

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING  
THURSDAY, JUNE 5, 2014 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 2 Ian Boni  
Councilmember Ward 4 Cindy Wade  
Councilmember-at-Large Maria Bucci  
Councilmember-at-Large William Taylor  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large David Whitcomb  
Mayor Ellen Polimeni

**Members Absent:**

Councilmember Ward 3 Karen White

**Also Present:**

Corporation Counsel Michele O. Smith  
Deputy City Clerk-Treasurer Carol Jensen

Mayor Polimeni stated the Councilmember Ward 3 White is absent due to a family emergency.

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

**Public Hearings:**

Ordinance 2014-006: An Ordinance Amending Chapter 850 of the Municipal Code to Prohibit Natural Gas Extraction.

Mayor Polimeni opened the public hearing at 7:02 PM

No one was present to speak on this Ordinance.

Mayor Polimeni closed the public hearing at 7:03 PM

**Approval of Minutes:** Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of May 1, 2014. Councilmember-at-Large Whitcomb seconded the motion.

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

**Recognition of Guests:**

- Denise Chaapel, the new Business Improvement District “BID” President reported on the May BID meeting and the activities planned for the summer.
- Joseph Klimek, CPA, Toski & CO. PC reported on the 2013 Financial Statements for the City of Canandaigua as well as the Federal and State Single Audit Reports. The City received a “clean, unmodified” opinion on all statements.

- Joel Freedman, 329 North Main Street, is working on a modified plan for use of pesticides and spoke about some of the issues surrounding a more restrictive ordinance.
- Dr. Christopher Ritchlin, Canandaigua, Professor of Medicine and Division Chief of Allergy, Immunology and Rheumatology at UR Medical Center and a bee keeper. He spoke on the impact on human health with the use of pesticides. Also, the bee populations are declining, especially in the last five years, due to the use of pesticides and by destroying their habitats which are wildflowers and clover.
- Laura Ouimette and David Poteet, members of City of Canandaigua Tree Advisory Board, gave a report about their work over the last three years.

**See Report – Attachment 7A**

### **Committee Reports:**

**Environmental:** Councilmember-at-Large Taylor reported that the Environmental Committee met on May 13<sup>th</sup> and discussed the following:

#### **Minutes – Attachment 7B**

- Special Event- Twilight 5K
- Special Event – Downtown Art and Music Festival
- Special Event – Waterfront Art Festival

**Ordinance:** Councilmember-at-Large Whitcomb reported that the Ordinance Committee met on May 20<sup>th</sup>, and discussed the following:

- Request to allow Seager Marine Customers to Park on the Pier past 9:00 PM
- Swimming Pool Regulations
- Food Truck Vendors

**Finance:** Councilmember-at-Large Terwilliger reported that the Finance Committee met on May 27<sup>th</sup>, and discussed the following:

#### **Minutes – Attachment 7C**

- 2013 Audit Report – Toski & Co., P.C.
- Assistant Aquatics Supervisor
- Incident Command
- Execution of a Contract to Perform Sewer Inspections
- Surplus Equipment

**Planning:** Councilmember Ward 4 Wade reported that the Planning Committee met on June 3<sup>rd</sup> and discussed the following:

**Minutes – Attachment 7D**

- Short Environmental Assessment Form
- Strategic Plan – Final Review
- Downtown Development of Signature Building
- Downtown Redevelopment/Rehabilitation

**Watershed Council** – Met Tuesday June 3<sup>rd</sup> and voted on executing an intermunicipal agreement with the City of Canandaigua.

**Resolutions:**

**Resolution #2014-047:**

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

**A RESOLUTION AUTHORIZING THE CREATION OF ONE PART-TIME ASSISTANT AQUATICS SUPERVISOR POSITION**

**WHEREAS**, the City of Canandaigua desires to add a part-time Assistant Aquatics Supervisor for the 2014 swimming season; and

**WHEREAS**, the hourly rate will be \$13.50; and

**WHEREAS**, sufficient funding exist in the adopted 2014 City of Canandaigua budget, under the Parks Maintenance salaries and the Culture & Recreation, Kershaw Beach Program salaries; for this part-time position;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby authorizes the creation of one part-time Assistant Aquatics Supervisor position at a rate of \$13.50 per hour; and further authorizes the Director of Public Works to fill this position.

The motion CARRIED UNANIMOUSLY on the following vote:

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Resolution #2014-048:**

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

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH  
JAMKO INDUSTRIAL SOLUTIONS**

**WHEREAS**, each year the City of Canandaigua requests quotations to perform television inspections of various sanitary sewer pipes located in the City; and

**WHEREAS**, a collection of sewers ranging from 8-inch to 12-inch have been identified for inspection this year by means of closed circuit television specifically designed and constructed for sewer inspection; and

**WHEREAS**, proposals to complete the required televising inspections for this project were received on 17 April 2014; and

**WHEREAS**, two cost proposals were submitted for this work; and

**WHEREAS**, the proposal submitted by Jamko Industrial Solutions is the lowest responsible proposal; and

**WHEREAS**, Jamko Industrial Solutions has the experience and qualifications necessary to perform this work; and

**WHEREAS**, funding for this inspection work is included in the 2014 City of Canandaigua adopted budget in the sewer fund outside services budget;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby authorizes the City Manager to enter into a contract with Jamko Industrial Solutions, 932 Sohn Alloway Road, Lyons, NY 14489 for a not-to-exceed sum of \$16,238.75.

The motion CARRIED UNANIMOUSLY on the following vote:

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Resolution #2014-049:**

Councilmember Ward 2 Boni read the following Resolution and moved for its adoption. Councilmember, Ward 1 Cutri seconded the motion.

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

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

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

**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 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Resolution #2014-050:**

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

**A RESOLUTION OF THE CANANDAIGUA CITY COUNCIL REAFFIRMING OUR  
VISION AND MISSION STATEMENTS  
AND OUR CORE VALUES,  
AND ADOPTING A NEW STRATEGIC PLAN**

**WHEREAS**, the existence of clearly communicated Vision, Mission, and Core Values Statements can serve as the foundation for decision-making and organizational culture and behavior, providing constant direction in the face of changing circumstances and forming the basis for goals, objectives and implementation plans; and

**WHEREAS**, the Vision Statement describes the desired future state of the community, the Mission Statement describes the City's role in achieving the Vision, and the Core Values Statement describes the basic beliefs of our community that will guide the decisions and actions of residents, employees, public officials, and other stakeholders in the community; and

**WHEREAS**, a Strategic Plan is a logical process through which to identify and prioritize the specific goals, objectives and implementation plans that will, cumulatively and over time, achieve our community vision;

**NOW, THEREFORE BE IT RESOLVED** by the Canandaigua City Council that our Vision Statement and Mission Statements and our Community Core Values are reaffirmed, and the attached 2014-2015 Strategic Plan is hereby adopted; and

**BE IT FURTHER RESOLVED**, that the City Manager and city staff are directed to develop strategies to achieve these objectives including the necessary budget to be considered in future years.

The motion CARRIED UNANIMOUSLY on the following vote:

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Resolution #2014-051:**

Councilmember, Ward 1 Cutri read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION AUTHORIZING SPECIAL EVENTS**

***Twilight 5K, Downtown Canandaigua Art & Music Festival, Waterfront Art Festival***

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

▶ ***‘Twilight 5K’***

Date: July 31, 2014

Location: Start & Finish at Sonnenberg Gardens, Run Along City Streets

Coordinator: American Red Cross

Purpose: Fundraiser

Expected Number of Participants: 1,000

▶ ***‘Downtown Canandaigua Art & Music Festival’***

Date: July 18-20, 2014

Location: Main Street Sidewalks from Railroad Tracks to Byrne Dairy, Commons Park, Coach Street from Main Street to Parking Lot Entrance, and Parking Lot Entrance and Parking Lot next to Chamber of Commerce

Set-Up Time: July 17, 4 p.m. & July 18, 7 a.m.

Event Time: July 18, 12 p.m. – 7 p.m., July 19 & 20, 10 a.m. – 5 p.m.

Coordinator: Downtown BID

Benefit: Attract Visitors Downtown

Expected Number of Participants: 30,000

▶ ***‘Waterfront Art Festival’***

Date: July 26-27, 2014

Location: Kershaw Park

Set-Up Time: July 25, 8 a.m.

Time of Event: 10 a.m. – 5 p.m.

Coordinator: Lynne Crawford

Purpose: Art Festival Show & Sale  
Expected Number of Participants: 13,000

**WHEREAS**, these requests were reviewed and approved at the May 13, 2014 Environmental Committee meeting;

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

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

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

Discussion:

Lynne Crawford, Waterfront Art Festival Organizer, had Mayor Polimeni read a letter prepared by her attorney Charles J. Genese. **Attachment 7E – Copy of Letter**

The motion CARRIED UNANIMOUSLY on the following vote:

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Resolution #2014-052:**

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ENTER INTO A CONSULTING AGREEMENT**

**WHEREAS**, the City Manager is in the process of filing the vacancy of Assistant City Manager; and

**WHEREAS**, the City Manager has requested permission to hire a consultant to assist with managerial duties during that hiring process;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Manager is authorized to execute a Professional Services Agreement to assist in tasks and duties as designated by the City Manager, in an amount not to exceed \$15,000, which amount shall be taken first from any unused budget appropriation, including salary and benefits, due to the vacant Assistant City Manager position, with any additional funds, if needed, to be taken from contingency.

The motion CARRIED UNANIMOUSLY on the following vote:

**AYES:**Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Resolution #2014-053:**

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

**A RESOLUTION FINDING NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS FROM THE 2014 WATER SYSTEM IMPROVEMENTS PROJECT**

**WHEREAS**, the City of Canandaigua has developed detailed designs of multiple improvements to the water distribution system consisting of new inter-connections between existing water mains; and

**WHEREAS**, adding these inter-connections to the water distribution system requires New York State Department of Health, and potentially other State or Federal agencies, approval; and

**WHEREAS**, securing the required approvals includes the completion of an environmental review of the project under the New York State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the New York State Department of Environmental Conservation (NYSDEC) has reviewed the project design and offered its opinion that the project is an Unlisted Action under SEQRA; and

**WHEREAS**, City of Canandaigua Department of Public Works staff have completed the SEQRA Short Environmental Assessment Form and reached the same conclusion as the NYSDEC; and

**WHEREAS**, the City of Canandaigua City Council is the lead agency for this SEQRA determination;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Canandaigua City Council hereby finds that the 2014 Water System Improvements project will not result in any significant adverse environmental impacts.

The motion CARRIED UNANIMOUSLY on the following vote:

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Resolution #2014-054:**

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF CANANDAIGUA, TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE CANANDAIGUA LAKE WATERSHED COUNCIL**

**WHEREAS**, the Watershed Council has been charged with the responsibility of implementing the Canandaigua Lake Watershed Management Plan; and

**WHEREAS**, the Watershed Council believes that such responsibility is best served through a Watershed Program Manager; and

**WHEREAS**, the members of the Watershed Council reauthorized the Intermunicipal Agreement in 2010; and

**WHEREAS**, the City has the human resource and accounting capabilities along with the physical space to host such a position; and

**WHEREAS**, the City recognizes the benefit to the City by hosting the position of Watershed Program Manager; and

**WHEREAS**, the Watershed Council has agreed to reimburse the City for expenses identified in this agreement for the position of Watershed Program Manager;

**WHEREAS**, pursuant to Section 64 of Town Law, Article 4 of Village Law, and Sections 119-o and 239-n of General Municipal Law, municipalities may enter into contracts and agreements necessary to carry out their respective functions for the benefit of the municipality;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Manager is authorized to execute the attached Inter-Municipal Agreement with the Canandaigua Lake Watershed Council for the provision of the position of

and service for the position of "Watershed Program Manager".

The motion CARRIED UNANIMOUSLY on the following vote:

**AYES:**Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Ordinances:**

**Ordinance #2014-005:** *(Introduced and tabled at the May 1, 2014 Council Meeting)*

**AN ORDINANCE AMENDING  
CHAPTER 527 OF THE MUNICIPAL CODE,  
"PAWNBROKERS, SECONDHAND DEALERS AND JUNK DEALERS"**

Lift from the table: Councilmember-at-Large Whitcomb moved to lift Ordinance 2014-005 from the table. Councilmember-at-Large Bucci seconded the motion.

*Vote Result: Carried unanimously by voice vote.*

Vote: Councilmember-at-Large Whitcomb moved to approve Ordinance 2014-005. Councilmember Ward 2 Boni seconded the motion.

**AYES:**Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Ordinance #2014-006:** *(Introduced and tabled at the May 1, 2014 Council Meeting)*

**AN ORDINANCE AMENDING  
CHAPTER 850 OF THE MUNICIPAL CODE  
TO PROHIBIT NATURAL GAS EXTRACTION**

Lift from the table: Councilmember-at-Large Bucci moved to lift Ordinance 2014-006 from the table. Councilmember Ward 2 Boni seconded the motion.

*Vote Result: Carried unanimously by voice vote.*

Vote: Councilmember-at-Large Bucci moved to approve Ordinance 2014-006. Councilmember Ward 2 Boni seconded the motion.

**AYES:**Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Ordinance #2014-007:**

Councilmember Ward 2 Boni read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
RELATIVE TO SWIMMING POOLS**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

**Sec. 1** That chapter 850, section 55 of the Municipal Code (entitled “Swimming Pools”), is hereby amended as follows: (deletions stricken, additions **bold**):

**A. Building permit requirements.**

- (1) **A building permit is required for the installation of all swimming pools. For the purpose of this section the term “Swimming Pool” means any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools. All new and existing swimming pools shall meet the applicable requirements of the New York State Uniform Fire Prevention and Building Code and National Electric Code**
- (2) **Building permit application shall be made to the Code Enforcement Officer and accompanied by: two complete sets of plot plans showing all lot lines, existing structures, yard measurements and proposed lighting facilities drawn accurately to scale**
- (3) **The water line of a swimming pool shall not be nearer than 10 feet to the rear or side property line of the premises, 10 feet to any structure, and the total pool area (including water and apron) shall not occupy more than 10% of the total area of the lot on which it is located.**
- (4) **No swimming pool shall be permitted in a required front yard or side yard.**

~~A. Building permit requirements.~~

- ~~(1) All private swimming pools having over 300 cubic feet capacity which shall be moved, erected, constructed or excavated either above, below or partly above and below grade level shall require a building permit.~~
- ~~(2) Building permit application shall be made to the Code Enforcement Officer and accompanied by~~
  - ~~(a) Two complete sets of construction plans drawn accurately to scale for in-ground pools.~~
  - ~~(b) Two complete sets of plot plans showing all lot lines, existing structures, yard measurements and proposed lighting facilities drawn accurately to scale.~~

- ~~(c) All plans for private in ground swimming pools of capacity in excess of 1,500 cubic feet shall be designed by a licensed New York State professional engineer or architect.~~
- ~~(3) The water line of a swimming pool shall not be nearer than 10 feet to the rear or side property line of the premises, 10 feet to any structure, and the total pool area (including water and apron) shall not occupy more than 10% of the total area of the lot on which it is located.~~
- ~~(4) No swimming pool shall be permitted in a required front yard or side yard.~~
- ~~(3) The building permit fee shall be based on cost of pool, in accordance with the building permit fee schedule provided in this chapter.~~
- ~~(4) The Code Enforcement Officer shall periodically inspect all swimming pools to determine whether or not the provisions of all ordinances and codes regarding swimming pools are being met.~~
  - ~~(a) All requirements of the Zoning Ordinance as to building permit requirements, building permit applications and additional requirements as to accessory use swimming pools setback and side line regulations shall be met.~~
- ~~(5) All applications for swimming pool permits shall comply with the provisions of the National Electric Code as approved by the New York State Board of Fire Underwriters.~~
- ~~(6) Proposed lighting facilities shall be installed so as to minimize potential annoyance and inconvenience to neighbors. This information shall be indicated on the plans submitted by the applicant and subject to review by the Code Enforcement Officer.~~
- ~~(7) Property owners shall notify the Building Department upon completion of pool installation and, when approved, shall be issued a certificate of compliance.~~
- ~~(8) Classification of pools.~~
  - ~~(a) "Wading pool" is any pool not having a water depth exceeding 18 inches.~~
  - ~~(b) "Swimming pool" is any pool having a water depth exceeding 18 inches.~~
  - ~~(c) A pool located on the property belonging to a single family or a two family dwelling and for the exclusive use of the occupants thereof and their families and guests shall be classified as a private pool.~~
  - ~~(d) All other pools for the purpose of this chapter shall be classified as public pools.~~

~~B. Fencing requirements.~~

- ~~(1) All outdoor swimming pools below or no higher than ground level shall be completely enclosed by a fence.~~
  - ~~(a) All fence openings or points of entry into the pool area shall be at least four feet in height and not more than six feet in height above grade level.~~
  - ~~(b) Such fence shall be constructed of a minimum number 11 gauge woven wire mesh corrosion resistant material, or similar material, redwood, or similar material, with maximum openings of no more than four inches. All gates shall be equipped with self closing and self latching openings placed at a minimum of three feet six inches above the base of the fence.~~
- ~~(2) All aboveground pools three feet high or less with a diameter of eight feet or more, shall be completely enclosed by a fence as required in belowground or ground-level pools.~~
- ~~(3) All aboveground outdoor swimming pools with an attached stationary ingress or entrance ladder having no part of its outside wall height less than four feet above the ground and so constructed that the vertical sides are smooth or sheer, and do not provide any means for immediate foot or hand holes, may be exempt from the pool fence requirements of the above described ground level pools.~~
  - ~~(a) However, a full height fence as described above in regard to height and material and with a self closing, self latching gate capable of being locked shall enclose the ladder and platform area by not less than four feet in width and four feet in depth, and the ladder and platform shall remain permanent therein.~~

- (4) ~~All aboveground pools with a minimum clearance of not less than four feet that have a retractable safety ladder which can be raised, secured and locked when the pool is not in use may be exempt from the fence requirements of this chapter.~~
- (5) ~~The walls of a dwelling and/or its accessory building may act as an integral part of the fence, but any openings or doors, etc., shall also be kept locked while premises are unsupervised by an adult.~~

~~C. Additional requirements.~~

- (1) ~~Private swimming pools may be erected or installed only as an accessory to a dwelling and for the private use of the owner or occupant and their families and guests.~~
- (2) ~~Any swimming pool on any property having more than two family dwelling units shall comply with the provisions of this chapter in addition to any state and county regulations pertaining to public swimming pools.~~
- (3) ~~The water line of a swimming pool shall not be nearer than 10 feet to the rear or side property line of the premises, 10 feet to any structure, and the total pool area (including water and apron) shall not occupy more than 10% of the total area of the lot on which it is located.~~
- (4) ~~No swimming pool shall be permitted in a required front yard or side yard.~~

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

**Local Law:** (None)

**Manager's Report:**

Michele Smith, Corporation Counsel, reported on the following:

- Reminder of the use of the Town of Canandaigua Municipal Transfer Station for City residents on the 2<sup>nd</sup> and 4<sup>th</sup> Saturday from 1-4 pm. They must purchase cards in advance at City Hall or DPW.
- Reminder that yard waste will be picked up on your regularly scheduled curbside pickup and must be loose in a trash can or in a brown paper bag.
- The City is in a partnership program with Pathstone in which City residents can apply for grants for energy saving home improvements. They now will take applications from City residents who have suffered storm or flood damage. Applications can be found on the City website to determine if you are eligible for a grant.
- There are applications available on the City website if you are interested in marching in the parade or being a vendor for the 4<sup>th</sup> of July.
- Farmer's Market opens this weekend.
- Plein Air festival this weekend.
- Relay for Life at the Academy this weekend.

**Appointments:**

- Councilmember, Ward 1 Cutri moved to appoint Lou Loy to the BID Board. Councilmember-at-Large Whitcomb seconded the motion.  
*Vote Result: Carried unanimously by voice vote. (8-0)*

**Miscellaneous:**

- Councilmember Ward 4 Wade moved to move the regular July Council meeting to Tuesday July 1<sup>st</sup>. Councilmember-at-Large Whitcomb seconded the motion.  
*Vote Result: Carried unanimously by voice vote. (8-0)*
- Councilmember-at-Large Taylor moved to schedule a public hearing on July 1<sup>st</sup> at 7:00 for Ordinance 2014-007 – An Ordinance Amending the Zoning Ordinance Relative to Swimming Pools. Councilmember-at-Large Bucci seconded the motion.  
*Vote Result: Carried unanimously by voice vote. (8-0)*
- Councilmember-at-Large Whitcomb stated that over 1,800 delinquent parking ticket notices were mailed out by the Clerk’s office requesting payment. Michele Smith, Corporation Counsel, added that the Clerk’s office was overwhelmed with the volume of calls that came into the office in regards to the letters. She thanked Carol Barb, Renee and Julie for handling all the issues in collecting the delinquent fines.
- Councilmember-at-Large Taylor reminds everyone to watch for bicycles on the roads.
- Councilmember-at-Large Bucci displayed two signs that will be going in her yard indicating that her property is a “pesticide free zone”. These signs are available at [pesticidefreezone.org](http://pesticidefreezone.org).

**Regular Session:**

Councilmember Ward 4 Wade moved to adjourn the regular session at 8:43 PM. Councilmember-at-Large Whitcomb seconded the motion.  
*Vote Result: Carried unanimously by voice vote (8-0)*

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Nancy C. Abdallah  
City Clerk-Treasurer