

# Non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition followed by a non-public meeting regarding collective bargaining in accordance with RSA 91-A:2, I(a), to be held at 6:15 pm

City Council Meeting
Minutes
June 10, 2013
City Council Chambers
7:00 p.m.

- 1. The Mayor called the meeting to order at 7:00 p.m.
- 2. Invocation by Father Michael Wilson, Holy Trinity Green Orthodox Church.
- 3. Pledge of Allegiance.
- 4. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, St. Hilaire, Shurtleff and Werner were present. Councilor Patten was late.
- 5. Councilor St. Hilaire presented a resolution in recognition of the services of Master Police Officer Daniel Reilly. (5-42)
- 6. Black Ice Hockey presentation.

**Action:** Chris Brown, Black Ice Hockey Association, presented the city with a \$20,000 donation from this year's tournament.

7. Approval of the May 13, 2013 and the May 23, 2013 meeting minutes.

**Action:** Councilor St. Hilaire moved approval of the May 13, 2013 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor DelloIacono moved approval of the May 23, 2013 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

8. Agenda overview by the Mayor.

#### - Consent Agenda Items -

**Action:** Councilor St. Hilaire moved to accept the consent agenda. The motion was duly seconded and passed with no dissenting votes.

#### Referral to Community Development and the Planning Board

9. Communication from Dana Rood, Concord Terrace, LLC requesting the City of Concord's Zoning Ordinance be amended relative to the placement of car ports within mobile home parks.

# <u>Referral to Community Development - Code Administration and the General Services Department</u>

10. Communication from Herbert Leisy asking for increased vigilance in addressing recurring refuse by the City in an attempt to restore residential quality of life in the Old Loudon Road area.

# Items tabled for a June 20, 2013 Public Hearing

- 11. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2014 ending June 30, 2014. (5-26)
- 12. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2014 ending June 30, 2014. (5-27) (*Not yet distributed*)
- 13. Resolution closing and completing certain capital projects; rescinding/deauthorizing appropriations; returning funds to their sources; and transferring, reappropriating or otherwise making remaining balances available for future purposes; together with report from the Senior Accountant. (5-28)
- 14. Resolution for bonded projects within the Capital Budget for Fiscal Year 2014 (July 1, 2013 to June 30, 2014) hereby is authorizing and approving the expenditure of \$9,018,000 and authorizing the issuance of \$9,018,000 in bonds and notes for various capital projects more specifically identified below and in the attached worksheet 1; together with report from the Deputy City Manager Finance. (5-29)
- 15. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates. (5-30)
- 16. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates. (5-31)

# **Items Tabled for a July 8, 2013 Public Hearing**

17. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; Heather Lane; together with a report from the Traffic Engineer in response to a communication from Councilor

Nyhan asking the Traffic Operations Committee to consider south end traffic concerns. (10-7)

- 18. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with a report from the Assistant for Special Projects. (In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting)
- 19. Resolution appropriating \$2,500,000 including authorizing the issuance of bonds and notes for the installation of underground utilities as part of and within the Sears Block Tax Increment Finance District in conjunction with the Downtown Complete Streets Project. (In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting)
- 20. Resolution appropriating the sum of \$190,400 for Communication Services for the Downtown Complete Streets Improvement Project from the City of Concord Economic Development Reserve Fund and authorizing the City Manager to enter into an agreement with Louis Karno & Company, LLC for communication services; together with report from the Deputy City Manager Development.

#### From the City Manager

21. Positive Citizen Comments.

#### **Consent Reports**

- 22. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,616.20 as provided for under the preauthorization granted by City Council.
- 23. Diminimus gifts and donations report from the Parks & Recreation Director requesting authorization to accept monetary gifts totaling \$400 as provided for under the preauthorization granted by City Council.
- 24. Public Safety Advisory Committee Annual Report.
- 25. Report from the Public Safety Advisory Board in response to a communication from Downtown Merchants requesting a more defined and stricter enforcement of panhandling laws in the City of Concord. (4Sus1)
- 26. Report from the Fire Chief on a pending update to the city's Hazard Mitigation Plan.
- 27. Report from Code Administration regarding Intown Concord's request to serve alcohol at Market Days on Main Street.

28. Report from the City Engineer recommending approval of a request from Kleinfelder, on behalf of Cumberland Farms, Inc. (CFI) to license the installation of a monitoring well within the city right of way on Pleasant Street as part of ongoing groundwater monitoring required by NH Department of Environmental Services.

#### **Consent Resolutions**

- 29. Resolution authorizing the City Manager to accept an executory interest in a conservation easement for property owned by Hope E. Zanes, located at 90 Stickney Hill Road; together with report from the Conservation Commission.
- 30. Resolution authorizing the City Manager to submit an application to the Target Grant Program to provide supplemental funding of up to \$2,000 for the 2013 National Night Out; together with report from the Police Department.
- 31. Resolution designating depositories for the City of Concord New Hampshire for the Fiscal Year 2014; together with report from the City Treasurer.
- 32. Resolution relative to short-term investment of excess funds.
- 33. Resolution authorizing prepayment of 2013 taxes in accordance with RSA 80:52-a.

#### **Consent Communications**

- 34. Street closure request from the West Congregational Church, Garrison Street, for a neighborhood party to be held on Sunday, June 23, 2013.
- 35. Street closure request for the annual Christmas parade to be held on Saturday, November 23, 2013.

#### **Appointments**

- 36. Mayor Bouley's proposed appointment to the Upper Merrimack River Local Advisory Committee. *Frederick Chormann*
- 37. Mayor Bouley's proposed appointment to the Contoocook River Local Advisory Committee. *Jack Shields*

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

#### 38. June 10, 2013 Public Hearings

A. Resolution authorizing the City Manager to enter into a development and purchase and sales agreement with the Siena Bodwell Joint Venture Group to accomplish the following 1) to purchase a +/- 2.7 acre parcel from the State of New Hampshire, identified as MBL 111E-1-12 for \$955,000 and a \$1,100 administrative fee with the costs for this purchase being borne by the Siena Bodwell Joint Venture Group; and 2) to sell +/- .58 acres of

City of Concord land identified as MBL 111E-1-17 and MBL 111E-1-18 to the Siena Bodwell Joint Venture Group to allow for the Siena Bodwell Joint Venture Group's construction of certain public improvements identified as City CIP #39 and the development of +/- 31,000 square feet of commercial real estate, Loudon Road; together with a report from the Deputy City Manager – Development. (5-12)

**Action:** Carlos Baia, Deputy City Manager-Development, provided a brief overview.

Councilor Bouchard indicated she received a concern by a constituent in regards to the "Y" intersection at the end of Old Loudon Road and Portsmouth Street in which the concern was that there would be more people using this and the "Y" intersection would become more dangerous than it is now. She asked if there was any consideration to look at that as part of this project. Mr. Baia responded that he had spoken to this same person and had a traffic engineer speak to him as well so they are already addressing these issues. He added that, as part of the Planning Board review, he is sure this will be one of the concerns raised in the analysis of the plan.

Mayor Bouley opened up the public hearing.

### **Public Testimony**

Nicholas Luoma spoke in favor of this development noting that he feels that any opportunity the city has to expand the tax base from the state is an excellent opportunity. He stated that his family is a small business owner in the city and believes that any development on Loudon Road west of Walmart is great for small business potential and lends itself to the opportunity for small businesses to be able to move or expand their business as necessary.

Councilor McClure inquired as to where his business is located. Mr. Luoma responded that it is the Yellow Submarine, one on North State Street and one on Loudon Road.

There being no further 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, Conant Drive; together with report from the Parking Manager and the Traffic Engineer. (5-14) (*Public testimony received*)

**Action:** There being no Council objection, the titles for B and C were read at the same time. City Manager Tom Aspell provided a brief overview of items B and C.

Mayor Bouley opened the public hearings for both items B and C.

#### **Public Tesimony**

Warren Runde, corner of South Street and Conant Drive, spoke in favor of the proposed parking amendments. He pointed out that he feels that there is one other safety issue: the

routing of the buses. He suggested that all the buses turn right out the school driveway, exit either Springfield or Norwich Street, and out to Clinton Street in which there are traffic control devices in place already.

Mayor Bouley inquired whether Mr. Runde had reached out to anyone on the school board in regards to the buses. Mr. Runde responded that he has not talked to the school board but he did bring this up at the neighborhood meeting held in regards to the parking and felt that the reception from the school department was less than warm. Mayor Bouley indicated that he will reach out to the school board and urge them to contact Mr. Runde to talk about his concerns.

Councilor Nyhan indicated that he was at the neighborhood meeting and noted his agreement of the categorization that it was a lukewarm response. He noted that he felt that it was an outstanding suggestion.

Councilor Bennett echoed Councilor Nyhan's comments.

There being no further testimony, the Mayor closed the hearings for items B and C.

C. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-7, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, Abbot Downing Elementary School area. (5-15) (*Public testimony received*)

**Action:** Public hearing for this item taken with item B.

D. Resolution to discontinue completely West Locke Road, a Class VI local highway, in Concord New Hampshire; together with report from the City Planner. (5-16)

**Action:** City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

#### **Public Testimony**

Roy Schweiker noted that if a road is discontinued any person who is harmed by it, an abutter, has the right to petition the court for damages. He stated that he feels that it's unwise to discontinue a road leading by someone's property unless there is an agreement from them in writing that they are not going to ask for damages. He noted that someone had told him that you can only give easements on property that you own and is not sure where the 30 foot easement that was given to the power company is coming from. He indicated that the city doesn't own the full width of that road; it has a transportation right away over it but they don't own it.

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

E. Resolution authorizing the City Manager to submit an application in an amount of up to \$190,000 and to accept, appropriate, and administer grant proceeds of up to \$190,000 in Community Development Block Grant funds on behalf of the Belknap-Merrimack County Community Action Program; together with report from the Assistant for Special Projects. (5-17)

**Action:** There being no Council objection items E through J were read together.

Matt Walsh, Assistant for Special Projects, explained that Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available on a competitive basis for economic development projects, up to \$500,000 for public facility and housing projects and up to \$500,000 for emergency activities that directly benefit low and moderate income persons. In addition, up to \$12,000 is available for feasibility study grants. All projects must primarily benefit low and moderate income persons. He explained that, relative to Concord Head Start Sprinkler System CDBG Application, the purpose of this public hearing is a proposed application to the Community Development Finance Authority for up to \$190,000 for Concord Head Start, located at 67 Old Loudon Road, Concord, to install a sprinkler system so they may increase the total number of children served from 108 to 145. One hundred percent of the children are from low and moderate income households. This project conforms with the City's Housing and Community Development Plan's Goal to provide rehabilitation assistance to social service agencies directly serving low and moderate income clients, to upgrade facilities, to correct code violations, to improve handicapped accessibility and to improve energy conservation. He indicated that the funding request is up to \$190,000.

In regards to the Children's Place and Parent Education Center CDBG Application, Mr. Walsh explained that the purpose of this public hearing is a proposed application to the Community Development Finance Authority for up to \$200,000 for the Children's Place and Parent Education Center, located at 27 Burns Avenue, Concord, to support various capital improvements including, but not limited to, new roofing and a HVAC system. The facility serves 250 children and their families through their programs, of which 75% are from low and moderate income households. This project conforms with the City's Housing and Community Development Plan's Goal of providing rehabilitation assistance to social service agencies directly serving low and moderate income clients, to upgrade facilities, to correct code violations, to improve handicapped accessibility and to improve energy conservation. He indicated that the funding request is up to \$200,000.

Mr. Walsh explained, in regards to the Concord Women's Club CDBG Application, that the purpose of this public hearing is a proposed application to the Community

Development Finance Authority for a minimum of \$110,000 for the Concord Women's Club, located at 44 Pleasant Street, Concord, for various capital improvements including, but not limited to, a new roof, chimney repairs, hazardous materials abatement, and fire alarm upgrades. The facility has four dwelling units, which are used by low and moderate income people, including one unit which is kept available for emergency housing. Their outreach programs benefit 1,814 people. It is estimated that 83% of the people benefiting from on-site housing and outreach programs are of low and moderate income. This project conforms with the City's Housing and Community Development Plan's Goal of providing rehabilitation assistance to social service agencies directly serving low and moderate income clients, to upgrade facilities, to correct code violations, to improve handicapped accessibility and to improve energy conservation.

In regards to the CRDC/Concord Racquet Club CDBG Application, Mr. Walsh explained that the purpose of this public hearing is a proposed application to the Community Development Finance Authority for 2013 or 2014 Economic Development funds of up to \$500,000 for the Capital Regional Development Council (CRDC), which will use funds to make a loan to an operating business, to support the sale and redevelopment of the Concord Racquet Club, located at 10 Garvins Falls Road, Concord. The result will be improved employment opportunities, through the retention and creation of jobs at the upgraded facility. This project conforms with the City's Housing and Community Development Plan's Goal of: retaining and expanding jobs for low and moderate income people. He indicated that the funding request is up to \$500,000.

In regards to the Housing and Community Development Plan, Mr. Walsh explained that the existing Housing and Community Development Plan has been update to meet CDBG requirements. The updates include noting whether a goal is short term or long term and the addition of the following required policy statements: as a matter of policy, the City will minimize the involuntary displacement of households from their neighborhoods. These goals are consistent with Concord's Master Plan and Ordinances. Any federal CDBG grant funds awarded to address any of these goals shall be expended consistent with national objectives and shall, at a minimum, provide improved housing in accordance with Section 8 standards, be used for public facility projects, employment opportunities, or feasibility studies. All CDBG funded projects, shall primarily benefit low and moderate income persons or households, and shall not benefit moderate income persons or households to the exclusion of low income persons or households.

Lastly, Mr. Walsh explained, in regards to Residential Antidisplacement and Relocation Assistance Plan, that although these projects does not involve any displacement or relocation of persons or businesses, if the City were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

Councilor St. Hilaire noted that it indicates that CRDC is going to provide a loan to whoever the new owner is of the Racquet Club and stated that he recalls that the Racquet

Club received a CDBG loan or block grant previously. Mr. Walsh responded yes. Councilor St. Hilaire inquired as to what happened to the outstanding amount. Mr. Walsh explained that the loan was made by the city; two separate loans which were consolidated in December 2008. He noted that at the time they were consolidated there was an \$82,000 note and there is approximately \$63,700 that is currently outstanding. He indicated that his understanding from the proposed sale price is that at this time it looks like the city will be able to recoup what it's owed for that loan, which is currently past due, as well as back taxes that are owed on that property and back utility costs. Councilor St. Hilaire questioned whether CRDC has looked at the business plan for the new owner to be able to provide themselves some assurance that they will be able to get paid. Liz Sweeney, CRDC, responded yes they are in the process of reviewing the business plan which will include not only the current financials but also the projected financials relative to the takeover of the operations at the Racquet Club. She explained that it will also include a review of the prospective job creation that is planned over the next eighteen months; when looked at it is looked at in detail with regard to the wages paid and the benefits provided in order to satisfy the low and moderate income requirement of the program.

Councilor Keach asked if there was a way to ensure that the city's interests are protected if this transfer occurs. Mr. Walsh responded that the city's interest in respect to back property taxes which is approximately \$136,000 and unpaid utility bills which is approximately \$3,600 would be protected because the city will get its tax money first when the transaction closes. Councilor Keach inquired in regards to the \$63,000. Mr. Walsh responded that, to the best of his knowledge, it looks like the sale price is going to be sufficient to cover all the debts that are on the property. Could the city put a condition on the CDBG funds that we receive money back on the loan that they made that is currently outstanding on the property, Mr. Walsh explained that this is something that would require a discussion between the city, CRDC, the state as well as the buyer and the primary mortgage holder on the property.

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

F. Resolution authorizing the City Manager to submit an application in an amount of up to \$200,000 and to accept, appropriate, and administer grant proceeds of up to \$200,000 in Community Development Block Grant funds on behalf of the Children's Place and Parent Education Center. (5-18)

Action: Mayor Bouley opened the public hearing.

#### **Public Testimony**

Bethany Kohalmi, Children's Place Board of Directors member, indicated that she is in favor of this proposed resolution.

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

G. Resolution authorizing the City Manager to submit an application in an amount of up to \$110,000 and to accept, appropriate, and administer grant proceeds of up to \$110,000 in Community Development Block Grant on behalf of the Women's Club of Concord. (5-19)

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

#### **Public testimony**

Lisa Schermerhorn, Women's Club past president, indicated that she is grateful for this opportunity explaining that they have had this house available to them for over 100 years in which they house women in transition. Rita Blanchette, Women's Club treasurer was present.

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

H. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept, appropriate, and administer grant proceeds of up to \$500,000 in Community Development Block Grant funds on behalf of the Capital Regional Development Council. (5-20)

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

#### **Public Testimony**

Roy Schweiker, resident, referenced the Main Street project indicating that this project is receiving tax credits/grants but an agency is taking 20 percent to handle this for the city. He asked if the same could be done here in which the city could receive 20 percent for their expenses for managing the grant.

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

I. Resolution re-adopting the City of Concord's Housing and Community Development Plan. (5-21)

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

J. Resolution re-adopting the City of Concord's Anti-Displacement and Relocation Plan. (5-22)

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

# **Public Testimony**

Roy Schweiker indicated he has concerns that the resolution says what you get but doesn't say who eligible to receive it. He noted that he feels that this resolution should include how it's determined that someone is eligible for displacement assistance; how long do they have to have been there.

Mayor Bouley questioned whether Mr. Schweiker had seen the Displacement and Relocation Certification dated September 10, 2012 which indicated three years.

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

K. Resolution accepting and appropriating the sum of \$41,000 from the sale of the Triacca property to Equity Trust, Inc., as previously authorized by Resolution #8632; together with report from the Conservation Commission. (5-23)

**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.

L. 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; together with report from the Purchasing Manager. (5-24)

**Action:** City Manager Tom Aspell provided a brief overview.

Councilor Blanchard inquired as to the salary of this position. Doug Ross, Purchasing Manager, responded that the current Purchasing Agent position has a salary range of \$40,600 to \$58,900 and the requested Purchasing Agent II position would range from \$47,000 to \$68,300.

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

M. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave, Section 34-11-3, Injury Leave; together with report from the Human Resources and Labor Relations Director. (5-25)

**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.

#### June 10, 2013 Public Hearing Action

39. Resolution authorizing the City Manager to enter into a development and purchase and sales agreement with the Siena Bodwell Joint Venture Group to accomplish the following 1) to purchase a +/- 2.7 acre parcel from the State of New Hampshire, identified as MBL 111E-1-12 for \$955,000 and a \$1,100 administrative fee with the costs for this purchase being borne by the Siena Bodwell Joint Venture Group; and 2) to sell +/- .58 acres of City of Concord land identified as MBL 111E-1-17 and MBL 111E-1-18 to the Siena Bodwell Joint Venture Group to allow for the Siena Bodwell Joint Venture Group's construction of certain public improvements identified as City CIP #39 and the development of +/- 31,000 square feet of commercial real estate, Loudon Road; together with a report from the Deputy City Manager – Development. (5-12)

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

40. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking, Conant Drive; together with report from the Parking Manager and the Traffic Engineer. (5-14) (*Public testimony received*)

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

Councilor Nyhan indicated that there are traffic flow improvements that can happen in the Abbott-Downing School area: to encourage the school district to assess/take action to route bus traffic turning right onto Conant Drive; the drop off area within the school needs to be deeper within the school property rather than closer to the South Street right of way. He noted that he is asking, in addition to voting on this ordinance, Engineering to submit a memo to the school district asking them to revisit these issues. He stated that he is not making an amendment but wanted to speak to the fact that he would like to encourage Engineering staff to engage the school district to address these two concerns.

City Manager Tom Aspell noted that he doesn't feel it should be the Engineering Department and feels that it should be the City Council. He stated that he doesn't know if it's proper for a division of the Community Development Department to tell the school board what they should or shouldn't be doing and feels that it would be better coming from the Council.

Mayor Bouley indicated that there is a city/school committee and suggested that the recommendations be items that would be discussed before this committee. He feels this to be the most efficient way to address these concerns.

The motion to approve passed with no dissenting votes.

41. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-7, Parking Prohibited During

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Certain Hours and Months in Designated Places, Schedule IX, Abbot Downing Elementary School area. (5-15) (*Public testimony received*)

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

Councilor Coen inquired as to when the signage would be installed. Mr. Aspell responded that it would be sometime in the summer, before the school season.

The motion passed with no dissenting votes.

42. Resolution to discontinue completely West Locke Road, a Class VI local highway, in Concord New Hampshire; together with report from the City Planner. (5-16)

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

Councilor Coen noted his curiosity with the legality of how the city is proceeding with this in regards to one of the owners approval. City Solicitor Jim Kennedy responded that to discontinue a roadway in the city is a statutory process explaining that it's not a matter of conveyances or anything of that nature. He stated that as long as proper notice went out fourteen days to the hearing to the abutter and the City Council is conducting a public hearing, the City Council therefore is obliged, if it seeks to, in accordance with RSA 231:43 to discontinue a Class VI road.

The motion to approve passed with no dissenting votes.

43. Resolution authorizing the City Manager to submit an application in an amount of up to \$190,000 and to accept, appropriate, and administer grant proceeds of up to \$190,000 in Community Development Block Grant funds on behalf of the Belknap-Merrimack County Community Action Program; together with report from the Assistant for Special Projects. (5-17)

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

44. Resolution authorizing the City Manager to submit an application in an amount of up to \$200,000 and to accept, appropriate, and administer grant proceeds of up to \$200,000 in Community Development Block Grant funds on behalf of the Children's Place and Parent Education Center. (5-18)

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

Councilor Kretovic noted that one of the items that they could not cover in this grant was the need for new playground equipment for preschool children. She asked the community to open up the hearts to see if there is something in their backyard that they could donate to the preschool.

Councilor St. Hilaire noted that a citizen that testified commented as to whether the city takes a percentage to help fund the city's portion of administering the funds and asked for an answer to this question from staff. Matt Walsh, Assistant for Special Projects, responded yes explaining that the city has the ability to assess what's called an administrative fee up to a certain percent of the grant. He indicated that they typically take \$20,000 to \$25,000 of the grant and use it to cover the cost of city staff that are involved in managing the grant as well as a consultant that they use to also prepare and help administer the grants for the city.

The motion to approve passed with no dissenting votes.

45. Resolution authorizing the City Manager to submit an application in an amount of up to \$110,000 and to accept, appropriate, and administer grant proceeds of up to \$110,000 in Community Development Block Grant on behalf of the Women's Club of Concord. (5-19)

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

46. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept, appropriate, and administer grant proceeds of up to \$500,000 in Community Development Block Grant funds on behalf of the Capital Regional Development Council. (5-20)

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

Councilor Keach urged city staff to attempt to secure the city's debt.

Councilor Nyhan noted that normally when Council sees these types of items it's for some entity in the community that provides a service and is he is having a difficult time seeing the needs. City Manager Tom Aspell responded that this is for the purpose of economic development and that there are a certain amount of dollars available for economic development purposes. He explained that this is a special category which is for the purposes of creating low to moderate income jobs. Councilor Nyhan asked if the business entity is going to renovate it so they can pay back taxes and continue to pay taxes on an ongoing basis. Mr. Aspell responded that it's to get another business to come in and replace that business.

Councilor Bouchard inquired whether the new entity that is coming in will provide the same type of business. Mr. Walsh responded that the business is currently in the health, wellness and recreation field and they have a facility that is located in the greater Manchester area that is very successful and has been around for decades.

Councilor DelloIacono asked, for clarification, that this grant and money is not being transferred until after the real estate is closed and then this will be administered to the new owner. Mr. Walsh responded that this money wouldn't go in until all the other new financing

for this particular project goes in. He added that there is an extensive list of guaranties that the borrower is going to have to agree to.

Mayor Bouley reminded everyone that this is a resolution which is authorizing the City Manager to submit an application.

Councilor Kretovic indicated that she made the motion in support of this application specifically because not only is it probably the best option going forward for the racquet club based on financial circumstance that they are in today but it protects the current jobs that are here. She stated that it's not just job expansion it's the 50 plus people that work there today with the opportunity to have a job tomorrow.

Councilor McClure inquired whether the previous grant that was to the racquet club was under the other program. Mr. Walsh responded that what they are talking about is a community development block grant that comes from the state; mechanism to get the money to transfer to CRDC who in turns transfers it to the new buyer. He explained that the amount of money before, \$82,000, was actually a loan that was made through the city's revolving loan fund program.

The motion to approve passed with no dissenting votes.

47. Resolution re-adopting the City of Concord's Housing and Community Development Plan. (5-21)

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

48. Resolution re-adopting the City of Concord's Anti-Displacement and Relocation Plan. (5-22)

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

49. Resolution accepting and appropriating the sum of \$41,000 from the sale of the Triacca property to Equity Trust, Inc., as previously authorized by Resolution #8632; together with report from the Conservation Commission. (5-23)

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

50. 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; together with report from the Purchasing Manager. (5-24)

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

51. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, Article 34-11, Leave, Section 34-11-3, Injury Leave; together with report from the Human Resources and Labor Relations Director. (5-25)

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

Councilor Blanchard noted that it indicates that the amount has been reduced by the state legislature and inquired as to how much it has cost the city because of this. Jen Johnston, Human Resources and Labor Relations Director, responded that the legislative body reduced the indemnity benefit from 67 to 60 percent and that 7 2/3 percent is what the city picked up in a supplement since that time. She explained that the supplement for the past two years has been approximately \$3,000 to \$4,000.

The motion to approve passed with no dissenting votes.

#### **Appointments by the Mayor**

#### Reports

#### **New Business**

#### **Unfinished Business**

52. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (5-57) (Action on this item tabled following a July 9, 2012 public hearing)

**Action:** Item remains on the table.

53. 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) (Action on this item tabled following a February 2013 public hearing)

**Action:** Item remains on the table.

# Comments, Requests by Mayor, City Councilors

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

# **Consideration of Suspense Items**

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

# 6 Sus1 Referral to the Golf Course Advisory Committee and the Recreation and Parks Advisory Committee

Communication from Councilor Coen requesting consideration be given to amending the Code of Ordinances waiving golf/tee fees for Concord residents that are 90 years old and above.

**Action:** Councilor Kretovic moved to refer this communication to the Golf Course Advisory Committee and the Recreation and Parks Advisory Committee. The motion was duly seconded and passed on a voice vote.

# **Adjournment**

The time being 8:31 p.m., Councilor DelloIacono moved to enter into non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

Michelle Mulholland Deputy City Clerk