



City of Concord

City Council

Meeting Minutes - Draft

Monday, May 8, 2017

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

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

1. Call to Order.

Mayor Bouley called to the meeting to order at 7:10 p.m.

2. Invocation by Pastor Ben Monk, Gospel Light Church of God.

3. Pledge of Allegiance.

4. Roll Call.

Present: 15 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Mark Coen, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Dan St. Hilaire, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

5. Approval of Meeting Minutes.

April 10, 2017 City Council Meeting Minutes.

Action: Councilor St. Hilaire moved approval of the April 10, 2017 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. New England Patriots Day Proclamation.

Action: Councilor Nyhan presented the New England Patriots Day Proclamation.

7. Resolution in recognition of the services of Firefighter Michael Corcoran.

8. Agenda overview by the Mayor.

Action: Carlos Baia, Deputy City Manager-Development, introduced the new Economic Development Director Suzie Pegg.

****Consent Agenda Items*****Approval of the Consent Agenda*

Action: Councilor Nyhan moved approval of the consent agenda, as amended with item 35 removed for discussion. The motion was duly seconded and passed with no dissenting votes.

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

Referral to the Recreation & Parks Advisory Committee

9. Report from the City Solicitor in response to a City Council referral related to skating at White Park Pond.

Action: This communication was referred.

Referral to the Tax Exemption Policy Committee

10. Communication from John Lentine, President, Boyce Highlands, Inc. requesting the City of Concord consider making solar panels exempt from property taxes.

Action: This communication was referred.

Referral to the Facilities Naming Committee

11. Communication from Matthew R. St. Onge asking that consideration be made to naming the park at the intersection of Canal Street and MacCoy Street Twin Bridges Park.

Action: This communication was referred.

Referral to the Tax Exemption Policy Committee

12. Communication from Councilor Shurtleff requesting consideration be given to modifying the City's current veterans tax credits allowing residents who served in the military during the "Cold War" to be eligible for a veteran's tax exemption.

Action: This communication was referred.

Items Tabled for June 5, 2017 Public Hearings

13. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2018 ending June 30, 2018. (To be distributed under separate cover)

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

14. Resolution amending the amount of money to be appropriated by the City of Concord for the Fiscal Year 2018 ending June 30, 2018. (To be distributed under separate cover)

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

15. Resolution for the bonded projects within the Capital Budget for Fiscal Year 2018 ending June 30, 2018 thereby authorizing and approving the expenditure of funds and authorizing the issuance of bonds and notes for various capital projects. (To be distributed under separate cover)

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

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

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

Items Tabled for June 12, 2017 Public Hearings

17. Resolution accepting and appropriating \$45,505 in unmatched grant funding from the Department of Safety, State Homeland Security Grant Program, for Funding of Security Surveillance and Building Access Equipment; together with report from the Deputy Fire Chief.

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

18. Resolution accepting and appropriating the sum of \$28,420 from the sale of property and transferring the sum of \$28,420 to Reserve Funds; together with a report from the Deputy City Manager-Development.

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

19. Resolution accepting and appropriating the sum of \$12,500 from the Trustees of the Protestant Episcopal Church of New Hampshire; together with report from the City Manager.

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

20. Resolution relative to the public highway discontinuance of a portion of Pitman Street in Concord, NH; together with report from the City Planner.

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

21. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan; Article 35-2, Compensation Plan, Schedule D, Class Specification Index, addition and modification to positions at the Wastewater Treatment Plant Division; together with report from the Director of Human Resources and Labor Relations and the General Services Director.

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

From the City Manager

22. Positive Citizen Comments.

Action: This positive comments was received and filed.

Consent Reports

23. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,333.45 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

24. Diminimus gift and donation report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$700.00 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

25. Status Report from the City Manager on 2016-2017 City Council Priorities.

Action: This consent report was approved.

26. Fiscal Year to Date Financial Statements from the Deputy City Manager - Finance.

Action: This consent report was approved.

27. Report from the Director of Redevelopment, Downtown Services & Special Projects regarding CIP #443 citywide multigenerational community center and demolition of former Heights Community Center (a/k/a 1977 gymnasium).

Action: This consent report was approved.

28. Quarterly Current Use Change Tax Report from the Director of Real Estate

Assessments.

Action: This consent report was approved.

29. Tax Exemption Committee report on revisions to the existing elderly and blind exemptions and veteran credits from the Director of Real Estate Assessments.

Action: This consent report was approved.

30. Proposed Main Street Lamp Post Banner Program report from the Deputy City Manager - Development.

Action: This consent report was approved.

31. Quarterly report from the Police and Fire Chiefs on drug overdoses and other statistics.

Action: This consent report was approved.

32. Public Safety Board Annual Report.

Action: This consent report was approved.

33. Pay-As-You-Throw Semi-Annual Status Report from the General Services Director.

Action: This consent report was approved.

Consent Resolutions

34. Resolution re-adopting the Beneflex Plan and authorizing the City Manager to execute Beneflex Plan Documents.

Action: This consent resolution was approved.

35. 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. (Pulled from consent by Councilor Kretovic)

Action: Item removed to end of agenda for discussion.

36. Resolution authorizing the City Manager to enter into a Municipal Work Zone Agreement with the State of New Hampshire Department of Transportation (NHDOT) for traffic control on city streets related to State Project 40766, I-89

Pavement Resurfacing Project; together with report from the City Engineer.

Action: This consent resolution was approved.

Consent Communications

37. Street closure request from the Concord Family YMCA for a block party/barbecue to be held on Friday, May 12, 2017.

Action: This consent communication was approved.

38. Street closure request from Lucky's Barbershop & Shave Parlor for their 2nd Annual Adoption Day Event to be held on Sunday, June 4, 2017.

Action: This consent communication was approved.

39. Street closure request for the 11th Annual Concord Multicultural Festival to be held on June 24, 2017.

Action: This consent communication was approved.

40. Revised street closure request for the dedication of a memorial in honor of Governor John Winant at the New Hampshire State Library, to be held on June 30, 2017.

Action: This consent communication was approved.

Appointments

41. Mayor Bouley's proposed reappointments to the Community Development Advisory Committee. Jeff Bart and Janet Sprague

Action: This appointment was approved.

42. Mayor Bouley's proposed appointment to the Energy & Environment Advisory Committee. Richard Maher

Action: This appointment was approved.

43. Mayor Bouley's proposed reappointments to the Golf Course Advisory Committee. Jim Marshall and Christopher Mulleavey

Action: This appointment was approved.

From the Mayor

End of Consent Agenda

Public Hearings

44A. Resolution de-authorizing the sum of \$178,354.60 in traffic impact fees from the 2015 Downtown Complete Street Subproject (CIP #460) and returning said sum to Traffic Impact Fee District #3, de-authorizing the sum of \$300,000 in bond authorizations to include \$290,000 from the 2016 Underground Utilities Subproject (CIP #460) and \$10,000 from the 2017 South Main Street subproject (CIP #460), and repurposing the sum of \$662,884.61 in bonds from CIP #460 and CIP #281 to CIP #65; together with report from Deputy City Manager-Finance. (Revised resolution and report submitted at the March 2017 meeting) (Public hearing recessed at the April 2017 Council meeting)

Action: City Manager Tom Aspell recommends the approval of this request.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, indicated that there is a fund that is to be spent for traffic improvements in a certain district and he doesn't understand why the city isn't willing to expend those funds on it and use general funds instead. He noted that this is the city's chance to cut the tax rate without reducing any city services.

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

44B. Resolution appropriating the sum of \$962,884.61 for the purpose of completing the City Hall campus steam to natural gas conversion and Municipal Complex sidewalk refurbishment subprojects (CIP #65) using \$662,884.61 in previously identified complete streets improvement funds (CIP #460 and CIP #281), repurposing \$100,000 from the COMF Boiler Replacement Subproject (CIP #323), and authorizing the issuance of bonds and notes in the amount of \$200,000; together with report from Deputy City Manager-Finance. (Revised resolution and report submitted at the March 2017 meeting) (Supplemental resolution and report submitted for the May 2017 meeting) (Public hearing recessed at the April 2017 Council meeting)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Herschlag inquired whether the natural gas boilers are going to be steam or hot water. Brian LeBrun, Deputy City Manager-Finance, responded that it's going to be a hot water system.

Councilor Herschlag asked whether there will be a separate hot water system for heating hot water for sinks. Mr. LeBrun replied that it's the same existing domestic hot water system that is currently used.

Councilor Herschlag inquired in regards to the costs of upgrading the pipes and radiators compared to adding the steam boilers. He further inquired as to what would be the difference in savings between those two - doing a straight conversion to steam with their own boilers as opposed to putting in hot water boilers and changing over all the infrastructure. Mr. LeBrun explained that there would have been a lot of design modifications in order to convert everything over to steam; the majority of this facility is already a hot water system even though steam was being used to heat the facility. The community center and the Audi are both steam heating within the buildings so there is a conversion that needs to happen to have those move to hot water and is part of the overall project costs; approximately \$310,000.

Councilor Herschlag questioned whether the city will still be doing the sidewalk work and whether they will be heated. Mr. LeBrun responded that the sidewalk project has been removed as part of reducing/changing the scope of the project; the only places in which there will be work on the sidewalk is where they will need to tunnel in to get to the other buildings.

Councilor Herschlag asked whether McFarland Johnson did a cost comparison for savings between the difference of having central boilers as opposed to having boilers in each building. Mr. LeBrun responded that they did and the additional cost to have separate boilers in each building would have been approximately \$500,000 more.

Councilor Herschlag inquired as to the anticipated savings and how long is a pay back for putting in the system. Mr. LeBrun responded that with using the cost of steam from the previous average of six years, before the most recent steam season, that cost savings would be approximately \$136,000 per year. He noted that looking at the scope at the project, because the cost has actually increased, the pay back period would be 17.8 years because of the higher cost of the project.

Councilor St. Hilaire moved to substitute the resolution with the one submitted May 2017. The motion was duly seconded and passed with no dissenting votes.

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

- 44C. Resolution authorizing the City Manager to enter into a Purchase Option Agreement with Caleb Development Corporation concerning the sale and redevelopment of city owned property at 35 Canal Street, Penacook; together with report from the Director of Redevelopment, Downtown Services & Special Projects.
(Supplemental report with attachments received) (Public testimony received)
(Additional public testimony received)

Action: Councilor Herschlag inquired whether Mr. Walsh, during the action phase, could make available his presentation that was presented at the Penacook Village Association noting that there are a few slides that he is interested in for the public to view.

Mr. Aspell indicated that the presentation is available online if anyone chose to view it.

Mayor Bouley opened the public hearing.

Public Testimony

Paul Henle, resident, feels that this is a bad project for reasons that have already been discussed. He indicated that he thinks there was a point in time where everybody agreed that commercial development would be the best use of this parcel. He feels that the city should hold off and wait for a commercial enterprise; he doesn't feel that Penacook needs more people but does need more commercial activity. He feels that this would have an impact on the school district which would be a negative impact on the Merrimack Valley School District taxpayers.

Councilor Coen asked what type of commercial property would Mr. Henle envision or would like to see. Mr. Henle responded that manufacturing or retail would be preferable to help draw people into Penacook Village.

Heather Tiberi, property owner, echoed Mr. Henle's comments noting that she feels that this brings no economic activity to the Penacook area. She noted that the store fronts are still empty and feels that there needs to be more to get either business into those empty store fronts or to utilize the space; this is the only area that Penacook has to build something of commercial value. She stated that the taxes are pushing families out of Penacook and doesn't feel that this is the best use

of this land.

Councilor Champlin noted that one of the arguments is the assumption that it will bring in families with children which will increase the tax rate. He asked how Ms. Tiberi feels that this relates to her statement of losing families and that families are needed for vitality. Ms. Tiberi responded that she has seen the reports and the estimate that it will bring two children into the school district. She understands that the majority of units are one bedroom but who's to say that a family will have to move in with multiple children adding a burden to Merrimack Valley School District taxpayers. She feels that they need tax revenue from business which she feels will help offset this disparity between Concord and Penacook.

Councilor Herschlag indicated that at the presentation at the Penacook Village Association, Mr. Walsh revised the numbers based on a formula they use for the number of children from five to nine. He noted that there are not many people who don't want families to come into Penacook and who are against affordable housing; it's the site and also that it's only affordable housing and not a mix. On top of this, he noted that there is no subsequent commercial development. Ms. Tiberi agrees that, at the very least, there should be some type of mixed use. She feels that the city put the time, money and investment into creating this vision plan that's laid out on the city's website and asked why they are not following it.

Councilor Shurtleff pointed out that this is not low income or Section 8 housing but is what is called market rate housing. Ms. Tiberi responded that she is aware of this.

Susan O'Connor, resident, feels that this project is wrong for Penacook and noted her agreement with Ms. Tiberi's comments. She doesn't feel that it's fair to place a higher tax burden on the community because the city wants to sell the site. She feels that the city should wait instead of increasing the tax burden.

Mayor Bouley inquired as to how this would increase the taxes. Ms. O'Connor indicated that her understanding is that this is a TIF area - are taxes going to go back to the community to pay for the children and the schools.

Councilor Herschlag noted that he believes that being in a TIF district, having to pay it back and if there are more costs to the schools, then it falls mainly on the residential homeowners.

Councilor Kenison wonders if this project will help fill up some of those empty store fronts because there will be more people. Ms. O'Connor agreed that this could possibly happen.

Catherine Burke, resident, noted her agreement as to what everyone is testifying to noting that she feels that this is the wrong site for housing. She stated that the store fronts have been empty for a long time and is not sure what businesses would go in that would be useful for residents within the proposed housing development.

Robert Baker, resident, indicated that this is a large piece of property that makes sense to push pause to have the new Economic Development Director look at this to explore opportunities before moving ahead with this proposed project.

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

- 44D. Ordinance Amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-5, Supplemental Standards, Article 28-9, Administration and Enforcement and Glossary, to allow Accessory Dwelling Units; together with report from the City Planner. (Supplemental report submitted) (Public testimony received)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Robert Nichols, resident, noted that he looks at this proposed ordinance as an advantage but his only concern is the 750 square feet maximum. He indicated that per the RSA, they can decide whatever size they want it to be. He noted that he has submitted three alternatives/ideas. He indicated that at the Planning Board meeting, it was brought up that anybody in his category that would want anything over 750 square feet or less than the minimum in the amendment of 600 square feet would have to get a variance before the Zoning Board of Adjustment.

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

- 44E. Resolution appropriating the sum of \$515,000 and authorizing the issuance of bonds and notes in the amount of \$470,000 for construction of a new citywide community center (CIP #443); together with report from the Director of Redevelopment, Downtown Services & Special Projects.

Action: City Manager Tom Aspell provided a brief overview.

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

- 44F. Resolution authorizing and appropriating \$81,557 and authorizing the City Manager to enter into an agreement with Affinity LED Lighting for the purchase and installation of a LED Lighting Project at the Everett Arena and to enter into an agreement with Unitil to accept a grant for \$40,778.50 and to finance \$40,778.50 as on bill financing; together with report from the General Services Director.

Action: City Manager Tom Aspell provided a brief overview.

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

- 44G. Resolution appropriating the sum of \$73,500 and authorizing the issuance of bonds and notes of up to the amount of \$73,500 for the Arena Chiller Replacement (CIP #64); together with a report from the General Services Director.

Action: City Manager Tom Aspell provided a brief overview.

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

- 44H. Resolution accepting and appropriating the sum of \$36,013, which has been voluntarily forfeited as part of plea agreements issued out of the Merrimack County Superior Court, funds designated to be utilized by the Concord Police Department Drug Enforcement Unit in furtherance of drug investigations; together with report from the Police Department.

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

Public Hearing Action

45. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (Public hearings held in March and April)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with one dissenting vote by Mayor Bouley.

46. Resolution de-authorizing the sum of \$178,354.60 in traffic impact fees from the 2015 Downtown Complete Street Subproject (CIP #460) and returning said sum to Traffic Impact Fee District #3, de-authorizing the sum of \$300,000 in bond authorizations to include \$290,000 from the 2016 Underground Utilities Subproject (CIP #460) and \$10,000 from the 2017 South Main Street subproject (CIP #460), and repurposing the sum of \$662,884.61 in bonds from CIP #460 and CIP #281 to CIP #65; together with report from Deputy City Manager-Finance. (Revised resolution and report submitted at the March 2017 meeting) (Public hearing recessed at the April 2017 Council meeting)

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

47. Resolution appropriating the sum of \$962,884.61 for the purpose of completing the City Hall campus steam to natural gas conversion and Municipal Complex sidewalk refurbishment subprojects (CIP #65) using \$662,884.61 in previously identified complete streets improvement funds (CIP #460 and CIP #281), repurposing \$100,000 from the COMF Boiler Replacement Subproject (CIP #323), and authorizing the issuance of bonds and notes in the amount of \$200,000; together with report from Deputy City Manager-Finance. (Revised resolution and report submitted at the March 2017 meeting) (Supplemental resolution and report submitted for the May 2017 meeting) (Public hearing recessed at the April 2017 Council meeting)

Action: Councilor Nyhan moved approval of the revised resolution that was substituted during the public hearing. The motion was duly seconded.

Councilor Nyhan recognized the work that staff put into this item.

Councilor Herschlag understands the difficulty in making this switch and the idea that they are going to be able to convert the Audi and the community center to hot water will have a significantly greater savings down the road. He is, however, frustrated with the fact that they are starting to see a pattern of consultants giving them estimates and when the projects go out to bid, they are seeing costs that are significantly higher than what the consultants have come up with. He is not sure how they ensure that, in the future, they don't continue to see these wide variations in what they anticipate and what comes back. He is disappointed in the consultants not being more aware of the market and cost involved and would expect that they would be aware of those market fluctuations.

The motion to approve passed with no dissenting votes.

48. Resolution authorizing the City Manager to enter into a Purchase Option Agreement with Caleb Development Corporation concerning the sale and redevelopment of city owned property at 35 Canal Street, Penacook; together with report from the Director of Redevelopment, Downtown Services & Special Projects.
(Supplemental report with attachments received) (Public testimony received)
(Additional public testimony received)

Action: Councilor Herschlag stated that the community has been fairly vocal in saying how they would like to see the tannery site developed. He referred to the Penacook Vision Plan and the public meeting that took place there. He noted that the first workshop from the latest series was in November 2013 and the second in March 2014; during sessions open space was revisited. From the recommendation from the Penacook Vision Plan redevelopment opportunity areas, three parcels were recommended to be developed to a conditional use or overlay district - the Hoit Electric property, the Washington Street School and the former tannery site. He stated that the tannery site, in particular, was indicated to be the most appropriate for mixed use development with provisions for public open space. The former tannery site is seen as offering the greatest opportunity for an expansion of the higher density mixed use development currently found in the village core with significant frontage along the Contocook River and easy access from the village center - redevelopment of this site should provide public open space in the form of either a lineal waterfront park, an access easement along the river or an interconnected series of access areas and park spaces. The tannery site should be permitted the highest intensity of use in the village; buildings of four to six stories in height should be permitted by conditional use to incentivize the provision of open space amenities; the site can support a mix of residential, office, retail and other commercial developments. Individual preference surveyed buildings that were most similar to those already existing in Penacook received the most favorable responses.

Councilor Herschlag indicated that at the recent Penacook Village Association meeting to discuss this project, it was stated to the staff that low income housing units are also incorporated into two other TIF districts; what was not stated is the percentage of housing in the TIF's in relation to commercial values. He feels that if the tannery and Rivco are redeveloped as residential sites, there will be very limited opportunity for additional commercial development in Penacook. He noted that the images of the project that were available at the Penacook Village Association meeting do not reflect the design standards that have been voiced at numerous planning sessions involving the community; in addition to the buildings not fitting in

or enhancing the historic character, the developer has not shown how the project would appear from Canal Street. He noted that during the presentation to the PVA, two of the Caleb Groups projects were highlighted: Gloucester (34 units with a cost of \$11.88 million) and North Berwick (40 units with a cost of \$8.9 million). The cost that was stated at the Penacook Village meeting for the tannery project was in the range of \$5 million for 54 units. He noted in comparing the cost of the two projects that were highlighted to the project proposed for Penacook, the project for the village is substandard both in cost per unit and design. He asked why is it too much to demand that projects for the village is consistent with the architectural design and historic nature of their community.

Councilor Herschlag feels that an issue that has come up on a number of occasions is what impact is the opening of a womens prison will have on the city. He noted it can be anticipated that relatives and children of prisoners will look to occupy these units. The city has just hired an Economic Development Director and it is his opinion, that instead of moving forward with the project, that the Economic Development Director have the opportunity to explore avenues for attracting commercial and mixed use projects to the tannery site. He feels that if the city does decide to move forward and hire a consultant to update their zoning and move to form based zoning for the village, Main Street and perhaps the Heights that those in the village who have voiced their opinions are heard and those recommendations were to be incorporated in the new zoning document, that the project currently being proposed for the tannery site would not be approved.

Councilor Shurtleff noted that it is his understanding that this would be market rate housing and not low income housing. He encourages families to move closer to someone that is incarcerated for support.

Matt Walsh, Director of Redevelopment, Downtown Services & Special Projects, indicated that he would call this an affordable workforce housing project which will have six market rate units with no income limitation or restrictions on people living in these units and the remaining 48 would be people making 60 percent of the area median family income based on their household size.

Councilor Kretovic moved to accept the agreement before them to proceed with the purchase option agreement with the Caleb Development Group for the tannery site in Penacook. The motion was duly seconded.

Councilor Keach noted he is in favor of this project. He feels that Penacook needs

to move forward and feels that filling it with bodies and families is going to revitalize the commercial part of Penacook and add to it's vibrancy.

Councilor Shurtleff thanked Councilor Todd for all his efforts in getting all the information out the the residents of Penacook. He stated that he will be voting in favor of this project.

Councilor Champlin indicated that he will be voting in favor of this motion noting that he is very sensitive to the concerns expressed by the residents in Penacook that spoke this evening and is sensitive on their perceived impact on their tax rate. He stated that a vibrant community has people living in it and not vacant empty lots. He explained that the nature of manufacturing and industry is changing and what is needed is a workforce. For his mind, this is both an economic development decision and a pragmatic decision in order to bring that vitality that has been spoken of to downtown Penacook.

Councilor Kretovic noted that she felt this project was great when it was presented. She didn't think about the empty store fronts; she thought about the opportunity that would come to Penacook. There will be more people to support the existing businesses within Penacook. She noted that they would be taking this empty property and have a tax base that they can use in their district.

Councilor Coen noted that there is already a commercial property on part of the tannery site which is the medical facility. He stated that this is an opportunity to bring younger people into the city and feels that it will benefit the existing local businesses within Penacook.

Councilor Herschlag indicated that it's estimated that the project will generate approximately \$115,000 per year in taxes; if they continue to pay off the TIF and pay back the economic development fund and develop the riverfront park, all that money would be used up with no additional money coming to the schools or the city. He apologized if there was some misunderstanding that somehow he is against affordable housing. He is just concerned about the community's ability to pay for it without driving out people who currently live in the community. He is for changing zoning ordinances to guarantee that there is affordable housing as projects move forward in the future.

Councilor Champlin noted that he is not inspired by the revised design and would like to see a design for this project that is more consistent with the historical fabric

of Penacook. He hopes that during the Architectural Design Review and the Planning Board process that developers can come up with something that was more consistent with the look and feel of Penacook.

Councilor Todd thanked the public for all of their outreach to him with their information and opinions. He stated that he has heard from more people that have been in favor of this project than against but almost everyone he has spoken to is very reluctant. Many of the residents he has spoken to know the history of this and have a lot of emotion involved - this is a site with a lot of history. He stated that there needs to be a logical approach to Council's decision this evening. He feels that if the city hadn't taken on this project, what could possibly be there now is a crumbled building. He feels that a key question, which someone posed to him, is have any of the ideas that are desired by the community such as mixed use, etc. been tested in the market as financially feasible. He thinks the answer to this is that the evidence shows that the city has listened to the public and marketed the property as mixed use over the years to no successful response. There has been four attempts since 2004 to market the property the way the public has envisioned it with mixed use. He stated that in fact there is mixed use at this site - it now includes the Penacook Family Physicians and now possibly housing and a park. In regards to the school district costs, he has determined that this is a guessing game full with variables. He feels that school and emergency services costs would be able to be absorbed with this project.

Councilor Todd noted that he can't forget about the seniors currently living in Penacook who are looking to downsize and need affordable housing. He also thinks about the housing shortage which worsens the problem workforce shortage; it's possible that developers have been telling them, directly and indirectly, that they need a larger population in Penacook to attract the retail amenities that everyone is looking forward to. He really feels that there needs to be more foot traffic in Penacook for the the existing businesses. He pointed out that there is also a cost to waiting or abandoning the property which needs to be considered as well because this is a real burden that would occur on the taxpayers if they were not to try this project. He stated that if this passes the Council this evening, it still needs to pass through the Planning Board, it needs funding, and there are a lot of hurdles so there will be a lot of chances for the public to still be involved in input. He is concerned with waiting and what it will do to the community and the tax rate in Penacook so this is the reason why he will be voting in favor of the proposal this evening.

City Manager Tom Aspell pointed out that the commercial part of the development here has happened with Penacook Family Physicians. He stated that commercial follows residential and doesn't work the other way around; they do need more people living in this area. This project will produce more customers for the existing businesses in the village. He pointed out that this is not the last parcel that can be developed noting that there are still several large pieces of property within the area that can still be developed. He feels that there are a lot of good reasons to move forward with this project.

Noting concern of an individual who wanted to attend this evening but couldn't due to another conflicting meeting and asked if the Council meeting had to be held this evening, Mayor Bouley stated that Council is required by Section 18 of the City Charter to hold regular meeting on the second Monday of the month, unless they fall on a federal holiday.

The motion to approve passed on a voice vote with one dissenting vote by Councilor Herschlag.

49. Ordinance Amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-5, Supplemental Standards, Article 28-9, Administration and Enforcement and Glossary, to allow Accessory Dwelling Units; together with report from the City Planner. (Supplemental report submitted) (Public testimony received)

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

50. Resolution appropriating the sum of \$515,000 and authorizing the issuance of bonds and notes in the amount of \$470,000 for construction of a new citywide community center (CIP #443); together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

Councilor Herschlag indicated that this is a project was estimated at \$7.1 million with a portion of this used for design purposes and when it went out to bid it came back at \$1.9 million over budget. He noted his concern with the project having to be pared back; they are not receiving the same project that they thought they would. He noted that he had asked whether or not the roof would be able to support solar panels and was told by the consultant that the roof would not be able to support solar panels. He indicated that he has spoken to a number of people

who found this unusual and had told him that even if it was pared back so much that the roof couldn't support solar panels, that the cost to upgrade it so it could would be minimal. He wonders if there was ever a comparison done between the cost of supporting that roof on the gym to be able to support solar panels. He asked that they look at designing this building so that even if they are not putting solar on it moving forward, that it would be able to support a solar array at some point in the future.

Councilor St. Hilaire indicated that he is currently involved in a renovation project with a large building and they had to remove the solar panel component because the pay back wasn't quick enough; the batteries have a life span of five years.

Councilor Herschlag clarified that he feels that the building should be designed so that it can accomodate solar panels at some in the future.

The motion to approve passed with one dissenting vote.

51. Resolution authorizing and appropriating \$81,557 and authorizing the City Manager to enter into an agreement with Affinity LED Lighting for the purchase and installation of a LED Lighting Project at the Everett Arena and to enter into an agreement with Unitil to accept a grant for \$40,778.50 and to finance \$40,778.50 as on bill financing; together with report from the General Services Director.

Action: Councilor St. Hilaire moved approval. The motion was duly seconded.

Councilor Werner praised Administration for pursuing this option and this innovative way to reduce energy costs at the Arena. He stated that these are the type of opportunities the city should seek out in all of their buildings and as they move forward with new construction.

The motion to approve passed with no dissenting votes.

52. Resolution appropriating the sum of \$73,500 and authorizing the issuance of bonds and notes of up to the amount of \$73,500 for the Arena Chiller Replacement (CIP #64); together with a report from the General Services Director.

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

53. Resolution accepting and appropriating the sum of \$36,013, which has been voluntarily forfeited as part of plea agreements issued out of the Merrimack County

Superior Court, funds designated to be utilized by the Concord Police Department Drug Enforcement Unit in furtherance of drug investigations; together with report from the Police Department.

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

Appointments by the Mayor

Reports

New Business

Action: Councilor Champlin indicated that the Concord Coalition to End Homelessness is in position to apply for funding from the Housing Finance Authority. He noted that the Concord Coalition to End Homelessness feels that their case would be much stronger if they had a letter of support from the city regarding the need for a winter homeless shelter which the CCEH has proposed to construct.

Anticipating that this may come up this evening, the Mayor read a drafted letter: "The City of Concord supports the efforts of the Concord Coalition to End Homelessness (CCEH) to purchase the property at 238 North Main Street and construct a winter shelter behind their existing Concord Homeless Resource Center. The City believes that a winter shelter is essential to meet the needs of the homeless. The City will be strongly considering funding for the operation of such a shelter, in the amount of \$30,000, as it has done over the last two years, in its upcoming budget in June 2017.

During the 2016-17 winter season, the shelter served an average of 35 people per night, and provided 3,137 "bed nights" of shelter to people struggling with homelessness. It kept people safe, and at a much lower cost than providing hotel space.

The winter shelter in Concord has historically been operated on a very minimal budget, due in large part to the immense volunteer base (181 people volunteered at the shelter this past season). For the past two years, the winter shelter has not received funding from the State on New Hampshire, and therefore was not required to be listed on the statewide 211 homeless hotline. The result was that far fewer shelter guests came from other towns and cities. We believe it is important that the City of Concord continue to provide significant funding so that a winter shelter can continue to serve Concord residents.

For the past 3 years, the Concord Coalition to End Homelessness has been leading the implementation of the City's Plan to End Homelessness, and convening the Steering Committee for the Plan on a bi-monthly basis. The priority focus under the Plan is creating permanent supportive housing opportunities for chronically homeless individuals and reducing the need for shelters, but a low-barrier winter shelter is still a necessary part of the safety net. Support from the community for this shelter and for CCEH is clearly evident. CCEH's annual Community SouperFest event in March had over 800 attendees, raised over \$46,000, and had sponsorships from 28 businesses and organizations".

Councilor Nyhan moved to approve sending the drafted letter in support of CCEH. The motion was duly seconded and passed with no dissenting votes.

Unfinished Business

54. 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.

Comments, Requests by Mayor, City Councilors

Action: Councilor Kretovic reminded residents that the "blue bags" are out. The bags are available from General Services to help clean up the sides of the roads. She noted that people or groups just need to fill them up and leave them on the side of road for pick up.

Councilor Champlin reminded residents that June 3rd is Spring Clean Up at White Park and will be taking place from 9:00 a.m. to noon. People should show up with rakes, trowels, etc.

Councilor Todd announced that there is still openings available for the summer camp programs at the Penacook Community Center.

Mayor Bouley reminded dog owners that May 31st is the last day to register unlicensed dogs without any late fees and penalties. Dog licensing is available online, via mail or by visiting the City Clerk's Office.

Mayor Bouley announced that Ward 9 will be holding a Special Primary Election on Tuesday, May 30th for State Representative.

Mayor Bouley thanked and congratulated the Chamber of Commerce and all of the individuals who organized the Arts Fest downtown this past weekend.

Comments, Requests by the City Manager

Action: City Manager Tom Aspell indicated this evening Council approved the implementation of Main Street lamp post banner program. He noted that he has received a lot of interest for cross street banners on Main Street and the Loudon Road locations. He explained that, unlike the lamp post banners, the cross street banners require police details to direct traffic, an aerial boom, and installers who have experience in hanging these types of banners. He noted that in their research they have found that there are private sign companies in the region that can do this work in its entirety - manufacture the banner, install and remove. He explained that the sign can run up to approximately \$3,500. Nonetheless, he would like to open this use of the two cross street locations to the public. To this end, with the blessing of Council this evening, they can move forward using the same eligibility standards provided for the lamp post banner program and simply have interested organizations apply to reserve a location. He noted that all the design, manufacturing, installation and removal would be the responsibility of the applicant. The Code office would help to coordinate the details to ensure the dates of the installations/removal don't conflict with each other or Main Street or Loudon Road activities. He noted that staff would come back to Council if they need to make subsequent changes.

Councilor Nyhan questioned a review process for the banner selections. Mayor Bouley pointed out that the policy that Council adopted this evening is a very detailed process.

Councilor Champlin moved to approve moving forward with the cross street banners. The motion was duly seconded and passed with no dissenting votes.

Consideration of items pulled from the consent agenda for discussion.

** Item 35 has been pulled from the consent agenda for discussion.*

35. 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. (Pulled from consent by Councilor Kretovic)

Action: Councilor Kretovic stated that when she read the report and resolution it brought up concern for her. She noted that approximately 15 to 17 years ago the community got together and looked at downtown deciding that it's a historic district. Having worked at Main Street Concord, whose mission was the historic preservation of downtown, she noted that there are some very specific standards that are required through the National Secretary of Interior and she is not sure this balcony design that is being presented falls within those guidelines. She is not sure if this property is on the National Register of Historic Places but the district is. She asked Council to take pause on this, get some real feedback from the professionals/volunteers that serve the city's committees and help them guide the Council before making a mistake on a historic property that they know what they are deciding on is appropriate for the historic district.

Councilor Kretovic moved to table this item and refer to Community Development to see fit to dispense among other committees. The motion was duly seconded.

Councilor Coen asked for clarification that if by voting for this, would Council be denying the proposed balcony.

Councilor Kretovic responded that it would be to pause it; tabling this request until Council receives further guidance.

Councilor Champlin believes that the Planning Board was torn; part of the argument in favor of this approval was that this is a now vacant area that was going to be converted into a three bedroom apartment which is part of the overall goal for upper story residential development. On the other hand, he indicated that there was a great deal of concern over the impact on a really unique and beautiful facade. He noted that that was one of the reasons that the railing is glass is because the architect felt that this would not impede the view of the arched windows. He noted that he will be voting against the motion to table primarily so that he is consistent with the vote he took at the Planning Board and with the vote of the Planning Board in which he sits.

Mayor Bouley clarified that the motion is to table and not denying the license.

Councilor Herchlag indicated that he will be voting against the motion because this has gone before the Architectural Design Review and Planning Board. He feels that the city has had ample opportunity to review those ordinances or create a new one - the city has not decided to move forward with new ordinances over the last 10

15 years which he feels puts an undue burden on the applicant.

Councilor Shurtleff noted his support of the motion to table.

Councilor Coen noted his concern with the timeline with tabling this item pointing out that some items that become tabled remain tabled for quite some time.

Councilor Kretovic pointed out that neither one of the balconies at the Draft or at Remi's conformed to what was set out to begin with and now they may move ahead with a third without any guidelines. She feels that they are setting themselves up for randomness with no guarantees and nothing in place that says that people are going to do this. All she is recommending is that if they are going to see this type of development in the downtown, they should have some control over it.

Councilor Shurtleff asked if Councilor Kretovic would amend her motion to ask that Community Development look to see if this building is on the registry of historic places or qualifies for placement on the registry of historic places and report back at the next Council meeting in regards to this question.

Councilor St. Hilaire noted that they took years in designing Main Street to make it look good and now when driving by it's a shock to see towels hanging over railings and chairs. He doesn't believe this is what the Council envisioned. He proposed that Community Development look at placing a ban on balconies on Main Street to restore the city's historic heritage in downtown.

Councilor Herschlag indicated that the Architectural Design Review and the Planning Board both had very specific plans. He noted that it's not the fault of the building owner or the developer that the city allowed the plans to move forward that weren't approved. He noted that is either up to Code Enforcement or Engineering to say that is not what they were approved for and can tell them to either fix it or tear it down. He doesn't feel that it's fair to delay this or in any manner punish the applicant for going through this process and receiving approval. He stated that if they are concerned about whether or not it will meet the design criteria that was approved, the Council could ask the City Manager to ensure that the Community Development Department enforces the plan as designed and to make sure that they wind up with what was approved.

Councilor Nyhan doesn't feel that waiting 30 days is going to make or break this project. He feels that they owe it to themselves and the residents to take a look at

this.

Councilor Todd indicated that he will be supporting Councilor Kretovic's motion. He feels that the city has a vested interest in the appearance of the downtown.

Mayor Bouley clarified that the motion before the Council is to table this item and refer it Community Development to solicit information from the Design Review Committee, Planning Board and the Heritage Commission.

Councilor Kretovic's motion passed with one dissenting vote from Councilor Herschlag.

Consideration of Suspense Items

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

Sus1. Communication from the Kimball Jenkins School of Art and the Mill Brook Gallery and Sculpture Gardens requesting permission to display sculptures within the community that were created for the Big Bicycle Project.

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

Councilor St. Hilaire inquired whether they are okay with having them there until October.

Carlos Baia, Deputy City Manager-Development, explained that if Council approves this they have a license agreement that is drafted that will include a provision as to the appearance of the bicycles in terms of maintenance if they begin to rust, decay or have flat tires.

Councilor Nyhan hopes that there will be some type of process as to where these bicycles will be placed and not conflict with the other art.

Councilor St. Hilaire questioned whether these are fastened down to the sidewalk. Mr. Baia responded that the ones that he has seen are not fastened down to the sidewalk. Councilor St. Hilaire noted his concerns with people trying to ride these and hurting themselves. He suggested that the Legal Department ensure that the city is covered in regards to any implications to not being fastened down.

The motion to approve passed with one dissenting vote.

Referral to the Transportation Policy Advisory Committee

Sus2. Communication from Doug Finney requesting consideration be given to implementing speed reduction measures within the Franklin Street area in Concord.

Action: Councilor Kretovic moved to refer this communication to the Transportation Policy Advisory Committee. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 9:26 p.m., Councilor Keach 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*