

**City Council Public Hearing
January 7, 2020
Council Chambers
7:00 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Belken
Councilor Bogan
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Hutchinson
Councilor Lachance
Councilor Lachapelle
Councilor Rice
Councilor Walker
Deputy Mayor Lauterborn
Mayor McCarley

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Peter Nourse, Director of City Services

COUNCILORS EXCUSED

MINUTES

1. Call to Order

Mayor McCarley called the City Council Special Meeting to order at 7:00 PM.

2. Resolution Changing Funding Source of Various Capital Improvement Project Appropriations from Borrowing to General Fund Unassigned Fund Balance in an amount not to exceed \$2,051,373.08

Resolution Changing Funding Source of Various Capital Improvement Project Appropriations from Borrowing to General Fund Unassigned Fund Balance in an amount not to exceed \$2,051,373.08

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

I. CIP FUND 1501

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million Six Hundred Forty Five Thousand Eight Hundred Seventy Five and 55/100 Dollars (\$1,645,875.55) to various City and School Fund 1501 Capital Improvement Project budgets of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding source for the projects referenced in Exhibit A annexed hereto from Borrowing, to General Fund unassigned fund balance;

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the projects referenced in Exhibit A from Borrowing to General Fund unassigned fund balance.

FURTHER, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City Rochester, hereby withdraw borrowing authority in the amount of One Million Six Hundred Eighty Three Thousand Three Hundred Thirty Four and 52/100 Dollars (\$1,683,334.52).

II. WATER CIP FUND 5501

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of Two Hundred Fifty Three Thousand Three Hundred Seventy Eight and 96/100 Dollars (\$253,378.96) to various Water Fund 5501 Capital Improvement Project budgets of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding source for the projects referenced in Exhibit A annexed hereto from Borrowing, to General Fund unassigned fund balance;

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the projects referenced in Exhibit A from Borrowing to General Fund unassigned fund balance.

FURTHER, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City Rochester, hereby withdraw borrowing authority in the amount of Two Hundred Fifty

Three Thousand Three Hundred Seventy Eight and 96/100 Dollars (\$253,378.96).

III. SEWER CIP FUND 5502

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Hundred Fifty Two Thousand One Hundred Eighteen and 57/100 Dollars (\$152,118.57) to various Sewer Fund 5502 Capital Improvement Project budgets of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding source for the projects referenced in Exhibit A annexed hereto from Borrowing, to General Fund unassigned fund balance;

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the projects referenced in Exhibit A from Borrowing to General Fund unassigned fund balance.

FURTHER, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City of Rochester, hereby withdraw borrowing authority in the amount of One Hundred Fifty Two Thousand One Hundred Eighteen and 57/100 Dollars (\$152,118.57).

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.

3. Resolution Authorizing Supplemental Appropriation for Various 2019-2020 Fund 1501 Capital Improvement Projects from General Fund Unassigned Fund Balance in the amount of \$1,520,000.00

Resolution Authorizing Supplemental Appropriation for Various 2019-2020 Fund 1501 Capital Improvement Projects from General Fund Unassigned Fund Balance in the amount of \$1,520,000.00

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

That the sum of One Million Five Hundred Twenty Thousand Dollars (\$1,520,000) be, and hereby is, appropriated as part of the City of Rochester 2019-2020 Fund 1501 Capital Improvements Plan budget of the City of Rochester for the following three projects;

- I. Dispatch Center – Radio Improvements Project \$250,000.00
- II. Department of Public Works – Paving Rehabilitation \$1,000,000.00
- III. School Department – CTE Renovation – Additional Equipment \$270,000.00

Further, that the sums necessary to fund such appropriation shall be derived from 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.

- 4. Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Capital Improvements Plan (CIP) Fund, the Sewer CIP Fund, and the Water CIP Fund for the New DPW Facility Project in an amount not to exceed \$4,000,000.00**

Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Capital Improvements Plan (CIP) Fund, the Sewer CIP Fund, and the Water CIP Fund for the New DPW Facility Project in an amount not to exceed \$4,000,000.00

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

That the Mayor and City Council of the City of Rochester hereby appropriate an amount not to exceed Four Million Dollars (\$4,000,000.00) for the purpose of paying the costs associated with the completion of the New DPW Facility Project and the appropriation shall be divided amongst three (3) funds as follows: Two Million Dollars (\$2,000,000.00) to the DPW CIP Fund, One Million Dollars (\$1,000,000.00) to the Sewer CIP Fund, and One Million Dollars

(\$1,000,000.00) to the Water CIP Fund.

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 Four Million Dollars (\$4,000,000.00) through the issuance of bonds and/or notes, and/or through other legal form(s), 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

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.

5. Supplemental Appropriation to the Rochester School Department in the amount of \$1,335,993

Supplemental Appropriation to the Rochester School Department in the amount of \$1,335,993.00

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

That the amount of One Million Three Hundred Thirty Five Thousand Nine Hundred Ninety Three Dollars (\$1,335,993.00) is hereby appropriated as a supplemental appropriation to the Rochester School Department for the purpose of paying costs associated with unanticipated special education costs. 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 multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

6. Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding the Impact Fee Ordinance

§275-27.3 Impact fees.

- A. Purpose
- B. Authority

Impact fees may be assessed to new development to compensate the City of Rochester and the School District **Department** for the ~~proportional share of capital facilities generated by new development in the City of Rochester~~ **a proportionate share of the cost of the capital facility needs occasioned by new development.** Any person who seeks a building permit for new development may be required to pay an impact fee in the manner set forth herein.

And to clarify the definition as follows:

C. Definitions

IMPACT FEE

A fee or assessment imposed upon development, including subdivision or building construction, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Rochester **or the Rochester School Department**, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; stormwater, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space.

7. Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Conditional Uses Within the Downtown Commercial District

Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Conditional Uses Within the Downtown Commercial District

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275, Section 21.4.I of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

I. Multifamily dwellings/developments in Downtown Commercial District as referenced in Chapter 275-20.2 (K)(4) shall:

- 1) Have a sprinkler system installed as required by building and fire codes.
- 2) Shall reserve a space to allow for a duct system as required by building codes.

These amendments shall take effect upon passage.

8. Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Residential Uses Within the Downtown Commercial District

Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Residential Uses Within the Downtown Commercial District

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275, Section 20.2.K. (4) of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

4) Downtown Commercial District. Within the Downtown Commercial (DC) District, multifamily is allowed with the following restrictions:

(a) For parcels fronting on the streets noted below, ground floor space of 30' multiplied by the building frontage, or 700 square feet, whichever is greater, shall be reserved for non-residential uses as permitted in the DC District, unless otherwise required to comply with state building code and/or fire code. Any area excluded due to building code and/or fire code shall not count toward the minimum. This applies to the entire portion of the building fronting on the street. The remaining area of the first floor may contain residential units as a conditional use.

- viii. Union Street
- ix. North Main Street south of North Main Street Bridge
- x. South Main Street
- xi. Wakefield Street south of Columbus Avenue
- xii. Hanson Street
- xiii. Museum Way
- xiv. Columbus Avenue (from Summer Street to South Main Street)

(b) The first floor commercial space may be split into different commercial uses totaling the required square footage.

(c) DC Zone District parcels not fronting on the above streets may contain multifamily use and units on all floors without restrictions.

These amendments shall take effect upon passage.

Mayor McCarley invited the public to address the City Council upon any/all items listed above.

Tom Willis, resident, addressed the City Council concerning the first four items, which are all relative to Supplemental Appropriations. He mentioned that he is a former City Council and former City Engineer for the Rochester Public Works Department.

Thomas Kaczynski, resident, addressed the City Council concerning the first five items listed on the Agenda.

Ray Barnett, resident, addressed the City Council addressed the City Council concerning items 2 – 6.

Matthew Pappas, resident, addressed the City Council concerning items 2, 3, and 4. He spoke specifically about item number 5.

9. Adjournment

Mayor McCarley **MOVED** to **ADJOURN** the Regular City Council meeting at 7:50 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk