

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, MAY 3, 2018 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Robert Palumbo
Councilmember Ward 3 Karen White
Councilmember Ward 4 Renée Sutton
Councilmember-at-Large Robert O'Brien
Councilmember-at-Large James Terwilliger
Councilmember-at-Large Stephen Uebbing
Mayor Ellen Polimeni

Members Absent: Councilmember-at-Large David Whitcomb

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

Mayor Polimeni stated that today is the 'National Day of Prayer'. There is a prayer breakfast in the morning and a service in the evening at the high school flagpole. The month of May is also "Poppy Days" and Mayor Polimeni prepared a proclamation which she will deliver to the American Legion which each year sells poppy to benefit our service personnel.

Public Hearing on Ordinance 2018-003 and Ordinance 2018-004 –

Ordinance #2018-003: An Ordinance Amending Chapter 850 Of the Municipal Code to Permit Self-Storage Facilities in the MU-3 Zone District

Ordinance #2018-004: An Ordinance Amending the Zoning Ordinance: Article V: Establishments of Zone Districts (Regarding the Mixed-Use Zone Districts on South Main Street)

Mayor Polimeni opened the public hearing at 7:02 PM.
No one was present to speak at the public hearing.
Mayor Polimeni closed the public hearing at 7:03 PM.

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

Approval of Minutes:

April 5, 2018

Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember-at-Large O'Brien
Vote Result: Carried unanimously by voice vote (8-0)

Recognition of Guests:

- Suzette van der Sterre-City of Canandaigua Composting Committee – updated the Council on the activities of the Composting Committee. They held an event at the Commons Park on April 22nd for composting pilot sign ups. In attendance was a master gardener who talked about composting and a sample composting bin. The pilot program is full with 20 participants and estimate that the bins will be delivered next week. There will be a “Composting 101” meeting on May 10th at Wood Library. After the pilot program, a survey will be mailed to all participants for feedback and data tracking.
- Eric Cooper – City Resident and President of the Erina Hose Volunteer Company – At the last Finance meeting it was brought up that the 10th firefighter in the budget was to be filled but now has been incorporated into the 5 positions of the Safer grant. Therefore, there will only be 14 total firefighters and not 15. Why has the 10th firefighter position not yet been filled and why are we not getting 5 additional positions requested in the safer grant? Mayor Polimeni explained that this is a personnel issue and is not discussed in a public forum. City Manager John D. Goodwin explained that the budget was approved for a Deputy Fire Chief but the new Fire Chief requested it to be an additional firefighter instead. Council agreed with the change and it was decided to leverage this position with the Safer Grant to increase the chances of getting the grant and commit this as our local share.
- Peter Virkler, Chief Water Treatment Plant Operator – Two years in a row Peter has gone to the Water Conference and won the “jeopardy” type competition and he will be sent to the national competition. City Manager John D. Goodwin wanted to recognize Peter for his accomplishments.

Committee Reports:

Planning/Development Committee Meeting: May 1st, 2018 (Appendix A)

- Historic Route 20 Association
- Community Support Center 5K
- General Discussion with the Planning Commission
- Shared Court Facilities
- Council Laptops

Environmental/Parks Committee Meeting: April 10, 2018

- Casella Facilities Tour
The Environmental/Parks Committee will be using its meeting to tour the Casella Recycling Facility located at 3579 County Road 49 in Stanley, NY and the Ontario County Land Fill.

Ordinance/Charter Committee Meeting: April 17, 2018 (Appendix B)

- OntarioNET rug Task Force Discussion
- Special Event- Yung Lion Free Concert
- Butterfly Garden
- Tinkergarten Proposal
- Ordinance 2018-003 and 2018-004 SEQR
- Ordinance #2018-001 Short Term Rentals
- Alcohol Consumption in Parks
- Banning Pesticides in Public Right of Way
-

Finance/Budget Committee Meeting: April 26, 2018 (Appendix C)

- Auditor Report
- Ontario County Dog Control Contract budget amendment

- Erina Hose Fire Agreement
- Fencing Bid Award.

Resolutions:

Resolution #2018-023 – *(Tabled at the April 5th Council Meeting)*

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF ORDINANCE
#2018-001
(Regulating Short Term Rentals)**

WHEREAS, the City Council has introduced Ordinance #2018-001, which would regulate Short-Term Rentals; and

WHEREAS, the City Council has reviewed the attached Environmental Assessment Form (EAF) for the proposed ordinance, has identified the relevant areas of environmental concern, and has taken a hard look at these areas of concern; and

WHEREAS, upon review of the information recorded on the EAF regarding project impacts and consideration of both the magnitude and importance of each impact, it is reasonably determined that the project will result in no major adverse impacts and, therefore, will not cause significant damage to the environment;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that Ordinance #2018-001 will not have a significant adverse environmental impact and directs that the attached SEQR Negative Declaration be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-038:

Moved: Council Member Ward 2 Palumbo

Seconded: Council Member Ward 1 Cutri

**A RESOLUTION AUTHORIZING A SPECIAL EVENT:
YOUNG LION BREWING COMPANY COMMUNITY CONCERT- AUGUSTANA**

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- ***Young Lion Brewing Company (YLBC) Community Concert- Augustana***

Date: July 21, 2018

Location: YLBC (24 Lakeshore Drive)

Coordinator: Jennifer Newman – Young Lion

Time: 6:00 PM – 9:30 PM

Purpose: offer a free, outdoor concert to the community

Expected Number of Participants: 150

WHEREAS, this request was reviewed and approved at the April 17, 2018 Ordinance 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 event, in accordance with the submitted application, at the time and location listed, under the following conditions:

- 1) that the event area will be enclosed by the applicant with fencing around the perimeter and movable barricades in the street, but that no poles or stakes will be driven into the pavement or sidewalk; and
- 2) that applicant will be responsible for verifying the age of those to be served alcohol and identify those 21 years of age and over with visible wristbands; and
- 3) applicant will provide a final detailed map showing the location of entrances into the event area; and
- 4) applicant will name the City of Canandaigua as additional insured and provide a certificate to the City for general and liquor liability of at least two million each, at least 1 month prior to the event; and
- 5) that applicant must obtain the appropriate liquor license from New York State; and

BE IT FURTHER 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 event; and
- 2) that if the event coordinator intends 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
- 3) that the event coordinator will ensure that all tents, if any, that are required to be inspected will be inspected prior to the start of the special event; and

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 ensure the health and safety of Canandaigua residents and visitors throughout these events.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-039:

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION AUTHORIZING A BUTTERFLY GARDEN IN LAGOON PARK

WHEREAS, the Daughters of the American Revolution (DAR) is a non-profit, non-political volunteer women's service organization with members volunteering millions of service hours annually in their local communities promoting patriotism, preserving American history, and securing America's future through better education for children; and

WHEREAS, the local chapter of DAR approached City Council with a proposal to create and maintain a butterfly garden using plants and species indigenous to Lagoon Park; and

WHEREAS, the plan for the maintenance includes DAR volunteers weeding, watering and actively maintaining the garden in June, July, and August each year, as well as spring clean-up and fall care; and

WHEREAS, the proposal, originally presented at the City Council meeting held April 5th, was sent back to committee where it was reviewed and approved at the April 17th Ordinance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua hereby authorizes the creation and maintenance of a butterfly garden in Lagoon Park by the local Canandaigua DAR chapter; and

BE IT FURTHER RESOLVED, that all volunteers must complete and submit a Volunteer Release and Waiver of Liability Form.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-040

Moved: Council Member Ward 1 Cutri

A RESOLUTION AUTHORIZING A REVOCABLE LICENSE TO TINKERGARTEN

WHEREAS, Tinkergarten is an organization that provides early childhood learning programming outdoors intended to help families connect with trained leaders in their local community for play-based kids classes that help develop core life skills, all while having fun; and

WHEREAS, Tinkergarten has established relationships with other municipalities and would like to partner with the City to offer programs to the community; and

WHEREAS, the proposal includes allowing them to utilize City green-spaces to run their programming, which would have no impact on the City's Recreation Program, in return for a five percent (5%) share of revenues generated through program enrollment; and

WHEREAS, Tinkergarten will manage all registrations and advertising, teaches leave-no-trace principles, and would leave no impact on the parks; and

WHEREAS, Staff recommends allowing Tinkergarten to use the upper fields at Baker Park; and

WHEREAS, the proposal was reviewed and approved at the Ordinance Committee meeting held April 17, 2018;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that the City Manager is authorized to execute with Tinkergarten a revocable license agreement, in substantially the same form as attached hereto, to reserve the upper fields at Baker Park for 2018.

Discussion:

Councilmember-at-Large O'Brien was not impressed with the presentation given to the Council. Councilmember-at-Large Uebbing is not comfortable with this program which was not well thought out and would not endorse it. Councilmember Ward 4 Sutton does not feel that authorizing this would mean we would endorse it. Council Member Ward 2 Palumbo agreed that the presentation was not very good. Councilmember-at-Large Terwilliger is not in favor of this after hearing the pros and cons.

The motion FAILED on the following vote:

AYES: Councilmember Ward 4 Sutton

NOES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Polimeni.

Resolution #2018-041:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 3 White

**A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF ORDINANCE
#2018-003**

(Permitting "Self-Storage Facilities in the MU-3 "Mixed Use - High Density" zone district.)

WHEREAS, the City Council has introduced Ordinance #2018-003, which would create a new use "Self-Storage Facility", to be permitted in the MU-3 "Mixed Use - High Density" zone district.; and

WHEREAS, the City Council has reviewed the attached Environmental Assessment Form (EAF) for the proposed ordinance, has identified the relevant areas of environmental concern, and has taken a hard look at these areas of concern; and

WHEREAS, upon review of the information recorded on the EAF regarding project impacts and consideration of both the magnitude and importance of each impact, it is reasonably determined that the

project will result in no major adverse impacts and, therefore, will not cause significant damage to the environment;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that Ordinance #2018-003 will not have a significant adverse environmental impact and directs that the attached SEQR Negative Declaration be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-042:

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF ORDINANCE
#2018-004**

(Amending Zoning Ordinance: Article V: Establishments of Zone Districts)

WHEREAS, the City Council has introduced Ordinance #2018-004, which would amend Zoning Ordinance: Article V: Establishments of Zone Districts regarding the Mixed-Use Zone Districts on South Main Street; and

WHEREAS, the City Council has reviewed the attached Environmental Assessment Form (EAF) for the proposed ordinance, has identified the relevant areas of environmental concern, and has taken a hard look at these areas of concern; and

WHEREAS, upon review of the information recorded on the EAF regarding project impacts and consideration of both the magnitude and importance of each impact, it is reasonably determined that the project will result in no major adverse impacts and, therefore, will not cause significant damage to the environment;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that Ordinance #2018-004 will not have a significant adverse environmental impact and directs that the attached SEQR Negative Declaration be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-043:

Moved: Councilmember-at-Large Uebbing

Seconded: Council Member Ward 2 Palumbo

**A RESOLUTION AUTHORIZING A DOG CONTROL SERVICES CONTRACT
WITH ONTARIO COUNTY**

WHEREAS, the Ontario County Humane Society provides dog control services for municipalities in Ontario County through the Ontario County Dog Control Services Contract (OCDSC); and

WHEREAS, the City of Canandaigua, which does not have a Dog Control Officer, wishes to continue participating in the OCDSC in 2018; and

WHEREAS, based a new methodology set to be implemented in 2018 using the number of active dogs to calculate municipal contributions to the OCDSC, budgeted \$15,500 for this service in the 2018 General Fund Budget; and

WHEREAS, after adopting its 2018 Budget, the City of Canandaigua was notified by Ontario County that the new methodology would not be enacted until more data could be collected; and

WHEREAS, the decision to hold off on implementing the new methodology increased the City's contribution to the OCDSC from \$15,500 to \$16,692.30 in 2018; and

WHEREAS, Staff recommends appropriating the additional \$1,192.30 from the contingency to cover the additional expense and authorizing the aforementioned agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is hereby authorized to enter into the Ontario County Dog Control Services Contract in an amount not to exceed \$16,692.30; and

BE IT FURTHER RESOLVED, that City Council appropriates \$1,192.30 from contingency to cover the additional costs; and

BE IT FURTHER RESOLVED, the City respectfully requests that serious consideration be given to a more equitable distribution of costs for the aforementioned agreement.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-044:

Moved: Council Member Ward 2 Palumbo

Seconded: Council Member Ward 1 Cutri

A RESOLUTION AUTHORIZING A CONTRACT FOR VOLUNTEER FIRE SERVICES

WHEREAS, the City of Canandaigua Fire Department is a combination department where fire protection services utilize a paid professional staff and volunteer companies; and

WHEREAS the volunteer fire companies, Erina Hose Company #1 and Merrill Hose Company contract on an annual basis with the City; and

WHEREAS, the Erina Hose Company met with Staff to request the agreement be modified to lower the required number of active volunteers that are interior qualified from five (5) to four (4) in order to receive payment; and

WHEREAS, these payments include quarterly payments of \$625 dollars (up to \$2,500 annually) when the required number of volunteers is met, a quarterly payment of \$250 dollars (up to \$1,000 annually) when the required number of interior firefighters is met, and an annual payout of \$500 if these numbers are met each quarter for an annual total not to exceed \$4,000; and

WHEREAS, Staff recommends authorizing the fire services contract to supplement the professional fire department in 2018; and

WHEREAS, the proposal was reviewed and approved at the Finance Committee meeting on April 26, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Canandaigua hereby authorizes the City Manager to execute the 2018 Fire Services Agreement with Erina Hose Company #1 and Merrill Hose Company in substantially the same form as attached hereto and made a part thereof.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-045:

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 4 Sutton

A RESOLUTION AWARDDING A CONTRACT FOR MULTIPLE FENCING PROJECTS

WHEREAS, each year the City replaces various fences within parks and around City facilities, but due to the large amount of fencing this year (dog park, Jefferson Park, Waste Water Treatment Plant, Hurley Building), the estimated costs required a formal bid; and

WHEREAS, bids were sent to three (3) different vendors, with only New York State Fence, Inc. located at 858 Manitou Road in Hilton, NY replying with a combined quote for all projects totaling \$77,800; and

WHEREAS, two of the items in the bid, however, require additional action beyond awarding the contact; and

WHEREAS, the fence, gate, and opener at the Hurley Building the need to be replaced due to an accident, requiring \$9,270 of the \$77,800 be allocated from the Insurance Reserve; and

WHEREAS, the vendor quoted a price of \$11,980 to replace the fence around the softball field at Jefferson Park, but only \$11,000 was budgeted for that project so an additional \$980 is required from the Capital Reserve; and

WHEREAS, Staff recommends awarding the contract for these projects to New York State Fence, Inc., as well as authorization to allocate \$9,270 from the Insurance Reserves and \$980 from the Capital Reserves to fully and appropriately fund the fencing projects; and

WHEREAS, the contract was reviewed and approved at the April 26th Finance/Budget Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Canandaigua hereby authorizes the City Manager to allocate \$9,270 from the Insurance Reserves and \$980 from the Capital Reserves, respectively, to fully and appropriately fund the fencing projects; and

BE IT FURTHER RESOLVED, City Council authorizes the City Manager to execute a contract for multiple fencing projects with New York State Fence, Inc. for an amount not to exceed \$77,800 for the scope of work.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-046:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Terwilliger

**A RESOLUTION DECLARING SUPPORT AND INTENT TO PLACE HISTORIC ROUTE 20
SIGNAGE WITHIN THE CITY OF CANANDAIGUA
(Amended)**

WHEREAS, U.S. Highway Route 20, created in 1926, is the longest road in the United States running 3,365 miles across twelve (12) states from Boston, Massachusetts to Newport, Oregon; and

WHEREAS, over the years, U.S. Highway Route 20 has conveyed travelers and commerce serving as Main Street in many towns and cities along its length, including the City of Canandaigua, with these segments representing both state and local historical significance; and

WHEREAS, though largely supplanted by the four-lane New York State Thruway (I-90), the original alignments of U.S. Highway Route 20 remain with some no longer identified as such; and

WHEREAS, the Historic Route 20 Association, Inc., a non-profit 501 (c)3 organization focused on promoting tourism and economic development along the original alignment of U.S. Route 20, provides historic route markers to act as a wayfinding tool to guide tourists and travelers; and

WHEREAS, designation of a Historic Route, also referred to as New York State Scenic Byway, and the placement of historic markers on State Public Highways must come from the New York State Department of Transportation (NYSDOT); and

WHEREAS, recognition of these segments will foster the economic health and cultural preservation of small towns and communities located along U.S. Highway Route 20; and

WHEREAS, without formal designation, the history and contribution of these segments of U.S. Highway Route 20 on the development of the state would remain less known; and

WHEREAS, it is fitting that a means to designate these historic sections of U.S. Highway Route 20 be established;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua, NY, hereby recognizes the original segment of former U.S. Highway Route 20 within the City of Canandaigua as *Historic Route 20 (New York)* for its historical significance and importance to the development of the State of New York; and

BE IT FURTHER RESOLVED, the City of Canandaigua, New York supports the recognition and designation of Historic Route 20 and the placement of Historic Route 20 markers; and

BE IT FURTHER RESOLVED, the City of Canandaigua, New York commits to the permitting and placement of Historic Route 20 markers within its borders including the NYSDOT Highway; and

BE IT FURTHER RESOLVED, that the NYSDOT, upon receipt of this resolution, by all interested local agencies along the original segment of U.S. Highway Route 20, designate that section of highway as *Historic Route 20 (New York)*; and

BE IT FURTHER RESOLVED, that the City acknowledges responsibility for the cost and placement of historic route markers on the sections of former U.S. Highway Route 20 and appropriates *up to* \$1,250 from contingency for said purposes; and

BE IT FURTHER RESOLVED, that the Clerk for the City of Canandaigua, New York transmit copies of this resolution to the Historic US Route 20 Association and the requesting local agency.

Amendment: Councilmember-at-Large Terwilliger moved to add the words “up to” after the word appropriates in the fourth BE IT FURTHER RESOLVED paragraph. Councilmember Ward 4 Sutton seconded the motion.

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

The amended motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 4 Sutton, Councilmember Ward 3 White, Councilmember-at-Large O’Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing and Mayor Polimeni.

NOES: None

Resolution #2018-047:

Moved: Councilmember Ward 4 Sutton

Seconded: Councilmember Ward 3 White

**A RESOLUTION AUTHORIZING A SPECIAL EVENT:
COMMUNITY SUPPORT CENTER 5K**

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- ***The Partnership for Ontario County Community Support Center 5K***

Date: August 4, 2018

Location: 699 South Main St. (Canandaigua CrossFit)

Coordinator: Ryan McNealus – Partnership for Ontario County

Time: 7:00 AM – 12:00 PM

Purpose: To raise awareness and funds for the Community Support Center

Expected Number of Participants: 200

WHEREAS, this request was reviewed and approved at the May 1, 2018 Planning/Development Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that permission is granted to hold the above mentioned special event at the time and location listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; 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 organizer of the Special Event 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 amended motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Mayor Polimeni abstained from the vote because she is on the board of the Community Support Center.

Resolution #2018-048:

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Ward 1 Cutri

A RESOLUTION IN SUPPORT OF AND REQUESTING APPROVAL OF A HOME RULE REQUEST THROUGH ASSEMBLY BILL NO. A.10095 AND SENATE BILL NO.S.7935

WHEREAS, the Canandaigua Town Board has requested home rule legislation in order to allow the Town Justices to share municipal services in order to co-locate and hold court proceedings for the Town of Canandaigua at the Canandaigua City Hall; and

WHEREAS, the Canandaigua City Hall is approximately one and a half miles from the Canandaigua Town Hall which serves as the current location of the Canandaigua Town Court; and

WHEREAS, the Canandaigua Town Board and the Canandaigua City Council have previously approved resolutions of support for this action to further demonstrate shared services; and

WHEREAS, Assemblyman Brian Kolb and Senator Pamela Helming have introduced legislation on behalf of the Town of Canandaigua known as Assembly Bill No. A.10095 and Senate Bill No. S.7935; and

WHEREAS, the co-location of the Canandaigua Town Court within the Canandaigua City Court enables the residents of the Town of Canandaigua to potentially avoid \$1.5 million in new expenditures and a potential 10% tax increase based on a \$100,000.00 annual debt service payment relating to the construction of a new court facility per NYS standards;

NOW, THEREFORE, BE IT RESOLVED, the City Council for the City of Canandaigua wishes to express support for Assembly Bill No. A.10095 and Senate Bill No. S.7935; and

BE IT FURTHER RESOLVED, City Council wishes to extend appreciation to Assemblyman Kolb and Senator Helming for introducing this legislation on behalf of the residents of Canandaigua; and

BE IT FURTHER RESOLVED, directs the City Clerk/Treasurer to provide certified copies of this resolution to Governor Cuomo, Assemblyman Kolb, Senator Helming, Ontario County Administrator Mary Krause, and Town Manager Doug Finch.

The amended motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2018-049:

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 2 Palumbo

A RESOLUTION APPROPRIATING FUNDS FROM THE TECHNOLOGY FUND

WHEREAS, the City of Canandaigua provides members of City Council, including the Mayor, a laptop computer for professional use to conduct the duties required and associated with elected office; and

WHEREAS, all these duties should be conducted on technology provided by the City of Canandaigua, and the current condition of the laptops provided to Council Members necessitates the computers be replaced; and

WHEREAS, City Staff identified an option for replacement that will provide Council Members with a new, upgraded computer that has the appropriate technology for the work required; and

WHEREAS, the total cost to purchase the laptops is estimated at nearly \$4,000, but was not included in the adopted 2018 Budget for computer replacement; and

WHEREAS, City Staff recommended that \$4,000 be appropriated from the Technology Fund to purchase the replacement laptops to prevent adverse budgetary impact proactively and said recommendation was reviewed at the May 1st Planning/Development Committee meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Canandaigua hereby appropriates \$4,000 from the Technology Fund to purchase the necessary replacement laptops for City Council Members.

The amended motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Ordinances:

Ordinance #2018-001: *(Introduced and tabled at the March 1, 2018 Council Meeting)*

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

Lift from the Table:

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Ward 1 Cutri

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

Amended Ordinance:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 4 Sutton

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

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

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

§ 850-12. Definitions and word usage

SHORT TERM RENTAL

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

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

§ 850-76. Use Requiring Special Use Permit Application

§ 850-110.5 Short Term Rental

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

- A. *The Planning Commission finds that the proposed use is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.*
- B. *The proposed use shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.*
- C. *The use shall be conducted entirely within the primary building residence.*
- D. *The rental units shall be registered and inspected in compliance with the City of Canandaigua Rental Inspection Program.*
- E. *The use of the premises shall not require or involve any exterior alterations to the structure.*
- F. *The owner of the property must be present during the short term occupancy and the use shall not involve the support of more than one nonresident employee. The short-term rental property shall be the owner's primary residence.*
- G. *The establishment shall not operate as a restaurant by selling meals other than to bona fide overnight guests.*
- H. *The establishment shall not operate as a rooming house or boardinghouse as defined in § 850-12.*
- I. *The property shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.*
- J. *The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.*
- K. *Total occupancy of the rental unit shall be limited to no more than 6 guests unrelated to the proprietors at any one time. The Planning Commission shall determine on a case-by-case basis the maximum occupancy of the short-term rental.*
- L. *Off-street parking shall be provided. The Planning Commission may determine on a case-by-case basis what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II.*

SECTION 3. This ordinance shall take effect on August 1, 2018 thirty (30) days from its adoption.

Discussion: Councilmember Ward 3 White felt that this ordinance is an overreach by the governing body. Councilmember Ward 4 Sutton is in support of this because of safety for visitors and neighborhoods. Councilmember-at-Large O'Brien is in support of this ordinance but we will have difficulties enforcing this.

Vote on Amended Ordinance:

The amended motion CARRIED on the following vote:

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

NOES: Councilmember Ward 3 White

Ordinance #2018-003: *(Introduced and tabled at the April 5, 2018 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 850 OF THE MUNICIPAL CODE
TO PERMIT SELF-STORAGE FACILITIES IN THE MU-3 ZONE DISTRICT**

Lift from the Table:

Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember-at-Large Uebbing
Vote Result: Carried unanimously by voice vote (8-0)

Vote on ordinance:

Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember-at-Large Uebbing

The motion FAILED on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White and Councilmember-at-Large Terwilliger,

NOES: Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing and Mayor Polimeni.

Discussion: Tim Stone-Victor NY – thanked all the committees that worked on this issue. There are concerns with a conflict of interest with a Planning Board Member and it should be investigated.

Ordinance #2018-004: *(Introduced and tabled at the April 5, 2018 Council Meeting)*

**AN ORDINANCE AMENDING THE ZONING ORDINANCE:
ARTICLE V: ESTABLISHMENTS OF ZONE DISTRICTS
(REGARDING THE MIXED-USE ZONE DISTRICTS ON SOUTH MAIN STREET)**

Lift from the Table:

Moved: Councilmember Ward 3 White
Seconded: Councilmember Ward 4 Sutton
Vote Result: Carried unanimously by voice vote (8-0)

Vote on ordinance:

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

The motion FAILED on the following vote:

AYES: Councilmember Ward 3 White

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

Local Laws: (None)

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

- The Memorial Day Parade will go down Buffalo St. this year.
- On May 29th there will be a special education session about the IDA at Wood Library.
- This is “Small Business Week” and we have a lot of great small businesses and shops downtown.

Appointments: None

Miscellaneous: None

Executive Session:

Councilmember Ward 4 Sutton moved to close the regular meeting to go into Executive Session at 8:59 PM for pending litigation and personnel matter. Councilmember-at-Large Terwilliger seconded the motion.

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

Regular Session:

Councilmember Ward 4 Sutton moved to close the executive session and return to the regular meeting at 9:25 PM. Council Member Ward 2 Palumbo seconded the motion.

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

Adjournment

Councilmember Ward 4 Sutton moved to adjourn the regular session at 9:25 PM. Council Member Ward 2 Palumbo seconded the motion.

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

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
PLANNING/DEVELOPMENT COMMITTEE
Tuesday, May 1, 2018
7:00 p.m.
Wood Library

Committee: Robert O'Brien, Chair, Bob Palumbo, Steve Uebbing, Renée Sutton

Other Council Members: Mayor Polimeni, Karen White, Dave Whitcomb, Jim Terwilliger

Staff: John D. Goodwin, Rob Richardson, Rick Brown

1. Historic Route 20 Association

The Historic Route 20 Association is working on an initiative to have Route 20 recognized as a "Historic Route," much like Route 66. Starting near Fenway Park in Boston and ending in Newport Oregon, Route 20 spans 12 States and runs 3,365 miles making US Route 20 the longest road in the United States. Many municipalities along Route 20 have joined this initiative and City Staff is recommending that the City of Canandaigua join as well. Joining this initiative would involve a resolution to agree to the designation and placement of Historic Route 20 markers along the original route, which ran up West Avenue, down Main Street, and down Lakeshore Drive. The costs to join the Historic Route 20 Association and the signs will be approximately \$1,250. This request was spearheaded by Rob Lillis, resident and lifetime member of Historic Route 20 Association, who will be at the meeting to discuss the initiative and answer questions.

Rob Lillis was at the meeting to discuss the Historic Route 20 Initiative. If we move quickly, we will be the first area in New York State to officially designate the original course. Steve asked if there are any other municipal responsibilities, and Rob said no there are not. It is strictly a way to allow people to take the historic tour and boost tourism. Renée asked where and how the sign placement is determined, and Rob said the signs would be strategically placed to lead people onto Historic Route 20. He has seen 5 locations that would be good, but we would need permission from the town to place some of them. She also asked if there is an overlaying organization who promotes the initiative, and Rob said yes. The Mayor asked how we pay for the signs, and John explained we first join the group and then would need to purchase and place the signs. It is \$90 for the large signs, and \$30 for the small signs as well as \$100 for a lifelong membership. John is requesting we appropriate the money from contingency, as well as a little bit more to allow for education. Jim added there may be people locally who would sponsor signs. The Mayor added she has spoken to Mike Murphy so that he makes sure people know checks need to be made the City for any private donations.

Bob moved to approve the request not to exceed \$1,250, Renée seconded.

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

2. Community Support Center 5k

The Partnership for Ontario County is an independent, non-profit organization with a central office in Canandaigua, New York. It has served Ontario County since 1998 and is the umbrella organization for the seven programs and initiatives, including the Community Support Center. The Community Support Center is a new project focused building healthy lives through connection, purpose and creativity offering programs in wellness, journey through loss, and solution focused counseling. All of the programs the Community Support Center offers are free and open to anyone in the community. The Partnership has submitted a special event application for a Community Support 5k run, with the goal of raising awareness and funds for the Community Support Center. Ryan McNealus from the Partnership for Ontario County will be at the meeting to discuss the event and answer questions.

Ryan was at the meeting to discuss the event and provide a brief synopsis of what the Community Support Center does. They offer counseling, grief support, and a wellness program. They have teamed with the Y, CrossFit, etc. He proposes a 5k to raise awareness and money for the Center. Instead of using the pier, they will loop around Lagoon Park twice. The Mayor thanked Ryan and all the people who work for the Partnership because they put in a lot of work and all the work is done by Volunteers. Robert pointed out this event dovetails nicely with the Blue Zones initiative.

Renée moved to approve the event, Bob seconded.

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

3. General Discussion with the Planning Commission

The Planning Commission has been invited to attend the meeting per the City Council's request (April 17, 2018 Ordinance Committee) that a meeting be scheduled with the Planning Commission for a general discussion.

The Planning Commission attended the meeting to touch base and discuss their zoning decision in regards to the Mini-Storage Re-Zoning proposal. There will be a new strategic/comprehensive plan forthcoming, and the Mayor thought it was a good time for them to attend a committee meeting. The Planning Committee unanimously opposed the proposal from Time Stone. Their primary focus was compatibility with the City Comprehensive plan. The second element was to include/encourage high density housing close to the lakefront. They felt the proposal discouraged high density residential and discouraged mixed use. Once heavy commercial uses take hold of a neighborhood, it is difficult to back track and encourage residential development. They see this as a zone change for a single business, and if they go out of business or sell the business they could open up the area to uses they never intended and everyone in the City would be unhappy with. The Mayor pointed out that Council was very conscious of maintaining the residential feel and protecting Main Street. Dave reviewed Tim's response and pointed out that Comprehensive plans are meant to adjust to the needs of the people, and there is a growing demand for self-storage. Torsten said the City has many businesses that serve people, and they don't rezone for them. If that neighborhood becomes over developed, they lose the ability to connect Downtown to the Lakefront. They don't believe Main Street goes one row of houses back, and this rezoning would hurt the aesthetic. Karen added that if we were talking about a new business, she would oppose it. In reality, the business has been there for 3 decades and the things we are afraid of already exist. This is a relatively small change in the grand scheme of things. They responded Tim Stone owns 11 other parcels attached to the existing facility. Robert believes the comprehensive plan is our guiding document, and Torsten added law makes it so. Robert doesn't want this to be a meeting where we need to convince the other side. Dave did not realize some of the things in the MU-3 are intentionally avoided in the Comprehensive Plan. Making these changes opens up problems that nobody wants. Steve's only recourse to override the Planning Commission is a compelling argument that overrides all, and he does not see that in the Mini-Storage Proposal. Jim doesn't think we should treat this as an either/or situation, and he suggests Council regroup and have Staff come back with a different proposal that is consistent with the Comprehensive Plan but also meets the needs of a thriving business owner who offers services that are in demand in the community. The Mayor agrees with Jim and asked the Planning Commission for what they envisioned. Mike Yarger asked the Planning Commission what they would suggest for the business, and Torsten said he feels there is a means to do it. He added the commission sees potential in that area, and he would like to see a similar vision to what has happened on North Main Street with restaurants, breweries and green space. Bob asked if the committee considered the housing boom on the Lakefront, and Rick said yes. Robert suggested we shoot down the idea all together and move on, and Steve, Rob and Renée will not support the plan as is. Jim added that just because this plan wasn't approved, the developer still has the right to amend and resubmit. Steve said if Staff and the developer want to revise the plan and resubmit, they have that right. Tim said if this plan fails, he will go back to the drawing board and try to come up with a new solution. Robert reiterated his belief we should stick to

the Comprehensive Plan. The Mayor thanked City Staff for all the work they have put in thus far, and she feels the best course of action is to vote down the ordinances as is and have the developer work with Staff to develop a new approach. She'd like to think we are willing to work with people who are coming forth with ideas, and we should encourage that. Renée echoed a comment from Torsten that Main Street is more than what you see from the street, and we should stick to the vision for the area. She applauded the Planning Commission for sticking to their guns. Steve thanked them for all their work and the thought they put into their response as well as them doing their due diligence. The Mayor added City Council is also bound to do their due diligence and work with the developer to find a potential solution that meets the vision of the Comprehensive Plan.

4. Shared Court Facilities

The City of Canandaigua and the Town of Canandaigua have taken it upon themselves to take a hard look at all opportunities for shared services between the two municipalities. One such opportunity that has been identified is allowing the Town to use the City of Canandaigua's court facilities, however the initiative required special State Legislation permitting both municipal courts to operate out of the same facility. At its October 5, 2017 meeting, City Council passed Resolution #2017-103 supporting the Town of Canandaigua's request for State Legislation permitting a shared Court Facility. Senators Kolb and Helming have introduced bills in support of these requests in NYS Senate and Assembly respectively, and a resolution must be passed in support of this legislation.

John explained the new resolution is to support State legislation- not the general idea. This resolution lets the State know we support those specific bills and also shows the community's support. Dave said this is a great idea, and John said they already passed the resolution. Jim also added he saw an interview with Judge Aronson regarding arraignments, but John added this is more for traffic tickets not actual arrests.

Renée moved to adopt the resolution, Steve seconded.

4 in favor, 0 opposed. Motion carries to Full Council.

5. Council Laptops

The computers provided to City Council members have experienced several issues that cannot be fixed other than the purchase of new computers. Staff has explored options for replacement computers and identified a potential replacement, with the total cost right around \$4,000 for 9 units. The replacement of City Council computers was not budgeted in the Technology Fund and City Staff is requesting \$4,000 be appropriated from the Technology Fund cover the cost of the laptops.

The current laptops were purchased as a discontinued item and need to be replaced. The Mayor and John feel City business should be conducted on City laptops, and if there is a FOIL request or a lawsuit, personal laptops used to conduct business would be called in. Steve asked if there is a usage policy, and John said there is one for City employees that may apply to City Council members.

Bob moved to approve the appropriation, Steve seconded.

4 in favor, 0 opposed. Motion carries to Full Council.

The Finance Committee meeting is being moved from May 22nd to May 15th so Jim can facilitate his meeting.

Renée motioned to adjourn, Steve seconded.

Meeting adjourned at 8:24 p.m.

APPENDIX B
ORDINANCE COMMITTEE
Tuesday, April 17, 2018
7:00 PM
Wood Library

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

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

Staff: John D. Goodwin, Rob Richardson, Steven Hedworth, Rick Brown, Terence Robinson

1. OntarioNET Drug Task Force Discussion

The participating municipalities have been working towards finalizing an agreement, and Ontario County Sheriff Phil Povero and Ontario County District Attorney Jim Ritts will be at the meeting to discuss the initiative and answer questions.

We returned to this agenda item when Chairperson Whitcomb arrived. Sheriff Povero and District Attorney Ritts, along with Chief Hedworth were in attendance. Chief provided a brief synopsis of what has occurred with the MOU since it was passed with a Sunset Clause at the March 1st meeting. Chief explained it is not a separate entity, but a group pooling resources to combat the opioid crisis. Chief met with the other partners last week to discuss the changes requested by City Council, and he feels they are at an impasse. Sheriff Povero spoke next, and said the MOU is a blueprint that will help in the law enforcement community work together. The document should protect the municipalities by listing clear expectations and responsibilities. He applauded Chief Hedworth about his proactive efforts to unite the law enforcement community to work together. The task force is important because we are facing a large-scale crisis, and fentanyl is now becoming a huge issue as well. He is seeing collaborative investigations at a higher level than in previous years, and there have been huge successes in identifying people bringing these drugs into Ontario County. Renée asked how what she has asked for prevents the organization from working together. The Sheriff said he doesn't know how to prepare what she is looking for without further guidance. He can show her what he has budgeted for staffing, field activities (buys), vehicles affiliated with this type of investigation. This does not generate a budget, revenue, or expenses. Chief would be responsible for the budgets for Canandaigua contributions. Renée asked about the funds that may flow and who would manage that, and DA Ritts said that all would be handled by the appropriate jurisdiction. Renée asked if the proposed document was incorrect then? Chief offered a recent example of an arrest that was made- Chief thought the vehicle and funds on the accused should be with the City and they were handed over through legal documents. Once the accused signs of, it becomes City property and is handled accordingly. It can only be used from a secure fund for items not budgeted for that are necessary for investigations. Renée asked how much money went to the Sheriff department, and both DA Ritts and Chief Hedworth said none because there is no agreement in place. She asked what happens when there is one, and Chief explained how that process would work. Renée asked if there is a process in place, why can't OntarioNET report on those things. Chief said his job is to explain his contributions and expenditures for how they impact the City, but not his responsibility in Geneva. She asked why is there no obligation for OntarioNET to report results to the communities that contribute to the task force? DA Ritts explained each community would keep track of their own role- the task force doesn't have the power to make arrests. Renée asked why there needs to be a governing board then? She feels they are asking to form a collaborative task force, but that the joint task force has no responsibility to report as a task force. It clearly says no one acts as an individual, so why can't there be reporting at the task force level. DA Ritts explained not every narcotics case will be part of this task force. Each municipality has different reporting systems- the software isn't compatible between partners. If the sum or the parts is more effective than alone, then why can't be shown that. Renée is only asking to see what the task force achieved and what the benefits are. Chief said he would be happy to report on the City's

role. DA Ritts pointed out that the only agency that answers to City Council is the Police Department- not the entire group. Jim stated the conversation has been helpful to understand we aren't creating a new entity, and we should strike the MOU as it stands and draft a simple intermunicipal services agreement. If we tear up the MOU and simplify things, it may alleviate some concerns of council members. The Mayor asked why a simple intermunicipal agreement isn't possible and doesn't all the municipal information go to the County. The Sheriff stated he meets with the Safety Committee every three weeks to keep law enforcement apprised, but he isn't sure how a shared service agreement would work because he hasn't done one before. Karen agrees with Renée and feels this is different than a shared services agreement due to the risk and potential money involved. She wants to see how we benefit from another level of administration and how it makes them more impactful. DA Ritts said you go from one investigator to at least five, and Karen asked isn't that happening already? DA Ritts shared the community is becoming a huge landing spot for drugs. If it is just our investigator, we're probably not going to get high enough up the chain to hit high level suppliers. One investigator isn't capable of doing that job. Karen pointed out she isn't asking for operations, but answers for the questions Renée asked. The DA said there is no new entity, and Karen said then we don't need it. Chief stated without this document, if something bad happens, there is no indemnity should something catastrophic happen. All the document is intended to do is clarify those roles and expectations. Renée doesn't see how the MOU prevents that from happening, and Chief pointed out the signed agreement prevents participants from claiming no responsibility. Dave asked where the original MOU came from, and Sheriff Povero said it was a template modified for this situation and reviewed by their attorneys. He added another reason to do this is they are working collaboratively and this allows the agency to plan a larger scale approach. Dave added that the original agreement that was circulated created the questions that we are talking. In one way it's a formal entity without an entity itself, and without that formalization of the concept it creates confusion. Bob wants to make sure that our officers are covered in other jurisdictions and vice versa, that's what most important. Steve agrees with Bob and wants our officers covered, and he believed that was one of the primary goals. He also asked if all monies brought in are subject to audit and control, to which DA Ritts answered yes. Steve admires the level of scrutiny Renée has put into this and applauds her for that. He wants to listen to the experts, and they are telling us we need this. They are in charge of governance, not administration. Dave suggests Staff go back and draft something that meets everyone's need. To Renée's point, however, he would like to see language in the agreement that all municipalities will make their info available to other municipalities. Renée added the MOU provides resources to monitor and evaluate the activities monthly- why can't we see that report. She wants to see what OntarioNET will achieve. Jim re-stated that the rewritten document is simple and the more complicated that more objections people will have. Chief stated they will work on another document.

2. Special Event – Young Lion Free Concert

On April 9th, Young Lions Brewing Co. met with City Staff to discuss a proposal for a free concert on July 21, 2018 from 6-9:30 p.m. Bands would play on the second-floor balcony and include national touring act Augustana. Young Lions is requesting approval to close Lakeshore Drive from Booth Street to Northshore Boulevard to accommodate the event, as well as a permit to fence in a designated area within that space for alcohol sales. Jen Newman, co-owner of Young Lion Brewing Co., will be at the meeting to discuss the proposal.

Jen was at the meeting to discuss the proposal. Her business and its mission are based on community, and she would like to propose a free concert. It would run from 6-9:30. They are expecting maybe 100-150 people. They would bring in a crowd control adviser and use security guards to keep the event lowkey. She would like DPWs guidance on fencing and is happy to pay for that assistance. Renée asked what happens if 500 people show up, and Jen stated that is why they are hiring a crowd control expert. Steve added he believes they will get substantially more than the number of people they anticipate. He loves the idea but believes we should accommodate the possibility of more people. Chief Hedworth added the fenced area is for the service of alcohol, which is the 100-150 people. People watching from outside that

area would not be included in the count. The Mayor said she wouldn't worry so much about the numbers, because people who don't want to be in the fenced in area can just watch from across the street at Kershaw Park. Bob asked if both lanes would be closed off, and Chief Hedworth said yes. The South Bound Lane is open for pedestrian traffic but able to be accessed by emergency vehicles if necessary.

Nick moved to approve the event, Karen seconded.

Mike Yarger asked if Jose and Willy's know, and Jen said she would make sure they were aware and that they have alternate access.

4 in favor, 0 opposed. Motion carries to Full Council.

3. Butterfly Garden

At its April 5th meeting, City Council heard a proposal from Susan Jackson from the Conservation Committee of the local Daughters of the American Revolution (DAR) chapter to put a butterfly garden in at Lagoon Park. The project would use plants and species indigenous to the area, and the DAR would be responsible for maintaining the garden space. The Environmental/Parks Committee requested to review the proposal. Council determined this item should go back to committee for further discussion. In order to accommodate the DAR's schedule the item has been placed on this agenda.

We covered this item first because the Ordinance Chair was running late. Karen covered this topic as this is an Environmental/Parks Committee oriented event. John discussed the proposal for the butterfly garden and stated the DAR will be doing all the planting and maintenance. Volunteers will fill out forms to make sure liability issues are addressed. This is intended to be an ongoing project, not an annual event. Renée asked what would happen if the DAR abandoned the project, and John stated because the plants are indigenous it would have no impact. There would be no fencing, only a small garden where there is grass now. Bob thinks it's a great idea and supports it. John stated he would review the plants again with our staff landscape architects to make sure the plants are appropriate. We moved from this item when Dave arrived. A resolution will be drafted after Council generally approved the plan.

4. Tinkergarten Proposal

Tinkergarten is an organization that provides high-quality early childhood learning program outdoors. Their programming is intended to help families connect with trained leaders in their local community for play-based kids classes that help develop core life skills, all while having fun. Tinkergarten has approached the City of Canandaigua regarding a proposal that includes allowing them to utilize City green-spaces to run their programming in return for a percentage of revenue. These programs would not have an impact on the recreation program. Staff recommends allowing Tinkergarten to use the upper fields at Baker Park. The item was originally on the agenda for the joint Planning/Development and Finance/Budget meeting held April 3rd, but an emergency prevented the Tinkergarten representative from attending. Andrea Burgess from Tinkergarten will be at the meeting to discuss the proposal.

Andrea was at the meeting and apologized for missing the planning meeting on April 3rd. They normally provide 5% kickback to municipalities for the use of space. Parents stay at the program with the children, and they do all the leg work. She just needs permission to set up in one of our parks. She is currently in Sonnenberg but that could change. She wants to use Sonnenberg. She plans to offer a free class this week and is waiting for feedback from parents. John also added that they want to use upper baker, and that was the recommendation. Bob asked how many have signed up, so far it is 12 children. Steve asked what Andrea's relation is to Tinkergarten, and she is a paid and certified representative. Steve asked how many employees are at the programs, and Andrea said just her but parents stay. He asked what she will do specifically, and she gave an example activity. He asked if she had a criminal background check, and she said yes.

Nick moved to accept the proposal, Jim seconded.

4 in favor, 0 opposed. Motion carries to Full Council.

5. Ordinance #2018-003 and #2018-004 SEQR

At the April 5, 2018 City Council meeting, Ordinance #2018-003 and Ordinance #2018-004 was introduced and tabled. Ordinance #2018-003 amends the zoning to define self-storage facility and permit self-storage facilities as a use in the MU-3 zone district. Ordinance #2018-004 rezones the South Main Street area by adding a MU-3 zone district located between Phelps and Green Streets, rezones MU-1 zone districts located on the west side of South Main Street to MU-2 zone district and rezones MU-3 district fronting South Main Street south of Parrish Street to a MU-2 zone district. As these ordinances are zoning changes, the City Council must also conduct a SEQR review (attached).

The Planning Commission unanimously rejected this proposal, so City Council will need a super majority to pass these changes. The Mayor has suggested we meet with the Planning Commission to discuss their objections. This needs to happen from time to time, and since Council seemed to support the request. Robert O'Brien said that since this needs a super majority he will not be supporting this. Jim agrees we should meet with Planning Commission. John stated he will get some dates together to set up a meeting. Tim Stone asked what the objections were, and John said that the Planning Commission doesn't think the proposal coincides with the City's Strategic Plan. The Mayor added Tim should talk to Rick Brown to get further details about the discussion. Tim had yet to see a copy of the letter from the Planning Commission and was provided a copy.

6. Ordinance #2018-001 Short Term Rentals

At the April 5, 2018 City Council meeting, a public hearing regarding Ordinance #2018-001 was held. This ordinance, which requires that short term rentals comply with the same rules and regulations that are required of Bed and Breakfast establishments, was introduced and tabled at the March 1st City Council meeting. After the feedback received from the public hearing, Council placed the ordinance back on the table and recommended it go back to committee for further discussion.

Council needs to decide whether or not the Short-Term Rental needs to be owner occupied. Dave thinks that making it a requirement that it is a primary residence but doesn't require the owner to be there is a fair compromise. There is also a community aspect that needs to be considered and allowing the City to be flooded by Short-Term rentals that aren't monitored degrades the community. Renée agrees with Dave that this is a good compromise. She supports the Ordinance that has all the proposed amendments. Karen stated she will continue to oppose this, but she is convinced some of these regulations are necessary. She still, however, questions why it needs to be a primary residence and it having to be in a main building. She sees this as government overreach, and we aren't levelling the playing field because it is two different games. Jim thinks that, with the proposed amendment, that Council has done enough to level the playing field. These two types have different business models, and we don't want to force people into selecting a business model. He is not in favor of the owner needing to be present. Robert still wants the owner to be present.

Mike Yarger has seen it both ways- he used the Oak Hill Golf Tournament as an example. He adds that they major law enforcement objection is that these aren't being supervised once they move in for the week. Occupancy will be determined on a case by case business. Council doesn't have a role in that and that will be up to the Planning Commission. They would review all applications and make decisions based on each particular incidence. Steve shared some of Robert's concerns- how often are people allowed to do this? He asked if there was any enthusiasm about restricting the number of days people can rent out their properties. Dave feels the number of people who live in the City that could actually do this with their home for 180 days is a very small percentage. Robert added if we make it be owner occupied, it would eliminate that concern. Jim points out the way it is written, it could be 365 days if they choose to

rent a room as opposed to a whole house. Dave adds that no matter what, any ordinance passed will need tweeks and revisions after adopted. Steve pointed out we aren't dealing with people who sublet for 6 months, but people who stay for 3-4 days.

A straw vote of approving the amendments was unanimous. That will be voted on the first weekend in May.

7. Alcohol Consumption in Public Parks

Currently the City of Canandaigua has an open container law which prohibits the consumption of alcoholic beverages in public areas, including public parks. With the development along the lakefront, the opening of new breweries adjacent to Kershaw Park, and the potential for expanding special events in public parks to include the sale and consumption of alcoholic beverages, Councilmember Whitcomb asked that City Council discuss the rules regarding alcohol in the parks and potential change to allow it either under specific guidelines or for specific events. On a case-by-case basis, City Council, in its review and approval of special events, has considered and approved requests for alcohol consumption within City parks and public property with specific guidelines such as requiring a controlled area for sale and consumption and requiring New York State permits. City staff does not recommend any changes.

Dave withdrew this after discussions with Staff.

8. Banning Pesticides in Public Right of Ways

At the February 20th Ordinance Committee meeting, Joel Freedman asked that a moratorium on the use of pesticides in public right of ways be reconsidered. Although no action was taken at the time, an article published in Penn Yan's Chronicle Express on April 4th regarding concerns over the water quality of Seneca Lake led Mr. Freedman to request Council revisit the topic at the next Ordinance Committee meeting. Per that request, the topic of banning pesticides in public right of ways was added to this agenda for further discussion.

This item was tabled due to lack of time.

The meeting adjourned at 9 p.m. to City Hall for Executive Session.

9. Executive Session: Attorney- Client Privilege

APPENDIX C
FINANCE/BUDGET COMMITTEE
Tuesday, April 26, 2018
7:00 PM
Wood Library

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

Other Council Members: Mayor Polimeni, Karen White, Bob Palumbo, Renée Sutton

Staff: John D. Goodwin, Rob Richardson, Jim Sprague, Nancy Abdallah, Frank Magnera

1. Auditor's Report

The unaudited financial statements were presented at the joint Planning/Development and Finance/Budget Committee meeting held April 3, 2018. The City's independent audit has been completed and representative from Raymond F. Wagner will be at the Finance Committee meeting to briefly review the highlights of the 2017 audit.

The auditor's report is being finalized, so this agenda item was pushed back to the May 22nd Finance Committee meeting. Nancy Abdallah, the City Clerk/Treasurer was at the meeting to discuss the unaudited financial report presented at the last meeting and answer questions pertaining to that data. There were no questions, so we moved on to the next agenda item.

2. Ontario County Dog Control Services Contract Budget Amendment

For years, the City has been concerned that the costs associated with the Ontario County Dog Control Services Contract (OCDSC) were not shared equably as City Staff felt that the dog populations utilized for the contract were not accurate. In 2017, the City was informed that Ontario County would be using a new methodology for the contract and use the number of active dogs to calculate municipal contributions to the OCDSC. While preparing the budget, the County advised Staff that, based on this calculation, the City's contribution for 2018 would be \$15,500. After the City adopted its 2018 budget, the County notified Staff that several municipalities complained about their increasing cost of service which resulted in the County delaying implementation of the new methodology until additional information about active and delinquent dog figures could be collected and analyzed. Reverting to the previous methodology increased the City of Canandaigua's contribution to the OCDSC to \$16,692.30 for 2018; an unbudgeted increase of \$1,192.30. As a result, a budget amendment of \$1,192.30 is needed to cover the increased contribution to the OCDSC.

John provided a brief synopsis of the current situation and the concerns over how the municipal contribution is decided. As it stands, we are subsidizing other municipalities who give discounts, but for this year this is what the City owes. Bob asked if they report how often we utilize this service, and Nancy stated they provide an annual report. Robert asked how our Ontario County compares to other surrounding counties for the same service, and John said we could do some research and find that out. Jim asked if we could remove the money from somewhere other than contingency, and Nancy said it is too early to know that. Steve asked if we could cover this through a budget transfer, and John said part of this is a policy issue. Nancy added that we are limited in how we can move money to this account because it is a stand-alone department. John said that if the money can transfer from another area into contingency he will let Council know.

Nick moved to approve the agreement, Robert seconded.

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

3. Erina Hose Company Fire Agreement

Erina Hose Company No.1 is a volunteer fire company which the City of Canandaigua contracts to supplement the paid fire department and a Fire Services Agreement is renewed annually. Recently, Eric Cooper, President of the Erina Hose Company, requested that the agreement be modified to lower the required number of active volunteers in order to receive payment. Eric has been invited to the meeting to discuss the agreement and answer questions.

Eric Cooper was at the meeting to discuss the agreement. He requested adjusting the agreement from 5 interior firefighters to 4 so they can continue to receive funding. They have been working hard to recruit and will continue to do so. Allowing the funding to continue will strengthen those efforts. Staff recommends that we approve the amended agreement because the Erina Hose Company provides a vital service and support to the City. Jim suggested offering the same to the Merrill's, but they don't have enough volunteers to qualify now. Jim suggested we approve the change for both.

Steve motioned to approve the changed agreement for both, Nick seconded.

Bob would like the language changed to reflect all the varied calls they respond to. Chief Magnera confirmed the agreement already covers that.

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

4. Fencing Bid Award

Each year the City replaces various fences within parks and around City facilities. Due to the large amount of fencing this year (dog park, Jefferson Park, Waste Water Treatment Plant, Hurley Building), the estimated costs required a formal bid. One bid was received from New York State Fence, Inc. located at 858 Manitou Road in Hilton, NY for a total of \$77,800 covering multiple projects. Some of the bid items, however, require additional action beyond award. The fence, gate, and gate opener at the Hurley Building need to be replaced due to an accident, so \$9,270 of the \$77,800 needs to be allocated from the Insurance Reserve. In addition, the vendor quoted a price of \$11,980 to replace the fence around the softball field at Jefferson Park. Only \$11,000 was budgeted for that project so an additional \$980 is required from the capital reserve. Staff recommends awarding the contract for these projects to New York State Fence, Inc. and also the authorization to allocate \$9,270 from the Insurance Reserve and \$980 from the Capital Reserve to fully and appropriately fund the fencing projects.

Jim Sprague was at the meeting to discuss the projects. Nancy stated we received \$5,000 from the insurance claim on the DPW fence accident, and that money will be used towards the \$9,270 for the DPW fence. The Mayor asked why only one bid, and Jim said the others were not interesting in bonding. Jim asked Jim S. what he thought of the quote, and Jim S. said it was the lowest during the quoting process, and the increase in the formal bid comes from what New York State Fence needs to pay for bonding.

Nick moved to award the bid, and Robert seconded.

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

Lee DeRuyter was at the meeting and asked for an update on hiring the 10th firefighter, and John said he will not hire another firefighter until contract negotiations are completed. We are also going to include the 10th person in the SAFER grant to show a commitment because we turned down the SAFER grant application. The grant requires a local share and using the 10th firefighter as the local share showing we are ready to go. Bob doesn't see how this helps and doesn't see why using the 10th firefighter as a

bargaining chip is appropriate. Steve stated he walked away from the last meeting with a different understanding and the strategy being used isn't consistent with what he thought would happen.

Meeting adjourned at 7:39 p.m.