



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-116

### **Authorizing an agreement for the 2017 Corn Hill Arts Festival**

**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 in the maximum amount of \$10,000 with the Corn Hill Neighbors Association, Inc. for the 2017 Corn Hill Arts Festival. Said amount shall be funded from the 2017-18 Budget of the Bureau of Communications, contingent upon the approval thereof. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None -0.

**Attest**

*Hazel Washington*

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

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Ordinance No. 2017-117

### **Authorizing an agreement for the 2017 Park Ave Summer Art Fest**

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 in the maximum amount of \$10,000 with The Springut Group, Inc. for the 2017 Park Ave Summer Art Fest. Said amount shall be funded from the 2017-18 Budget of the Bureau of Communications, contingent upon the approval thereof. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

*Hazel Washington*

**City Clerk**



**City of Rochester**

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# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

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Ordinance No. 2017-118

### **Authorizing an agreement for the 2017 Puerto Rican Festival**

**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 in the maximum amount of \$35,000 with Puerto Rican Festival, Inc. for the 2017 Puerto Rican Festival. Said amount shall be funded from the 2017-18 Budget of the Bureau of Communications, contingent on adoption thereof. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays -None-0

**Attest**

**City Clerk**



**City of Rochester**

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# **Certified Ordinance**

**Rochester, N.Y., \_\_\_\_\_**

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**Ordinance No. 2017-119**

### **Cancellation of erroneous taxes and charges**

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

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

- (A) The owner of 33 Mead Street purchased the property on April 14, 2016 from a private foreclosure sale. The fines were issued to the former owner for exterior violations and were added to the 2017 tax bill. The City was unaware of the transfer of ownership because the deed was not filed until June 13, 2016. The current owner has de-converted the property to a single family dwelling which is now code compliant.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
106.30-2-16	H	33 Mead Street	2017	\$6,350.00	<b>\$6,350.00</b>

- (B) The property located at 294 Rosewood Terrace was purchased by a couple in October of 2009. The property had been ticketed numerous times for code violations since the purchase all of which

had been paid. The owners had started renovations but did not have the financial resources to complete the project and were ticketed several times from February 2014 through June 2014 and \$5,250.00 had been added to the tax bill. The husband had passed away in August of 2014. Since that time the City has provided assistance and the surviving spouse has completed the de-conversion to a single family. The only fine from 2014 that will remain is a \$300 ticket for high grass and weeds.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
107.46-2-16.1	H	294-296 Rosewood Ter	2016	\$4,950.00	<b>\$4,950.00</b>

(C) The owner of 692 Joseph Avenue purchased the property on December 14, 2015. However, the deed was not recorded until June 20, 2016. The prior owners had been ticketed numerous times from 4/28/2015 through 11/12/2015 for broken windows; grass cutting and board up. The new owner was not aware of the pending charges and violations. The building is currently secure and the new owner has plans to rehabilitate the property.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
106.23-3-41	N	692 Joseph Avenue	2017	\$1,818.00	<b>\$1,818.00</b>
<b>Grand Total</b>					<b>\$13,118.00</b>

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

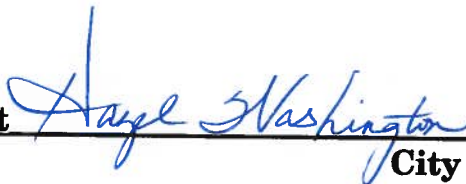
Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

  
\_\_\_\_\_  
**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

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Ordinance No. 2017-120

### **Approving the apportionment of taxes and charges**

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

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester, pursuant to Section 6-78 of the Charter of the City of Rochester on April 17, 2017, in accordance with the list which is available in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

*Angel Washington*

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

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**Rochester, N.Y., \_\_\_\_\_**

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Ordinance No. 2017-121

### **Authorizing an amendatory professional services agreement for upgrading the 311 Call Center's Digital First Engagement Management system**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Verint Americas Inc. to upgrade the 311 Call Center's Digital First Engagement Management system. The amendatory agreement shall increase the maximum compensation of the agreement originally executed in December 2016 by \$179,050 to a new total of \$189,000. Said amendatory amount shall be funded from Prior Years' Cash Capital in the amount of \$29,050 and from 2016-17 Cash Capital in the amount of \$150,000.

Section 2. The term of the amendatory agreement shall be extended to June 30, 2018.

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

Section 4. This ordinance shall take effect immediately



Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

Hazel Washington

**City Clerk**



**City of Rochester**

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**Rochester, N.Y.,** \_\_\_\_\_

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Local Improvement Ordinance No. 1734

**Local Improvement Ordinance – Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas**

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

Section 1. The 2017-18 assessment for the operation and maintenance of the special assessment district parking lots listed below is \$61,261. The following amounts are hereby authorized and shall be allocated and levied against the properties benefited by the special assessment district parking lots as follows:

<b>Lot Name</b>	<b>Assessment</b>
Lyell Avenue	\$11,221
Monroe/Oxford	15,700
Woodside/Goodwill	13,360
Culver/Merchants	9,980
North Street	10,000
Mt Hope	1,000
<b>Total</b>	<b>\$61,261</b>

Section 2. This ordinance shall take effect on July 1, 2017

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

  
\_\_\_\_\_  
**City Clerk**



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**Ordinance No. 2017-122**

### **Authorizing competitive grant applications**

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

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

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

Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in City funding shall require City Council authorization.

Section 5. Applications for grants exceeding \$1,000,000 and awards for capital projects that require project completion in one calendar year or less shall require City Council authorization.

Section 6. The Director of Finance shall submit quarterly reports to Council for grants received through applications authorized herein, detailing dollar amounts received and expended.

Section 7. This ordinance shall be in effect for the 2017-18 fiscal year.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

  
\_\_\_\_\_  
**City Clerk**



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Ordinance No. 2017-123

#### **Authorizing an agreement for receipt and use of the 2016-17 Poverty Action Lab 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 Catholic Charities of the Diocese of Rochester (d/b/a Catholic Family Center) for the receipt and use of a Phase I 2016-19 Abdul Latif Jameel Poverty Action Lab (J-PAL) grant in the amount of \$19,468 to fund a portion of the salary and fringe benefits for a staff person to support the Bridges to Success Program. The term of the agreement shall be September 1, 2016 through December 31, 2017.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Wilson Sheehan Lab for Economic Opportunity at the University of Notre Dame for the receipt and use of a Phase II 2016-19 J-PAL grant in the amount of \$41,616 to fund a portion of the salary and fringe benefits for a staff person to support the Bridges to Success Program for two additional years. The term of the agreement shall be July 1, 2017 through June 30, 2019.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**



**City Clerk**



**City of Rochester**

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Ordinance No. 2017-124

### **Approving the commitment of reserve funds**

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

Section 1. The Council hereby approves the commitment of \$5,339,000 for the purpose of tax relief to assist in addressing future projected budget deficits. The Council hereby further approves the commitment of \$10,500,000 for the purpose of retirement to assist in managing future retirement costs

Section 2. The funds to be committed shall be funded from the surpluses available from the 2014-15 and 2015-16 Budgets, said funds having previously been assigned to the purpose of tax relief and to the purpose of retirement by the Director of Finance pursuant to the authority provided by the City Charter.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None-0.

**Attest**

**City Clerk**





**City of Rochester**

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Ordinance No. 2017-125

**Approving certain matters and authorizing the execution and delivery of specified documents in conjunction with the 2017 Phase of the Rochester Joint Schools Construction Board Facilities Modernization Program**

**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") has cooperated with the Rochester City School District (the "School District") and the Rochester Joint Schools Construction Board (the "RJSCB") in furtherance of the School District's Facilities Modernization Program.

Section 2. The RJSCB was created by the "Rochester School Facilities Modernization Program Act" (Chapter 416 of the Laws of 2007, as amended by Chapter 533 of the Laws of 2014) (the "Act"). Pursuant to the Act, the RJSCB is authorized to manage the design, reconstruction, or rehabilitation of existing school buildings for their continued use as schools of the School District (the "Facilities Modernization Program" or "Program"), and to create, coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the Program. The RJSCB, the School District and the City have entered into a Cooperative Agreement dated as of February 22, 2010, and amended as of August 4, 2016 (the "Cooperative Agreement"), in order to clarify the agency arrangement and delegation of authority among the School District, the City and the RJSCB, as well as their respective obligations and expectations to achieve the objectives of the Act.

Section 3. On June 20, 2012, the County of Monroe Industrial Development Agency ("COMIDA") issued its \$124,100,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2012 (the "Series 2012 Bonds"), the proceeds of which were applied to development and other costs incurred in connection with Phase 1A of the Program, the rehabilitation of twelve (12) existing School District schools, as well as a district wide technology program (collectively, the "Series 2012 Project").

Section 4. On June 1, 2013, COMIDA issued its \$103,055,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2013 (the "Series 2013 Bonds"), the proceeds of which were applied to (i) development and other costs incurred in connection with Phase 1A of the Program which were not financed from the proceeds of the Series 2012 Bonds; (ii) development and other costs incurred in connection with Phase 1B of the Program; and (iii) planning and design costs incurred in connection with Phase 1C of the Program (collectively, the "Series 2013 Project").

Section 5. On February 5, 2015, COMIDA issued its \$44,225,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2015 (the "Series 2015 Bonds"), the proceeds of which were applied to (i) finance costs incurred in connection with Phase 1C of the Program which were not financed from the proceeds of the Series 2013 Bonds, and (ii) additional Phase I Projects or portions thereof which were eligible under the Act and which were part of the Program (collectively, the "Series 2015 Project").

Section 6. The School District now proposes to finance costs incurred and to be incurred in connection with the development and other costs of Phase II of the Program, the rehabilitation of the following thirteen (13) existing School District schools:

1. James Monroe High School, 164 Alexander Street;
2. East High School, 1801 East Main Street;
3. Edison Technology Campus, 655 Colfax Street;
4. Freddie Thomas Learning Center, 625 Scio Street;
5. School Without Walls Commencement Academy, 480 Broadway Street;
6. Martin B. Anderson School No. 1, 85 Hillside Avenue;
7. Clara Barton School No. 2, 190 Reynolds Street;
8. George Mather Forbes School No. 4, 198 Dr. Samuel McCree Way;
9. 595 Upper Falls Boulevard (temporary swing space for School No. 15);
10. Virgil I. Grissom School No. 7, 31 Bryan Street;
11. Dr. Walter Cooper Academy No. 10, 353 Congress Avenue;
12. John Walton Spencer School No.16, 321 Post Avenue; and
13. The Flower City School No. 54, 36 Otis Street.

Therefore, the School District has requested COMIDA to issue its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2017 (the "Series 2017 Bonds") in the maximum principal amount of \$150,000,000. The proceeds of the Series 2017 Bonds are also expected to finance the repayment of the principal of and a portion of the interest due on the \$32,000,000 Bond Anticipation Notes, 2017 Series I, issued by the City to provide short-term financing for Phase II of the Program, fund capitalized interest for the Series 2017 Bonds, and finance the cost of issuance of the Series 2017 Bonds.

Section 7. The Director of Finance is hereby authorized and directed to enter into an Amended and Restated Sublease Agreement, a copy of which was also submitted herewith, an Amended and Restated State Aid Trust Agreement and all other ancillary documents necessary and appropriate to effect issuance of the Series 2017 Bonds, all in form and substance to be approved by the City's Corporation Counsel.

Section 8. The Director of Finance and Corporation Counsel are hereby authorized and instructed to comply and evidence compliance with all requirements of the Act necessary and appropriate to ensure that the Series 2017 Bonds are issued in accordance with the New York Local Finance Law and the Act and that the interest payable on the Series 2017 Bonds is the lowest possible rate obtainable under current market conditions.

Section 9. This ordinance shall be contingent, as evidenced by the written advice of Corporation Counsel, upon approval of the bonding and the Amended and Restated Sublease by the School District and RJSCB.

Section 10. This ordinance shall take effect immediately

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None-0.

**Attest**

A handwritten signature in blue ink, appearing to read "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**  
**City Clerks Office**  
**Certified Ordinance**

**Rochester, N.Y., \_\_\_\_\_**

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Ordinance No. 2017-126

**Determining and certifying base proportions, current percentages, and base percentages for the 2017 Assessment Roll**

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City's 2017 assessment roll as follows:

	<b>Homestead Class</b>	<b>Non-Homestead Class</b>
Current base proportions	40.06098%	59.93902%
Current percentage	58.50300%	41.49700%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

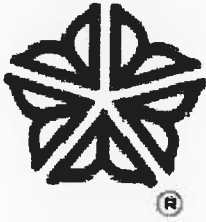
Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

*Hazel Washington*

**City Clerk**



**City of Rochester**

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Ordinance No. 2017-127

### **Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2017 Assessment Roll**

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2017 assessment roll as follows:

	<b>Homestead Class</b>	<b>Non-Homestead Class</b>
Adjusted base proportion	.3993527	.6006473
Taxable assessed value	3,794,180,067	2,655,444,097
Net change in assessed value from 2016 resulting from physical and quantity changes	+565,600	-20,573,000
Net change in assessed value from 2016 resulting from other than physical and quantity changes	-1,326,750	-10,615,929

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.


Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**



**City Clerk**



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Ordinance No. 2017-128

### **Authorizing a lease agreement for a portion of the former subway bed**

WHEREAS, its lease agreement with the City gives American Packaging Corporation an option to renew for an additional term of 5 years its lease of an approximately 39,200 square foot portion of real property (SBL #090.80-2-2) located within the City-owned former subway bed and adjacent to 777 Driving Park Avenue (the Property);

WHEREAS, an independent appraisal prepared by Kevin L. Bruckner, MAI on March 2, 2017 determined that the rental of the Property has a fair market value of \$810 per year;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council hereby finds that the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

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 an agreement with American Packaging Corporation for the continued lease of the Property for a term of 5 years, commencing on April 1, 2017. The agreement shall obligate American Packaging Corporation to pay annual rent in the amount of \$810.

Section 2. In accordance with Section 21-23D of the Municipal Code, the agreement shall authorize the City's Director of Real Estate to conduct periodic reviews and to terminate the lease in the event there is a substantial change in the use and intent of the leasehold or in the business to which the lease relates. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

  
City Clerk



**City of Rochester**  
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**Rochester, N.Y.,** \_\_\_\_\_

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**Local Improvement Ordinance No. 1735**

**Local Improvement Ordinance - authorizing special work and services related to the South Avenue/Alexander Street Open Space District**

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

Section 1. The cost of the special work and services for the 2017-18 fiscal year for the South Avenue/Alexander Street Open Space District established by Local Improvement Ordinance No. 1537 is hereby set at \$4,920 and said amount, or so much thereof as may be necessary, is hereby appropriated from unused District assessments from prior years.

Section 2. The Mayor is authorized to enter into an agreement with South Wedge Area Neighborhood Council, Inc. to perform the District's special work and services for the 2017-18 fiscal year.

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

Section 4. This ordinance shall take effect immediately

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

.

**Attest**

Hazel Washington

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-129

### **Authorizing the sale of real estate**

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

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

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq.Ft.</b>	<b>Price</b>	<b>Purchaser</b>
428 Ave A	106.22-3-25	44 x 100	4505	425	Carlos Dominguez Jeffrey P. & Mary Woodruff
138 Indiana St	107.80-1-43	40 x 145	5800	450	
27 McGuckin St	120.30-1-17	50 x 125	6250	475	Ahmed M. Ali Saleh Flower City Habitat for Humanity
874 Smith St	105.74-2-40	42 x 196	8139	525	

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

*Hazel Washington*

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

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Ordinance No. 2017-130

**Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding the update of the City's Comprehensive Plan**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for additional planning, public outreach and document preparation services regarding the update of the City's Comprehensive Plan ("Rochester 4.0"). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2015-88 by \$50,000 to a new total of \$150,000. Said amendatory amount shall be funded from the Leadership Development allocation of the Neighborhood and Asset-Based Planning Fund of the 2014-15 Community Development Block Grant. The term of the agreement shall extend through June 30, 2018.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember Clifford - 1.

**Attest**

*Hazel Washington*

**City Clerk**



**City of Rochester**

**City Clerks Office**

## **Certified Ordinance**

---

**Rochester, N.Y., \_\_\_\_\_**

### **TO WHOM IT MAY CONCERN:**

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Ordinance No. 2017-131

#### **Amending Ordinance No. 2016-102 with respect to the Lead Hazard Control Grant Program**

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

Section 1. Sections 2, 3 and 4 of Ordinance No. 2016-102 are hereby amended to read in their entirety as follows:

Section 2. The Mayor is hereby authorized to enter into professional services agreements between the City and the following consultants for Program services to be funded from the appropriation made in Section 1.a:

- a. PathStone Corporation, 400 East Avenue, Rochester, NY 14607, for application intake in a maximum amount not to exceed \$42,000.
- b. Action for a Better Community, Incorporated, 550 East Main St., Rochester, NY 14604, for application intake in a maximum amount not to exceed \$44,957.
- c. Environmental Education Associates, Inc., 346 Austin St., Buffalo, NY 14207, for training of lead abatement contractors in a maximum amount not to exceed \$98,400.



d. The Housing Council at PathStone, Inc., 75 College Avenue, Rochester, NY 14607, for lead hazard outreach and education in a maximum amount not to exceed \$39,340.

Section 3. The Mayor is hereby authorized to enter into professional services agreements between the City and the following consultants for lead hazard evaluation services in an aggregate amount not to exceed \$185,000 to be funded from the appropriation made in Section 1.a:

a. Environmental, Testing & Consulting Inc., PO Box 466, Batavia, NY 14021.

b. Neighborhood Housing Services of Rochester, Inc. d/b/a NeighborWorks Rochester, 570 South Main St., Rochester, NY 14620.

c. UNYSE Environmental Consultants, 346 Austin St, Buffalo, NY 14207.

Section 4. The term of each agreement authorized herein shall be one year, except that the term for the agreements authorized under Sections 2.c, 3.a and 3.c herein shall be two years.

Section 2. This ordinance shall take effect immediately


Underlining indicates new text.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

  
City Clerk



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

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Ordinance No. 2017-132

### **Authorizing agreements for structural engineering services at various facilities**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for structural engineering services for construction and renovation of City facilities:

<b>Company</b>	<b>Address</b>
Jensen/BRV Engineering, PLLC	1653 East Main Street
LaBella Associates, D.P.C.	300 State Street, Suite 201
MRB Group Engineering, Architecture & Surveying, D.P.C.	The Culver Road Armory, 145 Culver Road, Suite 160
Ravi Engineering and Land Surveying, P.C.	189 North Water Street, Suite 600
Stantec Consulting Services Inc.	61 Commercial Street, Suite 100
T.Y. Lin International Engineering, Architecture & Land Surveying, P.C.	255 East Avenue

Section 2. The agreements shall extend for a term of three years, and shall obligate the City to pay based on unit prices in an amount not to exceed the amount budgeted for each project, which shall be funded from the annual budget of the Department of Environmental Services or of the department which requests each project or from project capital budget appropriations. Unit prices may only be changed with the approval of the City Engineer.

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

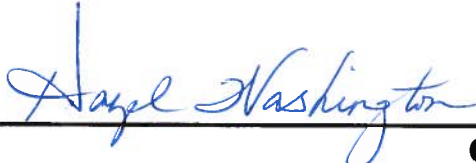
Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-133

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$245,000 Bonds of said City to finance replacement of the roof and timbers for the 2017 Tay House Lodge Roof and Timber Repairs Project**

**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 cost of replacing the roof and gutters and deteriorated timbers for the 2017 Tay House Lodge Roof and Timber Repairs Project in the City's Cobbs Hill Park, 85 Hillside 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 \$245,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$245,000 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 \$245,000 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 \$245,000. 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. 11(c) 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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**  
**City Clerks Office**  
**Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

**TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law

Ordinance No. 2017-134

**Authorizing an amendatory agreement related to the Center City Two-Way Conversion Project Phase II**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with LaBella Associates, D.P.C. for design services related to the Center City Two-Way Conversion Project Phase II (Project). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2014-015 by \$27,000 to a new total of \$127,000. Said amendatory amount shall be funded by the bonds to be authorized for the Project. The term of the agreement shall be 6 months after completion and acceptance of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest** Angel Washington  
**City Clerk**





**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

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Ordinance No. 2017-135

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$58,000 Bonds of said City to finance certain additional costs of the Center City Two-Way Conversion Project, Phase II**

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 certain additional costs of milling and resurfacing, certain curb, manhole and water valve replacements and new traffic markings and signage in connection with Phase II of the Center City Two-Way Conversion Project on South Clinton Avenue and Broad Street from South Clinton Avenue to Stone Street (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 \$1,293,847, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$58,000 bonds of the City authorized hereunder, \$440,000 bonds of the City appropriated under Ordinance No. 2016-207, \$13,500 bonds of the City (Pure Waters District) authorized under Ordinance, \$582,400 from the Federal Highway Administration, \$34,200 from the New York State Department of Transportation Marchiselli Aid Program, a \$2,700 reimbursement from the Monroe County Department of Transportation, \$147,047 from 2012-2013 City Cash capital and \$16,000 from 2014-2015 City 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 \$58,000 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 \$58,000. 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. 20. c. 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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**



**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-136

### **Appropriating funds and authorizing an agreement related to the Erie Harbor Enhancements Phase II- Design Project**

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

Section 1. The sum of \$100,000 in anticipated reimbursements from the New York State Department of State is hereby appropriated to finance a portion of the Erie Harbor Enhancements Phase II – Design Project (Project).

Section 2. The Mayor is hereby authorized to enter into agreement not to exceed a maximum compensation of \$200,000 with Stantec Consulting Services Inc. for design of the Project. The agreement shall be funded from \$100,000 in 2016-17 Cash Capital and the appropriation in Section 1 herein. The term of the agreement shall extend to 6 months following completion and acceptance of the Project.

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


Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y., \_\_\_\_\_**

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Ordinance No. 2017-137

### **Authorizing receipt and use of grant funds and authorizing agreements for the Brownfields Cleanup Revolving Loan Fund Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Environmental Protection Agency (USEPA) for receipt and use of \$200,000 in grant funds from the Brownfields Revolving Loan Fund to finance the City's Brownfields Cleanup Revolving Loan Fund Program (Program), and said amount is hereby appropriated for said purpose. The Mayor is hereby authorized to enter into agreements for the operation and implementation of the Program.

Section 2. The agreements shall contain such other terms and conditions as the Mayor deems appropriate.

Section 3. The sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated from the HUD 108 Loan Collection Account to provide the 20% funding match that USEPA requires.

Section 4. This ordinance shall take effect immediately

Passed by the following vote:

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

*Hazel Washington*

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y., \_\_\_\_\_**

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Ordinance No. 2017-138

### **Authorizing an agreement for the design and management of the Green Infrastructure Gateway Project at the Rochester Museum & Science Center**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Museum & Science Center (RMSC) to design and manage the Green Infrastructure Gateway Project at RMSC's East Avenue campus (Project). The maximum compensation for the agreement shall be \$120,262, which shall be funded from the New York State Environmental Facilities Corporation (NYSEFC) grant funds authorized in Ordinance No. 2017-104.

Section 2. The agreement shall have a term of three years with one optional one-year renewal.

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

Section 4. This ordinance shall take effect immediately

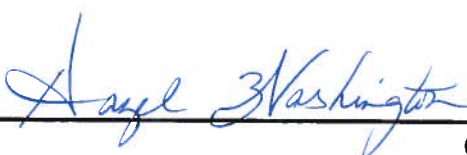


Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Angel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y., \_\_\_\_\_**

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Ordinance No. 2017-139

### **Authorizing an agreement for the disposal of non-hazardous special solid waste**

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 Waste Management of New York, L.L.C. for the disposal of non-hazardous special solid waste at the Mill Seat Landfill. The agreement shall extend for a term of two years, with two one-year renewal options.

Section 2. The agreement shall obligate the City to pay unit rates specific to each specific approved waste stream. The costs of said agreement shall be funded from the annual budgets of the departments using the services or from capital funds appropriated for the specific environmental, construction or redevelopment project that generates the wastes.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

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Ordinance No. 2017-140

### **Authorizing a grant agreement and appropriating funds related to the purchase of plug-in electric vehicles**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Energetics Incorporated for the receipt and use of funds in the amount of \$107,500 to partially fund the purchase of plug-in electric vehicles for the City's Municipal fleet. The term of the agreement shall be one year.

Section 2. The agreement will require the City to provide \$107,500 to match the grant funding, which shall be funded from 2014-15 Cash Capital.

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

Section 4. This ordinance shall take effect immediately

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

*Hazel Washington*

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

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Ordinance No. 2017-141

### **Amending Chapter 104 of the Municipal Code**

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

Section 1. Chapter 104 of the Municipal Code, the Streets Code, as amended, is hereby further amended in Sections 104-1, 104-9, 104-10, 104-12, 104-13, 104-14, 104-15, 104-16, 104-17, 104-18, 104-19, 104-23, 104-24, 104-30, 104-32, 104-33, 104-34, 104-36, 104-50, 104-51, 104-52, 104-53, 104-54, 104-55, 104-56, 104-57 and 104-58 as follows:

#### **§ 104-1 Title; definitions.**

##### **A.**

This article which comprises Chapter 104 of the Municipal Code shall be known and cited as the "~~Streets~~Right-of-Way Code"

##### **B.**

The following definitions shall apply to words used in this chapter:

#### **ABOVE SURFACE**

Above ground level.

#### **BARRICADE**

Device or structure used to prevent access to a specific area.

**CENTRAL BUSINESS DISTRICT**

The area bounded by the Inner Loop, but excluding the Inner Loop and its frontage.

**COMMISSIONER**

Commissioner of Environmental Services.

**CURBLINE**

The boundary line on either side of a roadway or paved portion of a street.

**ENCROACH**

To intrude upon, above or beneath ~~a street or other public place~~ the right-of-way.

**ENCROACHMENT**

A building or object which intrudes upon, above or beneath ~~a street or other public place~~ the right-of-way.

**PERMITTEE**

One who receives a permit under this Chapter.

**RIGHT-OF-WAY**

The area on, below, or above a City-owned or controlled street, roadway, alley or sidewalk, including the curbs, gutters, catch basins and related facilities adjacent thereto.

**RIGHT-OF-WAY LINE**

The boundary line on either side of the right-of-way.

**ROADWAY**

That portion of ~~a street~~ the right-of-way improved, designed or ordinarily used for vehicular traffic.

**SIDEWALK**

That paved portion of ~~a street~~ the right-of-way between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.

**~~STREET~~**

~~The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the public for their use for the purposes of vehicular and/or pedestrian traffic.~~

**~~STREET LINE~~**

~~The boundary line on either side of a street.~~

**SUBSURFACE**

Below ground level.

**TELECOMMUNICATION FACILITIES**

The plant, equipment and property, including but not limited to cables, wires, fiber optic strands, conduits, ducts, dishes, pedestals, poles, antennae,

radio equipment, electronics and other appurtenances, including both underground and overhead facilities, used or to be used to transmit, receive, distribute, support, provide or offer telecommunication service.

### **TELECOMMUNICATION PROVIDER**

Any person who provides telecommunication service over telecommunication facilities.

### **TELECOMMUNICATION SERVICE**

The providing or offering for rent, sale or lease, or in exchange for other value received, of any service or telecommunication facility that includes the transmission and/or distribution of voice, data, image, graphic or video programming information between or among locations by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

### **§ 104-9 Repair of vehicles ~~on streets~~ in the right-of-way.**

No person shall repair a vehicle ~~on a street~~ in the right-of-way, except for such repairs as may be necessitated by an emergency.

### **§ 104-10 Hindering or obstructing improvements.**

No person shall hinder or obstruct the construction or repair of any pavement, sidewalk, crosswalk, sewer or other public improvement which is being done under the direction of or with the consent of the City Engineer or hinder or obstruct any person employed by the City in cleaning ~~any street~~ the right-of-way.

### **§ 104-12 Excavations near ~~streets~~ the right-of way.**

Any person who digs a cellar or other excavation adjacent to and within five feet of the right-of-way line ~~of the street~~, must erect barriers between said excavation and the ~~street-right-of-way~~ sufficient to secure public safety and must at all times during the night keep lighted lamps upon said barriers in such manner as to give warning of the presence of the excavation. In case of failure to do so, the City Engineer may cause such barriers and lights to be placed at the expense of the owner or occupant of the property.

### **§ 104-13 Excavations in ~~streets~~ the right-of-way.**

- A. No person shall injure or interfere with ~~any street~~ the right-of-way or make any opening therein or dig in any areaway, sewer, manhole or vault in ~~a street~~



the right- of-way without a permit in writing from the City Engineer and under such conditions as he or she may impose. The City Engineer may order any areaway, sewer or other excavation dug or constructed contrary to the provisions of this section to be filled up or altered and the pavement replaced at the expense of the person causing the excavation. If the person causing the excavation does not comply with such an order, the City Engineer may cause the work to be performed and charge such person for the costs of the work and an additional 15% for administration.

- (1) The City Engineer shall have the authority to adopt rules and regulations regarding right-of-way management, including provisions to coordinate and limit excavations in an effort to protect the right-of-way from repeat excavations that limit the useful life of the City's right-of-way assets.

B. Notice to maintainers of underground utilities.

- (1) In all cases where excavations are to be made, applications for such permit shall be made in writing to the City Engineer, and the applicant shall comply with the applicable provisions of the Industrial Code of the New York State Department of Labor concerning notice to maintainers of underground utilities.
- (2) Upon receipt of such notice, each public or private utility or government agency utility operating conduits or mains which transmit or distribute water, steam, communications, electricity, gas, sewage or any other thing or material in the vicinity of such excavation shall advise the person by whom or for whose benefit the work is being done as to the location of any such facility, and the excavation work shall be conducted so as not to disturb or damage such facilities.

- C. Nothing herein contained shall relieve the person by whom or for whose benefit the excavating is done from the duty of conducting the excavating in a safe and proper manner so that gas leakage or damage to mains, conduits, facilities or any other property will not result.

**§ 104-14 Traffic control devices and detours around street-right-of-way work.**

Whenever work of any type occurs under, on or above ~~a street~~ the right-of-way, it is the duty of the person performing the work to place traffic control devices and maintain said devices about the place where the work is being done so as to secure the public safety and to establish and maintain required detours until said street right-of-way is returned to normal condition. The Traffic Control Board shall regulate traffic in the work area, and the person performing the work shall provide

and install all traffic control devices necessary to conform to the requirements of the Traffic Control Board and the New York State Manual of Uniform Traffic Control Devices.

**§ 104-15 Permit required for construction or repair.**

No person shall construct or repair ~~a street~~ any element of the right-of-way or sidewalk without a permit in writing from the City Engineer.

**§ 104-16 Restoration of streets and public places.**

All persons working, obstructing or making excavations in ~~the right-of-way streets or public places in the City~~ must restore the right-of-way street or public place to its condition prior to the work, obstruction or excavation in a manner approved by the City Engineer. The City Engineer shall have the authority to order the proper restoration of right-of-way or any public place where work was done without a permit or in violation of any conditions of such a permit or of this chapter. If proper restoration is not made, the person shall be liable for any damages sustained as a result of the failure to properly restore the area. The City Engineer may, on five days' written notice served by ordinary mail, or the Commissioner or his or her representative may, without notice if an emergency situation exists, effect such restoration at the expense of the person doing such work in the ~~right-of-way street or public place~~, with an additional 15% for administrative costs. An invoice for the total cost shall be mailed to the responsible person for payment within 30 days of the invoice date. Within this thirty-day period, the responsible person may appeal the invoice or any portion thereof to the Commissioner. The Corporation Counsel may institute an appropriate action or proceeding at law against such person for recovery of the costs and administrative expenses of such restoration by the City Engineer, plus any penalties prescribed by this chapter and the costs of such action or proceeding. No further permits shall be granted to such person until he or she has properly restored ~~all streets and public places~~ the right-of-way or has reimbursed the City Engineer for restoration effected by the City.

**§ 104-17 Restoration guaranty.**

- A. All persons working and making excavations in ~~the right-of-way streets or public places~~ must guarantee their permanent restoration work for a period of at least two years from the date of acceptance of the permanent restoration by the City Engineer. The permit holder may be required to completely reexcavate, refill and repave any permanent restoration that fails within the two-year guarantee period. At the City Engineer's discretion, a longer guarantee may be required based on the existing useful life of the right-of-way affected.

- B. If, at any time, whether during or after the ~~two-year~~ the required guarantee period, it is discovered that the permanent restoration was not made in accordance with City specifications, the permit holder shall be responsible for making a proper restoration.

**§ 104-18 Tests on right-of-way ~~street~~ restorations.**

The City has the right to order a test on any right-of-way ~~street~~ restoration in order to determine if the work has been completed in accordance with City specifications. If the test shows the ~~street~~ restoration to be acceptable, the testing costs will be borne by the City. If the first test shows the ~~street~~ restoration to be unacceptable, the permit holder must pay the amount of \$640, and for additional tests the amount of \$850, in addition to making the proper restoration. No further permits will be issued to said permit holder until the invoice for the testing and penalty has been paid.

**§ 104-19 Restoration by Ceity; costs.**

- A. Permanent restoration of a ~~street~~ cut or excavation in the right-of-way may be made by the Ceity, through its Street Maintenance Division, if the permit holder so desires and if approved by the Commissioner. The Commissioner shall establish rules and regulations regarding restoration by the City and the requirements for permit holders requesting the City to perform such restoration.
- B. The permit holder shall pay to the City the total cost estimate of the work based upon the current unit prices prepared by the Street Maintenance Division. The Street Maintenance Division may revise unit prices twice a year. The initial payment by the permit holder shall be calculated from his or her estimate of the size of the excavation including a six-inch cutback on all sides of the excavation to be performed by the Ceity. If the actual dimensions exceed the original estimate, the permit holder shall be responsible for the additional amount due.
- C. If any charge so made by the City remains unpaid after 30 days of the invoice date, no further permits for any excavation shall be issued to said permit holder until the payment is made.

**§ 104-23 Moving buildings along the right-of-way ~~streets~~.**

No person shall move a building upon or along the right-of-way ~~a street~~ without a permit in writing from the City Engineer, which permit shall specify the route to be taken and contain such additional conditions as the City Engineer deems necessary.

**§ 104-24 Right-of-way ~~Street~~ obstructions.**

- A. No person shall place or suffer to remain materials of any kind or any goods, wares, merchandise, equipment, machinery or other article or obstruction in the right-of-way, upon or over any street, alley, sidewalk or other public place without a permit in writing from the City Engineer, except while in the process of actively loading or unloading. Unless skids are necessary, a passageway for pedestrians shall be kept open while loading or unloading. This section shall not prohibit the doing of anything otherwise permitted by law or ordinance in the manner and form therein set forth, including the maintenance of newsstands so permitted.
- B. The permit shall contain such conditions and be effective for a period of time as shall be established by the City Engineer. Such permits may be revoked by the City Engineer without notice.
- C. The person to whom such permit is granted must cause all obstructions or materials to be enclosed with barriers sufficient to secure public safety and at all times during the night must keep lighted lamps upon said barriers to give warning to all persons.
- D. All such materials, obstructions and rubbish arising therefrom must be removed not later than the expiration date of the permit, and immediately upon the revocation of the permit.

**§ 104-30 Buildings.**

No person shall construct or alter a building so as to encroach upon ~~a street or public place~~ the right-of-way, except in accordance with and subject to provisions of the Charter and Code of the City of Rochester. Any permission, express or implied, to construct any part of a building so as to encroach shall be revocable at will by the Council or the City Engineer; and any aboveground portion of a building permitted to encroach shall be constructed so that it may be removed at any time without causing the building to become structurally unsafe, in whole or in part, subject to such exemptions as may be provided in the Charter and Code of the City of Rochester.

**§ 104-32 Promulgation of rules and regulations; permits; existing encroachments.**

**A.**

The City Engineer may adopt rules and regulations relating to the construction and maintenance of encroachments in the City, including encroachments by

telecommunication facilities.

**B.**

Permits for the construction of encroachments shall be issued in writing by the City Engineer, and the City Engineer may place reasonable restrictions upon any permit granted hereunder.

**C.**

All encroachments existing prior to February 23, 1971, may be maintained as constructed, unless their removal, relocation or modification is directed by the Council or the City Engineer.

**§ 104-33 Above-surface encroachments.**

**A.**

No person shall construct an above-surface encroachment, including telecommunication facilities, without a permit in writing issued by the City Engineer. No permit shall be issued for any above-surface encroachment that is closer than two feet to the curbline. No permit shall be issued for any above-surface encroachment which creates a hazard or impairs the free passage of pedestrians, vehicles or maintenance equipment. In addition to the permit required hereunder, no person shall construct or install above-surface telecommunication facilities without a franchise or licensing agreement as required by the Municipal Code.

**B.**

The City Engineer may issue permits for above-surface encroachments which meet the following standards:

**(1)**

Veneer. A veneer may be applied to the entire facade of an existing building if such veneer does not encroach more than four inches beyond the streetright-of-way line.

**(2)**

Entrance details. Entrance details, including steps, and doors when fully opened, may be constructed to encroach not more than two feet beyond the streetright-of-way line. Entrance steps that encroach shall be guarded at each end by railings or cheek pieces at least three feet high or by other members of the entrance detail providing equivalent protection.

**(3)**

Architectural details. Details such as cornices, eaves, bases, sills, headers, band course, opening frames, sun-control devices, rustications, applied ornament or sculpture, grilles, windows when fully opened, air-conditioning units and other similar elements, may be constructed to encroach not more than four inches beyond

the streetright-of-way line when less than 10 feet above the ground or sidewalk level and not more than 10 inches beyond the streetright-of-way line when more than 10 feet above the ground or sidewalk level.

(4)

Balconies. Balconies, including railings and supporting brackets, may be constructed to encroach not more than two feet beyond the streetright-of-way line, provided that no part of such balcony may be less than 10 feet above the ground or sidewalk level.

(5)

Fire escapes. When permitted by the Building Code, fire escapes that are part of a required exit may be constructed to encroach not more than four feet, six inches beyond the streetright-of-way line, provided that no part, including any movable ladder or stair, is lower than 10 feet above the ground or sidewalk level when not in use.

(6)

Marquees. Marquees may be constructed on a building, provided that no part of such marquee shall be lower than 10 feet above the ground or sidewalk level. Marquees shall be supported entirely from a building, except where the City Engineer determines that the sidewalk is sufficiently wide so that the marquee can be supported partly from footings on the ground without creating a hazard or impairing the free passage of pedestrians, vehicles or maintenance equipment. A marquee shall be defined as a roof-like structure projecting beyond the facade of a building and usually supported by rods or chains attached to the building.

(7)

Awnings, light fixtures and flagpoles. Awnings, light fixtures and flagpoles may be constructed on a building, provided that no part of such awning, light fixture or flagpole shall be lower than eight feet above the ground or sidewalk level, except that the fabric part of an awning or flag may extend to not lower than seven feet, six inches, above the ground or sidewalk level. Awnings, light fixtures and flagpoles shall be supported entirely from the building, except where the City Engineer determines that the sidewalk is sufficiently wide so that the awning, light fixture or flagpole can be supported partly from footings on the ground without creating a hazard or impairing the free passage of pedestrians, vehicles or maintenance equipment. Permits for canvas awnings shall be issued for a period of five years, after which time the owner shall seek a renewal.

(8)

Signs. All signs which encroach must be constructed in conformance with the provisions of the Zoning Code in § 120-177.

(9)

Storm enclosures. Seasonal permits may be issued for the construction of storm enclosures encroaching not more than two feet beyond the streetright-of-way line. Such enclosure shall be permitted during the period from November 1 to the following May 1, and such enclosure shall be removed at the end of this period.

**(10)**

Sidewalk cafes. Seasonal permits may be issued for sidewalk cafes during the period between April 1 and the following November 30. Such permit shall only be issued to applicants who will operate the cafe or a vending unit in connection with the operation of a legally established business on the first floor of the adjoining premises which fronts or empties onto the streetright-of-way at the approximate location where the sidewalk cafe permit is requested and which is engaged in the sale of food or beverages or other goods which may be legally consumed on the sidewalk. Such permit shall allow operation of a vending unit in compliance with all provisions of Chapter 62 of the Municipal Code. Sidewalk cafe permits may take precedence over special Main Street vending permits if the sidewalk cafe permit has been applied for before a date specified by the Commissioner of Environmental Services and if said location is actually used for a sidewalk cafe in accordance with rules and regulations ~~which may be~~ established by the Commissioner of Environmental Services.

**(11)**

Public service facilities. Public service facilities, such as bus shelters and telephone booths, may be constructed, provided that they do not create a hazard or impair the free passage of pedestrians, vehicles or maintenance equipment.

**(12)**

Banners. Temporary permits may be issued for the construction of banners which encroach, provided that no part of such banner is lower than 14 feet above the ground or sidewalk level. The City Engineer may require a higher clearance along heavily traveled streets or where the banner may interfere with a driver's view of the road. Banners shall be securely anchored to the buildings with ties and stays sufficiently strong to support the banner in all types of weather conditions. Particular attention shall be paid to wind and moisture resistance in designing the anchors for the banner. Applicants for permits shall submit written proof of authorization from the owners of the buildings to which the banner shall be attached.

**(13)**

Telecommunication Facilities. All telecommunication facilities shall be constructed and installed using the least intrusive means and equipment reasonably available, and shall comply with all rules and regulations adopted by the City Engineer as well as the terms of the franchise or license agreement as required by the Municipal Code.

**C.** The City Engineer may issue a permit for an encroaching bridge to be constructed between buildings after the Council specifically approves the construction of such bridge.

**§ 104-34 Subsurface encroachments.**

**A.**

No person shall construct a subsurface encroachment without a permit in writing issued by the City Engineer. In addition to the permit required hereunder, no person shall construct or install a subsurface telecommunication facilities encroachment without a franchise or licensing agreement as required by the Municipal Code.

**B.**

The City Engineer may issue permits for subsurface encroachments which meet the following standards:

**(1)**

Footings. Exterior wall and column footings may be constructed to encroach not more than 12 inches beyond the ~~street~~right-of-way line, provided that the top of the footing is not less than four feet below the ground or sidewalk level.

**(2)**

Foundation walls. Foundation walls which are required to support permitted encroachments may be constructed to encroach not more than the permitted encroachment does.

**(3)**

Vaults and areaways. Vaults and areaways may be constructed to encroach, provided that such encroachment does not extend beyond the curblineline. Vaults and areaways must be maintained by the ~~abutting property owner~~permittee.

**(4)**

Telecommunication Facilities. All telecommunication facilities shall be constructed and installed using the least intrusive means and equipment reasonably available, and shall comply with all rules and regulations adopted by the City Engineer as well as the terms of the franchise or license agreement as required by the Municipal Code.

**C.**

The City Engineer may issue a permit for an encroaching tunnel to be constructed between buildings after the Council specifically approves the construction of such tunnel.

**§ 104-36 Maintenance or removal of certain encroaching walls.**

If the front or other exterior wall of any building erected after January 1, 1965, in the City encroaches not more than six inches ~~upon any street~~into the right-of-way, no action or proceeding to compel the removal of such wall shall be instituted or maintained by or on behalf of the City or by or on behalf of any person claiming an



easement in or title to the portion of the street on which such wall encroaches, unless such action or proceeding is commenced within the period of one year from the time of the serving of a notice as hereinafter provided and unless within such period a notice of the pendency of such action or proceeding, describing the property on which said building stands and indexed against the owner thereof, is filed in the office of the Clerk of the County of Monroe. Any person having any interest in the property on which such building stands may serve a notice on the Corporation Counsel of the city, setting forth a brief description of the property, his or her interest therein and the existence of an encroachment on the ~~street~~ or right-of-way or highway. Such notice, together with proof or admission of service thereof, shall be filed in the office of the Clerk of the County of Monroe. The Clerk shall index and record such notice as if it were a notice of the pendency of an action and shall collect the usual fees for recording and indexing a notice of the pendency of an action. If no action be brought within the period hereby limited therefore, the owners and encumbrancers of such property shall be deemed to have an easement for the maintenance of the encroaching wall so long as the wall shall stand and no longer.

#### **§ 104-50 Requirements for bonds and insurance.**

Wherever bonds or insurance are required pursuant to this article or by a franchise or license agreement, such bonds or certificates evincing such insurance shall be filed with the City Engineer and approved by the Director of Finance. The bonds or insurance must be kept continuously in force ~~and pending completion of the contractual undertaking to the written satisfaction of the City Engineer.~~ Required insurance shall indemnify the City of Rochester against all loss, cost, damage or expense incurred or sustained by or recovered against the City by reason of the permitted activity and shall. Bonds shall assure appropriate payment or performance of the contractual undertaking in accordance with the requirements of the Director of Finance. Such bonds and certificates of insurance shall each contain a provision that they shall not expire, nor shall they be canceled, altered or amended except on 1030 days' prior written notice to the City Engineer, served personally or by certified mail. Municipal operations and property shall not be excluded from coverage. The insurance must Such bonds or insurance shall not limit the liability of the contract party. The City shall be the named beneficiary under any bonds and the certificate of insurance shall name the City as an additional insured party.

#### **§ 104-51 Bonds and insurance for projecting signs.**

##### **A.**

Either liability insurance or ~~surety company~~ performance bonds, issued by entities authorized to do business in the State of New York and rated "B+" or better by A.M. Best, shall be required for the construction ~~and maintenance~~ of signs projecting over the ~~street~~ right-of-way. For two signs or fewer, there shall be not less than a ~~fifty thousand dollar~~ \$50,000 performance bond or and not less than \$50,000 \$1,000,000 single limit general liability insurance covering both bodily injury and property damage. For more than two signs, there shall be not less than a one-

~~hundred thousand dollar~~\$100,000 performance bond ~~or and~~ not less than ~~\$100,000~~\$2,000,000 single limit general liability insurance covering both bodily injury and property damage. Performance bonds may be released upon successful completion of installation or construction of all such signs.

**B.**

~~Bonds and insurance policies~~Insurance policy certificates heretofore filed for the maintenance of existing signs may continue in full force and effect until the renewal date thereof, at which time a ~~surety company bond or liability insurance policy certificate~~ in the ~~amounts~~amount hereinabove specified shall be filed. ~~Upon filing a new surety company bond or liability insurance policy complying with the provisions of this section, the former bond or insurance policy may be canceled.~~

**§ 104-52 Bonds and insurance for other types of construction.**

In cases in which applications are made to the City Engineer for a permit to construct and maintain areaways ~~under sidewalks or under any street or public place~~in the right-of-way, or for a permit to place any permanent structure or construction of any kind in ~~or upon any street or other public place within the city~~the right-of-way, either ~~liability insurance or and surety company~~performance bonds shall be required. ~~The~~With the exception of applications involving telecommunication facilities, the performance bonds shall be in an amount not less than \$250,000, or and there shall be not less than \$250,000\$1,000,000 single limit general liability insurance covering both bodily injury and property damage. The bond and insurance requirements for all telecommunication facilities shall be as set forth in the license or franchise agreement.

**§ 104-53 (Reserved) Substitution of insurance for bonds for encroachments.**  
~~Except as otherwise provided herein, in lieu of bonds required to be filed under ordinances heretofore adopted, authorizing permits for encroachments, other than signs, there may be filed single limit general liability insurance in an amount not less than \$50,000 covering both bodily injury and property damage.~~

**§ 104-54 (Reserved) Acceptance of substitute bonds.**

~~The City Engineer is hereby authorized, upon application of the principals on indemnity bonds heretofore or hereafter given to the city, to protect it from loss or damage resulting from the construction and maintenance of areaways and other street obstructions, to accept on behalf of the City substitute surety company bonds covering the same subject matter, in a form approved by the Director of Finance, in the place and stead of the bond or bonds which it is desired to have canceled and terminated; and whenever a proper substitute bond in like penalty with the bond it is intended to replace and in form and manner of execution approved by the Director of Finance has been given to the city, the~~

~~City Engineer is hereby authorized to execute and deliver to the principal obligor a written certificate stating that a substitute for such former bond has been accepted by the City and that all obligation thereon subsequent to the delivery and acceptance of the bond therefor has ceased.~~

**§ 104-55 Annual bonds or insurance for plumbers and other contractors.**

**A.**

Licensed plumbers, contractors and other persons engaged in any business the nature of which requires or results in frequent applications for permits to make obstructions or excavations in the ~~streets~~right-of-way, shall not be required to furnish a separate bond or insurance certificate for each permit, but a general bond or insurance certificate may be given annually, indemnifying the City from any and all loss, cost or damage resulting or arising from any act done or permitted in pursuance of such permits, which bonds or certificates shall be renewed from year to year so long as the person shall continue business within the ~~city~~City.

**B.**

Annual insurance shall be in an amount required by the City Engineer, but not less than ~~\$100,000~~ \$1,000,000 for bodily injury and property damage, or an annual bond not less than \$100,000.

**§ 104-56 Irrevocable letter of credit required for excavations or obstructions.**

**A.**

The City Engineer is hereby directed, in all cases in which applications are made to him or her for consent or permission to make any excavation in ~~or upon any street or other public place~~the right-of-way or for permission to place any materials, equipment or obstruction ~~on or in any street or other public place~~in the right-of-way, to require an irrevocable unconditional letter of credit, approved by Director of Finance as to form and ~~method of execution~~substance, in a minimum amount of ~~\$1,000~~ \$25,000, to be filed with the ~~city~~City.

**B.**

The City Engineer is authorized to require a letter of credit for a higher amount for reasons such as previous failures to comply with City codes, specifications or permit requirements and for large-scale projects.

**C.**

The City Engineer is authorized to waive the requirement of an irrevocable letter of credit in all cases where the work to be done under permit will not cause damage to pavement, sidewalks, curbing or any other portion of the City right-of-way.

**D.**

The City Engineer is authorized to draw upon the letter of credit as may be necessary to cover the costs to the City including administrative costs to perform work which a permit applicant failed to perform after receiving a written request from the City to perform said work. The City Engineer may draw upon the letter of credit only after the permit applicant has failed to perform said work, failed to pay the invoice for the cost of the work performed by the City and failed to win an appeal to the Commissioner of Environmental Services of the invoice or failed to make such an appeal in a timely fashion.

**E.**

No new ~~street~~ permits shall be issued to the permit applicant until the full amount of the letter of credit is restored.

**§ 104-57 Permit fees.**

**A.**

Applications for permits required by this chapter ~~for the following activities or objects~~ shall be made in writing to the City Engineer, shall contain such information as the City Engineer may require and shall be accompanied by the ~~following fees. Where a fee~~ detailed in the permit from fee schedule maintained by the City Engineer is required and no other fee is specified herein, the fee. The permit fee schedule shall be \$70, amended from time-to-time by the City Council. Any fee not specified in the fee schedule shall be determined by the City Engineer.

<b>Activity or Object</b>	<b>Code Section</b>	<b>Fee</b>	<b>Length of Permit</b>
<del>Anode protection work</del>	<del>104-13</del>	<del>\$10 per location outside pavement</del>	
<del>Street construction</del>	<del>104-15</del>	<del>\$15 per linear foot</del>	
<del>Sidewalk construction or repair</del>	<del>104-15</del>	<del>\$35 for each street along which sidewalk runs</del>	
<del>New residential driveways (defined as any driveway accommodating 3 cars or fewer on a parcel used for residential purposes only)</del>	<del>104-25</del>	<del>\$130</del>	
<del>New commercial driveways (any driveway not included as a residential driveway as defined above)</del>	<del>104-25</del>	<del>\$450</del>	
<del>Enlargement of existing driveways (per linear foot)</del>	<del>104-25</del>	<del>\$35</del>	
<del>Extended maintenance fee, reconstructed</del>	<del>104-20</del>		

<b>Activity or Object</b>	<b>Code Section</b>	<b>Fee</b>	<b>Length of Permit</b>
<del>street excavation</del>			
<del>50 square foot or less</del>		\$660	
<del>51 to 100 square foot</del>		\$1,910	
<del>101 to 150 square foot</del>		\$3,820	
<del>Over 150 square foot</del>		\$6,360	
<del>Trenches less than 50 feet in length</del>		Based on square foot as above	
<del>Trenches greater than 50 feet in length</del>		\$1,870, plus \$11 per linear foot	
<del>Extended maintenance fee, resurfaced street excavation</del>	<del>104-20</del>		
<del>50 square foot or less</del>		\$330	
<del>51 to 100 square foot</del>		\$1,020	
<del>101 to 150 square foot</del>		\$1,800	
<del>Over 150 square foot</del>		\$3,600	
<del>Trenches less than 50 feet in length</del>		Based on square foot as above	
<del>Trenches greater than 50 feet in length</del>		\$1,010, plus \$8.80 per linear foot	
<del>Street reconstruction cost sharing</del>	<del>104-27</del>		
<del>Heavy-duty pavement</del>		\$10 per square foot	
<del>Medium-duty pavement</del>		\$8 per square foot	
<del>Light-duty pavement</del>		\$6 per square foot	
<del>Fixed projection (architectural character)</del>	<del>104-33</del>	\$230	
<del>Entrance details</del>	<del>104-33</del>	\$70	
<del>Architectural details</del>	<del>104-33</del>	\$70	
<del>Balconies and fire escapes</del>	<del>104-33</del>	\$340	
<del>Marquees</del>	<del>104-33</del>	\$70	
<del>Awnings</del>	<del>104-33</del>	\$70	5 years
<del>Flagpoles</del>	<del>104-33</del>	\$70	
<del>Light fixtures</del>	<del>104-33</del>	\$70	
<del>Signs</del>	<del>104-33</del>	\$70	
<del>Storm enclosures</del>	<del>104-33</del>	\$70	6 months

<b>Activity or Object</b>	<b>Code Section</b>	<b>Fee</b>	<b>Length of Permit</b>
<del>Sidewalk cafes (initial fee for three tables, four chairs per table)</del>	<del>104-33</del>	<del>\$120</del>	<del>8 months</del>
<del>Sidewalk cafes (more than three tables)</del>	<del>104-33</del>	<del>\$40 per additional table with four chairs</del>	<del>8 months</del>
<del>Moving a building</del>	<del>104-23</del>	<del>\$230 per move</del>	
<del>Street obstruction</del>	<del>104-24</del>	<del>\$50</del>	<del>1 day</del>
		<del>\$360</del>	<del>1 month</del>
<del>Phone booth installation Pole attachments</del>	<del>104-24</del>	<del>\$160</del>	<del>Annual</del>
	<del>104-33</del>	<del>\$2,000 per pole</del>	<del>Annual</del>
<del>Resurfacing existing driveway</del>	<del>104-13</del>	<del>\$50 per driveway</del>	
		<del>\$260</del>	<del>Annual</del>
<del>Utility pole installation</del>	<del>104-13</del>	<del>\$180</del>	
<del>Interference with survey monument</del>	<del>104-22</del>	<del>\$400 per occurrence</del>	
<del>Excavations</del>	<del>104-13</del>		
<del>50 square feet or less</del>		<del>\$125</del>	
<del>51 to 100 square feet</del>		<del>\$270</del>	
<del>101 to 150 square feet</del>		<del>\$510</del>	
<del>Over 150 square feet</del>		<del>\$1,050</del>	
<del>Trenches less than 50 feet in length</del>		<del>Based on square feet as above</del>	
<del>Trenches greater than 50 feet in length</del>		<del>\$340, plus \$1.10 per linear foot</del>	<del>1 week</del>
<del>Inspection fee</del>		<del>\$200</del>	
<del>Banners</del>	<del>104-33</del>	<del>\$50</del>	<del>1 month</del>
<del>Bridges</del>	<del>104-33</del>	<del>\$230 initially;</del>	<del>1 year</del>
		<del>\$35 thereafter</del>	<del>1 year</del>
<del>Footings</del>	<del>104-34</del>	<del>\$70</del>	
<del>Foundation walls</del>	<del>104-34</del>	<del>\$70</del>	
<del>Vaults and arcaways</del>	<del>104-34</del>		
<del>100 square feet or less</del>		<del>\$110 initially;</del>	<del>1 year</del>
		<del>\$35 thereafter</del>	<del>1 year</del>
<del>101 to 500 square feet</del>		<del>\$230 initially;</del>	<del>1 year</del>
		<del>\$60 thereafter</del>	<del>1 year</del>

<del>Activity or Object</del>	<del>Code Section</del>	<del>Fee</del>	<del>Length of Permit</del>
<del>Over 500 square feet</del>		<del>\$340 initially;</del>	<del>1 year</del>
		<del>\$85 thereafter</del>	<del>1 year</del>
<del>Tunnels</del>	<del>104-34</del>	<del>\$230 initially;</del>	<del>1 year</del>
		<del>\$120 thereafter</del>	<del>1 year</del>

**B.**

Utility companies and other companies performing work in the City may pay an annual maintenance fee of ~~\$1,430 per company~~, which shall include the fees for all work other than work requiring excavation in the City rights-of-way. ~~The fee for a one-time-use permit for an oversized or overweight vehicle as required by § 111-78 of the Municipal Code shall be \$230. An annual permit for one oversized or overweight vehicle shall be \$680, while an annual permit for four or more vehicles shall be \$2,700.~~

**C.**

There shall be an additional fee for performing work for which a permit is required and for which no permit has been obtained or for which a permit was obtained but the work has been stopped by the City Engineer. The additional fee shall be equal to the applicable permit fee. The applicable permit fee shall also be paid.

**D.**

The City Engineer shall have the power to waive the permit fee for ~~that~~ work done by a contractor performing or accommodating a City project or a project of another government agency.

**E.**

Where multiple openings are made, the permit fee shall be the lesser of the fee based upon the total square footage of the multiple openings or the sum of the fees for the individual openings.

**F.**

~~(Reserved) The fee for a building wall permit authorized by § 5-35 of the City Charter and § 104-30 of the Code of the City of Rochester shall be \$450.~~

**G.**

The annual fee for vaults and areaways, bridges and tunnels shall be a lien upon the adjoining parcel or parcels of real property which they benefit. At the option of the Director of Finance, such fees may be added to the annual real property tax bill for such parcels.

**H.**

Fees for excavation in the right-of-way. No fee shall be required for excavation in the right-of-way, provided that the work does not disturb the street/roadway or public sidewalk and is for the renewal of residential water service only.

I.

~~(Reserved) If work is not completed within the time established in a permit and a reinspection is required, a fee of \$80 per visit shall be required in addition to any other permit fees.~~

**§ 104-58 City activities in right-of-way.**

The permit fees and associated requirements under this section shall not apply to the City.

Section 2. This ordinance shall take effect immediately. Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**



**City Clerk**





**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-142

### **Amending the 2016-17 Budget and funding the Edgerton R-Center Stardust Ballroom shingle roof replacement**

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by transferring a total of \$359,000 from Contingency to Cash Capital and said amount is hereby appropriated to fund the replacement of the Edgerton R-Center Stardust Ballroom shingle roof.

Section 2. This ordinance shall take effect immediately

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

\_\_\_\_\_

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

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Ordinance No. 2017-143

### **Authorizing agreement to allow the placement of cellular wireless communications equipment on City-owned street light poles, 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 agreement with Mobilitie, LLC to allow the company to place small cellular wireless communications equipment (Equipment) on approximately 15 City-owned street light poles for an annual fee. The agreement shall involve the placement of Equipment on up to 15 light poles initially and may be extended to up to 25 additional poles if approved by the City Engineer. and The agreement shall be subject to the following terms and conditions.

Section 2. The Equipment shall be installed, operated and maintained at no cost to the City. The company may replace some street light poles prior to installation of Equipment, provided that it obtains prior approval from the City to do so and the replacement is undertaken at no cost to the City. The company shall install conduit line for the City's use if the City requests it to do so.

Section 3. Mobilitie, LLC shall pay the City an annual fee comprised of \$500 plus 5% of its gross revenue derived from each street light pole utilized, provided, however, that the annual fee shall be modified if necessary to match the City's adoption of any subsequent annual fee schedule that applies to all like equipment pole attachments.

Section 4. The agreement shall be for a term of 5 years with the option to extend for up to three additional terms of 5 years each upon the mutual consent of the parties.

At the conclusion of the agreement, the company shall remove all Equipment from the street light poles at no cost to the City.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.


Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, appearing to read "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

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**Ordinance No. 2017-144**

### **Authorizing an amendatory agreement with Personal Energy, Inc. relating to firefighter recruit training**

**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 Personal Energy, Inc. for consultation on physical training for firefighter recruits. The amendatory agreement shall increase the maximum annual compensation of the agreement originally authorized in Ordinance No. 2016-217 by \$10,000 to a new total of \$25,000. Said amendatory amount shall be funded from the 2017-18 Budget of the Fire Department and future operating budgets of the Fire Department, contingent upon approval of said future budgets. The term of the agreement shall remain two years with an option to renew for one additional two-year period.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_

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Ordinance No. 2017-145

### **Authorizing agreements for the 2017 Summer Food Service 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 Department of Education for the receipt and use of anticipated reimbursements in the amount of \$301,210 for the 2017 Summer Food Service Program. Said amount, or so much thereof as may be necessary and received, shall be allocated to the 2017-18 Budget of the Department of Recreation and Youth Services and appropriated for the Program, contingent upon adoption of said Budget.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals for the Program, contingent upon receipt of the anticipated funding pursuant to Section 1. The agreement shall obligate the City to pay an amount based on the unit cost of the meals and not to exceed \$250,000, which shall be funded from the money appropriated in Section 1.

Section 3. The term of both agreements shall be one year.

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

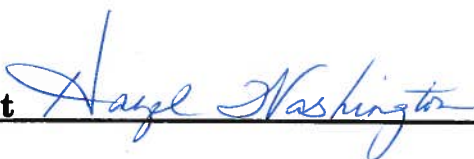
Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

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Ordinance No. 2017-146

### **Authorizing an agreement for the Clinton-Baden Community Center**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District and Baden Street Settlement, Inc. for the continued use and maintenance of the Clinton-Baden Community Center. The agreement shall extend for a term of one year from July 1, 2017 to June 30, 2018, with four one-year renewal options.

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

Section 3. This agreement shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

\_\_\_\_\_

**City Clerk**





**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

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**Rochester, N.Y.,** \_\_\_\_\_

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I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-147

### **Authorizing agreements for the 2017-18 ~~2016-17~~ Gun Involved Violence Elimination Program, 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 agreement with the New York State Department of Criminal Justice Services for receipt and use of funding for the 2017-18 Gun Involved Violence Elimination (GIVE) Program in the amount of \$561,700. The term of the agreement shall be from July 1, 2017 through June 30, 2018.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Institute of Technology Center for Public Safety Initiatives for data analysis services for the 2017-18 GIVE Program in the maximum amount of \$131,700. The agreement shall be funded from the 2017-18 Budget of the Police Department, contingent upon the approval of said future budget. The term of the agreement shall be from July 1, 2017 through June 30, 2018.

Section 3. The Mayor is hereby authorized to enter into an agreement with Pathstone Foundation in the maximum amount of \$31,000 to provide direct service provider case management for the focused deterrence participants in the GIVE Program. The agreement shall be funded from the 2017-18 Budget of the Police Department, contingent upon the approval of said future budget. The term of the agreement shall be from July 1, 2017 through June 30, 2018.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

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**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

**Ordinance No. 2017-148**

### **Authorizing an amendatory grant agreement with the New York State Office of Victim 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 grant agreement with the New York State Office of Victim Services (NYSOVS) relating to the receipt and use of a NYSOVS grant to support of the Police Department's provision of victim services. The amendatory agreement shall extend the term of the original agreement that was authorized in Ordinance No. 2016-213 by two years to September 30, 2019 and shall increase the original grant amount by \$732,400 to a total of \$1,019,565.

Section 2. Contingent upon the approval of subsequent fiscal year budgets of the Police Department, the increase in NYSOVS's grant shall be added to the 2017-18 Budget of the Police Department in the amount of \$359,000 to fund the Police Department's Family and Victim Services Section programs during the first year of the extended term (October 1, 2017 through September 30, 2018) and added to the 2018-19 Budget of the Police Department in the amount of \$373,400 to fund said Section's programs during the second year (October 1, 2018 through September 30, 2019).

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

*Hazel Washington*

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

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**Rochester, N.Y.,** \_\_\_\_\_

## **TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-149

### **Authorizing agreements and appropriating funds to support the Summer Literacy 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 Rochester City School District for the receipt and use of \$66,100 for the Summer Literacy Program (Program) to employ Rochester City School District high school students as literacy aides at City R-Centers during the Summer of 2017 to assist children to maintain and improve their reading skills. The term of the agreement shall not exceed one year.

Section 2. The sum of \$4,600 anticipated under the agreement shall be allocated to the 2017-18 Budget of Undistributed and the sum of \$61,500 anticipated under the agreement shall be allocated to the 2017-18 Budget of the Department of Recreation and Youth Services (DRYS) and is hereby appropriated to the Program, contingent upon the approval of said budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

**City Clerk**



**City of Rochester**

**City Clerks Office**

# **Certified Ordinance**

**Rochester, N.Y.,** \_\_\_\_\_

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I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **May 23, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **May 24, 2017** in accordance with the applicable provisions of law.

**Ordinance No. 2017-150**

### **Authorizing an agreement for emergency telephone notification system 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 Sam Asher Computing Services, Inc. d/b/a Asher Group to provide emergency telephone notification system services to the Emergency Communications Department (ECD). The term of the agreement shall be one year, with the option for up to three extensions of 1 year each.

Section 2. The maximum annual compensation for the agreement shall be \$30,000, which shall be funded from the 2016-17 Budget of ECD for the first year and from a subsequent budget of ECD for any subsequent year, contingent upon the approval of the subsequent budget.

Section 3. This ordinance shall take effect immediately

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

**City Clerk**



City of Rochester

City Clerk's Office

## Certified Resolution

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Rochester, N.Y., \_\_\_\_\_

### TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the Council of the City of Rochester, held in the City Hall, on **May 23, 2017**, a resolution was **Adopted**, of which the following is a true copy; and at the time said resolution was adopted, the Council consisted of Eight (8) members.

Resolution No. 2017-11

**Resolution for the purpose of a Home Rule Message regarding State legislation in relation to the adjudication of traffic infractions within the City of Rochester**

Concurring in the request by the Mayor of the City of Rochester to the Senate and the Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to the adjudication of traffic infractions.

WHEREAS, the legislation above would be beneficial to the people of Rochester and the City of Rochester does not have the power to enact such legislation by local law.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council concurs in the request of Lovely A. Warren, Mayor of the City of Rochester, to the Senate and the Assembly of the State of New York, constituting the New York State Legislature, that said Legislature enact the legislation set forth in the following bill entitled:

AN ACT to amend the vehicle and traffic law, the general municipal law, the state finance law, and the criminal procedure law, in relation to the adjudication of traffic infractions.

Being Senate Bill No. S. 6456 and Assembly Bill No. A.1501-A.

This resolution shall take effect immediately



Adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

*Hazel Washington*

**City Clerk**



City of Rochester

City Clerk's Office

## Certified Resolution

Rochester, N.Y., \_\_\_\_\_

### TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the Council of the City of Rochester, held in the City Hall, on **May 23, 2017**, a resolution was **Adopted**, of which the following is a true copy; and at the time said resolution was adopted, the Council consisted of Nine (9) members.

Resolution No. 2017-12

#### **Resolution amending the Rules of Council relating to Zoning, Official Map and Comprehensive Plan amendments**

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

Section 1. The Council hereby amends the Rules of Council as adopted in Resolution No. 2016-4, by inserting the following provision as the last paragraph of Section XVIII for Meetings and Procedures of Standing Committees:

In order to effectuate the provision of Section 120-190(C)(3)(a) of Chapter 120 of the Municipal Code, Zoning Code, that authorizes the City Council to initiate a proposal to amend the Zoning Code text, the Zoning Map, the Official Map or the Comprehensive Plan (collectively, a Proposal), any member of the Council may introduce a proposed ordinance. The Neighborhood & Community Development (NCD) Committee shall be authorized, upon approval of a motion by a majority vote, to submit a Proposal to the Director of Planning and Zoning (Director) for review by the Planning Commission in accordance with Zoning Code §120-190(C)(3)(c) on behalf of the Council without first discharging the Proposal to the Council. If the NCD Committee fails or refuses to refer a Proposal to the Director, the Council may refer the Proposal to the Director on a motion duly seconded by the affirmative vote of a majority of the Council. After the Planning Commission completes its review of a Proposal and transmits its recommendation to the City Clerk for Council action, the Proposal and the Planning Commission's recommendation shall be forwarded to the NCD for review and discharge to the Council in the normal course as prescribed elsewhere in these rules and subject to the timely action, right of objection of affected and adjoining property owners, public hearing and notice requirements set forth in Zoning Code §120-190(C)(3)(d).

Section 2. This resolution shall take effect immediately.


Underlining indicates new text.

Adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember Haag - 1.

**Attest**

A handwritten signature in blue ink, reading "Hazel Washington", is written over a horizontal line.

**City Clerk**



City of Rochester

City Clerk's Office

## Certified Resolution

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Rochester, N.Y., \_\_\_\_\_

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### TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the Council of the City of Rochester, held in the City Hall, on **May 23, 2017**, a resolution was **Adopted**, of which the following is a true copy; and at the time said resolution was adopted, the Council consisted of Eight (8) members.

Resolution No. 2017-13

#### **Resolution endorsing the Rochester Climate Action Plan**

WHEREAS, in Ordinance No. 2014-287 the Council authorized the Mayor to enter into an agreement with the New York State Energy Research and Development Authority (NYSERDA) to receive and use a \$100,000 grant to develop a City of Rochester Climate Action Plan that would quantify current greenhouse gas emissions, identify a target greenhouse gas reduction goal, and provide specific approaches that the community can use to meet the target reduction goal;

WHEREAS, the City's Office of Energy and Sustainability, working with consultants it engaged for that purpose, has developed the Rochester Climate Action Plan (CAP), which proposes a community-wide target greenhouse gas emissions reduction goal of 40% from the baseline year of 2010 by the year 2030 and provides an implementation framework consisting of strategies and actions to reduce greenhouse gas emissions;

WHEREAS, the terms of the NYSERDA grant commit the City to incorporate the CAP into the City's Comprehensive Plan; and

WHEREAS, the Council believes that the goals, strategies and actions set forth in the CAP are consistent with and will further the Comprehensive Plan's campaign for Environmental Stewardship that is set forth in Section 130-5D of the Municipal Code.

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

Section 1. The Council hereby endorses the Rochester Climate Action Plan (CAP), including the target greenhouse gas reduction goal of 40% by 2030, and supports the City taking a leading role in implementing the strategies set forth therein.

Section 2. The Council hereby directs that the CAP be placed on file in the Office of the City Clerk.

Section 3. The Council hereby recommends that the CAP be included as a component of the updated City of Rochester Comprehensive Plan, which is currently in development.

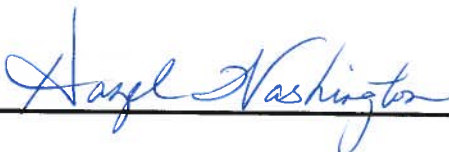
Section 4. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

**Attest**

  
\_\_\_\_\_

**City Clerk**