

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, MAY 5, 2016 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 1 Nick Cutri
Councilmember Ward 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Matt Martin
Councilmember-at-Large Robert O'Brien
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 2 Anita Twitchell (Arrived 7:09 PM)
Councilmember-at-Large James Terwilliger (Away on business)

Also Present: City Manager Ted Andrzejewski
Corporation Counsel Michele O. Smith
Clerk-Treasurer Nancy C. Abdallah
Assistant City Manager John D. Goodwin

Public Hearing:

Ordinance #2016-003: An Ordinance Amending Chapter 850 of the Municipal Code to Amend the Architectural Standards to Include Guidelines for the Northern Gateway, Downtown and South Main Street.

Mayor Polimeni opened the public hearing at 7:04 PM.

No one was present to speak at the hearing.

Mayor Polimeni closed the public hearing at 7:04 PM.

Review of Community 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.

Approval of Minutes:

Councilmember Ward 4 Wade moved for the approval of the Council Minutes of April 7, 2016. Councilmember Ward 1 Cutri seconded the motion.

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

Recognition of Guests:

- Tom Zuber, CPA, from Raymond F. Wager, CPA PC, presented the final audit report to council for the year ending December 31, 2015. He stated that the City received an unmodified opinion with no material weaknesses or significant deficiencies reported.
- Ted Andrzejewski was introduced as the new City Manager.
- Jim Ochterski, 141 Park Ave, represented many residents in the area concerned about the City’s staging lot for heavy equipment at 130 West Avenue. City Manager Ted Andrzejewski stated that he and Jim Sprague, Director of Public Works is working on a solution for this issue.

Committee Reports:

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

SEE COMMITTEE NOTES - APPENDIX A

- Canandaigua Airport Master Plan Update
- 1st Quarter Economic Development Report – Chamber of Commerce
- 2016/2017 Strategic Plan

Environmental/Parks: Councilmember Ward 1 Cutri reported that the Environmental Committee met on April 12th and discussed the following.

SEE COMMITTEE NOTES - APPENDIX B

- Special Event – Canandaigua Classic Half Marathon + 5K
- Special Event – Kicking it for the Troops (Claudia McCarthy)
- Pesticide Moratorium

Ordinance/Charter Review: Councilmember-at-Large Whitcomb reported that the Ordinance Committee met on April 19th and discussed the following.

SEE COMMITTEE NOTES - APPENDIX C

- Zoning Code Amendment – Tobacco Stores in C-1 “Restricted Commercial District”
- Tree Advisory Board’s Proposed Ordinance relative to Trees and Public Property
- Charter Review

Finance/Budget: Councilmember Ward 3 White reported that the Ordinance Committee met on April 26th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX D

- Year End Audit Report
- Special Event - Canandaigua Classic Half Marathon + 5K
- Budget Amendment – Appropriation from Cemetery Fund
- Surplus Vehicles & Equipment
- Budget Items

Resolutions:

Motion: Motion made by Councilmember Ward 2 Twitchell to impose a temporary moratorium of pesticides on city property until the next council meeting. Councilmember Ward 3 White seconded the motion.

Discussion: Joel Freedman, Canandaigua, asked that this motion be considered while the Council considers language changes on the pesticide ban that was to be voted on at tonight’s meeting.

Councilmember Ward 2 Twitchell moved to AMEND the original motion to only impose a temporary moratorium on pesticides in the City Parks. Councilmember Ward 3 White seconded the motion.

The motion FAILED on the following vote: (4-4)

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, and Councilmember-at-Large O’Brien ,

NOES: Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Whitcomb and Mayor Polimeni.

Vote on original motion of moratorium of pesticides on City property.

The motion FAILED on the following vote: (3-5)

AYES: Council Member Ward 2 Twitchell, Councilmember Ward 3 White, and Councilmember-at-Large O’Brien

NOES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Whitcomb and Mayor Polimeni

Resolution #2016-013: *(Introduced and Tabled March 3, 2016)*

**A Resolution Determining the
Environmental Significance of Ordinance #2016-001.
(Tobacco Stores in the C-1 Zone District)**

Councilmember-at-Large O’Brien withdrew this resolution.

Resolution #2016-033:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 1 Cutri

**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;

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.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-034:

Moved: Councilmember Ward 2 Twitchell

Seconded: Councilmember Ward 1 Cutri

A RESOLUTION AUTHORIZING A SPECIAL EVENT

Kicking it for the Troops

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

- ***Kicking it for the Troops***

Date: May 15, 2016

Location: Start & End at the Canandaigua Academy

Coordinator: Claudia McCarthy

Time: 10:30 a.m. – 2:00 p.m.

Purpose: Fundraiser for Blue Star Mothers of America, Canandaigua

Expected Number of Participants: 20-50

WHEREAS, this request was reviewed and approved at the April 12, 2016 Environmental/Parks 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 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.

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

Resolution #2016-035:

Moved: Councilmember Ward 3 White
Seconded: Councilmember Ward 4 Wade

**A RESOLUTION ESTABLISHING PETTY CASH FUNDS FOR
KERSHAW PARK AND THE SUMMER CAMP PROGRAMS**

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

WHEREAS, cash funds in the amount of two hundred dollars (\$200) are needed for the weekly collection of Summer Day Camp and Kiddie Camp fees;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is hereby authorized to establish a petty cash fund from the General Fund in the amount of four- hundred dollars (\$400) for use at Kershaw Park and the Summer Day Camp and Kiddie Camp programs during the summer season of 2016.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien , Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-036:

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

A RESOLUTION APPROPRIATING \$4,000 FROM THE CEMETERY FUND

WHEREAS, the City of Canandaigua is responsible for the care and stewardship of two historic burial grounds, Pioneer Cemetery and the West Avenue Cemetery; and

WHEREAS, last year the rear stone wall at the Pioneer Cemetery was found to be in disrepair and the 2016 Adopted Capital Budget included \$10,000 to repair the wall; and

WHEREAS, the City received quotes to complete the repair work with the lowest quote received in the amount of \$13,730.98; and

WHEREAS, staff recommended that City Council appropriate \$4,000 from the Cemetery Fund to fund the balance of project and said recommendation was reviewed and approved by the Finance/Budget Committee at its April 26, 2016 meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby appropriates \$4,000 from the Cemetery Fund and the transfer of said funds to the Capital Fund to complete the repair project at the Pioneer Cemetery.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien , Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2016-037: THIS RESOLUTION WAS WITHDRAWN

Ordinances:

Ordinance #2016-001: *(Introduced at tabled at the February 4th City Council Meeting)*

**An Ordinance Amending Chapter 850 of the Municipal Code to
Permit Tobacco Stores in the C-1 Zone District.**

Lift from the table:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember Ward 4 Wade

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

Vote on Ordinance:

Moved: Councilmember-at-Large Whitcomb
Seconded: Councilmember Ward 2 Twitchell

The motion FAILED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinance #2016-003: (*Introduced at tabled at the April 7th City Council Meeting*)

Lift from the table:

Moved: Councilmember-at-Large Whitcomb
Seconded: Councilmember Ward 4 Wade

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

Vote on Ordinance:

Moved: Councilmember-at-Large Whitcomb
Seconded: Councilmember Ward 4 Wade

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinance #2016-004:

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

AN ORDINANCE AMENDING CHAPTER 633 OF THE CITY CODE RELATIVE TO TREES AND PUBLIC PROPERTY.

BE IT ENACTED by the City Council of the City of Canandaigua that:

Sec. 1 Chapter 633 of the Municipal Code, is hereby amended in its entirety and replaced with the following "Urban Forestry Ordinance" (additions in *italics*, deletions striken);

Chapter 633: TREES AND PUBLIC PROPERTY

§633-1 SCOPE.

This chapter shall set forth regulations and procedures to protect public trees and other property from damage, obstruction and/or destruction.

1. This ordinance shall be known as the City of Canandaigua Urban Forestry Ordinance.

2. Purpose and intent.

This Chapter regulates the planting, maintenance, protection and removal of trees and shrubs in the City of Canandaigua urban forest only, which includes all public trees in the city treelawns; city rights of way; city parks; city parking lots; city-owned cemeteries. It also provides for a Tree Advisory Board.

The primary purpose of this Chapter is to provide guidelines and regulations to:

- A. Maintain the public trees in a healthy condition by using best management practices.*
- B. Promote efficient and cost-effective management of the urban forest, in accordance with the Urban Forest Master Tree Plan.*
- C. Select, situate, and maintain public trees appropriately to maximize benefits and minimize hazard, nuisance, hardscape damage, and maintenance costs.*
- D. Centralize public tree management under a person with the necessary expertise.*

3. Jurisdiction.

The City of Canandaigua shall have control of all public trees, shrubs, and other plantings now or hereafter in any city treelawn; city rights of way; city parks; city parking lots; city-owned cemeteries; or other public place within the City limits, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs and other plantings.

In addition, in accordance with the City Council or City Planning Commission approval of site plans, the City also has jurisdiction to ensure the specific provisions of the approved site plans pertaining to landscaping on private property are upheld.

4. Policies Regarding Trees.

It shall be the policy of the City to maximize the planting of public trees in all areas within the Jurisdiction of this ordinance. It is desired that at least 85% of all planting sites as designated by the City Arborist are actively utilized.

It shall be the policy of the City to adhere to the recommendations, guidelines, and best practices identified in the Urban Forest Master Tree Plan with regard to the Urban Forest.

5. Disclaimer of Liability.

Nothing contained in this section shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, boulevard, alley or public place within the city.

6. Interference with Planting, Maintenance, and Removal.

No person, firm or corporation shall interfere with the Director of Public Works, or persons acting under his authority, while engaged in planting, mulching, pruning, maintaining, or removing any public tree, shrub or plant within the City.

7. Establish a Tree Advisory Board.

- A. There shall be a Mayoral Committee called the Tree Advisory Board (TAB) in the City consisting of 5 members. Members shall be appointed by the Mayor.*
- B. The volunteer members shall serve without compensation.*
- C. The Mayor may remove any appointed member of the TAB from the Board, with or without cause. Vacancies shall be filled by appointment by the Mayor.*
- D. The Tree Advisory Board shall hold regular meetings at least once every other month, and may hold additional meetings as it deems necessary. A majority of the TAB shall constitute a quorum for the purpose of transacting the business of the TAB. The TAB shall annually elect a Secretary. The Secretary shall keep a record of all proceedings, resolutions, findings, determinations and transactions of the TAB, which records shall be a public record, and a copy of which record shall be filed with the City Clerk.*

8. City Arborist.

The City may employ or retain a Certified Arborist (the "City Arborist") to manage the urban forest and execute the Urban Forest Master Plan. This position may be a full-time, part-time, contract, or shared position with other communities. In the event such position is not filled, all references in this Chapter to City Arborist shall refer to the Director of Public Works.

9. Designate Administrative Responsibilities.

- A. The City Arborist, under the direction of the Director of Public Works shall, plant, maintain and otherwise care for, or if necessary, remove trees in any public place in the city. The responsibilities of the City Arborist shall include but not be limited to the following:
 - 1. Maintain the City's standing and membership in Tree City USA.*
 - 2. With the consultation of the Tree Advisory Board:
 - a. Prepare an annual program for tree planting and tree care in public places of the City;***

- b. *Recommend to the City Manager changes or additions to the Urban Forest Master Plan;*
 - c. *Develop, renew, and update the arboricultural standards;*
 - d. *Develop maintenance standards as they relate to public trees;*
 - e. *Make determinations of public tree removals;*
 - f. *Review all landscaping plans, street reconstruction projects, and other similar activities as they affect the public trees, and all site plans submitted to the Planning Commission for approval, which are referred to the City Arborist;*
 - g. *Define criteria for designating specific "Landmark Trees" or other arboricultural areas of exceptional historical or aesthetic significance; develop best practices for protecting and maintaining these designated assets, if appropriate; and advocate for and manage resources to effectively manage them.*
- 3. *Inspect the planting, maintenance and removal of all public trees.*
 - 4. *Conduct and maintain an accurate Tree Inventory which catalogs the number, type, condition, and location of all trees within the jurisdiction of this ordinance.*

B. The Tree Advisory Board will:

- 1. *Work closely with the City Arborist as described in paragraph 2, above*
- 2. *Review plans and policies which are referred to it by City Boards, on matters relating to the public trees, urban forestry, arboriculture, and horticulture.*
- 3. *Recommend legislation regarding the urban forest.*
- 4. *Provide information and education to the community regarding the selection, planting and maintenance of public and private trees.*

10. Specify Cooperation between Departments and Agencies.

The City Arborist, as an employee of the Public Works Department, shall review any public or private plans or applications for street reconstructions; new curb, gutter, sidewalks or driveway installations; or other improvements which might require the removal of or cause injury to any public tree, or interfere with the fulfillment of the Urban Forest Master Plan. The City Arborist, with the support of the Director of Public Works, may require modifications of such applications in order to protect the public trees.

11. Emergency work.

- A. *This chapter shall not govern any emergency activity immediately necessary to protect life, safety or property or to maintain access to any property. Any such activity shall incorporate reasonable efforts to protect trees and shrubs on city property from unnecessary damage.*
- B. *Any person or city agency engaged in any action covered by Subsection A shall make a reasonable effort to notify the City Arborist prior to commencing that action and shall, in any event, provide written notice of the emergency and the work done to the City Arborist within three calendar days of commencing that work.*

§633-2 DEFINITIONS.

The following terms shall carry the meanings indicated:

CITY ARBORIST

A Certified Arborist who manages the urban forest; recommends arboricultural standards to be set by the City (found at Attachment 1 to this Chapter); and executes the Urban Forest Master Plan. This position may be a full-time, part-time, contract, or shared position with other communities.

[1][2]

DIRECTOR OF PUBLIC WORKS

The Director of the Public Works Department of the City or his/her duly authorized agent.

PARKS

Includes all public parks having individual names.

PARKS AND RECREATION DEPARTMENT BUREAU

A Bureau of the Department of Public Works responsible for exercising the City's jurisdiction under this Chapter. ~~The department of the City under whose jurisdiction public trees fall.~~

PARKS MAINTENANCE SUPERVISOR

~~The Parks and Recreation employee designated to recommend arboricultural standards to be set by the City.~~

PERSON

Any individual, organization, or association of persons and the singular number shall include the plural.

PROPERTY LINE

~~The outer edge of a street or highway.~~

PUBLIC PLACES

Includes all grounds owned or maintained by the City.

PUBLIC TREES

Includes all shade and ornamental trees now or hereafter growing on any street, park or public place.

STREET or HIGHWAY

The entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

TREELAWN

That part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

TREES AND SHRUBS

Any woody plants which have self-supporting, aboveground parts which are viable year round.

URBAN FOREST

All public trees in the city treelawns; city rights of way; city parks; city parking lots; and city-owned cemeteries.

§633-3 PERMITS REQUIRED.

No person shall plant, spray, fertilize, treat, prune, remove, cut above ground, or otherwise disturb any public tree or shrub on any street, park or public place without first filing an application and procuring a permit from the Director of the Public Works. *Persons, City agencies, or private or public utilities conducting regular maintenance work on trees or shrubs may be granted general permits to cover their work on a yearly basis.* The person receiving the permit shall abide by the Arboricultural Specifications and Standards of Practice as determined by the City.

- A. An application for tree planting shall state the number of trees to be set out; the location, grade, species, cultivar or variety of each tree; the method of planting; and such other information that the Director of the Public Works shall find reasonably necessary for a fair determination of whether a permit should be issued.
- B. Whenever any tree shall be planted or set out in conflict with the provisions of this section, it shall be lawful for the ~~City Parks and Recreation Department~~ *Director of Public Works* to remove or cause removal of the same, and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments.
- C. An application shall be required for any maintenance performed and shall state the number and kinds of trees to be sprayed, fertilized, pruned, or otherwise treated; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the ~~Parks and Recreation~~ *Director of Public Works* shall find reasonably necessary for a fair determination of whether a permit should be issued.
- D. No person or property owner shall remove or prune a tree from the treelawn for the purpose of construction, or for any other reason, without first filing an application and procuring a permit from the Director of the Public Works, and replacing the removed tree or trees in accordance with the adopted Arboricultural Specifications. Such replacement shall meet the standards of size, species, and placement as provided for in a permit issued by the Director of the Public Works. The person or property owner shall bear the cost of removal and replacement of all trees removed.
- E. Any person who has removed a public tree without obtaining the appropriate permit shall replace that tree with a tree of equivalent dollar value in the vicinity of the removed tree. The value of the tree will be determined in accordance with the "Guide for Establishing Values of Trees and Other Plants," published by the International Society of Arboriculture. If no suitable location exists in the vicinity of the tree removed or if the replacement tree is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City equal to the difference in value between the tree removed and any replacement tree. Such compensatory payment shall be paid into a fund established by the City Treasurer for that purpose and used solely for the purpose of enhancing the urban forest.

§633-4 DAMAGING OF PUBLIC TREES AND OTHER PROPERTY PROHIBITED.

- A. No person shall mutilate, injure, cut, carve, transplant, prune or destroy any public tree or shrub, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. When such damage results in the destruction and/or removal of a tree, the person responsible for that damage shall replace that tree with a tree of equivalent dollar value in the vicinity if the removed tree or make a compensatory payment as set forth in §633-3E.
- B. No person shall mutilate, injure, deface or destroy any fence, fence post, gate or railing; any walk, crosswalk, street lamp, lamp post, either electric or gas; or any wire, box or other appurtenance of the fire alarm system; or any hydrant, water, gate or other appurtenances of the water works system;

or any fixture erected, made, planted, set out or being in, under or upon any street, park or public place in the City.

- C. *Excessive mulching of public trees beyond 2” – 4” of mulch per tree, no closer than 1” to the trunk (“mulch volcanos”) is prohibited.*

§633-5 PROTECTION OF TREES.

It shall be the duty and responsibility of all property owners to maintain the grounds of the city treelawns on the owner's property, regardless of whether such property is developed. This maintenance shall include watering as needed and keeping such treelawns free from any obstructions contrary to public safety.

- A. *Property owners shall be responsible for watering newly planted public trees in such treelawns in accordance with procedures provided at the time of planting. Such watering shall be continued until the public tree becomes acclimated to the new environment, but need not exceed one year.*
- B. *No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of 10 feet from any public tree without first obtaining a written permit from the City Manager or the Director of Public Works.*
- C. *All trees on any street or other public place near any excavation or construction of any building, structure, or street work, shall be guarded with a ~~good~~ substantial fence, frame, or box not less than four feet high and eight feet square, and all building material, dirt, or other debris shall be kept outside the barrier.*
- D. *No person shall deposit, place, store, or maintain upon any public place of the City, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permit of the City Manager or Director of the Public Works.*
- E. *In a case where damage from construction, excavation and/or material deposits result in the destruction and/or removal of a tree, the person responsible for that damage shall replace that tree with a tree of equivalent dollar value in the vicinity of the removed tree or make a compensatory payment as set forth in § 633-3E.*

§633-6 SPECIFIC TREES PROHIBITED.

No tree of the following species and varieties listed as undesirable in the Arboricultural Specifications and Standards of Practice (Attachment 1 to this Chapter) shall be planted in any public street.

§633-7 OBSTRUCTION.

It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees or shrubs to prune such trees or shrubs in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be seven feet over sidewalks, and 12 feet over all streets except truck thoroughfares which shall have clearance of 16 feet. Should any person or persons owning real property bordering on any street fail to prune trees or shrubs as herein above provided, the Director of the Public Works shall order such person or persons, within three days after receipt of written notice, to so prune such trees or shrubs.

- A. *The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.*
- B. *When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the municipality to prune such trees or shrubs and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments.*

§633-8 PENALTIES FOR OFFENSES AND ENFORCEMENT.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable by a fine not exceeding \$250 or imprisonment in the County Jail of Ontario County for not more than 15 days, or both such fine and imprisonment. Each day on which any such violation continues shall constitute a separate offense.

The Code Enforcement Officer is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the City Attorney is hereby authorized to institute appropriate proceedings to that end.

§633- 9 PERFORMANCE EVALUATION.

The Director of Public Works or his/her designee shall collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the stated goals of this ordinance. An annual summary and analysis of the evaluation, and recommendations for action shall be prepared and presented to the City Manager. The City Council may review the report and recommendations and take actions deemed necessary to accomplish the goals of this ordinance.

§633-10 SEVERABILITY.

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

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

Local Laws: None

Manager's Report: City Manager Ted Andrzejewski reported the following:

- Worked with staff and the promoter to solve issues with the half marathon.
- Close to a solution on the Park Ave staging lot.
- Met with the County Administrator concerning the sales tax agreement.
- Met with the City Manager of Geneva concerning the shared services agreements.
- Attended the 200th Anniversary of the Fire Department.
- Attended the Chamber of Commerce breakfast.

Miscellaneous:

- Mayor Polimeni read a proclamation for “Poppy Days” on May 26, 27 and 28th.

Adjournment

Councilmember Ward 4 Wade moved to adjourn the regular session at 8:24 PM. Councilmember Ward 1 Cutri seconded the motion.

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

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
PLANNING/DEVELOPMENT
Tuesday, May 3, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: Cindy Wade, Chair; Robert O'Brien; Jim Terwilliger; Anita Twitchell

Other Council Members: Ellen Polimeni, Karen White, Nick Cutri

Staff: Ted Andrzejewski, John Goodwin

Meeting called to order at 7:00 PM

1. Canandaigua Airport Master Plan Update

A presentation will be presented from the airport's Technical Advisory Committee in regard to the updating of the airport master plan. The Technical Advisory Committee is seeking feedback from individuals, groups and municipalities that are impacted by the airport and its operations.

Cindy Wade presented a presentation from the Technical Advisory Committee. The Technical Advisory Committee is working to update the Canandaigua Airport's 10 year master plan and is seeking all feedback from individuals, groups and municipalities that are impacted by the airport and its operations.

2. 1st Quarter Economic Development Report – Chamber of Commerce

Alison Grems and Thomas Lyon have been invited to presented their quarterly report covering January-March 2016 summarizing efforts, activities and results. Progress has been made in some areas. The Meridian building on North Street has been sold and is planned to be demolished along with NYSDEC contamination clean-up. Developer Bob Morgan and builder Dave Christa continue to pursue the development of the hotel site. Rentals and construction are moving right along at Pinnacle North. Ajay glass has completed phase 1 of its expansion.

3. 2016/2017 Strategic Plan

At the April 5, 2016 Planning/Development Committee meeting, the committee reviewed and discussed the Strategic Plan. Councilmembers were asked to review the plan and bring suggestions to the next Planning/Development Committee agenda to remove or add items and/or change priorities.

Cindy led a discussion on the strategic plan by reviewing the active goals in the strategic plan and again asked Council members for suggestions. Some ideas were shared. Some ideas were shared. The Committee plans to finalize the plan at its next meeting.

APPENDIX B
ENVIRONMENTAL/PARKS COMMITTEE
Tuesday, April 12, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: Nick Cutri, Chair; Matt Martin; Anita Twitchell **Absent:** David Whitcomb

Other Council Members: Ellen Polimeni, Jim Terwilliger, Karen White, Robert O'Brien

Staff: Ted Andrzejewski, John Goodwin, Jim Sprague, Jon Welch

Meeting called to order at 7:00 PM

1. Special Event – Canandaigua Classic Half Marathon + 5K

Last year was the first year that the Canandaigua Classic Half Marathon + 5K was held. According to the event organizer, 688 participants ran in the event last year. City staff spent a significant amount of time assisting the event organizer in planning for the event and coordinated meetings with other stakeholders such as the NYSDOT and Ontario County Sheriffs. The event did not go completely as planned, as certain commitments from the event organizer were unmet. For example nearly every deadline for submittals was missed, VA Police were unaware of the event, traffic cones were not provided by the event organizer as promised, runners did not stay in the shoulder of the roadway and the event organizer did not have volunteers as promised to direct runners. There are additional concerns for this year's event. Last year's traffic control plan worked due to a large number of Volunteer Fire Police (from surrounding fire companies on mutual aid and City volunteer companies) that assisted in controlling traffic. This year there has been no commitment of these volunteers. As a result, nearly the entire Police Department would be required to fulfill the traffic control plan and it is very unlikely that the City will have the staff necessary for this event. Further, the required submittals (NYSDOT permit, insurances, letters from the VA and Sonnenberg Gardens approving the use of their property) have not yet been submitted. Due to the size of the event and the above issues, the item is before the Environmental / Parks Committee for review, discussion and re-approval.

The Committee requested that staff meet with the event organizer to work out issues and staff concerns as well as methods to lower the overall costs of the event. Anita Twitchell made a motion to table the item 2nd by Matt Martin. 3-0 vote

2. Special Event – Kicking it for the Troops (Claudia McCarthy)

We received an application for a new 5K event for May 15th. The event's purpose is to raise funds/donation items for Blue Star Mothers of America in Canandaigua. The event organizer, Claudia McCarthy, has been invited to present the event to the Committee.

Motion to approve the event made by Matt Martin, 2nd Anita Twitchell. 3-0 vote.
Resolution for the May 5th meeting.

3. Pesticide Moratorium

The use of pesticides, fertilizers and other turf and landscape chemicals has been on the agenda of various Committees every year for quite some time. Most recently, the City Council voted down a proposed ordinance to ban their use in the City's right-of-way. Joel Freedman spoke at the February 4, 2016 City Council meeting asking that the City Council consider a 5 year moratorium on pesticide use in the City's parks. The item was referred to the Environmental/Parks Committee for further discussion.

APPENDIX B (Continued)
ENVIRONMENTAL/PARKS COMMITTEE
Tuesday, April 12, 2016
7:00 p.m.
Hurley Building Conference Room

City Council adopted a Turf and Landscape Management Policy for All City Maintained Lands via Resolution #2010-037 (attached) after discussing the use of pesticides and fertilizers with representatives from the Cornell Cooperative Extension, Kevin Olvany, Watershed Program Manager and city staff. In accordance with this policy the City utilizes an Integrated Pest Management (IPM) program in combination with sound agricultural and horticultural practices. To summarize the City policy very briefly: the City monitors the conditions and only utilizes chemicals when necessary.

Motion to approve a moratorium on any chemicals that would require a warning flag/sign made by Anita Twitchell, 2nd by Matt Martin. Motion amended by Matt Martin to include bi-annual reports on effects of the moratorium from City staff, 2nd Anita Twitchell. 3-0 vote. Resolution for the May 5th meeting.

APPENDIX C
ORDINANCE/CHARTER COMMITTEE
Thursday, April 19, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: David Whitcomb, Chair; Nick Cutri; Karen White; Matt Martin (arrived 7:07);

Other Council members: Ellen Polimeni; Jim Terwilliger

Staff: Ted Andrzejewski; John Goodwin; Michele Smith

Meeting called to order at 7:00 PM

1. Zoning Code Amendment – Tobacco Stores in C-1 “Restricted Commercial District”

In January, Gary Liotta of Santiago Cigar Factory Inc., requested that a zoning amendment be made in C-1 “Restricted Commercial Districts” in the City by adding tobacco stores to the list of permitted uses. It was Mr. Liotta’s intent to open a cigar lounge on the corner of Main St. and Chapel St. At the January 19th meeting, the Ordinance/ Charter Review Committee voted to approve the re-zoning request and the City Council, at its February 4th meeting, set a public hearing for its March 3rd meeting. During the March 3rd public hearing, several members of the public spoke against the amendment and the item was referred back to committee. Mr. Liotta has since withdrawn his request for the amendment.

Recommends that the pending ordinance be lifted from the table and voted down. Motion made by Nick Cutri, 2nd by Karen White. Vote 3-0

2. Tree Advisory Board’s Proposed Ordinance relative to Trees and Public Property

The Tree Advisory Board has been drafting a new Tree and Public Property ordinance over the last year and is prepared to present their proposed ordinance (attached) to the Committee for its consideration.

Motion to recommend approval made by Nick Cutri, 2nd by Matt Martin. Vote 4-0

3. Charter Review – have had 6 applicants express an interest in being on the Committee. They will be invited to next meeting to be advised of the process and expectations. May have first meeting right after the Ordinance meeting.

Meeting Adjourned at 7:42

APPENDIX D
FINANCE/BUDGET COMMITTEE
Thursday, April 26, 2016
7:00 p.m.
Hurley Building Conference Room

Committee: James Terwilliger, Chair; Robert O'Brien; Karen White , Cindy Wade

Other Council members: Ellen Polimeni; Nick Cutri; Matt Martin

Staff: Ted Andrzejewski , John Goodwin, Jim Sprague, Jon Welch

Meeting called to order at 7:00 PM

1. Year End Audit Report

The unaudited financial statements were presented to the Finance/Budget Committee at its February 23, 2016 meeting. 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 2015 audit. The draft audit report will be sent via email along with this agenda. **Thomas Zuber from Raymond F. Wager presented the executive summary of the 2015 financial statements. He stated that the City is in strong financial condition.**

2. Special Event - Canandaigua Classic Half Marathon + 5K

The Environmental/Parks Committee discussed this event at their April 12, 2016 meeting and requested staff meet with the event organizer to work out issues and staff concerns as well as methods to lower the overall costs of the event. Staff has held two meetings with the event organizer and through a combination of training volunteers, closing streets with trucks/equipment and a change in the proposed route have been successful in lowering the overall costs of the event. The event organizer will not be able to attend the Committee meeting, but has agreed to the changes and expressed her gratitude to City Council and City staff for working to resolve the issues and lower costs. **The City Manager reported on the meeting with the event organizer and that the costs of the event were lowered as a result of a change in the proposed route, providing training for volunteers and closing streets with trucks/equipment.**

3. Budget Amendment – Appropriation from Cemetery Fund

The 2016 Capital Budget included \$10,000 from the Capital Reserve to repair the stone wall on the southern boundary of the Pioneer Cemetery. The wall is in disrepair and certain sections are crumbling into the back yards of properties that front Chapin Street. Quotes for the work were obtained recently and the lowest quote was for \$13,730.98. Staff is recommending that City Council appropriate \$4,000 from the Cemetery Fund account for the difference. **Motion to approve Robert O'Brien, 2nd Cindy Wade. Approved by 4-0 vote.**

4. Surplus Vehicles & Equipment

Each year the City replaces various vehicles and equipment through the Capital Budget and Plan which necessities that various vehicles and equipment that have been replaced and/or have become obsolete be declared surplus and disposed of through public auction, sealed bid or as trade-ins. The funds received from the auction and/or sale of the surplus items is deposited into to the Capital Reserve. **Motion to approve Cindy Wade, 2nd Karen White. Approved by 4-0 vote.**

APPENDIX D (Continued)
FINANCE/BUDGET COMMITTEE
Thursday, April 26, 2016
7:00 p.m.
Hurley Building Conference Room

5. Budget Items

During the March 22nd Finance/Budget Committee meeting, Council members present discussed a list of budget items submitted by Councilmembers to determine which items should be removed from the list or discussed further. None of the six items listed were removed from the list. Over the next several Committee meetings one or two items will be listed on the agenda for further discussion and deliberation.

- **Special Event Policy**

- Should the City be recouping all actual expenses (not just overtime)?
- Can the City find a way to lower the costs to event sponsors?

The Committee asked staff to contact other municipalities (noted were Geneva and Batavia) for examples of special event policies with particular interest in municipal fees and costs for the events. The item will be on the agenda of the May Finance/Budget Committee agenda.

- **Mayor & City Council Salary**

- Should the salary be increased due to the time requirements and to encourage more residents to run for office?

The Councilmembers present did not support raising the salary of the Mayor or City Council.

Meeting Adjourned at 8:50 PM