

**CITY COUNCIL MINUTES**  
**THURSDAY, SEPTEMBER 5, 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**
- Shawna Bonshak, Assistant City Manager**
- Erin VanDamme, City Clerk**
- David Hou, Corporation Counsel**

The Mayor called the meeting to order at 7:45 pm. After the pledge, the Mayor asked for a moment of silence in remembrance of September 11<sup>th</sup>. Mayor Palumbo reminded those present of the service at the American Legion at 6 pm on the 11<sup>th</sup>.

**Appointments:** The Mayor reviewed the appointment of Douglas Merrill to the Councilmember-at-Large role current vacant. Councilmember Ward 1 Polimeni motioned to appoint Mr. Merrill to the vacant seat. Seconded by Councilmember Ward 3 White. Unanimously passed and carried by voice vote. City Clerk Erin VanDamme swore in Mr. Merrill immediately after the vote.

**Public Hearing:** The Mayor opened the public hearing at 7:50 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.

The Mayor kept the meeting open and will continue for the October meeting.

**Public Hearing:** The Mayor opened the public hearing at 8:03 pm Ordinance # 2023-006 An Ordinance Amending Chapter 300-11 and Chapter 748-31 Pertaining to Orders to Vacate Unsafe Structures at 8:03 pm. No one came to speak. The Mayor closed the hearing at 8:04 pm.

**Public Hearing:** The Mayor opened the public hearing regarding Ordinance #2023-007 An Ordinance Amending Chapter 648-21 'Parking, Standing and Stopping Restrictions' – Howell Street at 8:04 pm. The following people spoke to the ordinance:

- Eric Frarey of Howell Street
- Michael Mills of St. John's Court

The Mayor closed the hearing at 8:06 pm.

**Review of Community Core Values:** Councilmember Ward 1 Polimeni 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:**

August 5, 2023 Minutes

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 1 Polimeni

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

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

**Resolution #2023-100 - 104:** *(The Mayor requested the Resolutions be bundled due to their similar nature.)*

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember- at- Large Covington

**RESOLUTION #2023-100**

**A RESOLUTION OF SUPPORT FOR THE WOOD LIBRARY 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**, Wood Library is requesting grant funds for the Reading Garden project; and

**WHEREAS**, Wood Library provides year-round opportunities for citizens in the community with the Reading Garden adding additional outdoor educational space; and

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

**BE IT FURTHER RESOLVED**, that a certified copy of the resolution will be provided to a representative from the Wood Library.

**RESOLUTION #2023-101**

**A RESOLUTION OF SUPPORT FOR THE PARTNERSHIP FOR ONTARIO COUNTY 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

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**WHEREAS**, the Partnership for Ontario County is seeking funding from the Ontario County Art, Culture and Recreation Grant. The funding from this grant will be used to support the Community Support Center program by increasing its outreach and support for those in marginalized communities to include opportunities for individualized growth and community support via:

- 1) The creation of a new program providing electric bikes for those in recovery with an opportunity for them to purchase through a payment plan.
- 2) Expanding our Create and Connect art program (in collaboration with FLCC) from 2 nights a month to 3 nights a month with more marketing to increase outreach.
- 3) Collaboration with Bristol Hills ropes course to provide team building and personal development for community groups to include those in recovery, youth in the LBGTQ+ community and others;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports the Partnership for Ontario County's submission to the Ontario County Arts, Culture and Recreation Grant Program.

**RESOLUTION #2023-102**

**A RESOLUTION OF SUPPORT FOR PARRISH & BRASSIE, LLP 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**, Parrish & Brassie, LLP are seeking funding to upgrade the decorative murals created 25 years ago that are renderings of local landmarks: Sonnenberg Gardens, boat houses, Roseland carousel, Kershaw Park, the Canandaigua Lady and local vineyards on the side of their building which is located at the corner of Main Street and Coy Street; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports Parrish & Brassie, LLP's submission to the Ontario County Arts, Culture and Recreation Grant Program.

**RESOLUTION #2023-103**

**A RESOLUTION OF SUPPORT FOR FINGER LAKES YOGA CENTER 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**, Finger Lakes Yoga Center is requesting grant funds for the its free yoga class program in the City; and

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**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports Finger Lakes Yoga Center’s submission to the Ontario County Arts, Culture and Recreation Grant Program.

**RESOLUTION #2023-104**

**A RESOLUTION OF SUPPORT FOR GRANGER HOMESTEAD 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 Granger Homestead Society is requesting grant funds for the restoration of the 19<sup>th</sup> Century basement kitchen that will serve to expand the visitor experience, by expanding the Granger story to include the hard-working men and women who kept the house running on a day-to-day basis;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports the Granger Homestead Society’s submission to the Ontario County Arts, Culture and Recreation Grant Program.

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

**Resolution #2023-105:**

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION OF SUPPORT FOR D.P. FULLER FAMILY LIMITED PARTNERSHIP 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**, D.P Fuller Family Limited Partnership (known as Roseland Waterpark and Wakepark) is requesting grant funds for the installation of a miniature golf course at the Roseland campus in the City; and

**WHEREAS**, a miniature golf course will create new opportunities for outdoor leisure encouraging physical fitness and fostering community engagement; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canandaigua recognizes and fully supports D.P. Fuller Family Limited Partnership’s submission to the Ontario County Arts, Culture and Recreation Grant Program for the construction of a miniature golf course at the Roseland campus,

**BE IT FURTHER RESOLVED**, that a certified copy of the resolution will be provided to a representative from the D.P. Fuller Family Limited Partnership.

Prior to the vote, Stephen Fuller, spoke on behalf of Roseland Waterpark and reviewed his company's application for the grant to give Council a better understanding of their intentions. Councilmember Ward 2 Unrath said he was still voting no due to a private, for profit company applying for grant funding. Councilmember Ward 3 White said that she feels comfortable voting in favor.

*The motion CARRIED on the following vote:*

**AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo.

**NOES:** Councilmember Ward 2 Unrath (8-1)

**Resolution #2023-106:**

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 1 Polimeni

**A RESOLUTION AUTHORIZING A SPECIAL EVENT**  
West Gibson Block Party

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

- *West Gibson Block Party*

Date: Sunday, October 1, 2023

Location: West Gibson (from Park Ave-West Entrance to North Pearl)

Coordinator: Maria Bucci

Time: 3 to 5 p.m.

Purpose: Community/Neighborhood bonding post 7/9 flood event

Expected Number of Participants: less than 100

**WHEREAS**, the organizers of this event have requested to have the \$75 Special Event Application fee be waived due to financial constraints on many residents of West Gibson Street post flood; and

**NOW, THEREFORE, BE IT RESOLVED** that City Council hereby waives the \$75 Special Event Application Fee and grants permission to hold the abovementioned special event at the time and location listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and

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

Prior to the vote, it was discussed waving the fees for the block party as this neighborhood experienced so much during the July flooding.

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

**Resolution #2023-107:**

Moved: Councilmember Ward 1 Polimeni

Seconded: Councilmember Ward 2 Unrath

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING  
RELATIVE TO AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

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

**NOW, THEREFORE, BE IT RESOLVED** by City Council that a public hearing relative to a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c, held in City Council Chambers at the Hurley Building (205 Saltonstall Street) at 7:00 p.m. on October 5, 2023; and

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

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

**Resolution #2023-108:**

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION RENEWING THE AGREEMENT WITH FINGER LAKES TELEVISION**

**WHEREAS**, in order to continue transparency efforts and offer residents opportunities for participatory governance, the City of Canandaigua is renewing its contract with Finger Lakes Television (FLTV) to broadcast all City meetings; and

**WHEREAS**, the City has all of its meetings (City Council and its Committees, Planning Commission, Zoning Board of Appeals and Board of Assessment Review – Grievance Day) air live on television and streamed on various online formats as well as recorded and indexed for on-demand viewing; and

**WHEREAS**, the total amount of the contract, including the annual \$10,000 PEG fee from Charter (Spectrum Communications) for public access equipment and \$39,750 for public access services on Spectrum Cable Channel 1304, Roku, FingerLakesTV.org, Facebook, and other streaming services that may be added, is not to exceed \$49,750 annually for 2024, 2025 and 2026; and

**WHEREAS**, this renewal was reviewed at the September 5th Finance Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council authorizes the City Manager to execute a Contract for Public Access Cable Television with the Finger Lakes Community College Foundation for broadcast services from FLTV.

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

*NOES: None*

**Resolution #2023-109:**

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember-at-Large Lyon

**A RESOLUTION ENTERING INTO AN AGREEMENT FOR THE PROVISION OF LEACHATE TREATMENT SERVICES WITH CASELLA WASTE SERVICES OF ONTARIO, LLC.**

**WHEREAS**, Casella is the operator and manager of the Ontario County Landfill located at 1879 State Route 5 & 20, Stanley, New York; and

**WHEREAS**, the Landfill produces leachate and Casella desires to purchase leachate treatment services from the City; and

**WHEREAS**, the City owns and operates a Water Resource Recovery Facility and the City will have treatment capacity to receive and treat the leachate from the Landfill; and

**NOW, THEREFORE, BE IT RESOLVED**, the City Council hereby approves and authorizes the City Manager to execute the Agreement attached hereto with Casella Waste Services of Ontario, LLC, a New York limited liability corporation with offices at 25 Greens Hill Lane, Rutland, Vermont 05701.

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

*NOES: None*

**Resolution #2023-110:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Dittmar

**A RESOLUTION AUTHORIZING THE CREATION OF WASTE WATER TREATMENT OPERATOR POSITION**

**WHEREAS**, the Chief Operator at the Water Resource Recovery Facility has recommended creating a Waste Water Treatment Operator position in place of a Waste Water Treatment Operator/Mechanic position; and

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**WHEREAS**, a request was submitted to Ontario County Human Resources/Civil Service to create a Waste Water Treatment Operator position which has been classified pending City Council approval;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby authorizes the creation of a Waste Water Treatment Operator position.

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

*NOES: None*

**Resolution #2023-111:**

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember Ward 1 Polimeni

**A RESOLUTION AMENDING THE CITY OF CANANDAIGUA’S TOWING RATE SCHEDULE**

**WHEREAS**, the City last updated the fee schedule for tow rates within the City of Canandaigua in 2011;

**WHEREAS**, the Environmental Committee, at its meeting on August 15<sup>th</sup> reviewed and recommended an amendment to the towing rate schedule;

**NOW, THEREFORE, BE IT RESOLVED** by the Canandaigua City Council that the following Tow Rate Schedule shall be effective immediately:

**TOW RATE SCHEDULE FOR TOW OPERATORS**

(Vehicles under 8,500 lbs.)

<b><u>Type of Service</u></b>	<b><u>Rate (charged to vehicle owner)</u></b>
Standard Tow Fee or winch out (Regular or Flatbed) (MVA, DWI’s/Violations, Mechanical)	\$175.00
Standard Tow Fee (After hours, outside of 7AM – 6PM. Weekends, Holidays)	\$200.00
Mileage (when vehicle is in tow)	\$5.50 per mile
Recovery (Off road winching and/or vehicle up-right winching) 0 – 30 minutes	\$95.00
Each additional 30 minutes	\$75.00
*Not to be added to the standard tow fee for just a winch out*	
Specialty Equipment (dolly, snatch blocks, etc.)	\$50.00
Non-Motor Vehicle Crash, Disabled Vehicle Service Calls	\$100.00
After hours, outside of 7AM – 6PM. Weekends, Holidays)	\$125.00

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(Tire changes, out of gas, vehicle lock outs, etc. fuel and parts extra)

Storage Charge \$60.00 per day  
(Applies after 24 hours only when the owner has been provided an opportunity to retrieve the vehicle)

Notification Fee \$55.00  
(after 5 days of storage)

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

*NOES: None*

**Resolution #2023-112:**

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Lyon

**A RESOLUTION AUTHORIZING A CAPITAL BUDGET AMENDMENT FOR EMERGENCY REPAIR AT THE YACHT CLUB COVE PUMP STATION**

**WHEREAS**, one of the two original pumps at the Yacht Club Cove Pump Station has failed beyond repair; and

**WHEREAS**, both pumps are originals from 1986 and the likelihood of the second pump failing is high therefore putting the station at risk for ultimate failure and potential sewage back-ups; and

**WHEREAS**, the City Manager has authorized an emergency purchase and budget amendment transferring \$17,000 from the complete Sewer Flush Truck Project which had \$21,500 remaining as the repair required immediate action; and

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby affirms and approves the creation of a new capital project to replace the Yacht Club Cove Pump Station pumps and the associated budget amendment transferring \$17,000 from the completed Sewer Flush

*The motion CARRIED on the following vote:*

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

*NOES: None*

*ABSTAIN: Councilmember Ward 3 White (8--1)*

**Resolution #2023-113:**

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember-at-Large Covington

**A RESOLUTION AWARDING A CONTRACT STRUCTURAL MODIFICATIONS TO THE POLICE DEPARTMENT ROOF**

**WHEREAS**, on August 23, 2023 the Department of Public Works opened bids for construction services to remove the existing skylight, infill the roof structure, install a new roof hatch, membrane roofing system, ceiling and lighting at the City of Canandaigua Police Department; and

**WHEREAS**, two vendors responded to the solicitation but only one bid provided all of the requested labor and materials to meet the specifications with said bidder being Elmer W. Davis, Inc, located at 1217 Clifford Road, Rochester, NY 14621 for \$158,603; and

**WHEREAS**, DPW staff subsequently met with Elmer W. Davis, Inc. to discuss the project which resulted in City Staff value engineering some of the project which will reduce the total cost by \$20,000; and

**WHEREAS**, City Staff deems it in the best interest of the City to award the contract to Elmer W. Davis, Inc. for \$138,603; and

**WHEREAS**, the 2023 Capital Budget included \$100,000 for this project with \$3,487 utilized for an asbestos survey and other roof repairs at the Polic Station thus requiring \$43,680 in additional funding to complete this project; and

**WHEREAS**, the City Manager recommends utilizing \$37,314.78 from the City Hall Roof Project with the remaining \$6,366 being transferred from other under budget capital projects;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby awards the contract for the structural modifications to the roof at the Police Department to Elmer W. Davis, Inc, located at 1217 Clifford Road, Rochester, NY 14621; and

**BE IT FURTHER RESOLVED**, that the City Council authorizes a Capital Budget amendment transferring \$43,680 from the City Hall Roof Project and under budget capital projects.

*The motion UNANIMOUSLY 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 Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

***NOES:** None*

**Ordinances:**

**Ordinance #2023-005:** *(Councilmember-at-Large Lyon motioned to lift from the table, seconded by Councilmember Ward 1 Polimeni, Ordinance was read and introduced on June 1, 2023.)*

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Covington

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

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**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.

Prior to the vote, Councilmember-at-Large Uebbing stated he plans to amend the ordinance as written from the draft on August 5<sup>th</sup> as previously presented, he said he would be putting forth three separate motions. Councilmember-at-Large Lyon motioned to amended the current draft as presented, seconded by Councilmember Ward 4 Dittmar.

The motion to amend the ordinance was *UNANIMOUSLY 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 Merrill, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

**NOES:** None

Councilmember-at-Large Uebbing motioned to not allow short term rentals in R-1, R-2 districts. Seconded by Councilmember Ward 1 Polimeni.

Prior to the vote, Councilmember Ward 4 Dittmar said he would be voting no, feels creating this will be very restrictive. The Mayor also questioned the motion as it leases a lot of residential area still having the ability to have an STR.

*The second motion on the amended ordinance CARRIED on the following vote:*

**AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember-at-Large Covington, Councilmember-at-Large Uebbing and Mayor Palumbo.

**NOES:** Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon

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

Councilmember Uebbing motioned to amend the ordinance for a second time to read 30 days only for the use of the Short-Term Rental. Motioned was seconded by Councilmember-at-Large Covington. During discussion, Councilmember-at-Large Uebbing motioned withdraw the change from 30 days to 60 days for the use of the Short-Term Rental. The motion was withdrawn and changed from 30 to 60 days was seconded by Councilmember-at-Large Covington.

*The motion on the amended ordinance CARRIED on the following vote:*

**AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember-at-Large Covington, Councilmember-at-Large Uebbing and Mayor Palumbo.

**NOES:** Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon

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

Councilmember Uebbing motioned to amend the ordinance a third time to read a minimum of 2-night stays for the use of the Short-Term Rental. Motioned was seconded by Councilmember Ward 1 Polimeni.

*The second motion on the amended ordinance CARRIED on the following vote:*

**AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember-at-Large Covington, Councilmember-at-Large Uebbing and Mayor Palumbo.

**NOES:** Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon

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

Councilmember Uebbing motioned to amend the ordinance a third time to read 60 days only for the use of the Short-Term Rental. Motioned was seconded by Councilmember-at-Large Covington.

Before voting on the full amended ordinance, Councilmember White asked about the moratorium on Local Law -002 and wanted to make sure that these changes were included ahead of the moratorium ending. Councilmember-at-Large Uebbing motioned to place the amended ordinance back on the table so City staff would be able to draft the changes for review again, seconded by Councilmember Ward 1 Polimeni. *Vote Result: Carried unanimously by voice vote (9-0).* The Mayor said it will be helpful having the public hearing remain open as continued discussions will be ongoing.

**Ordinance # 2023-006:** *(Councilmember-at-Large Covington motioned to lift from the table, as the ordinance was introduced the ordinance at the August 5<sup>th</sup> meeting; Seconded by Councilmember-at-Large Lyon. 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*

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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. 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.

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

**Ordinance #2023-007:** *(Councilmember Ward 4 Dittmar motioned to lift the Ordinance from the table, originally introduced the ordinance at the August 5, 2023 meeting. Seconded by Councilmember Ward 3 White; 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):

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§ 648-21 Parking, Standing and Stopping Restrictions

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.

Prior to the vote, Councilmember Ward 4 Dittmar motioned to amend the ordinance as presented to read that parking will not be allowed on the south side of the street from Park Street to Charlotte Street. Removing restrictions from the north side of the street.

*The motion CARRIED on the following vote:*

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

**NOES:** None

Councilmember-at-Large Uebbing motioned to approve the amended version of the ordinance, seconded by Councilmember-at-Large Covington.

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

Councilmember-at-Large Uebbing motioned to approve the amended version of the ordinance, seconded by Councilmember Ward 1 Polimeni.

*The motion CARRIED on the following vote:*

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

**NOES:** None

**Local Law:**

**Local Law 2023- 003:** (Read and introduced by Councilmember-at-Large Uebbing who motioned to place it on the table, seconded by Councilmember-at-Large Lyon. Passed and carried by voice vote, 9-0)

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

**Section 1. Legislative Intent**

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It is the intent of this local law to allow the City of Canandaigua to adopt a budget for the fiscal year commencing January 01, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

## **Section 2. Authority**

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

## **Section 3. Tax Levy Limit Override**

The City Council of the City of Canandaigua, County of Ontario, is hereby authorized to adopt a budget for the fiscal year commencing January 01, 2024 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

## **Section 4. Severability**

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

## **Section 5. Effective date**

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

**Manager’s Report:** Mr. Goodwin did not give a report given the length of the meeting.

**Miscellaneous:** Councilmember Ward 1 Polimeni offered congratulations City Clerk VanDamme for her certification received from New York State Municipal Clerk’s Institute and for City Manager Goodwin for his certification to be received at ICMA in October. The Mayor reminded of the 9/11 Ceremony at the Legion. Councilmember Lyon said that there will be a Housing Needs Assessment discussion held at FLCC on September 11<sup>th</sup> from 5 pm – 7 pm, other meetings will take place at four different locations and details can be found on the Ontario County Website.

**Adjourn:** Councilmember Ward 3 White motioned to adjourn at 9:47 pm, seconded by Councilmember Ward 4 Dittmar. *Vote Result: Carried unanimously by voice vote (9-0)*

**APPENDIX A**  
**PLANNING COMMITTEE & FINANCE COMMITTEE MINUTES**  
**TUESDAY, SEPTEMBER 5, 2023 AT 6:00 PM. COUNCIL CHAMBERS**  
**HURLEY BUILDING, 205 SALTONSTALL STREET**  
**VIRTUAL: <https://us06web.zoom.us/j/84662898580>**  
**LIVE STREAM: <https://fingerlakestv.org/live/>**

**Planning Committee:** Thomas Lyon, Chair  
Ellen Polimeni

*THURSDAY, SEPTEMBER 5, 2023*

Steve Uebbing  
Dan Unrath

Other Councilmembers: Sim Covington  
Erich Dittmar  
Karen White  
Mayor Palumbo

City Staff Present: John Goodwin, City Manager  
Shawna Bonshak, Assistant City Manager  
Erin VanDamme, City Clerk  
David Hou, Corporation Counsel

Guests: Douglas Merrill  
Denise Chaaple, BID

Chair Lyon opened the meeting and welcomed those present. He reviewed the first agenda item, Parking Map Updates. He explained that concerns were raised by property owners Downtown about the lack of long-term/overnight parking that was impacting their residential tenants as well as guests at short-term rentals. The City Council asked the City Manager and BID Director to form a committee to review the Parking Study and current parking regulations with the intention simplifying parking regulations while increasing long-term and overnight parking. Mr. Goodwin reviewed the committee recommendations and reviewed the updated Draft Parking Map Update and proposes the following changes;

- There will be All Day parking, but with alternate nights of no parking for entire lots from November 1<sup>st</sup> to April 1<sup>st</sup> to ensure the lots can be maintained and snow removed.
- All on-street parking will increase from 1.5 hours to 2 hours (\*not shown on map)
- Coach Street and Phoenix Street become one-ways off Main Street until the entrance of the Bristol Street Parking Lot (Coach Street) and until Mill Street (Phoenix Street). This is similar to how Coy Street is one-way and then becomes two-way.
- Short-term (2-hour parking) from 5AM to 6 PM in the Coy Street Lot and Mill Street Lots 2 & 3 (denoted by pattern).
- The Pavilion Lot would have no parking from 2AM to 5AM on Saturday to allow for the Farmer's Market on a year-round basis under the Pavilion.
- Electric vehicle charging station locations that exist or soon will exist are noted on the map.

Denise Chaaple explained, that correcting the inconsistencies with parking has been a long-time goal for the committee. This will create two-hour parking on Main Street, creating better signage and she thanked the team of city officials that helped put this all together. She said that her Board voted unanimously to approve the project. Mike Yarger spoke and said that he opposes the changes to Phoenix Street. Councilmember Polimeni said that they have worked for more than 20 years to have two-hour parking on Main Street and praised the work of the committee. Councilmember Uebbing asked about the additional signage. Mr. Goodwin said, should the plan be approved, additional signage will be provided. The Mayor said that it will be great for the Farmer's Market to stay in one location for the whole year. Councilmember Uebbing motioned to approve the plan, seconded by Councilmember Unrath. Passed and carried by voice vote.

Chair Lyon reviewed the West Gibson Street block party application. Maria Bucci presented the group's plan, requesting to close West Gibson Street from Park Ave to North Pearl Street. Per the City's Special Event Policy, Block Parties require at least 60% of the residents to agree to the street closure and 100% resident notification. She has gone door to door and the neighborhood is very excited to have this event after everything

they have gone through in the aftermath of the funding. She has asked to have the fee waived by Council as a way to show continued support for the neighborhood. Councilmember Polimeni motioned to approve the event as well as the waiver request to bring to full Council, Chair Lyon seconded. Passed and carried by unanimously by voice vote.

Chair Lyon moved onto another discussion of Ontario County Arts, Culture and Recreation Grant Support. He reviewed that 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.” He sits on the committee at the County that is overseeing the Grant. He asked Councilmember Uebbing to step in to run the discussion and wrap up the meeting, as he needed to excuse himself. Councilmember Uebbing explained that the County allowed organizations to submit applications with draft resolutions of support for their application, but formal approval will be required for funding to be awarded. Several organizations submitted requests for support or reconsideration since the last City Council meeting and as such, the Mayor and City Staff provided letters of support and draft resolutions to facilitate the applications. These organizations include Granger Homestead, Partnership for Ontario County, Parrish & Brassie LLP, Finger Lakes Yoga Center, and DP Fuller Limited Partnership (Roseland Waterpark). He asked those present if they wanted to bundle their support or if they wanted to vote on each, one by one. Councilmember Unrath explained that he is okay with bundling but does not want to vote for any public funds to go to private companies. Steve Fuller of DP Fuller Limited Partnership (Roseland Waterpark) spoke and explained that he is seeking support for their project, as the Waterpark was not open due to COVID in 2020. Councilmember White asked if they had received PPP funding, and Mr. Fuller said that they had. Additionally, he said they are seeking to make City Council aware of their project and asking for them to support the project and hopefully adopt a resolution for their application to the county. Councilmember Polimeni motioned to accept the bundling of the other organizations, Councilmember Unrath seconded. Unanimously passed and carried. Councilmember Polimeni motioned to support DP Fuller’s Application, Councilmember Unrath seconded, carried by a vote of 3-1.

Chair Uebbing closed the meeting.

**Finance Committee:** Steve Uebbing, Chair  
Ellen Polimeni  
Thomas Lyon  
Dan Unrath

**Other Councilmembers:** Sim Covington  
Erich Dittmar  
Karen White  
Mayor Palumbo

**City Staff Present:** John Goodwin, City Manager  
Shawna Bonshak, Assistant City Manager  
Erin VanDamme, City Clerk  
David Hou, Corporation Counsel

**Guests:** Douglas Merrill

Chair Uebbing opened the meeting and reviewed the 2024 Budget General Discussion, the 2024 Budget is underway and a general budget process and priorities discussion. Chair Uebbing asked members to write on colored post-it-notes their budget priorities to help City Staff in the early stages of their budget work.

Eric Dittmar:

1. Flood mitigation
2. Electric charging stations
3. Aging infrastructure - Ex. North Bloomfield Road

Karen White:

1. Improving Parks – Outposts and Buildings especially for Sonnenberg
2. Analyzing the Boat Purchase – needing to know all about it – use, gas, time in service, etc
3. Not going over the tax rate

Dan Unrath:

1. Flood mitigation
2. Waste water recovery station improvements
3. Storm water drainage

Ellen Polimeni:

1. Maintaining capital reserve and maintaining capital accounts
2. Newsletter to residents – better communication on activities of the Council as well as the City, similar to what the Town of Canandaigua is doing.
3. Maintain the tax rate

Mayor Palumbo:

1. Infrastructure
2. Flood mitigation
3. Streets – fixing Main Street (aware it is with DOT)

Doug Merrill:

1. Flood mitigation
2. Infrastructure

Thomas Lyon:

1. Sewer/Water/Flooding
2. Capital improvements
3. Maintaining the tax rate

Sim Covington:

1. Public Safety
2. Environmental
3. New Development

Steve Uebbing:

1. Flooding
2. Water/Sewer
3. Tax impact

Chair Uebbing thanked the committee for a quick rundown of their priorities and discussions will be ongoing.

Chair Uebbing moved onto the issue with Twisted Rail Lease of Muar House and asked Mr. Goodwin for an overview. Mr. Goodwin reported that with the completion and opening of Hotel Canandaigua and the condos on the 4<sup>th</sup> and 5<sup>th</sup> floor, he has received complaints regarding the noise level of the music performances that take place at Twisted Rail. John Zito (Condo Owner) presented his concerns to those in attendance. He showed Councilmembers information that he collected that suggests the music acts at the establishment are over the acceptable decibel levels as outline in the City code. Mr. Goodwin reviewed that he had extensive conversations

with Twisted Rail and Mr. Zitto, and said Twisted Rail has been working to install noise attenuation measures, changing the times of performances, and potentially repositioning the stage to face a different direction. Currently, the lease agreement does not allow for amplified sound, but he has been trying to find a compromise for all parties. Mr. Zitto explained that he and his family have not been able to live at the condo their full time due to the disturbance. Ian Bodi from Twisted Rail said that no further bookings have taken place with amplified sound and Mr. Goodwin noted that making these changes, turning the stage adding other sound measures may help. Mr. Goodwin suggested sound testing to help figure out the best placement for the stage. No motion from the committee on this matter. Chair Uebbing thanked those for coming and discussing the issue with Council.

Chair Uebbing moved on to the FLTV Contract Renewal. He reviewed that the City has all of its meetings (City Council and its Committees, Planning Commission, Zoning Board of Appeals and Board of Assessment Review – Grievance Day) air live on television and streamed on various online formats as well as recorded and indexed for on-demand viewing. For many years the City has utilized Finger Lakes Television (FLTV) for this service and the current agreement is set to expire on December 31, 2023. FLTV has proffered a successor agreement covering 2024, 2025 and 2026 at the same annual cost. Councilmember Unrath motioned to approve the contract, seconded by Councilmember Polimeni. Unanimously passed and carried onto the full Council meeting later tonight.

Chair Uebbing reviewed the Leachate Treatment Agreement and Mr. Goodwin reviewed; the City has embarked on solids handling improvements via the conversion from anaerobic digestion to a TermAer ATAD System at the Water Resource Recovery Facility. Part of this project includes the side stream treatment of leachate to be effectively processed locally with the revenue from leachate treatment covering the costs of the upgrades. An agreement to process leachate has been negotiated with Casella. Mr. Goodwin reviewed the details of the agreement and the potential revenue from the contract may pay for debt services as well as the other projects to the Waste Water Treatment Plant. Councilmember Polimeni motioned the approve the contract and move it to full Council, seconded by Councilmember Unrath. Unanimously passed and carried.

Councilmember Polimeni motioned to adjourn the meeting at 7:32 pm, seconded by Councilmember Lyon. Unanimously passed and carried.

**APPENDIX B**  
**ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE**  
**TUESDAY, SEPTEMBER 19, 2023**  
**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  
Doug Merrill

**Other Councilmembers Present:** Thomas Lyon  
Ellen Polimeni  
Mayor Palumbo  
Dan Unrath, via Zoom

**City Staff Present:** John Goodwin, City Manager

*THURSDAY, SEPTEMBER 5, 2023*

Shawna Bonshak, Assistant City Manager, via Zoom  
David Hoh, Corporation Counsel

Chair White opened the meeting, thanked those for coming. She moved into the first agenda item, Clean Energy Community Campaign Presentation. The intent of a Community Campaign is to with partner with the Climate Solutions Accelerator and volunteers organize a structured campaign to encourage the adoption of clean heating and cooling technologies (e.g., ground- and air- source heat pump systems and heat pump water heaters) as well as energy efficiency retrofits to homes, businesses, and community institutions. This program will give the City credits as both a Clean Energy Community and Climate Smart Community. Brett Peters from Climate Solutions Accelerator presented to the Committee. Chair White thanked him for his presentation and thinks his presentation will be very helpful to the community.

Chair White reviewed the update on Climate Smart Communities. Shawna Bonshak, Assistant City Manager, presented a brief update on the City's Climate Smart Communities Program and how the City is confident that it will gain Silver Certification upon submission during the next application cycle. She reviewed the extensive application progress that has an overall goal for the City has a whole to reduce their energy consumption. Chair White reviewed that this effort is a part of the Climate Smart Committee that began several years ago in Canandaigua. She asked why this distinction is important to the City and Ms. Bonshak explained to help with grants and it fosters the goal of having a sustainable community, where we are considered one of the leaders for in the State. Mr. Goodwin explained that there are two tracks available, one is the Clean Energy Community and the other is the Climate Smart, which is what we have chosen. Chair White asked when the Climate Smart meets next and it will be in October.

Chair White moved onto the Summary of 2023 Summer Recreation Programs. Heather Pogue, Recreation Supervisor, provided a brief summary of the programs and events that took place thus far in 2023. Chair White requested this review and she has been concerned about the lack of lifeguards at Kershaw Park. Mrs. Pogue presented and reviewed her programs to date. Mr. Goodwin noted that the Town of Canandaigua had traditionally partnered with the City for the day camp program at Onanda, this did not happen this year. We did not charge the Town participants any different from the City residents, while the Town did charge differently for City residents to attend their program. The Mayor asked about the wheel chair accessibility status for Kershaw. Mrs. Pogue said that she will follow up as there were some issues with the company. Mr. Goodwin reviewed the lifeguards, and while they were fully staffed, there were high school students and college students. The City is always looking for additional lifeguards who can work. They acknowledge the goal of keeping the park open longer is ideal. Chair White thanked her for her report.

Chair White closed the meeting.

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

**Other Councilmembers Present:** Thomas Lyon  
Ellen Polimeni  
Mayor Palumbo  
Dan Unrath, via Zoom

**City Staff Present:** John Goodwin, City Manager  
Shawna Bonshak, Assistant City Manager, via Zoom

*THURSDAY, SEPTEMBER 5, 2023*

David Hoh, Corporation Counsel  
Rick Brown, Director of Planning

Chair Dittmar opened the meeting, welcomed members present and reviewed the first agenda item, updates to Permitted Shed Size. 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. Rick Brown, Director of Planning reviewed the Zoning Board's recommendation to Council. Councilmember Merrill congratulated Mr. Brown on 25 years of service to the City and asked if they are seeing the use of sheds as single car garages, since the size requirement is similar. Mr. Brown said that no, this is specifically for a storage structure use, however many of the area homes do not have garages. Councilmember White motioned to accept the recommendation and move to full Council. Seconded by Councilmember Covington. Unanimously passed and carried.

Chair Dittmar reviewed the second agenda item, 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. Mr. Brown reviewed the recommendations to amend the ordinance to require enclosures regardless of the zoning district. Councilmember Merrill requested that screening definitions be included to ensure compliance. David Hou said that current code references screening and reviewed the definition. Councilmember Polimeni asked how many dumpsters would be affected and Mr. Brown said that there are a few owners that would need to be contacted once the change is made. Councilmember White motioned to approve to update the ordinance, seconded by seconded by Councilmember Covington. Unanimously passed and carried.

Chair Dittmar reviewed the details continuing with Muar House Lease - Twisted Rail. At the September 5<sup>th</sup> Finance Committee meeting complaints regarding the noise level of the music performances that take place at Twisted Rail, measures that Twisted Rail has taken to attenuate noise and a proposed lease amendment were discussed. Twisted Rail requested to continue to discuss this matter with the City Council. Richard Ross of Twisted Rail spoke and they did not receive notice to appear. Chair Dittmar reviewed the proposed stage plan for Twisted Rail and City Staff has reviewed the plan. Mr. Goodwin reviewed the plan, along with City Staff, he noted that the proposed location is better and the only concern the City has been there will be additional fencing with a game, and the City just wants to make sure they maintain access. The plan is to enclose the stage and it is a sketch plan right now. Mr. Ross reviewed his sketch plan. The plan will help solve the two main problems, moving the sound towards the back of the property away from the hotel and the echo off the hotel was something no one anticipated at all. By moving the stage to the new location, its sill not interfere with the City needing to access their water pumps or any type of crisis. What they are asking for is a fencing around the water pumps to protect them. Mr. Ross also addressed that they have had some issues with bands they have booked this year that they will not be inviting back. They will have a professional sound meter to ensure they are at the right levels or below but changing the stage will help, but the sound meter can face the bands as they play so they are aware of their sound. Mr. Goodwin said that he would like to address some of the misconceptions that have been happening. Mr. Goodwin said that once the hotel's condo association reached out with the problem, he began working with Mr. Ross as well as Mr. Bodi on working through these issues. Both gentlemen have been very accommodating to help work through the different solutions presented from the City to work with the condo association to all party's satisfaction. So, Twisted Rail could still have their music, there was never an intention to stop Twisted Rail from being successful. Chair Dittmar said that he wanted to extend his thanks to Twisted Rail for their work on this issue and hopefully this will be a good situation. Councilmember White asked about the terms of the lease, Mr. Goodwin will follow up with the details on the three-year lease. Mr. Bodi said there have been several three-year lease renewals, which is an automatic renewal, and will be reviewing the music issues continuing forward. David Hou said that adding a Memorandum of Understanding could be put in place



without amending the lease. Councilmember Lyon said that he would prefer a more formal agreement. Mayor said that it really needs to be known that we are working with them for the success of all. He said that it is disheartening to see some of the Facebook posts where it looks like the City hasn't been doing their fair share. Mr. Ross said that he is aware and they did turn off comments. They are looking to work with everyone. Chair Dittmar said that he is agreeable to the proposed solution and would like to see how it works. Councilmember Covington said that he agrees as well and needs to see how this play out. Mr. Goodwin agrees. Mr. Ross said that hopefully Council will approve moving the stage so they can get started. Councilmember Covington motioned to approve moving the stage, Councilmember Merrill seconds. Councilmembers Dittmar, Covington and Merrill voted to approve, Councilmember White voted no. Motion carries. Mr. Goodwin noted that they should work with code enforcement about the stage placement and Mr. Ross was agreeable. Mr. Ross brought up the dumpster as they want to make sure that the dumpster isn't visible. Mr. Goodwin said that they will work through the changes and will work with Mr. Goodwin directly. Once everything is on the table, they will work with Code on the COA. Mr. Ross said that as far as amplified music, the lease does not specify being indoors. Mr. Goodwin said that indoor music has not been an issue and it would be permitted inside.

Chair Dittmar reviewed Red Light and Speed Cameras. He reviewed, Red light and speed cameras have been authorized on a limited basis in specific municipalities across New York State. This technology has proven to be a cost-effective way for local governments to help reduce running red lights and speeding in pedestrian-friendly neighborhoods and school zones. Post pandemic, statistics are proving, nationwide, that more people are running red lights with blatant disregard for safety and anecdotally reports from the community is that this is true for Canandaigua. Councilmember Dittmar requested feedback from the committee to discuss tonight as he has learned in order to do anything, Council needs the help of Senator Helming and Assemblyman Gallahan to sponsor home rule legislation to give the City authority for the cameras. Councilmember Covington said that he is okay with pursuing a conversation on adding the cameras as it is a safety issue. Councilmember White said that she is not in favor, due to the issues with their failure. Police Chief Nielsen spoke on Councilmember White questions on traffic enforcement. Chief Nielsen said that his officers routinely write traffic violations and he acknowledged the issues on Main Street. Chief just wrote a red-light ticket himself yesterday and he said the Officers do routinely write red light tickets. Chief said that as far as red-light enforcement some of the conditions are a variable. Main Street can be difficult due to the median. Marked cars and unmarked cars make a big difference in traffic violations. Chief said that this has been a problem that extends outside of the City. Dr. Merrill asked if this is a good strategic use of time. Chief said that this is a new idea and he would need discussing with potential vendors, working with City to size close to ours and Rochester is the only City he is aware of that had camera. He would want to research other similar locations with similar traffic patterns. Mr. Goodwin noted that State has only authorized bigger cities to have these cameras. NYCOM is currently advocated for red light cameras across the State. Councilmember Polimeni noted that Canandaigua is different from Rochester with the majority of traffic lights on Main Street leading to 5 & 20. Patrick Rhodes, Buffalo Street spoke and he is concerned with the feedback hear is hearing, he has researched the issue with the cameras and to him, it is unconstitutional. He is very concerned with Council moving forward. Mayor asked about the cost. Mr. Goodwin said that this is a research issue, to review the full topic, the constitutionality of the issue and look at all sides before doing anything. Chair Dittmar asked them to look into the issue to continue the discussion.

Councilmember White motioned to adjourn the meeting, seconded by Councilmember Covington, unanimously passed and carried. Meeting adjourned at 9:03 pm.

Respectfully submitted,  
Erin VanDamme  
City Clerk

*THURSDAY, SEPTEMBER 5, 2023*