



City of Concord

City Council

Meeting Minutes - Draft

Monday, May 10, 2021

7:00 PM

Zoom Meeting Link:
<https://us02web.zoom.us/j/8120417270>

9

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Webinar ID#: 812 0417 2709

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Due to the COVID-19/Corona Virus crisis, and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, City Council is authorized to meet electronically. The City of Concord will be utilizing the Zoom platform for this electronic meeting.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04.

*All members of City Council have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by following the link below, or dialing the number below and entering the ID number at the prompt. For those who want to provide public testimony in the Public Hearing portion of the meeting, and you are connected to the Zoom website, you may click on the Raise Hand icon in the Attendees Section of Zoom to make the request. When the time is appropriate, you will be recognized so you can provide your testimony. For those calling in who want to provide public testimony, dial *9 to alert the host that you wish to speak. The host will unmute you at the appropriate time during the public hearing portion of the meeting. All participants please keep your phones and computers on mute unless speaking.*

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1. Mayor Bouley called the meeting to order at 7:00 P.M.
2. Invocation.
3. The Pledge of Allegiance was completed.
4. Roll Call.

Action: In accordance with the Right-to-Know Law, Councilor Grady Sexton and Councilor Kretovic both noted that they were home with family. Mayor Bouley confirmed that Councilor Bouchard was excused from the meeting and Councilor Werner was expected to arrive late. All other members of City Council indicated they were alone.

Present: 13 - Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

Excused: 1 - Councilor Candace Bouchard

5. Approval of the Meeting Minutes.

April 12, 2021 City Council Draft Meeting Minutes.

Action: Councilor Grady Sexton moved approval of the April 12, 2021 meeting minutes. The motion was duly seconded and passed unanimously with a roll call vote, excluding Councilor Werner as he arrived late.

Yes: 12 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

Excused: 1 - Councilor Bouchard

Abstain: 1 - Councilor Werner

April 29, 2021 City Council Draft Meeting Minutes.

Action: Councilor Grady Sexton moved approval of the April 29, 2021 meeting minutes. The motion was duly seconded and passed unanimously with a roll call vote, excluding Councilor Werner as he arrived late.

Yes: 12 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

Excused: 1 - Councilor Bouchard

Abstain: 1 - Councilor Werner

6. Agenda overview by the Mayor.

*****Consent Agenda Items*****

Action: Councilor Champlin moved approval, excluding Item 22, as it was pulled from the Consent Agenda and moved for further discussion, at the end of the meeting. The motion was duly seconded and passed unanimously with a roll call vote, excluding Councilor Werner as he arrived late.

Yes: 12 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, and Councilor Todd

Excused: 1 - Councilor Bouchard

Abstain: 1 - Councilor Werner

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

Items Tabled for June 7, 2021 Public Hearings to be held at 5:30 p.m.

7. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2022, ending June 30, 2022, for the General Fund, Special Revenue Funds, Enterprise Funds, Debt Service Funds and Diminimis Accounts. (To be submitted under separate cover.)

Action: This resolution was moved to set for a public hearing.

8. Resolution for the annual capital closeout and repurposing of capital project funds; together with a report from the Senior Accountant. (To be submitted under separate cover.)

Action: This resolution was moved to set for a public hearing.

9. Resolution authorizing and appropriating funds for Fiscal Year 2022, ending June 30, 2022, for Capital Projects and authorizing the issuance of bonds and notes for various Capital Projects more specifically identified in the budget document. (To be submitted under separate cover.)

Action: This resolution was moved to set for a public hearing.

10. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines and Penalties; Schedule I, Water Rates, Water Rate Structure; together with report from the General Services Director. (To be submitted under separate cover.)

Action: This ordinance was moved to set for a public hearing.

11. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties, Schedule I, Water Rates, Water/Wastewater Rate Increase; together with a report from the General Services Director. (To be submitted under separate cover.)

Action: This ordinance was moved to set for a public hearing.

12. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 9, Water, Article 9-1, Waterworks; together with report from the General Services Director. (To be submitted under separate cover.)

Action: This ordinance was moved to set for a public hearing.

13. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 9, Water, Article 9-3, Sewer Rentals; together with report from the General Services Director. (To be submitted under separate cover.)

Action: This ordinance was moved to set for a public hearing.

Items Tabled for June 14, 2021 Public Hearings

14. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-7, Access, Circulation, Parking and Loading; together with report from the Deputy City Manager for Development.

Action: This ordinance was moved to set for a public hearing.

15. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations; Article 26-1-6.1, Sign Fees; together with report from the Deputy City Manager for Development.

Action: This ordinance was moved to set for a public hearing.

16. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 1, Government Organization, Article 1-5-Fees, Fines and Penalties; Schedule I, Sign Fees; together with report from the Deputy City Manager for Development.

Action: This ordinance was moved to set for a public hearing.

17. Resolution authorizing the City Manager to enter into Purchase and Sale Agreements with the Boston and Maine Corporation and Northern Railroad, each of which are subsidiaries of Pan Am Systems, Inc., concerning the acquisition of portions of the Boston and Maine Northern Main Line Railroad and Concord-Claremont Railroad for the purpose of facilitating the Merrimack River Greenway Trail (CIP #543), and the Concord-Lake Sunapee Rail Trail; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: This resolution was moved to set for a public hearing.

18. Resolution appropriating the sum of \$700,000 for the acquisition of property and related costs from Boston and Maine Corporation and the Northern Railroad, each of which is a subsidiary of Pan Am Systems, Inc., to support the Merrimack River Greenway Trail Project (CIP #543) and the Concord-Lake Sunapee Rail Trail, authorizing the issuance of bonds and notes in the amount of \$600,000, and authorizing the transfer of \$100,000 from the Conservation Property Reserve; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: This resolution was moved to set for a public hearing.

Consent Reports

19. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$205.99, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

20. Diminimus gifts and donations from Human Services Director requesting to accept monetary gift totaling \$28.56, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

21. March 31, 2021 Fiscal Year to Date Financial Statements Report from Deputy City Manager Finance.

Action: This consent report was approved.

22. FY2021 Distinguished Budget Presentation Award from the Office of Management & Budget Director. (Pulled from consent by Councilor Nyhan)

23. 2020-2021 Economic Development Performance Annual Report from the Deputy City Manager for Development and the Economic Development Director.

Action: This consent report was approved.

Consent Resolutions

24. Resolution authorizing the City Manager to submit an application to the New Hampshire Highway Safety Agency, as outlined in its current Grant Program, for grant funding of roadway safety initiatives and equipment; together with report from the Police Department.

Action: This consent resolution was approved.

25. Resolution authorizing the City Manager, by way of the Police Department, to submit an application to the United States Department of Justice, Patrick Leahy, Bulletproof Vest Partnership Grant Program to receive funding for the purchase of ballistic vests; together with report from the Police Department.

Action: This consent resolution was approved.

26. Resolution to direct the Tax Collector to execute a Tax Deed on certain properties with unredeemed 2015 Tax Liens in accordance with RSA 80:76III; together with report from the City Treasurer/Tax Collector.

Action: This consent resolution was approved.

Appointments

27. Mayor Bouley's proposed appointments to the Recreation & Parks Advisory Committee: Robert Avery, Andrew C. Doyle, Althea Barton, Chiara Dolcino, Stacey Brown, Nicholas Kotkowski, Marilyn Fraser and Mary Miller.

Action: These appointments were approved.

28. Mayor Bouley's proposed appointment to the Transportation Policy Advisory Committee: Councilor Zandra Rice Hawkins.

Action: This appointment was approved.

29. Mayor Bouley's proposed reappointments to the Everett Arena Advisory Committee: Dan Arndt, Gerry Blanchette, Chris Brown, Joe Farrelly, Michael Gfroerer, and Nicholas Wallner.

Action: These appointments were approved.

30. City Manager's Proposed Appointments to the Library Board of Trustees: Lisa Calgaard Sands, Charles O'Leary, and Michelle Marino

Action: These appointments were approved.

31. City Manager's Proposed Appointment to the Conservation Commission: Stefan Matlage.

Action: This appointment was approved.

End of Consent Agenda

Prior to the Public Hearing session, Mayor Bouley invited Fire Chief Sean Brown to speak with Council on recent citywide Concord Fire Department activities.

Chief Brown stated that it had been an unusually busy season for the Fire Department, as shown in the media. He noted that 20 Bog Road, 29 Bog Road and 5 Merrimack Street were some of the larger fires, but many more occurred that did not receive media attention. He emphasized that the recent outpouring of community support, assistance, and fundraisers to help with displaced Concord residents, was what set Concord apart and made it a great place to live.

Mayor Bouley thanked Chief Brown for his comments and for his acknowledgement of Concord's local heroes.

Public Hearings

32A. 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(a), Stop Required Before Entering a Through Street, Schedule V and Schedule Va, converting the intersection of Bog Road, Carter Hill Road, Horse Hill Road and River Road from a 2-way stop to a 4-way stop; together with report from the Transportation Engineer. (Public testimony received.) (Additional public testimony received.)

Action: Karen Hill, the City's Transportation Engineer, stated that the Engineering Services Division had been studying the intersection of Bog Road, Carter Hill Road, Horse Hill Road and River Road, and proposed to convert the intersection from a 2-way stop to a 4-way stop.

Ms. Hill summarized that the recent study showed an increase in traffic volumes, vehicle travel speeds, and accident data at the intersection. She presented several photographs to emphasize vehicle safety and travel pattern concerns.

Councilor Fennessy asked if there had been an increase in traffic incidents on Bog Road since improvements were made there. Ms. Hill stated that, unfortunately, no speed data was collected prior to the improvements on Bog Road so it would be difficult to compare. She also noted that COVID-19 may have impacted the speed data collected after the Bog Road improvements.

Councilor Kenison stated her support and felt that this improvement was long overdue. She noted her belief that the larger housing developments contributed to increased traffic, and noted that people used Carter Hill Road as a way to avoid other traffic areas. Ms. Hill stated that there was no historic vehicle data on file for Carter Hill Road, but noted that the current study did show high volumes in the area.

Councilor Pierce thanked Ms. Hill for clearly and succinctly showing the problem and presenting solutions. He stated that because of his experiences and seeing record of the close calls in that area, he fully supported the presented improvements.

Mayor Bouley opened the public hearing.

Mr. Lafreniere echoed the concerns presented and gave his enthusiastic support for

this solution, as he felt it would improve the challenging neighborhood issue.

Mayor Bouley closed the public hearing.

- 32B. Discretionary Preservation Easement renewal request, per RSA 79-D, for property located at 84 Stickney Hill Road owned by the Pierce Lorraine V Revocable Trust.

Action: City Manager Aspell stated that in 2011 Lorraine Pierce requested the easement and was granted a reduction under RSA 79-D for 10 years. He noted that the easement expired on March 31, 2021, and Ms. Pierce had requested that the easement be granted for a second time. He added that the Heritage Commission and the Director of Real Estate Assessments met in March, and they recommended approving the request. He noted that the property value assessment would be reduced from \$410,150 to \$357,550, equating to \$1,407.57 in taxes based upon the 2020 tax rate and assessment.

Councilor Keach asked for clarification on how this varied from the property's current use. City Manager Aspell stated that the purpose was to save old barns, to protect the community's heritage. He noted that prior City Council members had supported this initiative.

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

- 32C. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties; together with non-ordinance fees and a report from the Deputy City Manager - Finance.

Action: City Manager Aspell stated that, annually each City department revised and recommended fee increases or changes based on inflation, market conditions and budget changes. He noted that Departments continued with the more strategic approach to raising rates for fees and penalties. Both ordinance and non-ordinance based fee increase recommendations were for items that should be increased due to market conditions or other factors. He noted that the total increase would result in approximately a few thousand dollars in additional revenue.

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

- 32D. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 9, Water, Article 9-4 Water and Sewer Investment Fee, Section 9-4-4 Special Water

Investment Fee Calculation and Section 9-4-5 Special Sewer Investment Fee Calculation; together with report from the Deputy City Manager for Development.

Action: City Manager Aspell stated that the City was authorized to assess a “special” water and sewer investment fee in certain designated districts where the City historically made a public investment to build water and sewer infrastructure. He noted that the most prevalent area where these districts were located was in the Heights near the mall and big box stores. He added that in the late 1980’s, the City speculatively extended water and sewer infrastructure in this area to stimulate development.

City Manager Aspell noted that the fee burden on development in districts where the “special” water and sewer investment districts were located could be significant. To address this issue, City staff recommended that the existing ordinance be amended to allow the Developer—in instances where he/she is building 50’ or more of public water or sewer main to connect to his/her property—to pay the special investment fee over 10 years as a surcharge on the regular water/sewer bills of the property once it is developed. City Manager Aspell noted that this provided the applicant with financial flexibility and allowed the costs to be more easily absorbed over the long-term by the project. He stated that the proposed ordinance also included housekeeping amendments to clarify that the administration of the Special Water/Sewer Investment Fees would remain within the General Services Department.

Councilor Fennessy asked for clarification on what possible contingency plans and protections existed if the business went under before the 10 year period was finished and the fees were not collected. Deputy City Manager - Development Baia stated that this change would attach the fee to the utility bills of the property, so for commercial properties, if resold or spread out, would be applied to the service for each party of interest.

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

- 32E. Ordinance amending the Code of Ordinance, 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 report from the City Planner. (Revised ordinance, revised report and revised map submitted.)

Action: City Manager Aspell stated that the Planning Board made a recommendation to City Council to approve the applicant's request to rezone portions of Map 193P Lot 54, and Map 193, Lot 54/23, to Medium Density Residential (RM), as well as staff's recommendation to rezone the remainder of the adjacent lot, Map 193P, Lot 75, to Single Family Residential (RS).

City Manager Aspell noted that Reginald Moreau had previously submitted his inquiry to City Council, the property owner of Map 193P Lot 54, west of Sonoma Lane, requesting to re-zone approximately 28 acres of developable land to the north and west of his existing multi-family and single family developments. It was noted that Mr. Moreau intended to propose additional units similar to the Vineyards and Vintage Estates developments.

City Manager Aspell stated that most of the single family Sandwood Crossing neighborhood to the east were zoned RM, though Sonoma Lane, immediately adjacent to the subject parcel, was zoned RS. To the south is the town home style Vintage Estates and Vineyards developments, which were also zoned RM.

City Manager Aspell added that the western portion of the subject property was zoned RO due to a large area of wetlands. To the north is a 2-acre parcel owned by Anita Whiting, also partially zoned RO due to the same wetlands. He acknowledged that the rezoning would create a small island of RO zoned land on Ms. Whiting's property, in the middle of RM and RS zoned developments. He noted that City Staff reached out to her to determine if she would be interested in rezoning her parcel as well, to avoid creating this island, to which she agreed.

It was noted that Ms. Whiting is also looking to sell her property for development. The rezoning may allow additional developable land to be added to the RS zoned portion of her property, though the majority of her property is unlikely to change due to the wetlands and wetland buffers.

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

- 32F. Ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 30, Administrative Code, Article 30-2, Municipal Departments; together with report from the Deputy City Manager for Development.

Action: City Manager Aspell stated that there were no new functions being proposed with this amendment. He noted that the update was simply a housekeeping item to ensure that long-standing division practices specific to development review were clearly articulated in the ordinance.

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

- 32G. Resolution appropriating the sum of \$360,000 for the purpose of supplementing the construction phase of the North Pembroke Road Bridge Replacement Project (CIP #478), and accepting \$288,000 in New Hampshire State Bridge Aid Program funds and \$65,520 in donations from the Town of Pembroke, NH as the local agency match, and appropriating \$6,480 for this project; together with report from the City Engineer.

Action: City Manager Aspell stated that in 2019, the total North Pembroke Road Bridge replacement project was estimated at \$2,076,950 including both engineering design and construction phases. With receipt of the recent bid, the total project was now estimated at \$2,436,950 or \$360,000 greater than previously estimated. He noted that the State of New Hampshire agreed to fund 80% of the project using State Bridge Aid funds, which required local matching funds of 20%. He stated that per a municipal agreement with the Town of Pembroke, the local share split was 18.2% by the Town of Pembroke and 1.8% by the City of Concord, plus the City of Concord had agreed to manage the overall project with NHDOT. He confirmed that the Town of Pembroke's funds had been raised and placed in a highway reserve fund, and were ready for use.

City Manager Aspell recommended that the City Council accept and approve the resolution appropriating the sum of \$360,000 for the purpose of supplementing the construction phase of the North Pembroke Road Bridge Replacement Project, including accepting \$288,000 in New Hampshire Department of Transportation State Bridge Aid Program funds, accepting \$65,520 in local match donations from the Town of Pembroke, NH, and appropriating \$6,480 for Concord's portion of the local match.

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

- 32H. Resolution appropriating the sum of \$13,000 for operations and maintenance of the Concord Municipal Airport and accepting the sum of \$13,000 in Coronavirus Response and Relief Supplemental Appropriation Act (CRRSA) funding as

administered by the New Hampshire Department of Transportation Bureau of Aeronautics for this purpose; together with report from the Deputy City Manager Development.

Action: City Manager Aspell stated that the City applied for this grant in early March 2021 and had until May 25, 2024 to seek reimbursement for eligible expenses. He noted that it was anticipated that the grant application would be approved in early April and receipt of funds scheduled in May 2021. He stated that the Airport would use these funds for repairs and maintenance, building supplies, general operational expenses and professional service expenses.

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

- 32I. Resolution authorizing the City Manager to enter into a Purchase and Sale Agreement with the John J. Flatley Company concerning the sale and redevelopment of City owned real estate located at #32-34 South Main Street and #33 South State Street known as the former New Hampshire Employment Security property; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Council approved combining Items 32I and 32J, for discussion purposes.

Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, presented a proposal to City Council to authorize the City Manager to enter into the attached Purchase and Sales Agreement with the John J. Flatley Company concerning the sale and redevelopment of the former New Hampshire Employment Security Property located at #32-34 South Main Street and #33 South State Street. He also requested an appropriation of the sum of \$372,500 to complete hazardous building materials abatement at the former New Hampshire Employment Security property.

Mr. Walsh stated that the John J. Flatley Company desired to acquire the property for the purposes of developing a new, 80,000SF+/- building featuring approximately 64 market rate apartments. He noted that the project would be supported by 54 on-site parking spaces (31 inside the basement of the new building and 23 in a surface parking lot). It was noted that the exterior of the building would consist of a combination of brick masonry and fiber cement panels. Final architectural details, including colors and materials, would be determined by the Developer and the Planning Board per the customary Architectural Design Review process.

Mr. Walsh stated that under the agreement, in order to avoid potential complications for the project, the City would need to refrain from noticing any potential zoning amendments that may affect the property until after September 1, 2021. He noted that this provision included the Concord Next Form Based Code project, which would remain a work in progress. He added that City Administration did not believe this provision would have a significant material impact on the anticipated schedule for enacting the proposed Form Based Code project.

It was noted that prior to closing, the City would be responsible for completing Hazardous Building Materials (HMB) abatement associated with the existing 26,000SF former NH Employment Security building. The estimated total cost of the Hazardous Building Materials (HBM) abatement was \$385,000. Mr. Walsh stated that \$172,500 would come from a NHDES grant, as well as \$12,500+/- that was remaining in CIP #578 for acquisition and weatherization of this property. He stated that City Administration was seeking an appropriation of \$200,000 in matching funds from the City's Economic Reserve Fund (EDR) to support this effort, which would be paid back with funds from the property sale.

Mr. Walsh stated that the John J. Flatley Company would be responsible for completing due diligence and securing the aforementioned development permits and approvals for its project, as applicable. He noted that post closing, the Buyer would be responsible for: demolishing the former NH Employment Security Building at the Buyer's sole expense; relocating all utilities encumbering the property, which support the Eagles Club located at #36 South Main Street, at the Buyer's sole expense; and, proceeding with construction of the Buyer's proposed apartment building.

It was stated that, as part of the conveyance, the Buyer had agreed to several special deed restrictions and covenants for the property. In the event any portion of the property is conveyed to a tax exempt entity, the full amount of municipal, school, county, and state property taxes would be paid as if the property remained in the ownership taxable entity. This provision would run with the land in perpetuity. Additionally all residential units developed at the property would be sold at "market rate" in perpetuity. It was also stated that, in the event the Buyer failed to demolish the building or construction foundations for the Buyer's project within one year of Closing, the Buyer, upon the City's request, would convey the property back to the City for \$350,000 (which would be the purchase price paid by the John J. Flatley Company).

Mr. Walsh stated that, upon completion of the project, property tax revenues associated therewith would be captured by the Sears Block Tax Increment Finance (SBTIF) District and used to help repay existing debt and operating costs, in turn potentially expediting the release of Sears Block Tax Increment Finance (SBTIF) District captured incremental assessed value (and associated property taxes associated therewith) to support the City's General Fund, as well as the Concord School District, Merrimack County, and the State of New Hampshire.

Councilor Kenison stated that she was not fond of the proposed renderings as she thought they looked liked silos. She asked for clarification on the design approval process to address the final building look. Mr. Walsh confirmed that the design plans would be reviewed by the Planning Board and the Architectural Design Review Committee, and all aspects of the design would be open for input during that review process.

Councilor Rice Hawkins asked for more information regarding the parking, as the building would house more people than parking would accommodate. Mr. Walsh stated that the district did not require any onsite parking, so the developer would have no obligation to offer onsite parking for this project. The proposed 54 spaces would mean that off site public parking would be utilized.

Councilor Champlin asked for clarification on the building design, as a retail storefront was shown. Mr. Walsh confirmed that there was no commercial retail spaces, the first floor would include a private residential workout space and possible pool. Councilor Champlin noted his disappointment, as he thought the storefront could be later developed.

Councilor Champlin stated that there were concerns in the community about increased school aged students being generated through the project, and asked what the School District impacts might be. Mr. Walsh stated that at Penacook Landing, only three school aged children resided there, out of the 34 units. Mr. Walsh noted that based on the City's experience with similar projects, there was no anticipation for a significant increase in school aged children at this development, and therefore would not create a burden for the Concord School District. He reiterated that the target residential demographic at this site would be young working professionals, prior to starting a family, and retirees/ empty nesters.

Councilor Champlin asked for additional clarification on Mr. Walsh's statement

about this being a clean, straight forward proposal for the City. Mr. Walsh stated that the City had engaged in prior complicated projects in the Downtown area, that required complicated long term tax deals, significant public input for off site improvements, off site parking arrangements with the City, and environmental cleanup. Mr. Walsh stated that this project didn't have any of those issues, so he referred to it as a clean deal because the City's responsibilities were relatively simple.

Councilor Fennessy asked for clarification if any Tax Increment Finance (TIF) funds were being used for this project. Mr. Walsh stated no.

Councilor Fennessy asked if any renderings were available, of the view traveling South on Main Street from the Flatley Company. Mr. Walsh stated no, not at this time.

Councilor Pierce asked if there was any information or a study done on how much housing churn this project would create in the City housing market. Mr. Walsh stated no study was done at this time, but felt that this building catered more toward lifestyle renters or people looking to downsize. He did note that some residents may move or be interested in this location, which might effect the housing supply stock elsewhere.

Councilor Kretovic asked for clarification on the Del Sol proposal that was for 125 apartment units and off site parking. Mr. Walsh stated that the prior proposal was to double the building size to create additional apartments and parking. He noted that in this case, none of the off site parking commitments were owed to the developer.

Councilor Kretovic asked for clarification on the prior development proposal, which was for the City to remove the building and asbestos, and would cost the City approximately \$1 million dollars. Mr. Walsh confirmed that the prior deal was more complicated because of the parking and City obligations. He also noted that the prior developer also sought \$4 million dollars in support from the City, which was turned down in 2019.

Mayor Bouley opened the public hearing.

Public testimony was received from Melissa Bernardin. She stated that she was a homeowner in Ward 4 and was a prior Concord renter. She stated that she was

concerned about the challenges renters face with housing availability and affordability in the City. She was happy for the opportunity to repurpose the vacant building and thanked everyone involved for getting a deal to this point. She expressed her concern about the City selling the property in an arrangement that would provide "market rate" apartments. She stated that, currently, the market was being driven by high income and high earning individuals who weren't struggling to keep their homes, unlike working class residents in the City. She stated that rental inventory of low income, affordable housing, both city and statewide, was minimal and making the homeless crisis worse. She noted that there was a worker shortage in many business sectors, where the workers could not afford \$1,400 a month in rent. She stated her belief that the working wage was not sufficient and stated that most retail or hospitality staff could not afford to live in Concord. She requested that City Council add a clause in the development agreement to reserve a set number of apartment units for lower income individuals.

Councilor Keach acknowledged Ms. Bernardin's point, but stated that, as a business owner, there is a bottom line, and the developer needed to make money too.

Mayor Bouley asked Ms. Bernardin if she could speak to the importance of the price differential. Ms. Bernardin stated that she was not a business owner and could understand that a business would need to balance its books. She stated that she currently sees people in Concord begging for housing online, who work in Concord, but due to the current affordable housing crisis, did not see this sale as a beneficial move to address that.

Councilor Kenison commented that she agreed that Concord had a housing crisis for all levels of income. She noted that Ward 6 had the highest number of low income housing and agreed that the City needed to find more low income housing. She encouraged future projects coming in that would help make that possible.

Councilor Champlin appreciated the concern addressed by Ms. Bernardin and agreed that there wasn't enough affordable housing. He noted that he liked her proposal, but didn't think it was something that could be done with this project. He added that he did support mixed income housing. He noted that additional units were being built at the Penacook Landing site on Village Street outside of Downtown Penacook Village, to accommodate workforce housing. Ms. Bernardin stated that those projects were great, but noted that some people can't afford vehicles and housing was needed closer to where they worked in the Downtown

Concord area.

Mayor Bouley stated that Ms. Bernardin should come back to City Council during budget time, to speak to the value of public transportation.

Councilor Rice Hawkins clarified that Ms. Bernardin asked if City Council could require a set number of units be reserved, and asked for City Staff to respond. Mayor Bouley noted that would happen during the deliberation phase.

Mayor Bouley noted that additional public testimonies were received by City Council and were on file with the Clerk's office.

Conner Sperrn gave public testimony in full support of all points made by Ms. Bernardin, but stated that the definition of affordable housing did not specifically include low income earners in her mind. She asked for consideration in defining affordable housing, as the term low income typically referred to people just above poverty, where as an affordable income was what young professionals and or those with degrees would make. Ms. Sperrn noted that part of attracting new businesses to Concord would be to also offer affordable housing to those business workers, who might make less than \$27.00 an hour.

Mayor Bouley closed the public hearing.

- 32J. Resolution appropriating the sum of \$372,500 for hazardous building materials abatement at the former New Hampshire Employment Security property located 32-34 South Main Street (CIP #578), authorizing the City Manager to apply for and accept the sum of \$172,500 from the New Hampshire Department of Environmental Services Brownfields Program, and authorizing the use of \$200,000 in Economic Development Reserve funds for this purpose; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Public testimony taken with item 32I.

Public Hearing Action

33. 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(a), Stop Required Before Entering a Through Street, Schedule V and Schedule Va, converting the intersection of Bog Road, Carter Hill Road, Horse Hill Road and River Road from a 2-way stop to a 4-way stop; together with report from the Transportation Engineer. (Public testimony received.) (Additional public

testimony received.)

Action: Councilor Pierce moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Councilor Kretovic stated that this intersection was unique in that it touched Wards 1, 2, and 3. She noted that it has been a challenging area that has received numerous complaints, and was excited to see this change take effect. She noted that while she was not a fan of stop signs, she appreciated the increased safety it would bring to the area.

Councilor Todd stated that he had heard numerous concerns from those in support of the added stop signs and those opposed. He also noted additional concerns received regarding excessive reported speeds on Bog Road. He stated that while he was not a fan of increasing stop signs, he did see the value in making this area safer. He noted that drivers would need to be more cautious, drive slower, and be more aware of other vehicles and pedestrians.

Councilor Pierce also expressed his favorable support for this improvement.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

34. Discretionary Preservation Easement renewal request, per RSA 79-D, for property located at 84 Stickney Hill Road owned by the Pierce Lorraine V Revocable Trust.

Action: Councilor Champlin moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

35. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties; together with non-ordinance fees and a report from the Deputy City Manager - Finance.

Action: Councilor Matson moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

36. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 9, Water, Article 9-4 Water and Sewer Investment Fee, Section 9-4-4 Special Water Investment Fee Calculation and Section 9-4-5 Special Sewer Investment Fee Calculation; together with report from the Deputy City Manager for Development.

Action: Councilor Champlin moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

Councilor Rice Hawkins asked to clarify if the developer would continue to pay for 10 years or if the units would. Deputy City Manager - Development Baia stated that the cost would be up to the project itself, depending on who the property owners were. He stated that the developers would be responsible if they were long term owners, but smaller charges would be spread over to any smaller unit owners if sold.

Councilor Rice Hawkins asked if there was a way to notify people of this charge and or differentiate between why some would have the charge while other in different property locations might not. Deputy City Manager - Development Baia noted that perhaps the charge could be labeled in a specific way to clearly identify it. He noted that there was no communication currently in place, but that one could be considered.

Councilor Rice Hawkins stated that she would be in support of future clarifications on these charges and encouraged the developers to formally communicate any possible surcharges.

Councilor Fennessy echoed some of Councilor Rice Hawkins' concerns and noted that, while he would be voting in support of this, he had concerns for unscrupulous developers who might not pay the fees and leave the balance for whoever acquired the property.

Councilor Pierce asked to clarify if Council was asking to have some sort of disclosure required between the developer and the renters or buyers. Mayor Bouley confirmed.

Deputy City Manager - Development Baia clarified that under this provision, the developers would still be required to make an investment in the public water and sewer infrastructure.

37. Ordinance amending the Code of Ordinance, 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 report from the City Planner. (Revised ordinance, revised report and revised map submitted.)

Action: Councilor Todd moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

38. Ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 30, Administrative Code, Article 30-2, Municipal Departments; together with report from the Deputy City Manager for Development.

Action: Councilor Keach moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

39. Resolution appropriating the sum of \$360,000 for the purpose of supplementing the construction phase of the North Pembroke Road Bridge Replacement Project

(CIP #478), and accepting \$288,000 in New Hampshire State Bridge Aid Program funds and \$65,520 in donations from the Town of Pembroke, NH as the local agency match, and appropriating \$6,480 for this project; together with report from the City Engineer.

Action: Councilor Pierce moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

40. Resolution appropriating the sum of \$13,000 for operations and maintenance of the Concord Municipal Airport and accepting the sum of \$13,000 in Coronavirus Response and Relief Supplemental Appropriation Act (CRRSA) funding as administered by the New Hampshire Department of Transportation Bureau of Aeronautics for this purpose; together with report from the Deputy City Manager Development.

Action: Councilor Kenison moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

41. Resolution authorizing the City Manager to enter into a Purchase and Sale Agreement with the John J. Flatley Company concerning the sale and redevelopment of City owned real estate located at #32-34 South Main Street and #33 South State Street known as the former New Hampshire Employment Security property; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Councilor Kenison moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

Councilor Rice Hawkins asked to have City staff confirm if the City could require reserved units at a reduced cost. City Manager Aspell confirmed yes, but noted that in prior discussions with Council, it was determined to not have the property marketed for low income housing as to avoid having too much in Ward 6. He noted that the City has been working hard to diversify low income and affordable housing citywide, so it wasn't clustered in one specific area.

Councilor Kenison stated that a variety of housing was needed, especially to bring in young workers. She noted that she liked the timing, the size, and the area, but wanted to see the design be changed.

Councilor Champlin agreed with Councilor Kenison on the design needing to be changed. He stated that he was sensitive to Downtown market rate housing, and asked to have City staff address how much subsidized housing was available in the Downtown area versus market rate housing in that area. He encouraged future discussion on developing a City policy to incorporate mixed income housing in future development projects.

Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects stated that in 2013, 394 affordable housing units were spread throughout the City. He noted that, at that time, only 38 market rate units existed, but that number had grown to approximately 108.

Councilor Fennessy spoke in support of this project and thought it was the best option presented so far. He noted that by adding additional housing into the market it would hopefully open up more supply options citywide. He acknowledged that the design and view could be ironed out in the future.

Councilor Kretovic commented that prior housing studies had shown that not enough market rate housing existed in the Downtown area, so it was good to see it balance and now need readjustment in the opposite direction. She noted that the referenced Penacook Landing housing projects were strategically placed on the bus line, so residents wouldn't need to bring a car into the Downtown area. She stated

her support of this project as it was a win for the City.

Councilor Werner stated that when the property was first purchased Council wanted to produce property tax revenue, which would be achieved. He noted that he wanted to eventually bust the myth that having children in such developments would increase property taxes, as it was not true. He stated that having more people Downtown would increase economic activity and a good mix of demographics was desired.

Councilor Matson echoed support of Councilor Kretovic relating to transportation and the bus routes. She added that future affordable housing developments should definitely be in line with public transportation access. She noted that it was important to have a variety of mixed housing offered throughout all of the Ward districts. She declared her support of this project. Mayor Bouley directed Councilor Matson to review the data offered on the New Hampshire Housing Finance Authority website, for current housing information.

Councilor Pierce provided his support for this project. He noted his appreciation for working with City staff on this project as they were diligent and responsive. He agreed that market rate housing was a good method and looked forward to collecting new tax revenue, as none had been collected since the 1970's. He also noted that the project design would be under review once submitted to the Planning Board.

Mayor Bouley stated that he appreciated the important discussions on the City's housing issues. He noted that mixed income housing and worker housing is an important economic development issue that is likely impacting other communities throughout the State. He emphasized that this topic is not one that will go away and would be discussed for years to come as new project developments were proposed. He expressed his support for this project, as it would be generating tax revenue, cleaning up and developing an unused site Downtown, and brought the City closer to paying off the Sears Block Tax Increment Finance (SBTIF) District loan. He acknowledged that creating a policy for future development projects would be ideal and that Community Development, Planning and City Administration would be the best resources to determine the best methods to move forward. He thanked City Manager Aspell, Mr. Walsh, City staff, and the developer for putting together this project.

42. Resolution appropriating the sum of \$372,500 for hazardous building materials abatement at the former New Hampshire Employment Security property located

32-34 South Main Street (CIP #578), authorizing the City Manager to apply for and accept the sum of \$172,500 from the New Hampshire Department of Environmental Services Brownfields Program, and authorizing the use of \$200,000 in Economic Development Reserve funds for this purpose; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Councilor Kenison moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

Reports

New Business

Comments, Requests by Mayor, City Councilors

Action: Councilor Rice Hawkins asked Mayor Bouley to give a progress update on City efforts to work with the National League of Cities. Mayor Bouley stated that the National League of Cities provided a proposal of \$21,000 to coordinate Council and City staff training. He noted that dates would be coordinated during or after the budget process. He confirmed that progress was being made.

Councilor Champlin asked to remind folks that the Friends of White Park were hosting an annual spring cleanup at the park, on Saturday May 15th, from 9:00 A.M. to 1:00 P.M. He noted that in Councilor Hatfield's absence he had received several communications from Ward 4 constituents, and offered to field any resident inquires until a new Ward Councilor is elected.

Councilor Pierce elaborated on Fire Chief Brown's statements relating to the fire on Bog Road, noting that the residents he spoke with were all appreciative and complimentary toward the services received from the City, Fire Department, and EMT's. He noted that the underlying theme was that they were all thankful for the Concord community and to be part of it. He sent his personal thanks to everyone who pitched in.

Councilor Fennessy commented on a photo of the Mayor throwing a strike at the Concord Northeast opening day, and noted that the Concord Little League season had started, and invited everyone to join him and his family at a game any night of

the week.

Mayor Bouley noted that all the At-Large Councilors, as well as himself, would continue to work together to cover the Ward 4 vacancy and thanked everyone for their support. He followed up on inquiries received about how City Council would proceed with the City's mask mandate expiring on June 1st. He proposed waiting until May 27th, so the most current data would be considered in any proposed next steps.

Councilor Fennessy asked if City staff could compile data on city vaccinations. Mayor Bouley noted that it would be reported as best they could. Councilor Kretovic noted that statewide reporting still only consisted of active reported COVID-19 cases, not vaccinations. Councilor Matson also asked where the counts were and how they were trending, so Council could make an informed decision regarding the mask mandate.

Councilor Grady Sexton asked City Manager Aspell if anyone had polled the Concord business community on their thoughts regarding the mask mandate. Mayor Bouley said that he was unaware of any official polling, but noted that he had conversations with and requested the Greater Concord Chamber of Commerce to poll their members for additional feedback. Councilor Keach noted that enforcement was a difficult topic.

Comments, Requests by the City Manager

Action: City Manager Aspell noted that the Johnson & Johnson COVID-19 vaccination was available by appointment on Saturday May 15th, 22nd, and 29th in Concord, Newington, Salem and Nashua. He noted that signup with the State could be done at the website vini.nh.gov. He also thanked members of City Council for their help.

Consideration of item pulled from the consent agenda

22. FY2021 Distinguished Budget Presentation Award from the Office of Management & Budget Director. (Pulled from consent by Councilor Nyhan)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed unanimously with a roll call vote.

Councilor Nyhan stated that he wanted to recognize the outstanding work that the City Accounting and Budget staff were doing. He acknowledged that in April notification was received on the Comprehensive Annual Financial Report Award, and he gave a shout out to Katie Graff and the Accounting staff. He noted that in May, notification was received on the Distinguished Budget Presentation Award, and made a shout out to Bob McManus and Rebekah Dougherty for their hard work. He thanked all members of Finance for developing City budgets and keeping everyone on track.

Mayor Bouley thanked Councilor Nyhan for his remarks and acknowledged the City's many years of distinguished excellence.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

Adjournment at 9:03 P.M.

Action: Councilor Grady Sexton moved approval to adjourn. The motion was duly seconded and passed unanimously with a roll call vote.

Yes: 13 - Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Excused: 1 - Councilor Bouchard

Information

Inf1 April 5, 2021 Concord Public Library Board of Trustee Meeting Minutes.

Action: This Information item was received and filed.

Inf2 April 8, 2021 Golf Course Advisory Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf3 April 12, 2021 Regional Utility Utilization Committee Meeting Minutes.

Action: This Information item was received and filed.

Inf4 April 19, 2021 Fiscal Policy Advisory Committee Draft Meeting Minutes.

Action: This Information item was received and filed.

Inf5 Merrimack County Annual Report for the year ending December 31, 2019.

Action: This Information item was received and filed.

Inf6 Communication from John Gaudet regarding the City's mask ordinance.

Action: This Information item was received and filed.

Inf7 Eversource Right-of-Way Tree Work Flyer.

Action: This Information item was received and filed.

Inf8 Communication from Lee Marden, on behalf of those at the Concord Business Center, thanking City Council for approving the new wearing course of pavement placed on Hall Street.

Action: This Information item was received and filed.

A true copy: I attest:

Ashley Hamilton

Deputy City Clerk