

CITY OF BATAVIA – CONFERENCE MINUTES

MONDAY, MAY 22, 2023

Present were Council President Jankowski and Councilmembers Viele, Twichell, McGinnis, Briggs, Schmidt, Bialkowski and Richmond. Councilmember Canale was absent.

In attendance from the City were Chief Heubusch, Chief Graham, Erik Fix, Tom Phelps, Dawn Fairbanks, and Krista Galdun.

Call to Order

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

Public Comments

Matthew Gray, 41 Clinton St, an owner of Eli Fish, was there to provide support for the BID application for open container in Jackson Square. He noted that Eli Fish was a big user of the square and state law only allowed 4 liquor licenses per year for events so they couldn't get anymore until next year. He noted that getting a great new stage was nice but might not bring in the people. He also noted that if open container was allowed, they may get cross traffic with Center Street Smokehouse and more people would come. He felt this would encourage development, alcohol brings people, and it brings people who spend money. He felt allowing open container would bring more people downtown.

Mary Jo Whitman, 288 Bank St, Director of Education for Go Art, noted that she was involved with the Ramble and provides funding for events in Jackson Square. She felt that open container would bring people into the square and enjoy the events. She stated that Go Art supported the open container application.

James Simonds, 16 Ross St, noted that he agreed with both previous speakers and felt open container should be allowed. He noted that he was currently a collector and a recycler and he sees a lot of empty containers and broken glass bottles. He felt that the open container would contain those containers to the Square and people would be able to relax and enjoy themselves. He also wanted to see more recycling from both youth and adults and would be willing to work with others who thought like him to pick up the City.

Patricia Marshall, Lancaster business owner, noted that they had looked into revising their open container policy and reached out to their local police department and to East Aurora. She noted that East Aurora stated they hadn't noticed an increase in incidents because of the open container policy they had. She noted there is control of garbage even if there is a little more trash and encouraged Council to move forward with the removal of the open container restriction.

Council Response to Public Comments

Councilmember Viele noted that he was in full support of the open container application. Council President Jankowski noted that he was concerned with people bringing their own alcohol and just hanging out there when there were no events. He was also concerned with the garbage they may leave and thought maybe there could be signage and guidelines to keep the Square clean and so it didn't turn into a hangout. Councilmember Bialkowski felt the City could provide the open container without repealing the City's law. Councilmember Twichell felt we should definitely involve the police chief on this application. Councilmember Briggs noted that she supported Mr. Gray's comments.

Communications

Cornerstone Church submitted an application for a community outreach picnic on Saturday, May 27th from 11am-2pm in Austin Park. Council approved.

Just Kings submitted an application for a Juneteenth celebration on Saturday, June 17th at 12pm in Williams Park. Council approved.

The BID requested to hold an Italian Fest on Saturday, July 29th from 1-7pm on Center, School and Jackson Streets and in Jackson Square. Council approved.

Council President Report

Council President Jankowski announced the next City Council meeting to be held on Monday, June 12, 2023 at 7:00 pm at the City Hall Council Board Room, 2nd Floor, City Centre.

Council President Jankowski proclaimed May 31, 2023 as Batavia Police Department Flag Commemoration Day in the City to recognize those police officers laid to rest each year and honor those previously departed.

Presentations

- a. Habitat for Humanity
 - Arielle McVay, Board President, along with Jaylene Smith-Kilner, Executive Director, noted that Habitat for Humanity just completed a home at 50 Oak St that was given to new homeowner, Terry. Ms. McVay noted that this was their 26th home and thanked the City for the houses they have donated and asked Council to consider and continue to provide homes to Habitat. They showed a video of their statistics and accomplishments including before and after photos. Terry, who just received his new home, noted that he got into the program just by stopping by the Restore and speaking with Jaylene. He noted that his kids couldn't believe they had this home and his emotions came through. Ms. Smith-Kilner noted that all of their homeowners are an inspiration and she looked forward to building and collaborating with the City again.

b. Kuyler Preston – Batavia Pedal Party, LLC

- Kuyler Preston, owner of Batavia Pedal Party, LLC, noted that his new business was a pedal bike tour that would go around town and make stops at local establishments. He was there to ask Council to consider allowing each person to bring two cans of alcohol on the bike with them. He pointed out several safety features and noted that he worked with and went through a lot of organizations to get to this point. Mr. Preston noted this was completely legal and done in other cities in New York as well including Buffalo and Rochester. He explained that he designed and ordered a custom bike, created the LLC, and reviewed the pricing and advertising on the bike. Mr. Preston noted these would be two-hour tours, explained where the bike would be stored, reviewed a sample route, and talked about how other cities handle problematic customers. Councilmember Viele asked if a customer had too much to drink if it would throw off the pedaling of the bike. Mr. Preston explained that it would not because the bike also has a motor that could take over if the pedaling wasn't enough. Councilmember Twichell asked if the tour was just for pre-established groups of people who signed up or could an individual jump on. Mr. Preston noted that there may be a couple of small groups that come together to meet the minimum limits but anyone can be on if they are comfortable with people they probably don't know. Mrs. Tabelski noted that the upcoming agenda item would be asking for special permission for this business to allow the two cans per person since it's an open vehicle. Chief Heubusch noted that the bike would be a non-registered vehicle so need to have special permission as noted in the Batavia Municipal Code. Councilmember Bialkowski asked what the policy was for smoking. Mr. Preston said this would be considered but current laws would still apply regarding smoking, specifically marijuana. Councilmember Richmond asked what kind of liability it would carry. Mr. Preston noted that there was a specialty insurance company who would handle that type of business and Duane Preston, Kuyler's father, noted that it was a \$1 million and \$2 million policy. Council President Jankowski thanked Mr. Preston for investing in Batavia.

Discussion of Block Parties – Councilmember Bialkowski

Councilmember Bialkowski noted that there was a concern about a block party from last year and asked Mrs. Tabelski about which permits were issued and if permission was given to close the streets. Mrs. Tabelski noted it was an event application and there was street closure. Councilmember Bialkowski reviewed the concerns including not being able to get out of their driveway, residents not notified of the event and thus no input, and smoke from a BBQ trailer drifting into window. He noted that he was OK with block parties but some streets were not good for these type of parties. Council President Jankowski agreed that people should be notified and that local traffic should still be able to come and go. Mrs. Tabelski reviewed the rules already in place and part of the event application and felt we could add that, for block parties, neighbors needed to be informed and local traffic could come and go. Council President Jankowski didn't want to discourage block parties but hoped neighbors could talk to each other to resolve issues. Mrs. Tabelski noted that management does meet to try to accommodate applicants while staying in accordance with

City rules. Council President Jankowski noted that he didn't want Council to overreact because of one event. Mrs. Tabelski noted that the application would be amended to allow local traffic to get through, not allowing attendees to go on other people's property without permission, can't block driveways and to reach out to neighbors. She noted she would also work with department heads and managers who deal with the event applications.

RFP – Award for Engineering Services

Mr. Fix asked Council to allow this short list of firms to be able to provide engineering services to the City. He noted there were 11 firms chosen for contracting with the City for engineering services. Council agreed to move the item forward.

Purchase and Sale Contract for 41 Central Ave with Batavia Housing Authority

Mr. Fix noted that he had one foreclosed property to transfer to Batavia Housing Authority to ultimately end up with Habitat for Humanity for rehabilitation. Council President Jankowski thanked Habitat for putting these properties back into good shape and noted he wished the City could do more. Council agreed to move the item forward.

Surplus of Bureau of Maintenance Vehicles

Mrs. Tabelski noted that there were three vehicles the Bureau wanted to surplus. Tom Phelps, Superintendent of Water and Wastewater, added additional details about the age and status of the vehicles that would go to auction. Council agreed to move the item forward.

Surplus of Phones

Mr. Fix noted that in March the City switched to new phones and, as a result, he was looking to surplus 70 phones. Council agreed to move the item forward.

Special Permission to Batavia Business Improvement District – Italian Fest

Mrs. Tabelski noted that this was to give permission for the BID to have open container for the Italian Festival. Council agreed to move the item forward.

Special Permission to Kuyler Preston – Batavia Pedal Party, LLC

Mr. Fix noted that this was to ask permission to waive open container related to Mr. Preston's business on certain streets. Councilmember Bialkowski noted that he would like to see what Mr. Preston is going to do with some of the other things that were discussed earlier. Mr. Van Nest, City Attorney, noted that this resolution was only for consideration of open container and that his business was already in place so that wasn't up for debate. Council agreed to move the item forward.

Shannon Maute BID Director Request for Open Container – Jackson Square

Mr. Van Nest suggested having this written up in resolution format for the next conference meeting to allow open container in Jackson Square. Councilmember McGinnis noted that the longer we wait the more we postpone having this ready to go for upcoming events. He noted that we want to promote business, not destroy it.

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MOTION TO ENTER EXECUTIVE SESSION

Motion of Councilperson Viele

WHEREAS, Article 7, Section 105(1)(d), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...proposed, pending or current litigation...”.

WHEREAS, Article 7, Section 105(1)(h), of the Public Officer’s Law permits the legislative body of a municipality to enter into Executive Session to discuss “...the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof...”.

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 McGinnis and on roll call approved 8-0. Council entered executive session at 8:35 PM and exited at 9:40 PM.

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Conference Meeting adjourned at 9:41 PM.

Respectfully submitted,

**Heidi J Parker
Clerk-Treasurer**

05/22/2023