

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, JULY 7, 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 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Robert O'Brien
Councilmember-at-Large James Terwilliger
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 2 Anita Twitchell (Arrived at 7:02 PM)
Councilmember-at-Large Matt Martin (Arrived at 7:04 PM)

Also Present: City Manager Ted Andrzejewski
Clerk-Treasurer Nancy C. Abdallah
Assistant City Manager John D. Goodwin

Mayor Polimeni thanked all the Councilmembers who marched in the 4th of July parade, Break the Ice Media and all the City employee who worked on the parade and fireworks. She also thanked the City crews for the wonderful job of cleanup so that the park was back in order on the 5th.

Review of Community Core Values: Councilmember-at-Large O'Brien 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 June 2, 2016. Councilmember Ward 4 Wade seconded the motion.

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

Councilmember-at-Large Terwilliger moved for the approval of the Special Council Minutes of June 21, 2016. Councilmember-at-Large Whitcomb seconded the motion.

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

Recognition of Guests: No guests

Committee Reports:

Planning/Development: Planning/Development Committee met on June 7th and discussed the following.

SEE COMMITTEE NOTES - APPENDIX A

- Grant Application – Tom’s Mobil
- 2016/2017 Strategic Plan

Environmental/Parks: Councilmember Ward 1 Cutri reported that the Environmental/Parks Committee met on June 14th and discussed the following.

SEE COMMITTEE NOTES - APPENDIX B

- Dog Park Grant
- Special Event – Canandaigua Fire Department 200th Anniversary Muster
- Special Event – Summer Hoops Fest in the Park
- Solar Project Expansion
- City Docking Policy

Ordinance/Charter Review: Councilmember-at-Large Whitcomb reported that the Ordinance/Charter Review Committee met on June 21st and discussed the following.

SEE COMMITTEE NOTES – APPENDIX C

- Fireworks Zoning Code Amendment
- Twisted Rail Request for Expansion of Use – Muar House
- Rental Registration Housing Law
- Nuisance Abatement Ordinance

Finance/Budget: Councilmember-at-Large Terwilliger reported that the Finance Committee met on June 28th and discussed the following:

SEE COMMITTEE NOTES – APPENDIX D

- Twisted Rail Request for Expansion of Use – Muar House
- Professional Services Contract – Street Lighting Needs Assessment
- Sales Tax Agreement – Ontario County
- Revaluation – Memorandum of Understanding – NYSORPTS
- Budget Items
- Pier Parking Permit

Resolutions:

Resolution #2016-048: *(Introduced and tabled at the June 21, 2016 Special Council Meeting)*

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING TENT AND SPECIAL EVENTS
AT THE MUAR HOUSE**

WHEREAS, by Resolution #2016-004 the City entered into a lease agreement with Twisted Rail Brewing Company for use of the Muar House; and

WHEREAS, in accordance with the lease, no alterations or improvements can be made to the structure without written approval of the City Council; and

WHEREAS, Twisted Rail Brewing Company has requested that City Council approve the use of a tent at the property for up to four (4) special events/promotions per year; and

WHEREAS the New York State Liquor Authority also requires landlord authorization for special events; and

WHEREAS the Finance/Budget Committee reviewed and approved the request at its June 28, 2016 meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the Twisted Rail Brewing Company is authorized to host up to four (4) special events per year on the Muar House property and may install a temporary tent for such events in the area between Lakeshore Drive and the structure provided that all necessary permits are obtained; and

BE IT FURTHER RESOLVED the City Manager is authorized to sign the Landlord Authorization Form on behalf of the City of Canandaigua for Twisted Rail's Special Event Permit Application to the New York State Liquor Authority.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-049:

Moved: Mayor Polimeni

Seconded: Councilmember Ward 2 Twitchell

**A RESOLUTION RECOGNIZING AND THANKING
RETIRED DEPUTY CLERK-TREASURER CAROL JENSEN
FOR HER 28 YEARS OF SERVICE TO THE CITY OF CANANDAIGUA**

WHEREAS, Carol Jensen has served as Deputy Clerk-Treasurer and Deputy Registrar of the City of Canandaigua from August 15, 1988 until she celebrated her retirement on the 29th of June, 2016; and

WHEREAS, during her 28 years Carol Jensen has, in many respects, been the face of the City by happily greeting and helping anyone that visited or called City Hall; and

WHEREAS, Carol Jensen as Deputy Registrar of Vital Statistics has lent a hand in the celebration of the birth of a new child and remorse of a loss by issuing birth and death certificates; and

WHEREAS, as Deputy Clerk, Carol Jensen assisted many couples with their first steps toward marriage with the issuance of countless marriage licenses; and

WHEREAS, Carol Jensen ensured that essential, but not glamorous tasks, such as accepting payments for water/sewer bills, parking tickets and property taxes, coordinating parking ticket protests with City Court, indexing and filing all resolutions, ordinance, local laws and contracts were completed accurately, timely and always with a smile; and

WHEREAS, Carol Jensen also assumed the duties of the Clerk-Treasurer during his/her absence; and

WHEREAS, Carol Jensen has served under four Clerk-Treasurers, five City Managers, two Mayors, and fourteen City Councils; and

WHEREAS, during her career Carol Jensen has performed her duties with dedication and has been a model for customer service, professional behavior and has won the respect and admiration of the community, her peers and coworkers; and

NOW, THEREFORE, BE IT RESOLVED that the Canandaigua City Council, on behalf of the residents of the City of Canandaigua, does hereby recognize and thank Carol Jensen for her 28 years of dedicated service to the City of Canandaigua and wishes her many happy years of retirement.

Vote Result: Carried unanimously by voice vote. (9-0)

Resolution #2016-050:

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

**A RESOLUTION AUTHORIZING A SPECIAL EVENT
*Canandaigua Fire Department 200th Anniversary Muster***

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

- ***Canandaigua Fire Department 200th Anniversary Muster***
Date: August 20, 2016
Location: Lakefront and City Pier
Coordinator: Robert Case
Time: 8:00 a.m. – 5:00 p.m.
Purpose: Celebration of Fire Department's 200th Anniversary

WHEREAS, this request was reviewed and approved at the June 14th, 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.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-051:

Moved: Councilmember-at-Large Martin

Seconded: Councilmember Ward 1 Cutri

A RESOLUTION AUTHORIZING A SPECIAL EVENT
Summer Hoops Fest in the Park

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

- ***Summer Hoops Fest in the Park***
 - Date: August 13th and 14th, 2016
 - Location: Frank Baker Park
 - Coordinator: David D. VanGorder Jr.
 - Time: 9:00 a.m. – 9:00 p.m.
 - Purpose: Outdoor 5 on 5 Basketball Tournament
 - Expected Number of Participants: 800

WHEREAS, this request was reviewed and approved at the June 14, 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.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-052:

Moved: Councilmember Ward 1 Cutri

Seconded: Councilmember Ward 3 White

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A 25-YEAR SITE LEASE AND A SUB-LEASE RELATIVE TO THE INSTALLATION AND MANAGEMENT OF A SOLAR ARRAY AT 2970 COUNTY ROAD 10, IN THE TOWN OF CANANDAIGUA

WHEREAS, in 2014 City staff and representatives of RER Solar 1 entered into talks about developing two solar arrays on City property; and

WHEREAS, by Resolution #2015-032 the City Council authorized RER Solar 1 to apply for applicable NYSERDA grants to fund construction of the project and also to apply for interconnection agreements with RG&E; and

WHEREAS, by Resolution #2015-047 the City Council previously authorized the City Manager to negotiate and execute a site lease and power purchase agreement with RER Solar 1, LLC relative to the installation and management of solar arrays on city property; and

WHEREAS, at the time of the original Agreement, the size of the solar array system was limited due to restrictions RG&E placed upon the project, based on the infrastructure in the vicinity; and

WHEREAS, RG&E has subsequently removed the restrictions, allowing for a larger system and greater benefit to the City; and

WHEREAS, the adjacent property owner, West Corners, LLC, has been contacted in order to locate a second solar array on its property located at 2970 County Road 10 in the Town of Canandaigua; and

WHEREAS, in order for the second array to qualify for additional NYSERDA grants and allow the City to credit the energy it produces towards its electric costs, the City must have an interest in the property, which can be accomplished by the City leasing the property from West Corners LLC; and

WHEREAS, RER Solar 1 (New Energy Equity) will simultaneously sub-lease the same property from the City and become responsible for all costs and liabilities associated with the lease; and

WHEREAS, the proposed project was discussed at the June 14, 2016 Environmental Committee meeting and recommended for approval;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager, in consultation with Corporation Counsel, is authorized to negotiate and execute a 25-year Site Lease with West Corners, LLC and a sub-lease with RER Solar 1, or New Energy Equity as may be appropriate, relative to the installation and management of a solar arrays on the property located at 2970 County Road 10, in the Town of Canandaigua.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-053:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember-at-Large Martin

A RESOLUTION ADOPTING A PUBLIC DOCK POLICY

WHEREAS, as a result of a special event request that involved the reservation of slips on the City Dock located off Lakefront Park, the Environmental/Parks Committee requested that a policy be created for the dock; and

WHEREAS, City staff drafted such a policy which was presented to and endorsed by the Environmental/Parks Committee at its June 14, 2016 meeting;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that the attached City Dock Policy be adopted.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-054:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 2 Twitchell

A RESOLUTION ACKNOWLEDGING AND SUPPORTING A REASSESSMENT FOR THE 2017 ASSESSMENT ROLL

WHEREAS, the City of Canandaigua Charter intends that the assessment of all properties within the City be maintained in uniform relationship to current market value; and

WHEREAS, Section 305 of the New York State Real Property Tax Law mandates uniform assessments; and

WHEREAS, the City Council may provide for professional consultant services to achieve said uniform relationship; and

WHEREAS the New York State Office of Real Property Services requires a resolution supporting said reassessment;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that we hereby acknowledge and support a reassessment of all city properties for the 2017 assessment roll and authorize the execution of a Memorandum of Understanding with New York State by the City Manager.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-055:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 2 Twitchell

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF A
2016 NEW YORK MAIN STREET GRANT APPLICATION**

WHEREAS, the New York State Office of Community Renewal (NYSOCR) is offering New York Main Street Grants of up to \$500,000; and

WHEREAS, the New York Main Street Program offers funding for Downtown Stabilization projects to assist with environmental remediation and associated costs, which pose an obstacle to the redevelopment of blighted properties; and

WHEREAS, the property at 267 South Main Street in the City of Canandaigua, commonly known as Tom's Mobil, is a blighted property requiring environmental remediation if it is to be redeveloped; and

WHEREAS, the City of Canandaigua is eligible to apply for New York Main Street funding; and

WHEREAS, the City of Canandaigua wishes to use Downtown Stabilization funds to remediate the property at 267 South Main Street; and

WHEREAS, there is a 25% local match requirement associated with use of Downtown Stabilization funds; and the City Manager recommends that this local match be funded through the CDBG fund or other appropriate funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to submit a 2016 New York Main Street Grant application of up to \$500,000 and that the local match be funded through the CDBG fund or other appropriate funds.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-056:

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember-at-Large Martin

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ENVIRONMENTAL PROTECTION FUND GRANT PROGRAM APPLICATION

WHEREAS, the New York State Office of Parks, Recreation & Historic Preservation administers the Environmental Protection Fund Grant Program for Parks, Preservation and Heritage (EPF); and

WHEREAS, the EPF provides grant funding for the acquisition, planning, development and improvement of parks, historic properties and heritage areas; and

WHEREAS, the City has been working with the Canandaigua Canine Campus for the last several years to develop a dog park within the City and is currently working towards acquiring property at 97 Buffalo Street for such purpose; and

WHEREAS, the City of Canandaigua is eligible to apply for EPF funding and wishes to use funds to develop a dog park at 97 Buffalo Street; and

WHEREAS, there is a 50% local match requirement associated with use of EPF funds which will be secured through in-kind contributions from the City, donated professional services and fund raising by the Canandaigua Canine Campus;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to submit a 2016 New York Main Street Grant application to the New York State Office of Parks, Recreation & Historic Preservation for funds from Environmental Protection Fund Grant Program for Parks, Preservation and Heritage to develop a dog park within the City.

Vote Result: Carried unanimously by voice vote. (9-0)

Resolution #2016-057:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 3 White

A RESOLUTION AUTHORIZING THE SALE OF PARKING PERMITS TO ALLOW VEHICLES TO PARK ON THE CITY PIER FROM 9PM to 11PM in 2016

WHEREAS, the City has been asked by a group of residents to allow parking on the City Pier between the hours of 9pm and 11pm, when vehicles are otherwise prohibited to park; and

WHEREAS, the Ordinance Committee of the City Council, at its meeting of June 17, 2014, reviewed proposed parking regulations applicable to this request and agreed to allow such parking for 2014 on a trial basis; and

WHEREAS, the Finance Committee of the City Council, at its meeting of June 28, 2016, agreed to continue to allow such parking for 2016; and

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that effective immediately the City Clerk/Treasurer's Office shall be authorized to sell City Pier Parking Permits for the fee as set by Fee Resolution of the City Council; and

BE IT FURTHER RESOLVED that such permit shall only authorize additional parking between the hours of 9pm and 11pm and grant no other parking rights to the permit holder;

BE IT FURTHER RESOLVED that the City Clerk/Treasurer shall provide a complete list of all applicable regulations to each permit holder.

Vote Result: Carried unanimously by voice vote. (9-0)

Ordinances:

Ordinance #2016-005: *(Introduced and tabled at the June 2, 2016 City Council Meeting)*

**AN ORDINANCE AMENDING CHAPTER 519 OF THE MUNICIPAL CODE ENTITLED
“PARKS AND RECREATION AREAS” TO PROHIBIT USE OF TOBACCO IN ALL CITY
PARKS**

Lift from the table:

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

Vote Result: Carried unanimously by voice vote. (9-0)

Vote on Ordinance:

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

Discussion: Councilmember Ward 4 Wade does not support this ordinance because this type of law prohibits people from coming here and they cannot be enforced. Councilmember-at-Large Whitcomb also does not support this ordinance and said a compromise was done last year banning smoking near playgrounds. There are competing interests because smokers have a right to smoke. Councilmember Ward 2 Twitchell supports this ordinance because we have a responsibility for stewardship to keep our parks clean and eliminate trash. We have many laws already that tell people what is not allowed.

The motion CARRIED on the following vote:

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

NOES: None. Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Whitcomb

Local Laws: None

Manager's Report: City Manager Ted Andrzejewski reported the following:

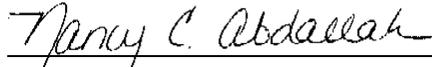
- Continuing with Police Chief interviews.
- Presented three proposals to the County for the Sales Tax Agreement.
- Congratulations to the City of Geneva for winning the \$10 million Downtown Revitalization Grant.
- Will be closing on his house Friday.

Miscellaneous:

Adjournment

Councilmember Ward 4 Wade moved to adjourn the regular session at 8:13 PM. Councilmember-at-Large Martin seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0).



Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
PLANNING/DEVELOPMENT
Tuesday, June 7, 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, Karen White, Dave Whitcomb, Matt Martin

Staff: Ted Andrzejewski, John Goodwin

Meeting called to order at 7:00 PM

1. Grant Application – Tom's Mobil

The property at 267 South Main Street, commonly known as Tom's Mobil, is a blighted property requiring environmental remediation if it is to be redeveloped. The property taxes for this property have not been paid since 2011; however, due to the significant costs of remediation, the City has not foreclosed on the property. As you may recall, last year the City Council authorized the City Manager to submit a New York Main Street Grant application to the New York State Office of Community Renewal (NYSOCR) through the New York State Consolidated Funding Application. The grant would provide funding to remediate the unsightly former gas station at 267 Main Street and convert it into a shovel ready site. The total project budget was \$350,000 which included \$88,000 in local match (City funding) and \$262,000 requested from the New York Main Street program. Unfortunately, the grant application was unsuccessful last year and City staff is recommending that City Council authorize the submission of a grant application this year. **Assistant City Manager John Goodwin spoke to the submittal of the grant application. Motion to authorize the grant submittal: Robert O'Brien, 2nd Anita. 4-0 vote**

2. 2016/2017 Strategic Plan

At the April 5, 2016 and the May 3, 2016 Planning/Development Committee meeting, the committee reviewed and discussed the Strategic Plan. Councilmembers were asked to review the plan and bring suggestions to the next Planning/Development Committee agenda to remove or add items and/or change priorities with the goal of completing the plan at its June 7, 2016 meeting. **Cindy Wade led a discussion regarding the goals of the strategic plan. Several new items were added and a general discussion on priorities took place.**

Meeting Adjourned @ 8:50 PM

APPENDIX B
ENVIRONMENTAL/PARKS COMMITTEE
Tuesday, June 14, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: Nick Cutri, Chair; Anita Twitchell, David Whitcomb Absent: Matt Martin (Arrived 8:00)

Other Council Members: Ellen Polimeni; Jim Terwilliger; Robert O'Brien

Staff: Ted Andrzejewski; John Goodwin; Michele Smith; Jim Sprague

Meeting called to order at 7:00 PM

1. Dog Park Grant

New York State provides grant funding for the acquisition, planning, development and improvement of parks, historic properties and heritage areas. The total cost estimate for the proposed dog park is approximately \$204,445 which includes construction as outlined in the business plan, acquisition of the property and design and engineering costs (to be donated). The grant would fund up to 50% of the total project. The proposed local match includes \$41,800 of in-kind labor (city staff), \$10,000 in volunteer/donated professional services (design and environmental engineering), \$33,000 in pledged donations to the Canandaigua Canine Campus (CCC) and \$45,000 of additional fund raising by the CCC for the pet memorial wall which totals \$129,800 or 63.5%. City staff is recommending that City Council authorize the submission of a grant application.

Motion to recommend authorization of grant application made by Anita Twitchell, 2nd by David Whitcomb. Vote 3-0

RESOLUTION for City Council.

2. Special Event – Canandaigua Fire Department 200th Anniversary Muster

Retired Fire Chief Robert Case spoke to this special event request. This year, the Fire Department is celebrating its 200th Anniversary and as part of this celebration, the Department would like to bring antique fire apparatus to the City on August 20th. The proposed event will take place from 10 AM to 3 PM along the lakeshore in Lakefront and Kershaw Park. Some of the fire trucks will draft/pump water from the lake as part of the display. The event also includes a flea market limited to firematic and antique fire apparatus and equipment items. It should be noted that the application included a request for a chicken barbeque; however, §503-8 of City Code prohibits the outdoor cooking of chicken other than the C-3 or M zone districts. Sale of chicken prepared off-site in an approved kitchen may be possible.

Motion to recommend approval of special event made by David Whitcomb, 2nd by Anita Twitchell. Vote 3-0

RESOLUTION for City Council

3. Special Event – Summer Hoops Fest in the Park

David VanGorder Jr., of the Finger Lakes Grape League, is proposing to hold a 5-on-5 basketball tournament at Baker Park on August 13-14, 2016 from 9 AM to 9 PM. The event will require the reservation of the courts, which Mr. VanGorder has done.

Motion to recommend approval of special event made by David Whitcomb, 2nd by Anita Twitchell. Vote 3-0

RESOLUTION for City Council

APPENDIX B (Continued)
ENVIRONMENTAL/PARKS COMMITTEE

4. Solar Project Expansion – Bob Raeman from Hunt Engineers present

The City leased the old transfer station site to New Energy Equity for the installation of a solar array and concurrently entered into a Power Purchase Agreement to purchase the power generated from the solar array. At the time, the size of the solar array system was limited due to restrictions RG&E placed upon the project based on the infrastructure in the vicinity. RG&E has subsequently removed the restrictions, allowing for a larger system. The City property cannot host a larger system due to wetlands, forested areas and City operations. As such, New Energy Equity contacted a neighboring property to locate a second solar array. In order for the second array to qualify for additional NYSERDA grants and allow the City to credit the energy it produces towards its electric costs, the City must have an interest in the property. New Energy Equity has negotiated a lease agreement with the neighboring property owner, West Corners LLC (attached). Under this proposal, the City would lease the property and simultaneously sub-lease (attached) the property to New Energy Equity which would be responsible for all costs associated with the lease.

Motion to recommend approval of lease and sub-lease made by David Whitcomb, 2nd by Anita Twitchell. Vote 4-0

RESOLUTION for City Council

5. City Dock Policy

At the February 9, 2016 Environmental/Parks Committee meeting, the Committee requested that a policy for the dock located off Lakefront Park be drafted as a result of the special event request from Marine Blue Inc. that involved the reservation of slips. A draft dock policy was developed to formalize existing practice and policy. The Committee reviewed the policy at its March 8, 2016 meeting and requested that staff contact other municipalities specifically mentioning Geneva, Hammondsport, Skaneateles and Penn Yan in regard to their public dock policies with special regard to fees and the reservation of slips. In addition to the municipalities listed, staff spoke with representative of Urbana, New Rochelle, Mamaroneck, and Tonawanda. For those municipalities that had special events that involved their dock, no fee was charged as the event was municipally sponsored. None of the municipalities had fees that exceeded the fee approved by City Council of \$10.61 per day per slip.

Motion to recommend approval of proposed policy with fee of \$11 by David Whitcomb, 2nd by Anita Twitchell. Vote 4-0

(2) RESOLUTIONS (1 for policy and 1 for fee) for City Council

Adjourn at 8:15

APPENDIX C
ORDINANCE/CHARTER COMMITTEE
Thursday, June 21, 2016
7:00 p.m.
Hurley Building Conference Room

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

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

Staff: John Goodwin; Michele Smith; Jim Sprague

Meeting called to order at 7:00 PM

1. Fireworks Zoning Code Amendment

- a. In response to a request from Keystone Novelties, LLC, the Ordinance/Charter Review Committee discussed possible zoning changes to permit the sale of fireworks within the City at its May 16, 2016 meeting. At the meeting, the Committee requested that two draft ordinances be presented to the Committee (1) to amend C-3 Zone District to permit as a primary use the sale of fireworks; and (2) to amend all other commercial zone districts in the City to permit the sale of fireworks via special use permit. **Option 2 is not an option as State Executive Law prohibits the requiring of any permits by a local municipality. Discussion regarding temporary nature and the aesthetic issues. Motion to approve zoning change to allow the sale in the C-3 zone made by Matt Martin, 2nd by Karen White. Vote 3-0**
ORDINANCE for July meeting (need referral to City and County Planning Boards and Public Hearing Resolution)
- b. Subsequent to last month's discussion, another request was submitted by TNT Fireworks (attached). Although the TNT Fireworks has been advised that the City is currently drafting zoning language relative to the sale of fireworks, the matter needs to be discussed separately as TNT Fireworks is requesting that it be permitted to sell fireworks in Parkway Plaza. Parkway Plaza is zoned as a PUD, which has only been approved through sketch plan. As such, City Council can determine if the use is allowed. **Concerned that no details were submitted with the application such as size of tent, number of parking spaces being displaced, number and size of signs. No motion in support with so many unanswered questions.**

2. Twisted Rail Request for Expansion of Use – Muar House

Twisted Rail is planning to hold special events from time to time at the Muar House that may involve a tent to the rear of the property (between Lakeshore Drive and the Muar House). The New York State Liquor Authority permits up to four special events per year, but requires landlord approval. Because the tent is an expansion of the alternations previously approved by City Council, the tent also requires authorization from City Council. If the Ordinance Committee is agreeable to the tent area, it can be authorized at the special City Council meeting following the Committee meeting.

Questions regarding size of tent, location, barriers, number of pre-sale tickets. Need to have dialogue with tenant. The matter can be placed on either Finance or Planning Agenda to continue to move it forward. No action at this time.

APPENDIX C (CONTINUED)
ORDINANCE/CHARTER COMMITTEE

3. Rental Registration Housing Law

Councilmember White has received inquiries from residents in Ward 3 and as a result has requested that the Committee renew a discussion that took place in 2013 regarding a proposed rental registration housing law. The purpose of the ordinance was to identify a responsible party to address code violations, nuisance calls and emergencies associated with residential rental properties. This is a frequent challenge for City staff because contact information for the owner or his/her agent is not routinely gathered and updated. Issues that could normally be resolved with a short phone call, can sometimes take days or weeks to resolve. City staff recommends that City Council adopt this ordinance which will provide another resource that can assist Code Enforcement in working with property owners to maintain properties within the City.

Several residents spoke out for this registry and described issues with absentee landlords. Also expressed concern that only 2 Code Enforcement Officers is insufficient. Committee would like to hear from Landlord Association on how to make this work. A couple landlords spoke in opposition to registry.

Also want feedback from Code Enforcement as to number of minimum housing inspections and general violation issues. Continue discussion next month.

4. Nuisance Abatement Ordinance

Councilmember White has received code enforcement inquiries from residents and as a result has requested that the Committee renew a discussion that took place in 2013 regarding a proposed nuisance abatement ordinance. Attached to your agenda is a draft ordinance and a questionnaire from 2013. The purpose of the ordinance was to provide a potential remedy for chronic nuisance properties that negatively impact quality of life, safety and health of the neighborhoods where they are located. Chronic nuisance properties are a burden to the city by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property. The ordinance proposal was to provide a process to ameliorate nuisance conditions and hold accountable those persons responsible for such property.

General Discussion regarding the pros and cons of legislation along these lines. Would like feedback from impacted Departments as to their concerns over properties with multiple offenses and suggestions as to how this could be implemented and what needs to be addressed. Continue discussion next month.

Adjourn at 8:48 PM

APPENDIX D
FINANCE/BUDGET COMMITTEE
Thursday, June 28, 2016
7:00 p.m.
Hurley Building Conference Room

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

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

Staff: Ted Andrzejewski; Nancy Abdallah; Jim Sprague; Michele Smith

Meeting called to order at 7:00 PM

1. Twisted Rail Request for Expansion of Use – Muar House

Twisted Rail is planning to hold special events from time to time at the Muar House that may involve a tent to the rear of the property (between Lakeshore Drive and the Muar House). The New York State Liquor Authority permits up to four special events per year, but requires landlord approval. Because the tent is an expansion of the alternations previously approved by City Council, the tent also requires authorization from City Council. The request was discussed at the June 21, 2016 Ordinance/Charter Review Committee and latter tabled at the subsequent Special City Council Meeting. The Committee and Council requested additional information from Twisted Rail and that they attend a committee meeting to answer questions.

Dates: Aug. 14, Oct. 9 and 2 other dates to be determined later; location of tent – approximately 30 feet from outlet behind the building; barriers – will be around all sides of the tent; porta potties will be provided for customers.

Motion to approve made by Karen White, 2nd by Cindy Wade. Vote 3-0

RESOLUTION for Council

2. Professional Services Contract – Street Lighting Needs Assessment

In 2015 City staff recommended and City Council approved saving \$250,000 appropriation and budget for a comprehensive lighting assessment for streets, parking areas and pedestrian walkways and paths Downtown in the 2016 budget to determine how to improve the lighting, aesthetics and perceived unsafe areas in a cost effective and efficient manner. The 2016 Capital Budget includes an appropriation of \$25,000. Bids were solicited and opened on May 20th with the lowest bid received by Erdman Anthony, an engineering services firm, in the amount of \$23,100. City staff recommends that Council award the bid to Erdman Anthony.

General discussion but no action. Committee Interested in obtaining more information on financials and city-wide system needs. Suggest that if BID has study or report they would like to make the Committee aware of it should be sent to the City for consideration.

3. Sales Tax Agreement – Ontario County

Last year the City and Ontario County agreed to review the sales tax distribution and methodology. The County proffered a successor agreement which was discussed at the Finance/Budget Committee's May 24, 2016. The Committee asked the staff to prepare a comparison of the current sale tax formula and the proposed changes (cap on the City set-aside). Staff has completed this comparison (see attached spreadsheets) and will present their findings at the meeting.

APPENDIX D (CONTINUED)
FINANCE/BUDGET COMMITTEE

Jim Terwilliger gave history of how original agreement was developed. Nancy Abdallah explained the formula and how the City has been impacted by the Agreement. Ted reviewed three options moving forward: 1) instead of formula just establish a set percentage for every municipality; 2) keep the proposed cap but it must be equalized so that City gets more of the cap to keep its percentage even; 3) increase the set-aside to Canandaigua and cap Geneva at \$250,000. Based on keeping everything even for everyone based on historical distribution and assume 1% sales tax increase. This information has been provided to the County for their review and analysis.

4. Revaluation – Memorandum of Understanding – NYSORPTS

The City has performed a revaluation of real property on a three-year cycle. The last revaluation was completed for the 2014 assessment roll. The next revaluation is scheduled to be completed for the 2017 assessment roll. Pursuant to New York State Real Property Tax Law §1573, the City is eligible to receive up to \$5 per parcel in State Aid (Aid for Cyclical Reassessments) from the New York State Department of Taxation and Finance, Office of Real Property Tax Services (ORPTS) provided that the City agrees to follow an approved Cyclical Reassessment Plan via a Memorandum of Understanding (MOU). The City entered into such MOUs for at least the last two revaluation cycles. It should be noted that the plan submitted by the City changes the cycle from a three-year cycle to a four-year cycle.

Motion to approve made by Karen White, 2nd by Cindy Wade. Vote 3-0

RESOLUTION for next Council

5. Budget Items

During the March 22nd Finance/Budget Committee meeting, Council members present discussed a list of budget items submitted by Councilmembers to determine which items should be removed from the list or discussed further. None of the six items listed were removed from the list. Over the next several Committee meetings one or two items will be listed on the agenda for further discussion and deliberation.

- **Special Event Policy**

The Committee voted to change the Special Event Policy at its last meeting. Based on the discussion staff prepared the changes for the Committee's review. The Special Event Policy is attached with changes underlined.

Motion to approve resolution as proposed made by Karen White; 2nd by Cindy Wade. Request that current rates be notified of these changes.

RESOLUTION for Council

6. Pier Parking Permit

Agree to renew temporary permit process for 2016 (make permanent as well). Motion made by Cindy Wade, 2nd by Karen White. Vote 3-0

RESOLUTION for Council

Motion to enter executive session for employment history of particular person made by Karen White, 2nd by Cindy Wade. Vote 3-0

Motion to adjourn executive session and meeting at 9:25 made by Cindy Wade, 2nd by Karen White. Vote 3-0