

AGENDA

REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

October 4, 2023

**Public Safety Building
255 Exchange Street
Geneva, NY 14456**

COUNCIL MEETING STARTS AT 7:00PM

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- I. CALL TO ORDER – Mayor, Steve Valentino
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC HEARINGS
 - A. 2024 Budget
- V. PROCLAMATIONS
 - A. NYCOM Public Service Recognition
 - B. Fire Prevention Week
 - C. Freedom from Workplace Bullies Week
- VI. FOUNDRY UPDATE
- VII. SUPERVISOR UPDATE
- VIII. CONSIDERATION OF MEETING MINUTES

This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:

 - A. September 6, 2023 (Regular Council Meeting)
 - B. September 12, 2023 (Special Council Meeting)
- IX. PUBLIC COMMENT

This portion of the meeting is dedicated to receiving comments on any topics. The standard time limit for public comment is three (3) minutes.

X. CITY MANAGER REPORT –*This portion of the meeting is dedicated to presentation of a report by the City Comptroller on non-action matters that have not been addressed elsewhere on the agenda.*

XI. UNFINISHED BUSINESS
This portion of the meeting is dedicated to consideration of matters that have been previously considered by City Council. These include:

A. Second Reading of An Ordinance Amending Chapter 350 and Chapter 215 of the Geneva City Code – Presented by David West

XII. NEW BUSINESS
This portion of the meeting is dedicated to consideration of matters that have not been previously considered by City Council. These include:

- A. Resolution Establishing a Public Hearing for a Local Law Overriding the Property Tax Cap – Presented by the City Comptroller
- B. Resolution Authorizing the Loan of City Records to Historic Geneva – Presented by the City Clerk
- C. Resolution Releasing a Request for Proposal for Legal Services – Presented by City Manager Hendrix
- D. Resolution of Neighbor Notification Law – Presented by Councilor Regan
- E. Draft Zoning Update – Presented by David West
- F. Board/ Commission Appointments

XIII. MAYOR AND COUNCIL REPORTS
This portion of the meeting is dedicated to presentation of reports by the Mayor and City Councilors on non-action matters that have not been addressed elsewhere on the agenda

XIV. PUBLIC COMMENT
This portion of the meeting is dedicated to receiving comments on any topics. The standard time limit for public comment is three (3) minutes.

XV. ADJOURNMENT

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

REGULAR COUNCIL MEETING

September 6, 2023 – 7:00 PM

Public Safety Building
255 Exchange Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Burrall, Clr. Pealer, Clr. Salamendra (arrived at 7:00pm),
Clr. Gaglianese, Clr. Brimm, and Clr. Noone

2. EXECUTIVE SESSION –

ACTION TAKEN by Clr. Noone; seconded by Clr. Pealer

**MOVED THAT council move to executive session to discuss collective negotiations
pursuant to article 14 of the civil service law at 6:02pm**

MOTION CARRIED UNANIMOUSLY (8- 1 Absent)

ACTION TAKEN by Clr. Regan; seconded by Clr. Gaglianese

**MOVED THAT council adjourn executive session and return to the regular meeting at
6:47pm**

MOTION CARRIED UNANIMOUSLY (8- 1 Absent)

3. PUBLIC HEARING – Short-Term Rentals

Mayor Valentino opened the public hearing at 7:06pm.

Jason Swartley began by introducing himself as a local business owner who also owns 2 short-term rentals on South Main St. He feels that Geneva is a tourist town and that when regulating short-term rentals council should consider that it may be affecting upwards of 130 families who own them. Therefore, he feels the bad operators should be held accountable, but council should also look at the good business workers and give them a chance to operate in good regulation before making strong restrictions. One specific concern he mentioned was that there is no off-street parking on South Main Street for most of the houses. He suggested the regulations for short-term rentals be made over a good period of time so that they can be more amicable. He went

on to say that his guests bring a lot of money into Geneva by visiting local restaurants, storefronts, and wineries to point out that people who rent from him are putting money into pockets of local families who in turn support the community in other ways. He feels that these rentals are supporting small business owners rather than big corporations such as hotels. Lastly, he said he feels that business owners shouldn't have to live here to have these rentals because people may move away. He stated that, while he lives here now, his kids may move away one day and he may want to be closer to them or he may want to be a 'snowbird' and only live here part of the year but he would still wish to have the possibility to rent and maintain his portfolio.

Kevin Rissew spoke next, stating he agrees with Mr. Swartley's comments that the operators should be held accountable, as they have one near their residence on Washington Street. Kevin said the owners let 10-15 people stay at a time and the cars take up both sides of the road on two streets, which leaves local residents with nowhere to park. In their experience the noise has not been an issue but they feel some owners are putting too many people in these buildings.

Kathryn Slining Haynes was next, stating they are from Ward 1, and wanted to present another way of thinking about these rentals. Kathryn said that the short-terms rentals near her are owned by people who are not local. She feels it is taking homes away from people who need homes in this town and the prices are being driven up by people buying from NYC who can afford higher costs. Kathryn said recently, while looking at prices for some friends to stay, she noticed the prices were worse than the hotels and she feels is gouging. She stated Geneva does need tourism, as its what we depend on, but not at the expense of people who live here not being able to afford properties/ a place to stay or have access to parking.

Brian Zerges, with Finger Lakes Premier Properties, came up next to make a few points but first clarified that out of the 280 homes FL Premier Properties manages he doesn't manage any in the City of Geneva but just cares about the industry. He first asked if both a license and special use permit were required, which the City Manager clarified the proposed ordinance does require both which will be discussed later. He said he feels it is really good and the city is on the right track as he is for reasonable restrictions and responsible regulations. He feels the license is the power but the special use permit bogs down the process because it's an extra step for the city and an annoyance to people applying. He asked council to think about why there is the limit to 4 bedrooms and 10 people if there could be an 8-bedroom home. Lastly, he suggested the response within 45 minutes and living within 30 minutes is something else they should think more about.

Micheal Monaco began by playing a video he took where numerous voices can be heard shouting and creating commotion, which he explained went on for 3 and a half hours. He stated he's had to call the police 2 more times due to noise complaints since last meeting, which really could've been six, but he felt bad bothering the officers. He went on to say that there were 4 people in the pool yelling so loud he could hear them in his house with the windows closed and the air on the other day. In another instance, he said kids were bouncing soccer balls off his new enclosed trailer and work truck while the parents sat on the front porch and did nothing. Another time, he says that he received a call from a neighbor at after midnight who told him a drunk male staggered down his driveway, almost falling twice, so he should check his items and it ended up being one of the renters from the house. He explained that the Airbnb next door to him has a host who is from Denver and would rather Geneva follow the lead of Canandaigua who requires it to be the host's permanent residence for an Airbnb to be run, the Town of Geneva which requires you to be a resident in the town, or even NYC who eliminated 36-40,000 Airbnb's because they began implementing new regulations that the host must live on premise. He feels these regulations would eliminate many of the issues he's been dealing with, to the extremes of his wife's business being attacked

online with 1-star reviews, by people who've never stepped foot in her business. He stated he doesn't agree with still allowing a 60-day free permit and he feels these owners will continue to break rules when they aren't around. As an example, he explained the house next door to him still has one off street parking spot despite needing 4 due to the house being a 4 bedroom. He said people who live here are the ones who follow the code and should be taken care of, which is why he wants there to always be an owner nearby to call, otherwise he feels the rules will need to be tougher and stronger. He said he is living with a constant flow of disrespectful people staying next door to his residence, and has no renter nearby to take ownership or witness the issues. He is also concerned people will lie on an affidavit, so rules need to be enforced, because he bought his home to raise a family, but now he can't grill outside in peace or even watch tv inside due to the excessive noise and disruptions.

Next to speak was Jerry Buckley, a Geneva native, who owns 3 properties on Pultney Street with his wife. He explained they didn't set out to own rental properties but they saw the demand and decided to contribute. He said the buildings he owns are historic, dating to the early 1800's, and therefore off-street parking doesn't exist however, he feels their guests contribute to local businesses and the downtown economy. He referenced the draft zoning code, which says:

The purpose of the CB District is to identify the traditional, mixed-use core of the City of Geneva and support investment that is consistent with the vision and goals of the City's Comprehensive Plan. Not only does the CB District encompass much of the historic center of the City, but also includes the surrounding neighborhoods and parcels that contribute to Geneva's downtown character.

He went on to quote the zoning draft once again, saying the purpose of the historic overlay says it is to:

is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and utilization of buildings, structures, signs, features, improvements, sites, and areas within the City that reflect special elements of the City's historical, architectural, cultural, economic or aesthetic heritage. The intent of the HO District is to achieve the following objectives:

- 1 To foster public knowledge, understanding, and appreciation of the historical and architectural character of the City and in the accomplishments of its past;
- 4 To protect and promote the economic benefits of historic and architectural preservation to the City, its inhabitants and visitors;
- 5 To protect property values in the City;
- 6 To promote and encourage continued private ownership and stewardship of historic buildings within the City;

He explained they have invested over 1 million to purchase, renovate, and maintain these historic buildings, stating short-term rentals have been more expensive to maintain than long-term rentals. Further, they have never had a call to the police or code officer, and they have rules to honor neighbors' rights. He stated he is sympathetic with Mr. Monaco and anyone else who has experience or expresses concerns with short-term rentals in the city. He agrees we should address the problems and continue to enforce current and new regulations. He also

believes short-term rentals have improved a gateway to the city and increased its attractiveness to people near and far. He feels property values have improved which adds to city's tax revenues and the high taxes endured have made others decide against investing. He said he's not looking for special treatment but wants a reasonable rate of return on his investment and made it clear he is not an absentee landlord or out of town investor looking to make a quick buck. He said like many of his neighbors in the historic district who have short and long-term rentals, he is here to stay. However, he feels the off-street parking requirement is arbitrary and makes his commitment difficult to maintain. He pointed out there is no off-street parking requirements for long-term rentals. He pointed out no one has been parking on sidewalks or lawns and any visitor who parks in violation gets ticketed, speaking from experience with his wife and their contractors. Overall, he feels the blanket rule for off street parking doesn't make sense for lower South Main St. and Pulteney Park. He said it doesn't appear to be in the city's best interest and the proposal to exempt downtown but not the adjacent historic district seems to him to be misguided and short-sighted. He said while he did appreciate some references to B&B's he feels they are like apples to oranges with STR's. He feels it ignores the reality that tourism is an economic engine for Geneva and STR's are an attraction to visitors. He feels there is room for all and there needs to be regulation such as registration, an occupancy tax, and inspections. He agrees with more enforcement of laws and code which he acknowledges isn't easy for the police and code office but he sympathizes with those like Mr. Monaco who are simply trying to live their lives without these disturbances. He feels what there needs to be is a balance between economic needs of the city and neighborhood interests of the city; both for those who live here and those who come to visit. Lastly, he suggested if an occupancy tax comes to pass, and part of the purpose is to address housing needs, there are ways it could be used to help incentivize home ownership and rehabilitation.

Julia Hoyle began by saying they operate 2 Airbnb's with their spouse, next door to their own house. They bought them when they began to think about their parents getting older. They own two long term rentals and two short term rentals, which allows a house that hasn't been cared for in 50-60 years to finally be used. The home provides a contractor and cleaner with employment while also affording Julia with the option to have a house a step away if needed for either spouse's parents in the future. They wanted to acknowledge that rental owners aren't all bad, although there are bad situations which they know exists, and they aren't against regulations. Julia stated they think occupancy tax is fair, as people who are coming here should pay into the community some, and emphasized they just want it kept fair for everyone.

There being no one else appearing to speak, the mayor closed the public comment at 7:29pm.

4. PROCLAMATIONS

- a. Hispanic-Heritage Month
- b. Lori Guinan

5. FOUNDRY UPDATE

Michael Murphy provided the Foundry update, read by the clerk, which said the following:

- Remedial design plans are nearly complete for the last remaining block of residential properties, which includes ten properties located south of St. Peter's Church along Genesee and Geneva Streets. Designs will be issued in early August and meetings will be held with remaining property owners.

Remedial Construction

- Additional property restoration items, including sod, fencing, concrete, and asphalt, were completed in the block of nine properties located along the south side of Lewis Street, east side of Geneva Street, and north of Tillman Street. Replacement plants and tree are anticipated to be planted during fall 2023.
- Sod was installed and watered in Genesee Park. The project is coordinating with the City DPW to reopen the park on or around August 7th.
- Excavation commenced in the block of eight properties located along the east side of Geneva Street south of Tillman Street, and along the south side of Tillman Street. Completion of excavation and substantial restoration is expected by Labor Day.
- Remediation of the last remaining block of residential properties, located along Genesee and Geneva Streets just south of St. Peter's Church, is expected to begin around Labor Day, with restoration substantially complete by the end of the calendar year.
- Excavation and substantial restoration of two additional parcels, located at 44 Tillman Street and 49 Clinton Street, is also anticipated to be completed this fall. Remediation of the State Street staging area, located on the parcel just east of the railroad, is anticipated to be completed in early 2024. Demobilization from the additional project staging area on Lehigh Street will also be completed in 2024

6. CONSIDERATION OF MEETING MINUTES

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

MOVED THAT the minutes of August 2nd Regular Council Meeting be approved

**ROLL CALL VOTE: Aye – Clr. Camera, Clr. Gaglianese, Clr. Regan, Mayor Valentino,
Clr. Pealer, Clr. Burrall, Clr. Salamendra and Clr. Brimm**

Abstain – Clr. Noone

MOTION CARRIED

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

MOVED THAT the minutes of the August 9th Special Council Meeting be approved

**ROLL CALL VOTE: Aye – Clr. Noone, Clr. Gaglianese, Clr. Burrall, Clr. Regan, Clr. Salamendra,
Clr. Camera and Mayor Valentino**

Abstain – Clr. Pealer and Clr. Brimm

MOTION CARRIED

7. PUBLIC COMMENT

Mayor Valentino opened up the floor for public comment at 7:38.

Pat Schiller came up to speak first and decided she was going to speak at the next meeting because she wants this to be a positive meeting. She acknowledged Lori Guinan as the best PR person the city has, saying she's going to be missed.

James McCorkle, from Ward 1, came up next to comment on the SWAT resolution with the Ontario County Sheriff's Department. He said he does not represent the PBAB or any other board, however, as a member of the PBAB he is disappointed the resolution was not presented at the mid-august meeting. He understands Chief Colton was newly appointed but wished the board liaison would have communicated that. He expressed reservations with reauthorizing the agreement, stating the following:

1. How long has the city council had to discuss this, given it is news to many, can you make an informed decision with limited time?
2. Chief Colton notes that Geneva is the site of most SWAT interventions, how many is that on average per year and more importantly what is the nature of those interventions?
3. Are SWAT teams effective in 2023 especially in a small city such as Geneva?
4. Nothing is the only thing that is ever and always free. Chief Colton notes no financial impact to the city, it comes from the \$75,000 state grant, but the agreement appears to stipulate that GPD and the city is responsible for uniforms, gear, and additional specialized training. There are 3 officers that will be a part of it, will they need to go through training, recertification, covering their assignment time and if so is that overtime pay or does it mean hiring more officers? Based on his reading the agreement states the city is on the hook for salary and overtime costs. GPD already plans to increase the department from 24 to 34 officers, will that need to be increased if people are shifted to swat? Police hiring is nationally competitive, with cities and towns experiencing increased difficulty hiring so salaries are competitive which means higher, so has the city taken that into consideration?
5. Professional growth is great but has the GPD and community studied where they could best undertake professional development? Are resources best used for militarized training, which historically defines SWAT? Consider what those letters stand for, Special Weapons and Tactics.
6. Cooperation with the county is great but who has more to gain? He feels the Sheriff's Office is deeply understaffed so is the city subsidizing county?
7. Chief Colton mentions importance of public safety, a term constantly invoked, but he feels we should have a discussion between council and city about what it means. He argues it means more than polices. He feels public safety is also mitigating flooding, property owners and landlords being responsible for tenants, guests, and Airbnb renters, and having real community spaces such as a green space or tree canopy especially with increased heat waves. He asks council to consider what's on the table in terms of costs and what is taken off when adding more responsibilities to a possibly overburdened dept or expanding it at the expense of other equally important and also deeply overburdened depts.

Jason Swartley came back up to point out one thing in the resolution is proposed permits have to be by the owners. He noted that most businesses downtown lease their business space from property owners. He said he, as a short-term rental owner, leases his space from the landlord who knows what it is used for. He compared it to the Ramada which is owned by a separate company, and is operated on a 50-year lease, to explain that many businesses lease the space they use from someone else. He feels most hotels and restaurants are not owned by the operator, so the city should look at that because wording could create issues down the road.

There being no one else appearing to speak Mayor Valentino closed public comment at 7:45.

8. CITY MANAGER REPORT

The City Manager began her report by stating that the 2024 budget will be brought out on September 26th at 7pm at Jordan hall. The mission of this year's budget is to balance the needs of the community and controlling costs while understanding where infrastructure is at. With more experience this year she's been able to understand how past budgets have created positive and negative currents situations in the community and how to move forward. There will be a zoning work session on September 12th at 6pm in the City Hall 2nd floor conference room. Halloween trick or treating will be held on Halloween this year. She's also been working with NYS DOT on paving the lakefront trail, happening this week, with a ribbon cutting on September 15th.

She also read DPW updates which included:

- DPW will be closing South Exchange St. parking lots from 6pm until 6am on September 7th and William St will be closed to traffic from Pultney St. to Main St. on September 7th from 9am until 6pm.
- In addition to managing day-to-day operations the Department of Public Works underwent annual site safety and equipment audits;
- Highway and Sewer Maintenance Storm Water crews and specialty contractors have cleaned and CCTV inspected closed drainage systems. Work continues and has been performed on streets including but not limited to Cortland, Worthington, Washington, Pultney, William, Jefferson, North, Oak, Maple, Maxwell, Lafayette and Sprucewood
- Sanitary Sewer crews and specialty contractors have cleaned and CCTV inspected sanitary sewer distribution systems. Work continues and has been performed on streets including but not limited to Washington, Pultney, William, Jefferson, North, Oak, Maple, Main, High, and Lyceum.
- Crews and contractors have milled and paved on Forge Ave and Doran Ave, Carter Rd, Sweeney, Hawkins, MLK and Goodman, Maxwell, Hillcrest, Hillside Dr and Hampton Pl, Oxford, Atwood, Virginia and Gates Ave. Temporary pavement has been installed on Genesee from North to Goodell. Oil and stone surface treatment has been applied to Jay Street.
- Utility Trench Repair crews have been restoring pavement utility main and service line breaks at various locations. Work continues.
- Buildings and Grounds worked at Ridgewood and Richards Playgrounds to remove and replace playground wood mulch; stone dust trail restorations at Ridgewood; and have performed ten (10) Glenwood Cemetery burial services.
- Water Maintenance crews responded to and repaired two (2) emergency water main breaks; Installed new water service to new house on Clark Street; Crews actively flushed hydrants and work continues on water service line identification.
- Event crews provided various of levels of support for the following community events. Concert Series (wkly); Farmers Markets (wkly); Garlic Festival; Geneva Half Marathon; Freedom Songs; Linden Wine Series; Wheels on Seneca
- Water and Waste Water Treatment crews hosted regulatory USEPA, NYSDEC and NYSDOH site visits and audits; Developed Risk Management Plan revisions

- Oversight of ongoing/current Engineering Projects included attending FEMA Flood Map Service Seminar; NYSEG Nursey Ave/ Garden / Greenhurst Gas Main; Parrott Hall Ph 2 – Bids were received on August 15, 2023 Award Pending; Replacement of Lead Water Services - Bids were received on August 3, 2023 Award Pending; 2023 Tree Removal and Prune Contract – Bids were received on 8/29/23 Award Pending; Annual Pavement Marking and Concrete Sidewalk Restoration continues.

Clr. Gaglianese questioned how many employees DPW has considering how much work they did. Amie clarified there are multiple divisions such as the water department (both water maintenance and in the plant), sewer maintenance (both on the road and in the waste water treatment plant), buildings and grounds, engineering, code enforcement, and the highway department. There are 45 current employees cover those areas which included seasonal staff.

9. RESOLUTION CLASSIFYING THE CITY OF GENEVA'S DRAFT SHORT TERM RENTAL CODE AMENDMENT AS A TYPE 1 ACTION UNDER SEQRA, ACKNOWLEDGING THE COMPLETION OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT PART 1 FORMS AND AUTHORIZING GENEVA CITY COUNCIL AS LEAD AGENCY

Planning and Economic Development Director David West presented the following resolution:

WHEREAS, the City of Geneva began the process of amending the City's Zoning Code (Chapter 350) in March of 2019, under the direction of a Steering Committee designated by the Common Council, with the goal of bringing more clarity to the code and aligning the City's land use regulations with the vision and recommendations of previously completed plans and studies, including the City's Comprehensive Plan; and

WHEREAS, the Council wishes to pull out of that larger rewrite the section on Short Term Rentals to enact as a stand-alone ordinance; and

WHEREAS, the Council wishes require Special Use Permits and Operating License requirements for Short Term Rentals to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties; and

WHEREAS, the Draft Code Amendment has been made available both online and at City Hall for public review as of September 1, 2023; and public comment on this Draft is anticipated by September 6, 2023; and

WHEREAS, the City Council of the City of Geneva has expressed its interest and intention to undertake an environmental assessment of the proposed adoption under the auspices of the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Geneva City Council has completed Part 1 (EAF Part 1) of the required NY State Environmental Quality Review Act (SEQRA) forms providing all relevant information, verifying its completeness and accuracy;

WHEREAS, the City Council has determined that the proposed adoption qualifies as a Type 1 Action under SEQRA based on 6 CRR-NY 617.4 b-2.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the DRAFT Short Term Rental Code Amendment is classified as a Type 1 Action pursuant to SEQRA, authorizes the signing of the

completed EAF Part 1 and further consents to act as Lead Agency.

**ACTION TAKEN by Clr. Noone; seconded by Clr. Regan
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

10. RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE CITY OF GENEVA'S DRAFT SHORT TERM RENTAL CODE AMENDMENT

Planning and Economic Development Director David West presented the following resolution:

WHEREAS, the City of Geneva declared Lead Agency in the review of the DRAFT SHORT TERM RENTAL CODE AMENDMENT; and

WHEREAS, the City Council has determined that the proposed adoption qualifies as a Type 1 Action under SEQRA based on 6 CRR-NY 617.4 b-2.; and

WHEREAS, the proposed DRAFT SHORT TERM RENTAL CODE AMENDMENT will not allow any change in use or new construction without further review/permitting subject to SEQR; and

WHEREAS, the DRAFT SHORT TERM RENTAL CODE AMENDMENT enacts stronger provisions on the currently extant Short-Term Rental market which will safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties; and

WHEREAS, the City Council of the City of Geneva has reviewed the Full EAF Part 1 New York State Environmental Quality Review Act ("SEQRA") form; and

WHEREAS, the Geneva City Council has completed Parts 2&3 (EAF Part 2&3) of the required NY State Environmental Quality Review Act (SEQRA) forms providing all relevant information, verifying its completeness and accuracy;

WHEREAS, the City Council has determined that the proposed adoption will have no or small environmental impact on every impact category in the Full Environmental Assessment Form Part 2 and elaborated on the reasoning behind Part 2 in Part 3.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York that the DRAFT Short Term Rental Code Amendment will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, the City Council issues a Negative Declaration of Environmental Significance under SEQR and directs the City Manager to affix their signature to the FEAF Part 3 form.

BE IT FURTHER RESOLVED by the City Council of the City of Geneva, New York that the City Clerk should file the Negative Declaration of Environmental Significance in the NYS Environmental Notice Bulletin as required by law.

David explained that the first part of the SEQRA is done by the applicant but we are both the applicant and the lead agency. He walked through the categories to explain the two options which are either 'no impact to small impact' or 'moderate to large impact.' The moderate to large impact option triggers further review through an environmental impact statement or a need to change the project or mitigating factors to reduce the moderate to large impact to as small as possible. Clr. Camera pointed out there are a few boxes unchecked, which was an oversight, but clarified that as long as council agrees then the box will be checked as little to no impact. David confirmed that and went through each category to see if anyone had any objections to the boxes and felt the STR code amendment would have environmental impacts.

Clr. Camera acknowledged that these answers are going to be global answers despite the fact there may be individual people coming to the podium stating they have been impacted in some of these categories. He feels its important to answer these with the goal of preserving, protecting, and preserving the quality of neighborhoods in Geneva.

Clr. Salamendra stated she feels that it does impact transportation, noise, light and human health after hearing from the community. She also stated since the short-term rentals have drastically changed a lot of neighborhoods it would be a moderate to large impact on community character. David clarified that the environmental impacts being reviewed are for the proposed law, so if the impacts would come from adopting the law they can be noted. Clr. Salamendra transparently stated she feels not requiring owner occupancy, which is something she suggests be added, contributes to negatively changing the section on community character. She also feels the negligence of not requiring owner occupancy goes against consistency with community plans.

The mayor thanked David for the explanation and he feels implementing the ordinance provides protection and prevents a free for all. Clr. Pealer clarified the double negative of the document, saying that by checking the 'no' box there will be no negative implications that we can see. David elaborated on the form, adding that when checking 'no' the subtopics don't need to be filled in, but when checking 'yes' the subtopics will each be addressed. He made it clear when answering 'yes' you can still have all 'no to small impact' checked below it in the sub-categories and that SEQRA only reviews the negative impacts.

**ACTION TAKEN by Clr. Salamendra; seconded by Clr. Camera
MOVED THAT this resolution be approved
MOTION CARRIED UNANIMOUSLY**

11. FIRST READING OF AN ORDINANCE AMENDING CHAPTER 350 AND CHAPTER 215 OF THE GENEVA CITY CODE

City Manager Hendrix presented the following resolution:

Be it ordained by the City Council of the City of Geneva, NY that Chapter 350 of the Geneva City Code be amended to add Section 350-26.4, entitled Short Term Rentals, and Chapter 215 be amended to add Section 215-44, entitled Short-term rental operator license, as follows.

Be it further enacted that Schedule I Permitted Uses in the City Code Chapter 350 be edited to reflect the use Short-Term Rental allowed in all zones by Special Use Permit subject to requirements and processes described in Chapter 350-34 and Operator License requirements of Chapter 215-44.

§ 350-34 SHORT-TERM RENTALS

350-26.4-1. Findings:

The purpose of this Chapter is to regulate the Short-Term Rental of dwelling units within the City of Geneva, NY and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties. The City also recognizes that extensive Short-Term Rentals have the potential to compromise the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring residents. Accordingly, in order to respect the rights and interests of all residents of the City, this Chapter seeks to thoroughly monitor and regulate those who offer their homes as Short-Term Rental properties in order to minimize any potential detrimental impact this commercial enterprise may have upon the residential character of predominantly owner-occupied neighborhoods.

350-26.4-2 Definitions

Short-Term Rental

As used in this chapter, the term "Short-Term Rental" shall mean a dwelling that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in this Chapter, as amended. Short Term Rentals do not include Boarding Houses or Bed and Breakfast Inns.

Rental

As used in this chapter, the term "Rental" shall mean an agreement granting use or possession of a dwelling in whole or in part, to a person, group or entity in exchange for consideration. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

350-26.4-3. Presumption of dwelling unit as short-term rental property

- A. The following shall create a presumption that all or a part of a dwelling unit is being used as a short-term rental:
 1. All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of 30 consecutive nights or less; and/or

2. All or a part of the property is offered for lease for a period of 30 days or less through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the City of Geneva Code Enforcement Office that the premises is not operated as a short-term rental.

350-26.4-4. General Requirements.

A. General Requirements.

1. Any conditions imposed by the City Code Enforcement Office or the City Planning Board through Special Use Permit and/or Site Plan Review.
2. The property must have sufficient off-street parking spaces as required by the City of Geneva Code Enforcement Office or the City Planning Board on Special Use Permit Review.
3. Tenants and guests shall only park on a suitably improved parking area and shall not park in the required front yard setback.
4. The maximum number of bedrooms that can be rented is limited to 4.
5. The maximum occupancy for each short-term rental unit shall be the lesser of 10 people or the number of people allowed by bedroom capacity as determined by the international building code section PM 404.4.1..
6. Regardless of all other occupancy limitations, maximum occupancy may not exceed 10 people and occupancy limitations are in effect 24 hours a day.
7. Advertisements for the short-term rentals in the City of Geneva must conform to what is allowed under this section, the short-term rental permit issued for the short-term rental in question, and contain a statement advising potential occupants that short term rentals of the property are subject to Section 350-44 of the Geneva City Code.
8. A Short-Term Rental may only be used for overnight accommodations and shall not be used for gatherings, including, but not limited to, cultural events, weddings, private events, special or sales events, bachelor or bachelorette parties or other similar party or activities, funerals, fundraisers, or similar group-type gatherings.
9. Short-Term Rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under Federal, State or Local law.

B. Short-Term Rental License Required.

The Operator of a Short-Term Rental unit must acquire a Short-Term Rental License as described in Chapter 215-44 of the City of Geneva Code within one (1) year from the issuance of a Special Use Permit or Site Plan Approval or said Permit or Approval becomes null and void.

1. Where the district regulations of this Chapter require a special use permit or site plan review, issuance of such approval shall be required prior to issuance of a revocable short-term rental license under Chapter 215-44.
2. Owners of properties being currently operated as a short-term rental as defined in this section, shall apply for a license within sixty (60) days of the effective date of this section. A Temporary License shall be issued pending a decision on the application.

Chapter 215-44 Short-term rental operator license

215-44-1 Short-term rental License Required.

A. In addition to the requirements contained in Chapter 350, the Operator of a Short-Term Rental unit must also possess a current and valid Short-Term Rental License, issued by the Code Enforcement Office, prior to operation as a Short-Term Rental.

44.2 Short-term rental license application, renewal, and fees

An application for or renewal of a short-term rental license shall be submitted to the City Code Enforcement Office, signed by all persons and entities that have an ownership interest in the subject property, accompanied by payment of the permit fee in the amount determined as part of the annual chart of accounts of the City of Geneva. The application shall be completed on a form provided by the City of Geneva, and shall include the following:

1. A list of all of persons and entities that have an ownership interest in the premises to be used as a short-term rental, including names, addresses, telephone numbers (including mobile numbers) and e-mail addresses;
2. Completion of a signed and notarized affidavit by the property owners certifying the following:
 - a. The property is in compliance with New York State Code R314.3 Smoke Alarm and FC 915 for Carbon Monoxide Detector Locations.
 - b. The number of parking spaces on the property meet the zoning requirements for a bed and breakfast use;

- c. There are no outstanding property taxes or tax liens associated with the dwelling unit, nor does the Owner owe any other outstanding taxes fees or assessments to the City, including taxes and fees owed in connection with any other Short-Term Rentals;
 - d. The Dwelling Unit complies and will continue to comply with all standards contained in this Chapter, the City Zoning Ordinance and all other applicable laws, standards and regulations.
 - e. The Owner has read, understands, and agrees to comply with all legal duties imposed by this Chapter and the City Zoning Ordinance.
 - f. The Owner will not discriminate in guest use or rental of a Short-Term Rental, and will comply with all applicable anti- discrimination laws, including but not limited to: Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).
 - g. Designation by the Owner of a registered local contact who shall be available twenty-four (24) hours per day, seven (7) days per week with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and taking immediate action to resolve any such complaints.
 3. Affidavit certifications shall be valid during the term of the short- term rental permit, or until modifications requiring a building permit are made, or until the City Code Enforcement Officer has reason to believe an inspection is warranted.
 4. A site plan, drawn to scale, showing the location of buildings and required parking.. An accurate, suitable plan need not be prepared by a professional.
 5. A statement that the property is served by a public sewer.
 6. Mobile Telephone numbers and email addresses of a contact person(s), who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
- B. The owner shall sign a consent authorizing the City Code Enforcement Office to enter upon the premises to conduct an inspection to verify compliance with the Code of the City Geneva, including this section; to verify compliance with applicable New York State laws, codes and regulations; to verify the number of sleeping rooms within the short-term rental, as authorized by this section; and to verify the number of

parking spaces on the property meet the standards set forth in the City Code zoning requirements for a bed and breakfast use or any conditions associated with Special Use Permit or Site Plan Approval.

- C. Upon the filing of a complete permit application with the City Code Enforcement Office together with the permit fee, and all documents and information required by this section, the City Code Enforcement Office shall have thirty (60) days to review the application and then either issue the permit, including, or notify the applicant in writing that the application has been denied, along with the reason or reasons for denial.
- D. In reviewing the application, the Code Enforcement Office shall have the right to inspect the Short-Term Rental property for purposes of ensuring compliance with this Code, and any other applicable codes, laws, or ordinances enforced by the Code Enforcement Office. If an inspection authorized herein is conducted, the Code Enforcement Office shall use the results of such inspection in determining whether to issue the License, with or without conditions, or to not issue the License
- E. Short-Term Rental License Provisions.
 - 1. A short-term rental permit shall be obtained prior to using the premises as a short-term rental.
 - 2. A short-term rental permit shall be valid for two calendar years, and shall expire on December 31 of the second year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
 - 3. The short-term rental permit is transferable to a new owner, so long as the owner registers with the City, updates the short-term rental permit, application, and agrees in writing to comply with the requirements of the short-term rental permit and these regulations.
 - 4. If the conditions under which the short-term rental permit is issued are not maintained or these regulations are violated, the short-term rental permit may be revoked and the owner subject to the penalties of this Chapter and the penalties set forth below.
- F. Short-term rental permits issued pursuant to this section shall state the following:
 - 1. The names, addresses, and phone numbers of the subject property owner or property manager who lives within 30 minutes of the City of Geneva if subject property owners do not live within 30 minutes of the City of Geneva.
 - 2. Identification of the number of and location of off-street parking spaces available and the amount required by the code.
 - 3. A statement that the short-term rental permit may be revoked for violations.

4. A statement that guests must comply with the Noise Ordinance of the City of Geneva, as set forth in Chapter 232 of the City Code, which ordinance will be enforced by the City Police Department, the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident;
 5. Any conditions imposed by the City Code Enforcement Office or the City Planning Board on Special Use Permit Review.
 6. The permit expiration date, which shall be December 31st of the second year the permit is effective.
- G. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental.
- H. Application Denial. City Code Enforcement may decline an application for any of the following reasons:
1. The application is incomplete, the documentation required is not included with the application, or the full permit fee, in payment form acceptable for the City Clerk, is not included with the application.
 2. A short-term rental permit issued to any of the owners was revoked within the two years prior to the date of the application.
 3. City Code Enforcement determines upon review of application or inspection that the subject property is not in compliance with City code.
 4. The site plan required to be submitted with the application does not comport with the requirements of this section.

215-44-2 Owner/Tenant Responsibilities

- A. The Owner of a Short-Term Rental shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities
- B. The Owner of a Short-Term Rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including City parking standards.
- C. The Owner must conspicuously post the Short-Term Rental License in a protected mounting in the public corridor, hallway or lobby of the dwelling for which the license was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each dwelling unit.
- D. It shall be the responsibility of the Owner to acquire and maintain a valid sales tax certificate as required by New York State Law. Except for those instances in which a Platform bears the responsibility for

collecting and remitting taxes and fees applicable to Short-Term Rentals, the Owner shall timely remit all applicable local, state, federal taxes and fees, owed in connection with any Short-Term Rental. The failure of a Platform to collect and remit taxes and fees shall not relieve an Owner of the obligation to pay taxes and fees owed pursuant to this Chapter.

- E. With respect to the dwelling unit which the tenant occupies, controls or uses, the Owner shall be responsible for the following standards:
1. Occupancy limitations and the lawful use of a dwelling unit;
 2. Maintenance of the dwelling unit in a clean, safe and sanitary condition;
 3. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition;
 4. Keeping exits in the dwelling unit free and clear of obstacles and debris.
 5. Disposal of garbage, refuse and debris in a sanitary manner and keeping the dwelling unit, lot, and neighboring lots free and clear from garbage, refuse and debris from the Short-Term Rental.
 6. Keeping domestic animals and pets in an appropriate manner and under control, to the extent that domestic animals and pets are permitted on the premises by the Owner.
 7. All occupants and visitors to the Short-Term Rental unit shall comply with all relevant occupancy and parking codes. In addition, occupants and visitors shall park motor vehicles only on-site (if the property is designed to accommodate on-site parking) or off-site where parking adjacent to the property is allowed. Notice of the parking locations allowed and other requirements shall be conspicuously posted on the inside of the Short-Term Rental unit.
 8. Ensuring that all occupants of the dwelling unit refrain from making any disturbing, offensive or excessive noise at any time, including but not limited to respecting quiet hours between the hours of 10 p.m. and 7 a.m., which would annoy or disturb the peace, quiet or comfort of a reasonable person of normal sensibilities. Each Short-Term Rental unit shall be required to prominently display a notice in any yard, porch, patio, deck, and/or pool area where renters may gather outside that indicates that unreasonable noise is prohibited by the City Code Chapter 323 and listing quiet hours.
- F. Compliance with Other Laws. The Owner shall ensure that any Short-Term Rental fully complies with the provisions of this Chapter, the City Zoning Ordinance, and all other applicable laws.

215-44-3 Compliance, Hearings, and Penalties.

- A. Owners of short-term rental units shall obey all applicable laws, ordinances, and regulations of the City of Geneva, Ontario County, New York States and the United States of America, and shall be subject to the enforcement proceedings contained in this section.
- B. Any Special Permit and/or License issued pursuant to this code is subject to continuing compliance with the conditions set forth herein, as well as any applicable laws, codes, regulations or ordinances
- C. The Director or his designee shall be given access to the premises for the purpose of making inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable State and Local codes.

- D. Inspection Fee. Every property Owner shall pay a fee to be set by the City Council annually in their schedule of fees, to be assessed against the property, for each inspection in which violations of State or Local laws, codes, regulations and/or ordinances are found. Code Enforcement Office shall assess the fee, when, in the evaluation of the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a Court action, nor any initial inspection required pursuant to the application process above, but shall apply to subsequent re-inspections pursuant to the aforementioned sections.
- E. In the event that the Code Enforcement Office determines that a violation exists, it shall inform the Owner by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time, not to exceed thirty (30) days, to remedy all existing violations or show cause for delay, which may only be granted once, by the Code Enforcement Office, for a time period not to exceed ninety (90) days
- F. Failure to remedy violations
1. Following the expiration of the time period set forth in Section "E" above, the Owner of the Short-Term Rental unit shall be guilty of a violation and such License will be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty (60) day suspension shall be considered a second violation.
 2. The Owner of the Short-Term Rental guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty (120) day suspension, shall be considered a third violation.
 3. The Owner of the Short-Term Rental guilty of a third violation shall have their Short-Term Rental License immediately revoked for that Owner and location.
- G. An Owner that has a License permit revoked may not apply or be granted another License for a period of two (2) years from the date of revocation, and no such License shall be reinstated unless the Owner has demonstrated that all violations have been corrected and that he/she/they is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of a subsequent application under this Chapter.
- H. Non-Permitted/Licensed Operation: No person shall operate a Short-Term Rental unit without a current Special Permit or Site Plan Approval as required in the applicable zone, and a License issued pursuant to this Chapter. In the event that the Code Enforcement Office determines that a violation of this subsection exists, it shall inform the Operator by written correspondence, hand delivered or sent via first class mail to the address of the property in question. The Operator will be given seventy-two (72) hours to cease operating the subject property as a Short-Term Rental unit. Should such unpermitted/unlicensed operation continue after seventy-two (72) hours, the Operator shall be in violation of this Chapter and be subject to the penalties listed below

Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed by the owner or by the complaining party, by filing a written appeal within thirty (30) days of receipt of the decision, to the City Zoning Board of Appeals. The Zoning Board of Appeals shall conduct a de novo review of the decision.

215-44-5 Penalty

Those determined to be operating a Short-Term Rental without a required permit or license or otherwise failing to comply with determinations of the City Code Enforcement Office; or the City Planning Board on Special Use Permit Review; or otherwise failing to comply with City Code § 215-44 will be guilty of a violation, punishable by a fine to be set by City Council. For the purposes of City Code § 215-44, each day a violation exists shall constitute a separate violation.

215-44-6 Effective Date

This Ordinance, amending the Geneva City Code shall take effect immediately upon adoption by the City Council.

Since the last agenda this has been taken and modified to bring more consistency, which was clarified by the city manager before she allowing David to assist with further explanation. The larger changes were addressed initially, he transparently explained that the codes office felt the City of Niagara Falls did a good job of creating a comprehensive and usable ordinance, so ours was pulled from that as seen in the purpose section. To avoid confusion, he explained some purposes were things that didn't actually appear in the law so they've been removed, and now that potential discrepancy has been avoided. The city also has a chapter about licensed occupations, which STR's were added to, bringing the city more power to control and enforce. He said having a license is easier to revoke and allows the city to take away the ability for someone to have a STR rental if they are causing problems whereas special permits, site plan reviews, and zoning creates expectations for rights that are difficult to deny or issue violations on. The enforcement section was also pulled from Niagara Falls with borrowed sections to add additional language that the code enforcement officers felt worked better for how they could realistically implement this.

Clr. Pealer began by saying he feels like we are on the right track with this, despite his personal opinion that all Airbnb's should be illegal in the city, but he is approaching this with a fair and balanced approach due to feedback from the community. He suggested a work session to discuss the parking situation and the licensing which he feels should include a revoking process. He pointed out that his taxes have doubled in two years and that 6 of the 7 houses that have sold in the last 3 years have gone to short-term rentals. He reiterated it is a complicated issue as our comprehensive plan calls for single family home ownership but doesn't necessarily call for the oppressive regulation of the freedom to buy a property and use it as a business.

Clr. Regan stated she wants to see this go through so we can get something in place and suggested adding a potential to compromise that addresses available housing due to the housing shorting. She points out that it states short-term rentals may only be used for overnight accommodations and she feels the wording should be less restrictive. For example, she thinks it should include serving meals to rented guested if kitchen facilities are available, not huge dinner parties, but allowing reasonable flexibility. She stated she agrees with those who've

said we have to go against the bad-apples, and she feels if this can be fully enforced those issues will be addressed.

Clr. Gaglianese agreed we are heading in the right direction and that there is room for all but it is a complex issue and there needs to be more enforcement. He questioned who is going to be enforcing these rules, whether it be code enforcement or the police, because regulation is needed. He asked if there should be a committee created to work on what's best for everyone since there are many people who have different views. The mayor said anything is possible but this was advanced from the overall zoning with the goal of getting something in place quickly.

Clr. Camera said he feels we have tried to preserve Geneva as a neighborhood city and we have to accommodate some short-term rentals. He said he wants to get this in place because it has important things included, such as enforcing no parties, excessive noise, and maximum occupancy. He feels this is the foundation and things can be added. He stated one thing he has an issue with is the total number that will be allowed in the city, and feels we should have a ceiling, as even NYC limited the number of STRs due to the housing shortage. He emphasized once this is passed the new rules must be communicated with each short-term rental and be clear they must to start following the rules even before the new licenses are given. He wants to take into account every violation between that time and when the application is complete, and if any are received having it jeopardize or invalidate their application. He feels it's important to explain the obligations to the owners or managers from the start and have enforcement apparent from the start. He is looking for codes to have a change in mindset, and be dedicated, to monitor and preserve the quality of life in Geneva.

Clr. Salamendra clarified earlier what she was asking was if we fail to legislate what she sees as a glaring problem would it make the application something that could be challenged. She wanted it to be clear she sees this as a major issue and many residents suggest that an owner occupancy should be a requirement. She feels it's important for councilors to say where they stand on these issues, and proposed it be amended to include an owner occupancy requirement of 6 months and 1 day. There was no second on the proposition of an amendment. Clr. Salamendra went on to say she supports that idea although no one else on council did. She agreed with Jan that the housing crisis should be mentioned and that it is a shame we aren't considering the community character more because she feels the Airbnb's are changing it. She stated she feels it is a failure of the council to legislate something that is so in line with the comprehensive plan. She also stated she agrees with Ken's idea of a ceiling. She asked if the 60-day grace period was for processing time to inspect and grant licenses. City Manager Hendrix stated it is a large part, and currently in code there are 2 full time code officers, with one current vacancy, and a supervisor who also assists in the engineering department so staffing is a challenge since this is in addition to current code operations.

Clr. Camera asked if there is an estimate for the occupancy taxes helping the budget. City Manager Hendrix said the occupancy tax has been removed from the draft to move it along and because it has to go through home rule legislation but it can continue to be looked at. David added on that there is a fee for the license that council can set but there must be proportionality between costs for enforcement and processing of the application and the fee charged. Clr. Pealer questioned why there are the restrictions on the fees we can charge and David answered that it is due to state law. Clr. Burrall asked if the fee then has to go toward the purpose of the ordinance. David further explained they should be, and can be challenged if they're not actually going toward the municipality for doing the review. The city manager elaborated, saying it could be things like materials, supplies, and staffing. David added it doesn't need to necessarily come to that department directly in the budget

but it must be tied there in general. He said having a uniform fee is acceptable, since some applications may take a lot of time and resources while others don't, as long as it can be argued that the average cost is close to the fee.

Clr. Burrall asked council if the bottom-line goal of legislating short-term rentals in the long run is to improve home ownership based on what the comprehensive plan states or in other words to go back to a different kind of neighborhood culture. Further, he asked if the purpose of legislating these rentals is to have more owner occupancy of residences in the long run, to which Clr. Salamendra replied it is one of hers. Clr. Burrall continued that he feels one of the issues is that our neighborhoods don't feel like they used to because of the rotating culture of transient short-term rental patrons and that lack of permanency prevents us from knowing our neighbors. He pointed out that Jason Swartley and Jerry Buckley refer to multi-unit residences that have received no complaints which is the reverse of Kevin Rissew and Michael Monaco who have dealt with numerous complaints from noise to trespassing. He pointed out there is no self-control within these buildings, aside from neighbors, whereas multi-unit structures have built in monitoring due to others residing in the same space. He stated he feels all of the negative comments are derived from short-term rentals that are single family structures, and the positive feedback is from multi-unit buildings. Clr. Burrall referenced an article of Wall Street Journal from August 24th which he feels shows that NYC has many of the same goals as our council and that they are looking for more homeownership to bring the neighborhoods back together. He stated what they're doing there is making it illegal for a single-family residence to be a short-term rental without the owner living there during the time of rental. He feels its not about the owner living there 6 months and 1 day and renting it out the rest of the time because when the owners are there it is a different level of self-monitoring when the owner is on premise. He added that he has multiple friends who have sold their retirement homes on the water on the east side of the lake due to the constant turnover of their neighbors with many of the same issues that other residents here have referred to. Clr. Burrall made a motion to make an amendment, to add to the ordinance, that single-family short-term rentals are not allowed unless the owner is there during the time of rental.

David pointed out in New Orleans just lost a federal appeals court case for limiting short-term rentals to people who live in the state of Louisiana because they were regulating interstate commerce by treating owners and corporations who live outside of the state differently. He said while it hasn't happened in New York yet many think it will, which is why he would stay away from doing the same, but what Clr. Burrall is suggesting would work from a legal standpoint since it pertains more to the use than the owner. He also said he wanted to address neighborhood character in regards to SEQRA and clarify it isn't the individual characters but it's about the traffic, density, and the overall character of the place rather than simply who is there and how they act.

Mayor Valentino questioned if single-family home is the proper term to use for Clr. Burrall's motion, because he feels a condo or apartment could be considered a 1-family home. David clarified that the current zoning uses detached 1-family dwelling as a specific use, and Clr. Burrall stated 1-family dwelling fits what he was proposing, but mentioned council could be even more restrictive by saying no short-term rentals in 1-family dwellings at all. Clr. Burrall added that he feels accessory structures on the same parcel are different and should be able to be rented out when the owner is living in the 1-family dwelling. David agreed it would be safe to say short-term rental can only be an accessory use on the site.

Clr. Salamendra said she feels the problem is greater than just noise, but that its also creating a bottleneck for people buying houses, and feels this is a step in the right direction but it doesn't completely address all of the issues.

Clr. Gaglianese stated he feels this is to get the ball rolling which is being complicated by adding numerous things on top of it. He pointed out that Airbnb's have been a problematic issue across the country for years and he doesn't want the city to hand-cuff ourselves by not taking the time to discuss what is fair and balanced. He feels we should keep the ball rolling rather than trying to pack all of this discussion in at once.

Clr. Regan agreed it is complicated, and while she wants to pass this tonight, she appreciates the new idea that Clr. Burrall presented as its one she hadn't thought of. She said there is time to make changes and she is happy to have discussion but wants to move forward with it tonight.

Clr. Camera made a motion to table Clr. Burrall's motion. He pointed out there is a resident area expert working on it and the current proposal creates a base. He said he feels once the base is in place the bigger issues can then be brought in. Clr. Camera also said he feels code will bring back recommendations and tell council what isn't working which may further support things they wish to adjust and over time the refinements can be made. Clr. Camera stressed he wishes to table to motion and get this passed and then have a work session if needed. His motion was defeated.

Clr. Salamendra asked if we do a major change to the draft does the first reading still go through and move on to a second reading. City Manager Hendrix said if a major change was made tonight it can go to the second reading but if a major change is made during the second reading, then it will become a new resolution and go back to a first reading.

Clr. Pealer said he agrees with Clr. Burrall's amendment but he cannot support it because it is not the consensus of what his neighborhood wants.

Clr. Noone questioned, if Clr. Burrall's amendment was be passed, how it would impact the current Airbnb rentals that do fit that description of 1-family rental. The city manager states it would have to be drafted first to see what it would look like and that would include a time frame or possibly grandfathering in current rentals which she feels wouldn't solve what council it attempting to solve. David suggested, to keep the city safe if the requirement was added, that there be an amortization period for people who've invested to get their investment out. City Manager Hendrix added that legal has been involved and will go through all of this to finalize it.

Clr. Burrall reiterated the purpose of his amendment was simply as a possible solution to community concern, rather than being for or against short-term rentals. His other motivating factor for this is the waiting lists for housing in the community, many of which are eligible to be first time homebuyers, but they're constantly outbid by investors who can give cash offers to use it as a short-term rental. He stated he is pro-short-term rental but is addressing the concerns about housing and changes in the cultures of neighborhoods. The roll was called for his amendment and it was defeated.

Clr. Gaglianese stated his concern that while the draft sounds good, he feels we can't enforce the codes and ordinances that are currently in place so who and how are we going to enforce these additional ones. He said when people call for noise there isn't much anyone can do because campus safety can't enforce their students off campus and the police can only ask it to be turned down but it usually gets turned right back up when they leave. He also asked if there is going to be a section about college rentals and stated that Hobart keeps buying property despite the housing crisis. He brought up that due to the pandemic college rentals haven't been an issue for a couple years but feels there are tons of people who suffer living near them throughout the college year. He stated it's a big problem he sees and the college rentals need to be addressed. He pointed out that we're asking owners to live on the property in order to rent it out but we're allowing 15 college kids to live in these houses and disrupt the neighborhood. He feels it isn't for him to speak on how the neighbors feel but he would be pretty upset if he

had to deal with these things. He said some issues, like parking, are city-wide issues regardless of the Airbnb's. Still, enforcement is the thing he is most concerned about because he wants to hold people accountable. He asked if there have been lawsuits in other cities that have tried to implement similar restrictions to which David said there have been some that banned Airbnb's completely which he feels is the easiest thing for a municipality to do simply because there is no grey area. David said he's unaware of current lawsuits but regardless it would depend on the case and if people are able to show how much they've invested and prove their legal expectations. Clr. Gaglianese responded that he feels banning them completely would be handcuffing the growth of Geneva. He stated it would be contradictory to have an "I Heart NY" sign by the lakefront and then tell people there's no where for them to stay because the 3 hotels in the city are limited and always booked. He stressed that it's important for us to decide who we are and what we want to be and while these short-term rentals may be a needed way to create revenue, we need to have more discussions before deciding which direction we're going in as a city.

City Manager Hendrix, in response to Clr. Gaglianese, clarified we can't determine who buys or rents a property. She said we can't say college students aren't allowed in a neighborhood or that a non-profit can't purchase a property, but what can be done is determining the uses of the properties. She addressed the enforcement concern, stating that many fall under code and zoning while some may fall under law enforcement but the biggest thing is putting something in place and updates will come. as there has been no perfect solution yet. She explained they've done research and while there is no perfect solution yet looking at others has allowed us to take from the ones that are really good.

Clr. Salamendra responded to Clr. Gaglianese's comment that police can only ask people to turn down the volume for noise complaints and for reasons like that she feels we should look toward staffing code more heavily. In a response for who is going to pay for code enforcement she recommended using the permit fees for the rentals as an associated cost. She stated that she feels it comes down to how you view housing and to her it is a place for a family or individual to live rather than as a business. She said she sympathizes with people who look to have their parents move here someday but families need those homes now because they're being split up or having to move out of Geneva due to the high rent prices. She keeps hearing how we need to allow for economic development but personally she views the housing crisis as a barrier to that economic development. She stated that if there are 261 Airbnb's then that is 261 residents or their families who have no where to live because there's a business there instead. She also doesn't feel they are fairly assessed and wants them to be taxed appropriately. She thinks the problem is aggressive so we need to be aggressive and that this should have been done years ago. Lastly, she said to help move things forward then we have to assess our values and question if housing is a business or for people to live in.

Clr. Brimm asked if legal could take a look at lawsuits, whether settled or pending. The city stated that they have been reviewed, although not all because there are a lot, but legal will continue to review them. David pointed out this is a changing area of law and with case law each court can interpret the legislation differently so it will vary until its become precedent in many courts. He said his general recommendation is to get in the process of reviewing and making small changes more frequently.

The major stated he is in support of this, feels it is the best opportunity to advance the progress on short-term rentals, and thanked staff. Some things he approved of include: 4 bedroom and 10 people limit, requiring a representative to respond within 40 minutes. He pointed out there are 3 sections in parking (215-44.A under 2.B, 215-44B, and 215-44E.7) and questioned if the properties on South Main St. and Pultney Park would be okay as they exist now when applying for a permit. David stated that its complicated and explained that there are parking

requirements in the existing ordinance but not for short-term rentals because it was not a use that existed until now. He added that there is also a process that the planning board can adjust that during site plan review or the special use permitting process if they see reasons that a particular case may need exceptions. He stated it would not currently address the South Main issue and the zoning has different requirements in different areas which he suggested simply could be amended to expand and cover that area. He said other requirements that come with that are signage and demolition restrictions, none of which would be negative toward that neighborhood. According to David amending the map would allow that area to be exempt from parking requirements similar to the way it is for downtown.

Clr. Burrall asked David why parking would be regulated for short-term rentals and not for long-term rentals. David replied the justification most would say is there is a difference between a business and residence which is a value judgement. Another thing that could be done, which David suggested, is adopting neighborhood parking permits in place of the parking requirement for places where it's a large problem. He explained that residents would have permits in their car and others get tickets since street parking is a public asset and policy can be set as to how its used and regulated. Clr. Burrall stated he feels a long-term rental businessperson is the same as a short-term rental business person, the only difference being the return on investment. He requested to make an amendment that any reference to parking requirements for short-term rentals be deleted because he feels it doesn't make sense why the requirements would be any different than long-term rentals. There was no second on Clr. Burrall's motion.

Clr. Camera asked, if a police officer goes for a noise complaint or sees the occupancy is over, can they fine the STR. David stated there is a fine for any violation but there is not an amount set yet. Clr. Camera asked if right now, as it stands, the police and code are fining for the noise ordinance. David clarified that it would be the code office and they would not be fining for the noise ordinance but a violation for the short-term rental license. The city manager added the noise ordinance could be changed but it would be a separate piece to which Clr. Camera stated he was asking if they could fine under the current noise ordinance and the city manager stated she wasn't sure. Clr. Camera said he feels these are things that must be addressed eventually, and it pertains to the issue with the colleges that Clr. Gaglianese brought up, and they need to be on council's radar. Clr. Regan added on that it should be known for the noise ordinance complaints the complainant has to give their name and many people are not willing to do that.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Regan
MOVED THAT this ordinance be approved for the first reading**

**ACTION TAKEN by Clr. Burrall; seconded by Clr. Salamendra
MOVED THAT this ordinance be amended to not allow single family dwellings to be used
as short-term rentals unless the owner is onsite at time of rental.**

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

MOVED THAT Clr. Burrall's amendment be tabled

ROLL CALL VOTE: Yay – Clr. Gaglianese, Clr. Burrall, Clr. Regan, and Clr. Camera

**Nay – Clr. Noone, Clr. Pealer, Clr. Salamendra, Clr. Brimm, and
Mayor Valentino**

MOTION DEFEATED

(Roll call on amendment to this ordinance)

ROLL CALL VOTE: Yay – Clr. Burrall, Clr. Regan, and Clr. Salamendra

**Nay – Clr. Noone, Clr. Gaglianese, Clr. Pealer, Clr. Camera, Clr. Brimm, and
Mayor Valentino**

MOTION DEFEATED

(Roll call on original ordinance as presented)

MOTION CARRIED UNANIMOUSLY

12. RESOLUTION SETTING A PUBLIC HEARING FOR THE 2024 BUDGET

City Manager Hendrix presented the following resolution:

WHEREAS, City Council will receive the City Manager's budget proposal for 2024 on September 26; 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; and

WHEREAS, City Council anticipates adopting the 2024 budget at a special meeting on or before October 31, 2023.

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 2023 for 7:00 p.m. on October 4, 2023.

ACTION TAKEN by Clr. Noone; seconded by Clr. Gaglianese

MOVED THAT this resolution be approved

MOTION CARRIED UNANIMOUSLY

13. RESOLUTION DISSOLVING THE DISABILITY AWARENESS AND PUBLIC ART COMMITTEES, HIRING ASSISTANCE BOARD, COLLEGE LIVEABILITY AND POLICE BODY CAMERA TASK FORCES

City Manager Hendrix presented the following resolution:

WHEREAS, the Disability Awareness Committee, Public Art Committee and Hiring Assistance Board, were established to provide advisement to City Council as committees and a board of council; and

WHEREAS, the College Livability Task Force and Police Body Camera Policy Task Force, were established as a temporary organization created to solve a challenge faced by the city; and

WHEREAS, the above-mentioned board, committees, and task forces have provided valuable insight to the city during their operations, achieving goals set out for each entity and advancing the work of the City of Geneva; and

WHEREAS, these bodies do not have currently active appointed members; and

WHEREAS, the City acknowledges the work of these bodies and their contributions to the city and is appreciative for their accomplishments; and

WHEREAS, any remaining work of each entity is either complete or can be transferred to other boards, committees, or commissions;

NOW, THEREFORE BE IT RESOLVED, that the Geneva City Council, hereby and in due form, does dissolve the Disability Awareness Committee, Hiring Assistance Board, Public Art Committee, College Livability Task Force, and Police Body Camera Task Force and transfers any outstanding responsibilities to current committees including but not limited to the Recreation Advisory Board and Human Rights Commission.

Clr. Gaglianese clarified the city managers comment that even though these are being taken off they can be put back on it if need be. He referenced the college livability task force and stated he feels we haven't had to deal with that for the last few years. However, he feels the college has blossomed into something bigger, with more sports and more kids living off campus than have been in years. Clr. Salamendra asked for the role of the task force to be defined. The mayor stated it was for the city to work with the college on any issue and suggested Clr. Gaglianese reach out to President Gearan to address potential concerns. The city manager also clarified the task forces should have had specific goals that were started and finished. She made it clear that there should be continued conversations with the college regardless of the task force. Clr. Burrall added it was primarily a complaint driven process to solve neighborhood issues and had the ultimate goal of improving campus and city relations. He stated the person who was in charge of it from the school has since left and he is unsure the current process for complaints, adding that the board hasn't met in at least two years.

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

14. RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ONTARIO COUNTY SHERIFF'S OFFICE SWAT INTER-MUNICIPAL AGREEMENT

Police Chief Colton presented the following resolution:

WHEREAS, Section 119-O of the General Municipal Law permits corporations to enter into cooperative agreements for the provision of joint services; and

WHEREAS, the City of Geneva Police Department wishes to enter into a multi-jurisdictional Special Weapons and Tactics agreement with the Ontario County Sheriff's Office; and

WHEREAS, the City of Geneva Police Department has been in agreement with the Ontario County Sheriff's Office for since 2019; and

WHEREAS, the City of Geneva Police Department currently has three Police Officers on the Special Weapons and Tactics team;

WHEREAS, this agreement will certify the Ontario County Special Weapons and Tactics team in the State of New York; and

WHEREAS, this cooperation will enable the Ontario County Sheriff's Office to receive grants that will benefit the City of Geneva; and

WHEREAS, the City of Geneva Police Department highly recommends approving the Inter-Municipal Agreement with Ontario County and the Ontario County Sheriff's Office's Special Weapons and Tactics team;

NOW, THEREFORE BE IT RESOLVED that City Council and the City of Geneva approve the Inter-Municipal Agreement with Ontario County and the Ontario County Sheriff's Office's Special Weapons and Tactics team; and

FURTHER BE IT RESOLVED that the Chief of Police and the City Manager are authorized to execute the Special Weapons and Tactics team agreement with Ontario County and the Ontario County Sheriff's Office, as well as all other necessary documents.

Chief Colton handed out the agreement and stated the only difference between the old agreement and new one is the Village of Clifton Springs Police Department is no longer an affiliate with the SWAT team. He added that passing this resolution will be giving the Ontario County Sheriff's Office \$75,000 per year in grant funding and without this agreement the Geneva Police Department will continue to operate with the SWAT team but without the grant funding.

Clr. Camera asked if the total cost or budget of SWAT operations across the county is known and what of that we as a city contribute. Chief Colton stated he does not know the total cost of SWAT operations and explained the SWAT team seldomly gets called out and all of the gear was purchased in 2019-2020. He further explained that there are currently 3 personnel assigned to the SWAT team, one of which is a solely a certified EMT who has received no other training from the city while another went to the training several years ago so it's been paid for. Lastly, he said there's one newer member whose training cost around \$1,600 and once that school is completed the certificate is forever. Clr. Camera asked if the hours are lost for the time during that training and Chief Colton agreed but explained if there is a conflict in the schedule, they mitigate the overtime cost and the officer isn't sent. There are 3-5 SWAT call outs per year and GPD goes to about 1-3 and the personnel would be paid to be there regardless. He stated this is beyond the scope of most officers and since these are very high-risk situations this is mostly done for the safety of others. Clr. Camera asked if the Sheriff's Office makes up most of the SWAT team and if they can serve all points of the county and Chief Colton answered yes to both questions. Clr. Camera stated he wished for more information as he's been pushing the county to help with mental health responses and he would rather see the county supporting a mental health operation. He stated his desire to get a better background by understanding of the costs. Overall, Clr. Camera stated he doesn't want to take the focus off the county because he wants the county to do more for us from SWAT to mental health.

Clr. Salamendra stated she is opposed to the militarization of the police and she agrees with Clr. Camera that she would rather see a grant for mental health rather than special weapons and tactics. She stated she struggles with feeling as though the police make the decisions and others don't have a say. However, she feels it

is her financial responsibility to vote for this resolution to prevent the taxpayers from facing these costs. She did state that she wishes to have a conversation to answer further questions such as who makes the call to use the SWAT team and what criteria is used but she didn't need an answer now. One last question she proposed was what happens to Clifton Springs since they're no longer in the agreement if there is something that occurs there that meets the criteria for a SWAT callout and does the county have an obligation to respond. Chief Colton explained they have a population of under 700 people and the full-time officer was the Chief of Police, who has since retired, and he was the sole SWAT team member from that department. Further, he explained Clifton Springs operates on a part time basis and that is his belief as to why they are no longer a part of the agreement. Clr. Salamendra thanked the Chief and stated she would get together more questions from the community, along with ones she has, to ask at a later point.

Clr. Regan stated what she likes is that the county is involved, and that we're working with the county as she feels it is a positive step, and likes to see more efficient utilization of police services and resources.

Clr. Burrall stated we should be grateful to be inexperienced in having SWAT in our community because he had an experience of looking out his kitchen window and seeing SWAT in his neighborhood two times. He stated we should be thankful to have this law enforcement insurance policy for when we really need it and thanked Chief Colton.

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm

MOVED THAT this resolution be approved

**ROLL CALL VOTE: Aye – Clr. Noone, Clr. Gaglianese, Clr. Burrall, Clr. Regan, Clr. Salamendra,
Clr. Pealer, Clr. Camera and Mayor Valentino**

Nay – Clr. Camera

MOTION CARRIED

15. CITY PROPERTY SALE PROCESS OVERVIEW AND DISCUSSION

The City manager began by explaining any sale of city property does require a vote from city council, public notices, and payment. There are different property types: (1) Surplus Property the city owns but are not currently utilizing for a city purpose or planning to use in a time frame of usually 5-7 years. (2) Tax Foreclosure lots the city has taken title of. (3) Vacant Lots can be residential that may be available for building or can be in combination with adjacent property. (4) Development Ready sites may or may not be fully development ready and (5) City Utilized property are currently being used by the city. She explained that single family homes would be given preference to owner occupants or organizations that would rehab the house for the sole purpose of selling to an owner occupant like Habitat for Humanity. Houses that would need extensive rehab wouldn't be offered directly to an owner occupant unless they've demonstrated financial capacity to complete the work. Vacant lots would also have preference to owner occupancy, an organization to rehab for owner occupancy, or small local developers with a plan for small scale multi-family residential. Surplus property zoned for mixed or commercial use would only be given to investors and developers who have history of community involvement, understanding of the city's values in their plans and goals as is reflected in the proposal, capacity to complete the project in stated timeframe, proof of financial capacity, good credit, and a clean history with the city.

These are all things city employees would look at and at that point the property acquisition and disposition committee (existing of comptroller, economic development and planning, code, fire, DPW, and legal) would discuss and decide which properties should go or stay. That team would then bring that to the city manager and

councilors where council would then vote to approve that list and have it posted on the city website and in local publications for three weeks.

She stated there are different ways to sell properties which are auction, purchase offers, and requests for proposals which are usually larger properties. She didn't have the full property list since the team will review it further but there may be up to 12.5 acres of property at a total assessed value of 1.5 million dollars. The smallest size could be .035 acres and largest over 2 acres for one parcel. Properties and processes could be posted as early as this fall, acknowledging they must be posted for 3 weeks, and sales could be voted on by council in December. There will be out-lair properties that staff may not recommend for sale but there may be someone who would like to purchase that property. She would like for there to be a process for people to express they are interested in a property that isn't for sale.

Clr. Pealer asked how many parcels currently have structures on them to which the City Manager explained she did not have an answer but they have been categorizing them in other ways and she could look.

Clr. Regan questioned the O.E.O. properties being listed as 3 separate parcels and the City Manager confirmed they have been combined.

Clr. Camera stated he doesn't feel the dollars shouldn't be the main focus or objective and feels every sale we do should bring some other tangible benefit for the neighborhood or greater good.

16. DEER HARVESTING DISCUSSION

Clr. Burrall explained this began two years ago when a farmer in the south end of the city contacted him about the process to start a deer-harvesting program through the DEC because 1/3 of his crop was being destroyed. Clr. Burrall said the DEC process is quite simple but the DEC needs approval from the municipality and a plan to harvest deer in a certain area. He met with the city manager who had some experience with deer harvesting at her previous job in Thompkins County. The deer population is probably the largest it's ever been and there is a wildlife sanctuary in Ward 1 according to Clr. Burrall. Further, the high concentration of coyotes in the City of Geneva is what he and others believe has driven the deer population to move north into the city. He feels it is virtually impossible to be a gardener in Ward 1 unless it is a vegetable garden, because it can be fenced, but flowers and other plants are more difficult.

Manager Hendrix stated we would have to prove there is a general nuisance and show what damage they are doing. That would either be staff time at a minimum or a full study and from her previous experience the DEC is very involved.

Clr. Gaglianese asked why are we making a problem when it isn't one. He stated the areas in Ward 1 that Clr. Burrall is referring to is already heavily hunted by bow hunters during deer season. He doesn't feel that police are entertaining calls for deer being a nuisance in people's yards. Further, he referenced Clr. Burrall's comment in a previous meeting about how inhumane it is to raise chickens for chicken wings yet he wants to slaughter deer over to a minor nuisance. Clr. Gaglianese stated he doesn't feel there is a problem with deer in any of the wards in Geneva and the land around it is hunted so he feels there doesn't even need to be a conversation for an isolated instance.

Clr. Brimm agreed with Clr. Gaglianese that it isn't a big issue and it isn't specific to Geneva but a multi-state issue. He stated he's watched woods during hunting season and 9 times out of 10 when a hunter goes in, they will come out with a deer so he feels they are adequately hunted around Geneva.

Clr. Camera stated with all the work the staff has he doesn't support any further discussion on this.

Clr. Salamendra, Mayor Valentino, Clr. Regan, and Clr. Noone all said they were against it.

Clr. Pealer stated he does believe there is a deer issue in the city, and he is for hunting them, but feels this is a larger conversation. He pointed out if a deer is hit with a bow it is going to run for many yards and he feels it is a health and safety issue from that alone factor alone. He suggested if anything it could be a conversation with private property owners to have their properties hunted.

17. EVENTS OVERVIEW DISCUSSION

The city manager began by saying 41 events have been held in the city, bringing over 30,000 visitors, not including farmers markets or lakefront concert series. She wants it to be clear what events are city sponsored as this current year they took a firm stand on non-city sponsored events so they all have to comply with the same rules. What she means by city assisted is staff working with event organizers to carry them out. Currently she said there is not a budget line for all of these city events. She said event fees can continue to be waived but if there are costs to any of these events she asked if council would like to have an event line created. Further, if council wants to continue to waive a fee she would like to know as staff would have to come up with a process for council to make those determinations. She explained the reason the standardization was put in place was so staff doesn't need to make that decision but council can weigh in to create policy decision rather than a decision made event by event.

Clr. Gaglianese stated he wishes to add the 4th of July to the list and to waive the fees to the American Legion. He stated he wants to work with the American Legion to have the festival and fireworks at the lake like they used to do. He feels they've been a big contributor to the community, bring a lot of people, and they give donations to the city and other organizations and he doesn't think that should be overlooked.

Liz Toner came to speak and clarified the last time the American Legion came to the city it was prior to the change in event fees, which were \$100 per day, and now it depends on the nature of the event. Mayor Valentino added that he offered to pay the \$100 and asked Clr. Gaglianese if he is talking about waiving fees or going further such as contributing to the fireworks. He also proposed Clr. Gaglianese go to the Legion Commander to get a number and then it can be discussed as a line item. Mayor Valentino also suggested having a conversation if the fee is an issue because he feels its pretty easy to get sponsorship for those type of events rather than simply waiving the fee since everyone is going to feel as though their event is important. He doesn't feel staff should have to carry that weight to decide which are city sponsored and council could be assisting and help by getting sponsorship because he thinks the costs are minimal.

Clr. Salamendra, Clr. Camera, and Clr. Regan agreed with the mayor. Clr. Camera stated he doesn't want to sponsor fireworks since there are many residents with animals and he feels they're disturbing neighborhoods. Clr. Regan stated she feels these are important events that feed the community spirit and she wants to push for them as the fees are not that high and since sponsorship is also an option. Clr. Burrall stated the fees are incredibly low and every business should be in this for bringing people together rather than focusing on how much they'll make. Clr. Noone expressed his desire to support these events and making them better, specifically the mayors tree lighting.

18. MAYOR AND COUNCIL REPORTS

Clr. Regan started, saying she wants to thank Lori because she's been someone they could always reach out to with any questions, and she helped did a lot to help the city. Clr. Regan met with a group of homeowners who were impacted by the flooding and stated there's an interest in forming a task force to get answers on progress. For the green committee she stated they're working toward creating a reading group, that would read *The Climate Book* by Greta Thunberg. There is a native plant sale coming up on September 30th and a retreat September 24th to plan future projects. She also wanted to remind people of the home energy audit that gives unbiased advice and guidance in a private home. This also benefits the city once three homeowners ask for it by bringing us close to getting a grant for \$5,000. The website is heatsmartflx.org and you can reach out to brett@climategfl.org.

Clr. Pealer echoed Clr. Regan's recommendation for the audit, which he did, as it saved him a lot of money. He had no report from the Recreation Board.

Clr. Burrall acknowledged the passing of Judge Brind recently and thanked him for all of his years of service. Judge Brind lived nearly all of his adult life in Geneva, raised his children here, and was extremely active in the community with his wife. He referenced the photos on the wall and stated he wants Tim Buckley to get his photo on the wall with the rest of the judges. Clr. Burrall stressed the importance of donating blood if you're available September 18, 19, or 28. He stated the BID deemed the Garlic Festival a success with great weather and approximately 22,000 people coming. Plans are already underway for the 2024 event. He said BID is active in a couple recent grant writing projects, one for music and visual arts promotion, and a quality of life that is geared toward low-income households that is also related to promoting the arts. He shouted out Jim Cecere with Vinifera being inducted into the Wine Enthusiast Future 40 for individuals who are nationally influential in the beverage industry with a press conference Saturday September 16 at 5pm on Linden Street. He wasn't able to make the last meeting for the Shade Tree Committee and the HDC hasn't met in couple years but he is happy to report they will be having a meeting in a couple weeks. He stated he has a \$525 donation from firewood sales for the DPW for tree planting program. Lastly, he wanted to thank Lori Guinan's efforts which he's witnessed for the last 3.5 years. He said out of the 45+ meetings Lori was, in his opinion, the mainstay of those meetings with all due respect to John Pruitt and John Salone. He considers her an MVP for his tenure on council and he can't wish her anything but the best from here on out.

Clr. Noone echoed remarks for Lori, stating that she has remarkable dedication and passion, and is a pillar in our community. He said she's someone who will be missed and while it wasn't always easy, she persevered and put her best foot forward. He continued that she is a great asset to the council, community, and helping the new clerk. He thanked her for her endless dedication to the city which he was sure continues outside of the clerk's office in her personal life as well.

Clr. Camera also echoed the sentiments about Lori, stating having been on council for almost 12 years she has always been there to help him with problems or getting a document on short notice. He stated she was very professional and very pleasant to be with and despite people usually being in different moods she was always pleasant and she'll be missed. He went on to ask the city manager about the new poles that have been put in and when the old poles will be removed from the neighborhoods. The city manager stated there isn't much she can do as it is a state department issue and a challenge with the telecommunications devices still on those poles

but they're continuing to press on that. Clr. Pealer mentioned they are being paid for due to the usage agreement, but Clr. Camera stated he's still rather they simply be gone.

Clr. Camera went to a meeting with the Village of Interlaken to discuss a resolution they're considering to oppose for the expansion of Seneca Meadows which he's hoping to see the passed. He mentioned the host agreement was tabled yesterday as some of the councilors discovered conflicts of interest and corporate bullying so he feels it was a good idea to table it. He emphasized they are going to continue to press the DEC and governor to stop the permit.

Clr. Salamendra stated she has no report.

Clr. Brimm also had no report but wanted to express his gratitude for everything Lori has done over the years including being there for him.

Clr. Gaglianese also wanted to express his gratitude for Lori and the service she provided council and the community. He feels she is one of the most dedicated and hardworking individuals that he knows. He echoed what Clr. Camera said that it her character is so sweet no matter when you ran into her. He reported that the planning board met last month and approved a subdivision on 30 Castle Street after buying a sliver of the parking lot from the City of Geneva so they can access the building from the back and the side. The Police Budget Advisory Board met to continue talks about 2024 GPD budget with the requested 12% reduction and they're hoping to get to the city manager, comptroller, and police chief before the release of the 2024 budget. Lastly, for his report, he stated the next PBAB will be September 21st at 6pm in the city hall conference room.

Clr. Gaglianese questioned how council would go about changing an event if they wanted to modify it, like expanding and changing the location of the Christmas Tree Lighting. The city manager stated there isn't funding or staffing for that particular event. He elaborated, saying we've grown as a city, so all of downtown should be on display and it should take place at bicentennial park with a permanent Christmas tree. Liz explained that last year the city worked with BID to do what he's suggesting with numerous events happening throughout downtown and Clr. Burrall sponsored the carriage rides since they are expensive. She stated that if there are more things then he can communicate those with the city manager and they would be open to them.

19. ADJOURNMENT

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Camera
MOVED THAT the meeting be adjourned at 10:28pm
MOTION CARRIED UNANIMOUSLY**

Nicole Wright

City Clerk

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

September 12, 2023 – 6:00 PM

City Hall – Second Floor Conference Room
47 Castle St.
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Camera, Clr. Brimm, Clr. Noone, and Clr. Burrall

Absent: Clr. Salamendra and Clr. Pealer

2. ZONING WORK SESSION

David West began the zoning work session by explaining that the first change was to the section 'Keeping of Animals' (350-7.13) under letter C which formerly included ducks, geese, fowl, cattle, horses, sheep and goat but now solely pertains to chickens. He mentioned that line F was added to include the animals that were taken out. Another major difference is that the chickens must be kept no closer than 20ft from any buildings on adjacent lots, a reduction from the originally proposed 100ft restriction. David stated this is his suggestion as it is more appropriate if council wants to actually allow it to be possible for people to have chickens in their backyards in the city, adding 20ft is what many other places use. Clr. Burrall was surprised at the reduction to 20ft and asked if it is the majority of what David has looked at from other places. He replied yes, explaining that since the typical urban lot is 50x100ft there would be a very small piece of the land that chickens could be kept on so the reduction makes it a possibility for more people. Clr. Burrall also expressed concern about the maximum of one chicken per 1,000 square feet and asked whether it was for the open space outside or the total lot size. It was explained that the number of chickens allowed is based on the total lot size and as long as the coop and open space requirements are met things like driveways, buildings, pools, etc. would not reduce the total square feet of a lot area.

Clr. Gaglianese brought up a concern that chickens must be bought in a minimum of 6 at a time and wondered if that was taken into consideration for how many are allowed. David stated that other places have dealt with the same thing, and in one instance they made a limit of 18 chickens due to concern about buying them by the dozen. This allowed for a new dozen to be bought if half have died without having to wait for them all to pass before being able to buy any more chickens. Further, he explained that the framework is what the City of Buffalo uses which has worked well for about half a decade. He reassured that he understands the minimums and limitations which come from the normal routes of getting chickens. The requirements for coops, open space, and maintenance are in place to ensure the coops are kept clean with reasonable space and measurements for protection. David stated while these are somewhat simplified from the City of Buffalo, chickens are a huge debate, so their main goal was to create something

reasonable, rational, and enforceable based on what code enforcement thought was important to get in without becoming extremely long.

City Manager Hendrix suggested the difference between 'should' and 'shall' be explained for clarification. David stated in this ordinance the 'shalls' are mandates, or requirements, and in order to not comply with something that has a 'shall' the person must either go before the planning board for approval or go to the board of zoning appeals. For the zoning board there are two kinds of variances, which are area and use. In general, an area variance can be obtained with proof that the benefit to the applicant is greater than the detriment to the neighborhood in general, and has a lower bar. The use variance on the other hand has a much higher bar, being nearly impossible to get, since the applicant must prove that there is no other financially viable use of the site. On the other hand, the 'shoulds' are still things the city wishes to see in projects and will be considered in the review of a project that goes up for development plan review. Along those lines, David also added a clarifying text that the "approval will be denied for proposals that are not in substantial compliance with the spirit of these standards and guidelines" (350-10.2-A.2). David summarized that under the 'shalls' you must be in compliance while under the 'shoulds' you're still supposed to be in compliance most of the time but with a good reason there can be some flexibility. The mayor thanked him for the explanation, stating the focus on these updates is to create a zoning code that allows development that aligns with both business and our comprehensive plan. He is also attempting to reduce people going to the zoning board of appeals and hopes that this takes away the politically directed decisions that the zoning board has been faced with.

David moved on to other changes, first pointing to Building Placement, Orientation, Massing & Form. He felt there was general understanding that some flexibility was warranted in number 4 under Applicability and General Design Requirements so it was changed that "newly constructed buildings should be no less than 80% and no more than 120% the width of adjacent historic buildings" rather than saying they shall. He added "where it is necessary to exceed these limits, new buildings shall include architectural bays and other features that are vertically oriented" to reflect the historic rhythm of downtown buildings. Looking out the window David pointed out that most of the buildings are oriented vertically which he feels is an important part of historic characters and noted even ones that aren't do still have similar proportions. When thinking about a site like O.E.O. he said regardless of how many stories a building on that site has it wouldn't be taller than it is wide.

Clr. Gaglianese asked if this was a standard everywhere to which David explained it is more of an emerging best practice but most places don't have this kind of thoughtful language. The mayor compared it to the height limit by the lake put in place to protect the fabric of the neighborhood on South Main Street by not obstructing their view of the lake. Clr. Gaglianese questioned if a property wasn't obstructing anyone's view could it still be proposed to the planning board for permission to build something with more stories than what is allowed. David stated the zoning sets a maximum height which is the current limit and, while unlikely, you could go for a variance to ask for more floors than what is allowed. The requirement in number 4 is putting boundaries so while it can be slightly wider than it is tall, they should generally be taller than they are wide. Clr. Burrall pointed out there aren't many exceptions downtown aside from a church and the O.E.O. being wider than they are tall.

Clr. Regan requested clarification that if they wanted to go slightly higher, they could still go to the zoning board and ask for a variance, so the option isn't eliminated but more-so adding another hurdle. City Manager Hendrix clarified that the purpose of the document is to set the policies council wants to see to create the vision they have. She explained most of these things can have variances but the question then becomes how many they would need, for example if they wanted to go up 100 stories there would be several variances required.

David moved onto number 5 in the same section, where he struck out the first sentence due to confusing language such as “shall be avoided” since it is strong but also weak. Additionally, he suggests adding windows to the next sentence which requires buildings to not have “blank, uninterrupted length exceeding 40 feet without including” some design element that subdivides the wall into proportions. The goal being to have details that break up what would otherwise be giant blank walls. The mayor pointed to 5-Star bank on the corner of Exchange St. and Seneca St. and Clr. Regan mentioned the Super Casuals building on Seneca St. stating the Linden St. side is blank aside beyond a painted mural. David had looked at the bank and didn't think the 40 feet mark was reached before there was another window, stating he feels 40 feet is a long way. As for Super Casuals he said while we haven't given an out for murals yet some places do give an out for that and added these are generally interpreted as street facing requirements. The last sentence in number 5 specifically focuses on street facing and requires more frequency of these elements, every 10 feet, because he feels it is rare to see more than 5 feet between windows and doors. David pointed out the way it was initially drafted had not included windows but called for the forward and back of a building every 40 feet, as seen in figure 9.1, which he feels does not reflect what we have downtown anyway.

Under Facade Composition and Fenestration (350-10.6) numbers 3 and 4 the 'shalls' were changed to should. He stated council seemed to be comfortable with these being guidelines rather than requirements as some things can be done much cheaper and faster such as allowing window placement to be mounted outside rather than having to be set in.

David went on to the next page, the subsection on Upper Floors, which also has some 'shalls' that were changed to should for bullets 2 and 3. In number 4 there is a change that says “upper-floor windows should be double-hung” as he again feels we don't need to regulate these minor details. Instead, the sentence has been modified to still say the windows “shall include ornamental elements” since he feels this was more important to keep than how they are hung.

Another section touched on was under Windows and Doors (D.3) which changed the mandate that all windows could only be clear or lightly tinted to a recommendation. On Roof Styles & Treatments he changed 'shall' to 'should' for rooflines to be “designed in proportion to the overall height and width of the building” because he didn't feel it was possible to mandate that. He kept that they shall, where practicable, relate to nearby historic structures. The mayor asked for an example of a roofline that wasn't designed to those proportions since he feels it would be nice to have overhang over sidewalks and wanted to know if this would disallow that. David said a possible example would be a steep roofline, like a Swiss Chalet, but that he doesn't feel that this would prohibit an overhang. He also said he does believe it would be difficult to decide the line between in and out of proportion and the city manager agreed that the 'should' being in the front adds some flexibility so it could be questioned. Additionally, alternative energy systems, number 2 under Roof Treatments, received general consensus that it would be better to have 'should' rather than 'shall.'

Clr. Gaglianese asked why our expectations weren't taken into consideration for our city, and he feels despite what they were paid we were simply given a general or standardized template. David said he has been a consultant writing zoning for places and acknowledged that recycling is done and he'll admit he does that to bring the best of what he's seen from other places. Clr. Gaglianese asked how much the city paid for the rezoning and he was told it was \$65,000. The city manager added that the work from the consultants was also worked on with our partners who have different approaches, so while she is unsure of how many community interactions shaped revisions, what they're attempting to do now is incorporate as much feedback as possible. David added that feedback from the BID was that it would be beneficial to change a lot to 'should' and he doesn't think what is being adopted will be in place forever as projects and

problems will arise that may require revision or rethinking. In other words, if the same variances are coming up over and over again then it can be looked at closer to see if it's something that should be legislated. The mayor expressed his desire for changes in the future to be more progressive rather than waiting another 50-60 years. Clr. Camera wanted to be sure the Gateway Project, on the corner of North St. and Exchange St., wouldn't be affected by these changes.

In section 10.8, on Materials and Color, David explained there was disagreement where some people wanted a 'should' instead of the 'shall.' First, he clarified that at the end of number 3 it states "unless otherwise approved by the reviewing body." Additionally, he added "when façade treatments include multiple materials or colors" to the beginning to make it more specific. He pointed to a wall in the room as an example, stating if the front of it was a different material it would need to be wrapped around the corners before stopping, to explain what the text means by inside and outside corner. In other words, if the section of wall that sticks out is brick, then the corners on each side should be brick as well before meeting the wall again and changing to a different material. Number 4 under this same section was changed so "building materials, textures, and colors should be compatible with adjacent historic structures."

The next section, Exterior Lighting (350-10.9), David felt everyone was comfortable with encouraging the International Dark Sky Association lighting compliance. The mayor stated he agreed and he feels it isn't extraneous to developers since it just means the light is going down rather than up or out. Clr. Gaglianese added he feels it is now the standard to do a study with any building being put up.

The last change is in the section Open Space & Stormwater Management (350-10.10) which he felt was confusing so he added it as part of the development plan review. Clr. Gaglianese stated he doesn't believe there has to be a storm water protection plan in place for anything under one acre and David replied, while unsure if the city has adopted something different, there is usually a pollution protection plan required during construction for half an acre. Clr. Gaglianese said he would like it to be even smaller than that and he wants David to look into it. He feels it should be done on all properties undergoing excavation because we don't need any more sedimentation in our storm sewers than we already have. David agreed he feels the practice is important but it can be difficult to implement, pointing out that some sites downtown have buildings that take up 100% of their lot.

Clr. Camera brought up a new topic based on an article in the New York Times, saying he related to it since one of his daughters lived in a development that models what he feels we should promote in Geneva. He explained that it was a multi-purpose building, located in a concentrated area, which included shops, parking, numerous stories of apartments, an entertainment spot on the roof, and exercise areas. He said there was a rule that 25% of this development had to be low to moderate income. He feels this validates that there are similar opportunities for this in Geneva. While he is glad that the non-profits we have here, he said a large amount of property in the city has been soaked up by them so he wants to look at where our opportunities are. This made him look at the Town & Country Plaza, which is in the Gateway Business (GB) district, but feels it should be changed to Mixed Use for zoning. He said he feels we've scared developers away with the minimums and complicated requirements under GB. He feels while the code is what we allow, it should also encourage new projects and developers and right now it doesn't. In a recent meeting about housing, he learned that land use and zoning policies can restrict housing development, particularly larger multi-family and affordable complexes. When he looked into mixed use zoning, he felt it would be a solution to allow better development of that property without trying to modify the current zoning to meet his goal of being more user friendly. The mayor pointed out he feels Gateway Business already encompasses what Clr. Camera is looking for. Clr. Camera explained he feels it is the complexity of the current zoning that is off-putting to developers and there should either be an overlay district or tweaks made to the current one to become more modernized. He asked David to look into the

minimum changes that could be made to Gateway Business and explore the possibility of an overlay district. David stated there are a few things that could be done, including altering the numbers in the zone, changing the zone, or adjusting the zoning map to include this space in a different zone. He explained he doesn't see any benefit in doing a zoning overlay as it would be more appropriate if we weren't currently working on zoning and didn't wish to make any changes. Clr. Gaglianese said he feels the zoning code isn't holding developers back from the plaza. He feels if they wanted to come to Geneva and have the money then they'd already be here and would do so regardless of zoning. He feels a lot of small things have to change for them to feel like there will be profit here, but also believes we have unique aspects that may be an incentive like an undeveloped lakefront. He is concerned that there is an attempt to fast track the code when it is more important to try and do it correctly.

Clr. Burrall asked David if he is familiar with the living arraignment that Clr. Camera had previously mentioned which David replied that he knew of these types of developments. Clr. Burrall stated his daughter also lived in the same sort of place, which many refer to as 'Disney Communities,' because every service is within walking distance of the apartments which eliminates the need for public transportation. Everything can be walked to from the grocery store, to your accountant, and even a pool. He further explained that when he helped her move in, he saw a plaque with information about the developer for it was Tom Bozzuto. He pointed out that Mr. Bozzuto has numerous developments like this and is very well known in Geneva for having the boat house named after him and currently sitting on the Board of Trustees for the colleges. Clr. Burrall agreed Clr. Camera's idea for the plaza is fantastic but believes, while it has the proper acreage for this type of development, there is also a reason it hasn't been. He described it as a magnet for young professionals, which he feels the community currently lacks, and isn't sure whether they are so desperately sparse due housing, jobs, or both. He said a phone call or conversation should be had to ask why Mr. Bozzuto hasn't or wouldn't invest in a space like this to help council better move forward with this discussion.

The City Manager stepped in to clarify that this direction would be something David and herself would discuss to move forward and acknowledged that the Town and Country Plaza is owned by Wells Fargo, not the city. Clr. Camera said he still wishes to change the zoning in order to make it easier to develop the property, even if it is far down the road, since the document is already being looked at now. Clr. Regan stated she supports and agrees with Clr. Camera that the plaza would be a perfect space for a development and that developers would be more likely to come if there are less hoops to jump through. She said it is the same way as her view on zoning the section behind Slosson to allow more than just a large-lot residential to go in there. She doesn't see why we wouldn't modify it to accommodate a possible change in the future even for the chance despite not currently owning it. She thinks it would be wise, without affecting what is currently there, to allow for the opportunity in the future.

Clr. Gaglianese said he doesn't feel we have a lot of land to develop and isn't willing to sacrifice the little land we do have with the hopes a developer will come in to do this. He expressed concerns about what the development would look like if it were allowed and compared it to the development on County Road 6 in the Town of Geneva. He said that is now the number one call to Ontario County Sheriff's Office and he doesn't want a similar ordeal near Slosson Lane where there currently aren't any issues. He stated the lakefront hasn't been developed for all of these years because the forefathers of the city wanted to ensure if something were to be done that it is the right thing. While he admits the idea for the plaza would be great, he feels that instead of rushing to create these ideas when we should start by looking further into why it hasn't been done yet.

David jumped in, bringing up a case study from the Urban Land institute, of a development in Connecticut, adjacent to a university, much like the ones described tonight. He said it's possible there is a

market for it but he feels it'd be a process that would include bringing in designers and holding community meetings. He noted the zone has been designed to change the character to be more urban and he doesn't feel having the proposed large change to the code right now would make a big difference. Instead, he thinks it should begin with a community process to determine the general consensus then work through legislative issues. The mayor said David's statements make a lot of sense and he is not ready to give staff a directive to move forward with Clr. Camera's proposal for a big zoning change to that area. He wants community input and to also allow time to digest all that was suggested.

Mayor Valentino moved on to discuss the Applicability section (350-10.2-A.3), because he is against the exemption for industrial structures and buildings located in the 18th district, particularly in regards to stormwater. This is the agricultural tech area where Cornell is, which he believes is developable, and doesn't want development to be allowed that ignores critical aspects which are in place in this section. He said he is cautious because he wants them held accountable for stormwater and other aspects in this zoning and believes them being allowed to not consider stormwater retention is a detriment to the rest of the city. David explained that they would still be held to the state stormwater standard as it is a state mandate. City Manager Hendrix said that, like Clr. Gaglianese proposed, we could go further than the mandate in terms of stormwater and clarified all this is doing is making them exempt from article 10.

Clr. Burrall suggested deleting number 3 to prevent confusion and the city manager explained these exceptions were intentional since the agricultural buildings don't fit in with downtown or need to unless council decides otherwise. David added that Cornell also has design requirements in their stand-alone zoning, which he's heard don't mesh with where they want to go, so they may be coming to council to ask to change those. The conversations he has heard from them about plans for more light manufacturing style buildings was what led to this decision as it wouldn't mesh well with the current zoning requirements. The mayor said if number 3 was deleted they would still be accountable to various codes and would have to come before the planning board if they did want to put another building up. He asked if this deletion would prohibit them from what they normally do and the city manager replied that she thinks they would be able to get all of the variances but it's something they'd have to look into further. The mayor said while places like HWS and Finger Lakes Health contribute to funds on an annual basis to support the city while Cornell supplies none so he doesn't feel the need to give them any extra exemptions. David suggested everyone look into their separate requirements, under the agricultural and technology district, since they are designing for a different context.

Clr. Gaglianese asked if there is anything in the code now about having water retention upgrades for existing buildings and if it is something we should include. David said there isn't and it's difficult to apply to existing buildings as the state requirements have mandates to not make things worse when developing. David said while it is something we could encourage he doesn't feel it's something that could be required from all existing buildings. He described voluntary programs that can provide training and do things like giving out free rain barrels to anyone who will disconnect their downspout from going directly into the stormwater system. While it is something he thinks we can and should work on as a city he doesn't feel it is a zoning requirement.

Clr. Camera proposed changing the area for the Town and Country Plaza from a Gateway Business (GB) to a CB5 because he feels the CB5 has more flexibility and asked for a straw vote. David explained he doesn't have the data for the map yet but once he does, it would be a quick change. He also noted that the O.E.O. site is currently on the map as just CB but predecessors said BID had suggested, and others had agreed, that it should be CB5. Clr. Camera suggested we follow BID's guidance and change both to CB5 for consistency and asked for council's thoughts on the proposal.

Clr. Noone asked if the city has ever pursued having the plaza developed into this formerly mentioned type of development situation and if becomes rezoned to be more attractive to developers, would they? He also stated he fully supports it being developed into a multi-use area due to its location and doesn't see why we shouldn't pursue it. City Manager Hendrix stated there would need to be discussion about where the priority is since she feels there are city-owned parcels that should be focused on first which is why this has not been the top project as we don't currently own it. Clr. Noone agreed city owned property should be the number one priority but also feels it would be nice to chase development and find out what needs to be done because this would be a housing opportunity and he can't foresee any negative impacts to the community. Clr. Gaglianese said he doesn't understand trying to chase it and feels it is like the O.E.O. site which people have proposed to build on numerous times.

Clr. Camera clarified he isn't saying we should chase a project for the plaza but is trying to get the zoning changed to CB5. Clr. Regan agreed and said this is just for preparation and while we don't know if we'll ever own it, she doesn't see why we wouldn't change the parcel to something that would both allow it to remain as it is or give the opportunity for development to be pursued if it arises. Clr. Burrall stated the city will never own it because the bank that owns it now is not going to default and Clr. Regan pointed out that they could decide to sell it. David said development planning sets the table, regardless of who owns it, for a supportable idea that's desirable to the city for that space. Mayor Valentino stated he wishes to keep it GB because it creates a stepping stone without having to change the zoning since there are no opportunities on the plate now anyways.

The City Manager clarified the straw vote would be just for one parcel, the plaza.

Clr. Regan said that she is a yes, along with Clr. Camera, Clr. Burrall, and Clr. Noone. Mayor Valentino, Clr. Gaglianese, and Clr. Brimm said they were against it and voted no. The plaza will remain as GB.

Clr. Regan mentioned under A in Restaurants and Taverns (350-7.17) that cannabis should be put in wherever the sale of alcohol is mentioned. Specifically, they "shall obtain a license" for both alcohol and cannabis. She also said, under waste management, she'd like to see a line that composting is strongly encouraged and/or a program for leftover food to be donated. Clr. Camera said he agrees and referencing composting is a modern practice that he sees appropriate to add.

Clr. Burrall brought up the section Dumpster Screening (350-9.9) and states he feels many areas, particularly downtown, it is difficult to fully screen all dumpsters from public use. He proposed changing this to a 'should' since many of them are close to buildings or right-of-ways. He thinks the 'shall' will create a public health issue because he has seen lots of trash tossed out of upper floors into open dumpsters and thinks there will be trash all over if they must be closed and secured. Additionally, many of the experienced landlords have explained to him that it will not be possible to have a combination of landscaping and fencing in many areas. Clr. Burrall referenced the dumpsters in the parking lot behind City Hall and said there isn't room for "landscaping and fencing" so he wants them changed to 'should' since there are situations with lots that are completely taken up by the building on it. Clr. Regan said she does feel they should still be kept secured and closed, which the mayor agreed with saying if we don't require it there is exposure to liability due to potential safety issues. Clr. Camera pointed out the exceptions part under letter B says "the requirements may be waived or modified through development plan review" and Clr. Burrall replied that would mean every previous 'shall' should be replaced with 'should' since there is an exception. David jumped in to point out that this section won't instantly be imposed on existing development but for people coming in with new development plans to be reviewed. Clr. Burrall stated that because of the exceptions section he was fine with leaving this as it was.

In concluding, Clr. Burrall stated he felt this was valuable and proposed doing a work session for short-term rentals as well, which Clr. Regan agreed with. Mayor Valentino said he wants to move forward with the short-term rentals the way they are because he wants them registered and permitted. He sees changes being made in the future but feels it doesn't need to be tweaked now as it is not going to be perfect. Clr. Camera agreed with the mayor because he sees a resource issue with city hall and feels the sooner we start the faster things can start getting better for citizens impacted by them. He pointed out that there could be a work session after it is passed to start implementing what they wish to change. The mayor pointed out that David had shown how concerns about parking can be addressed without going after the ordinance. There was a straw vote taken, the mayor, Clr. Camera, Clr. Noone, Clr. Brimm, and Clr. Gaglianese voted no and Clr. Regan and Clr. Burrall voted yes. There was no additional work session set for short-term rentals.

3. ADJOURNMENT

**ACTION TAKEN by Clr. Camera; seconded by Clr. Gaglianese
MOVED THAT the meeting be adjourned at 7:52pm
MOTION CARRIED UNANIMOUSLY (7-2 absent)**

Nicole Wright

City Clerk



Geneva City Council Agenda Item Briefing

To: Geneva City Council

From: David West, Director of Planning and Economic Development

Meeting Date: October 4, 2023

Item Title: SECOND READING OF AMENDMENT OF THE CITY OF GENEVA CODE CHAPTER 215
AND CHAPTER 350

Action Required:

Approval will amend the City Code Chapter 215 and 350, creating requirements that use of a dwelling for Short Term Rental include a Special Use Permit process with the Planning Board and a revocable Operating License from the Code Enforcement Office.

Small edits were made to the document based on the September 6 Council Meeting including the following:

1. Removed requirement for an owner or operator to live within 30 minutes of the City of Geneva, retained requirement to have someone who can and will respond to complaints within 45 minutes.
2. Changed references to "owner" to "owner and/or operator" reflecting that many STR businesses don't own the units they are operating.
3. Add to the purpose statement acknowledgement that the City wants to avoid potential negative impacts on the supply of affordable housing.

Background:

The attached ordinance has been updated by legal and staff to create a Short Term Rental Ordinance for the City of Geneva. The ordinance was reviewed in August and September and made

Office of the City Manager

Amie Hendrix

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edits that take the varied direction of council members, other municipal ordinances, and current local and state regulations into account to develop an effective means to regulate short term rentals within the city.

The purpose of this ordinance is to regulate the Short-Term Rental of dwelling units within the City of Geneva, NY and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties. The City also recognizes that extensive Short-Term Rentals have the potential to compromise the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring residents. Accordingly, in order to respect the rights and interests of all residents of the City, this Chapter seeks to thoroughly monitor and regulate those who offer their homes as Short-Term Rental properties in order to minimize any potential detrimental impact this commercial enterprise may have upon the residential character of predominantly owner-occupied neighborhoods.

Please note, this draft has removed the occupancy tax component due to the need to have additional discussion on the ability of the jurisdiction to impose such a tax without the need for home rule legislation. This additional measure will be reviewed in the future.

Financial Impact:

None.

RESOLUTION #39 - 2023
AN ORDINANCE AMENDING CHAPTER 350 AND CHAPTER 215 OF THE GENEVA CITY CODE

Be it ordained by the City Council of the City of Geneva, NY that Chapter 350 of the Geneva City Code be amended to add Section 350-26.4, entitled Short Term Rentals, and Chapter 215 be amended to add Section 215-44, entitled Short-term rental operator license, as follows.

Be it further enacted that Schedule I Permitted Uses in the City Code Chapter 350 be edited to reflect the use Short-Term Rental allowed in all zones by Special Use Permit subject to requirements and processes described in Chapter 350-34 and Operator License requirements of Chapter 215-44.

§ 350-34 SHORT-TERM RENTALS

350-26.4-1. Findings:

The purpose of this Chapter is to regulate the Short-Term Rental of dwelling units within the City of Geneva, NY and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties. The City also recognizes that extensive Short-Term Rentals have the potential to compromise the residential character of the community, [drive up prices of limited low cost housing supply](#), and may cause disruption to the peace, quiet and enjoyment of neighboring residents. Accordingly, in order to respect the rights and interests of all residents of the City, this Chapter seeks to thoroughly monitor and regulate those who offer their homes as Short-Term Rental properties in order to minimize any potential detrimental impact this commercial enterprise may have upon the residential character of [predominantly owner-occupied Geneva's](#) neighborhoods.

350-26.4-2 Definitions

Short-Term Rental

As used in this chapter, the term "Short-Term Rental" shall mean a dwelling that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in this Chapter, as amended. Short Term Rentals do not include Boarding Houses or Bed and Breakfast Inns.

Rental

As used in this chapter, the term "Rental" shall mean an agreement granting use or possession of a dwelling in whole or in part, to a person, group or entity in exchange for consideration. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

350-26.4-3. Presumption of dwelling unit as short-term rental property

- A. The following shall create a presumption that all or a part of a dwelling unit is being used as a short-term rental:
 - 1. All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of 30 consecutive nights or less; and/or
 - 2. All or a part of the property is offered for lease for a period of 30 days or less through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the City of Geneva Code Enforcement Office that the premises is not operated as a short-term rental.

350-26.4-4. General Requirements.

- A. General Requirements.
 - 1. Any conditions imposed by the City Code Enforcement Office or the City Planning Board through Special Use Permit and/or Site Plan Review.
 - 2. The property must have sufficient off-street parking spaces as required by the City of Geneva Code Enforcement Office or the City Planning Board on Special Use Permit Review.
 - 3. Tenants and guests shall only park on a suitably improved parking area and shall not park in the required front yard setback.
 - 4. The maximum number of bedrooms that can be rented is limited to 4.
 - 5. The maximum occupancy for each short-term rental unit shall be the lesser of 10 people or the number of people allowed by bedroom capacity as determined by the international building code section PM 404.4.1..

6. Regardless of all other occupancy limitations, maximum occupancy may not exceed 10 people and occupancy limitations are in effect 24 hours a day.
7. Advertisements for the short-term rentals in the City of Geneva must conform to what is allowed under this section, the short-term rental permit issued for the short-term rental in question, and contain a statement advising potential occupants that short term rentals of the property are subject to Section 350-44 of the Geneva City Code.
8. A Short-Term Rental may only be used for overnight accommodations and shall not be used for gatherings, including, but not limited to, cultural events, weddings, private events, special or sales events, bachelor or bachelorette parties or other similar party or activities, funerals, fundraisers, or similar group-type gatherings.
9. Short-Term Rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under Federal, State or Local law.

B. Short-Term Rental License Required.

The Operator of a Short-Term Rental unit must acquire a Short-Term Rental License as described in Chapter 215-44 of the City of Geneva Code within one (1) year from the issuance of a Special Use Permit or Site Plan Approval or said Permit or Approval becomes null and void.

1. Where the district regulations of this Chapter require a special use permit or site plan review, issuance of such approval shall be required prior to issuance of a revocable short-term rental license under Chapter 215-44.
2. [Owners-Operators](#) of properties being currently operated as a short-term rental as defined in this section, shall apply for a license within sixty (60) days of the effective date of this section. A Temporary License shall be issued pending a decision on the application.

~~Chapter 215-44- Short-term rental operator license~~

~~215-44-1 Short-term rental License- Required.~~

A. In addition to the requirements contained in Chapter 350, the Operator of a Short- Term Rental unit must also possess a current and valid Short-Term Rental License, issued by the Code Enforcement Office, prior to operation as a Short-Term Rental.

44.2 Short-term rental license application, renewal, and fees

A. An application for or renewal of a short-term rental license shall be submitted to the City Code Enforcement Office, signed by all persons and entities that have an ownership interest in the subject property, accompanied by payment of the permit fee in the amount determined as part of the annual chart of accounts of the City of Geneva. The application shall be completed on a form provided by the City of Geneva, and shall include the following:

1. A list of all of persons and entities that have an ownership interest in the premises to be used as a short-term rental and or an ownership interest in the company, partnership, or organization operating or profiting from the short-term rental, including names, addresses, telephone numbers (including mobile numbers) and e-mail addresses;
2. Completion of a signed and notarized affidavit by the property owners and any operator certifying the following:
 - a. The property is in compliance with New York State Code R314.3 Smoke Alarm and FC 915 for Carbon Monoxide Detector Locations.
 - b. The number of parking spaces on the property meet the zoning requirements for a bed and breakfast use;
 - c. There are no outstanding property taxes or tax liens associated with the dwelling unit, nor does the Owner or any operator owe any other outstanding taxes fees or assessments to the City, including taxes and fees owed in connection with any other Short-Term Rentals;
 - d. The Dwelling Unit complies and will continue to comply with all standards contained in this Chapter, the City Zoning Ordinance and all other applicable laws, standards and regulations.
 - e. The Owner and operator has read, understands, and agrees to comply with all legal duties imposed by this Chapter and the City Zoning Ordinance.
 - f. The Owner and operator will not discriminate in guest use or rental of a Short-Term Rental, and will comply with all applicable anti-discrimination laws, including but not limited to: Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).
 - g. Designation by the Owner or operator of a registered local contact who shall be available twenty-four (24) hours per day, seven (7)

days per week with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and taking immediate action to resolve any such complaints.

3. Affidavit certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a building permit are made, or until the City Code Enforcement Officer has reason to believe an inspection is warranted.
 4. A site plan, drawn to scale, showing the location of buildings and required parking. An accurate, suitable plan need not be prepared by a professional.
 5. A statement that the property is served by a public sewer.
 6. Mobile Telephone numbers and email addresses of a contact person(s), who shall be responsible, and authorized, to act on the owner or operator's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
- B. The owner and any operator shall sign a consent authorizing the City Code Enforcement Office to enter upon the premises to conduct an inspection to verify compliance with the Code of the City Geneva, including this section; to verify compliance with applicable New York State laws, codes and regulations; to verify the number of sleeping rooms within the short-term rental, as authorized by this section; and to verify the number of parking spaces on the property meet the standards set forth in the City Code zoning requirements for a bed and breakfast use or any conditions associated with Special Use Permit or Site Plan Approval.
- C. Upon the filing of a complete permit application with the City Code Enforcement Office together with the permit fee, and all documents and information required by this section, the City Code Enforcement Office shall have thirty (60) days to review the application and then either issue the permit, including, or notify the applicant in writing that the application has been denied, along with the reason or reasons for denial.
- D. In reviewing the application, the Code Enforcement Office shall have the right to inspect the Short-Term Rental property for purposes of ensuring compliance with this Code, and any other applicable codes, laws, or ordinances enforced by the Code Enforcement Office. If an inspection authorized herein is conducted, the Code Enforcement Office shall use the results of such inspection in determining whether to issue the License, with or without conditions, or to not issue the License

E. Short-Term Rental License Provisions.

1. A short-term rental ~~permit-license~~ shall be obtained prior to using the premises as a short-term rental.
2. A short-term rental ~~license permit~~ shall be valid for two calendar years, and shall expire on December 31 of the second year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
3. The short-term rental ~~license permit~~ is transferable to a new owner ~~or operator~~, so long as the owner ~~or operator~~ registers with the City, updates the short-term rental permit, application, and agrees in writing to comply with the requirements of the short-term rental ~~license permit~~ and these regulations.
4. If the conditions under which the short-term rental ~~license permit~~ is issued are not maintained or these regulations are violated, the short-term rental ~~license permit~~ may be revoked and the owner ~~or operator~~ subject to the penalties of this Chapter and the penalties set forth below.

F. Short-term rental ~~license permits~~ issued pursuant to this section shall state the following:

1. The names, addresses, and phone numbers of the subject property owner ~~and/or property manager~~ operator with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and taking immediate action to resolve any such complaints. ~~who lives within 30 minutes of the City of Geneva if subject property owners do not live within 30 minutes of the City of Geneva.~~
2. Identification of the number of and location of off-street parking spaces available and the amount required by the code.
3. A statement that the short-term rental ~~license permit~~ may be revoked for violations.
4. A statement that guests must comply with the Noise Ordinance of the City of Geneva, as set forth in Chapter 232 of the City Code, which ordinance will be enforced by the City Police Department, the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident;

5. Any conditions imposed by the City Code Enforcement Office or the City Planning Board on Special Use Permit Review.
 6. The permit expiration date, which shall be December 31st of the second year the [license permit](#) is effective.
- G. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental.
- H. Application Denial. City Code Enforcement may decline an application for any of the following reasons:
1. The application is incomplete, the documentation required is not included with the application, or the full permit fee, in payment form acceptable for the City Clerk, is not included with the application.
 2. A short-term rental permit issued to any of the owners was revoked within the two years prior to the date of the application.
 3. City Code Enforcement determines upon review of application or inspection that the subject property is not in compliance with City code.
 4. The site plan required to be submitted with the application does not comport with the requirements of this section.

215-44-2 Owner/[Operator](#) & Tenant Responsibilities

- A. The Owner/[Operator](#) of a Short-Term Rental shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities
- B. The Owner/[Operator](#) of a Short-Term Rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including City parking standards.
- C. The Owner/[Operator](#) must conspicuously post the Short-Term Rental License in a protected mounting in the public corridor, hallway or lobby of the dwelling for which the license was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each dwelling unit.
- D. It shall be the responsibility of the Owner/[Operator](#) to acquire and maintain a valid sales tax certificate as required by New York State Law. Except for those instances in which a Platform bears the responsibility for collecting and remitting taxes and fees applicable to Short-Term Rentals, the Owner/[Operator](#) shall timely remit all applicable local, state, federal taxes and fees, owed in connection with any Short-Term Rental. The failure of a Platform to collect and remit taxes and fees shall not relieve an Owner/[Operator](#) of the obligation to pay taxes and fees owed pursuant to this Chapter.

- E. With respect to the dwelling unit which the tenant occupies, controls or uses, the Owner/[Operator](#) shall be responsible for the following standards:
1. Occupancy limitations and the lawful use of a dwelling unit;
 2. Maintenance of the dwelling unit in a clean, safe and sanitary condition;
 3. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition;
 4. Keeping exits in the dwelling unit free and clear of obstacles and debris.
 5. Disposal of garbage, refuse and debris in a sanitary manner and keeping the dwelling unit, lot, and neighboring lots free and clear from garbage, refuse and debris from the Short Term Rental.
 6. Keeping domestic animals and pets in an appropriate manner and under control, to the extent that domestic animals and pets are permitted on the premises by the Owner/[Operator](#).
 7. All occupants and visitors to the Short-Term Rental unit shall comply with all relevant occupancy and parking codes. In addition, occupants and visitors shall park motor vehicles only on-site (if the property is designed to accommodate on-site parking) or off-site where parking adjacent to the property is allowed. Notice of the parking locations allowed and other requirements shall be conspicuously posted on the inside of the Short-Term Rental unit.
 8. Ensuring that all occupants of the dwelling unit refrain from making any disturbing, offensive or excessive noise at any time, including but not limited to respecting quiet hours between the hours of 10 p.m. and 7 a.m., which would annoy or disturb the peace, quiet or comfort of a reasonable person of normal sensibilities. Each Short-Term Rental unit shall be required to prominently display a notice in any yard, porch, patio, deck, and/or pool area where renters may gather outside that indicates that unreasonable noise is prohibited by the City Code Chapter 323 and listing quiet hours.
- F. Compliance with Other Laws. The Owner/[Operator](#) shall ensure that any Short-Term Rental fully complies with the provisions of this Chapter, the City Zoning Ordinance, and all other applicable laws.

215-44-3 Compliance, Hearings, and Penalties.

- A. Owners [and operators](#) of short-term rental units shall obey all applicable laws, ordinances, and regulations of the City of Geneva, Ontario County, New York States and the United States of America, and shall be subject to the enforcement proceedings contained in this section.
- B. Any Special Permit and/or License issued pursuant to this code is subject to continuing compliance with the conditions set forth herein, as well as any applicable laws, codes, regulations or ordinances

- C. The Director or his designee shall be given access to the premises for the purpose of making inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable State and Local codes.
- D. Inspection Fee. Every property short-term rental licensee ~~Owner~~ shall pay a fee to be set by the City Council annually in their schedule of fees, to be assessed against the property, for each inspection in which violations of State or Local laws, codes, regulations and/or ordinances are found. Code Enforcement Office shall assess the fee, when, in the evaluation of the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a Court action, nor any initial inspection required pursuant to the application process above, but shall apply to subsequent re-inspections pursuant to the aforementioned sections.
- E. In the event that the Code Enforcement Office determines that a violation exists, it shall inform the Owner by licensee by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time, not to exceed thirty (30) days, to remedy all existing violations or show cause for delay, which may only be granted once, by the Code Enforcement Office, for a time period not to exceed ninety (90) days
- F. Failure to remedy violations
1. Following the expiration of the time period set forth in Section "E" above, the Owner and any operator of the Short-Term Rental unit shall be guilty of a violation and such License will be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty (60) day suspension shall be considered a second violation.
 2. The Owner and any operator of the Short-Term Rental guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty (120) day suspension, shall be considered a third violation.
 3. The Owner and any operator of the Short-Term Rental guilty of a third violation shall have their Short-Term Rental License immediately revoked for that Owner and/or any operator and the location.
- G. An Owner or operator that has a License permit revoked may not apply or be granted another License for a period of two (2) years from the date of revocation, and no such License shall be reinstated unless the Owner or operator has demonstrated that all violations have been corrected and that he/she/they is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of a subsequent application under this Chapter.
- H. Non-Permitted/Licensed Operation: No person shall operate a Short-Term Rental unit without a current Special Permit or Site Plan Approval as required in the applicable zone, and a License issued pursuant to this Chapter. In the event that the Code Enforcement Office determines that a violation of this subsection exists, it shall inform the Owner and any o ~~Operator~~ by written correspondence, hand delivered or sent via first class mail to the address of the property in question.

The Operator-owner and any operator will be given seventy-two (72) hours to cease operating the subject property as a Short-Term Rental unit. Should such unpermitted/unlicensed operation continue after seventy-two (72) hours, the owner and any operator shall be in violation of this Chapter and be subject to the penalties listed below

215-44-4 Appeals

Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed by the owner, operator, or by the complaining party, by filing a written appeal within thirty (30) days of receipt of the decision, to the City Zoning Board of Appeals. The Zoning Board of Appeals shall conduct a de novo review of the decision.

215-44-5 Penalty

Those determined to be operating a Short-Term Rental without a required permit or license or otherwise failing to comply with determinations of the City Code Enforcement Office; or the City Planning Board on Special Use Permit Review; or otherwise failing to comply with City Code § 215-44 will be guilty of a violation, punishable by a fine to be set by City Council. For the purposes of City Code § 215-44, each day a violation exists shall constitute a separate violation.

215-44-6 Effective Date

This Ordinance, amending the Geneva City Code shall take effect immediately upon adoption by the City Council.

Geneva City Council Agenda Item Briefing

To: Geneva City Council
From: Amie Hendrix, City Manager
Meeting Date: October 4, 2023
Item Title: Resolution Establishing a Public Hearing for a Local Law Overriding the Property Tax Cap

Action Required:

State law requires City Council to enact a local law if the adopted tax levy will exceed the amount prescribed by the statutory formula. Ultimately the action will require a 2/3 affirmative vote of the Council. The action required for this meeting is to establish a public hearing in advance of that vote. That requires a simple majority vote of the Council to pass the resolution.

Background:

Effective for 2013 and subsequent years, the state legislature has approved a statute that caps the amount of property tax levy, according to a prescribed formula that takes into account multiple items, including PILOT activity, other impacts, and other items. In order to override the cap, Council will need to pass a local law, which requires a public hearing. The hearing is proposed to be set for October 10, 2023.

Alternatives:

Council may elect not to pursue an override and lower the tax levy.

Financial Impact:

N/A

Office of the City Manager, Amie Hendrix

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456