

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, AUGUST 6, 2015 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 4 Cindy Wade
Councilmember Ward 3 Karen White
Councilmember-at-Large Maria Bucci
Councilmember-at-Large Donna Cator
Councilmember-at-Large James Terwilliger
Mayor Ellen Polimeni

Members Absent:

Councilmember Ward 2 Ian Boni
Councilmember-at-Large David Whitcomb

Also Present:

City Manager David R. Forrest
Corporation Counsel Michele O. Smith
Assistant City Manager John D. Goodwin

Mayor Polimeni stated that Councilmember Ward 2 Boni and Councilmember-at-Large Whitcomb will be absent due to prior commitments.

Review Core Values: Councilmember Ward 1 Cutri 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-at-Large Terwilliger moved for the approval of the Council Minutes of July 2, 2015. Councilmember Ward 1 Cutri seconded the motion.

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

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of July 14, 2015. Councilmember Ward 1 Cutri seconded the motion.

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

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of July 28, 2015. Councilmember Ward 1 Cutri seconded the motion.

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

Recognition of Guests:

- Tree Advisory Board members Laura Ouimette and Dave Poteet prepared a report on the past year's activities.

SEE TREE ADVISORY REPORT - APPENDIX A

Committee Reports:

Environmental: Councilmember Ward 1 Cutri reported that the Environmental Committee met on July 14th and discussed the following.

SEE COMMITTEE NOTES - APPENDIX B

1. Sonnenberg Park Skating Rink – Condition Report
2. Restoration of reuse of carriage house at old Thompson Hospital

Planned Unit Development No Meeting

Ordinance: Ordinance Committee met on July 21th and discussed the following:

1. Potential Changes to Permitting Process for Vendors
2. Support Letter for Pinnacle North CFA
3. Sales Tax Agreement

Finance: Councilmember-at-Large Terwilliger reported that the Finance Committee met on July 28th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX C

1. Resolution Authorizing Acquisition of an Easement Across Canandaigua Lake Marine Park for Water Main
2. Potential Donation of 195 Tillotson Street
3. 2015 Budget Execution Six-Month Review/Preview of 2016
4. Proposed Change to City Investment Policy
5. Overtime Report

Planning: Councilmember Ward 4 Wade reported that the Planning Committee met on August 4th and discussed the following:

SEE COMMITTEE NOTES - APPENDIX D

1. Farmer's Market Food Vendor
2. Dog Park Update
3. Potential Change in Parking at Antis Street Lot

Resolutions:

Resolution #2015-038:

A RESOLUTION OF THE CANANDAIGUA CITY COUNCIL ISSUING FINAL SITE PLAN APPROVAL FOR THE PROPOSED COTTAGES AT CANANDAIGUA RESIDENTIAL COMMUNITY, PLANNED UNIT DEVELOPMENT

Lift from the table: Councilmember-at-Large Terwilliger moved to lift Resolution 2015-038 from the table. Councilmember-at-Large Bucci seconded the motion.

Vote Result: Carried unanimously by voice vote.

Motion: Councilmember-at-Large Terwilliger moved to withdraw Resolution 2015-038. Councilmember-at-Large Bucci seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2015-066:

Moved: Councilmember Ward 1 Cutri
Seconded: Councilmember-at-Large Cator

A RESOLUTION AUTHORIZING THE REHABILITATION AND MAINTENANCE OF THE FORMER ICE SKATING RINK AT SONNENBERG PARK

WHEREAS, there exists a former ice skating rink at Sonnenberg Park that has not been used in two decades; and

WHEREAS, at the June 9, 2015 Environmental Committee meeting, there was discussion among the committee members about rehabilitating the ice skating rink, and city staff was asked to develop cost estimates for the rehabilitation and maintenance of the ice skating rink; and

WHEREAS, at the July 14, 2015 Environmental Committee meeting staff shared the cost estimates with the committee members; and

WHEREAS, staff identified \$2,500 in unbudgeted material costs that are necessary to rehabilitate the ice skating rink; and

WHEREAS, during the course of this meeting staff was asked to prepare a resolution for the August 6, 2015 City Council meeting supporting the rehabilitation and maintenance of the ice skating rink; and

WHEREAS, the City Manager recommends that the cost of rehabilitating the ice skating rink be funded through the contingency fund;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to direct city staff to rehabilitate and maintain the former ice skating rink

at Sonnenberg Park using up to \$2,500 in materials costs which shall be funded through the contingency fund.

Discussion: *Councilmember Ward 3 White and Councilmember-at-Large Bucci are not in support of this resolution because this is not a need that we should be taking out of contingency at this time. We have already approved numerous items out of contingency and are only two thirds of the way through the year. This should be part of the budget discussions for 2016. Staff is also preparing a park master plan and we should look at the needs for all the parks.*

Other Council members including Councilmember-at-Large Terwilliger and Councilmember Ward 4 Wade stated for a nominal cost we can see if this is something we want to do long term. This is also a collaborative project with the residents who will help maintain the skating rink.

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: Councilmember Ward 3 White, Councilmember-at-Large Bucci

Resolution #2015-067:

Moved: Councilmember-at-Large Bucci

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING THE
CITY MANAGER TO MAKE GRIEVANTS WHOLE**

WHEREAS, on December 22, 2014 the Canandaigua Police Benevolent Association (PBA) filed a grievance alleging that the city improperly administered the wage steps in violation of the Collective Bargaining Agreement (CBA); and

WHEREAS, on January 2, 2015, the Police Chief denied the grievance based upon language in the CBA; and

WHEREAS, on January 13, 2015 a hearing was held in the office of the City Manager relative to the grievance resulting in its denial by the City Manager; and

WHEREAS, per the CBA, if the grieving officer and/or association is not satisfied with the decision of City Manager binding arbitration may be requested in writing by the Union; and

WHEREAS, an arbitration hearing was held on May 28, 2015; and

WHEREAS, on July 7, 2015 the Arbitrator ruled that the City violated the CBA when it failed to give step increases to certain lateral transfers, and further that the grievants should be placed at the appropriate salary step and made whole for the loss of salary; and

WHEREAS, the cost of making the grievants whole and funding the additional increase in wages for the remainder of the year is estimated to be \$15,000; and

WHEREAS, the City Manager requests a budget amendment to increase the public safety budget in the amount of \$15,000 which will be funded by contingency;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to make the grievants whole and approves a budget amendment to increase the public safety budget by \$15,000 which will be funded by contingency.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2015-068:

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Wade

A RESOLUTION AUTHORIZING AN AGREEMENT FOR GRANT OF PUBLIC UTILITY EASEMENT WITH THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

WHEREAS, the City of Canandaigua wishes to construct improvements to the water distribution system; and

WHEREAS, one of these improvements is a new water main that will be installed across the Canandaigua Lake State Marine Park; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation requires that an agreement for grant of public utility easement be executed before this construction can be pursued; and

WHEREAS, the New York State Office of Attorney General requires that the City of Canandaigua City Council pass a resolution approving the terms of the easement and person authorized to execute the easement agreement on behalf of the City, and

WHEREAS, the City of Canandaigua Corporation Counsel has reviewed and approved the subject easements; and

WHEREAS, funding for the associated fee of five thousand four hundred and forty dollars (\$5,440.00) exist in the adopted 2015 City of Canandaigua budget, water fund; and

WHEREAS, the City Manager and the Director of Public Works recommend that the subject easements be signed and the associated fee be paid:

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes

the City Manager to sign the Agreement for Grant of Public Utility Easement with the New York State Office of Parks, Recreation and Historic Preservation, and authorizes the payment of the associated \$5,440.00 fee.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2015-069:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember-at-Large Bucci

A RESOLUTION ACKNOWLEDGING THE CONTINUATION OF THE SALES TAX DISTRIBUTION AGREEMENT WITH ONTARIO COUNTY AND THE CITY OF GENEVA

WHEREAS, Resolution No. 2006-021 authorized a formal Agreement with the Cities of Canandaigua and Geneva and Ontario County for the distribution of County sales tax revenues among the cities, towns and villages of Ontario County; the Agreement provides a term of March 1, 2006, through December 31, 2015, and the Agreement provides for review of the sales tax distribution and methodology and proposal of changes between January 1, 2015 and June 30, 2015; and

WHEREAS, the Agreement further provides that the distribution formula shall continue until the County or the cities shall determine otherwise; and

WHEREAS, the County and the cities have met and do not propose any changes to the distribution formula but instead recommend that the distribution formula in the Agreement continue for the 2016 calendar year;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City acknowledges that the 2006 Agreement for the Disposition of County Sales Tax Revenue between Ontario County and the Cities of Geneva and Canandaigua shall continue under the same formula through 2016 and until a party to the agreement determines otherwise; and

BE IT FURTHER RESOLVED that the City of Canandaigua agrees that the County of Ontario shall include continuation of the twenty five thousand dollar (\$25,000) set-aside in the year 2016 for each of the two cities, bringing each city's total set-aside amount to \$250,000 for 2016; and

BE IT FURTHER RESOLVED that the County and Cities shall meet and review the sales tax distribution and methodology in the Agreement and propose any changes between January 1, 2016, and June 30, 2016; and

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to Geneva City Manager, the County Administrator, the Department of Finance/Treasurer, and the County Attorney.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2015-070:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 1 Cutri

A RESOLUTION AMENDING THE CITY OF CANANDAIGUA’S “VENDING GUIDELINES AND REGULATIONS - DOWNTOWN CENTRAL BUSINESS DISTRICT AND CITY PARKS”

WHEREAS, the City has established guidelines and regulations for vending in the Downtown Central Business District and City Parks; and

WHEREAS, the Ordinance Committee of the City Council, at its meeting of July 21, 2015, reviewed and recommended amendments to the Vending Guidelines and Regulations of the Downtown Central Business District and City Parks;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that the attached guidelines shall be effective January 1, 2016.

Discussion: Councilmember-at-Large Terwilliger will support the resolution at this time but he is not sure this was discussed enough in committee. There may be unintended consequences due to this change, however, he supports trying this for next year to see how it goes.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None.

Resolution #2015-071:

Moved: Councilmember-at-Large Cator

Seconded: Councilmember Ward 4 Wade

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF 195 TILLOTSON STREET AS REAL PROPERTY DONATED TO THE CITY OF CANANDAIGUA

WHEREAS, the current property owner of 195 Tillotson Street has indicated her desire to donate this property to the City of Canandaigua; and

WHEREAS, the City is willing to accept as a charitable gift the Property Owner's rights, title and interest in and to the property (including any and all easements, rights-of-way, privileges and appurtenances inuring to the benefit thereof), subject to the City being assured that the property owner has clear and marketable title to the property; and

WHEREAS, the Finance Committee, at its July 28th meeting, reviewed and endorsed the acceptance of this donation of real property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Council hereby agrees to accept as a donation from Property Owner, the land and any improvements located at 195 Tillotson Street , located in the City of Canandaigua, County of Ontario, State of New York under the following conditions:

- 1) The City can obtain the necessary title search and survey of the property for no more than \$1500; and
- 2) After review of the Abstract of Title it is determined that the City can obtain clear and marketable title to the property; and
- 3) There are no known environmental issues discovered on the property.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to expend up to \$1500 from contingency funds for a title search and a real property survey of the land to be donated at 195 Tillotson Street; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute and deliver all necessary transfer documentation and affidavits customarily delivered in relation to a real estate transfers, to be recorded in the Ontario County Clerk's Office.

***Discussion:** Councilmember Ward 3 White will not support this resolution because this is another example of a want and not a need, and an inappropriate use of contingency. This item should be part of the budget planning discussions for next year.*

Councilmember Ward 1 Cutri moved to amend the estimated total costs of acquiring this property to be no more than \$1,000 not \$1,500 as stated in the resolution. Councilmember Ward 4 Wade seconds the motion. City manager is concerned about not reducing the amount in the resolution. Councilmember Ward 1 Cutri and Councilmember Ward 4 Wade withdraw the motion and second.

Councilmember-at-Large Bucci suggested tabling this resolution until the Council receives the park master plan from staff so will not support the resolution at this time.

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: Councilmember Ward 3 White, Councilmember-at-Large Bucci.

Resolution #2015-072:

Moved: Councilmember-at-Large Cator

Seconded: Councilmember Ward 4 Wade

A RESOLUTION AUTHORIZING A SPECIAL EVENT
Canandaigua Farmer's Market

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

- ***Canandaigua Farmer's Market***

Date: Summer Market, June to October; Winter Market, November to May

Location: Summer Market, Mill Street Pavillion; Winter Market, Antis Street Parking lot.

Coordinator: Rich Reidman

Time: Summer Market, 8:30 a.m. – 12:30 p.m.; Winter Market, 10:00 a.m. – 11:00 a.m.

Purpose: Provide consumers with access to locally produced agricultural and related goods.

Expected Number of Participants: 300-500 customers.

WHEREAS, this request was reviewed and approved at the August 4, 2015 Planning 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 locations listed under the following conditions:

- 1) The intention of the Canandaigua Farmer's Markets is to provide consumers with access to locally produced fruits, vegetables, meats, cheeses, baked goods, flowers, honey, jams/jellies, and other food related items grown and produced locally.
- 2) No more than 20% of vendor slots maybe occupied by other complimentary businesses and or greater Canandaigua area based organizations like, but not limited to, education, health and wellness and community assistance.
- 3) The market is limited to 1 food vendor that prepares food for on-site consumption. Said vendor shall only provide farm-to-table products as defined below. The limitation of 1 food vendor does not apply to "brick and mortar" restaurants and establishments located in the Business Improvement District or Downtown Canandaigua, provided that all products are farm-to-table as defined below.
- 4) The Farmer's Market may also feature educational organizations including those for students of culinary arts for the purposes of teaching farm-to-table; farming educational organizations or Canandaigua-based educational organizations.
- 5) Set-up and take down will occur no earlier than 1 hour prior and no later than 1 hour after the event start and end times.
- 6) Vendors that do not operate from their vehicles will park in another location to ease congestion and impact to local businesses.

For the purposes of this special event farm-to-table shall mean the use of products from a farmer/vendor at the Farmer's Market to produce a prepared product for on-site consumption.

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 alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) 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
- 4) that the event coordinator will ensure that all tents and food vendors 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, if any, 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: Councilmember-at-Large Bucci asked why the vendors are limited to one in this resolution. Many farmer's markets have more than one vendor. Mayor Polimeni stated that this was a proposal that was agreed to by the farmer's market and the downtown restaurants. Corporation Counsel Michele Smith stated that this resolution sets forth the rules for the farmers Market and it will become an occurring event. If the farmers market wants to change any of the rules, such as adding more vendors next year, they will have to come before City Council for approval.

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: Councilmember Ward 3 White

Resolution #2015-073:

Moved: Councilmember Ward 2 Boni

Seconded: Councilmember-at-Large Whitcomb

A RESOLUTION AMENDING § 648-23, ENTITLED "PARKING TIME LIMITS IN PUBLIC PARKING LOTS" OF THE MUNICIPAL CODE

WHEREAS, pursuant to § 648-23 of The Municipal Code , the City Council may from time to time amend the *City of Canandaigua Public Parking Lots Map*, which shall designate parking time limit restrictions for public parking lots in the City of Canandaigua.; and

WHEREAS, the Planning Committee, at its August 4, 2015 meeting, reviewed and recommended certain changes to the parking lots map;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that the *City of Canandaigua Public Parking Lots Map* is hereby amended as depicted on **the map attached hereto**. This map differs from the previous map in that the parking in the Antis Street parking lot has been updated to reflect a change in parking limit restrictions along the western portion of the parking lot to Unlimited and along the norther portion of the parking lot to All Day Parking; no parking 2am-5am Mon, Wed, Fri, Sun.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Ordinance:

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

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

Lift from the table:

Moved: Councilmember-at-Large Bucci

Seconded: Councilmember Ward 3 White

The motion CARRIED UNANIMOUSLY on the following vote:

AYES:Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Vote on Ordinance:

Moved: Councilmember-at-Large Bucci

Seconded: Councilmember Ward 3 White

Discussion:

- *Joel Freedman, Canandaigua NY, talked about some of the objections brought up by Council and community members. One objection was that products such as Round-up would not be allowed anymore. Round-up contains chemicals that have been listed as carcinogens and that kill off monarch butterflies because it kills the milkweed that they need for reproduction. The butterfly is a necessary pollinator for the eco system. Another objection is that residents will not abide by this and they maintain the lawns not the City. This should not be a reason not to pass this ordinance. People claim it's unenforceable however lawn chemical companies would be notified and would abide by it. Also, Councilmembers earlier stated that we won't know until we try it and nothing is irreversible so why not try this and see how to enforce it and make it work. Many Councilmembers were in support of this in committee but then did an "about face". There is a lot of evidence of the harmful effects of these pesticides in humans and animals.*
- *Councilmember-at-Large Bucci supports this ordinance because sometimes we just have to do the right thing. This supports our commitment of being stewards of the lake. Much of the pollution that flows into the lake comes from sucker brook and this would be an opportunity to reduce this pollution. This was a compromise from the original request to ban pesticides on all City property. She supports this also because there are alternatives that can be used. Many communities have taken these measures and have successfully implemented programs that reduce pesticides. I support Integrated Pesticide Management (IPM) and this is a small step that we can do now in our community to reduce toxic chemicals in our environment.*

- *Councilmember Ward 4 Wade opposes this ordinance because the right of way constitutes a small percentage of the property in the watershed that drains into the lake. The City practices Integrated Pesticide Management (IPM) and tests by the Water Treatment Facility do not show there are any dangerous levels of chemicals in our lake. The Police Chief also indicated that this would be unenforceable and in many cases there is no clear indication of the right of way.*
- *Mayor Polimeni stated that changes in behavior will come with education so will not support this ordinance.*
- *Councilmember-at-Large Terwilliger supports the concept of reducing chemicals but ordinance is flawed due to property line issues. However will support this ordinance and perhaps start conversations with lawn companies to use more organic lawn applications.*

The motion FAILED on the following vote:

AYES: Councilmember Ward 3 White, Councilmember-at-Large Bucci, and Councilmember-at-Large Terwilliger

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

Ordinance #2015-005: *(Introduced and tabled at the July 2, 2015 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 648 OF THE MUNICIPAL CODE
TO CLARIFY THE PARKING RESTRICTION ON GIBSON STREET**

Lift from the table:

Moved: Councilmember Ward 3 White
Seconded: Councilmember-at-Large Cator

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

Vote on Ordinance:

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

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Ordinance #2015-006: *(Introduced and tabled at the July 2, 2015 Council Meeting)*

**AN ORDINANCE AMENDING
CHAPTER 648 OF THE MUNICIPAL CODE
TO CHANGE THE TRUCK ROUTE**

Lift from the table:

Moved: Councilmember-at-Large Bucci
Seconded: Councilmember-at-Large Cator

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

Vote on Ordinance:

Moved: Councilmember-at-Large Bucci
Seconded: Councilmember-at-Large Cator

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Local Law: None

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

- All the toters have been delivered except for some 64 gallon toters. The pick-up schedule for recyclables will be every other week. DPW is experiencing growing pains and if your toter is not picked up on the scheduled day then it will be picked up the next day.
- DPW will be starting garbage and recycle collection one hour earlier to accommodate road reconstruction.
- NYS DOT is working on a mill and fill project on RT 5&20 which will take 4 weeks to complete. DOT will then proceed to RT 332.

Appointments:

- Councilmember Ward 3 White moved to appoint Gretchen Hoekelman to the Zoning Board of Appeals. Councilmember-at-Large Cator seconded the motion.
Vote Result: Carried unanimously by voice vote. (7-0)

Miscellaneous:

- Mayor Polimeni thanked the Business Improvement District (BID) for the August 1st event for the dedication of Main St.

Regular Session:

Councilmember Ward 3 White moved to adjourn the regular session at 9:01 PM. Councilmember-at-Large Bucci seconded the motion.

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

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A

City of Canandaigua Tree Advisory Board Report to City Council August 6, 2015

The Year in Review (significant events and talking points)

The City of Canandaigua continues to be a Tree City, USA and this Board is part of that recognition.

We have just finished our 4th year and continue to maintain a good working relationship with the City departments as well as a presence on the City of Canandaigua website. The Mayor and the City Manager have become frequent attendees at our monthly meetings.

One member resigned, Torsten Rhode, and two members joined, John Goodwin, Assistant City Manager, and Colin Diehl, resident.

Members Stephanie Crimm, Laura Ouimette, Berna Ticonchuk, Bill Mehls and Dave Poteet continued their membership

We met with Kevin Fagan, RG&E Head Forester, to discuss tree trimming and sensitive areas in the City, such as Charlotte Street.

We had a pleasant, open dialog while expressing our concerns over the amount of trimming done by his contractors.

We met with City residents with tree concerns

Street Reconstruction Project-

This was a major focus of our work this year. Using our Street Reconstruction Report as a guide, along with other resources, during a number of meetings we advocated for implementing tree protection measures and saving as many trees as possible during the current project.

Responding to residents' concerns, the Scotland Road work was redesigned which resulted in saving a few more trees. The final total was that out of 47 trees on the street 25 were saved and 22 removed. The workers and inspectors know that treating the remaining trees respectfully is a priority to insure their survival.

This was a nice collaborative effort between the residents and the City recognizing that the water and sewer infrastructure work needed to be done.

We also began work on a Municipal Tree Ordinance which would gather all current City rules and regulations related to City trees in one ordinance.

It has been reviewed by the City Attorney and returned to us with comments. After we have revised the document and incorporated those comments we will present the proposal to the Ordinance Committee for their review and comments.

Finally, a couple of other notes-

-we hosted two visitors from the newly formed Victor Tree Committee at one of our meetings so they could observe a tree advisory board "in action."

-and Board member, Berna Ticonchuk worked with the City School District regarding volcano tree mulching and a volcano tree mulching display was set out during the Canandaigua City Art and Music Festival on Main Street this July.

APPENDIX B
ENVIRONMENTAL COMMITTEE
Tuesday, July 14, 2015
7:00 p.m.
Hurley Building Conference Room

Committee: Nick Cutri, Chair; Maria Bucci, Karen White **Absent:** Donna Cator

Other Council Members: Mayor Ellen Polimeni; Jim Terwilliger, Cindy Wade

Staff: David Forrest; John D. Goodwin; Michele Smith

Meeting called to order at 7:00 PM

1. Sonnenberg Park Skating Rink

Estimated Construction and Maintenance Costs - Jim Sprague reviewed estimated costs. Construction cost of \$5186. Assumed donated liner over bed of sand instead of repairing surface. Ongoing maintenance cost of \$1932, but that assumes minimal labor with significant volunteer assistance. To make it useable year round would cost approximately \$45,000. This will be discussed further at budget review. Jim Terwilliger requested written resolution to appropriate funds for this year.

2. Restoration of reuse of carriage house at old Thompson Hospital

Stephen Hamlin with Canandaigua Center for Art and Days of Yore, inc. (CAHC), presented copy of non-binding letter of intent between CAHC and Pathstone to subdivide property on Wilcox Lane to transfer portion to CAHC to restore Carriage House as museum. Would house Art museum and host other museum exhibits. Trying to obtain letters of interest from approximately 65 museums to garner interest in raising 2.5 million dollars.

Committee requested Attorney Smith contact Pathstone attorneys to discuss land transfer and liability.

Council member White proposed a written update of the Pinnacle North and Hotel project. Developers will be invited to provide update and City will post FAQ on website.

Meeting adjourned at 7:57 PM

**APPENDIX C
FINANCE COMMITTEE**

Thursday, July 28, 2015

7:00 p.m.

Hurley Building Conference Room

Committee: James Terwilliger, Chairman; Cindy Wade; Karen White; Donna Cator

Other Council members: Ellen Polimeni, Councilmember-at-Large Bucci

Staff: David Forrest, John Goodwin, Nancy Abdallah, James Sprague

1. Resolution Authorizing Acquisition of an Easement Across Canandaigua Lake Marine Park for Water Main

- a. Jim Sprague presented a resolution to acquire an easement through the New York State Boat Launch (former Red Jacket Park).
- b. The easement is necessary to install a water main which will provide redundancy in the water distribution system
- c. The water main will be installed in the next year or two pending funding

2. Potential Donation of 195 Tillotson Street

- a. The City has been approached by the property owner of 195 Tillotson Street who is willing to donate the land to the City to become part of Jefferson Park
- b. The costs of a title search and survey would need to be born by the City.
 - i. Cindy Wade made a motion to authorize the expenditure of up to \$1,500 for the title search and survey. 2nded by Donna Cator. Vote was 3-1 with Karen White the dissenting vote.
 - ii. Karen stated that the use of the land will not change with City ownership and that the City does not need the property

3. 2015 Budget Execution Six-Month Review/Preview of 2016

- a. Nancy presented the 6th month review of the 2015 general fund budget.
 - i. Due to one-time revenues and one-time expenditure savings the City should break even instead of using \$547,771 from fund balance.
- b. Nancy presented a preview of the 2016 budget and budget items to consider
 - i. Based on budget trends the City will have a budget deficit of \$783,493 without raising any property taxes.
 - ii. Staff recommends considering:
 1. Increasing the Occupancy Tax from 1.5% to 3%
 2. Overriding the Property Tax Cap
 3. Reducing outside agency payments
 - a. Economic Development contract with the Chamber expires this year. Cost of contract is \$104,000
 4. Charging a fee for services.
 - a. Refuse Collection Fee
 - i. Single Family charge would be \$15 per month
- c. The Committee will provide feedback regarding the refuse collection fee and other considerations at the next Finance Committee meeting to assist staff in its preparation of the 2016 budget.

FINANCE COMMITTEE, July 28, 2015, Continued

4. Proposed Change to City Investment Policy

- a. Jim Terwilliger turned the meeting over to the Mayor
- b. Chase Bank will charge the City to hold City monies.
- c. Staff recommended increasing the limit for Canandaigua National Bank from \$10 million to \$15 million
- d. The Committee requested that staff try to find another bank

5. Overtime Report

- a. Nancy presented the overtime report. All departments are running well thus far.

Meeting Adjourned at 8:28 PM

APPENDIX D
PLANNING COMMITTEE
Tuesday, August 4, 2015
7:00 p.m.
Hurley Building

Committee members: Cindy Wade, Chair; Nick Cutri; Ian Boni, David Whitcomb

Other Councilmembers: Mayor Ellen Polimeni; Jim Terwilliger; Donna Cator; Karen White

Staff Present: David Forrest; John D. Goodwin; James Sprague

Meeting called to order at 7:00 PM

1. Farmers Market Food Vendor – Rich Reidman

- a.** David Forrest provided a brief background to the issue for the Committee
 - i.** At the July Ordinance Committee, the Committee discussed new vending license processes and fees and during the discussion the food vendor at the Farmer's Market was brought up and determined that it should be required to obtain a vending permit.
 - 1.** The underlying issue was the idea that food vendors are at an unfair competitive advantage relative to bricks and mortar restaurants.
 - ii.** The food vendor and the Farmer's Market Board requested a meeting to resolve the issue as the vendor permit was cost prohibitive for the vendor.
 - iii.** City Staff, representatives from local restaurants, the BID and the Farmer's Market President (Rich Reidman) met and reached a compromise.
 - iv.** The Farmer's Market will be limited to one food vendor that can serve farm-to-table products. The only exemption is "brick and mortar" establishments provided they also serve farm-to-table products.
- b.** The food vendor compromise and other Farmer's Market special event details were presented to formalize the market going forward
- c.** Motion made by Ian Boni to accept the Special Event as presented by staff. 2nd by David Whitcomb. Motion approved by 4-0 vote.

2. Dog Park Update

- a.** Jim Terwilliger provided the Committee with a background of the dog park concept.
 - i.** The last update provided to the Committee was that a parcel of land located on Ontario Street had been offered to the City as a donation for the purpose of developing a dog park.

PLANNING COMMITTEE, August 4, 2015, Continued

- b.** Nancy McCarthy provided an update to the Committee.
 - i.** The proposed land donation is not a viable option because the land is wetland.
 - ii.** A meeting was held with the NYSDEC, who confirmed that development on the property would be restricted.
 - iii.** Several other properties in the City were explored, but at this time a location has not been selected. However, some properties may warrant further discussion (i.e. VA, Jefferson Park)
 - iv.** The search for a location will continue with a public appeal to private land owners.
- c.** No Action was taken by the Committee

3. Potential Change in Parking at Antis Street Lot

- a.** The Mayor introduced the topic.
 - i.** Several residents that live on Antis Street and don't have a parking area on their property have received tickets for parking in the Antis Street Parking Lot, which has not occurred since the lot was redeveloped.
 - ii.** There was a meeting held in the area to discuss this issue when the lot was redeveloped and it was the recollection of several Council members that an agreement was made to allow these residents to park in the lot.
- b.** The City Manager recommended changing the parking map to change the parking limit restrictions along the western portion of the parking lot to Unlimited from All Day Parking; no parking 2am-5am Mon, Wed, Fri, Sun and change the parking limit restrictions along the northern portion of the parking lot to All Day Parking; no parking 2am-5am Mon, Wed, Fri, Sun.
- c.** Motion made by David Whitcomb to accept the City Manager's recommended changes. 2nd Ian Boni. Motion approved by 4-0 vote.

Meeting adjourned at 7:52 PM via motion made by David Whitcomb, 2nd by Ian Boni