

# THE GENEVA CITY COUNCIL

## ACTION MINUTES

REGULAR COUNCIL MEETING

SEPTEMBER 7, 2016 – 7:00PM

Presiding – Ron Alcock, Mayor  
Present – Matt Horn, City Manager

1. ROLL CALL

PRESENT: Clr. Greco, Clr. Hagerman, Clr. Camera, Clr. Gramling, Clr. Valentino, Clr. D'Amico, Clr. Marino, Clr. Eddington

2. PRESENTATION FROM BLUEPRINT GENEVA

3. CONSIDERATION OF MEETING MINUTES

ACTION TAKEN by Clr. Eddington; seconded by Clr. Greco  
MOVED THAT the minutes of the July 13, 2016 and August 3, 2016  
Regular Meetings be approved  
MOTION CARRIED UNANIMOUSLY

4. CORRESPONDENCE

The City Clerk reported that on August 15, 2016, a Notice of Claim was filed by Rick Fanning of Geneva alleging a large tree limb fell on claimant's electrical service entrance lines and did damage on July 15, 2016.

5. PUBLIC COMMENT

6. RESOLUTION ADOPTING GENEVA'S COMPREHENSIVE PLAN AND COMMUNITY DECISION-MAKING GUIDE, DATED AUGUST, 2016

City Manager Horn presented the following resolution:

**WHEREAS**, the City Council of the City of Geneva wishes to create a comprehensive plan to reflect modern planning initiatives; and

**WHEREAS**, the City Council of the City of Geneva has completed an inclusive and participatory process in cooperation with the steering committee, City residents, and

community stakeholders to plan for the City's comprehensive plan; and

**WHEREAS**, the inclusive and participatory process resulted in the creation of a document entitled *City of Geneva's Comprehensive Plan and Community Decision-Making Guide* and dated August 2016; and

**WHEREAS**, the City Council of the City of Geneva wishes to advance the community's vision, values, planning principles and priorities through adoption of the document entitled *City of Geneva's Comprehensive Plan and Community Decision-Making Guide* dated August 2016; and

**WHEREAS**, the City Council of the City of Geneva has completed the necessary review pursuant to SEQRA;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Geneva, New York that the document entitled *City of Geneva's Comprehensive Plan and Community Decision-Making Guide* dated August 2016 is hereby adopted.

**RESOLVED** this 7<sup>th</sup> day September, 2016

ACTION TAKEN by Clr. Eddington; seconded by Clr. Camera  
MOVED THAT this resolution be approved

ACTION TAKEN by Clr. Camera; seconded by Valentino that this resolution be amended and the following statement be inserted somewhere in the Comprehensive Plan: "**City of Geneva will administratively oppose any mega-landfill or mining expansion within the greater region surrounding Geneva.**"

MOVED THAT this amendment be approved

ROLL CALL: Aye – Clr. Camera

Nay – Clr. Gramling, Clr. D'Amico, Clr. Marino, Clr. Eddington, Clr. Greco, Clr. Hagerman, Clr. Valentino, Mayor Alcock

**MOTION DEFEATED**

ACTION TAKEN by Clr. Eddington; seconded by Clr. Camera

MOVED THAT the original resolution be approved

**MOTION CARRIED UNANIMOUSLY**

7. RESOLUTION AUTHORIZING SALES TAX DISTRIBUTION AGREEMENT

City Manager Horn presented the following resolution:

**WHEREAS**, the Geneva City Council has identified "Economic Development" among its Strategic Imperatives for Success; and

**WHEREAS**, in 2006, the City entered into a Sales Tax Distribution Agreement" with Ontario County, which provided for the distribution of all sales tax revenues generated in the County on the basis of relative assessed value and population; and

**WHEREAS**, the initial agreement expired in 2015, and City Council authorized a one-year extension to provide for a full evaluation of opportunities to improve upon the revenue generated from sales activity in the City; and

**WHEREAS**, City staff worked with Ontario County to develop a range of scenarios for distribution models, and their associated revenue impacts to the City; and

**WHEREAS**, it has been determined that the existing terms provide greater financial benefit to the City than other statutory remedies; and

**WHEREAS**, City staff have negotiated terms for a seven year extension to the existing terms, which would be completed in 2023.

**NOW, THEREFORE BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does authorize the City Manager to execute the attached Sales Tax Distribution Agreement, as provided for in New York State Tax Law 1262, Section C.

**RESOLVED** this 7<sup>th</sup> day of September, 2016

**AGREEMENT  
DISPOSITION OF COUNTY SALES TAX REVENUES  
NYS Tax Law 1262(c)**

**PARTIES:**

**County of Ontario**, a municipal corporation of the State of New York, 20 Ontario Street, Canandaigua, New York 14424 (the "County").

**City of Canandaigua**, a municipal corporation of the State of New York, 2 North Main Street, Canandaigua, NY 14424.

**City of Geneva**, a municipal corporation of the State of New York, 47 Castle Street, Geneva, NY 14456.

The cities of Canandaigua and Geneva are sometimes referenced to in this Agreement individually as "City" and collectively as the "Cities." The County and the Cities are sometimes referenced to in this Agreement as the "Parties."

**RECITALS:**

- A. The County and the Cities entered into an agreement in 2006 governing distribution of certain County sales taxes ("2006 Sales Tax Agreement"), which agreement remained in effect through December 31, 2015.
- B. The Parties agreed to continue the 2006 Sales Tax Agreement's distribution formula for 2016, including continuation of the twenty five thousand dollar (\$25,000) set-aside in the year 2016 for each of the two Cities, bringing each City's total set-aside amount to \$250,000 for 2016.
- C. The sales taxes subject to this Agreement are the 3% local sales tax permanently authorized by New York State ("State") law, plus the additional .125% sales tax that is subject to authorization and renewal by the State every two (2) years.
- D. At this time, the Parties wish to continue the 2006 Sales Tax Agreement's distribution formula for a period of seven (7) years.
- E. The set-aside for the two Cities shall remain at \$250,000 per year for the term of this Agreement.

**THE PARTIES HEREBY AGREE AS FOLLOWS:**

**1) Portion to be retained by Ontario County:**

- a) The County will retain 50% of the permanent 3% local sales tax.

**2) Distribution to Cities, towns and villages:**

- a) The County will distribute (together, the “Municipal Share”) 50% of the 3% permanent local sales tax, and all revenues actually generated from an additional .125% tax, if authorized and renewed by the State, to the Cities, towns and villages within the County (the “Municipalities”) pursuant to the methodology set forth below.
- b) Using 2004 as the base year, the sales tax distribution method is based on the increase in sales tax revenue above the base year.
  - i) The Municipalities agree to the concept of shared risk thereby acknowledging that the amounts distributed are subject to the amount of sales tax generated by economic activity within the County.
- c) The distribution methodology to the Municipalities will be based on 50% equalized all assessed values, including exempt properties, and 50% population based on the 2010 Census, creating a dual-basis formula for distribution (“Distribution Formula”).
  - i) The difference in the Municipal Share for the current quarter in comparison to the respective 2004 sales tax quarter will first be determined.
  - ii) A quarter of the Cities’ set-asides provided for in paragraph 5 shall then be deducted from the Municipal Share of each quarter's County sales tax collections.
  - iii) Each Municipality will be credited with the amount it received in the respective sales tax quarter in 2004 (“2004 base amounts”). [Schedule A, attached]
  - iv) After deducting a quarter of the Cities’ set-asides from each quarterly distribution and the total 2004 base amounts, the remaining amount of the Municipal Share will be prorated and distributed to each Municipality based on the methodology in paragraph 2(c) above (“Allocated Share”).
  - v) The total annual amount distributed to each City will be the monthly advance payment set forth in paragraph 2(e) below, the set-aside provided for in paragraph 5, the 2004 base amounts, and each City's Allocated Share reconciled quarterly with the amounts provided to the Cities as advance payments. The total amount distributed to each town and village within the County shall be their Allocated Share added to the 2004 base amount.
- 1) As long as the annual sales tax revenue collected in each year exceeds the total 2004 base amount by the amount of the respective set-asides, then

the Cities' set-asides provided for in paragraph 5 and Schedule B will be added to the amounts to be distributed to each City.

- 2) If the annual increase over the 2004 base amount is less than the amount of the scheduled set-asides, then the amount distributed shall be the amount of the increase. The County will make yearend adjustments if necessary.
- vi) The Parties recognize that if County sales tax collections fall below the 2004 base year amounts, the decrease will be calculated and allocated in the same manner as an increase.
- d) Each quarter of the 2004 base amounts and the allocated shares of sales tax shall be paid on a quarterly basis with the distribution occurring in April, July, October, and January for the towns, villages, and Cities.
- e) The County will make advance payments on or before the 18th of each month to the City of Canandaigua and the City of Geneva, as follows:

City of Canandaigua	\$260,000 per month
City of Geneva	\$150,000 per month

The set-aside provided for in paragraph 5, the Allocated share and the 2004 base amount of sales tax distributed to the Cities will be reconciled, per the agreement, less the monthly advance payments, at the end of each quarter and distributed in April, July, October and January.

### 3) Assessed values:

- a) Beginning with the 2017 distribution, current assessments (2016 Assessment Roll for 2017 distribution, and so on) shall be used annually in the Distribution Formula beginning with the first quarter distribution.
- b) A review board, chaired by the County Director of Real Property Tax Services ("RPTS"), consisting of the Chair and two additional members who shall be recommended by the Director of RPTS and confirmed by the County's Governmental Operations and Improved Methods Committees, will be established to monitor assessed values of wholly exempt properties to ensure accuracy of values.
  - i) The review board, where it deems appropriate, may adjust the assessed value of an exempt property solely for purposes of sales tax distribution calculations.
  - ii) If a Municipality disagrees with a value as adjusted by the review board, the Municipality shall have the right at its own expense to obtain two independent appraisals, and the average of the three amounts (two appraisals and the review board adjusted amount) shall be used by the review board.

4) **Population:** The population values will be based on the Federal Census and will change when 2020 census numbers are furnished to the Parties.

5) **Set-asides:**

- a) Beginning with the first quarter in the year 2017, \$500,000 of the Municipal Share will be set aside and equally divided between the two Cities.
- b) The set-asides will be paid to each City in equal installments over a quarterly basis and prior to the application of the distribution formula in paragraph 2(c). In the event that sales tax revenues in any one quarter fall below the 2004 base amounts so that no, or only a partial, set-aside distribution is made then in the fourth quarter of each year the County shall reconcile the quarterly set-aside payments with each year's total set-aside amount, as set forth in Schedule B.
  - i) The total amount of each year's set-aside shall be distributed in full, at least annually, to each City unless the total year's sales tax revenues fall below the 2004 base amount.
  - ii) If the increase over the 2004 base amount is less than the amount of the scheduled set-asides, then the amount distributed shall be the amount of the increase.

6) **Term:**

- a) This Agreement shall be effective January 1, 2017 and remain in effect through December 31, 2023.
- b) The Parties shall review sales tax distribution and methodology and propose any changes between January 1, 2023, and June 30, 2023, or the formula adopted herein shall continue until such time as the County or either of the Cities determines otherwise.
- c) If the State in the future should fail to renew authorization to impose the additional .125% tax, then this Agreement shall cease to have any effect, and distribution of sales tax revenues will be made pursuant to the provisions of State Tax Law 1262(c) unless and until the Parties reach another agreement or a City takes the necessary steps to implement distribution under NYS Tax Law § 1262(d).

**Authorized by the Ontario County Board of Supervisors by Resolution No. \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_, 2016.**

Dated:

**ONTARIO COUNTY**

\_\_\_\_\_

By \_\_\_\_\_

Mary A. Krause, County Administrator

**Authorized by the City of Canandaigua Council by Resolution No. \_\_\_\_\_ on  
the \_\_\_ day of \_\_\_\_\_, 2016.**

Dated:

**THE CITY OF CANANDAIGUA**

\_\_\_\_\_

By \_\_\_\_\_

**Authorized by the City of Geneva Council by Resolution No. \_\_\_\_\_ on  
the \_\_\_ day of \_\_\_\_\_, 2016.**

Dated:

**THE CITY OF GENEVA**

\_\_\_\_\_

By \_\_\_\_\_



## City Set-Asides

<u>Year</u>	<u>Canandaigua</u>	City of	<u>Geneva</u>	Total By <u>Year</u>
2017	250,000		250,000	500,000
2018	250,000		250,000	500,000
2019	250,000		250,000	500,000
2020	250,000		250,000	500,000
2021	250,000		250,000	500,000
2022	250,000		250,000	500,000
Total by City	1,500,000		1,500,000	3,000,000

ACTION TAKEN by Clr. Eddington; seconded by Clr. Greco  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY

8. RESOLUTION AUTHORIZING SALE OF PUBLIC PROPERTY – 282 EXCHANGE STREET

City Manager Horn presented the following resolution:

**WHEREAS**, the Geneva City Council has identified Economic Development among its Strategic Imperatives for Success; and

**WHEREAS**, the City maintains an inventory of publicly-owned property; and

**WHEREAS**, annually, the City staff conducts a review of City-owned property to determine if there is further public purpose, or if releasing the property for sale would assist in Council's community development objectives; and

**WHEREAS**, Council has determined that 282 Exchange Street in the City no longer serves a public purpose, and sale of this lot would contribute to Council's community development objectives.

**WHEREAS**, a public hearing was held on March 2, 2016 for the sale of the structure; and

**WHEREAS**, staff has received a proposal from Rin Lib Realty to purchase the property for \$2,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does direct the City Manager and City Attorney to prepare documents necessary to affect the sale of the aforementioned property to Rin Lib Realty for \$2,000.

**RESOLVED** this 7<sup>th</sup> day of September, 2016.

ACTION TAKEN by Clr. Hagerman; seconded by Clr. Greco  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY

9. ORDINANCE AMENDING CHAPTER 335-13 OF THE GENEVA MUNICIPAL CODE – VEHICLES AND TRAFFIC

City Manager Horn presented the following ordinance:

**WHEREAS**, the Geneva City Council has identified "Pride of Place" and "Economic Development" among its Strategic Imperatives for Success; and

**WHEREAS**, a safe and functional pedestrian network contributes to physical health, and sense of place, which drive community pride and value; and

**WHEREAS**, City Council has directed staff to conduct a review of the intersection of Linden and Seneca Streets to determine if pedestrian safety can be enhanced through prohibition of right turns when the traffic signal is red; and

**WHEREAS**, the Geneva Police Department and Department of Public Works conducted an analysis of the intersection, and found that the change would likely enhance pedestrian safety.

**NOW, THEREFORE BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does amend Chapter 335, Section 13 of the Geneva Municipal Code as follows:

*Add:*

No right turn on red from Linden Street from the north onto Seneca Street

This amendment to take effect upon two readings.

**FIRST READING:** September 7, 2016

ACTION TAKEN by Clr. Greco; seconded by Clr. Eddington  
MOVED THAT this ordinance be approved for first reading  
MOTION CARRIED UNANIMOUSLY

10. RESOLUTION DECLARING ITEMS SURPLUS

City Manager Horn presented the following resolution:

**WHEREAS**, the City of Geneva no longer has use for the following items:

- X6 Motorola P1225 Police Portable Radio with Batteries
- X1 Motorola P1225 Police Portable Radio without battery
- X1 Motorola P1225 Police Portable Radio Charger
- X33 Motorola CP200 Police Portable Radios with Batteries
- X43 Motorola CP200 Police Portable Radios Chargers
- X13 Motorola CP200 XLS Police Portable Radios with Batteries
- X11 Motorola HT1250 Police Portable Radios with Batteries
- X11 Motorola Mag-One BPR40 Police Portable Radios with Batteries
- X1 Motorola MT1000 Police Portable Radio with Battery
- X1 Motorola MT1000 Police Portable Radio Charger
- X4 Motorola CP200 Police Portable Radio Batteries
- X1 Motorola HT600 Police Portable Radio
- X1 Motorola HT600 Police Portable Radio Charger
- X36 Motorola PMMN4013A Shoulder Mics
- X16 Metal Radio Holders
- X20 Motorola Radio Clips
- X1 Motorola Ear Mic

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Geneva, New York, that the above equipment be declared surplus property, and **FURTHER BE IT RESOLVED** the proceeds from the sale surplus equipment be placed in the Equipment Amortization Fund Account.

**RESOLVED this 7<sup>th</sup> day September, 2016**

ACTION TAKEN by Clr. Valentino; seconded by Clr. Hagerman  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY

11. RESOLUTION ESTABLISHING PUBLIC HEARING – 2017 GENERAL, WATER, AND SEWER FUND BUDGETS

City Manager Horn presented the following resolution:

**WHEREAS**, City Council has received the City Manager's budget proposal for 2017; and

**WHEREAS**, the City Charter calls for the scheduling of a Public Hearing to hear comment on the budget proposal in advance of budget adoption.

**WHEREAS**, City Council anticipates adopting the 2017 budget at a special meeting on October 25, 2016.

**NOW, THEREFORE, BE IT RESOLVED** that the Geneva City Council, hereby and in due form does set a Public Hearing on the City Manager's Budget proposal for 2017 for 7:00 p.m. on October 5, 2016.

**RESOLVED this 7<sup>th</sup> day of September, 2016**

ACTION TAKEN by Clr. Greco; seconded by Clr. Eddington  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY

12. RESOLUTION ESTABLISHING PUBLIC HEARING – LOCAL LAW OVERRIDING STATUTORY TAX CAP

City Manager Horn presented the following resolution:

**WHEREAS**, City Council has identified "Economic Development", "Talent Capitalization", "Pride of Place", and "Asset Promotion" as Strategic Imperatives for Success; and

**WHEREAS**, the 2017 budget calls for an investment plan to address each of these imperatives; and

**WHEREAS**, revenues necessary to fund these investments include property tax revenues that exceed a statutory cap set by the State of New York; and

**WHEREAS**, override of the property tax cap will require adoption of a local law, and holding of a corresponding public hearing.

**NOW, THEREFORE BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does establish a public hearing to receive comment on the property tax cap and use of the override mechanism, and directs the City Manager to schedule the hearing for October 5, 2016 at 7:00 p.m.

**RESOLVED** this 7<sup>th</sup> day of September, 2016

ACTION TAKEN by Clr. Valentino; seconded by Clr. Hagerman  
MOVED THAT this resolution be approved  
MOTION CARRIED UNANIMOUSLY

13. PUBLIC COMMENT

14. MAYOR AND COUNCIL REPORTS

15. CITY MANAGER REPORT

16. ADJOURNMENT

ACTION TAKEN by Clr. Eddington; seconded by Clr. Greco  
MOVED THAT this meeting be adjourned at 8:50pm  
MOTION CARRIED UNANIMOUSLY