

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING  
THURSDAY, MARCH 1, 2018 7:00 P.M.  
City Council Chambers  
City Website: canandaiguanewyork.gov

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:** Councilmember Ward 1 Nick Cutri  
Councilmember Ward 2 Robert Palumbo  
Councilmember Ward 4 Renée Sutton  
Councilmember-at-Large Robert O'Brien  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large Stephen Uebbing  
Mayor Ellen Polimeni

**Members Absent:** Councilmember Ward 3 Karen White – Excused Absence  
Councilmember-at-Large David Whitcomb – Work Conflict

**Also Present:** City Manager John D. Goodwin  
City Clerk-Treasurer Nancy C. Abdallah  
Assistant City Manager Rob Richardson  
Corporation Counsel Terence Robinson, Boylan Code (Arrived 7:38)

**Review of Community Core Values:** Council Member Ward 2 Palumbo read 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:**

February 1, 2018 Moved: Councilmember-at-Large Terwilliger  
Seconded: Councilmember-at-Large O'Brien  
*Vote Result: Carried unanimously by voice vote (7-0)*

**Recognition of Guests:**

- Mike Yarger, property owner in the City of Canandaigua, requested Council to consider an ordinance change to extend parking on Phoenix street from 30 minutes to an hour and a half.
- Denise Chaapel, BID Manager discussed upcoming events and the annual meeting.

**Committee Reports:**

***Planning/Development Committee Meeting:*** February 6, 2018 (Appendix A)

- CPSM Community Risk Analysis
- National Citizen Survey
- CDBG Grant Administration
- Small Business Loan Program Agreement
- Executive Session- Potential Land Purchase

***Environmental/Parks Committee Meeting:*** February 13, 2018 (Appendix B)

- Civic Center Lease Agreement

- Twisted Rail Patio Renovations
- Roseland Docks
- Custom Question Follow-Up

***Ordinance/Charter Committee Meeting:*** February 20, 2018 (Appendix C)

- North Shore Blvd., Booth Street and Public Parking Dedication
- Short Term Rental Regulations
- Discussion on Pet Ordinance and Pesticides in Public Right of Ways

***Finance/Budget Committee Meeting:*** February 27, 2018 (Appendix D)

- Fuel Contract for Canandaigua Emergency Squad
- 2019 Multiple Street Reconstruction Project
- Dog Park

**Resolutions:**

**Resolution #2018-007:** *(Tabled at the February 1<sup>st</sup> Council Meeting)*

Lift from the table:

Moved: Councilmember-at-Large Uebbing

Seconded: Council Member Councilmember Ward 4 Sutton

*Vote Result: Carried unanimously by voice vote (7-0)*

Councilmember-at-Large Uebbing moved to amend the resolution by adding a last paragraph to read as follows:

***AMENDMENT: BE IT FURTHER RESOLVED*** *that this Resolution shall sunset on June 8, 2018 so that an updated agreement that meets the concerns of City Council can be reviewed by City Council and the full resolution and agreement can be reviewed and approved together.*

Councilmember Ward 4 Sutton seconded the motion.

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

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING  
FOR THE ONTARIO COUNTY NARCOTICS ENFORCEMENT TEAM  
(Amended)**

**WHEREAS**, the City of Canandaigua Police Department has been in discussions with other local law enforcement agencies regarding a unified approach to combatting drugs in Ontario County; and

**WHEREAS**, these agencies, including the Ontario County Sheriff's Office, the Ontario County District Attorney's Office, Geneva Police Department, Clifton Springs Police Department, Phelps Police Department, and the City of Canandaigua Police Department have developed the Ontario County Narcotics Enforcement Team ("OntarioNET"); and

**WHEREAS**, the task force is an opportunity to combine members of Law Enforcement with a unified focus on attacking the Heroin and Opioid Crisis facing Ontario County; and

**WHEREAS**, a tentative agreement has been drafted that will allow these law enforcement agencies to share manpower, resources, and information for the common purpose of addressing the drug problem within Ontario County; and

**WHEREAS**, at its January 16<sup>th</sup> meeting, the Ordinance Committee voted to send the authorization of the MOU to the full City Council;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Manager and/or his designee is authorized to execute a Memorandum of Understanding with the Ontario County Sheriff's Office, the Ontario County District Attorney's Office, Canandaigua Police Department, Geneva Police Department, Clifton Springs Police Department, and Phelps Police Department to formalize the creation of the Ontario County Narcotics Enforcement Team; and

**BE IT FURTHER RESOLVED** that this Resolution shall sunset on June 8, 2018 so that an updated agreement that meets the concerns of City Council can be reviewed by City Council and the full resolution and agreement can be reviewed and approved together.

*The motion on the Amended Resolution CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**Resolution #2018-011:**

Moved: Councilmember Ward 4 Sutton

Seconded: Councilmember-at-Large O'Brien

**A RESOLUTION AUTHORIZING A CONTRACT FOR A COMPREHENSIVE FIRE STUDY**

**WHEREAS**, the Center for Public Safety Management (CPSM) has submitted a proposal to perform a comprehensive study of the fire services for the City and Town of Canandaigua; and

**WHEREAS**, using the current operations of the department as a baseline, CPSM will provide a thorough and unbiased analysis of the fire service delivery and staffing model and make recommendations on the most viable and sustainable approach for the community; and

**WHEREAS**, as part the study, CPSM will conduct a Community Risk Assessment that will be vital to the department's planning efforts moving forward and also provide criteria required for the Canandaigua Fire Department to pursue accreditation; and

**WHEREAS**, the cost of the comprehensive study is \$50,000, and the Town of Canandaigua has agreed to contribute \$25,000; and

**WHEREAS**, Staff recommends City Council appropriate \$25,000 from contingency and authorize the City Manager to enter into an agreement with CPSM; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Canandaigua appropriates \$25,000 from the 2018 General Fund Contingency for the City's share of the costs associated with a comprehensive study of the fire services provided in the Town and City; and

**BE IT FURTHER RESOLVED THAT,** City Council also authorizes the City Manager to enter into a contract with the Center for Public Safety Management (CPSM) to complete the comprehensive study and an inter-municipal cost-sharing agreement with the Town of Canandaigua.

*Discussion: Council Member Ward 2 Palumbo asked why this was not done using an RFP. City Manager John D. Goodwin responded by indicating that this was professional service highly recommended by ICMA who is one of our strategic partners.*

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**Resolution #2018-012**

Moved: Councilmember Ward 4 Sutton

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION RENEWING THE LEASE AGREEMENT BETWEEN THE CITY OF CANANDAIGUA AND THE GREATER CANANDAIGUA CIVIC CENTER**

**WHEREAS,** the City of Canandaigua leases the skating rink to the Greater Canandaigua Civic Center located at 250 N. Bloomfield Road, Canandaigua, New York; and

**WHEREAS,** the current lease agreement expires on December 31, 2018; and

**WHEREAS,** City Staff have met with Civic Center representatives regarding a proposal to renew the current lease agreement for an additional five years, commencing on January 1, 2019, and terminating on December 31, 2023; and

**WHEREAS,** City Staff recommended the lease agreement be renewed, and the Environmental/Parks Committee approved said recommendation at its February 13<sup>th</sup> meeting;

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

*The motion on the Amended Resolution CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**Resolution #2018-013:**

Moved: Council Member Ward 2 Palumbo

Seconded: Councilmember-at-Large O'Brien

**A RESOLUTION AUTHORIZING THE INSTALLATION OF EXTERIOR FENCING**

**AT TWISTED RAIL BREWING COMPANY**

**WHEREAS**, Twisted Rail Brewing Company, located at 169 Lakeshore Drive, Canandaigua NY, would like to install a fence around their exterior patio to replace the tent they previous used; 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 Environmental/Parks Committee meeting held February 13<sup>th</sup>, representatives from Twisted Rail presented their plan, with the Committee voting to approve the proposal;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council for the City of Canandaigua authorizes Twisted Rail Brewing Company to install a fence, as outlined in the plan attached hereto and made a part hereof, around their exterior patio per the terms of the lease agreement.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**Resolution #2018-014:**

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION AWARDING A CONTRACT FOR PROGRAM DELIVERY AND ADMINISTRATION OF CDBG GRANT FUNDING**

**WHEREAS**, The City was recently awarded CDBG economic grants to assist in the development of Nolan's and the Canandaigua Finger Lakes Resort totaling \$416,000 and \$750,000 respectively; and

**WHEREAS**, as part of the award, each grant included \$16,000 (total \$32,000) specifically earmarked for program delivery and grant administration; and

**WHEREAS**, the City released an RFP for firms to perform grant administration, and in January received two proposals; and

**WHEREAS**, after reviewing the proposals, City Staff recommended awarding the grant administration contract to the Harrison Studio due to their intimate knowledge of the projects having served as the grant writer for both and their extensive experience with the CDBG program; and

**WHEREAS**, at its February 6<sup>th</sup> meeting, the Planning/Development Committee reviewed and approved said recommendation;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Canandaigua hereby awards a contract to the Harrison Studio for the program delivery and administration of these CDBG grants and authorizes the City Manager to execute a professional services contract with Harrison Studio with a total cost not to exceed \$16,000 per grant (\$32,000).

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**Resolution #2018-015**

Moved: Councilmember-at-Large Uebbing

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION AUTHORIZING AN AGREEMENT FOR ADMINISTRATION OF THE CITY OF CANANDAIGUA SMALL BUSINESS LOAN PROGRAM**

**WHEREAS**, at its meeting held September 7, 2017, City Council passed Resolution #2017-094 establishing a Small Business Development Loan Program; and

**WHEREAS**, in summary, the program will involve providing loans of up to \$50,000 at 2% interest for a sixty (60) month term with applications being approved by a loan committee appointed by the Mayor and City Manager; and

**WHEREAS**, Canandaigua National Bank & Trust Company (CNB) has offered to partner with the City to provide loan underwriting, origination, and administration for the small business program subject to a completed Small Business Loan Fund Operating Agreement; and

**WHEREAS**, at the February 6<sup>th</sup> Planning/Development Committee meeting, City Staff presented an operating agreement with CNB which the Committee approved;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council for the City Canandaigua hereby authorizes the City Manager to execute the Small Business Loan Fund Operating Agreement with Canandaigua National Bank & Trust Company (CNB) to provide loan underwriting, origination, and administration of the Small Business Development Loan Program for the City of Canandaigua.

*Councilmember-at-Large Terwilliger recused himself because he is an Officer of CNB.*

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**Resolution #2018-016:**

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION AUTHORIZING A MOTOR FUEL PURCHASE AGREEMENT FOR THE CANANDAIGUA EMERGENCY SQUAD**

**WHEREAS**, the Canandaigua Emergency Squad has requested permission to purchase fuel from the City of Canandaigua; and

**WHEREAS**, the Canandaigua Emergency Squad is a volunteer, non-profit organization that provides ambulance service to the community; and

**WHEREAS**, the City has a similar agreement with the Finger Lakes Community College and the Ontario County Soil and Water Conservation District for all fuels acquired at the City's fueling facility at the City's cost plus \$0.03 per gallon for a five (5) year term, with the option to extend the agreement for an additional five (5) year term upon mutual consent of both parties at the end of the term; and

**WHEREAS**, the requested fuel supply agreement was reviewed and approved by the Finance/Budget Committee at its February 27<sup>th</sup> meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby authorizes the City Manager to execute the attached Motor Fuel Purchase Agreement with the Canandaigua Emergency Squad for a five (5) year term; and

**BE IT FURTHER RESOLVED**, the agreement may be extended upon mutual consent of the parties for an additional five (5) year period at the end of the term.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**Resolution #2018-017:**

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON  
AMENDMENTS TO CHAPTER 850 OF THE MUNICIPAL CODE ENTITLED "ZONING"  
REGARDING "SHORT-TERM RENTALS"**

**WHEREAS**, the City of Canandaigua is contemplating amendments to Chapter 850 of the Municipal Code regarding short-term rentals to include regulations that hold short-term rentals, such as AirBnBs, to the same requirements as traditional bed and breakfast establishments; and

**WHEREAS**, making amendments to the Municipal Code requires that a public hearing be held to obtain citizen comments;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Canandaigua that a public hearing regarding the proposed amendments to Chapter 850 of the Municipal Code shall be held in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York during the City Council meeting held at 7:00 p.m. on April 5, 2018; and

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause notice to be given and published as required by law.

*Vote Result: Carried unanimously by voice vote (7-0)*

**Resolution #2018-018:**

Moved: Councilmember-at-Large O'Brien  
Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION ACCEPTING DEDICATION OF PUBLIC INFRASTRUCTURE RELATED TO THE PINNACLE NORTH DEVELOPMENT**

**WHEREAS**, the part of the development of Pinnacle North included the construction of a new street North Shore Blvd, realigning Booth Street and construction of a public parking lot off of Muar Street; and

**WHEREAS**, the developers of Pinnacle North (Morgan/LeChase) have requested that the City accept dedication of the aforementioned public infrastructure and construction has been substantially completed to satisfaction of the Director of Public Works;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Canandaigua hereby formally accepts the offer of dedication of North Shore Blvd, the public parking lot located off Muar Street and Booth Street as realigned.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**Resolution #2018-019:**

Moved: Councilmember-at-Large Terwilliger  
Seconded: Councilmember-at-Large O'Brien

**A RESOLUTION APPROPRIATING FUNDING FOR THE CANANDAIGUA CANINE CAMPUS**

**WHEREAS**, the City has been working with the Friends of Canandaigua Canine Campus for the last several years to develop a dog park within the City at 97 Buffalo St.; and

**WHEREAS**, the City has unsuccessfully applied for grant funding for the construction of the dog park, named ~~The~~ Canandaigua Canine Campus via Resolution #2018-006, for the past two years; and

**WHEREAS**, the Parks, Playgrounds and Open Space Fund was established in 1989 in order to collect a fee from developers of subdivisions and multi-family housing in lieu of designated common recreation areas or parks and said funds can only be used for park and recreation purposes; and

**WHEREAS**, at its February 27, 2018 meeting, the Finance/Budget Committee, reviewed and approved a recommendation from City Staff to appropriate \$60,000 from the Parks, Playgrounds and Open Space Fund to complete Phase I of ~~The~~ Canandaigua Canine Campus;

**NOW, THEREFORE, BE IT RESOLVED**, by the Canandaigua City Council that \$60,000 be appropriated from the Parks, Playground and Open Space Fund for the purpose of constructing Phase I of ~~The~~ Canandaigua Canine Campus.

*Amendment: Councilmember-at-Large Terwilliger moved to remove the word “the” in paragraphs 2, 4 and 5. Councilmember-at-Large O’Brien seconded the motion.*

*Vote Result: Carried unanimously by voice vote (7-0)*

*Discussion on Amended Resolution:*

*Council Member Ward 2 Palumbo stated that this would involve ongoing maintenance by DPW staff and might necessitate the need for additional park staffing. He feels there is a greater need for additional public safety staffing. Although he is in favor of the dog park he is not in favor of city staff maintaining it and there does not seem to be interest by the membership to maintain the park. Therefore, he will not be supporting this resolution because there are greater needs for City funds and resources.*

*Mike Yarger, property owner in Canandaigua, stated that he thought the membership would be the ones maintaining the park but it would not be exclusively their responsibility just like the City maintains the other parks.*

*City Manager John D. Goodwin has talked to the Town and their interest in helping build and maintaining the dog park.*

*The motion on the amended resolution CARRIED on the following vote:*

*AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Sutton, Councilmember-at-Large O’Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: Council Member Ward 2 Palumbo*

### **Resolution #2018-020:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 4 Sutton

### **A RESOLUTION APPROPRIATING FUNDING FOR ADDITIONAL SERVICES RELATED TO THE NATIONAL CITIZENS SURVEY**

**WHEREAS**, one of the City’s core values is responsive, participatory governance and the 2018 Adopted Budget included funding for the completion of the National Citizens Survey (NCS) conducted by the National Research Center to assist in realizing this value; and

**WHEREAS**, the NCS is endorsed by the International City/County Management Association (ICMA) and the National League of Cities (NLC) and is a scientific survey to gather resident opinion and allows for the addition of closed-ended customized questions as part of the survey; and

**WHEREAS**, the survey will be utilized by City Council in the development of a new Strategic Plan; and

**WHEREAS**, the City Council through discussions at all of its committee meetings reviewed draft custom questions and is desirous of adding an open-ended question to the survey; and

**WHEREAS**, the City Council through discussions at all of its committee meetings reviewed draft custom questions and is desirous of adding an open-ended question to the survey which due to the increased data entry and staff time is an additional cost of \$1,935; and

**WHEREAS**, at its February 27, 2018 meeting, the Finance/Budget Committee, reviewed and approved adding an open-ended question and appropriate \$1,935 from the contingency;

**NOW, THEREFORE, BE IT RESOLVED**, by the Canandaigua City Council that \$1,935 be appropriated from the contingency for the purpose of adding an open-ended question to the National Citizens Survey.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

## **Ordinances:**

### **Ordinance #2018-001:**

Councilmember-at-Large Terwilliger read the following Ordinance and placed it on the table.

**AN ORDINANCE AMENDING CHAPTER 850  
OF THE MUNICIPAL CODE ENTITLED "ZONING"  
REGARDING "SHORT TERM RENTALS"**

Be it enacted by the City Council of the City of Canandaigua as follows:

SECTION 1. Chapter 850 is hereby amended as follows [new language is *in bold italics*, deleted language is stricken]

#### **§ 850-12. Definitions and word usage**

##### **SHORT TERM RENTAL**

*A residential dwelling unit, or portion thereof, rented for habitation for a period of less than 30 days. Such properties are regulated under § 850-110.5*

SECTION 2. Chapter 850 is hereby amended as follows [new language is *in bold italics*, deleted language is stricken]

#### **§ 850-76. Use Requiring Special Use Permit Application**

##### **§ 850-110.5 Short Term Rental**

*Short Term Rentals may be permitted in a residential structure in any zone district, provided that the Planning Commission determines that the following standards are met:*

- A. The Planning Commission finds that the proposed use is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.*
- B. The proposed use shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.*
- C. The use shall be conducted entirely within the primary building.*
- D. The rental units shall be registered and inspected in compliance with the City of Canandaigua Rental Inspection Program.*
- E. The use of the premises shall not require or involve any exterior alterations to the structure.*

- F. *The owner of the property must be present during the short-term occupancy and the use shall not involve the support of more than one nonresident employee.*
- G. *The establishment shall not operate as a restaurant by selling meals other than to bona fide overnight guests.*
- H. *The establishment shall not operate as a rooming house or boardinghouse as defined in § 850-12.*
- I. *The property shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.*
- J. *The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.*
- K. *Total occupancy of the rental unit shall be limited to no more than 6 guests unrelated to the proprietors at any one time.*
- L. *Off-street parking shall be provided. The Planning Commission may determine on a case-by-case basis what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II.*

SECTION 3. This ordinance shall take effect thirty (30) days from its adoption.

**Ordinance #2018-002:**

Moved: Council Member Ward 2 Palumbo

Seconded: Council Member Ward 1 Cutri

**AN ORDINANCE AMENDING CHAPTER 253 ARTICLE II OF THE MUNICIPAL CODE  
ENTITLED “DOG CONTROL”**

Be it enacted by the City Council of the City of Canandaigua as follows:

SECTION 1. Chapter 253-14 is hereby amended as follows [new language is *in bold italics*, deleted language is stricken]

No person shall keep, harbor or otherwise maintain a dog within the City of Canandaigua except in conformance with the following conditions:

A. All dogs four months of age or older within the City of Canandaigua, unless otherwise exempted, shall be licensed by the City of Canandaigua. The owner of each dog required to be licensed shall obtain, complete, and return to the Office of the City Clerk/Treasurer a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the City of Canandaigua and set forth in § 253-16. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog’s life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferrable.

(1) Exceptions.

(a) Any dog harbored within the City of Canandaigua, which is owned by a resident of New York City and licensed by New York City, or which is owned by a nonresident of New York State and licensed

by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from the licensing and identification provisions of this article.

(b) Dogs of any age which are held at a shelter pursuant to a contract or agreement with any county, city, town, village or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed.

B. Every dog, except while they are participating in a dog show, must wear a collar or harness with a license tag when outside their owner's property.

C. No dog shall be permitted to run at large within the City.

D. No dog shall be permitted to howl, bark or make objectionable sounds habitually or continuously so as to disturb the peace and quiet of other persons during the day or night.

E. No dog shall be permitted, even if leashed, to deposit waste on a sidewalk, street or other public property or on the private property of another person. It shall be the duty of each dog owner or person having possession, custody or control of the dog to remove any feces left by his or her dog on any sidewalk, street or other public property or on the private property of another person. This section shall not apply to the owner or person having possession, custody or control of a service dog or police dog.

F. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

G. The number of dogs per premises is restricted as follows:

(1) Single-family dwelling: three dogs. Persons living in any single-family dwelling premises may own up to three dogs more than four months of age as long as the total number of dogs at that premises does not exceed three.

(2) Two-family dwelling: three dogs. Persons living in any two-family dwelling may own two dogs more than four months of age as long as the total number of dogs at that premises does not exceed three.

(3) Multifamily dwelling: three dogs. Persons living in any multifamily dwelling may own one dog more than four months of age as long as the total number of dogs at that premises does not exceed three. Nothing in this section shall prevent a property owner from further restricting the number of dogs or from prohibiting dogs on their premises. Furthermore, while service dogs assisting the disabled shall be included in the number of dogs counted for these limits, they shall also be exempt from the limit if the limit has been reached.

H. Tethering of dogs: ~~prohibited~~. It is prohibited to restrain a dog or puppy by a chain or tether for more than ~~46~~ **eight (8)** hours in a twenty-four-hour period.

(1) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(2) Any tethered animal shall be arranged so that the tethering device cannot become tangled around trees, poles or other obstacles nor prevent the access to shade, food, water and shelter.

***I. Permitting a dog or puppy to be outside for more than eight (8) hours in a twenty-four (24) hour period is prohibited.***

J. No person shall own or harbor a dangerous dog unless such dog is at all times restrained and controlled so as to prevent the attack of or injury to any person or companion animal and so as to prevent such dog from putting any person in fear of immediate bodily harm, provided that such person or companion animal is peacefully conducting himself in a place where he may lawfully be.

**K.** No owner of a dangerous dog shall fail to confine or destroy such dog as required by an order of the court.

**L.** A dog labeled dangerous due to an attack on a person (as opposed to an animal) must be confined in a fully enclosed pen constructed with chain link fencing or its equivalent, which must first be approved by an authorized Dog Control Officer of the Ontario County Humane Society. When not confined and on public property the dangerous dog must be restrained by a leash controlled by an adult of at least 21 years of age and muzzled in a manner that will prevent it from biting any person or animal, but that will not injure the dog or interfere with its vision or respiration.

**M.** An owner of a dangerous dog shall maintain liability insurance in the amount of \$100,000 for personal injury or death resulting from an attack by such dangerous dog.

SECTION 2. This ordinance shall take effect thirty (30) days from its adoption.

Councilmember Ward 4 Sutton moved to strike the word “prohibited” from section H of the ordinance. Councilmember-at-Large Uebbing seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0)*

*The motion on the amended ordinance CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember-at-Large O’Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, and Mayor Polimeni.*

*NOES: None*

**[Clerk note added – This ordinance could not be voted on because not all Councilmembers were present. This ordinance will be voted on again at the next meeting.]**

**Local Laws: (None)**

**Manager's Report:** City Manager John Goodwin reported the following:

- The survey asking about incentives for volunteer firefighters is now off of our website because we reached the maximum limit of responses due to one individual posting 56 responses.

**Appointments:** None

**Miscellaneous:**

- Mayor Polimeni stated that a team from Blue Zones will be here in late April to discuss the project.

**Executive Session:**

Councilmember Ward 4 Sutton moved to close the regular meeting to go into Executive Session at 8:12 PM for attorney-client privilege. Council Member Ward 2 Palumbo seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0)*

**Regular Session:**

Councilmember Ward 4 Sutton moved to close the executive session and return to the regular meeting at 8:35 PM. Council Member Ward 1 Cutri seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0).*

**Adjournment**

Councilmember Ward 4 Sutton moved to adjourn the regular session at 8:35 PM. Council Member Ward 1 Cutri seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0).*

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Nancy C. Abdallah, Clerk Treasurer  
City of Canandaigua

**APPENDIX A**  
**PLANNING/DEVELOPMENT COMMITTEE**  
**Tuesday, February 6, 2018**  
**7:00 p.m.**  
**Wood Library**

**Committee:** Robert O'Brien, Chair, Bob Palumbo, Steve Uebbing (7:07 p.m.), Renée Sutton

**Other Council Members:** Mayor Polimeni, Jim Terwilliger (7:02 p.m.), Dave Whitcomb (7:05 p.m.),  
Karen White

**Staff:** John D. Goodwin, Rob Richardson, Frank Magnera, Terrence Robinson

**1. CPSM Community Risk Analysis**

The Center for Public Safety Management (CPSM) has submitted a proposal to perform a comprehensive study of the fire services for the City and Town of Canandaigua. Based on the current state of departmental operations, CPSM will make recommendations on the most viable and the Town of Canandaigua has agreed to pay \$25,000 to share the cost. Staff recommends authorizing the study, which will provide a thorough and unbiased analysis of the fire service delivery and staffing model. Regardless of any staffing decision, the Community Risk Analysis will be vital to the department's planning efforts moving forward and also provide criteria required for the Canandaigua Fire Department to pursue accreditation.

Renée asked if there was an RFP, and John stated he went to the subject matter experts. John started by discussing the purpose of the study and how it will benefit the greater Canandaigua community. Chief Magnera was also on hand to discuss why we need to do this study. We need to do a community risk assessment and considering the Town will be going out to bid for Fire services it makes sense we should work together. They are fully onboard with splitting this study with the City. Renée asked if the initial report would be made available to Council prior to other comments being added, and John replied yes. Steve asked if this would be used to determine staffing needs for the City and the Town, and John said that is exactly the intent. Bob asked if they will be interviewing staff, and both John and Frank confirmed they would. Robert asked how this would impact volunteers, and John said it would include the surrounding resources available. Dave asked if Frank supported this, and he said yes. It would also help us identify unknown risks even he is not familiar with. Frank is familiar with CPSM and thinks the work they do is excellent. Dave wants to make sure the study is objective so everyone can buy in. Karen asked if the plan is more beneficial for the town, and Frank said it's good to look at the entire picture. Karen also asked what accreditation is, and Frank explained it's through the Center for Public Safety Excellence. Karen asked if would help us move to regional firefighting, and John said yes. Steve reviewed a project from a community of our size, and said their work was excellent as well. He likes the idea of using fresh eyes, and he says that we need to take whatever the results are seriously. Bob brought up the Matrix study and wants to know where they will get the information from. John pointed out the Matrix study didn't do they community risk assessment, and the data from the Matrix study was skewed. The intent it to take the recommendation seriously and it's up to the City Council to decide what level of service they will provide. Bob pointed to the questions on the Citizen Survey, and what happens if the Citizens don't want to pay for it. Renée agreed with Steve and is happy to hear we are moving forward with shared services approach. Robert asked if there would be a standardization of training, and John said they would make those recommendations. Frank has been working with surrounding agencies to try and set up trainings, and he will be hosting the Chief's Meeting February 15<sup>th</sup>. Laura asked on Maria Bucci's behalf who would be providing data- and John said it would be a variety of sources from both the Town and the City including Staff and Nationally reported data.

Steve moved to approve the study, Renée seconded.

**4 in favor, 0 opposed. Motion carries to City Council.**

## **2. National Citizen Survey**

The 2018 Adopted Budget includes funding to complete the National Citizen Survey, which will provide City Council and Staff feedback and information regarding quality of life and services in the City of Canandaigua. Included with the agenda is a sample survey showing the format of the survey and examples of custom questions. There are certain topic areas that can be excluded, and the City has the option to include custom, close-ended questions. City Staff will present recommended custom questions to include in the survey, however Councilmembers should also bring ideas for custom questions to discuss.

John discussed our intent to complete the survey and discussed a few points prior to moving into the discussion of the custom questions. He asked if there were any questions we wanted removed from the standard section as sent by the NCS. Renée suggested we remove the question about public transportation, but people generally agreed that it should stay. The Mayor added that this survey is strongly endorsed by National League of Cities and ICMA and is highly recognized as being effective. Robert asked what happens next, and John explained they will come help us build a strategic plan with the data obtained. This info will also be important towards developing the City's comprehensive plan next year.

Bob asked who will get the survey, and John said it would go to residents. Steve asked how this would be distributed, and John said it would be online and through mail and ensure people only take it once. Steve moved on to the custom question saying it is fair to ask if citizens are willing to pay a higher tax levy but doesn't think putting 20% in is inappropriate. Steve would leave the question but remove the exact percentage. Dave agreed with Steve's point, and asked about the first question. Jim and the Mayor thought it should definitely stay. Robert suggested we send revisions to John. Dave suggested we include an open-ended question- Robert asked if it is worth \$2,000 to add an open-ended question. Jim agreed with Robert, and suggested we choose a few questions from the categories. Steve suggests putting together a subcommittee together to create a document to bring back. Bob agrees with the idea, but he suggests having the Chief put together something to show cost savings showing cost savings on 4 on vs. 2 on.

Robert agreed with a small working group and asked for people who would like to be on the subcommittee. The Mayor suggested making it Thursday Evening. John suggested giving him a crack at redrafting the questions, and the Mayor suggested having Councilmembers choose which ones they would want to make sure are included or addressed.

## **3. CDBG Grant Administration**

The City was recently awarded CDBG economic grants to assist in the development of Nolan's and the Canandaigua Finger Lakes Resort. These grants total \$416,000 and \$750,000 respectively which includes a total of \$32,000 for program delivery and grant administration (\$16,000 per grant). Late last year the City released a RFP for firms to perform grant administration, and in January received two proposals. City Staff reviewed the proposals and recommends the Harrison Studio due to their extensive experience with the CDBG program and an intimate knowledge of both projects having served as the grant writer for both.

John explained these grants have a substantial amount of paperwork, so it's important to have someone who has navigated the process to manage the grant reporting. John recommended we use the Harrison Studio for the reasons aforementioned, as well as a recommendation from OCR. Bob asked for clarification on the \$32,000, and John pointed out the contract is two separate contracts at \$16,000. There is no City money being used to fund the administration of the funds Renée wants to know why we chose this firm, and John stated that he would send the proposals out tomorrow morning.

Renée moved to support the recommendation of Staff, Steve seconded.

**4 in favor, 0 opposed. Motion carries to City Council.**

#### **4. Small Business Loan Program Agreement**

At its September 7, 2017 meeting, City Council passed Resolution #2017-094 establishing a Small Business Development Loan Program to lend to new or existing small businesses that will locate or expand in the City of Canandaigua for the purpose of attracting jobs and commerce to the area. Canandaigua National Bank & Trust Company (CNB) is partnering with the City to provide loan underwriting, origination, and administration for the small business program subject to a completed Small Business Loan Fund Operating Agreement. Staff recommends authorizing the operating agreement so the program can move forward.

Robert explained the reason CNB is involved is because this is a loan program, not a grant. CNB is willing to partner with the City. Initially the City looked to partner with PathStone, but it would have been too costly. Robert also added this isn't primary funding- it's secondary. Most will come from commercial banks, and CNB is losing money by helping us administer the program. John added there are several businesses already looking to pursue the loan program. Steve asked about parameters- minimum is \$10,000 and the max is \$50,000. The Mayor also added that initially when we came up with the program it was taken to the economic development committee and told it needed work. It was formulated by multiple community stakeholders, including the Chamber of Commerce. Bob asked if this will be advertised, and John said it would be heavily advertised and the BID and Chamber will also promote the program to businesses.

Renée moved to support the recommendation of Staff, Bob seconded.

**4 in favor, 0 opposed. Motion carries to City Council.**

**Meeting adjourned at 8:19 p.m. to move into executive session.**

#### **5. Executive Session- Potential Land Purchase**

**APPENDIX B**  
**ENVIRONMENTAL/PARKS COMMITTEE**  
**Tuesday, February 13, 2018**  
**7:00 p.m.**  
**Wood Library**

**Committee:** Karen White- Chair; Bob Palumbo; Renée Sutton; Dave Whitcomb

**Other Councilmembers:** Ellen Polimeni, Jim Terwilliger, Robert O'Brien

**City Staff:** John D. Goodwin, Rob Richardson, Terrence Robinson

**1. Civic Center Lease Agreement**

In 2014, the City of Canandaigua entered into an agreement to lease the Greater Canandaigua Civic Center, a non-profit corporation, to operate and maintain the ice rink located at 250 North Bloomfield Rd. That agreement, scheduled to run from January 1, 2014 until December 31<sup>st</sup>, 2018 expires at the end of this year. Staff has meet with GCCC representatives and does not suggest any changes and recommends the lease be renewed.

Bob motioned we accept the proposal, Renée seconded.

**4 in favor, 0 opposed. Motion carries to full City Council.**

**2. Twisted Rail Patio Renovations**

The City leases the Muar House to Twisted Rail Brewing Company and the lease agreement requires that all alternations or improvements be approved by City Council. Twisted Rail is seeking the approval of an alternation to add a fence around the patio that City Council approved last year. Attached to the agenda is the plans for the proposed fence and a mock-up on its impact to the property. Representatives from Twisted Rail plan to attend the meeting and present the proposed changes.

Ian from twisted rail was at the meeting proposing they use a fence instead of a tent which will look less gaudy. Renée asked to see a mock-up, which John was able to show her a better picture. Bob asked how high it was, and Ian answered 6 feet. Dave thinks it's a nice addition which will divide the area nicely. Karen asked who was responsible for cost or maintenance, and the brewery will be. The Mayor added there will be a really nice view of the outland space.

Bob moved to approve the fence, Renée seconded.

**4 in favor, 0 opposed. Motion carries to full City Council.**

**3. Roseland Docks**

Last summer, during the discussion about the dock request from the Canandaigua Finger Lake Resort, concerns were raised that the Rosepark Cottages docks are obstructing the view from Waterfront Park. The current layout of the docks was approved through a PUD in 1989 by City Council and are a pre-existing non-conforming dock under the subsequently adopted Docks and Mooring Law. There is also an easement agreement between the State of New York and Rosepark that the City consented to as an adjacent property owner to allow for the positioning of the dock. This item is being added to the

agenda at the request of Councilmember White for a discussion to see if anything can be done to address concerns raised last year.

Karen has received a lot of comments about the existing docks at Rosepark and wants to do her duty by bringing it up. John added there might be an issue with the easement, which Terrence spoke on. He stated there was an easement between the State of New York and the HOA at Rosepark, and the easement does not appear to have been extended or renewed. Terrence questions if it was an easement, and the Mayor suggested we contact Michelle Smith. John stated we did, and she proved the initial information for the search. Representatives from Rosepark were at the meeting, and Terrence showed them the verbiage in the original easement agreement. Jim can't find in the easement any language for renewal, and Terrence said that is common. They showed him a lease with the State that is valid until 2025 that was renewed in 2015, and the Mayor said that was what Michelle was referring to. Terrence had not seen this document yet. Bob thinks it may have been renewed but not registered with the Clerk's Office. Terrence said he was happy to have this discussion offline. Dave asked when the agreement was executed, and it was done so in 2006 and 2015. Dave was curious if Michelle didn't know this, and suggested Terrence contact Michelle. The Mayor remembered Michelle determined this is what was needed, so this is how we moved forward.

A representative from Rosepark stated he is extremely concerned about jumping dogs down there, and John stated he has had Police issue violations. They also don't appreciate the dog droppings. John said he will look more into this and Karen confirmed that the dogs take over the park.

While this was going on, Terrence read the agreement. He said there was some language about obstructing other owned land. John stated he had Kevin Olvany review the situation who said that this is a pre-existing, no-conforming structure so as long as it doesn't change use it is fine to stay as is. John said he would forward Kevin's analysis. The Mayor said we need to go back to the agreement when it was created, and at the time we didn't have that land.

#### **4. Custom Question Follow-Up**

At the Planning Committee Meeting held February 6<sup>th</sup>, Staff distributed draft questions for the National Citizen Survey the City of Canandaigua will be completing this year. The Committee decided to have Council send suggestions and revisions to the custom questions by Friday, February 9<sup>th</sup>, so that Staff could review and compile the suggestions for discussion at the Environmental/Parks Committee meeting.

Renée believes in keeping the survey as short as possible, and she believes it has too many questions and some are too vague. Bob doesn't want the questions about the fire department on the survey that indicate increased will cost more. John said that he tried to address his concerns from the last meeting and John explained why he worded the questions the way he did. Bob thinks we should listen to the Fire Chief instead of a public survey. Karen and Jim pointed out there is a recurring increase in cost, and Bob continued to point it's a safety issue. Bob thinks the Chief's input is all that matters. Renée thinks the question makes it sound like there is only one problem with one solution. Jim agreed it shows one option for solving the problem, and he thinks having it in there is important. He thinks it's important to ask the people's input, we're not asking them to make the decision for us. There are parts that ask about other departments, and he thinks this is appropriate. Dave is also fine with the question and thinks the changes John made are appropriate. The Mayor thinks this is being very transparent. Bob said we should take substantial out, Jim said we definitely shouldn't. Renée thinks the question is singling out the fire department and looking for political justification to make tough decisions. She doesn't see the value in the Fire Department question. Renée thinks the question should be written in plain numbers, and the Mayor pointed out that the original question did that which is why John changed it in the first place. Jim suggested we take the mayors suggestion and offer differing options.

Bob thinks we're doing that already, and the question is leading. He doesn't have a problem with the question, but with the word substantial. Mike Yarger doesn't think we have explored all of our options, and we should look for FAA funding. The Mayor pointed out we did check with the FAA through the IDA, and we were told it was not possible. Jim suggested we take a straw poll to decide whether or not to keep the word substantial or significant in the question.

**4 voted to leave the question as is, 2 opposed. The question stays as is.**

Renée asked about the carry in, carry out question as to why there are no garbage cans at parks. John and the Mayor explained about once a year people ask why there are no cans in the park.

**Council requested John explore getting a reduce cost for an open-ended question. Rob will add survey question to next week's Ordinance Committee Agenda.**

Joel Freedman was at the meeting to talk about pesticides again, as well as bees and dogs being left outside too long.

Bob moved to go to executive session, Renée seconded. Meeting moved to executive session at 8:12 p.m.

**APPENDIX C**  
**ORDINANCE COMMITTEE**  
**Tuesday, February 20, 2018**  
**7:00 PM**  
**Wood Library**

**Committee:** David Whitcomb, Chair, Nick Cutri, Jim Terwilliger, Karen White

**Other Council Members:** Ellen Polimeni, Bob Palumbo, Renée Sutton, Robert O'Brien, Steve Uebbing

**Staff:** John Goodwin, Rob Richardson, Carol Maue, Rick Brown, Steve Hedworth

**1. North Shore Blvd., Booth Street and Public Parking Dedication**

The developers of Pinnacle North (Morgan/LeChase) have requested that the City accept dedication of North Shore Boulevard, Booth Street (new section) and the public parking lot on Muar Street. The Department of Public Works has inspected these areas and determined that they were built in accordance with City specifications and recommends City Council accept dedication.

Karen asked if there were provisions for construction damage, and John let them know there is a damage contingency. Jim added he thought they hadn't put down the final top coat- John said that is accurate. They are waiting to the construction is complete. Construction could start any day, but the Mayor believes they will start in April.

**Nick moved to accept dedication, Karen seconded.**

**4 in favor, 0 opposed. Motion carries to full Council.**

**2. Short Term Rental Regulations**

At the Ordinance Committee meeting held January 16<sup>th</sup>, City Staff discussed various options to regulate short-term rentals. The Committee asked City Staff to draft proposals for City Council's consideration that included different levels of potential regulation similar to those of Bed and Breakfasts. Staff has prepared these options per City Council request, and Rick Brown will be at the meeting to discuss the proposed measures to determine how Council would like to proceed.

Rick Brown was at the meeting to discuss the three potential options for regulating short term rentals. Option 1 would be to inspect them and leave them as is; the second would be to treat them like normal BnBs. The third is to make them like BnBs but without requiring the owner to be there and this would require a special use permit. Karen asked why this came to Council, and John told her there have been issues and feedback from BnB owners. Karen does not see BnB and AirBnB being comparable. She saw an article in the D&C stating the City of Rochester is embracing AirBnBs and not placing restrictions on them. Renée disagrees that this isn't a problem, and believes we need to level the playing. She sees an opportunity for reasonable regulation and Jim agrees. He also thinks it's important to regulate them and believes the third option is a good choice. Nick believes Option 2 and possibly Option 3 would be beneficial to the City.

Robert asked Rick for an idea of how this would roll out, and Rick stated we would need to check websites and stay vigilant. Steve thinks option 3 isn't too restrictive, and he agrees we need some sort of regulation to protect the safety of the community. Renée is concerned about people manipulating the regulations, but Dave doesn't want to discourage investment in the community. Dave asked about inspections and occupancy tax- Rick told him they would need to operate like a commercial business and meet all BnB requirements even if the owner is not on premises. Steve

pointed out that, with some of the recent criminal activity in the City, we don't need anonymous renters in the City. Bob asked if there were any conditions under which a special use permit would be pulled. Rick said some communities have laws like this, and he would support a "3 strikes you're out" approach. Dave thinks we will need something stronger than our current nuisance ordinance to enforce this. Renée recommends that the ordinance require owners be required to advertise their identifying number in their ads to increase accountability. Karen is disgusted that City Staff will be dedicating time to this as opposed to the chronic violations reported to Code Enforcement. She sees this as a huge invasion of privacy and property owner's rights.

Jill Myers and her husband from Bella Rose were at the meeting. She read the current City Code and sees the new draft as lacking. It allows garages and carriage houses to be used. She thinks what we already have on the books is strong and doesn't need to change much from what is already in place. She came to Canandaigua because she believed the City was doing things correctly, and checked Code before purchasing her home. She'd like to know if we will be limiting the number of permits because short term rentals are eroding property. She wants a level playing field, and she feels this proposal undermines what she came to Canandaigua for. Renée asked Jill why this is undermining her, and she pointed out that just because someone can advertise doesn't mean they should be able to rent out property. Rick pointed out that we are trying to find a middle ground between no rental restrictions and open AirBnBs in the City. As of now, the City does not define the term of the rental. Jaynee Straw from Inn on the Main stated these are eating away at their business, and BnBs are being severely impacted. They are at the point where it has become prohibitive to run a commercial business and they are ready to give up their special use permits.

**Jim moved that Council adopt Option 2, knowing there would be a public hearing. Nick Seconded.**

The Mayor supported Option 2 but pointed out we need to remember our neighborhoods which are denser than the surrounding towns. Renée asked if they would be held to the same standards in residential zones, and Rick said yes. Laura suggested Council get innovative, because these disruptive brands like Uber, Lyft, and AirBnB aren't going away. Robert pointed out these disruptive brands/technologies are a double edged sword and needs to make sure the outcome is beneficial to the City. He believes we need to look at this based on the character of our City. Dave pointed out this is a cutting-edge issue, and there are no models or benchmarks to reference. Dave supports regulations but isn't convinced the rentals need to be owner-occupied. Renée added that the brand AirBnB has come out in favor of common sense, reasonable regulations.

**3 in favor, 1 opposed. Motion carries to full Council.**

**3. Discussion on Pet Ordinance and Pesticides in Public Right of Ways**

At the City Council Meeting held February 1<sup>st</sup>, Joel Freedman asked City Council to consider revisiting two ordinances for revision. The first pertained to the amount of time dogs can be left outside, with the current ordinance stating that dogs cannot be left outside for more than 16 hours a day. Mr. Freedman suggested reducing that number to 8 hours a day, and even fewer hours during extremely hot and cold temperatures. The second ordinance involves the use of pesticides in public right of ways. Mr. Freedman suggested a complete ban citing concerns over these chemicals compromising water quality. This item was added to the agenda for general discussion on whether or not Council would like to address the ordinances in question.

Joel Freedman was at the meeting to discuss his concerns and make his proposals. He believes we need to be more protective of dogs, and that they shouldn't be able to be left outside for extreme

periods of time. He would argue for passage even if the public didn't support it, and he thinks it would cut down on noise pollution because people don't want to listen to dogs bark all night. If it is below freezing or above 90 degrees F, the dogs should not be left outside for more than 8 hours. Jim is in favor of adjusting the time frame and asked if we have had any calls for dogs being left out. Chief Hedworth said that in his 16 years, it may have happened but the prevalent is leaving dogs in the car in hot temperatures. They work with the Humane Society of Ontario County, and he doesn't see how changing the timeframe would make an impact. There is a system in place to address these concerns. Joel said it goes beyond that, because you can't legislate or measure the loneliness and despair a dog left outside alone for extended periods must feel. He thinks we should send the message that if you have a dog in the City of Canandaigua, you will treat them right. Chief Hedworth pointed to the animal cruelty laws on the books to address some of these concerns. The Mayor, Steve and Dave all agree with Joel's suggestion.

**Jim moved to change the time from 16 hours outside to 8 hours. Nick Seconded.**

**4 in favor, 0 opposed. Motion carries to full Council.**

Joel then discussed his concerns over using pesticides in the public right of way. The City almost passed this a few years ago, but homeowners complained. He feels the rights of homeowners and business owners have superseded the needs of the community, and he wants to see the City ban use of these chemicals. Joel is also concerned children could be exposed and the chemicals could make its way to the lake. Karen is in favor of this and thinks it's time to address this issue. She believes it's a public safety concern. Jim reminded everyone that it is difficult to determine City right of way, and there are about 50% of the streets in the City without sidewalks. He wonders if there isn't another way to define this other than "right of way." Carol pointed out we would need to come up with a methodology to determine this. Robert suggested that instead of an ordinance, we encourage mindfulness among community members. If we start defining things, this could become a nightmare. We would need to survey every property in the City. Renée agreed with Joel and Karen, and the real issue at hand is the safety of the lake. This has implications that extend beyond the ordinance. Dave recommended that we allow Corporation Council to review the document, and he would also like to have Kevin Olvany come in and talk about the total impact of these chemicals on the lake. The Mayor reminded Council that only about 20% of the City actually impacts the watershed. Carol believes the best way to address this is to review other lakefronts communities. Dave suggested we look at permits for fertilizer to ensure they do it right.

**Jim motioned to adjourn to executive session, Nick seconded.**

**Meeting adjourned to executive session at 8:37 p.m.**

**APPENDIX D**  
**FINANCE/BUDGET COMMITTEE**  
**Tuesday, February 27, 2018**  
**7:00 PM**  
**Wood Library**

**Committee:** James Terwilliger, Chairman, Robert O'Brien, Steve Uebbing, Nick Cutri

**Other Council Members:** Ellen Polimeni, Renée Sutton, Bob Palumbo, Karen White, Dave Whitcomb

**Staff:** John Goodwin, Rob Richardson, Jim Sprague, Jim Abraham

**1. Fuel Contract for Canandaigua Emergency Squad**

The Canandaigua Emergency Squad, an ambulatory and First Response team, has requested permission to purchase fuel from the City of Canandaigua. Canandaigua Emergency Squad serves a population base of approximately 20,000, including the residents that live in City of Canandaigua, and provides Paramedic Intercept service to any ambulance service in Ontario County requesting assistance. The City has similar agreements with the Finger Lakes Community College and the Ontario County Soil and Water Conservation District, who purchase fuel from DPW's fueling station at the City's cost plus \$0.03 per gallon. Staff recommends an agreement offering the same cost to Canandaigua Emergency Squad for a five (5) year term, with the option to extend the agreement for an additional five (5) year period upon mutual consent of the parties at the end of the term.

Matt Sproul was in attendance representing Canandaigua Emergency Squad. They currently purchase fuel from standard gas stations, so this agreement would save them about a dollar a gallon. This would also prevent them from having to store diesel fuel onsite. Robert asked how this would work, and Jim Sprague explained DPW has a keycard access system for their fuel pumps, and tracking software assigns the fuel to the vehicle that filled up. Renée asked how much this would save CES, and Matt said they are still trying to figure that out. This will allow him to track which vehicles are using more fuel and which ones are less efficient.

**Nick moved to approve the request, Steve seconded.**

**4 in favor, 0 opposed. Motion carries to City Council.**

**2. 2019 Multiple Street Reconstruction Project**

The City's infrastructure program includes the complete reconstruction of multiple streets every four years. The street reconstruction project includes the rebuilding, replacement and/or installation of the roadway, sidewalks, curbing, sanitary sewer, storm sewer, water main and street trees. In selecting streets, City staff considers the age and condition of the roadway, sewers and water mains, health and safety issues and maintenance. City staff is recommending that the 2019 Multiple Street Reconstruction Project include Antis, Bates, Sand, and a portion of Bristol Streets along with Bristol Ct. It should be noted that Antis and Bates Streets were removed from the 2015 project due to overall costs. City staff is requesting City Council to appropriate funding for engineering and design (not needed for Antis and Bates Streets) and authorize the bond for this project. Jim Sprague will be in attendance to discuss his recommendations.

Jim Sprague and Jim Abraham were at the meeting and discussed their recommendations for reconstruction. When this happens, everything including the utilities beneath the road gets addressed. Jim thinks they now have a general idea of cost and we should move forward with hiring

designers/engineers. Right now, the cost of the project is 5% over what is in the budget but this would change after the design engineer is finished.

The Mayor said there may be State money available to deal with the water main issues on Bates. Robert asked Jim for a refresher on the last project, which Jim provided. If everything goes as expected, all work should be completed within the year. Robert also asked if Jim planned on widening any of the streets, and Jim replied there is no public right of way to do that. Mike Yaerger wants Phoenix St. addressed, and he has been fighting for this for years. He wants it included in this round and doesn't want to wait another 4 years. He's been asking for this for 10 years. Jim said it's on the list and needs to be addressed, but the subsurface utilities are fine so it isn't a priority. The Mayor said we will include Phoenix in the DRI again. Robert asked how much we planned on bonding out, and John said about \$3 million. Steve asked what the relationship between bonding and bond payments, and John said they keep debt service flat. Bob asked Mike if there were any issues with utilities, and Mike said there are including basement flooding. Bob asked if Jim was aware of these concerns, and he said he hadn't heard of anything. Jim doesn't want to hold up the plan as proposed but does think we need to revisit the 10-year plan. He'd like an idea of how much and what year this work would take place.

**Nick moved to approve the proposal, Robert seconded it.**

**4 in favor, 0 opposed. Motion carries to City Council.**

### **3. Dog Park**

For the last several years the City has been working toward the establishment and construction of a dog park within the City of Canandaigua, and the 2018 Capital Budget included the construction of the dog park utilizing a grant and donations. During the discussion of the budget, alternative funding was briefly discussed and was tabled until a grant determination. In December 2017, we learned that the City was not awarded the grant which resulted in meeting with the Friends of the Canandaigua Canine Campus to revise plans for the park and develop construction phasing. Phase I will include: an access drive and parking lot without blacktop surface, water service lines, electrical service line, pathways/sidewalks, grading and brush removal and fencing. The total cost of Phase I is estimated at \$55,000. Phase II will include: amenities such as benches, water service fixtures, landscaping, and paving of the access drive and parking lot. Phase I will allow for the operation of the dog park while the Friends of the Canandaigua Canine Campus continue with fundraising efforts for Phase II. Staff recommends that \$60,000 be appropriated from the Parks and Open Spaces Fund to complete Phase I of the dog park. The Parks and Open Spaces Fund was established in 1989 in order to collect a per-lot cash payment from applicants for a residential land subdivision in lieu of dedicated park land; or from an applicant for a multi-family housing project in lieu of a designated common recreation area. Such funds are required to be used exclusively for parks and recreation purposes.

John met with Nancy and her designer to figure out how to phase the project so that as more money is raised further work can be done. The City's portion of the money has not come through in grant funding, and staff is recommending using the fund earmarked for this purpose. We have \$63,000 in the fund, so this project would drain it but the City expects revenue to replenish the fund in coming months. The cost listed does not include labor because we will be building it ourselves, which will save even more money. Phase I would get the park up and running, and Phase II would be all the amenities like benches, water fixtures, landscaping, etc.

Nick thinks this is a great proposal, and residents have been patient for a long time.

**Nick moved to approve the appropriation, Steve seconded.**

Renée asked how much it would cost to include some of the landscaping in Phase I, because some of her constituents are concerned about the aesthetic view of the park in her neighborhood. John said we can look at it, but is interested to see how it looks in the spring when the trees come back in.

Jim asked for an update on fundraising, and whether or not some of that could be used in Renée's proposal. Nancy said they have about \$40,000 already, and they have a huge event coming up. She thinks they could use some of those funds to work hand in hand during Phase I. They will also be raising money for a pet memorial, which will include additional foliage that is completely separate from the dog park and privately funded. Right now, she feels they are in good shape. Robert asked if the money was in hand- they have \$9,000 in hand and have \$31,000 promised from 3 donors. Once they have a timeline, they will release those funds.

Out of respect to DPW, Karen asked if they will need more staff due to increased work load. Jim said it is totally possible. Bob had some calls after the last meeting and asked if they would be willing to clean the park themselves. If solving the Fire Department staffing issues with volunteers is the solution, than the Park can do the same. He can't see adding more staff to parks when we need firefighters. He asked Nancy if their members would be willing to clean the park and take the burden off of DPW. Maintenance will include mowing to start, and once it's fully built it will require landscaping that is outside of the fencing and that is the major task. Nancy stated the membership model uses income to maintain the space and keep it safe. She knows there will be additional funds available, and she doesn't see anyone asking tennis players to maintain the public courts. We aren't talking about Public Safety, we are talking about parks and DPW. It was always the intent that some of the revenue would go towards maintaining the park. The Town is potentially interested in working with us, and some of the donors are from the Town. There is potential for funding from them, but that is up in the air. The Mayor pointed out we are one of the last small cities in NY without a dog park, and she is looking forward to finally seeing it opened.

**4 in favor, 0 opposed. Motion carries to City Council.**

John finished by asking if we want to pay \$1,935 for an open-ended question on the Citizen Survey. Jim suggested we take a straw vote on whether or not to include the question. The Mayor thinks it is important to include this question, because it allows people to put in their own words what they think about the City. She thinks will benefit us as we put together grant applications. Jim agreed with this point and said if we limit the responses we will miss an opportunity to hear great ideas we might not think of ourselves. The cost is more than offset by what we will learn from the responses. Renée thinks the question should be added but would like to see the question better worded to qualify responses. Steve cautioned we might not get great data, because open ended answers need to be coded and qualified. He's surprised they can do the work for that small of a cost, but we need to recognize the information we receive isn't as quantifiably clean as we may think.

**6 in favor of adding the question, so there will be a resolution drafted.**

Nick motioned to close, Steve seconded.

Meeting adjourned at 8:14 p.m.