

**CITY COUNCIL PUBLIC HEARING
January 20, 2015
COUNCIL CHAMBERS
7:00 PM**

COUNCILORS PRESENT

Councilor Bogan
Councilor Collins
Councilor Gates
Councilor Gray
Councilor Keans
Councilor Lachapelle
Councilor Larochelle
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
Gregg DeNobile, resident
Tom Kaczynski, resident

MEMBERS EXCUSED

Councilor Hamann

MINUTES

1. Call to Order

Mayor Jean called the City Council Public Hearing to order at 7:00 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All members were present, with the exception of Councilor Hamann, who was excused.

2. AB 86 Resolution Authorizing a Supplemental Appropriation to the Fiscal Year 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, Water Works, for the So-Called Water Tank Maintenance Project [Bond]

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, WATER WORKS
FOR THE SO-CALLED WATER TANK MAINTENANCE PROJECT**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the sum of Seventy Five Thousand Dollars (\$75,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements budget of the City of Rochester, Department of Public Works, Water Works, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to

the so-called Water Tank Maintenance Program (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of bonding/borrowing to be undertaken by the City of Rochester.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Seventy Five Thousand Dollars (\$75,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate. The useful life for the aforesaid Project is 20 years.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY15 01-06 AB 86**

3. Amendments to the City Ordinances:

**AMENDMENTS TO CHAPTER 23 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER
REGARDING "FIRE SAFETY MEASURES"**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 23 of the General Ordinances of the City of Rochester, entitled "Fire Safety Measures", as presently amended, be further amended as follows:

- I. That Chapter 23 of the General Ordinances of the City of Rochester, entitled "Fire Safety Measures", as presently amended, be further amended, by amending the "introductory "SECTIONAL ANALYSIS" of such Chapter 23, so as to provide as follows:

"

- 23.1 Fire Safety Rules and Regulations**
- 23.2 Smoke Detector Wiring
- 23.3 Enforcement Officer
- 23.4 Control of Outdoor Fires
- 23.5 Knox Box Installations

- 23.6 Public Safety Amplification System Required in Large Facilities
- 23.7 Administration and Enforcement
- 23.8 Means of Escape
- 23.9 Fire Department Access
- 23.10 Control of Fire Hazards
- 23.11 Penalty
- 23.12 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.13 Prohibition and Regulation of Fireworks
- 23.14 Certificate of Fitness Program
- 23.15 Regulation of Fire Alarms

- II. That Section 23.7 of the General Ordinances of the City of Rochester entitled "Administration and Enforcement", as presently amended, be further amended, by amending said Section 23.7, as presently enacted, to provide as follows, said amended Section to be known as Section 23.7 of the General Ordinances of the City of Rochester, to wit:

"23.1 Administration and Enforcement.

The authority having jurisdiction for the administration and enforcement of this chapter shall be Fire Prevention of the City of Rochester. The fee schedule under this chapter shall be as follows:

Tank Removal	\$25.00
Blasting	\$25.00
Incident Report	\$5.00
Fire Marshal's Investigation Report	\$25.00
Photographs (Fire Scene)	\$15.00
CD Photos (Fire Scene)	\$15.00
Fire Alarm System Plan Review	\$1.00 per device or \$50.00 minimum
Sprinkler System Plan Review	\$1.00 per device or \$50.00 minimum
Commercial Hood Fire Suppression	\$1.00 per device or \$50.00 minimum

Clean Agent	\$1.00 per device or \$50.00 minimum
Initial Inspection	Free of Charge
Re-Inspections	\$50.00 per person with \$100.00 minimum

(Sprinkler Systems, Fire Alarm Systems, Commercial Hood Fire Suppression, Clean Agent)

Fine ~~\$100.00~~ \$175.00 (working without a permit or license)

Certificate of Fitness \$25.00 per year, per restriction

False Alarm, Fire alarm activation \$175 after 2 consecutive, per calendar year"

- III. That Chapter 23 of the General Ordinances of the City of Rochester entitled "Fire Safety Measures", as presently amended, be further amended, by adding to said Chapter 23, a new Section, to be known as Section 23.14 of the General Ordinances of the City of Rochester, said Section 23.14 to provide as follows, to wit:

"23.14 Certificate of Fitness Program.

In accordance with NFPA 1:2009 1.13, The Rochester Fire Department enacts the applicable section of the currently adopted version of NFPA 1 for the Certificate of Fitness Program. The Fire Chief or his designee shall promulgate administrative rules for the management of the Certificate of Fitness program."

- IV. That Chapter 23 of the General Ordinances of the City of Rochester entitled "Fire Safety Measures", as presently amended, be further amended, by adding to said Chapter 23, a new Section, to be known as Section 23.15 of the General Ordinances of the City of Rochester, said Section 23.15 to provide as follows, to wit:

"23.15 Regulation of Fire Alarms.

The Fire Chief or his designee shall promulgate administrative rules for the management the installation and maintenance of Fire Alarms." **CC FY 15 01-06 AB 82**

**AMENDMENTS TO CHAPTER 34 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER
REGARDING "JUNK AND SECOND-HAND DEALERS"**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 34 of the General Ordinances of the City of Rochester, entitled "Junk and Second-Hand Dealers", as presently amended, be further amended as follows:

- V. That Section 34.4 of the General Ordinances of the City of Rochester entitled "License Applications", as presently amended, be further amended, by amending said Section 34.4, as presently enacted, to provide as follows, said amended Section to be known as Section 34.4 of the General Ordinances of the City of Rochester, to wit:

"34.4 License Applications. Applications for licenses shall be made to the Licensing Board and filed with the Director of Building, Zoning, & Licensing Services Department upon blanks furnished by the Director of Building, Zoning, & Licensing Services Department for that purpose, and shall be submitted by the Director of Building, Zoning, & Licensing Services Department to the Chief of Police who shall cause an investigation to be made of the fitness of the applicant to engage in the business of a junk dealer or second-hand dealer and report his findings to the Licensing Board before such license is acted upon by the City Council. The license fee for each license shall be Fifty Dollars (\$50.00) per year payable in advance to the Building, Zoning, & Licensing Services Department. There shall be no fee for non-profit charitable organizations, public schools, and public institutions.

The Licensing Board, after a satisfactory investigation by the Police Chief, may issue a temporary license to existing junk or second-hand dealer establishments when there is only a change of ownership."

- VI. That Section 34.4 of the General Ordinances of the City of Rochester entitled "License Applications", as presently amended, be further amended, by amending said Section 34.4, as presently enacted, to provide as follows, said amended Section to be known as Section 34.4 of the General Ordinances of the City of Rochester, to wit:

"34.5 License Revocation/Expiration. Such ~~Annual~~ licenses shall expire on April 1st of each year, ~~unless sooner revoked, and shall not be assigned or transferred, but it may be revoked at any time by the Licensing Board after~~

~~notice and hearing for just cause.~~ Temporary licenses shall expire after 45 days from the date issued or when acted upon by the City Council, whichever occurs first. Licenses shall not be re-assigned or transferred and may be revoked at any time by the Licensing Board after notice and hearing for just cause." CC FY 15 01-06 AB 83

**AMENDMENTS TO CHAPTER 42 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER
REGARDING "ZONING"**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester, entitled "Zoning", as presently amended, be further amended, as follows:

VII. That Section 42.2 of the General Ordinances of the City of Rochester entitled "Definitions and Terminology", as presently amended, be further amended, by amending the definition of "Manufactured Housing" as presently contained in Section 42.2(a), to provide as follows, said amended Section to be known as the definition of "Manufactured Housing" as contained Section 42.2(a) of the General Ordinances of the City of Rochester, to wit:

"42.2 Definitions and Terminology.

* * *

161. Manufactured Housing: Any structure, meeting the Federal Manufactured Home Construction and Safety Standards Act, commonly known as HUD Code, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is a minimum of 13 feet in overall width and have at least 320 700 square feet or more of habitable space, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured Housing as defined here does not include pre-site built housing as defined in RSA 674:31-a."

VIII. That Section 42.20 of the General Ordinances of the City of Rochester entitled "Standards for Specific Permitted Uses", as presently amended, be further amended, by amending subsections (b)(9) and (b)(10) of Section 42.20, entitled "Manufactured Housing Subdivision" and "Manufactured Housing Unit" respectfully, as presently enacted, to provide as follows, said amended subsections of Section 42-20 to be known as subsections (b)(9) and (b)(10) of Section 42.20 of the General Ordinances of the City of Rochester, to wit:

b. **Conditions for Particular Uses.**

For each individual use listed below listed below, all of the specific conditions attached to that use must be met along with any requirements of this chapter.

* * *

9. **Manufactured Housing Subdivision – Not part of an existing Mobile Home Park – See Chapter 43 for existing Mobile Home Parks**

A. **Overall Development.**

- i. All requirements otherwise applicable to subdivision of lots for conventional houses within a conservation subdivision shall apply.
- ii. **Additions to Manufactured Housing Units (or “Homes”).** There shall be no additions constructed onto manufactured homes with the exception of **garages**, skirting, carports, cabanas, awnings, canopies, porches, decks, and steps. All must be approved by the Director of Building, Zoning, and Licensing Services.
- iii. **Minimum Size.** Every manufactured home shall be at least ~~28~~**23** feet in overall width ~~at the body and~~ have at least 700 square feet of habitable living space.”

10. **Manufactured Housing Unit – Not part of an existing Mobile Home Park – See Chapter 43 for existing Mobile Home Parks**

- A. **Manufactured Homes are allowed only:** i) on individual lots in the AG zoning district; ii); within manufactured housing subdivisions, located in the AG zoning district; and iii) within established mobile home parks on approved pads/lots.
- B. **Additions to Manufactured Homes.** There shall be no additions constructed onto manufactured homes with the exception of **garages**, skirting, carports, cabanas, awnings, canopies, porches, decks, and steps. All must

be approved by the Director of Building, Zoning, and Licensing Services.

- C. Minimum Size. Every manufactured home shall be at least ~~28~~23 feet in ~~overall~~ width ~~at the body~~ and have at least 700 square feet of habitable living space.

- IX. That Section 42.23 of the General Ordinances of the City of Rochester entitled "Accessory Uses", as presently amended, be further amended, by amending subsection (a)(2) of Section 43.5, as presently enacted, to provide as follows, said amended subsection Section to be known as subsection (a)(2) of Section 43.5 of the General Ordinances of the City of Rochester, to wit:

"42.23 Accessory Uses

* * *

- b. **Standards for Specific Accessory Uses.** The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

5. Commercial Vehicles, Parking of. Parking commercial vehicles outdoors overnight within residential districts is permitted as an accessory use as follows:
- A. One small commercial vehicle - a passenger automobile, pick-up truck, or van - is allowed. Additional commercial vehicles may be allowed by special exception.
 - B. Other larger types of commercial vehicles – ~~such as box trucks or vehicles with more than 2 axles~~ **those weighing over 26,000 gvw** - are permitted only by special exception subject to the property owner being able to provide adequate buffering and sound mitigation.
 - C. Adequate off-street parking must be provided. Parking shall not be within any public right-of-way."

- X. That Section 42.28 of the General Ordinances of the City of Rochester entitled "Performance Standards", as presently amended, be further amended, by amending subsection (d)(1)(A) of Section 42.28, as presently enacted, to provide as follows, said amended

subsection Section to be known as subsection (d)(1)(A) of Section 42.28 of the General Ordinances of the City of Rochester, to wit:

d. Other Specific Standards

1. Glare or Light

- a, ~~All lighting installations, for every use (including single family dwellings), shall be shielded in order to avoid skyglow or undue glare onto any road or adjoining property.~~ All exterior lights shall be designed, located, installed, and directed in such a manner so as to prevent glare and objectionable light trespass onto neighborhood properties or roads. CC FY 15 01-06 AB 84 (1)

**AMENDMENTS TO CHAPTER 43 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER
REGARDING "MOBILE HOME PARK ORDINANCE"**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 43 of the General Ordinances of the City of Rochester, entitled "Mobile Home Park Ordinance", as presently amended, be further amended as follows:

- XI.** That Section 43.1 of the General Ordinances of the City of Rochester entitled "Purpose and Intent", as presently amended, be further amended, by amending said Section 43.1, as presently enacted, to provide as follows, said amended Section to be known as Section 43.1 of the General Ordinances of the City of Rochester, to wit:

"43.1 Purpose and Intent.

The purpose of this ordinance is to establish minimum standards for the construction in and maintenance of mobile home parks existing (as of April 22, 2014) in the City of Rochester. The intent of the ordinance is that mobile home parks existing (as of April 22, 2014) shall provide a healthful, safe, pleasant, and attractive residential atmosphere for their occupants, while at the same time being compatible with existing and anticipated future development in the surrounding areas."

- XII.** That Section 43.3 of the General Ordinances of the City of Rochester

entitled "Definitions", as presently amended, be further amended, by amending subsection (j) of Section 43.3, as presently enacted, to provide as follows, said amended subsection Section to be known as subsection (j) of Section 43.3 of the General Ordinances of the City of Rochester, to wit:

"(j) **Manufactured Housing.** Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, ~~or~~ **and** when erected on site, **is at least 13 feet in overall width and have at least 320** ~~700~~ square feet or more **of habitable living space**, and which is built on a permanent chassis and is designed to be used as a single-family habitation with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein (in conformance with the definition in RSA 674:31, as amended)."

XIII. That Section 43.5 of the General Ordinances of the City of Rochester entitled "Design Standards", as presently amended, be further amended, by amending subsection (a)(2) of Section 43.5, as presently enacted, to provide as follows, said amended subsection Section to be known as subsection (a)(2) of Section 43.5 of the General Ordinances of the City of Rochester, to wit:

"(a)

* * *

(2) No mobile home with accessory buildings, garage, structures, storage building and paved parking spaces shall occupy in excess of ~~twenty-five percent (25%)~~ **thirty five percent (35%)** of a mobile home lot." **CC FY 15 01-06 AB 83**

Gregg DeNobile, resident, questioned the supplemental appropriation to the water tank maintenance project in the amount of \$75,000. He asked why money wasn't being used from the fund balance.

Mr. DeNobile asked if the amendment regarding fire safety measures was going to cost the City more money and if there have been issues to warrant these changes.

Tom Kaczynski, resident, asked if there was a problem that requires a change to the ordinances regarding fire safety. He also questioned the amendment to the zoning ordinance regarding the restriction of motor vehicles over 26,000 pounds. He said it was prejudicial and wanted to know why it is needed.

Councilor Varney clarified the question regarding the water tank. He said that it is a \$600,000 project and with the additional \$75,000 it will be a \$675,000 project.

Those funds should not be taken out of the fund balance and that is why it is being bonded.

Councilor Walker **MOVED to ADJOURN** the Public Hearing at 7:06 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy

Marcia H. Roddy
Deputy City Clerk