



City of Concord

City Council

Meeting Minutes - Final

Monday, April 8, 2019

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A: 3, II (a) to discuss the City Manager's Evaluation to be held following the Council meeting.

1. Call to Order.

Mayor Bouley called the meeting to order at 7:08 p.m.

2. Invocation by the Reverend Jerry McCann, United Church of Penacook.

3. Pledge of Allegiance.

4. Roll Call.

Present: 12 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Brent Todd, Councilor Robert Werner, and Councilor Zandra Rice Hawkins

Excused: 2 - Councilor Mark Coen, and Councilor Linda Kenison

5. Approval of Meeting Minutes.

March 11, 2019 City Council Meeting Minutes.

Action: Councilor Champlin moved approval of the March 11, 2019 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Concord Tree Sub-Committee Presentation.

Ted Diers, Concord Tree Sub-Committee Chair, indicated that the committee's goal is to reverse the current trend of tree loss in the city noting that General Services estimates that loss at 10 to 20 percent per year. He pointed out that diseases and insects are not the only stressors to trees; there are conflicts with utilities and development, poor maintenance practices, an aging stock of trees, rock salt and a change in climate. He noted that one thing that the committee wants to

focus on is that the trees are part of the city's infrastructure. He referred to the street tree policy and the sustainable tree program for residents and stated that the committee hopes to build on that effort to create an ongoing sustainable tree planting effort over the long term to increase the stock of tree in the city. Mr. Diers indicated that there will be a public hearing next month requesting that Council release some funds from the Urban Tree Trust Fund for tree planting this Spring. He wants to note that the expense for tree planting is not just the cost of the tree; there are special soils, structures to prevent sidewalk buckling, and other technologies to help increase the longevity of the trees and not cause some of the other adverse effects seen sometimes with poor planting practices. He thanked them for having the vision to restart the efforts to improve the green infrastructure in the city.

7. Agenda overview by the Mayor.

Consent Agenda Items

Approval of the Consent Agenda

Action: Mayor Bouley asked that item 25 be removed for discussion, Councilors Herschlag and Kretovic will be taking Rule Six on items 16 and 23, and item 39 requires a two-thirds vote. Mayor Bouley pointed out that there are a lot of public hearings being set for May public hearings and asked that item 17 be held for a June public hearing in place of a May public hearing so that residents don't have to wait so long to speak on this item. There was not Council objection to this.

Councilor Grady Sexton moved approval of the consent agenda as amended. The motion was duly seconded and passed with no dissenting votes.

Referral to Community Development and Code Administration

8. Communications from Stacey and Francesca Brown, 6 Garden Street, requesting consideration be given to changing the requirement that henhouses and fenced in areas for chickens shall not be located within 30 feet of any lot line; together with guidelines from Salem Oregon that Ms. Brown would like considered for the City of Concord.

Action: This communication referred to Community Development and Code Administration.

Items Tabled for May 13, 2019 Public Hearings

9. Resolution relative to the complete discontinuance of a public highway known as

Osgood Street in Concord, NH; together with report from the Deputy City Manager Development.

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

10. Resolution appropriating the sum of \$7,500 from the Urban Tree Trust Fund for the purposes of planting trees on City property and within public rights-of-way, as recommended by the Conservation Commission; together with report from the Assistant City Planner.

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

11. Resolution authorizing and appropriating the sum of \$5,000 from Unassigned Fund Balance for the purpose of recruiting and training one School Resource Officer; together with report from the Police Department.

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

12. Report from the General Services Director recommending a public hearing be held to determine whether to designate a portion of Island Road as an emergency lane in accordance with RSA 231:59-a. (Public testimony received)

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

13. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

14. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

15. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-4, Operation of Motor Vehicles, Section 17-4-3, One-Way Streets, Schedule VI; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

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

16. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-3, The Zoning Map, Village Street rezoning; together with report from the Deputy City Manager Development. (Report from the Planning Board submitted) (Public testimony received)

Action: This ordinance was moved to set for a public hearing. Councilors Herschlag and Kretovic took Rule Six.

17. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-4, Development Design Standards, Article 28-5, Supplemental Standards and Glossary for the purpose of regulating development of solar collection systems; together with report from the Assistant City Planner.

Action: This ordinance was moved to set for a public hearing to be held at the June 10, 2019 City Council meeting.

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 \$1,486.19 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

20. Report from the Deputy City Manager Development in response to a referral from Councilor Herschlag regarding the impact of density bonuses on workforce housing and the impact of requiring low income units in elderly housing developments.

Action: This consent report was approved.

21. Report from the Deputy City Manager Development recommending the City Manager be authorized to execute a Purchase and Sales Agreement with C500 Limited Partnership for the acquisition of a +/- 665 square foot City parcel (MBL 14-1-3) located on Basin Street.

Action: This consent report was approved.

22. Report from the Deputy City Manager Development recommending the City Manager be authorized to execute a deed conveying a maintenance easement to the New Hampshire Department of Environmental Services on the City's Fire Training Property as a condition of approval for a New Hampshire Department of Environment Services regulatory waiver.

Action: This consent report was approved.

23. Report from the Deputy City Manager Development recommending the City Manager be authorized to enter into an Option to Purchase Agreement with the Concord Area Trust for Community Housing (CATCH) for the sale of the City's former water tower lot located off of Village Street, MBL 143P/31.

Action: This consent report was approved. Councilors Herschlag and Kretovic took Rule Six.

24. 2018-2019 Economic Development Performance Annual Report from the Deputy City Manager-Development and the Economic Development Director.

Action: This consent report was approved.

25. Report authorizing the City Manager to enter into a license to allow temporary access through City property (MBL 614/Z 51), located at the intersection of Denis Drive and Guay Street, for a private landowner's purpose of harvesting trees from their adjacent private parcel. (Action on this item tabled at the April 8, 2019 Council meeting)

Action: This item moved to the end of the agenda for discussion.

26. Report from the Transportation Policy Advisory Committee recommending transportation project priorities for the FY 2020-2029 Capital Improvements Program.

Action: This consent report was approved.

27. Public Safety Board Annual Report.

Action: This consent report was approved.

28. Report and recommendation from the Recreation and Parks Advisory Committee regarding Concord Little Leagues request to make improvements at Memorial Field Little League Field.

Action: This consent report was approved.

29. Report from the Parks and Recreation Director regarding Grounds Division operations.

Action: This consent report was approved.

30. Report from the Parks and Recreation Director regarding pond maintenance at White Park.

Action: This consent report was approved.

31. Quarterly Current Use Change Tax Report from Director of Real Estate Assessments.

Action: This consent report was approved.

Consent Resolutions

32. Resolution in recognition of the services of Eugene "Gene" Blake.

Action: This consent resolution was approved.

33. Resolution in honor of the services of retired Firefighter Paramedic Paul DiGeronimo.

Action: This consent resolution was approved.

34. Resolution in honor of the services of retired Battalion Chief Brian Saltmarsh.

Action: This consent resolution was approved.

35. Resolution re-adopting the Beneflex Plan and authorizing the City Manager to execute Beneflex documents.

Action: This consent resolution was approved.

36. Resolution authorizing the City Manager to submit applications to the New Hampshire Highway Safety Agency for grant funding of roadway safety initiatives and equipment as outlined in its current grant program; together with report from the Police Department.

Action: This consent resolution was approved.

37. Resolution authorizing the City Manager to submit an application to the New Hampshire Project Safe Neighborhoods Initiative Grant Program for funding designated to address violent crime in the community; together with report from the

Police Department.

Action: This consent resolution was approved.

38. Resolution ordering the extinguishment of a City of Concord Department of Human Services lien on 280 North State Street Lot 2183 in the City of Concord in the total amount of \$44,891.70; together with report from the Human Services Director. (Revised resolution and report submitted)

Action: This consent resolution was approved.

39. Resolution repurposing the sum of \$109,588 from the Water Production Plan Upgrades Project, 2018 Pavement Rehabilitation Subproject (CIP #88) for use on the Penacook Lake Dam and Spillway Rehabilitation Project (CIP #114); together with report from the General Services Director.

Action: This consent resolution was approved receiving the necessary two-thirds vote.

Appointments

40. City Manager's proposed reappointment to the Conservation Commission. Stefan Matlage

Action: This appointment was approved.

41. City Manager's proposed reappointment to the Heritage Commission. Robert V. Johnson II

Action: This appointment was approved.

42. Mayor Bouley's proposed reappointments to the Transportation Policy Advisory Committee. Dick Lemieux, Ursula Maldonado and James Sudak

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

- 43A. 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 Tom Aspell provided a brief overview.

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

- 43B. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Appendix A, Application Fees for the Zoning Board of Adjustment (ZBA); together with report from the Deputy City Manager-Finance.

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

Public Hearing Action

44. 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 to be held in February and March with action taken in April)

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

45. 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 Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes.

46. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Appendix A, Application Fees for the Zoning Board of Adjustment (ZBA); together with report from the Deputy City Manager-Finance.

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

Reports

New Business

Unfinished Business

47. Everett Arena Beer and Wine Service Initiative report from the General Services Director. (Report referred to the Public Safety Advisory Board at the February 2019 Council meeting) (Report from the Public Safety Board submitted)

Action: This item remains tabled.

48. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18,

Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I, by amending Schedule I to add / modify parking prohibitions on Nivelles Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Public testimony received) (Action table at the March 11, 2019 City Council meeting)

Action: This item remains tabled.

Comments, Requests by Mayor, City Councilors

Councilor Rice Hawkins indicated that the Grand Knight of the Concord Knights of Columbus, Chuck McGee, and the Concord Lions are working on their fourth annual food drive this weekend on April 13th and 14th. Donations can be dropped off between 6:00 a.m. and 5:00 p.m. at the Immaculate Heart of Mary Church on Loudon Road.

Councilor Rice Hawkins noted that she has been working with Trout Unlimited and a group of constituents in Ward 10 who would like to see some improvements made to Merrill Park Pond. She stated that there is overgrowth around the outside of the pond along with sediment in the pond and back up in the culvert. She asked the Council to consider: directing the city to work with them to find some immediate fixes for the upcoming fishing youth day on April 20th; if, long term, they can ask for a proposal from Parks and Recreation similar to the project at White Park Pond.

City Manager Aspell indicated that he was not familiar with any of the issues at Merrill Park Pond.

Councilor Rice Hawkins believes some departments are aware and have assisted with some of the short term fixes. She added that Trout Unlimited has done a lot of projects in other cities and is very interested and willing to dedicate manpower and potentially some funds to help make fixes at Merrill Park Pond and feels that any collaboration with them would be advised. She believes they were working with General Services recently.

Councilor Champlin announced that the Friends of White Park will be holding a Spring clean up event at White Park starting at 9:00 a.m. through 12:00 p.m. on May 11th.

Councilor Werner reported that there were two letters sent to the legislature signed by the City Manager - one in support of municipal aggregation and one in support

of net metering. He noted that they were both received very well by the legislature.

Councilor Werner indicated that the Energy and Environment Committee will continue to receive public input on the strategic plan they are working on for 100 percent renewable energy. They have three public input sessions coming up: April 24th at the Concord Community Center on the Heights from 6:00 p.m. to 8:00 p.m.; May 4th at the Penacook Community Center from 2:00 p.m. to 4:00 p.m.; May 6th at City Council Chambers from 6:00 p.m. to 8:00 p.m.

Councilor Kretovic announced that the driving range is opened at the golf course and hopes that the course will be open for this upcoming weekend if the weather is good.

Councilor Kretovic noted that General Services has a program for people that are interested in doing community service or just to volunteer to pick up trash on the side of the roads. She stated that General Services will supply the blue bags needed.

Referencing a collective bargaining article in the Concord Monitor, Mayor Bouley asked that the City Solicitor work with the Fiscal Policy Advisory Committee to review what other communities do and to see if there are other ways they can approach this that might be better for the community. The Council agreed to refer this to the Fiscal Policy Advisory Committee.

Comments, Requests by the City Manager

Consideration of items pulled from the consent agenda

25. Report authorizing the City Manager to enter into a license to allow temporary access through City property (MBL 614/Z 51), located at the intersection of Denis Drive and Guay Street, for a private landowner's purpose of harvesting trees from their adjacent private parcel. (Action on this item tabled at the April 8, 2019 Council meeting)

Action: Mayor Bouley stated that he was contacted by several constituents that pointed out that the report indicated that neighbors had been contacted by the owner and he was informed not everyone was informed and there were a lot of people that had plenty of questions. He asked that this item be tabled to give the neighbors an opportunity to talk to the landowner wishing to take down trees.

Councilor Grady Sexton moved to table this item. The motion was duly seconded.

Councilor Matson indicated that she received a few letters in regards to this. She noted that it would be a nice idea for the neighbors and landowner to try to discuss and work it out to come to a resolution.

The motion to table passed with no dissenting votes.

Consideration of Suspense Items

Adjournment

The time being 7:33 p.m., Councilor Champlin moved to adjourn the regular meeting and enter into non-public session in accordance with RSA 91-A: 3, II (a) to discuss the City Manager's Evaluation. The motion was duly seconded and passed with no dissenting votes.

At 9:00 p.m., Councilor Bouchard moved to exit non-public session. The motion was duly seconded and passed unanimously with no dissenting votes.

Councilor Bouchard moved to seal the minutes. The motion was duly seconded and passed unanimously with no dissenting votes.

There being no additional business, Councilor Bouchard moved to adjourn.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*

Information

Inf1 November 1, 2018 Heritage Commission Meeting Minutes.

Action: Information item received and filed.

Inf2 November 14, 2018 Conservation Commission Meeting Minutes.

Action: Information item received and filed.

Inf3 December 6, 2018 Heritage Commission Meeting Minutes.

Action: Information item received and filed.

Inf4 December 11, 2018 Architectural Design Review Committee Meeting Minutes.

Action: Information item received and filed.

Inf5 December 12, 2018 Conservation Commission Meeting Minutes.

Action: Information item received and filed.

Inf6 January 2, 2019 Architectural Design Review Committee Meeting Minutes.

Action: Information item received and filed.

Inf7 January 3, 2019 Heritage Commission Meeting Minutes.

Action: Information item received and filed.

Inf8 January 15, 2019 Committee for Concord's Plan to End Homelessness Meeting Minutes.

Action: Information item received and filed.

Inf9 January 23, 2019 Community Development Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf10 January 24, 2019 Transportation Policy Advisory Committee Meeting Minutes.

Action: Information item received and filed.

Inf11 February 28, 2019 Transportation Policy Advisory Committee Meeting Minutes.

Action: Information item received and filed.

Inf12 March 4, 2019 Concord Public Library Board of Trustees Meeting Minutes.

Action: Information item received and filed.

Inf13 April 9, 2018 Public Safety Board approved Meeting Minutes.

Action: Information item received and filed.