



City Council Meeting  
**Minutes**

**August 8, 2011**

***Non-public meeting in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining strategies to follow the Council meeting.***

City Council Chambers  
7:00 p.m.

1. The Mayor called the meeting to order at 7:00 p.m.
2. No clergy was present for invocation.
3. Pledge of Allegiance.
4. Roll Call. Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner were present. Councilors Bennett and DelloIacono were excused.
5. Approval of the July 11, 2011, July 13, 2011 and the July 25, 2011 meeting minutes.

**Action:** Councilor Shurtleff moved approval of the July 11, 2011 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor McClure moved approval of the July 13, 2011 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor McClure moved approval of the July 25, 2011 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 following unfinished business.***

**Action:** Councilor Nyhan moved approval of the consent agenda, as amended, with items 8, 23 and 24 moved to the end of the agenda for discussion. The motion was duly seconded. The consent agenda, as amended, passed with no dissenting votes.

**Items Tabled for a September 12, 2011 Public Hearing**

7. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Bus Shelters; together with report from the Zoning Administrator.
8. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; Schedule V, Yield Right of Way, Penacook Street at Auburn Street and Forest Street at Auburn Street; together with report from the Traffic Engineer. *(Pulled from consent by Councilor Blanchard)*

**Action:** This item was removed for discussion at the end of the agenda.

9. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinances; Article 28-8, Non-Conforming Lots, Uses and Structure. Section 28-8-6, Destruction, Abandonment and Termination; together with report from the Zoning Administrator.
10. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-3 Boards and Commissions, Board of Ethics; together with report from the Rules Committee.
11. Ordinance amending the Code of Ordinances; Title I, General Code, Code of Ethics.

**From the City Manager**

12. Positive Citizen Comments.
13. Council meeting date calendar.

**Consent Reports**

14. Appropriation Transfer Report: July 31, 2011.
15. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$2,020.37 as provided for under the preauthorization granted by City Council.
16. Status of Pending Court Cases and Recently Resolved Cases from the Legal Department.
17. Report from the Traffic Operations Committee and the Transportation Policy Advisory Committee recommending a policy on the use of STOP signs.
18. Report from the Traffic Operations Committee recommending the installation of a street light on Bow Street in Concord.

19. Report from the City Engineer recommending that a private water service be licensed within the City's right of way on West Sugarball Road.
20. FY2011 2<sup>nd</sup> Semi-annual Report of Contracted Solid Waste and Recycling Services from the General Services Director.
21. Pay As You Throw Quarterly Status Report from the General Services Director.
22. Current Use Change Tax Status report from the Director of Real Estate Assessments.
23. Report from the Planning Department regarding future park development on Concord Heights, Recreational Facilities Impact Fee District 4, as part of CIP #381, Old Landfill Reuse. (*Pulled from consent by Councilor Blanchard and Councilor Patten*)

**Action:** This item was removed for discussion at the end of the agenda.

### **Consent Resolutions**

24. Resolution authorizing the City of Concord to request that the State of New Hampshire designate the area that corresponds to the Penacook Tax Increment Finance District as an Economic Revitalization Zone; together with report from the Deputy City Manager – Development. (*Pulled from consent by Councilor Blanchard*)

**Action:** This item was removed for discussion at the end of the agenda.

25. Resolution in recognition of the services of Chief Robert C. Barry.  
(*For presentation in September*)

### **Consent Communications**

26. Street closure request for an event to be held on Orion Street on August 20, 2011.
27. Street closure request for a neighborhood block party to be held on Saturday, August 27, 2011 on Columbus Avenue.

### **Appointments**

28. City Manager's proposed appointment to the Concord Housing Authority.  
*Violet Rounds*

### **From the Mayor**

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

## 29. August 8, 2011 Public Hearings

### A. Charter Amendment redistricting ward lines. (7-4) (*Revised report submitted*)

**Action:** Mayor Bouley, Redistricting Committee Chair, explained that the committee met several times coming up with a proposal referred to as Alternative 4 in which a public is scheduled for this evening. He noted that the committee had been in the process of working on making some small adjustments to make the lines work as well as looking at all the polling locations. He stated that the committee is offering Alternative 7 as an amended version to Alternative 4. The Mayor provided highlights explaining that the population of the city is 42,695 based on the last census and with this being the population and there being ten wards, the target population per ward is 4,270. He noted that the goal is to have the wards be as equal as possible and also look at a +/- 5 percent deviation from that 4,270 number and based on that, the recommendation of Alternative 7 complies with that. He explained that the committee looked at several issues and that the decision was purely based on census lines, polling locations and what made sense most among neighborhoods to keep the cohesive feel to the neighborhoods. Mayor Bouley highlighted some of the changes on the maps hanging up. Noting that he has received inquiries as to what the question will be on the ballot, he read the question provided within the report.

Councilor Blanchard inquired whether the legislative districts would change as a result of this. Mayor Bouley responded that they have no say in this and the way that he understands it, they are trying to draw boundary lines and doesn't want to guess what will be the final product coming out of the legislature.

Councilor Stetson asked what would happen if this is rejected in November by the voters. Mayor Bouley responded that it is his understanding that they would stay with the existing census boundaries but based on the new numbers, they would not be in compliance. He added that he assumes that they would go back to the drawing board and try it again.

The Mayor opened the public hearing. There being no public testimony, the Mayor recessed the hearing until Wednesday, August 10<sup>th</sup>.

### B. Resolution relative to changing the name of East Street to Canal Street in Penacook; together with report from the Deputy City Manager - Development. (3-9) (5-25) (8-38) (9-44) (10-46) (11-54) (12-49) (1-44) (2-63) (3-56) (4-52) (5-44) (6-65) (7-10)

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

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

- C. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; together with Report of the Planning Board on the proposed amendments to the Zoning Map of the Zoning Ordinance as contained in the Draft Changes to the City's Land Use Regulations & Development Review Procedures Part 1 prepared by the Deputy City Manager – Development. (7-15)

**Action:** Carlos Baia, Deputy City Manager-Development, provided a brief overview explaining that this item and item D are zoning map changes which are results of the public forums from last year. He noted that this item was addressing the Central Business Performance District in downtown which currently runs along the spine of Main Street to the southern boundary which today is roughly Theatre Street. He explained that a request was made by a property owner as part of the forum last year whether the city would consider extending that Central Business Performance District south to Storrs Street. He indicated that the Central Business Performance District is the one loaded with the most incentives for development, where they focus most of their efforts to incentivize redevelopment so it doesn't have set backs, doesn't have parking requirements, etc. Mr. Baia added that if Council were to extend this southerly, they would be extending those incentives to that region of Main Street. He stated that the Planning Board looked at this proposed change and did not rule favorably on it and recommended unanimously that the Council not approve this change because they felt that it was not in the spirit of the master plan because there are some properties in that corridor that would become non-conforming and there are also some properties in that corridor that currently have small parking lots that if this change were made there is the fear that there would be implications for parking spillover into the neighborhood. He pointed out that the architecture in that stretch of Main Street does not reflect the character of the Central Business Performance District corridor.

Councilor Blanchard inquired as to what it is currently zoned as. Mr. Baia responded that it is currently zoned Urban Commercial.

Councilor Coen asked whether the property owners of the area that could be affected were contacted in regards to the proposed change and if they were, did staff receive any feedback. Mr. Baia responded that the property owners were not contacted directly about the proposed change explaining that they don't normally do that for zoning changes but it has been noticed. He indicated that the property owner that made the request was informed about the public hearing but had a scheduling conflict and could not be here this evening. Councilor Coen noted that if Council changes this, it could be a surprise to the property owners. Mr. Baia responded that it could potentially be a surprise but it is the practice of the city for other rezonings that have been done in the past.

Councilor Keach asked if it was fair to say that, despite the Planning Board's opposition to this change, Administration still feels that this is a prudent decision and wishes to move forward. Mr. Baia responded that staff is taking a neutral position on this one explaining that there are advantages to doing this but there are also disadvantages.

Mr. Aspell added that if the city was proposing something like this, they would discuss it with the property owners to make sure there would be no surprises. He stated that this is not a city product.

Councilor Nyhan questioned as to what would be the benefit of extending the Central Business Performance District down to Storrs Street. Mr. Baia responded that the benefit for the property owners in that corridor that would be changed would be that many of their regular prior restrictions on their property would be lifted including parking and set backs.

Mayor Bouley inquired as to the properties that would be negatively affected. Mr. Baia responded that Unfranchised Auto Repair, a Mobil station and the parking lot that the city sold as part of the Duprey development would also become non-conforming.

Councilor McClure asked if there is any reason that this couldn't come up again in the future when more property owners in that area were interested. Mr. Baia replied that he believes it could be but would defer to Legal as to whether there is any sort of statute of limitations on a request. Mr. Henninger, Planning Department, stated that there was not any statute of limitations.

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

- D. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, and Article 28-4, Development Design Standards. (7-16)

**Action:** Carlos Baia, Deputy City Manager-Development provided a brief overview explaining that this item follows upon some of the changes that were made to the General Commercial Zoning category at last month's Council meeting. He noted that they changed the General Commercial category to include a provision that parking lots in those zoning districts would have to be to the rear or to the side of buildings. He indicated that in doing that, a large portion of Manchester Street would become non-conforming because of all the auto dealerships. He explained that what they are proposing here is, in regards to the General Commercial District, to take out any reference to automobile sales and include a reference to multi-family residential to create true mixed use developments. He noted that on the Manchester Street corridor, what this amendment would do is that it would take the current General Commercial

Zoning District and convert it to a new zoning district called Highway Commercial which would keep all of the existing zoning uses that are there today.

Councilor Bouchard asked staff to explain how the residential and commercial link work. Steve Henninger, Assistant City Planner, responded that it would add the multi-family residential as a permitted use within the General Commercial District so that it could be developed as a mixture or as an individual multi-family in the corridor which is currently prohibited. He added that he thinks this is recommended in the master plan and is a follow up with that as well as a follow up with changes last month. Councilor Bouchard noted that if she hears correctly, it does not allow commercial businesses along Loudon Road to be redeveloped deeper into the neighborhoods, they stay within that corridor. Mr. Henninger responded that it stays within the existing boundaries, the uses change but the boundaries don't change.

Councilor Stetson pointed out that there are two auto dealerships that are doing major reconstruction and inquired whether these are going to conform to the new table of dimensional regulations for that district. Mr. Henninger replied that they will conform.

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

- E. Resolution accepting and appropriating the sum of \$4,025 from Duprey Companies to be utilized towards the purchase of one parking kiosk to be located at 49 South Main Street and also appropriating matching funds in the amount of \$4,025 from the Parking Fund for the City's portion of this kiosk project; together with report from the Parking Manager. (7-11)

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

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

- F. Resolution accepting and appropriating the sum of \$35,134 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. (7-12)

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

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

- G. Resolution appropriating the sum of \$15,371 in unmatched grant funds from the New Hampshire Department of Justice Enforcing Underage Drinking Laws Grant Program; together with report from the Police Department. (7-13)

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

Councilor Blanchard asked how the Police Department measures the success of this program noting that she had just read that New Hampshire is the second state in the union with more underage drinking than any other state. Acting Police Chief John Duval responded that this program is highly successful and what he uses to measure this is the efforts that they do for compliance noting that they are consistently in the high 90's compared to some municipalities where their success rate is 60 or 70 percent. He added that he deems this successful and would not want to back off on this program.

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

- H. Resolution accepting and appropriating the sum of \$600,000 in Brownfields Cleanup Grant funds from the United States Environmental Protection Agency and also appropriating matching funds in the amount of \$120,000 from the Economic Development Reserve Fund for environmental remediation of that portion of the former Allied Leather Tannery Complex located at 27, 31, and 35 East Street, Penacook; together with a report from the Assistant for Special Projects. (7-14)

**Action:** Matt Walsh, Assistant for Special Projects, provided a brief overview.

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

- I. Resolution accepting and appropriating the sum of \$10,075 from the proceeds of a Certified Local Government (CLG) Grant for the conduct and preparation of a survey of Concord's 19<sup>th</sup> Century Manufacturing Facilities along the South Main Street Corridor, CIP #506; together with a report from the Heritage Commission. (7Sus1)

**Action:** Councilor Shurtleff, Heritage Commission member, provided a brief overview.

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

### **August 8, 2011 Public Hearing Action**

30. Charter Amendment redistricting ward lines. (7-4) (*Revised report submitted*)  
(*Action to be taken on August 10, 2011*)

**Action:** No action taken. Action to be taken at the August 10, 2011 Council meeting.

31. Resolution relative to changing the name of East Street to Canal Street in Penacook; together with report from the Deputy City Manager - Development. (3-9) (5-25) (8-38) (9-44) (10-46) (11-54) (12-49) (1-44) (2-63) (3-56) (4-52) (5-44) (6-65) (7-10)

**Action:** Councilor Shurtleff provided an explanation for his request to change the name while also providing a brief background history. He added that the proposed resolution has the support of the Penacook Village Association, the Penacook Historical Society and Concord's Heritage Commission. He noted that it is his understanding that new signage would be done for East Street because the construction is finishing up there so there would be no additional expense to the taxpayers if the street name was changed.

Councilor Shurtleff moved approval. The motion was duly seconded.

Councilor Coen asked how many property owners were contacted. Mr. Baia responded that staff sent 19 letters. Councilor Coen asked if there was indeed only two responses back and if those two received back were negative. Mr. Baia replied that the two that he was aware of initially were from last year: one from the owner of the apartment building; and the city had a concern a year ago because they were undertaking the application for the EPA funds and didn't want to jeopardize that application which has a series of title documents attached to it. Mr. Aspell clarified that these are the same two.

The motion was approved with no dissenting votes.

32. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; together with Report of the Planning Board on the proposed amendments to the Zoning Map of the Zoning Ordinance as contained in the Draft Changes to the City's Land Use Regulations & Development Review Procedures Part 1 prepared by the Deputy City Manager – Development. (7-15)

**Action:** Councilor McClure asked what would happen if Council accepted the report. Mayor Bouley indicated that it was his interpretation that Council would be accepting the recommendation to adopt the proposed amendment to the zoning ordinance establishing a Highway Commercial District and taking the recommendation from the Planning Board to not adopt the proposed amendment to extend the Central Business Performance District.

Upon clarification, Councilor McClure moved acceptance the recommendation. The motion was duly seconded.

Councilor Nyhan indicated that he was still unclear on who was notified and who wasn't notified and staff's position on this item. Referencing item 32, City Manager Aspell explained that the request came in from a private party and the Planning Board has unanimously recommended against that. He noted that city staff is not in support

of the rezoning and as Mr. Baia had stated, the city is neutral. It is not in compliance with the city's master plan. Mr. Aspell stated that recommendation one, item 33, is in compliance with the city's master plan and was unanimously recommended by the Planning Board.

Councilor McClure's motion to accept the recommendations within the report passed with no dissenting votes. This ordinance fails to pass.

33. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, and Article 28-4, Development Design Standards. (7-16)

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

34. Resolution accepting and appropriating the sum of \$4,025 from Duprey Companies to be utilized towards the purchase of one parking kiosk to be located at 49 South Main Street and also appropriating matching funds in the amount of \$4,025 from the Parking Fund for the City's portion of this kiosk project; together with report from the Parking Manager. (7-11)

**Action:** Councilor McClure moved approval. The motion was duly seconded and passed with the required two-thirds vote by a roll call vote with Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner voting yes.

35. Resolution accepting and appropriating the sum of \$35,134 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. (7-12)

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

36. Resolution appropriating the sum of \$15,371 in unmatched grant funds from the New Hampshire Department of Justice Enforcing Underage Drinking Laws Grant Program; together with report from the Police Department. (7-13)

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

37. Resolution accepting and appropriating the sum of \$600,000 in Brownfields Cleanup Grant funds from the United States Environmental Protection Agency and also appropriating matching funds in the amount of \$120,000 from the Economic Development Reserve Fund for environmental remediation of that portion of the former Allied Leather Tannery Complex located at 27, 31, and 35 East Street, Penacook; together with a report from the Assistant for Special Projects. (7-14)

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

38. Resolution accepting and appropriating the sum of \$10,075 from the proceeds of a Certified Local Government (CLG) Grant for the conduct and preparation of a survey of Concord's 19<sup>th</sup> Century Manufacturing Facilities along the South Main Street Corridor, CIP #506; together with a report from the Heritage Commission. (7Sus1)

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

### **Reports**

39. Report from the City Manager regarding a sidewalk performer (Buskers) pilot program.

**Action:** City Manager Aspell provided a brief overview explaining that the concept is to start a pilot program which would run through the end of the calendar year and undertake the issue of a special permit to an agency and designate four specific locations: Eagle Square Clock Tower, the brick alcove on North Main Street next to Merrimack County Savings Bank, the archway next to the Viking House and the sidewalk in front of the Red River Theatre. He indicated that the hours of performance would be from 10:00 a.m. to 7:00 p.m. Monday through Thursday; 10:00 a.m. to 8:00 p.m. Friday and Saturday. A performer would be able to stay at a location for two hours at a time. He noted that Strings and Things has agreed to handle the sign ups and the scheduling. He added that since there is limited sidewalk space, there will be no tables, no chairs or stationary props or instruments that will be permitted and performers are not supposed to block the sidewalk, entrances to businesses and will be required to be respectful of shoppers and merchants. He further added that performers are subject to the noise obstruction, vending and other city ordinances. He highlighted additional points contained within the report and finished by indicating that at the conclusion of the pilot program he will be providing Council with another report.

Councilor Bouchard stated that she loves this idea and feels that it will add a lot of energy to downtown and highlight some local talents.

Councilor St. Hilaire pointed out that the report indicates that there shall be no stationary props or instruments and asked whether someone with a keyboard would not be allowed to play. Mr. Aspell responded that if someone had a keyboard on their lap, they would be fine. Councilor St. Hilaire further pointed out that the report indicates that there shall be no drums and referenced a group such as Recycled Percussion that uses anything but drums for their performances. Mr. Aspell replied that the idea is that they are trying to create an atmosphere where people want to come and enjoy but also want to create an atmosphere where people want to live. He

stated that they are trying to balance these two needs and the issue with amplification and drums could lead to unhappy people in the upper story floors.

Councilor Nyhan thanked Strings and Things for volunteering to do the registration. He asked if they would have the first say of vetting out acts that may not follow these guidelines. He asked what their role would be other than just registration. Mr. Aspell noted that the idea is to let people do what they like to do as part of a performance. He stated that he would not want to put much of a burden on Strings and Things even though they will have the guidelines available for people.

Attorney Robert Carey explained that they put a lot of time and effort in trying to make sure they could do something that promotes the arts in Concord and also promotes local businesses.

Susan Leidy thanked Council for considering this and noted that the intention is to enliven downtown.

Councilor Coen asked for the definition of buskers. Tim Sink responded that he did not know the origin of the word but that it refers to sidewalk performers.

Councilor Patten inquired whether a list will be kept of the performers participating in the program. Mr. Sink explained that performers will have to register to reserve a spot at Strings and Things, this could be a place in which a record is kept.

Referencing the proposed locations, Mayor Bouley indicated that he did receive some feedback regarding the archway at the Viking House and was asked if it would be possible to potentially move that location down towards the end of the street. Ms. Leidy noted that this can be looked at.

Councilor St. Hilaire inquired whether Bicentennial Square was looked at. Ms. Leidy responded that they intentionally stayed away from both Bicentennial and Eagle Square because of the number of events that go on in both of those areas.

Councilor Grady questioned whether this would impede handicap accessibility. Attorney Carey replied that he doesn't believe so and that one of the considerations they wanted to take into account is the ordinary sidewalk traffic patterns. He stated that they tried to choose locations that had good sidewalk access and wider sidewalk areas.

Councilor Nyhan moved approval of the report. The motion was duly seconded.

Mayor Bouley asked that the Council strongly consider asking the committee to revisit the Viking House location: talking to the businesses upstairs to work out issues with them or consider going down to the end of the street to see if this may be a possible location. Council noted their agreement.

The motion was approved with no dissenting votes.

### **Unfinished Business**

40. Report from the Deputy City Manager - Community Development in response to a communication from Holly Carlson on behalf of Manchester Street businesses requesting City Council consider a zoning change to the existing sign ordinance. (4-10) (8-39) (9-48) (10-39) (11-38) (12-40) (1-53) (2-47) (3-48) (4-61) (5-68) (6-53) (7-54) (9-42) (10-44) (11-52) (12-47) (1-42) (2-61) (3-54) (4-50) (5-42) (6-65) (7-58) *(Report tabled at the September 14, 2009 City Council meeting; supplemental report submitted to Council April 12, 2010; no action taken)*

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

41. Resolution approving the acquisition of open space property northerly of Clarke Street, and authorizing the expenditure of up to \$11,000 from the Conservation Fund for this purpose, as approved by the Conservation Commission; together with report from the Conservation Commission. (5-10) (6-54) (7-55) (8-40) (9-43) (10-45) (11-53) (12-48) (1-43) (2-62) (3-55) (4-51) (5-43) (6-66) (7-59) (Tabled setting this item for a public hearing at the May 10, 2010 City Council meeting)

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

### **Comments, Requests by Mayor, City Councilors**

Councilor McClure commended the city for bringing in \$664,605 in grant funds.

Councilor Werner indicated that the Concord area local growers 3<sup>rd</sup> Annual Harvest Supper will be held on Tuesday, September 27<sup>th</sup> at the Marriott Courtyard. He noted that the Energy and Environment Committee will be launching its website later this month and in conjunction with this they are going to hold a contest for the design of their logo.

Mayor Bouley indicated that National Night Out was a great event put on by the Police Department. He noted that it not only showcases the relationship between the neighborhoods and law enforcement and other city entities. He noted that a few weeks ago his office had been vandalized and robbed and through some incredible police work, the officers involved found out, in 2 ½ weeks, who did it and located the items stolen. He thanked and commended the Police Department for their work. Referencing the parking garage, the Mayor indicated that the gates have been removed and noted that he has become aware that the hourly day parkers park in spaces that are farthest away in the garage than the leased spaces. He would like the Parking Committee and Administration to consider the hourly day parkers parking closer to places they need to go and to look at the traffic patterns of where those people go to determine the spaces that should be used for them.

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

City Manager Tom Aspell noted that on Wednesday, August 10, 2011, the Council has a public hearing regarding the Concord Steam proposal and informed Council that there were not any viable bids that were provided to the state at the last bid opening, however, they have looked at potentially going out to bid again. He indicated that the state would like to look at setting up another meeting to review potential proposals from another rfp and requested that the Council have a meeting that same day. He noted that on August 10<sup>th</sup>, the Council could recess that meeting to a date of August 24<sup>th</sup>. Mr. Aspell questioned whether Council would be amenable to this.

Councilor St. Hilaire explained that what happened was that the bid came in late which may be a viable bid so, because they missed the deadline, the law is that it cannot be accepted. He noted that it is presumed that this bid will be resubmitted when it's reopened again. He pointed out that there were several bids but that the state rejected them because they were not qualified.

Councilor Coen noted that he was in favor of continuing this and doesn't want to close the door on the potential opportunity that the city may benefit from going forward.

Councilor Nyhan added his support noting that it was important and worthwhile to pursue.

### **Consideration of items pulled from the consent agenda for discussion**

*Items 8, 23 and 24 were pulled from the consent agenda to be discussed following unfinished business items on the agenda.*

8. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; Schedule V, Yield Right of Way, Penacook Street at Auburn Street and Forest Street at Auburn Street; together with report from the Traffic Engineer. *(Pulled from consent by Councilor Blanchard)*

**Action:** Councilor Blanchard noted that there has been a stop sign on Penacook Street as it approaches this intersection for a few months. She indicated that she saw they were having a public hearing on this in September and thought it was unusual that there was a stop sign already there. She stated that she had spoken to the City Manager and that he will be remedying the situation. Mr. Aspell stated that Council is the only one that has the authority to install stop signs and that staff will take care of it.

Councilor Blanchard moved to set this item for a public hearing on September 12, 2011. The motion was duly seconded and passed with no dissenting votes.

23. Report from the Planning Department regarding future park development on Concord Heights, Recreational Facilities Impact Fee District 4, as part of CIP #381, Old Landfill Reuse. (*Pulled from consent by Councilor Blanchard and Councilor Patten*)

**Action:** Councilor Blanchard stated that she pulled this item because she wanted the opportunity to vote against this report explaining that whenever this comes up in the future she will never vote to approve a park that is located on top of a landfill.

Councilor Patten indicated that he too feels the same way noting his concern in regards to toxicity. He inquired whether the surrounding neighbors have been notified.

Mayor Bouley pointed out that before anything happens the city has to deal with the environmental impacts of this site and that it is seven years out in the capital budget. He noted that this is common and is done throughout the state.

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

24. Resolution authorizing the City of Concord to request that the State of New Hampshire designate the area that corresponds to the Penacook Tax Increment Finance District as an Economic Revitalization Zone; together with report from the Deputy City Manager – Development. (*Pulled from consent by Councilor Blanchard*)

**Action:** Councilor Blanchard indicated that the only reason that she removed this item is because she would like the public to hear about this.

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

Councilor Shurtleff moved approval. The motion was duly seconded and passed with no dissenting votes.

### **Adjournment**

The time being 8:42 p.m., Councilor Nyhan moved to enter into a non-public meeting in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining strategies. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*