

**Regular City Council Meeting  
May 1, 2018  
Council Chambers  
7:00 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Bogan  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Hutchinson  
Councilor Hamann  
Councilor Keans  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Varney  
Mayor McCarley

**OTHERS PRESENT**

Daniel Fitzpatrick, City Manager  
Blaine Cox, Deputy City Manager  
City Attorney Terence O'Rourke  
Peter Nourse, Director of City

**COUNCILORS ABESENT / EXCUSED**

Councilor Walker

**MINUTES**

**1. Call to Order**

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

**2. Opening Prayer**

Mayor McCarley asked for all present to bow their heads for a moment of silence to consider the world we're all living in.

**3. Presentation of the Colors**

All those present stood and faced the flag for the Pledge of Allegiance.

**4. Roll Call**

Cassie Givara, Deputy City Clerk, called the roll. All Councilors were present except for Councilor Walker, who was excused.

## **5. Acceptance of Minutes**

### **5.1. April 3, 2018 – Regular City Council meeting (*motion to accept*)**

Councilor Lachapelle **MOVED** to **ACCEPT** the City of Rochester Regular City Council minutes of April 3, 2018. Councilor Bogan 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 Jimmy Jacques, Firefighter, was unable to attend tonight's Council meeting. The presentation of his employee of the month award would be presented to him within the department.

### **6.2. City Manager's Report**

City Manager Fitzpatrick read the following report:

#### **Contracts & Documents:**

- **Department of Public Works**

- NHDES DWSRF Loan Amendment – WTP – Raw Water Pump Upgrade Project
- NHDES Pre-Approval Letter
- Recommendation to Award Bid #18-19 – WTP Low Lift Pump Station Upgrades Project
- Route 125 Pedestrian Bridge Approaches Project #17-38 – Construction Agreement Notice to Proceed
- Security Agreements – 212 Salmon Falls Road
- CWSRF Loan / Grant #CS-330122-13 Disbursement #1 Sewer & Drainage Asset Management Project – Disbursement Amount \$6,000
- Water Treatment Plant – Raw Water Pump Station Upgrade Project – Wright Pierce – Construction Administration Contract

- **Economic & Community Development**

- Hold Harmless Agreement – Index Packaging
- Environmental Review – New JOB Loan Program

- Mortgage Release – Fiesta Candy JOB Loan
- Finance
  - Contract James R. St. Jean Auctioneers
- Legal Department
  - Sale – 6 Gina Drive
- Planning Department
  - Letter of Support – UNH Grant – Community Conversation Research Competition
  - SRPC Service Contract – extension
- Recreation and Arena Services
  - Contract – Central Main Pyrotechnic – Fireworks display
- School Department
  - Invitation to City Clerk to provide voter registration at high school
- Welfare Department
  - Software Program Payment – Shared Cost MOU

#### **Computer Lease/Purchases and Tuition Reimbursements:**

- Computer purchase – Bonneau, K. – DPW
- Tuition reimbursement – Libby, J. – BZLS
- Tuition reimbursement – Rodgerson, S. – CM Office

#### **Standard Reports**

- City Council Request & Inquiry Report - **none**
- Monthly Overnight Travel Summary - **none**
- Permission & Permits Issued
- Personnel Action Report Summary

### **7. Communications from the Mayor**

#### **7.1. Proclamation for Police Memorial Week**

Mayor McCarley read a proclamation for Police Memorial Week.

#### **7.2. Proclamation for Economic Development Week**

Mayor McCarley read a proclamation for Economic Development Week

#### **7.3. Proclamation for Public Works Day**

Mayor McCarley read a proclamation for Public Works Day

#### **7.4. Announcement: Hazardous Waste Day**

Mayor McCarley announced that May 5<sup>th</sup> would be Hazardous Waste Day and resident and non-residents are encouraged to bring any such waste to this annual event.

#### **7.5. City Dog Licensing – Now Past Due (*April 30, 2018*)**

Mayor McCarley advised that City dog licensing was due by April 30<sup>th</sup> and for those who have not yet licensed their dogs with the City, they are still encouraged to do so.

##### **7.5.1. Rabies Clinic Flyer – May 5, 2018**

There will be a rabies clinic held at the Rochester Fairgrounds in the 4-H Building from 12-2 on May 5, 2018.

The Mayor announced that the AMVETS Post 1 along with the Spaulding Junior ROTC will be at the Franklin Street Cemetery on May 18<sup>th</sup> at 3:00 PM placing flags on the veteran's grave sites.

On Saturday May 19<sup>th</sup> at the Brock Street Cemetery at 10:00 AM, The Rochester Veteran's Council and Cub Scout Pack will be placing flags on the veteran's grave sites. Additional flags will be available to veterans and their families at both of these locations.

The Mayor announced that that if anyone wanted to change their party affiliation, the deadline for changes in June 5, 2018. The filing period for those running for office is June 6, 2018 – June 15, 2018.

There is a Ward 1 meeting on Wednesday May 9 at 7:00 pm at Tara Estates.

There is a Department of Public Works facilities tour for Councilors on Friday May 11<sup>th</sup>

#### **8. Presentations of Petitions and Council Correspondence**

##### **8.1 Tri-City Mayor's Joint Task Force on Homelessness Minutes – April 12, 2018**

Councilor Hutchinson gave a brief summary of the Task Force's first

meeting. He reported that he had been voted as president and Marcia Gasses of Dover has been voted in as Vice President. Councilor Hutchinson indicated that the Task Force was given 4 criteria for building a strategy on developing a masterplan. The Task Force gave themselves a deadline of November 1, 2018 to come up with a plan to present to the mayors of each community. Originally the deadline was earlier, but it was determined that the scope of the issue is much greater and they should take more time. The next meeting will be held May 10<sup>th</sup> in Dover at a location to be determined.

## **9. Nominations, Appointments, Resignations, and Elections**

### **9.1. Resignation: Daniel Spencer, Ward 5 Moderator**

Councilor Varney **MOVED** to accept the resignation of Daniel Spencer as Moderator of Ward 5. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **9.2. Resignation: John W. Hackett, Conservation Commission**

Councilor Keans **MOVED** to accept the resignation of John Hackett with regret and thanks for his years of hard work. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **10. Reports of Committees**

### **10.1. Codes and Ordinances Committee**

#### **10.1.1. Committee Recommendation**

##### **Section 4.12 Ordinances and Resolutions**

***... except those placed on the Agenda by the Mayor which have already been examined and approved in form by the City Manager, City Attorney, City Clerk, and Finance Director **consideration for approval*****

Councilor Lachapelle **MOVED** to **APPROVE** the changes for Section 4.12. Councilor Torr seconded the motion.

Councilor Keans restated that she felt voting to approve this change would constitute a dereliction of her duties as a City Councilor. Mayor McCarley indicated she would be voting no. She recommended the next mayor and City

Council rewrite the entire ordinance in order to follow process. The **MOTION FAILED** by a 9 to 3 hand count vote.

## **10.2. Finance Committee**

- 10.2.1. Committee Recommendation:** To recommend that the full City Council to grant permission to the Riverwalk Committee to apply for Recreational Trails Program Grant to fund a \$100,000 project that would be \$80,000/ 80% grant funded and \$20,000/20 % in-kind city matching funds (no city cash) *consideration for approval*

Mayor McCarley **MOVED** to grant permission to the Riverwalk Committee to apply for the Recreational Trails Program Grant. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 10.2.2. Committee Recommendation:** To recommend to the full City Council that the Police Department be authorized to proceed with purchase of one back line police vehicle utilizing unspent fiscal year 2018 capital funds appropriated for the replacement of front line vehicles *consideration for approval*

Mayor McCarley **MOVED** to authorize the Police Department to purchase one back line police vehicle. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **10.2.3. Discussion: Library Debt Collections Policy**

The Library Trustees have asked Council to make a motion to approve the debt collections policy which would allow the Library to use a debt collection agency. Councilor Lauterborn **MOVED** to adopt the new debt collection policy. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

- 10.2.4. Discussion:** The Finance Department was tasked with evaluating the idea of simply designating the Arena as a General Fund department and reporting back to the City Council

Councilor Varney **MOVED** to authorize the Finance Department to designate the Arena as a General Fund Department. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.2.5. Committee Recommendation: That the Emergency Management Director be authorized to apply for an EMPG program grant in the amount of \$100,000 *consideration for approval***

Mayor McCarley **MOVED** to approve the Emergency Management Director to apply for an EMPG Program grant. Councilor Lachapelle seconded the motion.

Councilor Keans inquired if the City had the full match for these grant funds. Chief Mark Klose verified that the City does have the full match.

Councilor Lauterborn said her understanding was that this money had already been spent and this grant money is a cash reimbursement. She inquired what would happen to the \$100,000 when the City received it. City Manager Fitzpatrick indicated that it would be up to Council to decide via the budget process.

Chief Klose clarified that these funds are not a reimbursement. The Fire Department has already spent the money and provided the receipts for equipment purchased, so these are in-kind matching funds. If this committee recommendation is approved, when the money is received from the State the Council would have to approve the funds in order for the Fire Department to accept the grant funds.

Councilor Lauterborn asked Chief Klose what would happen to the money if accepted. Chief Klose indicated that the Fire Department would be purchasing equipment through the approved equipment list equaling to the \$100,000 in funds. Councilor Lauterborn questioned if these items are not in the current budget. Chief Klose confirmed that these items are not covered in the current budget. The **MOTION CARRIED** by a unanimous voice vote.

**10.2.6. Discussion: Data shall be provided by the Deputy City Manager: Showing the total annual dental insurance premiums and net cost to employees for further discussion.**

Mayor McCarley gave a brief background on this discussion. The City has not increased the City's contribution to employee dental insurance since 1998. The Deputy City Manager made a recommendation to increase the City

contribution from \$250 to \$300.

Councilor Varney **MOVED** to approve the increase. Councilor Keans seconded the motion. **MOTION CARRIED** by a unanimous voice vote.

**10.2.7. Committee Recommendation: that the City's portion of the Gonic School roof repair project remain funded from the General Fund unassigned fund balance and not be altered to come from borrowing *consideration for approval***

Councilor Keans **MOVED** to approve. Councilor Bogan seconded the motion. Councilor Varney clarified that there wasn't a need for Council to take action. If Council wanted to have it bonded they would need a resolution, but not in this circumstance. Deputy City Manager Blaine Cox verified there was no action needed. Nothing is being bonded, the cost is going to come out of the fund balance. Councilor Keans rescinded her **MOTION**. Councilor Bogan rescinded her second to the motion.

**10.3. Joint Building Committee (CTE) Committee**

Councilor Varney reported that the Committee met the previous evening and approved the sum of \$13,808,670 for construction costs without alternates. The total cost estimate the Committee saw was \$16,658,492, of which the City portion would be \$4,884,779. Councilor Varney indicated there are still cuts to be made in the alternates which will happen over the next month or so. Approximately \$69,000 was cut out of the alternates the previous evening.

Next Monday they will have their first sub-committee meeting and start awarding bids. Currently, they know that S.U.R. had been awarded the site work contract.

**10.4. Public Safety Committee**

**10.4.1. Committee Recommendation: To deny the request for a blind driveway sign at 148 Lowell Street. *consideration for approval***

Councilor Lachapelle **MOVED** to deny the request for a blind drive sign at 148 Lowell Street. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.2. Committee Recommendation: To Deny the**



**request for a Dead End sign at High Street and  
Creteau Street. *consideration for approval***

Councilor Lachapelle **MOVED** to deny the request for a Dead End Sign on High Street. Councilor Bogan seconded the motion. **MOTION CARRIED** by a unanimous voice vote.

**10.4.3. Committee Recommendation: To approve the hash lines to be painted in the area of the high school on Wakefield Street at the discretion of The Department of Public Works. *consideration for approval***

Councilor Lachapelle **MOVED** to approve the painting of hash lines in the area of the high school on Wakefield Street. Councilor Hamann seconded the motion. Councilor Varney inquired if the hash lines were going to be painted prior to paving and then again after the area was paved? Peter Nourse, Director of City Services, indicated that the hash lines would be painted after the area as paved. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.4. Committee Recommendation: To approve the hash lines to be painted in the area Washington Street/Sylvain Street at the discretion of The Department of Public Works. *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the painting of hash lines. Councilor Bogan seconded the motion. **MOTION CARRIED** by a unanimous voice vote.

**10.5. Public Works & Buildings Committee**

**10.5.1. Committee Recommendation: City Hall Parking Lot Paving and Striping project: *Recommendation option 2 showing the new parking lot configuration to be discussed and approved by the full City Council at the next Regular Meeting in May. consideration for approval***

Peter Nourse, Director of City Services, explained the various options for striping the parking lot. Currently there are 107 spaces, 11 of which are handicap spaces. This exceeds the state requirement of 4% of spaces being handicap accessible. It was determined that there was no decision needed at this meeting. There would be improvements made to the drainage in the lot as

well as paving prior to the restriping, which would take place sometime over the summer. The decision on configuration of the striping can be made at a later meeting.

## **11. Old Business**

Councilor Gray requested that Keno be listed as an item under "Old Business" until Council makes a decision. Mayor McCarley indicated it could be listed to Council as a reminder, and it also has to be discussed with legal counsel regarding the process of keeping the issue in front of Council.

Councilor Varney discouraged citizen petitions in regards to Keno due to the work it creates for the City Clerk's office, whereas if Council just decides to put it on the ballot it can bypass unnecessary work on the part of the citizens.

## **12. Consent Calendar**

## **13. New Business**

### **13.1. 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 *second reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Resolution was read for a second time by title only 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	\$ 146,945.50

<b>Total</b>	<b><u>\$ 226,070.00</u></b>
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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.

IV. Further, that the One Hundred Nine Thousand Two Hundred Five Dollars and Six Cents (\$109,275.06) currently in the Job Opportunity Benefit revolving Loan fund, plus the principal and interest received monthly from existing loans' repayments, be appropriated for continued use in the FY 2018-2019 Action Plan year in granting loans to qualified small businesses that commit to the creation and/or retention of jobs made available to low to moderate-income Rochester residents.

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.

Councilor Lachapelle **MOVED** to approve the resolution. Councilor Keans seconded the motion.

Councilor Lauterborn indicated there was an amendment to this resolution as indicated in section IV above. Councilor Lachapelle seconded the approval of the amendment.

Councilor Varney inquired if there were any funding changes with this amendment. Councilor Lauterborn confirmed that there were no funding changes, but the Finance Department wanted the JOB loans problems referenced in the Resolution.

Mayor McCarley called for a vote on the amendment. The **MOTION CARRIED** by a majority voice vote.

Mayor McCarley called for a vote on the motion as amended. The **MOTION CARRIED** by a majority voice vote.

**13.2. 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 *second reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the Amendment for a second time

by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Amendment was read for the second time by title only 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.**

Councilor Lachapelle **MOVED** to **ADOPT** the amendment. Councilor Varney seconded the motion.

Councilor Keans requested clarification on the changes being made. Councilor Varney explained that there are two parts to this amendment. Expanding the downtown commercial zone up North Main Street to the Holy Rosary Church and eliminating some of the uses from the downtown commercial zone such as gas stations and car sales. In addition, the special downtown district is a direct overlay match to the downtown commercial district which it was not before. Councilor Keans asked if this change was to allow for the density changes. Councilor Varney said that was the case.

Councilor Keans indicated she did not agree with the downtown commercial expansion up to the church and inquired if there was a better way to go about it. Councilor Keans indicated there are a couple businesses, but there are a good deal of residential properties in this area and she would hate to see a developer come in and bulldoze a block and put in a large retail center or other business which wouldn't be in the best interest of the people who live there currently. She would rather see some more amendments before Council moves forward.

Councilor Varney said that this amendment has already gone through the Planning Board and there have been lengthy discussions on the matter with no issues raised throughout the process. The area in question is currently zoned Neighborhood Mixed Use which allows for much more commercial development

than downtown commercial.

Councilor Keans pointed out that this area is where the new roundabout will be located, and she wasn't sure if the City wanted to allow too much more commercial development in that area.

Councilor Hamann inquired if the street lights and holiday decorations from downtown would be extended up into this area of North Main Street to match or if it would be called downtown in name only to meet zoning requirements.

Councilor Varney said what Councilor Hamann referenced is the "gap project" between Strafford square and the bridge. At some point in the future, the area will be reconstructed to extend the downtown aesthetic but the reason for this rezoning is to encourage development. City Manager Fitzpatrick clarified that staff has no immediate plans for any capital investment in that area.

The **MOTION FAILED** by a 6 to 6 roll call vote. Councilors Abbott, Varney, Lachapelle, Gray, Lauterborn and Mayor McCarley voted in favor of the motion. Councilors Bogan, Hutchinson, Torr, Hamann, Gates and Keans voted against the motion

**13.3. 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 *second reading and consideration for adoption***

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

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the Motion. Mayor McCarley indicated that his Amendment would require a 2/3 vote to pass. Councilor Varney **MOVED** for a roll call vote. Councilor Lachapelle seconded the **MOTION**. The **MOTION CARRIED** by a unanimous voice vote to take a roll call. The Roll call vote **FAILED** by a 7 to 6 vote (*lack of a 2/3 vote*). Councilors Lachapelle, Gray, Abbott, Hamann, Bogan, Gates and Mayor McCarley voting in favor. Councilors Lauterborn, Kears, Hutchinson and Varney voted against the motion. Councilor Torr abstained.

**13.4. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Development and Construction Signs *first reading and refer to a public hearing***

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

**Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Development and Construction Signs**

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 (changes in italics):

**42.29 Signs**

**m. Specific Sign Requirements.**

6.1. **Development and Construction Signs.** Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

A. Such signs on a single residential lot, residential subdivision,

or multiple residential lots, and nonresidential uses shall be limited to one sign, no greater than 10 feet, in height and 32 square feet in area.

- B. Such signs for commercial or industrial projects shall be limited to one sign per street front.
- C. Development and construction signs may not be displayed until after the issuance of construction permits by the building official and must be removed no later than 24 hours following issuance of an occupancy permit for a portion or all portions of the project.

6.2. ***Permanent Development Signs.*** *These signs shall be used to identify a project and/or inform the public of the name of a development.*

- A. *Such signs shall be no greater than 32 square feet.*
- B. *Such signs may be used for development greater than 50 units.*
- C. *Such signs may not be lit.*
- D. *Such signs are allowed in Open Space.*

**The effective date of these amendments shall be upon passage.**

**13.5. Resolution Approving the 2018-2019 Operating Budget for the City of Rochester *first reading and refer to a Public Hearing - May 22, 2018***

Councilor Lachapelle **MOVED** to read the Resolution for a first time by title only and refer to a Public Hearing. The **MOTION CARRIED** by a unanimous voice vote.

**13.6. Resolution Authorizing and Approving the 2018-2019 Capital Improvements Budget for the City of Rochester and Authorizing Borrowing in Connection Therewith *first reading and refer to a Public Hearing - May 22, 2018***

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only and refer to a public hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14. Other**

Mayor McCarley requested that Council take a look at the budget schedule. Originally the schedule had called for the final budget meeting to be held on May 29<sup>th</sup> due to the Mayor having a scheduling conflict and being unable to attend on June 5, 2018. It has come to light that there is another Councilor who has a scheduling conflict on May 29, 2018. The Mayor would like to see if there is any way to move the final budget meeting and vote to June 12 so all Councilors can be present.

Councilor Gates indicated that under Non-Public Sessions/Non-Meeting, he would like to add section 15.3 Personnel.

## **15. Non-Public Sessions/Non-Meeting Sessions**

Councilor Lauterborn **MOVED** to enter a Non-Public Session under Land, RSA 91-A:3 II (d) and Personnel 91-A:3 II (a) . Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote of 12 to 0. Councilors Lauterborn, Keans, Hutchinson, Lachapelle, Gray, Abbott, Torr, Hamann, Bogan, Councilor Varney, and Mayor McCarley voted in favor of the motion.

### **15.1. Non-Public Session, Land, RSA 91-A:3 II (d)**

### **15.2. Non-Meeting Consultation Non-Meeting, Consultation with Legal RSA 91-A:2,I(b)**

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 9:15 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the minutes of the Non-Public Session of May 1, 2018 because disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call. Councilors Bogan, Gray, Torr, Gates, Abbott, Keans, Lachapelle, Hamann, Luaterborn, Hutchinson, Councilor Varney, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle moved to authorize the City Attorney to join other cities in a lawsuit against drug makers for their role in opioid epidemic. Deputy Mayor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

## **16. Adjournment**

Councilor Gates **MOVED** to adjourn the Regular City Council meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote and the meeting adjourned at 9:15 pm.

Respectfully submitted,

Cassie Givara  
Deputy City Clerk