



Non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to be held at 6:00 p.m.

City Council Meeting
Minutes
July 14, 2014
City Council Chambers
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by Father Michael Wilson, Holy Trinity Greek Orthodox Church.
3. Pledge of Allegiance.
4. Roll Call. Councilor Bennett, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, McClure, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present. Councilors Bouchard, Keach and Matson were excused.
5. Approval of the June 5, 2014, June 9, 2014 and the June 30, 2014 Meeting Minutes.

Action: Councilor Werner moved approval of the June 5, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor Grady Sexton moved approval of the June 9, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor Grady Sexton moved approval of the June 30, 2014 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 with items 15, 17 and 18 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 an August 11, 2014 Public Hearing

7. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 9, Water, Article 9-1, Waterworks, Section 9-1-12 Cross-Connection Control; together with report from the Director of General Services.
8. Resolution accepting and appropriating a \$50,000 donation from Unitil to be used for lighting improvements at the Concord City Auditorium; together with report from the Deputy City Manager – Finance.

From the City Manager

9. Positive Citizen Comments.

Consent Reports

10. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,407.75 as provided for under the preauthorization granted by City Council.
11. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$3,584.46 as provided for under the preauthorization granted by City Council.
12. Council Quarterly Priorities Report from the City Manager.
13. 2013 DRA Equalized Valuation & Tax Rate Comparison Report from the Director of Real Estate Assessments.
14. Report from Code Administration regarding Intown Concord's request to serve alcohol at Market Days on Main Street.
15. Comprehensive Annual Financial Report Award notification from the Deputy City Manager – Finance and the Assistant Finance Director. (*Pulled from consent by Councilor Coen*)

Action: Item removed from the consent agenda for discussion.

16. Report from the Traffic Operations Committee in response to a communication from Michael Munroe, 12 Ripley Street, asking that consideration be given to making Ripley Street local access only. (6-8)
17. Report from the City Engineer recommending that the City Manager be authorized to reestablish the public right-of-way boundary line along Sewalls Falls Road in conjunction with the Sewalls Falls Bridge Replacement Project (CIP22). (*Pulled from consent by Council McClure*)

Action: Item removed from the consent agenda for discussion.

18. Report from the Police Department in response to a communication from Kathleen Conners, 5 Cambridge Street, regarding safety concerns she has within her neighborhood as well as other areas within the City of Concord. (6-11) (***Report from Code Administration submitted (Pulled from consent by Councilor Champlin)***)

Action: Item removed from the consent agenda for discussion.

Consent Resolutions

19. Resolution authorizing the City Manager or his designee to apply for matching grant funding through the New Hampshire Department of Safety for technical assistance for the revision of the City's Local Emergency Operations Plan; together with a report from the Fire Chief.
20. Resolution in regards to the contribution towards the rebuilding the Poulin Park gazebo. (***Communication from Gary Quint, Penacook resident, received***)

Consent Communications

21. Street closure request from the Arthritis Foundation New England Region for the 2014 Concord Jingle Bell Run to be held on Sunday, November 30, 2014.
22. Street closure request from Concord 250 requesting the closure of Main Street, between Pleasant Street and Park Street, from 7:00 a.m. until 9:00 a.m. on Sunday, July 20, 2014 for a photo recreation event.

Appointments

23. City Manager's proposed appointment to the Library Board of Trustees.
Christopher Casco

From the Mayor

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

24. July 14, 2014 Public Hearings

- A. Ordinance amending Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3, Boards and Commissions Section 30-3-7, City Parking Committee; together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a communication from Councilor Herschlag requesting consideration be given to amending the current parking committee ordinance to reflect the current

membership of the committee as well as expanding membership to the committee.
(4-11) (6-12)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, noted that he feels that the appropriate action would be to change the ordinance to include two people who are residents, property owners or business owners in downtown without reference to what organization they may or may not belong to. He indicated that he would similarly like to see a change to the Penacook membership to include a person who is a resident, business owner or property owner in downtown Penacook. He added that he would also like to see two neighborhood representatives added to the membership of the Parking Committee and an ex-officio member from the Police Department.

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, Section 18-1-2, No Stopping or Parking Near Hazardous or Congested Places, Schedule XVI; Fruit Street, Industrial Drive; together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a communication from Councilor Nyhan requesting consideration be made to extend the no parking zone at the intersection of South Fruit Street and Industrial Drive to a distance of approximately 200ft southerly and 200ft northerly along the east side of South Fruit Street. (5-9) (6-13)

Action: City Manager Tom Aspell provided a brief overview.

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

- C. Ordinance amending the Code of Ordinances; Title II, Traffic Code: Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX (a); together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a communication from Curtisville and South Curtisville Road residents asking the City of Concord to consider traffic/parking improvements in the vicinity of the Broken Ground and Mill Brook Schools. (4-12) (6-14) (*Public testimony submitted*)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, noted that it is his understanding that one of the issues is that the parents pull up and wait on the side of the road for their children. He indicated that this is not parking but is standing and this proposed ordinance would not affect that. He noted that he feels that Council should prohibit standing as well as parking within these areas.

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

- D. Ordinance amending the Code of Ordinances; Title II, Traffic Code, Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-4 Parking Prohibited in Certain Places; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (6-15)

Action: There being no Council objection, public hearing items D and E were read together.

City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearings for items D and E.

Public Testimony

Roy Schweiker, resident, noted that he believes that, under the ordinance, people are not allowed to park and block their own driveways either. He stated that he is not quite sure how an exception could be written for this that would be enforceable. He added that he feels that it's important not to park across from driveways depending upon how narrow the street is.

There being no further public testimony, the Mayor closed the hearings for items D and E.

- E. Ordinance amending the Code of Ordinances, Title II, Traffic Code, Chapter 18 Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-20 Parking Prohibited in Hazardous Places. (6-16)

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

- F. Resolution authorizing the City Manager to submit an application in an amount of up to \$345,000 and to accept and appropriate grant proceeds of up to \$500,000 in

Community Development Block Grant funds on behalf of Independent Living Concord; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects. (6-17) (*Communication from the Independent Living Council submitted*)

Action: The Mayor asked that the City Council hold a joint public hearing on items F and H as they were both related to the City's potential application for Community Development Block Grant funds to support Independent Living Concord. There being no Council objection, public hearing items F and H were read together.

Matt Walsh, Director of Redevelopment, Downtown Services, and Special Projects made a brief presentation to the City Council concerning both items. He explained the purpose of the first resolution was to authorize the City Manager to apply for, accept, and administer up to \$345,000 in Community Development Block Grant Funds from the NH Community Development Finance Authority. If successful, the funds would be sub-granted by the City to Independent Living Concord and used to finance property acquisition or renovations to create independent housing for developmentally disabled persons in Concord at 181 North Main Street, or any other property should that purchase and sales agreement fall through. The majority of the persons who will reside at the facility will be of low and moderate income.

Mr. Walsh further explained that Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Each year, the City, as a non-entitlement community, is eligible to apply for the following on a competitive basis:

- Up to \$500,000 for economic development projects;
- Up to \$500,000 for public facility and housing projects;
- Up to \$500,000 for emergency activities; and,
- Up to \$12,000 annually is available for planning study grants.

He further explained that all projects financed by CDBG funds must primarily benefit low and moderate income persons.

The \$345,000 being sought for Independent Living Concord represents the remaining amount funds for which the City is eligible for in 2014 for public facility and housing projects. Mr. Walsh noted that the City secured \$155,000 in CDBG funds for NAMI-NH in April.

Mr. Walsh also explained that the project conforms to the City's Housing and Community Development Plan's Goal of: "Assure that housing is available for families and individuals of low and moderate income and those with special needs."

Mr. Walsh then provided a brief overview and explained that the Displacement and Relocation Policy Statement and Procedures is required in order to apply for CDBG funding. Although the Independent Living Concord project is not anticipated to involve any displacement or relocation of persons or businesses, if the City (or the City's sub-grantee) were to undertake a CDBG project which involved displacement or relocation the City (or the City's sub-grantee) would follow this plan. Mr. Walsh explained that plan outlines the actions the City (or the City's sub-grantee) would take to find comparable, suitable housing for persons (or businesses) displaced or relocated as a result of projects financed by Community Development Block Grant funds.

Councilor Champlin asked whether the proposed independent living development would pay property taxes. Matt Walsh, Director of Redevelopment, responded that City staff has researched this issue and that based upon the City's current understanding of the project and its proposed financing sources, the property would be assessed like all other privately owned taxable property in the city.

Councilor Herschlag requested additional information about the taxable status of the proposed project. Mr. Walsh explained that state law RSA 75-1:a allows for certain affordable housing projects to receive special dispensation with respect to calculation of their assessed values and, in turn, their property taxes. Mr. Walsh explained that this statute can only be used for developments which comply with Section 42 of the Internal Revenue Code and use Low Income Housing Tax Credits. Mr. Walsh noted that Independent Living Concord's financing plan for this project does not anticipate the use of Low Income Housing Tax Credits and therefore it is unlikely the project would qualify for a RSA 75-1:a assessment.

Mayor Bouley opened the public hearings for items F and H.

Public Testimony

Michael Reed of CATCH Neighborhood Housing and Gary Sloper of Independent Living Concord addressed the City Council. They noted written testimony previously submitted and thanked the City Council for its consideration of this project. Mr. Reed noted that CATCH is advising Independent Concord regarding this project.

There being no further public testimony, the Mayor closed the hearings for items F and H.

- G. Resolution accepting and appropriating the sum of \$27,786 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program, funds designated for law enforcement related programs; together with report from the Police Department. (6-18)

Action: Mayor Bouley opened the public hearing.

Public Testimony

Joseph Haas spoke in opposition of the proposed resolution questioning where the dollars from the federal government are coming from.

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

- H. Resolution readopting the City's Displacement and Relocation Policy Statement and Procedures; together with report from the Director of Redevelopment, Downtown Services, & Special Projects. (6Sus2)

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

- I. Resolution accepting and appropriating the sum of \$463,505 for the purpose of purchasing new protective breathing equipment for the Fire Department, including \$371,826 in grant funds from the Federal Emergency Management Agency (FEMA), and authorizing the issuance of bonds and notes of up to \$91,679 from the City of Concord, CIP #573; together with report from the Fire Department. (6-4)

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.

- J. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with report from the City Engineer. (6-5) (*Action to be taken July 30, 2014*)

Action: There being no Council objection, public hearing items J, K, L and M were read together.

Mayor Bouley opened the public hearings for items J, K, L and M.

Public Testimony

Jim Baer, resident, stated that he feels that taxpayers already shoulder a heavy tax burden and this proposed project exacerbates that problem. He indicated that he is in favor of scrapping the Main Street Complete Streets project before it's too late and feels that there are more worthwhile projects out there that will serve most of Concord's residents including: neighborhood road repairs, a new multipurpose skate house for White Park, repairing the deteriorating parking garages, a new library, completing the Storrs Street extension and beginning to do

something about the unfunded municipal retirement liabilities. Mr. Baer noted his concern with the loss of business to the downtown merchants during and possibly after construction of the project. **(Mr. Baer's full testimony is on file at the City Clerk's Office)**

Remi Hinxhia, President and owner of Associated Enterprise Inc., expressed his concern with parking within the proposed plan in the vicinity of the buildings he owns and also with moving the bus stop.

Tom Allen, 30 South Main Street owner, spoke in favor of the proposed project. He pointed out that some of the documents indicated that the Main Street project would carry a five year no cut moratorium which he feels would put a little bit of a pinch on the redevelopment of 32 South Main Street if they can't elevate the four telephone poles.

Councilor Grady Sexton inquired as to what businesses are located at 30 and 32 South Main Street. Mr. Allen responded that the Farrington House is located at 30 South Main Street and the Employment Security Building is located at 32 South Main Street.

Tim Sink, Greater Concord Chamber of Commerce, noted that he wanted to reiterate that the Chamber has been and remains supportive overall of this project. He stated that anyone he has spoken with about this project realizes that there is a need for investment in downtown Concord and the Chamber believes that this project addresses many of those needs. He added that they feel that there is a need for a "wow" factor for this project and feels that uplighting may provide for this. Referencing the City Plaza, he explained that since the 1920's the Chamber has operated a seasonal staffed visitor kiosk; the original proposal had some accommodation for some sort of staffed entity and hopes that some accommodation is made for this in the final plan.

Councilor Coen asked how many members comprised the Chamber of Commerce. Mr. Sink responded that they currently have 875 businesses and organizations.

Gerry Carrier, co-owner Little River Oriental Rugs and merchant roundtable host, indicated that as a result of changes in the Complete Street Projects, specifically the removal of snowmelt capabilities and construction during the day instead of evenings, the merchants in the downtown area would like to express some concerns. He stated that the majority of merchants still support the proposal and are not suggesting a negative vote by the Council but are being brought forth as part of a stronger partnership. These concerns include: city services needs to dedicate more resources and funds to help clear snow from building fronts to street curb in timely fashion; concerns with damage to planters and furniture by plows; concerns about parking with snow banks in streets; the safety of

pedestrians in downtown; methods for containing construction sand and materials; signage before and during construction; location of contractor's office and equipment; busy hour traffic; trailer truck deliveries in one way streets; backup of traffic; communications of schedules; need for face to face meetings with merchants, downtown residents and contractors; emergency numbers and response time. Mr. Carrier indicated that they are looking forward to the completion of the project as soon as possible and they are aware of the complexity and possible unforeseen setbacks. **(Mr. Carrier's full testimony is on file at the City Clerk's Office)**

Councilor McClure asked how important it is to the merchants to have construction stop on Veteran's Day, prolonging the length of the project, instead of extending the construction two to six weeks out after this day. Mr. Carrier replied that the merchants rely heavily on a fall to Christmas season for the success of their business by the end of the year to bring in a profit.

Councilor Herschlag pointed out within the plans that some of the planters are placed in a manner so that someone exiting their car wouldn't be able to walk alongside their car to get to the sidewalk but would have to either walk up to the next space or around the other side of the car. He asked Mr. Carrier if he had any suggestions as to how this could be mitigated. Mr. Carrier responded that he would leave this to staff and the design team; he stated that the point that they are trying to bring forward is that as the plows go by they are concerned that the planters may get damaged.

Roy Schweiker, resident, noted that he originally supported this project when it was brought to the Council because it was supposed to be a partnership – the federal government was going to pay 60 percent; the city 20 percent; and private interests 20 percent. He feels that it's no longer a partnership because the federal government pays 40 percent; the city 56 percent; private sector 4 percent. He noted his concern with granite pavers, with the cost to taxpayers and suggested that Council scale back the project to what the city can pay for.

Ron Rayner, resident, referencing granite pavers in the middle of the street, expressed his concern that the plows will catch the edge of the pavers ripping them up over time. He suggested using colored brick pavers pointing out that they would be a lot less expensive than granite pavers. He stated that he was in full support of the sidewalk snow melt system and feels that it's unfortunate that this can't move forward at this time. He suggested that Council consider installing the snow melt system now in the sidewalk only in the anticipation that something will happen in the next 5 to 10 years. He suggests taking a two block area for a month period, paint the area, making it clear as to how parking will be and where the sidewalks will be to try it out first. Mr. Rayner stated that this project is too critical to forgo something like this and have it not succeed down

the road. He strongly urged that the vote for this project not be held this evening because several Councilors are not present.

Sheila Zakre, resident, noted that if Council moves forward with this project it is very important to consider the placement of planters and benches for visually impaired individuals. She relayed her concern of the importance of not having obstructions in the middle of the sidewalks. Ms. Zakre spoke in favor of the snow melt system.

Robert Washburn, resident, spoke in opposition to the proposed project. He noted his concerns with the TIF district indicating that it's been projected out that the taxpayers won't benefit from the district until 2042 and he would like to see a benefit a lot sooner. He expressed his concerns with 75 trees, fully canopied, hiding the retail shops visually. He stated that he can't imagine a more poorly designed project that requires staffing of four people once completed. Mr. Washburn stated that he hopes Council rejects this project.

Mike Cohen, Pitchfork Records, spoke in favor of the project with a reservation in regards to parking. He noted his concern with construction and completion of the Main Street project without the completion of the parking study.

Mark Ciborowski, downtown property owner, indicated that he feels that downtown looks tired and needs that injection of capital to rejuvenate and help out for future economic development for the city. He noted that one of the big benefits to him in regards to wider sidewalks is the sidewalk seating and more of that outdoor vibrancy that they want to create. He noted his concern with the reduction of approximately 21 parking spaces. He spoke in support of the red carpet team but voiced his concern with the pressure to cut these people due to budget constraints at some point in the future. He would like to see the project completed in two seasons as opposed to three being discussed. He spoke in favor of the uplighting concept, the street banners, and the upgraded street services. Mr. Ciborowski stated that he supports this project and feels that it is needed and needs to move forward.

Councilor Herschlag noted he has heard that lighting is an important component for Main Street but one of his concerns is that, with all the streetscape elements, the "wow" factor is going to be lost. He stated that he feels that the "wow" factor in the downtown would be the lighting of the buildings and silhouetting the outlines of these buildings. He asked for Mr. Ciborowski's thoughts on this. Mr. Ciborowski responded that he feels that the street amenities are either functional or supposed to add to the "wow" factor. He likes the idea of a tree lined street and the only downside to this is that it blocks signage. He stated that he would like the trees to stay because they are a low cost to maintain.

Steve Duprey, resident and Main Street property owner, spoke in support of the proposed project. He stated that he feels that it is vital for the future of the merchants, and beyond any consideration for them, it is vital for the economic vitality of Concord. Some reasons he feels this project should happen: the city has a Main Street that is an open invitation to anyone with a mobility difficulty to bring a fairly easy lawsuit against the city; the city has a dangerous Main Street with the four lane configuration it currently has; the city has a downtown that has become a mishmash of signs, banners, uneven sidewalks and materials; the gathering spaces and “public displays of art” are either non-existent or woefully inadequate. Mr. Duprey stated that the project, as proposed, solves every one of these problems and that alone makes this worthy of Council’s support. In his opinion, the following is where they need to more: add tree uplighting – not just conduit and just plain lights, but lights that have colored lenses; add back the fountains; have the project put in the piping necessary for heated sidewalks powered by gas boilers in individual owners’ buildings; add a municipal surface lot for parking in downtown; if the decision is not to move the clock tower then they should not spend the money to redo Eagle Square; the proposed banners are too small; the designers should do a block by block elevation plan so people can see what things will look like in front of their building; city needs to add more money for tv and radio advertising during the construction; themes for streetscape signage and way finding signage and colors of chairs and trash receptacles should be coordinated and share with all stakeholders for input; fencing around plantings should be added to the tops of the granite enclosures; the empty parking lot at the DES building should be used for parking for full time employees on Main Street during construction. **(Mr. Duprey’s full testimony is on file at the City Clerk’s Office)**

Councilor Champlin pointed out that, in the current budgeting configuration, the uplighting is white light and doesn’t have the capacity to change colors. He asked if Mr. Duprey supported moving forward with the uplighting under these circumstances or does he support having the ability to change the light colors. Mr. Duprey responded that for the extra incremental money he feels that it would be a poor financial decision not to add the colors. He added that he probably wouldn’t support the uplighting if it didn’t. In consideration to the fact that Council is close to making a decision, Councilor Champlin asked if Mr. Duprey would prefer that Council expend the funds to provide conduit so they could provide uplighting at a later date, prefer to do the clear lighting, or do no lighting. Mr. Duprey replied that he doesn’t like any of these options. He feels that Council should spend more money because downtown is worth it.

Councilor Herschlag indicated that he feels that it’s important that they have plans that show all the streetscape elements before Council makes a final approval to go ahead with the construction. He is concerned that the uplighting may get lost in all the new elements or clutter. He asked what Mr. Duprey’s thoughts are on really being able to take a look at a design that shows these elements from a street

level; both from a vehicle and a pedestrian view. Mr. Duprey responded that one of his suggestions is having the design team do an elevation block by block. He noted that this would be useful but he would hesitate to have this committee of fifteen to be the ones to do it. He feels that it would be a good idea to do this block by block so people can see what it will look like. Councilor Herschlag asked Mr. Duprey if he feels that they should wait until the parking study is complete. He indicated that if they don't start construction this summer and wait until next year, it would mean that construction would be starting in the south end and the north end would be open for elements of the Concord 250th celebration; asking for Mr. Duprey's thoughts on this. Mr. Duprey responded that he doesn't think it's imperative to have Main Street open for the 250th birthday – it's just a personal view. He noted that many of the Main Street merchants do between 50 to 75 percent of the sales between Veteran's Day and year end and feels that it would be a bad trade to keep going later in the season. In regards to the parking study, he hazarded the guess they are not going to find anything during this parking study that is going to be earth shattering in any way. He feels that it would be a smart investment to put a surface lot in on Main Street.

Nicholas Luoma, resident and creator of the Downtown Concord Facebook page, indicated that he is in favor of the project. He feels that there has been a failure of leadership on the part of the Council, staff, Intown Concord and the Chamber of Commerce for not demonstrating that this can raise revenue and cut costs for taxpayers. He stated that he feels that Main Street would thrive if this project is done; they need this injection of vitality and need to see upgrades in the downtown. He feels that, regardless of what is done, they should be considering a red carpet team anyways to maintain the downtown area. He spoke of crowd funding sources noting that he feels this is a critical issue that is being overlooked and believes that just sourcing it from taxpayers is unfortunate and wrong; the Council could ask organizations such as Intown Concord to put up an online crowd funding campaign.

Pam Peterson, Gondwana Clothing Company, stated that she had been in favor of this project from the beginning and had written to the Council in February 2014 in regards to her concerns of items that she felt were very vital in the project: the snowmelt system and overnight construction. She is fearful that of the daytime construction because most businesses are dependent upon the foot traffic for their customers. She stated that it's hard for her to support a project thinking that businesses may not survive it.

Councilor Werner inquired whether it's felt that customers would just stop going to her business noting that he feels that it must be a very loyal customer based business. Ms. Peterson responded that she is not sure but does fear she may lose some customers.

Councilor Coen asked whether Ms. Peterson is in favor of this project or not. Ms. Peterson responded that she is in favor of the project especially if its overnight construction.

Councilor Champlin indicated that he attended the July 8th meeting and Mr. St. Clair from Louis Karno and Company outlined a variety of strategies that they plan to implement in order to let the buying public know that downtown is still open for business and to create a more positive buzz. He asked if Ms. Peterson did not feel assured by this. Ms. Peterson responded that she feels that there will be some positive impacts from this however the perception of a project of this magnitude in the eyes of citizens is going to detract them from coming downtown.

Councilor Herschlag asked if some of the project elements changed which may help to shorten the construction period, would this be an improvement or is it just the daytime construction that is felt that can't be overcome. Ms. Peterson replied that for her it's the daytime versus nighttime construction and the time of the year that the construction will be near her business.

James McConaha, resident, noted that he feels that the city has lost its way and one of the major reasons is that they have let the offer of federal dollars drive any rational planning that addressed clearly identified local needs for Main Street. He feels that if the federal dollars were taken away the resulting Main Street project will come much closer to addressing real needs and affordable costs. He indicated that some of the questionable components of the project include the cobblestone median and the street cleaners; the most serious flaw is the permanent and basically irreversible alteration of the street. **(Mr. McConaha's full testimony is on file at the City Clerk's Office)**

Don Jewell, resident, indicated that with the amount of money already spent he feels that this project needs to be done in some form. He spoke in support of underground utilities. He noted his concern with the construction affecting the downtown businesses. Mr. Jewell stated that he likes the clock tower in its current location. From a safety standpoint, he feels that Main Street would benefit from making the changes that have been proposed in regards to the lanes.

Tim Bauman, resident, indicated that he shares the Council's value of a well maintained and beautiful downtown. He stated that he is not taking issue with any specific components of the plan but will take issue with the fact as to who is paying for those components. Referencing the red carpet crew, he indicated that other communities have similar operations which are paid for by merchants as special assessments on the merchants and on the downtown property owners and are not paid for by the taxpayers outside of the downtown because they don't receive that benefit. He noted that Council's past and potentially upcoming decisions are indeed putting them in the role of taking on the responsibilities and

costs of private shopping center development and placing that expense on the taxpayers. He urged Council to choose differently.

Councilor Coen asked what Mr. Bauman's definition of a shopping center is. Mr. Bauman responded that a shopping center is any private property run as a retail operation. He noted that downtown is a shopping location but in terms of development there are separate owners and individuals and not a separate entity that owns the entire area. He stated that the city has the responsibility for the streets and the sidewalks but in terms of marketing, banners and items in excess of providing basic infrastructure the city shouldn't be providing these services. Councilor Coen asked if he was or wasn't in support of the project. Mr. Bauman replied that he is against the fact that the taxpayers outside of the downtown area are paying for something that they will not benefit from. He clarified that he is trying to separate those things that are above and beyond what anyone else in the city would receive for basic infrastructure roads. Councilor Coen inquired whether he was against the project. Mr. Bauman responded that, effectively, yes he is against the project as it is now.

Robert Baker, resident, stated that from the beginning he has seen this project as a complete street project and to him that means a street designed for all users, of all ages and all abilities. He feels that they have missed the mark on Main Street stating that it will be better for cyclists but the question that still remains is all ages and abilities. He questioned whether his nine year old daughter would be safe enough to bicycle on Main Street-he feels the answer is no. He feels that the city isn't working hard to make it easier for people to get around by bicycle.

Councilor Werner asked what specific changes he would suggest be made. Mr. Baker responded that one change could transform the street instantly: stop the front in angle parking. Go to back in angle parking. With that change the street could be a complete street.

Kevin Curdie, resident, noted his concern with the visibility of the clock tower and storefronts in regards to the trees. He inquired as to what happens with the busses when construction takes place and there is only one-way traffic. He wondered whether the installation emergency boxes for assistance were considered.

Mayor Bouley asked whether this is a project Mr. Curdie would support. Mr. Curdie responded that he feels this project needs more work.

Paula Harris, Concord Co-op, noted that she supports the project but definitely has concerns. She explained that during Downtown Market Days her business loses approximately \$35,000 during those three days. She stated that the construction is going to change the shopping habits of people and once customers

are lost, you don't get them back. She noted her disappointment that the utility lines were not going to be buried.

Sue McCoo, Capital Craftsman, Romance Jewelers and Viking House owner, noted her disappointment that there are items that couldn't be kept in the project such as heated sidewalks. She stated that one thing she feels that should be thought about is additional parking that could be available. She suggested placing angled parking spaces around the Merrimack Savings Bank because it doesn't appear that they would need wide sidewalks for a bank. She asked the Council to consider that wider sidewalks would mean more shoveling for the merchants. She stated that if they are going to build it, to please maintain it.

Councilor Herschlag asked whether a surface lot would be effective for Ms. McCoo's business. Ms. McCoo replied that it would certainly help but the particular section that is being brought up may be harder for the elderly, parents with children and individuals with disabilities to make it up the hill.

Michael Herrmann, resident and Gibson's Book Store owner, indicated that he wanted to add his endorsement for a surface lot noting that he feels this is a good idea. He stated that the downtown merchants are paying for this project because they will be losing a lot of revenue during construction. He indicated that a lot of the merchants believe in the project but have no illusions about the idea that their customers are so loyal that they will have no loss in business; it's not a reasonable expectation. In regards to lighting, he stated that having a consultant is a good idea because the city needs to get it right the first time. He noted that since they have lost so many transformative elements to the project already, he feels that if they can add any of them back in they should because it's worth the investment.

Roy Schweiker, resident, indicated that he asked Mr. Duprey why he didn't build a surface lot because he could do it a lot cheaper than the city could. He noted that the response was that, in this city, one cannot build a surface parking lot as a private enterprise without a zoning variance.

Remi Hinxhia stated that the restaurants that do better in this city have are the ones that have the most parking spots. He noted that he feels that the city needs a 24 hour diner and when he purchased the Vegas Block it included the Siam Orchid. He asked where people would park if he opened a diner on Main Street.

There being no further public testimony, the Mayor closed the hearings for items J, K, L and M.

- K. Resolution rescinding resolution #8686 and appropriating \$2,500,000 and authorizing the issuance of bond and notes in the amount of \$2,500,000 for the Downtown Complete Streets Project, CIP #460, within the Sears Block Tax Increment Finance District. (6-6) *(Public testimony submitted) (Action to be*

taken July 30, 2014) (Additional public testimony submitted; together with report from the Sears Block Tax Increment Finance District Advisory Board)

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

- L. Resolution appropriating \$348,705 in Traffic Impact Fee Funds for construction of the Downtown Complete Streets Improvement Project, CIP #460. (6-7)

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

- M. Resolution appropriating \$152,780 and authorizing the issuance of bonds and notes for Water System Improvements in conjunction with the Downtown Complete Streets Improvement Project, CIP #460. (6-8)

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

July 14, 2014 Public Hearing Action

25. Ordinance amending Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3, Boards and Commissions Section 30-3-7, City Parking Committee; together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a communication from Councilor Herschlag requesting consideration be given to amending the current parking committee ordinance to reflect the current membership of the committee as well as expanding membership to the committee. (4-11) (6-12)

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

Councilor Coen noted that the he feels strongly about having the Parking Committee modification as proposed. He indicated that the committee is very sensitive to the neighborhoods and work diligently on this.

The motion to approve passed with no dissenting votes.

26. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-2, No Stopping or Parking Near Hazardous or Congested Places, Schedule XVI; Fruit Street, Industrial Drive; together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a communication from Councilor Nyhan requesting consideration be made to extend the no parking zone at the intersection of South Fruit Street and Industrial Drive to a distance of approximately 200ft southerly and 200ft northerly along the east side of South Fruit Street. (5-9) (5-13)

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

27. Ordinance amending the Code of Ordinances; Title II, Traffic Code: Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX (a); together with report from the Director of Redevelopment, Downtown Services & Special Projects in response to a communication from Curtisville and South Curtisville Road residents asking the City of Concord to consider traffic/parking improvements in the vicinity of the Broken Ground and Mill Brook Schools. (4-12) (6-14) (*Public testimony submitted*)

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

28. Ordinance amending the Code of Ordinances; Title II, Traffic Code, Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-4 Parking Prohibited in Certain Places); together with report from the Director of Redevelopment, Downtown Services & Special Projects. (6-15)

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

29. Ordinance amending the Code of Ordinances, Title II, Traffic Code, Chapter 18 Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-20 Parking Prohibited in Hazardous Places. (6-16)

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

30. Resolution authorizing the City Manager to submit an application in an amount of up to \$345,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant funds on behalf of Independent Living Concord; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects. (6-17) (*Communication from the Independent Living Council submitted*)

Action: Councilor McClure moved approval. The motion was duly seconded passed unanimously on a voice vote.

31. Resolution accepting and appropriating the sum of \$27,786 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice

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Assistance Grant Program, funds designated for law enforcement related programs; together with report from the Police Department. (6-18)

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

32. Resolution readopting the City's Displacement and Relocation Policy Statement and Procedures; together with report from the Director of Redevelopment, Downtown Services, & Special Projects. (6Sus2)

Action: Councilor McClure moved approval. The motion was duly seconded and passed unanimously on a voice vote.

33. Resolution accepting and appropriating the sum of \$463,505 for the purpose of purchasing new protective breathing equipment for the Fire Department, including \$371,826 in grant funds from the Federal Emergency Management Agency (FEMA), and authorizing the issuance of bonds and notes of up to \$91,679 from the City of Concord, CIP #573; together with report from the Fire Department. (6-4)

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

34. Resolution appropriating \$348,705 in Traffic Impact Fee Funds for construction of the Downtown Complete Streets Improvement Project, CIP #460. (6-7)

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

Councilor Herschlag asked if it would be more appropriate to wait until they have a better idea of all the costs and what the rest of this project is going to look like before appropriating funding for the project.

Mayor Bouley stated that he feels that Administration has given Council a solid proposal of what the costs are. He inquired as to what Councilor Herschlag is asking in regards to knowing the costs.

Councilor Herschlag indicated that he feels that there are still some outstanding costs that haven't been figured in including design costs for way finding signs and any additions to the project. He wondered if it would make sense to wait until they hear back from staff as to the precise costs of those additions.

Mayor Bouley suggested coming up with all the things to be put into a motion for a public hearing to be set for July 30th.

Councilor Herschlag indicated that he would feel more comfortable tabling this vote until July 30th when Council votes on the other financial issues involved with this project.

Councilor St. Hilaire asked if Councilor Herschlag would allow Councilors the opportunity to add or subtract items to it before making a tabling motion. Councilor Herschlag responded yes.

Councilor St. Hilaire moved to add the cost for the uplighting. He noted that a lot of the transformative elements of the project have been removed and feels that the lighting adds a lot for a little bit of expense compared to the total cost of the project. He noted that he would like to see the colored LED's put in there as opposed to just the white lights. The motion was duly seconded and passed.

Councilor Champlin asked if Councilor St. Hilaire would include, within his motion, looking at the cost of engaging a lighting engineer.

Councilor St. Hilaire moved that his motion also include the cost of engaging a lighting engineer. The amended motion was duly seconded.

Councilor St. Hilaire moved to have staff include the cost to put in the conduit up to the original area where they were going to bury the lines and beyond to Concord Street. The motion was duly seconded.

City Manager Tom Aspell indicated that it may be approximately \$1.5 million just for the conduit explaining that they are essentially placing two buildings, vaults, in the street underneath the street.

Councilor St. Hilaire withdrew his motion for the conduit. The second to the motion was also withdrawn.

Councilor Herschlag asked if what is being added on this evening will be discussed and voted on July 30th.

Mayor Bouley responded that there will be a public hearing on any items added this evening.

Councilor Herschlag moved to look at the cost of installing snowmelt tubing in sidewalks from Pleasant to Centre Street. Mr. Aspell indicated that the cost of installing snowmelt tubing is approximately \$2 million. Councilor Herschlag asked how that would impact the cost of the red carpet team to see if there is a payback by doing this. Mr. Aspell responded that there is not because it would only work if somebody had something to stub into. He indicated that they couldn't really count on any discount for the red carpet team.

There was no second to Councilor Herschlag's motion.

Mayor Bouley noted that it might be worthwhile giving people the opportunity, within the next few weeks, to indicate that this is something that they would like to do when the sidewalk is being dug up. He feels that if they are serious they would come forward with some sort of financial down payment. He indicated that this would be at the expense of the building owner much like the other businesses that have paid for it already. He wondered what delays in the schedule would occur for this to happen.

Councilor St. Hilaire moved to suspend the rules to extend the meeting past 11:00 p.m. The motion was duly seconded and passed on a voice vote.

Referencing the gateway banners, Councilor Coen inquired whether it was correct that these are being provided by private organizations. Mr. Aspell indicated that to be correct. Councilor Coen asked if there were any specifications for large banners. Mr. Aspell responded that there are two types of banners: banners across the street; banners that are on the poles. Councilor Coen noted that he is referencing the banners across the street. Mr. Aspell indicated that the city is not providing those banners so if somebody wants to do this, they would have to come forward for specifications of the size.

Councilor Werner asked for an explanation as to how the suggestion for the surface parking lot fits into this project and how they might investigate the possibility of that in this context. Mr. Aspell responded that it's not really part of this project and there is no funding involved from the federal government, the private sector or the city for this at this point. He explained that if this is something Council wants to do, it's something that they can look at in a future budget and determine whether or not they want to acquire additional property, design something and have it constructed. He noted that if Council feels that it is necessary for the project to move forward, then they should hold off on the project.

Councilor McClure indicated that it is her understanding that the proposal is to supply the structure for the across the street banners. Mr. Aspell responded that the alternate that was added for the amount \$75,000 was for the structure and does not include the banners. Councilor McClure inquired whether that structure is large enough to accommodate the banners. Mr. Aspell responded that it would be for the same banners that every major city has.

Councilor McClure moved to consider moving the clock tower. The motion was duly seconded.

Councilor McClure moved to add fencing on the granite planters. The motion was duly seconded.

Councilor Shurtleff moved that staff look into the possibility of putting back some of the parking spaces back on North Main Street by the Vegas Block. He noted that he feels that with the new ownership there's a chance for that whole building to be rehabbed and feels that, with the tenants and the business location, those parking spaces are crucial. The motion was duly seconded.

Councilor McClure indicated that she feels they need an explanation of why the roads are widened at the intersections and wants Council to receive this information along with the information about the parking.

At this juncture, Mayor Bouley asked whether this can be prepared in two weeks.

Mr. Aspell indicated that a redesign would add significant costs and time to the project.

Councilor Shurtleff asked if the city could look in that area to look for some form of alternative parking to give them some relief for that area of the city.

Mayor Bouley noted that it seems like a surface parking lot might solve some of these issues.

Councilor Shurtleff stated that they are pushing for revitalization of that section of the city and with the new ownership, he feels that they are moving in the right direction if they can do something to alleviate the lack of parking. He noted that he is not looking to redesign the whole parking concept. He stated that this is more of a request rather than a motion.

Councilor Champlin noted his confusion over the banners indicating that there was testimony with the concern that the banners on the light poles were too short. He questioned whether this is something that could be accommodated. City Engineer Ed Roberge responded that the banners that Mr. Duprey was referring to as small was the demonstration file photo explaining that they are looking at substantially large six foot banners; very large to what was shown and what the city currently has.

In regards to a snowmelt system and the suggestion that property owners may have an option to install at their own cost, Councilor Herschlag inquired as to how the city would go about notifying those interested individuals so they would be aware that they have that opportunity.

Mayor Bouley stated that when he brought this up he was generally talking and didn't hear anybody agree with him; there was no motion for this item.

City Manager Tom Aspell provided a summarization for a process in which staff would notify property owners and request letters of intent and require deposits. He

stated that it would add time to the project and will extend the total construction time out beyond what is currently proposed.

Councilor Herschlag noted that if they are serious about providing this opportunity for building owners to install a snowmelt system he feels that they need to provide them a legitimate timeframe in order to be able to understand the full expenses of this type of project.

Councilor Bennett stated that he feels that they have made a great effort to do the best that they could do in the timeframe and constraints that they had. He noted that the discussion is making it more difficult to make a decision and to move forward. He indicated that the snowmelt system was a nice idea but feels that they must now just move forward.

Councilor Nyhan agreed with Councilor Bennett's comment. He stated that he feels that any benefits from a snowmelt system that is piece mail added are going to be outweighed by the impact of the schedule and the long term maintenance cost. He feels that they should leave the piece mail thing alone and move on.

Councilor Todd asked whether there is anything in the plan that would affect the room on City Hall Plaza for the Chamber of Commerce's kiosk. Mr. Aspell responded no adding that what he would like, if there are dollars, to build a kiosk there with the Chamber.

The following items: the uplighting and the engineer; moving the clock tower and fencing around the planters received seconds to motions to be added within a resolution and were passed on a voice vote.

Mayor Bouley reviewed that there is going to be a public hearing on a resolution on July 30th for the items discussed: the uplighting and the engineer; moving the clock tower and fencing around the planters. The cost of these three items is \$730,000 in which a resolution will be drafted for the July 30th meeting.

Councilor St. Hilaire moved to set a resolution in the amount of \$730,000 for the cost of the uplighting, the engineer, moving the clock tower and fencing around the planters for a public hearing at the July 30, 2014 meeting. The motion was duly seconded.

City Manager Aspell clarified that this would be a general obligation bond.

Councilor St. Hilaire's motion passed with no dissenting votes.

Councilor Herschlag moved to table item 34 until the July 30th meeting. The motion was duly seconded and passed with no dissenting votes.

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35. Resolution appropriating \$152,780 and authorizing the issuance of bonds and notes for Water System Improvements in conjunction with the Downtown Complete Streets Improvement Project, CIP #460. (6-8)

Action: Councilor Herschlag moved to table this item until the July 30th meeting. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 11:33 p.m., Councilor St. Hilaire moved to recess the remainder of the agenda until the July 30th meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*