

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, APRIL 3, 2014 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 Ian Boni
Councilmember Ward 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Maria Bucci
Councilmember-at-Large William Taylor
Mayor Ellen Polimeni

Members Absent: Councilmember-at-Large David Whitcomb (Arrived 7:20)
Councilmember-at-Large James Terwilliger

Also Present: City Manager David R. Forrest
Corporation Counsel Michele O. Smith
Deputy City Clerk-Treasurer Carol Jensen

Councilmember-at-Large Terwilliger is absent due to a family commitment and Councilmember-at-Large Whitcomb will be arriving late.

Review Core Values: Councilmember Ward 3 White 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.

Public Hearings:

Local Law 2014-003: A Local Law Amending Chapter 161 of the City Code Relative to the City of Canandaigua, Purchasing Policies and Procedures, by Authorizing the Use of Best Value in Awarding Purchasing Contracts.

Mayor Polimeni opened the public hearing at 7:02 PM
No one was present to speak on this Local Law.
Mayor Polimeni closed the public hearing at 7:03 PM

Approval of Minutes: Councilmember Ward 4 Wade moved for the approval of the Council Minutes of March 6, 2014. Councilmember-at-Large Taylor seconded the motion.
Vote Result: Carried unanimously by voice vote (7-0)

Recognition of Guests: None

Committee Reports:

Environmental: Councilmember-at-Large Taylor reported that the Environmental Committee met on March 11th and discussed the following:

Minutes – Attachment 5A

- Special Events:
 - Walk MS Canandaigua
- Restricted Use of Parkland and Adequate Consideration
- Lowering Speed Limit on Main Street
- Hydrofracking
- “Love Your Park Day” on May 3rd.
- Sidewalk Snow Shoveling Notification

Ordinance: Councilmember-at-Large Whitcomb reported that the Ordinance Committee met on March 18th, and discussed the following:

- Pesticide Use
- Amended Pawnbroker Ordinance
- Amended Subdivision Ordinance
- Amended Minimum Housing Requirements Ordinance
- Phoenix Street Plaza Concept

Finance: Councilmember Ward 3 White reported that the Finance Committee met on March 25th, and discussed the following:

Minutes – Attachment 5B

- Chamber of Commerce Report on Economic Development
- IT Needs Assessment Report
- Hurley Building and City Hall Architectural and Mechanical Assessment
- Transfer Facility
- North Bloomfield Road Short Term Fix
- Fire Hydrant, Pipe and Materials Bid
- Bond Resolution for Street Reconstruction
- Branding Contract
- Final Payment Regarding Eminent Domain

Planning: Councilmember Ward 4 Wade reported that the Planning Committee met on April 1st, and discussed the following:

Minutes – Attachment 5C

- BID Reorganization

- Niagara Street Branding
- Flood Insurance
- Strategic Plan

Resolutions:

Resolution #2014-027:

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

**A RESOLUTION ESTABLISHING PETTY CASH FUNDS FOR
KERSHAW PARK, THE SUMMER DAY CAMP PROGRAM AND
THE WATERFRONT ART FESTIVAL**

WHEREAS, cash funds in the amount of one hundred and fifty dollars (\$150) are needed for non-resident admission to the beach area at Kershaw Park during the summer season; and

WHEREAS, cash funds in the amount of one hundred and fifty dollars (\$150) are needed for the weekly collection of Summer Day Camp fees at Baker Park, Sonnenberg Park and the Canandaigua Elementary School; and

WHEREAS, cash funds in the amount of fifteen hundred dollars (\$1500) are needed for the collection of gate admissions at the Waterfront Art Festival;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is hereby authorized to establish a petty cash fund from the General Fund in the amount of eighteen hundred dollars (\$1800) for use at Kershaw Park, the Summer Day Camp Program and the Waterfront Art Festival during the summer season of 2014.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-028:

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

**A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF THE
PROPOSED 2015 STREET RECONSTRUCTION PROJECT**

WHEREAS, it is desirable to reconstruct and resurface Scotland Road, Brook Street, Hubbell Street, Dungan Street from Hubbell Street west to Union Street, Antis Street, and Bates Street in the City of Canandaigua, New York; and

WHEREAS, this project is deemed to be a Type II Action pursuant to Section 617.5 of the State Environmental Quality Review Act and is not subject to any further environmental review;

NOW, THEREFORE, BE IT RESOLVED that the Canandaigua City Council declares the reconstruction of the aforementioned streets to be a Type II Action and as such, no further environmental action is required.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-029:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember, Ward 1 Cutri seconded the motion.

**A RESOLUTION OF THE CITY OF CANANDAIGUA AUTHORIZING
THE ISSUANCE OF \$2,500,000 IN SERIAL BONDS TO FINANCE
VARIOUS PUBLIC IMPROVEMENTS AND PURPOSES**

WHEREAS, the City Council of the City of Canandaigua (the “City”) proposes to authorize the issuance of \$2,500,000 in serial bonds of the City to finance the estimated cost of various public improvements and purposes, as described herein; and

WHEREAS, all conditions precedent to the financing of the capital projects described herein, including compliance with the provisions of the State Environmental Quality Review Act (collectively, “SEQRA”), have been performed and therefore no further action need be taken by the City Council under SEQRA as a pre-condition to the adoption of this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua, New York, (the “CITY”) (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 \$1,500,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the reconstruction and resurfacing of Scotland Road, Brook Street, Hubbell Street, Dungan Street from Hubbell Street west to Union Street, Antis Street and Bates Street, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving right-of-way improvements in connection therewith and any other appurtenant or incidental costs and expenses. The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$1,500,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,500,000 in serial bonds of the City, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, and the levy and

collection of taxes on all the taxable real property in the City to pay the principal of said bonds or notes 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 objects or purposes is fifteen (15) years, pursuant to subdivision 20(c) of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$500,000 principal amount of serial bonds pursuant to the Law to finance the estimated cost of the reconstruction and replacement of water distribution lines along Scotland Road, Brook Street, Hubbell Street, Dungan Street from Hubbell Street west to Union Street, Antis Street and Bates Street, including the reconstruction and/or replacement of water mains, service laterals, fire hydrants and any equipment, furnishings, machinery, apparatus, appurtenances, ancillary, related or incidental improvements and expenses required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$500,000 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 and 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 objects or purposes is forty (40) years, pursuant to subdivision 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 Law to finance the estimated cost of the reconstruction and replacement of sewer lines (including sanitary and surface drainage) and catch basins along Scotland Road, Brook Street, Hubbell Street, Dungan Street from Hubbell Street west to Union Street, Antis Street and Bates Street, including any equipment, furnishings, machinery, apparatus, appurtenances, and any ancillary, related or incidental improvements and expenses required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$500,000 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 and 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 objects or purposes is forty (40) years, pursuant to subdivision 4. 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, and Sections 56.00 through 60.00, and Section 62.10 and 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, in connection with bonds and bond anticipation notes issued under the authority of Sections 2 and 3 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the City Treasurer. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more 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 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, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Sections 2 and 3 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 8. 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 9. 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 10. The intent of this resolution is to give the City Treasurer sufficient authority to execute those applications, agreements, and instruments or to do any similar acts necessary to affect 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 bond resolution shall take effect immediately and the City Clerk is hereby authorized and directed to publish the foregoing resolution, 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.

This resolution shall take effect immediately.

The following vote was taken and recorded in the public or open session of said meeting:

AYES: 8

NAYS: 0

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-030:

Councilmember Ward 4 Wade read the following Resolution and moved for its adoption. Councilmember Ward 2 Boni seconded the motion.

A RESOLUTION AUTHORIZING THE CITY CLERK/TREASURER TO RELEASE AND PAY FUNDS NECESSARY TO FULLY SATISFY THE DECISION OF THE COURT IN THE MATTER OF THE APPLICATION OF THE CITY OF CANANDAIGUA RELATIVE TO THE ACQUISITION OF REAL PROPERTY

WHEREAS, on May 27, 2010, the City of Canandaigua acquired title to the real property at 215 Lakeshore Drive for \$1,700,000.00 in accordance with NYS Eminent Domain Procedure Law; and

WHEREAS, on July 27, 2011, the former property owner, Inntel Management Corp, filed a claim against the City for additional money damages (Index # 104729); and

WHEREAS, a trial was conducted on the matter in 2013 and a decision was issued by Judge Kocher on February 6, 2014; and

WHEREAS, the Decision of the Court requires that the City of Canandaigua pay an additional \$292,366.00 plus interest to Inntel Management Corp.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Canandaigua that the City Clerk/Treasurer is authorized to release and pay the funds necessary to satisfy the decision and order of the Court, in the Matter under Index # 104729, which funds shall be disbursed from the General Fund; and

BE IT FURTHER RESOLVED that the General Fund Budget shall be increased in the amount consistent with the final total satisfaction amount, but such increase shall be offset by an increase in the General Fund Revenue Budget pursuant to reimbursement under the City's existing Acquisition Agreement.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-031:

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

A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA TO ENTER INTO AN AGREEMENT WITH HARRIS STUDIOS, INC.

WHEREAS, the City of Canandaigua desires to begin a branding initiative; and

WHEREAS, the City received cost proposals from two firms to perform this work; and

WHEREAS, the Finance Committee met on March 25, 2014 at its regularly scheduled meeting to consider the staff recommendation of Harris Studios; and

WHEREAS, Harris Studios possesses the experience, skill and capacity required to provide the City with the services it desires; and

WHEREAS, the City is desirous of entering into an Agreement with Harris Studios, Inc. for a fee of \$4,995; and

WHEREAS, the City has allocated in the general fund \$5,000 for this purpose; and

WHEREAS, the Scope of Services and Agreement for Services are 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 Harris Studios, Inc; and

BE IT FURTHER RESOLVED that this project will be funded from a not-to-exceed \$5,000 allocation from the City's General Fund.

Discussion: Councilmember Ward 3 White does not see a clear vision for this project and is not in support of this at this time.

The motion CARRIED on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: Councilmember Ward 3 White

Resolution #2014-032:

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

**A RESOLUTION AWARDED A MATERIAL SUPPLY CONTRACT
FOR FIRE HYDRANTS AND RELATED EQUIPMENT**

WHEREAS, the City of Canandaigua opened bids for the supply of multiple fire hydrants, valve boxes, valves, and solid repair sleeves on March 20, 2014 with three bidders participating; and

WHEREAS, the low bid was submitted by Vellano Corporation, 795 Beahan Road, Rochester, New York 14624; and

WHEREAS, funding for this material purchase is included in the 2014 water capital fund and the water distribution operating budget; and

WHEREAS, the Public Works Director and the City Manager recommend the contract be awarded to Vellano Corporation to supply these fire hydrants and associated equipment;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Vellano Corporation, 795 Beahan Road, Rochester, New York 14626, to supply the fire hydrants and associated equipment detailed in the request for bids for a fee not-to-exceed \$23,656;

BE IT FURTHER RESOLVED that funding for this equipment will be taken by an allocation from the water capital fund and the water distribution operating budget.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-033:

Councilmember Ward 2 Boni read the following Resolution and moved for its adoption. Councilmember Ward 4 Wade seconded the motion.

A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA TO ENTER INTO AN AGREEMENT WITH THE TOWN OF CANANDAIGUA TO PROVIDE TRANSFER FACILITY SERVICES

WHEREAS, the City of Canandaigua (City) provides transfer facility services to its residents for purposes of bulk refuse disposal; and

WHEREAS, the City has previously leased the operation of its transfer facility to a third-party administrator; and

WHEREAS, said lease has since been terminated and the need and desire to continue providing this service to our residents is warranted; and

WHEREAS, the Town of Canandaigua (Town) currently owns and operates its own transfer facility; and

WHEREAS, the Town is willing to enter into an agreement with the City to allow our residents to utilize their facility on a limited basis;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to negotiate and execute an agreement with the Town of Canandaigua to utilize their transfer facility for City residents only; and

BE IT FURTHER RESOLVED that the cost of said program will be paid for by an allocation from the recycle collection budget in the general fund. Any remaining funds required will be allocated from the Contingency Fund.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-034:

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

A RESOLUTION CREATING LIENS UPON CERTAIN CITY PROPERTIES FOR WATER AND SEWER FEES, SOLID WASTE COLLECTION FEES AND CODE ENFORCEMENT AND FIRE INSPECTION ARREARS

WHEREAS, Chapter 14.18 of the City of Canandaigua Charter and Section 452.4 of the General Municipal Law authorizes the creation of property tax liens for delinquent water and sewer charges; and

WHEREAS, Chapter 292-4 B and Chapter 748-84 of the City of Canandaigua Municipal Code authorize the creation of tax liens for delinquent charges for services performed by the City of Canandaigua Code Enforcement Department and unpaid inspection fees; and

WHEREAS, Chapter 600-12 F of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent snow removal fees for inspections performed by the City of Canandaigua Department of Public Works; and

WHEREAS, Chapter 714-31 B of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent fire inspection fees for inspections performed by the City of Canandaigua Fire Department; and

WHEREAS, Chapter 585-12 F(3) of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent solid waste collection fees; and

WHEREAS, at this date several such outstanding invoices in arrears exist on the City records which are detailed in the attached statement; and

WHEREAS, the property owners on the attached list have been notified of the delinquent charges by the City of Canandaigua Clerk/Treasurer's Office;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that there are hereby created liens on the properties listed on the attached statement; and

BE IT FURTHER RESOLVED, that said liens shall be added to the City's tax roll and enforced in the same manner as other City taxes.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-035:

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

A RESOLUTION OF THE CANANDAIGUA CITY COUNCIL ISSUING FINAL SITE PLAN APPROVAL FOR THE PROPOSED PHASE I - NORTH SHORE PROJECT IN THE LAKEFRONT REDEVELOPMENT PLANNED UNIT DEVELOPMENT

WHEREAS, in April 2008, application was made to the City Council of the City of Canandaigua for sketch plan approval for The Canandaigua Lakefront Redevelopment Project, located along the northern shore of Canandaigua Lake between NYS 5 & US 20 and Lakeshore Drive in the City of Canandaigua (the "Site"), 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, after obtaining additional information deemed the submission to be complete on August 8, 2008 and initiated the required State Environmental Quality Review ("SEQR") for the Project by declaring itself lead agency; and

WHEREAS, The Canandaigua Lakefront Redevelopment Project was reviewed by both City Council and its PUD Committee, in accordance with the requirements of the SEQR and the City of Canandaigua Zoning Ordinance; and

WHEREAS, on October 2, 2008, the City Council issued a Positive Declaration pursuant to SEQR requiring the preparation of an environmental impact statement for the Project; and

WHEREAS, on November 6, 2008, the City Manager issued a Coordinated Staff Review of the Project; and

WHEREAS, on December 11, 2008, the City Council conducted a public hearing for the purpose of considering the PUD 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, on August 20, 2009, by Resolution #2009-011, the City Council issued a Notice of Completion of a Draft Environmental Impact Statement (“DEIS”) as prepared by the Applicant and thereafter conducting a public comment period and a public hearing on October 1, 2009 for the DEIS and sketch plan proposal pursuant to the applicable SEQR requirements and Section 850-124(C)(1) of the PUD Ordinance; and

WHEREAS, the sketch plan was referred to and reviewed by the City Planning Commission, which issued a report for the Project on November 10, 2009; and

WHEREAS, pursuant to Section 850-124(C)(2) of the PUD Ordinance, the City Council was required to act on the sketch plan proposal (as revised and amended by the Applicant) within 60 days of October 1, 2009, which requisite time period was extended by consent of the Applicant to December 17, 2009 and evidenced in Resolution #2009-136; and

WHEREAS, on December 9, 2009, the Ontario County Planning Board rendered a favorable report relative to sketch plan approval of the project and PUD zone classification to the City Council with certain comments and modifications pursuant to Section 239-m of the N.Y. General Municipal Law; and

WHEREAS, on December 17, 2009, the City Council passed Resolution #2009-181, which determined that the Canandaigua Lakefront Redevelopment Project is appropriate for the area, meets the stated intention and objectives of the of the PUD Ordinance, and designated the Project area as a PUD Zone on the City of Canandaigua Map; and

WHEREAS, Resolution #2009-181 also approved The Canandaigua Lakefront Redevelopment Project’s sketch plan (termed “Alternative G”), subject to certain stated conditions; and

WHEREAS, on July 1, 2010 and by Resolution #2010-064, the City Council adopted a Findings Statement pursuant to SEQR, which concluded that The Canandaigua Lakefront Redevelopment Project, as depicted by Alternative G, would not result in any significant adverse environmental impacts, and that any identified environmental impacts would be mitigated to the maximum extent practicable; and

WHEREAS, in 2013, Morgan-Lechase Development, LLC (“Applicant”) made an application to undertake the Site’s development with modification to certain aspects of the approved sketch plan; and

WHEREAS, the Applicant, with the assistance of its engineers and architects, proposed certain changes to The Canandaigua Lakefront Redevelopment Project, referred to hereafter as "the North Shore Project", and made certain revisions to Alternative G (now identified as the “Amended Sketch Plan”); and

WHEREAS, the Applicant asserted that the proposed changes further improve the Site’s environmental features, positively enhance previously-approved development components such as traffic and aesthetics, increase Site development feasibility, and, are in keeping with the Site’s PUD zoning designation; and

WHEREAS, the Applicant requested that City Council and its PUD Committee review the Amended Sketch Plan for its consistency with Alternative G, so that the Applicant could proceed to the Preliminary Site Plan phase of the North Shore Project's review under the City of Canandaigua Zoning Ordinance; and

WHEREAS, the Applicant similarly requested that City Council determine that the North Shore Project is consistent with City Council's prior SEQR determination and does not raise any issues which have the potential to result in new or greater significant environmental impacts; and

WHEREAS, the City Manager, City Staff and the City's special consultants, LaBella Engineering, P.C. and Harter Secrest & Emery LLP (collectively, the "Consultants"), reviewed the Draft Environmental Impact Statement ("DEIS"), Final Environmental Impact Statement ("FEIS"), and Findings Statement previously issued by this City Council to determine whether the Amended Sketch Plan would have any new or greater significant environmental impacts than those identified during the SEQR process; and

WHEREAS, the Applicant and its consultants, Stantec Consulting Services Inc., Jerry Goldman, Esq., and Hanlon Architects provided the City Manager, City Staff and the City's Consultants with a comprehensive Consistency Analysis, draft Findings Statement, and a series of Figures in accordance with Canandaigua Zoning Ordinance Section 850-124 (PUD Application Procedure and Zoning Approval) in support of Applicant's contention that the Amended Sketch Plan is consistent with Alternative G, in keeping with the PUD zoning designation and that the North Shore Project does not raise any environmental issues not previously evaluated during the SEQR process; and

WHEREAS, on July 30, 2013, the PUD Committee reviewed the Amended Sketch Plan, considered Applicant's information described above, and received the opinion of the City Manager, City Staff and the City's Consultants that the Amended Sketch Plan is consistent with Alternative G, that the previous PUD designation is appropriate for the North Shore Project, and that the North Shore Project and the Amended Sketch Plan will not result in any new or greater significant environmental impacts than those identified during the SEQR process; and

WHEREAS, at the July 30, 2013 meeting, the PUD Committee recommended that City Council adopt the PUD Committee's conclusions as stated therein; and

WHEREAS, on August 1, 2013, the City Council reviewed the modified sketch plan for the North Shore Project, and by Resolution #2013-064 made a determination that the proposed changes were consistent with the original zoning resolution and the previously approved SEQR analysis; and

WHEREAS, on October 24, 2013, the Applicant submitted an application for the proposed Phase I - North Shore Project preliminary site plan, consistent with the purposes of the PUD District and the revised sketch plan; and

WHEREAS, by Resolution #2013-073, the City Council acknowledged receipt of the proposed Phase I - North Shore Project preliminary site plan and supporting documents for the

North Shore Project, and referred the same to the City of Canandaigua Planning Commission and the County of Ontario Planning Board for reports to the City Council; and

WHEREAS, On November 7, 2013, the City Council conducted a Public Hearing on the proposed Phase I - North Shore Project preliminary site plan and comments from the public were heard and deliberated by the City Council; and

WHEREAS, On November 12, 2013 the City Planning Commission reviewed the preliminary site plan for Phase I - North Shore Project and submitted their report with comments to City Council by memo from Richard Brown, dated November 15, 2013; and

WHEREAS, On November 13, 2013 the Ontario County Planning Board reviewed the preliminary site plan for Phase I - North Shore Project and recommended approval of the plan with comments to City Council; and

WHEREAS, On November 19, 2013, the Applicant, submitted to the Planned Unit Development Committee written responses to certain comments made by the public at the Public Hearing on November 7, 2013. Additionally, the Applicant listened to concerns of the Planned Unit Development Committee and proposed certain revisions to the submitted application to address the concerns that were raised; and

WHEREAS, On November 26, 2013, the Applicant presented a revised Phase I - North Shore Project preliminary site plan reflecting the modifications requested above; and

WHEREAS, On December 2 and December 17, 2013, the City Planned Unit Development Committee met for a review and discussion of the revised Phase I - North Shore Project preliminary site plan and recommended conditional approval; and

WHEREAS, on December 19, 2013, by Resolution #2013-095, the City Council adopted and presented to the Applicant a written statement conditionally approving the preliminary site plan for the Phase I - North Shore Project, as revised and presented by the Applicant on November 26, 2013 and again on December 2, 2013; and

WHEREAS, on February 13, 2014, and by Resolution #2014-012, the City Council accepted the final site plan application for the Phase I - North Shore Project and referred it to the Ontario County Planning Board in accordance with Municipal Code §850-125(F); and

WHEREAS, On March 6, 2014, the City Council conducted a Public Hearing on the proposed Phase I - North Shore Project final site plan, as required by Section 850-125(G)(1) of the Municipal Code, and comments from the public were heard and deliberated upon by the City Council; and

WHEREAS, the Ontario County Planning Board was scheduled to deliberate on the final site plan application on March 12, 2014 but the meeting was cancelled due to weather, and pursuant to New York General Municipal Law §239-m(4)(b), if the Ontario County Planning Board is unable to issue a report within 30 days of referral, then the City Council may take final action on the final site plan without such report; and

WHEREAS, On March 20, 2014, the Planned Unit Development Committee discussed with the Applicant their concerns and conditions with the proposed final site plan and with certain revisions to the final site plan has recommended that the final site plan, as revised and amended, of the Phase I - North Shore Project, be conditionally approved.

NOW, THEREFORE BE IT RESOLVED, that the Canandaigua City Council expressly approves the final site plan of the Phase I - North Shore Project, as revised and amended (dated 3/25/14), a copy of which is on file in the Office of the Director of Planning and Development, conditioned upon the Applicant complying with the following conditions and requirements:

1) Previous Conditions Continued: All conditions set forth in Resolution #2013-095 and the conditions set forth in the Statement of Council Regarding the Preliminary Site Plan incorporated therein, are continued unless otherwise expressly modified herein.

2) Parking Requirements: A. As part of Phase I, Applicant shall be required to return the parking lot located to the north of the Hess gas station to a serviceable condition, (i.e., free from cracks, potholes, ponding and heaving) including but not limited to repairing, sealing and striping the same, and shall construct the adjacent walk way to Lakeshore Blvd., previously identified in proposed phase V of the Project, and provide ongoing maintenance and care of both. The lot shall be designated for public use, with appropriate signage, and shall be at no cost to the City or the public. The Phase I design and construction specifics of the parking lot's rehabilitation shall be determined in consultation with the City of Canandaigua's Director of Public Works, and shall be guided by the generally accepted practices customary to the design and construction of public parking lots. The parking lot shall be maintained in a serviceable condition by the developer until such time as the parking lot, as depicted in the Amended Sketch Plan dated 7/31/13 and approved 8/1/13, is reconstructed according to City specifications, at which time the parking lot shall be dedicated to the City after the completion of Phase II. If Phase II fails to be completed by the Applicant, the parking lot shall be reconstructed and dedicated to the City within five years of the completion of Phase I.

3) Stormwater: Compliance with a Stormwater Management and Erosion Control Plan and all MS4 requirements, as approved by New York State Department of Environmental Conservation ("DEC"), which meets the requirements of not only the applicable requirements for construction projects, but any and all additional requirements set forth in Chapter 795 of the City Code. This shall include, but not be limited to, Developer entering into a Maintenance Agreement with the City. Proof of DEC approval must be provided to the City by Applicant in advance of any site construction activities. Compliance with the recommendations of Mark Tayrien of Labella Associates' letter dated March 18, 2014 relative to the SWPPP and proposed NOI.

4) Lighting: Additional lighting provided on the building faces of Building B on North Shore Boulevard and Lakeshore Drive, as discussed with Applicant and PUD Committee on March 4, 2014.

5) Greenspace: A recreation fee shall be assessed and paid by the Applicant, said amount being based on a rate of \$300 per bedroom of Phase I. The Applicant has represented that there are 193 bedrooms in the 137 units in Phase I, for a total fee of \$57,900.00. If there is a change in number of bedrooms, the recreation fee shall be adjusted accordingly. This fee shall be paid in full prior to the issuance of any building permits.

6) Architecture: Materials, colors, and iteration (Alt. B) as discussed with Applicant and PUD Committee on March 4, 2014.

7) Schedule of Completion and Values. Preparation and submission to the City Director of Public Works of a Schedule of Completion and a Schedule of Values for the Phase I - North Shore Project. The Applicant must strictly comply with the Schedule of Completion for all public improvements set forth in the amended Final Site Plan.

8) All applicable financial requirements set forth by the City pursuant to Section 850-127 of the Municipal Code, specifically, Applicant shall provide a non-expiring letter of credit to the City of Canandaigua in an amount as established by the City Corporation Counsel and the City Manager, after a Schedule of Completion and a Schedule of Values has been provided to the City by the Applicant. Such letter of credit shall only be terminated with the express written authorization of the City by its City Manager and Corporation Counsel.

9) The Applicant shall guarantee all materials and work that is to be dedicated to the City for 2 years from dedication.

BE IT FURTHER RESOLVED, that:

Upon satisfaction of the above conditions, including financial surety, and submission of a Schedule of Completion and a Schedule of Values for the Project, the City Council hereby directs the City Manager to endorse his approval on a copy of the amended Final Site Plan as approved herein, and directs him to forward said amended Final Site Plan to the City of Canandaigua Code Enforcement Officer for review and issuance of any necessary permits in conformance with the approval and conditions set forth by the City Council in this Resolution; and

At the Applicant's expense, the City, at the discretion of the City's Code Enforcement Officer and City Manager, may hire independent, third-party, qualified professionals for purposes of ensuring compliance with the New York State Building Code and Fire Prevention Code; and

This Resolution shall take effect immediately upon adoption.

Discussion: Written comments were submitted to the Council in response to the questions raised at the public hearing. The Project Development Team commented on the financing of the project and the Brownfield Cleanup plan.

Each Council Member commented on this project and the process.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinances:

Ordinance #2014-003:

Councilmember Ward 2 Boni read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING
CHAPTER 748 OF THE MUNICIPAL CODE
RELATIVE TO HEATING REQUIREMENTS**

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

Sec. 1 That chapter 748, section 32 of the Municipal Code (entitled "Heating"), is hereby amended as follows: (deletions stricken, additions **bold**):

§ 748-32. Heating.

- (1) ~~Residential buildings intended for occupancy, between the first day of October and the first day of May dates of September 15 and May 31 of the following year shall be provided with heating equipment designed and able to maintain a temperature of not less than 65° 68° F. at a distance of three feet and more from exterior walls, and at a level of five feet above the floor, in habitable spaces, kitchenettes, bathrooms and toilet rooms. The capability of the heating equipment to maintain such indoor temperature shall be based on the average of the recorded annual minimum outside temperatures for the locality.~~

Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter design dry-bulb temperature for the locality indicated in the *Energy Conservation Construction Code of New York State*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. This provision is not applicable to Owner-occupied one-family dwellings subject to the approval of the code enforcement official.

- ~~(2) In multiple dwellings, adequate heat shall be provided to maintain the indoor temperature in habitable spaces, kitchenettes, bathrooms and toilet rooms, at 65° F. when the outside temperature falls below 55° F. between the first day of September and the first day of June.~~

Heat supply. Every owner and operator of any building who rents, leases or lets, one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15th to May 31st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. This provision is not applicable when the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design

capacity. The winter design dry-bulb temperature for the locality shall be as indicated in the *Energy Conservation Construction Code of New York State*.

- (3) **Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

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

Ordinance #2014-004:

Councilmember-at-Large Bucci read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING
CHAPTER 802 OF THE MUNICIPAL CODE RELATIVE TO
REQUIRED IMPROVEMENTS IN MAJOR SUBDIVISIONS**

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

Sec. 1 That § 802-15 of the Municipal Code (entitled “General requirements”), is hereby amended as follows: (additions **bold underlined**)

J. Street lighting facilities shall be provided along all streets in the subdivision and along all streets upon which the subdivision abuts. Such lighting facilities shall be in accordance with the City standards and shall be installed as approved and directed by the City Director of Public Works. **All street lighting shall be ‘dark sky’ compliant.**

N. All utilities shall be installed underground.

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

Local Law:

Local Law #2014-003 (*Introduced and tabled at the March 6, 2014 Council Meeting*)

**A LOCAL LAW AMENDING CHAPTER 161 OF THE CITY CODE RELATIVE TO
THE CITY OF CANANDAIGUA, PURCHASING POLICIES AND PROCEDURES, BY
AUTHORIZING THE USE OF BEST VALUE IN AWARDING PURCHASE
CONTRACTS**

Lift from the table: Councilmember, Ward 1 Cutri moved to lift Local Law 2014-003 from the table. Councilmember-at-Large Whitcomb seconded the motion.

Vote Result: Carried unanimously by voice vote.

Vote: Councilmember, Ward 1 Cutri moved to approve Local Law 2014-003. Councilmember Ward 3 White seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Manager's Report:

- The City is working with Pathstone Corporation to provide grants to City homeowners for certain home improvements. There will be two workshops for residents to learn about the program. The workshops will be May 1 and June 26th at 6:00 pm at the Hurley Building. More information can be found on the City website.
- The City will be picking up leaves and brush on the same day as your regular curbside service.

Miscellaneous:

- Councilmember-at-Large Bucci reported on a meeting held at the Library to share information from residents about their challenges and experiences with the flood insurance requirements.
- Mayor Polimeni said that Habitat for Humanity sent out letters to residents on Chapin Street regarding the program funds available.

Regular Session:

Councilmember Ward 3 White moved to adjourn the regular session at 8:30 PM. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote

Nancy C. Abdallah
City Clerk-Treasurer