

CITY COUNCIL AGENDA
THURSDAY, OCTOBER 1, 2020
7:00 P.M.

<https://zoom.us/j/93725786215>

City Council: **Bob Palumbo, Mayor**
 Nick Cutri, Councilmember Ward I
 Dan Unrath, Councilmember Ward II
 Karen White, Councilmember Ward III
 Erich Dittmar, Councilmember Ward IV
 Robert O'Brien, Councilmember-at-Large
 Renée Sutton, Councilmember-at-Large
 James Terwilliger, Councilmember-at-Large
 Steve Uebbing, Councilmember-at-Large

John Goodwin, City Manager
Rob Richardson, Assistant City Manager
Nancy Abdallah, City Clerk/Treasurer
David Hou, Corporation Counsel

Public Hearings:

1. Pledge of Allegiance

2. Roll Call

3. Review of 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.

4. Approval of Minutes: September 3, 2020

5. Recognition of Guests:

6. Committee Reports:

Planning Committee next meeting: Tuesday, October 6th.

Finance Committee next meeting: Tuesday, October 6th.

Environmental Committee held September 15th, next meeting: Tuesday, October 20th.

Ordinance Committee held September 15th, next meeting: Tuesday, October 20th.

7. Resolutions:

- Resolution #2020-063:** **A Resolution Extending the Authorization to Close a Downtown Parking Lot to Accommodate Outdoor Dining**
- Resolution #2020-064:** **A Resolution Declaring Used and Unwanted Vehicles Surplus**
- Resolution #2020-065:** **A Resolution Adopting a Policy for City Council Approval of Department Head Appointments**
- Resolution #2020-066:** **Refunding Bond Resolution of the City Council of the City of Canandaigua, Ontario County, New York (the “City”) Authorizing the Issuance of Refunding Bonds of the City in an Aggregate Principal Amount Not to Exceed \$5,790,000 Pursuant to the Local Finance Law, and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby**

8. Ordinances:

- Ordinance #2020-004:** **An Ordinance Amending Chapter 648 of the Municipal Code for a Correction**
- Ordinance #2020-005:** **An Ordinance Amending Chapter 714-28(A)(27) of the Municipal Code Regarding Parking Garages to Conform to State Uniform Code Standards**

9. Local Laws:

10. Manager's Report

11. Appointments

- Nathan Henry, Climate Smart Canandaigua Task Force

12. Miscellaneous

13. Adjournment

RESOLUTION #2020-063

**A RESOLUTION EXTENDING THE AUTHORIZATION TO CLOSE A DOWNTOWN
PARKING LOT TO ACCOMMODATE OUTDOOR DINING**

WHEREAS, one of the industries hit hardest by the COVID-19 Pandemic was the restaurant industry. Even as New York State continues the process of reopening, restaurants continue to deal with occupancy restrictions that threaten their ability to remain in business; and

WHEREAS, to combat these restrictions and remain compliant with State guidelines, several restaurants in the City have started offering outdoor dining; and

WHEREAS, the response to outdoor dining has been so positive, in fact, that restaurant owners have approached the City to explore options to expand the service; and

WHEREAS, at its August 6th meeting, City Council unanimously passed Resolution #2020-054 authorizing the closure of the parking lot between Simply Crêpes and the Chamber of Commerce to accommodate on Fridays, Saturdays and Sundays from August 28th – October 3rd from 4-11 PM; and

WHEREAS, this initiative has been incredibly successful, restaurants downtown would like to extend the authorization to close this public lot as long as weather permits, allowing restaurants to realize the benefits of the outdoor dining program; and

WHEREAS, this proposal is supported by the BID and the Canandaigua LDC;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby extends the authorization to close the public parking lot between Simply Crêpes and the Chamber of Commerce to accommodate outdoor dining on Fridays, Saturdays and Sundays as long as weather permits; and

BE IT FURTHER RESOLVED, that the restaurants, and Simply Crêpes being the responsible party, shall adhere to any regulations that the City Manager or the Police Department establish to ensure the health and safety of Canandaigua residents and visitors.

ADOPTED this 1st day of October, 2020.

ATTEST:

Nancy Abdallah
City Clerk/Treasurer

RESOLUTION #2020-064

A RESOLUTION DECLARING USED AND UNWANTED VEHICLES SURPLUS

WHEREAS, there exists used and unwanted vehicles that is no longer essential to the operations of the City of Canandaigua; and

WHEREAS, it is necessary to declare as surplus the vehicles on the attached list so that they may be sold at public auction or via sealed bid;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby declares as surplus the vehicles contained on the attached list and they are to be sold to the highest bidder at a public auction, through sealed bids or to be traded in on future equipment purchases pursuant to City and State purchasing guidelines.

ADOPTED this 1st day of October, 2020.

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer

SURPLUS VEHICLE

2017 Ford Police Interceptor Utility	VIN: 1FM5K8AR6HGC86687
2012 Ford F150 from WWTP	VIN: 1FTMF1CM4CKD70395
2015 Ford Police Interceptor	VIN: 1FM5K8AR5FGC51927

RESOLUTION #2020-065

**A RESOLUTION ADOPTING A POLICY FOR
CITY COUNCIL APPROVAL OF DEPARTMENT HEAD APPOINTMENTS**

WHEREAS, the City Charter makes clear that the City Manager has sole authority to appoint all employees within budgetary authority with the exception of Corporation Counsel; and

WHEREAS, the City Manager's appointment of the Chief of Police, Fire Chief, Assessor, Clerk/Treasurer and Director of Development and Planning all require the approval of City Council; and

WHEREAS, to identify the responsibilities of the City Manager and City Council in appointing and approving department heads that require City Council approval, the attached policy regarding City Council approval of department head appointments was created; and

WHEREAS, the policy includes guidelines on Council notification of vacancies, whether the position will be filled on an interim basis, and a submission process so City Council can see the qualifications of the final candidate; and

WHEREAS, this policy was discussed and approved at the September 1st Planning Committee Meeting;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby adopts the policy regarding the City Council Approval of Department Head Appointments in substantially the same for as attached hereto.

ADOPTED this 1st day of October, 2020.

ATTEST:

Nancy Abdallah
City Clerk/Treasurer



City Council Approval of Department Head Appointments

Date Updated:

Approved by: City Council

Scope

The City Charter makes clear that the City Manager has sole authority to appoint all employees within budgetary authority with the exception of Corporation Counsel. The appointment of the Chief of Police, Fire Chief, Assessor, Clerk/Treasurer and Director of Development and Planning all require the approval of City Council. Budgetary authority shall be defined as an approved position within the City budget.

Objectives

The objectives of this policy are:

- A. To identify the responsibilities of the City Manager and City Council in appointing and approving department heads that require City Council approval.

Guidelines

Whenever a vacancy occurs in any department head that requires City Council approval, the City Manager will take the following steps:

- A. Inform City Council within 24 hours that a vacancy is anticipated or has occurred.
- B. Inform City Council of the processes the City Manager intends to follow to appoint an interim department head and recruit candidates to replace permanently the outgoing department head.
- C. For the permanent appointment, the City Manager may seek input from key constituencies in identifying desired characteristics of a replacement or in identifying the best candidate.
- D. Provide to City Council a recommendation for a final candidate (s-which) which includes detailed information regarding the qualification of the candidate(s). Such information shall include:
 - 1. Detailed work history of the candidate
 - 2. Summary of recommendations supporting the candidate
 - 3. List of current certifications and licenses germane to the candidate's qualification and requirements of the position.
 - 4. Results of a complete and thorough vetting process conducted by the City Manager.

Department Head, replacement

August 30, 2020

- E.** These guidelines are not intended to supersede any applicable provisions of the New York Civil Service Law.

City Council shall approve the recommendation of the City Manager unless Council determines by majority vote not to do so based solely on the qualification of the candidate.

RESOLUTION #2020-066

REFUNDING BOND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (THE “CITY”) AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,790,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

WHEREAS, the City of Canandaigua, Ontario County, New York (the “City”) heretofore issued its Public Improvement (Serial Bonds, 2009, dated and issued on April 30, 2009 in the original aggregate principal amount of \$2,800,000 (the “Series 2009 Bonds”), pursuant to a bond resolution adopted by the City Council of the City on September 4, 2008, as amended on March 5, 2009, for the specific object or purpose identified in Exhibit A-1 attached hereto, which bonds have an outstanding principal amount of \$1,350,000, and mature in the following respective years and principal amounts: \$150,000 in the year 2020, \$150,000 in the year 2021, \$150,000 in the year 2022, \$150,000 in the year 2023, \$150,000 in the year 2024, \$150,000 in the year 2025, \$150,000 in the year 2026, \$150,000 in the year 2027 and \$150,000 in the year 2028 (the “Series 2009 Prior Bonds”); and

WHEREAS, the City heretofore issued its Public Improvement (Serial Bonds, 2012, dated and issued on December 27, 2012 in the original aggregate principal amount of \$8,130,500 (the “Series 2012 Bonds”), pursuant to a bond resolution adopted by the City Council of the City on February 3, 2011, as amended on April 19, 2011, for the specific objects or purposes identified in Exhibit A-2 attached hereto, which bonds have an outstanding principal amount of \$4,895,000, and mature in the following respective years and principal amounts: \$480,000 in the year 2020, \$495,000 in the year 2021, \$360,000 in the year 2022, \$375,000 in the year 2023, \$390,000 in the year 2024, \$395,000 in the year 2025, \$400,000 in the year 2026, \$380,000 in the year 2027, \$390,000 in the year 2028, \$400,000 in the year 2029, \$410,000 in the year 2030 and \$420,000 in the year 2031 (the “Series 2012 Prior Bonds” and, collectively with the Series 2009 Prior Bonds, the “Prior Bonds”); and

WHEREAS, the City has the power and authority to issue refunding bonds of the City for the purpose of refunding and thereby refinancing the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.00 and 90.10 of the Local Finance Law; and

WHEREAS, in order for the City to realize the potential for substantial long-term debt service savings with respect to the Prior Bonds, the City Council of the City has determined, acting in consultation with the financial advisory and bond counsel firms retained by the City, that it is advisable and prudent for the City to consider the refunding of all or a portion of the outstanding Prior Bonds maturing in the years 2021 and thereafter (the “Refunded Bonds”); and

WHEREAS, the City has received a draft refunding financial plan, a copy of which is attached hereto as Exhibit B, from Roosevelt & Cross Incorporated (“Roosevelt & Cross”), with

respect to a proposed refunding of the Refunded Bonds, which refunding would result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and

WHEREAS, the Refunded Bonds are, by their terms, subject to redemption prior to their stated maturity dates on any interest payment date occurring on or after December 15, 2020 at the option of the City; and

WHEREAS, Section 90.10 of the Local Finance Law requires that the City adopt a refunding bond resolution that includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction; and

WHEREAS, the City Council now intends to authorize the issuance of refunding bonds for the purpose of refunding all or a portion of the Refunded Bonds in accordance with the Refunding Financial Plan.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (by the favorable vote of not less than two-thirds (2/3'S) of all the members of the City Council) AS FOLLOWS:

SECTION 1. Based on the recommendation of Bernard P. Donegan, Inc., the financial advisory firm retained by the City, the City Council hereby determines to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the City. The City Council also hereby determines to retain the services of Roosevelt & Cross, Inc., as underwriter (the "Underwriter"), in connection with the issuance of the Refunding Bonds.

SECTION 2. For the object or purpose of refunding the \$5,615,000 outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds which are optionally redeemable are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the Underwriter, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as defined in Section 7 of this Resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this Resolution), financial advisory fees, printing fees and legal fees, and (e) the premium or premiums for any policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds as herein authorized, or any portion thereof, there are hereby authorized to be issued the "Public Improvement Refunding (Serial) Bonds, 2020" of the City, in an aggregate principal amount not to exceed \$5,790,000 pursuant to the provisions of Sections 90.00 and 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,970,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined

by the Treasurer of the City pursuant to Section 6 hereof, and shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the Treasurer of the City pursuant to Section 5 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Treasurer of the City. Notwithstanding anything in this resolution to the contrary, the Refunding Bonds shall only be issued by the City if the refunding of the Refunded Bonds hereby will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 3. The Treasurer of the City, as the chief fiscal officer, is hereby delegated all powers of the City Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Treasurer of the City, and a facsimile of its corporate seal shall be imprinted thereon and attested by the City Clerk of the City. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the Treasurer of the City shall determine.

SECTION 5. It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds or, if applicable, the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier, for the object or purpose for which the Refunded Bonds were issued is as shown upon Exhibit A attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds or each separate series of Refunding Bonds will mature not later than the expiration of the remaining period of probable usefulness for each object or purpose for which the Refunded Bonds were issued, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Refunded Bonds, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with all of the Refunded Bonds, in each case computed from the date of issuance of the Refunded Bonds, or the applicable series thereof, or from the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(b)(2) of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 6 hereof.

SECTION 6. The financial plan for the refunding authorized by this resolution (the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings anticipated to result from the issuance of the Refunding Bonds, computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law, is set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$4,970,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This City Council recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds to be issued by the City will likely be different from such assumptions and that the final Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Treasurer of the City is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 1 of this resolution), the maturities and amounts of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions and the authorization and direction the Escrow Holder described in Section 7 hereof to cause notice of such redemption or redemptions to be delivered, if applicable, the date of the Refunding Bonds and the date of issue, maturities and terms thereof, the rate or rates of interest to be borne thereby, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Sections 21.00 and 90.10(c)(3) of the Local Finance Law, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and to prepare, or cause to be prepared, a final Refunding Financial Plan for the Refunding Bonds (the “Final Refunding Financial Plan”), and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the Treasurer of the City; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Treasurer of the City shall file with the City Clerk of the City of the City Council not later than the date of issuance of the Refunding Bonds, as herein provided, (1) a copy of the Treasurer’s certificate determining the details of the Refunding Bonds and the Final Refunding Financial Plan and (2) a certificate of the Treasurer setting forth the present value of the total debt service savings, as approved by a certificate of the State Comptroller, as required by Section 90.10(g) of the Local Finance Law.

SECTION 7. The Treasurer of the City is hereby authorized and directed to enter into an escrow contract (the “Escrow Contract”) with a bank or trust company located and authorized to do business in the State of New York (the “State”) as the Treasurer of the City shall designate (the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the

Refunded Bonds, as the escrow holder to perform the services described in Section 90.10(i)(1) of the Local Finance Law.

SECTION 8. The faith and credit of said City are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 9.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the Final Refunding Financial Plan prepared or caused to be prepared by the Treasurer of the City in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates (such amount being hereinafter referred to as the "Escrow Deposit Amount"), shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the Final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall, immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the Treasurer of the City, as chief fiscal officer, or as the Treasurer of the City may direct and be applied

to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

SECTION 10. The Treasurer of the City, as chief fiscal officer, is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and, if applicable, to designate the bonds authorized by this resolution as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 11. The City Council hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) is required.

SECTION 12. In accordance with the provisions of Sections 53.00 and 90.10(h) of the Local Finance Law, the City Council of the City hereby elects to call in and redeem on the Refunded Bonds on December 15, 2020, or such later date as may hereafter be determined by the Treasurer and provided for in the Final Refunding Financial Plan. The sum to be paid therefor on each such redemption date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the City pursuant to which they were issued. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds that are subject to redemption at the option of the City and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. The Treasurer of the City is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14.

(a) Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at a private sale.

(b) The Treasurer of the City is hereby authorized to negotiate the terms of such private sale with the Underwriter or such other investment banking firm as may be recommended by the City's financial advisor and selected by the Treasurer of the City to serve as underwriter for the issuance of the Refunding Bonds, consistent with the Refunding Financial Plan approved in Section 6 hereof and to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds; provided, however, that the sale of the Refunding Bonds pursuant to such bond purchase agreement shall be subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the Treasurer of the City in accordance with said bond purchase agreement, upon the receipt by the City of the applicable purchase price, including any premium or accrued interest, if any.

SECTION 15. The Treasurer of the City and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 16. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Treasurer of the City and all powers in connection therewith are hereby delegated to the Treasurer of the City.

SECTION 17. The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 18. Upon this resolution taking effect, the Treasurer of the City is hereby authorized and directed to publish the same, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law.

SECTION 19. This resolution shall take effect immediately upon its adoption.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows.

ADOPTED this 1st day of October, 2020.

ATTEST:

Nancy Abdallah
City Clerk/Treasurer

The foregoing resolution was thereupon declared duly adopted.

Exhibit A-1
Summary of the Series 2009 Prior Bonds

Public Improvement (Serial Bonds, 2009)

Dated Date and Issue Date: April 30, 2009
Original Principal Amount: \$2,800,000
Outstanding Principal Amount: \$1,350,000*
Principal Amount to be Refunded: \$1,200,000
Interest Payment Dates: June 15th and December 15th

Maturity Schedule of the Refunded Bonds

<u>Date (December</u> <u>15th)</u>	<u>Principal Amount</u>	<u>Date (December</u> <u>15th)</u>	<u>Principal Amount</u>
2021	\$150,000	2025	\$150,000
2022	\$150,000	2026	\$150,000
2023	\$150,000	2027	\$150,000
2024	\$150,000	2028	\$150,000

Period of Probable Usefulness

(determined as of the date of issuance of the Prior Bonds or the first bond anticipation note issued in anticipation thereof)

Object or Purpose

Phase II of a water storage tank project located at County Road 16 in the Town of Canandaigua, which phase consists of the construction of one 4.5 million gallon pre-cast concrete storage tanks with associated piping, controls and site work, demolition of existing reservoir, and rehabilitation of existing steel storage tanks, including all related and ancillary improvements and expenses associated therewith

40 years - subdivision 1. of paragraph (a) of §11.00 of Local Finance Law

* The Series 2009 Prior Bonds maturing on December 15, 2020 in the principal amount of \$150,000 are not being refunded by the Refunding Bonds.

Exhibit A-2
Summary of the Series 2012 Prior Bonds

Public Improvement (Serial Bonds, 2012)

Dated Date and Issue Date: December 27, 2012
 Original Principal Amount: \$8,130,500
 Outstanding Principal Amount: \$4,895,000*
 Principal Amount to be Refunded: \$4,415,000
 Interest Payment Dates: June 15th and December 15th

* The Series 2012 Prior Bonds maturing on December 15, 2020 in the principal amount of \$480,000 are not being refunded by the Refunding Bonds.

Maturity Schedule of the Refunded Bonds

<u>Date (December 15th)</u>	<u>Principal Amount</u>	<u>Date (December 15th)</u>	<u>Principal Amount</u>
2021	\$495,000	2027	\$380,000
2022	\$360,000	2028	\$390,000
2023	\$375,000	2029	\$400,000
2024	\$390,000	2030	\$410,000
2025	\$395,000	2031	\$420,000
2026	\$400,000		

Period of Probable Usefulness

(determined as of the date of issuance of the Prior Bonds or the first bond anticipation note issued in anticipation thereof)

Object or Purpose

the reconstruction of portions of City streets to include (a) Bristol Street between South Main Street and Sucker Brook, (b) Chapin Street between South Pearl Street and Sucker Brook, and (c) Charlotte Street from Gibson Street to Gorham Street, including, in each case, the construction or reconstruction of curbs, gutters, driveway approaches, sidewalks, drainage, landscaping and grading, any ancillary or related work required in connection therewith, including the acquisition of equipment, machinery, apparatuses, appurtenants, and any engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof

15 years - subdivision 20(c). of paragraph (a) of §11.00 of Local Finance Law

exterior renovations and improvements to City Hall consisting of: (i) the renovation and replacement of delaminated brick, missing

25 years - subdivision 12. of paragraph (a) of §11.00 of Local Finance Law

mortar, decayed window frames, fractured window lentils, the front entranceway door, (ii) painting the entire exterior of the building including the bell tower, (iii) the renovation of the asphalt shingled roof over the building addition on the west side of the atrium, (iv) the abatement of lead, asbestos and PCBs from the building, and (v) any ancillary or related work required in connection therewith, including the acquisition of equipment, machinery, apparatuses, appurtenants, and any engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof

reconstruction and replacement of water distribution lines along (a) Bristol Street between South Main Street and Sucker Brook, (b) Chapin Street between South Pearl Street and Sucker Brook, and (c) Charlotte Street from Gibson Street to Gorham Street, including, in each case, water mains, hydrants, curbstops, any ancillary or related work required in connection therewith, including the acquisition of equipment, machinery, apparatuses, appurtenants, and any engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof

the reconstruction and replacement of sewer lines (including sanitary and surface drainage) along (a) Bristol Street between South Main Street and Sucker Brook, (b) Chapin Street between South Pearl Street and Sucker Brook, and (c) Charlotte Street from Gibson Street to Gorham Street, any ancillary or related work required in connection therewith, including the acquisition of equipment, machinery, apparatuses, appurtenants, and any engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof

construction, reconstruction, rehabilitation improvements and upgrading of the City's

40 years - subdivision 1. of paragraph (a) of §11.00 of Local Finance Law

40 years - subdivision 4. of paragraph (a) of §11.00 of Local Finance Law

40 years - subdivision 4. of paragraph (a) of §11.00 of Local Finance Law

wastewater treatment facility, consisting of and related to the replacement of 32 rotating biological contractors and all related and ancillary construction, reconstruction and rehabilitation improvements

Exhibit B
Refunding Financial Plan

[attached]

STATE OF NEW YORK) ss.
COUNTY OF ONTARIO)

I, Nancy C. Abdallah, Clerk/Treasurer of the City of Canandaigua, Ontario County, New York, DO HEREBY CERTIFY:

I am the duly qualified and acting Clerk of the of the City of Canandaigua, Ontario County, New York (the “Clerk”) and the custodian of the records of the City, including the minutes of the proceedings of the City Council, and am duly authorized to execute this certificate.

Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the City Council held on October 1, 2020 and entitled:

REFUNDING BOND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (THE “CITY”) AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,790,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the City Council was present throughout said meeting, and a legally sufficient number of members (2/3’s of the City Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand as of the 1st day of October, 2020.

CITY OF CANANDAIGUA

By: _____
Nancy C. Abdallah, Clerk

[SEAL]

ORDINANCE #2020-004

**AN ORDINANCE AMENDING CHAPTER 648
OF THE MUNICIPAL CODE FOR A CORRECTION**

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

Sec. 1 That chapter 648, section 648-21 of the Municipal Code, is hereby amended as follows (additions in bold):

§ 648-21 Parking, Standing and Stopping Restrictions

Parking, standing and stopping restrictions shall apply on the following streets as follows:

Name of Street	Restriction
Ontario Street	<u>No parking, standing or stopping on the north side, except a 15-minute delivery zone from a point 800 feet to a point 940 feet east of the curbline of North Main Street easterly to the City limits.</u> No parking on the north side from the railroad crossing easterly to the City limits
Ontario Street	No parking on the south side from a point 403 feet east of the east curbline of North Main Street to a point 50 feet easterly of the east curbline of Leicester Street
Ontario Street	No parking on the south side from North Main Street to a point 300 feet east of the east curbline of North Main Street
Ontario Street	For police business only on the south side from 300 feet east of the east curbline of North Main Street to a point 80 feet easterly therefrom
Ontario Street	No parking, standing or stopping on the north side from the east curbline of North Main Street to a point 300 feet east therefrom

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

ADOPTED this 5th day of November, 2020

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer

ORDINANCE #2020-005

**AN ORDINANCE AMENDING
CHAPTER 714-28(A)(27) OF THE MUNICIPAL CODE
REGARDING PARKING GARAGES
TO CONFORM TO STATE UNIFORM CODE STANDARDS**

WHEREAS, City Council for the City of Canandaigua (the “City”) adopted Ordinance No. 97-21 on October 16, 1997, amended in its entirety by Ordinance No. 2007-002 on February 1, 2007, and codified as Article III entitled “Fire Standards”; and

WHEREAS, the New York Department of State has amended Title 19, Part 1203.3(j) of the New York Codes, Rules and Regulations relating to condition assessments for parking garages; and

WHEREAS, the New York State Division of Building Standards and Codes has advised City staff that the City Code must be amended to incorporate the aforementioned amendments to Title 19, Part 1203.3(j); and

WHEREAS, the City staff therefore recommend that Chapter 714-28(A)(27) be amended to incorporate such amendments.

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

Sec. 1 Chapter 714-28(A)(27) is hereby amended, as follows (*new language shown in italics, omitted language shown with strikethrough*):

(27) Parking garages. ~~Parking garages as defined in 19 NYCRR 1203.3(j). In addition, all such parking garages shall be subject to additional "condition assessments" as required and set forth in 19 NYCRR 1203.3(j).~~ *All parking garages as defined herein shall be subject to condition assessments.*

(a) *For the purposes of this section, the following definitions apply:*

CONDITION ASSESSMENT

An on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.

DETERIORATION

The weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.

PARKING GARAGE

Any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (a) buildings in which the only level used for parking or storage of motor vehicles is on grade;*
- (b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and*
- (c) a townhouse unit with attached parking exclusively for such unit.*

PROFESSIONAL ENGINEER

An individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.

RESPONSIBLE PROFESSIONAL ENGINEER

The professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report.

UNSAFE CONDITION

The conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the New York Property Maintenance Code, as amended.

UNSAFE STRUCTURE

A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition assessments-general requirements. The owner or operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in paragraph (c) of this subdivision, periodic condition assessments as described in paragraph (d) of this subdivision, and such additional condition assessments as may be required under paragraph (e) of this subdivision. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Code Enforcement Officer, in accordance with the requirements of paragraph (f) of this subdivision. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial condition assessment. Each parking garage shall undergo an initial condition assessment as follows:

- (i) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure;*

(ii) Existing parking garages shall undergo an initial condition assessment as follows:

(a) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(b) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(c) if originally constructed between January 1, 2003 and August 29, 2018, then prior to October 1, 2021.

(d) Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed the lesser of:

(i) three years, or

(ii) at such shorter period as may be fixed by the authority having jurisdiction in its code enforcement program.

(e) Additional condition assessments.

(i) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under paragraph (d) of this subdivision, the Code Enforcement Officer shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(ii) If the Code Enforcement Officer becomes aware of any new or increased deterioration which, in the judgment of the Code Enforcement Officer, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under paragraph (d) of this subdivision, the Code Enforcement Officer shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Code Enforcement Officer to be appropriate.

(f) Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Code Enforcement Officer within such time period as fixed by the Code Enforcement Officer. Such condition

assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (i) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;*
- (ii) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;*
- (iii) an evaluation and description of the unsafe conditions;*
- (iv) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;*
- (v) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;*
- (vi) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;*
- (vii) the responsible professional engineer's recommendation regarding preventative maintenance;*
- (viii) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and*
- (ix) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.*

(g) The Code Enforcement Officer shall review each condition assessment report. The Code Enforcement Officer shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Code Enforcement Officer shall, by Order to Remedy or such other means of enforcement as the Code Enforcement Officer may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment

report pursuant to paragraph (f)(ii) and (iii) of this subdivision. All repairs and remedies shall comply with the applicable provisions of the Uniform Code. Nothing in this paragraph shall limit or impair the right of the Code Enforcement Officer to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The Code Enforcement Officer shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Code Enforcement Officer with a written statement attesting to the fact that he or she has been so engaged, the Code Enforcement Officer shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Code Enforcement Officer shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) Nothing in this subdivision shall limit or impair the right or the obligation of the Code Enforcement Officer:

(i) to perform such construction inspections as are required by the stricter of the Uniform Code or this Chapter;

(ii) to perform such periodic fire safety and property maintenance inspections as are required by the Uniform Code or this Chapter; and/or

(iii) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Code Enforcement Officer by means of his or her own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

(j) The use of the term "responsible professional engineer" in this subdivision shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

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

ADOPTED this ____ day of _____, 2020

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer