

**Regular City Council Meeting
December 3, 2019
Council Chambers
7:02 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
Councilor Gates
Councilor Gray
Councilor Hamman
Councilor Hutchinson
Councilor Keans
*Councilor Lachapelle
Councilor Torr
Councilor Walker
Deputy Mayor Varney
Mayor McCarley

COUNCILORS EXCUSED

Councilor Lauterborn

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Peter Nourse, Director of City Services
Gregory L. Bakos, Principal, PE at VHB

MINUTES

1. Call to Order

Mayor McCarley called the meeting to order at 7:02 PM.

2. Opening Prayer

Mayor McCarley requested a brief moment of silence.

3. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All Councilors were present except for Councilor Lauterborn who had been excused and *Councilor Lachapelle who arrived at 7:19 PM.

5. Acceptance of Minutes**5.1 Regular City Council Meeting: November 6, 2019**
consideration for approval

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of November 6, 2019. 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 Cox invited Julian Long, Economic Development Department to accept the Award. City Manager Cox announced that Mr. Long has been awarded the Employee of the Month Award for December, 2019. Mr. Cox read the nomination letter submitted by the Riverwalk Committee members.

6.2 City Manager's Report

The City Manager's Report is as follows:

Contracts and Documents:**• Department of Public Works**

- Apex Construction – Notice of Award- River Street Sewer Pump Station Upgrade Project – Bid #20-11
- Brown & Caldwell Engineer Construction Admin Contract – River Street Sewer Pump Station Upgrade Project
- Weston & Sampson Engineers – Cocheco Well Redevelopment Contract
- Hoyle, Tanner & Associates Task Order #11 CIP Assist – Intersection Projects
- Wright Pierce – Rt. 202A Water Main Extension & Water Storage Tank Design Contract – Amendment #1
- SUR Construction – Sidewalk Installations
- Tree City USA Recertification
- Upper Sheepboro Road Maintenance Plan – Access for WTP Source Water Watershed parcels
- Weston & Sampson – Tara Estates Pump Station Conceptual Design
- WTP Project – Keymont Construction/Allegheny Insurance IFIC - Change Orders and Final Close-Out

- **Economic Development Department**
 - CDBG – HDC Façade Program
 - CDBG CAP Weatherization Program – environmental review – furnace replacement and air sealing work for manufactured home
 - Homeless Center of Strafford County – Addendum
- **Finance Department**
 - Revision Energy – Letter of Intent
- Information Technology
 - Bogan – consulting contract
- Legal Department
 - Waterstone - Acceptance of Warranty Deed
- Recreation & Arena Department
 - Free Comic Book Day MOU

Computer Lease/Purchase or Tuition Reimbursement Requests:

- Computer Purchase – Young, R – Police

Standard Reports:

- Monthly Overnight Travel Summary
- Permission & Permits Issued
- Personnel Action Report Summary

City Manager Cox said the Tax Rate has been set at \$24.90 per \$1,000 of property value, which is less than what had been projected during the budget season (\$28.06). The tax bills shall be sent out around December 16, 2019.

City Manager Cox gave a brief overview of the recent storm. He stated that the Department of Public Works reported that there were no major events or breakdown in equipment. The Police Department received 30 calls that could be directly contributed to the storm, at least 12 accidents and one roll-over accident. The Fire Department dealt with eleven incidents; however, there were no structural fires or major incidents during the storm.

Councilor Gray requested an explanation about the property re-assessments which have not yet been posted to the website.

Deputy City Manager Ambrose said as of today that Patriot Properties has not been able to update the webpro portion of the website with the updated assessed values; however, property owners may view the assessed values on the GIS portion of the website, or by viewing the online bill pay. She added that the Assessing Kiosk located in the Assessing Department has

been updated as well.

Councilor Varney asked about the Route 202 Water Main Extension & Water Storage Tank Design. He questioned if there had been a final agreement now that the design phase has begun. City Attorney O'Rourke confirmed that the City has made a proposal; however, no agreement has been reached as of yet. Commissioner Nourse said it seems that the property owner is open to committing some property in that area for the water tank and confirmed there is no final agreement. Commissioner Nourse said in the meantime the design work is continuing. Councilor Varney hoped that the project would not need to be reengineered to another location if the agreement is not reached.

Councilor Varney asked if the Tara Estates Pump Station is just a rebuild with the same capacity or is the capacity being expanded. If the capacity is being expanded is the development across the street assisting with this project? Commissioner Nourse said there is funding in this year's budget to conduct an initial evaluation of the pump station. This will be followed up in the next fiscal year with a design and construction will begin the following fiscal year. At this point, it is just in the evaluation stage and no contributions have been discussed as of yet. Councilor Varney asked if there had been an exaction when the subdivision had been approved. Jim Campbell, Director of Planning and Development, agreed to get more information to the City Council.

Councilor Varney asked about the Waterstone deed and if the City is now responsible for plowing and road maintenance on this property that the City has been deeded. City Manager Cox replied yes.

Councilor Torr asked about the water tank anticipated to be built on Hussey Hill; he stated, it seems that the area is full of mud and has become un-drivable and it seems the soil in that area could not hold a water tank. Commissioner Nourse said the condition of the mud and unfinished road is being reviewed by the Planning Department and it is being addressed with the developer; however, the actual site for the water tank is on the backside of that hill. There was soil testing completed which resulted in finding good material.

Councilor Keans asked about the PR Specialist/IT Admin position which increased by 4 hours. City Manager Cox replied that this was the additional 4 hours approved in the Fiscal Year 2019 budget for the IT Department. A current employee working part-time in the Human Resources Department picked up 4 additional hours in the IT Department.

7. Communications from the Mayor

7.1 Inauguration to be held on Thursday January 2, 2020**7.1.1 Suspend Section 1.1 of the Rules of Order****7.1.2 Motion to Approve the January 2, 2020 Inaugural Date**

Mayor McCarley stated that the Rules of Order dictate when the Inauguration can be held; however, the Opera House is not available on Tuesday January 7, 2020. The City Council may suspend the Council Rules of Order and hold the Inauguration on January 2, 2020, which would require a 2/3rd majority vote.

Councilor Walker **MOVED** to suspend the Rules of Order (Section 1.1) and set the Inaugural date to January 2, 2020. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

7.2 Non-Public Meeting Minutes Review Committee: Non-Public Minutes selected for release *motion to unseal*

Councilor Varney **MOVED** to unseal a number of Non-Public Meeting Minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor McCarley stated that a few City Councilors will be departing the City Council at the end of the year and are normally granted the privilege to address the City Council and constituents. She requested that such commentaries be delayed until the December 17, 2020, City Council Workshop.

Mayor McCarley announced that the lighting of the Christmas Tree and events to follow will occur on this coming Friday and Saturday. The Annual Christmas Parade will be held on Sunday starting at 3 PM. This year there will be a banner for the Election Officials to stand behind and all newly elected officials are welcome to join.

Councilor Hamman wished to thank residents Ray and Cecile "Sis" Gagne of Rochester for donating the 25-foot blue spruce tree. Mayor McCarley thanked them too and said it was a beautiful tree.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Joyce Bruckner, Planning Board (alternate)

Mayor McCarley **MOVED** to **ACCEPT** the resignation of Joyce Bruckner, Planning Board, with regret. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees**10.1 Appointments Review Committee****10.1.1 Re-Appointment: Daniel Rines – Planning Board, elevation from alternate to Regular member, Term to expire 1/2/2023**

Councilor Keans reviewed the Committee's Recommendation to elevate Daniel Rines from an Alternate Member of the Planning Board to a Regular Member of the Planning Board. Mayor McCarley nominated Mr. Rines to serve as a Regular Member of the Planning Board with a term to expire on January 2, 2023. Councilor Bogan seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Mr. Rines. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mr. Rines has been appointed as a Regular Member of the Planning Board with a unanimous voice vote.

10.1.2 Appointment: Kristen Ebbeson – Arts & Culture Commission, term to expire 7/1/2020

Councilor Keans reviewed the Committee's Recommendation to appoint Kristen Ebbeson as a Representative to the Arts and Culture Commission. Mayor McCarley nominated Ms. Ebbeson to serve on the Arts and Culture Commission with a term to expire on July 1, 2020. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Ms. Ebbeson. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Ms. Ebbeson has been appointed to the Arts and Culture Commission by a unanimous voice vote.

10.1.3 Re-Appointment: Susan "Candy" Bailey – Library Trustee Ward 3, term to expire 1/2/2023

Councilor Keans reviewed the Committee's Recommendation to reappoint Susan "Candy" Bailey as the Ward Three Library Trustee. Mayor McCarley nominated Ms. Bailey to serve as the Ward Three Library Trustee with a term to expire on January 1, 2023. Councilor Bogan seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk

cast one ballot for Ms. Bailey. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Ms. Bailey has been reappointed as the Ward Three Library Trustee by a unanimous voice vote.

10.1.4 Appointment: A. Raymond Varney – Trustees of the Trust Fund, term to expire 1/2/2023

Councilor Keans reviewed the Committee's Recommendation to appoint Ray Varney as a member of the Trustees of the Trust Fund. Mayor McCarley nominated Mr. Varney to serve as a member of the Trustees of the Trust Fund with a term to expire on January 1, 2023. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Mr. Varney. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Ms. Varney has been appointed as a member of the Trustees to the Trust Fund by a unanimous voice vote.

10.2 Codes & Ordinances Committee – Meeting Canceled

No discussion.

10.3 Community Development Committee – Meeting Canceled

No discussion.

10.4 CTE Joint Building Committee

Councilor Varney stated that the Committee met on November 25, 2019. A packet of slides shows the construction progress which is near completion. The project should be completed by the end of the calendar year with the exception of the playground equipment which has taken longer than anticipated to be delivered; it will likely be installed in the spring. The Committee approved some additional spending under the assumption that the \$240,000 supplemental appropriation would be approved later on this agenda. He added that the contingency balance would be between \$45,000 to \$47,000. Mayor McCarley stated that the last meeting for the CTE Joint Building Committee is scheduled for December 16, 2019 and it is very likely that the contingency would remain the same.

10.5 Finance Committee

10.5.1 Use of General Fund Unassigned Fund Balance

10.5.1.1 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 *first reading and refer to public hearing 12/17/19*

Mayor McCarley said the Finance Committee met and kept the discussions about the water and sewer rates in Committee at this time.

Mayor McCarley said there was a lengthy discussion about the use of the General Fund Balance in order to pay down debt service; however, she explained why the proposed resolutions are slightly different from what the Committee originally voted upon.

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

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 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.

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing on December 17, 2019. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.1.2 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 *first reading and refer to public hearing 12/17/19*

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

**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;

1. Dispatch Center – Radio Improvements Project \$250,000.00
2. Department of Public Works – Paving Rehabilitation \$1,000,000.00
3. 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.

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing on December 17, 2019. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6 Public Safety

10.6.1 Committee Recommendation: To change the traffic flow on Myrtle Street from woodman Street to Charles Street to One-Way *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Committee's Recommendation to change the traffic flow on Myrtle Street from Woodman Street to Charles Street to one-way. Councilor Hamman seconded the motion. Councilor Keans referred to the map in the City Council packet which shows two-way traffic. Councilor Walker clarified that these are two-way streets and the motion is to change those streets to one-way traffic. The **MOTION**

CARRIED by a unanimous voice vote.

10.6.2 Committee Recommendation: To change the traffic flow on Congress Street from Charles Street to Myrtle Street to One-Way *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Committee's Recommendation to change the traffic flow on Congress Street from Charles Street to Myrtle Street to one-way. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans asked if the residents and parents of the students attending school were informed of the proposed change of traffic on Woodman, Congress, and Myrtle Streets. Councilor Walker replied yes, and that a public hearing was held.

10.6.3 Committee Recommendation: To deny the request for "No Thru Trucks" signs on Quail Drive *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Committee's Recommendation to: Deny the request for "No Thru Trucks" signs on Quail Drive. Councilor Hamman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle requested one correction to the Public Safety Meeting minutes under "other". The minutes indicate the following: "Councilor Lachapelle asked if the trees and bushes could be cut back coming from Dover to Rochester on Tebbetts Road." The minutes should reflect just the opposite that DPW should take a look at cutting back the trees and bushes on the side of the road, traveling from Gonick on Pickering Road towards Dover just prior to hitting Tebbetts Road.

10.7 Public Works

10.7.1 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 *first reading and refer to public hearing on 12/17/19*

Mayor McCarley said the Public Works Committee had not taken an actual vote to send this resolution to full the City Council; however, it had been discussed at prior Committee meetings and therefore has been placed under the Committee Report for discussion. She invited Commissioner Nourse to come forward and address the City Council about the proposed resolution.

Commissioner Nourse gave a brief overview of the request for additional funding and the bidding process. The bid did not include approximately \$2,500,000 of soft-cost which will be done in-house. The bid also did not set funding aside for a healthy contingency fund. The adjusted low bid is \$19,982,000. He summarized that construction costs are increasing every year and postponing this project is likely to result in a more expensive project. He gave reasons why there is a short fall of \$3,926,066 from the original estimate. He said the short fall was rounded up to \$4,000,000 and includes a healthy contingency fund of \$1,400,000. This is a new building project and most of the contingency is not likely to be needed.

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

**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.

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing on December 17, 2019. Councilor Walker seconded the motion. Councilor Walker requested that a typo on the Agenda be corrected. The **MOTION CARRIED** by a unanimous voice vote.

10.7.2 Committee Recommendation: Dedication of Community Center Basketball Court to Coach Tim Cronin *consideration for approval*

Councilor Torr **MOVED** to **APPROVE** the Committee's Recommendation to dedicate the Community Center Basketball Court to Coach Tim Cronin. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.7.3 Committee recommendation: To approve the new paving list as presented: Jonathan and Huckins Lane, Columbus Ave from Lowell to Knight Street, Cross Road from Milton Road to Stacy Drive and Salmon Falls from Stonewall to the town line. *motion to approve*

Councilor Torr **MOVED** to **APPROVE** the Committee's Recommendation to: Approve the new paving list as presented: Jonathan and Huckins Lane, Columbus Avenue from Lowell to Knight Street, Cross Road from Milton Road to Stacy Drive and Salmon Fall from Stonewall to the **Somersworth* town line. Councilor Walker seconded the motion. *Councilor Keans requested that the recommendation clarify that it is the "Somersworth' town line to which the

recommendation refers. Councilor Torr and Councilor Walker concurred and the motion reflects the change. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray asked if the City Council should formally accept Marketplace Blvd as a City street located at the Granite Ridge Development. City Attorney O'Rourke replied that the City accepted the property as part of the development agreement and the developer issued a warranty deed and it is filed with the Registry of Deeds. He said Marketplace Blvd is now an accepted City street.

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2020 regarding the Opera House Chairlift *first reading, consideration for second reading and adoption*

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

DRAFT – CITY OF ROCHESTER FY 20 CDBG ACTION PLAN AMENDMENT – ROCHESTER OPERA HOUSE CHAIRLIFT

Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2020

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

WHEREAS, the City of Rochester has received a bid on the approved Rochester Opera House Chairlift project in excess of the allocated FY 2020 Community Development Block Grant (CDBG) allocated funds;

WHEREAS, the City of Rochester has unexpended FY 2019 CDBG funds available to be reallocated to present CDBG projects;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby appropriate Nine Thousand Three Hundred Forty-Eight Dollars (\$9,348.00) in unexpended prior year CDBG funds for the Rochester Opera House Chairlift project.

FURTHER, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned FY 2019 CDBG grant funds that the City of Rochester has received from the federal government.

FURTHER STILL, 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 and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Mayor McCarley supported the motion and mentioned that this project is utilizing unused CDBG funds. The **MOTION CARRIED** by a unanimous voice vote.

**13.2 Presentation: Updated Transportation Master Plan
(Planning Board Public Hearing 12/16/19) [Full
Transportation Master Plan – Click Here](#)**

Jim Campbell, Director of Planning and Development, addressed the City Council. He said the City has not updated the Transportation Master plan since 2001. He thanked the City Council for providing funding to hire a consultant and invited Gregory L. Bakos, Principal, PE at VHB, to give a presentation of the updated Transportation Master Plan.

Mr. Bakos gave a lengthy Powerpoint Presentation and opened up for questions. To view the full Transportation Master Plan see the above link.

Councilor Keans asked about the financial component involved with

these items. She indicated that some of the items mentioned have been on prior Transportation Master Plans for the City of Rochester. Mr. Bakos said it is difficult to enter an associated costs to individual items without knowing which direction the City will seek to resolve some of the issues. In the meantime, an estimated cost is identified as low, medium, or high. Mayor McCarley wished to clarify that the Planning Board would hold a Public hearing to take place in Council Chambers on December 16, 2019.

13.3 Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding the Impact Fee Ordinance
first reading and refer to public hearing

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley clarified that this Amendment is not changing the Impact Fees; however, it is changing the language within the Ordinance regarding the Impact Fees. Mayor McCarley read the Amendment for the first time by title only as follows:

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

THE CITY OF ROCHESTER ORDAINS:

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

Article 27

Miscellaneous Provisions

[Amended 7-7-2015]

§ 275-27.1 Buffers for residential property.

- A. All nonresidential development, including any parking and storage areas, shall be screened/buffered from any adjacent residential property situated to the side or rear as stipulated by the Planning Board under site review. The Board may stipulate plantings and/or fencing, as reasonably appropriate. See Figure 27-A, Screening Between Commercial and Residential Uses, as an example.
- B. All multifamily development, consisting of three units or more, including parking areas, shall be screened/buffered from any adjacent single-family dwellings situated to the side or rear as required by the Planning Board under site review. The Board may stipulate plantings and/or fencing, as reasonably appropriate. This requirement does not apply in situations

where multifamily development is specifically designed to integrate with single-family dwellings in mixed-use developments.

Figure 27-A, Screening Between Commercial and Residential Uses
§ 275-27.2 Cemeteries.

Pursuant to RSA 289:3, III, there shall be no construction, excavation, or development, nor placement of any buildings, structures, signage, or parking, inside or within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery. For the purposes of this section, the term "excavation" shall include the disturbance to a depth of 12 inches or more of soil for activities such as landscaping, utility trenching, tree planting, etc. No healthy tree with a diameter at breast height of eight inches or more may be cut or removed within 25 feet of any established burial ground or cemetery except by special exception for good cause and with appropriate mitigation. No new chain-link fence shall be installed in or around any cemetery.

§ 275-27.3 Impact fees.

A. Purpose. This section is enacted pursuant to RSA 674:16 and 674:21, in order to:

- ~~(1) Promote public health, safety, convenience, and welfare;~~
- ~~(2) Ensure that adequate and appropriate public facilities are available;~~
- ~~(3) Provide for the managed development of the municipality and its environs;~~
- ~~(4) Mitigate the impact of development of land that would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services; and~~
- ~~(5) Ensure the proper arrangement and coordination of streets.~~

(1) To assess new development for its proportionate share of the public capital facility costs.

B. Authority.

- (1) 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.

- (2) The Planning Board may, as a condition of approval of any subdivision or site plan, and when consistent with applicable Board regulations, require an applicant to pay an impact fee for the applicant's proportional share of off-site improvements to public facilities affected by the development.
- (3) ~~Nothing in this section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the Planning Board's authority to require off-site work to be performed by the applicant, in lieu of paying an impact fee, or the Board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.~~ **Nothing in this section shall be construed to limit the authority of the Planning Board or the City to require exactions for off-site improvements, other conditions of approval, or to assess other fees governed by other statutes, ordinances, or regulations.**

- C. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

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.

NEW DEVELOPMENT

- (1) An activity that results in any one of the following:
 - (a) The creation of a new dwelling unit or units;
 - (b) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units;
 - (c) Construction resulting in a new nonresidential building or a net increase in the floor area of any nonresidential building; or
 - (d) The conversion of an existing use to another use if such change results in

~~an net increase in floor area and such change creates a net increase in the demand on public capital facilities that are the subject of impact fee assessments, unless waived by the Planning Board.~~

- (2) New development shall not include the replacement of an existing manufactured home or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

OFF-SITE IMPROVEMENTS

Off-site improvements means highway, drainage, sewer, or water upgrades or improvements that are necessitated by a development but which are located outside the boundaries of the property, as determined by the Planning Board during the course of subdivision or site plan approval.

D. Assessment methodology.

- (1) Proportionality. The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for impact fee assessment for public capital facilities, and impact fee assessment schedules therefor.
- (2) Existing deficiencies. Upgrading of existing facilities and infrastructure, the need for which is not created by new development, shall not be paid for by impact fees.

E. Administration.

- (1) Accounting. In accord with RSA 673:16, II, and 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fees were collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Rochester or the Rochester School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

- (2) Assessment. All impact fees imposed pursuant to this section shall be assessed at the time of Planning Board approval of a subdivision plan or site plan. When Planning Board approval is not required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development, as determined by the Building Inspector. Impact fees shall be intended to reflect the effect of development upon municipal and/or school facilities at the time of the issuance of the building permit. ~~In determining the amount of the impact fee, when the net increase in floor area has triggered the fee, the calculations shall use only the net increase in floor area.~~
- (3) Security. In the interim between assessment and collection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.
- (4) Collection. Impact fees shall be collected as a condition for the issuance of a certificate of occupancy; ~~provided, however, that in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the City has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the City may advance the time of collection of the impact fee to the issuance of a building permit.~~ If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. Nothing in this section shall prevent the Building Inspector, with the approval of the Planning Board, and the assessed party from establishing an alternate, mutually acceptable schedule of payment.
- (5) Refund of fees paid. The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest, under the following circumstances:
- (a) When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six years from the date of the full and final payment of the fee; or
 - (b) When the City of Rochester or, in the case of school impact fees, the Rochester School District has failed, within the period of six years from the date of the full and final payment of such fee, to appropriate its proportionate non-impact fee share of related capital improvement costs.
- F. Appeals.
- (1) A party aggrieved by a decision made by the Building Inspector regarding the assessment or collection of impact fees authorized by this section may appeal such decision to the Planning Board.
- (2) In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this section may be made to Superior Court, as provided in RSA 676:5, III, and 677:15.

G. Waivers. The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

- (1) An applicant may request a full or partial waiver of school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 ~~55~~ or over in a development that is also maintained in compliance with the provisions of RSA 354-A:15, Housing for Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.
- (2) A person may request a full or partial waiver of impact fees for construction within a subdivision or site plan approved by the Planning Board prior to the effective date of this section. Prior to granting such a waiver, the Planning Board must find that the proposed construction is entitled to the five-year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, building and construction has not yet occurred in the phase in which construction is proposed. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (3) The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind and may not be credited to other categories of impact fee assessment. The applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.
- ~~(4) The Planning Board is responsible, when there is a change in use, for determining the net increase on public capital facilities and may agree to waive the entire fee if it determines that its collection and administration will exceed its value to the City.~~

(4) The Planning Board shall waive all of an impact fee assessment for properties located in the Downtown Commercial District, with the district boundaries defined as the boundaries that exist at the time of the approval of this amendment.

(5) The impact fee assessment for accessory dwelling units shall be waived with the stipulation that this waiver is reviewed every two (2) years.

§ 275-27.4 Lots split by municipal boundaries.

For lots split by municipal boundaries the provisions of RSA 674:53 shall apply. In applying dimensional controls to that portion of the lot within Rochester, the dimensions of the entire lot shall be considered without reference to the City line.

§ 275-27.5 Rivers and shoreland protection.

(Note that listed rivers are subject to change.)

- A. Shoreland protection. Provisions of the New Hampshire Comprehensive Shoreland Protection Act, RSA 483-B, apply to bodies of water included under that Act.
- B. Rivers management. The Isinglass River and the Cocheco River are protected under the New Hampshire Rivers Management and Protection Program, RSA 483.

§ 275-27.6 Lots split by zoning district boundaries.

Where the boundary line of a zoning district divides a lot in single or joint ownership at the time of passage of the ordinance establishing the boundary line, the following provisions shall apply:

- A. The uses and other standards for either district may, at the option of the owner, extend beyond the zoning boundary line up to a maximum distance of 100 feet from that zoning boundary line. For any area in which this allowance is used, for any period of time in which this allowance is used, that area shall be treated as if its zoning designation were the zone that is being extended.
- B. The provisions of Subsection **A** of this section shall not apply to a lot divided by the Recycling Industrial Zoning District boundary line. In the case of a lot divided by the Recycling Industrial Zoning District boundary line, the uses and regulations permitted and/or applicable to the Recycling Industrial Zoning District shall not be extended into the adjoining zoning district.
- C. Overlay districts. The provisions of this section shall not apply to overlay districts.

§ 275-27.7 Temporary noncompliance.

The Director of Building, Zoning, and Licensing Services is authorized to approve a temporary permit/approval for a noncomplying structure or a

noncomplying use incidental to a development where it is reasonably required for that development on a temporary basis. The permit/approval may be issued where the Director of Building, Zoning, and Licensing Services reasonably determines that:

- A. The temporary structure or use will not be counter to the public interest.
- B. The temporary structure or use will not harm any abutter.
- C. The temporary structure or use will not be counter to the spirit of this chapter.
- D. Proper safeguards are taken.
- E. A reasonable time frame has been established.
- F. No reasonable alternative is available.
- G. Appropriate surety has been provided to ensure compliance with the conditions above.

§ 275-27.8 **Planned unit developments.**

Four planned unit developments (PUDs) were approved by the City of Rochester under a City ordinance which is no longer in effect, Section 42.32, Planned Unit Developments, adopted December 5, 2001, and amended December 7, 2004. The creation of new planned unit developments is not permitted under this chapter. The four approved PUDs, including Secretariat Estates, Highfield Commons, the Homemakers, and the Villages at Clark Brook (the original names), may be built in accordance with the provisions of Section 42.32 of the former Zoning Ordinance and the approved master plans for each of those PUDs.

These changes shall be effective upon passage.

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing on December 17, 2019. Councilor Walker seconded the motion. The City Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

13.4 Amendments to Chapter 275 Regarding the Downtown Commercial District

13.4.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Conditional Uses Within the Downtown Commercial District *first reading and refer to public hearing*

Councilor Lachapelle **MOVED** to read the resolution for the first time

by title only. Councilor Walker seconded the reading. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time as follows:

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.

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing which will occur on December 17, 2019. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.4.2 Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Residential Uses Within the Downtown Commercial District *first reading and refer to public hearing*

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

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 sq. ft.) (800 sq. ft.)*, 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.

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing which will occur on December 17, 2019. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.5 Resolution Authorizing Acceptance of \$463.14 from the State of New Hampshire *first reading, consideration for second reading and adoption*

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

**Resolution Authorizing Acceptance of \$463.14 from the
State of New Hampshire**

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

That Four Hundred Sixty Three and 14/100 Dollars (\$463.14) is hereby accepted from the State of New Hampshire as part of State forfeiture funds due to the Rochester Police Department.

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.

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for a second time by title only. 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 Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Keans stated that the resolution does not indicate where the funds are being deposited. City Attorney O'Rourke said the resolutions indicates that the Finance Director is authorized to establish or designate such funds. The **MOTION CARRIED** by a unanimous voice vote.

13.6 Supplemental Appropriation to the Rochester School Department in the amount of \$1,335,993 *first reading and refer to public hearing*

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

**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.

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing, which will occur on December 17, 2019. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.7 Resolution Authorizing Acceptance and Appropriation of Community of Action for Lead Safety Stipend *first reading, consideration for second reading and adoption*

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

RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION OF COMMUNITY OF ACTION FOR LEAD SAFETY STIPEND

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

WHEREAS, that a Community of Action for Lead Safety program stipend in the amount of One Thousand Dollars (\$1,000.00), for the promotion of lead safety education and the reduction of lead poisonings, is hereby accepted by the City of Rochester;

WHEREAS, the City Council acknowledges that the total cost of this project will be One Thousand Dollars (\$1,000.00), to be taken from the Economic Development Department operations budget and reimbursed through the stipend funds;

THEREFORE, that the sum of One Thousand Dollars (\$1,000.00) be, and hereby is, appropriated to the Economic Development Department budget for the purpose of carrying out the purposes of the Community of Action for Lead Safety program;

FURTHER, 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.

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

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

13.8 Supplemental Appropriation to the Downtown Revitalization Fund of \$300,000 *second reading and consideration for adoption*

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

**Supplemental Appropriation to the
Downtown Revitalization Fund of \$ 300,000**

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

That the amount of Three Hundred Thousand Dollars (\$300,000) is hereby appropriated as a supplemental appropriation to the Downtown Revitalization Fund for the purpose of paying costs associated with improvements, and or repairs, to City owned properties, and other City owned infrastructures in the downtown district. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

Initial expenditures shall be for the City owned Salinger 10 No. Main St., and Scenic Theater 12-14 No. Main St., which are in need of immediate repairs and maintenance. Any remaining appropriation balance after the aforementioned projects are completed can be presented for repurpose to other downtown projects upon review and authorization of Finance Committee.

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. All projects will be assigned a unique account number for tracking and reported purposes.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 12 to 0. Councilors Torr, Abbott, Varney, Hutchinson, Lachapelle, Gray, Walker, Bogan, Hamann, Gates, Keans, and Mayor McCarley voted in favor of the motion.

14. Other

Councilor Lachapelle said there is an issue with the walk signal on Columbus Avenue/Hancock Street. Commissioner Nourse replied that the Department of Public Works is aware of the issue and is working to resolve the problem.

15. Non-Public/Non-Meeting

No discussion.

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 8:11 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk