



City of Concord

City Council

Meeting Minutes

Monday, December 10, 2018

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public session in accordance with RSA 91-A:3, II (d) to discuss the acquisition, sale, or lease of property followed by consultation with legal counsel in accordance with RSA 91-A:2, I (b) to be held at 6:15 p.m.

Present: Councilor Bouchard, Champlin, Grady Sexton, Herschlag, Keach, Kenison, Kretovic, Matson, Nyhan, Todd and Werner were present.

The meeting was called to order at 6:15 p.m.

Councilor Champlin moved to enter into non-public session in accordance with RSA 91-A:3, II (d) to discuss the acquisition, sale, or lease of property. The motion was duly seconded and passed unanimously with no dissenting votes.

At 6:29 p.m., Councilor Kretovic moved to exit non-public session. The motion was duly seconded and passed unanimously with no dissenting votes.

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

This portion of the meeting was adjourned at 6:30 p.m.

1. Call to Order.

The meeting was called to order at 7:02 p.m.

Councilor Bouchard cited that, within Section 1 of the Council Rules, when the Mayor is unable to preside at a meeting, the Mayor Pro Tem or, in his/her absence, the presiding officer, as determined by a majority vote of the Council, shall preside over the meeting. She explained that in the past, practice has been that the Council appoint the most senior member of Council; the most senior member present this evening is Councilor Nyhan.

In accordance with Section 1, Councilor Bouchard moved to appoint Councilor Nyhan as the presiding officer for this evening's meeting. The motion was duly seconded and passed with no dissenting votes.

Councilor Champlin moved to suspend the rules to consider a portion of suspense item 1 on the agenda involving the resignations of Councilor Shurtleff and Mayor Pro Tem St. Hilaire. The motion was duly seconded and passed with no dissenting votes.

Councilor Champlin moved to accept the resignations of Councilor Shurtleff and Mayor Pro Tem St. Hilaire. The motion was duly seconded and passed with no dissenting votes.

2. Invocation by Imam Mustafa, Islamic Society of Greater Concord.
3. Pledge of Allegiance.
4. Roll Call.

Present: 11 - Councilor Candace Bouchard, Councilor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Allan Herschlag, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Brent Todd, and Councilor Robert Werner

Excused: 2 - Mayor Jim Bouley, and Councilor Mark Coen

5. Approval of the Meeting Minutes.

November 13, 2018 City Council Meeting Minutes.

Action: Councilor Kretovic moved approval of the November 13, 2018 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Resolution proclaiming December 2018 as Capital Region Food Program Month. Representatives from the Capital Region Food Program were present to accept the resolution. This is the 45th year of the annual food basket project.
7. White Park Skate House Fundraising Update.

Jennifer Frizzell, Skate House Campaign co-chair, provided an update on the fundraising campaign. She noted that a task force was created to help the city and took direction from the City Manager as the contracting process was finalized. In September, they really kicked off their campaign with a community event located at

White Park. She distributed handouts to show where they are with regard to the status of the campaign. (Handout on file at the City Clerk's Office)

Chris Brown, Skate House Campaign co-chair, highlighted the task force's paver fundraiser; there is a \$500 paver and \$1,000 paver to honor a family's legacy or connection to White Park. He stated that it's currently word of mouth and they are getting information out to people through the Friends of White Park, the community, and individuals involved with the Black Ice tournament. They are placing it out there as a holiday opportunity for gifts.

Councilor Nyhan inquired as to how people can purchase pavers. Ms. Frizzell stated that the information is available online but a form needs to be completed in order for the paver engraving to move forward. Mr. Brown added that most inquiries are received via email and they send back the information to them.

City Manager Tom Aspell indicated that Parks and Recreation and the task force is working very closely together on this. He pointed out how hard the fundraising committee is working on this endeavor to raise money: Chris Brown, Jennifer Frizzell, Tom Champagne, Laura Simoes, Kristyn Van Ostern, and Councilor Champlin.

8. Agenda overview by the Mayor.

Consent Agenda Items

Approval of the Consent Agenda

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

Referral to Community Development and the Planning Board

9. Communication from Ron Richter requesting consideration be given to amend Title IV Zoning Code, Chapter 28 Zoning Ordinance, Article 28-4-5 Development of Attached and Multifamily Dwellings.

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

Items Tabled for January 14, 2019 Public Hearings

10. Resolution authorizing and appropriating the sum of \$21,610 for fiscal year 2019 operating expenses for the multi purpose recreational building at White Park, to be

funded from revenues generated from the operations of the facility; together with report from the Director of Redevelopment, Downtown Services & Special Projects and the Recreation Director.

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

11. Resolution authorizing the City Manager to submit an application in the amount of up to \$500,000 and accepting and appropriating grant proceeds of up to \$500,000 in Community Development Block Grant Housing and Public Facilities Funds for infrastructure improvements at a manufactured housing park located at 190 Manchester Street.

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

12. Resolution readopting the City's Anti-Displacement and Relocation Policy Statement and Procedures; together with a report from the Director of Redevelopment, Downtown Services, and Special Projects.

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

13. Resolution accepting and appropriating the sum of \$61,428 in grant funds from the New Hampshire Highway Safety Agency, funds designated for Police Department Roadway Safety Initiatives; together with report from the Police Department.

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

14. Resolution accepting the Terms of the First Responder Comprehensive Addiction and Recovery Act (FR-CARA) Grant and accepting and appropriating the sum of up to \$126,999 to implement a Mobile Integrated Healthcare (MIH) program, pending both NH Fire Standards and Training and EMS approval and Governor and Council approval, to enhance the City's ability to respond to emergencies involving opioid overdoses; together with a report from the Police and Fire Chiefs.

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

15. Resolution appropriating the sum of \$223,500 and authorizing the issuance of bonds and notes in the amount of \$223,500 for the design and construction of a Fire Training Facility (CIP #560); together with a report from the Deputy City Manager for Development.

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

From the City Manager

16. Positive Citizen Comments.

Action: This positive comments was received and filed.

Consent Reports

17. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,193.48 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

18. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$5,411.00 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

19. Status Report on 2018-2019 City Council Priorities

Action: This consent report was approved.

20. Report authorizing the City Manager to enter into a Municipal Work Zone Agreement with the New Hampshire Department of Transportation (NHDOT) for NHDOT's resurfacing of NH Route 106 from just north of U.S. Route 3 to just south of NH Route 9 in Concord

Action: This consent report was approved.

21. Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2018.

Action: This consent report was approved.

22. Report from the Traffic Engineer, on behalf of the Traffic Operations Committee and the Transportation Policy Advisory Committee, in response to a referral from City Council regarding a petition from residents in the Guay Street area to reduce the speed limit on Guay Street or install sidewalks.

Action: This consent report was approved.

23. Report from the Traffic Engineer, on behalf of the Traffic Operations Committee, in response to a referral from City Council regarding a resident concern with excessive traffic speed along Rumford Street between Centre and Washington

Streets.

Action: This consent report was approved.

24. Report from the Traffic Engineer, on behalf of the Traffic Operations Committee, recommending the installation of a street light at the Sheep Davis Road/Triangle Park Drive intersection.

Action: This consent report was approved.

25. Report from the Parks & Recreation Director, on behalf of the Recreation and Parks Advisory Committee, regarding the Dillon Softball Field Lease.

Action: This consent report was approved.

26. Report from the Parks & Recreation Director on behalf of the Recreation and Parks Advisory Committee regarding a City Council referral to consider a location to host Civic Engagement Classes.

Action: This consent report was approved.

27. Report from the Parks and Recreation Director recommending the City Manager be authorized to enter into an agreement with the Friends of the Concord City Auditorium.

Action: This consent report was approved.

28. Outdoor Winter Recreation Opportunities report from the Parks and Recreation Director.

Action: This consent report was approved.

Consent Resolutions

29. 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 a report from the General Services Director.

Action: This consent resolution was approved.

Appointments

30. City Manager's proposed appointment to the Library Board of Trustees. Michelle Marino

Action: This appointment was approved.

31. Mayor Bouley's proposed appointment to the Planning Board. Erle B. Pierce

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

- 32A. 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; and Article 28-4, Development Design Standards, Section 28-4-5, Development of Attached and Multifamily Dwellings; together with report from the City Planner.

Action: City Planner Heather Shank provided a brief overview.

Councilor Herschlag noticed that this is the only area that's being requested to be rezoned OCP (Occupation Corridor Performance) and inquired whether this is spot zoning or being done for a particular project. He asked that, by allowing residential uses, have they looked at this thoroughly as to how this would impact other areas in the city where its zoned OCP where they may be looking to zone OCP to allow residential units on the second floor. He questioned whether they are looking at unintended consequences down the road. Ms. Shank noted that she is not entirely sure as to what the definition of spot zoning is and would defer that to the Legal Department. In her opinion, the site is so large and could be divided into lots of smaller sites and to some degree, when there is a large site, its not uncommon to be just one zone because there are so many uses that can be in there. She stated that it's such a large site and in her experience it's not uncommon for a site that is so large to perhaps have its own zoning that may not be the same as everything around it.

Councilor Herschlag asked if it would make more sense to look at this as a whole rather than piece mail. Ms. Shank responded that the request came from a particular land owner who wanted them to make a recommendation in a timely fashion.

Councilor Herschlag asked, by allowing residential units in the OCP district, if staff has looked at other areas in the city that are zoned OCP in which perhaps will be looking to rezone as OCP and whether they have thought of any unintended consequences for allowing that sort of mixed use in an OCP district. Ms. Shank responded that much of the area that is zoned OCP was done so in an effort to

encourage redevelopment; there is not a lot there that is going to be adversely affected by this. In her opinion, these changes in the OCP are very appropriate for all the areas that are zoned OCP. She noted that Main Street has a restriction that there cannot be residential on the first floor and that is because the intent is to encourage vibrancy on the streetscape and pedestrian activity. She doesn't know if its entirely reasonable for them to expect to replicate Main Street in the entire OCP district.

Councilor Herschlag asked if there would be a restriction that residential could not be on the first floor. Ms. Shank responded no explaining that is the current code. Councilor Herschlag asked if that would be removed. Ms. Shank responded that is what the proposal is.

Councilor Champlin asked if it would be fair to say that this is the same kind of responsive rezoning request that they saw with the Exit 17/Whitney Road project. Ms. Shank responded yes in terms of the request by the applicant.

Councilor Bouchard inquired whether this would allow curb cuts on Pembroke Road or would the only entrance remain on Canterbury Road. Ms. Shank replied that a plan has not yet been submitted so whatever the current restrictions are would hold; a traffic engineer would look at what's there and what's being proposed once they receive plans. She noted that it doesn't specifically prohibit or allow curb cuts and feels that this would be handled more as a site development/traffic engineering issue.

Councilor Bouchard indicated that years ago when Regional Drive was being looked at and with the first study of Loudon Road, she believes the thinking with Pembroke Road was not to add any more curb cuts to avoid what has happened on Loudon Road and because of the single family homes along the one side of Pembroke Road. She would hate to start making the same mistakes. Ms. Shank agreed noting that, in terms of best planning practice, it would be best to minimize and not increase curb cuts on either of those roads.

Councilor Nyhan opened the public hearing. There being no public testimony, Councilor Nyhan closed the hearing.

- 32B. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations, Article 26-18, Life Safety Code; together with report from the Fire Marshal.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Nyhan opened the public hearing. There being no public testimony, Councilor Nyhan closed the hearing.

- 32C. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-7, Rights and Duties of Pedestrians; by repealing 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 City Solicitor.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Nyhan opened the public hearing. There being no public testimony, Councilor Nyhan closed the hearing.

- 32D. Resolution de-authorizing the sum of \$6,185 in unissued bond authorizations from the 2019 basketball court renovation subproject, (CIP #528), appropriating and authorizing the issuance of bonds and notes in the sum of up to \$6,185 for use on the 2019 tennis court maintenance subproject, (CIP #557), and repurposing \$4,558 in bonds from the 2018 basketball and tennis court repair subproject, (CIP #52) for use in the 2019 tennis court maintenance subproject (CIP #557); together with report from the Parks and Recreation Director.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Herschlag looked at the courts noting that there appears to be significant cracks, some of the posts were pulling over and some of the bases from the posts themselves are pulling up out of the surface. He wonders if this resurfacing is going to address any of these issues or is this just to fill the cracks and resurface the tennis courts. Mr. Aspell responded that he would need to get back to him on this information.

Councilor Nyhan opened the public hearing. There being no public testimony, Councilor Nyhan closed the hearing.

- 32E. Resolution accepting and appropriating the sum of \$20,792 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.

Councilor Nyhan opened the public hearing. There being no public testimony, Councilor Nyhan closed the hearing.

- 32F. Resolution appropriating the sum of \$60,000 from reserves as a supplemental appropriation to the City's General Fund for furniture/equipment purchase and replacement and education/training, and appropriating the sum of \$95,000 from reserves to capital for one chiller replacement at City Hall (CIP#65). Funding for these purposes shall be entirely from reserve accounts.

Action: There was no Council objection to holding the public hearings for both hearing items F and G together.

City Manager Tom Aspell provided a brief overview of items F and G.

Councilor Nyhan opened the public hearings for items F and G. There being no public testimony, Councilor Nyhan closed the hearings.

- 32G. Resolution authorizing and appropriating the sum of \$975,000 as a transfer to reserves; funding for this appropriation shall be entirely from Fiscal Year 2018 General Fund Assigned Fund Balance; together with report from Deputy City Manager - Finance

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

Public Hearing Action

33. 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; and Article 28-4, Development Design Standards, Section 28-4-5, Development of Attached and Multifamily Dwellings; together with report from the City Planner.

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

34. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 26, Building Regulations, Article 26-18, Life Safety Code; together with report from the Fire Marshal.

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

35. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-7, Rights and Duties of Pedestrians; by repealing

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 City Solicitor.

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

Councilor Champlin is sorry to see that they are put in a position to repeal this by the ruling of the courts not because he is opposed to freedom of speech or that he is insensitive to the situation with their homeless population but because the purpose of this ordinance was public safety and the inherent dangers of individuals stopping their cars to try to give someone a handout. He is also concerned about the possibility of people out there that really don't need that help. He referenced an incident in Baltimore in which a woman stopped to give money to someone she thought was homeless but who was actually part of a scam to rob people that stopped. While he will be voting in favor of this, he is distressed and disappointed they are placed in this situation by the rulings of the court that they cannot provide protection to both their citizens and their homeless population.

The motion to approve passed with no dissenting votes.

36. Resolution de-authorizing the sum of \$6,185 in unissued bond authorizations from the 2019 basketball court renovation subproject, (CIP #528), appropriating and authorizing the issuance of bonds and notes in the sum of up to \$6,185 for use on the 2019 tennis court maintenance subproject, (CIP #557), and repurposing \$4,558 in bonds from the 2018 basketball and tennis court repair subproject, (CIP #52) for use in the 2019 tennis court maintenance subproject (CIP #557); together with report from the Parks and Recreation Director.

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

Councilor Herschlag noted that awhile back they discussed that they may have an opportunity to partner with the school district on some maintenance programs, costs at Memorial Field, and some other facilities that are shared. He is wondering whether it makes sense to set this aside so that they can go back and talk to the school district.

Councilor Herschlag moved to table this item with the opportunity for the city to talk to the school district to see if they would be amenable to sharing the costs to revitalize the tennis courts in the same manner the other five courts were recently done.

Councilor Kretovic indicated that the Joint School/City Board met last Friday and

had an initial conversation with the school board with regard to how they can partner together on some of the projects related to the parks, particularly Memorial Field. She noted that there is a big question as to what happens in the legislature as far as school funding aid; if it were to move forward and be appropriated through the legislature there would be greater opportunity for partnership. She stated that the school board was very willing to take this matter up and look at some of the opportunities that are available at Memorial Field where they can partner. She indicated that this is not something that is going to happen in the immediate future, not during this budget cycle; it is something that they can look at in the future for 2020. She recommends moving forward with the proposed recommendation so they can take care of some of the maintenance issues that are there today knowing that the conversation in which Councilor Herschlag has brought up is moving forward in the direction that this Council asked it to be taken.

Councilor Herschlag asked that, without this being a pressing item and there being a few months before the snow melts and the work can be done, whether this could be tabled so the City Manager can get back to him as to whether or not those repairs are going to include working on the net posts and, if not, how long can they anticipate those to be able to support nets.

Councilor Herschlag moved to to table this resolution to a date certain until Council receives an additional report as to whether this covers all the necessary repairs.

Councilor Nyhan asked if this was a clarification of his first motion.

Councilor Herschlag withdrew his first motion.

Councilor Kretovic asked if the rules did not dictate that they have to take up the first motion before taking up the second motion.

Councilor Nyhan indicated that is why he asked for a clarification regarding the first motion.

Councilor Champlin questioned whether the weather is a factor in when this work will take place. Mr. Aspell responded that the work would not be done until the Spring.

Council asked for a clarification of the motion before them.

Councilor Herschlag stated that he withdrew his first motion. His second motion to amend is to have the City Manager come back to Council as to the extent of the repairs that need to be accomplished there and whether or not the repairs that will be taken up in the Spring will address all those issues; if they don't, will those issues that are remaining wind up impacting the integrity of the court over the lifetime of the repairs they are making.

Councilor Keach seconded Councilor Herschlag's motion.

Councilor Kretovic noted that Councilor Bouchard made a motion to approve this resolution and it was seconded and believes this is the motion that they are discussing first and Councilor Herschlag's is a secondary motion to that. She clarified that the original motion was made and then Councilor Herschlag began to speak.

Councilor Nyhan understood Councilor Herschlag's motion to be an amendment.

Councilor Herschlag's motion failed on a show of hands vote.

Councilor Bouchard understands Councilor Herschlag's concerns but noted that the Memorial Field tennis courts was an item that was budgeted. She pointed out that, within the report, it indicates that the crack sealing is guaranteed for three years.

Councilor Todd spoke as to a reason why he wasn't going to support Councilor Herschlag's earlier motion because he felt there was an insinuation that the city would be doing work that would be wasting money or that they would not be doing work that would be inconducive to the integrity of the courts. The other reason, he noted as a strategy position they are talking about \$10,000 worth of work. He feels that the discussions moving forward is beneficial but they want to look at the big picture of the parks systems, citywide, and not just little jobs; how the city and school board can cooperate together, financially and otherwise.

Councilor Keach noted that ultimately he will be voting in favor of this but initially he thought what's the harm at looking at this. In light of this discussion, he hopes Administration will take a look at the issues that have been raised.

Councilor Herschlag noted that he will also be voting to support this item; he just thought they could have a more comprehensive renovation. He indicated that it

was stated that immediately after the motion was made and seconded that he spoke pointing out that he was recognized to speak. He further pointed out that its his understanding that when Councilors are recognized, they talk to an issue and don't talk about the motivation or the intent of a fellow Councilor. He encouraged the chair to remind Council members that their rules state that they should only focus on speaking to issues and not challenge each others intent.

Councilor Bouchard's motion to approve passed with no dissenting votes receiving the necessary 2/3rds vote.

37. Resolution accepting and appropriating the sum of \$20,792 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 Kretovic moved approval. The motion was duly seconded and passed with no dissenting votes receiving the necessary 2/3rds vote.

38. Resolution appropriating the sum of \$60,000 from reserves as a supplemental appropriation to the City's General Fund for furniture/equipment purchase and replacement and education/training, and appropriating the sum of \$95,000 from reserves to capital for one chiller replacement at City Hall (CIP#65). Funding for these purposes shall be entirely from reserve accounts.

Action: Councilor Bouchard moved approval. The motion was duly seconded and passed with no dissenting votes receiving the necessary 2/3rds vote.

39. Resolution authorizing and appropriating the sum of \$975,000 as a transfer to reserves; funding for this appropriation shall be entirely from Fiscal Year 2018 General Fund Assigned Fund Balance; together with report from Deputy City Manager - Finance

Action: Councilor Bouchard moved approval. The motion was duly seconded and passed with no dissenting votes receiving the necessary 2/3rds vote.

Reports

New Business

Unfinished Business

Comments, Requests by Mayor, City Councilors

Councilor Kenison noted her appreciaton with the Fire Department collecting donations for muscular dystrophy during Midnight Merriment in downtown.

Councilor Bouchard indicated that there was an article in the Sunday Monitor concerning the city's leaf pick up program and new enhanced bag program. She believes there is a misconception that the city stopped picking up the leaves that were raked to the street for no reason but believes they stopped due to the snowstorm. She asked if staff could address the city's leaf pick up program and make it clear as to how it works and why it was stopped.

General Services Director Chip Chesley explained that the key to their success to be able to collect leaves effectively and efficiently is through a vacuum system. He noted that once the leaves become matted and clumped due to snow fall, the vacuum becomes highly ineffective so unfortunately they can no longer deploy this vacuum system.

Councilor Bouchard asked if its fair to say that leaves can be vacuumed up as long as the weather cooperates; it's the weather that decides when that program is terminated. Mr. Chesley indicated that to be correct explaining that there is an inherent risk of an early winter in the convenience of bringing the leaves to the curb - this year plays that out.

Councilor Bouchard further asked if it would be fair to say that is one of the reasons that they enhanced the program to use the bag pick up. Mr. Chesley responded that bags are less convenient than bringing leaves to the curb but there is a guarantee that the bags will be collected.

Councilor Kretovic stated that she saw a lot of people bagging leaves this year but also a lot not bagging leaves. She believes from this point forward they can only get better when they adopt the bagged leaves as opposed to the curb side pick up. She thanked the staff for doing a good job.

Councilor Werner noted there are currently large piles of leaves that are positioned both on the curb and the street which is already beginning to mulch. He asked what happens to the leaves as they move through the winter and they go into the drains questioning as to the negative effect of this. He inquired whether there is anything that can be done now to collect those piles of leaves short of people doing it themselves or are they in a situation in which they are going to have to wait until Spring in order to get rid of these piles. He asked what they can communicate to their constituents as to what their expectations should be. Mr. Chesley responded that over time the piles will begin to dissipate and moved by the

weather. He explained that the reason they do collect leaves principally in the stormwater areas is to help make sure they don't go into the drains; they are very cognizant where leaves are close to drains. He indicated that the expectation in the Spring is to pick up the sand and salt off the streets; it would be difficult for them to respond in some fashion because it would be counter productive to the resources they have already committed and those expectations.

Councilor Herschlag asked if it would make sense to go through some of the neighborhoods in which there are a significant amount of leaves and make an assessment to see if there is an alternative way to pick up these areas in which there is the potential flooding due to storm drains being clogged. Mr. Chesley explained that part of their regular process during the winter time is for the road crews to go out in front of storms to clear storm drains to make sure they do operate and there is no flooding; this is something they do every year.

After the last storm, Councilor Bouchard pointed out that she did see road crew staff shoveling the handicap tip downs on the sidewalks on Loudon Road.

Councilor Nyhan recognized City Manager Tom Aspell for his twenty years of service to the city. He presented him with a pin for his service.

Comments, Requests by the City Manager

Consideration of Suspense Items

Action: Councilor Todd moved to suspend the rules to consider suspense item 1 not previously advertised. The motion was duly seconded and passed with no dissenting votes.

Sus1. Report from the City Clerk recommending City Council discuss setting a date for a Special Election to be held specific to current City Council vacancies.

Action: Councilor Nyhan provided an overview explaining that there is a Ward 10 City Council vacancy that they are required to fill; the earliest they can hold an election which would be on March 5, 2019. He noted that there is a second vacancy, an At-Large City Council seat, in which Council can vote to hold a citywide election on March 5, 2019 or leave the seat vacant until the municipal election in November. He noted that there are certainly reasons to fill this seat such as having a broader representation for the at-large community and having this seat filled during the budget process. He stated that on the other side of this there is the cost to hold a citywide election as opposed to an election for one ward. He hopes that Council can vote on these two items separately.

Councilor Bouchard moved to have the vacant Ward 10 Council seat set for an election to be held on March 5, 2019. The motion was duly seconded and passed with no dissenting votes.

Councilor Werner stated that it's important for them to set the election for the at-large vacancy at the same time. It concerns him that an at-large seat would remain vacant for over a year. He feels that the principle of full representation on the Council is an important one. He noted that the estimate indicates that it's approximately \$20,000 for a citywide election and inquired as to how this \$20,000 relates to the smaller amount required for a Ward Ten election. He wants to make sure that Council fully understands the cost. Deputy City Clerk Michelle Mulholland responded that the estimated \$19,146 for a citywide election would also include the Ward 10 vacancy.

Councilor Nyhan noted that it is his understanding that the costs before them are costs related to the Clerk's Office and asked if there would be additional costs incurred by the city to include General Services staff. City Manager Tom Aspell responded that they would essentially be eating up those other costs explaining that there are existing staff to help out.

Councilor Werner does not believe that the \$19,146 is too much to expect to pay for full representation for the city. He feels that it's an investment and the way it's operating and working.

Councilor Keach supports a citywide election to fill the at-large vacancy.

Councilor Grady Sexton inquired if a ward Councilor would have to vacate their current ward seat if they were interested in running for the at-large seat. Ms. Mulholland responded that they wouldn't need to vacate their current seat if they wanted to run for the at-large vacancy. City Solicitor Jim Kennedy added that if a current ward Councilor were elected, they would vacate their seat and be required to hold another election to fill that vacant ward seat.

Councilor Herschlag is in agreement to move forward in filling the at-large vacant seat. He is concerned as to how many people will show up to vote and hopes that the city will be aggressive in getting the word out such as social media and CCTV.

Councilor Kenison moved to have the vacant at-large Council seat set for an

election to be held on March 5, 2019. The motion was duly seconded and passed with no dissenting votes.

Regarding the \$19,146 cost, Mr. Aspell indicated that they will do their best to manage the budget to make sure they can absorb the costs and if they can't he will come back to update Council. He doesn't see it being a problem.

Councilor Kretovic stated that Council received an email this afternoon with a recommendation from a local citizen with regards as to how to manage at-large vacancies in the future. She moved to refer this communication to the Legal Department for their review. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 8:20 p.m., Councilor Keach moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*

Information

Inf1 October 3, 2018 Community Development Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf2 November 1, 2018 Utility Appeals Board Draft Meeting Minutes.

Action: Information item received and filed.

Inf3 November 5, 2018 Concord Public Library Board of Trustees Meeting Minutes.

Action: Information item received and filed.

Inf4 November 8, 2018 Golf Course Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf5 November 19, 2018 Fiscal Policy Advisory Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf6 November 20, 2018 Traffic Operations Committee Meeting Minutes

Action: Information item received and filed.

Inf7 Communication from the County of Merrimack announcing the appointment of Ross Cunningham as the Representative for County Administrative Functions.

Action: Information item received and filed.

Inf8 Communications from Comcast Cable outlining price increases and channel updates that go into effective in December.

Action: Information item received and filed.

Inf9 Information on the Parks and Recreation Adult Programs starting in January.

Action: Information item received and filed.

Inf10 Proposed Merrimack County Budget for Calendar Year 2019.

Action: Information item received and filed.