

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, MARCH 5, 2020, 7:00 P.M.
City Council Chambers- The Hurley Building
205 Saltonstall St., Canandaigua, NY 14424

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

Pledge of Allegiance

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Dan Unrath
Councilmember Ward 3 Karen White
Councilmember Ward 4 Erich Dittmar
Councilmember-at-Large Robert O'Brien
Councilmember at-Large Renee Sutton
Councilmember-at-Large James Terwilliger
Mayor Bob Palumbo

Members Absent: Councilmember-at-Large Stephen Uebbing (Out of Town)

Also Present: City Manager John D. Goodwin
City Clerk-Treasurer Nancy C. Abdallah
Corporation Counsel David K. Hou, Boylan Code
Assistant City Manager Rob Richardson

Moment of Silence: Buddy Rockmaker, past City councilmember, a 10-year member of council, and a 1994 Mr. Canandaigua. Condolences to Angela and the family. Nick is Buddy's brother-in-law. And Buddy's a great guy, Kiwanian, just did so much for this city. So I'd just like to have a moment of silence in Buddy's memory, please.

Public Hearing: Local Law #2020-002: Amending Chapter 714-28(A) of the Municipal Code to Provide for Parking Garage Condition Assessments and Operating Permits
Mayor Palumbo opened the public hearing at 7:01 PM
No one was present to speak at this public hearing
Mayor Palumbo closed the public hearing at 7:02 PM

Review of Community Core Values: Councilmember Ward 3 White read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

February 6, 2019
Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember Ward 1 Cutri
Vote Result: Carried unanimously by voice vote (8-0)

Recognition of Guests:

- Grace Bonshak – 5th grader at Canandaigua Elementary School - First Place in the Arbor Day Poster selected by the DEC for our region. City Manager John D. Goodwin stated that actually, we had a lot of students, and it was really tough choosing which ones we wanted to send as our representative to the DEC. Obviously Grace was one of ours that we sent, and she won our region, so what we're planning to do is actually either do a display of all the posters at City Hall, and/or Wood Library. DEC hasn't given us all back yet, but we plan to frame them all and then give them back to each of the artists that created them.
- Joel Freedman – Canandaigua NY - I'm not going to speak on lawn chemicals, we've already, it's going to committee, but I want to bring up something with a recommendation on something that Councilmember Unrath talked about at the Environmental Committee about why he was opposed to the docks, and I certainly am. Basically I was looking at the Canandaigua Lake uniform docking and mooring standards. I don't believe the Planning Commission took enough consideration into the environmental impact of these docks. It also says the construction of such facilities shall be undertaken in such a way as not to, A- impair water quality or cause harm to fish, wildlife, or botanical resources, B-cause problems of erosion or sedimentation, C-create hazards for navigation, and, D-otherwise threaten public health or safety. I think these docks and all the added boat trafficking on this end of the lake would do just that. It would cause all these problems. The other thing is, their decision can be appealed. The City of Canandaigua Zoning Board of Appeals shall have the power and jurisdiction to hear an appeal of any order, decision, et cetera, and they can either reverse, affirm, or modify the order. I think the time has come for City Council to just do that, to appeal, everyone talks about protecting the lake, protecting the lake. Certainly, the Watershed Council report says there's already too much boating and boat trafficking, especially on our end of the lake. And having 40 more docks, which is what they're initially, been granted, I think is going to wreak havoc on the lake. I think the time has come, we have to draw the line, and say, enough is enough, we're going to act according to principles, and I think represent what's good for the public rather than what's good for a wealthy corporation that's already getting a huge tax break that falls on the backs of homeowners because they pick up the slack, and now they're coming in and wanting things to basically continue the destruction of our lake. We just, I think there's a good case can be made that it would be environmentally hazardous to everyone to have these additional docks, and all of these additional boats. So I think City Council as a whole should be the ones doing the appealing, to appeal this decision to the Zoning Board of Appeals. It's got to be done fairly soon because, a problem starts when they start construction of the docks, once they've already started. But I think they should be notified that an appeal is pending. I'd like to see that happen and not to proceed with any construction until such time as the whole matter is decided. But I don't think City Council should stand by and allow this to happen, everyone talks about protecting the lake is our top priority, this is our drinking water and all this, and then people come in and they get approval to do things that's just doing the opposite. So that's what I'm requesting, is that City Council appeal the decision on behalf of the people of Canandaigua and on behalf of the health and safety of our lake. Thank you.

Response: David K. Hou, Corporation Counsel decisions made by administrative officials can be, in the context of zoning, can be appealed to the ZBA. And there's a provision in our code for that. Any aggrieved person, typically, has a right to do that. Decisions of the CPC, of the Planning Commission, can be appealed pursuant to an Article 78 provision, which means that commencement of a legal action in Supreme Court. The timeframe for that is 30 days from the date of filing of that decision with the City Clerk's office. in my opinion, I'm happy to discuss this in an attorney-client privileged meeting, but my belief is that decisions of the CPC don't get

appealed to the ZBA. The ZBA's authority is regarding zoning questions, not Planning Commission questions. So for example, if there are decisions made by the Code Enforcement office about whether something is compliant with code, for example, denial of a permit, for example, or violations of the code, can be appealed to the ZBA for determination. However, from a planning standpoint, if you're dealing with site plan review and approvals and things of that nature, those get challenged in a legal action.

Councilmember at-Large Sutton - I just want to say that I agree with Joel. What I am, as a councilmember, struggling with now, is what is that outlet for action that's meaningful. And it sounds as if there isn't one, because it's too late to file Article 78, we're beyond the deadline for it, the 30 days. There's no, the Zoning Board of Appeals is not apparently the right forum for us. So where do we go with this, Joel? All we can do, other than agree with you, I don't know what official action City Council can take to effect a change to those docks. You know I am as against them as you are, I am. But I don't know what council can do in a meaningful way to change the outcome of this, because not only are we beyond the 30 days, the building permit's been issued. I believe construction has started.

Committee Meetings:

Planning Committee: March 3, 2020 (Appendix A)

- Comprehensive Plan Committee Public Hearing
- Easement for Town of Canandaigua Water Booster Station and Water Main
- DRI Discussion

Finance Committee: March 3, 2020 (Appendix A)

- Hurley Building Roof
- Capital Projects Update
- 2019 Year End Review

Environmental Committee: February 18, 2020 (Appendix B)

- Kershaw Park Concession
- Kayak License Agreement
- Pesticide Regulations

Ordinance Committee: February 18, 2020 (Appendix B)

- Snow Removal Fee

Resolutions:

Resolution #2020-019:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember Ward 3 White

A RESOLUTION AWARDDING A CONTRACT FOR ENGINEERING WORK

WHEREAS, last year, the City applied for and has been awarded a Water Infrastructure Improvement Act (WIIA) grant to design and install a redundant water transmission main from the Water Treatment Plant to the storage tanks; and

WHEREAS, this project will prevent a major disruption of water service that would impact not only the City, but surrounding communities if the current transmission main were to have a major leak or break; and

WHEREAS, MRB Group has been working with the City on the project from the original concept and has performed preliminary engineering for this project, including writing the grant application; and

WHEREAS, MRB Group has proffered a proposal to complete the design work, provide bidding services, construction administration and construction observation for a total of \$88,720; and

WHEREAS, City staff recommends that the City Council accept the proposal and award MRB Group a contract for design, construction administration and construction observation of the project; and

WHEREAS, this recommendation was reviewed and approved at the February 4th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to execute a contract with the MRB Group for the design, construction administration, and construction observation of the proposed Redundant Water Transmission Main Project.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger and Mayor Palumbo

NOES: None

Resolution #2020-020:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember at-Large Sutton

A RESOLUTION AUTHORIZING A REVOCABLE LICENSE AGREEMENT TO OPERATE THE KERSHAW PARK FOOD SERVICE CONCESSION

WHEREAS, the lease of the Kershaw Park Bathhouse Concession Stand expired on December 31, 2019; and

WHEREAS, an RFP was published in mid-December, with two proposals received by the January 31, 2020 deadline; and

WHEREAS, City Staff has reviewed the proposals, and recommends awarding the lease to Woodard Rentals LLC for a bid amount of \$1,288; and

WHEREAS, this recommendation was reviewed and approved at the February 18th Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that City Council hereby authorizes the City Manager to execute a revocable license agreement with Woodard Rentals LLC to provide the food service concession at Kershaw Park with an annual license fee amount of \$1,288 with the option to renew this license for two successive beach seasons.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger and Mayor Palumbo

NOES: None

Resolution #2020-021:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 3 White

A RESOLUTION ESTABLISHING A PETTY CASH FUND FOR KERSHAW PARK

WHEREAS, cash funds in the amount of two- hundred dollars (\$200) are needed for non-resident admission to the beach area at Kershaw Park during the summer season; and

WHEREAS, Heather Krebs, Recreation Supervisor, will be the sole concessionaire for these funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council hereby authorizes the City Manager to establish a petty cash fund from the General Fund in the amount of two- hundred dollars (\$200) for use at Kershaw Park during the summer season of 2020.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger and Mayor Palumbo

NOES: None

Resolution #2020-022:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember Ward 1 Cutri

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

WHEREAS, two businesses, Canandaigua Sailboard and Seager Marine & Freedom Boat Club of Canandaigua, who would like to utilize the City small craft boat launch area on the west end of Kershaw Park to operate their kayaks and paddleboard rentals; and

WHEREAS, previously, kayaks and paddleboards have taken up a great deal of the public park for the operation of the rental business without any compensation for the use of the park land; and

WHEREAS, in an effort to correct this and be fair to adjacent business owners, City Staff recommended a license agreement of the kayak rack located at this location that would have involved each business being allowed to use the kayak rack at the launch for storage during the day, while all other equipment must be stored on their own property and transported to and from the launch site; and

WHEREAS, the license shall be revocable with a term of one (1) year at a fee of \$500 each;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to execute a revocable license agreement in substantially the same form as attached hereto, with Canandaigua Sailboard and Seager Marine & Freedom Boat Club of Canandaigua for a term of one (1) year at a fee of \$500 per license.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger and Mayor Palumbo

NOES: None

Resolution #2020-023:

Moved: Councilmember at-Large Sutton

Seconded: Councilmember Ward 2 Unrath

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON
PROPOSED AMENDMENTS TO THE CITY OF CANANDAIGUA
COMPREHENSIVE PLAN**

WHEREAS, the City of Canandaigua desires to amend its 2013 Comprehensive Plan; and

WHEREAS, in accordance with NYS General City Law Section §28-a, there shall be a Public Hearing on the draft plan following a period of public review; and

WHEREAS, in accordance with NYS General City Law §28-a and General Municipal Law §239-m, the draft plan shall be referred to the County Planning Board;

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

1. The draft 2020 Amendment of the City of Canandaigua Comprehensive Plan shall be available for Public Review at the City Clerk/Treasurer's office, the Wood Library, and the City's website.
2. A Public Hearing on the draft plan shall be held in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York during the Planning Committee meeting held at 7:00 p.m. on April 2, 2020.
3. The environmental review of the draft plan shall be initially conducted by the City Environmental Review Committee on April 21, 2020, with final environmental review to be conducted by the City Council at its meeting held on May 7, 2020.
4. The draft shall be referred to the Ontario County Planning Board to be reviewed at their next available meeting; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice of the public hearing to be published as required by General City Law Section 28-a, at least 10 days prior to the public hearing date.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger and Mayor Palumbo

NOES: None

Resolution #2020-024:

Moved: Councilmember at-Large Sutton

Seconded: Councilmember Ward 3 White

A RESOLUTION GRANTING A PERMANENT EASEMENT TO THE TOWN OF CANANDAIGUA

WHEREAS, The Town of Canandaigua has requested a permanent easement on City property located at 3772 County Road 16, Town of Canandaigua, also known as the Water Treatment Plant, beginning at the intersection of the existing southwesterly boundary corner of attached Tax Map Parcel 112.02-1-18.100 with the existing southeasterly boundary corner of Tax Map Parcel 112.02-1-88.100; and

WHEREAS, the easement will allow the Town to construct, reconstruct, operate, maintain, and/or improve an underground line or lines, main or mains, and/or services and/or laterals with all associated fixtures and/or appurtenances, with free ingress and egress for the all of the enumerated purposes, including the right to trim and/or remove trees, shrubs and/or other obstructions, and to store, pile, and/or remove material, and/or fill, in and over the parcel of land, described and/or as otherwise illustrated on any attached maps, other illustrations, and/or legal descriptions; and

WHEREAS, this request for a permanent easement was reviewed at the March 3rd Planning Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council authorizes the City Manager to execute any and all documents necessary to transfer a permanent easement to the Town of Canandaigua for the above-described property upon such terms and conditions as the City Manager and Director of Public Works deem appropriate.

Discussion: City Manager John D. Goodwin explained that over in the Middle Cheshire Road area of the town, water pressure is an issue, and there's some Department of Health-related issues related to that. To continue to provide water over there, and to continue development in that area in the town, they need to have a pump station to increase the pressure. So that's what they'll be constructing up the hill on our property. And as they are a partner with us, we sell our water to them, we thought it was appropriate.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger and Mayor Palumbo

NOES: None

Ordinances: None

Local Laws:

Local Law #2020-002:

**AMENDING CHAPTER 714-28(A) OF THE MUNICIPAL CODE
TO PROVIDE FOR PARKING GARAGE CONDITION
ASSESSMENTS AND OPERATING PERMITS**

Lifted from the Table: Councilmember-at-Large Terwilliger

Seconded: Councilmember at-Large Sutton

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

Vote on local law:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember at-Large Sutton

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large O'Brien, Councilmember at-Large Sutton, Councilmember-at-Large Terwilliger and Mayor Palumbo

NOES: None

Manager's Report: City Manager John D. Goodwin reported the following:

- It's been a fairly mild winter, with the warm days and cold nights are a perfect recipe for potholes. We are out there filling them as best we can, but this time of year it's cold patch, which doesn't last very long so those potholes can tend to reappear. And so if you do experience a pothole, we do have a part on our website where you can report it and let us know where you see it, and we'll go out there and fill it as soon as possible. But just because you might hit it again that doesn't necessarily mean we didn't fill it at one point in time. So we will do a full condition of our roads once we have some more permanent Spring weather to determine which roads we'll resurface this year. But if you could help us identify where those potholes are, it helps you as well.
- My other comment is on March 24th, it was originally our Environmental and Ordinance Committee. We moved it to March 10th which is next week and we moved it because of the Ontario County Safety Council Meeting. We have several members of our departments that will be receiving awards that night. And I just wanted to recognize them here, even though they haven't gotten them yet. But Sergeant Matt Nielsen, Sergeant P.J. Mastracy, Officer Anthony Catalfamo, will not be receiving one, but two awards. And then the other awards, Joshua Raymond, Officer Mike Gregorio, and Firefighter Ben Kramer. So we've got a lot to proud of, for all of our men and women in uniform, but especially for these gentlemen who went above and beyond and received awards, or will be receiving awards.

Appointments:

Board of Assessment Review: Councilmember Ward 2 Unrath moved the appointment of Charles Protano to the Board of assessment Review. Councilmember Ward 1 Cutri seconded the motion.

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

Miscellaneous:

- On March 28th at the Link Gym, from 10:00 to 1:00 is going to be the Green Vendor Fair. So far we have 20 confirmed vendors from a variety of places, everywhere from geothermal and solar energy to disposal services to people that do green window cleaning for commercial and residential residences. So we're hoping to have a good turnout, and please come join us

Adjournment:

Councilmember Ward 1 Cutri moved to adjourn at 8:00 P.M. Councilmember Ward 3 White seconded the motion.

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

Nancy C. Abdallah
City Clerk-Treasurer

Appendix A
PLANNING COMMITTEE & FINANCE COMMITTEE
Tuesday, March 3, 2020
7:00 PM
Council Chambers- The Hurley Building

Planning Committee: Steve Uebbing, Chair (**Absent**)
Jim Terwilliger, Acting Chair
Nick Cutri
Dan Unrath

Other Councilmembers: Karen White, Erich Dittmar, Robert O'Brien, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, David Hou, Rick Brown, Jim Sprague

1. Comprehensive Plan Committee Public Hearing

The Comprehensive Plan Committee has completed its review and has recommended changes. This item is dual purpose. It is a formal duly noticed public hearing of the Committee and presentation to City Council and the community. Thomas Lyon, Chair of the Comprehensive Plan Committee will present the recommended changes.

Thomas Lyon gave a presentation on the work of the Comprehensive Plan Committee. Jim said appreciated how the plan was prepared and presented, as it made it easier to see the changes. Renée noticed that the goals are stated emphatically, and she would like a better understand what they are trying to accomplish. Thomas pointed out some of these were left vague intentionally to allow for some flexibility. She pointed out that the goals where they used less passive language were far clearer. Jim pointed out that some of the items are already underway. Renée appreciated the recommendation to create a unified, downtown approach referencing her trip to Cooperstown. Dan applauded the group for the effort and time commitment put into this endeavor. Rick said this is the beginning of the public review period, which will last for probably 30-60 days. He asked that any public comments Councilmembers receive please be directed to him.

2. Easement for Town of Canandaigua Water Booster Station and Water Main

The Town of Canandaigua has requested a permanent easement on City property located at 3772 County Road 16, Town of Canandaigua, also known as the Water Treatment Plant, beginning at the intersection of the existing southwesterly boundary corner of attached Tax Map Parcel 112.02-1-18.100 with the existing southeasterly boundary corner of Tax Map Parcel 112.02-1-88.100. The easement will allow the Town to construct, reconstruct, operate, maintain, and/or improve an underground line or lines, main or mains, and/or services and/or laterals with all associated fixtures and/or appurtenances, with free ingress and egress for the all of the enumerated purposes, including the right to trim and/or remove trees, shrubs and/or other obstructions, and to store, pile, and/or remove material, and/or fill, in and over the parcel of land, described and/or as otherwise illustrated on any attached maps, other illustrations, and/or legal descriptions. Jim Sprague will be at the meeting to discuss the request and answer questions for Council.

John provided a brief overview of the item, and Jim Sprague was at the meeting to discuss the easement request. Renée asked when this is planned to begin, and John said this year. Renée asked if David has reviewed this, and he said yes- they have sent back comments and are waiting for a response. He does not expect any serious material revisions.

Nick moved to approve the request, Dan seconded.

3 in favor, 0 opposed. Motion carried to Full City Council.

3. DRI Discussion

For the last four years, the City of Canandaigua has submitted applications for the Downtown Revitalization initiative (DRI) in an effort to secure \$10,000,000 from New York State to fund various projects Downtown. Despite being a finalist each of those years, the City's application was not selected and the funding was awarded to other municipalities. Last Year, the City contracted with MRB Group to submit work with staff to continue to improve our application, however it was not selected for award. Since that time, however, the City has made substantial progress on several projects and Staff believe this would strengthen our application substantially should we choose to submit. This item was added to the agenda for further discussion.

John provided a brief explanation of the item. We want to go after this again, and he met with MRB Group to discuss taking a different angle. He added it aligns with the Comprehensive Plan, and potentially expands into residential neighborhoods behind Main Street so we could use DRI funds to improve the housing stock. Many items would still be included. The cost would be \$8,500. We would be using a different consultant to get a fresh perspective on the application itself. Karen thinks that's a high price, they aren't starting from the ground floor. She also who our competition would be, and John said potentially Dansville, Waterloo, Newark, and maybe others. Renée is in favor of working with MRB, but agrees with Karen that the price is too high. A different approach will be taken, so the work should drive the price. While they did give us a reduced-price last year, she thinks they can do better and ask John to discuss price point. Stakeholder engagement was a huge part of the last proposal, and we will not be doing that this time. John added its difficult to get people to price or commit to doing projects that we may not have funding for. Robert pointed out we need to overcome the fact we manage to do well without this money. We're a victim of our own success. Council will wait on the proposal before making a final decision. Karen would like Council to take an active role in keeping the YMCA in the City. John said he can request a status report, and will ask if there is someone who can come to the next meeting.

Nick motioned to adjourn to the Finance Committee Meeting, Dan seconded.

Meeting adjourned at 8:00 p.m.

Finance Committee: Jim Terwilliger, Chair
Nick Cutri
Steve Uebbing (**Absent**)
Erich Dittmar

Meeting came to order at 8:00 p.m.

Other Councilmembers: Karen White, Dan Unrath, Robert O'Brien, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, David Hou, Rick Brown, Jim Sprague

1. Hurley Building Roof

The 2020 Capital Budget included \$120,000 to complete the next phase of the Hurley Building Roofing Project. Bids for that project opened on Thursday, February 27th, with the only response coming from Elmer W. Davis, Inc. Roofing, located at 1217 Clifford Avenue in Rochester, NY, for a cost not to exceed \$159,649. While this is higher than originally budgeted for, the Fuel Tank Replacement Project has the additional funding needed to cover this overage. In addition, Staff has faith in the ability of Elmer W. Davis, Inc. Roofing to complete the project as they completed the work on the first phase of the roofing project. Jim Sprague will be at the meeting to discuss the project and answer questions for Council.

Jim Sprague gave a brief overview of the project. The amount budgeted was short by about \$40,000, but the quotes for the fuel tank project came in \$120,000 under budget so they can cover. There was more money originally in the Capital Budget, but it was pared back.

Nick moved to accept the request; Erich seconded.

Robert thinks if we do all the roofs at the same time, we would get more vendors. Jim added some of the reason we didn't get more bids is the asbestos content in the roof. John added it was divided up due to the actual cost of the roof, and this project was part of the original Hurley Building Renovation but removed to make costs. Nick said he thinks we should go with the quote they got.

Jim said we will make a determination on whether or not to do approve the request on Thursday.

2. Capital Projects Update

Per the request of Mayor Palumbo, Staff will provide an update on the ongoing and upcoming Capital Projects scheduled for the Budget Year 2020.

This was pushed to the next meeting to the Mayor can attend. It will be added to the March 10th Environmental Committee and Ordinance Committee Meeting.

3. 2019 Year End Review

The unaudited financials for Fiscal Year 2019 will be distributed at the meeting. The Clerk/Treasurer and City Manager will provide a brief overview. As in year's past, the review of the financials will continue in subsequent meetings so Staff can answer any questions that City Council may have after reviewing and for the annual presentation from the City's independent auditors.

Nancy was at the meeting to discussed the unaudited financials for 2019. Despite projecting and budgeting for a General Fund loss, we ended up with a surplus of roughly \$182,000. She then provided an overview of all the funds the City has. Our revenues were up about 1.33% relative to the budget, which includes a \$100,000 swing due to Solar. Our expenditures provided significant savings, about 4.75% relative to the budget. The interactive spreadsheet with pivot tables will be e-mailed out to City Council, and the discussion will continue at the next Finance Committee meeting once Council has had the opportunity to review the numbers more thoroughly.

Erich moved to adjourn; Nick seconded.

Meeting adjourned at 9:12 p.m.

Appendix B
PLANNING COMMITTEE & FINANCE COMMITTEE
Tuesday, February 4, 2020
7:00 PM
Council Chambers- The Hurley Building

Planning Committee: Steve Uebbing, Chair
Jim Terwilliger
Nick Cutri
Dan Unrath

Other Councilmembers: Mayor Palumbo, Karen White, Erich Dittmar, Robert O'Brien, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, David Hou, Jim Sprague

1. General Discussion – Phoenix Street

This matter was last discussed in September 2018 about having a similar program to that of Linden Street in Geneva. Linden Street was driven by the property owners and the businesses on the street, not the City of Geneva. The group (Linden Street Group) is a formal, but not official group that coordinates with each other for programming independent of the City or its BID. The group even has a part-time employee. The City of Geneva did and does accommodate their request to close the street seasonal (Memorial Day to Columbus Day) on Friday and Saturday with some requested Sundays. There was work necessary with the liquor authority to allow property owners to extend their outdoor patio space into the parking areas of the street. The September 2018 discussion resulted in the City Manager working with the BID to coordinate several meetings with the property owners on Phoenix Street to attempt to get a trail running in 2019. Nevertheless, there was little to no interest from the property owners in making the necessary investments and some resistance to the vision. Councilmember Steve Uebbing requested a general discussion on Phoenix Street be added to the agenda for a renewed discussion.

Steve started by giving a brief overview of the topic. Mayor Palumbo thinks this is a great idea as long as merchants are completely on board. Karen would like to see this rotate, as opposed to only closing Phoenix St. Dan likes that idea, but he also thinks we could close Phoenix Street as well. He spoke to a business owner who is not interested, but he is not on Phoenix. He has spoken to several people who think this is a good idea. Renée thinks that this is a good idea, but it should be a destination where everything is built up around it. Steve spoke to several people who believe the City should do something really cool with Phoenix Street. If the community has an appetite, he would like to create a task force to come up with ideas for Council to consider. Mike Yarger wanted to speak first because he says this was his idea. He has worked restoring historic businesses up in Park Ave. in Rochester and has travelled around the world, and he knows the benefits of pursuing this project. He has had people approach him about opening restaurants in one of his buildings, and he thinks having a pedestrian plaza would create a vibrant district. He contends several businesses and building owners on have put substantial investments into their properties, and it's time for the City to do its part. He wants the utilities to be put underground to remove the wooden poles and the cables, and he would like to see bricks sold for veterans from Ontario County and to name the area Blood Alley. A gentleman from the Town says he sees Phoenix Street as a diamond in the rough, and would like to see the City be more proactive and to step up to make this happen. TJ is not on board with a permanent closure, but he's on board with

a temporary closure- for example, on Friday and Saturday nights. Denise Chaapel said Phoenix Street is also the agenda of the BID Board. She has met with property owners who are interested doing this, and that seems to be building momentum. Until we do something with the actual street, however, it will not work. She added Linden Street worked because of the buy-in from business owners, and they need to do the work to make it happen- not the City. She would like to see this remain at the forefront of the City's agenda. She would also like to see us maximize things like commons park first. Mae Fox owns the Merrill Hose building, and wants to see something happen. John added that what Mike is asking would easily cost over \$1,000,000, and when they met with Business owners about doing this as a trial in the summer of 2019 but property owners weren't on board. Mike Yarger said it isn't fair to expect business owners to invest when the City won't invest. The City hasn't done anything to make this a viable project, and until the City invests, we have no right to ask business owners for anything. Steve cautioned that this will take time, and suggested we form a sub-committee to explore this. Bob agrees with Mike and thinks we should be proactive.

Jim motioned to create a task force; Dan seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

Steve suggested Dave Whitcomb be appointed head of the committee because this was one of his passion projects while he was on City Council.

2. City Council Retreat

It is important that City Council, as a group, collectively set priorities and goals via a new strategic plan that can be used to focus our attention and resources on accomplishing. To aid in the strategic planning process, the City Manager has proposed that City Council hold a full day retreat outside of a City facility with an outside facilitator to guide the discussion. This item has been added to the agenda for further discussion.

John believes this needs to happen in order to for the City to create a unified vision on how to move forward. All of City Council needs to be on board and committed otherwise it's a waste, and referenced the NRC meeting when only half of City Council showed up. The Mayor agrees that we need to do this to determine where we're going over the next few years. Dates will be discussed and this will be scheduled offline, but John offered February 29th as a potential date.

Dan motioned to adjourn; Nick seconded.

Meeting adjourned at 7:41 p.m.

Finance Committee: Jim Terwilliger, Chair
Nick Cutri
Steve Uebbing
Erich Dittmar

Other Councilmembers: Mayor Palumbo, Dan Unrath, Karen White, Robert O'Brien, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, David Hou, Jim Sprague

Meeting came to order at 7:41 p.m.

1. Climate Smart Canandaigua – Green Vendor Fair Fee

Climate Smart Canandaigua is requesting permission to charge a fee from vendors intending to participate in the Green Vendor Fair on Saturday, March 28, 2020. The one-time fee would be \$10.00 with payment made to the City of Canandaigua for the purpose of securing a table at this community event. Revenue generated from this fee will be used to cover costs associated with promoting the event, i.e. mailing, posters, boosted Facebook posts, and other media. It is anticipated that approximately 30 vendors to participate. Any revenue left over will be used to promote other CSC-sponsored public activities in FY2020.

Maria Bucci, who is organizing the event, was at the meeting to discuss the request. The goal of the Green Vendor Fair is to bring businesses with green products and services into the community to educate residents on greener options for everyday life. There is a real interest in the community regarding learning how to live more sustainably, and fathering these vendors in the one place will help residents find information on their options. The fee being assessed will be going to promotion expenses. Maria wants to charge this fee to ensure they will stay the entire time, unlike Earthapalooza when they either didn't show up or left early.

Nick moved to approve the fee, Steve seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

2. Erina Hose Company Agreement

Erina Hose Company No.1 is a volunteer fire company which the City of Canandaigua contracts to supplement the paid fire department and a Fire Services Agreement is renewed annually. The 2020 agreement states that, in exchange for at least five (5) active firefighters, the City will contribute 4 quarterly payments of \$875 totaling \$3,500 for the year. To be considered an "active firefighter," volunteers must attend at least six (6) emergency calls and three (3) drills in each quarter of the calendar year and the Fire Chief shall have the final determination on whether or not a volunteer has met these requirements. Ryan Zhanghi has been invited to the meeting to discuss the proposal and answer questions for City Council.

Ryan Zhanghi gave a brief synopsis on his request. John added this is a 3 year agreement that will cover 2019, 2020, and 2021. He also pointed out that previous agreements were based on the number of interior qualified firefighters, but because training is an issue, becoming qualified is difficult. Exterior work can be done by volunteers prior to being interior qualified, and Ryan

added the goal is to get all volunteers interior qualified. With the changes in training that have taken place over the last few decades, which makes obtaining the required trainings extremely difficult.

Steve moved to approve the agreement, Nick seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

3. 2020 Budget Amendment - Lake Friendly Lawn Care Program

The 2019 Budget included \$10,000 in funding to support to be determined environmental education efforts. As improper use of fertilizers may contribute to harmful algal blooms, increased aquatic plant growth and degradation of water quality and general health concerns have been raised about the use of pesticides and herbicides, City Council partnered with the Town of Canandaigua and the Watershed Association to promote the Lake Friendly Lawn Care Program. This program asks residents and businesses to pledge to and adopt lake friendly lawn care by reducing and/or eliminating the use of fertilizers, planting rain gardens or vegetative buffers and tolerating weeds and pests before considering pesticides and herbicides. In 2019, the City Council contracted with the Watershed Association for signs and promotional materials at a total expense of \$2,500. The balance of \$7,500 was not spent. Councilmember Steve Uebbing requests Council consider appropriating \$7,500 from the 2020 Budget contingency to continue the partnership with the Watershed Association to further promote the program.

Steve Uebbing, who sits on this board, told the group at their November 2019 meeting there was \$7,500 that needed to be used, but the group could not decide how to utilize the funds. Now they have a plan in place he would like to make sure these funds are still available. John recommended using contingency, and stated we would need an outside agency agreement outlining the services we would receive for the funds we would appropriate. Renée asked why the money wasn't spent, and Steve said that the group had not determined an action plan. Renée supports the idea, but wants to make sure the money is spent appropriately. Steve said that's a big part of why the money wasn't spent group in 2019. Karen added this group has accomplished quite a bit utilizing only volunteer time, and the group will continue to make headway.

Steve moved to approve the request; Nick seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

4. Surplus Vehicles & Equipment

There are several vehicles and/or equipment that have either been replaced, in the process of being replaced or are no longer in operation (see attached list). In order to dispose of these vehicles, the City Council must first declare the vehicles surplus.

John provided a brief synopsis of the agenda item.

Nick moved to approve the request; Erich seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

5. Overhead Doors Maintenance

The City's contract for maintenance on overhead doors at all its facilities expired, and on January 10th the City opened bids for this service. Of the three (3) vendors, solicited, two (2) did not submit bids. The only response came from DBA Tri-County Overhead Door (now Alliance Door and Hardware, Inc), located at 55 Alliance Drive in Rochester, NY with a bid of \$6,475.20 with an hourly rate of \$134.90 and a travel charge of \$134.90. Staff recommends awarding the contract to Alliance Door and Hardware, Inc.

Jim asked Jim if this number was consistent based on their only being one bid, and Jim added that this is the same company that has the contract now. Renée asked how this price compared to the last contract, and Jim said this is higher because we've added 12 more doors. She also asked why we only seem to get one bid, and why we aren't casting a wider net. Jim said some of it is regional, but it also has to do the fact that many vendors don't like the municipal payment process and needing to wait. He added he is happy to widen the net, but identifying them is problematic. In addition, many overhead door contractors are only set up for residential garage doors- not commercial. Frank concurred with Jim's assessment.

Steve moved to approve the request; Nick seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

6. Mill Street Ground Lease Agreement

In 2012, the City entered into a ground lease agreement with businesses on Main Street for the use of bulk waste receptacles on Mill Street, also known as "dumpster farms. The original agreement included multiple businesses, but currently the only active participant is the Gateway Grille. The initial agreement was for one year including a provision for four (4) additional 12-month terms, and upon mutual consent from both parties has been renewed annually. The agreement and the additional 12-month terms expired at the end of 2019, and needs to be renewed in order to allow Gateway Grille continued access to the dumpster farm. Staff recommends renewing the agreement, and utilizing the structure of the initial contract to include four (4) additional 12-month terms.

John stated they are only leasing space from us, and without this facility our businesses couldn't operate.

Nick moved to approve the agreement; Erich seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

7. Salt Building Cover Replacement

The City's Salt Building houses salt that is used to de-ice roadways during snow and ice events. In accordance with MS4 requirements and best management practices, salt should be stored in a covered building. The building which was constructed in 2002 has a concrete base, steel frame with a fabric cover. The fabric has started to fail in several different locations and is in need of replacement. The estimated cost to replace the cover is \$23,291, without accounting for any unforeseen issues with any other portions of the building. The building cover was not scheduled to be replaced in 2020; thus, a capital budget amendment is necessary. Staff is recommending that City Council appropriate \$25,000 for this project from the Capital Reserve.

John provided a brief synopsis on the agenda item. Jim added that the original lifespan of the cover was 20 years, but unfortunately it is failing now and needs to be replaced. John is hoping that the roof project may provide some additional savings which may offset the cost of this. Bob asked if we can share space with the DOT, but Jim doesn't think either side has enough space to fulfill their needs. He said he is willing to look into it.

Erich moved to approve the request; Nick seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council

8. Engineering Work – WIIA Grant Project

Last year the City applied for and has been awarded a Water Infrastructure Improvement Act (WIIA) grant to design and install a redundant water transmission main from the Water Treatment Plant to the storage tanks. This project will prevent a major disruption of water service that would impact not only the City, but surrounding communities if the current transmission main were to have a major leak or break. MRB Group has been working with the City on the project from the original concept and has performed preliminary engineering for this project, including writing the grant application. MRB Group has proffered a proposal to complete the design work, provide bidding services, construction administration and construction observation for a total of \$88,720. City staff recommends that the City Council accept the proposal and award MRB Group a contract for design, construction administration and construction observation of the project.

John provided a brief synopsis of the agenda item. They have done the studies on this, so continuing with them makes sense. The amount being charged is under the amount we allocated, and MRB is also doing the engineering for the Town's project under the same grant as well. We are also looking into joint construction bids to save money. The grant and our share were budgeted for. Renée asked if construction observation is a typical expense, and John said yes. This is a standard & needed service, and the City is not staffed to perform this task. Using the same group for engineering & construction creates continuity. John expects the project should be completed by September, and Jim said he thinks that's ambitious but should be done by the end of the year.

Steve moved to approve the request; Erich seconded.

4 in favor, 0 opposed.

Motion carries to Full City Council.

9. IDA Discussion

At the January 21st Ordinance Committee meeting, Councilmember Robert O'Brien requested Staff determine the total amount of revenue lost through PILOTs, in particular, the PILOT for the Inn on the Lake Project. This item has been added to the agenda for further discussion.

The PILOT was based on when the request came in, not when the project started. With the building the property was \$11,000,000, but the request came post demolition so it was valued at \$4.5 million. John calculated the PILOT will cost the City about \$54,000 a year for 10 years, or about \$546,000 over the life of the PILOT. The County would lose about \$47,000 annually, and the School District would lose roughly \$151,000 annually. John stated we have already absorbed that loss with or without the PILOT. Bob asked if we have any recourse, and David said not on this project but we can discuss other points in executive session. David referenced a 2016 lawsuit in Seneca County that was started by a citizens group, but all of the cases brought were dismissed. The take away is that IDAs have a ton of discretion to determine what's appropriate, but looking at future projects we should explore ways to be more attentive to potential projects so we can provide the IDA the information we think they need to make good decisions. This potentially could lead to support for legal action down the road. Robert would like to have Corporation Counsel explore what alternative options we have now that we know how much it will cost us. Her thinks that since the public will be left holding the bag, we should have the ability to hold failed projects accountable and to recoup our losses. Renée doesn't believe anyone is holding the IDA accountable for the "voodoo math" used to calculate the benefits, and there needs to be accountability for the deliverables and outcomes promised in exchange for those tax breaks. Jim suggested John talk to Mary and Jamie to see what their feelings are about the loss in tax revenue. Karen has reiterated several times that we need to be less passive in this process, and is happy we're discussing ways to be more engaged. John reminded the group that we have no recourse on this project, and moving forward even if we push back and oppose a project the IDA can still award a PILOT. Steve's contacts in the District told him that they were furious about the loss of revenue, but felt powerless to take action. Renée asked Dave to research if the Ontario County Board of Supervisors can vote to disband the IDA.

Nick motioned to adjourn to Executive Session, Steve seconded.

Meeting adjourned to Executive Session at 8:50 p.m.

10. Executive Session Items

(a) Litigation - Notice of Claim; (b) Potential Property Acquisition

Nick motioned to adjourn; Karen seconded.

Meeting adjourned at 9:18 p.m.

APPENDIX B
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE

Tuesday, February 18, 2020
7:00 PM

Council Chambers- The Hurley Building

Environmental Committee: Karen White, Chair
Robert O'Brien (**Absent**)
Renée Sutton
Dan Unrath

Other Councilmembers: Mayor Palumbo, Jim Terwilliger

Staff: John D. Goodwin, Rob Richardson, David Hou

1. Kershaw Park Concession

The lease of the Kershaw Park Bathhouse Concession expired on December 31, 2019. An RFP was published in mid-December and two proposals were received on January 31, 2020. City Staff has reviewed the proposals and recommends awarding the lease to Woodard Rentals LLC for a bid amount of \$1,288.

John provided a brief overview of the agenda item and why he is recommending that bid.

Kayleigh stated she has run water rentals on the pier for 3 years, and this seems like a great fit. She thinks there is a lot more that can be done to make the area more family friendly. This is about the same agreement as the last vendor, but we're getting a greater benefit.

Renée asked if they have a business plan, and Kayleigh said its weather dependent and hard to come up with a number. Last year, the previous owner said it was a washout until June. Renée feels like this is low for the value of the space potentially being rented. No one else seemed to share the concern, and Bob seemed to agree with Kayleigh's argument. Kayleigh pointed out they do give back by donating free use of equipment to community partners.

Renée moved to accept proposal; Dan seconded.

3 in favor, 0 opposed.

Motion carries to Full City Council.

2. Kayak License Agreement

There are two businesses, Canandaigua Sailboard and Seager Marine & Freedom Boat Club of Canandaigua, who would like to utilize the City small craft boat launch area on the west end of Kershaw Park to operate their kayaks and paddleboard rentals. In the past, kayaks and paddleboards have taken up a great deal of the public park for the operation of the rental business without any compensation for the use of the park land. To correct this and to be fair to other adjacent businesses, At the January 21st Environmental Committee meeting, City staff recommended a lease of the kayak rack located at this location that would have involved each business being allowed to use the kayak

rack at the launch for storage during the day, while all other equipment must be stored on their own property and transported to and from the launch site. City Council appreciated the intent of the proposal, but felt a license agreement on the space being utilized was a better approach. Council requested that Staff generate a draft licensing agreement, and that agreement will be presented and discussed at the meeting.

John provided a brief overview of the license agreement he provided Council. He suggested leasing a 15 x 15 space. John proposed charging \$500 to each business for the summer season. Renée asked if the 15 x 15 space was a concern for kayaks being strewn, and John said he hopes people will use the honor system. Jim proposed John's original idea. Karen thinks we should approve a 1-year agreement, and reevaluate at the end of the season. Bob asked if residents have complained, and John said no- but there isn't great resident access due to limited parking.

Dan moved to approve the request; Renée seconded.

3 in favor, 0 opposed.

Motion Carries to Full City Council.

3. Pesticide Regulations

New York State Environmental Conservation Law states that jurisdiction "in all matters pertaining to the distribution sale, use and transportation of pesticides" is vested exclusively with the NYSDEC Commissioner. As a result, the NYSDEC has full regulatory control and preempts the City from regulating the use of pesticides. The City Council adopted a moratorium on the use of pesticides applied by City staff on City owned property which remains in effect. The City Council cannot regulate the use of pesticides by residents or commercial enterprises. The City Council via Resolution #2019-80, directed the City Manager to request legislation from New York State Senator Pam Helming and New York State Assemblyman Brian M. Kolb to allow the City to regulate the use of pesticides. Assemblyman Kolb responded that that the Chair of the Assembly Environmental Conservation Committee had a bill to allow local governments the ability to regulate pesticides, but that bill stalled in his own committee for 19 years (1997-2016) and has not reintroduced. As such, Assemblyman Kolb stated that he did not see introducing legislation as an effective course of action. Senator Pam Helming believes that the regulation should remain with the NYSDEC for uniform pesticide rules across the State. The City has continued to partner with the Canandaigua Lake Watershed Association to promote the Lake Friendly Lawncare Program. This program asks residents and businesses to pledge to and adopt lake friendly lawn care by reducing and/or eliminating the use of fertilizers, planting rain gardens or vegetative buffers and tolerating weeds and pests before considering pesticides and herbicides. This item was added to the agenda at the request of Councilmember White and Sutton for general discussion.

At this point, the City has explored all options to handle this. Lake Friendly Lawn care has also met with people in the area to discuss how much they use. Jim reminded everyone we asked Terence to contact the State to see if we could do anything. John said both letters that were written- our State

Representation was not interested and David doesn't think the information we get from the DEC will be any different. He said he would be happy to follow up with the DEC. John pointed out there are various rights of way that we don't own, and we are already preempted because we require residents to maintain the right of way. Jim said if we haven't heard we should follow up. Bob thinks if we should follow up with costs if we are going to take this to court, and he thinks we may be swinging outside our wheel house if we can't even get the HOAs to agree and the City has a small foot print. He thinks we need to continue pushing the educational component. Karen doesn't think we can wait for the cultural change to take place. David asked Bob to look at this, and David stated he has reviewed the file. He concurs with the prior advice Terence provided. He would advise discussing that in executive session under attorney client privilege. This is an area where State preemption applies, and that it's a political change that needs to take place. Renée & Karen think we should take on the State and engage other municipalities to do so. She called on the community to show up to meetings and help Joel. Bob directed the Environmental Committee to work with David to work on how we approach this. Dan stated he will never ever pass a law that breaks the law- he carried a badge and swore on the constitution, and he will not ever support legislation that does this regardless of how good the cause is. Dan thinks we should explore different options. Jim's reluctance is the same as Dan's- he is not willing to vote in opposition to other State Laws. He also pointed to the fact that the watershed is in favor of IPM, and not in favor of banning all use. Joel Freedman was allowed to speak and he discussed the information he handed out. He wants the moratorium should expand to all City owned properties, which include right of ways, and would again be breaching the laws that are already in place. Mike Yarger also loves the lake, but he thinks its ridiculous that the City is even approaching this because we are not chemical experts. He appreciates the chemical industry, because without it we would have mass starvation. There have been no studies that show glycol is in the water, and if the City wants to move forward, we need to take a scientific approach. We have other issues to deal with like dying trees, and we need chemicals to help protect and save our trees. He has experience in farming, and fertilizers are necessary. Renée disagrees with Mike- algae blooms are caused by these products. If there wasn't an issue, there wouldn't be a Lake Friendly Lawn Campaign. She sees this as an opportunity to lead in this to take the fight on. Bob suggested putting a committee together to explore whether or not this would be a good idea. He wants them to come up with a plan in conjunction with Corporation Counsel.

We amended the agenda to include the items on the Ordinance Committee Agenda to the Environmental Committee Agenda because we did not have a quorum. Karen turned the meeting over to Renée to lead the discussion.

3 in favor, 0 opposed. Agenda was amended and combined.

Ordinance Committee: Renée Sutton, Chair
Robert O'Brien (**Absent**)
Karen White
Erich Dittmar (**Absent**)

Other Councilmembers: Mayor Palumbo, Dan Unrath, Jim Terwilliger

Staff: John D. Goodwin, Rob Richardson, David Hou

1. Snow Removal Fee

§600-12 of City Code “Snow and Ice Removal” requires that property owners and occupants keep adjoining sidewalks free from snow and ice within 24 hours after the end of a snowfall. Whenever the owner or occupant fails to remove the snow and ice from the sidewalk within the 24 hour period, the Department of Public Works may remove the snow or ice with the expense incurred by the amount of labor, equipment, materials used as well as administrative overhead charged to the adjoining property owner in an amount not less than one (1) hours cost. Pictures of the sidewalk are taken before and after work is completed. Prior to 2019, enforcement of the ordinance was complaint drive, but in response to resident feedback, the City began proactively enforcing the ordinance last year. Currently, the fee for snow removal is \$80, but now that the City proactively enforces the ordinance and can identify multiple violations at the same time some believe the \$80 fee for snow removal is excessive and should be adjusted. It should be noted that the ordinance also provides for the ability to issue violations in addition to the fee which have not been issued. This item has been added to the agenda for further discussion.

The purpose for continuing the discussion is to address whether or not the \$80 fee is excessive. John provided a breakdown of how that fee is reached, but Renée does not think that is appropriate. John added the ordinance is written to prevent charging less than an hour, so he can't change the cost without Council action. Jim proposes amending the Ordinance but set the minimum charge to a half hour of labor as opposed to a full hour. Karen stated she would consider a half hour fee, and added that when we place service calls those also include drive time and opportunity costs. She is concerned that people charged the same amount for smaller properties. John said maybe for repeat offenders we pursue court action. This is written into the ordinance, but Council has not pursued this yet because Council believed the main purpose of the ordinance was to get the sidewalks cleared. John also added some residents have requested stricter enforcement with higher fees, and we need to consider the other side of the coin. We need to think about vulnerable community members as well. Karen also thinks having violators name the price of the fine is an off approach- the only people who complain are the ones who get caught. Jim pointed out that we are seeing progress, and we're seeing the results we want. If we mess with the ordinance, we could minimize that success and make it worse. John also suggested including provisions for elderly and disabled residents allowing them a medical exemption. Dan suggested that we turn this on the audience, and that at the last meeting Mike suggested another company. He suggested Mike post the information on Canandaigua Chronicles. John recommended if we start changing fees we do it for next season. Renée suggested a flat \$50 fee, but Jim said we should include a time element and be left variable. Bob thinks a flat \$50 starting in November is the way to go. Mike Yarger again stated we should hire a 3rd party person. Mike thinks the City is gouging

residents. Jim said we should change the language change the minimum from one hour to a half hour. Staff was directed to draft an updated ordinance and bring it back to Council.

Dan motioned to adjourn; Renée seconded.

Meeting adjourned at 8:42 p.m.

2. Executive Session – Attorney-Client Privilege