

MINUTES
CITY COUNCIL AGENDA
THURSDAY, MARCH 2, 2023, 7:00 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.
VIRTUAL: <https://us06web.zoom.us/j/82103183289>
LIVE STREAM: <https://fingerlakestv.org/live/>

City Councilmembers Present:

Bob Palumbo, Mayor
Ellen Polimeni, Councilmember Ward I
Dan Unrath, Councilmember Ward II
Karen White, Councilmember Ward III
Erich Dittmar, Councilmember Ward IV
Sim Covington, Councilmember-at-Large
Thomas Lyon, Councilmember-at-Large
Steve Uebbing, Councilmember-at-Large (via Zoom)

City Staff Present:

John Goodwin, City Manager
Erin VanDamme, City Clerk
David Hou, Corporation Counsel

Absent:

Renée Sutton, Councilmember-at-Large

The Mayor called the meeting to order at 7:00 pm.

After the Pledge of Allegiance, the Mayor asked for a moment of silence for Ontario County Clerk, Matthew Hoose, who recently passed away.

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

Approval of Minutes:

February 2, 2023

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Covington

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

Recognition of Guests: There were no guests.

Committee Reports: There were no committee reports.

Resolutions:

Resolution #2023-015:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember Ward 1 Polimeni

A RESOLUTION AWARDING A CONTRACT FOR SODIUM HYPOCHLORITE

WHEREAS, Sodium Hypochlorite is a critical component of the Water Treatment Process to disinfect the water; and

WHEREAS, bids to supply Sodium Hypochlorite to the Water Treatment Plant were opened on Friday, February 17, 2023; and

WHEREAS, the lowest responsible bid out of three responding bids for Sodium Hypochlorite was from Bison Labs, 100 Leslie Street, Buffalo, NY 14211, in the amount of \$3.094 per gallon; and

WHEREAS, Staff recommends awarding a contract for sodium hypochlorite so that the facility can continue to operate without disrupting service to the community;

NOW, THEREFORE, BE IT RESOLVED, City Council hereby awards a contract for Sodium Hypochlorite at the Water Treatment Plant to Bison Labs, for the amount of \$3.094 per.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Resolution #2023-016:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember-at-Large Covington

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF A FORKLIFT

WHEREAS, the Department of Public Works central shop currently has a forklift that has reached the end of its useful lifespan and has become expensive to maintain; and

WHEREAS, a bid to provide a replacement forklift was opened on February 17, 2023 with ToyotaLift Northeast (formerly Swiftlift), 820 Phillips Road, Victor, NY 14564, submitting the low bid with a price of \$29,635.00; and

WHEREAS, the City Manager, Director of Public Works, and the Public Works Parts and Service Manager recommend awarding the bid to ToyotaLift Northeast;

NOW, THEREFORE, BE IT RESOLVED, City Council hereby awards a contract to ToyotaLift Northeast for the purchase of a new forklift in the amount of \$29,635.00.

Prior to the vote, Councilmember White asked if both used and new forklifts were considered as well as how long the current forklift has been in use. City Manager Goodwin said that the forklift has been in use since the 1980s and City Parts and Service Manager Steve Pfeiffer confirmed that both were considered.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Resolution #2023-017:

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Covington

A RESOLUTION APPROVING A BUDGET AMENDMENT IN THE TECHNOLOGY FUND

WHEREAS, the Downtown Camera system utilizes radios to communicate with the Police Department and 911 Center; and

WHEREAS, the Federal Communications Commission (FCC) created a Citizen Broadband Radio Service (CBRS) for shared commercial use of the 3550-3700 MHz band that created a three-tiered access and authorization framework to accommodate shared federal and non-federal use of the band; and

WHEREAS, in order to use the CBRS spectrum, a band must be requested and assigned from a Spectrum Allocation Server (SAS) which involves a license fee at a re-occurring monthly cost of \$125.50; and

WHEREAS, a new software and radio configuration is also necessary at a one-time cost of \$9,036; and

WHEREAS, funding for this work was not included in the Technology Fund budget and the City Manager recommended that \$10,542 be appropriated in the Technology Fund which was reviewed and approved by the Finance Committee at its February 7, 2023 meeting; and

NOW, THEREFORE, BE IT RESOLVED that the City Council appropriates \$10,542 from the Technology Fund, Fund Balance for the purpose of updating the City's camera radio system to ensure compliance with Federal rules and regulations.

Prior to the vote, the Mayor asked if this would be a recurring charge. City Manager Goodwin said that he hoped not, but this is at the discretion of the FCC.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Resolution #2023-018:

Moved: Councilmember-at-Large Covington

Seconded: Councilmember-at-Large Lyon

A RESOLUTION APPROVING A REDEVELOPMENT PLAN FOR SOUTH MAIN STREET

WHEREAS, at its June 7, 2022 meeting, Planning Committee of City Council approved a preliminary plan for the redevelopment of South Main Street that included City owned property at 267 South Main Street and an adjacent property at 11 Saltonstall Street and via Resolution #2022-045 the City Council authorized Rainaldi Brothers Inc. to apply to the Zoning Board of Appeals and Planning Commission for approvals necessary for the redevelop; and

WHEREAS, The Zoning Board of Appeals and Planning Commission voted to approval all necessary approvals for the redevelopment of the South Main Street area which contains 267 South Main Street and 11 Saltonstall Street with the legal boundaries described in the attached site plan; and

WHEREAS, the redevelopment plan, as detailed in the attached site plan and exterior elevations, is consistent with the City's Comprehensive Plan will combine two separate lots into one for the development of a three story 9,000 SF commercial multi-tenant building that exceeds NYS Energy Code at a maximum height of 57'6" with no dwelling units and associated site improvements which include new utility connections, rear parking area with electric vehicle charging stations, landscaping, dark-sky compliant lighting, and new public sidewalks and landscape beds; and

WHEREAS, the redevelopment will improve the physical, social, environmental and economic conditions existing in the area by developing a currently vacant site that was former gas station and required petroleum tank removal and extensive remediation activities and the implementation of a NYSDEC approved Soil and Groundwater Management Plan, improve traffic circulation by closing existing curb cuts on NYS Route 332/South Main Street, provide commercial facilities and services, not involving any relocation of families or persons and increase the value of the properties which will result in a positive impact on property assessments and taxes; and

WHEREAS, the redevelopment entails the sale of 267 South Main Street from the City to the developer for \$1 with all other development costs, including but not limited to acquisition of 11 Saltonstall Street and architectural and engineering design services, being the responsibility of the developer that will privately finance the development with no real estate, mortgage or sales tax abatements and no municipal bonds; and

WHEREAS, the sale of the property to effectuate the redevelopment will include the following conditions:

- The redevelopment shall be completed within three years from the date of property transfer, and
- No real estate, mortgage or sales tax abatements shall be applied for or utilized; and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the redevelopment plan as described above and detailed in the attached site plan, elevations and short environmental assessment form for the South Main Street Area containing 267 South Main Street and 11 Saltonstall Street.

Before the vote, Councilmember Polimeni also reviewed the long process and is very hopeful about the future. Developer Fred Rainaldi spoke, showed the designs for the project and is excited about working with the City on the project. Joe Nacca, 109 Chappel Street spoke and thanked the work of City Council on this project and he is very happy to see that no public funds will be used for this development. Councilmember Polimeni thanked the work of the Zoning and Planning Commissions for their diligence in working through all the stages of the development plans. Councilmember Uebbing thanked City Staff for their hard work as well. The Mayor echoed these statements and is happy with the progress.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Resolution #2023-019:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember Ward 3 White

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON THE SALE OF
267 SOUTH MAIN STREET**

WHEREAS, in order to implement the redevelopment plan adopted via Resolution #2023-018, the City intends to sell 267 South Main Street to 267 South Main Street Associates, LLC for \$1.00; and

WHEREAS, the sale of the property to effectuate the redevelopment will include the following conditions:

- The redevelopment, as approved, shall be completed within three years from the date of property transfer, and
- No real estate, mortgage or sales tax abatements shall be applied for or utilized; and

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing regarding the sale of 267 South Main Street shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and held virtually at <https://us06web.zoom.us/j/82103183289> during the City Council the meeting held at 7:00 p.m on April 6, 2023; and

BE IT FURTHER RESOLVED that the City Clerk shall notice said public hearing for once per week for two weeks prior to the hearing.

Before the vote, City Manager Goodwin reviewed how the City got to this point, by first partnering with the DEC to help clean up the former Tom Mobil's site as it had five tanks buried under it. The couple of RFP processes with other developers that did not move forward for various reasons and how Rainaldi is the first developer to clear all the hurdles with the site.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Resolution #2023-020:

Moved: Councilmember-at-Large Uebbing
Seconded: Councilmember Ward 1 Polimeni

A RESOLUTION ISSUING A STATEMENT OF CONSISTENCY WITH APPROVED SKETCH PLAN

WHEREAS, via Resolution #2017-047, the City Council approved the sketch plan for the former List Manufacturing Property which included a two Phased project; and

WHEREAS, the developer has submitted application to the Planning Commission for site plan approval for Phase 2 of the project; and

WHEREAS, in accordance with §825-125 of the City Code, “a copy of the application shall be made to the City Council so the City Council may issue a statement of consistency or inconsistency with the approved sketch plan.”; and

WHEREAS, Phase 2 consists of selective demolition of existing structures on the site and the redevelopment and repurposing of the former manufacturing/industrial facility into five buildings which will include new residential units and commercial spaces; and

WHEREAS, City Staff has reviewed the submitted site plan application and considers the plan to be consistent with the sketch plan and recommends that the City Council issue a statement of consistency to allow for the Planning Commission to complete the site plan approval process; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby issues a statement of consistency with the approved site plan relative to the site plan application attached hereto for Phase 2 of the Factory 243 project.

Prior to the vote, Don Lasher was present to discuss the Phase 2. Councilmember Unrath asked about a building on the site and Mr. Lasher said they are still working on that building for Phase 3.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Resolution #2023-021:

Moved: Councilmember Ward 1 Polimeni

Seconded: Councilmember Ward 2 Unrath

A RESOLUTION MERGING 185 EASTERN BLVD INTO LAGOON PARK

WHEREAS, the City became the owner of 185 Eastern Blvd. (property#84.19-1-4.11) via tax foreclosure in December 2022; and

WHEREAS, the property which is 0.0881 acres is vacant and adjacent to Lagoon Park and the City Manager recommends merging the parcel into Lagoon Park; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby merges 185 Eastern Blvd. (property#84.19-1-4.11) into Lagoon Park (Property#84.19-1-4.12).

Prior to the vote, City Manager Goodwin reviewed the location of the parcel.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Resolution #2023-022:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember Ward 3 White

A RESOLUTION APPOINTING DAWN HUGHSON ACTING ASSESSOR

WHEREAS, New York State Real Property Tax Law §310, requires that the City appoint an assessor to assess real property for the purpose of taxation; and

WHEREAS, the City’s assessor recently announced that he is leaving for a position with another municipality and although the City is currently discussing options for a shared assessor, it is necessary to appoint an Acting Assessor to fulfil the job responsibilities of the Assessor; and

WHEREAS, in accordance with New York State Real Property Tax Law §314 an Acting Assessor may be appointed until such time a replacement is appointed up to six (6) months; and

WHEREAS, the City Manager has appointed Dawn Hughson, who recently retired from the City of Canandaigua Assessor’s Office after 40+ years, as Acting Assessor effective March 13, 2023 and agreed to pay a stipend of \$450 per week on top of her hourly rate prior to retirement for the additional work and responsibilities of the position;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua approves of the City Manager’s appointment of Dawn Hughson as Acting Assessor.

Prior to the vote, City Manager Goodwin explained how the current assessor, Steve Pigeon has given notice and will be going to work in East Aurora as their Assessor, a role held by his father who is retiring. Councilmember White said that Ms. Hughson is wonderful, so knowledgeable and grateful that she is able to come out of retirement to help. Mr. Goodwin also noted that the search for a new Assessor will be a joint search with the City of Geneva.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Ordinances:

Ordinance #2023-001: *Councilmember-at-Large Unrath motioned to life the ordinance from the table (introduced at the February 2, 2023 meeting), Councilmember White seconded the motion, unanimously carried and passed by voice vote. (8-0)*

An Ordinance Amending Chapter 648, Vehicle and Traffic, of the Municipal Code to Add A Stop Intersection

SECTION 1. §648-13 “Stop Intersections” of the Municipal Code is hereby amended to add the following:

Thompson Lane from the northeast with Thompson Lane

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

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Ordinance #2023-002: *Councilmember-at-Large Uebbing motioned to life the ordinance from the table (introduced at the February 2, 2023 meeting), Councilmember White seconded the motion, unanimously carried and passed by voice vote. (8-0)*

**An Ordinance Amending Schedule I of the Zoning Ordinance
Regarding Mixed Use Zone Districts**

WHEREAS, Ordinance 2021-005 amended the Zoning Map to consolidate the MU-1, MU-2, and MU-3 into a single zone district with the regulations applicable to the MU-2 zone district; and

WHEREAS, Schedule I of the Zoning Ordinance sets forth the bulk and area standards for each zone district;

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

Sec. 1. Schedule I of the Zoning District shall be amended to delete the MU-1 and MU-3 tables and to relabel the title of the MU-2 table to simply “MU”

Use	Lot Area (minimum) (square feet)	Minimum Width (feet)	Minimum Depth (feet)	Maximum Coverage on Lot (percent)	Minimum Height (feet) ^B	Maximum Height (feet) ^B	Minimum Setback Requirements (feet)			
							Front	Side		Rear
								Minimum	Total	
Personal services and retail shopping uses	5,000	50	75	50%	20	45	25	10	20	35
Mixed primary uses (retail, office, residential, etc.)	10,000	75	125	50%	20	60	25	10	25	25
Tourist homes/bed-and-breakfasts	10,000	75	125	35%	35	45	25	10	25	30 (40) ^A
Day-care center**	10,000	75	125	35%	20	45	25	10	25	50
Business and professional offices	10,000	75	125	35%	20	45	25	10	25	25
Public, semipublic, uses**	16,000	80	150	35%	20	45	25	10	25	30
Single-family residential	6,500	65	90	35%	35	45	25	10	16	25
Two-family residential	9,000	75	100	35%	35	45	25	10	25	25
Multifamily residential (7 or more units)	1 acre	150	150	35%	35	60	25	20	40	50
Multifamily residential (3 to 6 units)	22,000	125	150	35%	35	45	25	15	35	30

Schedule I: Mixed Use (MU)

~~Schedule I: Mixed Use - Medium Density (MU-2)~~

Use	Lot Area (minimum) (square feet)	Minimum Width (feet)	Minimum Depth (feet)	Maximum Coverage on Lot (percent)	Minimum Height (feet) ^a	Maximum Height (feet) ^b	Minimum Setback Requirements (feet)			
							Front	Side		Rear
								Minimum	Total	
Personal services and retail shopping uses	5,000	50	75	85%	20	45	25	10	20	35
Mixed primary uses (retail, office, residential, etc.)	10,000	75	125	85%	20	60	25	10	25	25
Tourist homes/bed-and-breakfasts	10,000	75	125	35%	30	45	25	10	25	30 (40) ^A
Day-care center**	10,000	75	125	35%	20	45	25	10	25	50
Business and professional offices	10,000	75	125	85%	20	45	25	10	25	25
Public and semipublic uses**	16,000	90	150	35%	20	45	25	10	25	30
Major commercial development**	1 acre	150	150	50%	20	60	25	15	35	35
Drive-through banks and pharmacies*	25,000	125	150	35%	20	45	25	10	25	25
Single-family residential	6,500	65	90	35%	30	45	25	10	16	25
Two-family residential	9,000	75	100	35%	30	45	25	10	25	25
Multifamily residential (7 or more units)	1 acre	150	150	35%	30	60	25	20	40	50
Multifamily residential (3 to 6 units)	22,000	125	150	35%	30	45	25	15	35	30

~~Schedule I: Mixed Use - High Density (MU-3)~~

Use	Lot Area (minimum) (square feet)	Minimum Width (feet)	Minimum Depth (feet)	Maximum Coverage on Lot (percent)	Minimum Height (feet) ^a	Maximum Height (feet) ^b	Minimum Setback Requirements (feet)			
							Front	Side		Rear
								Minimum	Total	
Personal services and retail shopping uses	5,000	50	75	85%	20	45	25	10	20	35
Mixed primary uses (retail, office, residential, etc.)	10,000	75	125	85%	20	60	25	10	25	25
Tourist homes/bed-and-breakfasts	10,000	75	125	35%	30	45	25	10	25	30 (40) ^A
Hotels and motels	20,000	125	150	35%	45	60	25	15	35	35
Day-care center**	10,000	75	125	35%	20	45	25	10	25	50
Business and professional offices	10,000	75	125	85%	20	45	25	10	25	25
Major commercial development**	1 acre	150	150	50%	20	60	25	15	35	35
Public and semipublic uses**	16,000	90	150	35%	20	45	25	10	25	30
Drive-through banks and pharmacies*	25,000	125	150	35%	20	45	25	10	25	25
Single-family residential	6,500	65	90	35%	30	45	25	10	16	25
Two-family residential	9,000	75	100	35%	30	45	25	10	25	25
Multifamily residential (7 or more units)	1 acre	150	150	35%	30	60	25	20	40	50
Multifamily residential (3 to 6 units)	22,000	125	150	35%	30	45	25	15	35	30

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

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Uebbing and Mayor Palumbo. (8-0)

NOES: None

Manager's Report: City Manager Goodwin reported on the Boil Water Advisory as there have been three water main breaks and the DEC out of an abundance of caution, issued the advisory. One test has already come back clear and the second test is scheduled for March 3, 2023, fully assuming that test would be clear and the Advisory lifted. Mr. Goodwin advocated for residents to register with the Reverse 911 for those residents who use cell phones as their main phone number. He thanked Assessor Steve Pigeon for his service to the City as his last day is upcoming. The Water Quality Report is out and available for residents, copies are in the Clerk's Office as well as on the City's website. The 2023 Park and Recreation Schedule is out for the summer, details are available on the City's website. He said that Denise Chaaple, was unable to attend the meeting, asked to remind residents of the upcoming Wedding March event happening downtown this weekend.

Miscellaneous: The Mayor reported on the incident that happened earlier in the week on Green Street. He thanked all the first responders who worked together and asked residents to keep those public servants in their thoughts. Councilmember Polimeni thanked the City Police Department for the work on their Annual Report, which is available on the City's website, and said it was very interesting to read all that they do. Mr. Goodwin noted that the City's Fire Department's report will also be out very soon. Councilmember Lyon reported that he, Mayor Palumbo and City Manager Goodwin attending the BID's Annual Meeting and it is exciting to see all the work they are doing and store fronts are filled. The Mayor agreed and encourages residents to shop local.

Adjournment: Councilmember Ward 3 White motioned to adjourn the meeting, seconded by Councilmember-at-Large Covington. Unanimously passed and carried by voice vote. Meeting adjourned at 7:49 pm.