

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
TUESDAY, FEBRUARY 3, 2022
7:00 P.M.

<https://us06web.zoom.us/j/85999209422>

(Meeting held virtually)

Mayor Palumbo called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call:

Members Present:

Bob Palumbo, Mayor
Nick Cutri, Councilmember Ward I
Dan Unrath, Councilmember Ward II
Karen White, Councilmember Ward III
Erich Dittmar, Councilmember Ward IV
Sim Covington, Councilmember-at-Large
Thomas Lyon, Councilmember-at-Large
Renée Sutton, Councilmember-at-Large
Steve Uebbing, Councilmember-at-Large

Also Present:

John Goodwin, City Manager
Erin VanDamme, City Clerk
David Hou, Corporation Counsel

Public Hearing: Mayor Palumbo opened the Public Hearing at 7:02 pm regarding the Proposed Local Law Amending Chapter 714 of the Municipal Code to Add Provisions for a Local Energy Code (NYStretch Energy Code-2020). No residents came to speak. Mayor Palumbo closed the hearing at 7:03pm.

Review of Community 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.

Approval of Minutes:

January 3, 2022 Council Meeting

Moved: Councilmember Ward 1 Curti

Seconded: Councilmember-at-Large Sutton

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

January 18, 2022 Council Meeting

Moved: Councilmember Ward 1 Curti

Seconded: Councilmember-at-Large Sutton

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

Recognition of Guests: There were no guest present.

Michael Yarger, of Brighton, spoke as he owns buildings on Phoenix Street, concerned with snowplowing boxing in his tenants. City Manager Goodwin said that he will look into it.

Committee Reports:

Planning Committee March 1, 2022 (See Appendix A)

Finance Committee March 1, 2022 (See Appendix A)

Environmental Committee February 15, 2022 (See Appendix B)

Ordinance Committee February 15, 2022 (See Appendix B)

Resolutions:

Resolution #2022-003:

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 1 Cutri

Setting the Time and Place of a Public Hearing on a Proposed Ordinance Amending Chapter 850, Article IX Entitled “Sign Regulations”

WHEREAS, §850-8 of the Canandaigua City Code and §83 of General City Law o requires a public hearing on a proposed amendment or change to the zoning code.

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on proposed Ordinance #2021-001 amending Chapter 850, Article IX of the Municipal Code entitled “Sign Regulations” shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and/or virtually at <https://us06web.zoom.us/j/85999209422> during the City Council meeting beginning at 7:00 p.m. on Thursday, March 3, 2022; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as required by §850-8 of the Canandaigua City Code.

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

Resolution #2022-004:

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 2 Unrath

Resolution Authorizing the County-Wide Highway Projects and Maintenance Mutual Aid Intermunicipal Agreement

WHEREAS, Ontario County includes 26 municipalities (Cities of Canandaigua and Geneva; Towns of Gorham, Canandaigua, Hopewell, South Bristol, Naples, Bristol, Canadice, Richmond, West Bloomfield, East Bloomfield, Victor, Farmington, Manchester, Phelps, Seneca and Geneva; Villages of Rushville, Naples, Bloomfield, Victor, Manchester, Shortsville, Clifton Springs and Phelps); and

WHEREAS, each of these municipalities and Ontario County maintain certain capabilities (staff, vehicles and equipment) for the performance of highway projects and maintenance; and

WHEREAS, no individual municipality has all of the resources it would need to complete all possible types of highway projects or maintenance; and

WHEREAS, the highway and public works department personnel of the many Ontario County municipalities know of their neighboring communities' capabilities that complement their own department's capabilities; and

WHEREAS, these municipal employees and departments have a long-standing practice of assisting their neighbors to the extent that they are able with highway projects and maintenance activities; and

WHEREAS, this intermunicipal cooperation assist all of the municipalities with their efforts to control their costs; and

WHEREAS, an intermunicipal agreement was entered into in 2017 to provide a formal legal frame work under which the historic intermunicipal cooperation can be conducted, thus protecting all involved and said agreement included a provision to renew for an additional five (5) year term starting in 2022;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute the Extension Agreement for the Mutual Aid Agreement For Sharing Highway Equipment and Labor Services in substantially the same form as attached hereto.

Vote Result: Carried unanimously by Roll Call vote (9-0)

AYES:Councilmember Ward 1 Cutri, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo

NOES: None

Resolution #2022-005: Councilmember-at-Large Lyon introduced the resolution and placed it on the table
Seconded: Councilmember-at-Large Sutton.

RESOLUTION AUTHORIZING A PAYMENT IN LIEU OF TAXES AND TAX EXEMPTION FOR REDEVELOPMENT OF 10 CHAPIN STREET

WHEREAS, on the Labelon Building at 10 Chapin Street has been vacant and a blight on the community for nearly three decades; and

WHEREAS, Savarino Companies has proposed redeveloping this property into 48 housing units with 40 of these units being affordable units for low and moderate income and approximately 12,000 sq. ft. of commercial space on the ground floor; and

WHEREAS, Savarino Companies has requested a Payment in Lieu of Taxes (PILOT) Agreement for 30 years pursuant to New York State Private Housing Finance Law in order for this project to be feasible; and

WHEREAS, the Finance Committee of the City Council reviewed the request which was independently analyzed by MRB Group on behalf of the City for an expert opinion and recommended adoption of a PILOT Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby authorize the City Manager to enter into an agreement with the Housing Development Fund created, owned and operated by Savarino Companies for the redevelopment of the Labelon Building located at 10 Chapin Street for payment in lieu of taxes for the project;

BE IT FURTHER RESOLVED that the terms of the PILOT agreement shall be in accordance with New York State Private Housing Finance Law and subject to final review and approval by the City Manager and Corporation Counsel; and

BE IT FURTHER RESOLVED, that the City Manager shall notify Ontario County and the Canandaigua City School District prior to the execution of the PILOT Agreement

BE IT FURTHER RESOLVED, that the City Council takes these actions in conformance with Private Housing Finance Law of the State of New York.

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

Ordinances:

Ordinance #2022-001 Councilmember-at-Large Sutton introduced the ordinance and placed it on the table, Seconded: Councilmember Ward 3 White.

ORDINANCE AMENDED CHAPTER 850, ARTICLE IX ENTITLED “SIGN REGULATIONS”

WHEREAS, the City of Canandaigua is committed to protecting the general health, safety, and welfare of its residents and visitors; and

WHEREAS, the City has determined that the existing sign regulations should be amended for clarity and to better reflect ongoing changes in the law, specifically, the regulation of speech under the First Amendment;

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

:

Sec. 1 Chapter 850, Article IX entitled “Sign Regulations” is hereby amended as follows (*new language shown in italics, omitted language shown with strikethrough*):

**Chapter 850. Zoning
Article IX. Sign Regulations**

§ 850-56 *Legislative intent and purpose.*

- A. *The City Council finds that signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The intent of this article is to allow adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs in a manner consistent with the First Amendment guarantee of free speech.*
- B. *Therefore, the purpose of this article is to promote and protect the public health, welfare and safety and to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve scenic and natural beauty by establishing regulations to ensure that signs are compatible with the use of the property to which they are appurtenant, the landscape and architecture of surrounding buildings, are legible and appropriate to the activity to*

which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

§ 850-57 Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

~~**COMMERCIAL MESSAGE**~~—

~~Sign contents, including written copy and logos, which identify, advertise, or promote a business, product, service, or commodity; excluding such generic messages such as "welcome" when used without other copy or logo.~~

~~**NONCOMMERCIAL MESSAGE**~~—

~~Sign contents which serve a communication purpose other than a commercial message, including but not limited to political and religious statements and other Constitutionally protected speech, public safety messages, property (address) numbers, site plaques and historic markers.~~

SIGN

A structure or part thereof, designed to convey information visually, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is intended to be placed, when used or located out of doors, or outside, or on the exterior of any structure (or building, for display of an advertisement), announcement, notice, directional matter, name, wording, model, drawing, picture, insignia, device, or representation, including banners and flags for the purposes mentioned heretofore, but excluding the flag or insignia of any nation, state or of any governmental agency. This definition encompasses neon tubes, fluorescent tubes, or other artificial lights or strings of lights, outlining or hung on any part of a structure, building or lot for the purposes mentioned heretofore. Specific subcategories of signs include the following:

(1) ACCESSORY SIGN

Any on-premises sign erected for purposes other than primary signage, but directly related to the use of the premises, such as indicating an entry, exit, or private drive; or parking area limitations, or the entry to a particular department. (See Schedule, § 850-75.)

(2) AWNING SIGN

Any sign which is painted on or otherwise affixed to the surface of a fabric awning or canopy which is attached to a building.

(3) BANNER

A temporary sign made of cloth or plastic fabric which is attached at both end to poles, brackets, buildings or other structures, or trees.

(4) BILLBOARD or COMMERCIAL ADVERTISING SIGN

A sign erected and maintained by a person engaged in the sale or rental for profit of space thereon to a clientele of manufacturing, service or commercial enterprise, upon which space there is displayed, by means of painting, posting or other method, advertising copy describing products or services which are not necessarily made, produced, assembled, stored, or sold from the lot or premises upon which the advertisement is displayed.

~~**(5) BIZARRE OR CARICATURE SIGN**~~

~~Any sign on which representation, especially pictorial, of the distinctive features or peculiarities of the subject are deliberately exaggerated or distorted to produce a comic, misleading or grotesque effect.~~

~~(6) **CONTRACTOR SIGN**~~

~~Any sign setting forth the name, address, and telephone number of an architect, engineer or contractor, located on the site where construction or repair is being done by said architect, engineer, or contractor, during the period of such construction or repair.~~

(5) **DEVELOPMENT SIGN**

Any sign setting forth the name of a development, and the name, address, and telephone number of a developer, owner, rental agent, or property agent, located on a site which is under development, during the period of such development.

(6) **DIRECTIONAL SIGN**

An advertising sign or device intended to direct or point toward a place of business, or one that points out the way to either an unfamiliar or known place that obviously could not be located easily without such sign or device. (See Schedule, § 850-75.)

(7) **DIRECTORY STYLE SIGN**

A sign which contains, in addition to (or in the place of) the name of a plaza or office building, a listing of the names of individuals business or office occupants. (See Schedule, § 850-75.)

(8) **FLAG**

A piece of cloth or plastic fabric of distinctive design, which is attached at one end to a pole or other structure.

(9) **GROUND SIGN**

Any freestanding sign secured to the ground with a sign height of less than 10 feet.

(10) **ILLUMINATED SIGN**

Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights, neon, or luminous tubes from within the sign or without.

(11) **LOGO**

A symbol which exclusively identifies a company, business or organization and is used consistently in advertising and promotion for that purpose.

(12) **OFFICIAL SIGN**

Any sign, symbol or device erected and maintained by any governmental unit.

(13) **OFF-PREMISES SIGN**

Any sign which advertises or directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is located or to which it is affixed.

(14) **PAINTED WINDOW SIGN**

Any sign, whether permanent, primary, accessory or temporary, which is painted directly on the interior or exterior glass surface of a window.

(15) **PERMANENT SIGN**

Any sign affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or any window sign used as a primary or accessory sign, and any portable sign used on a regular basis at a single location for a commercial message purpose.

(16) PRIMARY SIGN

A sign erected for the purpose of identifying that a certain establishment is located on the premises on which the sign is erected.

(17) POLE SIGN

Any freestanding sign secured to the ground with a sign height greater than 10 feet.

~~**(20) POLITICAL SIGN**~~

~~Any sign communicating noncommercial message expressing an opinion regarding choice of political parties or candidates, or regarding a matter of government or governmental policy.~~

(18) PORTABLE SIGN

A movable sign (*ex. A-frame, etc.*) not *permanently* affixed to a building or structure or to the ground.

(19) PROJECTING SIGN

Any sign which is attached to a building or other structure and which extends beyond the line of said building or structure, or beyond the surface of that portion of the building or structure to which the sign is attached, not parallel to the face of the building. (See Schedule, § 850-75.)

(20) REAL ESTATE SIGN

A sign advertising the sale, rental, or lease of the premises upon which they are erected by the owner or broker, and signs bearing the word "sold," "rented" or "leased" with the name of the persons effecting the sale, rental, or lease.

(21) ROOF SIGN

Any sign erected, constructed, maintained wholly upon or over the roof of any building with the principal support on the roof or eave structure. (See Schedule, § 850-75.)

~~**(25) TEMPORARY COMMERCIAL MESSAGE SIGN**~~

~~Any sign, with or without structural frame, erected or displayed for the purpose of advertising or promoting a sale, event, promotion, or activity of limited duration sponsored by a for profit business or enterprise.~~

(22) TEMPORARY SIGN

Any sign, with or without structural frame, *constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials, and that appears to be intended* ~~or is determined by the code official to be displayed for a limited period of time or to promote a single activity or event of limited duration.~~ *intended for a limited period of display, to promote a single activity or event of limited duration.* A portable sign which is used in a single location on a regular basis for a commercial message purpose shall not be considered as a temporary sign.

(23) WALL SIGN

Any sign or poster on any surface or panel that may be affixed to the front, rear or side wall or any building or structure, with the exposed face of such sign in a plane approximately parallel to the plane of the wall and projecting not more than 12 inches beyond the building line or face of a wall. This definition includes individual letters, characters or devices attached in the manner described above. (See Schedule, § 850-75.)

(24) WINDOW SIGN

Any sign which is mounted inside of window, or etched into the glass, or affixed or adhered to or painted on a window.

SIGN AREA

The area of a sign shall be determined as the largest regular geometric figure that is required to enclose the sign, including any frame, but excluding supports, braces or guys. When the sign consists of individual mounted letters and figures, the projected geometric figure shall include only the letters and figures of the sign proper. For the purpose of applying sign area limitations, the area of a double-faced sign shall be determined on the basis on one side. For the purpose of determining the sign permit fee, the sign area shall include both sides of a double-faced sign.

SIGN HEIGHT

The height of a sign shall be determined as the distance from the adjacent grade level to the uppermost point of the sign structure.

§ 850-5857 General Regulations

No sign shall be erected or maintained on any building or structure, except in accordance with the provisions of this chapter.

~~A. No bizarre or caricature signs shall be permitted.~~

A. No billboard or commercial advertising sign shall be permitted.

B. No sign shall be painted directly upon the surface of a building wall or other structure, except that signs may be painted directly on the glass surface of windows, as provided for elsewhere in this chapter.

C. No sign shall be erected or maintained so as to block ventilation or to prevent ingress or egress from any door, window, or fire escape, or so as to prevent free access from one part of a roof to any other part. No sign shall be attached to a standpipe or fire escape.

D. Signs, other than traffic or other official signs, "bus stop" signs, or portable signs as otherwise provided for in this chapter, shall not be placed within the right-of-way lines of any street, and no sign shall be placed as to impede or interfere in any way with the operation of a traffic light, traffic directional signal or general traffic vision. Signs erected within the street right-of-way must conform to the NYS Manual of Uniform Traffic Control Devices.

§ 850-5958 Permit required

After the effective date of this chapter and except as otherwise herein provided, no person shall erect any permanent sign greater than two square feet in area without first obtaining a permit therefor from the Code Enforcement Officer. Application for the permit shall be made according to the following regulations:

A. The application shall be made in writing upon forms prescribed and provided by the Code Enforcement Officer, and shall contain the following information:

- (1) Name, address, and telephone number of applicant.
- (2) Location of building, structure, or land to which or upon which the sign is to be erected.
- (3) A detailed drawing or blueprint showing a description of the construction details of the sign of the sign and showing the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position in relation to nearby building or structures and to any private or public street or highway.
- (4) Written consent of the owner or occupant of the building, structure of land or his authorized representative to which or on which the sign is to be erected, in the event the applicant is not the owner thereof.
- (5) A copy of any required or necessary electrical permit issued for said sign or a copy of the application thereof.

B. It shall be the duty of the Code Enforcement Officer upon filing of an application for a permit to erect a sign, *to promptly process the application*, to examine such plans, specifications, and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure.

(1) *Within 30 days after receipt of the application, if* ~~it~~ it shall appear that the proposed sign is in compliance with all the requirements of this chapter and other laws and ordinances of the City of Canandaigua, he shall then issue a permit for the erection of the proposed sign. *Otherwise, he shall reject the application, or notify the applicant of deficiencies in the application. If the application is denied, he must identify the reasons for denial in writing.*

(2) If the sign authorized under any such permit has not been completed within six months from the date of the issuance of such permit, the permit shall become null and void, but may be renewed, within 30 days from the expiration thereof, for good cause shown upon payment of an additional fee as set from time to time by resolution of the City Council.

C. Before any permit is issued for the erection of a sign or advertising structure in accordance with the regulations of this chapter, a permit fee must be paid to the City of Canandaigua in accordance with a fee schedule adopted by resolution of the City Council.

D. The design of any sign, other than a temporary sign, ~~which is to be erected on a property located in the P-R, C-L, or R-L District or on a property identified as a historic building or as part of a historic district identified in Article XI, Historic Zoning, of this chapter~~ must be approved by the City Planning Commission before a permit may be issued.

E. Signs may be maintained without the issuance of a permit. Maintenance shall mean any repair or replacement that does not involve a change in design, material or the outward appearance of the sign or sign structure.

F. Article IX of this chapter is not applicable to any sign specifically authorized by the City Council by special event permit, except that all enforcement provisions shall remain in effect in the event that any such special event signs are not placed in accordance with the granted permit.

§ 850-6059 Sign restrictions.

- A. All permanent signs shall comply with the requirements of the attached sign schedule the particulars of sign type, sign area, number of signs permitted, setbacks and height. (See Schedule, § 850-75.)
- B. Except for directory-style and changeable copy signs, no primary sign shall contain in excess of four lines of copy.

C. No primary wall or ground sign shall contain letters or characters smaller than 4 1/2 inches in height.

§ 850-6160 Illumination.

Illumination of signs shall be permitted in commercial, manufacturing, health-related or any MU (Mixed-Use) Zone Districts, but may not be used in residential districts except as provided for in this section.

- A. Illumination signs may be used in conjunction with any hospital, municipal building or other public facility, or place of worship in any zone district, or for a permitted nonresidential use in the R-O Residential Office District. Within residential districts, such signs may be illuminated by indirect external means only.
- B. Except in commercial and manufacturing districts, signs may be illuminated only during the hours when the establishment is actually open for business and/or open to the public.
- C. All illuminated signs or lighting devices shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by, or contain, flashing intermittent lights.
- D. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit beams and illumination therefrom to be directed or beamed upon a public street, highway, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- E. No electric sign shall be erected unless it is constructed in accordance with the standards applicable for electric signs of Underwriters Laboratories, Inc., and bears the label of the Underwriters Laboratories, Inc.

§ 850-6261 Signage for major commercial developments and multiple tenancies.

For any new major commercial development or any new commercial or office building including space for five or more individual business tenancies, an overall signage design plan shall be required which will include standards for signage within the property and shall reflect a reasonable uniformity in design, lettering and materials. Such plan shall be approved by the City Planning Commission prior to the issuance of any sign permit for the property.

§ 850-6362 Window signs.

- A. No permit shall be required for window signs, except for window signs displayed for more than 30 days located within the Business Improvement District, where such signs shall require a sign permit.
- B. No painted window sign shall serve as a billboard or commercial advertising sign; such signs shall pertain solely to services or merchandise offered for sale on the premises on which such signs are displayed.

~~§ 850-63~~ **Real estate signs.**

~~On any parcel of real estate which is for sale, lease, or rental in any zone district, one sign per street frontage of said parcel may be erected without a permit, provided, however, that such sign shall not exceed six square feet in area per side nor five feet in height above adjacent grade level, and shall not be illuminated. In addition, portable signs advertising an open house at such property may be displayed as provided for below.~~

§ 850-64 Portable signs.

~~Portable, freestanding A-frame signs may be displayed either as temporary signs pursuant to § 850-65 or as permanent signage in any commercial district, displayed only during hours of operation and subject to the restrictions of the Sign Schedule.~~

~~§ 850-65~~ **Temporary signs**

~~No temporary sign shall be placed on the front or face of a building or on any premises, except as provided by this section.~~

- ~~A. No temporary sign shall be attached to any fence, tree, bridge, traffic sign, utility pole, bench, trash receptacle, rock or other part of a natural landscape, and no temporary sign shall in any way obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the general public.~~

~~B. One temporary sign advertising a campaign, drive, activity or event sponsored by a nonprofit educational, civic, cultural, charitable or religious organization noncommercial purposes may be erected without a permit on the premises where such event will take place during the period of such event, for a consecutive period not to exceed 60 days in any calendar year. Such signs shall not exceed 32 square feet in area, and shall be removed within three days following the close of such event.~~

~~C. Portable signs used as temporary signs to advertise a real estate open house or an event may be displayed without a permit during the period of such event and 24 hours prior to the same, for a consecutive period not to exceed five days. Such signs shall not exceed six square feet in area per side, nor three feet in height above grade and shall be removed within one hour of the close of such event. Such signs may be placed within the street right-of-way lines, but not on the street pavement nor on a sidewalk so as to impede pedestrian traffic. One such sign per street frontage may be placed on the premises where the event is taking place, and one sign may be placed at each intersection at which vehicles would have to turn to reach the site from Main Street. No more than three such signs may be displayed at any one street corner at any given time.~~

§ 850-6566 Political and other noncommercial message signs. Temporary signs.

- A. Political and other noncommercial message *Temporary signs* may be erected without a permit, provided that ~~no~~ such signs: shall be placed, erected, or maintained:
- (1) *Shall not be displayed for a period exceeding 60 days in any calendar year.*
 - (2) *Shall not be displayed on or attached to ~~on or in~~ any trash receptacle, part of the natural landscape, public building, structure, or property, nor on any utility pole, nor within the right-of-way of any public street;*
 - (3) *Shall not ~~So as to~~ impair or pose a visibility hazard to pedestrians or motor vehicle traffic along streets, sidewalks, or at corners;*
 - (4) *Shall not be displayed on private property without the consent of the owner or occupant of the premises.*
 - (5) *Shall not exceed six square feet in area nor five feet in height above the adjacent grade.*
 - (6) *Shall not be illuminated.*
- B. *One temporary sign advertising a campaign, drive, activity or event sponsored by a nonprofit educational, civic, cultural, charitable or religious organization noncommercial purposes may be erected without a permit on the premises where such event will take place during the period of such event, for a consecutive period not to exceed 60 days in any calendar year. Such signs shall not exceed 32 square feet in area, and shall be removed within three days following the close of such event.*
- ~~Political and other noncommercial message signs placed on residential properties shall not be illuminated and shall not exceed six square feet in area nor five feet in height above the adjacent grade level.~~
- C. *Real estate signs.*
- (1) *One real estate sign per street frontage of said parcel may be erected without a permit, provided, however, that such sign shall not exceed six square feet in area per side nor five feet in height above adjacent grade level, and shall not be illuminated.*

- (2) *Directional signs may be displayed during the period of an open house and twenty-four hours prior to the same, for a consecutive period not to exceed five days. Such signs shall not exceed six square feet in area per side, nor three feet in height above grade and shall be removed within one hour of the close of such event. Such signs may be placed within the street right-of-way lines, but not on the street pavement nor on a sidewalk so as to impede pedestrian traffic. One such sign per street frontage may be placed on the premises where the event is taking place, and one sign may be placed at each intersection at which vehicles would have to turn to reach the site from Main Street. No more than three such signs may be displayed at any one street corner at any given time.*

§ 850-6667 Contractor signs and Development signs.

- ~~A. In any zone district, one contractor sign may be displayed without a permit on any premises where construction or repair work is being done, during the period of such construction or repair, but shall not be displayed for longer than 30 days. Contractor signs shall not exceed six square feet in area or three feet in height.~~
- B. In any zone district, one development sign may be displayed without a permit on the premises of an active construction, as defined by the presence of a valid building permit. Development signs shall not exceed 32 square feet in area or 10 feet in height.

§ 850-68 Garage, yard and porch sales.

~~Temporary signs advertising garage, yard, and porch sales as provided for by Chapter 411, Garage Sales, of the Code of the City of Canandaigua may be displayed without a permit on the premises where such sale is taking place during the period of such sale.~~

§ 850-6769 Flags and banners.

- A. *Flags, pennants, insignias of any nation or association of nations or of any state, city or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious or like campaign, drive, movement or event, and decorative flags not conveying a commercial message, and the flags or insignia of any nations may be displayed in commercial and residential districts without a permit.*
- B. Flags conveying commercial messages shall be considered as permanent signs, and shall be allowed by permit in commercial districts, subject to the restrictions set forth in the Sign Schedule.
- ~~C. Banners not conveying commercial messages may be displayed on public or private property as temporary signs in order to promote events of general civic interest, or as decorative or artistic devices. Banners stretched across streets are governed by the provisions of § 600-16, Signs and banners, of Chapter 600, Streets and Sidewalks, of the Code of the City of Canandaigua.~~
- C. Banners conveying commercial messages on commercial properties are prohibited, except that the use of such temporary signage ~~is~~ may be permitted in commercial districts for a ~~on~~ "Grand Opening" promotional event during the occupancy of any premises by a given tenant, for a period of time not to exceed two weeks.

Sec. 2. The existing Sections 850-70 through 850-75 of this Article IX shall be re-numbered accordingly but are not otherwise amended.

Sec. 3. This ordinance shall be effective thirty (30) days following its enactment.

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

Local Laws:

Local Law #2022-001: Councilmember-at-Large Lyon motioned to lift the law from the table. Seconded by Councilmember Ward 1 Cutri. *(Previously introduced and read at the January 3, 2022 meeting.)*

Amending Chapter 714 of the Municipal Code to Add Provisions for a Local Energy Code (NYStretch Energy Code-2020)

Roll Call Vote: The motion CARRIED on the following vote: (8-1)

AYES: Councilmember Ward 1 Cutri, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember at-Large Lyon, Councilmember-at-Large Sutton and Councilmember-at-Large Uebbing

NOES: Mayor Palumbo

Manager's Report: City Manager Goodwin reported on the City Boil Water Advisory that was lifted earlier in the week. He mentioned that the reverse/911 call directory that was used for outreach to the affected areas didn't reach as many as thought, as most residents have cell phones for landlines. He encourages all City residents to register with the service to received immediate news in the event of an emergency. He noted that this was the largest watermain break in the City's history. He reminds City property owners that they have a responsibility to shovel and maintain their driveways and sidewalks during the winter.

Appointments: There were no appointments made.

Miscellaneous: The Mayor attended the Elementary School's MLK Day poster celebration, he awarded nine certificates to students from the 3rd, 4th and 5th grades. Students also received a monetary gift. The Mayor reported setting up quarterly meetings with Ontario County Board of Supervisor's City of Canandaigua Representatives. Rich Russell and David Baker. He has also invited them to join Council meetings when applicable to give an update on County operations that affect City residents.

Adjournment: Councilmember-at-Large Uebbing motioned to move into an Attorney/Client meeting with City Attorney, David Hou to discuss property matters. Seconded by Covington. Unanimously passed and carried. Meeting adjourned at 7:46 pm.

APPENDIX A
MINUTES
PLANNING COMMITTEE & FINANCE COMMITTEE
TUESDAY, MARCH 1, 2022, 7:00 PM
VIRTUAL VIA ZOOM:
[HTTPS://US06WEB.ZOOM.US/J/89079597597](https://us06web.zoom.us/j/89079597597)

Planning Committee: Thomas Lyon, Chair
Nick Cutri
Steve Uebbing
Dan Unrath

Others Present: Mayor Palumbo
Karen White
Renee Sutton

Guests: James McGinn
Chris Pulito
Denise Chaaple

Chair Lyon opened the meeting and welcomed guests, City Staff and Councilmembers to discuss the first agenda item, **Special Event, Finger Lakes Winter Carnival**. City Manager Goodwin gave a brief overview. The Lake House will be holding an inaugural Finger Lakes Winter Carnival with events taking place at various locations within the City. The event is being coordinated with Bristol Mountain which is hosting the Northeast Freestyle Skiing Junior Championships and the BID hosting a welcome ceremony at The Commons for the team, Downtown carnival games, food truck rodeo and fireworks on the City Pier. Jim McGinn and Chris Pulito from the Lake House were present to speak, along with Denise Chaaple from the Bid. Jim McGinn gave an overview of the Winter Carnival scheduled for March 18, 19 and 20th. The group has requested a permit for the City Pier to be shut down for fireworks and a food truck redo for the Friday events. The group is also planning a fun run around Kershaw Park for Saturday. All tickets sales, including the fun run, revenue would go to the United Way of Ontario County, added Chris Pulito. Denise Chaaple reviewed the downtown events for the weekend. There will be family games at the Commons, as well as a winter cornhole tournament in partnership with Bubbies Tavern. They are asking for Coach Street to be closed for a period of time Friday for the opening ceremony at Commons Stage for the parade, welcoming the skiers from Bristol Mountain. The parade will be from downtown to the waterfront, asking for CPD assistance on the crosswalks involved. Central on Main will also be closed for that weekend to accommodate the event. Councilmember Sutton inquired on the sponsorship opportunities for the event. There is \$32,000 in sponsorship opportunities that have not been fulfilled yet. The group is looking to partner with FLACE at Canandaigua National Bank with the hopes of turning this event into an annual event. The group is also planning other “winter” events throughout the year to continue the theme. They have hired a PR firm as well and have a web site, anticipated attendance is about a 1,000 people per day. The Mayor inquired on the tickets sales. Free events will be happening but \$10 tickets are for the events in the Barn at the Lake House. Tickets holders will receive a canvas logo bag, tasting cup and a tasting plate for each day they purchase. Councilmember Uebbing motioned to move the event before the finance committee, seconded by Councilmember Cutri, unanimously passed and carried.

Chair Lyon reviewed that the City is continuing to discuss the custom, close-ended questions for the National Citizens Survey Review. No new details were added and these discussions will be continuing.

Councilmember Uebbing motioned to adjourn the meeting, seconded by Councilmember Cutri. Meeting adjourned at 7:24 pm. Unanimously passed and carried.

Finance Committee: Steve Uebbing, Chair

Nick Cutri
Thomas Lyon
Dan Unrath

Others Present: Mayor Palumbo
Karen White
Renee Sutton

City Staff: John Goodwin, City Manager
Nancy Abdallah, City Treasurer

Guests: Matt Horn, CLDC
Denise Chaaple, BID
Chris Polito, the Lake House

Chair Uebbing opened the meeting and welcomed those present. **He moved into reviewing the Whole-Sale Water Rate and Water Plant Expansion Study.** The 2022 Water Fund Budget included funding to study the need to expand the water treatment plant based on increased development and increased water usage in the surrounding towns. The study also included a wholesale water rate study as the wholesale water sales agreement with the Towns of Canandaigua, Farmington, Hopewell and Manchester and the Village of Manchester will be expiring this year. An RFP was prepared and sent to ten (10) firms with two responding. City Staff reviewed the two proposals and recommends awarding the study to Raftelis at a total cost of \$39,000. City Manager Goodwin said that the need was discussed during the budget discussions last year as a way to help negotiate agreements with the local area Towns, creating a proper formula as these areas expand due to development and the need for water increases. The study would also look at potential expansion of the water treatment plant as well as other potential needs. The budget set aside \$50K for the study and the lowest proposal was from Raftelis for \$39K. Councilmember Unrath felt that it was a very reasonable and a fair price for the study. Councilmember Cutri motioned to approve, Councilmember Unrath seconds, motioned approved and carried.

Chair Uebbing reviewed Awarding Sludge Polymer BID for Water Resource Recovery Facility

Sludge polymer is a critical component of the waste water treatment process. Recently, DPW bid to supply sludge polymer and one bidder responded. Polydyne, Inc, located at 1 Chemical Plant Road, Riceboro, GA at a rate of \$1.51 per pound. Councilmember Lyon motioned to approve the bid, seconded by Councilmember Cutri, unanimously passed and carried.

Chair Uebbing reviewed Canandaigua Local Development Corporation Request – Winter in Canandaigua Campaign as previously reviewed in the Planning meeting. Chair Uebbing reviewed that the CLDC

was approached to provide \$25,000 in funding towards an effort to promote Canandaigua as the Winter Capital of the Finger Lakes in an effort to build upon the summer tourism of Canandaigua. The CLDC has committed to fund \$10,000 towards the initiative and is requesting that the City and Town commit \$5,000 each and the Chamber of Commerce commit \$2,500. Matt Horn spoke and reviewed the request. He explained that the CLDC is focused on connectivity between the City and the Lakefront and creating economic events that drive traffic into downtown and vice versa. The CDLC Board committed \$10k as previously noted, as the original request was \$25K. Councilmember Lyon asked about the FLACE planning, Matt said they are seeking to become their own 501c3 and have their financials housed at CNB. Councilmember Sutton does not wish to spend tax payer money on the event. The Mayor asked if there was a budget for council to review. Chris P said that there is one in progress and that the request of \$5k was to help with a seed fund for the event. Councilmember White is not in favor or spending taxpayer money on the event. Councilmember Unrath asked for Bid's Board position. Denise said that the Board has not met yet but has been in discussion about the event but the seed fund has not been discussed at the Board level. Councilmember Uebbing commented that the City already pays for a big event at the 4th of July without any sponsorships. He called for a motion. No motion was presented and he thanked the presenters for coming.

Chair Uebbing discussed the Civil Service positions, the Engineering Aide and Senior Clerk. City Manager Goodwin reviewed that neither position cause any budget issues and the position help better align in order to widen the pool of

candidates. Councilmember Cutri motioned to approve the positions, seconded by Councilmember Unrath. Unanimously passed and carried.

Chair Uebbing called on City Treasurer Nancy Abdallah will review the unaudited 2021 financials. Nancy discussed the unaudited financials for 2021. Despite projecting and budgeting in an uncertain time, we ended up with a surplus of roughly \$1.5m with \$684K set aside to fund next year's insurance and retirement accounts. She then provided an overview of all the funds the City has. The 2021 Budget was reviewed by the New York State Comptroller's office and approved. The interactive spreadsheet will be e-mailed out to City Council. City Manager Goodwin addressed potential projects for the surplus funds: Antis/Bates Streets reconstruction, projected that was cut in 2014, repairs on Parks Buildings to repair and create year-round enclosed rental space and slight repair work on the Hurley Building.

Motion to adjourn by Councilmember Cutri, seconded by Councilmember Lyon unanimously passed and carried. Meeting adjourned at 8:31pm.

City Manager Goodwin noted that Exec Order on Meetings will expire in March, expects to be back in person for March 16th.

APPENDIX B

**MINUTES
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, FEBRUARY 15, 2022, 7:00 PM
MEETING TO BE HELD VIRTUALLY
[HTTPS://US06WEB.ZOOM.US/J/83871733845](https://us06web.zoom.us/j/83871733845)**

Environmental Committee: Karen White, Chair
Sim Covington, Jr.
Erich Dittmar
Renée Sutton

Also present: Dan Unrath
Thomas Lyon
Mayor Palumbo

City Staff: John Goodwin, City Manager
David Hou, City Attorney

Chair White opened the meeting at 7 pm and reviewed the FEMA Flood Hazard Study Update.

FEMA, with STARR 2, has recently finalized the draft Flood Insurance Rate Map (FIRM) database for Ontario County. The draft database provides the best available representation of flood hazard to date for communities in Ontario County. She asked City Manager, John Goodwin to review the rest of the details. He explained that while the maps are open for public comment, FEMA has not scheduled a public hearing to review the changes. Councilmembers had a wide-ranging discussion as it is still unclear how the added details in the maps will affect property owners. Current City Residents who are required to carry flood insurance receive 10% off their plans, a plan that was negotiated by the City for affected residents. It was encouraged for the City to meet with other affected municipalities. Discussion will be continuing as more details emerge

Chair White proved an update on the Boat Inspection and Washing Sub-committee. The group met on January 25th the sub-committee will be focusing on requesting that New York State fund, operate and maintain a boat washing stations at the State Boat Launches. The Committee will be exploring the best options to have something in place for this summer season. Councilmember Unrath suggested working with the other municipalities in the area that buy our water, as possible partners. Chair White said that Kevin Olvany has put together a proposal, which the committee is hoping to put forth to local State representatives. More details will be forthcoming.

National Community Survey

Chair White and City Manager Goodwin reviewed that the 2022 Adopted Budget includes funding to complete the National Community Survey, which will provide City Council and Staff feedback and information regarding quality of life and services in the City of Canandaigua. The City has the option to include custom, close-ended questions on one half page of the survey. City Council will review the previous survey results and what questions, topics to touch upon for this upcoming survey, will begin sending their ideas to City Manager Goodwin. The Survey will go out the public this year and will be an ongoing discussion.

Chair White closed the meeting at 7:26pm.

Ordinance Committee: Renée Sutton, Chair
Sim Covington, Jr.
Erich Dittmar

Karen White

Also present:

Dan Unrath
Thomas Lyon
Mayor Palumbo

City Staff:

John Goodwin, City Manager
David Hou, City Attorney

Chair Sutton opened the meeting and reviewed the background around the amended changes to the Uniform Code and the Energy Code Standards, for the Minimum Standards for Administration and Enforcement. These amended changes from the State will require the City of Canandaigua to adopt and amend our current code and energy standards. City Attorney, David Hou reviewed the proposed ordinance. City Staff will review the changes with City Manager Goodwin. Councilmember Covington motioned to adopt the changes, seconded by Councilmember White to ordinance to the next Council meeting, unanimously approved.

Councilmember Covington motioned to adjourn the meeting to move into Executive Session to discuss Attorney Client Privilege, Discussions regarding proposed, pending or current litigation, seconded by Councilmember White, motion carries, meeting adjourned at 7:50pm

Next Meeting: March 15th