



***Non-public session in accordance with RSA 91-A: 3, II to discuss the
City Manager's Evaluation and non-public session in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition to begin at 5:30 p.m.***

City Council Meeting
Minutes
April 13, 2015
City Council Chambers
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Father Richard Roberge from Christ the King Parish.
3. Pledge of Allegiance.
4. Roll Call. Councilor Bouchard, Mayor Bouley, Councilors Champlin, Grady Sexton, Herschlag, Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present. Councilors Bennett and Coen were excused.
5. Approval of the March 9, 2015 Minutes. ***(revised pages 1 and 11 submitted)***

Action: Councilor St. Hilaire moved approval of the March 9, 2015 minutes with revised pages 1 and 11. The motion was duly seconded and passed with no dissenting votes.

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

Action: Mayor Bouley explained that, in accordance with Section 21 (b) of the City Charter, Council shall evaluate the City Manager's performance in office and after such evaluation they shall determine in public session whether the City Manager's overall performance in the office has been satisfactory or unsatisfactory.

Councilor St. Hilaire moved that the Council vote satisfactory on the Manager's evaluation. The motion was duly seconded.

Councilor St. Hilaire explained the evaluation process noting that each Councilor receives a multipage packet to complete; these are compiled and turned into one evaluation. He indicated that every Councilor voted "satisfactory". He thanked the City Manager for another great year.

Mayor Bouley stated that he feels that “satisfactory” doesn’t do justice for the Manager’s level of performance. He thanked the City Manager, on behalf of the Council and the community, for all he does.

The motion passed with no dissenting votes.

8. Report on the status of the Downtown Complete Streets Improvement Project, CIP #460.

Action: City Engineer Ed Roberge introduced Brett St. Clair and Alex McIntire who are part of the project team. Digger the mascot was present. Mr. Roberge highlighted the construction schedule including Main Street utility being completed in 2014; North Main Street improvements in 2015; South Main Street improvements in 2016. He further highlighted the schedule for 2015 – Centre Street to Pleasant Street, along the east side, from March to June; Market Days will be held from June 25th through 27th; Centre Street to Pleasant Street, along the west side, from July to November. He provided several current construction photos. He is pleased to announce that construction is within scope, on schedule, and on budget at this point moving forward.

In regards to wayfinding signage, Mr. Roberge stated that they went back to the designer and made necessary changes based upon Council comments. The plans are finalized and they are going through design development and the contract documentation phase currently. He presented a PowerPoint slide with a palette of signs. With respect to lighting, they had looked at a number of alternatives and are moving forward with a recommended plan which includes uplighting boulevard trees and focus lighting in City Plaza, the Clock Tower, Eagle Square, Bicentennial Square and Capitol Commons. He presented some example photos. Mr. Roberge indicated that they are also working on snowmelt systems and through the process that City Council agreed on, they are working with five property owners: the Smile Building, the Love Your Neighbor Building, Phenix Hall, Charter Trust/Zoe’s, Merrimack County Savings Bank and the Prescription Center. He explained a design/build contract which is they would design, develop and price these out with the contractor; they are in the process of reviewing this with the building owners. **(Powerpoint presentation on file at the City Clerk’s Office)**

Brett St. Clair, Louis Karno and Co. Communications, indicated that the downtown community has been great and seems to really appreciate what the city is doing for them. He stated that their goal for this project, on the communications side, is to try to get the whole community behind the project because it’s going to be really important for Concord and a huge change within the community and will transform Concord’s downtown from a drive thru downtown to a destination downtown. The objectives for the marketing communication program are: to help maintain commerce during Main Street’s transformation; keep downtown businesses, property owners, residents and patrons informed about construction plans so they can adapt and work around what’s happening; encourage patrons, employees and residents to park in public parking garages or on side streets during construction; have merchants, businesses and community members express support for the project; and have members of the community and those who work in Concord understand and be excited about the future benefits of downtown.

Mr. St. Clair indicated that some of the work that they have done ranges from their website and weekly email project updates. The core of their communication effort is an extensive amount of face to face communication with the businesses and employees. He added that they are also doing radio advertisements, print advertising and social media. He announced that there will be a groundbreaking ceremony for the project on Monday, April 20th at 10:00 a.m. in front of the State House Arch.

Regarding the work schedule, Councilor Herschlag noticed that work is going to be done for 2 ½ months on the east side of the street but the project is being worked on for 5 months on the west side of the street. Mr. Roberge responded that the west side is more complex because they are dealing with the double step curb and shifting the center line of the roadway over. There is much more work that needs to be done on the west side than the east side.

Councilor Todd noted that he feels that the project has been a good roll out so far. He asked how individuals would sign up for the email announcements. Mr. St. Clair indicated that they would go to the project website, concordmainstreetproject.com, and click the button on the upper right hand corner of the homepage to subscribe to the email newsletter to stay informed.

City Manager Tom Aspell inquired whether there is any information in terms of the tone and the color hue of the lighting. Mr. Roberge responded that they asked the lighting designer to look at the different varieties of uplighting and expects them to be sending him two samples of uplights: one would be a bright white and one would be the programmable. They will look at varying colors of programmable units versus all white units and evaluate all the different colors and hues.

Councilor St. Hilaire questioned whether the white lighting would be the warm white lighting or the traditional cold led white lighting. Mr. Roberge noted that the lighting designer was very specific about the warmth color of the light and is clearly a requirement of this project.

- Consent Agenda Items -

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

Action: Councilor St. Hilaire moved approval of the consent agenda with items 18 and 23 being removed for discussion at the end of the agenda. The motion, as amended, was duly seconded and passed with no dissenting votes.

Items Tabled for a May 11, 2015 Public Hearing

9. Resolution adopting an amended Comprehensive Transportation Policy; together with report from the Transportation Policy Advisory Committee.

10. Resolution appropriating the sum of \$60,000 from the Building Improvement Reserve Fund for demolition of City owned property located at 10 Prince Street; together with report from the Director of Redevelopment, Downtown Services and Special Projects.
11. Resolution authorizing the City Manager to enter into a purchase and sales agreement with the Penacook Community Center concerning city owned property located on Village Street in Penacook; together with report from the Director of Redevelopment, Downtown Services and Special Projects in response to a communication from Deb Cuddahy, Penacook Community Center, asking the City to consider selling or entering into a long term lease of a city owned parcel of land on Village Street, lot #143P-31. (1-8)
12. Resolution accepting and appropriating the sum of \$36,274.57 from Primex Insurance reimbursement and transferring the sum of \$36,274.57 to the Capital Reserve Trust Account for building improvements; together with report from the Deputy City Manager – Finance
13. Resolution appropriating the sum of \$236,000 from Unassigned Fund Balance and transferring the sum of \$100,000 from Contingency to General Fund, General Services Snow and Ice Control accounts to support winter maintenance over-expenditures; together with report from the Deputy City Manager - Finance.

From the City Manager

14. Positive Citizen Comments.

Consent Reports

15. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$3,759.05 as provided for under the preauthorization granted by City Council.
16. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$2,246.40 as provided for under the preauthorization granted by City Council.
17. Diminimus gifts and donations report from the City Manager requesting authorization to accept monetary gifts totaling \$30 as provided for under the preauthorization granted by City Council.
18. Report from the Deputy City Manager – Finance recommending the FY2016 Finance Committee budget review schedule and guidelines. (*Pulled from consent by Mayor Bouley*)

Action: Item removed from the consent agenda for discussion.

19. Report from the Deputy City Manager – Finance requesting the City Manager be authorized to enter into a vehicle refueling agreement with the Merrimack Valley School District.

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20. Report on the FY 2016 Proforma Model from the Deputy City Manager – Finance
21. Report from the Deputy City Manager – Development analyzing the fee structure applied to peddlers on public property. (2-27)
22. Report from the Deputy City Manager – Development concerning the NH Rail Transit Authority's "Preferred Alternative" recommendation. (3-20)
23. Report from the Director of Redevelopment, Downtown Services & Special projects regarding the Capital Commons Parking Garage. (*Pulled from consent by Councilor Herschlag*)

Action: Item removed from the consent agenda for discussion.
24. 2014-2015 City Council Quarterly Priorities Report from the City Manager.
25. Public Safety Board Annual Report.
26. Report from the Parks and Recreation Director regarding July 4, 2016 festivities in the City of Concord.
27. Report from the Parks and Recreation Director regarding the status of the skateboard park.

Consent Resolutions

28. Resolution re-adopting the Beneflex plan and authorizing the City Manager to execute Beneflex plan documents.

Consent Communications

29. Street closure request from the Concord Family YMCA for a block party/barbecue to be held on Friday May 15, 2015.
30. Street closure request from the Penacook Historical Society for a Memorial Day Parade to be held on Saturday May 23, 2015. (*Request withdrawn*)
31. Street closure request from the Veterans of Foreign Wars for the annual Memorial Day Parade to be held on May 25, 2015.
32. Revised street closure request for the Christa McAuliffe Fun Fair Carnival to take place on Wednesday, May 27, 2015. (3-22)
33. Street closure request from the Library Director for Live Music on the Lawn events to take place on Tuesday June 16th, Tuesday June 30th, Wednesday July 29th and Tuesday August 11th.

34. Street closure request for the Capitol City Triathlon Event to be held on Sunday, July 26, 2015.
35. Street closure request for the 2nd Annual New England Half Marathon to be held on Sunday, October 4, 2015.

Appointments

36. City Manager's proposed appointment to the Heritage Commission.
J. Richard Jacques, Sr.

From the Mayor

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

37. April 13, 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) (3-26A)
(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 Aspell explained that this is the second public hearing for this item pointing out that action is to be taken at the May meeting.

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

- B. 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. (3-7)

Action: City Manager Aspell provided a brief overview pointing out that this item has the recommendation of the Parking Committee.

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

- C. 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. (3-8)

Action: City Manager Aspell provided a brief overview.

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

- D. 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. (3-9)

Action: City Manager Aspell provided a brief overview indicating that the redevelopment of the property will likely expand the city's tax base and potentially the city's employment base depending upon the final development plan for the property. He added that staff recommends the sale of the property.

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

- F. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance. (3-11)
(Substitute page 9 of the ordinance; together with report from the Deputy City Manager – Development submitted)

Action: There being no Council objection, the titles for both F and G were read together.

City Manager Aspell provided a brief overview.

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

- G. Non-ordinance fees. (3-12)

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

- E. 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) (3-10)

Action: Mayor Bouley announced that he is taking Rule Six on this item.

City Manager Aspell provided a brief overview indicating that this ordinance regulates the time of day that consumer permissible fireworks may be used in the city and includes fees, fines and penalties associated with this. He stated that the purpose of the ordinance is that any person wishing to display or use consumer or permissible fireworks may do so

without the need of a municipal license or permit but any such use shall be prohibited between the hours of 11:00 p.m. and 10:00 a.m. each day.

Councilor Bouchard asked if this ordinance would still allow fireworks but they would have to end by 11:00 p.m. or whether it prohibits them. Mr. Aspell clarified that fireworks would be prohibited after 11:00 p.m. Councilor Bouchard questioned whether this would be for seven days a week. Mr. Aspell confirmed that it would be for seven days a week. Councilor Bouchard noted her concerns that 11:00 p.m. during the work week is still late for people to be hearing those explosives. She questioned whether they could amend the time to 10:00 p.m. Mr. Aspell responded yes.

Mayor Pro Tem St. Hilaire opened the public hearing.

Public Testimony

Barbara Bell, resident, indicated that she sees constant fireworks being set off during the daytime on a daily basis within a neighborhood that has dense housing close to sidewalks. Fireworks are being set off on sidewalks, in streets, over utility lines and onto other properties. She noted that motorists and people often get startled and she would like to see more restrictions placed upon fireworks. She feels that the proposed ordinance doesn't address the concerns for the neighborhoods within the city. She indicated that if the city were to consider permitting they could require insurance to cover any possible liabilities that may occur. Ms. Bell urged the Council to reconsider the proposed ordinance to include more restrictions and/or permitting based upon the experience that the neighborhoods have had.

Councilor Bouchard asked if the fireworks were going up in the air during the daytime or whether they were firecrackers on the ground. Ms. Bell responded that she was not sure but that she had cardboard cartridges in her yard as a result.

Councilor Herschlag asked Ms. Bell for her thoughts on differentiating where fireworks are allowed so that the downtown area may have a stricter ordinance than the outlying areas of the city or being more restrictive on the types of fireworks that could or could not be utilized in a higher density area. Ms. Bell noted that she does not think it's fair to penalize people that have enough area on their property to let them off; there is not enough of an area/lot in downtown residences.

Councilor Grady Sexton inquired whether Ms. Bell is in favor of prohibiting the use of consumer fireworks. Ms. Bell responded that her initial thought was that this would be the simplest thing to do. She stated that this may be conservative but the decision is up to Council as to what kind of community they want to have. Ms. Bell noted that it may present lesser problems in different areas with clear restrictions that prevent inappropriate behavior.

Councilor Champlin inquired as to the frequency of these occurrences within Ms. Bell's neighborhood. Ms. Bell replied that it went on unannounced all last summer.

Councilor Shurtleff asked if Ms. Bell would have any objection if the Council referred this item to the Public Safety Board. Ms. Bell stated that she was surprised that this item didn't go to them. She noted that she has no objection to this.

Evan Mulholland, resident, noted that this is probably the most important issue for him in his relationship with the city. He pointed out the danger of the residuals of the fireworks landing on a deck or the rooftop of a house. He supports the proposed ordinance and that he would go farther to distinguish between the parts of the city and ban fireworks where it's densely populated or have some type of permitting system or something much more restrictive. He noted that he would also be in favor of a citywide ban. Mr. Mulholland spoke on behalf of his neighbor Mary Deal who wanted him to express to the Council that she is also in favor of any type of firework restrictions.

Scott Smith, resident, noted his concern with reoccurring fireworks throughout the year any evening of the week, frequently Sundays, within the Branch Turnpike neighborhood. He listed individuals that are affected by fireworks: people, including young children, sleeping normal hours; people who sleep to work an odd shift; veterans; and the immigrant community many of whom may have come from war torn areas. He expects that it would be the role of the Council to end it. Regarding comments of having different restrictions based on the part of town, he feels that whether you are living in an apartment within the center of the city or living on the most remote area outside the city, there should be peace and quiet from fireworks.

Mike Cashion urged that Council be mindful that the ordinance takes into consideration some of the events that go on throughout the city that people look forward to. He hopes that it wouldn't hinder any community events.

Councilor Champlin noted that as he understands it Mr. Cashion doesn't want to see an ordinance that would negatively impact the Black Ice Tournament, the 4th of July celebration or New Year's Eve fireworks. Mr. Cashion responded that to be correct.

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

April 13, 2015 Public Hearing Action

41. 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) (3-10)

Action: Councilor Shurtleff moved to refer this item to the Public Safety Board to make a recommendation to the Council. The motion was duly seconded.

Councilor Herschlag hopes that the Public Safety Board can take a look at the complexity of differentiating between the different types of fireworks; to see if it makes sense to have

specific dates and times on when they can and can't be set off; ensure that, with a city permit for special events, they would be allowed to occur.

The motion to refer this item to the Public Safety Board passed with no dissenting votes. Mayor Bouley recused himself from voting on this item.

38. 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. (3-7)

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

39. 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. (3-8)

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

40. 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. (3-9)

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

42. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance. (3-11) (***Substitute page 9 of the ordinance; together with report from the Deputy City Manager – Development submitted***)

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

Councilor Nyhan pointed out that his motion included the substitute page 9.

The motion to approve passed with no dissenting votes.

43. Non-ordinance fees. (3-12)

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

Reports

New Business

Unfinished Business

44. 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) (3-26C; 3-28)

Action: This item remains on the table.

45. 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) (3-26D; 3-29) (*Supplemental report from the Director of Redevelopment, Downtown Services & Special projects; together with letters of supports for the proposed community center*) (**Communication from Second Start submitted**)

Action: Councilor Shurtleff moved to remove this item from the table. The motion was duly seconded and passed with no dissenting votes.

Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects, explained that, at the last meeting, Council had asked staff to look at new options called 4C and 5B along with revisions to 5A to renovate Dame School with the existing gym option only. He indicated that option 4 was predicated on tearing down the entire Dame School complex and replacing it with new construction; at the last meeting Council asked staff to consider adding dedicated space for Concord TV. The space would be approximately 65,000 square feet with a cost of \$15 million. He pointed out that option 5A is revised because it was overstated that it would cost \$7.5 million. Option 5B is to renovate the school and add a new gym which would be just under 61,000 square feet and would cost \$9.5 million. He highlighted the financial comparisons within his presentation.

Mr. Walsh presented two more concepts for consideration: Option 6 which would save the 1965 wing and the cafeteria and would build a new gym with a cost of \$8 to \$8.5 million; Option 7 is new construction without the turf field in the back with a cost \$8.3 to \$9.3 million. He pointed out several items: Council has been shown eleven options to date; interest rates are currently at a historical low; and construction inflation is anticipated at 5 percent per year. (**Powerpoint presentation on file at the City Clerk's Office**)

Mayor Bouley stated that he is in support of this project and feels that it's the right thing to do but, when looking at all of the upcoming projects, he can't make the numbers work on this particular project right now. He would like Council to consider asking Administration to go back and take a look at putting together a budget and proposal which would secure the building and make it usable for the next ten years. He realizes that construction costs will go up as time goes on and has spent time going through the capital budget to try to make the numbers work but the priorities are such that it's hard to push some of the projects out for safety purposes.

Councilor Bouchard noted her agreement with the Mayor noting that it's difficult to afford this project with all of the other projects they have. She noted that maybe staff could come back with something that includes the core programs that Parks and Recreation is doing. She asked whether it's possible to look at the old gym and whether there is something that can be done about the sound and air flow to make it a more comfortable usable space. She stated that she would like to see this get built now but they have to pay attention to what the taxpayers can afford.

Councilor Champlin noted his thoughts echoes the Mayor and Councilor Bouchard's comments. He thanked staff for the effort put into this project but is concerned as to what the property taxpayers can bear.

Councilor St. Hilaire stated that he feels that this is a worthy project and something that he would support but that the city and taxpayers cannot afford it right now. He noted that he would like to see whether there are some incidentals that the City Manager could suggest.

Councilor Herschlag noted that he is disappointed that they will not be moving forward with this project due to its cost. He suggested that Council give staff direction as to: what do they want for a facility; what do they want saved; and what are the important components. Staff could come back to let Council know how best to move forward with accomplishing this and how these components could be phased in over time in a cost effective manner.

Councilor Bouchard moved to accept the Mayor's recommendation. The motion was duly seconded and passed with no dissenting votes.

46. 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) (3-30) (*Action on this item tabled following a February 2013 public hearing*)

Action: This item remains on the table.

47. 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) (3-31) (*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 Todd announced upcoming events in conjunction with the Concord 250 celebration including: discussion about Concord's first church to be held on Thursday, April 16th, at 6:00 p.m. at the First Congregational Church; history of the Concord Fire Department to be held on Thursday, May 7th, at Fire Headquarters.

Councilor Herschlag announced that there will be another Ward Two neighborhood meeting to be held on April 21st, at the Newell Post Restaurant from 6:00 p.m. to 7:30 p.m.

Councilor Todd indicated that Concord 250 information is located at their website at concord250.org and on their Facebook page.

Councilor McClure noted that the fountain was taken out of the Main Street project because of funding and announced that there is a group that would like to raise private funds to put the fountain back into the project if the Council and the city would be inclined to do so. She stated that an opportunity has come up for which they need advanced support; it's for a potential CDFFA grant for the project that would need to be submitted by Friday. To make this application strong, it would be nice to receive a letter of support from the city for this application. She indicated that the application would come from the Chamber of Commerce; the tax credits are committed in the amount of \$200,000 so this means that the chamber would then have to raise a potential \$200,000 to \$250,000 of private funding. She noted that if the CDFFA grant is received, they would come back to the Council with a more full-fledged proposal along with committed private funds.

Councilor Champlin stated that he feels that this is an exciting opportunity particularly since it's essentially a public/private partnership with the city assisting to integrate this without delaying the Main Street program. He noted that many people feel that the fountain was an opportunity to create energy and activity downtown and to be a real magnet for activity that can help sustain and support the downtown businesses and put Concord on the map.

Councilor Bouchard asked for clarification that when they are speaking of a fountain they are really talking about a sidewalk water fountain park.

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Councilor McClure stated that it was really important when they did consider the fountain that the plaza be available for meetings and demonstrations so it would be one of those fountains that could be stopped so the plaza could be utilized; it would not take up the entire plaza.

Councilor Bouchard indicated that she had voted against the fountain, not due to the funding, but because she didn't feel that it was appropriate for that space in front of the War Memorial and the Arch. She pointed out that there are occasional impromptu gatherings because of a bill or something else that is happening. She noted that it's great that this private/public partnership is happening but there is the ongoing cost of maintenance. She added that the Recreation and Park Advisory Committee has discussed looking at what to do with the pools and that they will be discussing the possibility of having these types of fountain parks. She suggested that Creative Concord come up with another idea of a fountain; something that would show respect for the War Memorial and the history of the Capital.

Councilor Werner noted his concerns with maintenance moving forward and what those costs may be.

Councilor Herschlag indicated that he is not supportive of a fountain at the State House Plaza because he doesn't feel that it's an appropriate area. He also noted his concerns with the ongoing maintenance costs.

Councilor Nyhan noted that this poses quite a few potential scheduling conflicts/construction delays; if they were to issue a letter of support and obtain these credits, how would it impact the existing project both scheduling and financially.

Mr. Aspell indicated that it is too early to say and would depend what they decide on the project as a whole. He stated that it would also depend upon when the design, the parts, the implementation, and how it would work with the installation of when they flip from one side of the street to the others. They would have to look at all the pieces to this. He pointed out what Councilor McClure is asking is whether they take the first step and apply for the dollars; when they make it to the point, based on all of the items, they could look at an increased project scope of costs and time and it would be up to the Council to determine whether or not they want to go down that line.

Councilor Nyhan asked, if they were to apply for these dollars, would the dollars be specifically earmarked for a fountain project or could they be used for other ways to enhance the Main Street project.

Councilor Champlin responded that they would be earmarked for a fountain project; this is the concept that would be presented to the CDFR.

Mayor Bouley clarified that even if Council gives a letter of support and the dollars are awarded, the Council would need to hold a public hearing.

Councilor McClure stated that the intention is to raise enough dollars to include some of the maintenance costs and it's not their intention to hold up the project. She noted that there is a lot

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of work yet to do in terms of figuring out what the city needs so that they are using a minimum of city resources to put the project together.

Councilor Champlin doesn't feel that it's accurate to describe this as a park; it's a unique kind of fountain which would be flushed with the sidewalk and would not have a pool. He noted his respect for veterans and would not support this project if he thought it would have a deleterious effect on the War Memorial. He feels that the feature would attract families and attract individuals who will then see the memorial and be more aware of it.

Councilor St. Hilaire feels that it's worth them exploring the idea; it's not a commitment to do it. He feels that a water feature is something that would be attractive downtown and would attract people downtown. He doesn't feel that it's disrespectful to have a calm peaceful fountain in front of the memorial and believes that the scope of this project is different in such that it's not going to encompass the entire plaza but just a portion of it. He feels that the positives outweigh all the negatives.

Councilor Matson inquired as to what would happen to the dollars from the grant if the Council decides not to move forward with the fountain.

Councilor Champlin explained that they wouldn't have the actual dollars being held; what they would have is commitments for the funding that would be predicated or contingent upon the Council approving the project to move forward.

Councilor Bouchard stated that she didn't mean to imply that any Councilor did not respect war veterans or the War Memorial. She indicated that the water feature had been discussed at many meetings and many voted against it because it was felt that it wasn't the right type of water feature. She is not against a water fountain there but they are not speaking about what most would think is a water fountain, they are speaking about a sidewalk water feature. She is not opposed to a water fountain she just doesn't feel like the sidewalk water feature is appropriate there.

Councilor St. Hilaire noted that he feels that it would be appropriate to submit a letter of support because of the short window available and see whether there are several options that can be looked at to see if they can reach a consensus.

Councilor Todd indicated that he will be voting in support of the motion explaining that the decision this evening doesn't box them in and he is in favor of making any public area or popular area downtown family friendly/child friendly.

Councilor Werner supports Councilor St. Hilaire's comments. He feels that this represents a particular opportunity for something that is very specific that he thinks would add value to the downtown project. He is in support of investigating it and sending out a letter of support.

Councilor Herschlag is not entirely reassured that they would be able to back out of commitments made for tax credits and CDFA. He noted that, along with the appropriateness of that area and maintenance costs, he will not be able to support moving forward with this.

Councilor Shurtleff noted that he appreciates the work of Councilors Champlin and McClure in this project. He would love to see a water feature on Main Street but does agree with Councilor Bouchard that this may not be the right place. He will be voting against any motion that may come forward.

Mayor Bouley stated that he was one of the members that did not support the feature and was concerned about the memorial and the appropriateness of the area. Since then, he did research on similar parks and noted that some are located around memorials and that it can be done very tastefully and tactfully. His opinion in regards to these features has softened. He feels that giving a letter to this project at this point in time is extremely appropriate and they will get the opportunity to look at the exact design and what's being proposed when it comes back. He encouraged the Council to look at what other cities are doing with these water features. The Mayor stated that he doesn't want to slow this project down so if this is going to cause a delay, he is opposed to it. He feels that there is no harm in at least exploring this water feature.

City Manager Aspell staff would need to define what the project is going to be, how resources would be made available – are they receiving a design or receiving resources to do a design and if they are receiving a design, there would need to be a review of that design. He noted that one thing to keep in mind is that this is a federal project and with a federal project, you need to have federal review and approval. He noted that one of the things that would need to be kept in mind is construction costs and impacts; if you take a project and have another project, there is generally a cost impact with both of those.

Councilor McClure moved that the city provide a letter of support to the Chamber of Commerce for an application to CDFA for sponsoring a fountain in the Main Street project. The motion was duly seconded and passed 9 to 4 with a roll call vote with Councilors Grady Sexton, Keach, Matson, McClure, St. Hilaire, Todd, Werner, Mayor Bouley and Councilor Champlin voting yes. Councilors Herschlag, Nyhan, Shurtleff and Bouchard voted no.

Mayor Bouley reminded residents to register their dogs at the City Clerk's Office.

Comments, Requests by the City Manager

Consideration of items pulled from the consent agenda for discussion

- Items 18 and 23 have been pulled from the consent agenda for discussion.

18. Report from the Deputy City Manager – Finance recommending the FY2016 Finance Committee budget review schedule and guidelines. (*Pulled from consent by Mayor Bouley*)

Action: Mayor Bouley noted that they are looking for their final budget adoption for June 4th. He's been looking at what's going on with the state budget and there is great potential, in his opinion, for downshifting of costs. He wants to make sure that they are going to be in a position where they can be responsive enough if there is what may be significant downshifting. If they had to change their budget to reflect what goes on in the

state, he wants to put everyone on notice that he may ask for the Council to push off that June 4th public hearing and adoption date.

Councilor Champlin moved approval, with the recognition that it may need to be adjusted. The motion was duly seconded and passed with no dissenting votes.

23. Report from the Director of Redevelopment, Downtown Services & Special projects regarding the Capital Commons Parking Garage. (*Pulled from consent by Councilor Herschlag*)

Action: Councilor Herschlag noted that it appears strange to him that they would have public parking on the first level when most of the activity occurs on the Main Street level. He wonders and hopes that the Administration staff could be directed to change where public parking would have more direct access to Main Street.

Councilor Herschlag moved to change public parking from levels one and two to levels two and three. The motion was duly seconded.

Mayor Bouley indicated that he will be voting no on the motion stating that he feels that the report did an excellent job of laying out the strategy of why these spaces would be on the first and second floor. He added that he feels that it seems to work this way.

Councilor Todd has observed that there are a lot of times when it's actually rather difficult to find a parking space on Storrs Street so there are several businesses there that may welcome the fact that people can park on the first floor of the parking garage. He noted that he will be voting no on the motion.

Councilor Keach stated that he will also be voting no on the motion.

The motion failed on a voice vote.

Councilor St. Hilaire moved approval of the report. The motion was duly seconded and passed with one dissenting vote.

Consideration of Suspense Items

Adjournment

The time being 9:33 p.m., Councilor Matson 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*