



***Non-public session in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition to be held at 6:30 p.m.***

City Council Meeting
Minutes
January 9, 2012
City Council Chambers
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Christopher Coombs from First Church of Christ Scientist.
3. Pledge of Allegiance.
4. Star Spangled Banner.
5. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire, Shurtleff and Werner were present.
6. Ceremonial Swearing in of Mayor Bouley.
7. Ceremonial Swearing in of Members of City Council.
8. Nominations for Mayor Pro Tem.

Action: Councilor Nyhan moved to nominate Councilor St. Hilaire to continue in his role as Mayor Pro Tem. The motion was duly seconded. Councilor Nyhan stated that Councilor St. Hilaire has provided a great deal of leadership as a member of the Council and has provided steadiness and continuity in that role when the Mayor has been away.

9. Election of Mayor Pro Tem.

Action: The motion to approve the nomination of Councilor St. Hilaire as Mayor Pro Tem passed with no dissenting votes.

10. Remarks by Mayor Pro Tem.

11. Comments by Members of City Council.

Action: Mayor Bouley thanked his mother and father, his wife Tara Reardon and son Jackson for their understanding. He thanked the citizens of Concord for their confidence last November and the trust that they have placed with him and this Council. He indicated that he looked forward with working with this Council and lastly, thanked all the city employees.

Mayor Pro Tem St. Hilaire thanked the citizens of Concord for allowing all of the Council to perform in their capacities and provide input to Council so that they can represent them well.

12. Approval of the December 12, 2011 meeting minutes.

Action: Councilor Nyhan moved approval of the December 12, 2011 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

13. Agenda overview by the Mayor.

- Consent Agenda Items -

Action: Councilor Nyhan moved approval of the consent agenda. The motion was duly seconded and passed with no dissenting votes.

Referral to the Public Safety Advisory Committee

14. Communication from Intown Concord requesting the city consider granting permission for a local food, wine and beer tent during Downtown Market Days 2012.

Referral to Rules Committee

15. Communication from Councilor Bennett asking that the Rules committee review and amend, if applicable, City Council Rules.

Items Tabled for a February 13, 2012 Public Hearing

16. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-8, Parking Time is Limited in Designated Places, Schedule III, Dixon Avenue; together with report from the Parking Committee.

17. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I, Jackson Street; together with report from the Parking Committee.

18. Ordinance amending the Code of Ordinances, Title IV, Subdivision Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection; together with report from the Planning Board.
19. Resolution to appropriate the sum of \$1,480,000 and authorize the issuance of bonds and notes for design and construction of a new municipal office building at 10 Prince Street; together with report from the Assistant for Special Projects.
20. Resolution determining the proposed project has a Public Benefit and approving an application by the Concord Area Trust for Community Housing (CATCH) for Community Revitalization Tax Relief Incentive - RSA 79-E, for rehabilitation of a commercial condominium at 1-5 South Main Street; together with report from the Deputy City Manager – Development.
21. Resolution determining the proposed project has a Public Benefit and approving an application by the Concord Area Trust for Community Housing (CATCH) for Community Revitalization Tax Relief Incentive - RSA 79-E, for substantial rehabilitation of a residential apartment building at 3 South Main Street; together with report from the Deputy City Manager – Development.
22. Resolution rescinding resolution #8472 and to authorize the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds on behalf of the Friendly Kitchen, as well as readopt the City's Housing and Community Development Plan (Revised September 2003), including the displacement and relocation policy statement and procedures; together with report from the Assistant for Special Projects.
23. Resolution appropriating the sum of \$7,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager.

From the City Manager

24. Positive Citizen Comments.
25. Council meeting date calendar.

Consent Reports

26. Appropriation Transfer Report: December 2011.
27. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$435 as provided for under the preauthorization granted by City Council.

28. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$500 as provided for under the preauthorization granted by City Council.
29. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$990 as provided for under the preauthorization granted by City Council.
30. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$3,075 as provided for under the preauthorization granted by City Council.
31. Quarterly Financial Statements report from the Deputy City Manager - Finance.
32. Report from the Fire Chief on Fire Department Communications Center Revenue and Grant Funding.
33. Report from the Parking Committee in response to a communication from Ray Coutu requesting the City of Concord consider restricting parking on Warren Street near the corner of Warren and North Main Street. (11-9)
34. Report from the Parking Committee in response to a communication from Robin Ekstrom, West Congregational Church, requesting an exception to city-wide-on-street parking on Garrison Street. (4-10)
35. Report from Community Development – Planning in response to a communication from C. Thomas and Margaret Brown requesting consideration be made to amending the existing utility and trails easement on their properties on Rolinda Avenue. (11-11)
36. Council Quarterly Priorities Report.
37. Report from the Fire Chief recommending the Fire Department be authorized to accept a donation of a Cardiac Arrest Compression Device.
38. Report from the Zoning Administrator regarding the restoration of involuntarily merged lots pursuant to RSA 674:39-aa.

Consent Resolutions

39. Resolution adopting the City of Concord Hazard Mitigation Plan as revised in 2011 together with all associated maps; together with a report from the Fire Chief.
40. Resolution accepting and expending the sum of \$3,797 for Energy Efficiency and Conservation Strategy Improvements and to install solar domestic hot water systems

at the Broadway, Central and Manor Fire Stations, and the Hall Street Wastewater Treatment Facility, CIP #325; together with report from the Purchasing Manager.

41. Resolution to establish a new trust fund for the acceptance of gifts and donations to be used for support of Parks & Recreation related activities; together with report from the Parks and Recreation Director.
42. Resolution adopting a cash management policy; together with report from the City Treasurer.
43. Resolution in recognition of the services of Councilor William Stetson.
(Not previously distributed)

Consent Communications

44. Street closure request from the Concord Farmers Market for their 2012 season, June 2, 2012 through October 27, 2012.

Appointments

From the Mayor

45. Communication regarding City Council Priority Setting Session.

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

46. January 9, 2012 Public Hearings

- A. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Finance Department; together with report from the Deputy City Manager – Finance. (12-10)

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.

- B. Ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 35, Classification and Compensation Plan; Schedule D of Article 35-2, Class Specification Index, Human Resources Program Administrator/Assistant Human Resources Director; together with report from the Director of Human Resources and Labor Relations. (12-11)

Action: There being no Council objection, public hearing B and C were read together.

City Manager Tom Aspell provided a brief overview.

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

- C. Ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 35, Classification and Compensation Plan; Schedule D of Article 35-2, Class Specification Index, Safety and Training Coordinator. (12-12)

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

- D. Resolution relative to the public highway discontinuance of a portion of Broken Bridge Road in Concord, New Hampshire; together with reports from the City Engineer and the Planning Board. (12-13)

Action: 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 a grant from the NH Office of Energy and Planning State Energy Program and appropriating the sum of \$27,000 to fund the incremental cost of two Ford Transit Connect Vans converted to run exclusively on compressed natural gas; together with report from the General Services Department. (12-14)

Action: City Manager Tom Aspell provided a brief overview.

Councilor McClure asked what the vans were going to be used for. Mr. Aspell responded that one was for the Water Department and one was for the Wastewater Department.

Councilor Coen inquired whether the city has a tank that supplies the natural gas or does one need to be acquired. General Services Director Chip Chesley responded that the city has made arrangements with the NH Department of Transportation with their fueling facility on Stickney Avenue. Councilor Coen asked if the city has their own tank. Mr. Chesley responded no but will purchase the natural gas through the state.

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

- F. Resolution authorizing the City Manager to enter into a development agreement concerning redevelopment of real estate located at #43 and #45 South Main Street; together with report from the Assistant for Special Projects. (12Sus1)

Action: There being no Council objection, public hearing items F through I were read together.

Matt Walsh, Assistant for Special Projects, provided a detailed overview.

Mayor Bouley opened the public hearings for items F through I. There being no public testimony, the Mayor closed the hearings.

- G. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29, Subdivision Code; Chapter 29-2, Public Capital Facilities Impact Fees Ordinance. (12Sus2)

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

- H. Resolution authorizing the issuance of bonds and notes in order to refinance the sum of approximately \$2,600,000 in Tax Exempt Bonds previously issued in 2005 and 2007 for the construction of the Capital Commons Municipal Parking Garage and related improvements to taxable status. (12Sus3)

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

- I. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District. (12Sus4)
(Action needs to be taken in February due to requirement under RSA 162-K whereby a final vote on a TIF amendment must be delayed by 15 days after public hearing is held)

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

- J. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 6, Recreation, Article 6-1, Rules and Regulations for Parks; together with report from the Parks and Recreation Director. (12Sus5)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Andrew Jordess 41 Mountain Road, asked with the allowance of petting zoos and fireworks if there would be a single park fee associated with those. Mr. Aspell responded that generally there is a fee associated with a permit.

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

January 9, 2012 Public Hearing Action

47. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Finance Department; together with report from the Deputy City Manager – Finance. (12-10)

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

48. Ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 35, Classification and Compensation Plan; Schedule D of Article 35-2, Class Specification Index, Human Resources Program Administrator/Assistant Human Resources Director; together with report from the Director of Human Resources and Labor Relations. (12-11)

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

49. Ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 35, Classification and Compensation Plan; Schedule D of Article 35-2, Class Specification Index, Safety and Training Coordinator. (12-12)

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

50. Resolution relative to the public highway discontinuance of a portion of Broken Bridge Road in Concord, New Hampshire; together with reports from the City Engineer and the Planning Board. (12-13)

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

Councilor Nyhan indicated that he received a letter from a constituent relative to the new intersection with the particular issue in regards to the new alignment of the road. He asked when the signalization is scheduled for. City Engineer Ed Roberge replied that the traffic signal base equipment is in and the signal equipment is on order. He indicated that they need to widen the Manchester Street intersection and then install the signals. He noted that early spring is when this should begin taking place.

Referencing the three accidents that have occurred, Councilor Nyhan questioned whether the accidents have been occurring at any particular time and whether there is anything that can be done to mitigate that activity until the signals go in. Mr. Roberge indicated that there is no pattern that they can currently predict because they occurred at different times during the day. Councilor Nyhan noted that he hoped something could be done to expedite the installation of the signals or to do something to mitigate the speeding activity.

Councilor Keach added that when coming from Integra Drive onto Airport Road, northerly, it's currently striped left turn or right turn and doesn't give an option to go straight across. He noted that this might be an inexpensive short term help to part of the problem. Mr. Roberge indicated that would be changed in the permanent arrangement.

Councilor Bouchard inquired whether there was anything in common with the three accidents that have occurred. Mr. Roberge responded that they occurred at three different approaches.

The motion to approve passed with no dissenting votes.

51. Resolution accepting a grant from the NH Office of Energy and Planning State Energy Program and appropriating the sum of \$27,000 to fund the incremental cost of two Ford Transit Connect Vans converted to run exclusively on compressed natural gas; together with report from the General Services Department. (12-14)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed 15 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire, Shurtleff and Werner voting yes.

52. Resolution authorizing the City Manager to enter into a development agreement concerning redevelopment of real estate located at #43 and #45 South Main Street; together with report from the Assistant for Special Projects. (12Sus1)

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

Councilor Blanchard stated that she will be voting against this project because of all the concessions the city is giving the developer.

Councilor Shurtleff noted that it troubles him to see any historic buildings being demolished for this work. He stated that he is going to vote for the resolution and commended the Mayor for forming the ad hoc committee to look at the preservation of older buildings.

Councilor Coen indicated that he will be voting for this resolution stating that he feels that the investment that the city is putting in with the developer will pay off in the long run.

Councilor Keach noted in looking at Commercial Street and the growth and the development of this whole area, it bears recognizing that it really is money well invested and it plants a seed and encourages the kind of development they want to see in the City of Concord. He stated that he is overwhelmingly in favor of this.

The motion to approve passed with one dissenting vote.

53. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29, Subdivision Code; Chapter 29-2, Public Capital Facilities Impact Fees Ordinance. (12Sus2)

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

54. Resolution authorizing the issuance of bonds and notes in order to refinance the sum of approximately \$2,600,000 in Tax Exempt Bonds previously issued in 2005 and 2007 for the construction of the Capital Commons Municipal Parking Garage and related improvements to taxable status. (12Sus3)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed 14 to 1 on a roll call vote with Councilors Bennett, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire, Shurtleff and Werner voting yes. Councilor Blanchard voted no.

55. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District. (12Sus4) *(Action needs to be taken in February due to requirement under RSA 162-K whereby a final vote on a TIF amendment must be delayed by 15 days after public hearing is held)*

Action: Action on this item to be taken at the February Council meeting.

56. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 6, Recreation, Article 6-1, Rules and Regulations for Parks; together with report from the Parks and Recreation Director. (12Sus5)

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

Unfinished Business

57. Ordinance amending the Code of Ordinance, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, The Zoning Map; together with report from the Planning Board in response to a communication from Richard Uchida, on behalf of his client Delta Dental Plan of New Hampshire, Inc., asking the City consider rezoning a parcel of land at 107 Commercial Street from Open Space Residential (RO) to Institutional (IS) Zoning. (6Sus3) (10-11) (11-41) (12-41H; 12-49) *(Additional communication from Richard Uchida submitted within the October 11, 2011 Council packets) (Communication from the Conservation Commission submitted within the November 14, 2011 Council packets) (Additional communications from Richard Uchida and the Greater Concord Chamber of Commerce submitted)(Referred back to the Planning Board at the 12/12/2011 City Council meeting)*

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Referencing consent agenda item 35, a request that consideration be made to amending the existing utility and trails easement on their properties on Rolinda Avenue, Councilor Kretovic indicated that this portion of the trail is a very important connection with the city's "Safe Routes to School" program particularly for students that are accessing the Russell Martin field after school. She stated that, by moving the trail, the students will be more visible in the neighborhood. She expressed her thanks to the property owners as well as the trails committee for preserving this important connection for our pedestrians and by school users, as well as enhancing the safety of the trail for the kids.

Councilor Shurtleff reminded residents of Ward One that this coming Saturday, January 14th, the Penacook Village Association will be holding its annual meeting at 9:00 a.m. at the United Church of Penacook.

Mayor Bouley encouraged everyone to go out to vote on election day tomorrow, January 10th. He reminded residents that there is a question on one of the ballots in regards to the charter amendment question.

Mayor Bouley spoke of the loss of his friend and a friend to the whole city, John Mercier.

Consideration of Suspense Items

Councilor St. Hilaire moved approval for the consideration of items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

Referral to the Rules Committee

1 Sus1 Communication from the City Manager in regards to a communication received from the Police Department.

Action: Councilor Nyhan moved to refer this communication to the Rules Committee. The motion was duly seconded and passed with no dissenting votes.

Items Tabled for an February 13, 2012 Public Hearing

1 Sus2 Resolution authorizing the City Manager to enter into a purchase and sales agreement for the acquisition of real estate located at #9 South Commercial Street, Map 55 Block 6 Lot 2; together with report from the Assistant for Special Projects.

Action: Councilor Nyhan moved to table this item for a February 13, 2012 public hearing. The motion was duly seconded and passed with no dissenting votes.

- 1 Sus3 Resolution to amend and restate the Development Program and Financing Plan for the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District.

Action: Councilor St. Hilaire moved to table this item for a February 13, 2012 public hearing. The motion was duly seconded and passed with no dissenting votes.

- 1 Sus4 Resolution to appropriate the sum of \$230,00 from the North End Opportunity Corridor Tax Increment Finance District for the purpose of acquiring real estate located at #9 South Commercial Street and related costs associated therewith.

Action: Councilor St. Hilaire moved to table this item for a February 13, 2012 public hearing. The motion was duly seconded and passed with no dissenting votes.

Adjournment

Mayor Bouley reminded Council of their Priority Setting meeting scheduled for January 23, 2012 at 6:00 p.m. in City Council Chambers.

Mayor Bouley introduced Police Chief Duval to his first official meeting as the Police Chief.

The time being 8:07 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*