

ROCHESTER CITY COUNCIL

REGULAR MEETING

October 15, 2019

Present –President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 9.

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

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

**Special Recognition:**

Joan Mayer  
Thomas Bryant

**Retirement:**

**DES:**

\*Michael Pearson  
\*Ana Rodriguez

**DHRM:**

\*Carolyn Grinstead

**ECD:**

\*Sandra Salway-Beers

**RFD:**

\*Anthony Przybyl

**RPD:**

\*Kevin Costello  
\*Otto Harnischfeger  
\*Ann Marie Hofer  
\*Jorge Perez  
\*James Perry

**RPL:**

\*Linda Root

*\*Not attending meeting*

**APPROVAL OF THE MINUTES**

By Vice President Lightfoot

RESOLVED, that the minutes of the Regular Meeting on September 17, 2019 and the Special Meeting on September 30, 2019 be approved as published in the official sheets of the Proceedings.

October 15, 2019

Adopted unanimously.

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

The Mayor submits the following:

The Council submits Disclosure of Interest Forms from Councilmember Harris on Int. No. 349.

**THE COUNCIL PRESIDENT --- RECEIVED AND FILED.**

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on October 10, 2019 on the following matters:

Amending the Consolidated Community Development/2017-18 Annual Action Plan and authorizing an agreement for fair housing and community development studies and plans Int. No. 330  
No Speakers

Amending the Zoning Code, Chapter 120 of the Municipal Code with regard to entertainment  
Int. No. 334  
No Speakers

Amending Chapter 29 of the Municipal Code with regard to entertainment Int. No. 335  
No Speakers

Amending the Zoning Map by changing the zoning classification of 834-840 East Main Street  
Int. No. 336  
No Speakers

Amending the Zoning Map by changing the zoning classification of properties on Dr. Samuel McCree Way and Wooden Street to C-1 Neighborhood Center Commercial District Int. No. 337  
No Speakers

REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON

By Councilmember Evans  
October 15, 2019

To the Council:

The **FINANCE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- |              |  |
|--------------|--|
| Int. No. 329 | Authorizing the cancellation or refund of erroneous taxes and charges                  |
| Int. No. 331 | Authorizing an amendatory agreement with Kronos Incorporated, <b><u>as amended</u></b> |

October 15, 2019

Int. No. 354 Authorizing an intermunicipal agreement with Monroe County and the Monroe County Sheriff for the confinement of unarraigned prisoners

Int. No. 355 Appropriation from the Insurance Reserve Fund

The **FINANCE COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

Int. No. 330 Amending the Consolidated Community Development/2017-18 Annual Action Plan and authorizing an agreement for fair housing and community development studies and plans

Respectfully submitted,  
Malik Evans  
Molly Clifford  
Michael A. Patterson  
Willie J. Lightfoot  
Loretta C. Scott  
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-299  
Re: Cancellation or Refund of Erroneous  
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$19,998.83.

The owner of 1009 & 1015 St. Paul Street is Free Deliverance Church of God in Christ which is a religious, not for profit corporation and the properties are utilized as a house of worship and a parsonage. On December 20, 2018 there was a quitclaim deed filed with the Monroe County Clerk's office transferring the properties to an individual. The person signing the deed on behalf of the organization was not authorized to do so and it also violated the Religious Corporations Law 12(a) which requires court approval to transfer the property of a religious corporation. The organization did not know of the improper transfer until their mortgage holder was notified of a pending foreclosure due to nonpayment of taxes. The issue was brought to the Supreme Court and on May 13, 2019, the Honorable Evelyn Frazee granted Free Deliverance's motion for Summary Judgement and entered an Order and Judgement declaring the quitclaim deed null and void. The Bureau of Assessment was not made aware of the Order and Judgement and the properties remained on the tax roll for 2019-20.

If these cancellations are approved, total cancellations thus far for 2019-20 will be as follows:

	<u>Accounts</u>	
City Council	8	\$133,969.08
Administrative	<u>6</u>	<u>\$3,693.52</u>
Total	14	\$137,662.60

These cancellations represent 0.0529% of the tax receivables as of July 1, 2019.

October 15, 2019

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-174

Ordinance No. 2019-299  
(Int. No. 329)

**Authorizing the cancellation or refund 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:

	<b>S.B.L. #</b>	<b>Class</b>	<b>Address</b>	<b>Tax Year</b>	<b>Amount Cancelled</b>	<b>Subtotal</b>
(A)	105.44-1-3	N	1009 St. Paul St	2020	\$ 4,723.22	\$ 4,723.22
(B)	105.44-1-2	N	1015 St. Paul St	2020	\$15,275.61	\$15,275.61
					<b>TOTAL</b>	<b>\$19,998.83</b>

(A) and (B) Both properties are owned by Free Deliverance Church of God in Christ (Church), a religious not-for-profit corporation for a house of worship and parsonage, and, therefore, are exempt from real property taxation. A deed recorded with the Monroe County Clerk on December 20, 2018, purported to transfer the properties to an individual person not entitled to a real property tax exemption. On May 13, 2019, State Supreme Court Justice Evelyn Frazee entered an order declaring the deed null and void because it was executed by a person not authorized to act on behalf of the Church and without the court approval required under the state Religious Corporations Law. Therefore, the Church remains the owner of the properties. However, the Bureau of Assessment was not made aware of the court order when it placed the properties on the tax rolls for the 2020 tax year. The tax cancellations are necessary to reflect the fact that the properties have remained in the ownership of the Church and are exempt from real property taxation.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

October 15, 2019

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2019-300  
Amending the 2017-18 Annual Action  
Plan of the 2015-2020 Consolidated  
Community Development 5-year  
Strategic Plan and Authorizing a  
Professional Services Agreement

Council Priority: Rebuilding and Strengthening  
Neighborhoods

Transmitted herewith for your approval is legislation to:

- 1) Amend the 2017-18 Annual Action Plan of the 2015-2020 Consolidated Community Development 5-year Strategic Plan to rename Project #31 from “Fair Housing Study” to “Planning and Studies,” and change its description to “Preparation of the required Analysis of Impediments to Fair Housing Choice and other community development plans and studies, including but not limited to the next Consolidated Community Development 5-year Strategic Plan.”
- 2) Establish maximum compensation for an agreement as follows for services related to the HUD-required Analysis of Impediments to Fair Housing Choice and the preparation of the 2020-2025 Consolidated Community Development 5-year Strategic Plan. The cost of this agreement will be financed from the funds appropriated herein.

<b>Firm</b>	<b>Amount</b>	<b>Con Plan Year</b>	<b>Purpose</b>
Northeast & Bucks Co. (aka Mullin & Lonergan Associates) CEO, Michael Kearney	\$60,000	2017-18	Preparation of the Update to the Analysis of Impediments to Fair Housing Choice as well as the City’s 2020-2025 Consolidated Community Development 5-year Strategic Plan.

This firm was selected through a request for proposal process described in the attached summary. The term of the agreement will be for one year.

A public hearing on amending the 2017-18 Annual Action Plan is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-175

Ordinance No. 2019-300  
(Int. No. 330)

October 15, 2019

**Amending the Consolidated Community Development/2017-18 Annual Action Plan and authorizing an agreement for fair housing and community development studies and plans**

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

Section 1. The Council hereby approves amending the Consolidated Community Development Plan/2017-18 Annual Action Plan (2017-18 Consolidated Plan), approved in Ordinance No. 2017-206, by changing the name of Project #31 on page 60 from “Fair Housing Study” to “Planning and Studies” and by changing the Project #31 description to read: “Preparation of the required Analysis of Impediments to Fair Housing Choice and other community development plans and studies, including but not limited to the next Consolidated Community Development 5-year Strategic Plan.”

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Northeast & Bucks Co., aka Mullin & Lonergan Associates, for the preparation of an updated Analysis of Impediments to Fair Housing Choice study and for the preparation of the City’s 2020-2025 5-year Strategic Plan. The maximum compensation for the agreement shall be \$60,000, which amount is hereby appropriated for that purpose from the Community Development Block Grant funds allocated to Project #31 of the 2017-18 Consolidated Plan as amended herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-301  
Re Amendatory Agreement - Kronos  
Incorporated, Enterprise Process and  
System Solution for Scheduling, Time  
and Attendance

Transmitted herewith for your approval is legislation authorizing an amendatory agreement to extend the term by Six months with Kronos Incorporated for services related to the implementation of an Enterprise Process and System Solution for Scheduling, Time and Attendance. The original agreement, authorized in October 2015 via Ordinance No. 2015-315, established maximum compensation of \$1,880,000 for a term of two years. An amendment, authorized in September 2017 via Ordinance No. 2017-288 extended the term by two additional years to October 28, 2019. An amendment authorized in September 2018 via ordinance NO 2018-315 increased funding by \$350,000 for a total of \$2,230,000. This amendment will extend the term for six months from October 28, 2019 ending April 30, 2020 at no additional cost.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

October 15, 2019

Ordinance No. 2019-301  
(Int. No. 331, as amended)

**Authorizing an amendatory agreement with Kronos Incorporated**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Kronos Incorporated related to the implementation of an Enterprise Process and System Solution for Scheduling, Time and Attendance. The term of the agreement originally authorized in Ordinance 2015-315 and as amended in Ordinance No. 2017-288 and in Ordinance No. 2018-315, is hereby extended from October 28, 2019 for up to an additional six months.

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.

Underlining indicates new text.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-302  
Re: Intermunicipal Agreement and Budget  
Amendment Monroe County and Monroe  
County Sheriff, Unarraigned Prisoners

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with Monroe County and the Monroe County Sheriff for the confinement of unarraigned prisoners.

Persons arrested by officers of the Rochester Police Department are confined in the Monroe County Jail while awaiting arraignment or an initial court appearance. This agreement establishes the responsibilities of each party, and the amounts to be paid per unarraigned prisoner by the City to the County for a term of two years ending on June 30, 2021, with options for three one-year renewals. An intermunicipal agreement for this purpose is authorized by Section 500-a of the Correction Law.

The most recent agreement between the City and the County for this service was authorized by Ordinance 2014-366 and expired June 30, 2019. Under the terms of that agreement, the City paid \$109.92, or 90% of the rate as defined by the Detention Services Intergovernmental Agreement per unarraigned prisoner, with a minimum annual payment of \$1,000,000.

Under the terms of the proposed agreement, the City will pay 100% of the rate as defined by the Detention Services Intergovernmental Agreement, currently \$122.13 per unarraigned prisoner, in the period July 1, 2019 through June 30, 2021. There will be no minimum annual amount. With bail reform legislation taking effect January 1, 2020, it is expected that the number of unarraigned prisoners will decline. The term of the proposed agreement is two years with options for renewal to allow

October 15, 2019

both the City and the County to evaluate the impacts of bail reform before entering into a longer-term arrangement.

The cost of the agreement will be funded from the 2019-20 Budget of the Police Department, and from future years' Budgets of the Police Department, contingent upon adoption.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-302  
(Int. No. 354)

**Authorizing an intermunicipal agreement with Monroe County and the Monroe County Sheriff for the confinement of unarraigned prisoners**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with Monroe County and the Monroe County Sheriff for the confinement of unarraigned prisoners.

Section 2. The agreement shall obligate the City to pay a fee per prisoner equivalent to the rate set in the U. S. Marshal Service's Detention Services Intergovernmental Agreement with the County (Intergovernmental Agreement), which is currently \$122.13 but subject to change for future prisoners in accordance with the Intergovernmental Agreement. The agreement shall have a term of two years from July 1, 2019 through June 30, 2021, with the option to extend for up to three additional years. The cost of the agreement for the first year shall be funded from the 2019-20 Budget of the Police Department and the costs in future years shall be funded from future years' budgets of the Police Department, contingent upon the adoption thereof.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-303  
Re: Appropriation – Insurance Reserve  
Fund

Council Priority: Deficit Reduction and Long  
Term Financial Stability

Transmitted herewith for your approval is legislation appropriating \$7 million from the Insurance Reserve Fund to finance the payment of general liability claims.

The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All claims are paid from this fund.



October 15, 2019

The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. Interest income for fiscal year 2018-19 was \$266,055.

As of June 30, 2019, the fund balance was \$8,001,274; of that amount \$0 is appropriated for disbursement. Under the proposed legislation, \$7 million will be appropriated for the payment of claims, leaving an unappropriated balance of \$1,001,274.

The most recent appropriation was for \$5 million and was approved by City Council in September 2018.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-303  
(Int. No. 355)

**Appropriation from the Insurance Reserve Fund**

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

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$7 million, or so much thereof as may be necessary, to finance the payment of general liabilities and claims against the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson  
October 15, 2019

To the Council:

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- |              |  |
|--------------|--|
| Int. No. 332 | Authorizing the sale of real estate, <b><u>as amended</u></b>  |
| Int. No. 333 | Authorizing funding and agreements for historic resource survey  |
| Int. No. 338 | Amending Ordinance No. 2018-321 as it relates to the acquisition of real estate to effectuate the Bull's Head Urban Renewal Plan     |
| Int. No. 339 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance costs of the |

October 15, 2019

acquisition of a property to effectuate the Bull's Head Urban Renewal Plan

Int. No. 340 Amending Ordinance No. 2019-24 relating to the sale of 125 Howell Street

Int. No. 353 Amending Ordinance No. 2019-117 relating to the sale of 1000 Driving Park Avenue

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

Int. No. 336 Amending the Zoning Map by changing the zoning classification of 834-840 East Main Street

Int. No. 337 Amending the Zoning Map by changing the zoning classification of properties on Dr. Samuel McCree Way and Wooden Street to C-1 Neighborhood Center Commercial District

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

Int. No. 334 Amending the Zoning Code, Chapter 120 of the Municipal Code with regard to entertainment

Int. No. 335 Amending Chapter 29 of the Municipal Code with regard to entertainment

Respectfully submitted,  
Michael A. Patterson  
LaShay D. Harris  
Jacklyn Ortiz  
Willie J. Lightfoot  
Loretta C. Scott  
**NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE**

Received, filed and published.

**TO THE COUNCIL**  
Ladies and Gentlemen:

Ordinance No. 2019-304  
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

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

October 15, 2019

The first two properties are a single-family residence and a two-family residence that were sold at auction to the high bidder subject to an approved development plan. Both purchasers intend to be owner-occupants.

The next two properties are vacant lots being sold by negotiated sale to expand the adjoining owner's green space.

The remaining three properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for these seven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$7,291.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-176

Ordinance No. 2019-304  
(Int. No. 332, as amended)

### **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 sale of the following improved parcels that were sold at auction to the highest bidder with proposal:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Use</b>	<b>Price</b>	<b>Purchaser</b>
224 Barrington St	121.52-1-40	50 x 150	Single Family	\$301,000	Giuseppe Battisti
145 Seneca Pkwy	090.59-3-15	55 x 140	Two Family	\$83,000	Uannapa Klinkaewnarong

Section 2. The Council hereby approves of the negotiated sale of the following parcels of vacant land:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq. Ft.</b>	<b>Price</b>	<b>Purchaser</b>
46-48 Council St	106.42-3-12	40 x 122	4,930	\$425	AJR Real Estate Holdings, LLC
57 Miller St	106.34-2-24.1	42 x 115	4,835	\$425	AJR Real Estate Holdings, LLC

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

October 15, 2019

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq. Ft.</b>	<b>Purchaser</b>
300 Campbell St	120.26-1-43	33 x 165	5,388	Francisco Miranda
812 Joseph Ave	091.79-3-81	33 x 199	6,567	Warwick Full Gospel Deliverance Assembly Church of God in Christ
North portion of 202 Seward St (also known as 57 Bartlett St)	121.61-2-5.3	38 x 60	2,300	Shaina D. Anthony

Section 4. 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 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-305  
Re: Agreement – The Landmark Society of  
Western New York, Inc. Northeast  
Quadrant Historic Resource Survey

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the implementation of the Northeast Quadrant Historic Resource Survey, which is the fourth and final phase of the citywide survey to identify properties eligible for listing in the National Register of Historic Places. The Southeast Quadrant was surveyed in 2016; the Southwest Quadrant was surveyed in 2017, and given the limited amount of funds that were available last year, only half of the properties in the Northwest Quadrant were surveyed in 2018. The rest of the properties in the Northwest along with all of the properties in the Northeast will be surveyed during this final phase.

This legislation will:

- 1) Authorize the receipt and use of a \$23,600 grant from the State Historic Preservation Office (SHPO);
- 2) Allocate \$15,000 from the 2019-20 Budget of the Department of Neighborhood and Business Development as a partial grant match;
- 3) Establish \$38,600 as maximum compensation for an agreement with The Landmark Society of Western New York, Inc. (LSWNY), Wayne Goodman, Executive Director, to manage the grants, solicit and hire consultants to conduct the survey work, and coordinate the findings with SHPO. The cost of the agreement will be funded from the allocations listed above and supplemented

October 15, 2019

with in-kind staff time from both LSWNY and the City. The term of the agreement will be for one year.

The Landmark Society was also awarded a \$10,000 grant from the Community Foundation to assist with this effort and to prepare the final survey report. The last city-wide survey of this kind was completed in 1986. Pursuant to an agreement with SHPO, the City of Rochester is required to maintain an up-to-date inventory of historic resources.

LSWNY is uniquely qualified to oversee this work and to manage this contract, as it is one of the oldest and most active preservation organizations in the nation. LSWNY is a not-for-profit membership organization dedicated to protecting the unique architectural heritage of our region and promoting preservation and planning practices that foster healthy, livable and sustainable communities. As such, a justification for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-177

Ordinance No. 2019-305  
(Int. No. 333)

**Authorizing funding and agreements for historic resource survey**

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 Historic Preservation Office (SHPO) for the receipt and use of \$23,600 to fund a historic resource survey of properties in the City's Northeast Quadrant and of properties in a portion of the Northwest Quadrant (Project).

Section 2. The Mayor is hereby authorized to enter into an agreement with The Landmark Society of Western New York, Inc. to implement the Project by managing the grants, soliciting and hiring consultants, and coordinating findings with the SHPO. The maximum compensation for the agreement shall be \$38,600. That amount, or so much thereof as may be necessary, shall be funded from the grant authorized and appropriated herein and by \$15,000 from the 2019-20 Budget of the Department of Business and Neighborhood Development.

Section 3. The agreements shall be for a term of 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 unanimously.

October 15, 2019

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-306  
Re: Zoning Map Amendment -  
834 – 840 East Main Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 834 – 840 East Main Street from Marketview Heights Urban Renewal District/ C-2 Community Center District to C-2 Community Center District, thereby removing the property from the Urban Renewal District.

The last legal use of the property was minor auto repair (Midas Muffler) and was constructed for this use in 1987. The property has been vacant since 2018 and has been marketed since then in search of a tenant who would like to establish a permitted or specially permitted use. However, to date, no such uses have been established. Therefore, the applicants, Lou and Mark Fico, are proposing to rezone the above property to remove it from the Urban Renewal District so that they can establish a collision shop. They currently own Sal’s Collision at 511 West Avenue, which has been a family owned and operated business in the City for almost 67 years. Since collision (body work) shops are not permitted or specially permitted in the C-2 District; the property needs to be rezoned to remove it from the Urban Renewal District so that the applicants may then apply for a use variance to establish this use.

The Planning Commission held an informational meeting on September 9, 2019. The applicant spoke in support of the rezoning, and two spoke in opposition. We also received two letters/emails in support. By a vote of 7-0-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-178

Ordinance No. 2019-306  
(Int. No. 336)

**Amending the Zoning Map by changing the zoning classification of 834-840 East Main Street**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map classification of the following property from Marketview Heights Urban Renewal District/C-2 Community Center District to C-2 Community Center District:

<b>Address</b>	<b>SBL #</b>
834-840 East Main Street	106.74-2-17.001

and the area extending from that parcel to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

October 15, 2019

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-307  
Re: Zoning Map Amendment –  
260-278 Dr. Samuel McCree Way,  
69-71 Wooden Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 260-278 Dr. Samuel McCree Way and 69-71 Wooden Street from R-1 Low Density Residential District to C-1 Neighborhood Center Commercial District to facilitate the construction of a 2-3 story senior housing apartment building with commercial space.

The proposed project includes the demolition of existing buildings and construction of a 2-3 story senior housing apartment building with first floor commercial space. The proposed building will include a total of 44 apartment units (two, 2-bedroom units and 42, 1-bedroom units). The site also includes an 11 space parking lot which will be accessed via one-way drives in from Wooden Place and out onto Dr. Samuel McCree Way.

The Planning Commission held an informational meeting on September 9, 2019. The applicant spoke in support of the rezoning, and no one spoke in opposition. By a vote of 7-0-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-179

Ordinance No. 2019-307  
(Int. No. 337)

**Amending the Zoning Map by changing the zoning classification of properties on Dr. Samuel McCree Way and Wooden Street to C-1 Neighborhood Center Commercial District**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map classification of the following properties from R-1 Low Density Residential District to C-1 Neighborhood Center Commercial District:

October 15, 2019

<b>Addresses</b>	<b>SBL #</b>
260-266 Dr. Samuel McCree Way	120.50-2-24
270 Dr. Samuel McCree Way	120.50-2-26.1
272 Dr. Samuel McCree Way	120.50-2-29
276 Dr. Samuel McCree Way	120.50-2-30
278 Dr. Samuel McCree Way	120.50-2-31
69-71 Wooden Street	120.50-2-23

and including the areas extending from those parcels to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-308  
Ordinance No. 2019-309  
Re: Amendment – Ord. No. 2018-321  
Bull’s Head Revitalization Project

Council Priorities: Rebuilding and Strengthening Neighborhood Housing; Jobs and Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-321 to adjust the compensation amount, authorize bonds, and appropriate funding for one of the property acquisitions associated with the Bull’s Head Revitalization Project. The changes are detailed below:

<b>Property Addresses</b>	<b>Owner</b>	<b>Just Compensation</b>	<b>Adjusted Compensation</b>
160 Clifton Street	Rochester Clifton LLC	\$1,000,000	\$1,055,000

The owner of the property has contested the indicated approved just compensation amount and asserts that their property has greater value. The owner provided the City’s appraiser with an independent appraisal, including a higher appraised value, which was reviewed for consideration as permitted under the Eminent Domain Procedure Law.

The total acquisition amount of \$1,055,000 will be funded by \$55,000 in 2019-20 Cash Capital and the issuance of \$1,000,000 in bonds authorized and appropriated herein.

All City taxes and other current-year charges against each said parcels shall be canceled from the date of acquisition closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing while the City owns a parcel, shall also be canceled



October 15, 2019

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-180

Ordinance No. 2019-308  
(Int. No. 338)

**Amending Ordinance No. 2018-321 as it relates to the acquisition of real estate to effectuate the Bull’s Head Urban Renewal Plan**

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

Section 1. Section 1 of Ordinance No. 2018-321 authorizing the acquisition of up to 15 parcels of real estate to effectuate the Bull’s Head Urban Renewal Plan is hereby amended by increasing the maximum acquisition amount of one of those parcels by \$55,000 as follows:

<b>Property Adresse</b>	<b>Owner</b>	<b>SBL#</b>	<b>Original Max Comp.</b>	<b>Adjusted Max. Comp</b>
160 Clifton St	Rochester Clifton LLC	120.50-2-2.003	\$1,000,000	\$1,055,000

Section 2. The adjusted maximum compensation amount shall be funded in the amounts of \$55,000 from 2019-20 Cash Capital and \$1,000,000 from bonds to be authorized and appropriated for said acquisition.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-309  
(Int. No. 339)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance costs of the acquisition of a property to effectuate the Bull’s Head Urban Renewal Plan**

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 a portion of the costs of the acquisition of 160 Clifton Street to effectuate the Bull’s Head Urban Renewal Plan (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 \$1,055,000. The plan of financing includes the issuance of \$1,000,000 bonds of the City which are hereby appropriated to said Project, \$55,000 in 2019-20 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.

October 15, 2019

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

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,000,000. 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 15 years.

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

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

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

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

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

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

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

Passed unanimously.

October 15, 2019

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-310  
Re: Amending Ordinance No. 2019-24 –  
Sale of Land: 125 Howell Street

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

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-24. The original ordinance approved the sale of one City-owned property at 125 Howell Street, Rochester, NY (the “Property”) to Capstone Development LLC (Principal: Don Lasher) (the “Developer”). This amendment will amend the Developer to an entity formed by Capstone Development LLC. Specifically, this legislation will amend Ordinance 2019-24 by:

- 1) Amending the Developer to 125 Howell Street LLC (Principals: Don Lasher and Aaron C. Allen) or an entity to be formed by Don Lasher or Capstone Real Estate Development LLC.

The change is because 125 Howell Street LLC had not yet been formed at the time of City Council’s approval of Ordinance No. 2019-24.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-310  
(Int. No. 340)

**Amending Ordinance No. 2019-24 relating to the sale of 125 Howell Street**

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

Section 1. Section 1 of Ordinance No. 2019-24 is hereby amended to read as follows:

Section 1. The Council hereby approves the negotiated sale with proposal of 125 Howell Street (SBL# 121.41-2-31), comprising approximately 0.13 acres of vacant land that has been assembled from the Inner Loop East Transformation Project, to ~~Capstone Real Estate Development LLC~~ 125 Howell Street LLC, or to an entity to be formed by Capstone Real Estate Development LLC or by Dan Lasher, to construct multifamily dwellings. The sale price shall be \$65,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

October 15, 2019

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-311  
Re: Amending Ordinance No. 2019-117 –  
Sale of Real Estate: 1000 Driving Park

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-117. The original ordinance approved the sale of City-owned property at 1000 Driving Park Avenue, Rochester NY (the “Property”) to Imburgia Brothers Holdings LLC (Frank S. Imburgia Jr., Manager) (the “Purchaser”). This amendment will amend the Purchaser to an entity formed by the Purchaser. Specifically, this legislation will amend Ordinance 2019-117 by:

1. Amending the Purchaser to FSI Driving Park LLC

The change is because FSI Driving Park LLC had not yet been formed at the time of City Council’s approval of Ordinance No. 2019-117.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-311  
(Int. No. 353)

**Amending Ordinance No. 2019-117 relating to the sale of 1000 Driving Park Avenue**

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

Section 1. Section 1 of Ordinance No. 2019-117 is hereby amended to read as follows:

<b>Address</b>	<b>SBL#</b>	<b>Size</b>	<b>Price</b>	<b>Purchaser</b>
1000 Driving Park Avenue	090.63-1-1	Approximately 11.5 acres	\$520,000	<del>Imburgia Brothers Holdings LLC</del> <u>FSI Driving Park LLC</u>

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

October 15, 2019

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 334  
Introductory No. 335  
Re: Amendments to Chapter 29,  
Amusements and Chapter 120, the  
Zoning Code

Council Priorities: Creating and Sustaining a  
Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation amending Chapter 120, the Zoning Code, related to entertainment uses, and Chapter 29, Amusements, related to licensing. With respect to the Zoning Code Amendments, this legislation will add new definitions for Entertainment to the Zoning Code which include: Background Entertainment, Limited Entertainment, and Public Entertainment. The purpose of these changes is to differentiate between the various types of entertainment being offered in establishments ranging from low intensity background music, to full scale nightclub entertainment. Background and Limited Entertainment will be permitted in C-1 Districts, and all classifications of entertainment will be permitted in C-2, C-3, Village Center Districts and the Marina District. These changes will also more closely align the requirements of the Zoning Code with those of the Licensing Unit of the Rochester Police Department (RPD).

Accordingly, the Police Department's entertainment business licensing provisions in Chapter 29 are revised to line up with the Zoning Code's new definitions of Background Entertainment, Limited Entertainment, and Public Entertainment. Establishments will be required to obtain licenses to offer either Limited Entertainment or Public Entertainment. Prior experience with the licensing of entertainment and amusement establishments under Chapter 29 indicates that the Police Department's supervision combined with the annual relicensing process are more effective than Zoning's special permit process for enforcing operating standards that protect public safety and compatibility with the surrounding neighborhood. Establishments offering Background Entertainment will not be required to obtain a license provided that they limit themselves to providing pre-recorded background music.

The Planning Commission held one informational meeting on July 15, 2019 to review the proposed Zoning Code Amendments. The applicants spoke in support of the application; no one spoke in opposition. By a vote of 7-0, the Planning Commission recommended approval. No Planning Commission review is required for the Chapter 29 Amendments.

A State Environmental Quality Review (SEQR) was completed, and a Negative Declaration was issued on July 23, 2019.

A public hearing is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

INTRODUCTORY NO. 334

**AMENDING THE ZONING CODE, CHAPTER 120 OF THE MUNICIPAL CODE WITH REGARD TO ENTERTAINMENT**

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

Section 1. Chapter 120 of the Municipal Code, the Zoning Code, as amended, is hereby further amended as follows:

A. Amending Section 120-208 Definitions as follows:

ENTERTAINMENT (PUBLIC)

~~Entertainment shall include, but not be limited to, a~~ Any public or private theatrical or musical performance (live or recorded), concerts, athletic contests or games, exhibitions, or shows, including a disc jockey or a dedicated dance floor, or dance floors which is offered, operated, presented or exhibited to the public. This definition does not include municipal or school auditoriums, athletic fields, playgrounds, or public parks, background limited entertainment/music, or background entertainment.

BACKGROUND ENTERTAINMENT/MUSIC (LIMITED)

~~Any live or recorded Entertainment/ or music other than background entertainment, including but not limited to karaoke, that is completely incidental and secondary to the principal use and that meets the following criteria:~~

A. ~~The entertainment/ or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.~~

B. ~~The specific type of entertainment/ or music must be listed on the certificate of zoning compliance limited entertainment center license that is issued pursuant to Chapter 29, Amusements and Entertainment, of the Municipal Code.~~

~~C. No advertising of the entertainment/music through newspapers, magazines, radio ads, banners, etc., will be permitted.~~

~~D. C. There will be only one performer or performance group.~~

~~E. No dance area will be provided nor will dancing be allowed.~~

~~F. A stage area will not be provided.~~

D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.

G. E. No cover charge or fees will be collected.

F. The entertainment or music must end no later than one hour prior to closing time.

ENTERTAINMENT (BACKGROUND)

Pre-recorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

B. Amending Section 120-137 Entertainment as follows:

§ 120-137. Entertainment.

Establishments offering public entertainment, excluding all sexually oriented uses, shall be subject to the following requirements:

...

C. Amending the following items listed in the chart contained in Subsection C(1) of § 120-173, Off-street parking:

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

<b>Use</b>	<b>Minimum</b>
...	...
<b>Cultural and Recreational</b>	
Public <del>E</del> entertainment	0.5 per allowable occupancy
...	
<b>Services</b>	
...	...
Bar, tavern, <del>nightclub</del> <u>restaurant</u> ( <del>without entertainment</del> )	10 per 1,000 square feet net floor area
Bar, tavern, <u>restaurant</u> , nightclub (with <u>limited</u> entertainment)	<u>10 per 1,000 square feet net floor area</u> <del>1 per 2 persons maximum occupancy</del>

D. Amending Subsection B(1) of § 120-163 Accessory Uses and Structures as follows:

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

- (1) ~~Background entertainment/musie.~~

E. Adding Subsection L to § 120-34, Permitted uses and structures, as follows:

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

...

L. Limited entertainment, not including sexually oriented uses.

F. Amending Subsections O through R of § 120-42, Permitted uses and structures, as follows:

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

...

O. ~~(Reserved)~~ Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

P. Limited entertainment, not including sexually oriented uses.

PQ. Limited adult retail store when conducted entirely within an enclosed building.

QR. ~~(Reserved)~~ Health clubs and similar facilities.

G. Deleting Subsection K from § 120-43, Special permit uses, as follows:

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

...

~~K. Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137. (Reserved)~~

H. Adding Subsections BB and CC to § 120-50, Permitted uses and structures, as follows:

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

...

BB. Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

CC. Limited entertainment, not including sexually oriented uses.

I. Deleting Subsection F from § 120-51, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-3 District:

...

~~F. Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137. (Reserved)~~

J. Adding Subsections A(16) and A(17) to § 120-76, PMV Public Market Village District, as follows:

A. Permitted uses and structures. The following uses are permitted in the PMV District:

...

(16) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

(17) Limited entertainment, not including sexually oriented uses.

K. Adding Subsections A(7)(n) and A(7)(o) to § 120-77, H-V Harbortown Village District., as follows:

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

...

(n) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

(o) Limited entertainment, not including sexually oriented uses.



L. Adding Subsections B(1)(f) and B(1)(g) to § 120-77, H-V Harbortown Village District, as follows:

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

(1) The following uses when located within 30 feet of the edge of the Genesee River:

...

(f) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

(g) Limited entertainment, not including sexually oriented uses.

M. Deleting Subsection B(11) and renumbering Subsections B(12) and B(13) of § 120-77, H-V Harbortown Village District, as follows:

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

...

~~(11) Public entertainment, subject to the additional requirements for specified uses in § 120-137.~~

~~(12)~~(11) Vehicle service stations, subject to the additional requirements for specified uses in § 120-154.

~~(13)~~(12) Outdoor storage, subject to the additional requirements set forth in § 120-175.

N. Adding Subsection A(1)(n) to § 120-81, Permitted Uses and Structures, as follows:

A. The following uses are permitted in the M-1 District:

(1) The following uses are permitted when conducted in a fully enclosed building:

...

(n) Limited entertainment, not including sexually oriented uses.

O. Amending Subsection B(6) of § 120-81 Permitted Uses and Structures as follows:

B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes:

...

~~(6) Public Entertainment~~, subject to the additional requirements for specified uses in § 120-137.

P. Amending Subsection A(9) of §120-83, Special permit uses, as follows:

The following uses are allowed as special permit uses in the M-1 District:

A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot, subject to a marketability analysis as set forth in § 120-192. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.

...

~~(9) Public Entertainment~~, subject to the additional requirements for specified uses in § 120-137.

Q. Amending Subsections B and C of § 120-106 Special Permit Uses as follows:

§ 120-106. Special permit uses.

The following uses are allowed as special permit uses in the O-B District in existing structures only:

...

B. Bar, cocktail lounge and tavern, excluding dancing, limited entertainment and public entertainment, not exceeding 650 square feet of floor area devoted to customer seating and service, operating between the hours of 6:00 a.m. and 11:00 p.m.

C. Restaurants, excluding dancing, limited entertainment, public entertainment and drive-through facilities, not exceeding 650 square feet of net floor area devoted to customer seating and service, operating between the hours of 6:00 a.m. and 11:00 p.m., including outdoor seating/assembly areas.

...

R. Adding Subsections N(1)(i) and (j) to § 120-120 Zoning Designations and Modifications (La Marketa North Clinton Avenue Urban Renewal District) as follows:

(1) All of the requirements of the C-2 Zoning District shall apply except as follows:  
Permitted uses:

(i) Limited entertainment, not including sexually oriented uses.

(j) In any public or semi-public plaza, open space or community gathering space: public entertainment, festivals, neighborhood parties, and other events that are either sponsored by the City or a community organization or issued a special event permit.

S. Amending Subsection N(2)(b) of § 120-120 Zoning Designations and Modifications (La Marketa North Clinton Avenue Urban Renewal District) as follows:

(2) Special permit uses:

...

(b) Public Entertainment not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137 of the Rochester Zoning Code.

T. Adding Subsections B(10) and B(11) to § PDD-4, Planned Development District No. 4 - Rochester Museum & Science Center, as follows:

B. Permitted uses. Permitted uses include, but are not limited to, the following uses when consistent with the above purpose:

...

(10) Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(11) Limited entertainment, not including sexually oriented uses.

U. Amending Subsections B(1)(o) and (s), inserting Subsection B(1)(t) and relettering Subsections B(1)(t) and (u) in § PDD-8, Planned Development District No. 8 – Mid-Town Athletic Club, as follows:

B. Uses and structures.

October 15, 2019

(1) The following uses are allowed as permitted uses within Planned Development District No. 8, provided that such principal uses are made within the interior of the existing building:

...

(o) Amusement centers ~~and live entertainment~~ provided therein, provided such use~~(s)~~ may only be made between the hours of 6:00 a.m. and 2:00 a.m.

(p) Accessory parking lots.

(q) Motels and hotels.

(r) Private clubs.

(s) ~~Public Entertainment~~ not including sexually oriented uses, subject to the additional requirements for specified uses in Zoning Code § 120-137.

(t) Limited entertainment, not including sexually oriented uses.

~~(u)~~ Drive-thru facilities as accessory to permitted uses or special permit.

~~(v)~~ Research laboratories including testing facilities.

V. Amending Subsection B(1)(k), inserting Subsection B(1)(l) and relettering Subsections B(1)(l) through (v) in § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

B. Permitted uses and structures.

(1) The following uses are permitted in Sub-Area 1 when located in an enclosed building:

...

(k) Live Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(l) Limited entertainment, not including sexually oriented uses.

~~(m)~~ Manufacturing uses, high-tech or light industrial when conducted within an enclosed building.

~~(n)~~ Motels and hotels.

~~(o)~~ Offices or clinics.

~~(p)~~ Production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products.

~~(q)~~ Public and semipublic uses, including but not limited to schools, library, police stations and fire stations.

~~(r)~~ Public utilities, subject to additional requirements for specified uses in § 120-144.

~~(s)~~ Recycle centers, subject to additional requirements for specified uses in § 120-145.

~~(t)~~ Research laboratories, including testing facilities.

~~(u)~~ Retail sales and service.

~~(u)~~(v) Technical and vocational schools.

~~(v)~~(w) Warehouse and distribution facilities.

W. Adding Subsection B(2)(h) to § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(2) The following uses are permitted in Sub-Area 2 when located in an enclosed building:

(h) Limited entertainment, not including sexually oriented uses.

X. Amending Subsection C(1)(b) of § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(1) The following uses are allowed as special permit uses in Sub-Area 1:

...

(b) ~~Outdoor Entertainment uses~~, parks, playgrounds, stadiums, and outdoor recreation.:

Y. Amending Subsection C(2)(a) of § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(2) The following uses are allowed as special permit uses in Sub-Area 2:

~~(a) Live Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

Z. Adding Subsections D(1)(e) and (f), D(2)(g) and (h), and D(3)(e) and (f) to §PDD-11, Planned Development District No. 11 – CityGate, as follows:

D. Permitted

(1) Central Commercial Subarea.

...

(e) Limited entertainment, not including sexually oriented uses.

(f) Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.

...

(2) Canal Front Mixed-Use Subarea.

...

(g) Limited entertainment, not including sexually oriented uses.

(h) Limited entertainment, not including sexually oriented uses, conducted outdoors or in partially enclosed or screened facilities.

...

(3) Perimeter Commercial Subarea.

...

(e) Limited entertainment, not including sexually oriented uses.

(f) Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.

AA. Amending Subsection F(3), inserting Subsection F(4) and renumbering Subsections F(4) through F(6) of § PDD-11, Planned Development District No. 11 – CityGate, as follows:

F. The following uses, unless otherwise expressly permitted or prohibited in a subarea, are specially permitted in PD No. 11:

...

~~(3) Indoor and outdoor~~ Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(4) Public entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses, subject to all but the enclosed space requirements for specified uses in § 120-137.

~~(4)(5)~~ Outdoor markets.

~~(5)(6)~~ Wind energy conversion systems.

~~(6)(7)~~ Drive-through facilities in the Perimeter Commercial Subarea, and only when located in the rear yard of buildings that front on perimeter streets, except that the City Planning Commission may waive this location requirement in its consideration of any individual special permit application.

BB. Amending Subsections B(1) and B(4) and of § PDD-14, Planned Development District No. 14 – George Eastman House, as follows:

B. Permitted uses. Permitted uses include the following when consistent with the above purpose:

...

(1) ~~Exhibit, and limited~~ entertainment and special event uses supporting the institutions, including museums, galleries, theaters, exhibition spaces, and auditoriums.

...

(4) Restaurant and banquet facilities supporting the institutions, including accessory limited entertainment and accessory outdoor seating and assembly areas, provided that the regular operating hours of the facilities are between the hours of 6:00 a.m. and 12:00 p.m.

...

DD. Adding Subsection B(1)(k) to § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

(1) All of the following uses are permitted in Buildings I, II and III. For nonresidential uses, all activities shall occur within a completely enclosed building, and the hours of operation shall be limited to 6:00 a.m. to 2:00 a.m.:

...

(k) Limited entertainment, not including sexually oriented uses.

EE. Deleting Subsection B(2)(b) and amending Subsection B(3) of § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

(2) In addition to the uses permitted above, the following uses are also permitted in Buildings I and II:

...

~~(b) Entertainment, subject to additional requirements for specified uses in § 120-137(A) of the Zoning Code.~~

(3) Outdoor seating areas and activities accessory to a nonresidential use in Buildings I, II and III, excluding public and limited entertainment, operating between the hours of 6:00 a.m. and 12:00 a.m. (midnight).

FF. Amending Subsection D(1) and deleting Subsection D(4) of § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

D. Special permit uses.

(1) Outdoor, partially enclosed or screened seating areas and activities, including limited entertainment and excluding public entertainment, that are accessory to a nonresidential use, ~~excluding entertainment~~, operating between the hours of 12:00 a.m. (midnight) and 2:00 a.m.

...

~~(4) Entertainment in Building III.~~

GG. Amending Subsections B(1)(c) and B(3)(e) of § PDD-16, Planned Development District No. 16 Century-Strathallan, as follows:

B. Permitted uses. Permitted uses in PD No. 16 are specified for each of the three subareas comprising the district:

(1) Subarea 1: 550 (546) East Avenue (hotel).

...

(c) Bars, restaurants, conference and banquet facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A.

...

(3) Subarea 3: 566 East Avenue (main building and carriage house) and 586 East Avenue (parking lot).

...

(e) Restaurant, conference, banquet and catering facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A, except for a principal use in the carriage house that is not part of or an accessory use to the principal use of another building in the district

...

HH. Amending Subsections C(1) and C(5) of § PDD-16, Planned Development District No. 16 Century-Strathallan, as follows:

C. Special permit uses.

(1) ~~Outdoor~~ Public entertainment, not including sexually oriented uses, associated with outdoor or partially enclosed or screened seating areas and outdoor activities.

...

(5) Restaurant, conference, banquet and catering facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A, when located within the existing carriage house at 566 East Avenue, when not accessory to a permitted principal use in Subarea 1, Subarea 3.

II. Amending Subsection B(1)(a) of § PDD-18, Planned Development District No. 18, 1201 Elmwood Avenue:

(1) The Commercial Frontage, Subarea 1: The following uses are permitted. All nonresidential uses shall operate between the hours of 6:00 a.m. to 2:00 a.m., unless otherwise noted:

October 15, 2019

(a) Hotels, including amenities such as bars, restaurants, conference and banquet facilities, meeting rooms, and outdoor seating areas open to the public on a twenty-four-hour basis; events with ~~live public entertainment or limited~~ entertainment when located within a completely enclosed building shall only operate until 2:00 a.m., and events with ~~live public entertainment or limited~~ entertainment offered in the outdoor seating and assembly area shall only operate until 12:00 midnight.

JJ. Amending Subsection B(1)(a) of § PDD-18, Planned Development District No. 18, 1201 Elmwood Avenue:

(2) The Mixed Use Core, Subarea 2: The following uses are permitted. All nonresidential uses shall operate between the hours of 6:00 a.m. to 2:00 a.m.:

(i) Limited entertainment, not including sexually oriented uses, as an accessory to one of the foregoing listed community center, bar, restaurant, retail, public and semipublic uses.

Section 2. This ordinance shall take effect January 1, 2020.

Strikeout indicates deleted text, new text is underlined.

HELD IN COMMITTEE

INTRODUCTORY NO. 335

## **AMENDING CHAPTER 29 OF THE MUNICIPAL CODE WITH REGARD TO ENTERTAINMENT**

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

Section 1. Chapter 29 of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the title of Chapter 29 as follows:

Chapter 29. Amusements and Entertainment

B. Amending § 29-1 Terms Defined by amending the definitions of Adult Entertainment, Entertainment Center and Public Entertainment and adding definitions for the additional terms Limited Entertainment, Background Entertainment and Limited Entertainment Center as follows:

### **ADULT ENTERTAINMENT**

Any motion picture, limited entertainment or public entertainment which is characterized by emphasis on the description or depiction of specific anatomical areas or specified sexual activities as defined in Chapter 120 of the Municipal Code, Zoning Code.

### **ENTERTAINMENT CENTER (PUBLIC)**

The premises, including a theater, hall, auditorium, tent, structure, building or enclosure of any type, yard or lot, on or within which is offered, operated, presented or exhibited to the public any motion picture or public entertainment. This definition shall not include municipal or school auditoriums, athletic fields or playgrounds or public parks.

PUBLIC ENTERTAINMENT (PUBLIC)

Any theatrical or musical performance, concert, athletic contest or game, exhibition, or show or entertainment, including a disc jockey and or a dedicated dance floors, which is offered, operated, presented or exhibited to the public, ~~but excluding~~ This definition does not include municipal or school auditoriums, athletic fields, playgrounds, or public parks; nor does it include background limited entertainment/music, or background entertainment as defined in Chapter 120 of the Municipal Code, Zoning Code this Section.

ENTERTAINMENT (LIMITED)

Any live or recorded entertainment or music, other than background entertainment, including but not limited to karaoke, that is completely secondary to the principal use and that meets the following criteria:

A. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.

B. The specific type of entertainment must be listed on the limited entertainment center license that is issued pursuant to this chapter.

C. There will be only one performer or performance group.

D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.

E. No cover charge or fee will be collected.

F. The entertainment or music must end one hour prior to closing time.

ENTERTAINMENT (BACKGROUND)

Pre-recorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

ENTERTAINMENT CENTER (LIMITED)

The premises, including a tent, structure, building or enclosure of any type, yard or lot, on or within which is offered, operated, presented or exhibited to the public any limited entertainment. This definition shall not include municipal or school auditoriums, athletic fields or playgrounds or public parks.

C. Amending § 29-13 as follows:

29-13 License required

A. No person shall maintain or operate a public entertainment center within the City of Rochester without first having obtained an entertainment center license.

B. No person shall maintain or operate a limited entertainment center within the City of Rochester without first having obtained a limited entertainment center license.

D. Amending § 29-14 as follows:

29-14 Application procedures; inspections; license requirements



- A. An application for ~~a~~ public entertainment center license or a limited entertainment center license shall be made to the City Clerk. The application shall contain the name and address of the owner and operator of the entertainment center. If the owner or operator is a partnership, corporation or other business association, the application shall contain the names and addresses of all partners, officers or principals. All addresses of persons involved shall be home addresses, listing street and number. The application shall contain the address of the public or limited entertainment center and the type of entertainment to be offered.
- B. The premises to be licensed must meet all applicable Zoning, Building, Fire, Health and Safety Codes. Upon receipt of an application for ~~a~~ public entertainment center or limited entertainment center license and after approval for Zoning Code compliance by the Director of Planning and Zoning, the Commissioner of Neighborhood and Business Development and the Fire Chief shall cause an inspection of the premises to be made to determine whether the applicant is complying with the applicable Building and Fire Codes, and said Commissioner and Fire Chief and members of their staff shall have the right to enter upon any premises for which ~~an entertainment center~~ the license is sought for the purpose of making such an inspection during normal business hours.
- C. No public entertainment center license shall be denied, suspended or revoked based upon the content of any public entertainment or motion picture or type of public entertainment or motion picture offered. No limited entertainment center license shall be denied, suspended or revoked based upon the content of any limited entertainment or type of limited entertainment offered, except to the extent that the content or type is contrary to the definition and criteria for limited entertainment set forth in section 29-1. Nothing contained herein shall be construed to affect in any way the institution or prosecution of obscenity charges involving any public entertainment or motion picture.
- D. ~~A~~ public entertainment center license or limited entertainment center license shall be issued or continued despite a guilty plea to or conviction of a crime by the owner or operator of a center offering, operating, presenting or exhibiting any motion picture or public entertainment or limited entertainment protected by the First Amendment to the United States Constitution, unless the granting or continuation of the license presents a clear and present danger of serious, substantive evil.
- E. Amending Subsections A through F of § 29-15 as follows:

29-15 Operation of centers

- A. The owner and operator of any public entertainment center or limited entertainment center shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of the business and the use and maintenance of the premises.
- B. The owner and operator of any public entertainment center or limited entertainment center shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, Commissioner of Neighborhood and Business Development and the Director of Planning and Zoning governing the occupation and use of said premises.
- C. The owner and operator of any public entertainment center or limited entertainment center shall cause the applicable entertainment center license to be posted in a conspicuous place on the premises ~~of the entertainment center~~.

- D. The owner and operator of any public entertainment center or limited entertainment center shall not permit at any time a greater number of persons on the premises than the capacity approved by the Department of Neighborhood and Business Development and set forth on the applicable entertainment center license.
- E. The owner and operator of any public entertainment center or limited entertainment center shall maintain good order on the premises at all times. The lack of good order on the premises shall include, but not be limited to, the following:
  - (1) Fighting and rowdy behavior.
  - (2) Illegal or excessive consumption of alcoholic beverages.
  - (3) Gambling.
  - (4) Prostitution.
  - (5) Sale, possession or use of any controlled substances, marijuana, hypodermic instrument or drug paraphernalia.
- F. The Chief of Police may promulgate rules and regulations to govern the operation of public entertainment centers and limited entertainment centers so as to provide for the orderly operation of the centers and to ensure the public safety and the peace and tranquility of the neighborhood where the centers are located. Such rules and regulations shall deal solely with specific public health and safety concerns, and no rule or regulation shall govern the content of any public entertainment, limited entertainment or motion picture.

F. Amending § 29-16 as follows:

29-16 License fees

A. The annual fees for ~~an~~ entertainment center licenses shall be as follows:

- (1) Public Entertainment centers and limited entertainment centers which offer or operate only those individual mechanical motion-picture machines commonly known as "peep shows" shall pay a fee of \$325.
- (2) Public Entertainment centers and limited entertainment centers which offer or present any public entertainment or motion picture other than or in addition to those individual mechanical motion-picture machines commonly known as "peep shows" shall pay in accordance with the following schedule:

Occupancy (number of persons)	Annual Fee
0 to 49	\$100
50 to 99	\$275
100 to 249	\$425
250+	\$500

In addition to the above fee, public Entertainment centers and limited entertainment centers with any New York State license allowing for the consumption of ~~liquor~~ alcoholic beverages on the premises shall be charged an extra annual fee of \$100.

- B. Payment of the fee shall be due upon application for the license.
- C. The fee for replacement of an entertainment center license which has been lost or destroyed shall be \$10.

G. Amending § 29-17 as follows:

§ 29-17. Expiration of license.

Public Entertainment center and limited entertainment center licenses shall expire on January 31 of each year. Fees for renewal of an entertainment center license expiring in 1996 shall be prorated on a semiannual basis.

Section 2. Chapter 13A Municipal Code Violations Bureau of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the third item on the list contained in Subsection A of Section 13A-2 Jurisdiction as follows:

The Municipal Code Violations Bureau is hereby authorized to dispose of charges involving violations of the following parts of the Municipal Code:

<b>Code Reference</b>	<b>Type of Regulation</b>
...	
Chapter 29	Amusements <u>and entertainment</u>
...	

B. Amending the first sentence of Subsection G of § 13A-11 as follows:

Fines and penalties for any violation of Chapter 29, Amusements and Entertainment; Chapter 46, Dance Halls; Chapter 62, Commercial Travelers, Solicitors and Special Promotional Events; Chapter 96, Secondhand Dealers; Chapter 98, Sexually Oriented Businesses; Chapter 108, Taxicabs; and Chapter 108A, Towing, of the Municipal Code shall be as follows:

Section 3. Chapter 68 Licenses – Businesses and Trade of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the first item on the list contained in § 68-1 Licenses and Permits as follows:

No person shall engage in any of the businesses and trades described in the following chapters of this Code without having procured a license or permit as herein provided:

Chapter 29	Amusements <u>and Entertainment</u>
------------	-------------------------------------

B. Amending Subsection B of § 68-10 Revocation of Licenses and Permits as follows:

However, entertainment center licenses for centers offering, operating, presenting or exhibiting any motion picture, limited entertainment or public entertainment protected by the First Amendment to the United States Constitution and amusement game licenses for those individual mechanical motion-picture machines commonly known as "peep shows" shall only be suspended or revoked due to a guilty plea or conviction of a crime upon a showing, after a hearing, of a clear and present danger of serious, substantive evil.

Section 4. Article II Business Permits in Chapter 90 Property Code of the Municipal Code, as amended, is hereby further amended in Subsection A of § 90-38 Fees as follows:

The annual fee for a business permit shall be \$25; the fee for the replacement of a lost permit shall be \$10. The annual fee for renewal applications which are submitted within 30 days after

October 15, 2019

the mailing of a renewal notice by the City shall be waived. The fee for a conditional business permit as set forth in § 90-41B shall be \$300. The fee for a business permit shall be waived for any business that possesses either a current public or limited entertainment center license, a secondhand dealer license, an amusement center license, or a pawnbroker license, but there shall be no waiver of fees for a conditional business permit.

Section 5. Chapter 98 Sexually Oriented Businesses of the Municipal Code, as amended, is hereby further amended in § 98-7 as follows:

§ 98-7. Public and limited ~~E~~entertainment centers and amusement licenses.

A licensee holding a sexually oriented business license shall not also be required to obtain a ~~an~~ public entertainment center license, limited entertainment center license or a dance license for the same premises, but shall obtain any necessary amusement center and amusement game licenses.

Section 6. This ordinance shall take effect January 1, 2020.

Strikeout indicates deleted text, new text is underlined.

HELD IN COMMITTEE

By Councilmember Gruber  
October 15, 2019

To the Council:

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

- Int. No. 341      Authorizing an engineering design services agreement for the 2019 Preventive Maintenance Northwest Group 5 Project
- Int. No. 342      Authorizing agreements and funding for the Waring Road Improvement Project
- Int. No. 343      Authorizing an agreement for an On-site Energy Manager program
- Int. No. 344      Authorizing agreements with Excellus Health Plan, Inc. and Common Ground Health and amending the 2019-20 Budget relating to the Play Walk project, **as amended**

Respectfully submitted,  
Mitch Gruber  
Malik Evans  
Elaine M. Spaul (Absent)  
Willie Lightfoot  
Loretta C. Scott  
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

October 15, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-312  
Re: Agreement – CSX Transportation, Inc., Design  
Services 2019 Preventive Maintenance NW  
Group 5 Project

Transmitted herewith for your approval is legislation which will establish \$25,000 as maximum compensation for an agreement with CSX Transportation Inc., Jacksonville, Florida, for engineering design services. The cost of the agreement will be funded from 2014-15 Cash Capital.

The agreement with CSX is required to provide for engineering design services for an at-grade railroad crossing on Dewey Avenue. The term of the agreement will be five years after project completion.

Construction is anticipated to begin in the spring of 2020 and completed in fall 2020. The project will result in the creation and/or retention of the equivalent of .3 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-181

Ordinance No. 2019-312  
(Int. No. 341)

**Authorizing an engineering design services agreement for the 2019 Preventive Maintenance Northwest Group 5 Project**

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 CSX Transportation, Inc. to provide engineering design services for an at-grade railroad crossing as part of the 2019 Preventive Maintenance Northwest Group 5 Project. The maximum annual compensation for the agreement shall be \$25,000 and said amount, or so much thereof as may be necessary, shall be funded from 2014-15 Cash Capital. The term of the agreement shall extend to 5 years after completion of the work covered by the agreement.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

October 15, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-313  
Re: Waring Road Improvement Project (Norton  
Street – Culver Road)

Transmitted herewith for your approval is legislation related to the Waring Road Improvement Project. This legislation will:

1. Authorize the Mayor to enter into an agreement with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the Project;
2. Appropriate \$166,617 in anticipated reimbursements from New York State to finance design services, right of way incidentals and acquisitions for the Project, and;
3. Establish \$175,000 as maximum compensation for a professional services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. (Todd M. Liebert, Rochester, N.Y.), for the reevaluation of the Project including preliminary design, final design, right of way incidentals and acquisitions. The term of the agreement will be until six (6) months after final acceptance of the project. The cost of the agreement will be funded from Prior Years' Cash Capital (\$8,383) and New York State funds appropriated herein.

CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. began design of the Project in 2011. Design was placed on hold in 2013 pending future identification of construction funding. In 2019, New York State funds were designated to the Project to complete final design, right of way acquisitions, construction, and RPR services.

This Project will include pavement reconstruction, new curbs and bump-outs, realignment of intersecting streets, sidewalks, street lighting improvements, water main installation, water services and hydrants, catch basins, manhole frames and covers, bio-retention areas, landscaping, bicycle lanes and restoration of all disturbed lawn areas. Improvements to pedestrian and bicycle facilities in accordance with the Rochester Complete Streets Policy have been integrated into the design. Minor right of way corner takings will be included as part of the Project.

Final design and right of way acquisitions will begin in fall of 2019 with construction anticipated to begin in spring of 2021.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-182

Ordinance No. 2019-313  
(Int. No. 342)

**Authorizing agreements and funding for the Waring Road Improvement Project**

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

October 15, 2019

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the Waring Road Improvement Project (Project).

Section 2. The Mayor is hereby authorized to accept and use \$166,617 in anticipated reimbursements from the NYSDOT, which amount is hereby appropriated to fund design services, right-of-way incidentals and acquisitions for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for evaluation of the Project's preliminary design, final design, right-of-way incidentals, and acquisition plan. The term of the agreement shall continue until 6 months after final acceptance of the Project. The maximum compensation for the agreement shall be \$175,000 and said amount, or so much thereof as may be necessary, shall be funded from \$8,383 in Prior Years' Cash Capital and the NYSDOT funds appropriated herein.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-314  
Re: Grant Acceptance – New York State  
Energy Research and Development  
Authority – On-site Energy Manager  
Program

Transmitted herewith for your approval is legislation related to the implementation of an On-site Energy Manager program for the City of Rochester. This legislation will:

1. Authorize the Mayor to enter into a grant agreement with the New York State Energy Research and Development Authority (NYSERDA); and
2. Authorize the receipt and use of \$207,714.39 in anticipated grant funds from NYSERDA to finance the project.

In June 2019 the City applied to the NYSERDA On-site Energy Manager (OsEM) program, which provides funding to dedicate staff and/or consultant resources to perform energy management and energy improvement services for facilities. The OsEM program is designed to demonstrate the value of dedicating staff to plan and implement energy and cost saving improvements and provides a 75% cost share for staff and consultant services utilized under the program, as well as potential bonus incentive payments for participants that meet certain energy reduction goals. In September 2019, the City was notified that NYSERDA selected Rochester to participate in the OsEM program.

The NYSERDA OsEM grant funds will be used for activities including developing an energy management plan for City facilities, implementing systems for tracking and monitoring results, managing facility energy audits to identify energy conservation measures for potential implementation, managing energy improvement projects and installation of municipal energy efficiency upgrades. The work performed

October 15, 2019

under this program will assist the City in achieving the goals set forth in our Climate Action Plan as well as provide energy cost savings.

The City's OsEM program will be implemented utilizing existing City staff and our current energy program support services consultant, PMD Energy and Environments, LLC (authorized under Ordinance No. 2018-406). The required 25% City cost share will be funded with in-kind City staff time and energy program income. The term of the grant is up to four years.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-314  
(Int. No. 343)

**Authorizing an agreement for an On-site Energy Manager 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 Energy Research and Development Authority for the receipt and use of anticipated grant funds in the amount of \$207,714.39 to implement an On-site Energy Manager program. The term of the agreement shall be for up to four years.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-315  
Re: Play Walk Easement Acceptance and  
Agreement

Transmitted herewith for your approval is legislation related to the Play Walk project. This legislation will:

1. Authorize the acceptance of an easement at 165 Court Street to provide for sidewalk trail markers as part of the Play Walk. Excellus Health Plan, Inc. has agreed to grant a three-year temporary sidewalk easement along their office building on Court Street between South Avenue and St. Mary's Place. The cost to the City is one (1) dollar, which will be paid from the 2019-20 Budget of the Department of Environmental Services.
2. Authorize an agreement between Common Ground Health and the City. Common Ground Health has agreed to transfer ownership of any equipment, material, or structure that Common Ground Health installed in the Play Walk area using grant funding and located on either City-owned property or in the right-of-way. In exchange, the City has agreed to take responsibility for maintaining Play Walk.



October 15, 2019

Common Ground Health (Wade Norwood, CEO) has also agreed to provide the City with \$1,000 to assist with maintenance costs for the Play Walk corridor.

3. Authorize a budget amendment to amend the 2019-20 Budget of the Department of Environmental Services to reflect the \$1,000 authorized herein.

Play Walk is a playful sidewalk connection along Chestnut and Court Streets between the Strong Museum and the Central Library. When complete, Play Walk will include trail markers, murals, colorful site furnishings, little libraries, large format games, and musical instruments. The project was initiated by Common Ground Health and was funded by KaBOOM and the Ralph C. Wilson Foundation with in-kind support from the City of Rochester.

Local teens participated in the process with landscape architect Sue Steele and local artist Shawn Dunwoody. The teens were compensated with a stipend for their assistance with site design, community outreach, and painting. Construction started in August and was completed in September 2019.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-183

Ordinance No. 2019-315  
(Int. No. 344, as amended)

**Authorizing agreements with Excellus Health Plan, Inc. and Common Ground Health and amending the 2019-20 Budget relating to the Play Walk project**

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

Section 1. The Council hereby approves the acquisition of a temporary easement at 165 Court Street from the current owner, Excellus Health Plan, Inc., to provide for sidewalk trail markers as part of the Play Walk project. The term of the temporary easement shall be three years. The acquisition shall obligate the City to pay an amount not to exceed \$1.00, which shall be funded from the 2019-20 Budget of the Department of Environmental Services.

Section 2. The Mayor is hereby authorized to enter into an agreement with Common Ground Health, ~~whereby for the City to provide maintenance of the Play Walk. The term of the agreement shall be three years and~~ Common Ground Health shall pay the City \$1,000 and transfer ownership of any equipment, material or structure that has been installed in the Play Walk area, on either City-owned property or in the right-of-way, to the City for maintenance purposes.

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Environmental Services by the sum of \$1,000.

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 unanimously.

October 15, 2019

By Vice-President Lightfoot  
October 15, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- |              |   |
|--------------|---|
| Int. No. 345 | Authorizing an amendatory agreement for the STOP Violence Against Women Grant Program   |
| Int. No. 346 | Authorizing a terrorism prevention grant agreement with the New York State Division of Homeland Security and Emergency Services                         |
| Int. No. 347 | Authorizing a targeted tactical team grant agreement with the New York State Division of Homeland Security and Emergency Services                       |
| Int. No. 348 | Authorizing an explosive detection canine team enhancement grant agreement with the New York State Division of Homeland Security and Emergency Services |
| Int. No. 349 | Authorizing an intermunicipal agreement with the School District for traffic and crowd control services and amending the 2019-20 Budget                 |
| Int. No. 350 | Authorizing a grant agreement for the 2019 State Homeland Security Program  |

Respectfully submitted,  
Willie J. Lightfoot  
Mitch Gruber  
LaShay D. Harris (*Abstained on Int. 349*)  
Jacklyn Ortiz  
Loretta C. Scott  
**PUBLIC SAFETY YOUTH & RECREATION COMMITTEE**

Received filed and published.

**TO THE COUNCIL**

Ladies and Gentlemen:

Ordinance No. 2019-316  
Re: Agreement Amendment – New York  
State Division of Criminal Justice  
Services, STOP Violence Against  
Women Act Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the New York State Division of Criminal Justice Services for the receipt and use of up to \$35,600 for the STOP Violence Against Women Act (VAWA) grant.

October 15, 2019

The Rochester Police Department was informed that the STOP Violence Against Women Grant that was authorized in Ordinance No. 2015-19 is being funded for an additional year. Therefore, the agreement is being extended through December 31, 2020.

This award will partially reimburse the salaries of staff in the Family and Victim Services Section of the Police Department who help ensure the immediate safety of victims of domestic violence and help them find safe housing. Services include contacting victims prior to the arraignment of the perpetrators, and offering legal advocacy and follow-up services to ensure their continued safety.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-316  
(Int. No. 345)

**Authorizing an amendatory agreement for the STOP Violence Against Women Grant Program**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Division of Criminal Justice Services relating to the STOP Violence Against Women grant program. The amendment shall increase the term of the agreement originally authorized in Ordinance No. 2015-19 for one additional year through December 31, 2020. All other terms and conditions shall remain the same, including the grant amount.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-317  
Ordinance No. 2019-318  
Ordinance No. 2019-319  
Re: Grant Agreements – New York State  
Division of Homeland Security and  
Emergency Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Division of Homeland Security and Emergency Services for the receipt and use of three grants described below.

2019 State Law Enforcement Terrorism Prevention Program Grant, September 1, 2019 – August 31, 2022  
This \$120,000 grant will be used to purchase equipment to enhance and maintain the capabilities of the Police Department's Special Teams. The purchase plan includes digital Harris radios for the SWAT team, a

October 15, 2019

vehicle to transport the existing long-range audio device for crowd notifications and control, and SCUBA equipment. RPD has received this grant for 11 years.

2018 Targeted Tactical Team Program Grant, October 1, 2019 – August 31, 2021

This \$100,000 grant will be used to enhance and maintain the capabilities of the Police Department's SWAT team. The grant budget includes funds for equipment and training. Low/no light vision equipment, a robot system to aid in surveillance and detection of explosive devices or armed subjects, and medical supplies will be purchased. Training for command and leadership as well as sniper, breacher, and munitions training will be included. This is the fourth year RPD has received this grant.

2018 Explosive Detection Canine Team Enhancement Grant, October 1, 2019 – August 31, 2021

This \$8,400 grant will be used for the purchase of equipment to enhance the interoperability of the Police Department's Canine Team with the SWAT and Bomb Teams for tactical events. The grant budget includes lockable storage magazines for explosive materials, vehicle docking stations for personal radiation detectors, and LED marking lights. RPD has received this grant three times previously.

No matching funds are required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-317  
(Int. No. 346)

**Authorizing a terrorism prevention grant agreement with the New York State Division of Homeland Security and Emergency 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 the New York State Division of Homeland Security and Emergency Services for receipt and use of 2019 State Law Enforcement Terrorism Prevention Program Grant funding to the Rochester Police Department in the amount of \$120,000, which funds are hereby appropriated for said purpose. The term of the agreement shall be from September 1, 2019 through August 31, 2022.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-318  
(Int. No. 347)

**Authorizing a targeted tactical team grant agreement with the New York State Division of Homeland Security and Emergency Services**

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

October 15, 2019

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for receipt and use of 2018 Targeted Tactical Team Program Grant funding for the Rochester Police Department in the amount of \$100,000, which funds are hereby appropriated for said purpose. The term of the agreement shall be from October 1, 2019 through August 31, 2021.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-319  
(Int. No. 348)

**Authorizing an explosive detection canine team enhancement grant agreement with the New York State Division of Homeland Security and Emergency 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 the New York State Division of Homeland Security and Emergency Services for receipt and use of 2018 Explosive Detection Canine Team Enhancement Grant Program funding for the Rochester Police Department in the amount of \$8,400, which funds are hereby appropriated for said purpose. The term of this agreement shall be October 1, 2019 through August 31, 2021.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2019-320  
Re: Agreement – Rochester City School  
District, Traffic and Crowd Control  
Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an Inter-municipal Agreement with the Rochester City School District (RCSD) for the receipt and use of \$50,000 for reimbursement of the cost of traffic and crowd control services provided by the Rochester Police Department, and amending the 2019-20 Budget of the Police Department by \$25,700 to reflect a portion of these funds.

October 15, 2019

RCSD has requested assignment of Police Officers on a reimbursable overtime basis for traffic and crowd control, or an events sponsored in part or in full by RCSD, such as football games, basketball games, graduation ceremonies, proms, and school dances. The agreement will provide for reimbursement by RCSD of the cost of these services, up to a maximum of \$50,000 during fiscal year 2019-20.

The term of the agreement is July 1, 2019 through June 30, 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-320  
(Int. No. 349)

**Authorizing an intermunicipal agreement with the School District for traffic and crowd control services and amending the 2019-20 Budget**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District ("RCSD") in the maximum amount of \$50,000 for the reimbursement of traffic and crowd control services provided by the Rochester Police Department at events sponsored by the RCSD. The term of the agreement shall be from July 1, 2019 through June 30, 2020. The anticipated reimbursements under the agreement are hereby appropriated for the costs of providing such traffic and crowd control services.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$25,700 to reflect the receipt of a portion of the reimbursement funds appropriated in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson, Spaul -8

Nays – None – 0

Councilmember Harris abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-321  
Re: Grant Agreement – 2019 State  
Homeland Security Program (SHSP)

Council Priority: Public Safety

October 15, 2019

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services (NYS DHSES) for the receipt and use of \$259,500 from the 2019 State Homeland Security Program (SHSP) grant and amending the 2019-20 Budgets of the Fire Department by \$40,000 and Undistributed Expenses by \$13,200 for related personnel expenses. The remaining non-personnel expenses will be funded directly from a Special Revenue Fund specific to this grant. Since this is a multi-year grant, any remaining personnel expenses will be appropriated in the 2020-21 Budget of the Fire Department, contingent upon its approval.

This grant is provided to support building, sustainment and delivery of core capabilities for achieving preparedness and resilience in the event of terrorist attacks, severe weather and other significant events in the Rochester/Monroe County region. Grantees are required to build capabilities that relate to the prevention of, protection from, or response to significant events. The program period is September 1, 2019 through August 31, 2022, and no matching funds are required.

The 2019 allocation will be used for equipment, such as: rescue task force personal protective gear, search and rescue equipment (\$115,500). Funding will also support overtime back-fill for building collapse training, elevator rescue training and Community Emergency Response Training (CERT) (\$91,500); registrations and travel for elevator rescue training (\$20,000); and fringe benefits for all personnel expenses included in the funding allocation (\$32,500).

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2019-321  
(Int. No. 350)

### **Authorizing a grant agreement for the 2019 State Homeland Security Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of a \$259,500 grant from the 2019 State Homeland Security Program. Said funds are hereby appropriated to support preparedness and resilience in the event of terrorist attacks, severe weather and other emergency events.

Section 2. The term of the agreement shall be from September 1, 2019 through August 31, 2022.

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

Section 4. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Fire Department by \$40,000 and to the Budget of Undistributed Expenses by \$13,200, which amounts are hereby appropriated from the Program grant authorized herein for related personnel expenses.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

October 15, 2019

By Councilmember Spaul  
October 15, 2019

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 351     Authorizing agreements for the 2019 Step Jam.

Respectfully submitted,  
Elaine Spaul  
Molly Clifford  
Michael A. Patterson  
Willie J. Lightfoot  
Loretta C. Scott  
**ARTS & CULTURE COMMITTEE**

Received filed and published.

**TO THE COUNCIL**  
Ladies and Gentlemen:

Ordinance No. 2019-322  
Re:     Agreements Related to the  
       2019 Step Jam

Transmitted herewith for your approval is legislation related to the 2019 Step Jam event. This legislation will:

1. Authorize the Mayor to enter into an agreement with Rochester Arena, LLC for facility rental of the Blue Cross Arena for the event. The amount of the agreement will not exceed \$26,000. The facility rental fees will cover box office services, stage hands, security, ushers, ticket-takers, cleaning, and other related services inside the arena. Any Step Jam ticket revenue sold at the Blue Cross Arena box office will be applied as a credit to off-set the City's expenses at the arena. Funding for the agreement is available in the 2019-20 Budget of the Bureau of Communications, and the term of the agreement will be for one year.
2. Authorize the Mayor to enter into a memorandum of agreement with Monroe County Broadcasting Company, Limited, for the production and the promotion of the event. The term of the agreement will be for one year.

The Step Jam will take place on December 14, 2019. It is a competition for county-wide step teams that fosters school spirit, community pride, and a sense of unity and belonging for participants. The event focuses on positive dance, step and music experiences for the entire family. Parents are given a chance to see their children showcase their talents and students get to interact in a positive way with City of Rochester police officers, school sentries, and Pathways to Peace personnel. Monroe County Broadcasting Company, Limited has produced the Step Jam for more than a decade and is uniquely suited to continue to do so. The event has consistently been a positive experience for the community and is an important part of the City's youth programming.



October 15, 2019

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AS-184

Ordinance No. 2019-322  
(Int. No. 351)

**Authorizing agreements for the 2019 Step Jam**

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 Rochester Arena, LLC for facility rental of the Blue Cross Arena for the 2019 Step Jam. The maximum compensation for the agreement shall be \$26,000, which shall be funded from the 2019-20 Budget of the Bureau of Communications. The term of the agreement shall be one year.

Section 2. The Mayor is hereby authorized to enter into an agreement with Monroe County Broadcasting Company, Limited for the production and promotion of the 2019 Step Jam. The term of the agreement shall be one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:52 p.m.

HAZEL L. WASHINGTON  
City Clerk