

MINUTES
CITY COUNCIL AGENDA
THURSDAY, MAY 4, 2023, 7:00 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.
VIRTUAL: <https://us06web.zoom.us/j/82103183289>
LIVE STREAM: <https://fingerlakestv.org/live/>

City Councilmembers Present:

Bob Palumbo, Mayor
Ellen Polimeni, 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 (Arrived at 7:01)
Steve Uebbing, Councilmember-at-Large

City Staff Present:

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

The Mayor called the meeting to order at 7:00 pm.

Public Hearing:

The Mayor opened the Public Hearing at 7:01 pm regarding Amending #2023 – 003 Amended Chapter 585 Solid Waste. Michael Yarger, Main Street, spoke. He questioned the language regarding “Commercial Mixed-Use” for refuse pick up. No one else spoke. The Mayor closed the hearing at 7:02 pm.

The Mayor opened the Public Hearing at 7:03 pm regarding Local Law #2023-001 Amended Chapter 612 of the City of Canandaigua Code, to add a new Article XI, Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law. No one spoke. The Mayor closed the hearing at 7:04 pm.

The Mayor opened the Public Hearing at 7:04 pm regarding implementing a Six-Month Moratorium Related to Approvals for Short-Term Rentals. Michael Fiorentino, Jefferson Avenue, spoke. He has gone through the process of applying for a short-term rental and feels that a moratorium is more related to a safety concern when there isn't one. He feels the application process as well as the code needs to be better defined. He agrees that revokable permits should be used but feels that there shouldn't be a moratorium at all. Michael Yarger, S. Main Street, spoke and recommended a full-blown discussion on short term rentals from City Council. Michael Fiorentino spoke again, he is really looking for clarification on the process, definition of the terms and he has reviewed every approval since 2013, not sure why his are denied. He doesn't understand He questioned the language regarding “Commercial Mixed-Use” for refuse pick up. No one else spoke. The Mayor closed the hearing at 7:14 pm.

Review of Community Core Values: Councilmember-at-Large Unrath 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:

April 6, 2023

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 1 Polimeni

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

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Recognition of Guests: Denise Chaaple from the BID Office said that they have two grand openings. Hotel 1892 will be opening on May 11, 2023 and Mighty Boba Tea will have their grand opening on May 12th as well as the Canandaigua Record Exchange at their location on Coy Street. Classic Car Show will be June 7th and

Committee Reports: There were no committee reports.

Resolutions:

Resolution #2023-046:

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION AWARDING A SOLE SOURCE CONTRACT FOR
THE PURCHASE OF A FLUOROPROBE**

WHEREAS, to quantify official results on cyanobacteria levels, the New York State Department of Environmental Conservation (hereinafter referred to as NYSDEC) will only use the FluoroProbe, a unique, highly sensitive measuring instrument; and

WHEREAS, educational institutions like SUNY ESF, SUNY Stony Brook and the Finger Lakes Institute also use this device to provide official results to the NYSDEC and the public; and

WHEREAS, the Watershed Program Manager requested to purchase a FluoroProbe from PP Systems International Inc. which is the sole source supplier of such instrumentation; and

WHEREAS, the City's Purchasing Policy requires City Council authorization for a sole source procurement; and

WHEREAS, the Canandaigua Lake Watershed Council, at its April 11, 2023 meeting approved the purchase of the instrumentation and the sole source procurement was discussed and approved at the April 18, 2023 Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes PP Systems International Inc. as the sole source provider for the Fluoroprobe.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-047:

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Lyon

A RESOLUTION ADOPTING THE WATERFRONT ACTIVE TRANSPORTATION PLAN

WHEREAS, the City of Canandaigua, Town of Canandaigua, and the Canandaigua Local Development Corporation commissioned the Waterfront Active Transportation Plan; and

WHEREAS, the plan includes the area of Main Street (State Route 332) and Lakeshore Drive from Antis/Foster Street to East Lake Road (State Route 364); and

WHEREAS, the plan includes an existing conditions analysis, corridor needs assessment, public realm improvements and implementation strategy; and

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WHEREAS, the plan suggests improvements along the corridor such as pedestrian and bicycle facilities and amenities, connectivity between recreational and tourism assets and various roadway modifications; and

WHEREAS, the plan is consistent with many of the goals outlined in the City of Canandaigua's Comprehensive Plan, 2020 update;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the Waterfront Active Transportation Plan, prepared by Bergmann Associates, dated September 2021.

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

Resolution #2023-048:

Moved: Councilmember Ward 1 Polimeni

Seconded: Councilmember Ward 3 White

A RESOLUTION ESTABLISHING ASSESSMENT CONTROL CLERK POSITION

WHEREAS, there are various different Civil Service titles that can be utilized within an assessment office and a recent hire is ranked number one of the Assessment Control Clerk title list, a title that City does not currently have established; and

WHEREAS, in lieu of a provisional appointment and requiring the employee to take a test for an equivalent title, City Staff recommends the establishment of the Assessment Control Clerk title for the City; and

WHEREAS, the City Council must adopt a resolution to establish an Assessment Control Clerk position per requirements of the Ontario County Department of Human Resources; and

WHEREAS, the Finance Committee reviewed the establishment of said position at its May 2, 2023 meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby establishes the position of Assessment Control Clerk.

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

Resolution #2023-049:

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 3 White

A RESOLUTION APPROPRIATING FUNDS FOR A COMPOSTING EDUCATION PROGRAM

WHEREAS, the City Manager and the Ontario County Sustainability Department have been discussing a partnership for a composting education program for City of Canandaigua residents; and

WHEREAS, upon completion of a composting education program, City of Canandaigua residents would leave with a free composting kit; and

WHEREAS, to encourage waste reduction of the largest landfillable waste, food organics, the cost of the kits will be paid in full by the City of Canandaigua; and

WHEREAS, funding for the kits will be appropriated from the Energy Project Fund and was reviewed by the Finance Committee at its May 2nd meeting;

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NOW, THEREFORE, BE IT RESOLVED, that City Council hereby appropriates \$5,000 from the Energy Project Fund to an account to be determined by the City Treasurer.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-050:

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Dittmar

A RESOLUTION WAIVING THE CENTRAL ON MAIN FROM §246-2 – OPEN CONTAINER ORDINANCE

Prior to the vote, Councilmember Sutton asked if this should be limited to just Friday and Saturday nights and not the full week. City Manager Goodwin said that it was requested by the BID for the full week. Denise Chaaple, BID, said that they requested the full week because of events that are scheduled, even though the agreement with Simply Crepes is from 4 – 10 on Saturday's, many of their events are from 4 – 9 weekdays. City Manager Goodwin noted, any day of the week from 4 pm – 9 pm, open containers would be allowed, whereas last year it was restricted to Thursday – Saturday. Ms. Chaaple said they have planned events on Monday, Wednesday and Thursdays, she asked if it needs to be modified only to the days of events. Councilmember Uebbing motioned to amended the ordinance to allow open containers on the days that are overseen by events sponsored by the Business Improvement District, seconded by Councilmember Polimeni. Before the vote the Mayor asked if it needs to be adjusted to what is agreed with contract with Simply Crepes to 10 pm. Councilmember Polimeni said that 9 pm is fine for BID events.

The amended motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

A RESOLUTION WAIVING THE CENTRAL ON MAIN FROM §246-2 – OPEN CONTAINER ORDINANCE – AMENDED

WHEREAS, §246-2 of the City Code restricts the open possession and public consumption of alcoholic beverages in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park or such other public place; and

WHEREAS, The Central on Main is a public outdoor dining space during the summer that is supported by the City, BID, and restaurants along Main Street, and which has been a successful new amenity to our Downtown allowing City restaurants to extend their dining rooms into this public outdoor dining space; and

WHEREAS, The Central on Main is located on the east side of South Main Street in the public sidewalk and parking area between Simply Crepes, 101 South Main Street and the Chamber of Commerce, 113 South Main, and extending eastward through said parking lot to Lafayette Avenue; and

WHEREAS, City Staff and the BID are pursuing options to facilitate the continuation of The Central on Main that includes guest breweries, wineries and restaurants selling beverages and according to the State Liquor Authority (SLA), the City must waive §246-2 specifically for The Central on Main including the days and duration which will allow the BID or the City to then apply for a special event permit from the SLA; and

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WHEREAS, the City Manager recommended waiving §246-2 for The Central on Main from 4 PM to 9 PM from May 18th to October 28, 2023;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby waives §246-2 of City Code entitled “Restrictions on Possession and Public Consumption” for The Central on Main from 4 PM to 9 PM, on the days of their events only from May 18th to October 28, 2023; and

BE IT FURTHER RESOLVED, that the waiver of § 246-2 shall apply only to the area of The Central on Main, specifically, the public sidewalk and public parking area between Simply Crepes, 101 South Main Street and the Chamber of Commerce, 113 South Main, and extending eastward through said parking lot to Lafayette Avenue; and

BE IT FURTHER RESOLVED, that all other provisions of Chapter 246 shall continue in full force and effect.

The ordinance CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Before moving to the next item, as a point of order, Councilmember Uebbing thanked Councilmember Sutton for catching the issue with the ordinance.

Resolution #2023-051:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 1 Polimeni

**A RESOLUTION AWARDED A CONTRACT FOR
CITY HALL EXTERIOR CONDITION REHABILITATION SURVEY**

WHEREAS, a conditions assessment is necessary to evaluate and identify building deficiencies in order to develop repair recommendations for Canandaigua City Hall; and

WHEREAS, bids were opened on April 27, 2023 with three vendors responding with a bid and the lowest responsible bid received by Bero Architecture PLCC, 32 Winthrop Street, Rochester, NY 14607 for a total cost of \$16,105; and

WHEREAS, the Director of Public Works and City Manager recommend awarding the contract to Bero Architecture PLCC, and said recommendations were reviewed and approved at the May 2, 2023, Finance Committee meeting; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for the City Hall Exterior Condition Rehabilitation Survey to Bero Architecture PLCC, 32 Winthrop Street, Rochester, NY 14607, for an amount of \$16,105;

BE IT FURTHER RESOLVED, that City Council confirms the City Manager’s Capital budget Amendment to transfer funds from the City Hall Roof Project to add sufficient funding to complete this survey.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

[Type here]

Resolution #2023-052:

Moved: Councilmember-at-Large Covington

Seconded: Councilmember Ward 3 White

**A RESOLUTION AWARDED A CONTRACT FOR
WATER TREATMENT PLANT GRANT WRITING ASSISTANCE**

WHEREAS, focused expertise and guidance is needed for grant writing and strategy opportunities associated with funding sources for Water Treatment Plant upgrades; and

WHEREAS, in anticipation of and as required for Federal grant funds, a qualifications-based selection process was utilized; and

WHEREAS, qualification proposals were due on May 1, 2023 with four (4) proposals received; and

WHEREAS, the City Manager and Director of Public Works recommended awarding the contract to GHD Consulting Services Inc., 5788 Widewaters Parkway, Syracuse, NY 13214 and said recommendation was reviewed at the May 2nd, 2023 Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for Grant Writing Assistance to GHD Consulting Services Inc., 5788 Widewaters Parkway, Syracuse, NY 13214, for a total cost of \$84,000.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-053:

(Councilmember Sutton read the ordinance into the record but did not move it, as she does not intend on voting for it.)

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Lyon

**A RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR
USE OF CITY PARK LAND**

WHEREAS, in addition to the City's small craft boat launch area on the west end of Kershaw Park, Neon Wave, LLC d/b/a Canandaigua Sailboard would like to utilize the small docking area on the east side of the mouth of Lagoon Park to operate their kayaks and paddleboard rentals; and

WHEREAS, in an effort to correct kayaks and paddleboards taking up public park land for the operation of a rental business, without any compensation for the use of the park land, City Staff recommended a license agreement for the use of public land to stage rental equipment prior to use while storing all other equipment on their own property, transporting it to and from the launch sites; and

WHEREAS, Canandaigua Sailboard would like to further their programming into the Lagoon area to navigate inclement weather on the lake, expand environmental initiatives, and general paddling education; and

WHEREAS, the initial revocable license agreement was established with a term of one (1) year at an annual fee of \$4,000, renewable each year for a five (5) year period beginning in 2020; and

WHEREAS, the new amended revocable license agreement would add the new area and adjust the annual fee to \$6,000;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to execute an amended revocable license agreement, in substantially the same form as attached hereto, with Neon Wave, LLC d/b/a Canandaigua Sailboard to utilize two small craft launch areas at an annual fee of \$6,000.

Prior to the vote, Councilmember Sutton said that she doesn't believe that \$2,000 is enough reimbursement for the use of public land, the license fee should be commensurate with what it delivers to the business. City Manager said that we are getting compensated for the use of the land, we have been charging \$4,000 for the use of the launch and only charging half for the part time use of this area. Councilmember White said that she would like to see the lease be negotiated on a yearly basis. The Mayor asked if this needs to be amended and City Manager said it is agreement is revocable, could change at any point and can be reviewed for next year. Councilmember Uebbing said it could be done with the budget process.

The motion CARRIED on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-1)

NOES: Councilmember-at-Large Sutton

Resolution #2023-054:

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at Large Covington

**A RESOLUTION AUTHORIZING THE INSTALLATION OF A STANDALONE STAGE
AT TWISTED RAIL BREWING COMPANY**

WHEREAS, Twisted Rail Brewing Company (Twisted Rail), located at 169 Lakeshore Drive, Canandaigua NY, would like to install a standalone stage; and

WHEREAS, Twisted Rail leases the property at 169 Lakeshore Drive from the City of Canandaigua, and part of their lease requires them to obtain City approval for changes made to the property; and

WHEREAS, at the Planning Committee meeting held on May 2, 2023, representatives from Twisted Rail presented their plan, with the Committee voting to approve the proposal; and

WHEREAS, if the City of Canandaigua Public Works Department needs to access the area adjacent to the stage for regular maintenance or an emergency situation, Twisted Rail shall move the stage within seventy-two (72) hours of notification from the City; and

WHEREAS, if the stage is not moved within the designated timeframe, City staff will move the stage and any and all costs associated with that work will be charged back to Twisted Rail;

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Canandaigua authorizes Twisted Rail Brewing Company to install the stage, as outlined in the plan attached hereto and made a part hereof, per the terms of the lease agreement under the following conditions:

1. Twisted Rail shall apply for and obtain a building permit perform commencing any further work; and
2. Twisted Rail shall move the stage, upon request of the City, within 72 hours of such a request; and
3. If Twisted Rail fails to move the stage within the 72-hour period, the City may move the stage and any and all expense related to moving the staff shall be charged to Twisted Rail.

Prior to the vote, Councilmember Sutton asked about the impact to the pump to City Staff. City Manager said the watering of the grass would be the only issue and can be scheduled accordingly.

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

Resolution #2023-055:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Covington

A RESOLUTION AUTHORIZING PLACEMENT OF COMMERCIAL SIGNAGE ON CITY OF CANANDAIGUA PROPERTY

WHEREAS, the Canandaigua Lady has historically displayed a portable sign at the eastern driveway to the Hotel Canandaigua property; and

WHEREAS, with recent reconfigurations of property lines, the current portable sign location is now City-owned property; and

WHEREAS, the Canandaigua Lady management is requesting permission from the City Council to install two (2) signs on City-owned property; and

WHEREAS, a ground sign, 3' x 4' (12 SF) not to exceed 6' in height, wooden, carved with a historic aesthetic, is proposed to be located at the Lakeshore Drive entrance; and

WHEREAS, a directional sign, 6 SF, not to exceed 5' in height, is proposed to direct traffic around the parking garage to the Lakefront municipal lot; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the placement of the two (2) signs on municipal property and directs Canandaigua Lady management to apply for Planning Commission approval on the design of both signs.

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

Ordinances:

Ordinance #2023-003: *(Originally, introduced by Councilmember-at-Large Sutton at the April 6, 2023 meeting, Councilmember-at-Large Lyon motioned to lift this from the table the ordinance, seconded by Councilmember Ward 3 White unanimously carried and passed by voice vote. (9-0))*

**AN ORDINANCE AMENDING CHAPTER 585
SOLID WASTE**

WHEREAS, the City of Canandaigua is making changes to its solid waste collection program and certain amendments are required to facilitate these changes; and

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

Sec. 1 Chapter 161 of the Municipal Code, is hereby amended as attached (additions in **bold**, deletions **stricken**); and

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

Prior to the vote, Councilmember Ward 3 White said she thinks Council should revisit the definitions as pointed out by Michael Yarger, during the public hearing. City Manager said that they are amending the whole ordinance and could review those sections again. Councilmember Sutton reviewed the language again and Councilmember White felt that Council should review. City Manager said that it isn't new language but just moved up. Councilmember Sutton said that she feels it needs to be better defined and asked if it was based on square footage. City Manager Goodwin said that it is not based on square footage and said that if it needs to be defined further, it can be. David Hou spoke and said that the definitions is up to Council as a matter of policy. He continued, the example being the first floor of the building defines the use of the

space. City Manager Goodwin proposed to table the ordinance to allow City Staff to review and make changes. Councilmember Uebbing agrees and motioned to place the ordinance back on the table until the section in question is reviewed again by the ordinance committee. Seconded by Councilmember Polimeni, unanimously passed and carried by voice vote (9-0).

Local Laws:

Local Law # 2023-001: *(Councilmember-at-Large Uebbing motioned to lift the local law from the table, seconded by Councilmember-at-Large Sutton, unanimously carried and passed by voice vote. (9-0); Originally introduced at the April 6, 2023 meeting.)*

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 1 Polimeni

A LOCAL LAW AMENDING CHAPTER 612 OF THE CITY OF CANANDAIGUA CODE, TO ADD A NEW ARTICLE XI, ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW.

BE IT ENACTED, by the City Council of the City of Canandaigua, Ontario County, State of New York, as follows:

Section 1. Authorization, Title and Purpose:

A new Article XI of Chapter 612 of the City of Canandaigua Code, entitled “Volunteer Firefighters and Ambulance Workers Exemption” is hereby enacted pursuant to Real Property Tax Law Section 466-a as provided herein.

Section 2. Legislative Finding

The City Council of the City of Canandaigua finds and hereby determines that, because the City values its volunteer firefighters and ambulance workers, a property tax exemption for volunteer firefighters and ambulance personnel shall be established in accordance with New York Real Property Tax Law Section 466-a.

Section 3. Amendment.

A new Article XI, entitled, “Volunteer Firefighters and Ambulance Workers Exemption” shall be created, and thereunder the following new Sections shall be created as follows:

§ 612-59 Grant of Exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the City of Canandaigua as long as eligibility requirements are met.

§ 612-60 Eligibility Requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes and any portion of the property that is not used exclusively as the primary residence is not entitled to this exemption;
- D. The volunteer firefighter or volunteer ambulance worker resides in the City and the City is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the City, which is hereby established as two years.

§ 612-61 Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the City Assessor, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The City must provide written eligibility requirements and guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

§ 612-62 Certification.

The City must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

§ 612-63 No Diminution of Benefits

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this Article shall not have any of those benefits diminished because of this Article.

§ 612-64 Grant of Lifetime Exemption.

Any eligible enrolled member who accrues more than twenty (20) years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this Article for the remainder of his or her life as long as his or her primary residence is located within the City.

§ 612-64 Un-remarried Spouse of Enrolled Member Killed in the Line of Duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

§ 612-65 Un-remarried Spouse of Deceased Enrolled Member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least twenty (20) years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

Section 4. Validity and Severability Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section F. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the City of Canandaigua which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section G. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

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

Local Law # 2023-002: *(Councilmember-at-Large Covington motioned to lift the Local Law from the table, seconded by Councilmember-at-Large Lyon, unanimously carried and passed by voice vote. (9-0) Originally introduced at the April 6, 2023 meeting.)*

Moved: Councilmember-at-Large Covington

Seconded: Councilmember-at-Large Lyon

IMPLEMENTING A SIX-MONTH MORATORIUM RELATED TO APPROVALS FOR SHORT-TERM RENTALS IN R-1A, R-1B, R-2, R-3, AND R-L ZONED DISTRICTS.

WHEREAS, the City Council most recently enacted an ordinance regulating short-term rentals on September 14, 2018, through Ordinance 2018-010; and

WHEREAS, at the City Council’s Planning Committee meeting of April 5, 2023; the City Council heard recommendations from the Planning Commission and the Zoning Board of Appeals regarding the regulation of short-term rentals; and

WHEREAS, the Planning Committee of the City Council endorsed further consideration of amending the short-term rental ordinance; and

WHEREAS, the City Council believes that no new short-term rentals should be approved in residentially zone districts until the current ordinance is amended,

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council as follows:

Section 1. Legislative Intent and Authority.

This local law is enacted pursuant the authority granted by New York State Municipal Home Rule Law Section 10. The Canandaigua City Council has determined that the current short-term rental ordinance may not adequately regulate short-term rentals, in particular in residentially zoned districts; that the existing ordinance requires additional review and/or revision; and that it would be in the best interest of the protection, order, conduct, safety, health and well-being of the persons and property in the City to adopt a moratorium on new applications for short-term rental uses in residentially zoned districts in order to preserve the status quo during this period of review until appropriate legislation is enacted or it is determined that no further legislation is needed.

Section 2. Moratorium Scope and Timing.

There shall be a six-month moratorium on any applications for short-term rentals in the R-1A, R-1B, R-2, R-3, and R-L zoned districts, measured from the effective date of his local law. During the moratorium period, no applications for short-term rental uses in such districts shall be accepted by the City. This moratorium shall not apply to any such applications accepted prior to the effective date of this local law.

Section 3. Validity and Severability.

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 4. Repeal, Amendment and Supersession of Other Laws.

All other ordinances or local laws of the City of Canandaigua which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Prior to the vote, Councilmember White said that she will not be supporting this as Council has worked to do but a six-month mortarium is dodging their duty. Councilmember Polimeni said it is her understanding that should Council reach an agreement before the end of six months, they would be able to go ahead and act. City Manager Goodwin said that this is to give Council time to review the issues thoroughly. Councilmember Lyon is hopeful that we can get to conscience quickly but will be thinking through the comments made at the public hearing. The Mayor said this is on the agenda for the next ordinance meeting.

The motion CARRIED on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (7-2)

NOES: Councilmember Ward 3 White and Councilmember Ward 4 Dittmar

Manager's Report: Introduced, Shawna Bonshak, the new Assistant City Manager. He recognized Chief Water Operations Peter Virkler and Andrew Simmons, Deputy Chief Water Operators for their success at their water conference, called Top Ops and they year they won together and will be going to the national conference this year to be held in Toronto.

Miscellaneous: Councilmember Polimeni showed the brochure for the Ghost of Roseland fundraising efforts, the mini replica is on display at Wood Library. At this point, they have received grant funding and wanted to make sure the public is aware of the ongoing efforts. Mayor said that today is the National Day of Prayer and there was a nice service held this morning at the American Legion, where Councilmember Lyon spoke. Councilmember Unrath said that today was International Firefighters Day, both the Mayor and Councilmember Unrath served. Councilmember Polimeni clarified that the Environmental and Ordinance will be moved to May 9th from the 16th.

Adjournment: Councilmember-at-Large Covington motioned to adjourn the meeting, seconded by Councilmember Ward 4 Dittmar. Unanimously passed and carried by voice vote (9-0) at 8:09 pm.

**APPENDIX A
MINUTES
PLANNING COMMITTEE & FINANCE COMMITTEE
TUESDAY, MAY 2, 2023, 7:00 PM
COUNCIL CHAMBERS
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUAL: <https://us06web.zoom.us/j/84662898580>
LIVE STREAM: <https://fingerlakestv.org/live/>**

Planning Committee Present: Thomas Lyon, Chair
Steve Uebbing
Dan Unrath

Other Councilmembers Present: Karen White
Erich Dittmar
Sim Covington
Renee Sutton (arrived at 7:05 pm)
Mayor Palumbo

City Staff Present: John Goodwin, City Manager
Shawna Bonshak, Assistant City Manager
Rick Brown, Director of Planning and Development
James Sprague, DPW Director
David Hou, Corporation Counsel

Necessarily Absent: Ellen Polimeni

Chair Lyon opened the meeting and welcomed member present. He reviewed the first agenda item. John Brennan was present and reviewed the request on behalf of the owners of the Canandaigua Lady. Mr. Brennan reviewed that the Canandaigua Lady has historically displayed a portable sign at the eastern driveway to the hotel property. He is requesting permission from the City Council to install two signs on city property to direct guests to the Canandaigua Lady dock. With the recent reconfiguration of the property lines, this area is now city-owned land. The design of the sign is not available yet for review as permission from Council is needed first before the design work can begin. Ideally, they are looking for the following signs are proposed:

- One ground sign at the Lakeshore drive entrance that is wooden carved, with a historic aesthetic, 3' x 4' (12 SF), not to exceed 6' feet in height, setback 10' from the sidewalk.

- One directional sign, directing traffic around the parking garage to the lakefront municipal lot, 6 SF, not to exceed 5' in height.

Mr. Goodwin reviewed the mapping details and sign locations. Mr. Brown reviewed the locations details; one sign would get the general public driving on Lakeshore to the area behind the parking garage for the hotel and the other sign would be to show customers where to go for the dock sign. Councilmember Unrath said this seems very reasonable and Councilmember Uebbing agrees. Mr. Brown discussed working with the Canandaigua Lady on the details for the signage and asked if the Planning and Zoning committee should review the design of the signs, once completed. The Council would like to commissions to review their plans to ensure the correct design. Chair Lyon agrees that having the Planning Commission review. Councilmember Uebbing motioned to approve the request, seconded by Councilmember Unrath. Unanimously passed and carried.

Chair Lyon reviewed the Canandaigua Lake Dock Request, and Mr. Brennan spoke again, on behalf of the owners of the Canandaigua Lady. They submitted a two phased dock modification request. Phase 1 is proposed to be completed for this summer would add a slip on the west side of the dock to allow for a boat club/hotel excursion boat. As Lakefront Park is City owned property and this is an expansion on the easement for the dock, City Council approval is necessary. They would like to use a tour boat that would seat up to 10 people fully inspected and follow all safety rules. The purpose is for smaller amounts of clients and will be working with the Canandaigua Hotel, similar to what the Lake House has done in the past. Councilmember Uebbing asked if they were having guests join them on the public dock and not on the current location of the Canandaigua Lady. Mr. Brennan said that this is the plan until something more permanent can be approved for next year. The only next phase would be something for the pontoon boat. Councilmember Unrath asked who owns the Lady, owned by David Genecco as the primary owner. Councilmember Unrath asked who owns the Canandaigua Hotel and Mr. Brennan did not know the answer to that question. Councilmember Uebbing asked about storage for the pontoon boat and it would be stored at the dock. Councilmember Unrath, said the is opposed to this to protect the Lake, since this will encourage more boating and he is a hard no. Mr. Brennan said that they may go to Seager's Marina and be picked up there but either way, people will get out on the Lake. Councilmember Uebbing asked, if there was an ability to have more environmentally friendly boats, using electric and solar to charge and operate the boats. Mr. Brennan said that it is a good suggestion and if this is approved to add the tour boat, it would be something to look into. Councilmember Uebbing suggested that reducing the trips for the Canandaigua Lady and moving towards an electric motor may help reduce the diesel engine waste. Councilmember Unrath said that if the company would move to something more environmentally friendly for their boats, then, he might be persuaded. Councilmember White asked about the timeline for the dock, with the hotel opening on May 2023, it wouldn't take us long to add the details to the dock and would like to use the tour pontoon this season. The timeline would be finding the vessel and have the full state inspection. Councilmember White said that she supportive of this as they have approved other docks for the Lake but sadly isn't a voting member of this committee. Mayor Palumbo said that if they don't need to use the Canandaigua Lady and save the cost by using the small boat, that would be a good thing. Mr. Goodwin said that there might be some easements that would need to be added to the current easement. Councilmember Unrath said that they would like to see something environmental electric boat. Councilmember Uebbing said that there wouldn't be a motion tonight, but would like to see them investigate the possibility of electronic boat. Chair Lyon agrees and asked for them to come back with a plan for the boat and Council will review the legalities, and will discuss more in the future.

Chair Lyon moved onto the next item, Twisted Rail/Muar House. Mr. Goodwin reviewed that in 2016, the City leased the Muar House to Twisted Rail Brewing Company. The lease (Section 4.01) requires alterations and improvements to have written approval from the City and that a Building permit be obtained. Twisted Rail has recently requested approval to build a standalone stage. As it is structure on City property, and a place of public assembly, City Staff has required stamped drawings to include floor and wind loads as well as anchoring specifications. City Staff is also concerned about the proposed location which may affect access to the City's irrigation system for Kershaw Park. Rich Ross, from Twisted Rail reviewed the proposed alterations and improvements. James Sprague, spoke and Steph Crimm reviewed the site. He doesn't share the assessment of the owners; the bigger issue is that where they are proposing the stage to be located is where the City needs access to the pump. Mr. Sprague said that if the pump goes down and they need to review it to send it out, with the stage there, it will be more difficult. In the fall, they also need access to the compressor. Essentially, the pump station is being crowded, their recommendation is the move the stage. The owners asked about the pump questions and said that they have not seen anything with the pump in a few years. Mr. Sprague said that they need to maintain access. Mayor Palumbo asked if they change the location would that help. Ian said that they would move it as needed by two feet up to the fence line. It would been to be rotated by 45 degrees, according to Mr. Sprague. They offered to be able to move the stage at moment's notice, should there be an issue. Councilmember Uebbing, said that he wished

everyone could have been in agreement ahead of the meeting and said that if the Director is comfortable. David Hou reviewed the discussion and noted for the record that Twisted Rail agrees to move back the stage by two feet as well as their wiliness to move the stage away completely should DPW needs access in the event of an emergency. Mr. How asked how quickly could the stage be moved, should something happen and recommended that there should be some consideration that if they fail within a certain timeframe in the event of an emergency. Mr. Ross said that they have the equipment to remove the stage in the event of the emergency. Mr. Goodwin recommended putting these conditions in a resolution to be placed in front of council. Mr. Hou said that it should be revocable agreement. Mr. Ross asked for 72 hours for the ability to move the stage in an emergency and Mr. Sprague agreed. Chair Lyon said that any modifications or additions have the approved by the City. Councilmember Uebbing motioned to approve, with the proposed changes, seconded by Councilmember Unrath, unanimously passed and carried. Mr. Goodwin said that they next step is go to Code Enforcement for the building permit.

Chair Lyon reviewed the next item, the City has an existing Revocable License Agreement with Canandaigua Sailboard to utilize a portion of Kershaw Park to launch small crafts. Canandaigua Sailboard is expanding its offerings for youth and adults to include a lake ecology education program. They are requesting to expand the license agreement to also include the launch area adjacent to Lagoon Park and increase the fee paid from \$4,000 to \$6,000. Jenny Timineri, District Manager from Neon Wave the owner of Canandaigua Sailboarding presented. Ms. Timineri walked Council through their programs and partnership with the Canandaigua Lake Watershed. Councilmember Uebbing asked about the use of Lagoon Park and Ms. Timineri said it would be used part time during weather for the camps, where they cannot launch safely at Kershaw for their kayaks. Councilmember Uebbing said that he is in favor as it helps educates kids on the lake, ecology and helpful to all of us moving forward. Councilmember Unrath said that he is in favor as well and asked about their partnership with the Watershed. They have an existing relationship with the Watershed as one of their employees sits on the Board and as a company they have raised funds to support the Watershed Association. Councilmember Uebbing motioned to approve the request, seconded by Councilmember Unrath. Unanimously passed and carried.

Chair Lyon moved to the Waterfront Active Transportation Plan. The Waterfront Active Transportation Plan was published in September 2021. The plan includes the area of Main Street (Route 332) and Lakeshore Drive from Antis/Foster Street to East Lake Road/Route 364 and recommends improvements along the corridor, such as pedestrian and bicycle facilities and amenities and roadway modifications. Recently, Councilmember Thomas Lyon raised concern that the plan has not been formally adopted. Mr. Goodwin said that this is not project related but simply to adopt the plan itself. All work lies ahead. Councilmember Unrath moved to accept the plan, Councilmember Uebbing seconded, unanimously passed and carried.

Chair Lyon moved onto the continues discussions regarding, Short Term Rentals. Rick Brown presented briefly on the memo provided to Council. The proposed ordinance changes are to residential areas only as the mix-use or overlay district was not well received after the last meeting. The primary residence issue concerning both commissions, redefines the section, making the “unit” as the primary owner’s residence and adding restrictions on dates/times that the rental would be available. Council will still need to work out the exact timing for the nights a property can be used. They are still reviewing the compliance for the renewable permits, looking at every two years. The Special Use Permit would not be transferrable to a new property owner. Councilmember Uebbing said that he is interested in moving this forward and finding a compromise with fellow members. Councilmember White discussed changes for the time frame, compatibility section as well as the inspection process. Mr. Brown said that the properties are inspected in compliance with the City’s Rental Housing program, that language hasn’t changed. They discussed the capacity and that depends on the size of the rental. David Hou asked how this will apply to current short term rentals in use. Mr. Brown said that once we all have the ordinance, we do not have any non-compliance. Councilmember Uebbing moved to approve the 30 days of the number of nights, seconded by Councilmember Unrath. Unanimously passed to full Council.

Chair Lyon closed the meeting.

Finance Committee: Steve Uebbing, Chair
Ellen Polimeni (arrived at 8:25 pm)
Thomas Lyon
Dan Unrath

Other Councilmembers Present: Karen White
Erich Dittmar

Thursday, May 4, 2023 City Council Minutes

Sim Covington
Renee Sutton
Mayor Palumbo

City Staff Present:

John Goodwin, City Manager
Shawna Bonshak, Assistant City Manager
Rick Brown, Director of Planning and Development
James Sprague, DPW Director
David Hou, Corporation Counsel

Chair Uebbing welcomed those present and reviewed the agenda. The first item, Assessment Control Clerk- Civil Service Title Creation/Establishment. Mr. Goodwin explained the recruitment process since the previous Assessor left the position. The recent hire is ranked number one on one such title. In lieu of a provisional appointment and the employee having to take an additional test for an equivalent title, City Staff recommends establishing the title of Assessment Control Clerk. Mr. Goodwin explained that with Dawn Hughson's current interim Assessor, was the tax clerk and with her pending retirement. This role is already filled by Thomas Gabriel is 100% City Staff. This would be moving him to the correct title for his work. Councilmember Lyon motioned to approve the title, Councilmember Unrath seconded, motion passed and carried.

Chair Uebbing review the Composting Program Appropriation. The City Manager and Ontario County Sustainability Department have been discussing a partnership for a composting program. The County is currently selling composting kits at which include several other tools that the previous City program did not offer. The idea that has been discussed is Ontario County and the City working together to hold a composting education program for City residents and upon completion of the education session, City residents would leave with the composting kit for free. The cost of the kits would be paid for by the City in full to encourage waste reduction of the largest landfillable waste, food waste/organics. The City Manager recommends appropriating \$5,000 from the Energy Project Fund (established via donation from the community solar program for sustainability initiatives). Mr. Goodwin said that the City would be paying for the full cost, piggy backing on the County program. Councilmember Unrath recommends discussing compost pick up in the future. Mr. Goodwin noted that Education program may take place at Wood Library. Councilmember Lyon motioned to approve, seconded by Councilmember Unrath. Unanimously passed and carried.

Chair Uebbing reviewed the two potential BID Openings.

- a. Grant Writing RFP – An RFP/RFQ for grant strategy & writing assistance for projects at the Water Treatment Plant. The proposals are due on Monday, May 1st and City Staff anticipates being able to make a recommendation at the committee meeting. Mr. Goodwin reviewed the extensive planning for the Water Treatment Plant, in order to be aggressive in getting grants, we need an experience grant writer and engineering firm to help obtain the funds that are available. Mr. Sprague, reviewed the four submissions for review. It was reviewed by the Chief Operator as well. They are GHD, they have worked for the City in past. They have worked with the WTP in the past, very large national firm. Their package gave us confidence that deadlines would be met by the various stakeholders that are demanding of us. Councilmember Polimeni asked about the fee, it's \$14K for the grant writing process. \$70K preliminary engineering work to file the necessary paperwork. Councilmember Sutton asked about the funding. Mr. Goodwin said that they funding is coming from Capital Plan, we have \$100K for engineering and design for the storage tank aeration project and the total fee would be about \$84K. Councilmember Polimeni motioned to approve GHD, seconded by Councilmember Lyon, unanimously passed and carried.
- b. Chair Uebbing reviewed the second item, City Hall Exterior Condition Survey and Rehabilitation Estimate. Mr. Sprague reviewed that Canandaigua City Hall was constructed in 1823, is showing its age. An RFP was issued for architectural services with knowledge in restoration and maintenance services to put together a plan on what is needed. Barrow Electric is recommended by us as they did the refurbishment as the Annex constructed, in 1990. The prop 16105 and the monies is coming from funds in the budget, we have \$10K currently and we have funds for a new roof for City Hall and monies can be taking form that line. We have had some leaks with the skylights and other needs that are causing issues. Councilmember Polimeni motioned to approve Barrow Electric's contract to the full Council, seconded by Councilmember Lyon. Unanimously passed and carried.

Chair Uebbing called on Councilmember Covington, who has added an issue not on the agenda. He explained that he is getting calls from his constituents on the garbage program and asked City Manager to review the current program. Mr. Goodwin reviewed, the goals for the program was to eliminate the safety issue for our employees as well as having a waste reduction. So, we had a limit on the number of toters that each property would receive, currently being the 64oz toter and if residents needed more, they could purchase additional toters, similar to a pay to throw program. Should residents make that choice, it would be \$150.00 for the year or \$37.50 per quarter billed to residents on their water bill. As of right now there 390 residents are paying for a second toter. Councilmember Covington asked about larger families that feel they have been left behind in this program. Mr. Goodwin suggested they talk to their neighbors to see about using their extra room in their toter. Suggested residents recycle all that they can and try to reduce ways to reduce their garbage. Mr. Goodwin said that this has been discussed at length and Council has decided to continue to program as is. Councilmember Uebbing asked about using a garbage disposal, and the microbes at the WWTP take care of disposing the waste. Councilmember Sutton asked the product of the waste goes to the County. Mr. Goodwin said that yes, is it currently sold to the County to help reduce the waste at the landfill.

Councilmember Polimeni motioned to adjourn the meeting, seconded by Councilmember Lyon. Unanimously passed and carried at 8:43pm.

APPENDIX B
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, MAY 9, 2023, 7:00 PM
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUALLY: <https://us06web.zoom.us/j/84936309067>
LIVE STREAM: <https://fingerlakestv.org/live/>

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

Other Councilmembers Present: Ellen Polimeni
Daniel Unrath
Steve Uebbing
Thomas Lyon
Mayor Palumbo

City Staff present: John Goodwin, City Manager
David Hou, Corporation Counsel

Chair Dittmar opened the meeting, welcomed members present and reviewed the first agenda item, a continued discussion regarding the Tree Removal Ordinance. Councilmember Polimeni, said that the Tree Committee asked that this be withdrawn from discussion tonight due to their own meeting on May 10th at 6:30 pm. They would like to review what is proposed and review the ordinance again. They will continue to work on this, she added that the Tree Council is an advisory council to City Council. She would like to see them have the opportunity to work on this issue and bring it back to the committee for review. Chair Dittmar said that those that at the meeting in person or on line, encouraged them to attend the meeting at Hurley Building.

Chair Dittmar moved onto the Local Natural Gas Ban and reviewed the New York State Budget includes the elimination of fossil-fuel equipment and building systems (natural gas hookups) in new residential buildings of seven stories or less and commercial buildings under 100,000 square feet on or after December 31, 2025 and prohibits the installation in all new buildings after December 31, 2028. He is interested in considering a local law and adopting this ahead of schedule. Councilmember Sutton said she was open to discussing and if it is in our best interest for discussing. Councilmember Covington said he is open to discussing. Mayor Palumbo said that if it is discussed, he would like other stakeholders present at the meeting since more information is needed, he is concerned that the State is putting something out there and there are too many questions at this point. Councilmember Uebbing said that this is a really complicated issue, but he believes that

it is so complex with all the legalities, letting the State develop their case first. Chair Dittmar, said that he understands the concerns and is hoping that Corporation Counsel would be able to shed more light. Mr. Hou said that he would review, the 9th Circuit of Appeals recently had a decision. What was said has a lot of weight and there is difference within the Supreme Court and something he is happy to review. Councilmember Polimeni, keeping in touch of NYCOM will be critical to the conversation as they will be working on this as well. Mr. Hou said that he is in regular communication with them. Fred McCormack, 81 Phelps Street Canandaigua, he spoke on a tree issue that occurred in this neighborhood where limbs from the tree had fallen, it could have been awful. He called all over the City to get help and RGE was able to come and take the limbs down. He said that he is very frustrated by reaching out to the City and not getting a response. He also spoke to the Climate Control issue and should have been reviewed a long time ago. Before we have a plan in place, feels solutions should be in place. He has three dead trees in his property that has to come down, he doesn't want to report to the City to have the possibility of the City saying no. He said that if they make rules it needs to be for all. As far as Gas Stoves, if we go to Electric, it's more issues on the utilities. He urged Council to really review this and he said that they should get the answers before they present what they are planning. Joe Nacca, 109 Chappel Street, spoke and said his first observation that people are not paying attention, didn't see the invitation or simply have given up. The issues are not inconsequential. They own a gas stove. He is wondering what kind of government dictate what kind of stove a person can cook on and also if they have to check in with authorities before removing a maple tree from his or her backyard, he believes we are reaching a type of control that makes a mockery of the idea of freedom. Local government far from getting ahead of the State, needs to protect the right of the citizens and the needs of the State legislature. He feels that the rights of the local citizens can run counter to the beliefs of some members of Council. He encourages Council to immediately abandon these ordinances and for them not the carry out the wishes of the New York State Legislature, Council's duty is to the citizens of Canandaigua only. Michael Yarger, 127 S. Main St. He said that in 1991 during the ice storm and that hundreds of area residents without power, and for some that lasted two weeks, if all these houses are converted. What would they do? Citizens need to make their own choices and the City needs to stay in their own lane. Chair Dittmar said he is not proposing this to help the State out and that he is proposing this as we are in a climate disaster, this is not converting, this is for new building only. There are lots of reasons he would consider this and to carry out the State's agenda isn't one of them. Councilmember Sutton said that she appreciates Mr. Nacca's comments and feels it is Councils' job to balance the needs of the community for the common good. She said that as far as the tree ordinance is concerned, all she wanted is for residents to keep the City informed and was not to be used to stop a homeowner from taking a tree down. They would like to see engagement from the public with the City. Councilmember White agrees with Councilmember Sutton and said that the proposed tree ordinance is an overreach. She cited outside locations where they have a tree ordinance, citing that residents in these locations would have to replace by diameter of what is taken down. Councilmember Unrath said that the planet is burning down and both sides of the aisle agree. He believes that Chair Dittmar is acting in the best interest of his children and future grandchildren. He feels that these issues are similar to what was done previously than what they did with the building codes. Mayor Palumbo, feels that he is aware of houses are getting mold and houses being so wrapped so tight. His bigger concerns are where the power is coming from and is it going to work. Rolling blackouts would be a problem. He disagrees with this measure and would prefer to wait until more information and review all angles before moving forward. Chair Dittmar thanked those for coming and speaking. Joe Nacca spoke again and said that he has come to various meetings for more than 12 or 13 years and this is the first time that national politics are affecting people thinking. He hopes that he is wrong and hopes that political ideology stays out of local politics.

Chair Dittmar moved onto reviewing Mandatory Inspection of Water Service Lines at Property Transfer. Chair Dittmar reviewed that the Committee has discussed this ordinance and at issue was the language with Plumbers having a New York State license to practice. He asked David to speak on what he was able to garner. Mr. Hou spoke reviewed that he took a further look into and we are authorized to certify plumbers under local law, similar to what Rochester and other cities do. He said that City Council can choose to go down that path or eliminate the requirements, which is at the discretion of Council. Councilmember Sutton motion to approve the adoption with the plumber language removed to be passed onto to the full Council for adoption, seconded by Councilmember Covington. Unanimously passed and carried. After the vote, Joan Houle spoke, she has property on South Pearl Street. Back in January when this was discussed, she has asked for a copy of it and there is no copy available. She asked if these are easily accessible to the public. Mr. Goodwin said that the website has all the details on the full agendas for City Council. She asked how to get feedback to Council and she is able to email Council with feedback.

Chair Dittmar moved onto Short Term Rentals, The City Council enacted a six (6) month moratorium on short rental approvals at their May 4, 2023 meeting. Recommendations and draft proposed changes have been presented to the Council. At the Council meeting, only the first point of the six presented was reviewed by Council, noted Councilmember Lyon. Councilmember White asked about the acceptable number of days. Mr. Goodwin noted the Planning Committee opted for

sixty days, but it is up to the full Council to decide the limit. Chair Dittmar said that he thinks that 30 days make sense. Chair Dittmar reviewed the primary resident requirement, in the RO and RI zones, it would apply and not apply in the mixed-use zone. Councilmember Uebbing said that he is moved against any in R1 and RO STRs. He feels that residential neighborhoods should not be filled with tourists. Long Term Renters have rights but he understands that they are not as profitable. He is concerned with implications of long-term housing units out of the local housing stock, transforming them into short term rentals in residential neighborhoods. He reviewed this Nationally and would like to see us protect the neighborhoods and keep Long Term rental stock for working-class families that are facing a hard and harder time to find housing. He cited the new hotel on Main Street that will offer short term rentals and feels that this is the ideal location for short term rentals and not on Holiday Lane or Dorset Drive. Councilmember Lyon spoke and R1 And B and Residential Lake front, it would be a primary resident. It would be the RO and R1 that may need to change. Chair Dittmar moved onto three, four and five recommendations. The STR Special Use permit, he is not in favor of it transferring in with the property. The majority of Council agrees. Councilmember Lyon asked if this is a Code Officer issue, all agreed is that it is administrative review for the City. Councilmember White asked about B & Bs and if they should be transferable. Council discussed, if that is how they are categorized at the time of sale, that's how they should stay, because it is a business. The new owner would have to reapply for the license. Mr. Goodwin confirmed that yes, they currently are transferrable. Chair Dittmar moved onto item 5, previously approved STRs, should they be allowed to continue as they are now or should they go under the new schedule to review the license and reapply to renew when the current expires. Chair Dittmar said to put them on the renewable schedule. Mike Yarger commented, that regarding renewal time period, these properties are required to be reinspected every three years and wants to know why not change that to two years. If he owns a B & B and transfers to a new owner, it stays a B & B. If he sells a short-term rental, there is no guarantee that it would stay that way, according to what he is hearing tonight. Patrick Rhodes, Buffalo Street, he has heard a lot of conversations around the amount of time in point one, is it 30 days or a number of stays within the given time frame, might be a compromise in this area. Further discussions will take place.

Chair Dittmar moved into the Solid Waste Collection Program discussion and reviewed that at the May 4, 2023 City Council meeting, the Solid Waste Ordinance was tabled to work on the definition of mixed-use with a primary commercial use. Mr. Goodwin reviewed and proposed that the mixed use and primary commercial properties be determined by the Zoning Officer and each property is unique, the ZBA would be able to appeal any decision. Councilmember Sutton asked what criteria would they use. Mr. Goodwin noted a downtown building would be considered commercial but a residence that has an AirBnB would be considered mixed use. It would be a case-by-case review by the Zoning Officer. Councilmember Sutton feels that this is entirely too subjective. Councilmember Lyon reviewed the definitions of the code as per what the City Manager is saying. Councilmember White cited an example of a beauty salon that has an apartment, how is that define. Mr. Goodwin said that they use New York State's Assessment codes to determine the use of a property. This is what was used to come up with the list and mixed-use properties in the previous ordinance were not picked up, in reality, the City wasn't following that. This is a way to clean up what was done, to make it straightforward and still be fair to those primary residents. Councilmember Sutton said that she can live with Mr. Goodwin's proposal since there is an appeals process. Councilmember Covington moved to draft the language for the ordinance to review at the next Council meeting. Councilmember White seconded to review the proposal once drafted, unanimously passed and carried.

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

Other Councilmembers Present: Ellen Polimeni
Daniel Unrath
Steve Uebbing
Thomas Lyon
Mayor Palumbo

City Staff present: John Goodwin, City Manager
David Hou, Corporation Counsel

Chair White opened the meeting and welcomed members present. She reviewed the first agenda item and update from Joule on the CCA program. Glen Wineberg from Joule presented via Zoom. Joule has received pricing based on Council's

request on the three potential areas for suppliers for the updated program for the community. Joule believes that these suppliers are very strong players in the market, each very long-term suppliers to the area. Councilmembers stated their continued plan to work with a supplier that is 100% renewable energy. The final round of bidding will be on May 19th. Mr. Goodwin stated that a special City Council meeting would need to take place as with the pricing options will finalize as fixed once the contract is executed. Contract terms of the selected supplier could run between 15 and 27 months. The next steps will be to draft a resolution and finalize the MOU for Council's review. Chair White thanked Mr. Wineberg for the update. Council will be meeting on May 11th for the special meeting.

Chair White moved onto the Kershaw Concessions and asked Mr. Goodwin to provide an update and the history of the RPF, with only one bidder that was rejected. One of the vendors that he contacted for the space was Kix on Main. The owners had expressed their wish to have concessions at the Park, and once contacted to see about the space, they agreed. They will be offering their traditional concession items, hot dogs and the like. They came in with a bid of \$1500. Councilmember Sutton said that she is in favor of this arrangement as is the rest of the committee. Councilmember Covington motioned to approve the contract, seconded by Councilmember Dittmar, unanimously passed and carried. Mr. Goodwin will put together a resolution for the special meeting for the committee to review on the 11th.

Chair White asked for an update on the pontoon boat, owners of the Canandaigua Lady had request for a pontoon boat to be potentially docked at the public dock near the Lady. Owners of the Canandaigua Lady anticipates taking guests from the Canandaigua Hotel around the Lake, the one of the owners of the Lady has a minority stake in the Hotel. Councilmembers had urged the owners of the Lady to consider purchasing an electric boat to avoid more environmental concerns for the Lake. Mr. Goodwin shared an update via email to Council on this topic from the owners. Councilmember Lyon agrees and said that that after the meeting, it was confusing who was purchasing the boat.

Chair White review the next agenda item, some concerns she has on the mooring of the City's Fire Boat. She shared her concerns with the location of the boat. Mr. Goodwin showed how the City of Rochester moors their explained that our City's Boat will have a very similar mooring, with all the proper safeguards. Mr. Goodwin showed pictures of the motors of the City's boat and they have not leaked. Steve Pfeiffer from Central Garage was available to speak but was not called upon to address Chair White's concern on the motors. Councilmember Uebbing asked where would the boat be docked, would it be in Captain Grey's old area and Mr. Goodwin showed on the map where the boat will be and shared that it will be monitored by law enforcement with security cameras. Chair White said that she believes the County boat will be able to provide the same rescue functions as what the City has purchased. Mr. Goodwin said that the Sheriff have attended meetings about the boat in the past and confirmed to Council they cannot do what the City's Fire Boat is capable of.

Councilmember Sutton motioned to adjourn the meeting, seconded by Councilmember Covington. Unanimously passed and carried at 8:38 pm.