

ROCHESTER CITY COUNCIL

REGULAR MEETING

September 19, 2017

Present – President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul – 9

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

**Service on Boards and Commissions:**

**Rochester Genesee Regional Transportation Authority Board**

Tom Argust  
Karen Pryor

**Retirement:**

**COM**

\*David G. Mohney

**RFD:**

Chief Glenn Sheremeta

**RPD:**

\*Roy J. Adams Jr.  
Robert Rice  
\*Susan T. Russell

*\*Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of August 15, 2017 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:  
The Mayor submits the following:

September 19, 2017

Administrative Cancellation or Refund of Erroneous Taxes and Charges – 4269-17  
Quarterly Report – Professional Service Agreements Less Than or Equal to \$10,000 – 4270-17

The Council submits Disclosure of Interest Forms from Vice President Miller on Int. No. 331 and Councilmember Haag on Int. No. 341 and Int. No. 348.

**THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.**

Councilmember McFadden presented 90 Letters in support of a Police Accountability Board – Petition No. 1746

**REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON**

By Councilmember Conklin  
September 19, 2017

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

- |              |  |
|--------------|--|
| Int. No. 324 | Cancellation of erroneous taxes and charges  |
| Int. No. 326 | Authorizing an amendatory agreement with Kronos Incorporated   |
| Int. No. 327 | Authorizing a grant agreement for the Clarissa Street Reunion and amending the Budget  |
| Int. No. 353 | Amending the 2016-17 Budget for year-end Budget amendments   |
| Int. No. 354 | Authorizing an agreement with the Rochester City School District for the Rochester Public Library's use of a shared space at School 12 |

The following entitled legislation is being **HELD** in committee:

- |              |   |
|--------------|---|
| Int. No. 325 | Authorizing an agreement for the immobilization and redemption of scofflaw motor vehicles |
|--------------|---|

September 19, 2017

Respectfully submitted,  
Carolee A. Conklin – Absent  
Molly Clifford  
Adam C. McFadden  
Dana K. Miller  
Loretta C. Scott

FINANCE COMMITTEE

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2017-286  
Cancellation or Refund of  
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$7,132.26.

New York State owns both 1890 Mt. Hope Avenue and 465 East Henrietta Road. The State is exempt from paying local works charges such as street cleaning, roadway snow plowing, sidewalk plowing, and hazardous sidewalk replacement; however, these charges were inadvertently added when there were administrative subdivisions on the properties starting with the 2014-15 and 2015-16 tax years.

The owner of 584-590 Jefferson Avenue purchased the property from a non-profit organization on December 16, 2016 for the sum of \$45,000. The new owner is also a non-profit organization, but they failed to submit their required application by the filing deadline of February 1, 2017. In addition, they were not utilizing the property by the taxable status date of February 1, 2017 and were not entitled to their own non-profit exemption. Therefore, the property was made taxable and a supplemental tax was charged. The property had been assessed at \$130,000 and was subsequently reduced to the purchase price due to the poor condition of the building. Due to a clerical error, the supplemental tax was based on the prior assessment when it should have been based on the lower value.

If these cancellations are approved, total cancellations thus far for 2017-18 will be as follows:

	<u>Accounts</u>	
City Council	3	\$7,132.26
Administrative	<u>14</u>	718.15
Total	17	\$7,850.41

These cancellations represent 0.003% of the tax receivables as of July 1, 2017.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-152

Ordinance No. 2017-286  
(Int. No. 324)

**Cancellation of erroneous taxes and charges**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) The property located at 1890 Mt. Hope Avenue is owned by New York State which is exempt from paying local works charges. The special districts such as street cleaning; roadway snow plowing; sidewalk plowing and hazardous sidewalk replacement were inadvertently added when there was an administrative subdivision on the property starting with the 2014-15 tax year.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
150.21-1-2.2	N	1890 Mt. Hope Ave.	2015	\$935.08	<b>\$935.08</b>
			2016	\$944.50	<b>944.50</b>
			2017	\$945.16	<b>945.16</b>
			2018	\$973.56	<b>973.56</b>

- (B) The property located at 465 E. Henrietta Road is owned by New York State which is exempt from paying local works charges. The special districts such as street cleaning; roadway snow plowing; sidewalk plowing and hazardous sidewalk replacement were inadvertently added when there was an administrative subdivision on the property starting with the 2015-16 tax year.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
150.22-1-1.3	N	465 E. Henrietta Rd.	2016	\$534.10	<b>534.10</b>
			2017	\$534.47	<b>534.47</b>
			2018	\$554.54	<b>550.54</b>

- (C) The owner of 584-590 Jefferson Avenue purchased the property from a non-profit organization on December 16, 2016 for the sum of \$45,000. The new owner is also a non-profit organization. However they failed to submit their required application by the filing deadline of February 1, 2017. In addition, they were not utilizing the property by the taxable status date of February 1, 2017 and were not entitled to their own non-profit exemption. Therefore, the property was made taxable and a supplemental tax was charged. The property had been assessed at \$130,000 and was subsequently reduced to the purchase price due to the poor condition of the building. Due to a clerical error, the supplemental tax was based on the prior assessment when it should have been based on the lower value.

September 19, 2017

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
120.68-1-15	N	584-590 Jefferson Ave.	2017	\$1,714.85	<b>1,714.85</b>
<b>Grand Total</b>					<b>\$7,132.26</b>

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved that Int. No. 325 be discharged from Committee.

Councilmember Spauld seconded the motion.

The motion was adopted unanimously.

#### TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2017-287  
Agreement – IPT LLC d/b/a PayLock,  
Parking Enforcement Vehicle  
Booting Program

Transmitted herewith for your approval is legislation authorizing an agreement with IPT, LLC d/b/a PayLock, for a self-release immobilization (booting) program for vehicles with three or more outstanding parking tickets that are 90 or more days old. The firm is considered a sole-source provider and has been the provider of this service for the City for the last seven years. This agreement will be for a term of five years, with two optional one-year renewals.

The booting program will be used to increase collections on tickets issued to “scofflaw” vehicles while simultaneously providing better customer service. A scofflaw vehicle is one that has three or more unpaid tickets that are 90 or more days old and, if a New York plate, at least one of which is in judgment. From July 1, 2012 through June 30, 2017, approximately \$6 million in ticket payments was remitted to the City because of the booting program.

The agreement with PayLock does not require any upfront payment from the City. PayLock will continue to provide license plate recognition hardware, software, self-releasing mechanical boots, and payment services. For each booted vehicle, PayLock will charge a fee of 17% of the collected fines and the boot fee of \$85. These terms remain unchanged from the previous agreement between PayLock and the City.

September 19, 2017

Parking Enforcement vehicles will be equipped with license plate recognition cameras, laptop with software provided by PayLock and a database provided by the City, which will allow staff to identify scofflaw (as well as stolen and amber alert) vehicles and confirm the amount of outstanding fines. Once the identified vehicle is booted, a sticker with the toll-free number of the PayLock call center is applied to the vehicle.

Payment by credit card or Automated Clearing House (ACH) checks is processed by the call center and the code to release the boot is given to the driver/owner of the vehicle. They then have 48 hours to return the boot to the City; failure to return the boot will result in late fees of \$25 per day up to a maximum of \$500, the replacement cost.

PayLock will calculate the City's payment (full payment of all fines and fees minus the \$85 booting fee and the 17% collection rate) and remit the net amount bi-weekly to the City.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-287  
(Int. No. 325)

**Authorizing an agreement for the immobilization and redemption of scofflaw motor vehicles**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with IPT LLC, d/b/a PayLock (PayLock) for an immobilization and redemption program for motor vehicles with three or more outstanding parking tickets that may be immobilized pursuant to Section 111-77 of the City Traffic Ordinance. PayLock shall provide to the City software and hardware to identify such vehicles for installation of the immobilization device. The motor vehicle owner or operator shall be able to release the device upon payment to PayLock of the sum of \$85 plus the payments of outstanding notices of violation or notices of liability. The vehicle owner or operator shall also be required to return the immobilization device to the City, and shall be responsible to PayLock for an additional fee of \$25 per day for each day, or part thereof, after the first 48 hours, for which the immobilization device or mechanism is not returned to the City, up to a maximum of \$500.

Section 2. The agreement shall obligate PayLock to pay to the City of Rochester at least 83% of the collections made on the outstanding notices of violation or notices of liability.

Section 3. The agreement shall extend for a term of five years, with two one-year options to renew.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

September 19, 2017

Passed by the following vote.

Ayes – President Scott, Councilmembers Conklin, Haag, Ortiz, Patterson, Spaul -7

Nays – Councilmember Clifford, McFadden - 2

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-288  
Re: Amendatory Agreement - Kronos  
Incorporated, Enterprise Process and  
System Solution for Scheduling,  
Time and Attendance

Transmitted herewith for your approval is legislation authorizing an amendatory agreement to extend the term by two years with Kronos Incorporated for services related to the implementation of an Enterprise Process and System Solution for Scheduling, Time and Attendance. The original agreement, authorized in October 2015 via Ordinance No. 2015-315, established maximum compensation of \$1,880,000 for a term of two years. This amendment will extend the term by two additional years to October 28, 2019, at no additional cost.

Kronos is providing software, hardware and implementation services to replace existing scheduling legacy systems and automate existing manual processes for time entry, attendance tracking and reporting.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-153

Ordinance No. 2017-288  
(Int. No. 326)

### **Authorizing an amendatory agreement with Kronos Incorporated**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Kronos Incorporated related to the implementation of an Enterprise Process & System Solution for Scheduling, Time and Attendance. The term of the agreement authorized in Ordinance No. 2015-315 is hereby extended for an additional two years, to October 28, 2019.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-289  
Re: Clarissa Street Reunion

Council Priority: Creating and Sustaining a  
Culture of Vibrancy; Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the production of the Clarissa Street Reunion. This legislation will:

1. Authorize the receipt and use of a \$5,000 grant from the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) for the Clarissa Street Reunion; and
2. Amend the 2017-18 Budget of the Bureau of Communications by \$5,000 to reflect said grant.

The City will also provide the festival with \$5,000 in City funding from the budget of the Bureau of Communications and Special Events. With the addition of the NYS grant funds, the total amount the City will disburse to the festival in 2017-18 will be \$10,000. This term of this agreement is one year.

The Clarissa Street Reunion has taken place annually for the past 22 years. This event brings thousands of current and former residents, families, and friends together for a full day of festivities, including parades, food, music and other activities.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-289  
(Int. No. 327)

**Authorizing a grant agreement for the Clarissa Street Reunion and amending the Budget**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for the receipt and use of \$5,000 to be used for the Clarissa Street Reunion. The agreement shall be for a term not to exceed one year.

Section 2. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Bureau of Communications by the sum of \$5,000 received under the grant agreement authorized herein.



September 19, 2017

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-290  
Re: 2016-17 Budget Amendment

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation related to the 2016-17 Year End Budget Amendment. This legislation will:

1. Transfer a total of \$3,000,000 from the following departments to Cash Capital to fund one-time capital expenditures:
  - a) \$2,380,000 from Contingency;
  - b) \$370,000 from the Department of Environmental Services; and
  - c) \$250,000 from Neighborhood & Business Development.
  
2. Transfer \$1,730,000 from Contingency to the Police Department for pending wage and salary settlements.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 33 other amendments to the 2016-17 Budget. These amendments reflect 4 appropriation transfers and 28 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2016-17 will be audited by the City's external auditors, Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the City Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed increase to the Cash Capital allocation is to fund capital projects as follows:

1. \$1,200,000 for the demolition program which should allow for the demolition of approximately 60 additional vacant structures;
2. \$535,000 for demolition and environmental remediation related to the Bull's Head development;
3. \$500,000 in additional funding needed to conduct environmental assessment and remediation of various parcels including but not limited to 584 Smith Street, 96 Falls Street, Lake Avenue, and Court Street/Exchange Street;
4. \$300,000 in additional funding for the HR/Payroll Enterprise Process and System Solution implementation;
5. \$265,000 needed for various bridge repairs; and
6. \$200,000 to replenish funding for urban forestry pruning and replacement.

On June 14, 2016, when the 2016-17 Budget was adopted by City Council, salary and wage rates had not yet been established for uniformed employees represented by the Rochester Police Locust Club, Inc. The collective bargaining agreement for the Rochester Police Locust Club expired June 30, 2016. Negotiations have not yet resulted in a

September 19, 2017

successor agreement being reached which led to a recent filing for impasse by the Rochester Police Locust Club, Inc. Utilization of a Public Employee Relations Board (PERB)-appointed mediator will be the initial step towards reaching a new agreement. An allowance is being made for the projected anticipated costs of this unsettled contract.

The City Senior Management Team effectively managed their 2016-17 operating budgets, with actual spending less than 2016-17 Budget allocations. Savings resulted from personnel vacancies, lower than expected fuel prices, utility expense, and other costs including professional fees.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-290  
(Int. No. 353)

### **Amending the 2016-17 Budget for year-end Budget amendments**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$3,000,000 from the following departments to Cash Capital:

- a) \$2,380,000 from Contingency;
- b) \$370,000 from the Department of Environmental Services; and
- c) \$250,000 from Neighborhood & Business Development.

Section 2. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$1,730,000 from Contingency to the Budget of the Police Department for pending wage and salary settlements.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-291  
Re: Intermunicipal Agreement for Shared  
Space between the School District and  
Rochester Public Library

Transmitted herewith for your approval is legislation related to the use of a shared space between the Rochester City School District and the Rochester Public Library. This legislation will authorize use of a computer lab with activity space at School 12 by both the District and the Frederick Douglass Community Library. The term of the

September 19, 2017

intermunicipal agreement will be September 1, 2017 through June 30, 2027, with the option of two ten-year renewal terms.

Shared use of this space will allow the District to use the room during the school day and the Library to use the room for programming after school hours, increasing the programming opportunities for Frederick Douglass Community Library.

No money will be exchanged in this agreement, as School 12 is a District-controlled building on City land.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-291  
(Int. No. 354)

**Authorizing an agreement with the Rochester City School District for the Rochester Public Library's use of a shared space at School 12**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for the Rochester Public Library's use of a shared space at School 12. The term of the agreement shall be September 1, 2017 through June 30, 2027, with the option for two (2) ten-year (10) renewal terms.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Vice President Miller  
September 19, 2017

To the Council:

The Business & Economic Development Committee recommends for Adoption the following entitled legislation:

- |              |   |
|--------------|---|
| Int. No. 328 | Authorizing agreements for the 2017-18 Street Liaison Program   |
| Int. No. 355 | Authorizing sale of land, payment in lieu of taxes and loan agreements for the Charlotte Square III Affordable Rental Project |

September 19, 2017

Int. No. 356                      Authorizing sale of land, payment in lieu of taxes and loan agreements for  
the Stadium Estates Phase II Affordable Rental Housing Project

Respectfully submitted,  
Dana K. Miller  
Michael A. Patterson  
Elaine M. Spaul  
Loretta C. Scott

**BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE**

**TO THE COUNCIL**  
Ladies and Gentlemen:

                    Ordinance No. 2017-292  
Re:              Agreements - 2017-18 Street Liaisons

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for agreements for Street Liaison business development services in each of the City's quadrants, as follows: Action for a Better Community, Incorporated for the Northeast Quadrant; Highland Planning LLC, for the Northwest and Southeast Quadrants; and the 19<sup>th</sup> Ward Community Southwest Association of Rochester, New York, Inc., for the Southwest Quadrant. The combined maximum compensation of \$80,000 will be financed by the funds appropriated to the Neighborhood Commercial Assistance Program from the Promote Economic Stability fund of the 2017-18 Consolidated Community Development, Annual Action Plan in Ordinance No. 2017-224 (\$54,000) and the 2017-18 Budget of the Department of Neighborhood and Business Development (\$26,000). The term of each agreement will expire on June 30, 2018.

The mission of the Street Liaison is to provide outreach and assistance to businesses within the targeted commercial corridors found in their respective quadrants of the city of Rochester. Their assistance is expected to result in increased business and community investment and the retention and creation of new jobs. The Street Liaison may also contribute to additional business and community development efforts, as detailed in the attached program description.

The consultants were selected through a request for proposals process which is described in the attached summary.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-154

Ordinance No. 2017-292  
(Int. No. 328)

**Authorizing agreements for the 2017-2018 Street Liaison Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with each of the following organizations in the maximum amount of \$20,000 each to provide Street Liaison services for the specified City quadrants as follows:

- a) Action for a Better Community, Incorporated, Northeast
- b) Highland Planning LLC, Southeast
- c) Highland Planning LLC, Northwest
- d) 19th Ward Community Southwest Association of Rochester, New York, Inc., Southwest

Section 2. The term of said agreements shall continue to June 30, 2018.

Section 3. The amount of \$80,000, or so much thereof as may be necessary for the agreements, shall be funded from the funds appropriated to the Neighborhood Commercial Assistance Program from the Promote Economic Stability fund of the 2017-18 Consolidated Community Development Annual Action Plan in Ordinance No. 2017-224 (\$54,000) and the 2017-18 Budget of Neighborhood and Business Development (\$26,000).

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The City shall enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2017-292  
(Int. No. 328)

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-293  
Re: Charlotte Square III Affordable Rental Project

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Charlotte Square III Affordable Rental Project being undertaken by Home Leasing LLC at 120 Charlotte Street in the downtown East End neighborhood. This legislation will:

1. Authorize the sale of 120 Charlotte Street for the appraised value of \$255,000, to Home Leasing or a housing development fund corporation to be formed for the project.
2. Authorize property tax exemptions and payment in lieu of taxes (PILOT) agreements for the Charlotte Square III project, which will provide a 30-year exemption for an annual PILOT equal to 10% of the project shelter rents (gross rents minus utility costs), as recommended for approval by the PILOT Review Committee on August 30, 2017.
3. Authorize a loan agreement for a \$300,000 construction/permanent loan with Home Leasing or an affiliated partnership or housing fund development corporation to be formed by Home Leasing, and appropriate the same amount of 2016-17 Consolidated Community Development Plan HOME funds from the Affordable Housing Fund allocation of the Housing Development Fund to fund the loan, as recommended for approval by the Loan Review Committee on August 30, 2017.

The loan will serve initially as a non-amortizing 2% construction loan then, at conversion to permanent financing, become a 30-year, 2% interest-only loan with principal payment due at the end of the 30-year term. Annual loan interest payments of 2% will be cash flow dependent.

4. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements of the Project.

The Property is a new parcel resulting from the assembly of land due to the Inner Loop East Transformation Project. As part of the City's efforts to reintegrate the neighborhoods previously separated by the eight-lane highway on the eastern portion of the Inner Loop, a request for proposals for the purchase and redevelopment of this and four other parcels was issued on March 17, 2016, followed by an informational meeting on March 29, 2016. The purpose of this meeting was to provide developers with the opportunity to discuss the status of the parcel, its redevelopment potential, and answer questions. The City received one proposal, which was evaluated by staff from the Department of Neighborhood and Business Development, Department of Environmental Services, Bureau of Assessment, and Law Department, as well as the City Council Chief of Staff. The Developer was recommended based on the proposed development program and its financial strength.

The Charlotte Square III Affordable Rental Project involves the creation of 50 new rental units intended for mixed-income households, with two-thirds of the units (34) targeted to households with incomes at or below 60% of the area median income (AMI), and one-third of the units (16) targeted to households with incomes of up to 90% of AMI. Eight units will be set aside for supportive housing for homeless ex-offenders who are in recovery and graduating from transitional housing provided by Spiritus Christi Prison Outreach (SCPO). The units will be targeted to households with incomes at or below 50%, 60%, and 90% of the AMI.

The development includes the construction of a single four-story, 46,994 square foot "L" shaped building fronting on Charlotte and Union Streets. The first floor includes 12 one- and two-bedroom walk-up townhome units adding front stoops and will be complementary to Charlotte Square I and II. The remaining 38 units will consist of six studios and 32 one-bedroom apartments distributed throughout floors two through four. Five of the units (10%) will be fully accessible and adapted for people with mobility impairments, and three separate units (4%) will be equipped for people with audio or visual impairments. The fully accessible and adapted units, as well as the supportive housing units, will be dispersed throughout the building, and in various unit sizes.

Central elevator access will be provided for upper level apartments. Project amenities include a community room, fitness center, patios and balconies, an on-site management office, secure interior bicycle storage, a playground, a 17-space, on-site surface parking lot for residents, staff, and visitors, and bulk storage in the units.

Charlotte Square III will be the third phase of development Home Leasing has undertaken on Charlotte Street. Charlotte Square I consists of 72 high-end market-rate apartments and is currently leasing, while Charlotte II, which has 10 for-sale townhomes, is under construction. Public interest in both Phase I and II has been robust. The addition of Charlotte Square III will expand mixed-income housing opportunities in the East End neighborhood. The project will take advantage of the unique opportunity to contribute toward the reshaping of the city's center, promoting increased vibrancy in the neighborhood, community wellness, public safety, beautification and the realization of other community initiatives underway in the area such as the Rochester-Monroe Anti-Poverty Initiative, or R-MAPI.

The funding sources and uses for the project are summarized below:

<u>Uses</u>		<u>Permanent Sources</u>	
Land Acquisition	\$ 255,000	Conventional Loan	\$ 750,000
Soft Costs	1,530,628	9% LIHTC	8,856,069
Hard Costs	8,485,412	Housing Trust Fund Mortgage	2,000,314
Contingency	424,271	Deferred Developer Fee	185,630
Development Fee	1,199,999	City of Rochester	300,000
Reserves	166,703		
Working Capital	30,000	<b>TOTAL</b>	<b>\$12,092,013</b>
<b>TOTAL</b>	<b>\$12,092,013</b>		

The project is anticipated to begin construction in November 2017 and be completed in June 2019. It will fulfill an obligation of 30% M/WBE contracts (for City and State funds) and workforce goals of 6.9% women and 20% minorities. It is anticipated that the project will create 100 construction jobs and 2.5 permanent jobs.

A State Environmental Quality Review Act review has been completed and a Negative Declaration has been issued. A National Environmental Policy Act review is underway and will be completed prior to entering into any agreements for the Charlotte Square III project.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AQ-155

Ordinance No. 2017-293  
 (Int. No. 355)

**Authorizing sale of land, payment in lieu of taxes and loan agreements for the Charlotte Square III Affordable Rental Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale, for the price of \$255,000, of the following parcel of vacant land to Home Leasing, LLC, or to an affiliated housing development fund corporation that is formed for the purpose, in order to develop the Charlotte Square III Affordable Rental Project (Project):

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Acreage</b>
120 Charlotte St	106.81-2-70	153 x 135	0.52

Section 2. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Project with a housing development fund corporation formed by Home Leasing, LLC for the Project. The PILOT agreement shall provide that the Project remain entitled to a real property tax exemption for 30 years, provided that the housing development fund corporation makes annual payments in lieu of taxes to the City of Rochester equal in total to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs.

Section 3. The term of the PILOT agreement shall run for 30 years, provided that said agreement and the associated real property tax exemption shall cease prior to that date if and when the Project is no longer operated in accordance with Article 11 of the NYS Private Housing Finance Law and for the purpose of providing housing for mixed-income households and as supportive transitional housing for ex-offenders.

Section 4. The sum of \$300,000 is hereby appropriated from the Affordable Housing Fund allocation of the Housing Development Fund within the Consolidated Community Development Plan/2016-17 Annual Action Plan to serve as principal for the Project loan authorized herein.

Section 5. The Mayor is hereby authorized to enter into a loan agreement with Home Leasing, LLC or an affiliated partnership or housing development fund corporation formed for the Project, for construction and permanent financing of the Project. The loan shall be in the amount of \$300,000, which shall be funded from the amounts appropriated in Section 4 herein. The loan agreement shall have a term that continues to 30 years following completion of Project construction. The loan shall function as a 2% construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to permanent financing with a term of 30 years that is subject to an annual interest rate of 2% that shall be paid annually contingent on sufficient Project cash flow, and repayment of the loan principal and deferred interest, if any, due at the end of the loan term.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate the agreements authorized herein.

Section 7. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions of the loan in order to conform to legal and other requirements of the Project.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-294  
Re: Stadium Estates Phase II Affordable  
Rental Housing Project



Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to the Stadium Estates Phase II Affordable Rental Housing Project strategic infill, which is being developed by Charles Settlement House, Inc. and Rochester's Cornerstone Group. This legislation will:

1. Authorize the sale of 30 City-owned vacant lots to Charles Settlement House, Inc. or an affiliated partnership or housing development fund corporation to be formed by Charles Settlement House and Rochester's Cornerstone Group, for the project (see attached property list and map);
2. Authorize property tax exemptions and a payment-in-lieu of taxes (PILOT) agreement for the project. The agreement would provide a 30-year tax exemption in consideration of an annual PILOT equal to 10% of the project shelter rents (gross rents less utility costs), as recommended for approval by the PILOT Review Committee on August 3, 2017;
3. Authorize a \$700,000 loan agreement with Charles Settlement House, Inc., or a subsidiary to be formed for the project with a term of 30 years with annual interest-only payments of 2%, as recommended for approval by the Loan Review Committee on August 30, 2017;
4. Appropriate \$95,178 in HOME funds from the 2016-17 Consolidated Community Development Plan's Affordable Housing Fund allocation of the Housing Development Fund and \$604,822 in Home funds from the 2017-18 Consolidated Community Development Plan's Affordable Housing Fund allocation of the Housing Development Fund to finance the loan; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the project.

Stadium Estates Phase II involves the construction of a community center and 46 family rental housing units on clustered sites in the JOSANA neighborhood. The residential buildings for the project consist of 20 single-family houses, four duplexes and six triplexes. Of the 46 units in the project, 11 will be two-bedroom units, 23 will be three-bedroom units, seven will be four-bedroom units, and five will be five-bedroom units. Six of the units will be fully handicapped accessible; two will be designed for the hearing- and visually-impaired, and seven will be reserved for households with a family member with an intellectual or developmental disability. All units will also meet or exceed the New York State Energy Star Certified Homes standards, including the use of water conserving fixtures, Energy Star rated appliances, and low- or no-VOC paints and Green Labeled carpeting. The project will participate in both the New York State Energy Research and Development Agency's (NYSERDA) Low-Rise Residential New Construction Program and Enterprise Green Communities rating system energy efficient development.

The project was built in close partnership with the JOSANA Neighborhood and helps to implement the goals of the JOSANA Neighborhood Master Plan, which was completed in 2011. It builds on significant community building and other investments in the neighborhood, including the construction of Capelli Sport Stadium (\$35 million), the modernization and recent designation of Enrico Fermi School 17 as a community school (\$28.8 million), construction of 55 Habitat for Humanity homes for affordable homeownership in the neighborhood, and construction of Stadium Estates Phase I (\$10.7 million). Stadium Estates Phase I has a lengthy waitlist and Phase II's third-party market study found a capture rate of 1.77% for the project, indicating a strong demand for new affordable housing in the neighborhood

Stadium Estates Phase II received Low Income Housing Tax Credits (LIHTC) and New York State Housing Trust Funds for its construction. All units will be for families with 60% or less of the area median income. All units will be made available for affordable homeownership through a lease to purchase program to be implemented at the end of the 15 year tax credit compliance period.

The project budget is as follows:

<b>Costs</b>		<b>Sources</b>	
Property acquisition	\$ 18,075	LIHTC Equity	\$ 8,557,739
Soft costs	1,121,287	NYS Housing Trust Fund	2,400,000
Construction	8,502,975	City	700,000
Contingency	428,966	Deferred Developer Fee	68,633
Developer fee	1,444,908	NYSERDA	<u>46,000</u>
Reserves	161,162	<b>TOTAL</b>	<b>\$11,772,372</b>
Working capital	<u>95,000</u>		
<b>TOTAL</b>	<b>\$11,772,372</b>		

The project is anticipated to begin construction in November 2017 and be completed in February 2019. It will fulfill an obligation of 30% M/WBE contracts (for City and State funds) and will include workforce goals of 20% minority and 6.9% women workers. Thirty percent of new hires for the project will be Section 3 workers. In addition, the development team will privately fund and construct a house with the Urban League's Youth Build program, which is designed to expose inner-city youth to the building process, and provide job and life skills. The project is anticipated to support 90-100 construction jobs and two permanent jobs.

A State Environmental Quality Review Act review has been completed and a Negative Declaration has been issued. A National Environmental Policy Act review is underway and will be completed prior to entering into any agreements for the Stadium Estates Phase II project.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AQ-156

Ordinance No. 2017-294  
 (Int. No. 356)

**Authorizing sale of land, payment in lieu of taxes and loan agreements for the Stadium Estates Phase II Affordable Rental Housing Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale, for an aggregate price of \$18,075, of the following parcels of vacant land to Charles Settlement House, Inc., or to an affiliated partnership or housing development fund corporation that is formed for the purpose, in order to develop the Stadium Estates Phase II Affordable Rental Housing Project (Project):

<b>Address</b>	<b>SBL No.</b>	<b>Dimensions</b>	<b>Price</b>
255 Whitney Street	105.74-2-25.001	80' x 84'	\$ 475
235 Whitney Street	105.74-2-29	77' x 253'	2,100
44 Lime Street	105.74-3-10	33' x 86'	350
43 Lime Street	105.74-3-24	36' x 165'	450
279 Orchard Street	105.74-3-33	40' x 125	425

748-754 Smith St	105.74-3-36.002	91' x 125'	600
766 Smith Street	105.74-3-39	36' x 165'	450
794 Smith Street	105.74-3-44	53' x 165	525
810-812 Smith Street	105.74-3-47.002	53' x 110'	450
244 Whitney Street	105.74-3-53.001	63' x 106'	475
246 Whitney Street	105.74-3-54.001	102' x 106'	525
40 Lime Street	105.74-3-8	44' x 86'	400
42-42.5 Lime Street	105.74-3-9	44' x 86'	400
736 Smith Street	105.75-1-32.003	54' x 99'	450
296 Orchard Street	105.75-1-38.001	165' x 54'	525
795 West Broad St	105.75-2-46	38' x 94'	350
765 Smith Street	105.82-2-12	40' x 100'	400
241 Orchard Street	105.82-2-15	100' x 39'	400
559 Jay Street	105.82-2-39.2	210' x 185	3,000
729-735 Smith Street	105.83-1-1.001	77' x 120'	550
693 Smith Street	105.83-1-10	53' x 165'	525
725 Smith Street	105.83-1-2.001	44' x 120'	450
234 Orchard Street	105.83-1-48.002	45' x 99'	425
378 Jay Street	105.83-2-37.005	76' x 132'	550
364 Jay Street	105.83-2-35	50' x 183'	525
370 Jay Street	105.83-2-36.002	50' x 183'	550
307 Jay Street	105.84-1-39	40' x 164	475
630 West Broad St	105.84-2-35	40' x 100'	400
636 West Broad St	105.84-2-36.001	38' x 100'	400
245-247 Jay Street	105.84-2-40.001	67' x 100'	475
		<b>TOTAL</b>	<b>\$ 18,075</b>

Section 2. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Project with Charles Settlement House, Inc. or an affiliated partnership or housing development fund corporation formed for the Project. The PILOT agreement shall provide that the Project remain entitled to a real property tax exemption for 30 years, provided that annual payments in lieu of taxes remitted to the City of Rochester equal in total to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs.

Section 3. The term of the PILOT agreement shall run for 30 years, provided that said agreement and the associated real property tax exemption shall cease prior to that date if and when the Project is no longer operated in accordance with Article 11 of the NYS Private Housing Finance Law and for the purpose of providing affordable housing consisting of approximately 46 rental units constructed within a mixture of single-family, duplex and triplex houses built on clustered sites in the JOSANA neighborhood.

Section 4. The sum of \$95,178 is hereby appropriated from the Affordable Housing Fund allocation of the Housing Development Fund within the Consolidated Community Development Plan/2016-17 Annual Action Plan and the sum of \$604,822 is hereby appropriated from the Affordable Housing Fund allocation of the Housing Development Fund within the Consolidated Community Development Plan/2017-18 Annual Action Plan to serve as \$700,000 in principal for the Project loan authorized herein.

Section 5. The Mayor is hereby authorized to enter into a loan agreement with Charles Settlement House, Inc. or a subsidiary formed for the Project for construction and permanent financing of the Project. The loan shall be in the amount of \$700,000, which shall be funded from the amounts appropriated in Section 4 herein. The loan agreement shall have a term that continues to 30 years following completion of Project construction. The loan shall function as a 2% construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to permanent financing with a term of 30 years that is subject to an annual interest rate of 2% that shall be paid annually and repayment of the loan principal due at the end of the loan term.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate the agreements authorized herein.

Section 7. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions of the loan in order to conform to legal and other requirements of the Project or of its tax credits.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Ortiz  
September 19, 2017

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

- |              |   |
|--------------|---|
| Int. No. 329 | Authorizing the sale of real estate   |
| Int. No. 330 | Authorizing funding and agreements for the 2017 Lead Hazard Control Grant Program |
| Int. No. 331 | Authorizing agreements for the Asset Control Area/HOME Rochester Program          |

The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

- |              |  |
|--------------|--|
| Int. No. 332 | Amending the 2015-16 Consolidated Community Development Plan and authorizing appropriations of Community Development Block Grant funds to infrastructure and playground improvements |
| Int. No. 333 | Amending Chapter 120 of the Municipal Code, Zoning, for minor changes, clarifications and corrections, <u>as amended</u>   |

September 19, 2017

Respectfully submitted,  
Jacklyn Ortiz  
Molly Clifford  
Carolee A. Conklin  
Dana K. Miller  
Loretta C. Scott

**NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE**

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-295  
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of four properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with delinquent taxes, open code violations, have not been in contempt of court or fined as a result of an appearance ticket or unsatisfied judgments during the past five years.

The first two properties are vacant lots sold by negotiated sale to the adjacent owners. The purchasers will combine the lot with their existing property and utilize it as green space.

The last two properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these four properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,195.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-157

Ordinance No. 2017-295  
(Int. No. 329)

**Authorizing the sale of real estate**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves of the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq.Ft.	Price	Purchaser
26 Boston St	106.23-4-29.1	68 x 96	6,538	\$475	Ronald Phelps
135 Breck St	107.77-1-5	40 x 100	4,000	\$400	Ruthie & Daryl Burke

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
117 Reynolds St	120.52-1-28	21 x 49	1,029	James I. McClary
1113 N. Winton Rd	107.59-1-5	46 x 7	359	Katherine Petty

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-296  
Re: 2017 Lead Hazard Control Grant Program

Council Priority: Creating and Sustaining a  
Culture of Vibrancy; Rebuilding and Strengthening  
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the City's 2017 Lead Hazard Control Grant Program. This legislation will:

1. Accept and appropriate \$1,000,000 from the U.S. Department of Housing and Urban Development to fund the program;
  - a. From the above appropriation, a total of \$769,000 will be made available for the City's use to operate the program.
2. Establish \$45,000 as maximum compensation for an agreement with Environmental Education Associates, Inc. (EEA) for lead hazard control training to be funded from the appropriation in Section 1, and the term will be for one year with the option to extend for an additional two years if funding remains in the agreement.

3. Establish \$87,000 as maximum aggregate compensation for term agreements with the following consultants to be funded from the appropriation made in Section 1:

Environmental, Testing & Consulting Inc. (Batavia, New York)  
UNYSE Environmental Consultants (Buffalo, New York)

The term of the agreements will be for one year with the option to extend for an additional two years if funding remains in the agreements.

The City applied to HUD's Office of Healthy Homes and Lead Hazard Control for lead hazard control funding in March 2017. The City was notified of the funding award in June 2017. The HUD funding award will allow the City to continue operating its Lead Hazard Control Grant Program by offering financial assistance to eligible owners of one to four unit privately-held housing. Funding will be made available to correct lead-based paint hazards and other environmental health hazards. Typical lead hazard control work activities will include: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment. The City will continue to work with its base of certified lead abatement contractors to carry out these efforts. Participating property owners must be up-to-date with their City and County property tax payments or have a payment plan in place.

The program will concentrate on serving rental properties where lead-poisoned children are most prevalent. Owner-occupants must earn an income at or below 80% of the area median income and must have a child occupant or visiting child occupant under age six. Owners will be required to sign a five-year program agreement and note and mortgage with the City to ensure residency. Rental property owners will be required to produce a 10% funding match. They will also be required to sign a five-year program agreement and note and mortgage with the City to ensure affordable rents (per HUD guideline) and that assisted units are offered to tenants with income at or below 80% of the area median income. All assisted landlords will be required to complete the Environmental Protection Agency (EPA) course "Renovator, Remodeler and Painter" (at the City's expense) to ensure that future lead hazard control work is undertaken properly.

Environmental Education Associates (EEA), a firm that is currently under contract for the City's current lead hazard control program (Ord. No. 2016-102) will provide the training services. EEA will offer courses to include "Lead Abatement Supervisor" and "Lead Abatement Worker" to allow contractors to obtain EPA certification to carry out lead abatement activities. EEA will also offer the "Renovator, Remodeler and Painter" course to allow property owners and contractors certification to carry out lead interim control activities. This training will enable an expanded base of lead abatement contractors to service the program and an expanded population of landlords that are educated about how to safely undertake lead hazard control work.

For lead hazard evaluation services, the same consultants that are currently under contract for the lead hazard control program will be utilized, including Environmental Testing and Consulting and UNYSE Environmental Consultants (Ord. No. 2016-102). Both consultants are performing to the City's satisfaction. These consultants will be responsible for producing a combined lead-based paint inspection/risk assessment for units enrolled in the program.

The City will provide matching funds in the amount of \$1,030,000 over three years. This match amount will include in-kind staff contributions and \$650,000 in Consolidated Development Block Grant funds to be used for lead hazard control. The HUD funding includes the following:

Personnel	\$ 94,536
Travel	4,464
Training	45,000
Consultants	87,000
Lead Hazard Control	<u>769,000</u>
Total	\$1,000,000

September 19, 2017

The program will allow for a minimum production of 100 units of lead safe housing by December 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-157

Ordinance No. 2017-296  
(Int. No. 330, as amended)

### **Authorizing funding and agreements for the 2017 Lead Hazard Control Grant Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby accepts \$1,000,000 from the U.S. Department of Housing and Urban Development (HUD) to fund the City's 2017 Lead Hazard Control Grant Program (Program) and authorizes the Mayor to enter into an agreement with HUD and to execute such other documents as may be necessary for the City to participate in and administer the use of HUD funding for the Project Program.

Section 2. The Council hereby appropriates ~~\$769,000~~ from the funds authorized by Section 1 herein the following amounts: \$769,000 for the City's use to operate the Program; \$132,000 for the lead abatement worker training and lead hazard evaluation services authorized in Sections 3 and 4 herein; and \$4,464 for travel expenses. The City's personnel costs to implement the Program shall be funded by the grant in the amount of \$31,512 from the 2017-18 Budget of the Department of Neighborhood and Business Development ("NBD") and \$63,024 from future budgets of NBD, contingent upon approval of the future budgets.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Environmental Education Associates, Inc. to provide lead abatement worker training. The maximum compensation for the agreement shall be \$45,000, which shall be funded from the appropriation authorized by Section 2 herein. The term of the agreement shall be one year with the option to extend for up to 2 additional years if funds within the authorized maximum compensation remain.

Section 4. The Mayor is hereby authorized to enter into professional services agreements with the following consultants for lead hazard evaluation services for the Program. The agreement shall have an aggregate maximum compensation of \$87,000, which shall be funded from the appropriation authorized by Section 2 herein:

- a. Environmental, Testing & Consulting Inc., Batavia, NY; and
- b. UNYSE Environmental Consultants, Buffalo, NY.

The term of each agreement shall be one year with the option to extend for up to 2 additional years if funds within the authorized aggregate maximum compensation remain.



September 19, 2017

Section 5. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-297  
Re: Asset Control Area / Home Rochester Program

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing agreements with the Rochester Housing Development Fund Corporation (RHDFC), Greater Rochester Housing Partnership, Inc. (GRHP), and JPMorgan Chase & Co. for implementation of the Asset Control Area / Home Rochester Program. This legislation will establish construction financing for the program and includes the following actions:

1. Authorize City participation in the RHDFC Loan VIII financing pool. The City's contribution of \$1,863,000 will be funded by Loan VII revenues that will be used to establish a trust account accessible for Loan VIII Home Rochester properties. RHDFC will administer the trust account, and the agreement with the City will describe the process by which RHDFC may draw the Loan VII revenues for Loan VIII properties.
2. Establish a loss reserve for Loan VIII in the amount of \$238,000 to be financed from 2012-13 Cash Capital.
3. Establish an interest reserve account not to exceed \$25,000 which will be financed from 2012-13 Cash Capital. The funds will be used to provide 1% annual interest to enable the working capital loan for the program. For Loan VIII, the working capital loan will be \$750,000, provided by the GRHP through the Martin Luther King, Jr. Housing Fund, and administered by RHDFC.

The last Council authorization for this was Ordinance No. 2014-379. RHDFC has operated the Home Rochester program since its inception in 2001 in partnership with the City, GRHP, and neighborhood-based non-profit developers. RHDFC buys vacant homes and oversees their renovation for sale to first-time homebuyers.

RHDFC has also facilitated City participation in the Asset Control Area program (ACAP) since the City's original agreement with HUD in 2004. ACAP obligates the City to purchase FHA-foreclosed, single-family properties in specified areas of the city and to sell those properties to eligible buyers. RHDFC also acquires properties through donations, the Rochester Land Bank Corporation, and purchases on the private market.

Since 2001, RHDFC has received over \$87 million of funding to buy and renovate houses in Rochester. Financing for these activities has been through a series of construction loans funded by a public-private partnership. Loan VII, totaling \$15,000,000, closed in March 2015; and Loan VIII, approximating \$15,000,000, is in preparation for closing. Loan VII funds may be used to acquire properties until September 30, 2017, and to-date, 52 properties have been acquired and 36 of those have been rehabilitated, with 28 having already closed with first-time homebuyers. All

September 19, 2017

properties funded through Loan VII are anticipated to be sold within 8-12 months of the end of the loan term, depending on completion of rehabilitation, acceptance of purchase offers, and related closings with eligible purchasers.

The lead lender for Loan VIII is JPMorgan Chase. Participating lenders are anticipated to include the City of Rochester, GRHP, Enterprise Community Partners, Partners for the Common Good, M&T Bank, Bank of Castile, and the Low Income Investment Fund. The City will participate as a lender using \$1,863,000 in revenues from its Loan VII contribution of Neighborhood Stabilization Program funds previously awarded by the New York State Housing Finance Agency.

The loss reserve is required to induce the participation of public and private lenders to provide the capital to fund Loan VIII, since the lenders will agree to forego a lien during construction.

The working capital will be used to purchase vacant and foreclosed properties for Home Rochester and make funds available between monthly draws on Loan VIII. The renovation of the properties will be funded by Loan VIII.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-297  
(Int. No. 331)

### **Authorizing agreements for the Asset Control Area/HOME Rochester Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement or agreements with the Rochester Housing Development Fund Corporation, JPMorgan Chase & Co. and the Greater Rochester Housing Partnership, Inc. to permit the continued participation of the City in the Asset Control Area/HOME Rochester Program through the continued acquisition and development of vacant single family properties under the Loan VIII financing pool. The City shall participate as a lender in RHDFC Loan VIII through the allocation of \$1,863,000 in revenues from the Loan VII pool authorized in Ordinance No. 2014-379 that will be held in a trust account for this purpose. The agreement(s) shall outline how the trust account funds will be accessed for vacant single-family properties that are identified for improvement with Loan VIII funds.

Section 2. The agreement(s) shall obligate the City of Rochester to pay an amount not to exceed \$238,000 to establish a loss reserve account for Loan VIII, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose from 2012-13 Cash Capital.

Section 3. The agreement(s) shall further obligate the City of Rochester to pay an amount not to exceed \$25,000 for an interest reserve account for the Program, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose from 2012-13 Cash Capital.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-298  
Re: Amending the 2015-16 Consolidated  
Community Development Plan, Annual  
Action Plan

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the 2015-16 Consolidated Community Development Plan, Annual Action Plan (Con Plan). This legislation will:

1. Amend the 2015-16 Con Plan to transfer and re-allocate \$875,000 of Community Development Block Grant (CDBG) funds from the Marketview Heights Urban Renewal District Program to the Infrastructure Improvements allocation of the General Community Needs fund.
2. Appropriate \$875,000 of CDBG funds from the Infrastructure Improvements allocation of the General Community Needs fund for infrastructure and playground improvements at various locations including, but not limited to, the renovation of the First Street Playground and the Alpha Street Group Project (Alpha, Braddock, Meridian and Wilder Streets). Construction of the improvements will begin in spring 2018 with planned completion in fall 2018.

The Department of Neighborhood and Business Development intends to replenish funds to the Marketview Heights Urban Renewal District Program with debt in subsequent legislation.

A public hearing on the amendment of the 2015-16 Con Plan is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-298  
(Int. No. 332)

**Amending the 2015-16 Consolidated Community Development Plan and authorizing appropriations of Community Development Block Grant funds to infrastructure and playground improvements**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amending the 2015-16 Consolidated Community Development Plan - Annual Action Plan (Con Plan) to transfer and re-allocate \$875,000 of Community

September 19, 2017

Development Block Grant (CDBG) funds to the Infrastructure Improvements allocation of the General Community Needs fund within said Con Plan.

Section 2. The Council hereby appropriates \$875,000 of CDBG funds from the Infrastructure Improvements allocation of the General Community Needs Fund of the 2015-16 Con Plan, as amended under Section 1 above, for infrastructure and playground improvements at various locations including but not limited to the First Street Playground and the Alpha Street Group Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-299  
Re: Zoning Text Amendments -  
Minor Code Changes and Clarifications

Transmitted herewith for your approval is legislation amending the Zoning Code of the City of Rochester by making minor changes and clarifications to various sections of the Zoning Code to correct existing errors, clarify confusing language and update terms and definitions. Also included in these changes are updated Zoning District Summary Charts. These Charts appear at the end of each District Section in the Zoning Code, yet they have not been updated in several years. This round of Zoning Code Text changes is the first in a series of amendments planned over the next year to help streamline approval processes and reduce the caseloads of the City's boards and commissions.

The first two charts that are attached summarize the proposed changes as follows: The first chart includes the proposed corrections and/or clarifications, and the second chart includes the minor changes being proposed. Also attached are the updated Zoning District Summary Charts. The proposed Code regulation language is included at the end of the attachments, and corresponds to the headings on the summary charts.

The City Planning Commission held an informational meeting on the proposed Text Amendments on Monday, August 7, 2017. One person spoke in support; no one spoke in opposition. By a vote of 7-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Text Amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-158

Ordinance No. 2017-299  
(Int. No. 333, as amended)

**Amending Chapter 120 of the Municipal Code, Zoning, for minor changes, clarifications and corrections**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in §120-208, Definition, with regard to the addition, modification or deletion of the following terms:

**BANQUET FACILITY**

~~A structure or building that is entirely devoted to banquets and all hours and activities are associated with specific events or any portion of a building in which space can be used for banquets, parties, receptions and the like. Buildings or spaces used primarily for ticketed entertainment events shall not be considered a banquet facility.~~

**BUILDING COVERAGE**

~~The percentage of a lot area occupied by the ground area of principal and accessory buildings on such lot, excluding the area occupied by a solar collector.~~

**IMPERVIOUS SURFACE**

A surface that prevents infiltration of water into the soil, including but not limited to: asphalt; concrete; packed gravel or crusher run; and bricks, stones, or unit pavers set in or laid on top of mortar or concrete.

**HOTEL**

~~A dwelling One or more buildings containing 15 or more rooming unit(s) with private bathrooms and with or without cooking facilities in which temporary lodging is provided and offered to the public for compensation. Hotels shall include an area for the registration of guests and daily housekeeping provided by the management. Hotels may provide amenities such as restaurants, meeting rooms, swimming pools and exercise facilities to guests and the general public. This definition shall not be construed to affect local or state licensing provisions.~~

**LOT COVERAGE**

~~The percentage of a lot area occupied by the ground area of principal and accessory buildings over 144 square feet, driveways, swimming pools, decks, parking areas and parking lots and other impermeable impervious surfaces on such lot, excluding patios, terraces and pedestrian walkways.~~

Section 2. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended as follows:

a. Subsection E of Section 120-8 is amended as follows:

§120-8 Permitted uses.

The following uses are permitted in the R-1 District:

...

E. Places of worship, except in structures originally designed solely for residential purposes.

b. Subsection B of Section 120-11 is amended as follows:

§ 120-11. Lot, area and yard requirements. The following lot, area and yard requirements shall apply to the R-1 District:

...

B. Lot area requirements.

(1) Residential uses.

- (a) Minimum lot area, detached: 5,000 square feet.
- (b) Minimum lot area, attached, two units: 3,000 square feet per unit.
- (c) Minimum lot area, attached, three units or more: N/A.

~~(d) Maximum building coverage: 35%.~~

~~(d)(e)~~ Maximum lot coverage: 50%.

(2) Nonresidential uses.

(a) Minimum lot area: N/A.

~~(b) Maximum building coverage: 35%.~~

~~(b)(e)~~ Maximum lot coverage: 50%.

c. Subsection F of Section 120-17 is amended as follows:

120-17 Permitted uses.

The following uses are permitted in the R-2 District:

...

F. Places of worship, except in structures originally designed solely for residential purposes.

d. Subsection B of Section 120-20 is amended as follows:

§ 120-20. Lot, area and yard requirements.

The following lot, area and yard requirements shall apply to the R-2 District:

B. Lot area requirements.

(1) Residential uses.

(a) Single-family detached and attached.

- [1] Minimum lot area, detached: 5,000 square feet.
- [2] Minimum lot area, attached, two units: 3,000 square feet per unit.
- [3] Minimum lot area, attached, three units or more: N/A.

~~[4] Maximum building coverage: 35%.~~

~~[4][5]~~ Maximum lot coverage: 50%.

(b) Two-family.

[1] Minimum lot area: 6,000 square feet.

~~[2] Maximum building coverage: 35%.~~

~~[2][3]~~ Maximum lot coverage: 50%.

(c) Multifamily.

[1] Minimum lot area: 3,000 square feet per unit.

~~[2] Maximum building coverage: 35%.~~

~~[2][3]~~ Maximum lot coverage: 50%.

(2) Nonresidential uses.

(a) Minimum lot area: N/A.

~~(b) Maximum building coverage: 35%.~~

~~(b)(e)~~ Maximum lot coverage: 50%.

e. Subsection J of Section 120-26 is amended as follows:

120-26 Permitted uses.

The following uses are permitted in the R-2 District:

...

J. Places of worship, except in structures originally designed solely for residential purposes.

f. Subsection B of Section 120-28 is amended as follows:

§ 120-28. Lot, area and yard requirements.

The following lot, area and yard requirements shall apply to the R-3 District:

...

B. Lot area requirements.

(1) Residential uses.

(a) Single-family detached and attached.

[1] Minimum lot area, detached: 5,000 square feet.

[2] Minimum lot area, attached, two units: 3,000 square feet per unit.

[3] Minimum lot area, attached, three units or more: N/A.

~~[4] Maximum building coverage: 35%.~~

~~[4]~~[5] Maximum lot coverage: 50%.

(b) Two-family.

[1] Minimum lot area: 6,000 square feet.

~~[2] Maximum building coverage: 35%.~~

~~[2]~~[3] Maximum lot coverage: 50%.

(c) Multifamily.

[1] Minimum lot area: 1,000 square feet per unit for each one- or two-bedroom unit.

[2] Minimum lot area: 1,800 square feet per unit for each three- or more bedroom unit.

[3] Minimum lot area: 9,000 square feet for multifamily buildings over three units.

(2) Nonresidential uses.

(a) Minimum lot area: N/A

g. Section 120-42 is amended to read in its entirety as follows:

120-42. Permitted uses and structures

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building ~~and~~ with hours of operation limited to 6:00 a.m. to 2:00 a.m. Hours of operation limitations do not apply to residential uses.

A. Single-family attached dwellings.

B. Multifamily dwellings.

C. Live-work space, subject to the additional requirements for specified uses in § 120-142.1.

D. Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.

E. Family and group family day-care homes.

F. Adult family day-care homes.

G. Day-care centers, subject to the additional requirements for specified uses in § 120-135.

H. Animal hospitals when conducted entirely within an enclosed building.

- I. Places of worship.
- J. Convents and rectories.
- K. Public and semipublic uses.
- L. Funeral homes and mortuaries.
- M. Retail sales and service, full-line food store, low-impact, and specialty, subject to the additional requirements for specified uses in § 120-146.1.
- N. ~~(Reserved)~~ Mixed uses, as listed in this section, not including industrial uses.
- O. (Reserved)
- P. Limited adult retail store when conducted entirely within an enclosed building.
- Q. Health clubs and similar facilities.
- ~~R. Theaters. (Reserved)~~
- S. Office.
- T. Bars, restaurants and banquet facilities, including accessory outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., excluding drive-through facilities.

h. Subsection R of Section 120-43 is revised as follows:

§120-43. Special permit uses.

The following uses are allowed as special permit uses in the C-2 District:

...

R. Vehicle service stations, subject to the additional requirements for specified uses in § 120-154, with no more than eight pumps (defined as a fueling area for an individual vehicle) that can dispense fuel to no more than eight vehicles at one time.

i. Subsection M of Section 120-50 is revised as follows:

§120-50. Permitted uses and structures.

The following uses are permitted in the C-3 District:

...

~~M. Theaters. (Reserved)~~

j. Subsection C is added to Section 120-62, Permitted uses, as follows.

...

C. Walk-up service windows in the CCD.

k. Subsection C of Section 120-64 is revised as follows:

§120-64 Prohibited uses.

The following uses are prohibited in any building or site in the CCD:

...

~~C. Uses, excluding building parking or outdoor seating/assembly areas, not in a fully enclosed building, excluding building parking, outdoor seating/assembly areas and walk-up service windows.~~

l Subsections A, C, D and E of Section 120-76, PMV Public Market Village District, are revised follows:

A. Permitted uses and structures.



The following uses are permitted in the PMV District:

- (1) Outdoor market.
  - (2) Single-family attached dwelling.
  - (3) Multifamily dwellings.
  - ~~(3)~~ (4) Mixed uses.
  - ~~(4)~~ (5) Live-work spaces.
  - ~~(5)~~ (6) Offices.
  - ~~(6)~~ (7) Public and semipublic uses.
  - ~~(7)~~ (8) Agriculture.
  - ~~(8)~~ (9) Warehouse uses.
  - ~~(9)~~ (10) Wholesale uses.
  - ~~(10)~~ (11) Retail sales and service.
  - ~~(11)~~ (12) Bars, restaurants and the like including outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., but excluding drive-through facilities.
  - ~~(12)~~ (13) Manufacturing uses when the products are sold as retail for an individual consumer.
  - ~~(13)~~ (14) Parks and recreation uses.
  - (15) Places of worship.
- ...

C. Lot, area and yard requirements. The following lot, area and yard requirements shall apply to the PMV District:

- (1) Lot frontage requirements.
  - (a) Residential uses.
    - [1] Minimum lot frontage, attached: N/A.
    - [2] Minimum lot frontage, multifamily: N/A.
  - (b) Nonresidential uses.
    - [1] Minimum lot frontage: N/A.
  
- (2) Lot area requirements.
  - (a) Residential uses.
    - [1] Single-family attached.
      - [a] Minimum lot area, attached: 2,600 square feet.
      - ~~[b] Maximum building coverage: 35%.~~
      - ~~[c] [b] Maximum lot coverage: 50%~~
    - [2] Multifamily.
      - [a] Minimum lot area: 1,000 square feet per unit for one or two bedrooms.
      - [b] Minimum lot area: 1,800 square feet per unit for three or more bedrooms.
      - [c] Minimum lot area: 9,000 square feet for multifamily buildings over three units
  - (b) ~~Nonresidential uses.~~
    - ~~[1] Minimum lot area: N/A~~

D. Bulk requirements. The following requirements shall apply to buildings constructed in the PMV District:

- (1) Building heights.
  - ~~(a) Minimum building height, principal use or structure: 2 1/2 stories or 20 feet.~~
  - ~~(b) (a) Maximum building height, detached accessory use or structure: 20 feet.~~
- ~~(2) Square footage.~~
  - ~~(a) Maximum square footage, principal use or structure: 10,000 square feet.~~

~~(b) Maximum square footage, detached accessory use or structure: N/A.~~

E. Specific standards for the PMV District. In addition to the applicable City-Wide Design Guidelines and Standards in Article XIX, the following shall apply to the PMV District:

(1) Buildings.

(a) Building materials. Concrete block, glass block, and metal are permitted on any façade.

(2) Windows and transparency. All new construction on building facades that are within 60 feet of a street right-of-way or a vehicle or pedestrian way internal to the Rochester Public Market shall provide areas of transparency equal to 40% of the wall area between the height of two feet and eight feet from the ground.

~~(1) (2) Site.~~

~~(a) Parking.~~

~~[1] No parking shall be required in this district.~~

~~[2] Parking may be supplied anywhere in the district and is not required on site.~~

~~(b) Signs and awnings.~~

~~[1] Signs and awnings shall relate through their design, size and height to pedestrians.~~

~~[2] Signs and awnings shall not materially obscure architectural features or details of buildings.~~

~~[3] Wall signs, projecting signs or banners and signage on awning valences are allowed as long as they do not obscure, detract from or otherwise degrade the existing design and architectural style of the building.~~

~~[4] Projecting signs are encouraged.~~

~~[5] Detached signs over four feet in height, advertising signs and roof signs are prohibited.~~

~~[6] New construction or modifications/alterations to existing building facades shall include one prominently displayed building address sign that is pedestrian and automobile oriented. The building name may also be displayed on such sign.~~

m. Subsection A(7)(m) is added to and subsection C of Section 120-77, H-V Harbortown Village District, is revised as follows:

A. Permitted uses and structures. The following uses are permitted as of right in the H-V Harbortown Village District:

...

(7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:

...

(m) Places of worship

C. Lot, area and yard requirements. The following lot, area and yard requirements shall apply to the H-V District:

(1) Lot frontage requirements.

(a) Residential uses.

[1] Minimum lot frontage, detached dwelling: average frontage of lots on which the property is located.

[2] Minimum lot frontage, attached dwelling: N/A.

[3] Minimum lot frontage, multifamily dwelling: N/A.

- (b) Nonresidential uses.
  - [1] Minimum lot frontage: N/A.
- (2) Lot area requirements.
  - (a) Residential uses.
    - [1] Single-family detached.
      - [a] Minimum lot area: 5,000 square feet.
      - ~~[b] Maximum building coverage: 35%.~~
      - ~~[b][c]~~ Maximum lot coverage: 50%.
    - [2] Single-family attached.
      - [a] Minimum lot area, attached: N/A.
      - ~~[b] Maximum building coverage: 35%.~~
      - ~~[b][c]~~ Maximum lot coverage: 50%.
    - [3] Multifamily.
      - [a] Minimum lot area: N/A
  - (b) Nonresidential uses.
    - [1] Minimum lot area: N/A.
    - ~~[2] Maximum building coverage: N/A.~~
    - ~~[2][3]~~ Maximum lot coverage: N/A.

n. Subsections C(4)(i), (j) and (k) of Section 120-77.2, M-D Marina District, are amended as follows:

C. Building function (use) standards...

- ...
- (4) Prohibited uses. The following uses are prohibited in the Marina District:
  - ...
  - ~~(i) Places of worship;~~
  - ~~(j)~~ (i) Warehouses;
  - ~~(k)~~ (j) Recycling centers.

o. Subsection A of Section 120-92 is amended as follows:

- § 120-92. Lot, area and yard requirements.
- The following lot, area and yard requirements shall apply to O-S District:
  - A. Lot frontage requirements.
    - (1) Minimum lot frontage: N/A.
  - B. Lot area requirements.
    - (1) Minimum lot area: N/A.
    - ~~(2) Maximum building coverage: N/A.~~
    - ~~(2)(3)~~ Maximum lot coverage: N/A.

p. Subsection M of Section 120-120 is amended as follows:

§ 120-120. Zoning designations and modifications.

- M. Erie Canal Urban Renewal District.
  - (1) Permitted uses:

- (a) Multi-purpose stadium with associated concessions, parking and pedestrian ways.
- (b) Offices.
- (c) Athletic fields.
- (d) Retail sales and service.
- (e) Restaurants, including accessory outdoor seating/assembly areas.
- (2) Lot and yard requirements.
  - (a) Lot area requirements.
  - [1] ~~Maximum building coverage: N/A.~~
  - [1][2] Minimum lot coverage: 80%

q. Subsections B of Section 120-129, Purpose, is amended as follows:

~~B. The Planning Commission may, in approving a special permit outlined in this article, waive any of the requirements imposed by this article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. For permitted uses, an area variance shall be required to waive any of the requirements imposed by this article. For uses listed in this article that require a special permit, the Planning Commission may waive any of the requirements imposed by this article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. For those instances when a use listed in this article is a permitted use, an area variance from the Zoning Board of Appeals shall be required to waive any of the requirements imposed by this article.~~ Prior to making a waiver determination, the Planning Commission or the Zoning Board of Appeals shall ~~have a recommendation from staff~~ evaluate the following factors:

...

r. Subsections A(9) and A(10) of Section 120-149 are as follows:

~~(9) (Reserved) Temporary handicapped access ramps located in the front yard, subject to the following:~~

- ~~(a) All ramp components shall be capable of being readily dismantled without the need for excavation;~~
- ~~(b) Alternative locations to the front yard were explored;~~
- ~~(c) Such facilities do not obstruct access to required parking;~~
- ~~(d) Such facilities are landscaped to reduce visual impacts when necessary;~~
- ~~(e) The dimensions of such facilities do not exceed Building Code requirements and do not require significant alterations to front porches, entrances and other architectural features and do not block windows;~~
- ~~(f) The facilities shall be removed when no longer necessary, and the front yard shall be restored to its original condition.~~

(10) Food truck, ~~and trailer~~ and cart vending, subject to the following:

- (a) The Director of Planning and Zoning may approve up to 60 food ~~truck or trailer~~ vending events per calendar year, except for:
  - [1] Special events approved through the Communications Office;
  - [2] Events approved by the Director of the Public Market on Public Market property;

[3] Food ~~vending trucks or trailers operating~~ in public parks approved by the Department of Recreation and Youth Services and/or the Monroe County Parks Department;

[4] Food ~~trucks or trailers~~ vending included in the approval of farmer's markets operating on private property.

(b) Properties with the following legally established uses may apply for the temporary operation of food ~~trucks or trailers~~ vending:

[1] Single-family, two-family, and multifamily residential (up to two events per year);

[2] Nonprofit, places of worship, and educational institutions (up to 60 events per year);

[3] Government entities (up to 60 events per year);

[4] Office, warehouse, industrial (up to 60 events per year);

[5] Mixed-use, retail, bars/restaurants (up to 60 events per year).

(c) Hours shall be limited to the permitted hours for outdoor uses in the zoning district. In no case shall food ~~truck or trailer~~ vending operation in residential districts be permitted between 9:00 p.m. and 9:00 a.m.

(d) The Director of Planning and Zoning shall notify all property owners, both within and outside the municipal boundaries of the City of Rochester, within 100 feet from the property line of approved food ~~truck or trailer~~ vending events occurring three or more times per calendar year, and the official neighborhood contacts. At a minimum, the owners of 15 properties shall receive such notification.

(e) If the applicant for the temporary certificate of zoning compliance is not the property owner, the expressed, written permission of the property owner is required.

(f) In all cases, the temporary certificate of zoning compliance is valid for the calendar year and may be renewed on an annual basis.

(g) Food ~~truck or trailer~~ vending operation approved by a temporary certificate of zoning compliance shall also comply with all requirements and directives of the Rochester Fire Department and the Rochester Police Department.

(h) The temporary certificate of zoning compliance shall only approve operation for food ~~trucks and trailers~~ vending operators that possess a valid solicitor's license issued by the City Clerk's office.

s. Subsections A (2) and B of Section 120-159 are amended as follows:

§120-159. Nonresidential and mixed-use building standards.

The following design standards apply to nonresidential and mixed-use development. They apply to new construction, including additions to existing structures, and to substantial repair or rehabilitation of the exterior facade of an existing structure. In the case of repair or rehabilitation, only those standards that relate to the specific repair or rehabilitation activities conducted shall apply.

A. Building materials.

...

(2) Facades. The following building materials are prohibited on any facade:

(a) Plain concrete block, except in the M-1 District.

- (b) Glass block, except in the C-3 and M-1 Districts.
- (c) Exposed aggregate (rough finish) concrete wall panels, except in the M-1 District.
- (d) Exterior insulating finish systems (EIFS) ~~on the first floor installed lower than 4 feet above grade on any building façade~~, except in the C-3 and M-1 Districts.
- (e) Exterior insulating finish systems (EIFS) installed lower than 8 feet above grade on any building façade within 10 feet of a public right-of-way, except in the C-3 and M-1 Districts.
- ~~(e)~~ (f) T-111 composite plywood or oriented strand board (OSB) siding.
- ~~(f)~~ (g) Plastic.
- ~~(g)~~ (h) Vinyl, except cellular vinyl trim may be used as decorative or detail elements for up to 25% of the façade.
- (i) Metal, except in the PMV, C-3, and M-1 Districts. In all other districts, metal may be used as decorative or detail elements for up to 30% of the façade.

B. Windows and transparency.

- (1) Renovations of the first floor of existing buildings within 60 feet of a street right-of-way shall not decrease the area of transparency. Where feasible, renovations shall increase the area of transparency to that required for new construction unless the original historic character of the building requires less transparency area.
- (2) All ~~glazing windows~~ shall be clear or lightly tinted.
- (3) For sites in C-1, C-2, H-V, PMV, and C-V Districts, all new construction on building facades that are within 60 feet of a street shall provide areas of transparency equal to 70% of the wall area between the height of two feet and eight feet from the ground.
  - (a) For sites with frontage on one street, the transparency requirement is applied to that frontage.
  - (b) For sites with frontage on more than one street, the transparency requirement is applied to all frontage on streets classified as principal arterials, minor arterials and collector streets.
  - (c) For sites with frontage on local streets only, the transparency requirement is applied to one frontage.
- (4) In the C-3 and M-1 Districts, when offices are part of new industrial construction, the entry to such offices shall have direct access from street frontages and parking areas. Offices that are part of new industrial construction and new construction of commercial buildings within 60 feet of street rights-of-way shall provide areas of transparency equal to 40% of the wall area between the height of two feet and eight feet from the ground. The percentage of ~~glazing transparency~~ required on buildings may be reduced by 10% to 20% of the wall area required amount and the cost difference dedicated to streetscape improvements if landscaping improvements consisting of one tree of at least two-inch caliper for every 20 feet of lot frontage are installed between the building and the public street.
- (5) The use of opaque materials such as plywood, brick, metal or sheet rock to cover or fill a window opening is prohibited.
- (6) The installation of any device which obstructs transparency or impacts the architectural design of a window is not permitted. This prohibition does not apply to nonpermanent devices such as curtains, blinds, shades and nonopaque roll-down grills.
- (7) In addition to the standards of this section, new construction and reoccupancy of an existing building with ~~high impact retail sales and service and pawnbrokers~~ are subject to the design standards of § 120-146.1B.

t. Section 120-162 is amended as follows:

§ 120-162. Purpose.

A. The requirements applying to all districts regulate activities, uses, structures, conditions and treatments that may be present on a property whether or not a principal structure or use is present. These requirements contribute to and promote the health, safety, comforts, conveniences and/or necessities of the property's occupants, the immediate neighborhood and/or the entire Rochester community. These requirements apply to all districts except the CCD.

B. For uses that require a special permit, the Planning Commission may waive any of the requirements imposed by this article when it finds such action is warranted by reason of the unique physical conditions of the particular property or by reason of the particular character of surrounding properties. For uses that do not require a special permit, a requirement imposed by this article may be waived by the Zoning Board of Appeals by means of a use or area variance in accordance with §120-195B. Prior to making a determination, the Planning Commission or the Zoning Board of Appeals shall evaluate the following factors:

- (1) The size and intensity of such use.
- (2) The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.
- (3) The obstruction of light or air or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties.
- (4) The overall effect on values and utilization of neighboring properties.
- (5) Unusual topography of the location, and the nature, location and height of buildings, walls, stacks, fences, grades and landscaping on the site.
- (6) The extent, nature and arrangement of parking facilities, entrances and exits.
- (7) Problems of fire and police protection.
- (8) Preservation and/or upgrading of the neighborhood character.
- (9) The availability of adequate sewer and water supply.
- (10) All other standards prescribed by these regulations.

u. Subsections A(6),(7) and B(15),(16) of Section 120-163, Accessory uses and structures, are amended as follows:

A. For residential uses, the following accessory uses and structures are permitted:

....

(6) Handicapped access ramps and wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.

~~(6) Handicapped access ramps, installed permanently, when located in the side or rear yard, provided that the ramp does not obstruct access to required parking.~~

~~(7) Vertical wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.~~

B. For nonresidential uses, the following accessory uses and structures are permitted:

...

(15) Handicapped access ramps and wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.

~~(15) Handicapped access ramps, installed permanently, when located in the side or rear yard, provided that the ramp does not obstruct access to required parking.~~

~~(16) Vertical wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.~~

v. Subsection B(5) of Section 120-167, Fences and walls, is amended as follows:

B. Fence height.

...

(5) Within residential and village center districts, no fence shall exceed or wall over threefour feet in height ~~shall be constructed in~~ within the front yard of any lot, other than a retaining wall made necessary retaining wall by a natural topographic grade change.

w. One of the listed uses in Subsection C(1) of Section 120-173, Off-street parking, is revised as follows:

C. Required parking spaces.

(1) Vehicular parking. For the following uses, the number of off-street parking spaces shall include:

Use	Minimum
...	
Auditorium <del>and theaters</del>	1 per 4 seats

x. Subsections A(4)(c)[5] and 120-191D(3)(a)[5] of Section 120-191, Procedures approved by the Manager of Zoning, are amended as follows:

A. Administrative Adjustment

...

(4) Procedures

...

(c) Approval or Denial

...

~~[5]. (Reserved)The Director of Planning and Zoning shall have the authority to approve an administrative adjustment for four foot high front yard fencing, where the existing, legally installed fencing in the area has been established at that height and which is consistent with the overall character of the neighborhood.~~

D. Site plan review.

...

(3) Site plan review thresholds for minor and major site plan reviews. Site plan review in accordance with this section shall be required in the following cases, with the exception of



accessory structures not changing land use or density and projects involving no site or external structural alterations:

(a) Minor site plan review shall be required for any development or redevelopment that includes construction, enlargement or addition to any building or any site preparation for a site or use that may not include or require a building and meets one of the following:

...

[5] Parking lots over 10 spaces, ~~whether the principal use or serving a principal use on the same lot,~~ that do not meet the requirements for parking lots in § 120-173F.

y. Subsection I of Planned Development District No. 18—1201 Elmwood Avenue is amended as follows:

I. Additional Regulations:

- (1) The planned development is subject to the requirements set forth in Article XVII of the Zoning Code regarding planned development districts.
- (2) Development and/or redevelopment in PD#18 is subject to requirements applying to all districts (Article XX) except when waived by the Manager of Zoning in the review and approval of a site plan for incremental development.
- (3) Development and/or redevelopment in PD#18 is subject to the City-Wide Design Guidelines and Standards Article XIX, § 120-157, § 120-158 and § 120-159, except for:
  - a. § 120-158C, Building entrances.
  - b. § 120-159B (3), Transparency. The minimum transparency requirements for all new construction on building facades in Subarea 1 within 60 feet of a public right-of-way shall provide the following areas of transparency between the height of two feet and eight feet above grade:
    - i. For buildings 1 and 2: 50%
    - ii. For the hotel: 40%

z. Subsections H and I of Planned Development District No. 19— Education Success Campus are amended as follows:

H. Signage. A sign program shall be developed for the district which will include building and/or tenant identification, way finding and event promotion. The sign program shall be subject to site plan review approval by the ~~Director~~ Manager of Planning and Zoning.

I. Additional Requirements.

- (1) The enlargement of existing buildings within the “Building Development Envelope” depicted on the approved site plan is subject to a minor site plan review approval by the ~~Director~~ Manager of Planning and Zoning. New buildings that are not considered accessory or building enlargements beyond the “Building Development Envelope” are subject to major site plan review approval by the Director of Planning and Zoning.

- (2) This planned development is subject to the requirements set forth in Article XVII (PD Planned Development District) of the City of Rochester Zoning Code.
- (3) Uses in PD District No. 19 are subject to the requirements set forth in Article XX (Requirements Applying to All Districts) of the City of Rochester Zoning Code, except where they are superseded by the regulations set forth in this district.

Section 3. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended to adopt new zoning district summary charts as follows:

- a. the Summary Chart of Regulations incorporated into the Zoning Code in §120-13 is replaced with the following chart:

**Summary Chart of R-1 Regulations**

Requirement	Residential			Non-residential
	Single family detached	Single family attached (2 units)	Single family attached (3 or more units)	
Minimum lot frontage	Average frontage of lots on block	30 feet per unit	N/A	N/A
Minimum lot area	5,000 square feet	3,000 sf per unit	N/A	N/A
Maximum lot coverage	50%			50%
<b>Front Yard</b>				
Minimum front yard setback, principal use or structure	The average front yard depth of buildings on the two lots adjoining a property; or the average front yard depth of the buildings on the block frontage on which the property is located; or 20 feet			Average front yard depth of building(s) on the block on which the property is located or 20 feet, whichever is more, but in no case more than five feet larger than the average of the front yard depth of buildings on the two adjoining lots
Maximum front yard setback, principal use or structure	The average front yard depth of buildings of the two lots adjoining a property; or the average front yard depth of buildings on the block frontage			N/A
Minimum front yard setback, attached garages and carports	Front yard of the principal use or structure plus 10 feet			N/A
<b>Side Yard</b>				
Minimum side yard setback,	Five feet minimum with a combined width of both side yards of 15 feet			10 feet minimum with a combined width of both side

detached principal use or structure		yards of 25 feet
Minimum side yard setback, attached principal use or structure	Zero, except when adjacent to a detached structure, in which case the setback shall be five feet minimum with a combined width of both side yards of 15 feet	10 feet minimum with a combined width of both side yards of 25 feet
Attached accessory structures	Five feet minimum with a combined width of both side yards of 15 feet	N/A
Minimum side yard setback, detached accessory use or structure	N/A	10 feet
<b>Rear Yard</b>		
Minimum rear yard setback, principal use or structure	20 feet or the average rear yard setback on the block on which the property is located, but in no case less than 10 feet	20 feet
Minimum rear yard setback, detached accessory use or structure	N/A	10 feet
<b>Bulk</b>		
Maximum building height, principal use or structure	2 ½ stories not to exceed 35 feet	2 ½ stories not to exceed 35 feet
Maximum building height, detached accessory use or structure	15 feet	15 feet

b. the Summary Chart of Regulations incorporated into the Zoning Code in §120-22 is replaced with the following chart:

**Summary Chart of R-2 Regulations**

Requirement	Residential				Nonresidential	
	Single family			Two-Family	Multi-family	
	Detached	Attached 2 units	Attached 3+ units			
Minimum lot frontage	Average frontage of lots on block	30 feet per unit	N/A	Average frontage of lots on block	N/A	N/A

Minimum lot area	5,000 sf	3,000 sf per unit	N/A	6,000 sf	3,000 sf per unit	N/A
Maximum lot coverage	50%			50%	50%	50%
<b>Front Yard</b>						
Minimum front yard setback, principal use or structure	The average front yard depth of buildings on the two lots adjoining a property; or the average front yard depth of buildings on the block frontage on which the property is located; or 20 feet				Average front yard depth of building(s) on the block on which the property is located or 20 feet, whichever is more, but in no case more than 5 feet larger than the average of the front yard depth on buildings on the two adjoining lots	
Maximum front yard setback, principal use or structure	The average front yard depth of buildings of the two lots adjoining a property; or the average front yard depth of buildings on the block frontage					
Minimum front yard setback, attached garages and carports	The front yard of the principal use or structure plus 10 feet					
<b>Side Yard</b>						
Minimum side yard setback, detached principal use or structure	5 feet minimum with a combined width of both side yards of 15 feet				10 feet minimum with a combined width of both side yards of 25 feet	
Minimum side yard setback, attached principal use or structure	0, except when adjacent to a detached structure, in which the case the setback shall be 5 feet minimum with a combined width of both side yards of 15 feet					
Attached accessory structures	5 feet minimum with a combined width of both side yards of 15 feet					
Minimum side yard setback, detached accessory use or structure	N/A				10 feet	
<b>Rear Yard</b>						
Minimum rear yard setback, principal use or structure	20 feet or the existing setback, but in no case less than 10 feet				10 feet	
Minimum rear yard setback, detached accessory use or structure	N/A				10 feet	
<b>Bulk</b>						

Maximum building height, principal use or structure	2 ½ stories not to exceed 35 feet	2 ½ stories not to exceed 35 feet
Maximum building height, detached accessory use or structure	15 feet	15 feet

c. the Summary Chart of Regulations incorporated into the Zoning Code in §120-30 is replaced with the following chart:

**Summary Chart of R-3 Regulations**

Requirement	Residential						Two-Family	Non-residential
	Single family			Multifamily				
	Detached	Attached, 2 units	Attached, 3 or more units	1 or 2 Bed-rooms	3 or More Bed-rooms	Over 3 Units		
Minimum lot frontage	40 feet	30 feet per unit	N/A	N/A			30 feet	N/A
Minimum lot area	5,000 sf	3,000 sf per unit	N/A	1,000 sf per unit	1,800 sf per unit	9,000 sf	6,000 sf	N/A
Maximum lot coverage	50%			N/A			50%	N/A
<b>Front Yard</b>								
Minimum front yard setback, principal use or structure	Where applicable, the average front yard depth of buildings on the two lots adjoining a property; or the average front yard depth of buildings on the block frontage on which the property is located; or 20 feet.						Average front yard depth of building (s) on the block or 20 feet, whichever is more.	
Maximum front yard setback, principal use or structure	Where applicable, the average front yard depth of buildings of the two lots adjoining a property; or the average front yard depth of buildings on the block frontage							
Minimum front yard setback,	The front yard of the principal use or structure, plus 10 feet.							

attached garages and carports				
<b>Side Yard</b>				
Minimum side yard setback, detached principal use or structure.	5 feet minimum with a combined with a combined width of both side yards of 15 feet.	1/3 the building height or 10 feet, whichever is greater.	5 feet minimum with a combined width of both side yards of 15 feet.	1/3 of the building height or 10 feet, whichever is greater
Minimum side yard setback, attached principal use or structure	Zero, except when adjacent to a detached structure, in which case the setback shall be five feet minimum with a combined width of both side yards of 15 feet.			
Attached accessory structures	5 feet minimum with a combined with a combined width of both side yards of 15 feet.			
Minimum side yard, detached accessory use or structure	N/A			10 feet
<b>Rear Yard</b>				
Minimum rear yard setback, principal use or structure	1/3 the building height or 20 feet, whichever is greater.			1/3 the building height or 20 feet, whichever is greater.
Minimum rear yard, detached accessory use or structure	N/A			10 feet
<b>Bulk</b>				
Maximum building height, principal use or structure	Two times the width of the lot frontage			Two times the width of the lot frontage.
Maximum building height, detached accessory use or structure	15 feet			15 feet.

d. the Summary Chart of Regulations incorporated into the Zoning Code in §120-38 is replaced with the following chart:

**Summary Chart of C-1 Regulations**

<b>Requirement</b>	<b>Residential</b>	<b>Nonresidential</b>
	Attached single-family dwellings	
Minimum lot frontage	N/A	N/A
Minimum lot area	N/A	N/A
<b>Front Yard</b>		
Maximum front yard setback	Zero to five feet or average front yard depth of building(s) along the corridor and within the commercial district where the property is located	Zero to five feet. In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed
<b>Side Yard</b>		
Minimum side yard, principal use or structure	Zero feet unless adjacent to a residential district, in which case the side yard shall be the same as the adjacent residential district	Zero feet unless adjacent to a residential district, in which case the side yard shall be the same as the adjacent residential district
Minimum side yard, detached accessory use or structure	N/A	N/A
<b>Rear Yard</b>		
Minimum rear yard, principal use or structure	Zero feet unless adjacent to a residential district, in which case the rear yard shall be the same as the adjacent residential district	Zero feet unless adjacent to a residential district, in which case the rear yard shall be the same as the adjacent residential district
Minimum rear yard, detached accessory use or structure	N/A	N/A
<b>Bulk</b>		
Minimum building height	Two stories or 20 feet	Two stories or 20 feet
Maximum building height, detached accessory use or structure	15 feet	15 feet
Maximum square footage principal use or structure	N/A	3,000 square feet
Maximum square footage, detached accessory use or structure	N/A	1,000 square feet

e. the Summary Chart of Regulations incorporated into the Zoning Code in §120-46 is replaced with the following chart:

**Summary Chart of C-2 Regulations**

<b>Requirement</b>	<b>Residential</b>		<b>Nonresidential</b>
	Single-family	Multi-family	

	Attached (2 units)	Attached (3 or more units)	1 or 2 bedroom units	3 or more bedroom units	
Minimum lot frontage	30 feet per unit	N/A	N/A		N/A
Minimum lot area	2,600 square feet	N/A	1,000 square feet per unit	1,800 square feet per unit	N/A
<b>Front Yard</b>					
Minimum front yard setback, principal use or structure	Average front yard depth of buildings on the block on which the property is located, but in no case more than five feet larger than the average of the front yard depth on buildings on the two adjoining lots				
Minimum front yard setback, attached garages	The front yard depth of the principal use or structure plus 10 feet				
Maximum front yard setback	N/A				Zero to five feet. In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed
<b>Side Yard</b>					
Minimum side yard setback, principal use or structure	N/A				Zero feet unless adjacent to a residential district, in which case the side yard shall be the same as the adjacent residential district
Minimum side yard setback, detached accessory use or structure	N/A				N/A
<b>Rear Yard</b>					
Minimum rear yard setback, principal use or structure	N/A				Zero feet unless adjacent to a residential district, in which case the rear yard shall be the same as the adjacent residential district
Minimum rear yard setback, detached accessory use or structure	N/A				N/A



<b>Bulk</b>		
Minimum building height, principal use or structure	20 feet	
Maximum building height, detached accessory use or structure	20 feet	
Maximum square footage, principal use or structure	N/A	6,000 square feet
Maximum square footage, detached accessory use or structure	N/A	N/A

f. the Summary Chart of C-3 Regulations incorporated into the Zoning Code by §120-54 is replaced with the following chart:

**Summary Chart of C-3 Regulations**

<b>Requirement</b>	<b>Nonresidential</b>
Minimum lot frontage	N/A
Minimum lot area	N/A
<b>Front Yard</b>	
Minimum front yard setback	N/A
<b>Side Yard</b>	
Minimum side yard, principal use or structure	Zero feet unless adjacent to a residential district, in which case the side yard shall be 30 feet
Minimum side yard, detached accessory use or structure	N/A
<b>Rear Yard</b>	
Minimum rear yard, principal use or structure	Zero feet unless adjacent to a residential district, in which case the side yard shall be 30 feet
Minimum rear yard, detached accessory use or structure	N/A
<b>Bulk</b>	
Minimum building height, principal use or structure	N/A
Minimum building height, detached accessory use or structure	N/A
Maximum square footage per use, principal use or structure	N/A
Maximum square footage per use, detached accessory use or structure	N/A

g. the Summary Chart of M-1 Regulations incorporated into the Zoning Code by §120-86 is replaced with the following chart:

**Summary Chart of M-1 Regulations**

<b>Requirement</b>	<b>Residential</b>	<b>Nonresidential</b>
Minimum lot frontage	N/A	
Minimum lot area	N/A	
<b>Front Yard</b>		
Minimum front yard setback	N/A unless adjacent to a residential district, in which case the front yard shall be the same as the required front yard setback in the residential district	N/A unless adjacent to a residential district, in which case the front yard shall be the same as the required front yard setback in the residential district
<b>Side Yard</b>		
Minimum side yard setback	N/A unless adjacent to a residential district, in which case the side yard shall be the same as the required side yard setback in the residential district	N/A unless adjacent to a residential district, in which case the side yard shall be the same as the required side yard setback in the residential district
Minimum side yard setback, detached accessory use or structure	N/A	N/A
<b>Rear Yard</b>		
Minimum rear yard setback, principal use or structure	N/A unless adjacent to a residential district, in which case the rear yard shall be the same as the required rear yard setback in the residential district	N/A unless adjacent to a residential district, in which case the rear yard shall be the same as the required rear yard setback in the residential district
Minimum rear yard setback, detached accessory use or structure	N/A	N/A
<b>Bulk</b>		
Minimum building height	N/A	N/A
Maximum square footage per use	N/A	N/A

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Haag  
September 19, 2017

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

- Int. No. 336            Authorizing agreements and appropriating funds for Eastman Trail Phase I
- Int. No. 337            Authorizing agreements for architectural service for City facilities
- Int. No. 338            Authorizing agreements for mechanical, electrical and plumbing engineering services for City facilities
- Int. No. 339            Authorizing an agreement with the Town of Lima Water District 1 for the purchase of water and amending the Municipal Code with respect to wholesale water rates

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

- Int. No. 334            Authorizing pavement width changes, acquisition of parcels and official map amendments related to the Alpha Street Group Project
- Int. No. 335            Authorizing pavement width changes, acquisition of parcels and official map amendments related to the East Henrietta Road Improvement Project

Respectfully submitted,  
Matt Haag  
Michael A. Patterson  
Elaine M. Spaul  
Dana K. Miller  
Loretta C. Scott

**PARKS & PUBLIC WORKS COMMITTEE**

**TO THE COUNCIL**  
Ladies and Gentlemen:

Ordinance No. 2017-300

Re: Alpha Street Group Project

Transmitted herewith for your approval is legislation related to street improvements for the Alpha Street Group Project. This legislation will:

1. Authorize an increase in the pavement width of Alpha Street from Meriden Street to Beach Avenue, from an existing width of 24 feet to 26 feet, beginning at Meriden Street to 233 feet east to Beach Avenue;
2. Authorize an increase in the pavement width of Wilder Terrace from Alpha Street east along Wilder Terrace, from an existing width of approximately 20 feet to 38 feet, beginning approximately 52 feet east of Alpha Street to 341 feet east of the point of beginning (intersection of Wilder and Alpha);
3. Authorize the acquisition, by negotiation or condemnation, of two de minimus parcels at 283 and 295 Beach Avenue; and
4. Amend the Official Map by dedicating public right-of-way from the two properties noted above for street purposes.

Streets included in the project group are: Alpha Street (Wilder Terrace to Beach Avenue); Wilder Terrace (Alpha Street to Beach Avenue); Meriden Street (Alpha Street to Wilder Terrace); and Braddock Street (Alpha Street to Henley Street). The improvement project will consist of pavement reconstruction or rehabilitation; new stone curbs with underdrain pipe; new driveway aprons; limited sidewalk replacements; street lighting upgrades; new water main on Braddock Street and on a short section of Wilder Terrace; replacement of all lead and galvanized water services with polyethylene pipe; installation of corrosion resistant anodes on the Meriden Street water main; replacement of catch basins within the reconstruction sections; replacement of capstone catch basins within the rehabilitation sections; manhole cover and catch basin grate adjustments; and the restoration of all affected lawn areas. A stormwater pollution prevention plan is required for this project. Stormwater management practices will be required for quality and likely quantity measures, for example, porous pavement, pervious concrete, bioswales, dry swales, rain gardens, etc.

The proposed acquisitions will allow for the upgrade of the adjacent curb ramps to meet the required guidelines of the Americans with Disabilities Act. The value of this property was established by an independent appraisal performed by Bruckner, Tillett, Rossi, Cahill & Associates. The total acquisition costs, including closing costs, will not exceed \$3,000 and will be financed from 2014-15 Cash Capital.

<u>Address</u>	<u>Property Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
283 Beach Avenue	Victoria Scott	14 +/-	\$50
295 Beach Avenue	Theodore R. Sylvio	8 +/-	\$50

The associated Official Map Amendment was recommended by the City Planning Commission on August 7, 2017 by a vote of 7-0; minutes of the meeting are attached.

The project is being designed by the Department of Environmental Services, Bureau of Architecture and Engineering, Street Design Division. Design of the project will be completed in winter 2017 and construction will begin in summer 2018 with substantial completion in fall 2018.

Public meetings were held on December 11, 2014 and February 8, 2017; meeting minutes are attached. A public informational meeting will be held prior to advertising the project for bids.

The pavement width changes were endorsed at the July 18, 2017 Traffic Control Board meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-159

Ordinance No. 2017-300  
(Int. No. 334)

**Authorizing pavement width changes, acquisition of parcels and official map amendments related to the Alpha Street Group Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. In furtherance of the Alpha Street Group Project street, lighting, water and drainage improvements, Council hereby approves the following pavement width changes:

1. Changes to pavement width of Alpha Street:

An increase of 2 feet, from 24 feet to 26 feet, beginning at Meriden Street and extending approximately 233 feet in a northeasterly direction to Beach Avenue.

2. Changes to pavement width of Wilder Terrace:

An increase, from approximately 20 feet to 38 feet, beginning approximately 52 feet in a northeasterly direction from Alpha Street and extending in a northeasterly direction for approximately 341 feet.

Section 2. The Mayor is hereby authorized to acquire for the Project by negotiation or condemnation the *de minimus* parcels of land comprising approximately 14 square feet of the property owned by Victoria Scott at 283 Beach Avenue and approximately 8 square feet of property owned by Theodore Sylvio at 295 Beach Avenue.

Section 3. The Mayor is hereby authorized to amend the Official Map by dedicating as public right-of-way the following portions of the properties that are authorized to be acquired by Section 2 herein:

**LEGAL DESCRIPTION OF LANDS  
TO BE ACQUIRED FOR STREET PURPOSES  
PART OF #283 BEACH AVENUE  
PART OF T.A. #47.38-1-34**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 34, Township 2, Short Range, and being more particularly bounded and described as follows: Beginning at the intersection of the southeasterly ROW line of Alpha

September 19, 2017

Street (50' ROW) and the southwesterly ROW line of Beach Avenue (60' ROW), said intersection being the Point or Place of Beginning; thence

- 1) S 48° 14' 40" E, along said ROW line of Beach Avenue, a distance of 1.52 feet to an angle point; thence
- 2) S 51° 05' 25" E, along said ROW line of Beach Avenue a distance of 3.48 feet to a point; thence
- 3) S 87° 25' 40" W, a distance of 8.66 feet to a point on the said ROW line of Alpha Street; thence
- 4) N 53° 16' 40" E, along said ROW line, a distance of 6.00 feet to the said southwesterly ROW line of Beach Avenue, being the Point or Place of Beginning.

Hereby intending to describe this parcel of land, containing 14 square feet, more or less, all as shown on a map entitled "Map Of Lands To Be Acquired For Street Purposes – SE Corner of Beach Avenue and Alpha Street", dated July 11, 2017, prepared by Jeffrey A. Tiede, L.S.

Being part of the same premises conveyed to Victoria Scott by a deed dated August 10, 2009 and filed in Liber 10777 of Deeds, Page 502.

**LEGAL DESCRIPTION OF LANDS  
TO BE ACQUIRED FOR STREET PURPOSES  
PART OF #295 BEACH AVENUE  
PART OF T.A. #47.38-1-70.1**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 34, Township 2, Short Range, and being more particularly bounded and described as follows: Beginning at the intersection of the northwesterly ROW line of Alpha Street (50' ROW) and the southwesterly ROW line of Beach Avenue (60' ROW), said intersection being the Point or Place of Beginning; thence

- 1) S 53° 16' 40" W, along said ROW line of Alpha Street, a distance of 4.50 feet to point; thence
- 2) N 11° 30' 05" E, a distance of 5.12 feet to a point on the said ROW line of Beach Avenue; thence
- 3) S 48° 14' 40" E, along said ROW line, a distance of 3.50 feet to the said northwesterly ROW line of Alpha Street, being the Point or Place of Beginning.

Hereby intending to describe this parcel of lands, containing 8 square feet, more or less, all as shown on a map entitled "Map Of Lands To Be Acquired For Street Purposes – SW Corner of Beach Avenue and Alpha Street", dated July 11, 2017, prepared by Jeffrey A. Tiede, L.S.

Being part of the same premises conveyed to Theodore R. Sylvio by a deed dated December 3, 2014, filed in Liber 11476 of Deeds, Page 157.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-301  
Re: East Henrietta Road Improvement Project

Transmitted herewith for your approval is legislation related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive). This legislation will:

1. Authorize a change in pavement width on East Henrietta Road as follows :
  - a. from the southern City Line to 200 feet north, an increase of 39 feet from 44 feet to 83 feet transitioning down to 65 feet;
  - b. from the previous point to the southern CityGate entrance, an increase of 21 feet from 44 feet to 65 feet;
  - c. from the southern CityGate entrance to Stan Yale Drive, an increase of 20 feet from 44 feet to 64 feet;
  - d. from Stan Yale Drive to 200 feet north, an increase of 6 feet from 54 feet to 60 feet;
  - e. from the previous point to 100 feet north, an increase of 10 feet transitioning from 60 feet to 70 feet; and
  - f. from the previous point to Westfall Road, an increase of 6 feet from 64 feet to 70 feet.
  
2. Authorize acquisition, by negotiation or condemnation, of six de minimus parcels along East Henrietta Road; and
  
3. Amend the Official Map by dedicating public right-of-way from said parcels.

The street improvement project includes rehabilitation of the pavement, reconfiguration of the roadway, and improvements to the intersection, drainage system, curb, traffic signal, signage, sidewalk, and landscaping.

Four of the acquisitions are required for the installation of the proposed improvements and two are for easements to maintain traffic signal equipment. The value of the property was established by an independent appraisal performed by R.K. Hite Co., Inc. The total acquisition costs, including closing costs, will not exceed \$15,000 and will be financed from 2014-15 Cash Capital.

Address	Property Owner	Sq. Ft.	Value
450 East Henrietta Road	Anthony J. Costello & Son Spencer Development, LLC	656	Donation
450 East Henrietta Road	Anthony J. Costello & Son Spencer Development, LLC	156	Donation
422 East Henrietta Road	Anthony J. Costello & Son Spencer Development, LLC	1,435	Donation
422 East Henrietta Road	Anthony J. Costello & Son Spencer Development, LLC	2,002	Donation
400 East Henrietta Road	Anthony J. Costello & Son	1,154	Donation

September 19, 2017

Spencer Development, LLC

390 East Henrietta Road	Anthony J. Costello & Son Spencer Development, LLC	1,228	Donation
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The pavement width changes will be presented for endorsement at the September 5, 2017 Traffic Control Board meeting and the Board's determination will be forwarded. The associated Official Map Amendment will be presented to the City Planning Commission on September 11, 2017. Minutes and recommendations from that meeting also will be forwarded.

The project is being designed by Stantec Consulting Services Inc. Design of the project will be completed in the fall of 2017 and construction will begin in the spring of 2018 with substantial completion in the fall of 2018.

A public meeting about the project was held on February 28, 2017. A copy of the meeting minutes are attached.

A public hearing on the pavement width changes is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-160

Ordinance No. 2017-301  
(Int. No. 335)

**Authorizing pavement width changes, acquisition of parcels and official map amendments related to the East Henrietta Road Improvement Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. In furtherance of the East Henrietta Road Improvement Project, Council hereby approves the following pavement width changes:

1. Changes in pavement width on East Henrietta Road as follows:

From the southern City Line and extending 200 feet north: an increase of 39 feet, from 44 feet to 83 feet and tapering down to 65 feet.

From the previous point to the southern entrance driveway for CityGate: an increase of 21 feet, from 44 feet to 65 feet.

From the southern entrance driveway for CityGate to Stan Yale Drive: an increase of 20 feet, from 44 feet to 64 feet.

From Stan Yale Drive and extending 200 feet northward: an increase of 6 feet, from 54 feet to 60 feet.



From the previous point and extending 100 feet northward: an increase of 10 feet, so that the width as modified widens from 60 feet to 70 feet.

From the previous point to Westfall Road: an increase of 6 feet, from 64 feet to 70 feet.

Section 2. The Mayor is hereby authorized to acquire by negotiation or condemnation permanent easements for six *de minimus* parcels of land owned by Anthony J. Costello & Son Spencer Development, LLC comprising approximately 656 square feet of the property at 450 East Henrietta Road, 1,435 square feet of property at 422 East Henrietta Road, 156 square feet of property at 450 East Henrietta Road, 2,002 square feet of property at 422 East Henrietta Road, 1,154 of property at 400 East Henrietta Road, and 1,228 square feet of property at 390 East Henrietta Road.

Section 3. The Mayor is hereby authorized to amend the Official Map by dedicating as public right-of-way the following portions of the properties that are authorized to be acquired by Section 2 herein:

**PERMANENT EASEMENT FOR TRAFFIC CONTROL DEVICE  
Portion of 450 East Henrietta Road (TA # 150.22-1-2.12)**

A permanent easement to be exercised for the purpose of constructing, reconstructing and maintaining thereon a traffic control device, together with appurtenances and other facilities in connection therewith, for all that piece or parcel of property located in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.012 to the south and lands denominated as TA# 150.22-1-2.002 to the north, thence along said division line N 87°56'58" E a distance of 6.84 feet to the true point of beginning, said point having the NYS Plane Coordinates of N:1,135,257.29 and E:1,406,633.19 and being 90.26 feet right of and at right angles to station 10+53.78 of the hereinafter described 2016 Survey Baseline; thence N 87°56'58" E continuing along said division line a distance of 41.00 feet to a point, said point being 131.24 feet right of and at right angles to Station 10+52.45 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.012 the following three (3) courses and distances; (1) S 02°07'00" E a distance of 2.00 feet to a point, said point being 131.18 feet right of and at right angles to Station 10+50.45 of said Baseline; (2) S 53°34'48" W a distance of 49.63 feet to a point, said point being 89.32 feet right of and at right angles to Station 10+23.78 of said Baseline; (3) N 02°07'00" W a distance of 30.02 feet to the POINT OF BEGINNING.

The above described parcel contains 656± sq. ft. or 0.015± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

**PERMANENT EASEMENT FOR TRAFFIC CONTROL DEVICE**

**Portion of 422 East Henrietta Road (TA # 150.22-1-2.2)**

A permanent easement to be exercised for the purpose of constructing, reconstructing and maintaining thereon a traffic control device, together with appurtenances and other facilities in connection therewith, for all that piece or parcel of property located in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.012 to the south and lands denominated as LLC TA# 150.22-1-2.002 to the north, thence along said division line N 87°56'58" E a distance of 6.84 feet to the true point of beginning, said point having the NYS Plane Coordinates of N:1,135,257.29 and E:1,406,633.19 and being 90.26 feet right of and at right angles to station 10+53.78 of the hereinafter described 2016 Survey Baseline; thence N 87°56'58" E along said division line a distance of 41.00 feet to a point, said point being 131.24 feet right of and at right angles to Station 10+52.45 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.002 the following three (3) courses and distances; (1) N 02°07'00" W a distance of 35.00 feet to a point, said point being 132.34 feet right of and at right angles to Station 10+87.43 of said Baseline; thence (2) S 87°56'58" W a distance of 41.00 feet to a point, said point being 91.36 feet right of and at right angles to Station 10+88.77 of said Baseline; thence (4) S 02°07'00" E a distance of 35.00 feet to the POINT OF BEGINNING.

The above described parcel contains 1,435± sq. ft. or 0.033± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

**PERMANENT EASEMENT FOR HIGHWAY PURPOSES  
Portion of 450 East Henrietta Road (TA # 150.22-1-2.12)**

A permanent easement to be exercised for the purpose of constructing, reconstructing and maintaining thereon a City Street together with such sidewalks, drainage structures and facilities in connection therewith as may be deemed necessary by the City of Rochester in and to all that piece or parcel of property located in the City of Rochester, County of Monroe and State of New York described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.012 to the south and lands denominated as TA# 150.22-1-2.002 to the north, said point having the NYS Plane Coordinates of N:1,135,257.05 and E:1,406,626.36 and being 83.43 feet right of and at right angles to station 10+54.00 of the hereinafter described 2016 Survey Baseline; thence N 87°56'58" E along said division line a distance of 6.84 feet to a point, said point being 90.26 feet right of and at right angles to Station 10+53.78 of said Baseline; thence S 02°07'00" E through said lands denominated as TA# 150.22-1-2.012 a distance of 45.60 feet to a point on said easterly Highway Boundary of East Henrietta

September 19, 2017

Road (N.Y.S. Route 15A), said point being 88.83 feet right of and at right angles to Station 10+08.20 of said Baseline; thence N 10°38'46" W, along said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A), a distance of 46.12 feet to the POINT OF BEGINNING.

The above described parcel contains 156± sq. ft. or 0.004± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

**PERMANENT EASEMENT FOR HIGHWAY PURPOSES  
Portion of 422 East Henrietta Road (SBL # 150.22-1-2.2)**

A permanent easement for the purpose of constructing, reconstructing and maintaining thereon a City Street together with such sidewalks, drainage structures and facilities in connection therewith as may be deemed necessary by the City of Rochester in and to all that piece or parcel of property located in the City of Rochester, County of Monroe and State of New York described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.012 to the south and lands denominated as TA# 150.22-1-2.002 to the north, said point having the NYS Plane Coordinates of N:1,135,257.05 and E:1,406,626.36 and being 83.43 feet right of and at right angles to station 10+54.00 of the hereinafter described 2016 Survey Baseline; thence N 87°56'58" E along said division line a distance of 6.84 feet to a point, said point being 90.26 feet right of and at right angles to Station 10+53.78 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.002 the following three (3) courses and distances; (1) N 02°07'00" W a distance of 35.00 feet to a point, said point being 91.36 feet right of and at right angles to Station 10+88.77 of said Baseline; thence (2) N 19°14'42" W a distance of 33.95 feet to a point, said point being 82.38 feet right of and at right angles to Station 11+21.50 of said Baseline; thence (3) N 02°07'00" W, a distance of 275.00 feet to a point on the division line between lands denominated as TA# 150.22-1-2.009 to the north and lands denominated as TA# 150.22-1-2.002 to the south, said point being 91.00 feet right of and at right angles to Station 13+96.37 of said Baseline; thence S 88°05'00" W along said division line a distance of 5.00 feet to a point on said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A), said point being 86.01 feet right of and at right angles to Station 13+96.54 of said Baseline; thence along said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) the following two (2) courses and distances; (1) S 02°07'00" E a distance of 288.06 feet to a point, said point being 76.98 feet right of and at right angles to Station 11+08.63 of said Baseline; thence (2) S 10°38'46" E a distance of 55.00 feet to the POINT OF BEGINNING.

The above described parcel contains 2,002± sq. ft. or 0.046± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

September 19, 2017

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

**PERMANENT EASEMENT FOR HIGHWAY PURPOSES  
Portion of 400 East Henrietta Road (TA #150.22-1-2.9)**

A permanent easement for the purpose of constructing, reconstructing and maintaining thereon a City Street together with such sidewalks, drainage structures and facilities in connection therewith as may be deemed necessary by the City of Rochester in and to all that piece or parcel of property located in the City of Rochester, County of Monroe and State of New York described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.002 to the south and lands denominated as TA# 150.22-1-2.009 to the north, said point having the NYS Plane Coordinates of N:1,135,598.97 and E:1,406,605.56 and being 86.01 feet right of and at right angles to station 13+96.54 of the hereinafter described 2016 Survey Baseline; thence N 88°05'00" E along said division line a distance of 5.00 feet to a point, said point being 91.00 feet right of and at right angles to Station 13+96.37 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.009 the following four (4) courses and distances; (1) N 02°07'00" W a distance of 91.27 feet to a point, said point being 93.87 feet right of and at right angles to Station 14+87.60 of said Baseline; thence (2) N 02°22'40" W a distance of 35.00 feet to a point, said point being 94.80 feet right of and at right angles to Station 15+22.58 of said Baseline; (3) N 37°18'19" E a distance of 14.09 feet to a point, said point being 103.57 feet right of and at right angles to Station 15+39.66 of said Baseline; thence (4) N 02°22'40" W a distance of 30.00 feet to a point on the division line between lands denominated as TA# 150.22-1-2.008 to the north and lands denominated as TA# 150.22-1-2.009 to the south, said point being 102.50 feet right of and at right angles to Station 15+69.64 of said Baseline; thence S 87°40'59" W along said division line a distance of 14.00 feet to a point on said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A), said point being 88.51 feet right of and at right angles to Station 15+69.16 of said Baseline; thence along said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) the following two (2) courses and distances; (1) S 02°22'40" E a distance of 75.85 feet to a point, said point being 88.87 feet right of and at right angles to Station 14+87.74 of said Baseline; thence (2) S 02°07'00" E a distance of 91.24 feet to the POINT OF BEGINNING.

The above described parcel contains 1,154± sq. ft. or 0.027± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 10+00.00; thence N 03°54'47" W to Station 15+28.03, thence N 00°20'33" W to Station 17+97.75.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

**PERMANENT EASEMENT FOR HIGHWAY PURPOSES  
Portion of 390 East Henrietta Road (TA # 150.22-1-2.8)**

September 19, 2017

A permanent easement to be exercised for the purpose of constructing, reconstructing and maintaining thereon a City Street together with such sidewalks, drainage structures and facilities in connection therewith as may be deemed necessary by the City of Rochester in and to all that piece or parcel of property located in the City of Rochester, County of Monroe and State of New York and described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) and the division line between lands denominated as TA# 150.22-1-2.009 to the south and lands denominated as TA# 150.22-1-2.008 to the north, said point having the NYS Plane Coordinates of N:1,135,765.93 and E:1,406,599.04 and being 88.51 feet right of and at right angles to station 15+69.16 of the hereinafter described 2016 Survey Baseline; thence N 87°40'59" E along said division line a distance of 14.00 feet to a point, said point being 102.50 feet right of and at right angles to Station 15+69.64 of said Baseline; thence through said lands denominated as TA# 150.22-1-2.008 the following three (3) courses and distances; (1) N 02°22'40" W a distance of 26.00 feet to a point, said point being 101.58 feet right of and at right angles to Station 15+95.62 of said Baseline; thence (2) N 62°55'48" W a distance of 11.48 feet to a point, said point being 91.38 feet right of and at right angles to Station 16+00.91 of said Baseline; thence (3) N 02°22'40" W a distance of 208.00 feet to a point on said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A), said point being 80.82 feet right of and at right angles to Station 18+23.17 of said Baseline; thence along said easterly Highway Boundary of East Henrietta Road (N.Y.S. Route 15A) the following two (2) courses and distances; (1) S 21°14'00" W a distance of 9.99 feet to a point, said point being 78.81 feet right of and at right angles to Station 18+13.38 of said Baseline; thence (2) S 02°22'40" E a distance of 230.48 feet to the POINT OF BEGINNING.

The above described parcel contains 1,228± sq. ft. or 0.028± acre.

The above mentioned survey baseline is a portion of the 2016 Survey Baseline for the reconstruction of a portion of East Henrietta Road (N.Y.S. Route 15A) as shown on a map and plan on file in the City of Rochester Department of Environmental Services and described as follows:

Beginning at Station 15+28.03, thence N 00°20'33" W to Station 17+97.75, thence N 09°38'08" E to Station 22+04.67.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

Passed unanimously.  
TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-302  
Re: Agreement – C&S Engineers, Inc.,  
Eastman Trail Phase I

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Eastman Trail Phase I project. This legislation will:

September 19, 2017

1. Authorize the Mayor to enter into agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project; and
2. Appropriate \$1,400,000 in anticipated reimbursements from the Federal Highway Administration to finance design, construction and inspection services; and
3. Authorize an agreement establishing \$400,000 as maximum compensation for an agreement with C&S Engineers, Inc., Rochester, New York, for design and inspection services related to the project.

This federal aid project will result in a new trail connection between the State's planned Route 390 Trail in the west and Mt. Read Boulevard in the east along the Ridgeway Avenue corridor. It is a federal aid project that is administered by the City under agreement with NYSDOT. Federal aid will reimburse the City for 80% of eligible design costs; local funds will support the balance.

The project proposes the design and construction of a two-way, shared-use path on the former Erie Canal bed paralleling Ridgeway Avenue, as well as an on-street local bike route for the Route 390 to Mt. Read Boulevard section of Ridgeway Avenue. The project will implement the first phase of the Eastman Trail proposed in the "2013 Urban Trail Linkages – Planning & Preliminary Design Study". When fully realized, the trail will establish an east/west connection between the City's Genesee Riverway Trail at King's Landing and the State's proposed Route 390 Trail in the Town of Greece.

C&S Engineers, Inc. was selected for consultant services through NYS' Local Design Services Agreement, or LDSA, process. A request for proposals was sent to the 15 pre-selected firms with six firms submitting proposals. The evaluation process is described in the attached summary. The term of the consultant agreement will be six months after completion and acceptance of the construction of the project. In the event that project construction is not undertaken, the agreement will terminate one year after the completion of the contract documents by the consultant and the acceptance by the City of such contract documents.

The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2017-18 Cash Capital	\$ 80,000
<u>Federal aid appropriated herein</u>	<u>320,000</u>
TOTAL	\$ 400,000

Design services will begin in fall 2017; it is anticipated that construction will begin in spring 2019 with scheduled completion in fall 2019. The agreement will result in the creation and/or retention of the equivalent of 4.3 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-161

Ordinance No. 2017-302  
(Int. No. 336)

**Authorizing agreements and appropriating funds for Eastman Trail Phase I**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$1,400,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund design, construction and inspection services for Eastman Trail Phase I which shall extend westward from Mt. Read Boulevard to a planned trail along New York State Route 390 (the Project).

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation and to execute such other documents as may be necessary for the City to participate in and administer the use of FHWA funding for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with C&S Engineers, Inc. to provide design and inspection services for the Project. The maximum compensation for the agreement shall be \$400,000 which shall be funded in the amounts of \$320,000 from a portion of the FHWA appropriations authorized in Section 1 herein and \$80,000 in 2017-18 Cash Capital. The term of the agreement shall continue until 6 months after the completion and the City's acceptance of the Project, provided however that the agreement shall terminate one year after the consultant's completion and the City's acceptance of contract deliverables in the event that Project construction is not undertaken.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-303  
Re: Agreements – Architectural Services for Various Projects

Transmitted herewith for your approval is legislation authorizing term agreements with the following companies for the provision of various architectural services:

<u>Company</u>	<u>Address</u>
RAM Architects	91 Pinnacle Road, Rochester 14620
Architectura, P.C.	17 Pitkin Street, Suite 100, Rochester 14607
Konopka Architecture, P.C.	1501 East Avenue, Suite 1, Rochester 14610

September 19, 2017

Edge Architecture, PLLC

277 Alexander Street, Suite 407, Rochester 14607

Architects and Landscape Architect, D.P.C. 205 Saint Paul Street, Suite 500, Rochester 14604

Bergmann Associates, Architects, Engineers,

Landscape Architects & Surveyors, D.P.C. 280 East Broad Street, Suite 200, Rochester 14604

The six firms listed above were selected through a request for proposals process, which is described in the attached summary. The agreements for architectural services will be provided at specified hourly rates, and have a term of three years. They will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services, or from capital funds appropriated for specific projects.

Services to be provided include: architectural investigations of existing facilities as requested by the City, preparing design documents for various maintenance work and small contracted projects, providing resident project representation and inspection of that work during construction. The selection of a company will be based on project-specific proposals, type of services required, and the ability to perform the services within the timeframe specified by the City.

Similar agreements for architectural services have been in place since 2005.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-162

Ordinance No. 2017-303  
(Int. No. 337)

### **Authorizing agreements for architectural service for City facilities**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into professional services agreements with the following companies for architectural services required for facilities renovation projects as required by the City:

RAM Architects

Architectura, P.C.

Konopka Architecture, P.C.

Edge Architecture, PLLC

Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C.

Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.



September 19, 2017

Section 2. The agreements shall have a term of three years, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual Budget of the Department of Environmental Services, or other Departments using these services, or from capital project appropriations. Unit prices may be adjusted at the discretion of the City Engineer upon satisfactory justification by the consultant.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-304  
Re: Agreements – Mechanical, Electrical  
and Plumbing Engineering Services for  
Various Projects

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the provision of various services related to mechanical, electrical and plumbing (MEP) engineering:

<u>Company</u>	<u>Address</u>
Erdman Anthony and Associates, Inc.	145 Culver Road, Suite 200, Rochester 14620
LaBella Associates, D.P.C.	300 State Street, Suite 201, Rochester 14614
M/E Engineering, P.C.	150 N. Chestnut Street, Rochester 14604
Stantec Planning and Landscape Architecture, P.C.	61 Commercial Street, Rochester 14614
Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.	280 East Broad Street, Suite 200, Rochester 14604

The agreements will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services or from capital funds appropriated for specific projects. Similar agreements for MEP engineering services have been in place since 2005. These services include: engineering investigations of existing systems and/or facilities as requested by the City, preparing design documents for various maintenance work and small contracted projects, providing resident project representation and inspection of that work during construction.

Erdman Anthony & Associates, Inc., LaBella Associates, D.P.C., M/E Engineering, P.C., Stantec Planning and Landscape Architecture, P.C., Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., were selected for MEP engineering services through a request for proposals process, which is described in the attached summary.

These agreements will provide for MEP engineering services to be provided at specified hourly rates. The selection of the company will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

September 19, 2017

The agreements will be for a term of three years.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-163

Ordinance No. 2017-304  
(Int. No. 338)

**Authorizing agreements for mechanical, electrical and plumbing engineering services for City facilities**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for mechanical, electrical and plumbing engineering services required for building renovation or capital projects as required by the City:

Erdman, Anthony and Associates, Inc.  
LaBella Associates, D.P.C.  
M/E Engineering, P.C.  
Stantec Planning and Landscape Architecture P.C.  
Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

Section 2. The agreements shall have a term of three years, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual Budget of the Department of Environmental Services, or other Departments using these services or from capital project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-305  
Re: Agreement – Town of Lima, Water District 1

September 19, 2017

Transmitted herewith for your approval is legislation related to a wholesale water supply agreement with the Town of Lima Water District 1. This legislation will:

1. Authorize a new water supply agreement; and
2. Amend Section 23-37 of the Municipal Code to raise the wholesale water rate to \$1.68 per 1,000 gallons.

The term of the new agreement will be for 20 years and will increase the wholesale water rate by \$0.07, from \$1.61 to \$1.68 per 1,000 gallons.

The current agreement with Lima Water District 1, which is due to expire on September 24, 2017, was authorized in July 1987 for a 30 year term (Ord. No. 1987-73). The current rate of \$1.61 per 1,000 gallons was approved in April 2016 (Ord. No. 2016-166). In 2016, District 1 purchased 5.8 million gallons of water from the City.

The new wholesale water rate will be effective October 1, 2017 and will be subject to change on July 1 of each year thereafter.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-305  
(Int. No. 339)

**Authorizing an agreement with the Town of Lima Water District 1 for the purchase of water and amending the Municipal Code with respect to wholesale water rates**

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Lima Water District 1 (the District) for the purchase of water from the City of Rochester. The District may use up to 50,000 gallons per day. If the District demonstrates a demand greater than or equal to 90% of the maximum quantity for a 30 day consecutive period and if supply is available, the City may consider increasing the maximum quantity. The term of the agreement shall be 20 years.

Section 2. The water may be supplied through either the City's Martin Road connection directly off of Conduit I or a secondary connection at the Monroe County Water Authority's (MCWA) Ontario Street water distribution main connection. The agreement shall provide that the initial rate shall be \$1.68 per 1,000 gallons supplied through either the Martin Road or Ontario Street connection. The rate per 1,000 gallons for water supplied through the Martin Road connection shall be subject to change each year to reflect the most recent water rates enacted by City Council. The Ontario Street connection rate shall be subject to change each year based on the District's monthly gallon usage and the then applicable City and MCWA exchange rate, or the then applicable MCWA Out-of-County Supplemental Supply rate.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Chapter 23, Section 37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

September 19, 2017

(9) Wholesale rate: ~~\$1.61~~ \$1.68 per 1,000 gallons for Water Districts 1 and 2 of the Town of Lima.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember McFadden  
September 19, 2017

To the Council:

The Public Safety, Youth & Recreation Committee recommends for Adoption the following entitled legislation:

- |              |   |
|--------------|---|
| Int. No. 340 | Authorizing a memorandum of agreement with the Corporation for National and Community Service               |
| Int. No. 341 | Authorizing an agreement for Fire Department counseling and stress management services                      |
| Int. No. 342 | Amending Chapters 30 and 31 of the Municipal Code   |
| Int. No. 343 | Authorizing an agreement for the funding of animal population control programs                              |
| Int. No. 344 | Authorizing an agreement with the New York State Division of Criminal Justice Services for a Livescan Grant |
| Int. No. 345 | Authorizing acceptance of a PetSmart Charities Shelter Operations Grant for Animal Services                 |
| Int. No. 346 | Authorizing an intermunicipal agreement and funding for the STOP DWI Program                                |
| Int. No. 347 | Authorizing an agreement for the use of Pethealth Services (USA) Inc. animal management software            |
| Int. No. 348 | Authorizing an agreement for fitness for duty clinical services for the Rochester Police Department         |
| Int. No. 349 | Authorizing agreements for the 2017 Justice Assistance Grant program  |

September 19, 2017

- Int. No. 350      Authorizing a grant agreement and funding for the Child Passenger Safety Program
- Int. No. 351      Amending Ordinance No. 2017-242 relating to real property acquisition for the Campbell Street R-Center Gateway Project
- Int. No. 352      Authorizing the exchange of real estate at the Public Market
- Int. No. 358      Authorizing an agreement with United Negro College Fund, Inc.

Respectfully submitted,  
Adam C. McFadden  
Molly Clifford  
Matt Haag  
Dana K. Miller  
Loretta C. Scott

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-306  
Re:      Agreement – Corporation for National  
            and Community Service, AmeriCorps  
            Affiliate Pilot Program

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing a memorandum of agreement with the Corporation for National and Community Service (CNCS) for the receipt and use of the national AmeriCorps Affiliate service program grant to create a Flower City AmeriCorps (FCA) Affiliate program specifically for youth ages 14-17. There are no funds associated with this agreement.

The national CNCS AmeriCorps Affiliate service program began in 2016 as a pilot initiative to engage more youth in service and to increase the number of national service positions available. This agreement will authorize the creation of 10 FCA Affiliate youth member positions who will act as the Service Learning Committee within Youth Voice One Vision (YVOV), the Mayor's Youth Advisory Council. Each FCA Affiliate youth member will complete at least 100 hours of service as well as participate in quarterly development and reflection sessions which will include topics such as youth employment training, goal setting and attainment, and the importance of service over the course of one year. FCA Affiliate youth members will also participate in YVOV activities such as monthly leadership meetings and quarterly full council meetings. Upon successful completion of 100 volunteer hours, FCA Affiliate youth members will receive an education award of \$327.38 from CNCS to be used within seven years at any accredited college, university, or trade school for tuition or attendance costs.

September 19, 2017

It is anticipated that the program will create service opportunities that will benefit 200 youth and engage an additional 90 youth as volunteers, 20 of whom will plan to continue volunteering as a result of their engagement with the FCA Affiliate youth members.

It is anticipated that this project will be completed by October 31, 2018.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-306  
(Int. No. 340)

**Authorizing a memorandum of agreement with the Corporation for National and Community Service**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a memorandum of agreement with the Corporation for National and Community Service (CNCS) for the receipt and use of the national AmeriCorps Affiliate service program grant to create a Flower City Americorps Affiliate program for youth ages 14-17.

Section 2. The term of the agreement shall continue to October 31, 2018. No City funds are required for the agreement.

Section 3. This agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-307  
Re: Agreement - Strong Behavioral Health/  
Cooperative Officer Assistance Program,  
Counseling and Stress Management Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum annual compensation for an agreement with Strong Behavioral Health/Cooperative Officer Assistance Program (COAP), a division of Strong Memorial Hospital for the provision of counseling and critical incident stress services to Fire Department employees and their family members. The term of the agreement will be for two years, with the option for two, two-year

September 19, 2017

renewals. The cost will be funded from the 2017-18 and subsequent Budgets of the Fire Department, contingent upon adoption.

Strong Behavioral Health/COAP was selected through a request for proposal process described in the attached summary.

Strong Behavioral Health/COAP will provide a comprehensive package of employee assistance services to address individual, family, and work-life needs. These services include confidential assessment and short term treatment; consultation and training for supervisors and managers to identify and resolve job performance issues; and direct linkage to mental health and wellness resources on a 24/7 basis for crisis coverage.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-164

Ordinance No. 2017 -307  
(Int. No. 341)

**Authorizing an agreement for Fire Department counseling and stress management services**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement in the maximum annual amount of \$40,000 with Strong Behavioral Health/COAP, a division of Strong Memorial Hospital for the provision of counseling and critical incident stress services to Rochester Fire Department employees and their family members. The term of the agreement shall be two years with the option to extend for two additional two year periods. The first year of the agreement shall be funded from the 2017-18 Budget of the Fire Department and subsequent years from future budgets of the Fire Department, contingent upon approval of future budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-308  
Re: Code Amendment- Chapters 30 and  
31, Dog Control

September 19, 2017

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Chapters 30-42, 31-20 and 31-22 of the City of Rochester Municipal Code as follows:

1. Amend Chapter 31-20, A, (1) – Redemption, to remove the reference to “sterilization” and change New York State dog license to City dog license;
2. Amend Chapter 30-42 to require sterilization of cats only for adoption; and
3. Amend Chapter 31-22 to require sterilization only for adoption.

These changes, which will be effective September 1, 2017, are to eliminate the mandatory sterilization requirement for owners seeking to redeem pets from the shelter. Currently, the only exceptions to the sterilization of redeemed pets are for those meeting one of the following: (1) a medical contraindication that would endanger the life of the pet; (2) documentation of a breed show ring record or completion of requirements of a recognized registry association for the title of champion; (3) guide dogs, hearing dogs, service or police work dogs, or (4) pet is owned by a person who is not a resident of New York and the pet is in the city for a period not to exceed 10 days.

Since that regulation was established, however, there has been an industry-wide shift in favor of removing obstacles to pet retention, thereby increasing the rate of returning dogs and cats to their owners. It has been found that pro-active outreach about the importance of pet sterilization and supporting no-cost spay/neuter vouchers for use at external clinics has a greater impact on reducing unwanted pets than mandatory pre-redemption sterilization. These changes also address frequent citizen complaints about mandatory sterilization.

Importantly, sterilization surgeries will continue to be included for all animals released for adoptions and as part of the public spay/neuter program. Redeeming clients may also opt to have their pets sterilized by Animal Services veterinarians at a low cost.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-308  
(Int. No. 342)

### **Amending Chapters 30 and 31 of the Municipal Code**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended in Section 30-42 to read in its entirety as follows:

§ 30-42. Sterilization of adopted cats required.

- A. The City of Rochester is experiencing a significant overpopulation of unwanted cats. These are matters of serious concern affecting public health, safety,



quality of life, and welfare of the public and of their pets. Animal Services, which operates the City's animal shelter within the Rochester Police Department, estimates that over 5,500 unwanted, stray, or abandoned dogs and cats entered its facility during the 2005-2006 fiscal year. Of these, approximately 90% were not spayed and neutered. While wandering the City's streets, nonsterilized cats reproduce at alarming rates, exacerbating a potentially unhealthy and dangerous situation. As a result of the exponential rate of increase, increasing numbers of individuals and animals are at risk for rabies and many animals become victims of vehicular accidents. These animals also suffer from lack of appropriate food and water, ingestion of poisons, exposure to inclement weather, and infestation with parasites. Furthermore, it is well documented that sterilization helps to improve health and longevity and to reduce roaming tendencies and undesirable behaviors, all of which impact cat intakes at shelters. Given the large and growing number of unwanted cats and the benefits of sterilization that address the challenges of cat control, Animal Services finds that a law providing for the spaying and neutering of cats adopted ~~or redeemed~~ from the City's shelter is necessary to protect the health, safety, and quality of life of Rochester residents and the welfare of the City's pet community. Animal Services also finds that with the advancement of medical knowledge over the past 15 years, many veterinarians now advocate and practice early sterilization of pets, as early as eight weeks of age. Veterinarians at animal hospitals and humane shelters across the country, as well as the American Society for the Prevention of Cruelty to Animals, have performed thousands of early spay-neuter surgeries. Many veterinary associations now also agree that even though any surgery has inherent risks, kittens heal faster and are lower surgical risks than older animals who may be ill, in heat, or pregnant. If cats are spayed or neutered before adoption ~~or redemption~~ from the shelter, then the chance that they will add more unwanted offspring to the numbers that already exist will be eliminated.

- B. The Animal Services Center shall not release a cat to ~~a person claiming ownership thereof, or to a person adopting such cat,~~ unless such cat has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply:<sup>(1)</sup> ~~— If if~~ a licensed veterinarian certifies to Animal Services that he or she has examined such cat and found that because of a medical contraindication, the life of such cat would be endangered by sterilization; provided however, that such reason shall not be based solely on the age of such cat, if such cat is at least eight weeks of age; Prior to releasing a nonsterilized cat to a person claiming ownership thereof, the Animal Services Center may offer to have the cat sterilized by a licensed veterinarian for a fee established by the Chief of Police pursuant to § 30-41, provided, however, that the owner shall not be required to accept the offer in order to redeem the cat.

~~(2) — If such cat within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such cat has a breed show record from the Cat Fancier Association or other similar registry association, dated no more than 12 months prior to the date such cat entered~~

~~such shelter, or such person claiming ownership is able to provide proof that such cat has successfully completed the requirements of the Cat Fancier Association or other similar registry association for the title of Champion, Grand Champion, or its equivalent, at any time prior to the arrival of the cat at the shelter; or~~

~~(3) — If such cat is owned by a person who is not a resident of the state who possesses the cat in the City temporarily for a period not to exceed 10 days.~~

Section 2. Chapter 31 of the Municipal Code, Dog Control, as amended, is hereby further amended in Sections 31-20 and 31-22 to read in their entirety as follows:

§ 31-20: Fees for dog licenses and dog control activities.

- A. The fees for procuring a dog license in the City, which shall include the state surcharges, shall be as follows:
- (1) Spayed female dogs and neutered male dogs: \$8.50.
  - (2) Unaltered dogs: \$20.50.
  - (3) Purebred dogs: \$23.50
- B. Redemption.
- (1) The fees for redeeming any dog placed in the Animal Services Center shall include fees approved by the Chief of Police or set forth herein for the following: seizure, daily boarding, rabies vaccination, sterilization (when that service has been performed at the request of the redeeming owner) and City New York State dog license. There shall be no waiver of the boarding fee for a dog that is redeemed on the day of seizure.
  - (2) No unlicensed dog shall be redeemed unless the person seeking the redemption first obtains a license for the dog.
  - (3) No dog shall be redeemed unless the person seeking the redemption first pays all outstanding dog control fines and penalties owed by that person and the dog owner, and all outstanding dog control fines and penalties relating to the dog to be redeemed.
- C. The fees for adopting a dog from the Animal Services Center shall include fees approved by the Chief of Police or set forth herein for the following: adoption, rabies vaccination, sterilization and dog license.
- D. The Chief of Police shall establish fees for additional services offered by the Animal Services Center.

E. No fees shall be required for the licensing of guide, service, hearing, war, working search, detection, police and therapy dogs.

F. The fee to replace a lost identification tag shall be \$3.

§ 31-22: Sterilization required for adoption.

A. The City of Rochester is experiencing a host of challenges related to stray and roaming dogs. These are matters of serious concern affecting public health, safety, quality of life, and welfare of the public and of their pets. Animal Services, which operates the City's animal shelter within the Rochester Police Department, estimates that over 5,500 unwanted, stray, or abandoned dogs and cats entered its facility during the 2005-2006 fiscal year. Of these, approximately 90% were not spayed and neutered. While wandering the City's streets, nonsterilized dogs reproduce at alarming rates, exacerbating a potentially unhealthy and dangerous situation. As a result of the exponential rate of increase, increasing numbers of individuals and animals are at risk for rabies and many animals become victims of vehicular accidents. These animals also suffer from lack of appropriate food and water, ingestion of poisons, exposure to inclement weather, and infestation with parasites. Additionally, dogs, ~~including many reclaimed from the Animal Services Center,~~ are being intentionally bred irresponsibly throughout the City with little regard for health or temperament of the breeding pair and the resulting offspring. Furthermore, it is well documented that sterilization helps to improve health and longevity and to reduce roaming tendencies, undesirable behaviors, and possibly dominance aggression, all of which impact dog intakes at shelters. Given the benefits of sterilization that address the challenges of dog control, Animal Services finds that a law providing for the spaying and neutering of dogs adopted or redeemed from the City's shelter is necessary to protect the health, safety, and quality of life of Rochester residents and the welfare of the City's pet community. Animal Services also finds that with the advancement of medical knowledge over the past 15 years, many veterinarians now advocate and practice early sterilization of pets, as early as eight weeks of age. Veterinarians at animal hospitals and humane shelters across the country, as well as the American Society for the Prevention of Cruelty to Animals, have performed thousands of early spay-neuter surgeries. Many veterinary associations now also agree that even though any surgery has inherent risks, puppies heal faster and are lower surgical risks than older animals who may be ill, in heat, or pregnant. If dogs are spayed or neutered before adoption or redemption from the shelter, then the chance that they will add more unwanted offspring to the numbers that already exist will be eliminated.

B. The Animal Services Center shall not release a dog ~~to a person claiming ownership thereof, or~~ to a person adopting such dog, unless such dog has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply: ~~(1) —~~ If if a licensed veterinarian certifies to Animal Services that he or she has examined such dog and found that because of a medical contraindication, the life of such dog would be endangered by sterilization; provided however, that such reason shall not be based solely on the age of such dog, if such dog is at least eight weeks of age; Prior to releasing a nonsterilized dog to a person claiming ownership thereof, the Animal Services Center shall offer to have the dog sterilized by a

September 19, 2017

licensed veterinarian for a fee established by the Chief of Police pursuant to § 31-20, provided, however, that the owner shall not be required to accept the offer in order to redeem the dog.

~~(2) — If such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such dog has a breed ring show record from the American Kennel Club or United Kennel Club or other similar registry association, dated no more than 12 months prior to the date such dog entered the shelter, or such person claiming ownership is able to provide proof that such dog has successfully completed the requirements of the American Kennel Club or United Kennel Club or other similar registry association, for the title of Champion or its equivalent, at any time prior to the arrival of the dog at the shelter;~~

~~(3) — If such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such dog is a guide dog, hearing dog, service dog or police work dog; or~~

~~(4) — If such dog is owned by a person who is not a resident of the state who possesses the dog in the City temporarily for a period not to exceed 10 days.~~

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Agreement - 2017 American Society  
for the Prevention of Cruelty to Animals,  
Animal Population Control Program Grant

Transmitted herewith for your approval is legislation authorizing the receipt and use of \$25,000 from the American Society for the Prevention of Cruelty to Animals' Animal Population Control Program grant and amending the 2017-18 Budget of the Police Department by this amount. The term of this grant is August 3, 2017 through August 2, 2018.

This grant will assist low-income residents in paying for spay and neuter services for their pets with the purpose of reducing the number of animals born and surrendered to the shelter. No-cost spay/neuter vouchers will be provided to qualifying residents for redemption at local veterinary service providers where their pets can be spayed or neutered. These funds will pay for up to 425 spay/neuter services with residents providing a co-pay of \$1 per service.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-309  
(Int. No. 343)

**Authorizing an agreement for the funding of animal population control programs**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the American Society for the Prevention of Cruelty to Animals for the receipt and use of \$25,000 to fund no-cost spay/neuter vouchers for qualifying residents. The agreement shall have a term from August 3, 2017 to August 2, 2018.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Rochester Police Department by the sum of \$25,000 received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-310  
Re: Agreement – New York State Division  
of Criminal Justice Services, Livescan  
Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of \$16,300 for a Livescan Grant.

This grant is made available by DCJS to continue to build the palm-print database, particularly in those jurisdictions submitting high numbers of arrest-related prints to date. Rochester Police Department received a grant in 2015 to replace its fingerprint Livescan device in the City Court building with a finger/palm print Livescan device. This new grant will pay 50% of the cost of two finger/palm print Livescan devices. One will be used for the finger/palm printing of juveniles and the second will be placed in the Police Department's accident investigations section. It is expected that the demand for finger/palm printing of juveniles will increase in the near future due to the changes in the laws regarding age limits for juvenile offenders.

The term of this grant is October 1, 2017 through September 30, 2018. The Police Department will provide a match from 2016-17 Cash Capital.

September 19, 2017

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-310  
(Int. No. 344)

**Authorizing an agreement with the New York State Division of Criminal Justice Services for a Livescan Grant**

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the New York State Division of Criminal Justice Services for the receipt and use of \$16,300 for a Livescan Grant to pay 50% of the cost for two finger/palm print Livescan devices and the remainder of the cost shall be matched from 2016-17 Cash Capital. The term of the agreement shall be October 1, 2017 through September 30, 2018.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-311  
Re: Grant Agreement - PetSmart Charities,  
Inc., 2017 Shelter Operations Grant

Transmitted herewith for your approval is legislation authorizing an agreement with PetSmart Charities, Inc. for the receipt and use of \$41,800 for a Shelter Operations Grant, and amending the 2017-18 Budget of the Police Department by this amount.

This grant offers funding opportunities for shelter-based programs that improve adoptions, reduce pets' length of stay, and strengthen shelter infrastructure. These funds will be used to purchase disinfectant, flea control, de-wormer chemicals, and cat cages.

The term of this grant is September 1, 2017 through August 31, 2018. No matching funds are required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-311  
(Int. No. 345)

September 19, 2017

**Authorizing acceptance of a PetSmart Charities Shelter Operations Grant for Animal Services**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with PetSmart Charities, Inc. for receipt and use of a Shelter Operations Grant in the amount of \$41,800 to fund wellness and medical programs to improve the quality of pets' stays and prevent illness in the Rochester Animal Services facility. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The term of the agreement shall be September 1, 2017 through August 31, 2018.

Section 2. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$41,800, which amount is hereby appropriated from funds to be received under the grant authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-312  
Re: Agreement – Monroe County,  
STOP DWI Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of \$140,100 for the 2018 STOP DWI Program, and amending the 2017-18 Budget of the Police Department by \$64,600 to reflect a portion of this grant.

The grant funds will be used for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2018 calendar year. Supported activities include expenses for STOP DWI overtime details and associated fringe costs, supplies, equipment, training, breathalyzer calibration, and underage alcohol enforcement.

The term of this grant is January 1, 2018 through December 31, 2018. The previous STOP DWI grant was authorized via Ordinance No. 2016-353 on October 18, 2016. No matching funds are required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-312

September 19, 2017

(Int. No. 346)

**Authorizing an intermunicipal agreement and funding for the STOP DWI Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the receipt and use of New York State funding for the 2018 STOP DWI Program in the amount of \$140,100. The term of agreement shall be January 1, 2018 through December 31, 2018.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Rochester Police Department by the sum of \$64,600 received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-313

Re: Agreement – Pethealth Services (USA) Inc.,  
PetPoint Software

Transmitted herewith for your approval is legislation authorizing an agreement with Pethealth Services (USA) Inc. to provide access to PetPoint software. There is no cost to the City for this agreement and the term is September 1, 2017 through August 31, 2020.

Pethealth Services is an international leader in the provision of animal management software, radio frequency identification microchips, database related services for companion animals, and pet health insurance. Pethealth will provide Rochester Animal Services with access to PetPoint data management software, which is a comprehensive, easy to use, web-based system that serves as the database for all records related to animal intakes and dispositions, ownership, sterilization and medical care, enforcement, business transactions, and pro-active outreach. This system is provided at no-cost contingent upon (1) the purchase of the microchips and (2) providing adoption clients an opt-in offer for a 30-day gift of pet health insurance, both from Pethealth.

Respectfully submitted,  
Lovely A. Warren  
Mayor



Ordinance No. 2017-313  
(Int. No. 347)

**Authorizing agreement for use of Pethealth Services (USA) Inc. animal management software**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Pethealth Services (USA) Inc. (Pethealth) for Rochester Animal Services (RAS) to use the company's PetPoint animal management software at no cost in return for RAS committing to purchase its radio-frequency identification microchips from the company and providing to clients the option to accept a free 30-day Pethealth pet health insurance policy. The term of the agreement shall be September 1, 2017 through August 31, 2020.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-314  
Re: Agreement – University of Rochester,  
Fitness for Duty Clinical Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the University of Rochester, Department of Psychiatry, for Dr. Robert L. Weisman, DO to provide clinical services related to psychological fitness for duty for the Rochester Police Department (RPD). The term of the agreement will be for one year, with the option to renew for three additional one-year periods. The cost of the agreement will be funded from the 2017-18 Budget of the Police Department.

Dr. Weisman will provide fitness for duty psychological evaluations for law enforcement officers who have experienced a duty-related injury or trauma, as well as non-duty-related mental health issues. Evaluations will include an assessment of the officer's psychological ability to return to work, a determination of work-related causality, and management of care for duty-related psychological conditions.

A request for proposals was posted to the City's website on May 2, 2017 and mailed to five vendors: University of Rochester (Rochester, New York), Clinical & Forensic Psychology Services, PLLC (Penfield, New York), Clinical, Police, & Forensic Psychological Services PLLC (Yorktown Heights, New York), Law Enforcement Psychological Associates (Rochester, New York), and Public Safety Psychology (Albany, New York). The University of Rochester was the only vendor to submit a proposal and it meets RPD's requirements. Dr. Weisman has satisfactorily provided

September 19, 2017

these services since November 2013, and the University of Rochester has the unique resources and capabilities to effectively support Dr. Weisman in performing highly sensitive services on behalf of the RPD.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-314  
(Int. No. 348)

**Authorizing an agreement for fitness for duty clinical services for the Rochester Police Department**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with the University of Rochester, Department of Psychiatry, to provide clinical services for fitness for duty evaluations for personnel of the Rochester Police Department for a term of one year, with options to renew for three additional terms of one year each. The maximum annual compensation for the agreement shall be \$50,000. The compensation for the first year shall be funded from the 2017-18 Budget of the Police Department and the compensation for subsequent optional years, if any, shall be funded from future years' budgets of the Police Department, contingent upon approval of future budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-315  
Re: Agreement – US Department of Justice,  
2017 Justice Assistance Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the 2017 Justice Assistance Grant. This legislation will:

1. Authorize an agreement with the US Department of Justice for the receipt and use of the 2017 Justice Assistance Grant in the amount of \$169,060; and
2. Authorize an agreement with the County of Monroe for the distribution and use of \$76,077 of the grant to support the "Operation Nightwatch" program.

September 19, 2017

The County intends to use its share of this grant for “Operation Nightwatch,” a program of the Probation Department which follows up on probationers’ evening curfews.

The City’s share (\$92,983) will be used to fund salary (\$38,258.40) and fringe (\$15,368.60) for one full-time and one part-time Counseling Specialist, and to underwrite part of the salary costs (\$39,356) of the Coordinator of the Police Department’s Family and Victims Services Section. The funds were anticipated and included in the 2017-18 Budget of the Police Department.

The term of this grant is October 1, 2016 through September 30, 2020. No matching funds are required.

Council last approved the 2016 Justice Assistant Grant via Ordinance No. 2016-252.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-315  
(Int. No. 349)

**Authorizing agreements for the 2017 Justice Assistance Grant program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice for the receipt and use of funding from the 2017 Justice Assistance Grant program in the amount of \$169,060, and said amount is hereby appropriated for this purpose. The term of the agreement shall be October 1, 2016 through September 30, 2020.

Section 2. The Mayor is hereby further authorized to enter into an intermunicipal agreement with the County of Monroe in the maximum amount of \$76,077 to fund the Monroe County Probation Department’s Nightwatch program. Said amount shall be funded from the amount appropriated in Section 1 herein. The term of the agreement shall be October 1, 2016 through September 30, 2020.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2017-316  
Governor’s Traffic Safety Committee,  
2017 Child Passenger Safety Grant

September 19, 2017

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the receipt and use of up to \$900 from the New York State Governor's Traffic Safety Committee for a Child Passenger Safety grant, and amending the 2017-18 Budget of the Police Department by this amount.

The Governor's Traffic Safety Committee provides this funding to support the Police Department's efforts to ensure correct use of car child seats during the period of October 1, 2017 through September 30, 2018. Funding will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events and seat-fitting station supplies.

This is the sixth year that the Police Department has received this grant. During the first half of the current grant period (through March 31, 2017), 21 car seats were inspected and three new seats were given to residents. No matching funds are required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-316  
(Int. No. 350)

**Authorizing a grant agreement and funding for the Child Passenger Safety Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Governor's Traffic Safety Committee for receipt and use of \$900 in grant funds for the Child Passenger Safety Program. The term of the agreement shall be October 1, 2017 through September 30, 2018.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget for the Rochester Police Department by the sum of \$900, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-317

September 19, 2017

Re: Amending Ordinance No. 2017-242 –  
Agreement with R.K. Hite & Co., Inc.,  
Campbell Street R-Center Gateway Project

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing; Creating  
and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending Ordinance No. 2017-242 which established \$22,500 as maximum compensation for an agreement with R.K. Hite & Co., Inc. for real property acquisition services related to the Campbell Street R-Center Gateway Project.

This amendment will remove the agreement's funding source of 2008-09 Community Development Block Grant (CDBG) Infrastructure Improvements allocation of the General Community Needs fund and add the funding source of 2017-18 Cash Capital. Due to the CDBG requirement that an environmental assessment be complete prior to use of funds, Cash Capital will be used for the real property acquisition services and CDBG funds will be reprogrammed to the construction phase of the project.

The Campbell Street R-Center Gateway Project will create new community access and entry points to the R-Center facility grounds. As part of this project, the City intends to acquire the adjacent properties of 512 Campbell Street, a single family house; 520 Campbell Street, a single family house; and 835 Jay Street, a vacant residential lot, in order to develop new public pathways onto the R-Center grounds, create sight lines, and provide more parking. The City will hire R.K. Hite & Co, Inc. to conduct property title research and certification; handle communication with property owners; provide real property appraisals, reviews, and purchase offer assistance; and perform title transfers and other project and records management activities.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-317  
(Int. No. 351)

**Amending Ordinance No. 2017-242 relating to real property acquisition for the Campbell Street R-Center Gateway Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2017-242 relating to a professional services agreement with R.K. Hite & Co., Inc. for real property acquisition for the Campbell Street R-Center Gateway Project is hereby amended in Section 2 thereof to read as follows:

Section 2. The cost of the agreement shall not exceed \$22,500, which shall be funded from 2017-18 Cash Capital ~~Infrastructure Improvements allocation of the General Community Needs Fund within the 2008-09 Community Development Block Grant that was appropriated in Section 2 of Ordinance No. 2017-69.~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-318  
Re: Exchange of Land at the Public Market

Council Priority: Creating and Sustaining a  
Culture of Vibrancy; Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing the exchange of land with Curtis, LLC, whereby a portion of City-owned property at 280 N. Union Street in the Public Market will be conveyed to the company in exchange for a lease of a portion of their building at 248 N. Union Street. The principals of Curtis, LLC, are Scott Stanton and Stephen Capizzi.

In 2015, as part of the Public Market Improvement Project, the City transferred a portion of 280 N. Union Street to Curtis, LLC (Ordinance No. 2016-7). The transfer was made to facilitate access for loading docks for Big Apple Deli Products which has storage facilities located in the building. In exchange, the City acquired a portion of 248 N. Union Street owned by Curtis, LLC, including parking and a portion of the loading dock which was enclosed to provide storage for Market-related maintenance equipment.

Curtis, LLC, has since received a proposal for a new restaurant/retail business that would require the use of the City's recently acquired loading dock for outdoor customer seating. Curtis, LLC, has requested the return of a portion of the loading dock and, in exchange, will lease approximately 457 square feet of space located in a different area of the 248 N. Union Street structure to the City. An appraisal prepared by Kevin Bruckner, MAI, CCIM has determined that the value of the City-owned parcel is \$14,500. The term of the lease will be for 7 years and the total value of the lease is equal to the exchanged property's value. The City will retain the parking lot.

This exchange is beneficial as it supports the Public Market Master Plan goal to make it a vibrant, seven-day destination and provides Market staff with better facilities for storing maintenance equipment and supplies.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation law and Chapter 48 of the City Code, it has been determined that the proposed exchange will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-318  
(Int. No. 350)

**Authorizing the exchange of real estate at the Public Market**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale to Curtis, LLC of an approximately 731 square foot loading dock area, which includes an approximately 517 square foot concrete block structure, located on the City's Public Market property at 280 North Union Street and abutting the westerly end of Curtis' one-story masonry building located at 248 North Union Street, being a portion of the approximately 5,209 square feet of land that was conveyed by Curtis, LLC to the City of Rochester in a deed that was recorded with the Monroe County Clerk on July 14, 2016 in Book 11725 of Deeds, page 234. In exchange for said loading dock area, which an independent professional appraiser has valued at \$14,500, the Council hereby authorizes the Mayor to accept from Curtis, LLC a free lease for a term of 7 years of approximately 457 square feet of storage space located within Curtis' aforementioned one-story masonry building that is accessible by means of an approximately 14-foot overhead door and a man door located on the northerly side of the building.

Section 2. The Mayor is hereby authorized to execute a deed, lease agreement and such other documents as may be necessary to effectuate the exchange authorized herein, which shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-319  
Re: Agreement with United Negro College  
Fund for a College Fair

Council Priority: Support the Creation of Effective  
Education Systems, and Public Safety

Transmitted herewith for Council approval is legislation establishing \$30,000 for support of a Historically Black College Fair in partnership with the United Negro College Fund which will be held in Rochester on October 23, 2017.

This conference is open to the public in an effort to increase awareness among city youth with regards to collegiate opportunities, specifically Historically Black Colleges and Universities (HBCUs). Over 100 HBCUs have been invited to participate in this event.

This event provides students the opportunity to interact with colleges and universities from around the country. At the college fair, youth will learn about HBCUs and have the opportunity to receive admittance and scholarships that day.

This will be the third consecutive year that this event is held in Rochester and it has been extremely successful in its first two years.

Sincerely,

Lovely A. Warren  
Mayor

Adam C. McFadden  
Chair, Public Safety, Youth and Recreation

Ordinance No. 2017-319  
(Int. No. 358)

**Authorizing an agreement with United Negro College Fund, Inc.**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

	2015	2016
Student Attendance	800	1200
HBCUs Represented	27	31
Students Admitted On-Site	59	246
Scholarships Awarded On-Site	\$1.5 million	\$1.1 million

Section 1. The Mayor is hereby authorized to enter into an agreement with United Negro College Fund, Inc. for an amount not to exceed \$30,000, for services related to a College Fair and Luncheon to provide information and increase access to higher education for youth in the City. The cost of said agreement shall be funded from the 2017-18 Budget for Undistributed Expenses.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

By President Scott  
September 19, 2017



September 19, 2017

To the Council:

The Committee of the Whole recommends for Adoption the following entitled legislation:

Int. No. 357                      Amending Chapter 63 of the Municipal Code

Respectfully submitted,  
Molly Clifford  
Carolee A. Conklin (*Absent*)  
Matt Haag  
Adam C. McFadden  
Jacklyn Ortiz  
Michael A. Patterson  
Elaine M. Spaul  
Dana K. Miller (*Absent*)  
Loretta C. Scott

COMMITTEE OF THE WHOLE

TO THE COUNCIL  
Ladies and Gentlemen:

Re:            Ordinance No. 2017-320  
                Amending Chapter 63 of the Municipal  
                Code with Regard to Closed Captioning

Transmitted herewith for City Council approval is legislation amending Chapter 63 of the Municipal Code and establishing a Closed Captioning Ordinance within the City of Rochester. This initiative is in response to a citizen driven request and will provide increased access to information for members of the deaf and hard of hearing population.

This legislation will require any business that provides television access to its patrons to utilize the closed captioning option. Businesses will be required to provide closed captioning during all regular business hours, unless the television is not being utilized, if the program in question does not offer closed captioning, or if the television receiver is incapable of displaying closed captioning.

If approved, the City of Rochester will become one of the first municipalities in the country to adopt a Closed Captioning Ordinance. Other cities with Closed Captioning Ordinances include: San Francisco, California; Portland, Oregon; and Ann Arbor, Michigan.

Respectfully submitted,

Loretta C. Scott    Dana K. Miller                      Molly Clifford  
Carolee A. Conklin    Matt Haag                                  Adam C. McFadden  
Jacklyn Ortiz                      Michael A. Patterson    Elaine M. Spaul

Ordinance No. 2017-320  
(Int. No. 357)

## **Amending Chapter 63 of the Municipal Code**

Section 1. Chapter 63 of the Municipal Code, Human Rights, as amended, is hereby further amended in Sections 63-2 and 63-3 as follows:

### **§ 63-2 Definitions.**

When used in this chapter, the following terms shall have the following definitions:

#### **AGE**

Includes only persons who are 18 years of age and older.

#### **BONA FIDE OCCUPATIONAL QUALIFICATION**

A qualification reasonably necessary to the operation of a particular business.

#### **CLOSED CAPTIONING**

A visual transcript or dialog of the audio portion of a television program that is displayed on a portion of a television receiver screen when the user activates the feature.

#### **CLOSED-CAPTIONED TELEVISION RECEIVER**

A receiver of television programming that has the ability to display Closed Captioning, including but not limited to a television, digital set top box, and other technology capable of displaying Closed Captioning for television programming.

#### **COMMERCIAL SPACE**

Any space in a building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property; and any space which is used or occupied, or is intended, arranged or designed to be used or occupied, as a separate business or professional unit or office in any building, structure or portion thereof.

#### **CREDIT**

The right conferred upon a person by a creditor to incur debt and defer its payment, whether or not any interest or finance charge is made for the exercise of this right.

#### **CREDITOR**

Any person or financial institution which extends credit or arranges for the extension of credit by others.

#### **CREED**

Religion and all aspects of religious observance and practice, as well as belief; provided, however, that in all provisions of this chapter dealing with employment, the term shall be limited to religious observances and practices which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**DISABILITY**

- A. A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques;
- B. A record of such an impairment; or
- C. A condition regarded by others as such an impairment; provided, however, that in all provisions of this chapter dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
- D. However, as used in this chapter, the term "disability" shall not include any conditions or disorders which are excluded from coverage under the Federal Americans With Disabilities Act.  
[Added 6-28-2001 by Ord. No. 2001-221]

**DISCRIMINATION, DISCRIMINATE or DISCRIMINATORY**

Any direct or indirect act, policy or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference based on, or the perception of, age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status or source of income; or the aiding, abetting, inciting, coercing or compelling thereof.

**DISTINCTLY PRIVATE**

Any private club, institution or membership organization, except that it shall not include any club, institution or membership organization that has more than 100 members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of a nonmember for the furtherance of trade or business.

**DWELLING, DWELLING UNIT and TWO-FAMILY DWELLING**

Shall have the same meaning as set forth in § 120-208 of the Municipal Code.

**EMPLOYEE**

Does not include any individual employed by his or her parents, spouse or child, or in the domestic service of any person.

**EMPLOYER**

Does not include any employer with fewer than four persons in his or her employ.

**EMPLOYMENT AGENCY**

Any person undertaking to procure employees or opportunities to work.

**FINANCIAL INSTITUTION**

Banks and trust companies, private bankers, foreign banking corporations and national banks, savings banks, licensed lenders, savings and loan associations, credit unions, sales finance companies, insurance premium finance agencies, insurers, credit card issuers, mortgage brokers, mortgage companies, mortgage insurance corporations, wholesale and retail merchants and factors, bonding companies, surety companies, or other commercial institutions that extend secured or unsecured credit or offer insurance.

**GENDER**

Includes the biological and/or social characteristics of gender and gender identity.

**GENDER IDENTITY OR EXPRESSION**

Having, or being perceived as having, a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.

**HOUSING**

Any building, structure, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings.

**LABOR ORGANIZATION**

Any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

**MARITAL STATUS**

The status of being married, unmarried, divorced, separated, or widowed.

**NATIONAL ORIGIN**

Ancestry, persons not citizens and their descendants, and persons naturalized and their descendants.

**PERSON**

One or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

**PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT**

All providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages, amusements and privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages, amusements and privileges of any kind are extended, offered, sold or otherwise made available to the general public, or that receive financial support through the general public or through governmental subsidy of any kind. Such term shall not include any institution, club or place of accommodation which proves that it is in its nature distinctly private.

**REAL ESTATE BROKER**

Any person, firm or corporation who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate

or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate, or negotiates, or offers or attempts to negotiate, a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate.

**REAL ESTATE SALESPERSON**

A person employed by a licensed real estate broker to list for sale, sell or offer for sale, at auction or otherwise, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease or rent or offer to lease, rent or place for rent any real estate, or who collects or offers or attempts to collect rent for the use of real estate for or in behalf of such real estate broker.

**REASONABLE ACCOMMODATION**

Actions taken which permit an employee, prospective employee or member with a disability to perform in a reasonable manner the activities involved in the job or occupation sought or held or which permit an employee's or a prospective employee's religious observance or practice; provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested.

**REDLINING**

The practice of denying financing, credit or insurance based on discrimination as to the applicant or the neighborhood in which the applicant resides or is seeking to reside.

**REGULAR BUSINESS HOURS**

The hours of any day in which a place of public accommodation, resort or amusement is open to members of the general public.

**SEXUAL ORIENTATION**

Homosexuality, heterosexuality, bisexuality or asexuality, whether actual or perceived.

**SOURCE OF INCOME**

Payments from a lawful occupation or employment, as well as other payments including, but not limited to, pensions, annuities, public assistance, supplemental security income, social security disability insurance, unemployment benefits, Housing Choice Vouchers (formerly known as Section 8), other housing voucher or subsidy programs, and any other governmental or charitable subsidy.

**§ 63-3 Discrimination in places of public accommodation, resort or amusement.**

A. It shall be unlawful, due to discrimination, for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, to directly or indirectly:

- (1) Refuse, withhold from, deny or charge a higher rate for any goods, services, facilities, accommodations, advantages, amusements or privileges of any kind, including the extension of credit;
- (2) Publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the goods,

services, facilities, accommodations, advantages, amusements or privileges of any kind of any such place shall be refused, withheld from, denied or charged a higher rate to any person, or that the patronage or custom thereof of any person is unwelcome, objectionable or not acceptable, desired or solicited;

(3) Deny any individual the full and equal, enjoyment of facilities and services by failing to continuously activate the closed captioning feature on closed-captioned television receivers in use at any place of public accommodation, resort or amusement that is accessible to the public during regular business hours. This provision shall not apply if:

- (a) The Closed-Captioned Television Receiver has not been turned on;
- (b) No receiver of television programming is available;
- (c) The Closed-Captioned Television Receiver is incapable of displaying closed captioning.

B. Nothing in this section shall be construed to prevent the barring of any person, because of the gender of such person, from a place of public accommodation, resort or amusement based on bona fide considerations of public policy.

Section 2. This ordinance shall take effect ninety days after it is adopted.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

The meeting was adjourned at 8:06 p.m.

HAZEL L. WASHINGTON  
City Clerk