



***Non-public session in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition to be held at 6:15 p.m.***

City Council Meeting
Draft Minutes
February 9, 2015
City Council Chambers
7:00 p.m.

1. Call to Order.
2. Invocation
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Bouchard, Mayor Bouley, Councilors Champlin, Coen, Herschlag, Keach, Matson, McClure, Nyhan, St. Hilaire, Shurtleff and Todd were present. Councilors Grady Sexton and Werner were excused.
5. Approval of the January 12, 2015 Minutes.

Action: Councilor St. Hilaire moved approval of the January 12, 2015 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

- Consent Agenda Items -

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

Action: Councilor Champlin moved approval of the consent agenda with item 27 being removed for discussion at the end of the agenda. The motion, as amended, was duly seconded and passed with no dissenting votes.

Items Tabled for a March 9, 2015 Public Hearing

7. 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.
8. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 17, Vehicles and Traffic, Article 17-7, Rights and Duties of Pedestrians, Section 17-7-3, the Passing of

Items to or from the Occupant of a Motor Vehicle on a Roadway; together with report from the Police Chief.

9. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Article 28-2, Zoning Districts and Allowable Uses, Article 28-5, Supplemental Standards, Article 28-7, Access, Circulation, Parking, and Loading and Glossary, Alternative Treatment Centers; together with report from the Deputy City Manager – Development. (11-10)

From the City Manager

10. Positive Citizen Comments.

Consent Reports

11. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,515.75 as provided for under the preauthorization granted by City Council.
12. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$1,500 as provided for under the preauthorization granted by City Council.
13. Council Quarterly Priorities Report from the City Manager.
14. Report from the Deputy City Manager – Finance outlining the Fiscal Policy Advisory Committee’s (FPAC) recommendation on the FY2016 tax rate target.
15. December fiscal year to date 2015 Financial Statements from the Deputy City Manager – Finance.
16. Report from the City Treasurer regarding the City of Concord’s January 15, 2015 bond sale.
17. Semi-Annual Report of Contracted Solid Waste and Recycling Services from the General Services Director.
18. Hall Street Wastewater Facility Odor Mitigation Update from the General Services Director.
19. Report from the Transportation Policy Advisory Committee recommending the development of a multi-year capital replacement program for Concord Area Transit buses. (***Revised report submitted***)
20. Report from the Transportation Policy Advisory Committee (TPAC) recommending that City Council authorize TPAC to submit a letter to the New Hampshire Department of Transportation supporting Central New Hampshire Regional Planning Commission’s intention to apply for Federal Transit Authority funding for the Boarding and Alighting Study for Concord Area Transit.

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21. Current Use Change Tax Quarterly Status Report from the Director of Real Estate Assessments.
22. Report from the Director of Real Estate Assessments on behalf of the Tax Exemption Committee regarding revisions to the existing elderly and blind exemptions and veteran tax credits.
23. Report from the Director of Parks and Recreation recommending the City Manager be authorized to amend cemetery rules.

Consent Resolutions

24. Resolution in recognition of the services of Administrative Specialist I, Betty L. Martin. *(For presentation in March)*
25. Resolution authorizing the City Manager to enter into a land transaction between the City and Unifit Energy Systems, Inc.; together with report from the Deputy City Manager – Development.

Consent Communications

26. Street closure request for the 2015 Making Strides Against Breast Cancer event to take place on Sunday, October 18, 2015.
27. Street closure request from the Concord Farmers Market Association requesting Capitol Street be closed on Saturdays from 6:00 a.m. to 1:00 p.m. beginning May 16, 2015 with an anticipated closing date of October 31, 2015. *(Pulled from consent by Councilor Keach)*

Action: Item removed from the consent agenda for discussion

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

28. **February 9, 2015 Public Hearings**

- A. Resolution accepting and appropriating the sum of \$12,500 in grant funds from the Critical Infrastructure Protection Grant 2015 for the purpose of purchasing video surveillance equipment at the Hall Street Wastewater Plant; together with report from the General Services Director. (1-10)

Action: There being no Council objection, public hearing items A and B were read together.

City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearings for items A and B. There being no public testimony, the Mayor closed the hearings.

- B. Resolution accepting and appropriating the sum of \$12,500 in grant funds from the Critical Infrastructure Protection Grant 2015 for the purpose of purchasing video surveillance equipment at the Hutchins Street Water Treatment Plant; together with report from the General Services Director. (1-11)

Action: Public hearing for this item taken with item A.

- C. Resolution authorizing the transfer and use of \$422,402.16 as allowance for abatements in the Fiscal Year 2015 General Fund Operating Budget; together with report from the Deputy City Manager – Finance. (1-12)

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.

- D. Resolution accepting and appropriating the sum of \$36,186.70 from the sale of tax deeded property located at 114 Iron Works Road for management of the tax deeded property account; together with report from the Treasurer/Tax Collector. (1-13)

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.

February 9, 2015 Public Hearing Action

29. Resolution accepting and appropriating the sum of \$12,500 in grant funds from the Critical Infrastructure Protection Grant 2015 for the purpose of purchasing video surveillance equipment at the Hall Street Wastewater Plant; together with report from the General Services Director. (1-10)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes, receiving the necessary two-thirds vote.

30. Resolution accepting and appropriating the sum of \$12,500 in grant funds from the Critical Infrastructure Protection Grant 2015 for the purpose of purchasing video surveillance equipment at the Hutchins Street Water Treatment Plant; together with report from the General Services Director. (1-11)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes, receiving the necessary two-thirds vote.

31. Resolution authorizing the transfer and use of \$422,402.16 as allowance for abatements in the Fiscal Year 2015 General Fund Operating Budget; together with report from the Deputy City Manager – Finance. (1-12)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes, receiving the necessary two-thirds vote.

32. Resolution accepting and appropriating the sum of \$36,186.70 from the sale of tax deeded property located at 114 Iron Works Road for management of the tax deeded property account; together with report from the Treasurer/Tax Collector. (1-13)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes, receiving the necessary two-thirds vote.

Reports

33. Presentation of schematic design, cost estimates, and financial pro forma for a proposed City-wide Multigenerational Community Center, CIP #443 by the Director of Redevelopment, Downtown Services, & Special Projects. (*Supplemental report submitted*)

Action: Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects, introduced the design team consisting of Gerry Blanchette, HL Turner Group, Joel Bargmann, BH+A Architects, and Ken Ballard, Ballard & King.

Mr. Walsh provided a detailed power point presentation. His presentation included an overview of the project site; the Heights neighborhood demographic; a review of the project history; review the results of the schematic design effort; branch library and Concord TV options; the budget; staff recommendation. He explained that the proposed facility would be located at Keach Park on the Heights. He provided statistical demographic information for the area of the Heights versus Airport/Manchester Road area and the city overall. He provided a history of the project explaining that it began in early 2000 with feasibility studies in 2004 and 2011. He indicated that they just completed schematic design recalling that back in August, the Council had asked that design concepts be brought forward: one to work with 1965 wing of the Dame School building; one to work with the 1940's wing of the Dame School building; and one that would be brand new.

Mr. Walsh stated that they are going to show design concepts that are really a ten percent design articulating that it's not enough of a design to hire a contractor to build it but it's enough of a design to get a contractor to give them a good order of magnitude price so that they know what it will cost; he pointed out that they have done that, as part of a design team, using Milestone Engineering Construction which is a well-known general contractor here in Concord who actually priced these concepts for them. He explained that the "A" options are the base programs and the "B" options include Concord TV and a library. Mr. Walsh highlighted some of the features of the options.

Option 1A, 1965 wing, is just under 70,000 square feet with a cost of just over \$14.1 million. It would include a turf field, a service desk, the existing cafeteria would be preserved as a large multipurpose room, the former library and some classrooms would be used as Park and Recreation offices, four multipurpose rooms/exercise rooms and a senior room, a collegiate sized gymnasium, locker rooms, a separate entrance to the rest of Keach Park, and an elevated walking track. This facility would be single story with the exception of the walking track which would be built inside the gymnasium. Option 1B, 1965 wing, is exactly the same as 1A but includes the library and Concord TV; the price increases to \$16.1 million and the addition of the library would be “bolted” on to the front of the building. Mr. Walsh added that all these concepts include 211 parking spaces. He further added that there is a service road that would come off of Loudon Road.

Options 2A and 2B includes a complete demolition and replacement of the existing structures. Mr. Walsh noted that this is an interesting concept for the Council to explore for a few reasons: the square footage drops considerably down to approximately 63,000 square feet for the base program but includes a more compact and efficient structure and would be the least expensive for the city to operate yearly. It includes a main lobby, a turf field, gymnasium, locker rooms, custodial maintenance, senior facility, a large multipurpose room, a shared kitchen, the Parks and Recreation offices would be located at the bottom side of the gymnasium, four multipurpose rooms, and a walking track inside of the gymnasium. Option 2B is similar with the difference being the addition of a library and Concord TV which necessitates the building of a two story structure in order to stay within the footprint; it would include the four multipurpose rooms plus two additional and the Parks and Recreation offices would be located on the second floor. The square footage increases from 63,000 square feet to over 76,000 square feet and would be \$16.8 million instead of \$14.1 million for Option 2A.

Option 3A, 1940's wing, includes a lobby area, gymnasium, senior room, a large multipurpose room, a kitchen, six multipurpose/exercise rooms, a turf field, and a walking track inside the gymnasium. Mr. Walsh indicated that they informally call this option the “mall option” because it has a very long central corridor similar to a commercial mall. In option 3B, the program for the space changes so rather than having the senior space, multipurpose space and office space the library takes over the share of most of this space. There would also be a 3,000 square foot space added for Concord TV. This option also necessitates adding a second story to maintain the base program of multipurpose rooms. This concept includes a building that is approximately 84,000 square feet with pricing just under \$17.4 million.

Mr. Walsh highlighted the financial summary which includes the total square footage to be built, the total construction costs, the fundraising goal, the net amount to be bonded, and the annual cost to taxpayers. He further highlighted the financial analysis for the library and Concord TV. He explained that one alternative as opposed to moving forward with any of the options would be to simply renovate the existing Dame School and the Heights Community Center. They would need to put the investment that's needed into them to hold them together to make them facilities that are usable to the public to the extent that their

programmatic limitations allow them to be. There would be just under 50,000 square feet to renovate and would include a \$7.5 million investment that would be required. He noted that the staff's recommendation is Option 2A for \$14.1 million for new construction. **(Printed powerpoint presentation on file in the City Clerk's Office)**

Referencing the basketball court, Councilor St. Hilaire noticed that there didn't appear to be any benches or seating for spectators. Mr. Bargmann indicated that the benches pull out. Councilor St. Hilaire thought he read that this was going to be similar to an enterprise fund or partly like an enterprise fund. He asked if he is assuming that there is a pro forma that will view out possible rents or if there will there be a shortfall that they will need to factor into these financial figures. Mr. Walsh responded that they did allude to operating this facility as a special revenue fund as they do the arena and golf course. He indicated that there has been a business plan prepared by Ballard & King which Council received this evening as a part of the supplemental agenda package. He explained that Ballard & King took a look at each option and estimated the operating cost and revenues associated. City Administration, to be more conservative, decided to reduce revenues in the first year by thirty percent from what Ballard & King estimated. He stated that staff has stepped that reduction over the initial five years of operating so, by year five, there will be a ten percent revenue reduction from what Ballard & King projected.

Councilor Bouchard indicated that she was a little disappointed that the cafeteria and the stage area could not be repurposed. She stated that it appeared at the community meetings that the public really wanted to save something of history within the Heights community. She inquired if there is a possibility that it could be repurposed. Mr. Walsh responded that they could go back and evaluate whether or not it's conceivable to save the cafetorium space. He stated that it's going to be a more complicated preservation of this space and speculates that it would lead to potential inefficiencies. Councilor Bouchard asked if Eagle Avenue is a pedestrian walkway. Mr. Walsh responded no stating that it's currently a piece of grassy area. Councilor Bouchard inquired whether it would be a future walkway within the plans. Mr. Walsh responded that the intention would be to have it as a service road to get to the back of the facility for maintenance purposes. It would not be a public way.

Councilor Champlin seconded Councilor Bouchard's concerns about trying to save the iconic portion of the 1940's structure.

Councilor Herschlag noticed that the lobby area in 2A is the largest but yet is the smallest facility. He inquired as to the reason for this. Mr. Bargmann replied that 2A is the one scheme that has a centralized lobby and the others are more of a linear lobby so it consolidates the circulation that emanates throughout the buildings; it was the only one that offered the opportunity to have a common area. He indicated that, from a revenue point of view, it has the kitchen close which allows for concessions being served out into the lobby space when the turf field is being used; it becomes a stronger part of the plan than just mere circulation space. Councilor Herschlag asked if there was air conditioning in the field house. Mr. Bargmann responded that it's typical not to air condition the turf centers; the reason being that most of the people that use the turf centers go outside in the summer days – the

summer months are less used on the turf facility. Councilor Herschlag asked whether the revenue figures took this into account. Mr. Bargmann responded yes. Referencing heating and ventilation, Councilor Herschlag inquired whether alternate sources were looked at. Mr. Bargmann replied that they will be looked at in the future. He explained that the trend in community centers is doing super insulated walls and ceilings so that there is not as much air conditioning or heating to provide in the first place. He noted that one of the reasons that it's less expensive on an operating cost is that there is less surface area and roof area on Option 2. Councilor Herschlag asked if Council will be given a comparison between using some innovating heating/cooling system compared to standard heating/cooling sources. Mr. Bargmann responded yes.

Referencing the library addition potential, Councilor Coen recalled that the recommendation from the study a few years ago was to have a centralized library and not to use branch libraries. He stated that this appears to be a change in philosophy inquiring whether this is the position that they want to move forward with. He asked what type of effect this would have with the concept of building a new library. City Manager Tom Aspell explained that after they had the public forums, there was a strong statement from the community that they wanted the city to explore providing library services to the Heights. He stated that the demographics clearly show that this is the most underserved and the area that could use the greatest amount of services that the library provides. Mr. Aspell pointed out that Option 2A does not include a library because there are other needs for library: the Penacook library does not serve the community well but does the best it can with the facility it has; the main library needs improvements.

Councilor McClure, referencing page 11, pointed out that there are a number of reasons why staff chose Option 2A which seems to be for mostly monetary reasons. She wondered if there were other, less monetary, reasons they chose this option as their preferred alternative. Mr. Aspell responded that the main library discussion in the past has either been acquiring a new site in the downtown area or staying on campus and expanding the existing area which is a discussion that Council needs and wants to have. He feels that the most efficient way to provide resources to the entire community is to expand the existing library or to build a new library and feels that it's important to improve the library services in Penacook. He feels that these two libraries rank ahead of building a branch library in the Heights. Referencing Concord TV, Mr. Aspell noted that since they have been in the existing community center that they operate now, they have been a great partner and he sees a great opportunity for them to improve their services, however, the cost of expanding this and having the taxpayers pay for this is quite an expense and something that the Council needs to make a decision on. He does feel that Concord TV needs to be a part of the new community center or improved existing community center but how they do that is something that needs to be discussed.

Referencing Mr. Aspell's response to Councilor McClure in regards to the library, Councilor Champlin asked if this planning is taking into account what appears to be a high percentage of the residents of the Heights who don't have access to private transportation. Mr. Aspell responded that it does.

Councilor Keach questioned whether there were any restrictions or covenants that went with the deed when the school conveyed the property to the city. Mr. Walsh recalled that there were two items: that the school has the ability to use the turf field under the existing city/school agreement just as the city has the ability to use their gymnasium space; if the city ever stops using the property the city would have to convey it back to the school district.

Councilor Herschlag indicated that he notices a difference in revenue estimates between the consultants and staff. He inquired as to how staff came up with the thirty percent difference and how does that anticipated fee structure compare with some of the existing private sector facilities. Mr. Walsh responded that Ballard & King put together revenue projections for the facility done in conjunction with the Parks and Recreation Department based on what they thought the market place would be willing to pay. Mr. Walsh explained that when City Administration reviewed the revenue estimates for year one, they wanted to be very conservative to make sure that when they were going into this that they were being as responsible as possible to the taxpayers and setting realistic expectations of what things might bring. Mr. Ballard explained that they spent a lot of time trying to benchmark the rates for different types of programs as well as admissions to the facilities. He noted that this is really a program based facility in which the greatest source of revenue is coming from programmatic uses of the space as well as rentals. Mr. Ballard noted that they did base this on what the market tells them in terms of rates to be charged; they worked with the Recreation Director to develop a fee structure that they felt matched not only the location of the facility but also reflected the values of those types of services in the greater Concord community.

Mayor Bouley indicated that Council is scheduled to meet on February 17th to discuss the outyears of the CIP and they could talk about this on that date as well. He stated that he was hoping that they could discuss what they like, what they don't like, are there other scenarios, and other things they would like see examined this evening.

Councilor Bouchard asked whether it could be explored whether it's possible to keep the small cafeteria/stage area. She would like to see if they can work out a less costly arrangement with the library such as ordering online and picking up books; something simple for people that don't have transportation.

Councilor Coen pointed out that he didn't see any schematics of what the exterior front of the building would look like. He inquired whether this is going to look like a traditional type of building or modern looking. Mr. Walsh responded that they would be happy to bring back some exterior renderings of the building; these would be very preliminary sketches which may change over time but would give Council a good idea of what they have in mind at this point.

Councilor Nyhan noted his concern with the cost of the project and the timing of the schedule of the project.

Councilor Champlin noted that, in addition to access to books, he feels that it's also important to have access to the internet and computer services for those that don't have access to these services.

Councilor Herschlag shared Councilor Bouchard's and Champlin's concerns. He added that he also has concerns in regards to the cost of this project.

Councilor Todd echoed Councilor Champlin's comments in regards to technology features being made available. He would like to see if this facility would be amenable to having this included. He also noted his concerns with the cost of the project.

Councilor Champlin moved to set this item for a March 9, 2015 public hearing. The motion was duly seconded and passed with no dissenting votes.

New Business

Unfinished Business

34. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (7-40) (8-65) (9-37) (10-36) (11-40) (12-37)(1-42) (2-56) (3-45) (4-18) (5-45) (6-42) (7-38) (8-26) (9-42) (10-41) (11-41) (12-33) (1-47) (*Action on this item tabled following a February 2013 public hearing*)

Action: This item remains on the table.

35. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14)(9-26C; 9-29) (10-37) (11-41) (12-38) (1-43) (2-57) (3-46) (4-49) (5-46) (6-43) (7-39) (8-27) (9-43) (10-42) (11-42) (12-34) (1-48) (*Action on this item was tabled after a public hearing was held on September 9, 2013.*)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Referencing item 16, Mayor Bouley congratulated Mike Jache and the entire Treasurer's Office/Finance Department for saving a lot of money by going out to the bond market.

Mayor Bouley complimented General Services for the storm clean up during/after snowstorms this winter.

Councilor Keach noted that the Black Ice Hockey Tournament was another success. He recognized the work of Parks and Recreation and General Services during this event.

Councilor Todd indicated that Friends of Poulin Park are continuing to raise money for the renovation of the park including the construction of a new gazebo; they have a “buy a brick” program that people can participate in. For more information people can visit penacook.org.

Councilor Bouchard announced that the new Parks and Recreation brochure is available.

Councilor Herschlag noted that there will be a Ward Two meeting at the Newell Post Restaurant at 6:00 p.m. on Friday, February 20, 2015. Everyone is invited to attend.

Comments, Requests by the City Manager

City Manager Tom Aspell inquired as to what time the Council wished to meet for their workshop on Tuesday, February 17th.

The consensus of the Council was to meet at 5:30 p.m. on February 17th.

Consideration of items pulled from the consent agenda for discussion

- Item 27 has been pulled from the consent agenda for discussion.
27. Street closure request from the Concord Farmers Market Association requesting Capitol Street be closed on Saturdays from 6:00 a.m. to 1:00 p.m. beginning May 16, 2015 with an anticipated closing date of October 31, 2015. (*Pulled from consent by Councilor Keach*)

Action: Councilor Keach noted that he feels that this is a wonderful event that draws a lot of people downtown. His concern is that, as an organization, they pay one vendor fee of approximately \$1,500 and there are forty independent businesses that participate. He feels that this is an unfair advantage for them. He would like to see Council approve the application and the closing of the street for the coming year, but refer this to staff to see if maybe a different ordinance could be drafted that would recognize that an umbrella organization, that represents forty individual businesses, perhaps should pay a fee that is substantially more than \$1,500 going forward.

Councilor Keach moved to approve this street closure request, refer this item to Legal and Community Development, and research what other communities do in licensing/permitting this type of organization. He stated that he is very supportive of the organization but is only concerned that they are not paying their fair share. The motion was duly seconded.

Councilor Herschlag inquired as to how the city deals with vendors when they come in for Market Days or other short term events. Mr. Aspell responded that they pay a fee structure. He indicated that he will bring that information forward as part of this.

Mayor Bouley stated that he feels that the Farmers Market is one of the most successful venues in the city. He stated that the big issue for him is how they structure this so they don't price out people who they want to encourage to create events in the city. He stated that it's not as simple as just the Farmers Market, it's a much bigger picture of what they want to encourage with the fee structure and what do they want to make sure is fair to the existing businesses.

Councilor McClure asked if the Arts Market is the same type of umbrella type of organization as the Farmers Market. Mr. Aspell responded that his understanding is that it was held separately but at the same time. Councilor McClure inquired whether they pay the same way; one dollar amount for multiple entities. Mr. Aspell responded yes.

Councilor Keach noted that he didn't mean to single out the Farmers Market but did want to hold this up as an example that they need to have this discussion. He pointed out that there are many examples of this in the city.

Councilor Champlin feels that this is a good thing to look at but wants to reiterate that they need to be careful in making sure that they foster the kinds of activity and businesses that add to downtown and generate the activity that the city needs.

Councilor Keach's motion passed with no dissenting votes.

Mayor Bouley reminded Councilors to complete and submit their questionnaires for the City Manager's review.

Consideration of Suspense Items

Adjournment

The time being 8:34 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*