

**CITY COUNCIL MINUTES**  
**THURSDAY, AUGUST 3, 2023**  
**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 (via Zoom)**  
**Erich Dittmar, Councilmember Ward IV**  
**Sim Covington, Councilmember-at-Large**  
**Thomas Lyon, Councilmember-at-Large**  
**Steve Uebbing, Councilmember-at-Large**

**City Staff Present:**

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

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

**Public Hearing:** The Mayor opened the public hearing at 7:01 pm regarding Ordinance #2023-004 Amending Chapter 669 Requiring Mandatory Inspection and Replacement of Lead Water Service Lines at Property Transfer. No guests spoke. The Mayor closed the hearing at 7:02 pm.

**Public Hearing:** The Mayor opened the public hearing at 7:02 pm regarding Ordinance #2023-005 Amending the Zoning Ordinance with Regard to Short-Term Rentals and Bed and Breakfast Establishments. The following people spoke to the ordinance:

- Mike Fiorentino, Jefferson Ave and Ontario Street.
- Andy Fiorentino, Bristol Street
- Kipling Goh, Gibson Street
- Paige Palmeter, West Avenue

John Goodwin spoke and said that those with existing STR approvals would be grandfathered in and the only acceptance being they would be subject to the renewal inspection, the changes being proposed would be too new STR applications.

- Brandon Marks, Beeman Street
- Laura Fritz, Grove Drive
- Stephanie Marks. Beeman Street

The Mayor closed the hearing at 7:28 pm.

**Review of Community Core Values:** Councilmember Ward 2 Unrath 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:**  
July 13, 2023 Minutes

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Moved: Councilmember Ward 3 White  
Seconded: Councilmember Ward 1 Polimeni  
*Vote Result: Carried unanimously by voice vote (9-0)*

**Recognition of Guests:** The following guests were in attendance to discuss the recent flooding:

- Ernie Maiorani, West Avenue
- Jessica Ferguson, West Gibson Street
- Susan Schafer, West Gibson Street
- Janet Constable, West Gibson Street
- Maria Bucci, West Gibson Street
- Bernadette Soffel, West Gibson Street
- Angela and James Ochterski, Park Avenue
- Tammy Genest, West Avenue

The Mayor encouraged those present to sign the letter addressing the need for financial assistance from the State, similar to what the Governor's office gave to those affected in Orange County. Councilmember-at-Large Uebbing spoke on the upcoming meeting with the Town of Canandaigua to form a task force on the flooding. City Manager Goodwin spoke to the number of non-for-profits who have been helping affected residents and thanked them all for coming in to assist. Reminded residents to call "211" if they are in need of help. There is limited assistance from a fund created by Canandaigua National Bank to also help those residents affected. Mr. Goodwin spoke on FEMA and the rules involved in applying, City officials will continue to advocate for funding for the residents of Canandaigua. The flood information center has closed and asked residents to call 211.

**Committee Reports:** There were no committee reports.

**Resolution #2023-087:**

Moved: Councilmember Ward 4 Dittmar  
Seconded: Councilmember Ward 1 Polimeni

**Resolution Requesting Emergency Repair Grants from New York State**

**WHEREAS**, according to the National Weather Service, on July 9<sup>th</sup>, 5.8 inches of rain as measured at the Canandaigua Airport fell during a historic rain event, that included a 45-minute timeframe where 3.8 inches fell; and

**WHEREAS**, the historic rain event, caused severe flash flooding in Ontario County, especially in the Canandaigua area impacting and damaging public and private property; and

**WHEREAS**, approximately 200 homes in Canandaigua were damaged by flooding requiring repairs or replacement of electrical and plumbing systems, heating systems and appliances, flooring, drywall, insulation, windows, doors and foundation walls; and

**WHEREAS**, New York State recently made available \$3 million in funding to Orange County for eligible homeowners with said funds providing emergency repair grants of up to \$50,000 for home repairs to homeowners who suffered damage to their primary residence caused by the same rain storm that impacted Ontario County; and

**WHEREAS**, New York State Senator Pam Helming and Assemblyman Jeff Gallahan recently wrote to Governor Kathy Hochul and Commissioner RuthAnne Visnuskas of Homes and Community Renewal, requesting that a parallel program be implemented for Ontario County;

**NOW, THEREFORE, BE IT RESOLVED**, City Council joins Senator Pam Helming and Assemblyman Jeff Gallahan in requesting that New York State provide emergency repair grants to eligible homeowners in Ontario County impacted by flooding from recent historic rainfall.

*Vote Result: Carried unanimously by voice vote (9-0)*

**Resolution #2023-088:**

Moved: Councilmember-at-Large Covington

Seconded: Councilmember-at-Large Sutton

**Resolution Authorizing a Special Event, ‘The Painted Pinky’**

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

***‘Painted Pinky***

Date: October 29, 2023

Location: Begin at Lakeshore, near Scoops, Run/Walk in Kershaw to Lagoon Park, additional loop along 5/20, cutting down Ellen Polimeni Blvd

Time: 9:00 a.m. – 12:00 p.m.

Coordinator: Constance White

Benefit: The Partnership for Ontario County

Expected Number of Participants: 300-400

**WHEREAS**, this request was reviewed and approved at the July 18th Environmental Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special event at the time and location listed; and

**BE IT FURTHER RESOLVED** that the organizer of the Special Event shall adhere to any regulations that the City Manager or the City Police Department shall establish to insure the health and safety of Canandaigua residents and visitors throughout this event.

*Vote Result: Carried unanimously by voice vote (9-0)*

**Resolution #2023-089:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 4 Dittmar

**Resolution Setting the Time and Place of a Public Hearing on an Ordinance Amending Chapter 300 ‘Unsafe Buildings’ and Chapter 748 ‘Housing Standards’**

**WHEREAS**, the City Council desires, although not required by law, to hold a public hearing on changes to Chapter 300 and Chapter 748; and

**NOW, THEREFORE, BE IT RESOLVED**, by City Council that a public hearing on an ordinance amending Chapter 300 “Unsafe Buildings” and Chapter 748 “Housing Standards” shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and/or virtually at

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<https://us06web.zoom.us/j/85999209422> during the City Council meeting beginning at 7:00 p.m. on Thursday, September 7, 2023;

**BE IT FURTHER RESOLVED**, although not required, the City Clerk shall cause notice to be given the same as the requirements of Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

*Vote Result: Carried unanimously by voice vote (9-0)*

**Resolution #2023-090:**

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 1 Polimeni

**Resolution Setting the Time and Place of a Public Hearing on Chapter 648-21 ‘Parking, Standing and Stopping Restrictions’**

**WHEREAS**, the City Council desires, although not required by law, to hold a public hearing on changes to Chapter 648-21; and

**NOW, THEREFORE, BE IT RESOLVED**, by City Council that a public hearing on an ordinance amending Chapter 648-21 “Parking, Standing and Stopping Restrictions” and Chapter 748 “Housing Standards” shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and/or virtually at <https://us06web.zoom.us/j/85999209422> during the City Council meeting beginning at 7:00 p.m. on Thursday, September 7, 2023;

**BE IT FURTHER RESOLVED**, although not required, the City Clerk shall cause notice to be given the same as the requirements of Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

*Vote Result: Carried unanimously by voice vote (9-0)*

**Resolution #2023-091:**

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Uebbing

**Resolution Adopting the State of New York Deferred Compensation Plan**

**WHEREAS**, the City of Canandaigua wishes to adopt the Deferred Compensation Plan for employees of the State of New York and Other Participating Public Jurisdictions (the “Plan”) for voluntary participation of all eligible employees; and

**WHEREAS**, the City of Canandaigua is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law; and

**WHEREAS**, the City of Canandaigua has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

**WHEREAS**, the purpose of the Plan is to encourage employees to make and continue careers with the City of Canandaigua by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and there by provide for their retirement;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Canandaigua hereby adopts the Plan for the voluntary participation of all eligible employees; and

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**BE IT FURTHER RESOLVED**, that the City Manager is hereby authorized to take such actions and enter such agreements as required or necessary for the adoption, implementation and maintenance of the Plan; and

**BE IT FURTHER RESOLVED**, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

*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 Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

*NOES: None*

**Resolution #2023-092:**

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 2 Unrath

**Resolution of Support and Authorization for the City of Canandaigua to Apply for Funds Through the Ontario County Arts, Culture and Recreation Grant Program**

**WHEREAS**, Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19” and businesses, non-profits and municipalities are eligible to apply; and

**WHEREAS**, City Staff would like to apply to pave park paths at Kershaw, Lakefront and Baker Parks as our parks saw a large increase of usage during COVID-19 as outdoor recreation activities became an outlet; and

**WHEREAS**, paving the paths will allow for multi-model options allowing for more usage with an improved surface and also allowing for year-round use as they can be more easily cleared of snow and ice; and

**WHEREAS**, the total cost of paving these pathways is approximately \$150,000 and the application would be for \$150,000 with the local match portion, 25% at \$37,500, coming from the City’s Parks and Open Space Fund; and

**WHEREAS**, the City of Canandaigua meets the eligibility requirements as a municipality in Ontario County; and

**NOW, THEREFORE, BE IT RESOLVED**, that City Council of the City of Canandaigua identifies the City Manager as the authorized representative for the project, able to execute necessary documents relative to and as required for this application; and

**BE IT FURTHER RESOLVED**, that City Council does hereby agree to provide at least a 25% match of the total project cost, such that applying for the maximum of \$150,000 will require a minimum of \$37,500 in local match from the Parks and Open Space fund to be appropriated in the 2024 Budget;

**BE IT FURTHER RESOLVED**, that the City of Canandaigua recognizes and fully supports the submission of the Ontario County Arts, Culture and Recreation Grant Program to pave the park paths at Kershaw, Lakefront and Baker Parks.

Prior to the vote, Councilmember Ward 3 White said that she doesn’t recall this being discussed at committee, she feels that paving the parks will change the character and does not support the resolution. Councilmember Polimeni concurs and said that when Kershaw was created, cinder was purposefully used. She doesn’t see the need to change it. Councilmember-at-Large Lyon said he would be abstaining from the vote as part of the committee to review at the County. Councilmember-at-Large Uebbing said that it was discussed at the committee level but that he agrees with Councilmember Polimeni and will be voting against the measure. The Mayor also agreed to keep Kershaw the way that it is. Councilmember-at-Large

Sutton spoke and said the reason is to pave is to have our parks be more accessible for people to enjoy all year around and she is in favor.

*The motion Failed on the following vote:*

**AYES:** Councilmember Ward 2 Unrath, Councilmember Ward 4 Dittmar, Councilmember-at-Large Sutton,

**NOES:** Councilmember Ward 1 Polimeni, Councilmember Ward 3 White, Councilmember-at-Large Covington, Councilmember-at-Large Uebbing and Mayor Palumbo.

**ABSTAIN:** Councilmember-at-Large Lyon (3-5-1)

**Resolution #2023-093:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 2 Unrath

**Resolution of Support for the Downtown Canandaigua Business Management Association to Apply for Funds Through the Ontario County Arts, Culture and Recreation Grant Program**

**WHEREAS,** Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19” and businesses, non-profits and municipalities are eligible to apply; and

**WHEREAS,** the Downtown Canandaigua Business Management Association, herein referred to as the “BID,” would like to apply for capital improvements in Downtown; and

**NOW, THEREFORE, BE IT RESOLVED,** that the City of Canandaigua recognizes and fully supports the BID’s submission to the Ontario County Arts, Culture and Recreation Grant Program for capital improvements,

**BE IT FURTHER RESOLVED,** that a certified copy of the resolution will be provided to Denise Chaapel, BID Manager.

*The motion CARRIED on the following vote:*

**AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon,

Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

**NOES:** None

**ABSTAIN:** Councilmember-at-Large Lyon (8--1)

**Resolution #2023-094:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 2 Unrath

**Resolution of Support for the Ontario County Arts Council to Apply for Funds Through the Ontario County Arts, Culture and Recreation Grant Program**

**WHEREAS,** Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19” and businesses, non-profits and municipalities are eligible to apply; and

**WHEREAS,** the Ontario County Arts Council is sponsoring the “Ghost of Roseland” public art sculpture commemorating the nostalgia and history surrounding Roseland Park; and

**WHEREAS**, the sculpture, to be situated on an unused stanchion adjacent to Lakefront Park’s public trail in the City of Canandaigua, will enhance the experience of those walking along the path; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports Ontario County Art Council’s submission to the Ontario County Arts, Culture and Recreation Grant Program for the Ghost of Roseland public art sculpture,

**BE IT FURTHER RESOLVED**, that a certified copy of the resolution will be provided to the Executive Board of the Ontario County Arts Council.

*The motion CARRIED on the following vote:*

**AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

**NOES:** None

**ABSTAIN:** Councilmember-at-Large Lyon (8--1)

**Resolution #2023-095:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 2 Unrath

**Resolution of Support for the Ontario County Historical Society to Apply for Funds Through the Ontario County Arts, Culture and Recreation Grant Program**

**WHEREAS**, Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19” and businesses, non-profits and municipalities are eligible to apply; and

**WHEREAS**, the Ontario County Historical Society is exploring the feasibility of expanding their building and facilities at 55 North Main Street, Canandaigua; and

**WHEREAS**, the Ontario County Historical Society mission is to nurture and add value to the county by preserving and presenting historic collections that provide accessible educational opportunities and expansion of their facilities would enhance their mission; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports Ontario County Historical Society’s submission to the Ontario County Arts, Culture and Recreation Grant Program for a feasibility plan to study expansion,

**BE IT FURTHER RESOLVED**, that a certified copy of the resolution will be provided to the Cody Grabhorn, Executive Director, Ontario County Historical Society.

*The motion CARRIED on the following vote:*

**AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

**NOES:** None

**ABSTAIN:** Councilmember-at-Large Lyon (8--1)

**Resolution #2023-096:**

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Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 2 Unrath

**Resolution of Support for Ontario County Pathways, Inc. to Apply for Funds Through the Ontario County Arts, Culture and Recreation Grant Program**

**WHEREAS**, Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19” and businesses, non-profits and municipalities are eligible to apply; and

**WHEREAS**, Ontario County Pathways is requesting grant funds for a public art project situated on three different sections of the trail network; and

**WHEREAS**, the Ontario County Pathways provide year-round outdoor recreational opportunities for citizens in the community; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports Ontario County Pathway’s submission to the Ontario County Arts, Culture and Recreation Grant Program for a public art project,

**BE IT FURTHER RESOLVED**, that a certified copy of the resolution will be provided to the Judi Cermak, representative from Ontario County Pathways, Inc.

*The motion CARRIED on the following vote:*

***AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

***NOES:** None*

***ABSTAIN:** Councilmember-at-Large Lyon (8--1)*

**Resolution #2023-097:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember Ward 2 Unrath

**Resolution of Support for Canandaigua Emergency Squad, Inc. to Apply for Funds Through the Ontario County Arts, Culture and Recreation Grant Program**

**WHEREAS**, Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19” and businesses, non-profits and municipalities are eligible to apply; and

**WHEREAS**, Canandaigua Emergency Squad, Inc provides emergency medical care, critical care transportation, and public education throughout the City of Canandaigua; and

**WHEREAS**, to aide in safe recreational fun where limited emergency personnel may be unavailable, the Canandaigua Emergency Squad, Inc is applying for grant funding for three Lucas Chest Compression systems which provide continuous CPR compressions; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports Canandaigua Emergency Squad’s application to the Ontario County Arts, Culture and Recreation Grant Program for Lucas Chest Compression systems,

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**BE IT FURTHER RESOLVED**, that a certified copy of the resolution will be provided to Chief Matt Sprull, Canandaigua Emergency Squad.

*The motion CARRIED on the following vote:*

**AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

**NOES:** None

**ABSTAIN:** Councilmember-at-Large Lyon (8--1)

**Resolution #2023-098:**

Moved: Councilmember-at-Large Covington

Seconded: Councilmember-at-Large Lyon

**Resolution Certifying the Sketch Plan Submission for Chrissantha, Inc for a Planned Unit Development as Being Complete and Make Necessary Referrals**

**WHEREAS**, the Canandaigua City Council is in receipt of an application for sketch plan approval and supporting documentation for a proposed Planned Unit Development for a 30-acre parcel located in the northeast quadrant of the City fronting Steward Place to the southwest and North Road to the north; and

**WHEREAS**, the Canandaigua City Council has reviewed this submittal in accordance with Chapter 850, Article XII of the Municipal Code (Planned Unit Developments), and

**WHEREAS**, the Planning Committee acting as the Planned Unit Development Committee of City Council met on August 1, 2023 to review this submittal and has recommended that it be accepted as complete in accordance with the requirements of the City of Canandaigua, Zoning Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Canandaigua City Council:

1. That the sketch plan application is certified as being complete in accordance with § 850-124.B(4).
2. That the sketch plan shall be submitted to the City staff for coordinated staff review accordance with § 850-124.B(4), and
3. That the sketch plan shall be submitted to the City Planning Commission for review in accordance with § 850-124.B(5).
4. That the sketch plan shall be submitted to the Ontario County Planning Board for review in accordance with General Municipal Law Article 12-B, Sections § 239.
5. The Canandaigua City Council shall seek Lead Agency Status for the Environmental Review in accordance with 6 NYCRR Part 617 (SEQRA).

*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 Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

**NOES:** None

**Resolution #2023-099:**

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Moved: Councilmember-at-Large Lyon  
Seconded: Councilmember Ward 4 Dittmar

### **Resolution Requesting a Joint City Council and Town Board Meeting to Discuss Flooding**

**WHEREAS**, according to the National Weather Service, on July 9<sup>th</sup>, 5.8 inches of rain as measured at the Canandaigua Airport fell during a historic rain event, that included a 45-minute timeframe where 3.8 inches fell; and

**WHEREAS**, the historic rain event, caused severe flash flooding in Ontario County, especially in the Canandaigua area impacting and damaging public and private property; and

**WHEREAS**, approximately 200 homes in the City and Town of Canandaigua were damaged by flooding requiring repairs or replacement of electrical and plumbing systems, heating systems and appliances, flooring, drywall, insulation, windows, doors and foundation walls; and

**WHEREAS**, the Town and City of Canandaigua have a long history of working together toward improving water quality and mitigating flooding withing the Sucker Brook Watershed and this recent flood event was a demonstration that the work that has been completed reduced the damage that would have occurred as well as evidence that further work and collaboration is needed; and

**WHEREAS**, City Council is interested in forming a joint task force with the Town of Canandaigua to review existing analyses and reports and conduct further study on projects that can further mitigate flooding and improve water quality; and

**NOW, THEREFORE, BE IT RESOLVED**, City Council respectfully requests a joint meeting with the Town Board to discuss the Sucker Brook Watershed flooding and potentially forming a joint task force with the Town of Canandaigua to review existing analyses and reports and conduct further study on projects that can further mitigate flooding and improve water quality.

*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 Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

*NOES: None*

#### **Ordinances:**

##### **Ordinance #2023-004:**

Moved: Councilmember-at-Large Lyon  
Seconded: Councilmember-at-Large Sutton

An Ordinance Amending Chapter 669 Requiring Mandatory Inspection and Replacement of Lead Water Service Lines at Property Transfer

**WHEREAS**, the City of Canandaigua is committed to protecting the general health, safety, and welfare of its residents; and

**WHEREAS**, the City operates the City's water distribution system, which services its residents and other neighboring municipalities; and

**WHEREAS**, the Canandaigua water system is and continues to be a clean source of water; and

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**WHEREAS**, there exists an estimated 250 privately owned properties serviced by hazardous lead service lines or galvanized service lines requiring replacement within the City of Canandaigua, and an estimated 3400 properties within the Canandaigua water system; and

**WHEREAS**, these lead service lines or galvanized service lines requiring replacement connect to the City’s water distribution system, but are owned by the property owner; and

**WHEREAS**, in the 1986 Safe Drinking Water Act Lead Ban required the use of “lead-free” pipe, solder, and flux in the installation or repair of any public water system or any plumbing in a residential or non-residential facility providing water for human consumption; and

**WHEREAS**, the United States Environmental Protection Agency (the “EPA”) has adopted updated regulations to eliminate lead and copper in drinking water and the New York State Department of Health has directed municipalities to replace lead service lines or galvanized service line requiring replacement in accordance with the EPA’s regulations; and

**WHEREAS**, the City has determined that the provision of clean, lead-free drinking water to its residents is beneficial to the City as a whole and beneficial to any private landowner and the City has a strong interest in eliminating privately-owned lead service lines or galvanized service line requiring replacement; and

**WHEREAS**, as part of its comprehensive plan to protect residents from exposure to lead, the City introduced a corrosion control system expected to reduce the lead levels in the water by reducing the corrosion of the lead service lines on private property; and

**WHEREAS**, for the health, safety and welfare of City residents the City Council desires to require all premises serviced by lead service lines or galvanized service lines requiring replacement to replace such service lines at the owner/occupant’s own expense prior to the transfer of such premises and/or certify that lead service lines or galvanized service lines requiring replacement do not exist or have been replaced, or to replace such service lines when premises are inspected and lead service lines or galvanized service lines requiring replacement are discovered to be present;

**NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Canandaigua, that Chapter 669 is hereby amended to add a new Chapter 669-8.1, entitled “Mandatory Inspection and Replacement of Lead Water Service Lines at Property Transfer”:

**Section 1:**

A. Definitions.

~~**PLUMBING CONTRACTOR** shall mean a person, firm, corporation or other entity licensed by the State of New York and/or other City to perform plumbing work.~~

**DWELLING, BUILDING, OR STRUCTURE** shall be as those respective terms are defined in Chapter 850-12.

**GALVANIZED SERVICE LINE REQUIRING REPLACEMENT** shall mean a water service line constructed of galvanized steel that cannot definitively be shown to never have been downstream from a lead service line.

**LEAD SERVICE LINE** shall mean a water service line on private property that is constructed of lead, ~~or galvanized service lines requiring replacement.~~

**WATER SERVICE LINE** shall mean the water line on private property that leads to the dwelling, structure, or building that is connected to the main City of Canandaigua water line.

- B. Lead Services Lines Prohibited. It is hereby established that the existence of lead service lines or galvanized service lines requiring replacement is prohibited in the City of Canandaigua.
- C. Lead Service Line Replacement or Certification Prior to Property Transfer.
- a. No person shall transfer to any other person, nor accept from any other person, the transfer of the title to any dwelling, building, structure, or premises, unless and until:
    - i. the owner/occupant provides the City Water ~~Bureau~~ Department with a certification of inspection by a plumbing contractor of the absence of a lead service line or galvanized service lines requiring replacement and/or that the lead service line was previously removed and replaced; or
    - ii. the City Water ~~Bureau~~ Department shall have examined and issued a certificate of inspection that no lead service line or galvanized service line requiring replacement exists and that no otherwise unlawful or unmetered water service line connection exists between the dwelling, building, or structure and the main City water line.
  - b. This Section C shall be applicable only to those transactions in which such premises is transferred by the owner of record, the owner's heirs, assigns, representatives or agents, to a bona fide purchaser or purchasers for value, and shall not be applicable to involuntary sale proceedings of any kind or to non-sale transfers. This requirement may be waived in the case of transfers of undeveloped premises with no facilities for water services.
- D. Mandatory Replacement of Lead Service Line. The owner/occupant of any dwelling, building or structure serviced by a lead service line or galvanized service line requiring replacement is required to replace the lead service line on their premises in accordance with Subsection C.
- E. Any lead service lines or galvanized service line requiring replacement shall be replaced at the expense of the owner/occupant. Replacement water service lines must be NSF certified for water and be composed of brass, copper (type L or K), DI, SS, CPVC, HDPE, PE, PEX or PVC manufactured to recognized standards for cold water distribution systems outside buildings.
- F. Replacement of Lead Service Lines Prior to Property Transfer.
- a. In the event that a lead service line or galvanized service line requiring replacement is discovered upon inspection by the Water ~~Bureau~~ Department, the Water ~~Department~~ Bureau shall immediately notify the owner/occupant in writing of the existence of the lead service line.
  - b. The owner/occupant shall provide proof of arrangements with a plumbing contractor for replacement of the lead service line to the Water ~~Bureau~~ Department within thirty (30) days of the date of the Water ~~Bureau's~~ Department's notice letter.

- c. The owner/occupant shall complete replacement of the lead service line or galvanized service line requiring replacement within one hundred and twenty (120) days of the notice letter and submit proof of completion of such replacement to the Water ~~Bureau~~Department.
- d. Upon receiving proof of completion of replacement the Water ~~Bureau~~Department shall confirm replacement by inspecting the premises as provided for herewith and file an inspection report with the Water ~~Bureau~~Department.
- e. An extension of time may be granted by the Water ~~Bureau~~Department where the owner can demonstrate that a good faith effort has been made to comply with this ordinance and/or that exigent circumstances prevent compliance.
- f. No repair of a lead service line or galvanized service line requiring replacement, or reconnection of a lead service line to the main City water service line shall be permitted under any circumstance.

G. Authorization to Access Premises for Inspection Prior to Property Transfer.

- a. The City shall secure access to the premises from the owner/occupant for the purpose of inspection for the existence of lead service lines or galvanized service line requiring replacement. The City shall incur no liability from the owner/occupant relating to such inspection. After such inspection the City shall restore the premises to its original condition, or as close as possible to its original condition as reasonably possible; and
- ~~a.b.~~b. During such inspection the Water Department shall also inspect the premises to determine the existence of any uses or connections to the City's water or sewer system that may be in violation of this Chapter or Chapter 567. If any such violations are discovered, the City shall undertake enforcement action as may be permitted by this Chapter or ~~Chapter~~Chapter 567.
- ~~b.c.~~c. In the event of refusal or failure to provide such access for an inspection as herein provided, a warrant may be issued by a judge or acting judge of the City Court upon application by the City Water ~~Bureau~~Department to allow inspection ~~of the water service line.~~

**Section 2:** If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 3.** 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 Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

*NOES: None*

**Ordinance #2023-005:** (*Councilmember Ward 2 Unrath motioned to lift the ordinance from the table; seconded by Councilmember-at-Large Sutton; Unanimously passed and carried by voice vote 9-0. Ordinance was read and introduced on June 1, 2023.*)

An Ordinance Amending the Zoning Ordinance with Regard to Short-Term Rentals and Bed and Breakfast Establishments

**WHEREAS**, the City Council most recently enacted an ordinance regulating Short Term Rentals on September 14, 2018, through Ordinance 2018-010; and

**WHEREAS**, at the City Council's Planning Committee meeting of April 5, 2023; the City Council heard recommendations from the Planning Commission and the Zoning Board of Appeals regarding the regulation of Short-Term Rentals; and

**WHEREAS**, the Planning Committee of the City Council after further consideration has recommended amending the Short-Term Rental ordinance;

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

**Sec. 1** Article II "Terminology" hereby amended as follows:

***SHORT-TERM RENTAL***

A **complete** residential dwelling unit ~~or portion thereof rented for habitation~~ **that provides lodging without a host present** for a period of less than 30 days. Such properties are regulated under §850-110.5.

***TOURIST HOME/BED-AND-BREAKFAST***

~~A building or part thereof other than a hotel, motel or restaurant~~ **A single-family dwelling with a resident host that provides lodging and possibly meals** for persons primarily for overnight accommodations and where no cooking or dining facilities are provided in individual rooms. **Such establishments are regulated under §850-101.**

Sec. 2 § 850-101 “Tourist Homes and Bed-and-Breakfasts” shall be deleted and replaced with the following:

- A. Tourist Homes and Bed-and-Breakfasts may be permitted in the R-1B, R-2, R-3, R-I, R-L, **R-O, and MU** zone districts, provided **that the Planning Commission determines that the following standards are met:**
  1. The Planning Commission finds that the proposed use is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.
  2. **The use as a tourist home/bed-and-breakfast shall involve the rental of a partial dwelling unit within a single-family dwelling.**
  3. **A resident of the dwelling shall be present during the rental. There shall be no more than two, nonresident employees.**
  4. The proposed use shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.
  5. The use of the premises as a bed and breakfast shall not require or involve any exterior alterations to the structure which will make it appear as other than a single-family residence
  6. The establishment shall not sell meals to persons other than overnight guests, unless otherwise permitted as a restaurant in compliance with §850-83.
  7. The establishment shall not operate as a rooming house or boardinghouse as defined in §850-12.
  8. **The establishment shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.**
  9. **The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.**
  10. **The Planning Commission shall determine, on a case-by-case basis, the maximum occupancy, but in no case shall the occupancy exceed 10 guests at any one time.**
  11. Off-street parking shall be provided. The Planning Commission may determine, on a case-by-case basis, what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II

**Sec. 3.** §850-110.5 “Short-Term Rentals. shall be deleted and replaced with the following:

- A. Short-term rentals may be permitted in a complete residential dwelling unit in any zone district provided that the Planning Commission determines that the following standards are met:
1. The Planning Commission finds that the proposed short-term rental is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.
  2. **Within the R-1A, R-1B, R-2, R-3, and R-L zone districts, the short-term rental unit shall be the owner's primary residence, and may not be rented for more than a total of 90 days in each calendar year.**
  3. **The rental unit shall be registered and periodically inspected in compliance with the City of Canandaigua Rental Inspection Program.**
  4. The proposed short-term rental shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.
  5. The use of the premises shall not require or involve any exterior alterations to the structure.
  6. The short-term rental property shall not sell meals to persons other than overnight guests, unless otherwise permitted as a restaurant in compliance with § 850-83.
  7. The short-term rental property shall not operate as a rooming house or boardinghouse as defined in § 850-12.
  8. The short-term rental property shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.
  9. The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.
  10. The Planning Commission shall determine, on a case-by-case basis, the maximum occupancy.
  11. Off-street parking shall be provided. The Planning Commission may determine, on a case-by-case basis, what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II.
  12. The Special Use Permit shall be issued as a temporary, renewable permit, which shall expire three years from the date of approval. The permit shall be renewed administratively by the Zoning Officer upon verification of compliance with the ~~provisions of the section~~ original conditions of approval. If the Zoning Officer determines noncompliance or verifies written complaints received, the permit shall be forwarded to the Planning Commission for review in accordance with the procedure of the original review. The permit may be revocable at any time if the conditions of approval are not being met.
  13. The Special Use Permit shall not be transferable to a different property owner.

14. All Short Term Rental Special Use Permits issued prior to the adoption date of this ordinance, including those that might be made noncompliant, may be continued in accordance with the conditions of that permit, ~~but with the addition of the provisions outlined in §850-110.5.A.12 and §850-110.5.A.13.~~ However, all previously approved Short-Term Rentals shall be subject to administrative renewal in accordance with the provisions in § 850-110.5.A.12 and shall also be subject to the provisions of § 850-110.5.A.13.

After discussion, Councilmember Ward 2 Unrath motioned to withdraw the Ordinance from a Council vote, seconded by Councilmember-at-Large Lyon, unanimously passed and carried by voice vote (9-0). Councilmember Ward 2 Unrath motioned to place the ordinance back on the table as further discussion is needed at the committee level. Councilmember-at-Large Covington seconded unanimously passed and carried by voice vote. (9-0),

**Ordinance # 2023-006:** *(Councilmember Ward 4 Dittmar read and introduced the ordinance and motioned to place it on the table. Seconded by Councilmember-at-Large Covington; unanimously passed and carried by voice vote 9-0)*

An Ordinance Amending Chapter 300-11 and Chapter 748-31 Pertaining to Orders to Vacate Unsafe Structures

**WHEREAS**, Chapters 300-11 and 748-31 of the City Code authorize the issuance of orders to vacate unsafe structures; and

**WHEREAS**, City Council has determined that Chapters 300-11 and 748-31 should be amended to provide for additional due process rights to tenants and/or occupants of such unsafe structures after receipt of an order to vacate;

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

**Sec. 1** Chapter 300-11, entitled “Vacating structures and closing streets” is hereby amended as follows (*new language shown in italics, omitted language shown with strikethrough*):

### **Chapter 300 Buildings, Unsafe**

#### **Section 300-11: Vacating structures and closing streets.**

When a structure is in an unsafe or dangerous condition so that life or public safety is endangered thereby, the Director of Public Safety, his designee or the Code Enforcement Officer may order and require the tenants or occupants to vacate the same forthwith. *The order to vacate shall include reference to the tenant/occupant’s right to a hearing upon written demand as provided herein. The Director of Public Safety, his designee or the Code Enforcement Officer* ~~He~~ may, when necessary for public safety, temporarily close sidewalks, streets, structures and places adjacent to such structures and prohibit the same from being used. The Director of Public Works, the Director of Public Safety, the Chief of Police and the Fire Chief, when called upon by the Enforcement Officer to cooperate, shall assist in the enforcement of such orders or requirements. *Whenever an order to vacate has been issued pursuant to this section, the tenant and/or occupant may request a hearing before the Code Enforcement Officer or his or her designee. The hearing shall be held within three business days of the Code Enforcement Officer’s receipt of a written demand for such hearing. At such hearing the hearing officer may affirm or vacate the order to vacate, and/or impose additional reasonable conditions to the order to vacate. The unsafe structure shall remain vacated pending the outcome of any such hearing.*

THURSDAY, AUGUST 3, 2023

**Sec. 2** Chapter 748-31, entitled “Order to Vacate” is hereby amended as follows (*new language shown in italics, omitted language shown with strikethrough*):

**Chapter 748  
Housing Standards**

**Section 748-31: Order to Vacate**

Whenever an order with the notice of intent to vacate as provided in § 748-30 of this chapter has not been complied with or where procedures under § 748-20 this chapter have not been invoked, or if the Code Enforcement Officer, with the concurrence of either the Health Officer or Fire Chief determines that an immediate and serious threat to health and safety exists, the Code Enforcement Officer may order the dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit to be vacated. A copy of such order to vacate shall be served on the owner agent, operator and the occupant as provided in § 748-14 of this chapter. *The order to vacate shall include reference to the tenant/occupant’s right to a hearing upon written demand as provided herein. Whenever an order to vacate has been issued pursuant to this section, the tenant and/or occupant may request a hearing before the Code Enforcement Officer or his or her designee. The hearing shall be held within three business days of the Code Enforcement Officer’s receipt of a written demand for such hearing. At such hearing the hearing officer may affirm or vacate the order to vacate, and/or impose additional reasonable conditions to the order to vacate. The unsafe structure shall remain vacated pending the outcome of any such hearing.*

**Sec. 3** This ordinance shall be effective thirty (30) days following its enactment.

**Ordinance #2023-007:** (*Councilmember-at-Large Sutton read and introduced the ordinance and motioned to place it on the table. Seconded by Councilmember Ward 4 Dittmar; unanimously passed and carried by voice vote 9-0*)

**AN ORDINANCE AMENDING CHAPTER 648-21 ‘PARKING, STANDING AND STOPPING RESTRICTIONS’ - HOWELL STREET**

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

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

§ 648-21 Parking, Standing and Stopping Restrictions

THURSDAY, AUGUST 3, 2023

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

Name of Street	Restriction
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<del>Howell Street</del>	<del>No parking on the north side from Park Street to Charlotte Street</del>
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**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

**Manager's Report:** Mr. Goodwin reported that Kershaw Park swimming area will be closing earlier this year due to staffing shortages. Hours will be changing to 11 – 7 pm and the last day open will be August 21, 2023 and will be free to residents to attend on the last day. The Jefferson Park mural project has completed and the reveal will be Friday, August 18<sup>th</sup> at 6 pm. Encourages residents to attend.

**Miscellaneous:**

**Executive Session:**

The Mayor called for a motion to close the regular meeting and move into Executive Session to review pending litigation, Councilmember Ward 2 Unrath moved to close the regular meeting to go into Executive Session at 10:32 pm. Councilmember-at-Large Sutton seconded the motion.

*Vote Result: Carried unanimously by voice vote (9-0)*

**APPENDIX A**  
**ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE MINUTES**  
**TUESDAY, AUGUST 15, 2023, 7:00 PM**  
**HURLEY BUILDING, 205 SALTONSTALL STREET**  
**VIRTUALLY: <https://us06web.zoom.us/j/84936309067>**  
**LIVE STREAM: <https://fingerlakestv.org/live/>**

**Environmental Committee:** Karen White, Chair  
Sim Covington, Jr.  
Erich Dittmar

**Other Councilmembers Present:** Ellen Polimeni  
Thomas Lyon  
Steve Uebbing  
Dan Unrath  
Mayor Palumbo

**City Staff Present:** John Goodwin, City Manager  
David Hou, Corporation Counsel

Chair White opened the meeting and welcomed members present and reviewed the agenda items.

She welcomed, Watershed Program Manager Kevin Olvany of the Canandaigua Lake Watershed Council who

*THURSDAY, AUGUST 3, 2023*

presented on the Sucker Brook Flooding and Joint City/Town Meeting. Mr. Olvany reviewed, the flood event on July 9<sup>th</sup>, he reviewed that stormwater model results that were completed in 2007. He reviewed the history of sucker brook and the watershed projects, as the main storm water conduit for the City of Canandaigua. He reviewed the draft floodplain maps of the areas as well as reviewed potential for additional FEMA Hazard mitigation projects. Reviewing the geography of the storm path, recorded at the Canandaigua Airport was a total of 5.8 inches of rainfall, with 4 of those total inches falling in under an hour. Chair White thanked Mr. Olvany for his presentation. Mr. Goodwin said that the presentation will be available online on the City's website for future review for residents. Mayor Palumbo discussed passing the resolution to work with the Town on this issue and this will be an ongoing issue. Chair White City Council and Town Board joint meeting has been scheduled for September 20<sup>th</sup> at 6 p.m., Town Hall. She welcomed members of the public who came to speak. Marsh Seager, 140 Howell Street, asked on the maps that Mr. Olvany reviewed and asked if there could be any widening of these areas. Mr. Olvany said they are reviewing all potential as Mr. Goodwin said that it means removing homes from the floodplain and Mr. Olvany agreed, it would be a difficult option. Mr. James Octerski, 141 Park Ave, thanked Mr. Olvany for his presentation. He advocated for more public information. He asked about the role of resiliency is that's tied to converting land use from permeable surface to hard surface in the Sucker Brook watershed versus storage. Mr. Olvany agreed that a storage is, is one aspect of it and believes there may be ways to improve it. He explained that the Towns of Gorham and Canandaigua as well as the City of Canandaigua all adopted what are called enhanced phosphorus treatment standards, which requires bigger stormwater systems to handle and treat the stormwater runoff and they are required to meet what's called the peak development flow rate as it was before the development was put in place. Mr. Ernie Marioni, West Avenue discussed issues from the flooding. Peter Mulvany, Bates Str, was not affected by flood but has 160 feet of frontage. He thanked Mr. Olvany for his presentation and he explained that more communication on efforts on what has been done by area officials should be known by the public and encourages more communication outreach. Chair White thanked Mr. Olvany again for his efforts.

Chair White reviewed the second item, Updated Fee Schedule Towing Fees. Mr. Goodwin reviewed, at the June 6<sup>th</sup> Finance Committee, the City Manager and Chief of Police recommended updating the fee schedule for towing which has remained unchanged for 12 years as towing companies requested that the fee be adjusted to account for increased cost and to be in line with Ontario County and the City of Geneva. The fee schedule update was not adopted and recently the towing companies requested to speak with the City Council about the rates. Tom Lay, owner of Farmington Service. He explained that it has been since 2007 for these fees have been increased and reviewed his cost details with Councilmembers present. When his firm is called out after hours, they are not meeting expenses based on the fees he is paid. He explained once they complete our job of removing the vehicle, they have to deal with insurance companies, family members, depending on the circumstances. They send certified letters, perform state searches for owners and send certified letters to both lien holder, the owner. These are all fees that are not in the current contract, that are something above and beyond what we are paid for. Overall, the basic expenses have doubled since 2007. Chair White asked the proposal is. Mr. Lay said to use the County rates as Ontario County has adopted. Mr. Goodwin showed the rates from Ontario County that they are looking to have Council adopt. Mayor Palumbo asked about the rates and Mr. Lay confirmed that the City has not changed the rates as Ontario County has gone up twice. Mayor Palumbo supports increasing the fees, although is not a voting member. Councilmember Dittmar said that he is in favor of making the change. Councilmember Lyon asked about the fee schedule. Mr. Goodwin said that the City adopts the fee schedule annually. Mr. Lay said that they are trying to do a five-year schedule with the County and hoping the same can be done for the City. Councilmember Uebbing said that he would support these changes when they come before Council. Councilmember Dittmar motioned to adopt the new rates, seconded by Councilmember Covington, unanimously passed and carried on to full Council.

Chair White moved onto the Ontario County Arts, Culture and Recreation Grant. Mr. Goodwin reviewed the details, Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan

Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19.” The County extended their submission deadline to 8/16 and Wood Library reached out the City for a Resolution of Support for their application. Wood Library is requesting \$10,000 to support The Reading Garden project. After some resident feedback, Councilmember Uebbing requested further discussion regarding City Staff’s original grant application proposal to pave park paths. Councilmember Polimeni asked about the other grants, the grants are due Friday and require a resolution. Mr. Goodwin said that the County will accept a draft resolution. Councilmember Lyon excused himself from the meeting, as part of the reviewing committee for the County on the grant, could not be present for the discussion. Councilmember Dittmar motioned to approve the grant, seconded by Councilmember Covington, unanimously passed and carried. Mr. Goodwin reviewed the Fuller family’s grant for Roseland Waterpark adding a mini-golf course in front of the waterpark. Mike Yarger said that he doesn’t believe tax payer funds should be given to support this effort. Councilmember Polimeni said that it is the ability to put together a proposal, not a proposal itself. Mr. Goodwin said that they are asking for municipal support and if it is awarded by the County, the municipality are in support of it. Mayor Palumbo spoke to the Fuller family and reviewed that the area previously was a miniature golf course as well as batting cages and would be good for the City to have back. No motion was made in support. Mr. Goodwin reviewed the City’s application, to pave the parks, so people of all mobilities are able to use the parks year-round. The paved areas could be plowed. The Lakefront parks are not a part of the application, it would just before Baker Park. Chair White said that he is opposed to paving the Lakefront Park but just considering Baker. There was no discussion on paving and no motion of support for the City’s grant.

Chair White moved to close the meeting.

**Ordinance Committee:** Erich Dittmar, Chair  
Sim Covington, Jr.  
Karen White

Other Councilmembers Present: Ellen Polimeni  
Thomas Lyon  
Steve Uebbing  
Dan Unrath  
Mayor Palumbo

City Staff Present: John Goodwin, City Manager  
David Hou, Corporation Counsel  
Rick Brown, Director of Planning and Development

Chair Dittmar opened the meeting and reviewed the agenda.

He moved to the first time; Parking on Howell Street near Sonnenberg Parking is currently restricted along the north side of Howell from Park Street to Charlotte Street. Due to parking complaints from Howell Street residents, City Staff recommended changing the current parking restriction by restricting parking on the south side instead. The Ordinance Committee discussed the matter and recommended allowing parking on both sides of the street and an ordinance was introduced at the last City Council meeting where residents of Howell Street also spoke requesting that the Council reconsider and follow the original recommendation. Councilmember White supports adding parking. She had gone to the area today, but did not witness an issue, she suggested creating one way parking around the Washington Street areas plus to call the police. Police Chief Nielsen was present and said anytime someone is blocking a driveway, Officers will respond and ticket as needed. They Officers do not always

know if it is the homeowner that is blocking the driveway. Someone in the crowd, asked about the driveway distance, Chief confirmed that it is five feet. Chair Dittmar asked Chief his opinion, and he said that if there is parking on both sides, emergency vehicles getting down the street when there is parking on both sides could be an issue. Mayor Palumbo said that parking on both sides, it will be very difficult for two-way traffic. He agrees with Chief, it will be hazard. Councilmember Polimeni said two-way parking should not be considered, creates a situation, she thinks parking on the north side is the better option, Councilmember Uebbing said that he agrees with comments made. Chair Dittmar said that he is leaning to parking on the north side. Councilmember White asked about how many spaces they are losing. Mr. Goodwin showed the map of the area and where the proposed changes are taking place. It would be from Park to Charlotte Street, to park on the north side only based on the resident feedback. Eric Frarey, Howell Street spoke and said that he hopes Council will move forward with the changes and reviewed his first-hand experiences on Howell with the parking issues. Marsh Seager, Howell Street spoke and he proposed parking solutions on the grassy area of Sonnenberg Park and said that it seems to be a pickleball person issue. Councilmember Uebbing said that there is ample parking around the park, it's fine for people to park near the park and then walk to the park, he doesn't want to reduce the size of the Park add parking. One side of the street parking, is ideal. Bill Wright, Washington Street, he agrees with Councilmember Uebbing. It's an event problem, it is a community park. Mr. Goodwin acknowledged the issue with a past outside pickleball tournament, not affiliated with the City, and that they will not be permitted again. There will be a small City only pickleball tournament upcoming with no outside funding, Mr. Goodwin noted. Bob Sierma, Howell Street spoke, he is concerned about people blocking drive ways and there is little the police can do to help. Dory Mack, Howell Street asked if the three affected houses will be blocked or not, she isn't in favor of double-sided parking. Russell Francis, Howell Street spoke and echoed many of the comments, is against double-sized parking. He is also concerned about wheelchairs coming down Howell, should double parking be allowed. Keith Negar, Howell and Washington. There is bus traffic as well. They have to do wide turn and if we change the ordinance that will be a problem for them. Parking on both sides does not make sense. The biggest concern he has is the day camp at the park and the pickleball players, their entrance and exits are the issue. He thinks the best thing is add signage that reads, no parking, on the corners would be a good fix, Leanne Bossart, Washington Street, discussed her issues with double sided parking and issues faced with the school bussing for her family. Councilmember Covington motioned to move the parking to the north side of Howell Street and he would like to add painting the spaces. Councilmember White would not second the motion, does not agree with painting the spaces and feels that the suggestions she heard were not that convincing for changing anything. Chair Dittmar requested that the whole north side for parking only. Councilmember Polimeni agrees with what Councilmember Covington suggested. Mayor Palumbo said that by going to the north side, they are picking up several parking spots, eliminated the driveway issues. Mr. Goodwin showed a map of what Councilmember Covington is suggesting. Councilmember Covington asked Councilmember White while viewing the map if this is something she can agree too, she said that she still feels that residents should have to live with the current circumstances. Chair Dittmar moved to table the discussion and Councilmember Polimeni said that it doesn't preclude Councilmembers from introducing the measure in the future at the next full Council meeting. Chair Dittmar thanked residents for coming and Mayor Palumbo reminded residents of the upcoming public hearing on these issues in September.

Chair Dittmar moved to table the discussion on Permitted Shed Size, he reviewed of the 20 area variance applications for increases to shed size, in the past ten years, 19 were granted. With that in mind, the Zoning Board of Appeals has recommended that the minimum size of sheds or *Residential Storage Structures* be increased from 165 square feet to 240 square feet, until their next meeting.

Chair Dittmar moved to table the discussion on Dumpster Enclosures, City Code Enforcement has been addressing increased complaints of unscreened dumpsters. The main issue is unscreened dumpsters creating a nuisance to adjacent properties and basic unsightliness for the public. Our current law only requires dumpster

enclosures if the property borders a residential parcel. City Staff recommends amending the ordinance to require enclosures regardless of the zoning district, until the next meeting.

Chair Dittmar, moved to Short Term Rentals *Ordinance #2023-005 Amending the Zoning Ordinance with Regard to Short-Term Rentals and Bed and Breakfast Establishments* was presented to Council at the 8/3 meeting and sent back to Ordinance for further discussion. Rick Brown reviewed, that at last meeting there was the public hearing number of people came forward. He believes the majority of the people that spoke at the hearing were actually people that had short-term rentals, expressed concerns that the proposed law would negatively affect them. That was never the intent. In fact, we've probably had 10 meetings that we talked about this and no one ever suggested taking away rights of people that already had short-term rentals. So, we just made a couple small changes to the text to clarify that statement. David Hou, asked when the renewal would, when a grandfather permit holder would need to be come up for would for renewal? Mr. Brown explained that the way it's written now would be three years from the date of approval. Councilmember White asked for clarification. Mr. Brown said Previously approved short-term rental did not have an expiration. He further explained that, two of the conditions that would apply to the previously approved short-term rentals are one, they would be subject to a three-year renewal. The question that was asked was when would the three years take effect and he said it would be three years from the date of the original approval. He acknowledged that some may go over three, but did not believe that the City has any that are much longer than that. The other condition would be that it can't be transferred to a different owner. Discussion on the watching the timeframe of the current moratorium and Mr. Brown said that he and City Manager Goodwin along with Corporation Counsel would need to review the details and may have to come back for possible extension. Brendan Marks, who owns a home on Beeman Street spoke and he isn't sure that grandfather of an STR is part of the municipal law and believe that waivers need to be approved on specific conditions. David Hou, disagrees with Mr. Mark's comments. Mr. Marks continued, definition changes, the City website doesn't show the current draft. Mr. Goodwin interjected that it is the correct ordinance on the site. Mr. Marks continued the zones should be amended to say what they allow and suggested that is not the way to handle zoning. He cited other legal issues from other municipalities. He feels that the ordinance is poorly written. Chair Dittmar thanked Mr. Marks for his comments. Chair Dittmar said that putting the ordinance on agenda, draft date of August 7<sup>th</sup> and asked David Hou if any further comment is needed. Mr. Hou suggested that if there are further questions it can be discussed in Executive Session for attorney client privilege. Councilmember White motioned to move the ordinance on to full Council for their review, Councilmember Covington seconded the motion, motion passed and carried.

Chair Dittmar moved to close the meeting.