

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, NOVEMBER 7, 2013 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 David Whitcomb
Councilmember Ward 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Maria Bucci
Councilmember-at-Large William Taylor
Councilmember-at-Large James Terwilliger
Councilmember-at-Large Meg McMullen Reston
Mayor Ellen Polimeni

Vacant Seat: Councilmember Ward 2

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

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

Public Hearing: Public Hearing on North Shore-Phase 1 Lakeshore Project Preliminary Site Plan

Mayor Polimeni opened the public hearing at 7:01 PM.

Presentation from the developers:

- Jerry Goldman, Woods Oviatt Gilman LLP, attorney and agent for Morgan-LeChase Development LLC gave an overview of the project.
- John Caruso Project Engineer, Passero Associates reviewed Phase 1 Site Plan. Phase 1 will have 137 apartment units and underground parking, surface parking and a commercial building.
- Dave Hanlon Project Architect, Hanlon Architects gave a presentation of the buildings and grounds.

Public Comments:

1. Barb Koelling, Canandaigua, NY – would like to see a scaled model of the buildings and landscaping.
2. Greg Barkstrom Director of Real Estate with Wendy's Restaurant - generally in favor of the project but the site plan presented makes it more difficult for customers to get to the restaurant and is not acceptable, but has been working with the developers to correct this problem.
3. Mike Yager, Property Owner in Canandaigua, NY –concerned about the storm water processing on site and the number of parking spaces in the plan for the number of units they have.
4. Bob Purple, Canandaigua, NY – Thanked Mayor, Council and staff for their work on this redevelopment project. Kershaw Park is the finest park in the Finger Lakes which already has limited parking and he hope that this development will enhance rather than inhibit access to the park. This project presents a prime opportunity to increase the parking areas on the North side of Lakeshore Drive. This plan provides for 279 parking spaces for 137 residential units and 30,000 sq. ft. of commercial space. This includes 39 spaces of existing parking which should not be used to support this development. The 30,000 sq. ft. commercial spaces' specific use is not indicated and there is concern that such a large space will be in competition with downtown. The site plan shows little green space, which although has been increased, total build out still looks crowded. Traffic lights should be part of phase one for traffic mediation. This will be a great asset to the citizens of Canandaigua if it is done right with in regards to Kershaw Park, preservation of Main Street, adequate access and parking needs.
5. Allison Grems – President of the Canandaigua Chamber of Commerce read statement in support of this development project.
6. Rocco Maio, Canandaigua, NY – Supports this project.
7. Michele Fernaays, Canandaigua, NY – Should have right hand lane turns on all roads due to traffic congestion, especially in the summer. Parking is not adequate for both residential and commercial. Residents living there would want a view of the lake and it appears that this plan does not take advantage of the view. There is a nice green area at Kershaw but then you see all of these large buildings, therefore the commercial space should be at one or one and a half story. There needs to be more things that relate to the lake so that it is more inviting. Sidewalks should be wide enough for little cafes etc.
8. Sean Buck – Most development would be better than a trailer park however, we lose the small town feel with five story buildings. There is gridlock down by the lake and maybe there should be a pedestrian bridge over Lakeshore Drive.
9. Gary Dixon, Canandaigua, NY – We know how many living spaces are there but do not have any information on how many people will live there. Are there any costs to the City for the new roads in the project?
10. Marty McMillian, Canandaigua, NY – Has there been any thought to the expansion of the project and plans by the City taking over private property, specifically the corner of Booth St. and Lakeshore Drive through eminent domain. What's the purpose of the access road off Booth St. and can the City assure the property owners that they will not lose their properties.

Mayor Polimeni closed the public hearing at 7:45 PM.

Approval of Minutes: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of October 3, 2013. Councilmember, Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of October 24, 2013. Councilmember, Ward 1 Whitcomb seconded the motion.

Vote Result: Carried unanimously by voice vote

Recognition of Guests:

Mike Yarger – The Canandaigua Minions are starting their holiday fund drive and will be sponsoring three families at Christmastime. Losing a great asset, Kathy Nevin at the BID, who will be leaving the position.

Committee Reports:

Environmental: Councilmember-at-Large Reston reported that the Environmental Committee met on October 8th, and discussed the following:

- Farmer's Market – Winter Market Proposal
- MS4 Application
- Comprehensive Plan – Environmental Impacts Review
- Northeast Park
- Dog Park
- Bike Path Improvements on Railroad Right-of-Way between Main and Pleasant Streets...

Ordinance: Councilmember, Ward 1 Whitcomb reported that the Ordinance Committee met on October 15th, and discussed the following:

- Rental Registration
- Niagara Street Parking Lot
- Main St. Crosswalks
- Parking Violations Bureau

Finance: Councilmember-at-Large Terwilliger reported that the Finance Committee met on October 29th, and discussed the following:

Minutes – Attachment 16A

Agenda:

- Civic Center Lease
- Pedestrian Crosswalk Beacon Bid
- Comprehensive Plan – Environmental Impact
- Main Street Sidewalk Snow Removal
- 2014 Budget Meeting Schedule
- Fire Department Budget Options

Planning: No Meeting

PUD – Met on October 24th and discussed the North Shore Project

Chamber of Commerce – Alison Grems, Director of the Chamber reported on events and activities for the Chamber.

Business Improvement District – Katherine Nevin, Manager of the Business Improvement District spoke about upcoming events. Visit www.downtowncanandaigua.com or call (585) 396-0300 for the latest updates and details. She will be leaving the BID so this will be her last report. She indicated that this was a wonderful journey but it was time to start a new chapter for herself and the BID. Mayor Polimeni thanked Katherine Nevin, BID Director for all the work she has done in the BID.

Resolutions:

Resolution #2013-075:

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

**A RESOLUTION AUTHORIZING A SPECIAL EVENT
*‘Canandaigua Winter Farmer’s Market’***

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

- ▶ ***‘Canandaigua Winter Farmer’s Market’***
 - Date: November 9, 2013 - May 24, 2014 (every other Saturday)
 - Location: Antis Street Parking Lot
 - Time: 10 a.m. – 11 a.m. (set up time 9 a.m., parking lot cleared by 12 p.m.)
 - Coordinator: Sandi Munson
 - Purpose: Extension of Summer Market
 - Expected Number of Visitors: 75-125

WHEREAS, this request was reviewed and approved at the October 8, 2013 Environmental Committee meeting;

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

BE IT FURTHER RESOLVED that the organizers 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 this event.

Vote Result: Carried unanimously by voice vote

Resolution #2013-076:

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

**A RESOLUTION ACCEPTING THE DONATION OF A
NATIVE AMERICAN HERITAGE STATUE TO THE
CITY OF CANANDAIGUA**

WHEREAS, the Seneca Nation began in a small settlement in the greater Canandaigua area approximately 1400 years ago, and progressed to become one of the most influential partners of the Six Nations of the Iroquois; and

WHEREAS, Canandaigua grew at this location and in 2013, the City of Canandaigua is celebrating its Centennial and wishes to acknowledge its heritage and pay homage to the Native Americans which existed in this area; and

WHEREAS, a group of area residents pursued an appropriate way to acknowledge our history and relationship with the Iroquois by working together for more than a decade to establish and fund this bronze statue of a Seneca family; and

WHEREAS, now that the project is complete, it is desirous that the statue be donated to the City of Canandaigua,

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council hereby accepts this donated statue with gratitude to all those who played a role in making this project a reality, with special thanks to sculptor, Wayne Williams and the Mariner family, for their most generous contributions and to all others listed on the plaque. What a wonderful addition to our Centennial celebration.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None.

Resolution #2013-077:

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

**A RESOLUTION AUTHORIZING THE PURCHASE OF FIVE
NEW AND UNUSED PEDESTRIAN ACTIVATED RECTANGULAR RAPID
FLASHING BEACON SYSTEMS**

WHEREAS, the City of Canandaigua opened bids for new and unused pedestrian activated rectangular rapid flashing beacon systems on October 4, 2013 with three bidders participating; and

WHEREAS, the lowest bidder, Traffic & Parking Control Company, Inc., noted no exceptions to the requested specifications and fully complied with the request for bids; and

WHEREAS, the funding for this purchase is included in the 2013 budget; and

WHEREAS, the City Manager and Director of Public Works recommend a contract award to Traffic & Parking Control Company, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Traffic & Parking Control Company, Inc, 5100 W. Brown Deer road, Brown Deer, WI, 53223 for the purchase of five (5) pedestrian activated rectangular rapid flashing beacon systems in an amount not to exceed \$24,750.

Discussion:

Councilmember, Ward 4 Wade read the crosswalk law and will not support this resolution. The law states that pedestrians are not allowed to step out in front of a car. Councilmember Wade would prefer to wait on the analysis from the Department of Transportation. Councilmember-at-Large Taylor stated that we can control the environment where they cross and it is our duty to provide the safest environment. Councilmember-at-Large Bucci stated that our crosswalks need to be safer.

The motion CARRIED on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni.

NOES: Councilmember Ward 4 Wade.

Resolution #2013-078:

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

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON
THE CITY OF CANANDAIGUA'S PROPOSED 2014 CITY BUDGET**

WHEREAS, Section 14.6 of the Canandaigua City Charter requires that a public hearing be held at least two weeks prior to adoption of the annual budget; and

WHEREAS, the City Manager has prepared and distributed the proposed 2014 annual budget to the members of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing pursuant to Chapter 14.6 of the Canandaigua City Charter shall be held in the City Council Chambers, City Hall, Two North Main Street, Canandaigua, New York at 7:00 p.m. on November 21, 2013; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given as required by Section 14.6 of the Canandaigua City Charter.

Vote Result: Carried unanimously by voice vote

Resolution #2013-079:

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

**RESOLUTION #2013-079
A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF
AMENDING THE 2002 CITY OF CANANDAIGUA COMPREHENSIVE PLAN**

WHEREAS, the City Council of the City of Canandaigua has prepared an amendment to the 2002 City of Canandaigua Comprehensive Plan in accordance with General City Law §28-a (aka “The Project”); and

WHEREAS, the City Council has reviewed the attached Environmental Assessment Form (EAF) for the proposed project, has identified the relevant areas of environmental concern, and has taken a hard look at these areas of concern; and

WHEREAS, upon review of the information recorded on the EAF and in consideration of the criteria for determining significance as set forth in NYCRR 617.7(c) (1), specifically the magnitude and importance of each impact, the City Council has reasonably determined that the proposed project will not result in a significant environmental impact.

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that a SEQR Negative Declaration shall be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None.

Resolution #2013-080:

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

A RESOLUTION EXTENDING THE LEASE AGREEMENT BETWEEN THE CITY OF CANADAIGUA AND THE GREATER CANADAIGUA CIVIC CENTER

WHEREAS, the City of Canandaigua is currently entered into an agreement with Greater Canandaigua Civic Center located at 250 N. Bloomfield Road, Canandaigua, New York ; and

WHEREAS, the current lease agreement expires on December 31, 2013; and

WHEREAS, it is mutually agreed upon by both parties to extend the current lease agreement for an additional five years, commencing on January 1, 2014 and terminating on December 31, 2018,

NOW, THEREFORE, BE IT RESOLVED that the Canandaigua City Council hereby authorizes the City Manager to enter into a lease agreement between the City of Canandaigua and the Greater Canandaigua Civic Center to extend this partnership for an additional five years.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None.

Resolution #2013-081:

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

A RESOLUTION AMENDING THE CONTRACT WITH COLDEN ENTERPRISES TO REPAIR AND REFURBISH ENGINE 211

WHEREAS, Engine 211 is being recommended for refurbishment in the 2014 budget which would extend the service life another 10 years; and

WHEREAS, Engine 211 sustained significant body damage in May while responding to an emergency call; and

WHEREAS, in **Resolution #2013-070**, the City of Canandaigua awarded a repair and refurbishment contract on October 3, 2013 with Colden Enterprises located at 750 Ontario St, Kenmore, NY 14217 in an amount not to exceed \$99,500; and

WHEREAS, upon further review of the proposed bid, the base bid price is \$99,590; and

WHEREAS, in addition to amending the resolution previously stated, it may be determined that minor electrical door hardware may have to be replaced outside the original scope of work; and

WHEREAS, City staff recommends that the repair of this work be conducted by Colden Enterprises while the truck is in for repair and being disassembled;

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council hereby authorizes the City Manager to amend **Resolution #2013-070** which awards a contract with Colden Enterprises in an amount not to exceed \$99,590 and also include the additional repair and refurbishment of potential electrical door hardware on Engine 211 in an amount not to exceed \$2,000 if deemed necessary; and

BE IT FURTHER RESOLVED, that the Capital Fund will be amended for an additional \$2,090 which will be transferred from the General Fund from the Fire Department operations budget to procure said expenses.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Reston and Mayor Polimeni.
NOES: None.

Ordinances:

Ordinance #2013-009: *(Introduced and tabled at the September 5th Council meeting)*
Councilmember-at-Large Terwilliger read the following Ordinance and placed it on the table.

**AN ORDINANCE CREATING
CHAPTER 560 OF THE MUNICIPAL CODE,
"RENTAL REGISTRATION HOUSING LAW"**

This ordinance remains on the table.

Ordinance #2013-010: *(Introduced and tabled at the October 3rd Council meeting)*

**AN ORDINANCE AMENDING CHAPTER 519 OF THE MUNICIPAL CODE
TO PROHIBIT SMOKING AND THE USE OF TOBACCO NEAR CITY
PLAYGROUNDS**

Lift from table: Councilmember Ward 3 White moved to lift Ordinance 2013-010 from the table. Councilmember Ward 1 Whitcomb seconded the motion.

Vote Result: Carried unanimously by voice vote

Adoption: Councilmember Ward 3 White moved for the adoption of Ordinance 2013-010. Councilmember-at-Large Taylor seconded the motion.

Discussion:

Many Councilmembers feel this is important to make our public outdoor spaces tobacco free. This will be added to the list of regulations already established for our parks. Other communities have already placed smoking bans in outside spaces because it is important and models good behavior for our children. Other Councilmembers do not support this legislation because we should not be enacting an ordinance that we cannot enforce. This should not be an ordinance with fines and penalties but a park rule. This could be done with appropriate signage.

The motion CARRIED on the following vote:

AYES: Councilmember Ward 1 Whitcomb, Councilmember Ward 3 White, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Reston and Mayor Polimeni.

NOES: Councilmember Ward 4 Wade and Councilmember-at-Large Terwilliger.

Local Law: None

Bills: Councilmember-at-Large Terwilliger reviewed the bills paid for October.

Manager's Report:

City Manager David R. Forrest reported the following:

- Mayor Polimeni received a petition from citizens at Wilcox lane on how to alleviate traffic issues for residents and businesses at Wilcox lane. We have written a letter to DOT to consider putting in a traffic light at that location.
- November is “leaf picking up month” so please rake your leaves on curb and not in the street.

Executive Session:

Councilmember-at-Large Reston moved to close the regular meeting to go into Executive Session at 9:01 PM to discuss the pending litigation. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote

Councilmember Ward 4 Wade moved to close the executive session and return to the regular meeting at 9:34 PM. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote.

Regular Session:

Councilmember Ward 4 Wade moved to adjourn the regular session at 9:34 PM. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote

Nancy C. Abdallah
City Clerk-Treasure