



***Non-public sessions in accordance with RSA 91-A: 3, II (d) to discuss property acquisition and a meeting with legal counsel in accordance with RSA 91-A: 2, I (b) to be held at 5:30 p.m.***

City Council Meeting

**Minutes**

**October 14, 2014**

City Council Chambers

7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Pastor Jonathan Hopkins, Concordia Lutheran Church.
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen, Herschlag, Keach, Matson, McClure, St. Hilaire, Shurtleff, Todd and Werner were present. Councilors Grady Sexton and Nyhan were excused.
5. Approval of the September 8, 2014 Meeting Minutes.

**Action:** Councilor Champlin moved approval of the September 8, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

***- Consent Agenda Items -***

**Action:** Councilor St. Hilaire moved approval of the consent agenda. Mayor Bouley indicated that Councilor Werner had asked that item 30 be removed from the consent agenda. The motion, as amended with item 30 being removed for discussion at the end of the agenda, was duly seconded and passed with no dissenting votes.

**Referral to the Legal Department**

7. Communication from Concord Little League Board of Directors notifying the City of Concord that they have decided not to renew and extend their agreement for Martin Field Complex field usage; together with communication from Concord Little League regarding improvements they will be making to the fields at Grappone Park and Memorial Field.

8. Communication from Concord National Youth Softball expressing their desire to acquire the lease to the partially developed field next to the existing softball field at Martin Park.

**Referral to City Administration**

9. Report from the Public Safety Advisory Board in response to a request for consideration of a disruptive property ordinance as well as in follow up to a referral from the Police Department & Code Administration 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) (*Citizen communication in support of a disruptive property ordinance received*)

**Referral to the Facilities Naming Committee**

10. Communication from the Varsity Club at Concord High School requesting the City of Concord consider naming the press box at Memorial Field the "Gene Connolly Press Box".

**Items Tabled for November 10, 2014 Public Hearings**

11. 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; Tables 1, 2 and 3; together with report from the Impact Fee Committee summarizing proposed change to the Impact Fee Ordinances.
12. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fess Ordinance; Article 29.2-1-3, Administration; Section (g) Incentives for Redevelopment of Blighted, Underutilized, Abandoned, or Contaminated Buildings and Tables 4 and 5.
13. 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, Subsection (e), Credits Against Payment of Impact Fees.

**From the City Manager**

14. Positive Citizen Comments.

**Consent Reports**

15. Diminimus gifts and donations report from the Interim Co-Library Directors requesting authorization to accept monetary gifts totaling \$8,097.96 as provided for under the preauthorization granted by City Council.
16. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$600 as provided for under the preauthorization granted by City Council.

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17. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$400 as provided for under the preauthorization granted by City Council.
18. Report from Community Development, Code Administration, in response to a petition from residents of 121-123 Hall Street pursuant to City Ordinance, Article 11-2, Public Nuisance Buildings.
19. Report from the City Solicitor regarding the City's upcoming Cable Franchise Renewal.
20. Council Quarterly Priorities Report.
21. Report from the Traffic Operations Committee in response to a communication from Councilor Herschlag requesting consideration be given for traffic calming methods or a three way stop at the intersection of Washington Street, Borough and River Roads. (6-9)
22. Report from the Traffic Operations Committee in response to a communication from Councilor Herschlag requesting consideration be given to filing the sidewalk gap along Borough Road between Primrose Lane and the Sandwood Crossing development near Alice Drive and for pedestrian friendly improvements along the section of Borough Road from the Washington Street, Borough and River Road intersection heading easterly to Primrose Lane. (6-9)
23. Report from the Transportation Policy Advisory Committee in response to a 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. (7Sus1)
24. Report from the General Services Director requesting that the City Manager be authorized to apply for and accept grant funds available from the New Hampshire Department of Safety, State Homeland Security Program, relative to critical infrastructure.
25. Status report from the Deputy City Manager - Development on the change to Code Administration hours that were approved as a pilot program by City Council in October 2013.
26. Report from the Deputy City Manager – Development recommending new contract terms for the Concord Municipal Airport Fixed Base Operator and Airport Manager

### **Consent Resolutions**

27. Resolution authorizing prepayment of 2014 taxes in accordance with RSA 80:52-a; together with report from the City Treasurer.
28. Resolution authorizing the City Manager to submit applications to the New Hampshire Highway Safety Agency as outlined in its current grant program; together with report from the Police Department.

29. Resolution in recognition of the services of Battalion Chief Kenneth Folsom.  
*(For presentation in November)*

**Consent Communications**

30. Street closure request from Karen Joyal requesting consideration be given to closing Auburn Street from the entrance to the round-about at Liberty Street to the Franklin Street intersection on Halloween, Friday, October 31<sup>st</sup>. *(Citizen communication regarding this request received)*

**Action:** Item removed from the consent agenda for discussion.

31. Street closure request for Halloween Howl to be held on Friday, October 24, 2014.
32. Street closure request from the Penacook Village Association for a Penacook Village Ribbon Cutting ceremony to be held on Saturday, November 15, 2014.

**Appointments**

33. Mayor Bouley's appointment to the Planning Board.
34. Proposed appointments to the Executive Level Steering Committee for Concord's Plan to End Homelessness. *(Revised list of appointees submitted)*

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

**35. October 14, 2014 Public Hearings**

- A. Resolution appropriating the sum of \$50,000 for the City of Concord's 250<sup>th</sup> Anniversary to be funded from General Unassigned Fund Balance; together with report from the Deputy City Manager – Finance. (9-10)

**Action:** Mayor Bouley opened the public hearing.

**Public Testimony**

Roy Schweiker, resident, stated that he is not necessarily opposed to this but is concerned because he has heard that they are going to spend the money hiring staff. He indicated that they appear to be doing a fine job without any staff and is not sure why they need them. He wants to ensure that they pay for the city services if they receive this money.

Jim Milliken, Vice Chair of Concord 250, indicated that they are present to answer any questions that Council may have.

Van McLeod, exofficio member of Concord 250, noted that this is an important time to show off Concord to both the citizens and visitors. He added that this is a marketing

opportunity and also an opportunity for other organizations to participate and be part of this birthday celebration.

Councilor Champlin asked, from the documents that Council has received, if the committee had originally requested \$150,000 for the celebration. Mr. McLeod indicated that to be correct. Councilor Champlin noted that he understands that, in 1965, the city allocated \$40,000 for the celebration. Mr. Milliken indicated that's what was reported in the newspaper. Councilor Champlin inquired whether it is known what the equivalent of those dollars would be in 2014. Mr. Milliken responded that would be the equivalent of over \$300,000 today.

Councilor Bouchard indicated that she wants to be clear that they are requesting this \$50,000 and then most likely will request another \$50,000 in the next budget. Mr. McLeod responded that they had hoped to do that, if needed, explaining that they have a plan for developing sponsorships.

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

- B. Resolution appropriating \$1,536 to the North End Opportunity Corridor Tax Increment Finance District Fund Operating Budget for Fiscal Year 2014, retroactive to June 30, 2014; together with report from the Deputy City Manager – Finance. (9-11)

**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.

- C. Resolution accepting and appropriating the sum of \$108,000 from DG Strategic II, LLC for the construction of sanitary sewer system improvements along Fisherville Road in conjunction with the Sanitary Sewer Rehabilitation and Construction Project, CIP #91; together with report from the City Engineer. (9-12)

**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.

- D. Resolution accepting and appropriating the sum of \$111,690 in grant funds from the Federal Emergency Management Agency for the purpose of purchasing new protective breathing equipment for the Fire Department for CIP 573; together with report from the Fire Chief. (9-13)

**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.

- E. Resolution accepting and appropriating the sum of \$3,000 in unmatched grant funds from the New Hampshire Department of Safety; together with a report from the Fire Chief. (9-14)

**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.

### **October 14, 2014 Public Hearing Action**

36. Resolution appropriating the sum of \$50,000 for the City of Concord's 250<sup>th</sup> Anniversary to be funded from General Unassigned Fund Balance; together with report from the Deputy City Manager – Finance. (9-10)

**Action:** Councilor St. Hilaire moved to table this item. He indicated that there are two councilors that are not present this evening and knows that one of them wanted the opportunity to weigh in on this resolution. The motion was duly seconded and passed with no dissenting votes. Mayor Bouley, Councilor Shurtleff and Councilor Todd recused themselves from voting on the tabling motion.

37. Resolution appropriating \$1,536 to the North End Opportunity Corridor Tax Increment Finance District Fund Operating Budget for Fiscal Year 2014, retroactive to June 30, 2014; together with report from the Deputy City Manager – Finance. (9-11)

**Action:** Councilor Coen moved approval. The motion was duly seconded and passed with no dissenting votes, receiving the required 2/3<sup>rd</sup> vote.

38. Resolution accepting and appropriating the sum of \$108,000 from DG Strategic II, LLC for the construction of sanitary sewer system improvements along Fisherville Road in conjunction with the Sanitary Sewer Rehabilitation and Construction Project, CIP #91; together with report from the City Engineer. (9-12)

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

Councilor Herschlag indicated that it is his understanding that another lot is in the process of being sold. He inquired whether the city extension would continue via piece mail or is it an opportunity to fill in that extension from Manor Road to Windsor Street to enhance future commercial development along that short section with no sewer.

City Engineer Ed Roberge responded that engineering had looked at this and looked at the potential of that development lot. He explained that the sewer is bookended at either end of that potential development project and, what would probably come as a result of that development project, could be some considerable roadway improvements. Mr. Roberge indicated that there are sanitary sewer opportunities in both directions and they wouldn't advise doing this now mainly because they wouldn't want to set engineering criteria that may

or may not fit for some future condition. He noted that it would be best to leave that the way it is now and allow a developer to come along and design it to what their needs are.

The motion to approve passed with no dissenting votes, receiving the required 2/3<sup>rd</sup> vote.

39. Resolution accepting and appropriating the sum of \$111,690 in grant funds from the Federal Emergency Management Agency for the purpose of purchasing new protective breathing equipment for the Fire Department for CIP 573; together with report from the Fire Chief. (9-13)

**Action:** Councilor Champlin moved approval. The motion was duly seconded and passed with no dissenting votes, receiving the required 2/3<sup>rd</sup> vote.

40. Resolution accepting and appropriating the sum of \$3,000 in unmatched grant funds from the New Hampshire Department of Safety; together with a report from the Fire Chief. (9-14)

**Action:** Councilor Champlin moved approval. The motion was duly seconded and passed with no dissenting votes, receiving the required 2/3<sup>rd</sup> vote.

### **Appointments by the Mayor**

### **Reports**

### **New Business**

### **Unfinished Business**

41. 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) (8-26) (9-42) (*Action on this item tabled following a February 2013 public hearing*)

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

42. 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) (8-27) (9-43) (*Action on this item was tabled after a public hearing was held on September 9, 2013.*)

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

43. 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) (8-28) (9-44) (*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.

44. 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) (8-29) (9-45) (*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 in July 2014*).

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

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

Councilor Champlin indicated that Halloween Howl in Downtown Concord will be occurring on Friday, October 24<sup>th</sup>.

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

#### **Consideration of items pulled from the consent agenda for discussion**

30. Street closure request from Karen Joyal requesting consideration be given to closing Auburn Street from the entrance to the round-about at Liberty Street to the Franklin Street intersection on Halloween, Friday, October 31<sup>st</sup>.

**Action:** Councilor Werner noted that he would like to hear from the Police Chief in terms of what the response may be for this request and the suggestion on improving public safety at this event.

Chief Osgood explained that Auburn Street was closed last year; they had one officer assigned to a foot patrol from 5:00 p.m. to 6:00 p.m. and had two additional officers arrive at 6:00 p.m. to patrol the neighborhood on bike until 8:00 p.m. He added that the only calls for service that they had last year included: speeding vehicles on Ridge Road and a parking complaint on White Street. Chief Osgood noted that he saw a communication about a traffic accident involving a pedestrian but he was not able to find that they responded to any on that particular night. He stated that they are seeking to duplicate what they did last year in the neighborhood.

Councilor Herschlag indicated that he saw a communication with concerns of traffic being pushed onto the side streets and inquired whether there were any issues with this last year. Chief Osgood responded that he can see this as an issue as people are transporting trick or treaters to that neighborhood and parking along those side streets. He noted that they will keep this in mind.

Councilor Herschlag pointed out that one of the other concerns was with people walking in the middle of the streets and asked if there was a way to have a safety officer or volunteers from the neighborhood keeping an eye on traffic and making sure that people aren't endangering themselves. Chief Osgood replied that he supposed it's possible but is not sure if the neighborhood is willing to do this. He stated that it's resource management from a police perspective; this event occurs citywide and for them to dedicate all of their resources on Auburn Street is very difficult.

Councilor Coen pointed out that it's a citywide event and that both drivers and also the families participating in this event have the responsibility to play a major role in safety.

Chief Osgood pointed out that all of the officers are mindful that it's a citywide event and are focusing on those densely populated areas with a lot of children.

Councilor Todd indicated that he was in the Auburn Street area last Halloween and noted that he felt safer with the streets closed. He added that he felt that the police did a good job last year and doesn't see any need for change except maybe to monitor the neighborhood this year to see if the crowd gets any bigger.

Councilor Werner asked if it's felt that the deployment is adequate to take care of any situation that may arise. Chief Osgood responded that he does explaining that what they have to look at is what their staffing level is on October 31<sup>st</sup> and, if necessary, he would seek out additional bike officers to handle this.

Mayor Bouley noted that he hoped the Council would approve this request stating that the responses he received back was that it was a positive experience for the children and the neighborhood.

Councilor Werner moved to approve the street closure request. The motion was duly seconded and passed with no dissenting votes.

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**Consideration of Suspense Items**

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

10 Sus1      Street closure request for an annual block party to be held on Rumford Street, Centre to School Street and Garden Street, on October 19, 2014.

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

**Adjournment**

The time being 7:40 p.m., Councilor Bennett 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*