



# City of Concord

## City Council

### Meeting Minutes

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Monday, December 11, 2017

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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*Non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to be held at 6:30 p.m.*

1. Call to Order.

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

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

**Present:** 13 - 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 Dan St. Hilaire, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 2 - Councilor Keith Nyhan, and Councilor Stephen Shurtleff

5. Approval of the Meeting Minutes.

November 13, 2017 City Council Meeting Minutes.

**Action:** Councilor Todd moved approval of the November 13, 2017 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Resolution proclaiming December 2017 as Capital Region Food Program Month.

**Action:** Steve Painchaud, Chair of the Capital Region Food Program, and Maria McManus Painchaud, Treasurer of the Capital Region Food Program were present to receive the resolution. Ms. Painchaud indicated that this is the 44th Annual Holiday Food Basket Project noting that they will provide baskets for approximately 2,000 families in Concord and surrounding communities. She pointed out that they are all volunteers and they use approximately 1,000 volunteers to accomplish this.

7. Presentation by Unitil of \$50,964 donation for Arena Lighting and Chiller Projects.

**Action:** Chip Chesley, General Services Director, explained that they have been on a long term effort to reduce the energy that the arena consumes. He indicated that when they first started the energy work they were using upwards of 600,000 kilowatt hours and are looking at using about 280,000 to 290,000 in the coming year.

Gary Miller, Unitil, presented a check in the amount of \$50,964 to the city.

8. Agenda overview by the Mayor.

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

*Approval of the Consent Agenda*

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

**Items Tabled for January 8, 2018 Public Hearings**

9. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code; Article 30-3, Boards and Commissions, Economic Development Advisory Council; together with a report from the Deputy City Manager-Development.

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

10. Ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 35, Classification and Compensation Plan, Article 35-2, Compensation Plan; together with report from the General Services Director and the Director of Human Resources and Labor Relations.

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

**From the City Manager**

11. Positive Citizen Comments.

**Action:** This positive comments was received and filed.

**Consent Reports**

12. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,897.83 as provided for under the

pre-authorization granted by City Council.

**Action:** This consent report was approved.

13. Diminimus gifts and donations report from the Director of Human Services requesting authorization to accept monetary gifts totaling \$650.00 as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

14. Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2017.

**Action:** This consent report was approved.

15. Report from the Associate Engineer recommending using \$25,000 of unexpended funds from the FY2017 Sanitary Sewer Main Rehabilitation Project (CIP #91) to support needed sewer repairs/upgrades in conjunction with the FY 2017 Water Main Replacement Project.

**Action:** This consent report was approved.

16. Report from the City Manager requesting authorization for Concord Area Transit to use unexpended funds for their Complementary Paratransit Bus Service

**Action:** This consent report was approved.

17. Reports from the Conservation Commission and the Recreation and Parks Advisory Committee in response to the City Council Referral regarding hunting on Conservation Land.

**Action:** This consent report was approved.

### **Consent Resolutions**

18. Resolution authorizing the City Manager to divest of the East Concord Community Center located at 18 Eastman Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects

**Action:** This consent resolution was approved.

19. Resolution authorizing the City Manager to apply for, and accept, up to \$45,000 from the NH Department of Environmental Services for Household Hazardous Waste Collection and Special Project Grants; together with report from the General Services Director.

**Action:** This consent resolution was approved.

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

### **Public Hearings**

20A. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, including Schedule X; together with report from the Parking Committee. (Supplemental report from the Director of Redevelopment, Downtown Services, and Special Projects; together with public testimony submitted)

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

City Manager Tom Aspell provided a brief overview.

Councilor Coen thanked the members of the Parking Committee including Councilors Champlin, Kenison and Todd. He explained that this has been a three to four year project and the eye opening and key part was hiring the consultant to look at Concord itself and the parking issues; the issue about parking in Concord is not that they don't have parking spaces but its just how they are allocated and utilized. He stated that during this process, they found out what the weaknesses are in the parking fund and why it became that way. Councilor Coen indicated that because of the amount of public hearings they had and hundreds of citizens that attended in those years, they came up with what he feels is a very strong consensus from the committee of how to make the parking fund solid again, in the black, and also make the parking, not only in the downtown but in the neighborhoods, more efficient.

Mayor Bouley opened the public hearings for items A, B and C.

### **Public Testimony**

Roy Schweiker, resident, referenced meter feeding noting that it forbids one from adding coins to the meter to bring it over the time but doesn't prohibit one using other methods to bring it over the time. He noted that the ordinance only provides for fees based upon the parking time but doesn't include anything in regards to adding fees for credit cards or cell phones. He feels that there needs to be clarification in regards to the resident permit questioning whether its registered to the person or a vehicle. He noted that, under the regulations for parking in a zone, you cannot park in a zone more hours within a day and feels that this needs to be

clarified. He noted his concerns with parking within the city.

Charlie Russell, resident, noted his concern with the lack of public members on the Parking Committee. Noting his concern with the \$670,000 of unpaid parking tickets, he feels that they city should come up with a solution to collect these parking fees. He pointed out that there are 40 to 60 cars a day on the south end of Storrs Street but no meters with the Capital Commons Parking Garage 250 yards away that is being underutilized, suggesting to place meters on that street. He urged the Council to reject or table the report, appoint the six public members to the committee and hold public hearings. He worries that the system isn't working and feels that the public needs to become more involved. (Mr. Russell's distributed correspondence on file at the City Clerk's Office).

Councilor Herschlag inquired whether Mr. Russell feels that the parking fund should be self supported through fees and fines or whether it should be supplemented through the general fund. Mr. Russell replied that it seems to him that if it was self supporting before that perhaps they should continue that and if the purpose of TIF and deferring taxes going into the general fund is to build up some revenues there, that maybe they should look at paying for that public improvement from TIF funds. He noted that a committee with public members might have a little better objective analysis.

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

- 20B Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties, including Schedule I and II; together with report from the Parking Committee. (Supplemental report from the Director of Redevelopment, Downtown Services, and Special Projects; together with public testimony submitted)

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

- 20C. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-2, Restricted Residential Parking Areas; together with report from the Parking Committee.(Supplemental report from the Director of Redevelopment, Downtown Services, and Special Projects; together with public testimony submitted)

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

- 20D. Resolution determining the proposed project has a public benefit and approving an

application by South Pleasant Street LLC for a six year RSA 79-E Community Revitalization Tax Relief Incentive for the renovation of real estate located at 5-7 South State Street; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

**Action:** City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

### **Public Testimony**

Newton Kershaw, Principal of Elm Grove Companies, indicated that they currently own and operate over 1,000 apartments in New Hampshire and some in Massachusetts; they have done projects in over sixty communities in the state but hadn't found the opportunity to do a project here until approximately three years ago. At that time, he indicated that they looked at this building and three others that they bought at the same time to do this project but had decided not to explaining that the difference between three years ago and today was the implementation of the Main Street project. He thanked city staff for their efforts noting that they have been engaged and responsive throughout and willing to make common sense decisions to move their efforts forward in this development.

Mr. Kershaw noted that he will be asking and answering questions explaining that he believes that they are pertinent for an RSA 79-E type of conversation: 1) Is the proposed development right for Concord? Mr. Kershaw noted that he would like to talk, not only about this property in question, but all four buildings on Pleasant Street and South State Street, one block off of Main Street. They acquired four buildings at the end of September with the total square footage being over 40,000 with forty one apartments and 18,000 square feet of commercial space - there will be three restaurants, one existing and two new, and two retail spaces that will persist. He explained that the property on South State Street will have 28 apartments which will be done in a very high level of finishes that will be attractive to people of financial means who want to live approximate to the downtown area. He noted that he did a quick analysis of how many apartment units there had been before they acquired this development versus how many there will be and determined what extra disposable income those residents before would have had to spend and what that disposable income would be with the forty one apartments afterwards. He stated that the difference is approximately \$75,000 worth of disposable income before versus approximately \$600,000 worth of disposable income afterwards. For these reasons, he feels that this development is positive for

Concord. 2) Does the project make financial sense for Concord? Mr. Kershaw indicated that he articulated the disposable income question and feels that the other item to discuss is tax base. He noted that if this project doesn't happen there is a tax base of \$1,011,000 for that building if it persists as such into the future; if something like this is to happen because of incentives, then in six years there is a tax base of \$2.5 million which repeats into the future.

Mr. Kershaw noted that a virtuous cycle has been started by the city by having foresight in the redevelopment of downtown. He pointed out that there are other buildings downtown that have upper levels which do not currently have residences. They would like to continue to do these types of things stating that these projects are not the most lucrative projects that they do. He stated that they are mission driven and they want to do downtown redevelopment as opposed to just commodity apartments. He noted that this is the type of thing that incents them to do these types of projects.

Kir Harris, Elm Grove Companies, added that it's important to note the public benefit that they are looking at here. He stated that he is proud to say that, of the five different benefits that somebody can shoot for to receive an RSA 79-E, they are able to check the boxes on four of the five: they are enhancing the economic vitality of the downtown area, they are enhancing and improving a historically and culturally important building, they are working to promote a municipal center, and are creating residential housing downtown.

Councilor Herschlag noted that he feels that this is something that will have a positive impact in the community, however, he is concerned about the granting of a tax abatement to them explaining that it puts an additional burden and what they are doing is subsidizing them at the expense of the taxpayers in the community. He asked why the community should subsidize them if they have enough confidence in this project that it will be profitable and make money in the future. Mr. Kershaw responded that he wouldn't use the word subsidizing. He has spent a lot of time with RSA 79-E explaining that it was not yet adopted in Rochester before they wanted to proactively work with the City of Rochester and teach them about it in which they could then do a project with its help that they wouldn't otherwise be able to do. As a result, they were able to renovate a 22,000 square foot building in the middle of downtown Rochester and increase the tax base from which taxes would be derived in the future. He doesn't view this as a subsidy because they have what they have right now - the building is what it is and is assessed at a million dollars; if they don't do a project, then that is what the taxation will be based upon.

He explained that without RSA 79-E, they can't do project like this. They need partnerships with cities such as Concord to do these types of projects.

Councilor Keach asked, if RSA 79-E wasn't available, would they be in Concord at all. He questioned if there are communities that were avoided because they didn't have this opportunity. He further asked if they had a responsibility to their investors to take advantage of every opportunity they can to do the project in the most economical way possible. To the latter question, Mr. Kershaw responded that they do have a responsibility to do projects most economically. He stated that, without RSA 79-E, they would not have put an offer on these properties because it wouldn't make financial sense. He pointed out that until three years ago, while they did business in sixty communities across the state, they hadn't once done a deal in Concord.

Referencing the first property, Councilor Champlin pointed out that the Assessing Department estimates that, at the end of the property tax abatement in seven years, this property will be worth \$2.475 million and asked the City Manager what the likelihood, without redevelopment, of the property in seven years being worth that. Mr. Aspell responded that without redevelopment he doesn't feel that there is a chance. Councilor Champlin asked what the possibility is with the redevelopment with the RSA 79-E tax opportunity. Mr. Aspell responded that what they are trying to do is trigger the redevelopment within this area; these are historically significant buildings in which they are going to tackle and, just as the other properties redeveloped because of what was done with Main Street, those are going to spur other projects to happen and rebound back on the values of the buildings. Councilor Champlin inquired whether one of the goals of the downtown redevelopment was to encourage upper story development. Mr. Aspell replied that its to encourage both upper story redevelopment and market rate housing downtown.

Roy Schweiker, resident, noted that he doesn't oppose the project but believes that the city needs to amend the agreement to protect the rest of the city from undue expenses of the project. He feels that the city should make a commitment that they will exempt from the TIF district as much valuation from this project as needed for the school district to pay for whatever children are there. He further feels that another part of the agreement should be that the developer agrees that the taxable valuation of these projects is going to be what they put into it at the end of the six years.

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



20E. Resolution determining the proposed project has a public benefit and approving an application by South Pleasant Street LLC for a six-year RSA 79-E Community Revitalization Tax Relief incentive for the renovation of real estate located at 15-17 Pleasant Street; together with report from 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.

20F. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines, and Penalties, by amending the fee for Chapter 26 - Building Code, Section 26-16-4, Fire Prevention Schedule, Tents and Air-supported Structures; together with report from the Deputy Fire Chief.

**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.

20G. Resolution authorizing the City Manager to continue implementation of the Revolving Loan Fund Program and appropriating the sum of \$260,586; together with report from the Director of Redevelopment, Downtown Services and 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.

20H. Resolution authorizing and appropriating the sum of \$975,000 as a transfer to reserves; funding for this appropriation shall be entirely from Fiscal Year 2017 General Fund Assigned Fund Balance; together with 2017 Year End report from 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.

- 20I. Resolution appropriating the sum of \$50,000 from reserves as a supplemental appropriation to the City's General Fund for furniture/equipment purchase and replacement and education and training. Funding for these purposes shall be entirely from Trust Fund Reserve Accounts.

**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.

- 20J. Resolution appropriating \$51,000 from the Economic Development Reserve to fund the Public Information Officer (PIO) position; together with report from the Deputy City Manager-Development.

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

- 20K. Resolution accepting and appropriating the sum of \$11,133.46 in grant funds from the New Hampshire Highway Safety Agency, funds designated for conducting Distracted Driver Enforcement Patrols; together with report from the Police Department.

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

- 20L. Resolution accepting and appropriating the sum of \$24,053.78 in grant funds from the New Hampshire Highway Safety Agency, funds designated for DWI/Impaired Driver Patrols; together with report from the Police Department.

**Action:** City Manager Tom Aspell indicated that there are no matching funds involved.

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

- 20M. Resolution accepting and appropriating the sum of \$27,270.92 in grant funds from the New Hampshire Highway Safety Agency, funds designated for Sustained Traffic Safety Enforcement Patrols (STEP); together with report from the Police Department.

**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.

- 20N. Resolution authorizing and appropriating the sum of \$93,490 for Fiscal Year 2018 operating expenses for the City-Wide Community Center; together with report from the Parks and Recreation Director.

**Action:** City Manager Tom Aspell provided a brief overview.

Councilor Herschlag inquired whether its known what the revenue is going to be in relation to these expenses. David Gill, Parks and Recreation Director, pointed out that there is a revenue line at the end of the report for program/event fees and camps of a total of \$162,308. Councilor Herschlag asked if the revenues would exceed the expenses. Mr. Aspell responded no explaining that this is going to open on June 1st so it includes only one month of the fiscal year. He noted that what they showed were numbers for fiscal year 2019 - a full year of revenue is estimated at \$162,308 and the expenses would be \$329,051 for a net expense of \$166,743 for the recreation side. He noted that there is not a lot of revenue from the library side but just expenses of \$46,003. He indicated that there are anticipated savings from expenses reduced from the Heights gym not being used; the total net cost of \$204,967. Referencing the recreation side, Councilor Herschlag inquired whether fifty percent of the expenses would be generated by revenue. Mr. Aspell confirmed that to be right.

Councilor Coen indicated that they are using a construction management process versus a traditional bid process asking whether its felt that this was the right way to proceed. Mr. Aspell feels that they should use this process on the next project explaining that it not only moves things around faster but also saves money. He noted that if they find the right construction manager who knows their job and is willing to work with the community, he feels this is the best way to go.

Councilor Herschlag asked whether its known what the difference in revenues and expenses are from what they are currently paying compared to what it will be. Staff was unsure of the difference.

Mr. Gill showed slides of renderings via a powerpoint presentation.

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

- 20O. Resolution accepting and appropriating the sum of \$20,596 from the New Hampshire Charitable Foundation to support projects that enhance the special

character and vitality of Concord; together with 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.

### **Public Hearing Action**

21. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, including Schedule X; together with report from the Parking Committee. (Supplemental report from the Director of Redevelopment, Downtown Services, and Special Projects; together with public testimony submitted)

**Action:** Councilor St. Hilaire asked whether or not the meter feeding ordinance applied to the app. Matt Walsh, Director of Redevelopment, Downtown Services and Special Projects, responded that staff will look at the ordinance explaining that they are not going to the pay by cell app immediately. He explained that the way those apps work is that they are set up by various zones throughout the city.

Councilor Herschlag referenced the public hearing at the Red River Theatre noting that there was a discussion about not using nickels and dimes in the kiosks. Mr. Walsh responded that to be correct. He noted that there are 85 kiosks that are currently deployed downtown and explained that dimes can sometimes be problematic for the kiosk machines because they can cause jams. He indicated that there is a recommendation within the Parking Committee report that references going to quarters only. If they are going to do this, they would initially do it for the kiosk machines only because the city has over 375 mechanical meters that rely on coin.

Mayor Bouley clarified that this is not on the agenda for this evening. Mr. Walsh agreed that they would not be changing that this evening.

Councilor Herschlag inquired whether this ordinance would take effect in July 2018. Mr. Walsh responded that to be correct.

Councilor Bouchard inquired whether the apartment on Pitman Street has a parking lot. Mr. Walsh responded that there is a small parking lot but is unsure of the amount of spaces and as to how many people in the apartment building have vehicles. Councilor Bouchard inquired what street someone would be parking on,

Montgomery, State or Main Streets, if they are visiting a resident within that apartment building. Mr. Walsh responded that they may be parking on any of those streets.

Mayor Bouley explained that this ordinance taking effect on July 1, 2018 is true for most of it except for those in which they are going to add meters on Concord Street, Dixon Avenue and portions of South Main Street from 76 South Main Street to Turner Avenue which will go in effect when the meters are installed.

Councilor Champlin moved approval. The motion was duly seconded.

Councilor Herschlag pointed out that page six, item five of the Sears Block TIF amended agreement and plan indicates that the Storrs Street Garage shall be financed through the city parking funds. He noted that the question is where does or where should those funds come from. His opinion is that those funds should come from people that use the system. What he finds particularly difficult is that the parking garages are only charging fifty cents when they are still going to wind up subsidizing the parking fund or the parking garages through the TIF district. He noted that while they freed up some of that money from the parking fund by shifting some costs to the general fund, he is concerned that by not charging a reasonable amount in the parking garages, they are continuing to add costs to the community rather than moving closer to a system that pays for itself that's self sustaining.

Councilor Herschlag moved to raise the parking garage fee to 75 cents and to include Saturdays also.

Mayor Bouley inquired as to what section of the ordinance the amendment is for. For clarification, the Mayor asked if Councilor Herschlag is suggesting that, in this ordinance, they were somehow shifting items from the parking fund to the general fund. Councilor Herschlag responded that he is not suggesting he is stating. Mayor Bouley stated that he wants it to be clear to the public as to what this ordinance does and what it does not do. In terms of the shift, the Mayor indicated that the report talks about this but will be taken up during the budget process in May or June with sufficient public hearings and discussions on these items; they are not within this ordinance this evening. Councilor Herschlag noted that this is the way he understands it. His concern is that the parking fund is not moving towards self sufficiency and it is his opinion that, by charging 75 cents in the parking garages, it is not going to discourage people from parking in them.

Mayor Bouley asked if Councilor Herschlag is moving to amend section b of page four, parking garages and parking lots of the ordinance. Councilor Herschlag responded that to be correct adding that he would like to also change it from Monday through Saturday as opposed to Monday through Friday. Mayor Bouley pointed out that this is a different section of the ordinance so they can take them one at a time.

The motion to raise the rates from 50 cents an hour to 75 cents an hour in the parking garages did not receive a second.

Councilor Herschlag indicated that he is not making a further amendment in regards to section 18-3-3, periods of metered parking time established, section b for parking garages and lots.

Councilor St. Hilaire noted that he feels that this is a great report but he has a concern with the plan for the outyear which is 2020 when they start talking about metering or placing restrictions on neighborhoods that are further out. He feels that there are other ways to collect revenue pointing out that Storrs Street still remains free under this plan. He doesn't feel comfortable voting for a plan that's going to put restrictions on their neighborhoods and still allow free parking on Storrs Street which truly is part of the downtown district. He further stated that the unpaid fines are a concern for him also.

Councilor St. Hilaire moved to amend Schedule X in section two; he can't list all the streets noted that the streets are listed within appendix four in the report. Everything in yellow slated for 2020 on page 27 within the report, would have to be cross referenced back to the ordinance. The motion was duly seconded.

Mr. Walsh responded that there are no streets in Schedule X that are part of the fiscal 2020 proposal. Councilor St. Hilaire inquired in regards to South Street from Pleasant Street to 230 feet down South Street. Mr. Walsh explained that there is a small section on South Street that runs the opposite side of the street of the federal court. He is unsure about the west side of the street noting that he believes there are a few meters there but some of them may have been lost when the federal government decided to place large granite blocks around the federal building to fortify it on South Street.

Councilor St. Hilaire asked if none of the streets for 2020 are listed within this

ordinance. Mr. Walsh responded that to be correct. Councilor St. Hilaire pointed out that they are listed within the report. Mr. Walsh replied that to be correct but explained that what Council has before them is the basic ordinance to begin implementing pieces of the report that talk about being implemented in fiscal 2019; anything that is not coming up as part of that July 1, 2018 implementation is not there. Councilor St. Hilaire inquired as to what the proposal is to come back to the Council for the rest of the ordinance. Mr. Walsh replied that they wanted to get some of these items teed up now and for items that require appropriations, they would come forth during the budget process. Referencing the streets in blue in the expanded meter zones, Councilor St. Hilaire questioned whether these are included within the ordinance this evening. Mr. Walsh responded that to be correct.

Councilor St. Hilaire withdrew his motion. The second was also withdrawn.

Mayor Bouley clarified that the report is more of a big picture strategic plan but the ordinance before them is simply what they are doing this evening and is not reflective of everything within the report.

Councilor Todd noted that this is a starting point which is the intention of the Parking Committee; a starting point in which can be built upon.

Mayor Bouley pointed out that the big ticket items within this ordinance include: Storrs, School and State Streets garages the hours of operation were changed 8 to 5 to 9 to 7; Hills Avenue lot, library parking lot, Prince Street goes from two hour parking to ten hour parking; Saturdays would be metered from now on from 9:00 a.m. to 7:00 p.m.; you would be able to back into your spaces in the garage; 75 cents an hour to \$1.00 an hour on the on-street meter space and kiosk; Schedule X.

Councilor Herschlag recognized the time the Parking Committee and staff put into this proposed ordinance and report. He noted that he finds himself in a position in which he is not able to support this item with the reason being because he doesn't feel the balance between user fee and tax payer funded is the correct balance. He feels that more of an effort should be made for the fund to be able to sustain itself.

Mayor Bouley asked what, in the ordinance, Councilor Herschlag is opposed to. Councilor Herschlag responded that the biggest opposition he has is the fees for the parking garage; his opposition is a lack of revenue being generated not any of the other changes.

The motion to approve the ordinance passed 12 to 1 on a roll call vote with Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Keach, Kenison, Kretovic, Matson, St. Hilaire, Todd, Werner and Bouchard voting yes. Councilor Herschlag voted no.

22. Ordinance amending the Code of Ordinances; Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties, including Schedule I and II; together with report from the Parking Committee. (Supplemental report from the Director of Redevelopment, Downtown Services, and Special Projects; together with public testimony submitted)

**Action:** Councilor Coen moved approval. The motion was duly seconded.

Mayor Bouley highlighted the major changes: the parking meters changing from 75 cents to \$1.00 on the kiosks; permit for a day increases from \$10.00 to \$15.00; expired meter fine goes from \$10.00 to \$15.00; no parking zones; reserved space; not within the lines.

Councilor Todd pointed out, in light of earlier comments that fees were not high enough, they had a similar discussion with regard to the penalty fees. He noted that the thought was to try to not make them too hard of a hit initially and looking forward, the recommendation of the Parking Committee is to revisit these fees more frequently than has been in the past.

Mayor Bouley indicated that he will be voting no on this ordinance explaining that his specific issue is with the expired meter. He has said consistently that its not necessary to raise the expired meter fee from \$10.00 to \$15.00. He noted that these are significant penalties that add up fairly quickly.

Councilor Coen stated that he will be voting for this ordinance. He explained that what its also supposed to do is help people on making a conscientious decision of not getting tickets. He indicated that part of the concept for the parking garages staying at 50 cents an hour is to make it affordable for people that do work downtown.

Councilor Herschlag inquired in regards to the two different time frames on a parking ticket. Mr. Walsh explained that the front side of the ticket had business days or calendar days and the back side had the opposite of what the front said. He noted that the issue was that there was a glitch in the field of how much text you can have on one side of the ticket stating that this has been addressed by staff.



The motion to approve passed on a voice vote.

23. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-2, Restricted Residential Parking Areas; together with report from the Parking Committee.(Supplemental report from the Director of Redevelopment, Downtown Services, and Special Projects; together with public testimony submitted)

**Action:** Councilor Coen moved approval. The motion was duly seconded.

Mr. Walsh explained that this is to clean up the existing ordinance for the area around the UNH Law School establishing that there will be annual renewals on these. He clarified that they are not expanding any new resident parking area; they are keeping with the current four streets.

Councilor St. Hilaire stated that because he is voting for the permits does not mean that he also supports the addition of the zones.

The motion passed with no dissenting votes.

24. Resolution determining the proposed project has a public benefit and approving an application by South Pleasant Street LLC for a six year RSA 79-E Community Revitalization Tax Relief Incentive for the renovation of real estate located at 5-7 South State Street; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

Councilor Herschlag indicated that he will be voting against this item stating he finds it difficult that they are not going to be able to pay approximately \$65,000 a year in taxes. He feels that a company with this much experience would have know what the financial landscape would look like. He indicated that this is in the TIF district so not only is the city not getting any of the funds but they are extending the timeframe where money in the TIF district won't be available to pay for citywide and school services. He noted his concerns with not seeing any of the pro formas.

Councilor Coen noted that Council passed 79-E to encourage development in the downtown area and also in Penacook. As he understands, the taxes are not going down, they will be at the same level as it is currently; six years from now they will recoup those taxes. He feels that this is an investment that they, as a Council and

the city, are doing so that they will benefit several years later from it. He stated that this is an incredible opportunity to increase value of property downtown and for rehabbing buildings.

Councilor Todd noted his agreement with Councilor Coen. He feels that every project like this that does meet the qualifications that they can approve and accept is one of the many building blocks that they can utilize to create the vision that they want for their community which includes long term economic gain and tax savings to residents. He noted that if they don't have tools such as 79-E available to them, they are at a disadvantage and they will not be able to succeed as they hope to.

Councilor Kretovic echoed Councilors Todd and Coen's sentiments. She feels that this is a phenomenal project and feels that 79-E can really launch the market rate housing that they are looking for in this area.

Councilor Champlin stated that the 79-E strategy that they adopted is intended to grow the economy downtown and to improve the infrastructure downtown. He stated that he will be voting in favor of this resolution.

Councilor Werner noted that he will be voting in favor of the motion stating that these are exactly the kind of investments that they need to be making and he looks forward to more and more opportunities like this.

Councilor Herschlag stated that it's not like he doesn't feel that it is a valuable tool; he strongly supported using 79-E with the Remi project because he feels that it was a valuable building to save and the resources weren't there without 79-E. He is not convinced that this is the case here. He stated that, because he is voting against this, doesn't mean that he's against renovating and the redevelopment of downtown. He pointed out that it's his understanding that the intent of a TIF district is to set the stage to spur development and feels that the TIF district has done this. He doesn't know how much more that the taxpayers of the community should continue to contribute once the district has shown itself to be successful. He feels that this project has the possibility to go forward without further contribution from the taxpayers.

Mayor Bouley feels that there has been some comments made this evening that he doesn't think reflects accuracy. He pointed out that it's important for the taxpayers of the community to understand that nothing is being reduced or lessened and is just simply being frozen at the existing assessed value which is what the

owner/developer will continue to pay taxes on. He explained that they have been very careful at how they have taken on 79-E noting that, of the six that have been granted thus far, five have now been increased to the new higher assessed value because of the successful projects that have happened. The remaining one that was done in 2014, the Remi Block, was granted for five years and soon will come on at the new assessed value. He feels that the long term benefit is what this community is looking for in regards to economic development. Lastly, in regards to the pro formas, of the six that were approved in the past the city staff has seen and reviewed those noting that they are the professionals that are paid within the city to do this job. He is very confident that, based on the recommendations of the administrative team, there is a need to move forward on this.

The motion to approve passed 12 to 1 on a roll call vote with Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Keach, Kenison, Kretovic, Matson, St. Hilaire, Todd, Werner and Bouchard voting yes. Councilor Herschlag voted no.

25. Resolution determining the proposed project has a public benefit and approving an application by South Pleasant Street LLC for a six-year RSA 79-E Community Revitalization Tax Relief incentive for the renovation of real estate located at 15-17 Pleasant Street; together with report from Director of Redevelopment, Downtown Services & Special Projects.

**Action:** Councilor St. Hilaire moved approval. The motion was duly seconded and passed with one dissenting vote by Councilor Herschlag.

26. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines, and Penalties, by amending the fee for Chapter 26 - Building Code, Section 26-16-4, Fire Prevention Schedule, Tents and Air-supported Structures; together with report from the Deputy Fire Chief.

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

27. Resolution authorizing the City Manager to continue implementation of the Revolving Loan Fund Program and appropriating the sum of \$260,586; together with report from the Director of Redevelopment, Downtown Services and Special Projects.

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

28. Resolution authorizing and appropriating the sum of \$975,000 as a transfer to reserves; funding for this appropriation shall be entirely from Fiscal Year 2017 General Fund Assigned Fund Balance; together with 2017 Year End report from Deputy City Manager-Finance.

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

29. Resolution appropriating the sum of \$50,000 from reserves as a supplemental appropriation to the City's General Fund for furniture/equipment purchase and replacement and education and training. Funding for these purposes shall be entirely from Trust Fund Reserve Accounts.

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

30. Resolution appropriating \$51,000 from the Economic Development Reserve to fund the Public Information Officer (PIO) position; together with report from the Deputy City Manager-Development.

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

31. Resolution accepting and appropriating the sum of \$11,133.46 in grant funds from the New Hampshire Highway Safety Agency, funds designated for conducting Distracted Driver Enforcement Patrols; together with report from the Police Department.

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

32. Resolution accepting and appropriating the sum of \$24,053.78 in grant funds from the New Hampshire Highway Safety Agency, funds designated for DWI/Impaired Driver Patrols; together with report from the Police Department.

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

33. Resolution accepting and appropriating the sum of \$27,270.92 in grant funds from the New Hampshire Highway Safety Agency, funds designated for Sustained Traffic Safety Enforcement Patrols (STEP); together with report from the Police Department.

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

34. Resolution authorizing and appropriating the sum of \$93,490 for Fiscal Year 2018 operating expenses for the City-Wide Community Center; together with report from the Parks and Recreation Director.

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

35. Resolution accepting and appropriating the sum of \$20,596 from the New Hampshire Charitable Foundation to support projects that enhance the special character and vitality of Concord; together with report from the Deputy City Manager-Finance.

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

### **Reports**

36. Report from the Parks and Recreation Director on Terrill Park Design Plans.

**Action:** City Manager Tom Aspell provided an overview.

Councilor Kretovic indicated that she appreciates the private sectors interest in building something on 106; the interest that she has always had with this project is what it does for the residents that are right here in this area of the city and not out on 106. She noted that they don't have a good game field for this area of the population and feels that this is important for long term goals in making this connection from Manchester Street over to Loudon Road along the Merrimack River Greenway Trail.

Councilor Matson echoed Councilor Kretovic's comments and added that the location has been a blight for such a long time. She feels that its important for them to put the work into it to develop it for the residents of the city as well as Ward 8 and to provide those opportunities for connections for future that Councilor Kretovic had mentioned. She indicated that the blight aspect is a larger one for her.

Councilor Bouchard looks at this park as a destination park for everyone and feels that it could be a crown jewel for the city. She is happy that the private sector is building some fields but feels that this is a park that will have something for

everyone even if they are not using the multi-use fields. She would like to move forward with this.

Councilor St. Hilaire shares the sentiments of the three previous Councilors and likes the new redesign. He doesn't feel that they should shy away from the private team looking to build a field but look at it as an opportunity; it may be an opportunity for them to lease this field to them if the city goes first and they may forgo construction of their field.

Councilor Herschlag noted that in the beginning of the report it references that without developing this parcel, the riverwalk trail may not be used because it may not be safe. He stated that he is not going to disagree with this but doesn't feel that they need to put in a \$3 million turf field in order to make that area safe enough for people to utilize. He continues with his objections that they still don't have a facility plan for Memorial Field. He noted that they don't know what the operating and maintenance costs will be going forward and they do not know what the revenue stream will be. He feels that they can do a nice park there that will meet the needs of the community without moving forward with a \$3 million turf field.

City Manager Tom Aspell believes that there are grant funded opportunities noting that the city does not have a fully inclusive playground facility and this may be a good location for something like this. He noted that there are additional dollars out there for other aspects of this plan that may be available for grants; there are other organizations that have expressed interest in participating financially if they were to move ahead with a project such as this. In terms of Memorial Field, Mr. Aspell recalls that the Recreation and Parks Advisory Committee looked at this field and made a determination that they would have to disassemble the entire facility triggering a redesign and reconstruction of this field. He noted that RPAC had indicated that instead of focusing and putting all the assets of the community for recreational purposes in one place to serve essentially the high school which uses it 80 percent of the time, focus on doing a park master plan and doing other resources throughout the community.

Councilor Keach feels that this is an opportunity to raise the question with the school district and suggest they bear some responsibility.

Councilor Bouchard moved acceptance of the report and approve the continuing design for Terrill Park. The motion was duly seconded and passed with one dissenting vote by Councilor Herschlag.

**New Business****Unfinished Business**

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

**Action:** This item remains on the table.

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

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

**Referrals to the Transportation Policy Advisory Committee**

- Sus1. Communication from Councilor Matson, on behalf of a constituent, requesting safety procedures be considered relative to the parking of delivery vehicles on Main Street in relation to pedestrians in crosswalks.

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

- Sus2. Communication from Councilor Champlin requesting that consideration be given to the installation of, children at play, signage on Chapel Street in Concord.

**Action:** After Council discussion occurred in regards to the proper committee to refer this communication to, Councilor Coen moved to refer this communication to the Traffic Operations Committee. The motion was duly seconded and passed with no dissenting votes.

**Adjournment**

Council discussion occurred in regards to the inauguration of the Council. Council agreed to meet at 6:30 p.m. a half hour prior to their regularly scheduled Council meeting on January 8th for the swearing in of City Council.

The time being 9:47 p.m., Councilor St. Hilaire moved to adjourn the meeting. The

motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:*

*Michelle Mulholland  
Deputy City Clerk*



**Information**

Inf1. September 7, 2017 Heritage Commission Meeting Minutes.

**Action:** Information item received and filed.

Inf2. September 13, 2017 Conservation Commission Minutes.

**Action:** Information item received and filed.

Inf3. September 13, 2017 Trails Committee Minutes.

**Action:** Information item received and filed.

Inf4. October 10, 2017 Architectural Design Review Committee Minutes.

**Action:** Information item received and filed.

Inf5. October 17, 2017 Concord Committee to End Homelessness Meeting Minutes.

**Action:** Information item received and filed.

Inf6. November 6, 2017 Concord Public Library Board of Trustees Meeting Minutes.

**Action:** Information item received and filed.

Inf7. November 16, 2017 Golf Course Advisory Committee Draft Meeting Minutes.

**Action:** Information item received and filed.

Inf8. November 20, 2017 Fiscal Policy Advisory Committee Draft Meeting Minutes.

**Action:** Information item received and filed.

Inf9. November 21, 2017 Airport Advisory Committee Draft Meeting Minutes.

**Action:** Information item received and filed.

Inf10. Communications from Comcast Cable notifying the City of Concord of upcoming price changes and service enhancements.

**Action:** Information item received and filed.

Inf11. Proposed Merrimack County Budget for Calendar Year 2018.

**Action:** Information item received and filed.

**Council Only**

- A. City Manager's proposed appointment to the Heritage Commission. Jim Spain