

MINUTES OF THE CANANDAIGUA CITY SPECIAL
COUNCIL MEETING
WEDNESDAY, FEBRUARY 11, 2015 7:15 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:15 PM

Pledge of Allegiance:

Roll Call:

Members Present:

Councilmember Ward 1 Nick Cutri
Councilmember Ward 3 Karen White
Councilmember-at-Large Maria Bucci
Councilmember-at-Large VACANT
Councilmember-at-Large James Terwilliger
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Members Absent:

Councilmember Ward 2 Ian Boni
Councilmember Ward 4 Cindy Wade (Arrived 7:38 PM)

Also Present:

City Manager David R. Forrest
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah

Mayor Polimeni asked for a moment of silence for the passing of Boyd Patterson. He was very active in the community and served on City Council and on the Board of Supervisors. Mr. Boyd was the father of Councilmember Ward 4 Cindy Wade.

Review Core Values: Councilmember-at-Large Terwilliger read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of January 8, 2015. Councilmember-at-Large Bucci seconded the motion.

Vote Result: Carried unanimously by voice vote (6-0)

Recognition of Guests: None

Committee Reports:

Environmental: Councilmember Ward 1 Cutri reported that the Environmental Committee met on January 13th and February 10th discussed the following:

January 13th:

- Boat Steward Program
- Special Events:
 - Run, Walk and Roll with Cobblestone Arts Center
- Landfill Leachate

February 10th: **SEE COMMITTEE NOTES - APPENDIX A**

- Pesticide Education
- Special Events:
 - Wood Library
 - Canandaigua Lake Swim
- LL Bean
- Landfill Leachate
- Community Gardens

Planned Unit Development: Councilmember-at-Large Whitcomb reported that the Planned Unit Development Committee met on January 15th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX B

- Cottages at Canandaigua – Sketch Plan Review
- KFC – Review of Preliminary Site Plan

Ordinance: Councilmember-at-Large Whitcomb reported that the Ordinance Committee met on January 20th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX C

- No parking Restrictions on Gibson St.
- Pesticide Use Ordinance

Finance: Councilmember-at-Large Terwilliger reported that the Ordinance Committee met on January 27th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX D

- Shared IT Services Contract with Geneva
- Shared Assessor Services with Geneva
- Micro-cell Technology Proposal CMA Inc.
- DPW- Surplus Equipment
- Water Treatment Plant Pump Repair Bid
- MOU with the Town of Canandaigua Regarding Funding the Switchback Trail Planting Plan
- Building Plan Review Proposal for North Shore Development

Planning: Councilmember Ward 4 Wade reported that the Planning Committee met on February 3rd and discussed the following:

SEE COMMITTEE NOTES - APPENDIX E

- Cottages at Canandaigua – Sketch Plan Review
- Zoning Change for Commercial Lakefront District – Drive thru
- Executive Session

Resolutions:

Resolution #2015-005:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember Ward 1 Cutri seconded the motion.

A RESOLUTION AWARDED A CONSTRUCTION CONTRACT FOR THE REMOVAL, REPAIR AND REINSTALLATION OF TWO VERTICAL TURBINE PUMPS AT THE CITY OF CANANDAIGUA WATER TREATMENT PLANT

WHEREAS, the City of Canandaigua, as a part of its on-going maintenance of the water treatment plant, wishes to have two vertical turbine pumps fully refurbished; and

WHEREAS, the City publicly advertised for bids and directly contacted three qualified contractors for the removal, repair and reinstallation of the two pumps to be refurbished; and

WHEREAS, bids for the required work were received on December 19, 2014, with two contractors submitting bids and one declining to bid; and

WHEREAS, the bid from Estabrook Corporation, 1 Keuka Business Park, Penn Yan, New York 14527, in the amount of \$49,951, has been judged to be the lowest responsive bid; and

WHEREAS, funding for this construction was appropriated in the City of Canandaigua 2015 budget as a part of the water fund; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to Estabrook Corporation to complete the necessary refurbishments;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Estabrook Corporation, 1 Keuka Business Park, Penn Yan, New York 14527, to complete the necessary pump refurbishments for a fee not-to-exceed \$49,951.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-006:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

A RESOLUTION DECLARING A CITY VEHICLE SURPLUS

WHEREAS, there exists an unwanted vehicle, so noted on the attached list, that is no longer essential to the operations of the City of Canandaigua; and

WHEREAS, it is necessary to declare as surplus the vehicle on the attached list so that it may be sold at public auction, via sealed bid, or as a trade in;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby declares as surplus the vehicle contained on the attached list and that it is to be sold to the highest bidder at a public auction, through sealed bids or to be traded in on future equipment purchases pursuant to City and State purchasing guidelines.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-007:

Councilmember-at-Large Whitcomb read the following Resolution and moved for its adoption. Councilmember-at-Large Bucci seconded the motion.

A RESOLUTION ACCEPTING AN APPLICATION FOR PRELIMINARY SITE PLAN APPROVAL FOR THE NORTH SHORE PLANNED UNIT DEVELOPMENT FOR A KFC IN PARKWAY PLAZA

WHEREAS, The City Council has received the preliminary site plan application relative to the North Shore-Parkway Plaza KFC project; and

WHEREAS, pursuant to Municipal Code §850-125(B), upon receipt of the complete application the City Council must refer said application to the City Planning Commission for its report on the project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City accepts the preliminary site plan application submitted for the North Shore-Parkway Plaza KFC project as complete, and refers the application to the City Planning Commission for their report; and

BE IT FURTHER RESOLVED that the application shall also be forwarded to the County Planning Board for its review and a report to the City Planning Commission; and

BE IT FURTHER RESOLVED that in accordance with Municipal Code §850-125(B), the City Planning Commission shall issue a report to the City Council on the preliminary site plan application within 45 days of this referral.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-008:

Councilmember Ward 1 Cutri read the following Resolution and moved for its adoption. Councilmember-at-Large Bucci seconded the motion.

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON THE NORTH SHORE PLANNED UNIT DEVELOPMENT FOR A KFC IN PARKWAY PLAZA.

WHEREAS, Section 850-125 of the City of Canandaigua Municipal Code requires the City Council to hold a public hearing on a preliminary site plan application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing regarding the North Shore-Parkway Plaza KFC preliminary site plan be held during the City Council Meeting held at 7:00 p.m. on March 5, 2015 at the City Hall, 2 North Main Street, Canandaigua, New York; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given and published as required by law.

Vote Result: Carried unanimously by voice vote. (7-0)

Resolution #2015-009:

Councilmember-at-Large Bucci read the following Resolution and moved for its adoption. Councilmember Ward 1 Cutri seconded the motion.

A RESOLUTION AUTHORIZING A \$2,000 CONTRIBUTION TO CORPORATION COUNSEL'S ICMA RC 457 DEFERRED COMPENSATION PLAN

WHEREAS, Michele Smith has been employed as the Corporation Counsel of the City of Canandaigua since 2004; and

WHEREAS, Ms. Smith continues to make an outstanding contribution to the City government; and

WHEREAS, Canandaigua City Council desires to recognize Ms. Smith's continuing outstanding performance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to make a \$2,000 contribution to Michele Smith's ICMA RC 457 Deferred Compensation Plan ; and

BE IT FURTHER RESOLVED that funds for this contribution shall come from contingency.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-010:

Councilmember-at-Large Bucci read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

A RESOLUTION AUTHORIZING A SPECIAL EVENT
Run, Walk and Roll with Cobblestone Arts Center

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- ***Run, Walk and Roll with the Cobblestone Arts Center***
Date: August 20, 2015
Location: Begin and End at Nolan's, Walk Along Lake
Coordinator: Cobblestone Arts Center-Shane Fackelman
Time: 4:30 p.m. – 9:00 p.m.
Purpose: Fundraiser
Expected Number of Participants: 200-300

WHEREAS, this request was reviewed and approved at the January 13, 2015 Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special event at the time and location listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special events; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

BE IT FURTHER RESOLVED that the organizer of the Special Event shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

Vote Result: Carried unanimously by voice vote. (7-0)

Resolution #2015-011:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember-at-Large Bucci seconded the motion.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SWBR ARCHITECTS FOR BUILDING PLAN REVIEW FOR THE NORTH SHORE PROJECT

WHEREAS, the magnitude of the building plan review for phase 1 of the North Shore project requires a third-party firm to assist the City's Planning and Code Enforcement Department; and

WHEREAS, the City solicited proposals from 10 firms qualified to do this work in October, 2014; and

WHEREAS, the firm of SWBR Architects was the only firm to submit a proposal, yet still possesses the required qualifications; and

WHEREAS, the cost associated with the plan review will be paid by the developer of the North Shore project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to enter into an agreement with SWBR Architects for the purpose of providing plan review services associated with phase 1 of the North Shore project.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-012:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT WITH THE CITY OF GENEVA – SHARED ASSESSOR

WHEREAS, the City of Geneva and the City of Canandaigua desire to enter into an Inter-Municipal Cooperation Agreement (IMA) pursuant to Article 5-G of the General Municipal Law and §576 of the Real Property Tax Law for the purposes of appointing one assessor to hold the office in both municipalities; and

WHEREAS, the Cities of Geneva and the Canandaigua have negotiated an IMA, attached hereto and made a part hereof, with the costs to be shared on a pro-rata basis of the number of parcels contained within each City; and

WHEREAS, the IMA was reviewed at the January 27, 2015 Finance Committee meeting and received committee approval;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Council hereby authorizes the City Manager to execute an Inter-Municipal Cooperation Agreement, substantially in the same form as attached hereto, between the City of Canandaigua and the City of Geneva to appoint one assessor to hold the office in both municipalities.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-013:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember-at-Large Bucci seconded the motion.

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT WITH THE CITY OF GENEVA –INFORMATION TECHNOLOGY

WHEREAS, the City of Geneva and the City of Canandaigua have evaluated and identified Information Technology Services as an opportunity to achieve shared efficiencies and drive down costs of service provision; and

WHEREAS, the City of Geneva and the City of Canandaigua desire to enter into an Inter-Municipal Cooperation Agreement (IMA) pursuant to Article 5-G of the General Municipal Law to share Information Technology staff and the associated costs; and

WHEREAS, the IMA was reviewed at the January 27, 2015 Finance Committee meeting and received committee approval;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Council hereby authorizes the City Manager to execute an Inter-Municipal Cooperation Agreement, substantially in the same form as attached hereto, between the City of Canandaigua and the City of Geneva to share Information Technology staff.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-014:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF CANANDAIGUA RELATIVE TO PLANTING TREES ALONG THE SWITCHBACK TRAIL

WHEREAS, construction of the Switchback Trail was completed in 2014; and

WHEREAS, during the course of construction many trees and other plants were cleared from the hillside directly adjacent to the backyards of residents of Deerfield Drive; and

WHEREAS, this destruction of plant life eliminated a visual and sound barrier between the neighborhood and State Routes 5&20; and

WHEREAS, without this barrier, the quality of life of the residents of Deerfield Drive is negatively impacted; and

WHEREAS, the Town and City of Canandaigua desire to work together to mitigate this loss of trees and plant life and improve the quality of life of the residents of Deerfield Drive by planting trees and other plant material in the impacted area adjacent to the Switchback Trail; and

WHEREAS, the Town and City of Canandaigua have each pledged \$2,500 toward this effort and desire to set forth the terms of this cooperative endeavor in the form of a Memorandum of Understanding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to sign a Memorandum of Understanding with the Town of Canandaigua; and

BE IT FURTHER RESOLVED that funds for this effort shall come from contingency.

City Council discussed the need to clarify in the resolution that this is a result of Town actions that negatively impacted City residents. Some City Council members would like a detailed history of this plan in the resolution.

Councilmember-at-Large Whitcomb moved to table this resolution so that it can be rewritten with more detail on the history of this resolution. Councilmember Ward 1 Cutri seconded the motion. Vote Result: Carried unanimously by voice vote. (7-0)

Resolution #2015-015:

Councilmember Ward 1 Cutri read the following Resolution and moved for its adoption. Councilmember-at-Large Terwilliger seconded the motion.

**A RESOLUTION AMENDING THE
GENERAL FUND – PUBLIC SAFETY BUDGET**

WHEREAS, the City Council of the City of Canandaigua adopted Resolution 2013-087 adopting the 2014 Budget; and

WHEREAS, in December 2014 all budgeted funds for repairs to facilities and equipment had been expended; and

WHEREAS, the apparatus bay doors at Station 2 failed to operate properly which required unanticipated and unbudgeted repairs; and

WHEREAS, in addition to the repairs, the Fire Department used more overtime and part-time for coverage at the Fire Stations and emergency response than anticipated in the budget or previous budget amendments; and

WHEREAS, all existing funds within the Fire Department budget have been utilized and a budget amendment appropriating an additional \$4,400 is requested; and

WHEREAS, the budget amendment was reviewed at the January 27, 2015 Finance Committee meeting and received committee approval;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes a budget amendment to the 2014 General Fund Public Safety budget in the amount of \$4,400 from the Contingency budget.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-016: (FORMERLY RESOLUTION 2014-092)

Councilmember-at-Large Whitcomb read the following Resolution and moved for its adoption. Councilmember Ward 1 Cutri seconded the motion.

**A RESOLUTION APPROVING THE SKETCH PLAN
FOR
THE COTTAGES @ CANANDAIGUA
RESIDENTIAL COMMUNITY
PLANNED UNIT DEVELOPMENT**

WHEREAS, in July 2014, Riedman-Wegman Canandaigua, LLC Joint Venture (the “Applicant”) submitted an application for sketch plan approval for The Cottages @ Canandaigua Residential Community (the “Project”) and Planned Unit Development (“PUD”) zoning designation under the Planned Unit Development Ordinance of the City of Canandaigua as set forth in Article XII of the Code of the City of Canandaigua (the “PUD Ordinance”); and

WHEREAS, the City Council deemed the submission to be complete and initiated the required State Environmental Quality Review (“SEQR”) review for the Project by declaring itself lead agency; and

WHEREAS, in July 2014, the City Manager issued a Coordinated Staff Review of the Project; and

WHEREAS, the sketch plan has been referred to and reviewed by the City Planning Commission and the Ontario County Planning Board; and

WHEREAS, on July 9, 2014, the Ontario County Planning Board rendered a favorable report to the City Council with certain comments pursuant to Section 239-m of the N.Y. General Municipal Law; and

WHEREAS, on July 25, 2014, the City of Canandaigua Planning Commission issued a favorable report for the Project with comments; and

WHEREAS, on August 21, 2014, the City Council conducted a public hearing for the purpose of considering the PUD zone district designation for the area in accordance with applicable law and for the purpose of obtaining public input regarding sketch plan approval or disapproval for the Project; and

WHEREAS, the City Manager has submitted a report, based on coordinated staff review of the application; and

WHEREAS, on October 3, 2014, the City Council issued a Negative Declaration pursuant to SEQRA; and

WHEREAS, pursuant to Section 850-124(C)(2) of the PUD Ordinance, the City Council is required to act on the sketch plan proposal within 60 days of the August 21, 2014 public hearing; and

WHEREAS, the Applicant, through their attorney Jerry Goldman, by letter dated October 10, 2014, waived this 60-day timeline so that Applicant could make changes to the sketch plan as a result of comments made; and

WHEREAS, Applicant submitted a revised sketch plan, dated October 7, 2014, and said plan was reviewed by the Planned Unit Development Committee on October 23, 2014 and recommended to the City Council for approval with conditions; and

***WHEREAS**, Resolution #2014-092 was introduced by the City Council on November 6, 2014 but at the request of the Applicant was returned to the Planned Unit Development Committee for further discussion regarding surety provisions; and*

***WHEREAS**, the Applicant had discussions with the Planned Unit Development Committee on January 15, 2015 and the Planning Committee on February 3, 2015 to resolve its concerns;*

NOW, THEREFORE, BE IT RESOLVED by the City Council that the intensity of land

use and residential density of the Sketch Plan for the Project, as revised and amended by the Applicant, and reviewed and conditioned by the Planned Unit Development Committee at its October 23, 2014 meeting, a copy of which is on file in the Office of Development and Planning, (the "Plan") is appropriate for the area and meets the stated intention and objectives of the of the PUD Ordinance by providing the following:

1. A greater choice in the types of housing, lot sizes and community facilities available to existing and potential City residents at all economic levels.
2. More usable open space and recreation areas.
3. The preservation of more trees and outstanding natural topography and better prevention of soil erosion;
4. A creative use of land and related physical development which allows an orderly and efficient use of land resulting in a smaller networks of utilities and streets and thereby lower housing costs;
5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing costs;
6. A development pattern that is in harmony with the objectives of the comprehensive plan;
7. A more desirable environment than would be possible through the strict application of other articles of this chapter.

BE IT FURTHER RESOLVED by the City Council that the Plan, is hereby approved with the finding that this proposal meets the stated intention and objectives of the PUD Ordinance by providing the following:

1. Adequacy and arrangement of pedestrian traffic access and circulation including intersections, road widths, channelization structures and traffic controls;
2. Adequacy and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience;
3. Location, arrangement, appearance and sufficiency of off-street parking and loading;
4. Location, arrangement, size and design of buildings, lighting and signs;
5. Relationship of the various uses to one another and their scale;
6. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise deterring buffer between adjacent uses and adjoining lands;
7. In the case of apartment houses or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation;
8. Adequacy of stormwater and sanitary waste disposal facilities;
9. Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion;
10. Protection of adjacent properties against noise, glare, unsightliness, or other objectionable features;
11. Overall environment impact;
12. Conformance with other goals of the City which may have been stated in the zoning resolutions or the City Comprehensive Plan.

BE IT FURTHER RESOLVED, that the City Council's approval of the Plan is expressly subject to the following conditions:

1. ~~The initial phase of the Project shall include all roads, walk ways, trails, utilities and stormwater facilities for the entire Project. All rights of way and facilities shall be constructed to City specifications, including that 1.5 inches of asphalt topcoat is required on public roadways that will be dedicated to the City upon inspection and acceptance. The developer shall provide full time construction inspection.~~
 - 1 *The initial phase of the Project shall include the construction of the stormwater management facilities for the entire Project. Phase One improvements shall include all roads, driveways, walk-ways, trails, lights, and utilities to serve the 31 homes within the Phase One development limits. Phase Two improvements shall include all roads, driveways, walk-ways, trails, utilities, amenities and other infrastructure improvements to serve the balance of the Project. All rights-of-way and facilities shall be constructed to City specifications, including that 1.5 inches of asphalt topcoat is required on public roadways that are intended to be dedicated to the City, upon inspection and acceptance. The developer shall provide full-time construction inspection as required by the City of Canandaigua.*
2. Prior to the issuance of any development permit, a performance and maintenance surety will be established for all infrastructure proposed to be dedicated to the City in the amount established by engineer's estimate for the completion of this work by union-wage labor, plus 15% to account for a minimum of five-years inflation. The City may draw on these funds if the Project does not proceed in accordance with the agreed upon phasing plan.
3. A Stormwater Management and Erosion Control Plan shall be approved by the City prior to the issuance of any development permit. This plan shall ensure that there are no adverse drainage impacts to the surrounding properties and that the drainage to adjacent properties will be improved to the maximum extent feasible.
4. Prior to the issuance of any development permit, a secondary performance and maintenance surety will be established for the restoration of all private lands which are disturbed and on which construction is not completed within a five-year period. The amount of this surety shall be established by engineer's estimate for the completion of this work by union-wage labor, plus 15% to account for a minimum of five-years' inflation.
5. Prior to final detailed site plan approval, additional exterior designs will be provided to ensure an architectural variety with regard to the detailing of the structures facades, materials, and colors.
6. Prior to any utility acceptance, the Applicant shall provide permanent easements to the City to allow access and maintenance under all private roadways. Additionally, the Applicant shall provide an agreement to the City from the Homeowners' Association to be established, which shall hold the City harmless for any damage caused to private property as a result of solid waste collection, snow plowing, or any other emergency services provided by the City, and further the Homeowners' Association shall agree to provide any required repairs to such private areas. It being expressly understood that the Homeowners' Association shall be responsible for plowing and maintenance of all private road and driveways.
7. The sketch plan approval granted herein is subject to the staging requirements set forth in

Section 850-125(H); in particular, the Applicant shall prepare a staging plan that ensures all individual stages of the PUD will have an integrity of use in their own right so that, if for any reason, the entire Project is not completed, those portions of the Project already constructed will be an asset to the community by themselves.

BE IT FURTHER RESOLVED, that the Project area shall be designated as a Planned Unit Development (PUD) Zone on the City of Canandaigua Zoning Map; and

BE IT FURTHER RESOLVED, that this approval is subject to the above-stated conditions and that failure to adhere to any condition shall be cause to void and revoke the designation as a PUD, and the area shall automatically revert to its prior zone classification. The City Manager shall provide written notice of any condition that is not being met and provide 30 days to cure such condition. Any work that is being performed must cease and desist and new work may not be initiated during the period of time during which the condition is to be cured.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Ordinance:

Ordinance #2014-012: *(Introduced and tabled at the September 4 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 292 OF THE MUNICIPAL CODE
TO PROHIBIT PESTICIDES ON RIGHTS-OF-WAY**

This Ordinance remains on the table.

Ordinance #2014-013: *(Introduced and tabled at the December 4 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 850 - 18 OF THE MUNICIPAL CODE
RELATIVE TO TERM LIMITS OF THE ZONING BOARD OF APPEALS**

Lift from the table: Councilmember Ward 1 Cutri moved to lift Ordinance 2014-013 from the table. Councilmember-at-Large Bucci seconded the motion.

Vote Result: Carried unanimously by voice vote.(6-0)

Vote: Councilmember Ward 1 Cutri moved to approve Ordinance 2014-013. Councilmember-at-Large Bucci seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Ordinance #2015-001:

Councilmember-at-Large Whitcomb read the following Ordinance and placed it on the table.

**AN ORDINANCE AMENDING
CHAPTER 648 OF THE MUNICIPAL CODE
TO ALLOW PARKING ON GIBSON STREET
ON CHRISTMAS EVE AND CHRISTMAS DAY**

BE IT ENACTED by the City Council of the City of Canandaigua that:

Sec. 1 That chapter 648, section 648-21 of the Municipal Code, is hereby amended as follows (additions in bold):

§ 648-21 Parking, standing and stopping restrictions.

Parking, standing and stopping restrictions shall apply on the following streets as follows:

Name of Street	Restriction
Gibson Street	No parking on the north side from the east curblines of Hubbell Street to a point 155 feet easterly therefrom
Gibson Street	No parking on the north side from east curblines of North Main Street to the west curblines of Hubbell Street
Gibson Street	No parking on the south side from the west curblines of Catherine Street to a point 200 feet westerly therefrom
Gibson Street	No parking on the south side from the east curblines of North Main Street to a point 494 feet easterly therefrom, except Sundays from 6:00 a.m. to 1:00 p.m. and any time on December 24 and December 25.

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

Local Law: None

Manager's Report: City Manager David R. Forrest gave the following report:

- The Police Department was accredited five years ago and was assessed again this year and will be receiving accreditation again.
- The flood plain insurance rate meeting with FEMA representatives to explore ways to reduce those premiums will be held in March.

Appointments:

Councilmember-at-Large Bucci moved to appoint Donna Cator to the vacant Councilmember at large position. Councilmember-at-Large Whitcomb seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Miscellaneous:

Councilmember-at-Large Whitcomb moved to grant a revocable license to LL Bean for use of Lakefront Park, under the same conditions as last year. Councilmember Ward 1 Cutri seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Councilmember-at-Large Whitcomb moved to set a public hearing at the next City Council Meeting on March 5th, 7:00PM, for sketch plan approval for the Cottages @ Canandaigua. Councilmember Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote. (7-0)

Executive Session:

Councilmember Ward 1 Cutri moved to close the regular meeting to go into Executive Session at 8:35 PM to discuss the employment history of a particular person. Councilmember-at-Large Whitcomb seconded the motion.

Vote Result: Carried unanimously by voice vote (7-0)

Councilmember-at-Large Whitcomb moved to close the executive session and return to the regular meeting at 9:30 PM. Councilmember Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote. (7-0)

Regular Session -Adjournment

Councilmember-at-Large Whitcomb moved to adjourn the regular session at 9:30 PM. Councilmember Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote (7-0)

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
ENVIRONMENTAL COMMITTEE
Tuesday, February 10, 2015
7:00 p.m.
Hurley Building Conference Room

Committee: Nick Cutri, Chair; Maria Bucci; Karen White

Other Council Members Present: Ellen Polimeni; Jim Terwilliger, Dave Whitcomb (7:41)

Staff Present: Dave Forrest, John Goodwin, Jim Sprague, Will Clark, Kevin Olvany, Michele Smith

1. Pesticide Education- Kevin Olvany - fyi. Provided update on ongoing and developing educational initiatives to educate the public on the importance of the watershed and things the public can do to preserve the lake. Both education and outreach also tie in as component of City's MS4 requirements. Posters, billboards, mailings are additional options being considered. Still working with Cornell Cooperative Extension and using city water bills for pamphlets. Goal is to have multiple venues to convey the same message - promote Integrated Pest Management, and encourage other municipalities to adopt policies similar to the City of Canandaigua. Promote green infrastructure.
2. Special events:
 - Escape the ordinary 5k (wood library) July 11th -need resolution.
Motion to approve by Karen, 2nd by Maria. Vote 3-0
 - Canandaigua Lake Swim, (Ontario Hospice) August 8th -need resolution.
Motion to approve by Karen, 2nd by Maria. Vote 3-0
3. LL Bean Proposal - Rob Valentino with LL Bean. They would like to utilize Kershaw Park to stage outdoor classes from end of May 24 to Oct 25, as they did last summer. Need to have about 5 parking spaces to leave equipment trailer near small Kraft boat. Grant revocable license with adequate consideration. Last summer they increased their numbers 134% from the previous summer- 600 people utilized. Did community clean up in Lagoon Park and plan to do that again this year. Need resolution. Motion to approve by Karen, 2nd by Maria. Vote 3-0
4. Waste water treatment facility operations -Will Clark - FYI only. Discussion regarding the effects of leachate on our operations. Plant designed to treat 600 million gallons but consistently only treat around 350 million gallons. In 1985 began to look for outside waste to treat. Now have about 38 haulers, including 9 municipalities and a few large sludge operators whose waste we treat. Have seen some challenges with treating leachate because of possible high ammonia content. Have since created a leachate holding tank, so that it can be assimilated into the plant depending on the strength of the leachate. Capacity of the city to take leachate is dependent on the strength of the leachate, not necessarily amount. County landfill does more stringent testing on their leachate than the city requires. City different from Geneva because we discharge into outlet rather than directly into the lake. EPA has determined that the stream can handle these city discharges, with no known contaminant to the environment. 22 million gallons of water come out of the lake and are mixed with the 3 million gallons discharged. (Solution to pollution is dilution). New permit will require whole effluent toxicity testing 4 times per year in 2016. Do not currently disinfect but have the capacity to and will be required to in the future.

(Environmental Committee continued)

5. Community Garden- Dave Whitcomb was approached again by residents interested in the city developing or supporting a community garden. Granger and the school still have them. School may have more available land for use. Need to promote what is already out there.

APPENDIX B
PLANNED UNIT DEVELOPMENT REVIEW COMMITTEE
Thursday, January 15, 2015
7:00 P.M.
Hurley Building

Committee: David Whitcomb, Chair; Ellen Polimeni, Mayor, Maria Bucci, Nick Cutri, James Terwilliger, Ian Boni, Karen White, Cindy Wade

Staff present: David Forrest, John Goodwin, Michele Smith, Jim Sprague, Rick Brown

1. Cottages at Canandaigua

- a. Continued Discussion of Sketch Plan - Jerry Goldman, Bob Cantwell, David Reidman, and Jerry Watkins argued that in a phased project it is not financially feasible to provide survey for the full project. 800 lineal feet of road in 2nd phase (\$400000). Questions why the city would want a road through vacant field? Jim Sprague, turn around are acceptable on a temporary basis but long term having 2 dead end rounds is not acceptable. Permanent cul de sac design is different and bigger design. Developer willing engineer and estimate cost and would be willing to post surety for that. A network of streets is recommended in the comprehensive plan. Also important to loop the water lines.

Jim supports not having 2 dead end streets, need workable turnaround and assurance of water flow.

Developer will submit plans and estimates. Meet on February 3rd to discuss again.

2. KFC

- a. Review of Preliminary Site Plan - Bob Brinkley, John August, Kit Finley Attempted to revise corporate prototype to reflect Canandaigua heritage and architectural styles.
Motion to accept as complete and refer to County Planning Commission and City Planning Commission made by Ellen, 2nd by Nick. Also resolution for public hearing. Voice vote 5-0

Move to executive session for purchase of real estate made by Ellen, 2nd by nick. Voice vote 5-0.

Motion to adjourn executive session and meeting made by Maria, 2nd by Nick. Voice vote 5-0

APPENDIX C
ORDINANCE COMMITTEE
Tuesday, January 20, 2015
7:00 p.m.
Hurley Building

Committee: David Whitcomb, Chair; Maria Bucci; Jim Terwilliger; Ian Boni

Other Council Members Present: Nick Cutri, Ellen Polimeni, Cindy Wade

Staff present: Dave Forrest, John Goodwin, Michele Smith, Jon Welch

1. No Parking Restriction on Gibson Street -remind parishes the week before the holiday to put reminders in bulletins about parking restrictions. Maybe add additional no parking signs for the holiday.

Motion to add Dec 24 and 25th to allow parking made by Jim, 2nd by Ian.

Vote 3 (Jim, Ian, Dave) -1(Maria).

2. Pesticide Use Ordinance - Ordinance is still on the table. Discussion on plan for review. Have experts come speak to the Committee. Had also asked Kevin Olvany to come in and discuss Sucker Brook pollution, and watershed council education plans. Also invite lawn care professionals and other experts. Table till March as next month is committed to zoning.

APPENDIX D
City Council Finance Committee
Meeting Notes

Tuesday, January 27, 2015
7:30PM
Hurley Building

Present: Finance Committee members: Terwilliger, Wade, White
Council members: Boni, Bucci, Cutri, Mayor Polimeni
City Staff: City Manager Forrest, Assistant City Manager Goodwin,
Clerk/Treasurer Abdallah, Public Works Director Sprague

1. Shared IT Services Agreement with Geneva

City Manager Forrest reviewed a proposed intermunicipal agreement with the City of Geneva that would establish shared IT services between the two cities. Provisions call for the sharing of Geneva's current IT Director and a desktop support person on a 50-50 basis. Cost to the City of Canandaigua in 2015 (11 months) will be \$68,900. It is proposed to fund this program from the City's Technology Fund where adequate funds had been identified during the 2015 budget process. The agreement is for 3 years with a 30-day termination clause for either party included. The agreement is constructed such that the program will be administered by the City of Geneva with the City of Canandaigua contracting for services.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, the proposal authorizing the City Manager to enter into an agreement with the City of Geneva for IT services

2. Shared Assessor Services Agreement with Geneva

Assistant City Manager Goodwin reviewed a proposed intermunicipal agreement with the City of Geneva that would establish shared real property assessment services between the two cities. Provisions call for allocating the initial \$100K annual cost to the Cities of Geneva and Canandaigua on a 54% to 46% ratio, respectively, based on the number of assessable parcels. The City will save about \$54K annually, and the funding is budgeted in the 2015 General Fund budget. The agreement has no term but does allow either party to terminate with 6-months' notice. The agreement is constructed such that the program will be administered by the City with the City of Geneva contracting for services. The newly-hired assessor will be an employee of the City of Canandaigua.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, the proposal authorizing the City Manager to enter into an agreement with the City of Geneva for real property assessment services.

3. Department of Public Works Surplus Equipment Disposal

Public Works Director Sprague reviewed a proposal to declare the City's old sewer jet truck surplus and approve its sale. A new truck recently replaced the old one.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, the proposal to declare the old sewer jet truck surplus and to sell the truck pursuant to City and NYS guidelines.

(Finance Committee Notes continued)

4. Water Treatment Plant Pump Repair Bid

Public Works Director requested permission to move ahead with a planned pump repair project covered by the 2015 Water Fund budget. Two bids were received out of three solicited. Low bid was from Estabrook Corporation at \$49,951. Budget is \$81,000.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, the request to award a construction contract to Estabrook Corp for the bid amount.

5. Memorandum of Understanding (MOU) with Town of Canandaigua for Switchback Trail Planting Plan

City Manager Forrest reviewed a proposed MOU with the Town of Canandaigua to join forces on a planting plan last reviewed by the Finance Committee at its October 2014 meeting. The \$5K total out-of-pocket cost to purchase materials is to be allocated 50-50 to the two municipalities. In-kind labor is to be allocated in the same manner. It was reported that some of the planting work was performed in late 2014, with the remainder to be done in the March-April timeframe. Also included in the MOU is a joint maintenance commitment for the first season only. No additional City involvement in maintenance is authorized.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, the request to enter into a Memorandum of Understanding with the Town of Canandaigua. Council member Bucci additionally requested that a summary of the events leading up to what precipitated this remedial project (to partially soften negative consequences experienced by some City property owners as a result of the trail construction) be included in the resolution.

6. Building Plan Review Proposal for North Shore Project

City Manager Forrest requested permission to enter into a contract with SWBR Architects to act on the City's behalf to provide code-related review, compliance, and inspection services related to the North Shore project. It was noted that the scope of this work far outstrips the City's capacity to provide it. It was further noted that the developer will be responsible for all associated costs.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, the proposal to authorize the City Manager to enter into a contract with SWBR Architects for this work.

7. Amend 2014 Fire Department Budget to Cover Additional OT Costs

City Manager Forrest and Assistant City Manager Goodwin stated that year-end OT costs related to staff illness and an emergency repair at Station 2 exceeded budget by \$4.4K.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, the request to amend the 2014 Fire Department OT budget in the amount of a \$4.4K increase.

The meeting was concluded at 8:40PM. The next regular meeting is scheduled for Tuesday, Feb 24 at 7:00PM at the Hurley Building

Respectfully submitted,

James Terwilliger
Finance Committee Chair

APPENDIX E
PLANNING COMMITTEE
Tuesday, February 3, 2015
7:00 p.m.
Hurley Building

Committee: Cindy Wade, Chair absent, Nick Cutri absent, Ian Boni, David Whitcomb

Other council members: Ellen Polimeni, Jim Terwilliger, Karen White, Maria Bucci

Staff present: David Forrest, John Goodwin, Michele Smith, Jim Sprague

1. Cottages at Canandaigua – Sketch Plan Review -Jerry Goldman, Bob Cantwell, Jerry Watkins
Satisfied technical requirement regarding water pressure if road is not looped. Provided sketch of cul de sacs, for surety purposes, in the event phase 2 is not completed.
Not enough to move with recommendation but sufficient support of council to add to agenda.
2. Zoning Change for Commercial Lakefront District-Drive-Thru
Corporation Counsel Michele O. Smith provided summary of request for zone change from David Genecco to allow drive thru on Lakeshore drive. All council members think that this is premature, need longer period to see how develop impacts traffic. Don't want to promote traffic, but encourage pedestrians.
3. Executive Session for purchase of real property and employment history of particular person.