

ROCHESTER CITY COUNCIL

REGULAR MEETING

July 23, 2024

Present – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson – 8.

Absent – Councilmember Smith – 1.

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

THE COUNCIL PRESIDENT --- RECOGNITION CEREMONIES.

Special Recognitions:

City of Rochester Retiree: Linda Fogle

Pride Celebration (Individuals, Small Businesses, and Organizations)

Anchor to Arrow	Equal Grounds Community	Imagination Station
Ape + Canary	Cafe	Imhere Secure Services
Archivist Books	Equity Warrior Strategies	Jared Kane Salon
The Bachelor Forum	EvenOdd	JonJohn’s Bakery
Blackshack Artventures	First Unitarian Church of	JPosh Productions
Breaking the Binary	Rochester	Juice Box ROC
Burlesque	First Universalist Church of	Just Cause
browsROC	Rochester	Karen’s Abstract Creations
Chaotic Knots Roc	Flower City Noire Collective	Karma Bar & Grill
Chimera Tattoo Gallery	Flower City Phoenix	Lake Avenue Memorial
Coppola Natural Therapies	Flower City Pride Band	Baptist Church
CRISP Rochester	Flower City Sisters	Laughing Gull Chocolates
Dawnbreaker Consulting	Frazee Feet Dance	Legal Assistance of Western
Dhork Fashions	Downtown United	New York, Inc.
Diamond Strength	Presbyterian Church	Les Gather
Entertainment	G.R.E.A.T.	LGBTQ Landmarks
Dice Versa	Gaining Ground Mental	Initiative
Dignity-Integrity/Rochester	Health Counseling	Lifestyle of A Gay Black Boy
Dorje Adornments	Glory Days Barber Co.	Podcast
Ellenwood Electric	Greater Rochester LGBTQ	Lilac Library
Emerald Smoke	Political Caucus	Lilly Communications
Entertainment	Hedonist Artisan Chocolates	Loud Feelings Podcast
Empire Justice Center	Hequity Studios	Luci & Dona
EnbyChain	ImageOut	Luna Cooperative

Maramooks
Marty's Magicks
Mary Magdalene Church
Mend Therapeutic Massage
Mighty Spark Design
MOCHA Center Rochester
Mr. & Miss Diamond
Strength Pageant
Mr. & Miss Roar Pageant
Mr. Miss & Mx. Gay Pride
Roch Pageant
Nardone Home & Garden
Natalie Fox Photography
LLC
Next Generation Men Of
Transition
OFC Creations Theatre
Center
Papersaurus Creative
Papito's Burritos
PFLAG Rochester
PineappleROC
Posey Letterpress
Pretty Apothecary
Pride at Work – Rochester
Finger Lakes Chapter
Queer Culture Coaching
Girls Rock! Rochester
Rainbow Dialogues
Rainbow Roc Radio Show
Rendezvous ROC

Renewing Massage
RIT Drag Club
Roar
ROC Pride Collective
Rochester Black Pride
Rochester Gay Men's Chorus
Rochester LGBTQ +
Together
Rochester Pride
Rochester Spa & Body Club
Rochester Women's
Community Chorus
Rock Paper Scissors Salon
and Medspa
Rowen's Rainbows
RPC Theatre Project
Savvy Ally Action
Shoulders To Stand On
Sole Rehab
Sombre Studios
Sparrow Counseling
Services
Spiritus Christi Church
Tavo's Antojitos y Tequila
Temple Emanu-El
Temple Sinai
TGW Studio
The Avenue Blackbox
Theatre
The Avenue Pub
The Company Theatre

The Funky Cow Café
The Gay Geek Designs
The Groom Room Men's Spa
& Lounge
The Lab: Creative Resource
Center
The Lyndon R. Huttemann
Salon & Day Spa
The M.K. Gandhi Institute
for Nonviolence
The Nerdy Octopus
The Old Farm Café
The Queer Wellness Center
The Rochester Mutual Aid
Network
The SafeZone Initiative LLC
The Unreliable Narrator
Third Presbyterian Church
Thomas Laurence Salon
Thriving Mental Health
Counseling PLLC
Tompkins Lending
Transformation Thursday
Podcast
Transposing Voices
Viciously Crafty
WCRB Design
Rochester Rainbow Union
WAVE Woman Inc
Center for Disability Rights

Retirement:

DES:

Brent Quackenbush
Warren Wambach

DRHS:

Thomas Shannon

LIBRARY:

Lisa Rogers

NBD:

Kurt Martin

RFD:

Anthony Giancursio
Jeffrey Monin

RPD:

Mathew Carpenter
Lisa Farnum

APPROVAL OF THE MINUTES

By Councilmember Patterson

RESOLVED, that the minutes of the Regular Meeting on June 18, 2024 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

THE CITY CLERK—THE FOLLOWING DOCUMENTS ARE HEREBY DIRECTED TO BE RECEIVED AND FILED:

THE CITY CLERK—THE FOLLOWING DOCUMENTS ARE HEREBY DIRECTED TO BE RECEIVED AND FILED:

The Council submits Disclosure of Interest Forms from **Councilmember Gruber** on Int. Nos. 269 and 282; **Vice President Harris** and **Councilmember Lupien** on Int. No. 290.

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

THE COUNCIL PRESIDENT --- RECEIVED AND FILED

PUBLIC HEARINGS.

No Public Hearing for the month of July.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Patterson
July 23, 2024

To the Council:

The **NEIGHBORHOODS, JOBS & HOUSING COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 268 Authorizing a license agreement with St. Mark's and St. John's Episcopal Church for the use of City properties as community gardens

- Int. No. 269 Authorizing a lease agreement with Providence Holy Rosary Housing Development Fund Company, Inc. for a temporary location of the Rochester Public Library Maplewood Branch
- Int. No. 270 Authorizing an amendatory purchase option agreement for the redevelopment of 1 and 2-12 Clarence Park
- Int. No. 271 Authorizing an appropriation and professional services agreement for 2025-29 Consolidated Plan Support Services
- Int. No. 272 Authorizing funding and agreements for lead hazard evaluation services and radon testing for Housing Rehabilitation and Lead Hazard Control programs
- Int. No. 273 Authorizing an agreement for hearing officer services

Respectfully submitted,
Michael A. Patterson
Mitch Gruber
Kimberly Smith
LaShay D. Harris
Miguel A. Meléndez, Jr.

NEIGHBORHOODS, JOBS & HOUSING COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-212

Re: License Agreement for Community Garden – St. Mark’s & St. John’s Episcopal Church

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a license agreement between the City and St. Mark’s & St. John’s Episcopal Church, (Reverend Cindy Rasmussen, 1245 Culver Road, Rochester, NY) for the use of premises located at 622 Merchants Road and 1199 Culver Road. The license agreement has a term of five years, and there is no fee.

St. Mark’s & St. John’s Episcopal Church has been responsible for these parcels since it applied for their original five year agreement in 2019 via Ordinance No. 2019-255. The organization has demonstrated a sustainable gardening operation that is supported by the immediate neighborhood. The gardens have been maintained at a high standard and have had no complaints. There are currently four organizations who have five-year garden permits. Maps of the parcels are included in Attachment A.

The City retains the right to terminate all or part of the license with 90 days written notice. The licensee will then be required to relinquish the site at the end of the prevailing growing season which is defined as December 15th of the notification year.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-212
(Int. No. 268)

Authorizing a license agreement with St. Mark’s and St. John’s Episcopal Church for the use of City properties as community gardens

WHEREAS, the City of Rochester has received a proposal from the St. Mark’s and St. John’s Episcopal Church for the continued use of two City-owned parcels of land as community gardens for a term of five years;

WHEREAS, consistent with Section 21-23 of the Municipal Code, the Council is following additional procedures due to the length of the proposed use; and

WHEREAS, the term of the use is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the use.

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with St. Mark’s and St. John’s Episcopal Church for the maintenance of community gardens at each of the following City-owned properties:

Address	SBL #
1199 Culver Road	107.55-2-30
622 Merchants Road	107.65-1-1

Section 2. The license agreement shall have a term of five years, provided that the City shall retain the right to terminate all or part of the license upon 90 days written notice whereupon the licensee shall then be required to relinquish the site or sites designated in such notice at the end of the prevailing growing season which is defined as December 15th of the notification year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-213
Re: Lease Agreement – 414 Lexington Avenue

Council Priority: Rebuilding and Strengthening Neighborhoods

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation approving a 16-month lease agreement with Providence Holy Rosary Housing Development Fund Company, Inc., as owner in fee and Holy Rosary Apartments, L.P. as equitable owner (Mark Greisberger, President, 1150 Buffalo Road, Rochester, NY) to be used for the temporary location of the Rochester Public Library Maplewood Branch while that location is renovated. The City will lease approximately 3,855 square feet of space in the former Church Building/Community Center at Holy Rosary Apartments at 414 Lexington Avenue. A location map is included in Attachment A.

The term of the lease shall begin August 16, 2024 and expire January 15, 2026. The total rental amount for the first 12 months shall be \$34,695 payable in monthly payments of \$2,891.25. The rent shall adjust by the lesser of CPI-U or 3% after the first 12 months. The first \$30,000 of this agreement shall be paid out of the Library Trust Fund (Fenyvessy & Poletto funds) with the balance from the 2024-25 operating budget of the Rochester Public Library and subsequent budgets upon approval. The lease value was established via independent appraisal by Bruckner, Tillet, Rossi, Cahill & Associates in May, 2024.

Despite a lengthy search exceeding one year, a suitable alternate location could not be found in the Northwest Quadrant/Maplewood Neighborhood in the time necessary to obtain Council approval of a lease prior to the commencement of construction of the Maplewood Library, which will begin in late June/early July 2024. Therefore, the Library will need to move into the new location prior to Council approval of the lease agreement. Pursuant to City Code Chapter 21, the City shall enter into a short term, two month lease with Providence Holy Rosary Housing Development Fund Company, Inc.

Additionally, the leased premises, as described above is currently occupied by Mary's Place Refugee Outreach, Inc. (Nicholas Cook & Tonia Canty-McKinney, Co-Executive Directors). Mary's Place had an active lease of these same premises through 2025, but they are voluntarily terminating their lease, and the City will occupy this space to maintain a Library in the Maplewood Community. With Mary's Place voluntarily terminating their lease of the premises, the City will enter into a month-to-month agreement with Mary's Place while they wind down operations and move into a new location being renovated for them. Mary's Place will continue to occupy approximately 625 SF of the original 3,855 SF space and will pay the City \$342.19 per month as a sub-tenant for the new reduced square footage.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-142

Ordinance No. 2024-213
(Int. No. 269)

Authorizing a lease agreement with Providence Holy Rosary Housing Development Fund Company, Inc. for a temporary location of the Rochester Public Library Maplewood Branch

WHEREAS, construction renovation is planned for the Rochester Public Library Maplewood Branch which requires the temporary relocation of the Maplewood Branch during construction;

WHEREAS, 414 Lexington Avenue is located within the Maplewood neighborhood and has been identified as a proposed temporary location for the Maplewood Branch to remain open during construction;

WHEREAS, an independent appraisal was prepared to determine the lease value.

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

Section 1. The Rochester Public Library or the City on its behalf is hereby authorized to enter into an agreement with Providence Holy Rosary Housing Development Fund Company, Inc. and Holy Rosary Apartments, L.P. for the lease of approximately 3,855 square feet of space in the former Church Building/Community Center at 414 Lexington Avenue to use as the temporary location of Rochester Public Library Maplewood Branch. The term of this agreement shall be sixteen (16) months commencing on August 16, 2024.

Section 2. The lease agreement shall obligate the City to pay monthly payments of \$2,891.25 for the first twelve months. The rent shall adjust by the lesser of the Consumer Price Index-Urban or 3% after the first twelve months. The initial twelve months of the term shall be funded in the amounts of \$30,000 from the Library Trust Fund and \$1,803.75 from the 2024-25 Budget of the Rochester Public Library (Library Budget). The subsequent four months' payments shall be funded from the 2025-24 Library Budget, contingent upon approval.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-214

Re: Renewal/Extension – Land Purchase Option Agreement, Ordinance No. 2023-210

Council Priority: Rebuilding and Strengthening Neighborhoods

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation approving a one year extension, and an optional second one year extension, of the deadline for REACH Advocacy, Inc., or an affiliated Housing Development Fund Corporation formed for the project (Peter Peters, Co-Director, 720 W. Main St, Rochester, NY), to satisfy the conditions on their purchase option agreement with the City.

Pursuant to Ordinance No. 2023-210 the City entered into a one year option agreement for the purchase and redevelopment of 1 and 2-12 Clarence Park (SBL No. 105.43-2-54 and SBL No. 105.43-2-50.002) into a pocket neighborhood consisting of approximately 12 Tiny House style dwelling units and supporting amenities for residents with extremely low incomes (the Project). A location map is included in Attachment A.

The current agreement, which expires July 16, 2024, has conditions prerequisite to the transfer of land which include meeting fundraising benchmarks sufficient to develop Phase I of their project, and obtaining any necessary special permits, variances and site plan approval. REACH Advocacy has made progress on those conditions, including a recent pledge from the office of Jeremy Cooney, New York State Senator. However, they have not met the required benchmarks to execute the option prior

to the expiration of the current agreement. A letter from REACH Advocacy explaining the situation is included in Attachment B.

The renewed agreement will still require the Project's dwelling units to be affordable to tenants with incomes that do not exceed 30% of the Area Median Income (AMI).

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-143

Ordinance No. 2024-214
(Int. No. 270)

Authorizing an amendatory purchase option agreement for the redevelopment of 1 and 2-12 Clarence Park

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

Section 1. The Council hereby approves and authorizes the City to enter into an amendatory purchase option agreement with REACH Advocacy, Inc. (REACH) for two City-owned parcels located at numbers 1 and 2-12 Clarence Park, respectively. The amendatory agreement shall amend the existing agreement authorized in Ordinance No. 2022-373 and as amended by Ordinance No. 2023-210 to extend by one year the term for REACH to satisfy certain prior conditions and exercise the purchase option.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-215

Re: Appropriation and Professional Services Agreement – 2025-29 Consolidated Plan Support Services

Council Priorities: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing; Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods, Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to services to support the development of the upcoming 2025-29 Consolidated Community Development Plan (Consolidated Plan). This legislation will:

- 1) Appropriate a total of \$250,000 in Community Development Block Grant (CDBG) funds for two planning and community engagement service agreements as follows:

Annual Action Plan	Project	czbLLC	Highland Planning LLC	Total Appropriated
2024-25	Project 28 - Planning	\$85,000	\$27,917	\$112,917
2023-24	Project 28 - Planning	\$100,000		\$100,000
2023-24	Project 29 - Administration		\$37,083	\$37,083
	Total Appropriated	\$185,000	\$65,000	\$250,000

- 2) Establish \$185,000 as maximum compensation for a professional services agreement with czbLLC (Charles Buki, Founder and President, Bath, Maine) to complete a Market Analysis and Needs Assessment study to support the creation of the upcoming Consolidated Plan. The cost of the agreement will be funded from the appropriations herein. The term of the agreement will be one year, with an option to extend for an additional six-month period.
- 3) Establish \$65,000 as maximum compensation for a professional services agreement with Highland Planning LLC (Tanya Zwahlen, Principal & Owner, 820 South Clinton Avenue #3, 14620) to oversee public engagement and input processes to support the creation of the upcoming Consolidated Plan. The cost of the agreement will be funded from the appropriations herein. The term of the agreement will be one year, with an option to extend for an additional six-month period.

The U.S. Department of Housing and Urban Development (HUD) requires entitlement grantee jurisdictions such as the City of Rochester to conduct a resident-informed planning and budgeting process in order to receive federal funds. Every five years the City must produce a Consolidated Plan that lays out the jurisdiction’s overarching housing and community development goals, strategies, and priorities that will be implemented in the upcoming five fiscal years. Each fiscal year the City also produces an Annual Action Plan that establishes the details for how the strategies of the Consolidated Plan will be carried out that year, and budgets the new annual grant funding to specific projects and programs.

czb will produce a Needs Assessment and Market Analysis study that will inform the development of the Consolidated Plan as well as other City initiatives and strategies. This will include an analysis of regional and city housing market statistics, market trends and shifts since 2018, and review and recommendations for the City’s HUD funded programs and policies. In particular, it will focus on barriers and opportunities to improving the City’s homeownership rate and fostering a healthy rental housing market that can meet the needs of all income segments.

Highland Planning will oversee a public outreach and engagement campaign with the goal to collect community input and priorities to inform the City’s 2025 Consolidated Plan. The campaign will meet the requirements outlined in the City’s Citizen Participation Plan and prioritize input from hard-to-reach city residents with household incomes at or below 80% of Area Median Income. This will include strategies to mitigate barriers to participation for people with disabilities, language barriers, computer literacy issues, lack of technology access, and other common barriers. The campaign will also include educational components to help the public understand the constraints and requirements that the City must consider when implementing HUD funding.

To inform the scope and direction of these contracts, the City will assemble an external advisory committee that will include a seat for all other municipalities in the region that are HUD grantees, as well as other important community stakeholders. Where possible, the City will use the planning process and resulting findings to spark strategic discussions with partners, particularly with respect to aligning the use of HUD funding to better achieve shared goals.

The consultants were selected through a Request for Proposals process. A Vendor Summary Form for the Market Analysis/Needs Assessment portion is included in Attachment A, and a Vendor Summary Form for the public engagement portion is included in Attachment B.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-144

Ordinance No. 2024-215
(Int. No. 271)

Authorizing an appropriation and professional services agreement for 2025-29 Consolidated Plan Support Services

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

Section 1. The Council hereby appropriates \$250,000 in Community Development Block Grant (CDBG) funds for planning and community engagement services to complete a Market Analysis and Needs Assessment Study to support the creation of the upcoming 2025-2029 Consolidated Community Development Plan (Consolidated Plan). The sources of the funds shall be as follows:

- a. \$112,917 from 2024-25 Annual Action Plan Project 28, Planning;
- b. \$100,000 from 2023-24 Annual Action Plan Project 28, Planning; and
- c. \$37,083 from 2023-24 Annual Action Plan Project 29, Administration.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with czbLLC to complete a Market Analysis and Needs Assessment study to support the creation of the upcoming Consolidated Plan. The maximum compensation for the agreement shall be \$185,000, which shall be funded from the appropriations authorized in Section 1 in the amounts of \$85,000 from the 2024-25 Annual Action Plan Project No. 28 Planning allocation and \$100,000 from the 2023-24 Annual Action Plan Project No. 28 Planning allocation. The term of the agreement shall be one year with an option to extend for an additional six-month period.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Highland Planning LLC to oversee public engagement and input processes to support the creation of the Consolidated Plan. The maximum compensation for the agreement shall be \$65,000, which shall be funded from the appropriations authorized in Section 1 in the amounts of \$27,917 from the 2024-25 Annual Action Plan Project 28 Planning allocation and \$37,083 from the 2023-24 Annual Action Plan Project 29 Administration allocation. The term of the agreement shall be one year with an option to extend for an additional six-month period.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-216

Re: Agreements – Lead Hazard Evaluation Services and Radon Testing for Housing Rehabilitation Programs and Lead Hazard Control Program

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the City’s Housing Rehabilitation Programs and Lead Hazard Control Program. This legislation will establish \$275,000 as maximum aggregate compensation for term agreements to provide lead hazard evaluation and radon testing services with the following Consultants:

- a) Paradigm Environmental Services, Inc., Justin Magee, President, 179 Lake Avenue, Rochester, NY 14608
- b) Environmental Education Associates, DBA UNYSE Environmental Consultants, Andrew J. McLellan, President, 346 Austin St., Batavia, NY 14207
- c) Stohl Environmental LLC, Michael Scinta, Partner, 7451 S. Lake Rd, Bergen, NY 14416

The agreements shall be funded from \$100,000 in Community Development Block Grant funds from the Owner-Occupant Housing Rehabilitation Program project allocation of the 2023-24 Annual Action Plan, authorized by Ordinance 2023-175; \$100,000 from the 2022 Lead Hazard Control Program, authorized by Ordinance 2022-334; and \$75,000 from the 2024-25 Budget of the Department of Neighborhood and Business Development funded by the Targeted Home Improvement Program grant, authorized by Ordinance 2024-76. Each firm will be allotted a maximum compensation amount based on their current workload. The term of the agreements shall be one year with the option to extend for up to two additional years if funds within the aggregate maximum compensation remain.

The City issued a Request for Proposal (RFP) to obtain proposals from qualified Consultants to provide lead hazard evaluation and radon testing services for the City’s Housing Rehabilitation Programs and Lead Hazard Control Program. The RFP was posted on the City’s website from April 4, 2024, to May 3, 2024. A total of four proposals were received. It is being proposed that agreements be signed with the three Consultants listed above. The reason for not selecting the fourth Consultant is that their submission was incomplete; therefore, it was not evaluated for consideration. A Vendor Summary Form is included in Attachment A.

A lead hazard evaluation and radon testing services is required for all properties enrolled in the City’s Housing Rehabilitation Programs and Lead Hazard Control Program. The reports identify lead-based paint and radon hazards that must be remediated with program funds. All of the properties enrolled in these programs are subject to a lead-based paint clearance at the conclusion of the project.

Costs:

Consultant	1-unit	2-unit	3-unit	4-unit	Radon Testing
Paradigm Environmental Services, Inc.	\$1,000	\$1,200	\$1,400	\$1,600	\$325
UNYSE Environmental Consultants	\$650	\$950	\$1,250	\$1,500	\$150
Stohl Environmental LLC	\$750	\$850	\$900	\$950	\$300

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-145

Ordinance No. 2024-216
(Int. No. 272)

Authorizing funding and agreements for lead hazard evaluation services and radon testing for Housing Rehabilitation and Lead Hazard Control programs

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

Section 1. The Council hereby appropriates \$275,000 for use in the City's Housing Rehabilitation and Lead Hazard Control programs (Programs). The sources of the funds shall be as follows:

- a. \$100,000 from the 2023-24 Annual Action Plan, Project No. 11 allocation for the Owner-Occupant Housing Rehabilitation Program;
- b. \$100,000 from the 2022 Lead Hazard Control Program funds appropriated by Ordinance 2022-334; and
- c. \$75,000 from the 2024-25 Budget of the Department of Neighborhood and Business Development.

Section 2. The Mayor is hereby authorized to enter into professional services agreements with the following consultants for lead hazard evaluation services for the Programs:

- a. Paradigm Environmental Services, Inc., Rochester, NY;
- b. Environmental Education Associates, Inc., Batavia, NY; and
- c. Stohl Environmental LLC, Bergen, NY.

The agreements shall have an aggregate maximum compensation of \$275,000, which shall be funded from the appropriations authorized by Section 1 herein and allotted among the three providers as the services are needed based on their current workload. The term of each agreement shall be one year with the option to extend for up to two additional years if funds within the aggregate maximum compensation remain.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-217

Re: Agreement – The Center for Dispute Settlement, Inc., Hearing Officer Services

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation to establish \$16,800 as maximum compensation for an agreement with The Center for Dispute Settlement, Inc. (Shira May, President & CEO, 16 East Main Street, Suite 800, Rochester, NY 14614) to provide Hearing Officers for the City's Housing Rehabilitation and Demolition Programs, and for Code Enforcement. The agreement will be funded from the 2024-25 Budget of the Department of Neighborhood and Business Development (NBD). The term of the agreement will be for one year with the option to extend for two, additional one-year terms. The maximum annual compensation for each of the one-year extensions, if exercised, is \$16,800, which would be funded from the Budget of the NBD, contingent upon approval of said budgets.

As part of the City's demolition program, NBD conducts demolition hearings against owners whose properties are in a state of disrepair and a potential health and safety hazard. An important aspect of the demolition hearing process is an impartial, third party hearing officer. The hearing officer will listen to testimony and render written decisions for each privately owned property that the City schedules for a demolition hearing. Those hearing findings are the legal basis for further action, including any demolition that the City may undertake.

The Center for Dispute Settlement is the current provider for demolition hearing services for the City, last authorized via Ordinance No. 2022-166. The requested funding will permit the Center for Dispute Settlement to conduct approximately 80 demolition hearings. A Justification Statement for not issuing an RFP is included in Attachment A.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-146

Ordinance No. 2024-217
(Int. No. 273)

Authorizing an agreement for hearing officer 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 with The Center for Dispute Settlement, Inc. to provide hearing officers for the City's housing rehabilitation and demolition programs, and for code enforcement. The term of the agreement shall be one year, with the option to extend for up to two additional one-year periods. The maximum annual compensation shall be \$16,800, which shall be funded from the 2024-25 Budget of the Department of Neighborhood and Business Development (NBD) for the initial term, and from a future year's Budgets of NBD for each optional one-year extension, contingent upon approval.

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 Harris
July 23, 2024

To the Council:

The **PEOPLE, PARKS & PUBLIC WORKS COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 274 Authorizing an appropriation and amendatory agreement for the Bull's Head Revitalization Project
- Int. No. 275 Appropriating NYSDEC Climate Smart Communities Grant funds for a Park Shelters Project
- Int. No. 276 Authorizing an agreement relating to a Select Structural Demolition and Restoration project at Main Street Commons
- Int. No. 277 Authorizing an agreement for the Home Electrification and Revitalization Opportunity Program
- Int. No. 278 Authorizing an agreement related to the Commercial Operators Skills Training Program
- Int. No. 279 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,425,000 Bonds of said City to finance the acquisition of eight Special Services vehicles
- Int. No. 280 Authorizing an agreement and appropriation to fund a Water Meter Replacement Program
- Int. No. 281 Resolution authorizing a grant agreement, appropriation, implementation and local match funding for a Water Meter Replacement Program to be funded in part by the New York State Environmental Facilities Corporation through its Green Innovation Grant Program
- Int. No. 282 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$142,000 Bonds of said City to finance the Bausch and Lomb Library Roof Replacement
- Int. No. 283 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,238,000 Bonds of said City to finance the costs of the Broad and Allen Firehouse Priority Facility Improvements
- Int. No. 284 Authorizing appropriations and agreements for the Maplewood Nature Center Project

- Int. No. 285 Appropriating American Rescue Plan Act funds for the Durand Eastman Beach Site Improvements Project
- Int. No. 286 Authorizing an agreement for the STOP Violence Against Women Act grant program
- Int. No. 295 Authorizing Consolidated Funding Grant applications and agreements
- Int. No. 296 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$5,985,000 Bonds of said City to finance the costs of the Goodman Firehouse Priority Facility Improvements
- Int. No. 297 Authorizing an agreement relating to the Goodman Firehouse Priority Facility Improvements

Respectfully submitted,
 LaShay D. Harris
 Willie J. Lightfoot
 Mary Lupien
 Michael A. Patterson
 Miguel A. Meléndez, Jr.

PEOPLE, PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-218

Re: Bull’s Head Revitalization Project

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Bull’s Head Revitalization Project. This legislation will:

1. Appropriate \$750,000 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT) to finance a portion of the final design and construction administration services for the Project; and,
2. Authorize an amendatory professional services agreement with Erdman, Anthony and Associates, Inc. (Curt Helman, C.E.O., 145 Culver Road, Suite 200, Rochester, New York) to provide final engineering design and construction administration services for the Project. The original agreement for \$750,000 was authorized in Ordinance No. 2023-69 and was for preliminary engineering design services. This amendment will increase the compensation by \$1,050,000 to a maximum total of \$1,800,000. The cost of the amendatory agreement will be funded with \$750,000 in NYSDOT funds appropriated herein, \$24,000 of 2021-22 Cash Capital and \$276,000 of 2023-24 Cash Capital.

This is a Federal Aid Project administered by the City under agreement with NYSDOT.

The Project includes, but is not limited to, a combination of new street construction, pavement reconstruction and rehabilitation, milling and resurfacing, realignment of intersecting streets, curbs, sidewalks, street lighting improvements, water main installation, water services and hydrants, sewer main extensions, catch basins, manholes, adjustment of utility appurtenances, landscaping, the addition of bicycle facilities and other various improvements as funding allows.

The first public meeting for the project was held on February 27, 2024. A copy of the meeting minutes are attached.

Preliminary design services began in spring 2023. Final design services are anticipated to begin in summer 2024. Construction is anticipated to begin in 2026 pending right-of-way acquisitions and contractor availability. This amendatory agreement will result in the creation and/or retention of the equivalent of 11.4 full-time jobs.

The term of the agreement shall remain six months after final completion of the Project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX- 147

Ordinance No. 2024-218
(Int. No. 274)

Authorizing an appropriation and amendatory agreement for the Bull's Head Revitalization Project

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

Section 1. The Council hereby appropriates \$750,000 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT) to fund a portion of the final design and construction administration services for the Bull's Head Revitalization Project (Project).

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Erdman, Anthony and Associates, Inc. to provide additional engineering services for the Project. The amendatory agreement shall amend the existing agreement authorized in Ordinance No. 2023-69 to add final engineering design and construction administration services to the scope of work and to increase the maximum compensation by \$1,050,000 to a new total of \$1,800,000. The amendatory compensation shall be funded in the amounts of \$750,000 from the NYSDOT funds appropriated in Section 1, \$24,000 in 2021-22 Cash Capital and \$276,000 in 2023-24 Cash Capital. The term of the amendatory agreement shall extend to 6 months after final completion of the Project.

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

Section 4. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-219

Re: Grant Appropriation – NYSDEC Climate Smart Communities Grant Program – Park Shelters

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation to appropriate \$226,000 in anticipated reimbursements from New York State Department of Environmental Conservation (NYSDEC) to partially finance the construction for the Park Shelters Project. The Project will be funded by the \$226,000 NYSDEC grant and \$226,000 in local matching funds from 2022-23 Cash Capital.

The City received a \$226,000 award from NYSDEC through a NYS Climate Smart Communities Grant Program to install park shelters in City operated regional parks. The installation of park shelters are an important component in helping City residents avoid heat exhaustion, overheating and sunstroke, as well as providing protection against harmful UV rays. These and other heat-related conditions are expected to become more prevalent due to the increasing impact of climate change.

The grant will fund the construction of permanent open-sided park shelters on concrete pads. These park shelters will provide neighbors and surrounding community members with a valuable community gathering place. The appropriation will be used to construct two shelters at Cobbs Hill Park and one shelter at Maplewood Park in conjunction with the Maplewood Nature Center Project.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

The Mayor authorized the City to submit applications to, and enter into agreements with New York State for funding thorough the 2021-22 Consolidated Funding Application process in Ordinance No. 2021-242.

The construction of all shelters is anticipated to be completed by fall 2025.

The Project will result in the creation and/or retention of the equivalent of 5.0 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-148

Ordinance No. 2024-219
(Int. No. 275)

Appropriating NYSDEC Climate Smart Communities Grant funds for a Park Shelters Project

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

Section 1. The Council hereby appropriates \$226,000 in anticipated reimbursements from the New York State Department of Environmental Conservation (NYSDEC) Climate Smart Communities Grant program to fund a portion of the costs of a Park Shelters Project to construct three permanent open-sided shelters on concrete pads within City-operated regional parks.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-220

Re: Agreement – T.Y. Lin International Engineering & Architecture, P.C. – Main Street Commons: Select Structural Demolition and Restoration

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. (Dennis Kennelly, Vice President, 255 East Avenue, Rochester, NY 14604) for structural engineering services for the demolition of 170-172 East Main Street. The cost of the agreement will be funded from 2021-22 Cash Capital.

Ordinance No. 2021-289 authorized a grant application relating to the New York State Downtown Revitalization Initiative (DRI). Ordinance No. 2023-117 authorized the acquisition of 170-172 East Main Street to establish Main Street Commons. Ordinance No. 2023-118 authorized an access easement through 170-172 East Main Street and licenses for the seasonal use of said premises as elements of the Main Street Commons project. Consistent with the Downtown Revitalization Initiative (DRI), the City intends to demolish the single-story building located at 170-172 East Main Street. Following the demolition, the City will construct Main Street Commons, a public plaza and gathering space, facilitating pedestrian circulation between East Main Street and Division Street. Main Street Commons is anticipated to feature a landscaped center walkway with public access to the two adjoining properties.

The Main Street Commons: Select Structural Demolition and Restoration project will design a comprehensive solution for the building demolition, abatement, and minor repair/stabilization of the adjacent walls to remain, that supports the site's proposed future uses.

T.Y. Lin International Engineering & Architecture, P.C., a consultant with an existing term contract, submitted a proposal for the project which was reviewed by an evaluation team comprised of licensed City staff, which is described in the attached No RFP Justification. Final design shall not commence until such time as an environmental impact review of the Project, under the State Environmental Quality Review Act, is completed.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Neighborhood and Business Development (NBD).

Design is anticipated to begin in summer of 2024. Demolition is anticipated to begin in early 2025 and be substantially complete fall 2025. The professional services agreement will result in the creation and/or retention of the equivalent of 2.0 full-time jobs.

The term of the agreement shall be three months after the completion of the two-year guarantee inspection of the Project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-149

Ordinance No. 2024-220
(Int. No. 276)

Authorizing an agreement relating to a Select Structural Demolition and Restoration project at Main Street Commons

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 T.Y. Lin International Engineering & Architecture, P.C. to provide structural engineering services for building demolition, abatement and minor repair and stabilization of the adjacent building walls at 170-172 East Main Street in order to establish Main Street Commons (Project). The maximum compensation for the agreement shall be \$200,000 funded from 2021-22 Cash Capital. The term of the agreement shall continue to three months after the completion of the two-year guarantee inspection of the Project.

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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-221

Re: Professional Services Agreement – Services for the Home Electrification and Revitalization Opportunity (HERO) Program

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods, Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation in support of the Home Electrification and Revitalization Opportunity (HERO) program. This legislation will authorize \$70,000 as maximum compensation for a professional services agreement with LaBella Associates (Steve Metzger, CEO,

300 State Street, Suite 201, Rochester, NY) to assist with implementation of the HERO program. The cost of the agreement will be financed with \$70,000 of United States Environmental Protection Agency Environmental Justice Government-to-Government Grant Program funds approved in February 2024 via Ordinance No. 2024-41.

The HERO program addresses persistent environmental and public health challenges by funding the creation of sustainable, all-electric homes through the City's existing whole-house rehabilitation programs for disadvantaged city residents disproportionately burdened by the impacts of climate change and least able to adapt to these impacts. Sustainable improvements may include air-source heat pumps, heat pump water heaters, enhanced insulation, electric vehicle charging, all-electric appliances, and rooftop solar.

Under this agreement, LaBella will provide a variety of services to support this program, including assistance with review of proposed sustainable improvements, measurement of program benefits, including greenhouse gas reductions and health benefits, and EPA grant reporting services.

The term of the agreement will be six months after project completion.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-150

Ordinance No. 2024-221
(Int. No. 277)

Authorizing an agreement for the Home Electrification and Revitalization Opportunity Program

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 LaBella Associates, D.P.C. to provide a variety of services, including the evaluation of sustainable improvement options, the technical measurement of program benefits and grant reporting, to implement the Home Electrification and Revitalization Opportunity Program in the city (HERO Program). The term of the agreement shall continue to six months after completion of HERO Program services. The maximum compensation for the agreement shall be \$70,000, which shall be funded from a portion of the U.S. Environmental Protection Agency Environmental Justice Government-to-Government Grant received and appropriated in Ordinance No. 2024-41.

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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-222

Re: NYSDOT Commercial Operators Skills Training (COST) Program Professional Services Agreement – Commercial Driver’s License (CDL B) Training Program

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: More Jobs and Neighborhood Development/Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the City’s Commercial Operators Skills Training (COST) Program funded by the New York State Department of Transportation (NYSDOT).

This legislation will establish \$40,000 as maximum compensation for an agreement with Rock Gate Capital, LLC, dba 160 Driving Academy, (Steve Gold, Founder, 2 North Riverside Plaza, Suite 2100, Chicago, IL 60606) to provide CDL B training services as part of the City’s COST program.

COST is a comprehensive, multi-partner effort designed to lead to sustainable long-term career opportunities in the trucking industry and to ensure underserved City residents share in the economic benefits derived from these opportunities. The training program will specifically target dislocated workers, underemployed and unemployed individuals, including low income and minority residents and veterans. The curriculum is designed to prepare individuals with the knowledge, skills and licensing necessary for entry-level positions in the trucking industry. In the first pilot round, COST will recruit and train up to eight (8) City residents, potentially including current City employees, to participate in the Program. The recruiting process will consist of informational meetings in all four city quadrants, social media outreach, and outreach to qualified existing employees.

The cost of the training agreement will be financed from \$40,000 in NYSDOT funds authorized under Ordinance 2023-280. The City issued a request for proposals (RFP) for CDL B training services in April 2024 and received three proposals. 160 Driving Academy was selected based on the experience and expertise of the proposed project team, their ability to meet the City’s program needs, and the quality and cost of their proposal.

The proposed agreement will have an initial term of one year with a provision for two one-year extensions based on mutual written agreement. The Program is anticipated to begin in late summer 2024.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-151

Ordinance No. 2024-222
(Int. No. 278)

Authorizing an agreement related to the Commercial Operators Skills Training Program

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 Rock Gate Capital, LLC to provide commercial driver's license (CDL) B training services as part of the City's Commercial Operators Skills Training Program. The maximum compensation for the agreement shall be \$40,000, which shall be funded from New York State Department of Transportation funds appropriated in Ordinance 2023-280. The initial term of the agreement shall be one year with a provision for two one-year extensions upon mutual written agreement.

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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-223

Re: Bond authorization - Special Services Motor Equipment

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the issuance of \$2,425,000 in bonds and appropriating the proceeds thereof to finance the purchase of Special Services vehicles. These bonds will be funded by the Local Works Fund.

The Department of Environmental Services periodically replaces Special Services vehicles based upon a combination of use and age. The following vehicles being replaced are first line vehicles that operate city wide through the Operations/Special Services Division located at 945 Mt. Read Blvd: two street sweepers (7 years old); three ten-wheel dump trucks (8 years old); one six-wheel dump truck (9 years old); one roll-off truck (11 years old); one sidewalk snow and ice control vehicle (12 years old). Delivery lead times range between six months to two years.

Street sweepers are used to sweep and clean the residential and arterial streets. Roll-off trucks are used for catching sweeper dumps. Ten-wheel and six-wheel dump trucks are used for snow and ice control and asphalt road construction. Upon replacement, the existing vehicles will replace reserve vehicles that are currently 12 to 19 years old and eligible for disposal through the Purchasing Bureau's surplus process.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-152

Ordinance No. 2024-223
(Int. No. 279)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,425,000 Bonds of said City to finance the acquisition of eight Special Services vehicles

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the acquisition of the following eight Special Services vehicles to be operated city-wide and from the Department of Environmental Services Operations/Special Services Division facility located at 945 Mt. Read Boulevard: two (2) street sweepers; three (3) ten-wheel dump trucks; one (1) six-wheel dump truck; one (1) roll-off truck; and one (1) sidewalk snow and ice control vehicle (the "Equipment"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,425,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,425,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,425,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,425,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a.28 of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said

bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-224

Resolution No. 2024-39

Re: Grant Agreement – New York State Environmental Facilities Corporation Green Innovation Grant Program – Water Meter Replacement Program

Council Priority: Deficit Reduction and Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the New York State Environmental Facilities Corporation (NYS EFC) Green Innovation Grant for the Water Meter Replacement Program. This legislation will:

1. Authorize the Mayor to enter into an agreement with NYS EFC; and,
2. Authorize the receipt and use of \$470,000 in anticipated reimbursements from NYS EFC to partially finance the Program; and,
3. Approve a resolution, in a form that is required by NYS EFC that will confirm the City's acceptance of the grant funds for the Program as described in the grant application.

The City was authorized to apply for this grant through the Consolidated Funding Application (CFA) process in Ordinance No. 2023-244.

Under this Program all water meters within the City's water distribution system are being replaced with water meters that have radio read technology. The Water Bureau has converted 80.5% of the water meters currently within the system with radio read capabilities. This technology makes the water reading process more efficient by allowing meter readers to collect reads without having to individually visit each property, as the reads are transmitted over the radio.

The total estimated cost of the Program will be \$626,666. The local match of \$156,666 will be funded from 2023-24 Cash Capital. The funds provided will be used to purchase radio read capable water meters. Program administration and installation will be carried out by in-house staff. It is estimated that 3,730 meters will be purchased and installed.

Installation is expected to begin in early 2025 and be substantially complete in fall 2026.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-153

Ordinance No. 2024-224
(Int. No. 280)

Authorizing an agreement and appropriation to fund a Water Meter Replacement 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 Environmental Facilities Corporation (NYS EFC) to participate in, administer and fund a Water Meter Replacement Program (Program) through NYS EFC's Green Innovation Grant program.

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

Section 3. The Council hereby appropriates \$470,000 in anticipated reimbursements from NYS EFC through its Green Innovation Grant program to fund the Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2024-39
(Int. No. 281)

Resolution authorizing a grant agreement, appropriation, implementation and local match funding for a Water Meter Replacement Program to be funded in part by the New York State Environmental Facilities Corporation through its Green Innovation Grant Program

WHEREAS, the City of Rochester (City) proposal to implement a Water Meter Replacement Program to acquire and install approximately 3,730 replacement water meters equipped with radio read technology (Project) is eligible for funding by the New York State Environmental Facilities Corporation (NYS EFC) through its Green Innovation Grant Program (GIGP) that calls for the

apportionment of the costs of such Project to be borne at the ratio of 75% NYS EFC funds and 25% City of Rochester (City) funds;

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review pursuant to SEQR Act as set forth in Article 8 of the Environmental Conservation Law; and

WHEREAS, the City desires to advance the Project by making a SEQR determination, authorizing the execution of a GIGP funding agreement and committing to pay a 25% share of the Project costs.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

THAT the City of Rochester hereby determines that the proposed Project is a SEQR Act Type II action in accordance with 6 NYCRR Section 617.5(c)(1), which constitutes “maintenance or repair involving no substantial changes in an existing structure or facility” and is therefore not subject to further review under 6 NYCRR Part 617;

THAT the Council hereby approves the above-described Project;

THAT the Mayor of the City of Rochester is authorized to execute a Grant Agreement with the NYS EFC and any and all other contracts, documents, and instruments necessary to bring about the Project and to fulfill the City’s obligations under the Grant Agreement;

THAT the City of Rochester authorizes and appropriates a minimum twenty-five percent (25%) local match as required by the GIGP for the above-described Project, that under the (GIGP) program this local match must be at least 25% of the GIGP eligible Project costs of \$626,666, that the source of the local match and any amount in excess of the required match shall be from fiscal year 2023-24 Water Cash Capital allocated for water meter replacement in the City’s FY 2024-28 Capital Improvement Program, and that the Mayor may increase this local match through the use of in kind services without further approval from the City; and

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-225

Re: Bond Authorization - Bausch and Lomb Library Roof Replacement

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing the issuance of additional bonds totaling \$142,000 and the appropriation of the proceeds thereof to partially finance the cost of additional construction within the Bausch and Lomb Library Roof Replacement Project. The additional bonds authorized herein will be utilized for additional work to address leakage and access needs including, but not limited to, skylight repairs and roof access ladders.

The Bausch & Lomb roof is original to the building (1997). The existing roof is over 25 years old and out of warranty. There have been numerous leaks from the membrane roofing and skylight in the past several years. The Project includes installation of a new single-ply insulated roof system. Existing smoke vents and vent pipes will be replaced, and roof drainage systems will be repaired and insulated against condensation.

Bids for construction were received on December 19, 2023. The Project was awarded to Titan Roofing, Inc. in the amount of \$876,000 as authorized by Ordinance 2024-34.

The Project was designed by CPL Architects, Engineers and, Landscape Architect, D.P.C. dba CPL as authorized by Ordinance No. 2022-341.

The Project will be funded as follows:

	Design	Roof Construction	Skylight and Roof Access Construction	Construction Contingency	Total
Library Debt authorized in Ordinance No. 2022-340	\$105,000	\$165,000	\$0	\$0	\$270,000
Library Grant authorized in Ordinance No. 2022-296	0	\$522,408	0	0	\$522,408
Library Debt authorized in Ordinance No. 2024-34	0	\$188,592	\$24,208	\$11,200	\$224,000
Bond authorized herein	0	0	\$135,792	\$6,208	\$142,000
Total	\$105,000	\$876,000	\$160,000	\$17,408	\$1,158,408

This proposed legislation was developed by the Department of Environmental Services (DES) in collaboration with the Rochester Public Library (RPL).

Construction is anticipated to begin in summer 2024 and be substantially complete in late 2024. The additional bonds authorized herein will result in the creation and/or retention of the equivalent of 1.5 full-time jobs.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AX-154

Ordinance No. 2024-225
 (Int. No. 282)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$142,000 Bonds of said City to finance the Bausch and Lomb Library Roof Replacement

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of replacing the roof, including associated skylight and roof access repairs, to the Bausch and Lomb Library building located at 114 South Avenue (the "Project").

The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,158,408. The plan of financing includes the issuance of \$142,000 bonds of the City, which are hereby appropriated therefor, \$270,000 from the proceeds of City bonds appropriated in Ordinance No. 2022-340, \$224,000 from the proceeds of City bonds appropriated in Ordinance No. 2024-34, \$522,408 of a grant from the New York State Education Department, Division of Library Development authorized to be used for the Project in Ordinance No. 2022-296, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$142,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$142,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00.a.12 of the Law, is twenty-five (25) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-226

Re: Broad and Allen Firehouse Priority Facility Improvements

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to Broad and Allen Firehouse Priority Facility Improvements Project. This legislation will:

1. Authorize the issuance of bonds totaling \$1,238,000 and the appropriation of the proceeds thereof to partially finance the construction and Construction Management (CM) & Resident Project Representation (RPR) services for the Project; and,
2. Establish \$628,000 as maximum compensation for a professional services agreement with Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. (Joseph A. Dopico, 280 E. Broad Street, Suite 200, Rochester, New York), for CM & RPR services for the Project. The cost of the agreement will be funded from the sources outlined in the chart on the following page.

The Broad and Allen Firehouse was constructed in 1955. The Project scope incorporates high priority facility improvements that include, but are not limited to, renovations to accommodate gender neutral bathrooms and bunkrooms, building system upgrades, general facility renovation, code compliance and site improvements.

The Project was designed by Architectura P.C. as authorized by Ordinance Nos. 2021-402 and 2023-33.

Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C was selected for CM & RPR services through a request for proposal process, which is described in the attached summary.

Bids for construction were received on May 30, 2024. There are four prime contracts being awarded. The general construction contract apparent low bid of \$2,856,000 was submitted by UDN, Inc. (Nick Charvella, C.E.O., 252 Alexander Street, Rochester, NY). The plumbing construction contract apparent low bid of \$730,000 was submitted by DG Messmer Corporation (Gary Messmer, C.E.O., 6319-B Dean Parkway, Ontario, NY). The mechanical construction contract apparent low bid of \$1,620,000 was submitted by Pipitone Enterprises, LLC (Stacey L. Pipitone, C.E.O., 140 Stottle Road, Churchville, New York). The electrical construction contract apparent low bid of \$676,800 was submitted by Concord Electric Corporation (John Loiacono, President, 305 Pinewood Dr., Suite 4, Rochester, New York). Total construction contracts anticipated to be awarded total \$5,882,800.

The Project will be funded as follows:

	Design	Construction	Construction Contingency	Incidentals	RPR	Total
Debt authorized in Ordinance No. 2021-403	\$90,000	\$159,000	0	0	0	\$249,000
ARPA authorized in Ordinance No. 2021-402	0	162,000	0	0	0	162,000
ARPA authorized in Ordinance No. 2022-313	540,000	4,464,449	0	595,551	0	5,600,000
2023-24 Cash Capital	0	487,351	48,479	121,170	68,000	725,000
Bonds authorized herein	0	610,000	0	68,000	560,000	1,238,000
Total	\$630,000	\$5,882,800	\$48,479	\$784,721	\$628,000	\$7,974,000

This proposed legislation was developed by the Department of Environmental Services (DES) in collaboration with the Rochester Fire Department (RFD).

Construction is anticipated to begin in summer 2024 and be substantially complete in late 2025. The additional funds allocated to the Project will result in the creation and/or retention of the equivalent of 21.3 full-time jobs.

The term of the agreement shall be three months after completion of the two-year guarantee inspection of the Project.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AX-155

Ordinance No. 2024-226
 (Int. No. 283)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,238,000 Bonds of said City to finance the costs of the Broad and Allen Firehouse Priority Facility Improvements

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City") is hereby authorized to finance the costs of the Broad and Allen Firehouse Priority Facility Improvements which include but are not limited to the replacement or renovation of kitchen cabinets, countertops and flooring, painting and installation of a code compliant exhaust hood and fire suppression system, renovations to accommodate gender neutral bathrooms and bunkrooms, building system upgrades, general facility renovation, code compliance and site improvements at the firehouse located at the corner of West Broad and Allen streets (collectively, the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental

thereto and the financing thereof, is \$7,974,000. The plan of financing includes the issuance of \$1,238,000 bonds of the City, which amount is hereby appropriated therefor, \$249,000 from the proceeds of City bonds appropriated in Ordinance No. 2021-403, \$162,000 in United States Treasury funds provided pursuant to the American Rescue Plan Act of 2021 ("ARPA") and appropriated in Ordinance No. 2021-402, \$5,600,000 from a portion of the ARPA funds appropriated to Firehouse Priority Facility Improvements in Ordinance No. 2022-313, \$725,000 from 2023-24 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,238,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,238,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 13. of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

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

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-227

Re: Maplewood Nature Center

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Maplewood Nature Center Project. This legislation will:

1. Appropriate \$342,000 in anticipated reimbursements from New York State Energy Research and Development Authority (NYSERDA) Carbon Neutral Economic Development program to partially finance the construction for the Project; and,
2. Appropriate \$1,000,000 in anticipated reimbursements from New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Program (WQIP) to partially finance the construction for the Project; and,
3. Appropriate \$975,000 in anticipated reimbursements from New York State Department of State (NYSDOS) to partially finance the construction for the Project; and,
4. Establish \$1,150,000 as maximum compensation for a professional services agreement with LiRo Engineers, Inc. (Jeffrey Perkins, Associate Vice President, 85 Allen Street, Suite 300, Rochester, New York). for Construction Management (CM) & Resident Project Representation (RPR) services for the Project; and,
5. Authorize an amendatory professional services agreement with Architectura, P.C., (Jennifer F. Takatch, C.E.O., 17 Pitkin Street, Suite 100, Rochester, New York) for additional architectural and engineering services for the Project. The original agreement for \$250,000 was authorized in Ordinance No. 2022-307 and amended by Ordinance No. 2023-235 to \$845,000. This amendatory agreement will increase the maximum total compensation by \$300,000 to a maximum total of \$1,145,000. The cost of the agreement will be funded from the sources outlined in the chart on the following page.

The structure currently housing the Maplewood Training Center was built in 1945 in upper Maplewood Park, which was designed by Frederick Law Olmsted and highlights the Genesee River. This building has been re-purposed a number of times and has previously been utilized as a recreation center and a police station. The City of Rochester offers a number of nature and environmental education programs, but lacks a facility equipped to provide specialized programming

in a comprehensive manner. The renovation of this structure and enhancement of the adjacent parkland to serve as a Nature Center will provide an activated connection between the Genesee River and the surrounding neighborhoods and the city as a whole. A new playground adjacent to the proposed Nature Center is a separate, coordinated project.

The Project was designed by Architectura, P.C. The amendatory agreement will provide for expanded construction administration services.

LiRo Engineers, Inc. (Jeffrey Perkins, Associate Vice President, 85 Allen Street, Suite 300, Rochester, New York) was selected for CM & RPR services through a request for proposal process, which is described in the attached summary.

Bids for construction were received on May 21, 2024. There are five prime contracts being awarded. The general construction - building contract apparent low bid of \$2,350,000 was submitted by Garden Grove Construction Corp. (Christopher J. DiPasquale, C.E.O., 120 Marina Drive, Suite 205, Rochester, New York). The general construction - site contract apparent low bid of \$2,675,000 was submitted by Garden Grove Construction Corp. (Christopher J. DiPasquale, C.E.O., 120 Marina Drive, Suite 205, Rochester, New York). The mechanical construction contract apparent low bid of \$751,770 was submitted by Pipitone Enterprises, LLC (Stacey L. Pipitone, C.E.O., 140 Stottle Road, Churchville, New York). The plumbing construction contract apparent low bid of \$312,000 was submitted by Michael A. Ferrauilo Plumbing & Heating, Inc. (Joseph D. Ferrauilo, President, 1600 Jay Street, Rochester, New York). The electrical construction contract apparent low bid of \$935,000 was submitted by Hewitt Young electric, LLC (Cody Hewitt, C.E.O., 645 Maple Street, Rochester, New York). Total construction contracts anticipated to be awarded total \$7,023,770.

The Project will be funded as follows:

Funding Source	Design	Construction	Incidentals	RPR	Contingency	Total
ARPA funding Ordinance No. 2022-81	\$945,000	\$3,903,770	\$0	\$676,230	\$0	\$5,525,000
NYSDEC WQIP grant appropriated herein	0	1,000,000	0	0	0	1,000,000
NYSDOS grant appropriated herein	0	975,000	0	0	0	975,000
NYSERDA grant appropriated herein	0	342,000	0	0	0	342,000
2015-16 Cash Capital	0	97,861	21,717	0	0	119,578
2016-17 Cash Capital	0	12,618	216,500	0	0	229,118
2017-18 Cash Capital	100,000	367,521	0	283,783	0	751,304
2024-25 Cash Capital	100,000	325,000	0	189,987	1,070,013	1,685,000
Total	\$1,145,000	\$7,023,770	\$283,217	\$1,150,000	\$1,070,013	\$10,627,000

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

Construction is anticipated to begin in fall 2024 and be substantially complete in late 2025. The

additional funds allocated to the Project will result in the creation and/or retention of the equivalent of 55.5 full-time jobs.

The term of the RPR agreement shall be three months after completion of the two-year guarantee inspection of the Project. The term of the amendatory agreement shall remain three months after completion of the two-year guarantee inspection of the Project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-156

Ordinance No. 2024-227
(Int. No. 284)

Authorizing appropriations and agreements for the Maplewood Nature Center Project

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

Section 1. The Council hereby appropriates \$342,000 in anticipated reimbursements from the New York State Energy Research and Development Authority (NYSERDA) Carbon Neutral Economic Development program to fund a portion of the construction costs for the Maplewood Nature Center Project (Project).

Section 2. The Council hereby appropriates \$1,000,000 in anticipated reimbursements from the New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Program to fund a portion of the Project construction costs.

Section 3. The Council hereby appropriates \$975,000 in anticipated reimbursements from the New York State Department of State (NYSDOS) Carbon Neutral Economic Development program to fund a portion of the Project construction costs.

Section 4. The Mayor is hereby authorized to enter into a professional services agreement with LiRo Engineers, Inc. to provide Construction Management and Resident Project Representation services for the Project. The maximum compensation shall be \$1,150,000 funded in the amounts of \$676,230 from American Rescue Plan Act funds appropriated in Ordinance No. 2022-81, \$283,783 from in 2017-18 Cash Capital and \$189,987 from 2024-25 Cash Capital. The term of the agreement shall extend to three months following the completion of the two-year guarantee inspection of the Project.

Section 5. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Architectura, P.C. to provide additional architectural and engineering services for the Project. The amendatory agreement shall modify the existing agreement authorized in Ordinance No. 2022-307 and amended by Ordinance No. 2023-235 to increase the maximum compensation by \$300,000 to a new total of \$1,145,000. The amendatory compensation shall be funded in the amounts of \$100,000 from American Rescue Plan Act funds appropriated in Ordinance No. 2022-81, \$100,000 from 2017-18 Cash Capital and \$100,000 from 2024-25 Cash Capital.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-228

Re: Durand Eastman Beach Site Improvements

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to the Durand Beach Site Improvements Project. This legislation will authorize the appropriation of ARPA funding totaling \$500,000 to partially finance the construction services for the Project.

The Project will focus on drainage, stormwater management and erosion control; restoration of eroded slopes and trail; beach access; and new site amenities that may include picnic shelters, picnic tables, grills, trash receptacles, benches, bike amenities, and signage.

Bids for construction were received on April 16, 2024. The apparent low bid of \$1,790,989.23 was submitted by TME Excavating Corporation (Todd Edgecombe, C.E.O., 141 Payne Beach Road, Hilton, New York).

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). The Durand Beach Site Improvements Project was included in the prior Administration's Strategic Equity and Recovery Plan shared with City Council on September 29, 2021, and was shared by the current Administration in a Council work session on September 29, 2022. This project is an eligible use of ARPA funding under the Final Rule Expenditure Category 6.1 Provision of Government Services.

The additional \$500,000 in ARPA funding is being re-appropriated from a portion of the \$37,315,000 in ARPA funds originally appropriated to the Lead Service Replacement projects. The 2021 and 2022 phases of the Lead Service Replacement project have completed under budget, leaving a portion of ARPA funds available for reprogramming for other projects including Durand and the remaining 2023 phases of lead service replacement.

The project was designed by Popli Architecture + Engineering & L.S., D.P.C. per Ordinance No. 2021-297 and amended by Ordinance Nos. 2022-214 and 2023-195. Ravi Engineering and Land Surveying, P.C. per Ordinance No. 2024-82 will perform Resident Project Representation.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

The project will be funded as follows:

	Design	Construction	RPR	Contingency	Total
2020-21 Cash Capital	\$75,000	\$0	\$39,000	\$0	\$114,000
NYSDOS grant appropriated Ordinance No. 2021-297	225,000	0	0	0	225,000
ARPA funds appropriated Ordinance No. 2022-79	385,000	1,160,000	155,000	0	1,700,000
2022-23 Cash Capital	0	0	6,000	0	6,000
ARPA funds appropriated herein	0	500,000	0	0	500,000
2024-25 Cash Capital	0	130,989.23	0	269,010.77	400,000
Total	\$685,000	\$1,790,989.23	\$200,000	\$269,010.77	\$2,945,000

Construction is anticipated to begin in fall 2024 and be substantially complete in summer 2025.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-157

Ordinance No. 2024-228
(Int. No. 285)

Appropriating American Rescue Plan Act funds for the Durand Eastman Beach Site Improvements Project

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

Section 1. The Council hereby authorizes the receipt and use of \$500,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021, which amount is hereby appropriated to fund construction costs for the Durand Eastman Beach Site Improvements Project (Project).

Section 2. The Mayor is hereby further authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund and carry out the Project.

Section 3. The agreements and documents authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-229

Re: Grant Agreement – New York State Division of Criminal Justice Services Violence Against Women Formula Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a grant agreement with New York State Division of Criminal Justice Services, for the receipt and use of a Services Training Officers Prosecution Violence Against Women Act (STOP VAWA) Formula grant totaling \$50,000. The term of this agreement is January 1, 2024 through December 31, 2024 and this is the fourth year of a previously awarded five-year grant. This award was anticipated and included in the 2023-24 and 2024-25 Budget of the Department of Recreation and Human Services (DRHS).

The STOP VAWA grant supports the personnel expenses of a full-time Community Support Counselor in the DRHS Crisis Intervention Services Unit. The Community Support Counselor will provide support, referrals, counseling, advocacy, and safety planning to victims of domestic violence, dating violence, sexual assault, or stalking. During the current fiscal year (July 2023-May 2024), the Community Support Counselor worked with 179 survivors of domestic violence.

This was last authorized by City Council on March 21, 2023 via Ordinance No. 2023-83.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-158

Ordinance No. 2024-229
(Int. No. 286)

Authorizing an agreement for the STOP Violence Against Women Act 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 New York State Division of Criminal Justice Services for the receipt and use of a Service Training Officers Prosecution (STOP) Violence Against Women Act formula grant in the amount of \$50,000, which is hereby appropriated to support the employment of a full-time Community Support Counselor in the City's Crisis Intervention Services Unit. The term of the agreement shall be one year.

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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-230

Re: Consolidated Funding Applications for 2024-25

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods; Sustaining Green and Active Systems; Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to the 2024-25 New York State Consolidated Funding Application (CFA) process.

This legislation will:

1. Authorize the City's applications for over \$8.51 million in New York State funding through the CFA process; and
2. Authorize any necessary agreements with State for the receipt of funding.

As part of New York's efforts to improve the business climate and expand economic growth, the CFA was created to support the Regional Economic Development Council (REDC) Initiative. The CFA streamlined and expedited the grant application process, marking a shift in the way state resources are allocated. The CFA allows applicants to access multiple state funding sources through a single application.

This year, there are more than 20 programs available through eight state agencies: Empire State Development; New York State Homes and Community Renewal; Office of Parks, Recreation and Historic Preservation; Department of State; Canal Corporation; Energy Research and Development Authority; Power Authority; and Department of Environmental Conservation.

City Applications

In spring 2024, an interdepartmental team of City staff worked to review CFA availability as it related to each department and create a citywide CFA application plan. Projects recommended for City submissions were based on the current stage of project development, ability to complete the projects within the timeframes established by the funding agency, and the ability to obtain matching funds through the City's Capital Improvement Program.

If State funding is awarded, it is anticipated that any local match amounts not already allocated will be requested in the 2025-26 Capital Improvement Plan.

Applications are due by July 31, 2024. The City of Rochester intends to submit up to five applications for the projects listed below:

2024 City Applications for CFA			
Project	Total Project Cost	State Request	Local Match
Running Track Bridge Conversion Trail Connection	\$3,000,000	\$2,000,000	\$1,000,000
Genesee River Debris Mitigation Assessment	\$600,000	\$510,000	\$90,000
Downtown Streetscape and Public Space Enhancements	\$6,000,000	\$3,000,000	\$3,000,000
Hemlock Lake Dam Slope Rehabilitation Project	\$1,500,000	\$1,000,000	\$500,000
Cycle Track Implementation	\$2,500,000	\$2,000,000	\$500,000

Project descriptions are provided in the attached summary.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AX-159

Ordinance No. 2024-230
 (Int. No. 295)

Authorizing Consolidated Funding Grant applications and agreements

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

Section 1. The Mayor is hereby authorized to submit applications to, and enter into agreements with, New York State for funding through the 2024-25 New York State Consolidated Funding Application for the following projects:

Project	Total Cost	State Request	Local Match
Running Track Bridge Conversion Trail Connection	\$3,000,000	\$2,000,000	\$1,000,000
Genesee River Debris Mitigation Assessment	\$600,000	\$510,000	\$90,000
Downtown Streetscape and Public Space Enhancements	\$6,000,000	\$3,000,000	\$3,000,000
Hemlock Lake Dam Slope Rehabilitation Project	\$1,500,000	\$1,000,000	\$500,000
Cycle Track Implementation	\$2,500,000	\$2,000,000	\$500,000

Section 2. City match funding shall be provided through City Budget funds allocated for these project purposes or through the 2025-26 Capital Improvement Plan.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-231

Ordinance No. 2024-232

Re: Goodman Firehouse Priority Facility Improvements

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to Goodman Firehouse Priority Facility Improvements Project. This legislation will:

1. Authorize the issuance of bonds totaling \$5,985,000 and the appropriation of the proceeds thereof to partially finance the construction and Construction Management (CM) & Resident Project Representation (RPR) services for the Project; and,
2. Establish \$574,000 as maximum compensation for a professional services agreement with Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. (Joseph A. Dopico, 280 E. Broad Street, Suite 200, Rochester, New York), for CM & RPR services for the Project. The cost of the agreement will be funded from the sources outlined in the chart on the following page.

The Goodman Firehouse was constructed in 1960. The Project scope incorporates high priority facility improvements that include, but are not limited to, a small building addition to accommodate gender neutral bathrooms and bunkrooms, building system upgrades, general facility renovation, code compliance and site improvements.

The Project was designed by LaBella Associates, D.P.C. as authorized by Ordinance Nos. 2021-409 and 2023-32.

Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. was selected for CM & RPR services through a request for proposal process, which is described in the attached summary.

Bids for construction were received on May 7, 2024. There are four prime contracts being awarded. The general construction contract apparent low bid of \$5,104,000 was submitted by UDN Inc. (Nick Charvella, C.E.O., 252 Alexander Street, Rochester, NY). The plumbing construction contract apparent low bid of \$425,000 was submitted by DG Messmer Corporation (Gary Messmer, C.E.O., 6319-B Dean Parkway, Ontario, NY). The mechanical construction contract apparent low bid of \$1,077,000 was submitted by Bell Mechanical (Lawrence Bell Sr., C.E.O., 105 Lincoln Parkway, E. Rochester, NY). The electrical construction contract apparent low bid of \$561,000 was submitted by

Billitier Electric Inc. (Ronald Billitier, C.E.O., 760 Brooks Avenue, Rochester, NY). Total construction contracts anticipated to be awarded total \$7,167,000.

The Project will be funded as follows:

	Design	Construction	Construction Contingency	Incidentals	RPR	Total
ARPA authorized in Ordinance No. 2022-313	\$425,000	\$2,375,000	\$0	\$0	\$0	\$2,800,000
2021-22 Cash Capital	\$140,000	0	0	100,000	0	\$240,000
2023-24 Cash Capital	0	0	540,000	0	60,000	\$600,000
Bonds authorized herein	0	4,792,000	176,505	502,495	514,000	\$5,985,000
Total	\$565,000	\$7,167,000	\$716,505	\$602,495	\$574,000	\$9,625,000

This proposed legislation was developed by the Department of Environmental Services (DES) in collaboration with the Rochester Fire Department (RFD).

Construction is anticipated to begin in summer 2024 and be substantially complete in late 2025. The additional funds allocated to the Project will result in the creation and/or retention of the equivalent of 72.7 full-time jobs.

The term of the agreement shall be three months after completion of the two-year guarantee inspection of the Project.

Respectfully submitted,
 Malik D. Evans
 Mayor

Ordinance No. 2024-231
 (Int. No. 296)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$5,985,000 Bonds of said City to finance the costs of the Goodman Firehouse Priority Facility Improvements

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

Section 1. The City of Rochester in the County of Monroe, New York (herein called "City") is hereby authorized to finance the costs of the Goodman Firehouse Priority Facility Improvements which include but are not limited to a small building addition to accommodate gender neutral bathrooms and bunkrooms, building system upgrades, general facility renovation, code compliance and site improvements at the firehouse located at 736 North Goodman Street (collectively, the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,625,000. The plan of financing includes the issuance of \$5,985,000 bonds of the City, which amount is hereby appropriated therefor, \$2,800,000 in United States Treasury funds provided pursuant to the American Rescue Plan Act of 2021 "ARPA" and appropriated in Ordinance No. 2022-313, \$240,000 from 2021-22 Cash Capital,

\$600,000 from 2023-24 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$5,985,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$5,985,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 13. of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2024-232
(Int. No. 297)

Authorizing an agreement relating to the Goodman Firehouse Priority Facility Improvements

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 Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. for Construction Management and Resident Project Representation services for the Goodman Firehouse Priority Facility Improvements (Project). The maximum compensation for the agreement shall be \$574,000, which shall be funded in the amounts of \$514,000 from the proceeds of bonds authorized in a concurrent ordinance and \$60,000 from 2023-24 Cash Capital. The term of the agreement shall continue to three months after completion of a two-year guarantee inspection of the Project.

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 Councilmember Gruber
July 23, 2024

To the Council:

The **BUDGET, FINANCE, & GOVERNANCE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 287 Authorizing an amendatory agreement for telephone town hall meeting services

Int. No. 288 Appropriating 2024-25 Annual Action Plan funds and amending Ordinance No. 2024-143 relating to an agreement for Financial Empowerment Center counseling services

Int. No. 293 Authorizing an agreement relating to the sourcing of technology products and services

Int. No. 294 Authorizing an agreement for employee recruitment and applicant tracking software and services

Respectfully submitted,
Mitch Gruber
Stanley Martin (*absent*)
Bridget Monroe (*absent*)
LaShay D. Harris
Miguel A. Meléndez, Jr.
BUDGET, FINANCE, & GOVERNANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-233
Re: Agreement – Telephone Town Hall Meetings, Inc. – Telephone Town Hall Meeting administration

Comprehensive Plan 2034 Initiative Area: Planning for Action

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Telephone Town Hall Meeting, Inc. (Diane Cerveney, President/Owner, Golden, CO) to extend the term of an existing agreement for telephone town hall services for five additional years.

An original agreement authorized in Ord. 2021-182 (June, 2021) established maximum compensation of \$12,000 per year for a term of four years. An amendatory agreement was then authorized in Ord. 2022-99 (April, 2022) to increase the maximum annual compensation to \$30,000 per year with no change in term. This second amendment will extend the original agreement by five additional years with an annual maximum compensation of \$30,000, for a five-year total of \$150,000. The first year of the extension will be funded from the 2024-25 Budget of Undistributed, with subsequent years funded from future years' Communications Bureau Budgets contingent on approval.

The Telephone Town Hall meeting service rapidly dials out to phone numbers in a selected geographic area of the city. Participants can simply listen in, or actively participate by speaking with officials and provide feedback by taking part in polls. This service provides the City with a tool to effectively communicate directly with thousands of individuals at once and makes it easier for large numbers of citizens to interact directly with their government.

The service provides the City with broader methods of community input. Telephone town hall meetings enable the City to reach citizens who may not have access to Zoom or the internet or who cannot attend in-person meetings. Participants need only to have a telephone (mobile or landline).

This firm was selected based on the Bureau of Communications' prior experience, positive work history, and satisfaction with their services. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-160

Ordinance No. 2024-233
(Int. No. 287)

Authorizing an amendatory agreement for telephone town hall meeting 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 amendatory agreement with Telephone Town Hall Meeting, Inc. to provide telephone town hall meeting services. The agreement shall amend the agreement authorized in Ordinance No. 2021-182, and as amended in Ordinance No. 2022-99, to extend the term of the original agreement by an additional five years, with an annual maximum compensation of \$30,000. The compensation for the first year of the extended term shall be funded from the 2024-25 Budget of Undistributed Expenses, with subsequent years funded from future years' Budgets of the Bureau of Communications, contingent upon approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-234

Re: Agreement – The Housing Council at PathStone

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation to amend the funding sources of a professional services agreement with The Housing Council at PathStone (Mary Leo, Executive Director, 75 College Ave suite 431, Rochester, NY 14607) to administer the Financial Empowerment Center program. Ordinance No. 2024-143 authorized a professional services agreement with The Housing Council at PathStone with a maximum compensation of \$400,000 to be funded by the 2024-25 Budget of the Office of the Mayor. Shortly after adoption of that ordinance, it was announced that the Office of Financial Empowerment would receive \$50,000 from CDBG funding to support this program. This legislation will:

- (1) Appropriate \$50,000 in Community Development Block Grant (CDBG) funds from the Project 21 – Financial Empowerment Center allocation of the 2024-25 Annual Action Plan to fund the program; and
- (2) Amend the source of funding for the agreement with the Housing Council to reflect \$350,000 in funding from the 2024-25 Office of the Budget of the Mayor's Office and \$50,000 from Community Development Block Grant (CDBG) funds.

The appropriation in number one above represents the City's contribution to support financial counseling of clients of low- to moderate-income households. The CDBG funded portion of the program will only serve clients with household incomes at or below 80% of the Area Median Income (AMI), a threshold which is updated annually by the Department of Housing and Urban Development.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-234
(Int. No. 288)

Appropriating 2024-25 Annual Action Plan funds and amending Ordinance No. 2024-143 relating to an agreement for Financial Empowerment Center counseling services

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

Section 1. The sum of \$50,000 is hereby appropriated from the Project No. 21 Financial Empowerment Center allocation of the 2024-25 Annual Action Plan to administer counseling services for the Financial Empowerment Center.

Section 2. Section 1 of Ordinance No. 2024-143, Authorizing agreement for Financial Empowerment Center counseling services, is hereby amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with The Housing Council at PathStone, Inc. to administer counseling services for the Financial Empowerment Center. The term of the agreement shall be one year with the option to renew for up to two additional terms of 1 year each. The maximum annual compensation for the agreement shall be \$400,000. The compensation for the first year shall be funded in the amounts of \$50,000 from the Project No. 21 Financial Empowerment Center allocation of the 2024-25 Annual Action Plan appropriated in Ordinance No. 2024-234 and \$350,000 from the 2024-25 Budget of the Office of Mayor contingent upon approval. The compensation for the second and third years, if so elected, shall be funded from subsequent years' Budgets of the Office of Mayor contingent upon approval.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-235
Re: Agreement - Marketplace.city Inc.

Comprehensive Plan 2034 Initiative Area: Planning for Action

Transmitted herewith for your approval is legislation establishing \$24,000 as maximum compensation for an agreement with Marketplace.city Inc. (Chris Foreman, Chicago, IL) for subscription services related to sourcing of technology products and services. The term of this agreement will be one year, with the option to renew for two additional one-year periods. The cost of this agreement will be funded from the 2024-25 Budget of the Mayor's Office, with subsequent years' costs subject to a 5% yearly increase and funded from the future annual budgets of the Mayor's Office, contingent upon approval.

Marketplace.city's Clearbox Source Subscription helps governments source, evaluate and procure technology products and services. The dataset and service offerings are unique as they capture current market data relating to over 100 topic areas. This data includes full market landscapes of solutions, case studies, pricing, performance, contract vehicles etc. It has been used by the City for 6 months, previously funded by the Department of Information Technology, and has been shown to significantly reduce market research time and the need for Requests for Information by the City.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-161

Ordinance No. 2024-235
(Int. No. 293)

Authorizing an agreement relating to the sourcing of technology products and 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 with Marketplace.city Inc. to provide subscription services to source, evaluate and procure technology products and services. The term of the agreement shall be one year with the option to extend by up to two additional 1-year periods. The maximum compensation for the initial 1-year term shall be \$24,000 funded from the 2024-25 Budget of the Mayor's Office (Mayor's Budget). The maximum compensation for the subsequent 1-year term extensions, if so opted for, shall be subject to a 5% annual increase over the prior year and funded from the 2025-26 Mayor's Budget for the first extension year and the 2026-27 Mayor's Budget for the second extension year, contingent upon the approvals of those Budgets.

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-236
Re: Agreement- GovernmentJobs.com, Inc., Recruitment and Applicant Tracking Software and Services

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$171,926 as total maximum compensation for an agreement with GovernmentJobs.com, Inc., (Shane Evangelist, CEO) of El Segundo, California, to provide recruitment and applicant tracking software and services. The agreement will have a term of three years, and will be funded from the 2024-25, 2025-26, and 2026-27 Budgets of the Department of Human Resource Management in the amounts of \$55,442, \$53,600, and \$62,884, respectively, contingent upon approval of future budgets.

GovernmentJobs.com, Inc. has provided a software solution for the City's recruitment, applicant tracking, selection, and reporting and analysis system since 2020, which was approved by Ordinance No. 2020-319. GovernmentJobs.com, Inc. had been previously selected to provide these services to the City primarily because of their exclusive focus on providing applicant tracking services to public sector agencies which possess similar Civil Service and system requirements as the City.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-162

Ordinance No. 2024-236
(Int. No. 294)

Authorizing an agreement for employee recruitment and applicant tracking software and 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 with GovernmentJobs.com, Inc. to provide employee recruitment and applicant tracking software and services. The term of the agreement shall be three years. The maximum compensation for the each year of the term shall be: \$55,442 for the first year funded from the 2024-25 Budget of the Department of Human Resource Management (DHRM); \$53,600 for the second year funded from the 2025-26 Budget of DHRM; and \$62,884 for the third year from the 2026-27 Budget of DHRM, contingent upon the approval of the latter two budgets.

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 Councilmember Lightfoot
July 23, 2024

To the Council:

The **PUBLIC SAFETY COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 289 Authorizing an agreement with Protectives, Inc., of Rochester, N.Y. for auxiliary services
- Int. No. 290 Authorizing an ~~amendatory~~ intermunicipal agreement with the Rochester City School District and amending the 2024-25 Budget relating to the provision of overtime police services at school facilities for the 2024-25 school year, **as amended**
- Int. No. 291 Authorizing agreement related to the 2024-25 Gun Involved Violence Elimination grant
- Int. No. 292 Authorizing an amendatory agreement with Monroe County for traffic signal pre-emption maintenance
- Int. No. 298 Local law amending the City Charter relating to Flood Damage Prevention
- Int. No. 299 Deleting Chapter 56 and revising Section 120-192 of the Municipal Code with regard to Flood Damage Prevention

Respectfully submitted,

Willie J. Lightfoot

Mitch Gruber

Mary Lupien (*absent*)

Stanley Martin (*absent*)

Bridget Monroe (*absent*)

Michael A. Patterson

Kimberly Smith

LaShay D. Harris

Miguel A. Meléndez, Jr.

PUBLIC SAFETY COMMITTEE

Received, filed & published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-237

Re: Agreement – Protectives, Inc., of Rochester, N.Y.

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$181,900 as maximum compensation for this agreement with Protectives, Inc., of Rochester, N.Y. for the continued provision of auxiliary services to the Fire Department. The most recent agreement, authorized by Ordinance No. 2021-224, expires June 30, 2024. Annual maximum amounts for Year 1: \$59,600, Year 2: \$60,600

and Year 3: \$61,700 will be funded from the FY2024-25 budget and subsequent budgets of the Fire Department, contingent upon approval.

This agreement includes provision for use of certain City facilities, medical services and financial support.

The Rochester Protectives, Inc., established in 1858, is a volunteer firefighter assistance organization that works with the Rochester Fire Department. Its mission is to provide both fire and non-fire salvage services to city residents at emergency incidents. The Protectives assist the Rochester Fire Department and protect private property of citizens from unnecessary damage by performing the following activities:

- Covering or removing property
- Recovering family valuables
- Providing ventilation through the use of smoke-ejecting fans
- Set-up of emergency scene lighting
- Pumping water from flooded buildings
- Securing broken windows and doors

Over 20,000 hours of services are provided annually by approximately 35 active members who each volunteer a minimum of twelve hours per week. The Fire Department provides 5,600 square feet of space within the Chestnut Street Firehouse facility for office, storage and bunking purposes, and a truck and driver to transport equipment.

To ensure the health and safety of emergency responders, the Fire Department will provide annual Hepatitis B vaccination and physicals to the Protectives members who use breathing apparatus at the fire scene. Similar vaccinations and annual physicals are currently provided by the City to other emergency personnel as required under state and federal regulations.

The term of this agreement will be for three years.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-237
(Int. No. 289)

Authorizing an agreement with Protectives, Inc., of Rochester, N.Y. for auxiliary 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 Protectives, Inc., of Rochester, N.Y. (Protectives) to provide property protection, salvage and related services to the Rochester Fire Department. The term of the agreement shall be three years. The maximum compensation shall be \$59,600 for the first year, \$60,600 for the second year, and \$61,700 for the third year. Said compensation and costs shall be funded from the 2024-25 Budget of the Fire Department for the first year, and from future years' Budgets of the Fire Department for the second and third years, contingent upon approval. The City shall also pay the costs of physical examinations and hepatitis B vaccinations for Protectives members.

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.

Councilmember Lupien introduced a motion to amend Int. No. 290; 2nd by Councilmember Martin. Motion to amend was withdrawn because of lack of support.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-238

Re: Amendatory Agreement, Rochester City School District, Overtime for Police Services

Council Priority: Public Safety; Support the Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to police services. This legislation will:

1. Authorize an amendatory Intermunicipal agreement with the Rochester City School District (RCSD) for police services. The original agreement was authorized by Ordinance No. 2024-147 for the 2024 summer school session in return for the RCSD's reimbursement of the City's costs in an amount not to exceed \$90,800. This amendment will extend the term to June 30, 2025, to include the 2024-25 school year, and increase the maximum reimbursement to \$861,200;
2. Amend the 2024-25 Budget of the Police Department by \$565,000;
3. Amend the 2024-25 Undistributed Budget by \$205,400.

RCSD has requested assignment of Police Officers during student arrival and dismissal times at mutually agreed upon schools, for up to 184 school days through the school year. Based on RPD staffing, one or more of the following schools will be covered: Franklin Campus (950 Norton St), Edison Career and Technology High School (655 Colfax St.), Joseph C. Wilson Magnet High School (501 Genesee St.), Monroe High School (164 Alexander St.), East High School (1801 East Main St.). RCSD will reimburse the City for costs at the Special Events overtime rate of \$107 per hour, which includes fringe, up to a maximum of \$770,400. Four hours of police presence will be provided at arrival times on each of the chosen school days, as well as four hours during dismissal, with one officer provided for each arrival and dismissal.

This is the fourth time this agreement has been presented to Council. The previous agreement was approved by Ordinance No. 2023-324.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-238
(Int. No. 290)

Authorizing an ~~amendatory~~ intermunicipal agreement with the Rochester City School District and amending the 2024-25 Budget relating to the provision of overtime police services at school facilities for the 2024-25 school year, as amended

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~~ intermunicipal agreement with the Rochester City School District (RCSD) for sworn City of Rochester Police Officers to provide police services during student arrival and dismissal times at certain school facilities. The ~~amendatory agreement shall modify the existing agreement authorize in Ordinance No. 2024 147 by extending "the term of the agreement shall be August 24, 2024~~ to June 30, 2025, in order to include RCSD's 2024- 25 school year, and ~~by increasing the maximum compensation-by shall be \$770,400. to a new total of \$861,200.~~

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

Section 3. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to:

- A. the Budget of the Police Department by \$565,000; and
- B. the Budget for Undistributed Expenses by \$205,400,

which amounts are hereby appropriated from the ~~amendatory 2024-25 school session~~ compensation to be received from RCSD ~~as~~ for the police services authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Monroe, Patterson - 7.

Nays - Councilmember Martin - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-239
Re: Grant Agreement – New York State Division of Criminal Justice Services, 2024-25 GIVE Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

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 \$3,242,000 for the Gun

Involved Violence Elimination (GIVE) grant. Funding was anticipated and included in the FY2024-25 Budget.

This grant will support the continued work of a County-wide criminal justice taskforce to reduce violent crime in Rochester. GIVE strategies are exclusively focused on firearm related crime, primarily shootings and homicides. Methods of reducing firearm violence will be based upon empirically derived best practices that focus on violent dispute intervention and resolution; deterring access to illegal firearms; implementing offender-based tactics and place-based tactics; and team-based investigations of non-fatal shootings (NFS). Taskforce priorities and activities are based on crime and crime response data.

The grant provides:

- \$2,089,400 for salaries and fringe benefits for eight investigators and two sergeants to work on NFS investigations. Salaries will cost \$1,238,500 and fringe benefits are \$850,900.
- \$585,000 in officer overtime, but does not pay for the associated fringe cost of \$212,650. Overtime details will focus on known gun offenders and group violence intervention (\$225,000). Other overtime will be spent for hot spots policing (\$100,000), additional investigators to work on NFS cases (\$210,000), and for officers to engage in place network investigations, a gun-violence reduction strategy that focuses on the networks that create the infrastructure of offending (\$50,000).
- \$161,700 for an agreement with PathStone Corporation to provide case management and client services to focused deterrence participants (Authorized by ordinance 2022-221).
- \$366,900 for an agreement with Rochester institute of Technology (RIT) to employ a GIVE Director, GIVE Analyst, Non-Fatal Shooting Analyst, and students to work with the taskforce (approved in Ordinance 2022-221 and 2023-266).
- The remaining \$39,000 will be used to purchase supplies and food for community engagement, rental cars for undercover details, and training required by DCJS.

No matching funds are required. This is the eleventh year RPD has received this award. The last agreement was approved in Ordinance No. 2023-266. The term of this agreement is July 1, 2024 through June 30, 2025.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-163

Ordinance No. 2024-239
(Int. No. 291)

Authorizing agreement related to the 2024-25 Gun Involved Violence Elimination grant

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 Division of Criminal Justice Services for the receipt and use of a grant of \$3,242,000, which is hereby appropriated to continue programming through the Gun Involved Violence Elimination (GIVE) taskforce to reduce violent crime in the City (Project). The term of the agreement shall be one year.

Section 2. The Mayor is hereby authorized to execute such other agreements or documents as may be necessary to carry out the Project. The agreement(s) authorized herein shall contain such additional terms and conditions, as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-240

Re: Agreement Amendment – Monroe County Pre-Emption Maintenance

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe County that would increase the maximum annual compensation paid by the City for the County's maintenance and repair of traffic signal pre-emption equipment. That equipment is relied on by the Rochester Fire Department to reduce response times and increase safety for the Department's emergency calls.

The original agreement, authorized by Ordinance No. 2011-172, set a term of five years with the option to extend the term for up to five additional 5-year periods and it set the maximum annual compensation at \$18,600. Ordinance No. 2012-377 increased the annual compensation by \$2,200 for a total of \$20,800 and Ordinance No. 2019-70 increased the annual compensation by \$5,200 to a total of \$26,000. The term of the current agreement extends through December 31, 2025, with the option to extend for up to three additional 5-year periods.

This amendment will increase maximum annual compensation for fiscal year 2023-24 by \$6,490 to a total of \$32,490 as well as the maximum annual compensation for fiscal year 2024-25 by \$8,115 to a total of \$34,115. The maximum compensation for the remaining six months of the current term July 1, 2025 through December 31, 2025 will be based on the annualized rate of \$34,115 plus an adjustment to account for any increase in the Consumer Price Index-Urban (CPI-U) and will be funded from the 2025-26 Budget of the Fire Department. If the parties exercise one of more of the three subsequent 5-year optional term extensions, the maximum annual compensation shall be based on the prior year's rate as adjusted by the CPI-U and will be funded from future years' Budgets of the Fire Department, contingent upon approval.

The traffic signal pre-emption system is installed in County-owned traffic signals and enables the Fire Department's emergency vehicles to change traffic signals in order to clear an intersection when necessary. This reduces response times and increases safety for vehicles approaching the intersection. This equipment purchased by the Rochester Fire Department is installed in 367 intersections throughout the city. The equipment is no longer under warranty and, through this contract, the County performs the maintenance work necessary to keep it operating.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-240
(Int. No. 292)

Authorizing an amendatory agreement with Monroe County for traffic signal pre-emption maintenance

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 agreement with Monroe County for the maintenance and repair of traffic signal pre-emption equipment. The amendments shall increase the maximum annual compensation set forth in the original agreement, which was authorized by Ordinance No. 2011-172 and amended by Ordinance Nos. 2012-377 and 2019-70: by \$6,490 to a new total of \$32,490 for fiscal year 2023-24; by \$8,115 to a new total of \$34,115 for fiscal year 2024-25; and to a new total of \$17,057.50, plus an adjustment to account for the prior year's increase in the Consumer Price Index-Urban (CPI-U), for the six months that remain in the current term extension (July 1, 2025 to December 31, 2025). The amendatory compensation provided for herein for fiscal years 2023-24 and 2024-25 shall be funded from the 2024-25 Budget of the Fire Department and the amendatory compensation amount for the subsequent six months shall be funded from the 2025-26 Budget of the Fire Department.

Section 2. If the parties to this amendatory agreement choose to exercise one or more of the three subsequent 5-year optional term extensions that are provided for in the original authorizing Ordinance No. 2011-172, the maximum annual compensation for each year shall be based on the prior year's rate as adjusted by the prior year's increase in the CPI-U and shall be funded from future years' Budgets of the Fire Department, contingent upon approval.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Law No. XXX (pending NYS approval)

Ordinance No. 2024-241

Re: Flood Damage Prevention Map and Rule Updates

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation updating the City's Flood Damage Prevention program (Program) to account for modifications to the Federal Emergency Management Agency (FEMA) flood hazard maps and to abide by general modifications to the Federal and State flood hazard prevention regulations that have been enacted since 2008, when the City last modified its Program regulations. The legislation consists of:

1. a local law that: transfers the City's Program regulations from Chapter 56 of the Municipal Code to a new Chapter XIX of the City Charter; incorporates FEMA's revised Flood Insurance Rate Maps (FIRM) within the City's jurisdiction; and modifies the City's Program regulations to account for nation- and State-wide modifications to flood damage control requirements enacted since 2008 by FEMA and the New York State Department of Environmental Conservation (NYSDEC); and

2. an ordinance that modifies Chapter 56 of the Municipal Code to account for the transfer of the Program regulations to the City Charter.

Under the National Flood Insurance Program (NFIP), FEMA provides city property owners and mortgage lenders with access to affordable flood insurance, provided that the City maintains and enforces a flood damage prevention program that complies with federal and state regulations. Under the City's Program certain additional rules pertain and a City permit is required for construction and other activities that are conducted within certain "areas of special flood hazard" designated by FEMA in the Flood Insurance Rate Maps (Flood Hazard Areas). NYSDEC is the designated "coordinating agency" for the implementation of the NFIP in New York State.

FEMA recently completed a new set of Flood Insurance Study and Flood Insurance Rate Maps (FIRMs) for the City of Rochester, which will become effective on July 31, 2024. As part of this process, FEMA requires that the City adopt the new flood insurance rate maps into its Program regulations. The local law adopts those new maps into the City's Program.

Casmic Reid, the City's Program administrator, with the assistance of NYSDEC's flood control program staff, has reviewed the new maps and determined that will modify the boundaries of Flood Hazard Areas only along the eastern bank of the Genesee River at and nearby the Gibbs Marina and along the Lake Ontario shoreline extending from Ontario Beach Park westward to the Greece town line. He has determined that these boundary changes are not significant. He also has checked and confirmed that the revised FIRM maps still incorporate FEMA's 2016 Letter of Map Revision, which removed the mistaken designation of a Flood Hazard Area within the Corn Hill neighborhood, in accordance with Ordinance No. 2016-84.

NYSDEC has informed the City that it now requires localities to enact their NFIP regulations by means of a local law to be filed with the NYS Secretary of State, rather than by an ordinance. NYSDEC has reviewed and confirmed that the local law's Program regulations have been sufficiently updated to abide by the current FEMA and NYSDEC requirements for local flood damage prevention programs. The Program's review process remains the same, with the designated local administrator assigned to administer the Program and review requests for permits to perform work within Flood Hazard Areas and the Planning Commission designated to hear and decide appeals for waivers from the requirements of the local law.

Respectfully submitted,
Malik D. Evans
Mayor

Local law XXX (pending NYS approval)
(Int. No. 298)

Local law amending the City Charter relating to Flood Damage Prevention

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended in Article XII, Commissions and boards, by modifying the Planning Commission jurisdiction and authority list at § 12-13A(12) to read as follows:

- (12) To hear, review and decide applications for variances and appeals pertaining to the Flood Damage Prevention program pursuant to Article XIX of the City Charter.

Section 2. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by adding to the end a new article, Article XIX, Flood Damage Prevention, to read as follows:

Article XIX
Flood Damage Prevention

§ 19-1 STATUTORY AUTHORIZATION AND PURPOSE

This article regarding Flood Damage Prevention is adopted by local law as authorized by the New York State Constitution, Article IX, Section 2, and the Environmental Conservation Law, Article 36.

A. FINDINGS

The City Council of the City of Rochester finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of Rochester and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this article is adopted by local law.

B. STATEMENT OF PURPOSE

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (6) Qualify for and maintain participation in the National Flood Insurance Program.

C. OBJECTIVES

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To provide that developers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 19-2 DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

ACCESSORY STRUCTURE

A structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10-percent of the value of the primary structure, and may not be used for human habitation.

APPEAL

For purposes of this article, a request for a review of the Local Administrator's interpretation of any provision of this article or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this article, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT

That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING

See "Structure."

CELLAR

Has the same meaning as "Basement."

COASTAL A ZONE

Area within a SFHA, landward of a V1-V30, VE, or V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flood must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1 ½ feet (457 mm). The inland limit of coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

COASTAL HIGH HAZARD AREA

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1-V30, VE, VO or V.

CRAWL SPACE

An enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

A non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The Federal agency that administers the National Flood Insurance Program.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "Flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature,

such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

See "flood elevation study."

FLOODPLAIN OR FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

FLOODPROOFING

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

Has the same meaning as "Regulatory Floodway."

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic reservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LIMIT OF MODERATE WAVE ACTION (LIMWA)

Line shown on FIRMs to indicate the inland limit of the 1 ½ foot (457 mm) breaking wave height during the base flood.

LOCAL ADMINISTRATOR

The person appointed by the community to administer and implement this article by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

LOWEST FLOOR

Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational Vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's FIRM are referenced.

MOBILE HOME

Has the same meaning as "Manufactured Home."

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

ONE HUNDRED YEAR FLOOD OR 100-YEAR FLOOD

Has the same meaning as "Base Flood."

PRIMARY FRONTAL DUNE

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRINCIPALLY ABOVE GROUND

That at least 50 percent of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 19-4D(2) of this article.

SAND DUNES

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION

The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The "actual start of construction" means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling) or the installation of streets or walkways or excavation for a basement, footings, piers or foundations or the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE

A grant of relief from the requirements of this article which permits construction or use in a manner that would otherwise be prohibited by this article.

§ 19-3 GENERAL PROVISIONS

A. LANDS TO WHICH THIS ARTICLE APPLIES

This article shall apply to all areas of special flood hazard.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the City of Rochester, Community Number 360431, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36055C0088H, 36055C0201H, 36055C0202H, 36055C0206H, 36055C0208H

whose effective date is July 31, 2024, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York, (All Jurisdictions)," dated July 31, 2024.

- (1) Flood Insurance Rate Map Panels:

36055C0179G, 36055C0182G, 36055C0184G, 36055C0191G, 36055C0192G,
36055C0193G, 36055C0194G, 36055C0203G, 36055C0211G, 36055C0213G,
36055C0214G, 36055C0216G, 36055C0218G, 36055C0331G, 36055C0332G,
36055C0351G

whose effective date is August 28, 2008 and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York (All Jurisdictions)," dated August 28, 2008.

The above documents are hereby adopted and declared to be a part of this article. The Flood Insurance Study and/or maps are on file at:

Flood Damage Prevention Administrator
Room 125-B
City Hall
30 Church Street
Rochester, New York 14614

C. INTERPRETATION AND CONFLICT WITH OTHER ORDINANCES

This article includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this article are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

D. SEVERABILITY

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.

E. PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this article and any other applicable regulations. Any infraction of the provisions of this article by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Rochester from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this article for which the developer and/or owner has not applied for and received an approved variance under § 19-6 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

F. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Rochester, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this article or any administrative decision lawfully made there under.

§ 19-4 ADMINISTRATION

A. DESIGNATION OF THE LOCAL ADMINISTRATOR

The Commissioner of Neighborhood and Business Development or his/her designee is hereby appointed Local Administrator to administer and implement this article by granting or denying

floodplain development permits in accordance with its provisions.

B. THE FLOODPLAIN DEVELOPMENT PERMIT

(1) PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 19-3B, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

(2) FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$250. In addition, the applicant shall be responsible for reimbursing the City of Rochester for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500 to cover these additional costs.

C. APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the top of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in a Special Flood Hazard Area (SFHA). Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zones V1-V30, VE, Coastal A, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 19-5B(3), UTILITIES.
- (5) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 19-5E, NON-RESIDENTIAL STRUCTURES.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater

conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 19-3B, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.
- (9) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.
- (10) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect, and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this article.

D. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to, the following:

(1) PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (a) Review all applications for completeness, particularly with the requirements of § 19-4C, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this article.
- (b) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of § 19-5, CONSTRUCTION STANDARDS, and, in particular, § 19-5A(2), SUBDIVISION PROPOSALS.
- (c) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of § 19-5, CONSTRUCTION STANDARDS, no permit

shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

- (d) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

(2) USE OF OTHER FLOOD DATA

- (a) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 19-4C(8), as criteria for requiring that new construction, substantial improvements or other proposed development meets the requirements of this article.
- (b) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this article.

(3) ALTERATION OF WATERCOURSES

- (a) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (b) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(4) CONSTRUCTION STAGE

- (a) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (b) In Zones V1-V30, VE, V, and Coastal A if base flood elevation data are available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the Local Administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (c) Any further work undertaken prior to submission and approval of the certification

shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

(5) INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

(6) STOP WORK ORDERS

- (a) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 19-3E of this article.
- (b) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this article and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 19-3E of this article.

(7) CERTIFICATE OF COMPLIANCE.

- (a) In areas of special flood hazard, as determined by documents enumerated in § 19-3B, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this article.
- (b) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (c) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 19-4D(5), INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

(8) INFORMATION TO BE RETAINED

The Local Administrator shall retain, and make available for inspection, copies of the following:

- (a) Floodplain development permits and certificates of compliance;
- (b) Certifications of as-built lowest floor elevations of structures, required pursuant to § 19-4D(4)(a) and (b), and whether or not the structures contain a basement;
- (c) Floodproofing certificates required pursuant to § 19-4D(4)(a), and whether or not the structures contain a basement;
- (d) Variances issued pursuant to § 19-6, VARIANCE PROCEDURES; and
- (e) Notices required under § 19-4D(3), ALTERATION OF WATERCOURSES.

- (f) Base flood elevations developed pursuant to §19-4C(8) and supporting technical analysis.

§ 19-5 CONSTRUCTION STANDARDS

A. GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 19-3B.

(1) COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES

The following requirements apply within V1-V30, VE, V and Coastal A Zones:

- (a) All new construction, including manufactured homes and recreational vehicles on site 180 days or longer and not fully licensed for highway use, shall be located landward of the reach of high tide.
- (b) The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.
- (c) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(2) SUBDIVISION AND DEVELOPMENT PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (a) Proposals shall be consistent with the need to minimize flood damage;
- (b) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
- (c) Adequate drainage shall be provided to reduce exposure to flood damage.
- (d) Proposed development shall not result in physical damage to any other property (e.g., stream bank erosion or increased flood velocities). If requested by the Local Administrator, the applicant shall provide a technical analysis, by a licensed professional engineer, demonstrating that this condition has been met.
- (e) Proposed development shall be designed, located, and constructed so as to offer the minimum resistance to the flow of water and shall be designed to have a minimum effect upon the height of flood water.
- (f) Any equipment or materials located in a special flood hazard area shall be elevated, anchored, and floodproofed as necessary to prevent flotation, flood damage, and the release of hazardous substances.
- (g) No alteration or relocation of a watercourse shall be permitted unless:
 - [1] a technical evaluation by a licensed professional engineer demonstrates that the altered or relocated segment will provide conveyance equal to or greater than that of the original stream segment and will not result in physical damage to any other property;
 - [2] if warranted, a conditional revision of the Flood Insurance Rate Map is obtained from the Federal Emergency Management Agency, with the applicant providing

the necessary data, analyses, and mapping and reimbursing the City of Rochester for all fees and other costs in relation to the application; and

- [3] the applicant provides assurance that maintenance will be provided so that the flood carrying capacity of the altered or relocated portion of the watercourse will not be diminished.

(3) ENCROACHMENTS

- (a) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - [1] the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - [2] the City of Rochester agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Rochester for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Rochester for all costs related to the final map revision.
- (b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 19-3B, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - [1] a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - [2] the City of Rochester agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Rochester for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Rochester for all costs related to the final map revisions.
- (c) In a Special Flood Hazard Area (SFHA), if any development is found to increase or decrease base flood elevations, the City of Rochester shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

B. STANDARDS FOR ALL STRUCTURES

(1) ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) CONSTRUCTION MATERIALS AND METHODS

- (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (c) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - [1] a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - [2] the bottom of all such openings no higher than one foot above grade.
 - [3] openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

- (d) Within Zones V1-V30, VE, V, and Coastal A if base flood elevation are available, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with non-supporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.

(3) UTILITIES

- (a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) STORAGE TANKS

- (a) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (b) Above-ground tanks shall be:
 - [1] anchored to prevent floatation, collapse or lateral movement during conditions of the base flood or;
 - [2] installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in § 19-3B plus two feet.

C. RESIDENTIAL STRUCTURES (EXCEPT COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

(1) ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in §§ 19-5A(2), SUBDIVISION AND DEVELOPMENT PROPOSALS, and 19-5A(3), ENCROACHMENTS, and § 19-5B, STANDARDS FOR ALL STRUCTURES.

- (a) Within Zones A1-A30, AE, AH if base flood elevation data are available, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated to or above two feet above the base flood elevation. Within Zones AH adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (b) Within Zone A, when no base flood elevation data are available, a base flood elevation shall be determined by either:
 - [1] Obtain and reasonably use data available from a federal, state, or other source plus two feet of freeboard, or,
 - [2] Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practice, plus two feet of freeboard. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (c) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 19-3B plus one foot of freeboard. In areas designated as Zone AO where a depth number is not specified on the map, the

depth number shall be taken as being equal to 2 feet. Within AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

D. RESIDENTIAL STRUCTURES (COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

The following standards, in addition to the standards in § 19-5A(1), COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES, and § 19-5A(2), SUBDIVISION AND DEVELOPMENT PROPOSALS, and § 19-5B, STANDARDS FOR ALL STRUCTURES, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1-V30, VE, V, or Coastal A on the community's Flood Insurance Rate Map designated in § 19-3B.

(1) ELEVATION

New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above base flood elevation so as not to impede the flow of water.

(2) DETERMINATION OF LOADING FORCES

Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.

- (a) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.
- (b) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.
- (c) Wind loading values used shall be those required by the building code.

(3) FOUNDATION STANDARDS

- (a) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).
- (b) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

(4) PILE FOUNDATION DESIGN

- (a) The design ratio of pile spacing to pile diameter shall not be less than 8:1 for individual piles (this shall not apply to pile clusters located below the design grade). The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load bearing sills, beams, or girders.
- (b) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads, and shall include consideration of decreased resistance capacity caused by erosion of soil strata

surrounding the piles. The minimum penetration for foundation piles is to an elevation of 5 feet below mean sea level (msl) datum if the base flood elevation (BFE) is +10 msl or less, or to be at least 10 feet below msl if the BFE is greater than +10 msl.

- (c) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.
 - (d) The minimum acceptable sizes for timber piles are a tip diameter of 8 inches for round timber piles and 8 by 8 inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.
 - (e) Reinforced concrete piles shall be cast of concrete having a 28-day ultimate compressive strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1 1/4 inches for No. 5 bars and smaller and not less than 1 1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than 2 inches.
 - (f) Piles shall be driven by means of a pile driver or drop hammer, jetted, or augered into place.
 - (g) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
 - (h) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.
 - (i) Diagonal bracing between piles, consisting of 2-inch by 8-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation, and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable type bracing is permitted in any plane.
 - (j) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be 2-by-8 lumber bolted to the sides of the pile/beam, or 4-by-4 or larger braces framed into the pile/beam. Bolting shall consist of two 5/8-inch galvanized steel bolts (each end) for 2-by-8 members, or one 5/8-inch lag bolt (each end) for square members. Knee braces shall not extend more than 3 feet below the elevation of the base flood.
- (5) COLUMN FOUNDATION DESIGN
- (a) Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads, and be connected with a movement-resisting connection to a pile cap or pile shaft.
- (6) CONNECTORS AND FASTENERS
- (a) Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.
- (7) BEAM TO PILE CONNECTIONS
- (a) The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be

connected by reinforcement, if cast in place, or (if precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two (5/8)-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by 4 inches by 18 inches each bolted with two 1/2 inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.

(8) FLOOR AND DECK CONNECTIONS

- (a) Wood 2- by 4-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1- by 3-inch members, placed 8 feet on-center maximum, or solid bridging of same depth as joist at same spacing.
- (b) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than (3/4)-inch total thickness, and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

(9) EXTERIOR WALL CONNECTIONS

- (a) All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32-inch or thicker plywood sheathing--overlapping the top wall plate and continuing down to the sill, beam, or girder--may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then 2-by-4 nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2-inch diameter or galvanized steel straps not less than 1 inch wide by 1/16 inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of 3 inches shall be used at each end of the 1/2-inch round rods. These anchors shall be installed no more than 2 feet from each corner rod, no more than 4 feet on center.

(10) CEILING JOIST/RAFTER CONNECTIONS

- (a) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

Gable roofs shall be additionally stabilized by installing 2-by-4 blocking on 2-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of 8 feet toward the house interior from each gable end.

(11) PROJECTING MEMBERS

- (a) All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of 2 feet and joist overhangs to a maximum of 1 foot. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.

(12) ROOF SHEATHING

- (a) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.
- (b) All corners, gable ends, and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.
- (c) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing surface.

(13) PROTECTION OF OPENINGS

- (a) All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 75 mph. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed three feet.

(14) BREAKAWAY WALL DESIGN STANDAR

- (a) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support break-away walls.
- (b) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components, and certifies that (1) the breakaway walls will fail under water loads less than those that would occur during the base flood; and (2) the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the building code.

E. NON-RESIDENTIAL STRUCTURES (EXCEPT COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in § 19-5A(2), SUBDIVISION AND DEVELOPMENT PROPOSALS, § 19-5A(3), ENCROACHMENTS, and § 19-5B, STANDARDS FOR ALL STRUCTURES:

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (a) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (b) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified); or
 - (b) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 19-5E(1)(b).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 19-5E(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

F. NON-RESIDENTIAL STRUCTURES (COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

- (1) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1-V30, VE, V, and Coastal A.

G. MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards, in addition to the standards in § 19-5A, GENERAL STANDARDS, and § 19-5B, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard:

- (1) Recreational vehicles placed on sites within Zones A, A1-A30, AE, AH, AO, V1-V30, V, and VE shall either:
 - (a) be on site fewer than 180 consecutive days,
 - (b) be fully licensed and ready for highway use, or
 - (c) meet the requirements for manufactured homes in § 19-5G(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) Within Zones A1-A30, AE, AH, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of § 19-5C(1)(a). Elevation on piers consisting of dry stacked blocks is prohibited

- (3) Within Zone A, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of § 19-5C(1)(b). Elevation on piers consisting of dry stacked blocks is prohibited.
- (4) Within Zone AO, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of § 19-5C(1)(c). Elevation on piers consisting of dry stacked blocks is prohibited.
- (5) Within V or VE, manufactured homes must meet the requirements of § 19-5D.
- (6) The foundation and anchorage of manufactured homes to be located in identified floodways shall **be designed and constructed in accordance with ASCE 24.**

H. ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 19-3B.

- (a) The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 CFR § 59.1, where walled and roofed shall be interpreted as having two outside rigid walls and a fully secured roof.
- (b) The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance; however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:
 - [1] Located in an A Zone (A, AE, A1-A30, AR, A99) and less than or equal to the size of a one-story, two-car garage.
 - [2] Located in a V Zone (V, VE, V1-V30) and less than or equal to 100 square feet.
- (c) Accessory structures must meet the standards of § 19-5B(1), ANCHORING.
- (d) The portions of the accessory structure located below base flood elevation (BFE) plus two feet of freeboard must be constructed with flood-resistant materials.
- (e) Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above BFE plus two feet of freeboard.
- (f) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (g) The accessory structure must comply with the floodway encroachment provisions of the NFIP.
- (h) The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the National Flood Insurance Program (NFIP) design and performance standards for openings per 44 CFR §60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).
- (i) Within Zones V1-V30, VE, V, and Coastal A, unelevated accessory buildings must be unfinished inside, constructed with flood-resistant materials, and used only for storage. When an accessory building is placed in these zones, the design professional must determine the effect that debris from the accessory building will have on nearby buildings. If the accessory building is large enough that its failure could create damaging debris or

divert flood flows, it must be elevated above the base flood elevation plus two feet.

§ 19-6 VARIANCE PROCEDURES

A. APPEALS BOARD

- (1) The City Planning Commission as established by the City of Rochester shall hear and decide appeals and requests for variances from the requirements of this article.
- (2) The City Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this article.
- (3) Those aggrieved by the decision of the City Planning Commission may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the City Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (k) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (l) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of § 19-6A(4) and the purposes of this article, the City Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (6) The Local Administrator shall maintain the records of all appeal actions, including

technical information, and report any variances to the Federal Emergency Management Agency upon request.

B. CONDITIONS FOR VARIANCES.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of on-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing the items in § 19-6A(4)(a) to (i) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (a) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (b) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (a) the criteria of Subsection B(1), (4), (5), and (6) of this Section are met; and
 - (b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (a) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(b) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in § 19-4D(8) of this article.

Section 3. This local law shall take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

Adopted unanimously.

Ordinance No. 2024-241
(Int. No. 299)

Deleting Chapter 56 and revising Section 120-192 of the Municipal Code with regard to Flood Damage Prevention

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

Section 1. Chapter 56 of the Municipal Code, Flood Damage Prevention, is hereby re-voked and annulled in its entirety.

Section 2. Subsection B(3)(d) of Section 120-192 of the Municipal Code, Procedures approved by the Planning Commission, is hereby revised to read as follows:

- (d) For special permit applications for any development within a floodplain requiring relief from ~~Chapter 56, Flood Damage Prevention~~ Article XIX of the City Charter, Flood Damage Prevention, the Planning Commission shall also weigh the considerations set forth ~~§ 56-6, Variance procedure~~ § 19-6, Variance Procedures.

Section 3. This ordinance shall take effect on the effective date of a local law that enacts Article XIX, Flood Damage Protection, of the City Charter.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

By President Meléndez
July 23, 2024

To the Council:

The **COMMITTEE OF THE WHOLE** recommends for the following entitled legislation to be **HELD** in Committee:

Int. No. 300 Resolution confirming the appointment of the Executive Director of the Police Accountability Board services

Respectfully submitted,
Miguel A. Meléndez, Jr.
LaShay D. Harris
Mitch Gruber
Willie J. Lightfoot
Mary Lupien (*absent*)
Stanley Martin (*absent*)
Bridget Monroe (*absent*)
Michael A. Patterson
Kimberly Smith
COMMITTEE OF THE WHOLE

Received, filed & published.

President Meléndez introduced a motion to discharge Int. No. 300; 2nd by Councilmember Patterson.

Motion to discharge passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson - 7.

Nays - Councilmember Monroe - 1.

Councilmember Monroe introduced a motion to return Int. No. 300 to Committee, 2nd Councilmember Martin

Fail by the following vote:

Ayes - Councilmembers Monroe, Martin - 2

Nays - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Patterson - 6.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2024-40
Re: Confirmation of Police Accountability Board Executive Director

Transmitted herewith for your approval is Legislation Confirming, as required by the City Charter, the appointment of Lesli C. Myers Small as the Executive Director of the Police Accountability Board.

A copy of her resume is on file in the Rochester City Clerk's Office.

Respectfully submitted,
Miguel A. Meléndez, Jr.
City Council President

Resolution No. 2024-40
(Int. No. 300)

**Resolution confirming the appointment of the Executive Director of the Police
Accountability Board**

WHEREAS, the PAB has appointed Lesli C. Myers Small to the position of Executive Director, subject to confirmation by the City Council pursuant to City Charter § 18-6C(1), and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that she has the ability and qualifications to execute the duties and responsibilities of the office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Lesli C. Myers Small to the position of Executive Director of the Police Accountability Board.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson - 7.

Nays - Councilmember Monroe - 1

The meeting was adjourned at 7:39 pm.

HAZEL L. WASHINGTON
City Clerk