

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, FEBRUARY 4, 2016 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present:

Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Anita Twitchell
Councilmember Ward 3 Karen White
Councilmember-at-Large Matt Martin
Councilmember-at-Large Robert O'Brien
Councilmember-at-Large James Terwilliger
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Members Absent:

Councilmember Ward 4 Cindy Wade (Due to a family obligation)

Also Present:

Acting City Manager John D. Goodwin
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah

Review Core Values: Councilmember Ward 1 Cutri 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 December 10, 2015. Councilmember Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote. (8-0)

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of January 4, 2016. Councilmember-at-Large Whitcomb seconded the motion.

Vote Result: Carried unanimously by voice vote. (8-0)

Recognition of Guests:

- Tree Advisory Board - Mayor Ellen Polimeni appointed the first Tree Advisory Board in early 2011 to solidify our standing as a Tree City USA. Dave Poteet, Canandaigua NY, updated City Council on work that has been done by the Tree Advisory Board and the projects they are currently working on. They would encourage any interested residents to come to a meeting of the Tree Advisory Board. You can find out all the information on their website which can be found accessed through the City of Canandaigua's website.

- Mike Yarger, property owner in the City of Canandaigua, is forming a committee to work on a draft proposal for City Council concerning a Taxpayer Bill of Rights and Property Protection Act. Contact Mr. Yarger if you are interested in working on this issue.
- Joel Freedman, Canandaigua NY, is requesting City Council to consider a 5 year moratorium on pesticide use in the parks. This will be referred to the Environmental/Parks Committee for further discussion.

Committee Reports:

Planning/Development: Councilmember-at-Large Terwilliger reported that the Planning Committee met on February 2nd and discussed the following:

SEE COMMITTEE NOTES - APPENDIX A

1. Revised Architectural Standards
2. Canandaigua Historic District Boundary Amendment
3. Assignment of Street Name – North Shore Blvd
4. Economic Development Report – Chamber of Commerce

Environmental/Parks: Councilmember Ward 1 Cutri reported that the Environmental Committee met on January 12th and discussed the following.

SEE COMMITTEE NOTES - APPENDIX B

1. Renewal of Home Energy and Improvement Program – Pathstone Corporation
2. Renewal of Homeownership and Home Preservation Program– Habitat for Humanity
3. Electric Charging Stations – Genesee Region Clean Communities
4. Muar House Lease – Twisted Rail Brewery
5. Special Event – Downtown Ice Festival
6. Rental of City Dock and City Pier – Marine Blue Inc.

Ordinance/Charter Review: Councilmember-at-Large Whitcomb Ordinance Committee met on January 19th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX C

1. Overnight On-Street Parking
2. Zoning Code Amendment
3. Assignment of Street Name – Cornell Place (Cottages at Canandaigua)

Finance/Budget: Councilmember-at-Large Terwilliger reported that the Ordinance Committee met on January 26th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX D

1. Hurley Building and City Hall Improvements
2. Awarding Contract for Sanitary Sewer Televising

3. Purchasing Policy
4. Muar House Lease
5. Civil Service – Establishing Positions

Resolutions:

Resolution #2016-001:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION NAMING "THOMPSON LANE" AT
THE COTTAGES AT CANANDAIGUA**

WHEREAS, the City Council has received a request to name a proposed public street at the Cottages at Canandaigua; and

WHEREAS, under the City Code Chapter 596, the Canandaigua City Council retains authority to name all streets within the City of Canandaigua; and

WHEREAS, the City's Ordinance Committee discussed possible historic names at their meeting on January 19, 2016; and

WHEREAS, the Ordinance Committee recommends that the proposed public street be named Thompson Lane in recognition of Mary Clark Thompson's philanthropic work in the City of Canandaigua;

NOW THEREFORE BE IT RESOLVED that the proposed street to be developed at the Cottages at Canandaigua hereby be designated as "Thompson Lane".

Vote Result: Carried unanimously by voice vote. (8-0)

Resolution #2016-002:

Moved: Councilmember Ward 3 White
Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA TO ENTER INTO AN
AGREEMENT WITH PATHSTONE CORPORATION**

WHEREAS, in March 2014, City of Canandaigua and Pathstone Corporation (Pathstone) partnered to provide assistance to low to moderate income homeowners in making repairs to their homes and energy efficiency improvements, known as the Home Energy and Improvement Program; and

WHEREAS, Pathstone has submitted a proposal to renew this program with said proposal including the rehabilitation of at least ten homes within the City of Canandaigua; and

WHEREAS, the Environmental/Parks Committee reviewed and endorsed this proposal on January 12, 2016 at its regularly scheduled meeting; and

WHEREAS, the City is desirous of entering into said partnership with Pathstone; and

WHEREAS, Pathstone possesses the experience, skill and capacity required to deliver essential services to income-eligible homeowners to receive assistance from the City of Canandaigua under the Home Energy and Improvement Program; and

WHEREAS, the City is in receipt of funds received in the form of loan repayments from past U.S. Dept. of Housing and Urban Development Community Development Block Grants (HUD CDBG), known as "Program Income" which in accordance with HUD must be repurposed for activities that advance HUD's National Objectives; and

WHEREAS, the City cost of this proposal is \$59,000 which will be funded from program income in the City's HUD CDBG Revolving Loan Fund; and

WHEREAS, additional funds will be provided by a grant awarded to Pathstone from the New York State Energy Research and Development Authority; and

WHEREAS, the Scope of Services and Agreement for Services is attached hereto and made part of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute an agreement with Pathstone for purposes of initiating a Home Energy and Improvement Program; and

BE IT FURTHER RESOLVED that this project will be funded from a not-to-exceed \$59,000 allocation from the City's HUD CDBG Revolving Loan Fund.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-003:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember Ward 2 Twitchell

A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA TO ENTER INTO A RENEWAL AGREEMENT WITH HABITAT FOR HUMANITY OF ONTARIO COUNTY, NY

WHEREAS, in March, 2014 the City of Canandaigua entered into an agreement with Habitat for Humanity of Ontario County, NY (Habitat) for the purposes of conducting a housing rehabilitation project; and

WHEREAS, the original scope of the project was limited to Chapin Street, but was later expanded to include the entire City of Canandaigua; and

WHEREAS, Habitat has successfully recruited volunteers to improve homes throughout the City which has not only improved the safety and physical appearance of the homes and neighborhoods, but has also strengthened the homeowners' sense of pride and investment in the community; and

WHEREAS, the City is desirous of entering into a renewal agreement with Habitat; and

WHEREAS, the City is in receipt of funds received in the form of loan repayments from past U.S. Dept. of Housing and Urban Development Community Development Block Grants (HUD CDBG), known as "Program Income" which in accordance with HUD must be repurposed for activities that advance HUD's National Objectives; and

WHEREAS, the City cost of this proposal is \$66,000 which will be funded from program income in the City's HUD CDBG Revolving Loan Fund and be utilized for materials and supplies;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute a renewal agreement with Habitat; and

BE IT FURTHER RESOLVED that this project will be funded from a not-to-exceed \$66,000 allocation from the City's HUD CDBG Revolving Loan Fund.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-004:

Moved: Councilmember-at-Large Martin

Seconded: Councilmember Ward 1 Cutri

A RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF CANANDAIGUA AND TWISTED RAIL BREWING CO.

WHEREAS, the tenant of The Muar House expressed his desire to no longer operate his business at The Muar House in August 2015; and

WHEREAS, the City of Canandaigua prepared an request for proposals to lease The Muar House and ultimately received two proposals; and

WHEREAS, the Finance Committee at its October 29, 2015 meeting reviewed and discussed the two proposals and approved the proposal submitted by Twisted Rail Brewing Company, LLC., said proposal offering to pay a monthly rent of \$1,100 and all property taxes for the property provided the combined total monthly costs for both rent and property taxes does not exceed \$2,000; and

WHEREAS, Twisted Rail requested certain amendments to the lease agreement which were reviewed and approved by the Environmental/Parks Committee at its January 12, 2016 meeting and the Finance/Budget Committee at its January 26, 2016 meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Council hereby authorized the City Manager to execute a lease agreement with Twisted Rail Brewing Company, LLC. for The Muar House in substantially the same form as attached hereto.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-005:

Moved: Councilmember Ward 3 White
Seconded: Councilmember-at-Large Martin

A RESOLUTION AUTHORIZING A SPECIAL EVENT
Canandaigua Winter Festival

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

- ***Canandaigua Winter Festival***
 - Date: February 20, 2016
 - Location: Main Street Sidewalks, Chamber Parking Lot, Commons Park & Coach Street Parking Lot
 - Coordinator: Downtown Business Improvement District
 - Time: 10:00 a.m. – 7:00 p.m.
 - Purpose: Promote Downtown BID and City of Canandaigua
 - Expected Number of Participants: 3,000

WHEREAS, this request was reviewed and approved at the January 12, 2016 Environmental/Parks 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 event; 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. (8-0)

Resolution #2016-006:

Moved: Councilmember-at-Large O'Brien
Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING PARTICIPATION BY CITY EMPLOYEES
IN THE ANNUAL VOLUNTEER DAY OF CARING**

WHEREAS, the United Way of Ontario County is sponsoring the Annual Volunteer Day of Caring on Thursday, April 21, 2016 to kickoff its 2016 fundraising campaign; and

WHEREAS, the Volunteer Day of Caring is a program wherein employers allow their employees the opportunity to volunteer at an assigned United Way agency for a day or half-day without requiring that leave time be used for that purpose; and

WHEREAS, the City of Canandaigua wishes to participate in the 2016 Volunteer Day of Caring program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that City employees may volunteer to participate in the Annual United Way Volunteer Day of Caring, provided that no employee shall earn overtime wages for the time spent volunteering, and further provided no overtime costs shall be incurred in order to fill shift vacancies created by the participation of employees in the Day of Caring.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-007:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION SETTING THE TIME AND PLACE OF A
PUBLIC HEARING ON AMENDMENT TO THE ZONING ORDINANCE**

WHEREAS, Section 850-8 of the City of Canandaigua Municipal Code requires a public hearing on an amendment to the City's Zoning Ordinance, Chapter 850;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing regarding the proposed zoning ordinance amendment to include "tobacco shop" to the list of permitted uses in the "C-1", Neighborhood Commercial zone district, be held during the City Council Meeting held at 7:00 p.m. on March 3, 2016 in the City Council Chambers, 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; and

BE IT FURTHER RESOLVED that the Zoning Officer shall cause a copy of the proposed Ordinance #2016-001 to be forwarded to the Ontario County Planning Commission in accordance with General Municipal Law Section 239-M and with the City Planning Commission in accordance with City Code Section 850-8(B).

Discussion: Ulana Fuller, Chapel St. , asked about the boundaries that this rezoning would cover and the process of sending out letters to the public concerning the public hearing on this issue. Mayor Polimeni explained that notification of the public hearing would be in the newspaper.

Vote Result: Carried unanimously by voice vote. (8-0)

Resolution #2016-008:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

BOND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$5,500,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

WHEREAS, the City Council of the City of Canandaigua (the "City") proposes to authorize the issuance of \$5,500,000 in serial bonds of the City to finance various public improvements and purposes, as described herein, appropriate funds for such purposes and to make certain determinations in connection with such purposes; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The City is hereby authorized to issue \$1,000,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of undertaking improvements to City Hall including: (i) mechanical system upgrades including the acquisition, installation and reconstruction of all existing console heating/air condition units, replacement of boiler and the cooling tower, and upgrades and improvements to piping and control

systems, (ii) electrical system upgrades, (iii) the acquisition and installation of a new fire alarm system, and (iv) all ancillary or related work and the acquisition and installation of equipment, machinery, furniture and fixtures in connection therewith, and (v) all architectural, engineering, design and other preliminary costs, legal expenses and other costs incidental thereto and the financing thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$1,000,000, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of \$1,000,000 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivisions 13. and 25. of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$4,000,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of undertaking renovations, alterations and improvements to the Hurley Building including: (i) mechanical system upgrades, including heating, air conditioning and ventilation system upgrades and improvements, (ii) electrical system upgrades, (iii) replacement of the fire alarm/life safety system, (iv) installation of a new telephone system and replacement and expansion of cabling for computer-based communications, (v) building renovations and reconstruction, including reconfiguration and relocation of offices, conference rooms, staff areas, bathrooms, locker rooms, break rooms and kitchen, truck bays, parking bays and storage areas, (vi) construction of new garage building and demolition of existing cement block building and tin barn, (vii) various site improvements, including reconfiguration of entrance gates, parking areas, driveways and outdoor storage areas, (viii) all ancillary and related work in connection therewith, and the acquisition and installation of machinery, equipment, furniture and fixtures in and around the foregoing improvements, and (ix) all architectural, engineering, design and other preliminary costs, legal expenses and other costs incidental thereto and the financing thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$4,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$4,000,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is twenty five (25) years, pursuant to subdivision 12(a)(1). of paragraph a. of Section 11.00 of the Law.

SECTION 3. The City is hereby authorized to issue \$500,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of undertaking the renovations, alterations and improvements related to the reconfiguration of offices and areas of the lower level of City Hall including (i) a new public entrance to the City Clerk's area, a new public service counter area, and reconfiguration of office and public space areas, (ii) all ancillary and related work in connection therewith, and the acquisition and installation of machinery, equipment, furniture and fixtures in and around the foregoing improvements, and (iii) all architectural, engineering, design and other preliminary costs, legal expenses and other costs incidental thereto and the financing thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$500,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable

usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 12(a)(2). of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more other objects or purposes authorized by this resolution or other resolutions of the City Council, then the power of the City Council to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the City Treasurer, as the chief fiscal officer of the City.

SECTION 7. The City Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The City Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the

provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The City Council hereby determines that the projects described herein, both individually and collectively, constitute a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and therefore no further action under SEQRA is required with respect to the projects or the financing thereof.

SECTION 10. The intent of this resolution is to give the City Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this City Council.

SECTION 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 12. This resolution shall take effect immediately and the City Clerk-Treasurer is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

Discussion: Jim Sprague, Director of Public Works, gave a presentation on the projects outlined in the Bond Resolution. This will include a total renovation of the Department of Public Works building and include a new meeting room for an estimated cost of \$4,000,000. City Council members commented on the need for the meeting room and that this renovation will be a tremendous energy savings. An estimated \$1,000,000 is included for mechanical, electrical and life safety upgrades at City Hall. Mr. Sprague explained that these systems are outdated and failing. The final part of the bond includes renovations in the basement, primarily in the Clerks-Treasurer’s offices. Councilmember-at-Large Terwilliger read a statement that Councilmember Ward 4 Wade is opposed to the renovations. Council stated that passing this bond resolution is not an automatic approval of the project and that it will be discussed again before any decisions are made about going forward.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-009:

Moved: Councilmember Ward 3 White
Seconded: Councilmember Ward 2 Twitchell

A RESOLUTION RECLASSIFYING DEPUTY CITY CLERK/TREASURER

WHEREAS, the City's Deputy City Clerk/Treasurer, Carol Jensen, has announced her intention to retire this year; and

WHEREAS, in preparation for the staff transition Ontario County Department of Human Resources reviewed the position and determined that the position must be reclassified from Exempt to Non-Competitive, Policy Influencing/Confidential pursuant to current Civil Service rules and regulations as the Deputy City Clerk/Treasurer acts for and in place of the City Clerk/Treasurer during his/her absence; and

WHEREAS, the City Council must adopt a resolution to reclassify the position per requirements of the Ontario County Department of Human Resources;

WHEREAS, the Finance/Budget Committee reviewed and endorsed this reclassification process at its January 26, 2016 meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby reclassifies the position of Deputy City Clerk/Treasurer to Non-Competitive, Policy Influencing/Confidential.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-010:

Moved: Councilmember-at-Large O'Brien
Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION CREATING THE POSITION OF
WATERSHED PROGRAM TECHNICIAN
FOR THE CITY OF CANANDAIGUA**

WHEREAS, on December 10, 1999 the Canandaigua Lake Watershed Council was created via a cooperative agreement between the Towns of Bristol, Canandaigua, Gorham, Hopewell, Italy, Middlesex,

Naples, Potter, South Bristol; the Villages of Naples, Newark, Palmyra, Rushville; and the City of Canandaigua; and

WHEREAS, the Canandaigua Lake Watershed Council provides the necessary leadership, coordination and commitment to successfully administer and oversee the implementation of the Watershed Protection Program and the Canandaigua Lake Watershed Management Plan; and

WHEREAS, as part of the aforementioned cooperative agreement, the City of Canandaigua provides the necessary facilities, accounting, worker's compensation insurance and support for the Canandaigua Lake Watershed Council which includes hosting Watershed Council positions for Civil Service purposes; and

WHEREAS, the Canandaigua Lake Watershed Council is desirous of creating a new position of Watershed Program Technician to assist the Watershed Program Manager and has requested that the City Council create said position; and

WHEREAS, the Finance/Budget Committee, at its January 26, 2016 meeting reviewed the request and voted to recommend the creation of the Watershed Program Technician;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby creates the position of Watershed Program Technician.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-011:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION REQUESTING ADDITIONAL TIME TO CONSIDER THE PROPOSED
BOUNDARY AMENDMENTS TO THE
CANANDAIGUA HISTORIC DISTRICT**

WHEREAS, the City has received notice from the New York State Department of Parks, Recreation and Historic Preservation that it will be considering an amendment to the City's historic district boundaries; and

WHEREAS, if the proposed amendment is adopted, approximately 80 properties will be placed on the State's Register of Historic Places; and

WHEREAS, the State intends to consider the amendment at its meeting on March 22, 2016 but the City has not had sufficient time to consider the impacts of the proposed amendment;

NOW THEREFORE BE IT RESOLVED, that the City of Canandaigua does not have any objection to the proposal to expand the period of historical significance in the City of Canandaigua to 1967; but

BE IT FURTHER RESOLVED, that the City respectfully requests additional time to consider the proposed boundary amendments to the City's Historic District; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Ruth Pierpont, Deputy Commissioner for Historic Preservation; Virginia Bartos, Division for Historic Preservation; New York State Senator Michael F. Nozzolio, and New York State Assemblyman Brian M. Kolb.

Vote Result: Carried unanimously by voice vote. (8-0)

Resolution #2016-012:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Martin

**A RESOLUTION APPROPRIATING FUNDS RELATED
TO THE SELECTION OF A NEW CITY MANAGER**

WHEREAS, City Manager, David Forrest, announced his decision to resign effective January 1, 2016 in September 2015; and

WHEREAS, shortly thereafter City Council, who is responsible for appointing the City Manager, started a nation-wide search for interested candidates and formed a sub-committee to review resumes, conduct interviews and recommend candidates for City Council's consideration; and

WHEREAS, the City Council has conducted interviews via video conferencing and has selected candidates for in-person interviews; and

WHEREAS, the City Council has determined that it is appropriate to pay and/or reimburse out-of-town candidates for a portion of travel and hotel expenses related to the interview process;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that candidates invited to interview before City Council shall be reimbursed for half of the cost of airfare or mileage expenses related to their traveling to the City of Canandaigua and that hotel expenses shall be paid in full by the City of Canandaigua, not to exceed two nights; and

BE IT FURTHER RESOLVED, that all costs associated with the travel reimbursement and hotel expenses shall be paid from the Contingency Fund of the City in an amount not to exceed \$3,000.00; and

BE IT FURTHER RESOLVED, that all other costs associated with the candidates' travel and stay in Canandaigua shall be the responsibility of the candidates.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinance:

Ordinance #2016-001:

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

**AN ORDINANCE AMENDING
CHAPTER 850 OF THE MUNICIPAL CODE
TO PERMIT TOBACCO STORES IN THE C-1 ZONE DISTRICT**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 That Chapter 850, section 850-40 of the Municipal Code is hereby amended as follows (deletions stricken, additions in bold and underlined):

§ 850-37. C-1 Restricted Commercial District.

A. Permitted primary uses:

- (1) Limited retail, service, and office uses in localized commercial areas located adjacent to residential neighborhoods. Such uses include:
 - (a) Butcher shops, grocery stores.
 - (b) Professional office uses, including physicians, dentists, chiropractors, optometrists, architects, landscape architects, surveyors, insurance brokers, realtors, accountants, financial advisors, engineers, lawyers, and other recognized professions.
 - (c) Drugstores and medical supply stores, gift shops, florists, newsrooms, and bookstores.
 - (d) Barber- and beauty shops.
 - (e) Clothing, accessory, fabric and jewelry stores.
 - (f) Home improvement stores including sales of hardware, appliances, furniture, paint, wall coverings, window coverings, floor coverings, and cabinetry, but excluding lumberyards and garden supply stores.
 - (g) Dressmakers, tailors, shoe repairs, and similar personal services.
 - (h) Self-service laundries and dry-cleaning establishments.
 - (i) Package liquor stores.
 - (j) Antique shops, art galleries, and art shops including artist supply shops and framing shops.
 - (k) Instructional studios including dancing, music, art, exercise and fitness centers.
 - (l) Studios for artists and photographers.
 - (m) Tobacco stores**

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

Ordinance #2016-002:

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

AN ORDINANCE AMENDING CHAPTER 161 OF THE CITY CODE RELATIVE TO THE CITY OF CANANDAIGUA, PURCHASING POLICIES AND PROCEDURES.

WHEREAS, New York State General Municipal Law §104-b(4) requires the City Council to annually review the City's policies and procedures with respect to purchases; and

WHEREAS, the proposed amended policies and procedures were reviewed and discussed by the Department Heads in accordance with General Municipal Law §104-b(3); and

WHEREAS, the Finance Committee reviewed the proposed amendments at a meeting on January 26, 2016 and recommend their adoption.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua that:

Sec. 1 Chapter 161 of the Municipal Code, is hereby amended in its entirety and replaced with the attached "Purchasing Policies and Procedures" (additions in **bold**, deletions **stricken**); and

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

Local Law:

Manager's Report: Acting City Manager John Goodwin gave the following report:

- The City recycling schedule for 2016 can be found on line at our website or at the library.

Miscellaneous:

- Councilmember-at-Large Terwilliger moved to adopt the 2016 City Council and Committee Meeting Schedule. Councilmember Ward 3 White seconded the motion.
Vote Result: Carried unanimously by voice vote. (8-0)

Executive Session:

Councilmember Ward 2 Twitchell moved to close the regular meeting to go into Executive Session at 8:44 PM to discuss pending litigation and employment history of a particular person. Councilmember-at-Large Terwilliger seconded the motion.

Vote Result: Carried unanimously by voice vote (8-0)

Regular Session:

Councilmember-at-Large O'Brien moved to close the executive session and return to the regular meeting at 9:25 PM. Councilmember Ward 2 Twitchell seconded the motion.

Vote Result: Carried unanimously by voice vote (8-0).

Adjournment

Councilmember-at-Large O'Brien moved to adjourn the regular session at 9:25 PM. Councilmember Ward 2 Twitchell seconded the motion.

Vote Result: Carried unanimously by voice vote (8-0).

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
PLANNING/DEVELOPMENT COMMITTEE
Tuesday, February 2, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: Cindy Wade, Chair; Robert O'Brien; Jim Terwilliger; Anita Twitchell

Other Council members: Ellen Polimeni, Nick Cutri, Karen White, David Whitcomb, Matt Martin

Staff: Michele Smith, Rick Brown

Meeting called to order at 7:00 PM

1. Revised Architectural Standards – Planning Commission

Jim Mueller, Planning Commission chairman, - Commission was looking for firm guidelines that are consistent with the comprehensive plan to aid in the Planning Commission review and provide clear standards for applicants. Intent is to allow more consistent decision. Standards will be applicable wherever architectural review is required in the city code.

Committee would like to have joint meeting with planning commission in order to go through and review the recommendations at the March 1st meeting. Request to have the proposed standards put on the city website while being reviewed (not attached to a committee agenda).

2. Canandaigua Historic District Boundary Amendment -NYS has proposed an amendment to the boundaries of the historic district recognized by NYS. Issue arises if city also expands historic designation. Regulations are established through local regulations, not State designation.

Want to get input from the Planning Commission and the home owners.

Motion to notify NYS that City supports date change but requesting additional time to review the proposed district change made by Anita Twitchell, 2nd by Jim Terwilliger. Vote 4-0

3. Assignment of Street Name – North Shore Blvd.

Motion to accept and adopt proposed name "North Shore Blvd." made by Robert O'Brien, 2nd by Anita Twitchell. Vote 4-0

4. Economic Development Report – Chamber of Commerce -Thomas Lyons and Alison Grems reviewed February 2016 ED report. General discussion

Adjourned at 8:41 PM into executive session to discuss employment history of particular person made by Robert O'Brien, 2nd by Anita Twitchell. Vote 4-0

Adjourn executive session at 9:00 PM

Motion to provide 1/2 the cost of flights and the room to city manager applicants made by David Whitcomb, 2nd by Nick Cutri. Vote 9-0

Adjourned at 9:02 PM

APPENDIX B
ENVIRONMENTAL/PARKS COMMITTEE
Tuesday, January 12, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: Nick Cutri, Chair; Matt Martin; Anita Twitchell; Karen White

Other Council Members: Ellen Polimeni; Rob O'Brien; David Whitcomb; Cindy Wade; Jim Terwilliger

Staff: John Goodwin; Michele Smith

Meeting called to order at 7:00 PM

1. **Renewal of Home Energy and Improvement Program – Pathstone Corporation**
Motion to recommend to City Council approval of 2016 contract under same terms and conditions with \$59,000. of CDBG funds made by David Whitcomb, 2nd by Matt Martin. Vote 4-0
2. **Renewal of Homeownership and Home Preservation Program – Habitat for Humanity**
Motion to recommend to City Council approval of 2016 contract with \$66,000. of CDBG funds and portion to be used for demolition of 2 structures made by David Whitcomb, 2nd by Matt Martin. Vote 4-0
3. **Electric Charging Stations – Genesee Region Clean Communities (David Keefe)** - currently building partnerships with businesses that want to provide this service. Identifying optimal areas that stations could be located. Hope to fund 5-10 stations in this region. Informational at this time.
4. **Muar House Lease – Twisted Rail Brewery - Ian Boni.** Copy of lease provided to Committee is mirror of previous lease but Twisted Rail has requested changes.
 - 1) Would like to provide live music
 - 2) Would like the City to pay the County and City taxes for 2016 and they will pay the school tax in Oct. (approximately \$4000) Proposal for 2016 only and would assume all the taxes thereafter. Lease can't be signed until Feb. They need to make significant renovations of \$20,000 (\$13,000 permanent improvements) and won't have business open until May.Motion to recommend that City express intent to negotiate and enter into lease with Twisted Rail made by Matt Martin; 2nd by David Whitcomb. Vote 4-0
[Financial aspects of lease referred to Finance Committee]
5. **Special Event – Downtown Ice Festival (BID)** - Denise Chapel described new Ice Festival for Downtown to be held Feb. 20, 2016. Hope to be a growing and recurring event. Need use of fire hydrant for snow making and also of DPW to move snow to certain locations. Motion to recommend approval of event made by David Whitcomb; 2nd by Matt Martin. Vote 4-0

APPENDIX B
ENVIRONMENTAL COMMITTEE
(Continued)

6. **Rental of City Dock and City Pier - Marine Blue Inc.** (Steve Holtz and Todd Hurbick)
Requesting use of City property for two events.
- 1) Demo Day of Boats on the Water - use/rental of 4-5 boat slips at public dock plus a location to meet customers. No exact dates or other information yet but what to know if Council will consider.
 - 2) Barge Docked on west side of City Pier (possibly from April 1-Dec. 1) 42 foot long boat used for installations. (Currently docks at Sutters). Concerns with congestion during summer. City staff would need to review exact location proposal and make recommendation, including recommended fee.
- Committee needs more detailed information on both proposals.
Work with staff on both proposals

Executive session

Motion for executive session to discuss employment history of particular person made at 8:45 PM by David Whitcomb, 2nd by Matt Martin. Vote 4-0

APPENDIX C
ORDINANCE/CHARTER COMMITTEE
Thursday, January 19, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: David Whitcomb, Chair; Nick Cutri; Matt Martin; Karen White

Other Council members: Ellen Polimeni; Cindy Wade; Anita Twitchell; Jim Terwilliger

Staff: John Goodwin; Michele Smith

1. **Overnight On-Street Parking** - issue occasionally raised by residents who need parking for guests. From staff perspective snow plow issues and street cleaning done during those hours. Police and DPW not in favor of changing. Committee not in favor of changing - people able to contact police for disabled vehicles and driveway work.
Table for examples of other communities and possible temporary permit system.
2. **Zoning Code Amendment (Gary Liotta)** -wants to open a high-end cigar store and lounge on the corner of Main St. and Chapel (no other tobacco products)
Committee members do not see any issues with rezoning to allow this use. Motion to approve made by Matt Martin, 2nd by Nick Cutri. Vote 4-0
Need to have public hearing and conduct SEQR, possibly refer to County.
Staff will check to see if rezoning can be for "Cigar Lounge" instead of "Tobacco Store" .
3. **Assignment of Street Name – Cornell Place (Cottages at Canandaigua)** - discussion regarding other names from designated list. Motion to approve "Thompson Lane" made by Nick Cutri, 2nd by Matt Martin. Vote 3-1 (White)

Executive session to discuss Employment history of particular persons made at 7:55 PM by Matt Martin, 2nd by Nick Cutri. Vote 4-0

Adjourned at 8:14PM

APPENDIX D
FINANCE/BUDGET COMMITTEE
Thursday, January 26, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: James Terwilliger, Chair; Robert O'Brien; Cindy Wade; Karen White

Other Council members: Ellen Polimeni; Anita Twitchell; Matt Martin; David Whitcomb

Staff: John Goodwin; Nancy Abdallah; Jim Sprague; Michele Smith; Kevin Olvany

1. Hurley Building and City Hall Improvements -Jim Sprague

- a. City Hall (HVAC, electrical, Life Safety/fire alarm) - \$1,000,000.
- b. City Hall (Basement Renovations) - \$500,000.
- c. Building Renovations -\$4,000,000.

Motion to recommend authorization of \$5,500,000. Bond made by Karen White, 2nd by Cindy Wade. Vote 4-0. Resolution for City Council

2. Awarding Contract for Sanitary Sewer Televising

Jim Sprague explained that received 3 bids, and they came in below \$20,000, so Council authorization is not necessary.

Already in budget so no Council action needed.

3. Purchasing Policy

Motion to recommend approval made by Karen White, 2nd by Cindy Wade.

Robert O' Brien suggested that Resolution establish date (by Feb. 28, 2017) for policy to be reviewed again.

Vote 4-0. Resolution for City Council.

4. Muar House Lease – Twisted Rail Brewery

Motion to recommend approval made by Cindy Wade, 2nd by Robert O' Brien.

Vote 4-0. Resolution for City Council.

5. Civil Service – Establishing Positions

- a. Deputy City Clerk/Treasurer (reclassified through Civil Service)

Motion to recommend approval made by Karen White , 2nd by Cindy Wade. Vote 4-0.
Resolution for City Council

- b. Watershed Council Position -Kevin Olvany

Motion to recommend approval made by Cindy Wade, 2nd by Robert O'Brien
Vote 4-0. Resolution for City Council.

APPENDIX E
2016 CITY COUNCIL & COMMITTEE MEETING DATES

City Council Meetings-7:00PM
 City Hall Council Chambers

January	4
February	4
March	3
April	7
May	5
June	2
July	7
August	4
September	1
October	6
November	3
November	17
December	1

Environmental/Parks-7:00PM

(2nd Tuesday of the Month)

Hurley Building Conference Room

January	12	July	12
February	9	August	9
March	8	September	13
April	12	October	11
May	10	November	8
June	14	December	-

Finance/Budget-7:00PM

(4th Tuesday of the Month)

Hurley Building Conference Room

January	26	July	26
February	23	August	23
March	22	September	27
April	26	October	25
May	24	November	22
June	28	December	-

APPENDIX E
2016 CITY COUNCIL & COMMITTEE MEETING DATES
(Continued)

Ordinance/Charter Review-7:00PM

(3rd Tuesday of the Month)

Hurley Building Conference Room

January	19	July	19
February	16	August	16
March	15	September	20
April	19	October	18
May	17	November	15
June	21	December	-

Planning/Development-7:00PM

(1st Tuesday of the Month)

Hurley Building Conference Room

January	-	July	5
February	2	August	2
March	1	September	6
April	5	October	4
May	3	November	1
June	7	December	-

Special Committee

PUD Committee – to be announced