

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, SEPTEMBER 7, 2017 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Anita Twitchell
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Matt Martin
Councilmember-at-Large Robert O'Brien
Councilmember-at-Large James Terwilliger
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 3 Karen White (Family Commitment)
Councilmember-at-Large David Whitcomb (Work Obligation)

Also Present: City Manager John Goodwin
Corporation Counsel, Terence Robinson, Boylan Code
Deputy City Clerk-Treasurer Doreen Palmer

Mayor Polimeni introduced Terence Robinson from Boylan Code, Corporation Counsel for the City of Canandaigua as well as Doreen Palmer, Deputy Clerk-Treasurer and Rob Richardson, and intern working in the City Manager's Office.

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

Approval of Minutes:

August 3, 2017 Moved: Councilmember-at-Large Terwilliger
Seconded: Councilmember-at-Large O'Brien
Vote Result: Carried unanimously by voice vote (7-0)

Public Hearing: Accepting public comments pursuant to the provisions of the SEQRA for the establishment of a Dog Park at 97 Buffalo St.

Mayor Polimeni called the public hearing to order at 7:04 pm.

No one was present to speak at this public hearing.

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

Recognition of Guests:

- Mayor Polimeni read a proclamation recognizing Constitution Week, September 17-23, 2017. September 17, 2017 marks the 230th anniversary of the drafting of the Constitution of the United States. Constitution Week is a great time to learn more about this important document and

celebrate the freedoms it gave us. Mayor Polimeni presented the proclamation to the Canandaigua Chapter of the Daughters of the American Revolution (DAR) represented by Cindy Barben and Natalie Purdy DeTraglia. Mrs. DeTraglia presented a poster to Mayor Polimeni which is the winning poster from a national competition offered to children in grades k-12.

- Andy Thomas, Community Relations Coordinator for the Canandaigua City School District and Ralph Undercoffler, Canandaigua School Board Member, introduced an “updated” program for the Character Education Initiative. They explained that the Character Education Initiative is almost 20 years old and needs updating so that it can be relevant for today, especially for middle and high school students. The original Character Education Initiatives were based on the following Core Values: Honest, Respect, Caring, Healthful Lifestyle and Responsibility. These initiatives were modified to show a continuum and an end goal when students graduate from High School.

Respect leads to Civility
Responsibility leads to Accountability
Honesty leads to Integrity
Kindness leads to Compassion
Effort leads to Perseverance
Healthy Choices lead to Healthy Living

Committee Reports:

Planning Development Committee Meeting: September 5, 2017 (Appendix A)

- Intermunicipal Agreement – Police Tactical Team
- Small Business Loan Program
- Strategic Plan
- Executive Session: Pending Litigation

Environmental/Parks Committee Meeting: August 8, 2017 (Appendix B)

- Special Event – Light the Hill
- Special Event – Town/City Square Dance
- Special Event – St. Mary’s School Welcome Back Picnic
- SEQRA for Sucker Brook
- Benchmarking Energy Use in Municipal Buildings for the Clean Energy Communities Initiative

Ordinance/Charter Committee Meeting: August 15, 2017 (Appendix C)

- Amendments to Chapter 496 – “Chronic Nuisance Properties”
- Executive Session- Attorney/Client Privilege

Finance/Budget Committee Meeting: August 22, 2017 (Appendix D)

- Fund Review for 6 months ending June 30, 2017
- Extension of Accounting Services Contract
- Tax Cap Override
- Capital Budget – Budget Amendment
- Waste Water Treatment Plant – Hauling Cake Biosolids
- Water Treatment Plant - Alternative Chlorination System
- Small Business Loan Program
- Fort Hill Apartments - PILOT Request

Resolutions:

Resolution #2017-083:

Moved: Council Member Ward 1 Cutri
Seconded: Council Member Ward 2 Twitchell

**A RESOLUTION AUTHORIZING A SPECIAL EVENT:
ST. MARY’S PTO – WELCOME BACK PICNIC**

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

- ***St. Mary’s PTO Picnic***
 - Date: September 8, 2017
 - Location: Baker Park
 - Coordinator: Amber Foster (SMS PTO Co-Chair)
 - Time: 5:00 PM – 8:00 PM
 - Purpose: Welcome back for St. Mary’s school families and teachers
 - Expected Number of Participants: 150

WHEREAS, this request was reviewed and approved at the August 8, 2017 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 (7-0)

Resolution #2017-084:

Moved: Council Member Ward 2 Twitchell
Seconded: Council Member Ward 1 Cutri

**A RESOLUTION AUTHORIZING A SPECIAL EVENT:
TOWN/CITY SQAURE DANCE**

WHEREAS, the Town of Canandaigua held a Square Dance for residents last year and invite the City to participate in a jointly sponsored event and host the event this year; and

WHEREAS, this invitation was reviewed and approved at the August 8, 2017 Environmental/Parks Committee meeting; and

WHEREAS, the Square Dance will take place at Fire Station 1 on Friday, October 13th from 7 PM to 9:30 PM and will foster a greater sense of community for all Canandaigua residents; and

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 any signs in the Main Street median shall only be allowed by permit of New York State Department of Transportation.

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

Resolution #2017-085:

Moved: Councilmember-at-Large Martin

Seconded: Council Member Ward 1 Cutri

A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF THE SUCKER BROOK STREAMBANK STABILIZATION PROJECT

WHEREAS, the City has been working with the Watershed Council on a project that involves the stabilization of the streambanks along Sucker Brook just off Ellis Place that has experienced significant flooding and stream bank erosion; and

WHEREAS, this project will not prevent flooding, but will protect public sewer infrastructure, prevent further erosion, and reduce sediment loads to the lake; and

WHEREAS, The Watershed Council already has grant funding to support the project, and a completion goal of sometime this Fall; and

WHEREAS, The Watershed Council prepared the City Council has reviewed the attached Short Environmental Assessment Form, has identified the relevant areas of environmental concern and has taken a hard look at these areas of concern; and

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

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that the Sucker Brook Streambank Stabilization Project will not have a significant adverse environmental impact, and

directs that the attached SEQR Negative Declaration be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

The motion CARRIED on the following vote:

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

NOES: None

Resolution #2017-086

Moved: Councilmember-at-Large Martin

Seconded: Council Member Ward 2 Twitchell

A RESOLUTION ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York with the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the City of Canandaigua will be able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the City of Canandaigua City Council desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution; and

WHEREAS, the City of Canandaigua City Council desires to establish a guideline for City staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the attached Building Energy Benchmarking Policies and Procedures are hereby adopted.

The motion CARRIED on the following vote:

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

NOES: None

Resolution #2017-087:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Martin

**A RESOLUTION AUTHORIZING
A CONTRACT EXTENSION FOR AUDITING SERVICES**

WHEREAS, the City of Canandaigua uses the services of an independent auditor to review the financial records and to prepare financial statements with regard to those records; and

WHEREAS, via Resolution #2014-106 City Council authorized a three-year contract with Raymond F. Wager, CPA, P.C. for auditing services for the years ending December 31, 2014, 2015 and 2016 for amounts not to exceed \$16,900, \$17,450 and \$17,900 respectively; and

WHEREAS, Raymond F. Wager, CPA, P.C. has proffered an option to extend this contract for auditing services for the two additional years ending December 31, 2017 and 2018 for amounts not to exceed \$18,400 and \$18,950 respectively; and

WHEREAS, City staff has reviewed the proposed extension and recommends that City Council authorize the extension; and

WHEREAS, the Finance Committee voted unanimously to bring this extension to City Council for approval at its meeting held August 22, 2017;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to enter into a two-year contract extension with Raymond F. Wager CPA., P.C. for auditing services for the years ending December 31, 2017 and 2018 for an amount not to exceed \$18,400 and \$18,950 respectively.

The motion CARRIED on the following vote:

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

NOES: None

Resolution #2017-088:

Moved: Councilmember Ward 4 Wade

Seconded: Council Member Ward 2 Twitchell

A RESOLUTION AMENDING THE CAPITAL BUDGET

WHEREAS, the Capital Budget included \$75,000 to reconstruct the Coach Street and Bristol Street Parking Lots; and

WHEREAS, the final cost to complete the parking lots totaled \$85,570, requiring an additional \$10,570 to finishing funding the project; and

WHEREAS, the Capital Budget also included a phone system replacement that was underbudget by \$16,323; and

WHEREAS, City staff recommends transferring \$10,570 from the phone system upgrade project to fully fund the Coach Street and Bristol Street Parking Lots Project; and

WHEREAS, the Finance/Budget Committee reviewed and approved this amendment at its August 22, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby approves the amendment to the Capital Budget and authorizes the transfer of \$10,570 from the phone system upgrade project to complete the Coach Street and Bristol Street Parking Lots Project.

Councilmember-at-Large O'Brien stated that the majority of this project was done with in-house labor from DPW which resulted in savings for the taxpayers. The overrun was primarily due to what was unexpectedly found in the subsurface of the parking lot once it was dug up.

The motion CARRIED on the following vote:

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

NOES: None

Resolution #2017-089:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Martin

**A RESOLUTION AWARDED CAKE BIOSOLIDS HAULING
FOR THE WASTE WATER TREATMENT FACILITY**

WHEREAS, the City of Canandaigua opened bids for the hauling of cake biosolids from the Waste Water Treatment Facility (WWTF) on July 19, 2017 with two bidders participating; and

WHEREAS, the low bid was submitted by Feher Rubbish Removal, PO Box 11009, 526 State Fair Boulevard, Syracuse, NY 13218 with a unit bid of \$10.25 per ton; and

WHEREAS, funding for this service is included in the 2018 Waste Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Feher Rubbish Removal to haul cake biosolids from the WWTF;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Feher Rubbish Removal, PO Box 11009, 526 State Fair Boulevard, Syracuse, NY 13218 for the hauling of cake biosolids from the WWTF at a unit price of \$10.25/ton.

The motion CARRIED on the following vote:

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

NOES: None

Resolution #2017-090:

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Ward 2 Twitchell

**A RESOLUTION AWARDING THE CHLORINE CONVERSION
PROJECT FOR THE WATER TREATMENT PLANT**

WHEREAS, the City of Canandaigua opened bids for the Water Treatment Plant Chlorine Conversion Project on August 15, 2017 with four bidders participating; and

WHEREAS, the lowest bid was received by Bell Mechanical Contractor, Inc with a bid of \$175,000; however, upon review of the bid and discussing the bid with the contractor, it was determined that their bid did not include the full scope of work for the project and as a result Bell Mechanical Contractors requested their bid be withdrawn; and

WHEREAS, the lowest responsible bid of \$292,971 was submitted by Empire State Mechanical Contractors, Inc., 3039 Sherwood Road, Palmyra, NY 14522; and

WHEREAS, the 2017 Water Fund Capital Budget includes the installation of an Alternative Chlorination System with a total of \$610,158 budgeted for the project; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Empire State Mechanical Contractors, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Empire State Mechanical Contractors, Inc., 3039 Sherwood Road, Palmyra, NY 14522 for the installation of an Alternative Chlorination System for the Water Treatment Plant.

The motion CARRIED on the following vote:

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

NOES: None

Resolution #2017-091:

Moved: Councilmember Ward 4 Wade

Seconded: Council Member Ward 2 Twitchell

**A RESOLUTION SETTING THE TIME AND PLACE OF A
PUBLIC HEARING ON LOCAL LAW No. 1 OF 2017
RELATIVE TO AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

WHEREAS, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law requires a public hearing on a proposed local law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing regarding Local Law No. 1 of 2017 relative to a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c, shall be held in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York during the meeting held at 7:00 p.m. on October 5, 2017; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

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

Resolution #2017-092:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Martin

A RESOLUTION DETERMINING THE ENVIRONMENTAL SIGNIFICANCE OF ESTABLISHING A DOG PARK AT 97 BUFFALO ST.

WHEREAS, the City has been working with the Canandaigua Canine Campus for the last several years to develop a dog park within the City and has purchased 97 Buffalo St. for such purpose; and

WHEREAS, the creation of a dog park at this property is subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, at its August 3, 2017 meeting, the City Council declared Lead Agency pursuant to 6 NYCRR Part 617 and scheduled a public hearing for September 7, 2017; and

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

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that the establishment of a dog park at 97 Buffalo St. will not have a significant adverse environmental impact, and directs that the attached SEQR Negative Declaration be filed in accordance with the requirements of the New York State Environmental Quality Review Act.

The motion CARRIED on the following vote:

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

NOES: None

Resolution #2017-093:

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember-at-Large Martin

A RESOLUTION AUTHORIZING AN INTER-MUNICIPAL AGREEMENT FOR A MULTI-JURISDICTIONAL EMERGENCY RESPONSE TEAM

WHEREAS, the Ontario County Sheriff's Department houses a specialized unit of Law Enforcement known as the Emergency Response Team; and

WHEREAS, the City of Canandaigua has been part of an agreement involving the Ontario County Sheriff's Office, City of Geneva Police Department, Village of Clifton Springs Police Department sharing resources for the Emergency Response Team; and

WHEREAS, the officers assigned to the Emergency Response Team are trained and equipped to respond to and resolve high risk, crisis situations such as hostage incidents, armed barricaded subjects, high risk search warrant and arrest warrant executions, and any other situations requiring a specially trained tactical team rather than standard police operations; and

WHEREAS, the City of Canandaigua and its residents will receive a public benefit by authorizing this Inter-Municipal Agreement through having our officers engaged in multi-jurisdictional operations, receiving additional training, and utilizing the resources provided in the Agreement to contribute to the overall safety of the community; and

WHEREAS, the Inter-Municipal Agreement was reviewed and approved at the Planning/Development Committee meeting held on September 5, 2017;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute the inter-municipal agreement with Ontario County, the Village of Clifton Springs, and the City of Geneva continuing the City's participation in the Multi-Jurisdictional Emergency Response Team.

The motion CARRIED on the following vote:

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

NOES: None

Resolution #2017-094:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember-at-Large Martin

**A RESOLUTION ESTABLISHING A
SMALL BUSINESS DEVELOPMENT LOAN PROGRAM**

WHEREAS, as part of the City's economic development efforts, City staff, along with the Economic Development Advisory Council, has been discussing the establishment of a Small Business Development Loan Program to provide gap financing and/or an incentive for small businesses to locate and expand within the City of Canandaigua; and

WHEREAS, in summary the program will involve providing loans of up to \$50,000 at 2% interest for a sixty (60) month term administered by Canandaigua National Bank and Trust approved by a loan committee appointed by the Mayor and City Manager; and

WHEREAS, a program outline was recommended by the Economic Development Advisory Council and reviewed and approved at the Planning/Development Committee on September 5, 2017; and

WHEREAS, City Staff recommends allocating the \$250,000 to fund the program from the City's CDBG fund account;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby establishes a Small Business Development Loan Program as outlined in the attached program summary and appropriates \$250,000 from the City's CDBG fund.

Councilmember-at-Large Terwilliger will be abstaining from voting on this issue because he is an officer at Canandaigua National Bank.

The motion CARRIED on the following vote:

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

ABSTAIN: Councilmember-at-Large Terwilliger

Ordinances:

Ordinance #2017-001: *(Introduced and tabled July 6, 2017)*

AN ORDINANCE AMENDING CHAPTER 496 OF THE MUNICIPAL CODE ENTITLED "CHRONIC NUISANCE PROPERTIES" TO CREATE A PROCESS FOR TEMPORARY AND PERMANENT INJUNCTIONS

Lift from the table:

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Ward 1 Cutri

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

Vote on Ordinance:

Moved: Councilmember-at-Large Terwilliger

Seconded: Council Member Ward 1 Cutri

The motion FAILS on the following vote:

AYES: None

NOES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger and Mayor Polimeni.

Local Laws:

Local Law #2017-001:

Councilmember-at-Large Terwilliger read the following Local Law and placed it on the Table.

A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Canandaigua to adopt a budget for the fiscal year commencing January 01, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The City Council of the City of Canandaigua, County of Ontario, is hereby authorized to adopt a budget for the fiscal year commencing January 01, 2018 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

- Congratulations to Steve Hedworth on the birth of his new Baby Girl!
- We are still in need of School Crossing Guards and if you are interested you can download an application from our website.
- As part of our green initiative we have completed the installation of an electric charging station in the parking lot next to the Chamber of Commerce.
- Reviewed the Special Events for the month of September.

Appointments: None

Miscellaneous:

- On September 21, 2017, in the City Council Chambers, there will be a joint meeting with the Canandaigua Town Board to review the joint initiatives that have been proposed.

Executive Session:

Council Member Ward 1 Cutri moved to close the regular meeting to go into Executive Session at 8:30 PM to discuss pending litigation and the employment history of an individual. Councilmember Council Member Ward 2 Twitchell seconded the motion.

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

Regular Session:

Councilmember Ward 4 Wade moved to close the executive session and return to the regular meeting at 9:15 PM. Councilmember-at-Large Martin seconded the motion.

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

Adjournment

Councilmember Ward 4 Wade moved to adjourn the regular session at 9:15 PM. Councilmember-at-Large Martin seconded the motion.

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

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
PLANNING/DEVELOPMENT
Tuesday, September 5, 2017
7:00 p.m.
Hurley Building Conference Room

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

Other Council Members: Ellen Polimeni, Matt Martin, Karen Wade

Staff: John Goodwin

1. Intermunicipal Agreement – Police Tactical Team

The City has been a part of an intermunicipal agreement that involves the Ontario County Sheriff's Office, City of Geneva Police Department, Village of Clifton Springs Police Department and the Canandaigua Police Department to share resources for a police tactical team to deal with certain criminal acts or threats that require a specially trained tactical team rather than standard police operations. City staff recommends that we continue to be a part of this intermunicipal agreement. Chief Hedworth will be at the meeting to answer any questions and discuss the agreement.

Program has been in place since 2007. There was a question about what military surplus items the City of Canandaigua owns or intends to pursue either individually or in conjunction with other municipalities. John shared we don't have any plans to take advantage of the surplus items.

Cindy shared that any concerns outside of the agenda can be added, but to please send them in enough time to research appropriately.

Jim Terwilliger moved to accept the agreement, Robert O'Brien seconded.

Anita asked what types of incidents we've used SWAT teams for in the past, and John shared examples with the group. Chief Hedworth was unable attend the meeting, but shared with John via e-mail that he couldn't remember specific instances.

3 in favor, 1 opposed. Motion Carries.

2. Small Business Loan Program

At the Finance/Budget Committee meeting on August 22nd, the establishment of a Small Business Development Loan Program to provide gap financing and/or an incentive for small businesses to locate and expand in Canandaigua was discussed. City staff will briefly review the program and feedback received on the program when it was reviewed by the Economic Development Advisory Council at its September 5th meeting.

John shared the updates from the Economic Development meeting and the revisions to the process that were made. The ability to have a co-signer was added, and it was determined that elected officials shall not serve on the selection committee.

APPENDIX A (Continued)
PLANNING/DEVELOPMENT
Tuesday, SEPTEMBER 5, 2017

Karen shared that at the last meeting she wanted additional information on the program, and John's handout answered some of those questions. She asked about grants in lieu of loans, and John shared that this is a loan program. Additional money would be needed for grants, which could come in time if the program is successful. She was also concerned that the time frame and amounts would make these loans difficult to pay back. Matt shared that a 2% interest rate is a great rate, and that he's borrowed 30,000-40,000 and on 12% and needed to pay it back in two years. He thinks this is a great program. For future discussion, Karen added that Ethan from the Chamber of Commerce wrote a great piece on Labor Day. She thought we could potentially offer this money to families in need through a TANF (Temporary Assistance for Needy Families) program. She thought this might be a way to use the money to support the labor force through vehicle grants, child care assistance, and other supports.

Robert asked how much would be left in the CDBG program after doing this, and John shared we could continue the Habitat Program, Pathstone Program, and this program for at least a year. We can apply for more grant money to support further expenses.

Karen wanted to know why we couldn't use this money differently, and John shared it is meant to attract and retain local businesses. Geneva is offering money to new businesses, and to help develop the local economy the City needs to find ways to attract and support new businesses. This money has several limitations, and the program has been in place before; Simply Crepes used the program. The original program died because the process was tedious and time consuming, and the City is trying to make it easier for small businesses to access the money. There were questions about how we define "small business," and John stated that we're trying to keep it loose. It will be determined on a case by case basis.

Robert motioned to approve the program, Anita seconded.

3 in favor, 0 opposed, one abstained. Motion Carries.

3. Strategic Plan

Attached to the agenda, via a separate spreadsheet, is a copy of the 2016-2017 Strategic Plan.

Cindy Wade went over all six tabs of the strategic plan line by line and made updates as she went. She will update and reformat the document.

**Anita motioned to adjourn to Executive Session, Robert seconded.
Meeting adjourned at 8:42 p.m.**

4. Executive Session: Pending Litigation

**Robert motioned to adjourn Executive Session, Anita seconded.
Executive Session adjourned at 9:32 p.m.**

ENVIRONMENTAL/PARKS
Tuesday, August 8, 2017
7:00 p.m.
Hurley Building Conference Room

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

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

Staff: John Goodwin, Kevin Olvany

1. Special Event – Light the Hill

Light Hill/Canandaigua Comfort Care Home provides specialized care for the terminally ill and their family as an alternative to nursing home, hospital or home care. Light Hill is planning a luminaria celebration at Kershaw Park on Sunday, November 12th at 7 PM as a fundraiser and a memorial event. Mary Kay Naioti, Development and Volunteer Coordinator for Light Hill, will be at the meeting to answer any questions.

AGENDA ITEM POSTPONED UNTIL NEXT MONTH

2. Special Event – Town/City Square Dance

Last year, the Town of Canandaigua held a Square Dance for its residents. The town has invited the City to participate in a jointly sponsored event and host the event this year. The Square Dance is scheduled for Friday, October 13th from 7 P.M. until 9:30 P.M. at Fire Station #1. The City would incur no additional costs beyond the use of Fire Station #1. Staff recommends Council approve a jointly sponsored Community Square Dance for both City and Town residents to foster a greater sense of community for all Canandaigua residents. Lois Golbeck of the Town of Canandaigua Special Events Committee will be at the meeting to present the event.

John Goodwin briefly introduced the item and Lois Golbeck presented the event on behalf of the Town of Canandaigua Special Events Committee.

David Whitcomb motioned to support the event, Nick Cutri seconded.

4 in favor, 0 against. Motion Passes.

3. Special Event – St. Mary's School Welcome Back Picnic

To celebrate the start of the new school year, St. Mary's School is planning a "Welcome Back" Picnic for Friday, September 8th from 5 P.M. until 8 P.M at Baker Park. The event would be held at Baker Park and be open to all St. Mary's School families and teachers. Due to the fact that the event will involve vendors, a Special Event and approval by City Council is required. A representative from St. Mary's will be at the meeting to present the event.

Sarah Martin, Vice President of the St. Mary's School Parent/Teacher Association, was at the meeting to discuss the event.

David Whitcomb motioned to support the event, Matt Martin seconded.

4 in favor, 0 against. Motion Passes.

APPENDIX B (Continued)
ENVIRONMENTAL/PARKS
Tuesday, August 8, 2017

4. SEQRA for Sucker Brook

The Watershed Council has been working with the City on flood mitigation and water quality projects. One of these projects planned to be completed this year involves the stabilization of the streambanks along Sucker Brook just off Ellis Place. This area recently experienced significant flooding and has had significant bank erosion over the years. The project will stop bank erosion, protect the sewer line and reduce sediment loads to the lake. The Watershed Council has grant funding to support the project and our goal is to complete it by sometime this fall. The project requires a SEQRA review which is attached to this agenda. Kevin Olvany or Kim McGarry will be at the meeting to review the Short Environmental Assessment Form.

Kevin Olvany presented the project and reviewed the SEQRA short environmental assessment form with the Committee. The project will not prevent flooding, but will protect public infrastructure (sewer infrastructure) and prevent further erosion of the stream banks.

**David Whitcomb motioned to support the event, Nick Cutri seconded.
4 in favor, 0 against. Motion Passes.**

5. Benchmarking Energy Use in Municipal Buildings for the Clean Energy Communities Initiative

As previously discussed, the City is pursuing a Clean Energy Community designation as part of the Clean Energy Communities program administered by NYSERDA. This process was started with the adoption of the Unified Solar Permit. This program provides tools, resources, and technical assistance while also recognizing and rewards municipalities that take a leadership role. The City is well positioned to quickly earn this designation which once awarded provides grant funding (\$50,000) with no local cost share to support additional clean energy projects. In order to earn the designation, the City must complete four of the ten High Impact Actions. One of the High Impact Actions is building energy benchmarking. Building Energy Benchmarking is a process that measures building energy use and tracks it over time making providing strong, actionable information allowing municipalities to identify opportunities to cut costs and reduce pollution in their communities. Benchmarking will involve inputting the energy usage of City buildings that are 1,000 square feet and larger into an EPA database for the last five years. This will also assist the City in demonstrating completion of another High Impact Action (reduction of Green House Gas emissions by 10%) which was completed via the solar panel project. The installation of an Electric Vehicle Charging Station will count as the City's fourth completed High Impact Action item. Attached to the agenda is a draft resolution establishing benchmarking requirements.

**David Whitcomb motioned to support Benchmarking, Matt Martin seconded.
4 in favor, 0 against. Motion Passes.**

John Goodwin updated the Committee on the Streetlight project. Due to the changes made to the debt service fund to fund the Hurley Building Project, the HVAC and mechanical upgrades for the Police Station and Fire Station were removed from the planned bonding. Both facilities were reviewed preliminarily to be included as part of the performance contract to fund the necessary upgrades/replacements. Also reviewed were the Waste Water and Water Treatment Plants. The required work at the Fire Station and Water Treatment Plant and some of the work for the Waste Water Treatment Plant can be included in the performance contract. This will push the performance contract out to 18 years instead of the 8 for street lights only, but with potential cash investment, and a potential \$50,000 from the Clean Energy Communities (CEC) project it could be less. It also will ensure that the necessary facility investments are completed without negatively impacting the budget.

Matt Martin motioned to adjourn, Dave Whitcomb seconded. Meeting Adjourned at 7:42 p.m.

APPENDIX C
ORDINANCE/CHARTER COMMITTEE
Tuesday, August 15, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: David Whitcomb, Chair; Matt Martin; Karen White; Nick Cutri

Other Council members: Ellen Polimeni; Jim Terwilliger; Robert O'Brien; Cindy Wade

Staff: John Goodwin;

1. Amendments to Chapter 496 – “Chronic Nuisance Properties”

At the Ordinance Committee Meeting held June 20, 2017, proposed amendments to Chapter 496 of the City Code entitled “Chronic Nuisance Properties” were reviewed. At its July 6, 2017 meeting, City Council scheduled a public hearing to discuss the proposed amendments at the Ordinance Committee Meeting on July 18th. After the public hearing, a vote to approve the proposed amendments was scheduled for the August 3rd City Council Meeting. During that meeting Council referred the amendments back to the Ordinance Committee for further review.

2. Executive Session- Attorney/Client Privilege

APPENDIX D
FINANCE/BUDGET COMMITTEE
Tuesday, August 22, 2017
7:11 p.m.
Hurley Building Conference Room

Committee: James Terwilliger, Chairman; Robert O'Brien (arrived at 6:45); Cindy Wade; Karen White

Other Council Members Ellen Polimeni; Anita Twitchell; Matt Martin **(7:03)**

Staff: John Goodwin; Jim Sprague; Nancy Abdallah

1. Fund Review for 6 months ending June 30, 2017

The Clerk/Treasurer will distribute and present the financial statements for the first six months of 2017.

Nancy began by reviewing the General Fund. Sales tax is up slightly, hotel tax is down slightly, and utility taxes down 22%. It looks like we might not make our budget but by a small margin. John shared municipalities across the state are struggling with utility costs as well. Nancy has not received franchise fees, which throws the numbers off slightly. Department budgets look good, but it's hard to know for sure until we see where we end up. There are some revenues that have not come in yet, and these numbers are based on what has been received. One thing that was a pleasant surprise is that mortgage tax appears to be higher than expected. Nancy is looking into whether or not the numbers are accurate. There are also no real surprises in expenses. There will be some changes going forward, but the numbers were stable for the first 6 months. Ben has been doing a great job keeping overtime for the fire department down, and that is being one person down. Expenses are running pretty normal.

Nancy and John briefly spoke about the capital budget- some projects are over and some are under. There are discussions about separating the budget and capital budget process so they could go more in depth on the capital budget. Any projects we don't do this year may carry over to next year. The water fund is pretty much on par with where it was last year, but the Town's sales are down slightly. City water sales seem to be on track. Expenditures seem to be on track with the prior year. The sewer fund also looks pretty much in line with where we've been for the last couple of years, and expenditures are also consistent. There are a few yellow flags that need more exploring, but overall, we are running on point.

2. Extension of Accounting Services Contract

Via Resolution 2014-106 City Council authorized a three-year contract with Raymond F. Wager, CPA, P.C. for auditing services for the years ending December 31, 2014, 2015 and 2016 for amounts not to exceed \$16,900, \$17,450 and \$17,900 respectively. Raymond F. Wager, CPA, P.C. has proffered an option to extend this contract for two additional years (auditing services for years ending December 31, 2017 and 2018) for amounts not to exceed \$18,400 and \$18,950 respectively. City staff has reviewed the proposed extension and recommends that City Council authorize the extension.

They have done a great job so far, so we would like to continue with them for 2 more years. Jim asked about the length of the contract, and Nancy claimed this is what they offered us. Karen asked why there needs to be a 2% increase if the longer they work with us the more familiar they are. Nancy claimed that with accounting, things change constantly so it isn't always the same. We are constantly adding more to their plate, so the increase is reasonable. Nancy reiterated they do a great job, and they are saving her tons of time. Cindy added that as a best practice we should change auditors every five years, so the contract makes sense.

Karen White motioned to approve the contract, Cindy Wade seconded.

4 in favor, 0 against. MOTION PASSES.

APPENDIX D (continued)
FINANCE/BUDGET COMMITTEE
Tuesday, August 22, 2017

3. Tax Cap Override

Municipalities must adopt a local law, approved by a vote of sixty percent (60%), of its governing body to override the New York State property tax cap for the next fiscal year. This law would grant the City of Canandaigua authorization to override the cap for the upcoming 2018 fiscal year and serve as protection against any calculation errors. Approval of this law does not guarantee that the property tax levy will increase by more than 2% or the permitted tax cap limit, but it authorizes the City to override the Tax Cap if necessary. The City has passed similar legislation each year since the enactment of the tax cap with the exception of the years that the State also enacted the tax freeze program.

John explained that in order to override the Tax Cap, the City would need to pass a law. This law acts as a cover by allowing the City to override the Tax Cap if necessary. The mayor reminded everyone we've done this each year, and it would be a good idea to do this now. Jim added we can simply ignore it if we don't need to use it. Cindy agreed with the Mayor, and pointed out this is not a tool to override the cap. If we have a miscalculation there is a stiff fine.

Robert O'Brien motioned to send this to full council, Cindy Wade seconded.

4 in favor, 0 against. MOTION PASSES.

4. Capital Budget – Budget Amendment

The 2017 Capital Budget included \$75,000 to reconstruct the Coach Street and Bristol Street Parking Lots. The parking lots were reconstructed and the final costs totaled \$85,570. As such, \$10,570 is required to be fund the project. A previous budget amendment was not submitted as DPW staff anticipated utilizing operating budget accounts to fund the difference. For accounting and future budgeting purposes, it is recommended to keep the total costs of a project in one budget center/fund. The Capital Budget also includes the phone system replacement which was underbudget by \$16,323.10 and City staff recommends transferring \$10,570 from this project to the Coach Street and Bristol Street Parking Lots project.

John revised the original agenda and added this item. We did the Coach and Bristol Street parking lot, but there was an overrun. We'd like to take the money from the Phone System Upgrade money, because that project is \$16,000 under budget. Jim estimates we saved \$80,000-90,000 by doing some of the work ourselves.

Robert O'Brien motioned to approve the amendment, Karen White seconded.

4 in favor, 0 against. MOTION PASSES.

5. Waste Water Treatment Plant – Hauling Cake Biosolids

As part of the operation of the Waste Water Treatment Plant, the bi-product of treatment, cake biosolids (aka sewage sludge), is hauled to the Ontario County Landfill. This service was recently put out to bid and two bids were received with the lowest responsible bid received by Feher Rubbish Removal at a rate of \$10.25 per ton. City staff recommends that City Council awarded the bid to Feher Rubbish Removal.

Once the process is completed, we are left with biosolids that need to be sent to the dump. We received a lower bid from Feher, and the City recommends we take it. Jim Terwilliger asked we don't haul it ourselves, and Jim Sprague said we would need a new truck and costly infrastructure. At this cost, it's cost effective for us to use this option. We're paying over \$14 right now. This is a one-year contract with 2 one-year extensions.

Karen White motions to accept Feher's bid, Cindy White seconded.

4 in favor, 0 against. MOTION PASSES.

APPENDIX D (continued)
FINANCE/BUDGET COMMITTEE
Tuesday, August 22, 2017

6. Water Treatment Plant - Alternative Chlorination System

The 2017 Water Fund Capital budget includes the installation of an alternative chlorination system with a total of \$610,158 budgeted. Bids were recently received for this project with the lowest bid submitted by Bell Mechanical Contractors, Inc. for a total of \$175,000. This amount was \$117,971 less than the second lowest bidder, Empire State Mechanical Contractors, Inc., which submitted a bid of \$292,971 and was relatively close with the other bids submitted. As such staff is concerned that the lowest bid may not be responsible or include all of the necessary equipment and labor to complete the project. The City's consulting engineer and City staff are reviewing the bids and will be prepared to recommend one of the above to firms at the meeting.

John recommended we go with the second lowest bid, as the first one has been rescinded for underestimating the cost. The Mayor asked why the project is still so far under budget, and Jim Sprague explained it is because we changed our approach due the Department of Health regulations. The system has a much lower construction cost, but it will have a higher operating cost. The system will have a lower life cycle cost overall.

Cindy Wade motioned to approve the bid, Robert O'Brien seconded.

4 in favor, 0 against. MOTION PASSES.

7. Small Business Loan Program

As part of the City's economic development efforts, the Economic Development Advisory Council has been discussing the establishment of a Small Business Development Loan Program. The program will provide gap financing and/or an incentive for small businesses to locate and expand in Canandaigua. In summary, each loan would be for a maximum of \$50,000 with a 0% interest rate for 60 months. The program will involve the creation of a loan committee to review and determine if the loan will create a desired economic impact within the City. The loan program would be administered by Canandaigua National Bank & Trust Company. Attached is a draft of the loan policy/approval process. The final program will be reviewed by the Economic Development Advisory Council at its September 5th meeting and will be included on the agenda of the Planning/Development Committee for a final recommendation to the full City Council. With that said, this program would involve the appropriation by City Council of \$250,000 from the CDBG fund which is recommended by City staff.

We temporarily bypassed this item to discuss Agenda Item #8, and returned to it after.

We've had a revolving loan program in the past, and we would like to start that back up again. John reviewed the proposal, and this body would need to approve the funding. We are looking to do a final recommendation at the next Finance Committee Meeting after the next Economic Advisory and Planning meetings.

Jim will not be voting because of conflict of interest, but this is a loan, not a grant program. They would pay it back and we would re-loan that money to someone else. John used the 3 Huskies example for why this program is necessary. This program will help economic development. The Mayor pointed out this will come out of the CBDG money, and this is the only thing that money can be used for. Cindy would recommend we use a 1% interest rate on these loans. She likes the parameters John has put on this program. Matt has wanted to do this in the City for a long time and he thinks it's a great idea. He suggests the interest rate should be higher for working capital, and John stated we would not be financing working

APPENDIX D (continued)
FINANCE/BUDGET COMMITTEE
Tuesday, August 22, 2017

capital. Karen wants to know if we've researched management that wouldn't charge use a 1% loan fee. We have not, but CNB is serving as a partner on the loan committee to cover gaps in knowledge we don't have. They are a good community partners and we have restrictions. All the money earned on that CDBG money goes back to the government. Karen feels like she is on the peripheral of the decisions being made. John pointed out the advisory council only makes recommendations. Decisions are made by City Council. As it stands Cindy and the Mayor are on that advisory board, and the next meeting is September 5th. The meeting is open to the public.

Anita doesn't want to tie the hands of the economic development people. We can't leave them without any working capital to do economic development. Giving them the resources they need to do their job will benefit the City. Robert is supportive; the financing for these downtown buildings can be difficult to navigate. This is good gap funding, and he commends the City for how they have administered the program in the past. Finger Lakes Dental and Simply Crepes are examples of success stories in the program.

A Straw vote was taken to support giving \$250,000 in CDBG money for this program.

5 in Favor, 2 Abstain.

8. Fort Hill Apartments - PILOT Request

At the June 6th Planning/Development Committee meeting Gordon Estey and Holger Stave (Fort Hill Performing Arts Center Canandaigua) presented plans to revitalize the former Canandaigua Academy auditorium and Michael Birkby (Conifer Real Estate Development) presented a plan to update the apartment portion of the building. The presenters requested support of the project from City Council as they pursued a PILOT from the Ontario County IDA. City Council adopted Resolution 2017-065 expressing full support of the proposed project and support of the Ontario County IDA accepting and reviewing an application for potential assistance. City Council, however, took no position on such assistance. Since that time the Fort Hill Performing Arts Center has started the process to pursue a tax exemption pursuant to New York State Real Property Tax Law §426 and Conifer has submitted a formal request to the City for a PILOT agreement on behalf of the Fort Hill Housing Development Fund Company, Inc. By way of background, the original conversion of the Canandaigua Academy to senior apartments received a PILOT from the City in 1995 which expired in 2013 (Conifer submitted the former PILOT agreement as part of their request). Attached is an estimated financial impact of such a PILOT agreement. City staff recommends that City Council request additional information such as the scope of work for the project, estimated costs, schedule, and any State or Federal grants that may be utilized for this project.

Michael from Fort Hill was at the meeting. He mentioned this is two projects that are separate but still part of the same project. After we met in June, they found the opera house exemption the theater would be able to qualify for. This would leave the apartments with no ability to receive a property tax exemption, so they fell back to a housing development fund company. The City granted a PILOT for that project. They would be open to alternative means to calculate the PILOT payments. The Mayor sits on the board for the auditorium, but she wanted to add that the building was vacant before conifer purchased it. Its affordable housing and it is one of the few options in the City. Karen asked if the rents would be raised after renovations, but they are restricted and will remain the same. Several questions were asked about average rents and income restrictions, which Michael answered. Cindy pointed out the project serves a great purpose and is needed in the City, but it's a wonderful historic building that needs a lot of work. As we

APPENDIX D (continued)
FINANCE/BUDGET COMMITTEE
Tuesday, August 22, 2017

look at payments for full assessment against the PILOT agreement, the project is worth the difference and she will support. John added the City, School District, and County will be giving up around \$132,000 combined over the 15 years; the City will lose \$28,521. If we pass this, we are binding them to the losses under this section of State Law. After hearing this, the Committee felt we should get their input. There was a higher assessment that got lowered after it was challenged. Matt asked for clarification on the “acquisition” price, and Michael shared it is there to pay off the debt on the building. It would also pay the balloon payment owed to the City. He also asked about professional services, and Michael shared that is for attorneys, engineers, historians, architects and a developer fee they are entitled to. Michael stated they spoke to Mike Manikowski from the County, and he said they wouldn’t do it without speaking to us first. Avoiding the IDA will save several thousands of dollars. The IDA doesn’t usually do housing projects. Matt asked about the scope of work, and the apartments being converted to meet ADA requirements. The property was developed under the building code at the time, which didn’t require accessibility. Now they are required to have 3 apartments. Jim Terwillger asked about the Opera House Exemption, and basically properties that are developed to foster the performing arts are eligible for this exemption. They are pursuing that along with a PILOT. The Theater will become its own tax parcel, and the apartments will be their own tax parcel. The apartments can’t use the exemption, so they need other tax relief. The board is a 501(c)3 trying to raise a lot of its own money. Cindy Wade recommends we send this to them to get their opinions before we take any action. John said we should decide whether we support it first, and then send it to the School District and County. The former superintendent who negotiated the original PILOT was in attendance, and he stated that originally the district came to us and asked us to support the PILOT. If Council doesn’t support the PILOT, it’s possible the project could not move forward. Investors want the PILOT in place before we move forward. Matt agrees with the project and the concept, but he doesn’t agree with tax breaks on the same property much less twice. He asked how he can justify it to his constituents. Michael stated that without the savings, certainty and financing the PILOT will provide, these apartments can’t remain affordable and in good condition. Matt asked if asking for PILOTs twice is typical, and Michael said that every property needs to go through these rehabilitations. Cindy asked about what percentage of professional costs is the developer fee, and Michael said it is slightly more than half. Robert reiterated we need to talk to the school district before doing anything.

John suggested a straw vote for support. Jim called for a straw vote to offer support of the PILOT, noting we want to get input from the School District and County before making a final decision.

Robert and Matt are concerned that they will be back in another 20 years to get another PILOT, but they are limited in the amount of money they can save and use from their reserves. The Mayor spoke to how well run the facility is, and how important it is to the City. Karen added she believes that 2 wrongs don’t make a right, and she isn’t willing to put her foot down on this project when this is how business is done now. This isn’t where we should draw the line when Paychex gets \$55 million. Matt agreed with Karen, but he is concerned that the City needs to be consistent. John pointed out there is no income approach at Pinnacle North, and this is consistent with that project.

Jim called for a second straw vote to offer support of the PILOT, noting we want to get input from the School District and County before making a final decision.

Straw Vote: 6 in Favor, 1 Abstain. We will send a letter.

Meeting Adjourned at 9:20 P.M.