

**Regular City Council Meeting
March 6, 2018
Council Chambers
7:00 PM**

<u>COUNCILORS PRESENT</u>	<u>OTHERS PRESENT</u>
Councilor Abbott	Blaine Cox, Deputy City Manager
Councilor Bogan	City Attorney Terence O'Rourke
Councilor Gates	Sarah Harrington, Ward 1 Seat A
Councilor Gray	Rochester School Board Candidate
Councilor Hamann	
Councilor Hutchinson	
Councilor Keans	
Councilor Lachapelle	
Councilor Lauterborn	
Councilor Torr	
Councilor Varney	
Councilor Walker	
Mayor McCarley	

Agenda

1. Call to Order

Mayor McCarley called the Regular City Council meeting to order at 7:00 PM.

2. Opening Prayer

2.1 Spaulding High School AFJROTC Color Guard

The Spaulding High School AFJROTC Color Guard representative led the Opening Prayer.

3. Presentation of the Colors

3.1 Spaulding High School AFJROTC Color Guard

The Spaulding High School AFJROTC Color Guard presented the Colors and led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All Councilors were present except for Councilor Keans who arrived at 7:25 PM.

5. Acceptance of Minutes

5.1. February 6, 2018 – Regular City Council meeting (*motion to accept*)

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of February 6, 2018. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick announced that Don Tibbetts has been selected as the Employee of the month for the month of March, 2018.

6.2. City Manager's Report

City Manager Fitzpatrick read the following report:

Contracts and documents executed since last month:

- **Assessing Department**
 - Cartographic Associates – 2019 Tax Map Maintenance Proposal
- **Department of Public Works**
 - CMGC Change Order 9 & 10 – Final – Annex Project
 - Colonial Pines Engineering Contracts – Underwood Engineers
 - Dewey Street Bridge – Final Survey
 - NHDOT Municipal Work Zone Agreement – Rt. 11 Paving
 - Security Agreement - 215 Salmon Falls Road
 - Salmon Falls Road Sewer Project – EDA Final Acceptance
- **Information Technology**
 - American Alarm – Network Upgrade
- **Legal Department**
 - Spaulding Avenue – Property Management Agreement
 - Settlement Agreement – Water Tank Failure

The following standard reports have been enclosed:

- City Council Request & Inquiry Report
- Monthly Overnight Travel Summary
- Permission & Permits Issued
- Personnel Action Report Summary

7. Communications from the Mayor

Mayor McCarley stated that the City may need to postpone a few upcoming Committee meetings due to the upcoming Nor'easter

8. Presentations of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Keith Johnson, Conservation Commission

Councilor Walker **MOVED** to **ACCEPT** the resignation of Keith Johnson, Conservation Commission. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2. Candidate(s) for the Rochester School Board Ward 1 Seat A:

9.2.1. Candidate: Sarah Harrington, Registered Voter of Ward 1

Mayor McCarley nominated Sarah Harrington to fill the vacant School Board Seat for Ward 1 [Seat A]. Councilor Lachapelle seconded the nomination. The **MOTION CARRIED** by a unanimous roll call vote.

10. Reports of Committees

10.1. Appointments Committee

10.1.1. Appointment: Kristen Ebbeson, Rochester Economic Development Commission, Term to Expire 7/2/2020

Mayor McCarley nominated Kristen Ebbeson to be appointed as a Regular Member to the Rochester Economic Development Commission with a term to expire on 7/2/2020. Councilor Lachapelle seconded the nomination. Councilor

Walker **MOVED** that the Clerk cast one ballot for Ms. Ebbeson. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.2. Re-Appointment: Robert Goldstein, Zoning Board of Adjustment, Regular Member, Term to Expire 1/2/2021

Mayor McCarley nominated Robert Goldstein to be reappointed as a Regular Member to the Zoning Board of Adjustment with a term to expire on 1/2/2021. Councilor Torr seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Goldstein. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.3. Alternate to Regular Status Appointment: Shon Stevens, Zoning Board of Adjustment, Regular Member, Term to Expire 1/2/2020

Mayor McCarley nominated Shon Stevens to be appointed as a Regular Member to the Zoning Board of Adjustment with a term to expire on 1/2/2020. Councilor Torr seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Stevens. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.4. Re-Appointment: Larry Spector, Zoning Board of Adjustment, Regular Member, Term to Expire 1/2/2020

Larry Spector has been reappointed as a Regular Member to the Zoning Board of Adjustment with a term to expire on 1/2/2020. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Spector. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.5. Re-Appointment: Ralph Sanders, Utility Advisory Board, Regular Member, Term to Expire 1/2/2021

Ralph Sanders has been reappointed as a Regular Member to Utility Advisory Board with a term to expire on 1/2/2021. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Sanders. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.6. Appointment: Don Hamann, Planning Board, Alternate Member, Term to Expire 1/2/2021

Donald Hamann has been appointed as an Alternate Member of the Planning Board with a term to expire on 1/2/2021. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Hamann. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray asked if the City Council could take up one more pending item, which was an appointment for Mark Collopy (*term to expire on 1/2/2020*). Mayor McCarley nominated Mark Collopy to be elevated from an Alternate on the Planning Board to the Regular Member status. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Collopy. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2. Codes and Ordinances Committee

10.2.1. Committee Recommendation to approve: AB 94 Amendment to Chapter 45 Of The General Ordinances Of the City of Rochester Regarding Overnight Parking, Occupancy And Camping On City Owned Property (*first reading, second reading and consideration for adoption*)

Councilor Lachapelle **MOVED** to read the Amendment by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the first time as follows:

Amendment To Chapter 45 Of The General Ordinances Of The City Of Rochester Regarding Overnight Parking, Occupancy And Camping On City Owned Property

THE CITY OF ROCHESTER ORDAINS:

That Chapter 45 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

CHAPTER 45

**OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED PROPERTY
SECTION ANALYSIS**

- 45.1 Authority
- 45.2 Purpose
- 45.3 Acts Prohibited
- 45.4 Definitions
- 45.5 Exceptions
- 45.6 Responsibility
- 45.7 Removal
- 45.8 Enforcement
- 45.9 Severability
- 45.10 Effective Date

45.1 Authority.

In accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11; 41:11-a; and 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of overnight parking or camping on all City-owned property.

45.2 Purpose.

This purpose of this Ordinance is to protect the public peace, preserve public law and order, promote safety and welfare and ensure proper and decent conduct for the residents of the City of Rochester and the general public, in the use of City-owned properties.

45.3 Acts Prohibited.

From and after the effective date of this ordinance it shall be unlawful for any person to camp, or to park, with occupancy by one or more persons, any vehicle or recreational vehicle, either overnight or for any two-hour period between dusk and dawn, on any City-owned lands within the City of Rochester.

45.4 Definitions.

(a) *Camp*: Includes pitching a tent, placing or erecting any other camping device, or sleeping in or on the City-owned property.

(b) *Recreational vehicle*: Any vehicle fitting the definition in RSA 216-I:1, VIII.

(c) *City-owned property*: All properties owned by the City of Rochester.

45.5 Exceptions.

Restrictions in this ordinance shall not apply:

(a) When permission has been granted by the Chief of Police or designee for official or emergency purposes.

(b) When permission has been granted by the City Manager or Chief of Police in conjunction with a performance at the Rochester Opera House or with a written special event permit.

45.6 Responsibility.

All violations of parking restrictions and charges accompanied therewith shall be deemed the responsibility of the registered owner of said vehicle. Such registrations may be proven as set forth in RSA 261:60. Said registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability needs to be proven as an element of the offense in accordance with RSA 231:132-a.

45.7 Removal.

Any vehicle parked in violation of this Ordinance may be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle.

45.8 Enforcement.

(a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined One Hundred Dollars (\$100.00).

(b) Any duly appointed police officer for the City of Rochester may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.

(c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

45.9 Severability.

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

45.10 Effective Date.

The effective date of these amendments shall be upon passage. CC FY 18 03-06 AB 94

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Hamann **MOVED** to **AMEND** the amendment by deleting the following section Chapter 45.5 ~~(b) When permission has been granted by the City Manager or Chief of Police in conjunction with a performance at the Rochester Opera House or with a written special event~~

~~permit.~~ Councilor Bogan seconded the motion. Councilor Varney spoke against the amendment. The **MOTION FAILED** to amend the amendment.

Mayor McCarley voted on the original motion with no further amendments. The City Council discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

10.2.2. Committee Recommendation to delete entire section of 63.2: AB 95 Amendment to Chapter 63 of the General Ordinances of the City of Rochester Regarding The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway (first reading, second reading and consideration for adoption)

Councilor Lachapelle **MOVED** to read the Amendment by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a m voice vote. Mayor McCarley read the Amendment by title only for the first time as follows:

**AMENDMENT TO CHAPTER 63 OF THE GENERAL ORDINANCES
OF THE CITY OF ROCHESTER**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 63 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

~~63.2 The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway:~~

(a) ~~Definitions.~~ For the purpose of this Section, the following definitions apply:

(1) ~~Pass/Passing.~~ Distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in the roadway.

(2) ~~Roadway.~~ All ways within the City as that term is defined in RSA 259:125, II. This definition excludes privately owned property not open for public use or generally maintained for the benefit of the public, areas in which parking is permitted in the City, and property maintained specifically for drive thru or drive up transactions.

- ~~(3) **Item.** Any physical object.~~
- ~~(b) Prohibitions on Roadways. It shall be unlawful to violate any of the prohibitions set forth below in the City.~~
- ~~(1) No person shall knowingly pass any item to the occupant of any motor vehicle when the vehicle is located in the roadway, nor shall any occupant of any motor vehicle located in the roadway pass any item to a person located outside of the vehicle.~~
- ~~(2) This Section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle on privately owned property not open for public use or generally maintained for the benefit of the public, areas in which parking is permitted in the City, and property maintained specifically for drive thru or drive up transactions.~~
- ~~(3) This Section shall not apply to any law enforcement officer acting in the scope of his official duty.~~
- ~~(4) This Section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.~~
- ~~(c) Penalty. A person found in violation of this Section shall be fined as follows:~~
- ~~(1) 1st Offense: Not less than \$500.00.~~
- ~~(2) 2nd Offense: Not less than \$750.00.~~
- ~~(3) 3rd and subsequent Offenses: Not less than \$1,000.00.~~
- ~~(d) Severability. If any provision of this section is declared invalid or unconstitutional by any Court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.~~
The effective date of these amendments shall be upon passage.

Councilor Lachapelle **Moved** to suspend the rules and read the Amendment by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the Amendment. Councilor Lachapelle seconded the motion. Councilor Hamann spoke against the amendment. The **MOTION CARRIED** by a majority voice vote.

10.2.3. Committee Recommendation to approve: AB 67 Amendment to Chapter 19 of the General Ordinances of the City of Rochester Regarding Storage of Containers and Dumpsters (*second reading and consideration for adoption*)

Councilor Lachapelle **MOVED** to read the Amendment by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the first time as follows:

Amendment to Chapter 19 of the General Ordinances of the City of Rochester Regarding Storage of Containers and Dumpsters

THE CITY OF ROCHESTER ORDAINS:

That Chapter 19 of the General Ordinances of the City of Rochester, currently before the Rochester City Council, be amended as follows:

19.8 Storage of Containers and Dumpsters. Except on the day scheduled for collection and during the time period provided in 19.6 of this chapter, no person shall place or store any refuse in any street, alley or other public place or upon any private property within the City of Rochester unless such refuse is placed in proper containers/dumpsters. ~~and such containers/dumpsters are stored in such a manner as to be adequately screened from view from any public way.~~

The effective date of these amendments shall be upon passage. CC FY 18 2017, 12-05 AB 67

Councilor Lachapelle **MOVED** to suspend the rules and read the Amendment by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Lachapelle gave reasons why this amendment is back to the City Council with no further recommendation but to delete the last sentence as shown above. The City Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

10.2.4. Committee Recommendation to Approve the following Proposed Amendments to the City

Council Rules of Order:

10.2.4.1. Section 1.4 Order of Business

Councilor Lachapelle **MOVED** to **APPROVE** the change to the Rules of Order as seen below. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

SECTION 1.4 ORDER OF BUSINESS

1. The order of business for regular meetings of the City Council shall be as follows:
 - 1.1. Call to order
 - 1.2. Pledge of Allegiance
 - 1.3. Prayer
 - 1.4. Roll Call
 - 1.5. Approval of the minutes of the previous meeting(s)
 - 1.6. Communications from the City Manager
 - 1.7. Communications from the Mayor
 - 1.8. Presentation of Petitions and Council Correspondence [and Disposal thereof by Reference or Otherwise]
 - 1.9. Nominations, Appointments and Elections
 - 1.10. Report of Committees
 - 1.11. Old Business [Items Remaining from Prior Meetings]
 - ~~1.12. New Business~~
 - 12. Consent Calendar**
 - 13. New Business**
 14. Other
 15. Adjournment

10.2.4.2. Section 4.25 Cancellation or Postponement of Meeting(s)

Councilor Lachapelle **MOVED** to **APPROVE** the change to the Rules of Order as seen below. Councilor Walker seconded the motion. The **MOTION**

CARRIED by a unanimous voice vote.

SECTION 4.25 CANCELLATION OR POSTPONEMENT OF MEETING(S)

- (a) The Mayor, Deputy Mayor, and City Manager shall confer and determine if insufficient business or other non-urgent matter warrants postponement or cancellation of a scheduled Council meeting.
- (b) The Mayor, Deputy Mayor, and City Manager shall confer and determine if inclement weather or other emergency warrants postponement or cancellation of a scheduled Council meeting.
- (c) All such decisions regarding postponement or cancellation shall be made no later than 3:00 PM on the date of the scheduled meeting.
- (d) The City Clerk will notify Council members by both email and telephone upon determination of a meeting cancellation or postponement.
- (e) The City Clerk shall ensure that notification of any such cancellation or postponement shall immediately post on the City's website and Face book page.

10.3. Community Development

10.3.1. AB 86 Resolution Adopting a 2018-2019 Rochester CDBG "Action Plan for the City of Rochester, NH" and Approving and Appropriating the 2018-2019 Community Development Budget for the City of Rochester *(first reading and refer to a Public Hearing)*

Councilor Lauterborn **MOVED** to read the Resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Resolution Adopting a 2018-2019 Rochester CDBG "Action Plan for the City of Rochester, NH" and Approving and Appropriating the 2018-2019 Community Development Budget for the City of Rochester

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year 2018-2019 "Action Plan for the Community Development Division for the City of Rochester, N.H.," as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic and Community Development, in connection with the City's Community Development Block Grant (CDBG) program, including the goals, objectives, and concepts set forth therein;

II. Further, that a twelve (12) month Community Development Block Grant estimated budget for the Office of Economic and Community Development for the City of Rochester in the total amount of Two Hundred Twenty Six Thousand Seventy Dollars (\$226,070.00) be, and hereby is, approved and appropriated for fiscal year 2018-2019. Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	\$ 45,214.00
Public Service Agencies	\$ 33,910.50
Housing/Public Facilities/Infrastructure	\$ <u>146,945.50</u>
Total	\$ 226,070.00

III. Further, that Twenty Five Thousand Nine Hundred Dollars and Forty-Two Cents (\$25,900.42) in prior year unexpended CDBG funds be repurposed for use in the FY 2018-2019 Action Plan year.

This budget and the one-year action plan for 2018-2019 may be reconsidered if federal funding is changed or if it is inconsistent with the total 2018-2019 budget adopted for the Office of Economic & Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Twenty Six Thousand Seventy Dollars (\$226,070.00) shall be drawn in their entirety from the above-mentioned 2018-2019 fiscal year Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount

provided for in this Resolution, then, and in such event, the City Manager, or his designee in the Office of Economic and Community Development, is authorized to reduce the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categories, in accordance with the guidelines established by the Community Development Committee. **CC FY 18 03-06 AB 86**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4. Finance Committee

10.4.1. Committee Recommendation 3.1: AB 96 Resolution Authorizing Supplemental Appropriation for the Arena Capital Improvements Plan Fund for the Arena LED Lighting Project in the Amount of \$60,000 (first reading, second reading, and consideration for adoption)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Resolution Authorizing Supplemental Appropriation to the Arena Capital Improvements Plan Fund for the Arena LED Lighting Project in the Amount of \$60,000

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

That the sum of Sixty Thousand Dollars (\$60,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Arena Capital Improvements Plan Fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the Arena LED Lighting Project. The entire supplemental appropriation shall be funded from the General Fund unassigned fund balance.

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 FY18 03-06 AB 96**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4.2. Committee Recommendation 3.2: AB 97 Resolution Authorizing Increase in the Elderly Tax Exemption Asset Limitation from \$50,000 to \$100,000, increase in the Income Limitations, and Increase Exemption Amounts Taken Off Assessments (*first reading and consideration for adoption*)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Resolution Authorizing Increase in the Elderly Tax Exemption Asset Limitation from \$50,000 to \$100,000, increase in the Income Limitations, and increase Exemption Amounts Taken Off Assessments

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

That the Elderly Tax Exemption Asset Limitation, previously authorized by the City Council pursuant to RSA 72:39-a, be increased from \$50,000.00 to \$100,000.00.

Further, that the Income Limitations be established as follows:

Single: \$35,000.00 (previously \$31,400.00)

Married: \$50,000.00 (previously \$41,500.00)

Still further, the Exemption Amounts taken off Assessments be established as follows:

Ages 65-74: \$75,000.00 (previously \$48,000.00)

Ages 75-79: \$100,000.00 (previously \$84,000.00)

Ages 80 and up: \$125,000.00 (previously \$108,000.00)

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 FY18 03-06 AB**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4.3. Committee Recommendation 3.3: AB 98
Resolution Authorizing Increase in the Veteran
Tax ~~Exemption~~ Credit from \$250 to \$300 *(first*
reading and consideration for adoption)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Resolution Authorizing Increase in the Veteran Tax Credit
from \$250 to \$300

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

That the Veteran Tax Credit, previously authorized by the City Council pursuant to RSA 72:28, be increased from \$250.00 per year to \$300.00 per year.

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 FY18 03-06 AB 98 – Amended verbiage: Tax Exemption to Tax Credit 3/6/2018**

10.4.4. Committee Recommendation 3.4: Acceptance of the City Manager's Recommendation to Add the Position of GIS/Construction Technician to the City's Classification, Compensation, Merit, and Evaluation Plan as Presented (*motion to accept*)

Councilor Walker **MOVED** to **ACCEPT** the City Manager's Recommendation to add the Position of GIS/Construction Technician to the City's Classification, Compensation, Merit, and Evaluation Plan as Presented. Councilor Lachapelle seconded the motion. The City Council briefly discussed the matter. The **MOTION FAILED** by a majority voice vote.

10.4.5. Committee Recommendation 3.5: Acceptance of the City Manager's Recommendation to Add the Position of Senior Planner to the City's Classification, Compensation, Merit, and Evaluation Plan as Presented (*motion to accept*)

Mayor McCarley **MOVED** to **ACCEPT** the City Manager's Recommendation to add the Position of Senior Planner to the City's Classification, Compensation, Merit, and Evaluation Plan as Presented. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4.6. Committee Recommendation 4.2: AB 99 Resolution Authorizing Supplemental Appropriation in the amount of \$6,500 for the Resurfacing Machine and Borrowing Authority Pursuant to RSA 33:9 (*first reading and refer to a Public Hearing*)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

**Resolution Authorizing Supplemental Appropriation
in the amount of \$6,500
for the Ice Resurfacing Machine and
Borrowing Authority Pursuant to RSA 33:9**

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

That the sum of Six Thousand Five Hundred Dollars (\$6,500.00) be, and hereby

is, appropriated as a supplemental appropriation to the Arena Capital Improvement Plan Project Fund of the City of Rochester for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of an Ice Resurfacing Machine. This supplemental appropriation is in addition to One Hundred Twenty Thousand Dollars (\$120,000.00) previously appropriated for the purchase.

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 One Hundred Twenty Six Thousand Five Hundred Dollars (\$126,500.00), 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 purchase 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. This represents an increase of Six Thousand Five Hundred Dollars (\$6,500.00) over the prior borrowing authorization for this purchase.

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 FY18 03-06 AB 99**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4.7. Committee Recommendation 4.3: AB 90 Resolution Authorizing Supplemental Appropriation to the School Department Fiscal Year 2018 Operating Budget in the amount of \$1,200,000 (first reading, second reading, and consideration for adoption)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the

first time as follows:

**Resolution Authorizing Supplemental Appropriation to the School
Department Fiscal Year 2018 Operating Budget in the amount of
\$1,200,000.00**

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

That One Million Two Hundred Thousand Dollars (\$1,200,000.00) is hereby appropriated as a supplemental appropriation to the School Department Fiscal Year 2018 operating budget for the purpose of paying for costs and expenses associated with an over budgeted expenditure due to unanticipated Special Education spending, such funds to be used solely and exclusively for the purpose of paying costs associated with the same. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY18 03-06 AB 90**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4.8. Committee Recommendation 5.1: That the Non-union Salary Ranges for Fiscal Year 2019 be Adjusted According to the Change in the Consumer Price Index (*Motion to Approve*)

Councilor Lachapelle **MOVED** to **APPROVE** the recommendation that the Non-union Salary Ranges for Fiscal Year 2019 be adjusted according to the change in the Consumer Price Index. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5. Joint School Board Committee

Councilor Varney reviewed the latest Joint School Board Committee meeting for the City Council. No action items were discussed.

10.6. Public Safety Committee

10.6.1. **Committee Recommendation 3:** To place “~~no~~ Two-Hour Parking” signs at the corner of Daniel Court and Summer Street (*motion to accept*)

Councilor Walker **MOVED** to **APPROVE** the Committee’s recommendation to place “Two-Hour Parking” signs at the corner of Daniel Court and Summer Street. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.2. **Committee Recommendation 4 (majority vote):** To place a street light on the pole #6/47 near the Colby Street/Main Street crosswalk (*motion to accept*)

Councilor Walker **MOVED** to **APPROVE** the Committee’s recommendation to place a street light on the pole #6/47 near the Colby Street/Main Street crosswalk.

10.7. Public Works and Building Committee

10.7.1. **Committee Recommendation 10:** That the City Council Approve the “Read to a Child” Banners be hung in the Downtown from September 12, 2018 until the “Scarecrow” Banners are displayed (approximately three (3) weeks (*motion to approve*))

Councilor Torr **MOVED** to **APPROVE** the Committee’s recommendation that the “Read to a Child” Banners be hung in the Downtown from September 12, 2018 until the “Scarecrow” Banners are displayed (approximately three (3) weeks). Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

11.1. 38 Hanson Street (*sense of council*)

The City Council debated whether or not the City should continue with a previously adopted motion to demolish the building and build a parking lot Mayor McCarley said this item could be discussed at a future City Council meeting.

12. Consent Calendar

12.1. AB 93 Resolution Deauthorizing Borrowing Authority for the Arena Roof Structural Project funded from the Arena Capital Improvements Fund in the Amount of \$650,387 (first reading, second reading and consideration for adoption)

Councilor Lauterborn wished to remove AB 96 from the Consent Calendar in order to have a discussion. After a brief discussion Mayor McCarley entertained a motion to read the resolution for a first time.

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Resolution Deauthorizing Borrowing Authority for the Arena Roof Structural Project funded from the Arena Capital Improvements Plan Fund in the Amount of \$650,387.00

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

Pursuant to RSA 33:9, that Six Hundred Fifty Thousand Three Hundred Eighty Seven Dollars (\$650,387.00) of previously appropriated borrowing authority for the so-called Arena Roof Structural Project #16547 is deauthorized as the projected Project costs far exceed the original authorization and are cost prohibitive at this time.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY18 03-06 AB 93**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13. New Business

13.1. AB 82 Amendment to Chapter 42 of the General Ordinance of the City of Rochester Regarding the

**Location and Boundaries of Zoning Districts -
Expanding the Neighborhood mixed use Zone along
Wakefield Street and Columbus Avenue (*second
reading and consideration for adoption*)**

Councilor Lachapelle **MOVED** to **ACCEPT** the Zoning Amendment. Councilor Bogan seconded the motion. The City Council discussed what type of impact this amendment would have on this neighborhood. The **MOTION FAILED** by a unanimous voice vote.

13.2. AB 88 Resolution Authorizing the Rochester Legal Department to Apply for a Victims of Crime Act (VOCA) Continuing Grant for Fiscal Year 2018-2019 in the amount of \$25,836.00 (*first reading, second reading and consideration for adoption*)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

**Resolution Authorizing the Rochester Legal Department to Apply for a
Victims of Crime Act (VOCA) Continuing Grant for Fiscal Year 2018-
2019 in the amount of \$25,836.00**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, approve the submission of a grant application in an amount up to Twenty-Six Thousand Eight Hundred Thirty-Six Dollars (\$25,836) to the New Hampshire Department of Justice's Victims of Crime Act Grant program in order to continue to fund the City of Rochester's Victim-Witness Advocate position.
CC FY 18 03-06 AB 88

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.3. AB 87 Resolution Authorizing Supplemental Appropriation to the Water Capital Improvements Plan Fund for the Water Treatment Plant (WTP) Low

Lift Pump Station Upgrade Project and Borrowing Authority Pursuant to RSA 33:9 in the amount of \$111,823.00 (first reading and refer to a Public Hearing)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.4. AB 91 Resolution Authorizing Transfer from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund in the amount of \$173,504 (first reading, second reading, and consideration for approval 3/4 majority vote required)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Resolution Authorizing Transfer from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund in the amount of \$173,504

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

Pursuant to New Hampshire RSA Chapter 34, that One Hundred Seventy Three Thousand Five Hundred Four Dollars (\$173,504.00) be, and hereby is, transferred from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund, which was created by the City Council by way of Resolution on December 15, 2015.

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 FY18 03-06 AB 91**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the Resolution by title only for a second time.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion.

Councilor Lauterborn wished to clarify that by transferring this money to the School Building Capital Reserve Fund that the School Department cannot expend the funds until the School Department makes a request to expend such funds and it has been approved by the City Council. Mayor McCarley affirmed that there is a stipulation that would prevent the School Department to expend funds from such account without the City Council's approval. Mayor McCarley clarified that the funds can only be used for School Department Building projects.

Councilor Lauterborn question how this money can be considered surplus if the School Department submits funds at the end of a budget cycle and in turn the City Council has to transfer funds back to the School Department during the year. Blaine Cox, Deputy City Manager, replied that this money is considered to be surplus from FY 2017. The City's surplus account is a combination of excess City funds and excess School funds; these funds are not specifically the result of any School Department surplus. He said in fact, the School Department budget for FY 2017 did not have a surplus. The City Council discussed the matter further. Councilor Torr requested a roll call vote. Councilor Lachapelle seconded the request.

Mayor McCarley asked for a roll call vote to adopt the motion on the floor. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Lachapelle, Hutchinson, Bogan, Varney, Hamann, Torr, Keans, Lauterborn, Gray, Walker, Abbott, and Mayor McCarley voted in favor of the motion. Councilor Gates voted against the motion.

13.5. AB 92 Resolution Authorizing Supplemental Appropriation to the School Department Capital Improvements Plan Fund for the Replacement of Roof Trusses at the Gonic School in the \$1,419,435.00 (first reading, second reading, and consideration for approval)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a

unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Resolution Authorizing Supplemental Appropriation to the School Department Capital Improvements Plan Fund for the Replacement of Roof Trusses at the Gonic School in the amount of \$1,419,435.00

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

That One Million Four Hundred Nineteen Thousand Four Hundred Thirty Five Dollars (\$1,419,435.00) is hereby appropriated as a supplemental appropriation to the School Department Capital Improvements Plan Fund for the purpose of paying for costs and expenses associated with a replacement of the roof trusses at the Gonic School, such funds to be used solely and exclusively for the purpose of paying costs associated with the same. Eight Hundred Nineteen Thousand Four Hundred Thirty Five Dollars (\$819,435.00) for this supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance and Six Hundred Thousand Dollars (\$600,000.00) shall be derived from the State of New Hampshire School Infrastructure Fund.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution as multi-year non-lapsing funds. **CC FY18 03-06 AB 92**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

13.6. AB 84 Resolution Accepting Donation from St. Anselm's College to the Recreation and Arena Department and Supplemental Appropriation in the amount of \$2,800 (first reading, second reading, and consideration for adoption)

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Resolution by title only for the first time as follows:

Resolution Accepting Donation from St. Anselm's College to the

**Recreation and Arena Department and Supplemental Appropriation
in the Amount of \$2,800.00**

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

That a donation in the amount of Two Thousand Eight Hundred Dollars (\$2,800.00) to the Recreation and Arena Department from the St. Anselm's College Road for Hope charity walk is hereby accepted.

Further, the Mayor and City Council authorize a supplemental appropriation to the Recreation and Arena Department Fiscal Year 2018 operating budget in the amount of Two Thousand Eight Hundred Dollars (\$2,800.00). The entire amount of the supplemental appropriation shall be derived from the donation from St. Anselm's College.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded. **CC FY18 03-06 AB 84**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion.

Councilor Varney if the City would still need to bond a portion of this project. It was determined that another discussion would occur at the next Finance Committee meeting. The **MOTION CARRIED** by a unanimous voice vote.

13.7. AB 89 Resolution Authorizing the Expenditure of Insurance Reimbursement Funds and Supplemental Appropriation to the 2017-2018 Police Department Capital Improvements Plan Fund for a Radar Speed Display Message Board in the amount of \$12,550 (first reading, second reading, and consideration for adoption)

Councilor Lachapelle **MOVED** to read the Amendment by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a

unanimous voice vote. Mayor McCarley read the Amendment by title only for the first time as follows:

Resolution Authorizing the Expenditure of Insurance Reimbursement Funds and Supplemental Appropriation to the 2017-2018 Police Department Capital Improvements Plan Fund for a Radar Speed Display Message Board in the amount of \$12,550.00

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

That a sum not to exceed Twelve Thousand Five Hundred Fifty Dollars (\$12,550.00) be, and hereby is, appropriated as a supplemental appropriation to the 2017-2018 City of Rochester Police Department Capital Improvements Plan Fund, for the purpose of providing funds necessary to pay costs and/or expenditures associated with the purchase of a new Radar Speed Display Message Board.

Further, that funds for such supplemental appropriation shall be derived as follows: Eleven Thousand Five Hundred Fifty Dollars (\$11,550.00) from the Primex insurance claim reimbursement and One Thousand Dollars (\$1,000.00) from the 2017-2018 Rochester Police Department Operating Budget. Still further, that the transfer of One Thousand Dollars (\$1,000.00) from the 2017-2018 Police Department Operating Budget to the 2017-2018 Police Department Capital Improvements Plan Fund stipulated above is hereby authorized.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY18 03-06 AB 89**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 13.8. AB 100 Amendment to Chapter 42, Table 18-, Residential Uses of Chapter 42, and Chapter 43 of the General Ordinances of the City of Rochester Regarding Manufactured Housing Parks (first reading, refer to**

the Planning Board and a Public Hearing)

Councilor Lachapelle **MOVED** to read the Amendment by title only for a first time and refer the matter to the Planning Board and a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the first time as follows:

Amendments to Chapter 42, Table 18-A, Residential Uses of Chapter 42, and Chapter 43 of the General Ordinances of the City of Rochester Regarding Manufactured Housing Parks

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

Insert the following after Section 42.20(b)(9):

10. Manufactured Housing Park – Shall be in accordance with the standards contained in the Rochester Mobile Home Ordinance.

Change Section 42.20(b)(10) to read:

11. Manufactured Housing Unit – **Not part of an existing Mobile Home Park**

A. Manufactured Housing Unit on own Lot

- i. 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
- ii. 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.

B. Manufactured Housing Unit in Manufactured Housing Park

- i. Shall be in accordance with the standards contained in Chapter 43, the Rochester Mobile Home Ordinance.

Renumber the rest of 42.20(b) to accommodate this insertion.

Further, the City of Rochester ordains that Table 18-A of Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended that "Manufactured Housing Park" be added as permitted uses in the Agricultural Zone and that Table 18-A shall be amended to reflect said change as shown in the Attached Exhibit. (Exhibit A).

Still further, the City of Rochester ordains that Chapter 43 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

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."

The effective date of these amendments shall be upon passage.

13.9. AB 101 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts and to Table 18-B, Permitted Uses (first reading, refer to the Planning Board and a Public Hearing)

Councilor Lachapelle **MOVED** to read the Amendment by title only for a first time and refer the matter to a public hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the first time as follows:

Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts and to Table 18-B, Permitted Uses

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 42.1, Section J establishes that the location and boundaries of zoning districts within the City of Rochester are established as

shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 42.1, Section J further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 42 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert the Neighborhood Mixed Use Zone between North Main Street Bridge and Holy Rosary Church to Downtown Commercial Zone.

WHEREAS, the Mayor and the City Council of Rochester desire to amend the City of Rochester Zoning Map to expand the boundaries of the Special Downtown Overlay district to encompass the entire Downtown Commercial Zone.

WHEREAS, the Mayor and the City of Rochester desire to amend the City of Rochester Zoning Ordinance Table 18-B, Sales-Service-Office-Institutional Uses to eliminate "Gas Station" and "Vehicle Service" as permitted uses in the Downtown Commercial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that the Neighborhood Mixed Use Zone in the City of Rochester between North Main Street Bridge and Holy Rosary Church shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit A).

FURTHER, the Mayor and City Council of Rochester ordain that Special Downtown Overlay District shall be expanded to cover the entirety of the Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit B).

STILL FURTHER, the City of Rochester Zoning Map shall be amended and updated to reflect that the above shown changes ordained by the Mayor and the City Council.

FINALLY, the Mayor and the City Council of Rochester ordain that "Gas Station" and "Vehicle Service" shall be eliminated as permitted uses in the Downtown Commercial Zone and that Table 18-B shall be reflect said change as shown in the Attached Exhibit. (Exhibit C). **The effective date of these amendments shall be upon passage.**

14. Other

The City Council debated whether or not the Non-Public Session meeting minutes of February 6, 2018 should be unsealed. Councilor Lauterborn **MOVED** to

unseal the Non-Public Session minutes of February 6, 2018 (land). Councilor Lachapelle seconded the motion. The **MOTION FAILED** by a majority voice vote.

15. Non-Meeting/Non Public Session

18.1 Non-Public Session, Land, RSA 91-A:3 II (d)

18.2 Non-Public Session, Personnel, RSA 91-A:3,II (a)

Mayor McCarley **MOVED** to enter a Non-Public Session under **Non-Public Session, Land, RSA 91-A:3 II and (d) Non-Public Session, Personnel, RSA 91-A:3,II (a)** at 8:23 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous roll call of 13 to 0. Councilor Bogan, Abbott, Varney, Hutchinson, Lachapelle, Gray, Walker, Torr, Hamann, Gates, Keans, Bogan, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session and return to Public Session at 8:45 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Lauterborn **MOVED** to seal the minutes indefinitely. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hutchinson, Keans, Lauterborn, Hamann, Lachapelle, Abbott, Walker, Gates, Torr, Gray, Bogan, Varney, and Mayor McCarley voted in favor of the motion.

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 8:47 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk