



City Council Recessed Meeting  
**Minutes**  
**July 30, 2014**  
City Council Chambers  
7:00 p.m.

1. Mayor Bouley called the meeting to order at 7:00 p.m.
2. Roll Call. Councilor Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present.
3. Agenda overview by the Mayor.
4. **July 30, 2014 Public Hearings**
  - A. Resolution appropriating the sum of \$730,000 and authorizing the issuance of bonds and notes for additions to the construction of the Downtown Complete Streets Improvement Project (CIP #460).

**Action:** City Manager Tom Aspell provided an overview of items that have evolved related to this project since the July 14, 2014 meeting. City Manager Aspell indicated that staff anticipated work on the utility work, which would include water, sanitary sewer and the storm sewer would be completed during this construction year. Mr. Aspell further indicated that construction would start on the north end of Main Street working to the south with utility work only being completed this construction year. During this phase, no impact to sidewalks with little impact to traffic was anticipated. City Manager Aspell indicated that they also planned to complete the reconstruction of Eagle Square during this construction year so that Eagle Square would be complete and available for use for some of the smaller events typically held on Main Street.

In 2015, utility work would be completed and the construction of the streetscape, both north and south would be done. In 2016, the final elements would be completed, which would include the bump outs, the crosswalks, the central median and the final pavement.

In follow-up to concerns regarding the amount of time the project was anticipated to take, City Manager Aspell outlined a potential alternate schedule that would complete the construction phase of the project dramatically reducing the impact. He indicated that an alternative schedule would be to do the same utility and

Eagle Square work this year and then, starting in March of 2015 and going through November of 2015, construct the entire north section of the project with the south section being done during the 2016 construction season. This alternative schedule would only impact each section of Main Street during one construction year, with no holiday impacts either year. Mr. Aspell indicated that with this alternate schedule, parking would be reduced to 60%, noting that there would be no mid-street parallel parking with this alternative schedule.

In reference to project lighting it is anticipated that a professional designer will work on designs this summer into the fall, coming back to Council in the fall with recommendations for Council approval.

Specific to way finding signage City Manager Aspell indicated that the design firm that is under contract, pending notice to proceed, anticipates that it will take 16 – 18 weeks to finalize a signage package that would be brought back to Council in November for final approval. Approval in November by City Council will ensure there is time to order, receive and install signs prior to construction beginning in March of 2015.

City Manager Aspell provided an overview of the plan that staff came up with that would provide Main Street property owners with the opportunity to purchase a snow melt system for their property. Staff will send out certified letters to property owners on August 1<sup>st</sup> explaining that if they are interested in obtaining a quote on the cost of installing a system for their property they should return a signed letter of interest along with a \$5,000 deposit to the City of Concord on or before September 1<sup>st</sup>. The contractor would then design the potential system and get back to the property owner with a quote by November 1<sup>st</sup>. Property owners would then have until December 1<sup>st</sup> to submit a signed contract and payment in full to the City so that the installation of any potential snow melt systems could be built into the project timeline.

Councilor McClure asked for clarification specific to the loss of parallel parking mid street. She indicated that as she understood it the two phased approach, construction on one side of the street at a time, with boardwalk type pathways to each individual business would still apply, allowing parallel parking to remain on one side of the street. City Manager Aspell confirmed that to be correct.

Councilor Herschlag indicated he understood that the \$150,000 - \$200,000 to be used to purchase way finding signage was currently included within a contingency budget, making the funding potentially unavailable for signs if the project went over budget. City Manager Aspell indicated that if the project was approved by City Council, \$200,000 would be set aside to be used strictly for signage.

Councilor Bennett inquired as to whether or not the Department of Employment Security parking lot could be used to help offset parking while Main Street was

under construction. City Manager Aspell indicated that if the property was acquired by the City of Concord, the lot could be used for parking and/or equipment staging and storage.

Councilor Keach asked the City Manager to explain the potential alternative lighting proposal. City Manager Aspell indicated that if Council wanted to reduce costs they could direct staff to hire more of a regional electrician who would focus on uplighting instead of a national designer as has been discussed to this point.

Councilor Champlin asked for clarification on the alternative. City Manager Aspell indicated that if the city hired a national rate consultant, they could potentially come back and recommend many items instead of just tree/uplighting. He further stated that if Council just wanted to focus on tree/uplighting a more local electrician could be hired. Councilor Champlin indicated that if the city hired someone with national credentials, they could potentially bring back more of a comprehensive recommendation that may contain more ideas than anticipated. City Manager Aspell agreed.

Councilor Herschlag wondered why construction couldn't start on the south end of Main Street leaving the north end of Main Street open and available for scheduled activities. City Manager Aspell indicated that starting with the south end of Main Street would mean that the north end of Main Street could potentially be affected by construction for two construction seasons instead of one. Since the size of the south end of Main Street is smaller than the north end it is anticipated that it won't take a full construction season to complete. That being the case, the City would have to decide if they wanted to start the north end in one season, after the south end was complete, and finish in the next. Starting with the north end would guarantee the north end would be completed within one construction season, which would be less disruptive to businesses within the north end of Main Street.

Councilor St. Hilaire asked what the timeline would be if the City went with a consultant specific to lighting. City Manager Aspell indicated that could come back to Council in November for final approval.

### **Public Testimony**

Susan Smith Meyers spoke in support of the project as a means to address accessibility issues on Main Street. She indicated in her opinion, a wow factor was neither necessary nor required within the federal grant. Ms. Smith Meyers indicated she did not support up lighting and recommended against the ginkgo's trees as outlined within the proposal. She further indicated support for planting a more native tree on Main Street.

Councilor Coen asked whether Ms. Smith Meyers was in favor or not in favor of this project. Ms. Smith Meyers responded that she feels that they need to address the downtown; it needs a renovation. She stated that the storefronts and sidewalks should be

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accessible and feels that utilizing the grant for this is very important. She doesn't feel that they should lose sight of what is really important.

In regards to lighting, Councilor Champlin asked Ms. Smith Meyers if she thinks it would be well served to go the extra mile to hire someone who has expertise in this area so that any lighting would be consistent with or enhance the historical character downtown. Ms. Smith Meyers responded that she feels that lights during the holidays are fine but doesn't think they need lights year round.

Councilor Champlin noted that one of the ideas that has been promoted in the past, and not a part of this proposal, is to create lighting that would highlight the historic buildings downtown and asked Ms. Smith Meyers if she would be in favor of this type of lighting. Ms. Smith Meyers responded that she doesn't feel that this is the city's responsibility noting that she doesn't have a problem with the way the lighting currently is; she feels that less is more.

Lee Richmond spoke in support of up lighting indicating he felt lights will invite people to come out to Main Street. He stated that he doesn't feel that there is any need for colored lights but feels that simple soft light at the base of trees is going to accomplish a great deal.

Fran Philippe, resident, spoke in regards to the lighting asking what is there downtown if they install lights to attract people to downtown at night because only restaurants are open at night and not any stores; downtown is not a night time destination. She agrees that some soft lighting would be attractive. She stated she is against vertical lighting because it is light pollution, it's a waste of money, and it's a waste of energy.

Councilor Coen inquired whether Ms. Philippe is for or against the project overall. Ms. Philippe feels that downtown needs sprucing up and could be more attractive.

Travis Pettingill, resident, feels that accessibility, especially on the western side, is paramount and would like to see this second step go away. He feels that parking is the lifeblood of any downtown and has reservations about any plan that takes away any amount of parking. He stated that the disruption, due to the project, will harm and not help downtown. He spoke in support of a snow melt system in downtown. In closing, he indicated that he feels that the lighting of trees is a waste of resources and feels that a more valuable way to spend that money would be to light the back of the buildings on the I-93 corridor.

Denis O'Connell, property owner, noted his concern with no mention of the consideration of moving 202/9 off of North Main Street within this proposal. He suggested installing a jersey barrier, eliminating the middle two lanes, the whole length of the project to run a test for approximately a month. He feels that turning Main Street with one lane and angled parking is going to be a bad scenario.

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Sarah Chaffee, business owner and resident, spoke in support of the proposed project. She feels that, as a pedestrian, the downtown would really benefit from three lane configuration, making it much safer for pedestrians, bicyclists, and motor vehicles. She does look forward to the finished project.

Sarah Diaz, resident, noted that she feels that Main Street does need a face lift. She noted her concerns with businesses not being open during the evenings or on Sundays and stated that it seems silly to put all this effort into an evening atmosphere for a downtown that is closed in the evenings.

Councilor Champlin stated that he shares some of Ms. Diaz's observations. He stated that he hopes that if they do have lighting and an inviting evening atmosphere that this will act as an incentive to persuade more merchants to stay open.

Jon Chorlian, resident, stated that this is a complex redevelopment project and admires the process as it's been followed. He feels that it is incredibly important to the city to move forward with this project. He encouraged Council to support this project.

Fred (no last name given), Main Street resident and employee, feels that downtown needs to be spruced up but noted his concern with homeless and their belongings within the downtown area and the perception from visitors.

Tim Sink, Greater Concord Chamber of Commerce, reiterated the Chamber's support overall for this project. He spoke strongly in support of a comprehensive lighting program noting that he believes that this would provide a "wow" factor that has the potential to set Concord aside from every other city in NH. He feels that the Council should give this support and should invest so is done properly. He hopes that the proper research is done so if a comprehensive lighting package is put forth that it's done right.

Remi Hinxhia, President and owner of Associated Enterprise Inc., stated that, currently, some of the lighting is out on Main Street and feels that if there is more lighting in some of those areas it may be a deterrent to activities in those unlighted areas. He strongly believes that some of the funding that is dedicated to lighting should be used on the back street where it's really dark. He questioned accessibility in regards to taking the parking away asking what good is accessibility if they don't have a place to park. He noted his concern with removing the five parking spaces near his building.

Roy Schweiker, resident, stated that he feels that the lighting concept is a waste of money and doesn't know if they will be good for the trees and feels that the lighting may be disruptive to any residents of downtown. He pointed out, that within the application for the grant, it states that this would improve the value of downtown property by \$3.7 million. He feels that this project may devalue some properties especially Mr. Hinxhia's property if five parking spaces are taken away from his building.

Gerry Carrier, Little River Oriental Rugs co-owner and Merchant Roundtable host, indicated that they surveyed the downtown merchants to get their thoughts on some of the

proposals that Council is faced with voting on this evening: 1) are they in favor of the uplighting – 31 agreed it would be an enhancement, 9 were not in favor of it, 9 were unsure; 2) fences around the planters – 17 agreed that it was worthwhile, 24 were not in favor, 7 said maybe in some areas but not around the trees; 3) moving of the clock – 46 said not to move it.

Mayor Bouley inquired as to the response to the first question that was on the survey. Mr. Carrier indicated that the question is associated with the scheduling of work. He stated that they are asking for consideration of the possibility of the construction stopping at an earlier hour on Friday afternoons, at approximately 3:00 p.m.

Councilor St. Hilaire pointed out that, at the beginning of the meeting, the City Manager had proposed that there could be another option of doing the north section first and getting it done in one season. He asked if Mr. Carrier had any comment in regards to this. Mr. Carrier noted that the concern that they had initially was that no permits were going to be allowed on Main Street at all for any activities which would impact Market Days. He stated that they are looking for any window of hope to continue with this event because Market Days is important to many merchants because it brings 45,000 to 55,000 people downtown; without this, in a time in where they are going to go through a year or more of construction, it's going to be a significant blow to many of the merchants. He added that another thing that they are concerned about is that if they start construction on North Main Street in March, it will be impacting more merchants during the spring sale season. Mr. Carrier indicated that they would like the opportunity to discuss schedules or workarounds to make every effort to keep the merchants in touch with their customers during this difficult time.

Councilor St. Hilaire asked for clarification as to whether Mr. Carrier felt that he would need more time to study it and determine what would be best for him and the merchants. Mr. Carrier feels that the proposal to start on North Main Street on March 15<sup>th</sup> is going to tear up North Main Street during the spring sale period as well as eliminate any possibility of Market Days in this area; this is a bigger impact than starting on the south end.

Councilor McClure noted her confusion pointing out that she is hearing that they don't want any construction during the sale season in the spring and Market Days and want to stop construction for the holiday season. She has also heard that the merchants are really concerned about the length of time of the project and that it was going to be very hurtful for their businesses. She stated that they tried to figure out a way to shorten the time that the construction is going on which is what the City Manager had proposed at the beginning of the meeting. She asked whether it would be better to have construction going on downtown for potentially 2 ½ years or 1 year – North Main Street one year and South Main Street the next year. The merchants would have one season where there would be construction going on in which there would be passage for merchants to have customers coming to their businesses.

Mr. Carrier indicated that the earlier construction schedule started on South Main Street and it did not impact North Main Street until midsummer 2015 so the North Main Street stores would have the opportunity to go through their spring sale without construction directly in front of their business. The change in the schedule changes all of this; all of the stores on North Main Street would be impacted through their spring sales. He noted that, within the original schedule, there was a window of time in which they may have been able to get in Market Days; the reason that it's important to the merchants on North Main Street is that most of the merchants that participate in Market Days do it in front of their store location. He stated that if the project is accepted by the Council the merchants just want the opportunity to present alternatives to the schedule or to give due consideration to the livelihood to businesses.

Councilor Champlin stated that he has been intrigued by the chicken and egg perspective on this; nobody comes downtown so why should we bother to light it as opposed to if you light it, will people be more prone to come downtown. He asked if Mr. Carrier had any thoughts to this. Mr. Carrier stated that the lighting could be used while the stores are still open (when it gets darker earlier) and would be something that could enhance downtown and may encourage several businesses to stay open later if it attracts people downtown.

Michael Herrmann, resident and Gibson's Bookstore owner, asked if the quicker schedule was a trade off in which parking would be reduced sixty percent in order to accelerate this schedule. Mayor Bouley responded that he believes that to be correct. Mr. Herrmann indicated that he has heard that the Employment Security building could be used to add parking to the south end and, if possible, he encouraged Council to do this. He stated that he had spent a lot on lighting at his store and because of the light and color it makes it a more pleasant place to stay and shop and feels that if this is done downtown it will make it a pleasant place to be.

Pam Peterson, Gondwana Divine Clothing Co., stated that she is disappointed but understands and is now willing to move forward with the plan. She indicated that her disappointment is not having overnight construction but does understand why this cannot happen. She stated that Fridays and Saturdays tend to be the busiest times for both retail and restaurant establishments. She asked if the construction schedule could be 6:00 a.m. to 8:00 p.m. Monday thru Thursday and completed by 3:00 p.m. on Fridays so that merchants could coordinate Friday evening events and stay open later on a regular basis during the construction to attract customers. Ms. Peterson asked Council to consider this option to help businesses not only survive but thrive in downtown.

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

#### **July 30, 2014 Public Hearing Action**

5. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with report from the City Engineer. (6-5) (7-24J; 7-36) (*Public hearing held on July 14, 2014*)

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

Councilor Herschlag stated that over the last 30 years he has advocated for a public/private partnership in various forms for downtown. He believes downtown from Storrs to Storrs Street and Storrs to North and South State Streets needs attention – the streets, parking and buildings need a facelift, it needs more market rate apartments, more commercial and professional services upstairs, a full complement of retail and restaurants on the ground level and a continued expansion of the arts and greater entertaining opportunities. He indicated that as he has followed this process over the past few years and it has appeared to him that, throughout the process, people were heard but not listened; assurances were made only to be taken back later. He stated that even as the project construction costs continued to escalate they still don't have a final figure for all the project's costs. He stated that this project doesn't have anything that says this is Concord or highlights who they are. He indicated that they have daytime construction instead of work being performed overnight; there is the red carpet crew instead of the snow melt system; trees that are blocking Main Street instead of design elements that focus on the historic nature of the city; lighting is an important component of this project but where it is placed is even more important. Councilor Herschlag stated that they have until September 2018 to submit the last bill for this project and questioned as to what happens if they wait until the parking study is completed, what happens if they wait until there is a design drawing that will show all the project components from the street and sidewalk level, what happens if they wait until after the 250<sup>th</sup> celebration of the city and what happens if they go back to the drawing board and change some of the design elements. What happens is that they have the opportunity to design a true signature project, one that shouts welcome to Concord. He stated that while he is willing to spend his money and the residents money on a Main Street project, he is not willing to spend the money on a project that only gets it half right. He wants a project that gets it right from day one and wants a project that gets it right the first time. He doesn't feel that they are there yet and that is why he will be voting no this evening.

Councilor Bennett reminded people that the city is a representative government and they are elected by the citizens of this community to do business. He stated that he tries to do this to the best of his ability, sometimes he has been successful and sometimes not. He pointed out that the Council has held numerous public hearings, has had numerous meetings, and have discussed this for the past two years. He stated that he feels that it is now time to make a decision.

Councilor Champlin stated that he respects Councilor Herschlag's passion and integrity. He noted that he feels that Council has bent over backwards to be accessible to the public and to listen to the public comment. He indicated that he was on the phone last night with a constituent who told him that this has been talked about for two years and feels that Council should pull the trigger and do it. He explained that, for this reason, he will be voting in favor of this project because he doesn't see any benefit to them to continue to delay making a decision on this project.

Councilor Nyhan stated that he has found himself on the end of hearing both support and opposition to this project. In regards to the loss of five parking spots in front of Mr. Hinxhia's building, he hopes that some consideration can be made to look at this; if there isn't a need for a bus stop at this location the parking spot should be restored. For him the "wow" factor is the wider sidewalks and also the element of making it more handicap accessible and user friendly. He added that there are some aesthetic elements that he doesn't agree with such as granite pavers and granite cobblestones noting that he feels that they are unnecessary expenses related to the project. In regards to the schedule, the merchants want the project to move forward but there is never a good time; they are wrestling with this and he hopes they make a good decision. He stated that there are no easy answers and feels that it's going to be a learning process as they go through it and feels that they are basing their decisions upon educated opinions and moving forward in that manner. Councilor Nyhan indicated that he is in support of this project and does share a lot of reservations with his fellow Councilors and that of the public.

The motion to approve passed 14 to 1 on a roll call vote with Councilors Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff, Todd, Werner, Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen and Grady Sexton voting yes. Councilor Herschlag voted no.

6. Resolution rescinding resolution #8686 and appropriating \$2,500,000 and authorizing the issuance of bond and notes in the amount of \$2,500,000 for the Downtown Complete Streets Project, CIP #460, within the Sears Block Tax Increment Finance District. (6-6) (7-24K; 7-37) (*Action to be taken July 30, 2014*) (*Report from the Sears Block Tax Increment Finance District Advisory Board submitted*) (**Public hearing held on July 14, 2014**) (**Supplemental report from the City Engineer submitted**)

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

Councilor Nyhan moved to substitute cobblestone median with paved median to save \$250,000. The motion failed to receive a second.

Councilor Nyhan stated that one of the add alternatives for this project is sidewalk surface upgrade with a lot of granite and other high end type materials rather than concrete with a cost of roughly \$900,000. He moved to remove these upgrades and move forward with concrete. The motion failed to receive a second.

Mayor Bouley stated that if there is the opportunity to put some parking spaces back on the east side he hopes that consideration would be given.

Councilor St. Hilaire inquired if the clock tower was moved because the bus stop is currently near the clock tower and if that provided space to keep the bus stop in some area there while providing additional parking in front of the buildings referenced.

City Manager Tom Aspell explained that if they added spaces on the northeast section there wouldn't be room for the bus stop. There are options including moving it back to where it was originally so you would add two, lose seven leaving a net loss of five. Councilor St. Hilaire questioned whether this takes into account having the clock tower remain or moved. Mr. Aspell responded that it would remain. Councilor St. Hilaire asked what would happen if the clock tower was moved. Mr. Aspell indicated that there would be a large bump out there to shorten out that distance across from this. Councilor St. Hilaire asked if this would add parking. Mr. Aspell responded that there would still be a bump out the same size down in front of Phenix Avenue as originally proposed. He indicated that they also looked at the possibility of simply eliminating that bus stop in its entirety but under federal ADA guidelines it is required.

Mayor Bouley pointed out that there are other places in the city in which there are parking spaces fairly close to an intersection and it works without conflict; most communities can survive it without a problem. Referencing the design, he noted that the right turning lane goes back far from the intersection and inquired whether it is possible to shorten this right turning lane.

Councilor St. Hilaire stated that it has some value to make sure they try to help out their new partner that wasn't around when this plan was being considered to try to spruce up this section of the street. He noted that this area is basically the entryway to Main Street from I-93 and feels that it's currently not a very inviting entryway for the City. He wondered if anything can be done to help out a private developer spruce up this area by providing some parking in this area; despite the fact that they have talked about this project for two years and are going to vote on this, he still asks if they could look at the plan to see what can be tweaked during this process.

City Manager Tom Aspell asked for clarification that if Council votes on the \$180,000 to move the clock tower, staff is being asked to try to incorporate additional parking. Councilor St. Hilaire replied yes.

Councilor Shurtleff stated that this was discussed at the last meeting with the same request to save some of the five spaces. He indicated that he had been told that if they try to do this they would have to put this out to bid again.

Mayor Bouley pointed out that Council received a memo dated July 18<sup>th</sup> with a very concise explanation as to why this cannot be done.

The motion to approve passed with one dissenting vote from Councilor Herschlag.

7. Resolution appropriating \$348,705 in Traffic Impact Fee Funds for construction of the Downtown Complete Streets Improvement Project, CIP #460. (6-7) (7-24L; 7-34) (*Public hearing held on July 14, 2014*)

**Action:** Councilor St. Hilaire moved approval. The motion was duly seconded and passed with one dissenting vote from Councilor Herschlag.

8. Resolution appropriating \$152,780 and authorizing the issuance of bonds and notes for Water System Improvements in conjunction with the Downtown Complete Streets Improvement Project, CIP #460. (6-8) (7-24M; 7-35) (*Public hearing held on July 14, 2014*)

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

9. Resolution appropriating the sum of \$730,000 and authorizing the issuance of bonds and notes for additions to the construction of the Downtown Complete Streets Improvement Project (CIP #460).

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

Mayor Bouley proposed splitting the three different votes. There was no Council objection to this request.

Councilor St. Hilaire moved approval of the lighting and engineering services. The motion was duly seconded.

Councilor McClure asked for an outline of the cost of each of the items for public information.

Mayor Bouley explained that, under the proposed resolution, \$340,000 is the cost of the uprights and electrical receptacles in the tree wells as well as the conduit for future lighting in the tree wells; the lighting engineering services cost is \$100,000.

Councilor Champlin feels that this is money well spent and feels that they should budget the \$100,000 to hire an experienced, well recognized lighting engineer to look at Main Street and recommend how to do this in the most cost effective way.

Councilor St. Hilaire agreed with Councilor Champlin stating that this is a great opportunity to have a consultant tell them what works best for Concord and to have this in conjunction with the signage package that they are going out for so that people can read the signs and historical markers at night. He noted that they need this expertise to make it tasteful so it will be an inviting place to come to.

Councilor Coen noted his agreement stating that it's very important to hire an expert to make it a success.

Councilor Herschlag indicated that one of the reasons he is going to vote against this is because he hasn't seen a design plan that shows all the street elements noting that

he feels Main Street is going to be even more cluttered with streetscape elements when the project is finished than it currently is today. Speaking in regards to the historic nature of downtown, he indicated that the buildings make downtown historic and feels that the lighting should be for downlighting on the buildings to silhouette them.

Councilor Coen noted that he understands Councilor Herschlag's concerns and that is why he thinks it's important to hire someone with that kind of knowledge so they can recommend how best to display the city.

Councilor Keach spoke in favor stating that he feels that this is critical to the success of this project; bringing a historic downtown into the future is something that should be left to the professionals.

Councilor Herschlag noted that it is his understanding the lighting is going to be in the tree wells and that an engineer is being hired to design how those lights will work in the planters.

Mr. Aspell explained that was the original discussion but when the idea for the \$100,000 came about his understanding is to look at all of downtown.

The motion to approve the lighting and engineering services passed with one dissenting vote from Councilor Herschlag.

Mayor Bouley indicated that the next item is to move the clock tower for a cost of \$180,000.

Councilor St. Hilaire made a motion to move the clock tower. The motion was duly seconded.

Councilor St. Hilaire stated that he has gone back and forth on moving the clock tower; the plan before this didn't have this being moved and he was fine with that. Since then, he has walked by this location at least four times a day and has noticed that it blocks the entryway of Eagle Square and it's hard to pass because there are a lot of people in this area. He indicated that he has started to reconsider the decision of moving the clock tower and then tonight when he heard the issues of parking near the Vegas Block it made him think that it might be prudent to relook at this and decide whether moving the clock tower might make more sense. He feels that it's more prudent to move it because they are not going to be gaining any space between the building and the clock tower, it's going to look better further down, and thinks they will be able to gain parking at the entryway of the city.

Councilor Coen stated that he will be voting against moving the clock tower because of the \$180,000 cost and if he remembers correctly from the past, it's very difficult to find a contractor willing to take the task and responsibility of moving the inner

workings of the clock and the tower. With the new design, he indicated that it does open up pedestrian walkways in front of the tower and feels that this will help eliminate the congestion within this area.

Councilor Shurtleff indicated that he will be voting against the motion to move the clock tower due to the historical nature and the cost to move it. He feels that it belongs where it is and that it's wonderful that the Historical Society maintains it.

Councilor Herschlag shares Councilor St. Hilaire's concerns about how narrow the walkway area is but has a number of concerns: by moving it to Phenix Avenue it doesn't create a visibility of the clock because there will be four trees blocking it. He stated that there was a vast majority of merchants that don't want it moved and there was a very strong opposition from the Historical Society – for these reasons he will not be voting to move the clock tower.

Councilor Champlin inquired as to who owns the clock tower. Mr. Aspell responded that the Historical Society owns it. Councilor Champlin stated that he is torn on this and this is one of those issues he doesn't know which way to vote. He noted that the fact that so many merchants feels that it should be left there is significant to him. He is concerned that no member of the Historical Society was present this evening to speak to the issue relative to moving the clock. Councilor Champlin stated that he is also sensitive to Mr. Hinxhia and is pleased that he has decided to go in the direction that he has chosen in making an investment in downtown.

Councilor Nyhan noted his agreement with Councilor St. Hilaire.

The motion to move the clock tower failed on a voice vote.

Mayor Bouley indicated that the next item being taken up is the planter fencing for a cost of approximately \$110,000.

Councilor Nyhan moved approval of the planter fencing. There was no second to the motion.

The motion to approve the resolution, as amended, passed on a voice vote.

City Manager Tom Aspell referenced a suggestion in regards to the schedule for a 6:00 a.m. to 8:00 p.m. cycle and finishing at 3:00 p.m. on Fridays. He noted that if Council is open to this they could try to achieve this on most days and if not they can just stick to the 7 to 7 schedule and do the best they can with that.

Mayor Bouley noted that it's his understanding that the schedule is going to be somewhat flexible and hopes that staff works with the merchants.

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Councilor McClure questioned whether the City Manager is asking for a consensus from the Council that they like the idea of trying to go 6 to 8 Monday thru Thursday and trying to stop early on Friday. These times would add extra hours in the week. Mr. Aspell noted that he prefers what the Mayor has suggested which is flexibility and communication.

Councilor Champlin urged staff to try to maintain as regular a schedule communicated as well as they can so that the merchants customers know when the businesses are most accessible and when they are going to be dealing with construction.

Mayor Bouley reiterated the importance of communication during construction. He stated that the PR firm will be walking around every day speaking to merchants but when there are activities that the retailers have going on he hopes that the merchants communicate with the PR firm so that the city knows what they are doing as well.

Councilor Keach added that the greater flexibility that they give the contractor the quicker this is going to be over and the less pain that the merchants will have.

Councilor St. Hilaire noted his agreement with the flexibility comments but one thing that needs to be decided is what side they are going to start on and how they are going to do it. He inquired as to how they are going to go about trying to figure out what's best.

Mayor Bouley indicated that some of the schedule has been determined for them simply by the fact that they have not taken action until this evening; by waiting as long as they have, he personally believes they did the right thing so that they received the most amount of input and made it a better project. Having held off, he noted that the impact to this has been is that there is not much that can be done this construction season. He noted that he doesn't know what the best choice is stating that he is worried about the merchants but on the other hand the challenge appears to be is if they want it to be done fast or let it go on for a long time.

Councilor St. Hilaire indicated that since they are starting with Eagle Square maybe staff can reach out to the merchants to try to gauge what the consensus is if there is one.

Mayor Bouley added that he is sure that, within the construction industry, there are going to be some parameters that they have to operate under as well.

Councilor St. Hilaire stated that to him it doesn't matter what they do it depends on the contractor and the merchants and what's best for them. He asked who is going to determine what process this takes to make it as painless as possible.

Mr. Aspell suggested sticking with the process that was originally presented.

Councilor St. Hilaire suggested, since they are not doing the construction this year anyway, that during that time period they could try to figure out what the best solution is.

Councilor Keach stated that it's really important that a decision be made so that it can be communicated to the merchants because they are the ones that have to make adjustments.

Mr. Aspell noted that it's not the order in which you want to go first; it's whether they want 60 percent parking or 90 percent parking.

Mayor Bouley noted that to be fair to the merchants he feels that they should give them a little time to consider having discussions and hopes the Administration could go and sit down to hear what their thoughts are. He noted that after staff hears all the information they can make a suggestion and come back to the Council.

Referencing the Employment Security building, Councilor Bennett noted that this would go a long way to mitigating the issue of whether they have 60 percent or 90 percent.

Councilor Champlin indicated that he doesn't understand why they haven't charged Administration to work with the merchant groups to find the most equitable, the most acceptable, lowest impact choice of construction sequences.

Mr. Aspell indicated that they have worked with merchants in terms of schedule ideas and bringing up hours.

Mayor Bouley indicated that he has no interest in doing the City Manager's job and the operations in carrying this out but in terms of how much parking is available downtown, he feels that this is a general policy decision. He doesn't see the harm in having a discussion about it.

## **Reports**

## **New Business**

## **Unfinished Business**

10. 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) (4-18) (5-45) (6-42) (7-38) (*Action on this item tabled following a February 2013 public hearing*)

11. 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) (4-49) (5-46) (6-43) (7-39) *(Action on this item was tabled after a public hearing was held on September 9, 2013.)*

**Action:** This item remains on the table.

12. 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) (4-50) (5-47) (6-44) (7-40) *(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.

13. 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) (4-51)(5-48) (6-45) (7-41) *(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) (Report from the Deputy City Manager – Development; together with proposed ordinance submitted).*

**Action:** This item remains on the table.

#### **Comments, Requests by Mayor, City Councilors**

Referencing the Concord Monitor, Councilor Herschlag indicated that today there was a “My Turn” piece regarding the revitalization of Poulin Park. He explained that the Friends of Poulin Park are moving forward with a fundraising effort to replace the gazebo and to refurbish the park. He noted that anybody that is interested in finding out more information, to help out or donate could visit Penacook.org.

Councilor Nyhan stated that the NH Dairy Council has issued a map this year with 43 different homemade ice cream establishments across the state. He indicated that the only one listed in Concord is Granite State Candy Shoppe.

#### **Comments, Requests by the City Manager**

**Consideration of items pulled from the July 14, 2014 consent agenda for discussion**

15. Comprehensive Annual Financial Report Award notification from the Deputy City Manager – Finance and the Assistant Finance Director. *(Pulled from consent by Councilor Coen)*

**Action:** Councilor Coen stated that this is a great example of the City of Concord and that this award is the national recognition that the City of Concord gets for its financial reporting. He pointed out that the city has received this award for the past eight years.

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

17. Report from the City Engineer recommending that the City Manager be authorized to reestablish the public right-of-way boundary line along Sewalls Falls Road in conjunction with the Sewalls Falls Bridge Replacement Project (CIP22). *(Pulled from consent by Council McClure)*

**Action:** Councilor McClure indicated that she would like to find out more as to what is involved in reestablishing the public right of way. Her concern is for the residents of Sewalls Falls Road so that they understand the process and know what this is all about.

City Manager Tom Aspell explained that there are four properties impacted which staff has reached out and contacted. He noted that once Council approves this report it would allow the city to go do some work to bring them some information in terms of where the actual lines are.

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

18. Report from the Police Department in response to a communication from Kathleen Conners, 5 Cambridge Street, regarding safety concerns she has within her neighborhood as well as other areas within the City of Concord. (6-11) *(Report from Code Administration submitted) (Pulled from consent by Councilor Champlin)*

**Action:** Councilor Champlin indicated that he pulled this item to highlight the issues surrounding this property that was brought to their attention by a resident of the neighborhood who has had ongoing difficulties with disruptive behavior. He pointed out that the Police Chief has reported that his department has put in an excess of 140 hours on this one property. He stated that Councilor Shurtleff and himself had discussed this with residents in the area and would like to see the Legal Department,

Public Safety Board and the Police Department look at ordinances other communities have adopted that may be applicable to this type of situation going forward not only for this property but other properties within the city.

Councilor Champlin moved to accept the report and refer this item to the Legal Department, the Police Department and the Public Safety Board. The motion was duly seconded and passed with no dissenting votes.

### **Consideration of Suspense Items**

Councilor St. Hilaire moved to consider items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

#### 7 Sus1 **Referral to the Transportation Policy Advisory Committee**

Communication from Jason and Julie Petty asking that consideration be given to the installation of new stop intersections one at Snow and Welch Street and one at Snow and Bean Street.

**Action:** Councilor Herschlag moved to refer the communication to the Transportation Policy Advisory Committee. The motion was duly seconded and passed with no dissenting votes.

#### 7 Sus2 **Referral to Parks and Recreation**

Communication, from Michael Feinstein and Jackie Lessard, requesting the City of Concord consider developing a Green Burial site.

**Action:** Councilor Coen moved to refer this communication to the Parks and Recreation Advisory Committee and the Legal Department. The motion was duly seconded and passed with no dissenting votes.

#### 7 Sus3 Report from the City Engineer recommending that the City Manager be authorized to accept a public sidewalk easement deed from NH Six Realty Trust for the reconstruction of sidewalk facilities across a portion of its land on the north side of Tanner Street at its intersection with Village Street.

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

### **Adjournment**

There being no additional Council business, Councilor Keach moved to adjourn the meeting at 9:53 p.m. The motion was duly seconded and passed with no dissenting votes.

*A true copy: I attest:*

*Michelle Mulholland  
Deputy City Clerk*