



City of Concord

City Council

Meeting Minutes

Monday, July 10, 2017

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

1. Call to Order.

Mayor Bouley called the meeting to order at 7:00 p.m.

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

Present: 11 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Jennifer Kretovic, Councilor Keith Nyhan, Councilor Dan St. Hilaire, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

Excused: 4 - Councilor Mark Coen, Councilor Fred Keach, Councilor Linda Kenison, and Councilor Gail Matson

5. Approval of the Meeting Minutes.

June 12, 2017 City Council Meeting Minutes.

Action: Councilor St. Hilaire moved approval of the June 12, 2017 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Resolution in honor of the services of retired Firefighter Cory Clark.

Action: Mayor Bouley presented a resolution in recognition of the services of Firefighter Cory Clark.

7. Presentation by Capitol Center for the Arts regarding the renovation and restoration of the historic Concord Theatre.

Action: Steve Duprey indicated that they are trying to restore the Concord Theatre on South Main Street which requires a number of funding sources. He stated that they are applying for an LCHIP grant in which this property fits into the category of properties that they would like to see saved. He provided a history of the

theatre and noted that one of the questions that the LCHIP asks is whether the application has been considered by the selectman or the City Council. Mr. Duprey indicated that he believes they would like a letter of support for the efforts to restore and save this building. He stated that they are looking for other grants and noted that the Capitol Center for the Arts is doing extensive fundraising. He asked Council to give them a letter of support for the efforts to restore and return this theatre as the Capitol Center for the Arts second venue.

Nicki Clarke, Capitol Center for the Arts, presented photos of the current condition of the Concord Theatre and some proposed ideas/plans. She indicated that they have done their homework and spoken to other art colleagues. She stated that there are things they are doing in the building to honor its history but they need to make it a 21st century operating theatre.

Councilor Champlin inquired in regards to the timeline. Mr. Duprey responded that ideally they would have been ready to go in October or November with it being open next September but realistically, due to funding, it will be a year later.

Councilor Champlin indicated that he has been actively lobbying for a second venue. He feels that this is an exciting project and is excited about the possibility of having a venue that will actually be able to house the types of entertainment that young people today are interested in.

Councilor Todd inquired in regards to the number of seats that are being proposed. Ms. Clarke responded that there will be 300 in a seating capacity; when the seats are pushed back and the loose seats are moved, the capacity will be 450 standing. Referencing the artist's rendering shown, Councilor Todd inquired as to the plans for the dining car structure and the history. Mr. Duprey responded that it turns out that it's not considered part of the history that should be saved; it's not history related to the original building. He explained that they wouldn't be able to get the historic tax credit if they leave it there.

Councilor Herschlag thanked Mr. Duprey and Ms. Clarke for moving forward with this project. He asked if there was anything else that they will be asking the city for in addition to the letter of support. Mr. Duprey indicated that one of the things that they would like to explore with the city is whether there is any available source of funding to turn the area between that building and the Families in Transition victorian into some kind of park or public area or whether they can get some help and support in negotiating with Unutil to get the price down to relocate utilities that

are going to serve other people.

Mayor Bouley noted that all their efforts are greatly appreciated and feels that the idea of creating this type of venue is a niche that is really missing.

Councilor Champlin moved that Council write a letter of support for this project. The motion was duly seconded and passed with no dissenting votes.

8. Americans for the Arts Survey by the Greater Concord Chamber of Commerce and the Capitol Center for the Arts.

Action: Tim Sink, Greater Concord Chamber of Commerce, provided data on the economic impact of non-profit arts and cultural organizations on the local economy. He explained that, every five years, an organization called the Americans for the Arts works and partners with local organizations and local communities to measure the economic impact of arts and cultural organizations throughout the United States known as the Arts and Economic Prosperity Study (AEP).

Nicki Clarke highlighted and provided a detailed overview contained within the handout that was distributed. (Handout on file within the City Clerk's Office)

Councilor Herschlag noticed a drop off in the number of residents that are attending. He inquired as to what would attribute to this. Ms. Clarke responded that it could be attributed to the randomness as to who filled out the surveys. Councilor Herschlag wonders if its broken down enough within the proximity to the theater where money is spent, more specifically where people are spending money. Mr. Sink replied that they were just asking for spending habits. He indicated that there is a detailed study available at the Chamber website noting that some of the information Councilor Herschlag is inquiring about may be contained within that study.

Mayor Bouley feels that this fits in how they are moving forward as a city in terms of their economic development effort stating that this is a critical piece to their overall success.

City Manager Tom Aspell asked how much of a change in the numbers was affected by the Main Street project. Ms. Clarke responded that they were doing the surveys while at least half of it was done and she believes that there was a great excitement around it. Mr. Aspell inquired whether it's anticipated that this study will be done again five years from now. Ms. Clarke responded yes.

Councilor Nyhan questioned whether the comparison done was 2017 dollars or was it just raw numbers. Mr. Sink responded that he believes it was just raw numbers.

9. Agenda overview by the Mayor.

Consent Agenda Items

Approval of the Consent Agenda

Action: Councilor Kretovic moved approval of the consent agenda. The motion was duly seconded and passed with no dissenting votes.

Referral to Traffic Operations Committee and the Police Department

10. Communication from Woodcrest Heights Association requesting consideration be given to speed deterrents to help ensure the traffic safety of residents in their neighborhood.

Action: This communication referred to the Traffic Operations Committee and the Police Department.

Referral to Community Development, Legal and the Planning Board

11. Communication from Devine, Millimet and Branch Professional Association requesting the City of Concord grant Tre. Torri, LLC, doing business as Equipment East, a waiver of provision (c)(6) of the May 18, 2007 Covenants regarding the 51 Antrim Street parcel within the City of Concord.

Action: This communication referred to Community Development, the Legal Department and the Planning Board.

Items Tabled for August 14, 2017 Public Hearings

12. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index, Assistant Information Technology Director; together with report from the Director of Human Resources and Labor Relations. (Revised ordinance submitted)

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

13. Resolution accepting and appropriating the sum of \$32,000 in grant funds from the New Hampshire Highway Safety Agency, funds designated for the purchase of

mobile data terminal equipment; together with report from the Police Department.

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

14. Resolution appropriating the sum of \$900,000 for the purpose of the design, permitting, acquisition of right-of-way, and construction for the Hooksett Turnpike Bridge Replacement Project (CONCORD 15877, CIP #361), including accepting and appropriating \$720,000 in New Hampshire State Bridge Aid Program funds and authorizing the issuance of bonds and notes in the amount of \$180,000 for the local agency match for this project; together with report from the City Engineer.

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

15. Resolution appropriating the sum of \$900,000 for the purpose of the design, permitting, right-of-way, and construction for the Birchdale Road Bridge Replacement Project (CONCORD 15878, CIP #498), including accepting and appropriating \$720,000 in New Hampshire State Bridge Aid Program funds and authorizing the issuance of bonds and notes in the amount of \$180,000 for the local agency match for this project; together with report from the City Engineer.

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

16. Resolution appropriating the sum of \$1,468,980 for the purpose of constructing Phase I of the rehabilitation to Taxiway A for Runway 17/35 and crack sealing and marking Runways 17/35 and 12/30 including accepting \$1,322,082 in grant funds from the Federal Aviation Administration (FAA), and \$73,449 from the State of New Hampshire, and authorizing the issuance of bonds and notes of up to \$73,449; together with a report from the Associate Engineer.

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

17. Resolution accepting and appropriating the sum of \$8,513.53 in private donations from a Main Street property owner for structural modifications to a sidewalk bumpout on South Main Street in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with report from the City Engineer.

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

From the City Manager

18. Positive Citizen Comments.

Action: This positive comments was received and filed.

Consent Reports

19. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,761.53 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

20. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$12,000.00 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

21. Diminimus gifts and donations report from the Police Department requesting authorization to accept a gift of an infant/toddler car seat provided by Walmart, as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

22. Diminimus gifts and donations report from the Police Department requesting authorization to accept grant funding from the New Hampshire Fish and Game Department - OHRV Law Enforcement Grant Program, in the amount of \$1,080.00 designated to fund overtime expenses associated with conducting OHRV Patrols, as provided for under preauthorization granted by the City Council.

Action: This consent report was approved.

23. Report from the Deputy City Manager - Finance recommending approval of the proposed 2018 Membership Rates for the Beaver Meadow Golf Course as recommended by the Golf Course Advisory Committee.

Action: This consent report was approved.

24. Report from the Ad-Hoc Events Committee Recommending LEAN Improvements to the City's Event Permitting Process.

Action: This consent report was approved.

25. Report from the General Services Director recommending the City Manager be authorized to accept the Free Leak Detection Grant from the New Hampshire Department of Environmental Services.

Action: This consent report was approved.

26. Report from the Traffic Engineer on behalf of the Transportation Policy Advisory Committee in response to a referral from Councilor Champlin regarding a constituent request for a painted crosswalk on Storrs Street at Dixon Avenue.
- Action:** This consent report was approved.
27. Report from the Traffic Engineer on behalf of the Traffic Operations Committee and the Transportation Policy Advisory Committee in response to a referral from Councilor Champlin regarding a constituent concern on Franklin Street speeding.
- Action:** This consent report was approved.
28. Report from the Assistant City Planner on behalf of the Conservation Commission for the acceptance of a Conservation Easement as part of a conditionally approved subdivision application.
- Action:** This consent report was approved.
29. Report from the Parks and Recreation Director and the Assistant City Planner on a new park concept for Rollins Park (CIP #56).
- Action:** This consent report was approved.

Consent Resolutions

30. Resolution adopting the City of Concord Hazard Mitigation Plan as revised in 2017 together with all associated appendices maps; together with a report from the Fire Chief.
- Action:** This consent resolution was approved.
31. Resolution authorizing the City Manager, by way of the Police Department, to submit a grant application to the NH Fish and Game Department - OHRV Law Enforcement Grant Program, for funding designated to assist the department in conducting OHRV Patrols; together with report from the Police Department.
- Action:** This consent resolution was approved.
32. Resolution authorizing the City Manager to accept and enter into a grant agreement for up to \$1,468,980 with the New Hampshire Department of Transportation (NHDOT) Bureau of Aeronautics for the purpose of constructing Phase I of the Rehabilitation to Taxiway A for Runway 17/35 and crack sealing and marking Runways 17/35 and 12/30; together with report from the Associate Engineer.
- Action:** This consent resolution was approved.

Consent Communications

33. Street closure request from the Concord Family YMCA for a Community Block Party to be held on Friday, September 15, 2017.

Action: This consent communication was approved.

34. Street closure request from the New Hampshire Cycling Club for the White Park Cyclocross Bicycle Race to be held on Saturday, September 17, 2017.

Action: This consent communication was approved.

Appointments

35. Proposed Appointment of Jacqueline Whatmough to the Concord Housing Authority

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

- 36A. Ordinance Amending the Code of Ordinances, Title IV, Zoning Code, Chapter 29.3, Issuance of Building Permits on Certain Lots on Unaccepted Streets; together with report from the Assistant City Planner.

Action: Assistant City Planner Beth Fenstermacher provided a brief overview.

City Manager Tom Aspell added that the Planning Board unanimously approved the recommendation to City Council in May.

Referencing the third paragraph within background, Councilor Herschlag indicated that he believes that the RSA number should be 674:41 as opposed to 674:4, I(d). He stated that it does appear to be correct within the ordinance.

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

Public Hearing Action

37. Ordinance Amending the Code of Ordinances, Title IV, Zoning Code, Chapter 29.3, Issuance of Building Permits on Certain Lots on Unaccepted Streets; together with report from the Assistant City Planner.

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

Councilor Herschlag noted that St Paul's School is asking the city for an exception to the current zoning code, however, they are not in compliance with a prior agreement with the city to maintain a portion of Silk Farm Road and Dunbarton Road. He noted that recently the city put on hold the signing of an agreement with a downtown building owner because it was felt that others who had entered into similar agreements with the city were not in compliance with the original approved applications.

Councilor Herschlag highlighted the timeline: 1998 - city reclaimed and repaved Dunbarton Road; 2000 - city enters into agreement with St Paul's for discontinuance of the portions of Silk Farm and Dunbarton Road which run through the St. Paul's campus; 2008 - Langley Parkway opens; 2010 - current agreement.

Councilor Herschlag stated that it's his opinion that St Paul's is not in compliance with the current agreement; the agreement requires St Paul's to maintain access through their campus for emergency vehicles bicycles and pedestrians. He noted that St Paul's initially requested that the roads be discontinued, removed and replaced with a stone dust path for access to the State's bike path. The maintenance of the path would have been at the expense of the city. He stated, in testimony at a NH DES Wetlands Bureau hearing in November of 2001, that this proposal would in fact have the opposite impact for one of the main reasons the city was requesting approval for the Langley Parkway - safety. He pointed out that, by removing these sections of roadway, it could actually make the trip to the hospital less safe; an accident on Clinton Street could result in the rerouting of emergency vehicles either to Iron Works Road or I-89 South, significantly adding to the travel time to the hospital.

Councilor Herschlag indicated that the city, after the November 2001 DES hearing, requested to have two months to resubmit information for their request for approval. He noted that it was this resubmission by the city that led to the current agreement between St Paul's and the city. It is his contention that the current agreement is a result of the safety concerns he stated during his testimony. He feels that the current condition of the section of Silk Farm Road, that is covered by the agreement, neither meets the spirit or the intent of the current agreement. He noted that while he did not vote to delay the approval for the downtown building owners request because he did not feel it would be fair to punish her for the actions

of others, he does feel it is prudent to deny the request from St Paul's School until such time as they are in compliance with the prior agreement they have entered into with the city.

Councilor Kretovic indicated that the Transportation Policy Advisory Committee (TPAC) is a committee that is already looking at the issue with St. Paul's and the condition of that road, particularly the pedestrian and bike subcommittee of TPAC. She stated that they are reaching out to the City Manager to send a follow up letter to St. Paul's. The letter that the city sent in January basically asked what they are going to do in which St. Paul's responded that they would look at this in the spring. She noted that TPAC is reaching out again and also reaching out to the City Solicitor to find out what corrective action can be taken.

Councilor Herschlag noted that the agreement says that the road should be maintained in the same manner as their other internal roads. He pointed out that the section of Silk Farm Road is not being maintained in a similar manner and would make it very difficult for a safety vehicle, if necessary, to travel over that and is fairly difficult to travel on via bicycle. His hope is that St. Paul's will address this in a timely manner and then he would be more than willing to support this request.

Councilor Nyhan moved approval. The motion was duly seconded and passed with one dissenting vote by Councilor Herschlag.

Reports

New Business

Unfinished Business

38. Report from the Rules Committee recommending revisions to the current Rules of the City Council. (Item tabled, no action taken, at the June 8, 2015 City Council meeting).

Action: This item remains on the table.

39. Resolution authorizing the City Manager to enter into a license agreement with Associated Enterprises, Inc. to install a balcony and related improvements within the North Main Street rights-of-way; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Action on this item tabled at the May 8, 2017 Council meeting)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Champlin commended Councilor Shurtleff and late Commissioner Van Mcleod for their exceptional work in bringing the Winant statue and plaza to a reality.

Referencing the City Manager's Friday memo, Councilor Kretovic noted that there is an important piece regarding Northern Pass and an upcoming public hearing taking place on July 20th. She indicated that the hope is that they can have residents that are in support of the Council's position to bury the lines in the city.

Councilor Shurtleff announced that on July 18th at 3:30 p.m. at 19 Pillsbury Street, Offices of Cultural Resources, Governor Sununu will be signing a house bill into law naming this building after Commissioner Mcleod.

Mayor Bouley recognized Parks and Recreation for the 4th of July fireworks display.

Mayor Bouley reminded Ward 9 voters of the upcoming July 18th Special Election for the vacant District 18 State Representative seat.

Mayor Bouley recognized Councilor Shurtleff's work on the Governor Winant Memorial.

Comments, Requests by the City Manager**Consideration of Suspense Items****Adjournment**

The time being 7:52 p.m., Councilor St. Hilaire moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*

Information

Inf1. May 24, 2017 Transportation Policy Advisory Committee Meeting Minutes.

Action: Information item received and filed.

Inf2. June 2, 2017 Economic Development Advisory Committee (EDAC) Draft Meeting Minutes.

Action: Information item received and filed.

Inf3. June 5, 2017 Concord Public Library Board of Trustees Meeting Minutes.

Action: Information item received and filed.

Inf4. June 9, 2017 Economic Development Advisory Committee (EDAC) Draft Meeting Minutes.

Action: Information item received and filed.

Inf5. June 23, 2017 Economic Development Advisory Committee (EDAC) Draft Meeting Minutes.

Action: Information item received and filed.

Inf6. Communication from BCM Environmental & Land Law, PLLC, on behalf of Laconia Best Warehousing and Distribution Corporation in regards to JDH Realty Holdings, LLC request to release certain portions of Locke Road in Concord.

Action: Information item received and filed.

Inf7. Communication from Comcast Cable notifying the City of Concord of upcoming changes in service for Comcast customers.

Action: Information item received and filed.