

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, MARCH 5 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 2 Ian Boni
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Maria Bucci
Councilmember-at-Large Donna Cator
Councilmember-at-Large James Terwilliger
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 1 Nick Cutri
Councilmember Ward 3 Karen White
Councilmember-at-Large David Whitcomb (Arrived 7:05)

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

Mayor Polimeni asked for a moment of silence for the passing of George Park. He was very active in the community and served on City Council.

Review Core Values: Councilmember Ward 4 Wade read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Public Hearings: North Shore Planned Unit Development for KFC in Parkway Plaza

Mayor Polimeni opened the public hearing at 7:10 PM

Bob Bringley from Marathon Engineering along with Kip Finley from Indus Hospitality Group and Jeff Seager representing the owners of Parkway Plaza explained the KFC project at the Parkway Plaza and is seeking site plan approval.

No one was present to speak on this proposal.

Mayor Polimeni closed the public hearing at 7:15 PM

Approval of Minutes: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of February 11, 2015. Councilmember Ward 2 Boni seconded the motion.

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

Recognition of Guests:

- Kevin Olvany, Watershed Manager, introduced members from the Corporate Wetland Restoration Partnership, a volunteer organization which donates funds towards wetland restoration projects. Anthony Esposito from Arcadis-USA and Chairperson, along with Don Knezick from Pinelands Nursery, Tom Ward from North Country Ecological Services and Steve Money from O'Brien & Gere presented Mayor Polimeni with a check in the amount of \$12,985 to be used for the restoration of wetlands at Lagoon Park. Pinelands Nursery is also donating planting materials in the amount of \$1,000 for the project. Kevin explained that monitoring is an important part of a restoration project and that will be done with the help of FLCC student Dan Kenney along with FLCC professors Maura Sullivan and Bruce Gilman.
- Joe Nacca, Canandaigua Resident, was concerned with NYS Education Law that requires certified stamped architectural drawings for building permits for improvements over \$10,000. State Senator Katherine Young has tried to raise the threshold from \$10,000 to \$50,000 but was unsuccessful. Mr. Nacca would like City Council to support this legislation that Senator Young wants to introduce again.

Committee Reports:

Environmental: No meeting to report

Planned Unit Development: No meeting to report

Ordinance: Councilmember-at-Large Whitcomb reported that the Ordinance Committee met on February 17th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX A

- Presentation and Discussion on Zoning
- Feeding the Water Fowl

Finance: Councilmember-at-Large Terwilliger reported that the Ordinance Committee met on February 24th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX B

- Surety for Public Improvements at North Shore
- Micro-Cell Tower Proposal, CMA, Inc.
- 2014 Audit Overview
- Bids for Painting Basketball and Tennis Courts
- Surplus Vehicles and Equipment
- 12 Lakeshore Drive: Potential Purchase
- 2014 Year End Report
- Bond Refinancing Proposal
- \$3,000 Contribution to Boat Steward Program
- Overtime Report

Planning: Councilmember Ward 4 Wade reported that the Planning Committee met on March 3rd and discussed the following:

SEE COMMITTEE NOTES - APPENDIX C

- Park Avenue Resident Concerns
- Chamber Economic Development Report – Alison Grems (Appendix C-1)
- Police Activity Report – Chief Jon Welch (Appendix C-2)
- Refresher on Committee Operations – Michele Smith (Appendix C-3)

Resolutions:

Resolution #2015-014:

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF CANANDAIGUA RELATIVE TO PLANTING TREES ALONG THE SWITCHBACK TRAIL

WHEREAS, in 2007 the Wegman Companies, Inc. obtained rights from the Town of Canandaigua to build the Villas at Canandaigua, a housing development located within the municipal boundary of the Town of Canandaigua; and

WHEREAS, included among the amenities that were provided in return for the Town of Canandaigua's approval of the project was the construction a hiking/biking trail along Route 5 & 20, linking Middle Cheshire Road and West Lake Road; and

WHEREAS, the trail, eventually named the Switchback Trail, is a component of the Town's adopted Trails Master Plan; and

WHEREAS, the Switchback Trail is located inside the municipal boundary of the City of Canandaigua within a New York State Department of Transportation right-of-way; and

WHEREAS, the Town of Canandaigua is responsible for the maintenance of the Switchback Trail; and

WHEREAS, construction of the Switchback Trail was completed in 2014; and

WHEREAS, during the course of construction many trees and other plants were cleared from the hillside directly adjacent to the backyards of residents of Deerfield Drive; and

WHEREAS, this destruction of plant life eliminated a visual and sound barrier between the neighborhood and State Routes 5&20; and

WHEREAS, without this barrier, the quality of life of the residents of Deerfield Drive is negatively impacted; and

WHEREAS, the Town and City of Canandaigua desire to work together to mitigate this loss of trees and plant life and improve the quality of life of the residents of Deerfield Drive by planting trees and other plant material in the impacted area adjacent to the Switchback Trail; and

WHEREAS, the Town and City of Canandaigua have each pledged \$2,500 toward this effort and desire to set forth the terms of this cooperative endeavor in the form of a Memorandum of Understanding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to sign a Memorandum of Understanding with the Town of Canandaigua; and

BE IT FURTHER RESOLVED that funds for this effort shall come from contingency.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-017:

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

**A RESOLUTION AUTHORIZING PARTICIPATION BY CITY EMPLOYEES
IN THE ANNUAL VOLUNTEER DAY OF CARING**

WHEREAS, the United Way of Ontario County is sponsoring the Annual Volunteer Day of Caring on Thursday, April 16, 2015 to kickoff its 2015 fundraising campaign; and

WHEREAS, the Volunteer Day of Caring is a program wherein employers allow their employees the opportunity to volunteer at an assigned United Way agency for a day or half-day without requiring that leave time be used for that purpose; and

WHEREAS, the City of Canandaigua wishes to participate in the 2015 Volunteer Day of Caring program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that City employees may volunteer to participate in the Annual United Way Volunteer Day of Caring, provided that no employee shall earn overtime wages for the time spent volunteering, and further provided no overtime costs shall be incurred in order to fill shift vacancies created by the participation of employees in the Day of Caring.

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

Resolution #2015-018:

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

A RESOLUTION AUTHORIZING SPECIAL EVENTS
Escape the Ordinary 5K & Canandaigua Lake Swim

WHEREAS, the City Council of the City of Canandaigua has received the following applications for special events in the City of Canandaigua:

- ***Escape the Ordinary 5K***
 - Date: July 11, 2015
 - Location: Begin and End at Wood Library, Run on City Streets and Baker Park
 - Coordinator: Wood Library Association
 - Time: 7:30 a.m. – 9:30 a.m.
 - Purpose: Fundraiser
 - Expected Number of Participants: 200

- ***Canandaigua Lake Swim***
 - Date: August 8, 2015
 - Location: Kershaw Park
 - Coordinator: Ontario Yates Hospice
 - Time: 7:30 a.m. – 9:30 a.m.
 - Purpose: Fundraiser
 - Expected Number of Participants: 100

WHEREAS, these requests were reviewed and approved at the February 10, 2015 Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special events at the time and locations listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special events; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

BE IT FURTHER RESOLVED that the organizers of the Special Events shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-019:

Councilmember-at-Large Cator read the following Resolution and moved for its adoption. Councilmember Ward 2 Boni seconded the motion.

A RESOLUTION AWARDING A CONTRACT FOR SPECIALIZED PAINTING SERVICES RELATED TO THE PAINTING, RE-PAINTING AND CRACK SEALING OF MULTIPLE TENNIS AND BASKETBALL COURTS

WHEREAS, the City of Canandaigua, as a part of its on-going maintenance of city parks, wishes to paint, re-paint and crack seal various tennis and basketball courts in Baker, Sonnenberg and Jefferson Parks; and

WHEREAS, the City publicly advertised for bids and directly contacted three qualified contractors for specialized painting services and crack sealing; and

WHEREAS, bids for the required work were received on February 13, 2015, with three contractors submitting bids; and

WHEREAS, the bid from Super Sealcoating Co., PO Box 925, Penfield, NY 14526, in the amount of \$70,750, has been judged to be the lowest responsive bid; and

WHEREAS, funding for this construction was appropriated in the City of Canandaigua 2015 budget as a part of the Parks Capital Budget; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to Super Sealcoating to complete the necessary refurbishments;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Super Sealcoating Co., PO Box 925, Penfield, NY 14526, to complete the necessary painting and crack sealing repairs for a fee not-to-exceed \$70,750.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-020:

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

A RESOLUTION DECLARING VARIOUS USED AND UNWANTED CITY VEHICLES AND EQUIPMENT SURPLUS

WHEREAS, there exists used and unwanted vehicles and equipment, so noted on the attached list, that are no longer essential to the operations of the City of Canandaigua; and

WHEREAS, it is necessary to declare as surplus the vehicles and equipment on the attached list such that they may be sold at public auction, via sealed bid, or as trade ins; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby declares as surplus the equipment and vehicles contained on the attached list and they are to be sold to the highest bidder at a public auction, through sealed bids or to be traded in on future equipment purchases pursuant to City and State purchasing guidelines.

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

Resolution #2015-021:

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

A RESOLUTION ACCEPTING AN APPLICATION FOR PRELIMINARY SITE PLAN APPROVAL FOR THE COTTAGES AT CANANDAIGUA PLANNED UNIT DEVELOPMENT

WHEREAS, The City Council has received the preliminary site plan application relative to the Cottages at Canandaigua project; and

WHEREAS, pursuant to Municipal Code §850-125(B), upon receipt of the complete application the City Council must refer said application to the City Planning Commission for its report on the project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City accepts the preliminary site plan application submitted for the Cottages at Canandaigua project as complete, and refers the application to the City Planning Commission for their report; and

BE IT FURTHER RESOLVED that the application shall also be forwarded to the County Planning Board for its review and a report to the City Planning Commission; and

BE IT FURTHER RESOLVED that in accordance with Municipal Code §850-125(B), the City Planning Commission shall issue a report to the City Council on the preliminary site plan application within 45 days of this referral.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-022:

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

A RESOLUTION OF THE CANANDAIGUA CITY COUNCIL AMENDING A CONDITION OF APPROVAL FOR THE FINAL SITE PLAN FOR THE NORTH SHORE PROJECT IN THE LAKEFRONT REDEVELOPMENT PLANNED UNIT DEVELOPMENT

WHEREAS, On April 3, 2014, by Resolution #2014-035, the City Council adopted the final site plan of the proposed Phase I - North Shore Project with specified conditions; and

WHEREAS, On October 2, 2014, by Resolution #2014-076, the City Council issued approval of the final site plan of the proposed Phase I - North Shore Project, as it was amended, with specified conditions; and

WHEREAS, a specified condition of said approval required the Developer to provide a non-expiring letter of credit to ensure construction of all public improvements in an amount determined by the City Manager and the City Corporation Counsel; and

WHEREAS, the City Manager and City Corporation Council, upon review of the proposed Schedule of Values, have established the amount of \$1,552,467.80 to be furnished in an irrevocable letter of credit; and

WHEREAS, Developer has requested that it be allowed to provide a Performance Bond to the City of Canandaigua, in the required amount, rather than a letter of credit, as is authorized under MC§850-127; and

WHEREAS, a Performance Bond provides the same level of surety to protect the City's interest;

NOW, THEREFORE BE IT RESOLVED, that the Canandaigua City Council modifies the conditions of final site plan approval set forth in Resolution #2014-035, specifically condition #8, in that a Performance Bond, rather than a letter of credit, shall be an acceptable form of surety. All other conditions set forth in Resolution #2013-095, Resolution #2014-035, and Resolution #2014-076 are continued unless subsequently modified.

This Resolution shall take effect immediately upon adoption.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-023:

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

A RESOLUTION AUTHORIZING THE PURCHASE OF 12 LAKESHORE DRIVE FOR AN AMOUNT NOT TO EXCEED \$235,000.00 IN CASH AND DONATIONS

WHEREAS, Leo Genecco & Sons, Incorporated ("Seller") has recently acquired property of 1.21 acres at 10 and 12 Lakeshore Drive for \$375,000; and

WHEREAS, Seller intends to seek subdivision approval so that 10 Lakeshore Drive is approximately .45 acres and 12 Lakeshore Drive is .76 acres; and

WHEREAS, if said subdivision is approved and recorded, the City is interested in acquiring the newly subdivided 12 Lakeshore Drive for the equivalent of 62.8% of the total purchase price originally paid by Seller, equal to approximately \$235,000. total; and

WHEREAS, the City is willing to pay \$185,000 in cash and agrees to accept as a charitable gift the remaining value of Seller's right, title and interest in and to the newly subdivided 12 Lakeshore Drive (including any and all easements, rights-of-way, privileges and appurtenances inuring to the benefit thereof), said donation having a fair market value of \$50,000; and

WHEREAS, the Finance Committee, at its February 24th meeting, reviewed and endorsed the purchase and acceptance of this donation of real property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Council hereby agrees to purchase from Seller, the land and any improvements located at 12 Lakeshore Drive Street , located in the City of Canandaigua, County of Ontario, State of New York for an amount not to exceed \$185,000. cash to be funded from the Capital Reserve Fund plus an acknowledgment of \$50,000 charitable donation under the following conditions:

- 1) 12 Lakeshore Drive must receive subdivision approval into a parcel with approximately .76 acreage, and
- 2) The approved subdivision map must be properly recorded in the Ontario County Clerk's Office; and
- 3) The City must receive a copy of the Abstract of Title for 12 Lakeshore Drive and any Environmental Studies, which are in the Seller's possession or control. After review of said studies, the City may revoke the offer to purchase for Environmental concerns; and
- 4) Seller must grant an access easement on the north side of 10 Lake shore Drive to the private drive to the west of 10 Lakeshore Drive;
- 5) Seller must prepare all transfer deeds and tax documents for recording.
- 6) Seller must pay any and all outstanding debts or monies owed to the City of Canandaigua in full; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute and deliver a Donation Acknowledgment or property gift receipt letter to Seller and any and all other necessary transfer documentation and affidavits customarily delivered in relation to a real estate transfers, as prepared by Seller and approved by City Corporation Counsel; and

BE IT FURTHER RESOLVED that the City of Canandaigua accepts the dedication of any lands along Lakeshore Drive that may result from the necessary subdivision of 10 and 12 Lakeshore Drive, if approved.

Discussion: Councilmember-at-Large Bucci will not be supporting this resolution for the following reasons: (1) This is a large expenditure with little or no public input; (2) Council has not determined how this will affect the capital projects passed during the budget if funds are used for the parking lot; (3) Council did not have any real information that a parking lot is needed in that area or how much parking we will get with the North Shore Project. Mayor Polimeni indicated that there is a need for parking at that end of the City to support all the events in that area and past City Councils have inquired about that parcel before but the cost was prohibitive.

The motion CARRIED on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: Councilmember-at-Large Bucci

Resolution #2015-024:

Councilmember Ward 2 Boni read the following Resolution and moved for its adoption. Councilmember-at-Large Whitcomb seconded the motion.

A RESOLUTION APPOINTING DAWN HUGHSON ACTING ASSESSOR

WHEREAS, New York State Real Property Tax Law §310, requires that the City appoint an assessor to assess real property for the purpose of taxation; and

WHEREAS, the City's assessor recently retired and although the City is currently searching for a shared assessor with the City of Geneva, it is necessary to appoint an Acting Assessor to fulfil the job responsibilities of the Assessor; and

WHEREAS, in accordance with New York State Real Property Tax Law §314 an Acting Assessor may be appointed until such time a replacement is appointed up to six (6) months; and

WHEREAS, the City Manager has appointed Dawn Hughson, who has worked in the City of Canandaigua Assessor's Office for over 30 years, as Acting Assessor effective March 1, 2015 and agreed to pay a stipend of \$300 per week for the additional work and responsibilities of the position;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua approves of the City Manager's appointment of Dawn Hughson as Acting Assessor.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-025:

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

**A RESOLUTION AUTHORIZING FUNDING FOR
THE CANANDAIGUA LAKE WATERSHED COUNCIL'S BOAT STEWARD PROGRAM**

WHEREAS, Canandaigua Lake and its surrounding 174 square mile watershed provides numerous benefits to the region including drinking water for approximately 70,000 people, varied recreational opportunities, scenic beauty, Natural Capital and ecological significance; and

WHEREAS, the Canandaigua Lake Watershed Council was created in 1999 to protect the lifeblood of this region- Canandaigua Lake and its surrounding watershed by maintaining and enhancing the high water quality of this watershed through the continued implementation of the comprehensive watershed protection program; and

WHEREAS, the City has been party of an inter-municipal cooperative agreement with other local municipalities since 1999, which was recently re-authorized at the City Council's December 4, 2014 meeting, to create, support and fund the Canandaigua Lake Watershed Council and the implementation of its Canandaigua Lake Watershed Management Plan; and

WHEREAS, in 2014 the Canandaigua Lake Watershed Council enacted a Boat Steward program to prevent the introduction of potentially harmful invasive species into Canandaigua Lake which involved the inspection of boats prior to their entering the lake, cleaning boats as necessary and providing educational materials to boaters regarding the importance of cleaning their crafts; and

WHEREAS, the Canandaigua Lake Watershed Council plans to expand its Boat Steward program which will require additional funding; and

WHEREAS, the Canandaigua Lake Watershed Council requested \$3,000 in additional funding and presented the expanded program at the City Council's Environmental Committee on January 13, 2015, with said program receiving support by committee members present at the meeting; and

WHEREAS, the request for additional funding was reviewed at the February 24, 2015 Finance Committee meeting and received committee approval;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the appropriation of \$3,000 from the Water Fund, Fund Balance, provided that all other Water Fund appropriations are fully utilized and unavailable; and

BE IT FURTHER RESOLVED, that City Council of the City of Canandaigua encourages all boaters to properly clean their watercraft every time they leave a body of water to prevent the introduction of potentially harmful invasive species.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-026:

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

REFUNDING BOND RESOLUTION OF THE CITY COUNCIL OF CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (THE “DISTRICT”) AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,375,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

WHEREAS, the City of Canandaigua, Ontario County, New York (the “City”) heretofore issued its Public Improvement (Serial) Bonds, 2003, dated July 15, 2003 in the original aggregate principal amount of \$2,570,000 (the “Series 2003 Bonds”), pursuant to bond resolutions adopted by the City Council of the City on April 4, 2002 and April 29, 2003, for the specific objects or purposes identified in Exhibit A-1 attached hereto, which bonds have an outstanding principal amount of \$385,000, and mature in the following respective years and principal amounts: \$170,000 in the year 2015, \$170,000 in the year 2016, \$10,000 in the year 2017, \$10,000 in the year 2018, \$10,000 in the year 2019, \$10,000 in the year 2020, and \$5,000 in the year 2021 (the “Series 2003 Prior Bonds”); and

WHEREAS, the City heretofore issued its Public Improvement (Serial) Bonds, 2006, dated December 15, 2006 in the original aggregate principal amount of \$1,999,000 (the “Series 2006 Bonds”), pursuant to bond resolutions adopted by the City Council of the City on April 4, 2002, March 6, 2003 as amended by a resolution dated February 5, 2004 as further amended by a resolution dated June 17, 2004, April 22, 2004, and July 7, 2005 for the specific objects or purposes identified in Exhibit A-2 attached hereto, which bonds have an outstanding principal amount of \$1,060,000, and mature in the following respective years and principal amounts: \$95,000 in the year 2015, \$95,000 in the year 2016, \$90,000 in the year 2017, \$95,000 in the year 2018, \$95,000 in the year 2019, \$100,000 in the year 2020, \$100,000 in the year 2021, \$105,000 in the year 2022, \$90,000 in the year 2023, \$65,000 in the year 2024, \$65,000 in the year 2025, and \$65,000 in the year 2026 (the “Series 2006 Prior Bonds”); and

WHEREAS, the City heretofore issued its Public Improvement (Serial) Bonds, 2007, dated November 15, 2007 in the original aggregate principal amount of \$6,477,504 (the “Series 2007 Bonds”), pursuant to bond resolutions adopted by the City Council of the City on July 7, 2005 as amended by a resolution dated July 6, 2006 as further amended by a resolution dated September 6, 2007, July 6, 2006 as amended by a resolution dated September 6, 2007, February 1, 2007, and June 7, 2007 as amended by a resolution dated September 6, 2007 for the specific objects or purposes identified in Exhibit A-3 attached hereto, which bonds have an outstanding principal amount of \$4,450,000, and mature in the following respective years and principal amounts: \$300,000 in the year 2015, \$300,000 in the year 2016, \$300,000 in the year 2017, \$310,000 in the year 2018, \$325,000 in the year 2019, \$325,000 in the year 2020, \$325,000 in the year 2021, \$150,000 in the year 2022,

\$150,000 in the year 2023, \$150,000 in the year 2024, \$150,000 in the year 2025, \$150,000 in the year 2026, \$150,000 in the year 2027, \$65,000 in the year 2028, \$65,000 in the year 2029, \$65,000 in the year 2030, \$65,000 in the year 2031, \$65,000 in the year 2032, \$70,000 in the year 2033, \$70,000 in the year 2034, \$75,000 in the year 2035, \$75,000 in the year 2036, \$75,000 in the year 2037, \$75,000 in the year 2038, \$75,000 in the year 2039, \$75,000 in the year 2040, \$75,000 in the year 2041, \$75,000 in the year 2042, \$75,000 in the year 2043, \$75,000 in the year 2044, \$75,000 in the year 2045, and \$75,000 in the year 2046 (the “Series 2007 Prior Bonds” and, collectively with the Series 2003 Prior Bonds and the Series 2006 Prior Bonds, the “Prior Bonds”); and

WHEREAS, the City has the power and authority to issue refunding bonds of the City for the purpose of refunding and thereby refinancing the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.10 of the Local Finance Law; and

WHEREAS, the City has received a refunding proposal from Roosevelt & Cross Incorporated containing a proposed refunding financial plan, a copy of which is attached hereto as Exhibit B, which proposal calls for the refunding of all of the outstanding Series 2003 Prior Bonds maturing in the years 2015 and thereafter (the “Series 2003 Refunded Bonds”), all of the outstanding Series 2006 Prior Bonds maturing in the year 2017 and thereafter (the “Series 2006 Refunded Bonds”), and all of the outstanding Series 2007 Prior Bonds maturing in the years 2018 and thereafter (the “Series 2007 Refunded Bonds” and, collectively with the Series 2003 Refunded Bonds and the Series 2006 Refunded Bonds, the “Refunded Bonds”); and

WHEREAS, the City Council has reviewed and considered the Refunding Financial Plan in consultation with the Treasurer of the City, and the financial advisory and bond counsel firms retained by the City; and

WHEREAS, in order for the City to realize the potential for substantial long-term debt service savings with respect to the Refunded Bonds, the City Council has determined, acting in consultation with the financial advisory and bond counsel firms retained by the City, that it is prudent for the City to consider the refunding of all or a portion of the outstanding Refunded Bonds; and

WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and

WHEREAS, Section 90.10 of the Local Finance Law requires that the City adopt a refunding bond resolution to authorize the issuance of refunding bonds, which resolution must include a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS (2/3'S) OF ALL THE MEMBERS OF THE CITY COUNCIL) AS FOLLOWS:

SECTION 1. Based on the recommendation of Bernard P. Donegan, Inc., the financial advisory firm retained by the City, the City Council hereby determines to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the City, and hereby determines to retain

the services of Roosevelt & Cross Incorporated, as underwriter (the “Underwriter”), in connection with the issuance of the Refunding Bonds.

SECTION 2. For the object or purpose of refunding the \$4,805,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds which are optionally redeemable are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the Underwriter, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as defined in Section 7 of this resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for any policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds as herein authorized, or any portion thereof, there are hereby authorized to be issued the “Public Improvement Refunding (Serial) Bonds” of the City in an aggregate principal amount not to exceed \$5,375,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the “Refunding Bonds”), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,905,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the Treasurer of the City pursuant to Section 6 hereof, and shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the Treasurer of the City pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Treasurer of the City. Notwithstanding anything in this resolution to the contrary, the Refunded Bonds shall only be issued by the City if the refunding of the Refunding Bonds will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 3. The Treasurer of the City, as the chief fiscal officer, is hereby delegated all powers of the City Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Treasurer of the City, and a facsimile of its corporate seal shall be imprinted thereon and attested by the City Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the Treasurer of the City shall determine.

SECTION 5. It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibit A-1, A-2, and A-3 attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds or each separate series of Refunding Bonds will mature not later than the expiration of the remaining period of probable usefulness for each object or purpose for which the Refunded Bonds were issued, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Refunded Bonds, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with all of the Refunded Bonds, in each case computed from the date of issuance of the Refunded Bonds, or the applicable series thereof, or from the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law, is as shown in the Refunding financial plan described in Section 6 hereof.

SECTION 6. The financial plan for the refunding authorized by this resolution, showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law are set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$4,905,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This City Council recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Treasurer is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of this resolution), the maturities and amount of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions in accordance with Section 12 hereof and authorizing and directing the Escrow Holder described in Section 7 hereof to cause notice of such redemption or redemptions to be given in the name of the City, the dated date of the Refunding Bonds, and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities pursuant to Section 168.00 of the Local Finance Law, the amount of the annual installments of the Refunding Bonds to be paid pursuant to Section 90.10(c)(3) of the Local Finance Law, whether the Refunding Bonds shall be sold at a

discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final refunding financial plan (the "Final Refunding Financial Plan") for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the Treasurer; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Treasurer of the City shall file with the City Clerk not later than the date of issuance of the Refunding Bonds, as herein provided, (a) a certificate determining the details of the Refunding Bonds and the Final Refunding Financial Plan and (b) the Certificate of the State Comptroller setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law.

SECTION 7. The Treasurer of the City is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the Treasurer shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

SECTION 8. The faith and credit of said City are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City, a tax sufficient, after taking into consideration the amount of building aid to be received by the City from the State of New York for debt service on the Refunding Bonds, to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 9.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the Final Refunding Financial Plan prepared by the President in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates (such amount being hereinafter referred to as the "Escrow Deposit Amount"), shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the Final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by

the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and liens, need be filed or recorded.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the Treasurer of the City, as chief fiscal officer, or as the Treasurer may direct and applied to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

SECTION 10. The Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

SECTION 11. The City Council hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In accordance with the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the City Council of the City hereby elects to call in and redeem the Series 2003 Refunded Bonds on June 15, 2015, the Series 2006 Refunded Bonds on December 15, 2016, and the Series 2007 Refunded Bonds on December 15, 2017, or, in each case, such later date or dates as may be hereinafter determined by the Treasurer and provided for in the Final Refunding Financial Plan (each a "Redemption Date"). The sum to be paid therefor on each such Redemption Date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such Redemption Date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the City pursuant to which they were issued. Upon the issuance of the Refunding Bonds or a series thereof, the election to call in and redeem the applicable Refunded Bonds that are subject to redemption at the option of the City and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. In connection with the issuance of the Refunding Bonds, the Treasurer is further authorized to enter into a continuing disclosure undertaking on behalf of the City, containing provisions in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14. In the absence or unavailability of the Treasurer of the City, the Deputy Treasurer then in office is hereby specifically authorized to exercise the powers delegated to the Treasurer in this resolution.

SECTION 15. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at a private sale. The Treasurer of the City is hereby authorized to negotiate the terms of such private sale with the Underwriter, consistent with the Refunding Financial Plan approved in Section 6 hereof. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the Treasurer of the City is hereby authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the Treasurer of the City in accordance with said bond purchase agreement upon the receipt by the City of said purchase price, including accrued interest.

SECTION 16. The Treasurer and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 17. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Treasurer and all powers in connection therewith are hereby delegated to the Treasurer.

SECTION 18. The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 19. Upon this resolution taking effect, the City Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law in the official newspaper of the City for legal notices.

SECTION 20. This resolution shall take effect immediately upon its adoption.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2015-027:

Councilmember-at-Large Whitcomb read the following Resolution and moved for its adoption. Councilmember Ward 2 Boni seconded the motion.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (THE “CITY”) AUTHORIZING AND ADOPTING POST ISSUANCE COMPLIANCE POLICIES AND PROCEDURES RELATED TO THE CITY’S TAX-EXEMPT OBLIGATIONS, SUCH POLICIES AND PROCEDURES INTENDED TO ENSURE THAT THE REQUIREMENTS IMPOSED UPON THE CITY PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, WILL BE SATISFIED

WHEREAS, the City of Canandaigua, Ontario County, New York (the “City”) previously has issued bond and notes (the “Tax-Exempt Obligations”), the interest on which is excluded from gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the City intends to issue additional series of Tax-Exempt Obligations in the future; and

WHEREAS, in order to ensure that the interest on City’s Tax-Exempt Obligations will continue to be excluded from gross income of the owners thereof for purposes of federal income taxation, and that the City complies with its tax certifications relating to the Tax-Exempt Obligations, the City Council has determined, based on the advice of the City’s Bond Counsel, to adopt certain written Post-Issuance Compliance Policies and Procedures in the form attached hereto as Exhibit A and made a part hereof (the “Post-Issuance Compliance Procedures”).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua, Ontario County, New York (the “Board”), as follows:

Section 1. The Board hereby approves and adopts the Post-Issuance Compliance Procedures.

Section 2. The Board hereby appoints the Treasurer of the City to serve as the “Designated Tax Compliance Official” under the Post-Issuance Compliance Procedures and hereby authorizes and directs the Treasurer, acting in such capacity, to take such actions, after appropriate consultation with Bond Counsel to the City, as the Treasurer deems necessary, appropriate or desirable to effect the implementation of the Post Issuance Compliance Procedures, and hereby further authorizes the Treasurer, as such Designated Tax Compliance Official, to delegate to such other City officials or employees as the Treasurer shall determine is necessary or appropriate, the responsibility to take certain specific actions called for by the Post-Issuance Compliance Procedures.

Section 3. This Resolution shall take effect immediately.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Ordinance:

Ordinance #2014-012: *(Introduced and tabled at the September 4, 2014 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 292 OF THE MUNICIPAL CODE
TO PROHIBIT PESTICIDES ON RIGHTS-OF-WAY**

This Ordinance remains on the table.

Ordinance #2015-001: *(Introduced and tabled at the February 11, 2015 Council Meeting)*

**AN ORDINANCE AMENDING CHAPTER 648 OF THE MUNICIPAL CODE
TO ALLOW PARKING ON GIBSON STREET ON
CHRISTMAS EVE AND CHRISTMAS DAY**

This Ordinance remains on the table pending DOT approval.

Local Law: None

Manager's Report: City Manager David R. Forrest gave the following report:

- DPW has enough salt remaining to get us through six storms
- The newly designed website is up and running

Miscellaneous:

- “Heroin is in Your Neighborhood” meeting at the Middle School on March 23rd.
- Councilmember-at-Large Cator thanked City Staff for the orientation.
- Councilmember-at-Large Bucci asked residents to consider alternatives other than pesticides on their lawn.
- Councilmember Ward 4 Wade thanked the community and Thompson Continuing Care Center for their support in the passing of her father.

Regular Session -Adjournment

Councilmember-at-Large Whitcomb moved to adjourn the regular session at 8:31 PM. Councilmember-at-Large Cator seconded the motion.

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

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
ORDINANCE COMMITTEE
Tuesday, February 17, 2015
7:00 p.m.
Hurley Building

Committee: David Whitcomb, Chair, Maria Bucci, Jim Terwilliger, Ian Boni

Council Members: Ellen Polimeni, Nick Cutri, Cindy Wade, Karen White, Donna Cator

Staff: Dave Forrest, John Goodwin, Rick Brown, Michele Smith

1. Feeding Waterfowl in the City – Charlie LeClear feeding pigeons and sparrows bird seed. Ducks will eat the seeds now because they are so hungry. He doesn't want to be in the wrong but thinks these animals won't survive in this weather without assistance. Heard purpose of ordinance was to not encourage birds from migrating but these birds are already staying here. Would like ordinance changed to allow feeding in December, January and February.

Feeding waterfowl is not encouraged by the DEC.

Maria questioned whether or not other municipalities had modified ordinance for winter months and what else should be feed to them.

Discussion regarding whether or not Mr. Leclear's actions would be considered a violation.

No action by council. Staff report back regarding DEC recommendations.

2. Overview of Zoning in New York State and Canandaigua – Rick Brown

History of early zoning

Zone districts -segregated land use and Bulk limits - density, height, setbacks

Legitimate use of police power to restrict property uses for benefits of health and welfare of residents.

City first zone ordinance in 1960. Current zone districts were established around existing land lay-outs.

Zone districts delineate permitted uses in each zone. If not listed, then not permitted.

Important that zoning ordinance be living document to ensure reflects times and needs of the community.

New Urbanism had tried to recover traditional aspects of original zoning to create better quality of life. Create more character and traditional neighborhoods.

Planned Communities. Usually occurs in new developments. These Greenfields tend to be an exception and artificial

Smart code - analyzes existing buildings and lots and provides recommended uses and zones.

3. Form-Based Zoning – Rick Brown

Prescriptive with respect to use. Predictable and easy to reuse buildings. Embraces mix of yards and allows creative business plans.

Mainly deals with the look of the building and setting, rather than the use specifically. Every type of building is described and defined. Still have permitted uses in certain buildings but the use becomes an over lay to the structure.

Ordinance Meeting Continued

Town of Malta currently using form based plan for massive community build to address growing industry.

Form based regulatory tools already being used here -subdivision regs., site plan review, architectural review, historic preservation, PUD

Council discussion: possibly need to revisit list of permitted uses and existing zones to see if they still make sense.

There are generally valid reasons for use restrictions. For example, restaurants on Main Street are only by special use permit because generally the buildings in the downtown don't necessarily have property for issues such as garbage and parking.

Rick would recommend revisit the long list of permitted uses. Process works fine but may be lengthy. Establish standards, which the Planning Commission is working on, so that everyone knows expectations.

Tom Lyons - if you can clear up the unused portions to make easier to read would be beneficial.

Tom will come back next month to discuss Chamber desires.

Motion for executive session made by Jim, 2nd by Maria. Voice vote 4-0

Real estate acquisition, 12 Lakeshore Drive - move to Finance

Litigation update - tax cert and labor issues

Employment history of particular purpose - assessor

Motion to adjourn executive session made by Cindy, 2nd by David. Voice vote 4-0

APPENDIX B
City Council Finance Committee
Meeting Notes

Tuesday, February 24, 2015
7:30PM
Hurley Building

Present: Finance Committee members: Cator, Terwilliger, White
Council members: Boni, Bucci, Cutri, Mayor Polimeni, Whitcomb
City Staff: City Manager Forrest, Assistant City Manager Goodwin, Clerk/Treasurer Abdallah, Public Works Director Sprague, City Attorney Smith

1. Micro-Cell Tower Proposal

Washington Vivero, Director Infrastructure Solutions, CMA, Inc., summarized an RFP submission made recently to the City for contracting with wireless service carriers on behalf of the City to create an intra-city network of small wireless transmission cells. Such an arrangement has already been made with NYS municipalities of Vestal, Johnson City, Binghamton, Owego, Union, and Pompey. Anticipated revenue is \$300/cell monthly. The proposal would split revenues 60/40 City/CMA. All the work and risk would be undertaken by CMA. Cells would be placed throughout the City on City property. This technology was described as the next phase of wireless infrastructure that would greatly enhance capacity.

Action Taken: Committee asked staff to evaluate the proposal, get feedback from the municipalities currently contracting with CMA, and to bring a recommendation back to Finance Committee.

2. Surety for Public Improvements at North Shore

Attorney Jerry Goldman, representing the North Shore project developer, requested that the City allow the developer (Morgan-LeChase Development, LLC) to post a \$1.552MM performance bond as surety vs. the letter of credit described in the Final Site Plan Approval Resolution 2014-035, and later amended in Resolution 2014-076, for Phase 1 of the project. Both the City Manager and City Attorney advised that such a change would provide the same level of surety to protect the City's interests.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, the requested change.

3. 2014 Audit Overview

Thomas Zuber, representing Ray Wager, CPA, PC, the new firm hired to perform the City's 2014 audit, reviewed the proposed audit process for budget year 2014. The field work will occur in the March-April timeframe, and a draft audit is expected to be presented by late April.

Action Taken: None, information-only topic.

4. Bids for Painting Basketball and Tennis Courts

Finance Meeting Continued

Public Works Director Sprague reviewed bids received to paint the tennis and basketball courts at Baker and Sonnenberg Parks and the basketball court at Jefferson Park. One Baker Park tennis court and two Sonnenberg Park tennis courts will also be striped for pickleball. Additional work would include crack sealing at Baker and Jefferson. Three bids were received with the lowest being \$70,750 from Super Seal Sealcoating Co. of Penfield. Original estimate for this work was \$77K, which was included in the 2015 budget, funded from the Capital Reserve Fund. It was noted that \$10K toward the project was contributed by an anonymous donor.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, that the contract be awarded to the lowest bidder.

5. Surplus Vehicles and Equipment

Public Works Director Sprague presented a list of vehicles and other equipment that have reached their useful lives and are ready to be scrapped or sold. Mr. Sprague recommended that they be declared surplus property and disposed of via public auction, sealed bid, as trade-ins, or scrapped.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, that the listed property be declared surplus and sold or scrapped through the approved channels.

6. 10-12 Lakeshore Drive Potential Purchase

City Attorney Smith described a 1.21 acre parcel between MacGregors and the outlet that was recently purchased by Leo Genecco & Sons, Inc. Purchase price was \$375K. It has been proposed that the property be subdivided and that the City purchase 0.76 acres at 12 Lakeshore Drive. It has further been proposed that acquisition by the City for a total of \$235K (pro-rata portion of the original purchase) be accomplished through the combination of a \$185K purchase plus a \$50K donation on the part of the new owner. The purchase cost would be funded from the Capital Reserve Fund.

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, that the City acquire the 0.76 acres, as described above, subject to a number of conditions that will be detailed in the resolution.

7. 2014 Year End Report

City Clerk/Treasurer Abdallah presented a summary of all funds for the year ending 12/31/2014. The report included a high-level summary of each fund plus the detail behind the summary. It also included the status of fund balances as well as 2014 cash flow. The General Fund showed a \$296,849 positive revenue vs. expenditure cash flow vs. budget. General Fund year-end fund balance was about \$3.75MM, representing about 2.6 x the 2015 budget. Policy is maintain a 2x-3x fund balance level. All other funds performed and ended the year about as expected. No big surprises.

Action Taken: None, information only topic. Committee, again this year, thanked Ms. Abdallah for her timely, detailed, and easy-to-interpret year-end report. Very nice job!

8. Bond Refinancing Proposal

City Clerk/Treasurer Abdallah presented a proposal to refinance bonds issued in 2003, 2006, and 2007 having an average coupon rate of 4.31%. She showed an example of a refinance at 2.97% that would save the City about \$272K over the next 31 years.

Finance Meeting Continued

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, that the Clerk/Treasurer implement the refinance, conditioned on the availability of continued attractive interest rates.

9. Contribution to Boat Steward Program

City Clerk/Treasurer Abdallah summarized a recommendation from the Environmental Committee that the City participate with other Canandaigua Lake watershed municipalities to fund the boat stewardship program. The City's cost for 2015 would be \$3,000, sourced from the 2015 Water Fund fund balance if there is no room in the 2015 operating budget..

Action Taken: Committee agreed 3-0 to recommend to City Council, in the form of a resolution, that the proposed funding for the 2015 Boat Stewardship Program through the Canandaigua Lake Watershed Council be approved.

10. Overtime Report

City Clerk/Treasurer Abdallah presented a new report requested earlier by the Finance Committee. It detailed year-to-date (through Feb 13) overtime by department. The largest outlier was for snowplowing where 76% of the 2015 budget has already been spent.

Action Taken: None, information only topic. Committee asked that this report be updated and given monthly at Finance Committee meetings.

The meeting was adjourned at 9:20PM for an Executive Session to review the work history of a particular employee.

The Executive Session was adjourned at 9:25PM.

The Committee meeting was then concluded at 9:25PM. The next regular meeting is scheduled for Tuesday, March 24 at 7:00PM at the Hurley Building

Respectfully submitted,

James Terwilliger
Finance Committee Chair

APPENDIX C
PLANNING COMMITTEE
Tuesday, March 3, 2015
7:00 p.m.
Hurley Building

Present: Cindy Wade Chair and Ian Boni member

Council members: Maria Bucci, Donna Cator, Mayor Polimeni

Lacked a quorum of the committee, we held a Meeting of the Whole

Agenda:

- A. Park Avenue Resident Concerns: On Feb 10th, 2015 28 residents of Park Ave met with Chief Jon Welch and City Council members Maria Bucci and Cindy Wade to express their concerns regarding their neighborhood.

In addition to Park Avenue concerns, two additional concerns were raised:

1. A resident expressed concern about parking on West Gibson. Currently no parking is allowed during school hours, can this time be extended? Traffic becomes only one way when cars are parked on north side of West Gibson. Mention was also brought up to add no parking on north side of West Gibson where Park empties (north entrance).
 - a. Action item – Dave – would you please check into this? Can we change parking legally? Can we add a no parking zone on West Gibson where park empties by creek (the west entrance to park)?
 - b. Chief Welch spoke about the different parking restrictions on West Gibson St. There is no parking at all on South side with intermittent parking on North Side. Upper West Gibson by Main St, no parking Mon – Friday 7-10am and 6-10pm and Sunday 8am – 1pm. Mid-section of West Gibson St; no parking Monday – Friday 7-10am and 2-4 pm school days. West side of West Gibson between Pearl and Baker Drive there is no parking at all. There is another no parking zone on Pearl Street 7am – 4pm on School Days. There are many rentals; code requires 1.5 parking spaces per apartment. Need to evaluate existing parking, look for consistency and what is needed for area.
2. Idea was brought up by Ann Johnson to change direction of snow plowing. Is it possible to plow from south to north towards West Gibson on the small section of Park? (Ann lives at 147 Park). There is no grassy right away there and plows are putting snow on sidewalk, impossible for residents to keep sidewalks clear. They are looking for any ideas to help alleviate the problem.
 - a. City removed snow on west side of park Ave by West Gibson, and Jim Sprague is working with his people to determine a better way to plow, they do plow both directions on Park Ave

Resident concerns regarding negative behavior:

Planning Meeting Continued

1. Chief Welch had call log representing calls to Park and surrounding area from Oct – Jan; they included:
 - a. Juveniles throwing things at cars
 - b. Juveniles fighting
 - c. Strange actions that could be drug related
 - d. Aggravated neighbor
 - e. Robbery Dec 17
 - f. Harassment
2. Resident explained situation where man was lurking around her home and urinating in public on Jan 1. She called police and they reported it as a property check. Action Item -Jon has followed up with the officers.
3. Much of discussion revolved around negative behavior at a few rentals and believe from bus depot by Dollar General – Rich Russell and Mayor Polimeni Ellen have involved bus company (RTS) and let them know about the concerns. Chief Welch has gathered statistics on bus related complaints. RTS will be at the April Council Meeting. City Supervisor Russell will meet with West Ave Store Plaza Store owners to gather more information.
 - a. Action Item – Dave – would you please follow up with code enforcement to check n the rentals on Park Ave? Jon did not share the addresses but I believe they are on southeast side of road. I am sure code enforcement has been there before. See if there are any outstanding code issues????
 - i. City Manager Forrest and Chief Welch have met before with tenants and landlord of rental property. Most Landlords are willing to work with tenants to be responsible neighbors. They are happy to meet with them again if needed
 - b. There used to be full chain link fence that separated cemetery and residents backyard, sections are now missing. Residents believe people are venturing into their yards due to break in fence. Action Item – Dave – would you please look into having the missing fence pieces replaced and assuring the fence structure is prohibiting people from getting into residents backyard?
 - i. The city will review and repair fence when weather breaks. We need to find funding for this
 - c. Several residents talked about people urinating behind dollar general, suggestion was made to possibly get port a potty? Action Item – Rich – is this something the county could be responsible for somewhere by bus stop?
 - i. Rich R is looking for more detail to share with County administrator and also reviewing possibility of moving bus stop to 74 Ontario St. Rich needs data about actual times and issues for county administrator. Encourage all Park Ave residents (as well as Jim O) to keep a log of suspicious activity and PLEASE call the police.
4. In summary:
 - a. I have highlighted action items for city and county to look into above
 - b. Additionally:

Planning Meeting Continued

- i. Action item – Chief Welch encourages anyone who has any concerns to call the police. Park Avenue residents will call the police and insist on a report if they see behavior that is unacceptable or have concerns
 - ii. Action item – Park Avenue Residents (Jim O in particular) have agreed to keep a log of suspicious behavior for future discussion
 - iii. Action Item – Jon will have increased police presence on Park Ave and bus stop area
 - iv. Action Item – Rich/Dave B – is there anything the county can do to help to improve bus stop situation? Any chance of relocating bus stop to non-residential area? Discussion about the old motor vehicle parking lot, currently driver tests occur there.
- B. Chief Welch presented Statistical Report of Police Activity with data from years, 2011 – 2014
- a. Chief Welch instituted a new position that is dedicated to traffic enforcement, some of the results are:
 - i. 2014 Increase of 73% in revenue from 2013
 - ii. Position enable straight time coverage instead of overtime
 - iii. Increase of 98% more speeding tickets written on North Main St... just to reiterate, the goal of this position is to reduce speed and make our streets safer
 - iv. Increase of 4% in DWI arrests
 - v. Increase in traffic stops of 47%
 - b. The Chief statistical report is available on our City website for those who would like to review (and attached to these notes)
- C. Chamber of commerce Economic Development Report by Alison Grems
- a. Allison Grems from the Chamber updated us on the progress of Economic Development in our area. Her full report is attached to these minutes and available on our website.
 - b. Some highlights include:
 - i. The North Shore Project sale is scheduled to close in Mid-March and Brownfield remediation should begin shortly after when our weather permits!
 - ii. New Businesses; Cheshire Creamery on Parrish St and Zamara Medical Building on south Main St plan to open this spring
 - iii. The Chamber was invited to attend the Governors announcement \$1.5B investment in upstate NY
 - iv. Regarding Economic Development, there are currently 16 Active projects, 12 additional projects on hold, and 25 projects have completed successfully
 - v. The Chamber met with Pactiv and several of our large employers to discuss workforce and related issues. Pactiv currently has 150 employment openings. They expressed concern they are having a hard time filling these spots. If you are looking for work please contact Pactiv!

Planning Meeting Continued

- vi. The owner of the Labelon building has completed the asbestos removal enabling meetings with the DEC for brownfield clean up.
 - vii. Marine Blue, a local boat supply business has purchased 36 acres of land on Leicester St.
 - viii. The Chamber is working with Norry Development to help facilitate the purchase of the old Meridian building on North St for future development.
- D. Our own Michele Smith reviewed Rules for us on committee Operations
- a. Our council Michele Smith provide some guidance regarding the operation of committees, executive session, importance of agendas and do's and don'ts of city officials!
 - b. FYI... our agendas and associated meeting materials (when available) are posted on our website for the week, usually by the Friday EOD of the previous week.
- E. Next meeting – April 7th at Hurley building 7pm,... still working on the agenda

ECONOMIC DEVELOPMENT ACTION PLAN- February 2015 Update Report

Communications

Successful Economic Development requires continuous, thorough communication among diverse audiences. That will include city officials, employees and boards, community residents, the business community, and audiences outside of the City of Canandaigua. Our communication will develop community understanding of economic development, inform stakeholders, generate interest in economic development initiatives, and foster the fact and perception Canandaigua is “business friendly.” A benchmarking survey will be utilized along with subsequent follow up surveys over time to assess the perceptions of “business friendliness” and the changes that occur.

Action	Measurable	Status
<p>The Chamber will establish two-way communications between the Lakeshore development team and the community. (Year 1-3)</p> <p>The Chamber will coordinate communications between the existing business community and the Lakeshore development team. (Year 1-3)</p>	<p>Documentation that awareness measures have been taken to garner public understanding and support for the project.</p> <p>Letters of Support will be garnered to support the Lakefront project. These letters will be used to support the Consolidated Funding Application.</p>	<p>Hosted Breakfast & Business Event on December 19th providing a project update</p>
<p>Links between the City’s downtown merchants, the 5 & 20 corridor and lakefront will be maximized to increase business, marketing and tourism. (Year 1-3)</p>	<p>Documentation that developments and activities in these areas have been designed to be complementary to encourage both business and tourism.</p>	<p>Cheshire Creamery continues to be on track for an early spring opening.</p> <p>Working with the City to strategize redevelopment of underutilized portions of South Main.</p> <p>Receive referrals from business owners, County, and City</p>
<p>The Chamber will establish itself as the “place to go” for economic development within the City (Year 1-3)</p>	<p>Through reporting the number of contacts made by way of phone, office visits and referrals, the Economic Development Director highlights the City as business friendly and presents the Chamber as the expert who knows where to go and how to get the necessary answers. Success will be measured by a thorough understanding and support of the City’s economic development primarily by City officials (elected and staff) and the business community and secondarily by the community at large.</p>	<p>Held multiple meetings with City staff to move prospective businesses along.</p> <p>The Chamber was invited to attend the Governor’s announcement of a \$1.5 Billion investment in upstate, as well as follow up discussions.</p>

Business Retention and Expansion (BR&E)

BR&E is done proactively to identify and resolve issues and concerns before they reach a critical stage in order to retain and expand businesses in the area. Ontario County Office of Economic Development currently has a successful BR&E program in operation in which the Chamber will work in concert.

Action	Measurable	Update
<p>Implement BR&E program which includes an aggressive business visitation schedule, creation of an “early warning” system to meet the needs of large employers and feedback metrics. (Year 1-3)</p>	<p>Success of this effort will be maintained through consistent communication and information gathered from scheduled business visitations. Documentation of the number of businesses visited per month will be maintained.</p>	<p>Added 5 new projects since the last report. Currently maintaining 16 active projects and 12 projects are on hold. 25 projects have been successfully completed, and 15 have been closed for other reasons.</p> <p>The Chamber completed 145 Business Retention meetings in 2014, and continues to try to average 3-5 meetings a week.</p>

Figure 1 APPENDIX C-1 (Continued)

Steady interaction with high-profile employers to monitor economic vitality. (Year 1-3)	An inventory of existing businesses will be utilized to measure an increase/decrease in the number business openings/closings and the number of employees.	Held follow up meeting with Pactiv, inviting Chamber Board and ED Committee members, including key personnel from F.F.Thompson, Constellation, and FLCC, facilitating discussion regarding workforce, regulatory, and energy requirements for large regional employers.
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Development, Redevelopment and Real Estate

Development and redevelopment comprise both private and public efforts. The Chamber will collaborate with private developers to expedite development/redevelopment projects. More complex projects may facilitate the pursuance of forming public-private partnerships for completion.

Action	Measurable	Update
Identify major parcels available for reuse/redevelopment. (Year 1)	A comprehensive list of major parcels available for development will be created and maintained.	The Chamber currently has 86 property listed in Zoomprospector. 44 properties are currently available, the remainder are ready to be updated and activated as need arises. This database is used for most new prospective businesses.
Contact property owners and determine their interest in development. (Year 1)	A comprehensive list of major parcels available for development will be created and maintained along with documentation of the number of contacts made with property owners.	<p>Inactive properties are spaces that have been filled, properties that have been taken off the market, or potential acreage that are not yet available.</p> <p>The owner of the Labelon Building has completed Asbestos removal, and DHD ventures who has an option on the building is continuing further investigation, with the hope of negotiating a remediation plan with DEC in March.</p> <p>65 Leicester St has been purchased by Marine Blue, a local boat supply and storage company, who is looking to use the existing structures for their existing business, and considering other options for the remaining 33 undeveloped acres.</p> <p>Currently working with the City to solicit interest in properties delinquent in back taxes, particularly Tom's Mobil and Trist small engine repair along South Main St.</p>

Figure 2 APENDIX C-1 (Continued)

Expand on the partnerships with OCIDA and GRE for external marketing of City sites. (Year 1-3)	At least one new business is attracted to City every 2 years beginning in Year 3.	OCIDA and GRE have been strong partners since the beginning of the contract. New business is attracted to the City primarily through preparing and guiding prospective businesses through the development process.
Assembling sites and “shepherding” major projects, particularly those involving re-use of industrial properties in the Southeast quadrant of the City. (Year 3+)	Success will be measured by identification, integration and alignment of major projects, the number of meetings with potential developers and the number of commercial building permits.	OCIDA also has been a major partner with planning redevelopment of the former Meridian property and expansion of Ajay Glass facility.
Creation of pedestrian district near old railroad station on Ontario Street (Year 3+)	Site is converted to commercial reuse.	

Business Assistance

To maintain competitiveness, regulatory concerns and perceptions will be reviewed. Additionally, targeted financial assistance programs must be identified to produce a comprehensive “package of tools” to retain and expand businesses.

Action	Measurable	Update
Coordinate with Ontario County Local Development Corporation regarding assistance programs. (Year 1)	Communication with the OCIDA/LDC and other State agencies will be utilized to catalog available financial assistance programs. Further success will be measured through the economic impact of new assistance programs on the City’s ability to attract and retain businesses. The impact will be measured by the number of jobs either added or retained and through the increased assessed value of those properties receiving assistance.	AJ Glass is expected to require assistance with planned expansion of 22k SF of production space, adding up to 35 new jobs. Met with OCIDA about potentially two other development projects that may request assistance to make their project viable.
Implement Zoning and Code Enforcement Task Force. (Year 1)	Adoption of the recommendations of the zoning and code taskforce.	City Council 2015 planning session included discussion of revisiting some of the recommendations not yet implemented from the taskforce.
Facilitate communication between businesses, education and technical skill providers (such as FLCC, Workforce Development, Canandaigua City School District and Wayne Finger Lakes BOCES) to enhance relationships, increase trainings and strengthen workforce opportunities. (Year 1)	Business Education Task Force created. FLCC expands training/SBDC offerings in City. Workforce training and retraining opportunities and needs are identified and cataloged to connect trainers with those people who need to be trained.	

Figure 3 APPENDIX C-1

Canandaigua Police Department

Jonathan P. Welch
Chief of Police

Lt. Scott Ferguson
Operations Commander

TO: David Forrest
FROM: Chief Jonathan P. Welch
DATE: February 12, 2015
RE: 2011-2015 Comparison

The attached document outlines statistical data from 2011 through 2014. To refresh your memory, the SAFE car was budgeted for 2014. The SAFE cars mission was mainly to serve as a vehicle and traffic enforcement car. During the year, the SAFE car actually only worked approximately 8 months in that role. The other four months the position was used to fill gaps in the road patrol schedule due to the excessive loss of manpower due to injuries both on and off duty and a retirement. During discussion for the 2014 budget year, I estimated an increase in revenue of 62,400 from the creation of the SAFE Car from the previous year. In 2013 117,342 dollars was generated from court fines. In 2014 that number increased to 202,980 dollars, an increase of 85,638 or a 73 percent increase in revenue. This resulted in a net cost of 19,898 dollars for the cost of the newly created position. The estimated cost for the officer during the 2014 budget discussion was 43,136 dollars for the first year. While the amount of revenue that is generated by the SAFE Car is certainly not the motive of the position, it is certainly a welcomed by-product of an officer assigned to full time traffic enforcement.

There are many other notable by-products of this position:

- This position gave the department more depth to handle the 15% increase in call volume as compared to 2013.
- The position enabled shift coverage without using overtime by adjusting the SAFE cars schedule.
- Contributed to an increase of 98% in the number of North Main speeding tickets issued.
- Contributed to a 4% increase in DWI arrests.
- Contributed to a 47% increase in traffic stops conducted.

It must be noted that for these numbers to continue in the years to come, the department as a whole still needs to produce enforcement at the rate of years past before the implementation of the SAFE Car.

As stated previously the revenue is a welcomed by-product of the SAFE Car, however the true impact is that this position helps keep out streets and community safer on the road.

Sincerely,

Jonathan P. Welch
Chief of Police

Figure 4 APPENDIX C-2 (Continued)

City of Canandaigua Police Department

21 Ontario Street
 Canandaigua, New York 14424

Lt. Scott P. Ferguson
 Patrol Division

Jonathan P. Welch
 Chief of Police

TO: Chief Jonathan P. Welch

FROM: Lt. Scott P. Ferguson

DATE: February 10th, 2015

RE: 2011 through 2014

Chief, Here are some comparisons for your review concerning Departmental activities in the years 2011 through 2014:

<u>Category</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Complaints handled	12,055	12,111	13690	15719
Traffic stops conducted	2,582	2,985	3575	5221
Property checks	8,890	11,654	10920	12464
Parking tickets issued	1,995	2,025	1778	1176
Totals	25,522	28,775	29963	34580
Total arrests	3,174	3,447	3825	4694
Penal Warrants & other	1,013	934	1034	813
V&T	2,029	2,447	2753	3658
Municipal Code	132	65	38	31
Investigative Div. Cases	671	467	403	475
DWI Arrests				
DWI	50	55	88	87
AI Drugs	5	8	8	13
North Main Speeding tickets	441	531	599	1186
Motor vehicle accidents Total	512	514	498	510
Fatal	1	0	2	0
PI	71	76	46	54
PD	440	448	450	456

Figure 5 APPENDIX C-2 (Continued)

<u>Category</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Noise complaints	257	240	163	137
Funeral Escorts	53	51	41	38
Sick time (days used all staff)	202	119	146	162
Staffing Level	23/2	23/2	22/2	23/3

Index Crimes as reported to NYS Division of Criminal Justice Services

Year	Index total	Violent Crime					Property Crime			
		Violent total	Murder	Forcible rape	Robbery	Agg. Assault	Property Total	Burglary	Larceny	MV Theft
2008	254	20	0	2	9	9	234	37	192	5
2009	327	34	0	6	5	23	293	30	256	7
2010	383	20	0	3	3	14	363	57	298	8
2011	345	32	0	4	3	25	313	51	250	12
2012	338	36	0	5	2	29	302	49	244	9
2013	346	29	0	7	9	13	317	54	253	10

*2014 statistics have yet to be reported by DCJS

Comparison with the City of Geneva

Staffing – 35 full time sworn, 0 part time

Year	Index total	Violent Crime					Property Crime			
		Violent total	Murder	Forcible rape	Robbery	Agg. Assault	Property Total	Burglary	Larceny	MV Theft
2008	354	24	0	1	12	11	330	66	257	7
2009	372	43	2	1	20	20	329	69	256	4
2010	357	33	0	4	8	21	324	63	253	8
2011	412	43	0	2	20	21	369	103	262	4
2012	338	31	1	6	10	14	307	74	226	7
2013	371	28	1	4	5	18	343	65	275	3

Please advise if you would like further breakdown or statistics.

Respectfully,

Figure 6 APPENDIX C-2

**CANANDAIGUA CITY COUNCIL
LEGISLATIVE TRAINING**

1. **MEETINGS**

The official convening of a public body (includes all committees or sub-committees of the governing body) of at least two or more people for purposes of conducting public business. All meetings must be open to the public unless specifically exempted from this requirement by the Open Meetings Law, or otherwise exempted by State Law (such as attorney-client privilege). The reason for going into an Executive Session must be specifically stated in an open meeting.

- Notice Required - 72 hours notice of all public meetings scheduled a week in advance must be given to the news media, posted in designated spaces, and posted on the City website. Special Council Meetings cannot be held without at least 12 hours electronic notice or 3 hours personal service to Council members.

- Minutes - a record of all motions, proposals, resolutions and any other matter formally voted upon and the vote taken must be made for all public bodies. There is no requirement for a verbatim transcript, or even a summary of discussion.

2. **QUORUM**

This is the number of members of the public body that must be present in order to conduct business. While, generally, a quorum for public bodies is the majority number of its members, the City Charter provides that **for City Council the quorum is 6.**

3. **PUBLIC HEARINGS**

These are generally required by State Law to be held in certain situations for purpose of giving the public an opportunity to voice their concerns, support, or opposition. The public are not only allowed to attend but must be given an opportunity to be heard, although reasonable restrictions may be placed on the public. The Mayor announces in advance when such restrictions are being placed and then the restrictions must be applied equitably.

Responding to Questions - This meeting is for the public to comment and not for the Council members to answer questions or provide their own opinions.

4. **LEGISLATIVE ACTION**

The City Council as the legislative body of the City of Canandaigua has the power and authority to enact legislation by resolution, ordinance, or local law over subjects where it has authority and control.

Resolutions- These are the least formal action of the Council and are generally not legislative in the strict sense. They tend to used be for matters that are special or temporary in nature and are used more for administrative issues and to declare the will of the City Council. Resolutions involving the expenditure of public funds must be made in writing, all other Resolutions may be either written or verbal.

Ordinances- These are a true legislative act of the City Council and have the effect of a permanent rule of government. They create a continuing regulation affecting matters that rise subsequent to its adoption. The City Charter requires greater formality in the adoption of an Ordinance then a Resolution and establishes timelines for proper consideration of an Ordinance.

- All proposed Ordinances must be reduced to writing.

- It cannot be passed at the same meeting it is introduced unless all members of the City Council agree.

- Except for certain enumerated reasons, an Ordinance cannot take effect less than 30 days after its adoption unless 8 members of Council declare an emergency.
- State Law requires that public hearings be held before certain legislative actions can be taken (such as on Zoning matters). Generally, when this occurs an Ordinance will be introduced and then tabled to allow for the Public Hearing to be scheduled, properly noticed, and conducted before the matter can be reviewed again.

Local Laws - This is the most formal legislative action and must be adopted in accordance with NY State law. NYS Municipal Home Rule Law sets forth in detail the form a local law must take, notice requirements, public hearing requirements, and filing requirements. All Local laws require a public hearing and filing with the Secretary of State.

5. **MOTIONS AND VOTING**

All legislative action takes effect through Motions made by Council members and voting.

Four Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. **Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. **Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. **Obtaining the floor**
 - a) Raise your hand and wait to be recognized by the Mayor.
 - b) If Mayor does not see you , you may state, "Your Honor?", or "Madam Mayor?"
2. **Make Your Motion - Speak in a clear and concise manner.**
When making a Motion there is no requirement that any legislative action be read in its entirety. It is sufficient for the subject to be described or for the Title of the action to be read.
3. **Wait for Someone to Second Your Motion**
4. **Another member will second your motion or the Mayor will call for a second.**
5. **If there is no second to your motion it is lost. There can be no discussion of a matter that is not properly moved or is still on the table.**
6. **The Mayor re-states your Motion**
 - a) The Mayor will say, "it has been moved and seconded that we ..." Thus placing your motion before the Council for consideration and action.
 - b) The Council then either debates your motion, or may move directly to a vote.
 - c) Any time before a vote has been taken or a motion has been amended, the Council member who offered the original motion may withdraw it.

7. **Expanding on Motion**
 - a) The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b) The mover is always allowed to speak first.
 - c) All comments and debate must be directed to the chairman.
 - d) The mover may speak again only after other speakers are finished, unless called upon by the Mayor.
 - e) When a motion is under discussion, no other motion may be made except a motion to amend, to put it to vote, to lay it on the table or to adjourn the Council.

8. **Putting the Question to the Membership**
 - a) The Mayor asks, "Are you ready to vote on the question?"
 - b) If there is no more discussion, a vote is taken.
 - c) The Mayor announces the outcome of the vote.

Voting on a Motion:

There are four methods used to vote, they are:

1. By Voice -- The Mayor asks those in favor to say, "aye", those opposed to say "no". Any member may move for an exact count.
2. By Roll Call -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required, such as on the expenditure of public funds
3. By General Consent -- When a motion is not likely to be opposed, the Mayor says, "if there is no objection ..." The Council shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
4. By Division -- This is a slight verification of a voice vote. It does not require a count unless the Mayor so desires. Members raise their hands.

Affirmative vote of at least five (5) members of the Council shall be necessary to adopt any Local Law, Ordinance, Resolution or Order. Certain actions may require a higher percentage.

A member of the City Council will be excused from voting by the Mayor, only if, in the judgment of the Mayor or the Corporation Counsel, such vote would be a conflict of interest of the Councilmember.

Abstentions and absences do not count as either a positive or a negative vote but remember that, at a minimum, a Motion must receive the majority vote of the full Council, not of those in attendance to be successful.

6. **COMMITTEES**

There are no administrative Committees of the City Council. All Committees serve in an advisory capacity to the City Council and are not authorized to take any independent action or expend any public funds.

For a City Committee, 3 members constitutes a quorum needed in order to convene the meeting.

The standards of an open meeting are applicable to all Committee meetings.

Figure 9 APPENDIX C-3