

MINUTES OF THE CANANDAIGUA CITY
COUNCIL MEETING
THURSDAY, NOVEMBER 2 2017 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 2 Anita Twitchell
Councilmember Ward 3 Karen White
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 1 Nick Cutri absent due to illness
Councilmember-at-Large David Whitcomb (Arrived at 7:07)

Also Present: City Manager John Goodwin
City Clerk-Treasurer Nancy C. Abdallah
Corporation Counsel, Terence Robinson, Boylan Code

Public Hearing: An application for Restore NY Grant funding to help with remediation costs of the Labelon Building.

Mayor Polimeni called the public hearing to order at 7:02 PM.
No one was present to speak at the public hearing.
Mayor Polimeni closed the public hearing at 7:02

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: Will be done at next meeting

Recognition of Guests:

- Mayor Polimeni welcomed high school students from the government participation class

Committee Reports:

Planning/Development Committee Meeting: No Meeting

Environmental/Parks Committee Meeting: October 10, 2017 (Appendix A)

- Gary Dixon Memorial
- Loaning Painting by F.T. Hutchens to New Canaan Historical Society
- Year Two Toter Project Update

- Petition for a Resolution Rejecting Hate and Bigotry

Ordinance/Charter Committee Meeting: October 17, 2017 (Appendix B)

- Enforcement of No Parking Restrictions in Fire Lanes
- Vending Guidelines and Regulations
- BID Sign Ordinance Proposal
- Chapter 496 – “Chronic Nuisance Properties”
- Canandaigua Finger Lakes Resort Proposed Room Schedule

Finance/Budget Committee Meeting: October 26, 2017 (Appendix C)

- Economic Development Funding
- Budget Amendment- Parks Consultant
- Materials Contacts for Water Treatment Plant
- NY Single Payer Health Insurance presentation
- Pinnacle North PIF

Resolutions:

Resolution #2017-112:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 3 White

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON
AMENDING THE PINNACLE NORTH PILOT AGREEMENT

WHEREAS, Canandaigua Lakefront, LLC (Pinnacle North) are seeking to amend their PILOT Agreement and have proposed a Payment Schedule that will allow them to continue the development of the project and generate additional revenues for the Taxing Authorities; and

WHEREAS, amending the PILOT Agreement would impact the revenues of the City of Canandaigua, The Canandaigua City School District, and Ontario County; and

WHEREAS, City Council respects and values input from the citizens of the City of Canandaigua, and will not make any decisions without allowing the community the opportunity to provide Council with feedback;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing regarding the Canandaigua Lakefront, LLC request to amend the PILOT Agreement for the Pinnacle North Project be held during the City Council Meeting held at 7:00 p.m. on November 16, 2017 in the City Council Chambers at City Hall at 2 North Main Street, Canandaigua, New York; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given and published as required by law.

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

Resolution #2017-113:

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

A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY- SODIUM HYPOCHLORITE

WHEREAS, the City of Canandaigua opened bids for the supply of approximately 3,000 gallons of 12.5% sodium hypochlorite, food grade, to be delivered to the Water Treatment facility, on August 31, 2017 with four bidders participating; and

WHEREAS, the lowest bid was submitted by Bison Laboratories, Inc., 100 Leslie Street, Buffalo, New York 14211, at a unit price of \$0.84 per gallon; and

WHEREAS, funding for this chemical usage is included in the 2017 Water Treatment Facility Operating Budget and is recommended for inclusion in the 2018 operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Bison Laboratories, Inc., 100 Leslie Street, Buffalo, New York 14211, to supply sodium hypochlorite, subject to budget appropriations in the 2017 and 2018 budgets;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Bison Laboratories, Inc., 100 Leslie Street, Buffalo, New York 14211, subject to the appropriations in the adopted 2017 City of Canandaigua Budget, for the purchase of sodium hypochlorite during the 2017 and 2018 calendar years at a unit price of \$.84 per gallon.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-114:

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

A RESOLUTION LENDING F.T. HUTCHENS PAINTING TO NEW CANAAN (CT) HISTORICAL SOCIETY

WHEREAS, the Ontario County Historical Society (OCHS) provides curation management services for nine (9) paintings by early 20th Century impressionist Frank Townsend Hutchens that are owned by the City of Canandaigua; and

WHEREAS, the OCHS was contacted by the New Canaan Historical Society (NCHS) in New Canaan, Connecticut, who is putting together an exhibit titled "The Orientalist American Artists in the Early 19th and 20th Centuries- Sahara, Arabia, and India" and would like to include the Hutchens painting "Souk El Attraine-Tunis."; and

WHEREAS, the exhibit would run from January 5th until March 31, 2018, and the NCHS is asking to borrow the painting from December 2017 through mid-April 2018; and

WHEREAS, the painting will be kept in a climate-controlled room, and NCHS will be obtaining a door-to-door Certificate of Insurance for the duration of the exhibit, as well as for the weeks leading up to and after the exhibit; and

WHEREAS, members of the NCHS would physically pack and transport the painting to and from the City of Canandaigua ensuring safe passage and safe return of the painting when the exhibit is complete;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Canandaigua agrees to lend the F.T. Hutchens painting “Souk El Attraine-Tunis” to the New Canaan (CT) Historical Society until the completion of their exhibit “The Orientalist American Artists in the Early 19th and 20th Centuries- Sahara, Arabia, and India” scheduled to run from January 5- March 31, 2018.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O’Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Resolution #2017-115

Moved: Council Member Ward 2 Twitchell

Seconded: Councilmember-at-Large O’Brien

A RESOLUTION REJECTING HATRED AND BIGOTRY

WHEREAS, in the aftermath of the hate and bigotry seen in many communities across our country, it is appropriate for the City of Canandaigua to emphatically state that such beliefs are not only wrong but ethically and morally reprehensible; and

WHEREAS, Canandaigua stands for inclusion, equity, and justice. We condemn racism, xenophobia, sexism, and homophobia in rhetoric or action. Hateful acts, bigotry, and intimidation are in direct opposition to the principles of respect, dignity, and fairness that our community values and embraces; and

WHEREAS, Canandaigua is a community that welcomes and recognizes the rights of all individuals to live peacefully and with dignity -- free from discrimination based on ethnicity, national origin, faith, sexuality, gender identity, physical/mental abilities, socio-economic status or immigration status; and

WHEREAS, we believe in the public sector for the public good. Advancing equity and inclusion is critical to the success of the Canandaigua community and our nation as a whole;

NOW, THEREFORE, BE IT RESOLVED, that Canandaigua condemns acts of hate, bigotry, and intimidation, whether verbal, written, or physical. We will defend of the rights of all people, and remain steadfast and vigorous in condemning all forms of hate and bigotry; and

BE IT FURTHER RESOLVED, that the City of Canandaigua will be proactive in making our services and programs accessible and open to all individuals, and protecting the rights of our citizens to live, work, and play in a safe, inclusive, and welcoming Canandaigua community.

Discussion:

- *Councilmember-at-Large Terwilliger certainly condemns bigotry and hate but will not be supporting this resolution because he does not see it as an issue in Canandaigua but a social justice issue. This resolution reads somewhat negatively but we should approach this from a positive perspective or possibly revise our core values to include some of these issues.*
- *Councilmember Ward 3 White will support this resolution because it sends a message because our Country is divided. Words do matter.*
- *Councilmember Ward 4 Wade condemns hatred and bigotry but does not support this resolution. We should not be spending our time on these national issues when we have community based items such as our strategic plan that we need to spend on. Our City Code as well as state and federal laws already address this issue that any form of discrimination or hate crime is illegal.*
- *Council Member Ward 2 Twitchell is supportive of this resolution which does not target anyone or to make anyone feel guilty or from expressing thoughts privately but this is a community issue and shows we stand with people who are different. Asking everyone to join us on this.*
- *Councilmember-at-Large Martin feels Council that we often do not have time to focus on the local issues but we find time to spend on national issues. We also have a first amendment which protects speech we do not like to hear.*
- *Councilmember-at-Large O'Brien supports this resolution because it was brought to us by the citizens of this community and shows the City is taking a stand.*
- *Councilmember-at-Large Whitcomb agrees with the language of this resolution and will support this; however, we are a municipal government and need to be more selective on issues that we spend time on.*
- *Mayor Polimeni stated that we need to address state and national issues when they will affect us.*

The motion CARRIED on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, and Mayor Polimeni.

NOES: Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger.

Resolution #2017-116:

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Martin

**A RESOLUTION AMENDING THE CITY OF CANANDAIGUA
VENDOR GUIDELINES AND REGULATIONS**

WHEREAS, at the Ordinance Committee meetings held February 21st and April 18, 2017, proposed changes to the City of Canandaigua vending guidelines and regulations were reviewed by the Committee; and

WHEREAS, the proposed changes included limiting the number of Downtown permits available to one (1), moving the vending location on City Pier from parking spaces to designated areas, and changing from the current lottery system to a first refusal system; and

WHEREAS, City Staff worked with vendors to address their concerns regarding the vending locations and language used in the guidelines with both being used unofficially this season; and

WHEREAS, at the Ordinance Committee meeting held October 17th City Council reviewed the updated proposal regarding changes to the vending guidelines and regulations and unanimously approved sending them to City Council for approval;

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the proposal to amend the City of Canandaigua vendor guidelines and regulations to limit the number of Downtown permits available to one (1), move the vending location on City Pier from parking spaces to designated areas, and change from the current lottery system to a first refusal system.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-117:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember-at-Large Whitcomb

A RESOLUTION DETERMINING THE PROPOSED ROOM SCHEDULE FOR THE CANANDAIGUA FINGER LAKES RESORT IS CONSISTENT WITH THE APPROVED LAND USE WITHIN THE ROSE PARK PUD

WHEREAS, at its August 8th meeting, the Planning Commission reviewed a request from the Canandaigua Finger Lakes Resort (CFLR) to “revert back to an original planned 109 room layout with 44 condominiums on the 4th and 5th floors”; and

WHEREAS, the last approval from the Planning Commission for the site plan was on March 8, 2016 which amended the site plan for a hotel with 176 rooms and no condominiums; and

WHEREAS, The Planning Commission forwarded the request back to City Council for review in accordance with §850-126, Article VII pertaining to Planned Unit Developments (PUD) for a determination of consistency with the approved land use; and

WHEREAS, at its October 17th meeting, the Ordinance Committee reviewed the proposal as requested and determined the proposed room schedule submitted for the Canandaigua Finger Lakes Resort is consistent with the approved land use within the Rose Park PUD;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua, that the proposed room schedule submitted by CLFR, as set forth in the revised plan is consistent with the approved land use within the Rose Park PUD; and

BE IT FURTHER RESOLVED, that the matter is referred to the City Planning Commission for its final determination.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-118:

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

**A RESOLUTION AMENDING THE BUDGET TO PROVIDE
ECONOMIC DEVELOPMENT FUNDING FOR
APPLIED GROUP CONCEPT MAPPING**

WHEREAS, the City of Canandaigua has been working toward a partnership with the Town of Canandaigua and the Chamber of Commerce on an Economic Development Shared Services Project that will involve Applied Group Concept Mapping utilizing CS Global Max Software; and

WHEREAS, this project will provide the City, Town, and Chamber with an analysis on how the groups can work together to create an effective joint economic development program; and

WHEREAS, the cost for one year of this software is \$3,400, costing each participant \$1,133.33, and as such a budget amendment is needed from City Council appropriating \$1,134 from contingency for this purpose;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes a budget amendment in the amount of \$1,134 from the Contingency budget for the Shared Services Project involving Applied Group Concept Mapping with the Town and Chamber of Commerce.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-119:

Moved: Councilmember-at-Large O'Brien
Seconded: Council Member Ward 2 Twitchell

**A RESOLUTION AMENDING THE BUDGET TO FUND THE DEVELOPMENT OF AN
ALTERNATIVE TURF MANAGEMENT STRATEGY**

WHEREAS, City Staff has continued to explore alternative turf management methods to maintain the City's parks and flower beds and believes the City needs assistance in developing an effective program to manage our parks without the use of pesticides and herbicides; and

WHEREAS, Dr. Frank Rossi from Cornell University is an expert in studying and implementing alternative turf management practices and has assisted with the implementation process in many municipalities; and

WHEREAS, Dr. Rossi is willing to assist the City of Canandaigua at a cost of \$5,000 to be paid to the Cornell University Turf Management Program; and

WHEREAS, City Staff also recommends allocating an additional \$10,000 for associated soil testing and analysis bringing the total amount needed to \$15,000;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes a budget amendment in the amount of \$15,000 from the Parks and Open Spaces Reserve to bring in Dr. Frank Rossi to help the City develop an alternative turf management strategy for the City of Canandaigua allowing for effective park management without the use of pesticides and herbicides.

Discussion:

- *Councilmember-at-Large Whitcomb would like to make the results public because at the end of the day the percentage of land the City owns is minimal compared to private property.*
- *Councilmember Ward 4 Wade does not support additional money to be spent when we have a (Integrated Pest Management) IPM program which we used for years at a lower cost. Residents do not understand the IPM program and frequency of applications. Our parentage of property that affects the lake is minimal compared to the farmland surrounding our community.*
- *Council Member Ward 2 Twitchell will support this resolution because we need more information to go forward, with the green initiative.*
- *Councilmember-at-Large O'Brien supports this resolution so we can lead by example.*
- *Councilmember-at-Large Martin stated that a more appropriate response would be working with the town on this issue on a shared services agreement.*

The motion CARRIED on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember-at-Large O'Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: Councilmember Ward 4 Wade, Councilmember-at-Large Martin,

Resolution #2017-120:

Moved: Councilmember-at-Large Martin

Seconded: Council Member Ward 2 Twitchell

A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY- SODIUM HYDROXIDE AND CHLORINE GAS

WHEREAS, the City of Canandaigua publicly advertised in separate bids for the supply of approximately 9,000 gallons of 50% sodium hydroxide, membrane grade, solution and approximately 16,000 pounds of chlorine gas in one-ton cylinders to be delivered via tanker truck to the Water Treatment facility; and

WHEREAS, the requests for bids were sent directly to the current supplier and nine additional potential bidders and four suppliers responded; and

WHEREAS, a bid opening was held on October 12, 2017; and

WHEREAS, the lowest bid for sodium hydroxide was submitted by Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, with a unit price of \$2.10/gallon; and

WHEREAS, the lowest bid for chlorine gas was submitted by Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, with a unit price of \$0.45/pound; and

WHEREAS, funding for this chemical usage is included in the proposed 2018 Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Jones Chemicals, Inc., to supply sodium hydroxide solution and chlorine gas for 2018 and potentially for two additional one-year periods, subject to budget appropriations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, subject to the appropriations in the proposed 2018 City of Canandaigua Budget, for the purchase of sodium hydroxide solution during the 2018 calendar year at a unit price of \$2.10 per gallon; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to execute a contract with Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, subject to the appropriations in the proposed 2018 City of Canandaigua Budget, for the purchase of chlorine gas during the 2018 calendar year at a unit price of \$0.45 per pound; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-121:

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 2 Twitchell

A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY- FLUROSILICIC ACID

WHEREAS, the City of Canandaigua publicly advertised for bids for the supply of approximately 5,500 gallons of 23 to 25% fluorosilicic acid to be delivered via tanker truck to the Water Treatment facility; and

WHEREAS, this request for bids was sent directly to the current supplier and five additional potential bidders; and

WHEREAS, a bid opening was held on October 12, 2017, with the lowest bid submitted by Coyne Chemical, 3015 State Road, Croydon, PA 19021, with a unit price of \$2.773/gallon; and

WHEREAS, funding for this chemical usage is included in the proposed 2018 Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Coyne Chemical to supply fluorosilicic acid for 2018 and potentially for two additional one year periods, subject to budget appropriations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Coyne Chemical, 3015 State Road, Croydon, PA 19021, subject to the

appropriations in the proposed 2018 City of Canandaigua Budget, for the purchase of fluorosilicic acid during the 2018 calendar year at a unit price of \$2.773 per gallon; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-122:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY- POLY ALUMINUM CHLORIDE (PAC)

WHEREAS, the City of Canandaigua publicly advertised for bids for the supply of approximately 12,000 gallons of poly aluminum chloride (PAC) to be delivered via tanker truck to the Water Treatment facility; and

WHEREAS, this request for bids was sent directly to the current supplier and six additional potential bidders; and

WHEREAS, a bid opening was held on October 12, 2017, with the lowest bid submitted by Holland Company, Inc., 153 Howland Avenue, Adams, MA 01220, with a unit price of \$1.69/gallon; and

WHEREAS, funding for this chemical usage is included in the proposed 2018 Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Holland Company, Inc. to supply poly aluminum chloride for 2018 and potentially for two additional one year periods, subject to budget appropriations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Holland Company, Inc., 153 Howland Avenue, Adams, MA 01220, subject to the appropriations in the proposed 2018 City of Canandaigua Budget, for the purchase of poly aluminum chloride during the 2018 calendar year at a unit price of \$1.69 per gallon; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-123:

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 3 White

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON THE CITY OF CANANDAIGUA'S PROPOSED 2018 CITY BUDGET

WHEREAS, Section 14.6 of the Canandaigua City Charter requires that a public hearing be held at least two weeks prior to adoption of the annual budget; and

WHEREAS, the City Manager has prepared and distributed the proposed 2018 annual budget to the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing pursuant to Chapter 14.6 of the Canandaigua City Charter shall be held in the City Council Chambers, City Hall, Two North Main Street, Canandaigua, New York at 7:00 p.m. on November 16, 2017; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given as required by Section 14.6 of the Canandaigua City Charter.

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

Resolution #2017-124:

Moved: Councilmember-at-Large Martin

Seconded: Council Member Ward 2 Twitchell

AMENDED AND RESTATED BOND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (THE "CITY"), AMENDING AND RESTATING IN ITS ENTIRETY BOND RESOLUTION 2016-008, DATED FEBRUARY 4, 2016, RELATING TO THE FINANCING OF VARIOUS PUBLIC IMPROVEMENTS; ESTIMATING THAT THE TOTAL COST THEREOF IS \$5,500,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$5,500,000 IN SERIAL BONDS OF THE CITY TO FINANCE SAID APPROPRIATION

WHEREAS, the City Council of the City of Canandaigua (the "City"), by Bond Resolution 2016-008 adopted on February 4, 2016 (the "Original Bond Resolution") authorized the issuance of serial bonds and bond anticipation notes of the City in the aggregate principal amount of \$5,500,000 to finance various public improvements and purposes, such bond authorizations and purposes consisting of: (a) \$1,000,000 principal amount to finance improvements to City Hall (the "City Hall Mechanical Project"); (b) \$4,000,000 principal amount to finance renovations, alterations and improvements to the Hurley Building (the "Hurley Building Project"); and (c) \$500,000 principal amount to finance renovations, alterations and

improvements related to the reconfiguration of offices and areas of the lower level of City Hall (the “City Hall Lower Level Project”);

WHEREAS, the City Council now intends to amend and restate the Original Bond Resolution in its entirety pursuant to the terms of this resolution for the purpose of (i) decreasing the estimated maximum cost of, and the maximum authorized amount of bonds to be issued for, the City Hall Mechanical Project from \$1,000,000 to \$769,305, (ii) increasing the estimated maximum cost of, and the maximum authorized amount of bonds to be issued for, the Hurley Building Project from \$4,000,000 to \$4,730,695; and (iii) rescinding in its entirety the authorization to issue bonds for the City Hall Lower Level Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), TO AMEND AND RESTATE THE ORIGINAL BOND RESOLUTION IN ITS ENTIRETY, TO READ AS FOLLOWS:

SECTION 1. The City is hereby authorized to issue \$769,305 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the “Law”) to finance the estimated cost of undertaking improvements to City Hall including: (i) mechanical system upgrades including the acquisition, installation and reconstruction of all existing console heating/air condition units, replacement of boiler and the cooling tower, and upgrades and improvements to piping and control systems, (ii) electrical system upgrades, (iii) the acquisition and installation of a new fire alarm system, and (iv) all ancillary or related work and the acquisition and installation of equipment, machinery, furniture and fixtures in connection therewith, and (v) all architectural, engineering, design and other preliminary costs, legal expenses and other costs incidental thereto and the financing thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$769,305, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of \$769,305 in serial bonds of the City authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivisions 13., 25. and 90. of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$4,730,695 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of undertaking renovations, alterations and improvements to the Hurley Building including: (i) mechanical system upgrades, including heating, air conditioning and ventilation system upgrades and improvements, (ii) electrical system upgrades, (iii) replacement of the fire alarm/life safety system, (iv) installation of a new telephone system and replacement and expansion of cabling for computer-based communications, (v) building renovations and reconstruction, including reconfiguration and relocation of offices, conference rooms, staff areas, bathrooms, locker rooms, break rooms and kitchen, truck bays, parking bays and storage areas, (vi) construction of new garage building and demolition of existing cement block building and tin barn, (vii) various site improvements, including reconfiguration of entrance gates, parking areas, driveways and outdoor storage areas, (viii) all ancillary and related work in connection therewith, and the acquisition and installation of machinery, equipment, furniture and fixtures in and around the foregoing improvements, and (ix) all architectural, engineering, design and other preliminary costs, legal expenses and other costs incidental thereto and the financing thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$4,730,695, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$4,730,695 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby

determined that the period of probable usefulness for the aforementioned specific object or purpose is twenty five (25) years, pursuant to subdivision 12(a)(1). of paragraph a. of Section 11.00 of the Law.

SECTION 3. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more other objects or purposes authorized by this resolution or other resolutions of the City Council, then the power of the City Council to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the City Treasurer, as the chief fiscal officer of the City.

SECTION 6. The City Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, 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 to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 7. The City Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes 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 8. The City Council hereby determines that the projects described herein, both individually and collectively, constitute a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (6 N.Y.C.R.R. §617.5(2),(7)) (collectively, “SEQRA”) and therefore no further action under SEQRA is required with respect to the projects or the financing thereof.

SECTION 9. The intent of this resolution is to give the City Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this City Council.

SECTION 10. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

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

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

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 11. This resolution shall take effect immediately and the City Clerk-Treasurer is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O’Brien, Councilmember-at-Large Whitcomb, Councilmember-at-Large Terwilliger and Mayor Polimeni.

NOES: None

Resolution #2017-125:

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 2 Twitchell

**A RESOLUTION APPOINTING A LOCAL HEALTH OFFICER
FOR THE CITY OF CANANDAIGUA**

WHEREAS, in an effort to comply with the Shared Services Initiative, Ontario County and the City of Canandaigua have identified an opportunity to share and coordinate the services of Mary Beer, RN MPH, the Public Health Director of Ontario County, to act as the Local Health Officer for the City of Canandaigua; and

WHEREAS, the City of Canandaigua wishes to have appointed Mary Beer, RN MPH, the Ontario County Public Health Director as the City Local Health Officer; and

WHEREAS, the Ontario County Public Health Director, Mary Beer, RN MPH agrees to act at the Local Health Officer for the City of Canandaigua, thereby eliminating the need for the City to appoint and pay a local health officer; and

WHEREAS, Part BBB of Chapter 59 of the Laws of 2017 specifically authorizes cooperating municipalities to enter into shared services agreements; and

WHEREAS, the Parties wish to enter into a Shared Services Agreement providing for the appropriate service;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the preceding, and pursuant to New York Public Health Law §320, it is mutually agreed upon between Ontario County and the City of Canandaigua that Mary Beer, RN MPH shall be appointed as the Local Health Officer; and

BE IT FURTHER RESOLVED, Mary Beer, RN MPH, in furtherance of this appointment, will investigate complaints of public health nuisances arising with the City and when necessary to resolve said nuisances will present the facts and recommendations to City Council for their decision and enforcement action; and

BE IT FURTHER RESOLVED, the payment of any costs to abate a public health nuisance shall be a City cost; and

BE IT FURTHER RESOLVED, the duration of appointment will begin January 1, 2018 and will end on December 31, 2018.

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Resolution #2017-126:

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember-at-Large Martin

A RESOLUTION AUTHORIZING THE CITY OF CANANDAIGUA TO ENTER INTO A FIRE SERVICES AGREEMENT WITH THE TOWN OF CANANDAIGUA

WHEREAS, the Town of Canandaigua (Town) is desirous of the City of Canandaigua (City) to provide fire protection services to its constituents; and

WHEREAS, the City has been conducting fire services to the Town for many years and has the equipment, personnel and experience to provide adequate fire protection services to this area; and

WHEREAS, the term of this agreement is January 1, 2018 – December 31, 2018; and

WHEREAS, in consideration of this service, the Town agrees to pay the City an annual payment of \$400,000 as set forth in the agreement;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute a fire services agreement with the Town of Canandaigua;

The motion CARRIED UNANIMOUSLY on the following vote:

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

NOES: None

Ordinances:

Ordinance #2017-002:

Councilmember-at-Large Whitcomb read the following ordinance and placed it on the table..

AN ORDINANCE AMENDING CHAPTER 496 OF THE MUNICIPAL CODE ENTITLED "NUISANCE PROPERTIES"

Be it enacted by the City Council of the City of Canandaigua as follows:

SECTION 1. Chapter 496 is hereby repealed and replaced as follows

§ 496-1 Purpose. Nuisance properties negatively impact the general health, safety, and welfare of the community. The negative impacts of nuisance properties are exacerbated when the persons responsible for such properties fail to take timely corrective action to abate a nuisance condition. Repeated service calls to properties with unabated nuisance conditions create a significant financial burden for the City. This chapter is enacted to provide a process for ensuring the abatement of nuisance conditions on properties within the City. This chapter is not the exclusive remedy of the City, and the City may avail itself of any other remedy available under State or local law.

§ 496-2 Definitions. For purposes of this chapter, the following words or phrases shall have the meaning prescribed below.

- A. "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition that constitutes a violation of this chapter by such means, and in such a manner and to such an extent, as the applicable City Department Head or designee determines is necessary in the interest of the general health, safety and welfare of the community.
- B. "City Manager" means, for purposes of this chapter only, the City Manager for the City of Canandaigua and/or his/her designee(s).
- C. "Control" means the ability to regulate, restrain, dominate, counteract, or govern property or conduct that occurs on a property.
- D. "Nuisance property" means:
 - 1. A property on which, or within 200 feet of which, three or more nuisance activities, as defined herein, occur within any consecutive ninety (90) day period; and/or

2. A property on which, or within 200 feet of which, six or more nuisance activities, as defined herein, occur within any consecutive twelve (12) month period.
- E. “Nuisance activity” means any violation of State or local law occurring on a property that results in a ticket, citation, or arrest, except where the responsible party, as defined herein, is the victim of a crime that was committed on the property, or within 200 feet of the property, and would otherwise qualify as a nuisance activity.
- F. “Person responsible” means any person(s), as defined herein, who owns, occupies, or controls the property, including any developer, builder, or operator of the property.
- G. “Person” means any natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or entity, including any manager, lessee, agent, officer, or employee of any of them.
- H. “Property” means any public or private building, structure, lot, parcel, dwelling, rental unit, real estate, or land or portion thereof, including property used as residential or commercial property.

§ 496-3 Properties and Persons in Violation. Any property within the City that qualifies as a nuisance property under the terms of this chapter shall be in violation of this chapter and subject to its remedies. In addition, any person responsible for a nuisance property under the terms of this chapter shall be in violation of this chapter and subject to its remedies.

§ 496-4 Procedure for declaring a nuisance property; abatement; defense.

- A. When the City Manager receives documentation from a police agency or City official indicating that a property is a nuisance property, the City Manager shall review such documentation and determine whether the property qualifies as a nuisance property. Upon such a determination, the City Manager shall provide the person responsible with a written warning that the property is in danger of being declared a nuisance property. The warning shall contain each of the following items.
 1. The street address of the property, or a legal description sufficient for identification of the property.
 2. A concise description of the nuisance activities that exist, or that have occurred, on the property.
 3. A demand that the nuisance activities be abated within thirty (30) days of the date of the warning.
 4. An offer to discuss with the City Manager alternative plans to abate the nuisance activities on the property, subject to the sole discretion of the City Manager to approve any such alternative abatement plan.
 5. Notice that failure to abate the nuisance activities within thirty (30) days of the date of the warning, or agree on an alternative abatement plan approved by the City Manager within thirty (30) days of the date of the warning, may result in fines under this chapter and/or the commencement of legal action that may, among other things, seek the closure of the property.
- B. The City Manager shall post on the property a copy of any warning and/or notice of violation and/or notice of fine issued under this chapter, and shall send the same via U.S. Mail to the person responsible and the owner(s) of the property at the address indicated for the owner(s) on the most recent tax assessment roll.

- C. If the person responsible fails to timely respond to the warning or receive additional time from the City Manager to abate the nuisance activities on the property, the City Manager shall issue a notice of violation declaring the property to be a nuisance property and imposing on the person responsible a civil infraction fine in an amount not to exceed \$1,000, but in no event shall the fine be less than \$750. Such notice of violation shall be provided to the person responsible as set forth above in § 496-4(B).
- D. If the person responsible fails to abate the nuisance activities within thirty (30) days of the date of the notice of violation, the City Manager shall:
 - 1. Impose an additional civil infraction fine in the amount of \$100 per day until the nuisance activities on the property are abated and provide notice of the fine to the person responsible as set forth above in § 496-4(B); and
 - 2. Refer the matter to the Office of Corporation Counsel for further action, including the commencement of legal action against the person responsible.
- E. If at any point during the procedure for declaring a nuisance property the person responsible agrees with the City on a plan to abate the nuisance activities on the property, subject to the sole discretion of the City Manager to approve any such abatement plan, any accruing daily fines shall be tolled. Notwithstanding the foregoing, all accrued fines shall be due and owing by the person responsible regardless of any plan accepted by the City Manager to abate the nuisance activities on the property.
- F. It is a defense to an action or fine under this chapter that the person responsible, at all material times, could not, in the exercise of reasonable care or diligence, determine that the property had become a nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is a nuisance property.

§ 496-5 Commencement of action; enforcement.

- A. Once the City Manager refers a nuisance property to the Office of Corporation Counsel, the Corporation Counsel shall promptly review the matter and make a determination whether to initiate legal action against the property and/or the person responsible.
- B. The Corporation Counsel may initiate legal action against a nuisance property and/or the person responsible in any court of competent jurisdiction, and seek civil penalties and costs for the abatement of the nuisance, including injunctive relief – whether temporary, preliminary, or permanent – via a court order closing the property during the pendency of the action and/or until the nuisance activities are abated, but in no event for longer than one (1) year after a final judgment in any such action.
- C. In determining whether a property shall be deemed a nuisance property and subject to the court’s jurisdiction, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a nuisance property.
- D. Once the court determines that the property is a nuisance property under this chapter, the court may impose a civil penalty – in addition to any civil infraction fines previously imposed by the City Manager – against any person responsible, and may order any other relief deemed appropriate. In assessing the civil penalty, the court may consider the following factors, citing to those found applicable:
 - 1. The actions taken by the person responsible to mitigate or correct the nuisance activity;
 - 2. The repeated or continuous nature of the nuisance activity;
 - 3. The statements of the neighbors or those affected by the nuisance activity; and

- 4. Any other factor deemed relevant by the court.
- E. The court that determined the property to be a nuisance property shall also assess costs against the person responsible in an amount equal to the cost to the City to abate, or attempt to abate, the nuisance activities on the property.
- F. If the court determines the property to be a nuisance property, the court shall order the property closed and secured against all unauthorized access, use, and occupancy for a period up to one (1) year after a final judgment in the action, and shall also assess costs against the person responsible in an amount equal to the cost to the City to secure and close the property. Once a determination has been made by the court that the nuisance property shall be subject to closure, the court may authorize the City to physically secure the premises and initiate such closure.
- G. Any civil judgment awarding monetary relief to the City may be filed with the City Treasurer, who shall cause the same to be filed as a lien on the subject property. The City shall file a formal lis pendens notice on the subject property when any legal action is commenced under this chapter.
- H. The court shall retain jurisdiction during any period of closure or abatement of the property.

§ 496-6 Summary Closure. Nothing in this chapter prohibits the City from taking any emergency action for the summary closure of property when it is necessary to avoid an immediate and substantial threat to the general health, safety, and welfare of the community. The City may take summary action to close property without complying with the notification provisions of this chapter, but shall provide such notice as is reasonable under the circumstances.

SECTION 2. This ordinance shall take effect thirty (30) days from its adoption.

Ordinance #2017-003:

Councilmember-at-Large Whitcomb read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING CHAPTER 850 OF THE
MUNICIPAL CODE ENTITLED “ZONING”**

Be it enacted by the City Council of the City of Canandaigua as follows:

SECTION 1. Chapter 850 is hereby amended as follows [new language is *in bold italics*, deleted language is striken]

§ 850-62. Window signs.

A. No permit shall be required for window signs, ~~nor for signs displayed within the interior of any building, nor for posters, banners and similar temporary signs printed on paper stock or fabric and mounted inside of windows, nor for signs painted on the interior or exterior glass surface,~~ ***except for Permanent Windows Signs located within the C-2A “Main Street Central Business District”, where such signs shall require a Sign Permit.***

§ 850-72. Preexisting, nonconforming signs.

C. Certain preexisting nonconforming signs shall be made to conform with existing regulations by a date certain as specified in the following chart:

<u>Type of Sign</u>	<u>Date Certain</u>
Portable signs	May 1, 2009
<i>Permanent Window Signs in C-2A</i>	<i>January 1, 2019</i>

§ 850-75. Sign Schedule with footnotes.

A. Sign Schedule Footnotes

(9) Window Signs within the C-2A Zone District shall comply with the following guidelines:

- a) *Window signs should fill less than 25% of any single window.*
- b) *Window signs should be open lettering, affixed to the interior window glass.*
- c) *Window signs should be located in the top 25% of the window or lower 25% of the window, keeping the center 50% open.*
- d) *Window signs, when displayed in addition to wall signs, should contain more detailed information about the business or service, and designed to be read by the pedestrian. Letters should be less than 6 inches high.*
- e) *Window signs should not be hand-written.*

B. Sign Schedule

Zone District	Sign Type	Maximum Sign Area	Number Permitted	Minimum Setback	Maximum Height
<i>C-2A</i>	<i>Permanent Window Signs</i>	<i>25% of window</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>

SECTION 2. This ordinance shall take effect thirty (30) days from its adoption.

Motion: Councilmember-at-Large Whitcomb moved to schedule a public hearing on Ordinance 2017-003 to be held during the City Council Meeting at 7:00 p.m. on November 16, 2017 in the City Council Chambers at City Hall at 2 North Main Street, Canandaigua, New York; and that the City Clerk shall cause notice to be given and published as required by law.

Council Member Ward 2 Twitchell seconded the motion.

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

Ordinance #2017-004:

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

AN ORDINANCE AMENDING CHAPTER 648-29 OF THE MUNICIPAL CODE ENTITLED “ENFORCEMENT OF NO-PARKING RESTRICTIONS IN FIRE LANES OF HOSPITALS, SHOPPING CENTERS AND NOT-FOR-PROFIT CORPORATIONS”

Be it enacted by the City Council of the City of Canandaigua as follows:

SECTION 1. Chapter 648-29 is hereby amended as follows [new language is *in bold italics*, deleted language is stricken]

A. Parking, standing and stopping restrictions. Parking, standing and stopping restrictions shall apply in the parking areas and driveways of the following hospitals, shopping centers, and not-for-profit corporations:

- (1) Canandaigua Academy. No parking, standing or stopping in designated fire lanes.
- (2) Canandaigua Middle School. No parking, standing or stopping in designated fire lanes.

- (3) Canandaigua Primary and Elementary Schools. No parking, standing or stopping in designated fire lanes.
- (4) Wegman's, Route 5 & 20. No parking, standing or stopping in designated fire lanes.
- (5) Bells Plaza (West Avenue). No parking, standing or stopping in designated fire lanes.
- (6) F.F. Thompson Hospital. No parking, standing or stopping in designated fire lanes.
- (7) St. Mary's School. No parking, standing or stopping in designated fire lanes.
- (8) Parkway Plaza. No parking, standing or stopping in designated fire lanes.
- (9) 80 Parrish Street. No parking, standing or stopping in designated fire lanes.
- (10) Wilcox Lane Apartments. No parking, standing or stopping in designated fire lanes.
- (11) 95 Buffalo Street Apartments. No parking, standing or stopping in designated fire lanes.**

B. Implementation. The City Manager is authorized to adopt procedures and regulations and take any other appropriate action to implement this ordinance.

C. Penalties. Authority to impound vehicles. Any person violating the provisions of this section shall be subject to a civil penalty as provided by and under the terms of § 648-23C of this chapter. In addition, any vehicle parked in violation of the provisions of Subsection A of this section may be removed by or under the direction of any police officer of the City to any place or garage designated by the Chief of Police.

D. Storage and charges. After removal of any vehicle as provided in this section, the Police Department may store such vehicle at a suitable place at the expense of the owner, and charge such owner for removal and storage, all as provided for in § 648-31 of this chapter, and shall notify the owner, as provided for in § 648-31 of this chapter.

SECTION 2. This ordinance shall take effect thirty (30) days from its adoption.

Local Laws: (None)

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

- There will be ribbon cutting for the Electric Car Charging Station on November 4th.
- The City was notified that the Clean Energy Committee will be awarding us a \$50,000 grant which will be used for our streetlight project.

Appointments: None

Miscellaneous: None

Executive Session:

Councilmember-at-Large Whitcomb moved to close the regular meeting to go into Executive Session at 8:35 PM to discuss the credit worthiness of a business. Councilmember-at-Large O'Brien seconded the motion.

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

Regular Session:

Councilmember-at-Large Whitcomb moved to close the executive session and return to the regular meeting at 8:50 PM. Councilmember-at-Large Martin seconded the motion.

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

Adjournment

Councilmember-at-Large Whitcomb moved to adjourn the regular session at 8:50 PM. Councilmember-at-Large Martin seconded the motion.

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

Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

APPENDIX A
ENVIRONMENTAL/PARKS
Tuesday, October 10, 2017
7:00 p.m.
Hurley Building Conference Room

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

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

Staff: John Goodwin

1. Gary Dixon Memorial

Gary Dixon, a photographer, artist, and resident in the City of Canandaigua, passed away June 7, 2017. A group of area citizens are interested in installing a memorial plaque in his honor on the City Pier. They have proposed a 2' x 3' memorial that would be affixed in the ground or mounted on the side of the bathhouse. The memorial would be similar to signs Sonnenberg Park, the Downtown Rain Gardens, and St. Mary's in terms of size and materials. A mockup of the plaque is attached. The request, however, does not align with the City's guidelines for erecting monuments and memorials in the City of Canandaigua established in Resolution #99-054. The guidelines state an individual can be memorialized by placing a plaque on either a tree being donated as the living memorial, or on a structure, landscaping element, park bench, etc. being donated to the City. The exception to this rule would be if an individual accomplished something very significant in a specific location.

This item was skipped to address Agenda Item 2 first. Once Item 2 was completed, this topic was addressed.

John mentioned the request came from Mike Yarger, who was on hand. Mike wanted to know if an exception could be made, and if the pier could be considered a place where he made significant accomplishments. He pointed out several of his award winning photos were taken on the pier. John pointed out that the memorials that have been approved followed the City guidelines, and what Mike's group wants would need to be considered an exception- which is up to City Council.

Karen felt that attaching the plaque to something instead of a new post would be a better idea. Anita wanted to know if someone would be willing to do a bench, which is part of the City's guidelines. Mike said they discussed it, but putting his name on a bench doesn't indicate why he is being memorialized. Karen is concerned the proposed size may be too large.

Dave wanted to know if there was any consideration by staff to amend the guidelines to accommodate the request. John pointed out City Council makes the policy, and the concern is that they don't want our parks to become cemeteries. Jim is aligned with the purpose of the request, but doesn't think this should be considered an exception. He thinks the group should find a way to memorialize him in the guidelines. Anita agreed with Jim. The Mayor asked about how they would pay for the plaque. Mike stated it would cost about \$1,500 and the group would fundraise to pay for it.

Dave asked if there are any examples where an exemption was made, and John pointed to the General Sullivan monument in Triangle Park. Dave agrees with Mike that Gary accomplished a lot, but he doesn't think it meets the criteria set forth by the City Guidelines. John suggested doing something a little different, and doing public art with an acknowledgement to the photographer.

Robert asked who would be responsible for maintaining the memorial, and John stated it is the City's responsibility.

This item was tabled to allow for Mike's group to modify the proposal.

APPENDIX A (continued)
ENVIRONMENTAL/PARKS
Tuesday, October 10, 2017

2. Loaning Painting by F.T. Hutchens to New Canaan Historical Society

The Ontario County Historical Society (OCHS) provides curation management services for nine (9) paintings by early 20th Century impressionist Frank Townsend Hutchens that are owned by the City of Canandaigua. They were contacted by the New Canaan Historical Society (NCHS) in New Canaan, Connecticut, who is putting together an exhibit titled “The Orientalist American Artists in the Early 19th and 20th Centuries- Sahara, Arabia, and India.” NCHS would like to include the Hutchens painting “Souk El Attraine-Tunis.” Members of the NCHS would physically pack and transport the painting to and from the City of Canandaigua. The painting will be kept in a climate-controlled room, and NCHS will be obtaining a door-to-door Certificate of Insurance for the duration of the exhibit, as well as for the weeks leading up to and after the exhibit. The exhibit would run from January 5th until March 31, 2018, and the NCHS is asking to borrow the painting from December 2017 through mid-April 2018. The OCHS is requesting City Council approval to loan out the painting.

Ed from the Historical Society was at the meeting to discuss the request made by NCHS. Apart from the information listed above, he stated the biggest issue to resolve is how the bank would like to cover the empty space while the painting is on loan. Council generally agreed that how the OCHS and the bank want to address the empty wall space is covered.

Anita motioned to approve the loan, Dave seconded.

3 in favor, 0 opposed. Motion carries to City Council.

3. Year Two Toter Project Update

In 2015, the City distributed 96 and 64-gallon recycling containers (Toters) to all households that receive solid waste collection from the City. Once the Toters were distributed, the City began a bi-weekly collection of recycling in August 2015. The goals of the program were to increase recycling while reducing worker strain, reducing man-hours and wear and tear on equipment, and realizing savings from tipping fees by reducing the amount of recycling that was being collected as garbage. Overall, the first year of the program was a success. The program recently completed its second year, and City Staff will be on hand to provide an update on the program in Year Two.

Rob Richardson, intern to the City Manager, discussed the results from Year Two. In the first year of the program, from August 2015 through June 2016, the City collected 733 tons of recyclable materials- an increase of 37 tons and 8.5%. Year two saw another increase, with the City collecting 741 tons of recyclable material between August 2016 and June 2017; 8 tons more than the first year of the program and 46 tons above the 5-year average. Overall, Year Two of the Toter Project achieved a .98% increase over Year One in recyclable materials collected & a 6.21% increase over the 5-year average. In terms of garbage, the tonnage collected in Year One was 2,510 tons- a 45 ton and 1.75% decrease from the previous year. Year Two of the Toter Project saw an actual collection of 2,450 tons- a 60 ton and 2.46% decrease from the previous year. Rob noted that the program didn't experience as much growth in the second year, and suggested it could be because Year One was accompanied by a thorough educational campaign. He suggested putting more effort into education and public awareness in Year Three as it could lead more citizens to participate and expand the program's reach.

City Council is interested in going to Casella to view the facility. John stated he would work on scheduling something during the day.

4. Petition for a Resolution Rejecting Hate and Bigotry

At the City Council meeting held October 5, 2017, a petition requesting that the Canandaigua City Council and the Canandaigua Town Board adopt a resolution “rejecting hatred and bigotry and affirming Canandaigua’s commitment to inclusion, equity, and justice.” The petition was started in response to the events that took place in Charlottesville, VA on August 11 and 12, 2017. The petition is attached.

**APPENDIX A (continued)
ENVIRONMENTAL/PARKS
Tuesday, October 10, 2017**

The Mayor has received comments and suggestions that our core values address the issues brought forth, and they would like to see our core values as part of the resolution. Jim believes our core values speak to what we believe in, and maybe it is more appropriate to look at amending or core values than pass a resolution. Anita likes how the resolution is worded, and when there is a tragic event people look to their leaders to acknowledge the event and pass legislation reflecting the problem. She believes we should adopt the resolution, speak openly about it, and begin the healing process. Dave pointed out some of the language needs to be amended- we are dealing with people's beliefs and it is protected speech. There was a resolution proposed before, but the language couldn't be agreed on. The Town of Canandaigua has not seen this yet, so supporting it is up to them. Karen feels this should come from the City, because we don't represent the town. Nick agreed.

The Mayor said if we are going to start wordsmithing, the entire Council should be involved. Anita feels strongly that we should leave the resolution as is, because it points to why we are passing a resolution. Dave is concerned if we dispute specific beliefs, we might be opening ourselves up to future liability if we deny permits for groups. He feels we are singling out a group.

Tom suggested we simply take out the reference to "Charlottesville, Virginia and" would appease both groups, Nick agreed. Jim stated that if you believe in caring and respect, it covers hatred and bigotry. Robert agreed we should look at our core values. Anita believes that we need to address the specific event.

Anita motioned to approve the resolution, Dave seconded. Some of the language will be amended as part of the resolution.

Mike Yarger stated people are concerned about the language in immigration status, because some people do not want Canandaigua to become a refugee city. Robert is ok with how it is written. Anita thinks people signed the petition because of how it was written. Jim asked how he sees this resolution improves the lot of any of our constituents. Anita answered that silence in the face of bigotry is worse than an imperfect acknowledgement. Robert feels that if we mirror the people, and our constituents are asking for it, we should do it. Jim stated this is not an actionable resolution. We are speaking for 11,000 people, and many who signed the petition do not live in the City. He doesn't believe the majority of 11,000 people want us to pass this, and if we do this we're opening the door to other small groups looking to further their agenda. This is an agenda driven resolution.

3 in favor, 0 opposed. Motion carries to City Council.

Meeting adjourned at 8:18 P.M.

APPENDIX B
ORDINANCE/CHARTER REVIEW
Tuesday, October 17, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: David Whitcomb, Chair; Nick Cutri, ;Matt Martin; Karen White
Other Council: Jim Terwilliger
Staff: John Goodwin, David Hou (Boylan Code)

1. Enforcement of No Parking Restrictions in Fire Lanes

There are currently ten (10) specific areas listed in §648-29 of the City Code which addresses the enforcement of no-parking restrictions in fire lanes. The City of Canandaigua's Code Enforcement Office has been working with the Fire Department and property owner to install a fire lane at the apartments located at 95 Buffalo St and has requested that it be added to the list so that the Police Department can enforce the restrictions.

John Goodwin presented the item as outlined above. Motion Nick Cutri, 2nd Karen White. Vote 4-0

2. Vending Guidelines and Regulations

At the February 21st and April 18th Ordinance Committee, the Committee reviewed proposed changes to the vending guidelines and regulations. The proposed changes included limiting the number of Downtown permits to one (1) and moving the vending location on City Pier from parking spaces to designated spots. The Committee also discussed changing the current lottery system to a first refusal system. Staff has worked with the vendors on the locations and language and they were used unofficially this season. Attached are the recommended guidelines and regulations.

John Goodwin presented the item as outline above. Motion Karen White, 2nd Nick Cutri. Vote 4-0

3. BID Sign Ordinance Proposal

At the joint Planning/Ordinance Committee meeting held October 3rd, the BID's Recruitment Committee proposed amending the City's sign regulations, with the goal of improving the aesthetic of Downtown and creating a unified character. After reviewing the proposal, Council advised the BID to revise their proposal so that it would only affect the BID district. A copy of the revised proposal is attached to the agenda.

John Goodwin presented the item with the changes that were discussed at the Planning/Ordinance Committee meeting on October 3rd. There was a question as to grandfathering of the new regulations. Existing businesses will have 12 months to come into compliance. Denise Chaapel, Director of the BID, was at the meeting and reported that the BID has and will continue to work with businesses and property owners. The BID is working on a potential loan/grant program to help with signage.

Motion Matt Martin, 2nd Nick Cutti. Vote 4-0

4. Chapter 496 – “Chronic Nuisance Properties”

At the Ordinance Committee meeting on August 15th, the committee decided to start over with a new ordinance instead of attempting to amend the current ordinance. Corporation Council drafted a new ordinance that would address the nuisance properties in the City, and introduced it at the joint Planning/Ordinance Committee meeting held October 3rd. A review and discussion of the ordinance was planned for the October 17th Ordinance Committee meeting.

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David Hou of presented the proposed ordinance. A Nuisance property is a property that has 3 or more violations of State or local law within a 90-day period or 6 or more in a 12-month period. The process includes attempts to work with the property owner or responsible party to abate the nuisance activities prior to fines or other enforcement actions.

Upon a motion of Matt Martin, 2nd Karen White to approve the proposed ordinance the Committee voted 2-2 (Karen White and David Whitcomb voting no). The Committee discussed how the ordinance will operate with an open-ended definition of violation. John Goodwin stated that it was his interpretation that a violation had to be documented in the proposed ordinance such as a ticket, citation or arrest. Motion made by Matt Martin, 2nd Nick Cutri to approve with clarifying language on violation. Vote 3-1 (Karen White voting no).

5. Canandaigua Finger Lakes Resort Proposed Room Schedule

The Planning Commission at its August 8th meeting reviewed a request from the Canandaigua Finger Lakes Resort to “revert back to an original planned 109 room layout with 44 condominiums on the 4th and 5th floors.” The last approval from the Planning Commission for the site plan was on March 8, 2016 which amended the site plan for a hotel with 176 rooms and no condominiums. The Planning Commission has forwarded the request back to City Council for review in accordance with §850-126.

John Goodwin provided a brief background on the history of approved land uses of the hotel.

- 1989 when the 100-acre PUD was approved with a hotel that was 125 rooms and 35 condominiums for a total of 160 rooms.
- 2009 the hotel was proposed with 136 rooms and 9 condominiums (total of 145) and some of the hotel rooms being considered fractional shares or lock outs.
- 2013 the hotel plan was amended to 176 rooms with fractional-shares and lock outs and 0 condominiums.
- 2016 the hotel plan was amended to 176 hotel rooms and no fractional-shares, lock-outs or condominiums

The Committee discussed and believed that the proposed change was consistent with the approved land use. Public in attendance suggested that City Council rescind the approval for a parking structure on the site. John Goodwin and David Hou explained that the Planning Commission already granted approval for the parking structure and that the City Council did not have the authority to rescind that approval. Further, the approval process included a great deal of public input and discussion and parking will still be needed for the site.

Motion Matt Martin, 2nd Karen White. Vote 4-0.

Motion Matt Martin, 2nd Karen White, Meeting adjourned at 8:08 PM.

APPENDIX C
FINANCE/BUDGET COMMITTEE
Thursday, October 26, 2017
7:00 p.m.
Hurley Building Conference Room

Committee: James Terwilliger, Chairman; Robert O'Brien; Cindy Wade; Karen White
Other Council Members – Ellen Polimeni; Matt Martin (7:20 P.M.)
Staff: John Goodwin; Jim Sprague; Terrence Robinson; Nancy Abdallah

1. Economic Development Funding

The City of Canandaigua is going to be partnering with the Town and the Chamber of Commerce on an Economic Development Shared Services Project that will involve Applied Group Concept Mapping utilizing CS Global Max Software. The cost for one year of this software is \$3,400, costing each participant \$1,133.33. Concept Mapping will provide the City, Town, and Chamber with an analysis on how the groups can work together to create a joint economic development program. As such, a budget amendment is needed from City Council appropriating \$1,134 from contingency for this purpose.

We skipped the first three agenda items and went to agenda item #4. We returned to this agenda item after the fourth agenda item was completed.

John explained what the intention of this funding is, which is to try and find the best way all three groups can work together by getting input from multiple stakeholders. It will tell us which ideas are the most advantageous for us to pursue. Karen Dworacyzk has agreed to volunteer her time to run the study, and the Town will follow our lead. Staff proposes we allocate these funds to purchase the software. The Mayor added that this is part of our shared services initiative, and she thinks this is in line with the directions we spoke about taking. Karen asked if this was an escalating cost contract, and John stated it's a one year subscription.

Karen White motioned to allocate the funds, Robert O'Brien Seconded.

Matt Martin believes this is the way to go. The chamber will be the licensee, and the Town and City would work with the Chamber in a unified community effort. The meetings will be open, and there will be opportunities for online input.

3 in Favor, 0 opposed. Motion carries to City Council.

2. Budget Amendment- Parks Consultant

After the most recent discussion regarding the Pesticide Moratorium, City Staff continued its research into alternative turf management methods and believes we need assistance in developing an effective program to manage our parks without the use of pesticides and herbicides. Staff contacted Frank Rossi from Cornell University who is an expert in studying and implementing alternative turf management practices and has assisted with the implementation process in many municipalities. He is willing to assist the City of Canandaigua at a cost of \$5,000 to be paid to the Cornell University Turf Management Program. Staff also requests an additional \$10,000 for associated soil testing and analysis.

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John gave an overview of where we are in the process. City Staff thinks we need additional support to create a turf management program that would create a strategy tailor made for the City of Canandaigua without the use of pesticides. We hope to have this done by Spring for parks maintenance.

Robert O'Brien asked how we selected Mr. Rossi, and John stated he spoke to Kevin Olvany who recommended Frank Rossi. The Mayor asked why not take the money from the Parks budget, and John stated he would need to check. Nancy thought we might be able to use the reserve funds. The Mayor thinks this would be a better place for it. Karen is in favor of this, but she wants to know Mr. Rossi's stance on IPM. He has used it in other municipalities, and he has alternative ideas using non-pesticide options. Jim asked if Kevin thought this was worth doing, and Kevin told John that if we want to go this route we should go with Frank Rossi. Cindy is not in favor of this and would like to see our staff apply their knowledge.

Karen White moved to approve shifting this to Parks Reserve and approving the plan, Robert O'Brien seconded.

3 in Favor, 0 opposed. Motion carries to City Council.

Matt doesn't support this idea either.

3. Materials Contacts for Water Treatment Plant

On October 12th, The Department of Public Works (DPW) opened bids for four (4) materials contracts to supply Sodium Hydroxide Solution, Fluorosilicic Acid, Chlorine Gas, and Poly Aluminum Chloride (PAC) to the Water Treatment Plant. The bids have since come back, and Jim Sprague will be at the meeting to request contracts be awarded to the bidder selected to supply each compound.

We have four chemicals needed for the water treatment plant, and all went out to bid. Jim noted on several of them the bid range is quite wide. Jim Sprague stated there are several vendors who want to do business, but they don't come in with low enough bids.

Karen wants to know why we have resolutions for these kinds of chemicals, and John stated it's State procedure when there is a formal bid process. Nancy explained it was State law.

Karen White moves we accept these resolutions, Robert O'Brien seconded.

Mike Yarger wanted to know how these compared to previous contracts, and Jim stated a few were lower. Council asked for those numbers at the meeting.

3 in Favor, 0 opposed. Motion carries to City Council.

4. NY Single Payer

Council Member Robert O'Brien at the September 26th Finance Committee meeting requested that Susan Beckley be invited to discuss proposed New York State legislation to create a single payer health care program for the State. She will be at the meeting to make a presentation.

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This was the first item addressed on the agenda. Susan was on hand to present a slideshow on the NY Single Payer Health Act. Various forms of the bill have been “kicked around” since 1992, and it is currently stuck in the Senate. Several municipalities in the State including Tompkins County and the City of Greenfield have passed resolutions supporting the legislation. They are trying to educate the public about this and gain support for the legislation so people are aware how it affects the population and how the bill is structured and implemented.

5. Pinnacle North PIF

In 2015, Canandaigua Lakefront, LLC (Pinnacle North) received a Payment-In-Lieu-Of-Taxes (PILOT) agreement to begin construction on Phase I of a five phase project to build the mixed-use development. After Phase I of the project was assessed at a significantly higher amount than anticipated, Canandaigua Lakefront, LLC expressed concerns that the next phase of the project could not move forward without a set payment schedule and the company’s ability to complete the project is at risk. Their lenders have requested the company gain certainty with respect to the payments to be made pursuant to the PILOT Agreement rather subject them to annual fluctuation. As a result, they are seeking to amend their PILOT Agreement and have proposed a Payment Schedule that will allow them to continue the development of the project and generate additional revenues for the Taxing Authorities.

Kevin Morgan, Mike Czlonka and Rich Rising were here from Pinnacle North to explain their scenario and proposing what the assessment will be on a residential per unit basis- it’s a “Course Correction.” They want certainty and so do their lender. They want a tax assessment of \$93,000 per unit, and grow it at 1% per year. As they complete new phases, this is how they will anticipate funding the project moving forward. They don’t feel they can move forward without certainty. Following their model would, according to their number, add an additional \$2.1 million in revenue and they are willing to pay that certainty. They feel this is a “win-win” for them and all three taxing jurisdictions. Expanding and completing all three phases will also create jobs.

Jim thinks the data shows an uneven progression, and ask them to describe why that appears. They explained they have \$11 million in debt service payments for all phases combined, and there has been a change in how the debt is amortized. It’s the timing of when they pull down the PIF money and further delays could delay the process- after 2024 the payments even out once the properties stabilize. Jim points out he doesn’t think they will be at 90% occupied, but they are at 87% leased. These rates would not kick in until they hit 90% occupancy. If they don’t get 90% stabilized, they would hold at the \$264,000 they’ve paid of the \$466,000 that is due, which is still more than about the \$135,000 more than they were due to make under the original PILOT.

Robert wanted clarification on how the Pinnacle North people’s projections were so off, and why it’s our problem to solve it. They said it was based on a different approach than they thought would be used to calculate assessment, which is because they couldn’t occupancy when they needed to. Robert doesn’t think we should be the bad guys because they didn’t consider the other assessment formula. They said it was because there were several delays, especially because Canandaigua isn’t a prime lending market. The fact it was a Brownfield also created issues. They knew it was a difficult project to begin with, which is why they needed a PIF. The PIF was one of the vehicles needed to make this project happen.

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Matt Martin agrees with the developers, and as someone who works in construction he understands the delay. That said, he's looking at an agreement already in place and he sees the amendment as a win-win for both parties. He thinks gives the City certainty for budgeting purposes as well. We doesn't like feeling though they are being held hostage by being told the project can't move forward if the agreement isn't amended. He doesn't think we are being held hostage, and he thinks this is the right way to go.

Karen pointed out when the original agreement was made it was to get the project off the ground, but that is no longer the case. She is uncomfortable with the 90% occupancy, and also tying the hands of future generations by locking this agreement in until 2040. Jim pointed out that the PIF they approved years ago was a 25 year agreement, so there is precedent for long term agreements, but that agreement was made under the agreement that the unit assessments would flow with the market. They feel once they hit 90% stabilization, that level has been tripped. John pointed out the value is locked in as of March 1st. Terrence suggested doing something to give the City certainty in the event the subsequent phases don't reach 90%, but they are generating income. He suggests building in something so they pay for what they have rented as of March 1st. Instead of incremental, pay appropriately as they phases become occupied. They said they would give that thought consideration, but they have debt service responsibilities they need to pay. Terrence pointed out there are other multi-family units who still pay taxes without 90% occupancy.

Jim pointed out that under the current agreement, the majority of payments come later on without taking into account the cost value of money. He suggested doing a Net Present Value analysis, and the net present value of the current plan is \$6 million, and the proposed plan gives an additional \$700,000 in revenue. The proposed plan has a better NPV regardless of the discount rate applied.

Robert doesn't think it's appropriate to call this one way or the other, and Karen isn't as well. They feel it merits full Council consideration. He believes this issue requires a much fuller discussion than we can have with a limited quorum, and the effects are so far reaching that we need to take our time. He's also concerned that they can continue to come back to negotiate if the project fails. Robert and Karen want more information before any decisions are made about amending the agreement. Jim agrees we need to hold off. The Mayor states we need a work session to discuss this, and that we need should do it on Monday, November 6th. City Staff would like more time to review the numbers to be able to make an appropriate recommendation.

Joe Nacca discussed his concerns over the PILOT, and he is blindsided by the proposal. He is shocked by the request, and he thanked Councilmember White for her voicing her concerns for the person on the street. He was not in favor of the first PILOT, and he is definitely against the proposed agreement. The projected numbers are meaningless, and any normal person who has the assessment on their property has to pay it regardless. He referenced a newspaper article stating the reason for the new agreement is because of the increased assessment, but the assessment was already reduced by 4 million. Why doesn't that solve the problem? We've already reduced the initial assessment by 30%. Jim pointed out we have 2 options, keep the existing PIF or make the amendment. Joe pointed out that if the terms of the agreement keep changing, we keep changing standards. Another gentleman stated that this blackmail-they are demanding certainty but offering nothing in return. Ten years down the road they may want something new, and setting this precedent opens the doors for other potential developers. The public was sold on one agreement, and it isn't appropriate to change the agreement every time the developer sees fit. Jim reminded the audience that the current agreement offers no certainty either. Mike Yarger

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added he thinks the fact they can't get financing without certainty is not true, because they lend to other people without the same certainty the developers are asking for. He asserts the banks aren't comfortable with lending to them to Bob Morgan due to the investigation into his finances. Mike thinks if they get it, everyone should.

Karen Wade motioned to close, Robert O'Brien seconded.

3 in Favor, 0 opposed.

Meeting adjourned at 9:20 P.M.