



***Non-public session in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition to be held at 6:15 p.m.***

City Council Meeting
Minutes
March 9, 2015
City Council Chambers
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by the Reverend Emilia Halstead, First Congregational Church.
3. Pledge of Allegiance.
4. Roll Call. Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present. Councilors Bennett, Bouchard and Matson were excused.
5. Approval of the February 9, 2015 and the February 17, 2015 Meeting Minutes.

Action: Councilor Nyhan moved approval of the February 9, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

Councilor St. Hilaire moved approval of the February 17, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

- Consent Agenda Items -

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

Action: Councilor Nyhan moved approval of the consent agenda. The motion was duly seconded. Mayor Bouley indicated that item 20 had been removed but it was requested that this item be placed back on the consent agenda. The motion to approve the consent agenda passed with no dissenting votes.

Items Tabled for an April 13, 2015 Public Hearing

7. 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, to establish no parking on portions of Oak, Fuller, and Marshall Streets; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects.
8. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking Article 18-1, Stopping, Standing and Parking, Section 18-1-13, Parking Prohibited in Specific Places, Schedule XX, to establish a new City Parking Lot at Dixon Avenue; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects.
9. Resolution authorizing the City Manager to divest of City property located at 8-10 Sexton Avenue; together with report from the Director of Redevelopment, Downtown Services and Special Projects.
10. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 14, Morals and Conduct, Use of Consumer/Permissible Fireworks; together with report from the City Solicitor in response to a request from Councilor Matson that consideration be given to an ordinance prohibiting the use and possession of high powered fireworks within the City of Concord. (8-7)
11. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance.
12. Non-ordinance fees.

From the City Manager

13. Positive Citizen Comments.

Consent Reports

14. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,428.37 as provided for under the preauthorization granted by City Council.
15. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$9,172.80 as provided for under the preauthorization granted by City Council.

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16. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$350.00 as provided for under the preauthorization granted by City Council.
17. Report of the Trustees of the Trust Funds, June 30, 2014; together with report from the City Treasurer.
18. Report from the Zoning Administrator in response to a communication from April Begosh, Healthy Pets New Hampshire, requesting that the classification of a dog daycare be reviewed taking into consideration the differences between a dog daycare and a commercial kennel. (11-8)
19. Overall Economic Development (OEDP) Annual Performance Report from the Deputy City Manager - Development.

Consent Resolutions

20. Resolution recommending that any passenger Rail Service Implemented in New Hampshire as a result of the New Hampshire Capitol Corridor Rail and Transit Alternatives Analysis include service to Concord; together with report from the Deputy City Manager – Development. (*Pulled from consent by Councilor Todd*)

Action: This item remained and was approved within the consent agenda.

Consent Communications

21. Street closure request for a March for Justice and Freedom event to take place on May 2, 2015.
22. Street closure request for the Christa McAuliffe Fun Fair Carnival to take place on Thursday, May 21, 2015.
23. Street closure request for the 23rd Annual New Hampshire Law Enforcement Memorial Ceremony to be held on Friday, May 22, 2015.
24. Street closure request for the 41st Annual Market Days to be held Thursday, June 25, 2015 through Sunday, June 28, 2015.
25. Street closure request from Patricia Connolly for a Block Party to be held on Sunday, July 5, 2015.

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

26. March 9, 2015 Public Hearings

- A. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (2-7) (*In*)

accordance with RSA 75-8-b public hearings must be held in March and April, with Council action to take place in May)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor recessed the public hearing on this item until the April Council meeting.

- B. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 17, Vehicles and Traffic, Article 17-7, Rights and Duties of Pedestrians, Section 17-7-3, the Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway; together with report from the Police Chief. (2-8)

Action: City Manager Tom Aspell provided a brief overview explaining that this request is to remove the sunset clause making this ordinance permanent.

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

- C. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Article 28-2, Zoning Districts and Allowable Uses, Article 28-5, Supplemental Standards, Article 28-7, Access, Circulation, Parking, and Loading and Glossary, Alternative Treatment Centers; together with report from the Deputy City Manager – Development. (11-10) (2-9)

Action: Carlos Baia, Deputy City Manager-Development, provided an overview explaining that this ordinance is not a local option law but a standard piece of legislation. He indicated that what is before the Council would allow for three types of alternative treatment centers: 1) a center that is just for cultivation – a building in which the plants would be grown within the facility. There are many provisions within the state statute in terms of security for these facilities. The ordinance contemplates that these facilities would be in industrial zoning. 2) a combination of a cultivation and dispensary – dispensary is the retail side. In light of the retail trips generated from this type of use, it is being proposed that these combination centers would be industrial but subject to a supplemental standard that they have to be located on lots that connect to arterial or collector streets to avoid traffic cutting through more residential neighborhoods. 3) a dispensary – just the retail side. For this type, they are proposing the use be located in institutional zoning.

Mr. Baia explained that, per state law, alternative treatment centers cannot be located within 1,000 feet of a school or a drug free zone and cannot be located in residential zoning districts. He stated that the Planning Board reviewed this recommended ordinance in January and moved it forward to City Council. He pointed out an issue in regards to taxation; he indicated that HB54, a bill that says that if these entities are

exempt that they would be obligated to pay ad valorem taxation via a PILOT, made it through the Senate and they are just waiting for it to make its way through the House.

Councilor Herschlag inquired whether the ad valorem taxation would include county and state taxes as well school and city taxes. Mr. Baia responded that is the way staff understands it.

Mayor Bouley noted that what's being considered in the legislation is a PILOT. Mr. Baia responded yes. Mayor Bouley indicated that a PILOT is a negotiated agreed upon item. Mr. Baia responded that it could be negotiated but in this case, the legislation is drafted as the equivalent of ad valorem taxation; take the ad valorem tax bill and make it the PILOT. He added that there is not a lot of negotiation that's provided for now with the Senate bill.

Councilor Coen inquired as to the status within the House. Mr. Baia responded that the bill is currently at the Municipal and County Government Affairs Committee and, according to the General Court's website, it's scheduled to come out of the committee by the end of May.

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

- D. Schematic design, cost estimates, and financial pro forma for a proposed City-wide Multigenerational Community Center, CIP #443 report by the Director of Redevelopment, Downtown Services, & Special Projects. (2-33) *(Supplemental report from the Director of Redevelopment, Downtown Services & Special projects; together with letters of supports for the proposed community center) (Additional letters of support submitted)*

Action: Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects, introduced the design team consisting of Gerry Blanchette, HL Turner Group, Ken Ballard, Ballard & King and Joel Bargmann, BH+A Architects.

Mr. Walsh indicated that there is some supplemental demographic data that has come to the City Manager's attention that staff thought would be useful. He explained that last time they presented information it was in regards to the Heights but this new information is more citywide and comes from the Concord School District: there is a poverty indicator related to free reduced hot lunch and currently just under forty percent of students qualify for this; there is currently 900 students that are of minority status in the school district (1 in 4 students) with 44 different languages that are spoken.

Mr. Walsh highlighted the supplemental information that was requested by City Council at the February 9th meeting including elevation drawings and building renderings for options 1A, 2A, and 3A; included was also an option preserving the cafeteria being referred to as option 4A and 4B. He explained that this concept is similar to option 2A

but has been flip flopped a bit. It would include a gymnasium with staff offices, changing rooms and mechanical space behind it, a large common area, turf center, four multi-purpose rooms, and a commercial kitchen. This concept is a 61,000 square foot building and costs \$14.2 million making it price competitive with the other concepts. He explained that option 4B includes space for Concord TV and a dedicated library space which would be 71,000 square feet and costs just over \$16.6 million and would become a two story structure similar to option 2B.

Mr. Walsh presented option 5 which is the concept of renovating Dame School in its current condition as an eighteen room elementary school and gymnasium; the total space to be renovated would be 48,000 square feet with an estimated cost of \$7.5 million. He noted that this is the least expensive option but there are a few problems including that it doesn't meet the city's programmatic needs. There is only so much that can be done to a 900 to 1,000 square foot classroom; there would not be a turf center or modern gymnasium; there would not be a walking track. It would be limiting as far as fundraising activities for this facility as well as revenue reduction. He pointed out that, in all these options, they have shown what the estimated taxpayer subsidy is in the first year of operation. Option 5 is just under \$1.1 million and staff's recommendation, option 2A, would be a \$1.3 million cost to the taxpayers with operating subsidy and debt service; the difference is approximately \$250,000 a year.

Mr. Walsh indicated that there was also a question from Councilors in regards to breaking out the gymnasium and turf center as separate entities: 1) the turf center construction cost is \$3.8 million and the operating expenses of the facility is \$180,000 a year with the revenues being \$350,000 (the \$350,000 doesn't reflect the thirty percent reduction in year one that City Administration has given the whole project). When putting in the debt service at \$278,000 there would be \$107,000 subsidy that the taxpayers would need to kick in; 2) the gymnasium would cost just under \$3 million to construct with \$2.7 million would be bonded and the operating costs would be \$112,000 with revenues being \$288,900. When adding in the debt service, the taxpayers are providing a subsidy of about \$37,000 per year in the first year.

Mr. Walsh noted that visitation projection was another question that was received. He noted that, for options 1 and 3, the consultants pro forma reflected a number of 174,000 per year but when taking the thirty percent reduction that City Administration has placed on programmatic revenue, the number goes down to 122,000 per year/344 per day. Option 2 has a slightly different program as far as the number of community rooms so it ends up being 127,000 per year/360 per day. A visitation is calculated as "anytime somebody comes through the door".

Library Director Todd Fabian noted that last month there had been discussion in regards to the possibility of a third facility in a small city of this size and what were some alternatives and outreaches to the Heights. He indicated that they are looking at a two year initiative in placing a library into the community in the Heights; there are four parts to this plan: a community outreach librarian, a children's librarian, technology plan and

LIBRO (library resources online), mail and delivery services to the Heights. The cost for all four of these would be \$124,807 and would be a two year plan as an alternative to a full time third facility.

Councilor Champlin asked if essentially there would not be access to desktop computers. Mr. Fabian responded that to be correct. Councilor Champlin inquired as to whether there would be internet access through iPads and Chromebooks. Mr. Fabian responded that this whole program isn't necessarily relying upon a new community center. He indicated that if they had to have a traveling hot spot or a wireless access point, they can do this, otherwise, if the facility already has wireless they can log on that way. He added that instead of having the permanent space needed to have 15 or 20 computers this allows patrons to find a spot on their own. Councilor Champlin questioned whether there was any thought to acquiring and providing laptops for use. Mr. Fabian responded that laptops are an alternative. He indicated that Chromebooks are a bit easier, more affordable but don't have all the services that a laptop has. He noted that they could look at adding software to Chromebooks if there is something lacking.

Councilor Coen inquired in regards to the physical space needed for library services. Mr. Fabian responded that they looked at using a classroom and having some sort of storage area for the cart and some of the materials in a classroom. A classroom could be used for the story time and for the technology roll out. Mr. Fabian indicated that there are a few options of spots if the facility is built. Councilor Coen noted that, as he understands, they are not asking for space for a library. City Manager Tom Aspell explained that instead of having a 5,000 square foot library that would need to be staffed at \$350,000 per year, the city is looking at taking one of the rooms at periodic times during the week with a calculated loss of revenue of \$7,000 for using it themselves. Councilor Coen inquired whether this could be put on wheels. Mr. Aspell responded that staff is already looking into this.

Councilor Herschlag questioned whether there was only going to be one iPad. Mr. Fabian responded that it was for the initial training and they went with Chromebooks instead. He added that they can look at more iPads in the future. Councilor Herschlag asked if this was realistic based on the number of people that currently use the technology and computers at the main branch. Mr. Fabian responded that they are trying to figure out a way to have the most common technology; more people traditionally utilize the pc and that style of windows. Councilor Herschlag pointed out that Concord School District uses iPads in all the classrooms. Mr. Fabian indicated that the prices of iPads are comparable to Chromebooks so they could definitely have more of a balance if they need to.

Mr. Walsh highlighted financial information via powerpoint slides explaining that they had presented the same information back in February but have updated it and pulled out some information. He pointed out that options 1, 2, and 3 had been talked about but they inserted the expense for the library and Concord TV highlighted in red font and the projected tax impacts with their a and b alternatives. He pointed out that options 4a, 4b

and 5 were not presented last month but introduced a slide that shows the square feet, construction costs, how much would be bonded, the expenditure costs, debt service, operating expenses, revenues and the projected tax rate and impacts. He stated that the previous staff recommendation was 2a and that they are still comfortable with 2a. He compared options 2a and 4a and noted that staff is also comfortable with option 4a so if saving the cafeteria is truly important to the Council, they can make that floor plan work. Mr. Walsh finished by highlighting a proposed project schedule: if Council makes a decision next month, the design and permitting process would be completed by the fall, staff would come back in the fall to ask for the appropriation for the project, the project would be bid in January 2016, construction would start thirteen months from today with the project completed in July 2017 (a sixteen month project). **(Presentation on file in the City Clerk's Office)**

Councilor Shurtleff asked if all the designs have a dedicated space for seniors. Mr. Walsh responded yes.

Councilor Herschlag inquired as to what would happen if the donation goals are not met. Mr. Walsh responded that the city would have to pick up whatever the difference would be. He noted that they have not hired a fundraising consultant or developed capital campaign yet but, based upon the research, it appears that a ten percent goal is a realistic goal. Councilor Herschlag asked if consideration was given to the building to be conducive for solar panels and passive solar. Mr. Blanchette responded that, because there are multiple roofs with many different slopes, they have plenty of opportunities to accomplish this. Councilor Herschlag pointed out that there appears to be a flat roof and questioned whether it was prudent to have a flat roof based upon the roof issues of some of the schools this past winter; he asked if they would consider placing gable roofs on all the components of the building. Mr. Blanchette explained that the snow load codes in NH are quite explicit and many of the newer buildings meet the code and have had very few, if any, issues. In regards to gable roofs, Mr. Blanchette indicated that the elevation speak for themselves but adding additional volume cost money so it would be a cost consideration and also an aesthetic consideration. Mr. Bargmann added that the flat roof in option 4b is used to mitigate the difference in height between the cafeteria, gym and other buildings; the flat roof makes a nice intersection and allows the gable end of the cafeteria to remain. He noted that another advantage of a flat roof is that there needs to be a place for mechanical equipment, exhaust vents, and air conditioning equipment. Mr. Bargmann indicated that they could look at more pitch roofs as the design progresses.

The Mayor opened up the public hearing.

Public Testimony

Roy Schweiker, resident, asked why the city would be using this site if they are proposing to tear down the building. He noted that the school could be retained for low cost space for someone else which would keep it on the tax rolls. He suggested renovating only half of the building to reduce the expenses on the building. Mr. Schweiker stated that if a proposed community center was built in another location, the

city wouldn't have to let the Concord School District use it for free and there would be more time to rent out which would create more revenue. He added that he feels that Concord TV should have to pay for the space within a new facility suggesting that Concord TV fundraise to pay for space. In regards to the library, he suggested that they use space in one of the classrooms or consider having the Recreation Department check in/check out the chrome books.

Jim Snodgrass, Second Start Executive Director, noted that he is speaking on behalf of an effort to make Concord a more welcoming and inclusive community, making this effort to promote equal access to opportunities and to resources for immigrants to help them become full members of the community and intentionally engage in the process and decisions that affect their lives. He stated that since the vast majority of the city's immigrant population live on the Heights, walking distance to a community center is an ideal location. Additionally, Mr. Snodgrass indicated that there are other organizations, including Second Start, who would be interested in moving some of their classes for these populations to this center. It would make it more accessible to where most of the refugees live and eliminate the transportation problems which are a major barrier to many.

Rosemarie Lanier, resident, spoke in support of having a community center on the Heights. She would like to see the building include library services and space for the Concord TV studio. She noted that she helps to assist and working with refugees and feels that having supportive facilities in this location would be helpful.

Doris Ballard, Concord TV, thanked the City Manager and Council for their ongoing support of Concord TV.

Chris Gentry, Concord TV, explained that instead of talking to the Council they would like to present a video to show them what has been happening within the past 1 ½ years at Concord TV. The video provided highlights of their progress since being at the Heights including: working with the Recreation Department to help market visibility of their classes and programs, Concord TV has increased the number of their classes and youth camps, and have had 408 guests in their facility at the Heights. Since being at the Heights location, they have worked even more closely with non-profits and city departments. The video highlighted the many programs and live shows that they host.

Ms. Ballard noted that without having Concord TV there would be missing piece of technology that would be vital to the communications part of the building. They would be the technological hub that all other activities would revolve around and be supportive of that community center.

Councilor Coen asked how Concord TV would propose to deal with the \$80,000 + for rental space. Ms. Ballard responded that with their budget there is not enough money for the rent explaining that the only way they can do that is if they lay off more than double their staff. She noted that if they did this, the services would disappear and their training would be cut to 20 percent.

Mayor Bouley inquired whether they would keep a presence at the high school. Ms. Ballard responded that the presence would be very minimal and still up to the board as to what they wish to do. She noted that their main location would be at the community center.

Mr. Gentry added that it's their intention, moving forward with Comcast, to get their head end moved to that location which would also be a benefit to the location as it allows for more live feeds at a cheaper expense.

Councilor Champlin asked why Concord TV wouldn't want to retain their primary location at the high school. Ms. Ballard responded that parking is very difficult and it is not easily accessible to people with disabilities and the elderly. She pointed out that they do more with elementary school children and it is not comfortable for them to go to the high school. She added that they are hidden from the public within the high school.

Councilor Herschlag asked what Concord TV's projected budget would be for them to be at the Heights in order to provide programming; what they anticipate and the rent that they would pay. Ms. Ballard responded that their current budget is approximately \$257,000. She stated that what they have found is that if they try to raise money, they are going away from their mission; for every dollar they raise, they have to spend a dollar to raise that dollar. She noted that the competition is fierce in this community for fundraising; they don't support specifics such as children, animals or the homeless which people are drawn to give their dollars to. Concord TV does support those organizations that do need the exposure. Ms. Ballard indicated that they would be looking at \$350,000 to \$375,000 to be well funded to give staff decent increases, sustain the equipment and to be able to pay the city \$80,000 for rent.

Frank LaFontaine spoke in support of pickle ball courts within the City of Concord.

Alana Kimball, Pembroke Road resident, inquired whether any of the consultants had done any studies as far as the values of the surrounding homes after such construction is completed. She indicated that she currently sees a lot of field out her window and hopes that more of the building is done closer to Walgreens so as not to impact the neighbors. She noted her concerns with an increase of traffic within the residential area.

Julia Freeman Woolpert, Concord TV Board member and Bhutanese community advisor, a center on the Heights will make a big difference for the new residents of this area and gives them the ability to access services and to become part of the community. She pointed out that the Bhutanese community has taken advantage of Concord TV, taken the classes and developed the skills with video to stay connected with each other. She noted her support of a community center on the Heights.

Christine Weeden, Senior Employment Service Program receptionist, spoke in support of a community center and support of Concord TV being located at this facility.

Adrian Nolan, Concord TV staff member, spoke in support of Concord TV having a space within the community center.

Ryan Sweatt, Concord High School senior, spoke in support of Concord TV.

Joe Kasper, Leadership Concord, spoke in support of the community center and of Concord TV. He explained that, for several years, they have utilized the services of Concord TV in allowing the participants who are business people within the community utilize the technology to improve their business and stay longer within the Concord area. He feels that the Council needs to consider this community center because it will enhance what the city is trying to do overall: making it a destination point for residents as well as people visiting the area.

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

March 9, 2015 Public Hearing Action

27. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 17, Vehicles and Traffic, Article 17-7, Rights and Duties of Pedestrians, Section 17-7-3, the Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway; together with report from the Police Chief. (2-8)

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

Councilor Nyhan noted that it appears that this has been overwhelmingly successful after a year and he is glad that they are going to strike the sunset provision.

The motion passed with no dissenting votes.

28. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Article 28-2, Zoning Districts and Allowable Uses, Article 28-5, Supplemental Standards, Article 28-7, Access, Circulation, Parking, and Loading and Glossary, Alternative Treatment Centers; together with report from the Deputy City Manager – Development. (11-10) (2-9)

Action: Mayor Bouley noted that Senate Bill 54 is currently pending through the legislature and he is uncomfortable moving forward at this time with the adoption of this proposed ordinance. He recommended that they wait to let the legislative process take its course and if the legislature and governor decides to sign this, then Council can then decide whether to rezone for a tax paying entity; if they do it now, they will be rezoning a non-tax paying entity.

Councilor St. Hilaire questioned if the city doesn't have an ordinance in place would somebody, who was permitted and approved by the state, be able to apply and site something here anyway and be able to go anywhere rather than them regulating an actual spot. City Solicitor Jim Kennedy responded that ultimately zoning questions in the city are up to the Zoning Administrator. Councilor St. Hilaire noted that he seems to recall where

pornographic shops wanted to locate in cities and towns and the reason why they were zoned in specific areas is because the courts found that you can't prevent certain businesses from setting up shop in a community, therefore, the zoning regulations zoned them at different districts. His fear is that there is some interim window where they can actually apply to go anywhere if they don't have the zoning ordinance in place. Mr. Kennedy explained that here is a state law that authorizes these types of facilities and they, as the city, are governed under the laws of the state.

Councilor Shurtleff asked if it could include an effective day of July 1st if this is approved this evening and if the House doesn't go along with the Senate, move reconsideration in June. Mr. Kennedy replied that if it has an effective date later than today, what they are stuck with is the existing ordinance which is what they would be governed by.

Councilor Werner stated that the Mayor's suggestion seems prudent in terms of having all the information at their disposal to make a decision.

Councilor Herschlag noted that as he understood Mr. Baia, they don't have the option to opt out or opt in and if someone comes into the community and they are accepted by the state, the city has to accept that facility regardless. He asked if this interpretation is correct. Mr. Baia replied that it is a statewide RSA and right now they are just dealing with hypotheticals because the city doesn't have an active application. He noted that there are fourteen applications that were filed with the state and the state has up to eighteen months to issue the certificates for four zones within the state that would get alternative treatment centers. Mr. Baia indicated that he doesn't anticipate that this is going to happen anytime soon but if anyone did come forward, it would have to be a case by case instance. He explained that the point of the ordinance was that it's a policy issue and also a way to codify this based upon the policy leaders, City Council, versus trying to deal with it administratively from a staff perspective. He indicated that he doesn't have a concern with tabling this item at this time and feels that it's a prudent action in light of the fact that the taxability issue still hasn't been resolved.

Councilor Herschlag noted that as he understands if the city doesn't have an ordinance and someone applied meeting all the state standards, it would be more difficult for the city to designate where they could locate other than the restrictions placed upon them by the state. Mr. Baia clarified that the city would always have some control over where they would locate but in the instance where there isn't a governing ordinance, it would leave the responsibility to staff. He doesn't feel that it's a staff decision and is really a policy decision. Councilor Herschlag asked if it would be prudent to have an ordinance in place before the possibility of an application coming forth. Mr. Aspell responded that it's his understanding that once you introduce an ordinance, even though it isn't passed, it's under consideration and that ordinance is in place.

Councilor St. Hilaire moved to table this item. He noted that he feels that it would be helpful to have the answers to Council's questions. He added the question that if someone is leasing space would that automatically make it a non-issue because they are really paying the taxes

to the landlord. Mr. Kennedy indicated that if someone is leasing from a property owner that is not a designated charity in the state, then those entities are taxed.

The motion was duly seconded.

Councilor Herschlag inquired to the practical advantages of tabling this item.

Mayor Bouley stated that he wants to send a message loud and clear to the legislature that he wants these entities to be taxed if they are coming into the city. He noted that, to protect the taxpayers, he wants those entities to be paying taxes.

Councilor Herschlag noted that this is something that he supports and is in favor of the tabling motion.

The motion to table passed with no dissenting votes.

29. Schematic design, cost estimates, and financial pro forma for a proposed City-wide Multigenerational Community Center, CIP #443 report by the Director of Redevelopment, Downtown Services, & Special Projects. (2-33) *(Supplemental report from the Director of Redevelopment, Downtown Services & Special projects; together with letters of supports for the proposed community center) (Additional letters of support submitted)*

Action: Councilor Coen indicated that, based on the information received this evening, he is comfortable with option 4a, retaining the cafeteria design. He questioned the \$80,000 for the proposed Concord TV space noting that he feels that this is a very expensive rental. He inquired whether fitting up the studio is included within the cost or if this is just for bare walls. Mr. Aspell responded that the rental cost is for the room itself and does not include fit up.

Referring to the rental cost to Concord TV, Councilor Nyhan questioned whether it was just for square footage rental without operational costs. Mr. Walsh responded that it included the debt service for the city to build that, the cleaning costs, providing lighting, and providing water and sewer. He added that it will be finished space but any fit up that has to be done beyond these items would be the responsibility of Concord TV.

Councilor Nyhan inquired whether the cost is \$15 per square foot. Mr. Walsh responded that for the first one, the rent would be between \$25.47 and \$27.78 per square foot per year.

Councilor St. Hilaire recalled that all the Concord TV options required a second floor. Mr. Walsh responded that the only one that didn't was option 1; his recollection for option 1 was to save that 1965 wing taking part of this space and converting it for Concord TV. Councilor St. Hilaire indicated that within option 4a there is future expansion space on the first floor of what appears to be approximately 5,000 square feet. Mr. Walsh responded that it can be done there with the addition of 3,000 feet but would make it difficult for the city to add a library in the future.

Councilor Champlin pointed out that all of the proposals that they have seen combine the library with the Concord TV space and that they haven't seen any plans that break these out separately. He noted that the point is well taken relative to if they were to expand the library but, at this juncture, doesn't see this on the horizon. He stated that he likes plan 4a because preserving the cafeteria provides a little bit of character. He would like to know what would happen if they were to use that build out space for Concord TV; what would be the cost and the look of doing this.

Councilor Shurtleff noted his agreement with Councilors St. Hilaire and Champlin. He indicated that it's a great location for Concord TV if they could do something to accommodate them.

Councilor Herschlag indicated that he has been trying to find a way to move forward with this project in his mind; he feels that this is a great location, an important project and way past due. He can't find a way to ask the people in his ward to pay for this. He wonders if there is an option that created a new gym within option 5 as a more affordable option.

Councilor St. Hilaire noted that he appreciates all the information that Council has been given. One thing that is hard for him to get his arms around is how this fits in with the other projects they have already approved and how the City Manager thinks they can manage that. He indicated that some numbers on the overall tax rate would be helpful.

Councilor Nyhan indicated that he feels the same way that Councilor St. Hilaire does. He is also concerned about the money and wants to make sure they can pay for it.

Mayor Bouley explained that they have already approved \$700,000 for the design work and what they have in front of them is whether they want to go ahead and how do they want to go ahead with the design work. Once they get the design back, the Council would have to have another round of public hearings as to whether or not to move further forward.

Councilor Nyhan noted that, at the February meeting, the City Manager had indicated that they shouldn't be moving forward to design this project until or unless the Council is ready to commit to the construction of the project. To him it's a question of in order to commit to designing this and appropriating \$700,000, they need to understand the longer term impact of how it's going to be paid for.

Councilor Herschlag noted that he would be more comfortable knowing how this project fits in with all the other projects and how they anticipate that it would affect the tax rate. He suggested tabling this item until they can see some of the numbers next month.

Councilor Herschlag moved to table this item until next month.

Councilor Coen pointed out that there is a financial summary on the options which does break down the costs to taxpayers per year. For clarification, he asked if he is hearing that

what is being sought is a spreadsheet showing where the other expenditures for the other projects zero out or kick in so that they are looking at the whole bottom line for FY2017.

Councilor Nyhan indicated that he was thinking along those lines along as to what the incremental costs are going to be for the Main Street project, what's going to be the tax burden associated with the capital purchases of city trucks, etc. to see what the larger numbers are.

City Manager Aspell stated that they shouldn't spend \$700,000 if they don't intend to eventually construct this sometime in the next two years. He explained that if they design it today, and it's not built in 2016 or 2017 they would have to redesign it again spending the money all over again.

Mayor Bouley noted that he doesn't feel that being prepared is a bad thing. He doesn't want to waste the money but feels that good preparation makes for a better project.

Mr. Aspell pointed out that a feasibility study had been completed in 2011 and nowhere in there did anyone in the community mention a library or Concord TV at this facility. Now, three years later, it is essential to have those two entities at this facility; it could be something else three years from now. He noted that he doesn't disagree with the Council but his point is that needs and desires are constantly changing.

Councilor Nyhan seconded Councilor Herschlag's motion to table this item.

Mayor Bouley stated that he feels more information is better and doesn't feel that there is any rush to make a decision this evening. He supports the motion to table.

Councilor Champlin asked for more definition around the numbers and the look of the structure if they did not add library space but did add the Concord TV space.

Mr. Walsh indicated, for clarification, that what he is hearing is: 1) option 4a – add space for Concord TV with no dedicated library – draw this and come up with a cost estimate; 2) option 5 – renovate the existing Dame School, tear down the existing gymnasium and build a new one (part of Dame School may need to be torn down to build a new one).

Councilor McClure encouraged the Council to maintain a perspective of the big picture; this is a community center for the entire community for all ages. She indicated that Concord TV is meaningful to a lot of people in the community and she challenges Concord TV to determine what kind of space they need to be doing what they are doing; she doesn't know if they should be singling them out as the entity to be there.

Councilor Todd stated that he feels that laying out the information requested will be helpful not only for Council but for the residents to understand more clearly as to what they can expect.

The motion to table this item passed with no dissenting votes.

Reports

New Business

Unfinished Business

30. 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) (10-41) (11-41) (12-33) (1-47) (2-34) (*Action on this item tabled following a February 2013 public hearing*)

Action: This item remains on the table.

31. 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) (10-42) (11-42) (12-34) (1-48) (2-35) (*Action on this item was tabled after a public hearing was held on September 9, 2013.*)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Coen recognized and commended the General Services Department for their work in clearing the snow the winter.

Councilor Nyhan noted how impressed he has been with how quickly the sidewalks have been cleared in the vicinity of the Abbott Downing school this winter. He noted his appreciation.

Councilor Todd announced some upcoming events for the Concord 250 Anniversary: every two weeks they are hosting Concord Chats with the focus being on things that are unique to Concord; the Men and Music that made Penacook famous post Civil War event being held on March 19th event at 6:00 p.m. at the Penacook Historical Society; the history of the Concord Library is on April 2nd at 6:00 p.m. at the Library Auditorium on Green Street. He further announced that Concord 250 will be holding another city celebration planning team meeting on Monday, March 23rd at 6:00 p.m. in Council Chambers.

Councilor Champlin recognized the Carter family from Penacook for winning a few first places at the Laconia World Championship Sled Dog Derby in February.

City Council Minutes

March 9, 2015

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Mayor Bouley appointed members to a Street Trees Committee with members consisting of Councilors Bouchard, Matson, McClure, Todd and Champlin, Chair.

Mayor Bouley appointed members to a Northern Pass committee with members consisting of Councilors St. Hilaire, Bouchard, Matson, Chair, and Coen.

Comments, Requests by the City Manager

Consideration of items pulled from the consent agenda for discussion

- Item 20 has been pulled from the consent agenda for discussion.

Action: This item was placed back and approved within the consent agenda.

Consideration of Suspense Items

Adjournment

The time being 9:32 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*