they reviewed and aligned the draft plan with existing plans. Mr. Holzman noted that they identified areas for change in zoning code and techniques and considered if too much industrial zoned land was being changed. He noted, however, that approximately 500 acres was zoned industrial but wasn't being used that way and recommended change. Another area that was focused on was the east end of East Main St that is zoned industrial but primarily used for commercial operations. Mr. Holzman noted that there were vacancies at the Batavia Industrial Center and Pearl St Light Industrial Park that could be used for industrial businesses to locate to. There were three organizing principles identified which were resilient, dynamic and prosperous. Mr. Holzman noted the following items the plan wanted to accomplish: create a bike-able Batavia, have safe, convenient transit network, parks and recreation master plan, celebrate public space, develop historic resources inventory, activate downtown storefronts, update zoning, integrate form-based code, public parking signage, redevelop vacant and underutilized buildings and parcels, collaborate with the Town of Batavia, and more. Mr. Molino explained that Council was given a draft strategic plan and would integrate that, along with the \$100 Million I'm All In program, with the comprehensive plan. He noted that he would like to have one to two goals per meeting presented by the owner of various projects as to their progress. Councilperson Briggs noted that Council voted 6-3 to keep the area that is proposed to be rezoned neighborhood commercial industrial so she felt that proposal needed to be removed from the comprehensive plan. Mr. Holzman didn't think heavy industry would come to that location anyway and reminded Council that the comprehensive plan is just a plan and it doesn't mean that everything in it will be implemented. Councilperson Christian asked if the 70-90 acres of land being discussed was privately owned. Mr. Molino noted that almost all of it was private. Councilperson Bialkowski noted that form-based code led to the present day zoning and asked why we would go back. Mr. Holzman noted that it's been evolving over the last decade and they were recommending a hybrid form-based code to integrate design policies with zoning. He noted that if done right it would be much more efficient for all involved. Councilperson Tabelski commented that there seemed to be a lot of interest in developing the waterfront but didn't see any specifics in the draft. Mr. Holzman noted there was nothing specific but there were a lot of ideas that could fit into different areas of

the plan. Councilperson Tabelski asked how the plan recommendations become priorities in the strategic plan. Mr. Molino noted that the comprehensive plan was used to revise the strategic plan over a 5-year period. Councilperson McGinnis noted that Batavia has an increasingly aging population with a different set of priorities that may not be addressed in the comprehensive plan. Mr. Holzman felt that the plan made it a more attractive community for both the aging and younger population.

## **Public Hearing**

### **a. Comprehensive Plan Update**

Motion to open public hearing made by Councilperson Bialkowski, seconded by Councilperson Tabelski and on roll call, approved 8-0.

John Roach, 116 Grandview Ter, noted that Council voted to keep the one section of East Main industrial and would like to see it clearly removed from the comprehensive plan. He also noted that a major part of Batavia is the Tonawanda Creek and would like to see it address in the plan.

Mark Potwora, 209 Grandview Ter, stated that he read the comprehensive plan and asked how the projects would affect the budget and tax rate over the next 10 years.

Mike Jamil, 108 Otis St, noted there was discussion of a recreation department in the plan and wondered what the importance was of such department as he has only had one lighted field for adult softball.

Motion to close the public hearing made by Councilperson Pacino, seconded by Councilperson Christian and on roll call, approved 8-0.

\* \* \*

## **City Attorney's Report**

Mr. Van Nest noted that he had nothing specific to report.

\* \* \*

## **City Manager's Report**

Mr. Molino noted that he was still waiting for the DRI announcement and would let everyone know as soon as he hears something.

\* \* \*

## **Committee Reports**

Councilperson Pacino noted that the BID was very successful with Beertavia on August 12<sup>th</sup>. She noted there were about 600 people in attendance this year.

Councilperson Christian asked that Mr. Worth take a look at the corner of James St and Williams St because there needs to be a handicapped cut out from the curb at that corner.

\* \* \*

## **Public Comments**

Lisa Whitehead, 20 Ellsworth Ave, noted that she was concerned with the missing pavilion in MacArthur Park and wondered if it was going to be replaced. She wondered why it was removed and felt there needed to be public notification when work of this magnitude was being done in the park.

Deb Kerr-Rosenbeck, 13 Lewis Ave, was bewildered that the pavilion was removed because she felt it was solid. She asked why it was removed and why the public wasn't consulted. She felt it was a convenient location that is now no longer available for use.

Jim Rosenbeck, 13 Lewis Ave, asked if Council was aware that the pavilion was removed. He thought Mrs. Difante, former Assistant City Manager, was wonderful but asked Council to leave her position vacant and return money to the taxpayers. Regarding the comprehensive plan, Mr. Rosenbeck noted there were some things he liked but there could be additional costs. He stated that if we make Batavia a best value then people will invest here. He noted that people he talked to want basic services, we are not an affluent community and shouldn't pretend that we are.

John Roach, 116 Grandview Ter, noted that the presentation regarding the pending mall litigation was pretty good but it's now six months later and nothing has happened. He suggested delaying Mr. Molino's pay raise until the mall situation is settled.

\* \* \*

## **Council Responses to Public Comments**

Councilperson Tabelski asked about the MacArthur Park shelter. Mr. Molino noted that it was removed due to lack of use, it was in need of repair, it was in a hidden area and attracted poor activity. He noted that the school and police were consulted, it was ultimately taken down but can be replaced. Councilperson Pacino noted that she was very disappointed that it was taken down and would like to have known about it. Councilperson Bialkowski noted that the Assistant City Manager was part of the City Charter and can be changed but only through charter revision. He also thanked the public for their comments.

\* \* \*

**Unfinished Business**

None.

\* \* \*

**#81-2017**

**A RESOLUTION TO AMEND THE 2017-2018 POLICE DEPARTMENT BUDGET TO REFLECT THE RECEIPT OF A NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES GRANT**

**Motion of Councilperson Briggs**

**WHEREAS**, the City of Batavia Police Department has received a grant in the amount of \$3,800 from the New York State Division of Homeland Security and Emergency Services to participate in Operation Safeguard Program – Red Team Exercise Counter Terrorism Zone (CTZ) 10. The exercise will test various locations to evaluate the effectiveness of New York State’s suspicious activity reporting programs, and further enhance the relationship between law enforcement, private sector businesses, and the general public; and

**WHEREAS**, to properly account for the expenditure of this money, a budget amendment needs to be made.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia that the City Manager be and hereby is authorized to make the following budget amendment to the 2017-2018 budget effective August 14, 2017 to cover personnel expenses incurred during Red Team Exercise CTZ 10:

Increase expenditure accounts:	
001.3120.0101.1165	\$ 3,800.00
Increase revenue accounts:	
001.0001.4389.1165	\$ 3,800.00

**Seconded by Councilperson Christian and on roll call approved 8-0.**

\* \* \*

**#82-2017**

**A RESOLUTION ESTABLISHING A STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS**

**Motion of Councilperson McGinnis**

**WHEREAS**, the City Council of the City of Batavia wishes to establish a standard work day and reporting for elected and appointed officials as outlined in section 315.4 of the New York State and Local Retirement System Regulations;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Batavia, that the attached is hereby established and approved.

**Seconded by Councilperson Bialkowski and on roll call approved 8-0.**

\* \* \*

**#83-2017**

**A RESOLUTION ADOPTING A TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PLAN FOR THE CITY OF BATAVIA**

**Motion of Councilperson Pacino**

**WHEREAS**, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex, age, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, sex, age, disability or national origin; and

**WHEREAS**, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of Title VI; and

**WHEREAS**, it is a requirement of the New York State Department of Transportation and the US Department of Transportation that communities receiving federal financial assistance adopt a Title VI Plan.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Batavia that it hereby adopts the attached Title VI Program and Implementation Plan.

**Seconded by Councilperson Christian and on roll call approved 8-0.**

\* \* \*

**#84-2017**

**A RESOLUTION TO ENTER INTO AN AGREEMENT WITH LABELLA ASSOCIATES FOR ENGINEERING SERVICES FOR THE CITY OF BATAVIA PEDESTRIAN WAY**

**Motion by Councilperson Tabelski**

**WHEREAS**, a Project for the Reconstruction of Sidewalks for Pedestrian Way, P.I.N. 4761.00, is eligible for funding under Title 23 U.S. Code, as amended, that calls the apportionment of the costs of such program to be borne at the ratio of 75% Federal funds and 25% non-federal funds; and

**WHEREAS**, the City of Batavia desires to advance the Project, and has previously been approved for inclusion as part of the Transportation Alternative Program with the New York State Department of Transportation (NYSDOT) for the City to administer this project, and

**WHEREAS**, a request for proposals was issued for a consultant to perform the Engineering Services, and

**WHEREAS**, proposals were received by eight consulting firms to perform engineering services and a committee of City and NYSDOT personnel selected LaBella Associates to perform the work;

**NOW, THEREFORE**, be it resolved that City Council approves the award of a contract for Engineering Services for the Reconstruction of Sidewalks for the Pedestrian Way Project to Labella Associates for \$297,020.00 or as otherwise modified by New York State Department of Transportation.

**Seconded by Councilperson Canale and on roll call approved 8-0.**

\* \* \*

**#85-2017**

**A RESOLUTION TO AUTHORIZE PAY GRADE REALIGNMENT FOR NON-UNION POSITIONS**

**Motion of Councilperson Canale**

**WHEREAS**, the Deputy Director of Finance, Human Resource Specialist and Assistant City Manager/Director of Administrative Services positions have authority and responsibilities that are inconsistent with the current grade classification and similar positions in the organization; and

**WHEREAS**, after review by the City's Labor Attorney it is recommended that the identified positions to be properly placed in the appropriate pay grade; and

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Batavia, effective August 20, 2017, that the Deputy Director and Human Resource positions be placed in

the Salary Grade XII, Step E and the Assistant City Manager/Director of Administrative Services position be placed in Salary Grade XIV to recognize the authority and responsibilities of each position.

**Seconded by Councilperson McGinnis and on roll call approved 8-0.**

\* \* \*

**Meeting adjourned at 8:45 PM.**

**Respectfully submitted,**

**Heidi J. Parker  
Clerk-Treasurer**