

THE GENEVA CITY COUNCIL

ACTION MINUTES

REGULAR COUNCIL MEETING

SEPTEMBER 5, 2018 – 7:00PM

Presiding – Ron Alcock, Mayor
Present – Sage Gerling, City Manager

1. ROLL CALL

PRESENT: Clr. Hagerman, Clr. Camera, Clr. Gramling, Clr. D’Amico, Clr. Marino, Clr. Eddington

ABSENT: Clr. Greco, Clr. Valentino

2. GENEVA FOUNDRY UPDATE

City Manager Gerling provided the following Foundry Update:

**Status Update: Foundry Remediation
September 5, 2018**

I. **NYSDEC Neighborhood Remediation Update**

Remedial Design

- Issued design drawings for the 13 properties in the north State-Center-railroad block, and for 4 properties on the south side of State St. west of the railroad.
- Prepared preliminary excavation plans for the block of properties bounded by Lafayette Avenue, Genesee Street, and John Street. Construction is expected to occur on these properties in 2019.
- Completed the next phase of pre-design sampling. This included 10 properties on the south side of Middle Street east of Wadsworth, and 11 properties on the east side of Genesee Street and Genesee Park Place south of State Street. Sample analysis and data review are ongoing.

Remedial Construction

- Restoration landscaping activities continued on properties remediated in 2017. Continued work on Construction Completion Reports (letters of No Further Action were previously distributed).
- Restoration items other than fences and landscaping were mostly completed on the group of 8 properties in the area of Exchange, State, Jackson, and Center streets, and on the 17 properties on Middle, Herbert, and Wadsworth Streets where construction began earlier this summer.
- Excavation and backfilling activities began on the north State-Center-railroad block, and were completed in the fenced-in play yard at 90 Lewis Street (Faith Community Church/Children’s Hours School).
- The goal is to complete excavation and substantial restoration of the north State-Center-railroad block of properties this calendar year, and if time permits, also complete the four properties on the south side of State St. west of the railroad.

II. Foundry Remediation

Foundry remediation is complete. Restoration work is done except for continued work on getting the grass established and the trees watered.

Resident outreach – City of Geneva

Jessica Avila's neighborhood outreach continues. Residents are utilizing the Friday Food Link Curbside and Thursday Farmer's Market voucher program for weekly fresh vegetables and fruits. Vouchers are available for residents waiting for remediation. A reminder for any residents with dogs that the Dog Park voucher program is available. Interested residents can register at the City Clerk's office at City Hall.

Jessica Avila is available to residents at City Hall on the first floor, at gncrc@geneva.ny.us or 315-759-7354.

3. INTRODUCTION: POLICE LIEUTENANT PROMOTION, POLICE SERGEANT PROMOTION AND NEW POLICE OFFICERS

4. PRESENTATION: FOOD JUSTICE

5. CONSIDERATION OF MEETING MINUTES

ACTION TAKEN by Clr. Eddington; seconded by Clr. Gramling
MOVED THAT minutes of the August 1, 2018 Regular City Council Meeting be approved
MOTION CARRIED (7-2 absent)

ACTION TAKEN by Clr. Hagerman; seconded by Clr. Gramling
MOVED THAT minutes of the August 22, 2018 Special City Council Meeting be approved
ROLL CALL: Aye – Clr. Hagerman, Clr. Camera, Clr. D'Amico, Clr. Marino, Clr. Gramling, Mayor Alcock
Abstained – Clr. Eddington
Absent – Clr. Valentino, Clr. Greco
MOTION CARRIED

6. CORRESPONDENCE

The City Clerk reported the following:

On August 6, 2018, a Notice of Claim was filed by Brian Pacini. Clamant is alleging gross negligence and wrong doing by the Geneva Police Department regarding a FOIL Request that was submitted.

On August 20, 2018, a Notice of Claim was filed by Helen Thorpe. Clamant alleges to have suffered damages in the amount of \$810,000 in connection with having received a traffic ticket on August 13, 2018

City Clerk Myers' said all other correspondence has been distributed to Mayor Alcock and all Council members.

7. PUBLIC COMMENT

Mayor Alcock opened Public Comment at 7:27pm. As no persons of interest came forward, Mayor Alcock closed Public Comment at 7:27pm.

8. RESOLUTION ADOPTING CITY OF GENEVA HIRING POLICY

City Manager Gerling presented the following resolution:

WHEREAS, the Geneva City Council is committed to being an inclusive employer; and

WHEREAS, the City of Geneva's Comprehensive Plan (the Plan) adopted in August 2016 values our "uniquely urban" character and sense of community; and

WHEREAS, we are committed to making policies that engage in inclusive interactions and transparent decision-making processes;

WHEREAS, City staff and Councilor Gramling have worked together to present a hiring policy that strengthens our values and forwards the Plan's vision of a prosperous and equitable Geneva; and

NOW, THEREFORE, BE IT RESOLVED that the Geneva City Council, hereby and in due form, adopts the City of Geneva Hiring Policy as presented.

RESOLVED this 5th day of September, 2018

ACTION TAKEN by Clr. Eddington; seconded by Clr. Camera
MOVED THAT this resolution be approved
MOTION CARRIED (7-2absent)

9. DISCUSSION REGARDING COMMUNITY HIRING ASSISTANCE BOARD

Staff will work out details and bring a resolution to the October City Council Meeting.

10. ORDINANCE AMENDING CHAPTER 26 OF THE GENEVA MUNICIPAL CODE – CODE OF ETHICS, 2ND READING

City Manager Gerling presented the following resolution:

WHEREAS, the Geneva City Council has identified "Talent Capitalization" among its Strategic Imperatives for Success; and

WHEREAS, City Council has adopted a Code of Ethics in order to ensure above board conduct of Councilors and their appointees; and

WHEREAS, City Council has expanded the role of the Board of Ethical Review to be more participatory in terms of advising the City on ethical issues; and

WHEREAS, in its advisory capacity, the Board has requested an increase in membership to a five-member board to allow for a more diverse representation, ensure more equitable arrival at consensus, allow for a more robust committee should one or more persons resign or be temporarily unable to serve; and

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, does amend Chapter 26 of the Geneva Municipal Code as follows:

Amended to Read:

§ 26-5. Board of Ethical Review Membership

City Council shall appoint a five-member Board of Ethical Review to participate in the complaint procedures outlined in Section 26-6.

- (a) *Qualifications.* In order to serve on the Board of Ethical Review, candidates must live in the City of Geneva, and demonstrate knowledge and/or experience in ethical or legal concepts, mediation, or related experience.
- (b) *Term.* Board of Ethical Review members shall serve for a period of four years; except that an initial appointee shall serve a term of two years. Following the initial appointment, all Board Members shall serve a four-year term.
- (c) *Meetings.* Meetings shall be called at the direction of City Council, in accordance with the complaint procedure outlined in Section 26-6.

This ordinance to take effect upon two affirmative readings by the City Council.

RESOLVED this 5th day of September, 2018

First Reading: August 1, 2018

Second Reading: September 5, 2018

ACTION TAKEN by Clr. Eddington; seconded by Clr. Camera
MOVED THAT this ordinance be approved and adopted for 2nd reading
MOTION CARRIED (7-2 absent)

11. RESOLUTION AUTHORIZING SALE OF CITY-OWNED PROPERTY – 182 S. WEST STREET

Comptroller Blowers presented the following resolution:

WHEREAS, the City of Geneva owns real property at 182 S West St, tax map # 104.14-4-28;
and

WHEREAS, the Geneva City Council has deemed that the property no longer serves a public purpose and should be sold at auction; and

WHEREAS, a public hearing was held on the potential sale of this property on January 3, 2018; and

WHEREAS, disposal of this property is determined to be in the best interest of the City of Geneva,

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, directs the City Manager and City Attorney to prepare and execute documents necessary to affect the sale of property at 182 S West St, tax map # 104.14-4-28.

RESOLVED this 5th day of September, 2018

ACTION TAKEN by Clr. Camera; seconded by Clr. Gramling
MOVED THAT this resolution be approved
MOTION CARRIED (7-2 absent)

12. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT – RECIPROCAL DRIVEWAY EASEMENT WITH FX NET LEASE HOLDINGS, LLC

City Manager Gerling presented the following resolution:

WHEREAS, the City is the fee owner of that parcel of real property known as Hamilton Street in the Town of Geneva, Ontario County, New York, having a tax map number of 104.18-1-39.000 (herein the “City Parcel”); and

WHEREAS, FX Net Lease Holdings, LLC is the fee owner of real property known as 483 Hamilton Street in the Town of Geneva, Ontario County, New York, having a tax map number of 104.18-1-2.110 (herein the “FX Parcel”); and

WHEREAS, the City Parcel is used for public access to property owned by a third party to the South of the FX Parcel; and

WHEREAS, the public also uses the City Parcel to access the FX Parcel from Hamilton Street; and
WHEREAS, the attorneys for the City and FX Net Lease Holdings, LLC have determined that the pavement installed on the City Parcel encroaches onto the FX Parcel; and

WHEREAS, a survey map has been prepared of the City Parcel and the FX Parcel depicting an “easement area” to allow for vehicle access and a right of way between the City Parcel and the FX Parcel; and

WHEREAS, the attorneys for the City and FX Net Lease Holdings, LLC have prepared a “Reciprocal Driveway Easement” to formalize the Driveway Easement, copy attached to this resolution; and
WHEREAS, both parties will have the right to use the easement area.

NOW, THEREFORE, BE IT RESOLVED that the Geneva City Council, hereby and in due form, does direct and authorize Sage Gerling, as City Manager of the City of Geneva, to enter into and execute the “Reciprocal Driveway Easement” agreement with FX Net Lease Holdings, LLC.

RESOLVED this 5th day of September, 2018.

ACTION TAKEN by Clr. Hagerman; seconded by Clr. Eddington
MOVED THAT this resolution be approved
MOTION CARRIED (7-2 absent)

13. RESOLUTION ESTABLISHING PUBLIC HEARING – 2019 GENERAL, WATER AND SEWER FUND BUDGETS

Comptroller Blowers presented the following resolution:

PLEASE TAKE NOTICE that a Public Hearing on the proposed 2019 General Fund Budget, Water Fund Budget, and the Sewer Fund Budget for the City of Geneva will be held at the Public Safety Building, 255 Exchange Street, Geneva, New York on Wednesday, October 3, 2018 at 7:00pm or as soon thereafter as it may be held.

FURTHER TAKE NOTICE that the three proposed budgets will be open for public inspection at the City Clerk's Office and the Geneva Free Library during normal business hours.

GENERAL FUND BUDGET SUMMARY:

Total Appropriations:	\$17,708,550
Estimated Revenues (other than tax revenues):	\$10,512,862
To be Raised by Property Tax:	\$7,195,688
Assessed Valuation Taxable:	\$404,201,978
Tax Rate Per Thousand:	\$17.80220

WATER FUND BUDGET SUMMARY:

Total Water Fund Budget:	\$4,223,050
Total Estimated Revenues:	\$4,223,050

SEWER FUND BUDGET SUMMARY:

Total Sewer Fund Budget:	\$5,362,050
Total Estimated Revenues:	\$5,362,050

RESOLVED this 5th day of September, 2018

ACTION TAKEN by Clr. Eddington; seconded by Clr. Gramling
MOVED THAT this resolution be approved
MOTION CARRIED (7-2 absent)

14. **RESOLUTION ESTABLISHING PUBLIC HEARING – LOCAL LAW OVERRIDING PROPERTY TAX CAP**

City Manager Gerling presented the following resolution:

WHEREAS, City Council has identified "Sustainability", "Economic Prosperity", and "Social Equity" as Strategic Imperatives for Success; and

WHEREAS, the 2019 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 may 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 3, 2018 at 7:00 p.m.

RESOLVED this 5th day of September, 2018

ACTION TAKEN by Clr. Eddington; seconded by Clr. Gramling
MOVED THAT this resolution be approved
MOTION CARRIED (7-2 absent)

15. RESOLUTION ESTABLISHING PUBLIC HEARING – CDBG ECONOMIC DEVELOPMENT GRANT FOR REAL EATS AMERICA

City Manager Gerling presented the following resolution:

WHEREAS, the Geneva City Council has adopted “Economic Development” and “Asset Promotion” among our “Strategic Imperatives for Success,” and

WHEREAS, the City of Geneva intends to apply to New York State for funding under the federal Community Development Block Grant Program in 2018 on behalf of Real Eats America for a business expansion project at their facility located on 122 N. Genesee Street in the City of Geneva; and

WHEREAS, Real Eats America intends to expand their business located at 122 N. Genesee Street to increase their shipments of prepared food and provide employment opportunities in the City of Geneva; and

WHEREAS, a public hearing is held as part of the process to solicit public input with respect to the application and to develop program activities; and

NOW, THEREFORE, BE IT RESOLVED that the Geneva City Council, hereby and in due form, does schedule a public hearing to receive comments on intent to apply to New York State for funding under the federal Community Development Block Grant Program in 2018 on behalf of Real Eats America for the expansion of their business at 122 N. Genesee Street in the City of Geneva; said hearing to be scheduled for the regular Council meeting at 7 p.m. on October 3, 2018.

RESOLVED this 5th day of September, 2018

ACTION TAKEN by Clr. Eddington; seconded by Clr. Hagerman
MOVED THAT this resolution be approved
MOTION CARRIED (7-2 absent)

16. BOARDS/COMMISSIONS APPOINTMENT

Clr. Angelina said the College Livability Task Force recommends the new appointment of Brian Olson.

ACTION TAKEN by Clr. Eddington; seconded by Clr. Hagerman
MOVED THAT the new appointment of Brian Olson to the College Livability Task Force be approved

ACTION TAKEN by Clr. D’Amico; seconded by Mayor Alcock
MOVED THAT **this appointment be tabled for further clarification**
ROLL CALL: Aye – Clr. D’Amico, Clr. Marino, Clr. Eddington, Mayor Alcock
Nay – Clr. Hagerman, Clr. Camera, Clr. Gramling
Absent – Clr. Greco, Clr. Valentino

MOTION CARRIED

17. PUBLIC COMMENT

Mayor Alcock opened Public Comment at 8:03pm. As no other persons of interest came forward, Mayor Alcock closed Public Comment at 8:17pm.

18. MAYOR AND COUNCIL REPORTS

19. CITY MANAGER REPORT

20. ADJOURNMENT

ACTION TAKEN by Clr. D'Amico; seconded by Clr. Eddington
MOVED THAT this meeting be adjourned at 8:55pm
MOTION CARRIED (7-2 absent)