

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

City Council Meeting
Minutes
May 14, 2012
City Council Chambers
7:00 p.m.

- 1. The Mayor called the meeting to order at 7:00 p.m.
- 2. Invocation by the Reverend Father Michael Wilson, Holy Trinity Greek Orthodox Church.
- 3. Pledge of Allegiance.
- 4. Roll Call. Councilors Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire, Shurtleff and Werner were present.
- 5. Mayor Bouley presented a resolution in recognition of the services of Martin Gross. (4Sus3)
- 6. Presentation by InTown Concord update on Spring/Summer events.

Andrew Hatch explained that it had been decided to change the name of the organization from Main Street Concord, Inc. to InTown Concord due to the sense of engagement and involvement of the broader community in the downtown area. He stated that the mission statement remained the same but they looked at the structure of the organization and how they can deliver what they wanted to deliver for their mission more effectively and to be able to articulate properly. They reorganized to create retailer and restaurant programs and created the streetscape and structures division.

Kim Murdoch highlighted some of the programs that have occurred over the past year. She stated that one of the concerns in the past that Main Street Concord had was that it was such a clearly defined district that left a lot of people out and something that they were able to do when they reorganized was to expand the boundaries of the district. Ms. Murdoch highlighted some upcoming events.

7. Approval of the April 9, 2012 and April 18, 2012 meeting minutes.

Action: Councilor Nyhan moved approval of the April 9, 2012 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

Councilor St. Hilaire moved approval of the April 18, 2012 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

8. Agenda overview by the Mayor.

- Consent Agenda Items -

Action: Councilor Nyhan moved approval of the consent agenda. The motion was duly seconded. Mayor Bouley asked that item 45 be removed to the end of the agenda for discussion. The motion, as amended, passed with no dissenting votes.

Referral to Community Development, the Planning Board and the Economic Development Advisory Council

9. Communication from John Teague, on behalf of the Concord School Board, requesting a zoning change on property owned by the School District at 139-143 Old Turnpike Road.

Referral to Community Development - Code Administration and the Legal Department

10. Communication from David Weeks, D & B Taxi, requesting the City of Concord amend the Code of Ordinances specific to taxi cab licensing.

Items Tabled for a June 11, 2012 Public Hearing

- 11. Resolution accepting and appropriating the sum of up to \$200,000 in matched Brownfields Cleanup Sub-Grant Funds from the Capital Regional Development Council (CRDC) as well as appropriating the sum of \$35,000 from the Economic Development Reserve Fund for environmental remediation of city owned property located at 5, 11, 27, 31 and 35 Canal Street, Penacook known as the former Amazon Realty and Allied Leather Tannery sites; together with a report from the Assistant for Special Projects.
- 12. Resolution amending and restating the Revolving Loan Fund's Program Income Reuse Plan (PIRP) with respect to emergency grants; together with a report from the Assistant for Special Projects.
- 13. Resolution accepting and appropriating the sum of \$27,731 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.
- 14. Resolution accepting and appropriating the sum of \$12,657.50 from the Concord School District in conjunction with a cooperative agreement for water system and pavement improvements along North Spring Street; together with a report from the City Engineer.
- 15. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, The Zoning Map; together with reports from Community Development, the Economic Development

- Advisory Council and the Planning Board in response to a communication from Richard Uchida, on behalf of his client 15 Integra Drive, LLC, with a rezoning request for property located off the temporary terminus of Integra Drive in Concord. (4-9)
- 16. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines, and Penalties; together with report from the Deputy City Manager Finance.
- 17. Resolution accepting and expending the sum of \$5,360 for Energy Efficiency and Conservation Strategy Improvements and to install a solar domestic hot water system at the Manor Fire Station, CIP #325; together with report from the Purchasing Manager.
- 18. Resolution to establish a new trust reserve account for investment fees collected in the water utility, and appropriate \$143,930.25 from restricted fund balance as a transfer to trust fund identified herein, funding for this appropriation shall be entirely from FY2011 restricted fund balance; together with report from the Deputy City Manager Finance.
- 19. Resolution to establish a new trust reserve account for investment fees collected in the wastewater utility, and appropriate \$170,188.05 from restricted fund balance as a transfer to trust fund identified herein, funding for this appropriation shall be entirely from FY2011 restricted fund balance.
- 20. Resolution appropriating \$25,000 as a transfer to trust fund reserve account for water utility investment fees, funding for this appropriation shall be entirely from FY2012 water investment fee revenue.
- 21. Resolution appropriating \$20,000 as a transfer to trust fund reserve account for wastewater utility investment fees, funding for this appropriation shall be entirely from FY2012 wastewater investment fee revenue.

Items Tabled for an June 18, 2012 Public Hearing

- 22. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the fiscal year 2013 ending June 30, 2013. (*Not previously distributed*)
- 23. Resolution amending the amount of money to be appropriated by the City of Concord for the fiscal year 2013 ending June 30, 2013. (*To be submitted under separate cover*).
- 24. Resolution closing and completing certain capital projects; rescinding/de-authorizing 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. (*Not previously distributed*)
- 25. Resolution for the bonded projects within the Capital Budget for Fiscal Year 2013 (July 1, 2012 to June 30, 2013) hereby is authorizing and approving the expenditure of \$8,803,500 and authorizing the issuance of \$8,803,500 in bonds and notes for various capital projects

- more specifically identified below and in the attached worksheet 1; together with report from Deputy City Manager – Finance. (*Not previously distributed*)
- 26. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Water Rates. (Not previously distributed)
- 27. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates. (Not previously distributed)

From the City Manager

- 28. Positive Citizen Comments.
- 29. Council meeting date calendar.

Consent Reports

- 30. Appropriation Transfer Report: April 30, 2012.
- 31. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$28.50 as provided for under the preauthorization granted by City Council.
- 32. City Auditorium Agreement and Recommendation report from the Deputy City Manager Finance.
- 33. Report from the City Engineer on the status of the US Route 3 Corridor Improvement Project, Phase 4b (CIP35).
- 34. Current Use Change Tax Status report from the City Assessor.
- 35. Report from the City Engineer recommending the City Manager be authorized to accept public right of way easements from the Concord School District for the construction of sidewalks along the public way and on school property on Rumford Street and South Curtisville Road.
- 36. Financial statements from the Deputy City Manager Finance.
- 37. FY2012 third quarter Pay-As-You Throw (PAYT) report from the General Services Director.

Consent Resolutions

38. Resolution authorizing the City Manager to submit an application to the State of New Hampshire Department of Justice for the Edward F. Byrne Grant Program providing funding

- for a Police Officer assigned to the New Hampshire Attorney General's Drug Task Force; together with report from the Police Department.
- 39. Resolution authorizing the City Manager to submit an application to the US Department of Justice Edward Byrne Memorial Justice Assistance Grant Program for funds designated for law enforcement related programs; together with report from the Police Department.
- 40. Resolution authorizing the City Manager to accept a gift of a Conservation, Trail and Access Easement on approximately 68 acres of land westerly of Long Pond Road from St. Paul's School for the construction and use of hiking trails associated with Marjory Swope Park; together with report from Planning.
- 41. Resolution authorizing the City Manager to enter in to a trail agreement on land owned by Roland Hok Trust, westerly of Long Pond Road, which will permit the public use of the trail and allow the inclusion of the trail in the City's trail system; together with report from Planning.

Consent Communications

- 42. Street closure request from the Concord Veterans Council for their annual Memorial Day parade to be held on Monday, May 28, 2012.
- 43. Street closure request for the NH Law Enforcement Officers' Memorial (NHLEOM) Ceremony to be held on May 18, 2012.
- 44. Street closure request for the 2012 IRONHEART Mile event to take place on Saturday, September 22, 2012.

Appointments

45. Mayor Bouley's proposed appointment to the Board of Ethics. *Scott A. Daniels, Daniel J. Feltes and Brenda Robb*

Action: Item moved to the end of the agenda for discussion.

- 46. City Manager's proposed appointment to the Board of Ethics. *John Sullivan and Tenley Callaghan*
- 47. Mayor Bouley's proposed reappointments to the Airport Advisory Committee. *Joseph Alosa and Charles Gerhan*
- 48. Mayor Bouley's proposed reappointments to the Economic Development Advisory Council.

 Tim Bernier, Chris Carley, Byron Champlin, Brad Hosmer, William Norton and Claudia
 Walker
- 49. Mayor Bouley's proposed appointments to the Municipal Housing Commission. Steven Arndt, Domenic Ciavarro, Ellen Fries, Rosemary Heard, John Hoyt, Dr. Lynn

Kilchenstein, John Langill, Jerome Madden, Chris Nadeau, Brenda Perkins, Monica Porter, Susan Smith-Meyer and Claudia Walker

- 50. Mayor Bouley's proposed appointment to the Recreation and Parks Advisory Committee. *Jamie Bryant*
- 51. Mayor Bouley's proposed appointment to the Transportation Policy Advisory Committee. *Craig Tufts*
- 52. Mayor Bouley's proposed reappointments to the Utility Appeals Board. *Elizabeth Campbell and Tom Arnold*

End of Consent Agenda

53. May 14, 2012 Public Hearings

A. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (3-8) (4-38 A) (Public hearings to be held in April and May)

Action: Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the hearing. The Mayor indicated that action on this item will not be taken until the June Council meeting.

B. Resolution appropriating the sum of \$150,000 and authorizing the issuance of bonds and notes for CIP #84, clean and line water mains; together with a report from the Associate Engineer. (*Revised resolution submitted*) (4-11)

Action: Carlos Baia, Deputy City Manager-Development, 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 I, General Code; Chapter 1, Government Organization; Article 1-3, Miscellaneous Regulations; together with report from the Deputy City Clerk. (4-12)

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

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

D. Ordinance amending the Code of Ordinances, Title I,, General Code; Chapter 6, Recreation, Article 6-1, Rules and Regulations for Parks, alcoholic beverages; together with reports from the City Solicitor, the Public Safety Board and the Economic Development Advisory Council. (4-13)

Action: There being no Council objection, the titles for public hearing items D through G were read together.

Carlos Baia, Deputy City Manager-Development, provided a brief overview of items D through G.

Mayor Bouley opened the public hearing for items D through G.

Public Testimony

Kim Murdoch, InTown Concord, expressed InTown Concord's strong support for the proposed ordinance changes outlined. She thanked Council for their consideration and added that they are confident that this can be done safely.

Councilor Blanchard questioned whether this would be confined to one area and vendors up and down the street would not be able to. Ms. Murdoch responded, as to her specific request, that this is confined to one tent that has monitored entrance and egress.

Tonya Rochette, InTown Concord, noted that she feels that this is something that could benefit the area and, with Market Days specifically, can help to enhance the local focus.

There being no further public testimony, the Mayor closed the hearings for items D through G.

E. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, licensing of alcohol use on city property. (4-14)

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

F. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 14, Morals and Conduct; Article 14-5, Possession or Consumption of Alcoholic Beverages. (4-15)

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

G. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Article 1-5, Fees, Fines and Penalties, Schedule I; license to serve and offer alcohol for consumption on city property; together with report from the City Solicitor. (4-16)

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

H. Resolution accepting and appropriating the sum of \$20,000 in unmatched grant funds from the New Hampshire Department of Safety Homeland Security Grant Program; together with report from the Fire Department. (4-17)

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

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

I. Resolution accepting and appropriating the sum of \$135,000 from Bindery Redevelopment LLC to offset costs associated with conversion of tax exempt debt for the Capital Commons Parking Garage to taxable status; together with report from the Assistant for Special Projects. (4-18)

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

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

J. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds on behalf of the Concord Boys & Girls Club, as well as readopting the City's Housing and Community Development Plan (revised September 2003), including the displacement and relocation policy statement and procedures; together with report from the Assistant for Special Projects. (4-19)

Action: 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, 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. Up to \$12,000 is available for feasibility study grants. All projects must primarily benefit low and moderate income persons. He stated that the purpose of this public hearing is: 1) to authorize the City Manager to submit an application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds for the renovation and expansion of the Concord Boys & Girls Club facility located at 55 Bradley Street in Concord. The majority of the participants at the Concord Boys & Girls Club are of low and moderate income; 2) readopt the City's Housing & Community Development Plan. This plan sets policy with respect to elimination of slums and blight, creation of affordable housing, as well as promotion of economic development and public facilities / infrastructure in accordance with goals and objectives of the US Department of Housing & Urban Development's Community Development Block Grant Program. This project conforms with Concord's Housing and Community Development Plan's Goal of: Continue 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; 3) readopt the City's Residential Antidisplacement and Relocation Assistance Plan. Note, although this

project 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.

Mayor Bouley opened the public hearing.

Public Testimony

Chris Eamon, Concord Boys and Girls Club Director, indicated that he was present this evening to answer any questions.

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

K. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I, Thorndike Street; together with report from the Parking Committee. (4-20) (*Revised ordinance and report submitted*)

Action: Councilor McClure moved to substitute the revised ordinance with the one previously submitted. The motion was duly seconded and passed with no dissenting votes.

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

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

May 14, 2012 Public Hearing Action

54. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (3-8) (4-38 A) (Public hearings to be held in April and May) (Action to be taken in June)

Action: No action taken on this item. To be taken at the June Council meeting.

55. Resolution appropriating the sum of \$150,000 and authorizing the issuance of bonds and notes for CIP #84, clean and line water mains; together with a report from the Associate Engineer. (*Revised resolution submitted*) (4-11)

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

56. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization; Article 1-3, Miscellaneous Regulations; together with report from the Deputy City Clerk. (4-12)

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

57. Ordinance amending the Code of Ordinances, Title I,, General Code; Chapter 6, Recreation, Article 6-1, Rules and Regulations for Parks, alcoholic beverages; together with reports from the City Solicitor, the Public Safety Board and the Economic Development Advisory Council. (4-13)

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

Councilor Bouchard noted that it was indicated that this was for non-profits only and that there was discussion at the Recreation and Parks Advisory Board that this would apply to parks if someone was having a wedding or a birthday party they could get a permit for the parks. City Solicitor Jim Kennedy responded that there was a discussion concerning non-profits and when staff worked with the Liquor Commission and reviewed the statutes that seemed appropriate for the issuance of a liquor license in the city, they followed a state law that pertain to non-profit organizations. He noted that there were some discussions that this was the most appropriate in this first step effort for the city to consider an ordinance of this kind. Mr. Kennedy added that there are parks, even with this ordinance, in which liquor is not permitted within those parks due to the deeds.

Councilor Blanchard noted her concerns with liquor being allowed in the parks.

Councilor Grady Sexton indicated that it was a unanimous decision by the Public Safety Board and that a quite bit of consideration was placed into this. She indicated that this issue was well vetted and that there are adequate controls in place to address this.

Councilor Coen noted that it sounds like the legislature felt that for-profits would not be responsible and non-profits would be responsible entities. He questioned as to what makes a non-profit more responsible for controlling liquor than a for-profit organization. He stated that his comfort level, if the Council does this, is to have a pilot program to test it to see how it would work out.

Councilor Keach indicated that he will be voting in favor of this. He noted that he shares Councilor Coen's concerns but wants to move this forward indicating that there may be some room to adjust this to some degree. He feels that there is a level of responsibility, a level of control that this ordinance provides that ensures that the parks and city streets are maintained and public safety is maintained. He stated that the basis are covered but that this should be tweaked a little but this is a great first step.

Councilor DelloIacono indicated that he is in favor of this ordinance. Referencing item F, he pointed out that firearms is stricken from the ordinance and questioned the reason behind

this. Mr. Kennedy responded that municipalities throughout the state are preempted from regulating any issue in respect to firearms.

Councilor Bouchard indicated her concern was whether this ordinance would put any business in conflict that might have outdoor seating at one of those city squares. Mr. Kennedy replied that none of those concerns have been brought to his attention from Code which already regulates this.

Councilor Blanchard asked how many other municipalities within the state have this type of ordinance. Mr. Kennedy responded that he believes that Portsmouth has an ordinance in which they can apply for permits of this nature. He explained that staff looked at the options through the state and worked directly with the Liquor Commission.

Councilor Blanchard made a motion to make this ordinance a pilot program for one year. The motion was duly seconded.

Councilor Nyhan questioned whether a year was appropriate and whether it would give enough time to vet this.

Councilor Keach stated that he will be voting against Councilor Blanchard's motion indicating that if it doesn't work, Council has the opportunity to come back and repeal it.

Councilor Grady Sexton indicated that she will also be voting against the motion for a pilot program. She stated that all the interested parties did a good job in properly vetting this and will be clear, very soon, whether or not this needs to be amended in any way.

Councilor Kretovic concurred with Councilors Keach and Grady Sexton. She stated that the committee felt that starting this process with the non-profits, knowing the stringent restrictions there are under the state legislation, is the pilot program. She indicated that opening it up to other avenues would be the extension from there.

Mayor Bouley indicated that he will be supporting the committee's recommendation to move forward because at any time anyone can request a change/repeal to the Council.

Councilor Blanchard's motion for a one year pilot program failed on a voice vote.

Councilor Nyhan's motion to approve the ordinance passed on a voice vote.

58. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, licensing of alcohol use on city property. (4-14)

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

Councilor Coen again noted his concerns in regards to non-profits versus profit and indicated that he will be voting against this.

Councilor Keach agreed that he doesn't feel that one group is better suited to get this permit than the other but in the interest of moving this forward, this is a start and it can be amended moving forward.

The motion to approve passed with one dissenting vote from Councilor Coen.

59. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 14, Morals and Conduct; Article 14-5, Possession or Consumption of Alcoholic Beverages. (4-15)

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

60. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Article 1-5, Fees, Fines and Penalties, Schedule I; license to serve and offer alcohol for consumption on city property; together with report from the City Solicitor. (4-16)

Action: Councilor Grady Sexton moved approval. The motion was duly seconded and passed with one dissenting vote from Councilor Coen.

61. Resolution accepting and appropriating the sum of \$20,000 in unmatched grant funds from the New Hampshire Department of Safety Homeland Security Grant Program; together with report from the Fire Department. (4-17)

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

62. Resolution accepting and appropriating the sum of \$135,000 from Bindery Redevelopment LLC to offset costs associated with conversion of tax exempt debt for the Capital Commons Parking Garage to taxable status; together with report from the Assistant for Special Projects. (4-18)

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

63. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate grant proceeds of up to \$500,000 in Community Development Block Grant Funds on behalf of the Concord Boys & Girls Club, as well as readopting the City's Housing and Community Development Plan (revised September 2003), including the displacement and relocation policy statement and procedures; together with report from the Assistant for Special Projects. (4-19)

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

64. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I, Thorndike Street; together with report from the Parking Committee. (4-20) (*Revised ordinance and report submitted*)

Action: Councilor Bennett moved approval of the revised ordinance. The motion was duly seconded.

Councilor Bennett thanked the Traffic Operations Committee and Parking Committee for their work on this. He indicated that he had brought this forward in September 2007 and hopes that, in the future, it won't take five years to get something like this before the Council.

Councilor St. Hilaire questioned whether the homeowners were consulted on this. Councilor Bennett confirmed that they had.

The motion to approve passed with no dissenting votes.

Reports

65. Report from the Engineering Services Division on the McKee Square Intersection Improvement Study (CIP 31). (4-48) (Communication from Attorney John Sokul an behalf of Single Tree Acquisition LLC submitted)

Action: City Engineer Ed Roberge provided a detailed overview of the report.

Councilor Nyhan indicated that he feels that this is the best long term solution for the neighborhoods. He noted that, at the current intersection as well as the redesigned signalized intersection, queuing is forcing traffic into the surrounding neighborhoods. He asked staff to comment as to how this roundabout should positively impact that traffic flow. Mr. Roberge stated that a concern that they always had was traffic diversion and competitive driving when there is this type of queuing at an intersection. He explained that they are trying to reduce queuing, making it inviting. Councilor Nyhan asked why they can't just make traffic flow on West Street extension eastbound only. Mr. Mack replied that it is more of a westbound problem, it's the westbound traffic that is getting into accidents. He indicated that if that's restricted and forces all that traffic to turn right what happens is the existing signal at Clinton Street is not designed to handle that surge of a left turn from Broadway onto Clinton Street. Referencing the roundabout design option, Councilor Nyhan asked why this street couldn't also be made one-way. Mr. Mack responded that that is a possibility because the roundabout option allows a lot of flexibility because it reduces queues so much.

Councilor St. Hilaire indicated that it was stated that the initial reason for the study was to look at the high frequency of accidents on West Street and Broadway but when looking at all

the alternatives he doesn't see how that is mitigated. Mr. Roberge responded that the queuing of traffic creates a sight distance issue and they think that if they solve the queuing issue then they solve the accident problem. Referencing entrances to businesses, Councilor St. Hilaire indicated that with all the proposals he sees the same issue in which you can't go into Modern Pharmacy no matter what alternative is chosen. Pointing to one of the diagrams, Mr. Roberge replied that they are still maintaining driveway access and this is one of the only options in which they can maintain that.

Staff responded to Council questions in regards to the different meanings of the colors in the diagrams.

Mayor Bouley inquired as to what time period is being referenced when referring to peak hours. Mr. Mack stated that the two peak hours occur between 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m.

Councilor Blanchard inquired as to the size of the roundabout being discussed. Mr. Roberge responded that the circular shape is approximately 120 feet.

Councilor Keach noted that he is concerned that with the closing of Rumford School there is going to be a lot of kids that are going to be attempting to cross that intersection and with no signalization this is a concern for him. Referencing the property line that goes by the Corner View Restaurant, he asked whether part of the parking lot is city property. Mr. Roberge pointed out the former line of Clinton Street and pointed out space that is a part of the Corner View Restaurant explaining that it is actually on city occupied right of way and was built by agreement a number of years ago.

Referencing the queuing diagrams, Councilor Bennett noted that it's pretty obvious that they will eliminate a big problem at West and Broadway with a traffic circle. He referenced a program that staff has which shows traffic going through and the flow of the traffic stating that is what made him come on board with this plan.

Councilor DelloIacono indicated that he lives on Franklin Street and stated that the traffic coming through that traffic circle, while there is no queue, the speed of that traffic has increased significantly. He stated that he believes the concern is traffic coming out of the roundabout at a higher rate of speed even though there may not be as much queue blocking the view. He asked if this has been taken into consideration and whether this will be taken into consideration. Mr. Roberge replied that staff is looking at the deflection that occurs, slowing people down at the roundabout, narrowing lanes, and improving sight distances which they believe all adds up to success.

Councilor McClure inquired as to the size of the Franklin Street roundabout. Mr. Roberge replied that Franklin and Liberty Street are about the same at approximately 100 feet.

Mayor Bouley indicated that staff has the task of looking at the city as a whole and questioned whether staff considers this to be the highest priority for a change at an intersection in the city. Based on accident review and history, Mr. Roberge replied that it's

probably their top priority. Mayor Bouley indicated that the hours of difficulty at McKee Square only occurs Monday through Friday two times a day; traffic is different in the summer and not nearly as busy as during the school year; it's a flat area of land in which visibility is relatively okay; it has a signal which controls traffic. He compared this to Exit 16 which has 5 to 7 different means of movement of vehicles; more development going on in this area; more people living in this area. He questioned again whether staff felt that is still the highest priority. Mr. Roberge explained that they each behave differently and each intersection is different; one has an extreme high accident rate on an average basis which is an issue for staff and sees this as a big concern. He indicated that, from an operational standpoint, Exit 16 is a disaster and staff doesn't like to see multi-lane stop conditions but they don't see a lot of accidents there, just a lot of near misses and risk taking. From a safety standpoint and the number of accidents, McKee Square is more critical than Exit 16.

Councilor Keach noted that he is aware that there are a lot of accidents at this intersection and asked whether they are all at West and Broadway. He indicated that if there was some sign configuration it wouldn't eliminate a lot of the delays coming in and out of that intersection but wouldn't it eliminate the vast number of accidents. Using the diagram, Mr. Roberge pointed out some of the concerns staff would have explaining that while it looks simple, there is a huge consequence to that solution.

Councilor McClure inquired as to restricting access to that stretch of road. Mr. Roberge responded that one of the reasons they wouldn't want to restrict access is because of emergency access.

Referencing an email from a constituent, Mayor Bouley questioned whether there was ever a roundabout at this intersection in the past. Mr. Roberge responded no. The Mayor indicated that the constituent suggested that there was one in the past but that it was taken out for a reason. Mr. Roberge explained that what the constituent may be referring to is what was called a post-war highway department traffic rotary which is a significant difference than what is being proposed today. He indicated that the sketch came out in the 40's and the configuration was upgraded in the 50's and that it never really went through. He explained that is was more of a consolidated tight intersection through the 80's which represents what is there today.

Councilor Patten asked what the increase in the price would be if this is not built for a few years. Mr. Roberge replied that it's hard to predict what the inflation would be.

Councilor Kretovic indicated that in regards to the Transportation Policy Advisory Committee and the list of priority projects, when looking at the intersections Exit 16 received a high two rating and McKee Square received a high one. She explained that the difference between the two was the factor that Rumford School was closing and that there were a number of children from that neighborhood that would now be using this access in order to get to the new school.

Mayor Bouley stated that he has always supported roundabouts noting that he feels that they work and have proven to be extremely effective in the two places in which they are located

today. He noted that this can be a troublesome intersection but cannot support this the way the recommendation is written. He stated that if the recommendation was to accept the report, he would be more than willing to support that but because it goes on to recommend this roundabout option, he is not ready to go that far yet. The Mayor indicated that he is concerned about money and wants to have a full discussion about the whole CIP during the budget process and wants to rank this and put it in the priority list of where all the CIP's are listed and that it should compete with all those. He added that he would like to see more citizen input noting his concerns with businesses that have sent letters of concern.

Following additional Council discussion, Councilor Nyhan moved to accept the report recognizing the roundabout design as the preferred option. He noted his agreement with the Mayor that this should compete with every other capital project and if this project does get moved out to the future, he feels that they should explore some of the other options with regard to restricting access on West Street extension. The motion was duly seconded and passed with no dissenting votes.

Unfinished Business

66. Resolution to appropriate the sum of \$200,000 and authorize the issuance of bonds and notes for construction engineering services for phase one of liquid stream odor control improvements at the Hall Street Wastewater Treatment Plant, CIP #89; together with report from General Services. (2-14)(350) (*Public hearing recessed at the March 12, 2012 Council meeting*)

Action: This item remains on the table.

67. Proposed FY2013 Finance Committee budget review schedule. (4-31)

Action: Councilor Nyhan moved to change the budget meetings to begin at 7:00 p.m. instead of 6:30 p.m. The motion was duly seconded.

Following Council discussion, the motion for the budget meetings to begin at 7:00 p.m. passed on a voice vote.

In regards to the first budget meeting, Mayor Bouley reminded Council that Thursday evening is the Rock 'n Road race and that Green Street is closed during race time.

Comments, Requests by Mayor, City Councilors

Councilor Patten reminded everyone of the Police/Fire Memorial Parade in Penacook on June 3rd at 9:00 a.m.

Councilor Patten indicated that the Concord High School Music Department band is in need of \$15,000 for more uniforms. He stated that they are forming a fundraising campaign.

Councilor Werner indicated that the Green Street Community Center has been the Ward Five polling location for many elections. He stated that it is now located in Ward Four and that he has

received a request from Ward Five election officials to examine the feasibility of maintaining the Green Street Community Center as the polling place for Ward Five even though it resides in Ward Four. He requested that the City Clerk and City Solicitor examine this question, the feasibility and any regulatory aspects that may impact upon it.

Councilor Kretovic indicated that InTown Concord needs Council's approval in order to serve alcohol on the street. She explained that with the RSA that was listed, there is a time restriction that they can have in order to do their permitting process through the state. Ms. Murdoch is asking that Council have an answer for them at the June 11th meeting as to whether they can serve alcohol on the street. Mayor Bouley pointed out that they are meeting several times before June 11th and suspects that the City Solicitor's Office will come back with an answer to that question soon.

Councilor Bouchard announced that the Parks and Recreation Department's new brochure is out.

Mayor Bouley reminded residents to renew their dog licenses.

Comments, Requests by the City Manager

Carlos Baia, Deputy City Manager-Development, informed Council that the Police Department just found out that there is a possibility to be funded for portable radios with no match required on the part of the city.

Consideration of Suspense Items

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

5 Sus1 Street closure request for the Seventh Annual Multicultural Festival to be held on Friday June 22, 2012.

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

5 Sus2 Resolution authorizing the City Manager to enter into an agreement with Concord Housing Development Corporation concerning certain properties at 10, 16 and 18 Prince Street; together with report from the Assistant for Special Projects.

Action: Carlos Baia, Deputy City Manager-Development, indicated that this should be set for a June public hearing.

Matt Walsh, Assistant for Special Projects, explained that the intention is to set this resolution for a public hearing in June.

Councilor DelloIacono moved to set this for a public hearing at the June 11th Council meeting. The motion was duly seconded and passed with no dissenting votes.

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45. Mayor Bouley's proposed appointment to the Board of Ethics. *Scott A. Daniels, Daniel J. Feltes and Brenda Robb*

Action: Mayor Bouley explained that the reason he wanted to remove this item is because one vote is usually taken on the consent agenda and he wanted to take a specific separate vote. He pointed out that the key word is "proposed appointments" in which he is simply nominating and it is the responsibility of the Council to confirm or to reject nominations. He stated that if a Councilor were to make a motion to approve these proposed appointments, he will not be voting and will be abstaining from the vote. He explained that the reason for this is because today there was a filing of a complaint against himself on violating a city code of ethics.

Councilor Grady Sexton moved approval of the proposed appointments. The motion was duly seconded and passed with no dissenting votes. The Mayor did not vote on the appointments.

Adjournment

The time being 9:24 p.m., Councilor Keach moved approval to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

Michelle Mulholland Deputy City Clerk