



***Non-public session in accordance with RSA 91-A: 3, II to discuss the
City Manager's Evaluation to be held at 5:30 p.m.***

City Council Meeting
Minutes
April 14, 2014
City Council Chambers
7:00 p.m.

***Non-public session in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition to be held after the City Council meeting.***

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Reverend Peter Hey, Wesley United Methodist Church.
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Hershlag, Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present.
5. Approval of the March 10, 2014 Meeting Minutes.

Action: Councilor St. Hilaire moved approval of the March 10, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Proclamation proclaiming April 2014 as Child Abuse Prevention and Sexual Assault Awareness month in the City of Concord. (3Sus2)

Action: Bethany Cottrell, Merrimack County Advocacy Center Executive Director, noted that a few years ago they were known as the Merrimack County Child Advocacy Center and since then have changed their protocols and missions to now support all victims of sexual abuse and sexual assault in Merrimack County. She indicated that when a child or an adult alleges a sexual assault or a child alleges a felony level physical assault or a witness to a crime, they coordinate a team of people to conduct the interview; instead of children being interviewed at school or in a police department multiple times, it is done in their office by a trained forensic interviewer while the other team members sit in another room and watch on a closed circuit television monitor.

Mayor Bouley read a proclamation proclaiming April 2014 as Child Abuse Prevention and Sexual Assault Awareness month in the City of Concord.

7. Presentation by Parks & Recreation Director and Pete Brock, President of the Patriots Alumni Club regarding joint events taking place in May between the City of Concord and the Patriots Alumni Club.

Action: Recreation Director David Gill announced that the Recreation Department will be holding two events with the Patriots; one at Beaver Meadow Golf Course and one at Memorial Field.

Pete Brock, President of the Patriots Alumni Club, explained that the club is comprised of a group of former Patriot players and their mission is to make sure that kids always have the opportunity to learn team work, leadership and achievement through hard work on lessons learned on a football field. He noted that they support football programs, youth activities and anything that promotes that mission. He indicated that six alumni are coming to Concord to put on a free clinic for middle school aged kids, 11 to 14, male and female with the goal to teach them about those life lessons and a little bit about football. He announced that this will be held at Memorial Field on May 10th and that there will be a fundraiser at the Beaver Meadow Golf Course on May 1st to help raise sufficient funds to bring this here.

Mayor Bouley thanked them for coming to Concord to provide this opportunity for a lot of kids.

Councilor Keach asked how the club is overall funded. Mr. Brock responded that they are a non-profit organization which opens up all opportunities to apply for grants. He added that they receive local sponsorships for this camp pointing out that Northeast Delta Dental stepped up in a big way to bring this program to Concord.

8. Agenda overview by the Mayor.
9. Labor Relations Committee report relative to the City Manager's evaluation, in accordance with Section 21(b) of the City Charter.

Action: Councilor St. Hilaire moved that Council issue a finding of satisfactory on the City Manager's performance evaluation. The motion was duly seconded.

Mayor Bouley explained that, in accordance with section 21b of the City Charter, the Council is required to perform an evaluation of the City Manager every year. He indicated that the charter gives them one of two choices to pick from; either the performance is satisfactory or unsatisfactory.

Councilor St. Hilaire pointed out how much work goes into the evaluation process; every Councilor is involved with ten pages of written findings by the Council which are compiled. He added that the process includes months of discussions of Council and discussion from the City Manager's point of view towards the Council.

Mayor Bouley stated that it's been a privilege and honor to work with the City Manager and noted that it's been an outstanding year due largely in part to the effort of Mr. Aspell and his staff.

Councilor St. Hilaire's motion passed with no dissenting votes.

- Consent Agenda Items -

Note: items listed as pulled from the consent agenda will be discussed at the end of the meeting.

Action: Councilor Grady Sexton moved approval of the consent agenda with items 20, 26, and 29 being removed for discussion at the end of the agenda. The motion, as amended, was duly seconded and passed with no dissenting votes.

Referral to the Transportation Policy Advisory Committee

10. Communication from Councilor Herschlag asking that additional traffic calming methods be considered on Wildflower Drive between Abbott Road and Woodbine Avenue and on Woodbine Avenue between Mayflower Drive and Sorrell Drive.

Referral to the Parking Committee

11. Communication from Councilor Herschlag requesting consideration be given to amending the current parking committee ordinance to reflect the current membership of the committee as well as expanding membership to the committee.

Referral to the Parking Committee, Planning Board and Concord School District

12. Communication from Curtisville and South Curtisville Road residents asking the City of Concord to consider traffic/parking improvements in the vicinity of the Broken Ground and Mill Brook Schools.

Items Tabled for a May 12, 2014 Public Hearing

13. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations; together with report from the Director of Human Resources and Labor Relations.

14. Resolution adopting an amended and restated Development Program and Financing Plan for the Penacook Village Tax Increment Finance District; together with report from the Director of Redevelopment, Downtown Services and Special Projects. ***(Due to statutory requirements action on this item must take place at City Council's June 9th meeting).***

15. Resolution appropriating the sum of \$245,000 including the authorization for the issuance of bonds and notes in the amount of \$170,000 for environmental cleanup of city owned real estate located at 5 – 35 Canal Street known as the former Allied Leather and Amazon Realty

sites (CIP #508) located within the Penacook Village Tax Increment Finance District. *(Report from the Penacook Village Tax Increment Finance District Advisory Board submitted) (Due to statutory requirements action on this item must take place at City Council's June 9th meeting).*

From the City Manager

16. Positive Citizen Comments.

Consent Reports

17. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,671.08 as provided for under the preauthorization granted by City Council.
18. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$2,199.60 as provided for under the preauthorization granted by City Council.
19. Diminimus gifts and donations report from the Parks & Recreation Director requesting authorization to accept monetary gifts totaling \$1,740 as provided for under the preauthorization granted by City Council.
20. Report from the Deputy City Manager – Finance recommending the FY2015 Finance Committee budget review schedule and guidelines. *(Pulled from consent by Mayor Bouley)*

Action: Item removed from the consent agenda for discussion.
21. Report from the Deputy City Manager – Finance recommending an amendment to the Concord City Auditorium Management Agreement.
22. Report from Community Development in response to a communication from Pat Harbour, Borough Road resident, asking that the City of Concord determine if contractors working in the Sandwood development are meeting all city codes to ensure no additional damage will occur to her home and property. (2 Sus2)
23. Report from the Economic Development Advisory Committee in response to a communication from Councilor Herschlag, together with communication from David Rauseo, Concord Crossing/Morrill Mill Pond LLC, providing an example of potential advertising partnerships the City of Concord could consider. (2-11)
24. Request from the Deputy City Manager—Development seeking authorization to respond to the U.S. Economic Development Administration's Comprehensive Economic Development Strategy project solicitation.

25. Report from the Traffic Operations Committee recommending that the posted speed limit signs on Old Loudon Road and the southeasterly end of Portsmouth Street be changed from 35 mph to 30 mph.

26. Report from the Engineering Services Division requesting that the City Manager be authorized to apply for and participate in the Federal Highway Administration (FHWA) Accelerated Innovation Deployment (AID) Demonstration Grant Program for adoption of innovation in highway transportation projects related to the Downtown Complete Streets Improvement Project. *(Pulled from consent by Councilor Herschlag)*

Action: Item removed from the consent agenda for discussion.

27. Concord Area Transit FY2014 Mid-year Progress Report and Performance Indicator Report (July 1, 2013-December 31, 2013) from the Transportation Policy Advisory Committee.

28. Report from the Director of Real Estate Assessments regarding an amendment to the existing Payment in Lieu of Taxes Agreement (PILOT) between the City of Concord and Fellowship Housing Opportunities, Inc. and its affiliates.

29. Report from the Parks and Recreation Director regarding July 4th festivities in the City of Concord. *(Pulled from consent by Councilor Coen)*

Action: Item removed from the consent agenda for discussion.

29a. Report from the Director or Redevelopment, Downtown Services & Special Projects in regards to Downtown Banner License Revisions.

Consent Resolutions

30. Resolution repurposing \$95,000 from completed and unexpended project balances for building/structural and equipment/site improvements at the Penacook Wastewater Treatment Facility, CIP #466, to support the remaining funds needed for the equipment /process improvements at the Hall Street Wastewater Treatment Facility, CIP #104; together with report from the General Services Department.

Consent Communications

31. Street closure request for the 22nd Annual New Hampshire Law Enforcement Memorial Ceremony to be held on Monday, May 19, 2014.

32. Street closure request from Concord Christian Academy for a 5K-color race to be held on Saturday, May 31, 2014.

33. Street closure request for Concord 250 and Concord Historical Society's Time Capsule Unearthing Ceremony and Kick-Off Celebration to be held on Friday, June 6, 2014.

34. Street closure request for the Arthritis Foundation's Concord Jingle Bell Run to take place on Sunday, December 30, 2014.

35. Street closure request for a Concord Family YMCA block party/barbecue to be held on Friday, May 16, 2014 from 3:00 p.m. to 9:00 p.m.

Appointments

36. City Manager's proposed appointments to the Library Board of Trustees.

Paula Miner, Mary Beth Robinson and Michael Alberici

37. Mayor Bouley's proposed appointment to the Planning Board.

Richard Woodfin

38. City Manager's proposed appointment to the Planning Board.

Teresa R. Rosenberger

****End of Consent Agenda****

39. **April 14, 2014 Public Hearings**

A. Plan to end homelessness in the City of Concord. (3-5A) (*Public testimony submitted*)

Action: Patrick Tufts, task force co-chair, provided an overview explaining that the Mayor formed the Ten Year Plan to End Homelessness Steering Committee in January 2013 with the goal of producing a collaborative plan to guide Concord's efforts to address homelessness. He indicated that the committee included a broad representation from the community with funding provided for the plan by Granite United Way, NH Charitable Foundation, the Rotary Club of Concord and the American Friends Service Committee. He explained that the committee met a number of times between March 2013 and January 2014 to produce the document before the Council. Mr. Tufts added that the committee conducted numerous town hall style meetings and focus group conversations with not only homeless individuals but also with local businesses and not for profit providers. He stated that the committee's plan focuses on five broad goals which he highlighted within the plan. He noted that the steering committee understands that any plan has to give a little bit to everybody pointing out that there's a lot of compromise within the plan. He thanked the Council for their time and consideration and looks forward with partnering with the city on this. He added that his day job is as the President at Granite United Way and explained that he shared this plan with the United Way and they created a line item within their budget to support this plan because their investors look forward to seeing communities working together in a collaborative way to address social issues.

Mayor Bouley thanked Mr. Tufts and recognized the efforts of the United Way and what it means to the community.

Mr. Tufts thanked all the members of the committee for all the time they put into this plan.

Mayor Bouley noted that Council received two correspondences today; one from the Concord Coalition to End Homelessness and one from David Burnham. Both correspondences will be entered into the record.

Mayor Bouley opened the public hearing.

Public Testimony

Ellen Groh, Concord Coalition to End Homelessness Director, stated that the coalition gives its full support to this plan and urged Council to adopt it. She noted that while they fully support this plan, they know that it has its flaws with its biggest fault being its vagueness. She pointed out that there are no clear priorities set out among the five recommendations and that there is no action steps to get there or clear funding connected to this plan. She stated that they see this plan as a start and feels the plan's very existence is an impetus to action; it makes some greater funding opportunities available through collaboration and its broad goals create a starting point for all the stakeholders to unite. She noted that the coalition intends to be an integral part in implementing this plan along with the city and all the many stakeholders. She indicated that the coalition sees their role as a catalyst and convener of all the interested parties so that the final action plan can benefit from the wisdom and experience of all the stakeholders. The coalition is committed to helping focus all of the energy and experience that exists within Concord and to draw from successful models outside of Concord to work both towards the immediate and the long term solutions to homelessness. She urged Council to adopt the plan before them and to stay an active partner in its implementation.

Roy Schweiker, resident, encouraged Council to accept the plan. He feels that the plan to end homelessness is a very lofty goal and basically impossible. He stated that people come here specifically for the services and feels that the city needs to find some way in dealing with this because there will be perpetual homelessness. He pointed out that there is no plan to bring in jobs for the homeless within the city. He added that he feels that another item that is missing from the plan is no inexpensive level of housing.

Bill Watson, South Congregational Church member, explained that the First Church started with a program on the coldest nights of the year and the South Congregational Church also got involved to see how they could help. He stated that it was quickly recognized that the need was there and they started opening as a temporary overflow to assist with First Church. He indicated that, over the years, the program has evolved but has maintained that this has been a temporary fix to a larger state, city and regional issue. He stated that the goal of the Concord Cold Weather Shelter has always been a temporary offering of a bed for the evening. He indicated that the congregations continue to remain invested in a long term solution to homelessness in the city. Mr. Watson noted that the oversight committee supports the ten year plan to end homelessness and encourages the

City Council to pass this plan and to begin working on actions to achieve the goals put forth in the plan. (Full written testimony from the Concord Cold Weather Shelter Oversight Committee on file in the City Clerk's Office) On a personal note, Mr. Watson stated that homelessness is uncomfortable and inconvenient and asked the Council to find a way to deal with the inconvenience and deal with the discomfort that everyone has. He noted that the work on the plan is a start to where the plan can take the city to end homelessness.

Councilor Keach noted that homelessness is a complicated issue and there is not a cause effect between mental illness and being homeless or jobless and being homeless.

Councilor St. Hilaire indicated that he worked at the shelter a few weeks ago. He asked Mr. Watson if he had any personal opinions as to what he envisions, if somewhere down the road they were to do something more specific, relative to wraparound services of dealing with the issue.

Mr. Watson responded that there needs to be an emergency shelter system in place but it needs to be an emergency shelter system that is not in a church basement and is in a location that's designed for those services. He stated that he feels that the other thing that is important is the coordination of services in a centralized resource center with expanded hours. He noted that this would minimize the amount the people have to search out the services they need.

Councilor Werner asked if Mr. Watson sees any potential with the sale of churches as possible solutions.

Mr. Watson responded that he sees St. Peter's Church as the perfect site for several reasons: the opportunity for emergency shelter; opportunity for transitional housing; and the opportunity for an expanded resource center. He said that they recognize that any location in town is going to be a challenge with neighbors in regards to concerns about safety and other related issues.

Fran Phillipe, Cold Weather Shelter volunteer, spoke in support of the proposed plan. She noted that what she doesn't want to happen is to have everything in place that looks permanent; they need to have some sense that their situation can be temporary. She stated that she personally doesn't like the idea of it sounding like this is a handout for someone all the time. She likes the idea of perhaps individuals doing some public service to earn their place in the housing or the services that they are getting so that they feel like they have some value.

Liza Urena noted that she feels that the city has an emergency situation with its homeless community. She noted her concern with the Cold Weather Shelter closing while the temperatures are still cold and feels that there should be a year round shelter.

Harold Coffey noted that he hopes that the Council adopts the proposed plan before them. He indicated that he has been homeless for two years and hopes that in the future there will be a year round shelter in the city.

Mayor Bouley thanked Mr. Coffey for his input in putting together the plan and testifying several times during the meetings.

Terry Lock noted her concern with the cold weather shelter closing before the cold weather ends and stated that the resources are there but its learning where they are and utilizing them.

Mayor Bouley asked whether Ms. Lock feels that it would be helpful to have a place where all the different services would come together.

Ms. Lock responded that it would be helpful.

Cindy Caplette noted that she stayed at the cold weather shelter from December to March and indicated that she likes the plan.

Robert Caplette noted that he feels that there needs to be a year round shelter.

Liz Blanchard, Penacook resident, thanked the Mayor for addressing the problem of homelessness by appointing the task force. She thanked the members of the task force for being diligent and coming up with the plan. Referencing the plan, she pointed out the costs of homelessness to the community. She stated that in order to help end homelessness the city will have to put some money into it. She noted that what she is hoping to impress on the Council is that just voting on this plan isn't enough.

Irwin Dlubac noted that he feels that building more low budget housing may help with homelessness. He noted his support of the proposed plan and feels that it's a step in the right direction.

Jim Kinhan indicated that he feels that they need to move the cold weather shelter from a temporary location to a permanent location. He further indicated that they need something that can begin to coordinate, direct, hold accountable various kinds of stakeholders, and develop the steps to get to a place to help with homelessness. He stated that they need the Council's leadership to begin to give some direction.

Susan Cragin, South Church volunteer, stated that she feels that the plan is too broad as structured. She noted that she doesn't feel that the city is going to end homelessness because it isn't a viable goal. She stated that money is important and if the money doesn't go first for beds, it's a waste; the plan doesn't emphasize the beds enough and doesn't emphasize that you need a wet shelter and a dry shelter.

Councilor Keach pointed out that there is only a limited amount of dollars at all levels and asked if Ms. Cragin understands why the Council might think that the best dollars spent are solving a problem and not just making those that are suffering a little more comfortable.

Ms. Cragin responded that she feels that the dollars are better spent providing a bed and better spent on short term solutions.

Councilor Champlin noted that what Ms. Cragin is proposing concerns him a bit because it sounds a lot like warehousing the homeless and not providing a long term response to the problem. He asked what Ms. Cragin's plan would look like.

Ms. Cragin indicated that a wide array of services to solve the problem would be a wonderful idea but the city is not going to be able to find the money for that. She stated that if they only find a limited amount of money she feels that the money should first go so that people don't freeze or have to live in their cars so that they can be safe and accessible to other services that might make them a little bit better. She stated that she feels that temporary housing is essential as a first step; with a limited budget they should start with beds.

Councilor Herschlag indicated that he has seen a different numbers regarding the homeless, numbers up to 500, and asked if there was a more accurate number for the number of homeless people in the community.

Ms. Cragin guessed that there are approximately 200 long term and of these she feels that 100 percent of them have alcohol, behavioral, mental health and substance abuse issues that do not make them attractive candidates for a lot of public housing.

Councilor Herschlag asked how Ms. Cragin feels housing would work for this type of population.

Ms. Cragin responded that warehousing is not a bad way to describe it; a shelter should look like a shelter with several beds in a room and where people have the opportunity to store a limited amount of possessions.

Andrew Thompson spoke in support of the plan. He indicated that finances are a major issue and feels that if percentages are put away for a long term plan on top of this, there will be the back up to do things with.

Harold Coffey spoke of being homeless in another state.

There being no further public testimony, the Mayor closed the hearing.

The Mayor suggested taking action on this item before taking up public hearings on the other items. There was no Council objection to this request. **(See item 42 for action)**

- B. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance. (3-9)

Action: City Manager Tom Aspell provided a brief overview on public hearing items B and C.

Councilor McClure asked how much additional revenue is anticipated with the additional fines and fees. Brian LeBrun, Deputy City Manager-Finance, responded that staff hasn't calculated the dollar amount but it is included within each one of the budget revenue items for all the departments. He estimated it to be a total of a few thousand dollars.

Mayor Bouley opened the public hearings for items B and C. There being no public testimony, the Mayor closed the hearings.

- C. Non-ordinance fees. (3-10)

Action: Public hearing for this item taken with public hearing item B.

- D. Resolution appropriating the sum of \$10,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager. (3-11)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the hearing.

- E. Resolution authorizing the City Manager to continue implementation of the Community Development Revolving Loan Fund Program and appropriating the sum of \$535,761; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (3-12)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the hearing.

- F. Resolution accepting and appropriating the sum of \$1,830,861 for the purpose of constructing Phase II of the Parallel Taxiway to Runway 12/30, including \$1,647,775 in grant funds from the Federal Aviation Administration (FAA), \$91,543 from the State of New Hampshire, and \$91,543 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with report from Engineering. (3-13)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the hearing.

- G. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (2-14) (3-35C) (*In accordance with RSA 75-8-b public hearings must be held in March and April, with Council action to take place in May*)

Action: Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the hearing.

March 10, 2014 Public Hearing Action

40. Resolution amending and restating the Development Program and Financing Plan for the North End Opportunity Corridor Tax Increment Finance District (NEOCTIF) ; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. (1-13) (2-45E; 2-50) (3-35I)(*Supplemental report from the North End Opportunity Corridor Tax Increment Finance District Advisory Board submitted*) (**Public hearing held on March 10, 2014 action to be taken in April, in accordance with RSA 162-K:4**)

Action: Councilor Nyhan moved approval. The motion was duly seconded.

Councilor Nyhan noted that Cindy Flanagan could not be present this evening and asked him to pass on her sentiments of support and approval for this item.

The motion to approve passed with no dissenting votes.

41. Resolution authorizing the City Manager to enter into a Purchase and Sales Agreement with Tsunis Holdings, Inc. for real estate located on Storrs Street and appropriating the sum of \$1,050,000 including \$450,000 from NEOCTIF undesignated fund balance and the issuance of \$600,000 in NEOCTIF supported bonds and notes, to facilitate acquisition of property and related activities. (1-14) (2; 45F; 2-51) (3-35J) (**Public hearing held on March 10, 2014 action to be taken in April, in accordance with RSA 162-K:4**)

Action: Councilor St. Hilaire moved approval. The motion was duly seconded.

Councilor Herschlag asked what the downside would be to renegotiate this to get a better price on this land in light of the range of assessments. Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects, stated that, in his opinion, he didn't know if this would be a successful venture. He explained that the city has been negotiating with the Tsunis family on and off since the late 1990's. He indicated that the city understands what the issues are with the property; the Assessor's value came in between \$535,000 and \$1.25 million and the negotiated price is \$700,000. He stated that, at this point, he does not believe this would be a fruitful process. Councilor Herschlag asked what the property is currently assessed at. Mr. Walsh responded that he believes the property is

assessed at \$361,000; predicated on one acre being developable and three acres being back land. He stated that when the Assessor went back and reviewed her assessment on the property, she felt that the property could be in the range of \$535,000 to \$1.25 million assuming four acres of developable land; it all depends on the access: the \$535,000 would be access from South Commercial Street and the \$1.25 million would be access from Storrs Street. Councilor Herschlag asked whether it falls in the low end or high end of the assessment based on its current state and the access that is currently there. Mr. Walsh responded that currently the Assessor has it at \$361,000 pointing out that he explained what the assumptions were in that \$361,000. He stated that he would be reluctant to answer what the Assessor would carry it at beyond what she has already testified.

Councilor Keach stated that he feels that it's important to recognize that the city has already made an investment north of that property and feels that it's in the city's best interest to develop the whole parcel. He noted that regardless at what the Tsunis property is assessed at or what it's going to cost the city, Council needs to look at the potential not the actual assessed values of particular pieces of parcel.

Councilor St. Hilaire noted his agreement with Councilor Keach adding that one thing that needs to be factored is the access across the railway which comes with the property and is very valuable.

Councilor Herschlag indicated that he isn't contesting the value of the property for the continued development of those parcels. He stated that his concerns center on whether or not the price that the city is paying is the best price they can get for this parcel.

The motion to approve passed on a roll call vote with Councilors Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner voting yes.

April 14, 2014 Public Hearing Action

42. Plan to end homelessness in the City of Concord. (3-5A) (*Public testimony submitted*)

Action: Councilor Nyhan moved to accept the plan. The motion was duly seconded.

Councilor Herschlag noted that there are a number of items that are important but the plan is asking Council to change zoning to provide housing. He pointed out that the amount spent this year was \$2,000 per person and imagines that some of the issues that they are being asked to look at are going to cost considerably more. He stated that he doesn't feel that this should prevent them from moving forward but feels that Council needs to move forward carefully and make sure that what they do provide makes sense for the long term and not just a short term solution.

Mayor Bouley thanked all the volunteers who participate in emergency shelters, the social service agencies, the Concord Coalition to End Homelessness, the faith community,

hospitals, and educators. He pointed out that the committee worked very hard on this plan and there were a series of compromises. He stated that many of the discussions and comments heard this evening they also had as a task force and there were no easy decisions to be made. He feels that what is before the Council this evening is a very healthy start and the beginning of a conversation and urged the Council to support the adoption of the plan.

The motion to approve passed with no dissenting votes.

43. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance. (3-9)

Action: Councilor Coen moved approval. The motion was duly seconded and passed with one dissenting vote.

44. Non-ordinance fees. (3-10)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with one dissenting vote.

45. Resolution appropriating the sum of \$10,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager. (3-11)

Action: Councilor Nyhan moved approval. The motion was duly seconded.

Councilor Nyhan thanked the Episcopal Diocese pointing out that they have been doing this for quite some time and this has been a tremendous benefit to the community.

The motion to approve passed with no dissenting votes.

46. Resolution authorizing the City Manager to continue implementation of the Community Development Revolving Loan Fund Program and appropriating the sum of \$535,761; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (3-12)

Action: Councilor Bouchard moved approval. The motion was duly seconded.

Mayor Bouley stated that CDAC does an extraordinary job with these and feels that it's important to note that these dollars go a long way and are spent to keep people in their homes.

The motion to approve passed with no dissenting votes.

47. Resolution accepting and appropriating the sum of \$1,830,861 for the purpose of constructing Phase II of the Parallel Taxiway to Runway 12/30, including \$1,647,775 in

grant funds from the Federal Aviation Administration (FAA), \$91,543 from the State of New Hampshire, and \$91,543 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with report from Engineering. (3-13)

Action: Councilor Bouchard moved approval. The motion was duly seconded and passed on a roll call vote with Councilors Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner voting yes.

Appointments by the Mayor

Reports

New Business

Unfinished Business

48. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (7-40) (8-65) (9-37) (10-36) (11-40) (12-37)(1-42) (2-56) (3-45) (*Action on this item tabled following a February 2013 public hearing*)

Action: This item remains on the table.

49. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14)(9-26C; 9-29) (10-37) (11-41) (12-38) (1-43) (2-57) (3-46) (*Action on this item was tabled after a public hearing was held on September 9, 2013.*)

Action: This item remains on the table.

50. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection; together with report from Acting City Planner. (1-9) (2-45A; 2-46) (3-47) (*Action tabled on this item; item also referred to the Impact Fee Committee after a public hearing was held February 10, 2014*)

Action: This item remains on the table.

51. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations, Section 28-6-7, Signs Prohibited Under this Ordinance and Glossary; together with a report from the Zoning Administrator. (2-16) (3-

35E; 3-39) (March 10, 2014 public hearing opened and recessed at the request of the Deputy City Manager – Development until such time as the Planning Board has had to finalize their review)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

- Communication from Councilor Herschlag requesting that City Council priorities for 2014 – 2015 be amended to include heroin and prescription drug addiction as an issue that should be a focus for our community.

Councilor Coen commended General Services for taking care of the weeds in the center strips at intersections.

Councilor Herschlag indicated that he had a resident in Ward Two that was concerned with construction in the Sandwood development and wanted to recognize how pleased the resident was with the response received from Code Administration and the follow through on her concerns.

Mayor Bouley reminded residents that dog license renewals are due by the end of April.

In response to Councilor Herschlag's communication, Mayor Bouley indicated that Council had a separate meeting for Council priorities in which this item was discussed and Council chose not to include this issue. He indicated that, instead of this communication being placed on the consent agenda, he felt that it should be placed under the comment section so that Council could give Councilor Herschlag the opportunity to talk about why he wrote this, Council could have a discussion about it and decide whether this is something they want to move forward with or not.

Councilor Herschlag stated that since the priority setting session there hasn't been a day that's gone by that there hasn't been an article about heroin or prescription drug use. In light of this, he feels that this should be recognized as a serious issue for the Council.

Councilor Coen noted that he believes the Police Department has a litany of items that they are concentrating on and is not comfortable pulling it out of something that may already be in place.

Mayor Bouley pointed out that, within the budget, each department has a list of priorities each year and believes that there is reference to drugs within the Police Department's priorities. In light of what's going on statewide, he doesn't know that it's necessary to amend the Council's priorities when it's already included with the Police Department's priorities. He indicated that, during the budget process, Councilor Herschlag could inquire as to what the status is, what they are doing, how they are coordinating with the statewide task force and what's going on nationally.

Councilor Grady Sexton noted that the Public Safety Board adopted the annual police report which did highlight all the efforts that the police are currently working on in terms of curbing the heroin epidemic in the city.

Councilor Herschlag indicated that Council segregated and separated odor control at the Wastewater Treatment Plant in the Council priorities and also feels that they should separate, to stand alone, the heroin and prescription drug abuse in the community.

Councilor Shurtleff noted that he feels that Councilor Herschlag has raised a good issue but pointed out that Governor Hassan has formed a task force for members of the Department of Safety, the Attorney General's Office and Health and Human Services to look at this statewide. He feels that before the Council does anything, it would be best to wait to see what comes out of this task force and their recommendations.

Councilor St. Hilaire pointed out that that the heroin and prescription drug problem has been around for over a decade and eighty percent of the people that are arrested or commit crimes have some sort of substance abuse issue or mental health issue. He stated that the law enforcement community has been dealing with this for decades but the difference is that heroin isn't necessarily generated from Concord like the odor is at the Wastewater Treatment Plant. He explained that the odor comes from the city's facility and they can do something about that; heroin is a global and regional problem and requires a regional solution. He doesn't feel that the city has the resources to tackle this in particular but does feel that Councilor Herschlag's point is a good one and does feel that the police department needs to focus on some sort of prevention in the community.

Councilor Keach noted his agreement with Councilor St. Hilaire. He added that this is a complicated issue and law enforcement is just one piece of the whole problem.

Councilor Herschlag clarified that his communication is requesting that this problem be a priority of the Council and didn't focus that it be a priority for law enforcement or social service agencies.

Councilor Nyhan stated that he doesn't feel that it should be a Council priority primarily for the fact that making it a priority isn't going to change the way the police department addresses the issue.

Councilor Herschlag did not make a motion to include this within the priorities.

Councilor Champlin commended Councilor Herschlag for raising the issue because it's been an issue within Ward Four. He takes satisfaction in knowing that when this issue has come up in Ward Four, that the police department and city services has responded effectively and rapidly.

Comments, Requests by the City Manager

Consideration of items pulled from the consent agenda for discussion

Items 20, 26 and 29 have been pulled from the consent agenda for discussion.

20. Report from the Deputy City Manager – Finance recommending the FY2015 Finance Committee budget review schedule and guidelines. *(Pulled from consent by Mayor Bouley)*

Action: Mayor Bouley explained that over time they have tried to focus their efforts and use their time more efficiently and one of the efforts they tried last year was a Saturday morning meeting. He pointed out that the proposed budget schedule has a Saturday morning meeting scheduled with a few more departments being included this year. He stated that he wanted to separate it out and give Council the chance to comment. He stated that he personally feels that this is healthy schedule.

Councilor Nyhan noted that he likes the Saturday schedule; he indicated that it doesn't matter what Saturday is looked at because there will always be a conflict for someone including himself.

Councilor Coen indicated that what he likes about the schedule is that by meeting on Saturday it gives the residents an opportunity to participate.

Councilor Nyhan moved approval of the schedule. The motion was duly seconded and passed with no dissenting votes.

26. Report from the Engineering Services Division requesting that the City Manager be authorized to apply for and participate in the Federal Highway Administration (FHWA) Accelerated Innovation Deployment (AID) Demonstration Grant Program for adoption of innovation in highway transportation projects related to the Downtown Complete Streets Improvement Project. *(Pulled from consent by Councilor Herschlag)*

Action: Councilor Herschlag indicated that it is his understanding that this grant may be used to mitigate the cost for heated sidewalks. His concern is not in the application of the grant but he would like to see the grant application come back to Council before it is sent on.

Mayor Bouley noted that when the Council authorizes the City Manager to apply for something they don't typically ask that it come back to Council. He stated that if there is a motion which is seconded they could take this up for discussion.

Councilor Herschlag moved that the completed grant application be placed on the consent agenda before being sent off. The motion was duly seconded.

Councilor Keach noted he was concerned that there is a legal precedent to this and would feel more comfortable if the Legal Department reviewed this before moving on this.

Mayor Bouley asked what Councilor Herschlag is looking for.

Councilor Herschlag indicated that there have been grants sent in that had very specific timelines that bound the Council to the restrictions placed on the grant. He stated that before the Council is bound by additional time restrictions on another grant, particularly for

downtown, he wants to make sure that this is something that the Council would concur with as opposed to being put into a predicament where they are not given the option to move forward or not accept the grant.

Mayor Bouley stated that he doesn't necessarily have the same concerns because they are just granting the authority to apply; if the available funding is not there they are not going forward.

Councilor Champlin noted that he seconded the motion primarily to find out what Councilor Herschlag's reasoning was for making the motion.

Councilor McClure stated that she has questions about what is being applied for and wondered if Council could have a little more information about what the innovative program is.

City Engineer Ed Roberge explained that this grant is primarily looking at some new federal programs particularly under MAP 21 which is the accelerated innovation and deployment; looking at how MAP 21 and federal highways streamline the process. He stated that this is another incentive grant program that allows projects that are ready and that shows or demonstrates a unique project and a creative or innovative process. He stated that staff felt that this would align well if the Council were to pursue and approve the process. He indicated that it's targeted specifically for innovation and they feel they have innovation in their procurement process as well as innovation of the snow melt system.

Councilor McClure clarified that they are not talking about using Concord Steam waste heat and that this is a proposal to build the plant to heat the sidewalks. Mr. Roberge responded that this was indicated at the February meeting and is correct. Councilor McClure recalled the estimate for that plant being \$1.6 million. Mr. Roberge indicated that to be correct.

Councilor Werner asked what would happen if the Council decides not to pursue the snow melt system and the grant was applied for and approved. Mr. Roberge responded that they would simply rescind the request if it were not authorized.

Councilor Herschlag stated his concern is the last sentence "to address project readiness, staff will demonstrate that the project will be ready to initiate within the six months required for the AID grant program funding".

Mr. Roberge explained that a major element in the grant application and conditions is project readiness and the ability to initiate the project within six months. He noted that with their procurement process under way, staff felt confident meeting that requirement of this grant application process.

Councilor Champlin indicated that he doesn't share Councilor Herschlag's concern about the timing given the timetable they have already been presented for the project and the approval. He asked if this is tied specifically to a gas powered plant or is it tied to any innovative

proposal to provide a snow melt system. Mr. Roberge replied that it's not tied to any specific system.

Councilor Herschlag reminded the Council that they have yet to approve any construction on this project.

Councilor Nyhan understands concerns but doesn't know if bringing the application back to Council is going to change anything.

Councilor Herschlag noted that his request in having this brought back to Council was to review it for accuracy and make sure it would also fit in with any construction project that they have approved at this juncture.

Councilor Nyhan asked what the time schedule was for the application. Mr. Roberge responded that there is no specified deadline because it's a rolling application but it is first come first serve.

Councilor Matson asked if staff was trying to dovetail this along with the construction as far as timing. Mr. Roberge indicated that to be correct.

Councilor Herschlag asked if this would this occur in the first or second season of construction if the snow melt system was to be approved. Mr. Roberge responded that it could potentially happen in both seasons of construction. Councilor Herschlag asked if it was possible that this grant would not be ready to be used within that six month window. Mr. Roberge replied that they would be in a better, favorable position if it could be used within that six month window; if they can demonstrate that the project would be ready.

Councilor Champlin stated that his understanding of the sentence is that they have to demonstrate that they can initiate it within six months. Mr. Roberge indicated that to be correct.

Mayor Bouley clarified the motion: authorize the City Manager to apply for this grant with the caveat that the grant application would come back to the Council for review and approval before it is submitted. Councilor Herschlag confirmed that is his motion and added that it comes back under the consent agenda.

The motion that the application comes back to the Council for review failed on a voice vote.

Councilor Shurtleff moved to accept the report authorizing the City Manager to apply for the grant. The motion was duly seconded and passed on a voice vote.

29. Report from the Parks and Recreation Director regarding July 4th festivities in the City of Concord. (*Pulled from consent by Councilor Coen*)

Action: Councilor Coen noted that he feels that so few people know and realize the history and the importance that the city had for the founding of this nation. He moved that the city itself funds the \$30,000 for fireworks to acknowledge the true minutemen that came from Concord and fought in the Revolutionary War and moved that the fireworks be moved from Memorial Field to the field across the river behind the Post Office this year. The motion was duly seconded.

Councilor Shurtleff asked if moving the fireworks to the field would interfere with the farming of that land. City Manager Tom Aspell responded yes explaining that the city would have to program it in advance.

Councilor Nyhan indicated that he supports the city funding the fireworks but is concerned with moving the fireworks downtown with a potential construction project.

Councilor Champlin commended the Parks & Recreation Director for the foresight to want to move the fireworks downtown. His concern is whether they have time, at this juncture, to shift from Memorial Field to the river location. David Gill, Parks & Recreation Director, noted that he thinks it's possible for this year but his concern is sitting down with the selective parties, advertising it, and getting the proper permits for it.

Mayor asked what permits would be required. Mr. Gill responded that they would need them from the city, the state and the landowners.

Councilor St. Hilaire inquired whether the fireworks from Midnight Merriment are launched from this proposed location. Mr. Gill responded that he is not involved with that event. Councilor St. Hilaire asked if it would make sense to do a dry run first before they have the grand celebration that is being planned for the next year. Mr. Gill responded that it could be done. He added that he just wants to make sure they have a good product.

Councilor Champlin stated that he understands Mr. Gill's reluctance noting that he feels that it's important if they are going to make a change to make sure that they create a good first impression. He stated that he feels that it's important that if they do this change that they do it right the first time.

Mr. Gill explained that two years ago they had this brief conversation when they had issues with fundraising at that time and the several downtown businesses that he talked to were very open to moving something downtown. He stated that he has not had that conversation with them recently.

Mayor Bouley asked why staff would wait until now to move the location if it has been a less than ideal location for years. Mr. Aspell explained that the idea of this memo was to let the community know that the city needs to raise some money. He stated that every year they come back to the Council letting them know that there isn't enough money and Council makes up the difference with city funds. He noted that they would come forward in future years when they are ready to do it in downtown or off a barge; he doesn't know if this could

be done the way Council wants to do it right now. He stated that if this is what Council wants to do this year, staff will get it done but he feels that there is another approach for this.

Councilor Bouchard asked whether Councilor Coen would consider dividing his motion.

Councilor Coen moved to divide his motion into two separate motions. This was motion was seconded.

Councilor St. Hilaire questioned whether the dollars would be funded the next fiscal years due to the fact that it is after July 1st. Mr. Aspell explained that the city has to enter into the contract and point to a line that has dollars that includes money collected or something that has been appropriated. He indicated that if Council appropriates money in July that would be for the following July 4th's fireworks.

A brief discussion ensued in regards to the clarification of entering into a contract and the dollars funded. Mr. Aspell stated that he doesn't have an issue with the money; his concern is doing it right and moving it. He feels that moving the fireworks location is the more difficult part this year.

Councilor Herschlag asked where the music and events would be held if the fireworks are moved from Memorial Field. He asked how the cost would be affected if the fireworks were fired from a barge as opposed to on land. Mr. Aspell responded that staff does not have any answers to these questions at this time.

Councilor McClure noted her concern with the money. She asked why the city wouldn't try to raise private funds for these when they have been fairly successful in the past. Mr. Gill indicated that he would be coming back to Council in May with an update on any additional fundraising dollars received. Councilor McClure noted her concern within the report that the event is not going to be successful at Memorial Field. Mr. Gill responded that he believes timing of the report is valid and could have been a month or two earlier for this conversation.

Councilor Champlin indicated his support of the motion to fund the fireworks based on the City Manager stating that the dollars would be found within the budget. He indicated that he would be voting no against holding the fireworks on the river this year not because he is opposed to moving it because he feels that it's a good idea, however, he is concerned about the ability of city staff to change the logistics at this late date.

Councilor Coen stated that his idea is to honor the people that fought during the Revolutionary War from Concord. He stated that it's educational for the citizens of Concord, historically, to realize how important this city had with the founding of this country. He noted that in his mind there is no question that the city and citizens should be more than happy to support this.

Councilor Werner noted he appreciated Councilor Coen bringing the history into the discussion and asked what the thoughts and plans were about publicizing and promoting this as part of the celebration.

Councilor Coen indicated that this could be done through the print media, inserts, and working with historical organizations.

Following brief Council discussion, Councilor Shurtleff indicated that he will be supporting the first part of the motion but will be voting against the second part only because he is concerned about the Bartlett family that farms that land and feels that they should be given as much notice as possible.

Mayor Bouley indicated that he will be voting no on both noting that he is disappointed that this was brought forth in April as opposed to earlier.

The motion to appropriate \$30,000 for the purpose of fireworks passed on a voice vote.

The motion to move the celebration from Memorial Field to downtown failed on a voice vote.

Consideration of Suspense Items

Councilor Nyhan moved to consider this item not previously advertised. The motion was duly seconded and passed with no dissenting votes.

4 Sus1 Resolution authorizing the City Manager by way of the Police Department to submit an application to the United States Department of Justice – Bulletproof Vest Partnership Grant Program to receive funding for the purchase of ballistic vests; together with report from the Police Department.

Action: Councilor Bouchard moved approval. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 10:15 p.m., Councilor Coen moved to enter into non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

The time being 10:39 p.m., Councilor St. Hilaire moved to exit the non-public session. The motion was duly seconded and passed with no dissenting votes.

Councilor St. Hilaire moved to seal the minutes of the non-public session. The motion was duly seconded and passed with no dissenting votes.

Councilor Shurtleff moved to set the following items for a May public hearing: resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; resolution authorizing the issuance of bonds and notes in the amount of \$1,900,000 for acquisition of the New Hampshire Employment Security Property located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District; resolution authorizing the issuance of bonds and notes in the amount of

City Council Minutes

April 14, 2014

24

\$190,000 for weatherization of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District; resolution authorizing the issuance of bonds and notes in the amount of \$325,000 for demolition of the New Hampshire Employment Security Building located at 32 South Main Street and 33 South State Street within the Sears Block Tax Increment Finance District.

The motion was duly seconded and passed with no dissenting votes.

The time being 10:40 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*