



City of Concord

City Council

Meeting Minutes

Monday, June 13, 2016

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-public sessions in accordance with RSA 91-A: 3, II to discuss the City Manager's Evaluation and RSA 91-A:2, I (b) meeting with legal counsel to be held at 6:00 p.m. Non-public sessions in accordance with RSA 91-A: 3, II (d) to discuss property acquisition and contract negotiations and RSA 91-A:2, I (b) meeting with legal counsel to be held following the City Council meeting.

1. Call to Order.

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

2. Invocation by Rabbi Robin Nafshi from the Temple Beth Jacob.
3. Pledge of Allegiance.
4. Roll Call.

Present: 14 - 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 Keith Nyhan, Councilor Dan St. Hilaire, Councilor Stephen Shurtleff, Councilor Brent Todd, and Councilor Robert Werner

Excused: 1 - Councilor Gail Matson

5. Approval of the Meeting Minutes.

May 9, 2016 City Council Meeting Minutes.

Action: Councilor St. Hilaire moved approval of the May 9, 2016 City Council meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Proclamation celebrating the 50th Anniversary of Fellowship Housing.
7. 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.

Referrals to the Transportation Policy Advisory Committee

8. Communication from third grade students at Christa McAuliffe Elementary School requesting a four-way stop at the intersection of Warren and Rumford Streets in Concord.

Action: This referrals was approved.

9. Communication from John Cook, Concord resident, asking that consideration be given to the installation of a four-way stop at the intersection of Union and Maple Streets in Concord.

Action: This referrals was approved.

Items Tabled for July 11, 2016 Public Hearings

10. Resolution accepting and appropriating the sum of \$22,157 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program, funds designated for law enforcement related programs; together with report from the Police Department.

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

11. Resolution establishing a new Recreation Reserve Fund and appropriating and transferring \$650,000 for the purposes of future expenses related to the new city wide community center project, CIP #443, funding for these purposes shall be entirely from the Fiscal Year 2016 General Fund Unanticipated Revenues of \$530,000 and a transfer of unexpended snow and ice control expenses of \$120,000; together with report from the Deputy City Manager - Finance

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

12. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-9, Administration and Enforcement; Section 28-9-4, Decisions by the Planning Board; Subsection 28-9-4(f), Architectural Design Review; together with report from the Assistant City Planner.

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

13. 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, proposal to amend Zoning Map to change the zoning district of a portion of property located at 175 Manchester Street from Single-Family Residential (RS) District to Highway Commercial (CH) District; together with report from the City Planner. (Communication from Daval Reality Associates submitted)

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

14. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards, Section 28-4-6, Manufactured Housing Parks and Subdivisions and Glossary, Proposed Zoning Amendments to Reduce Minimum Front Yard Setback for Carports within Manufactured Housing Parks; together with report from the City Planner.

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

From the City Manager

15. Positive Citizen Comments.

Action: This positive comments was received and filed.

Consent Reports

16. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,966.49 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

17. Diminimus gifts and donations report from the Police Department requesting authorization to accept a gift of a credit card reader, with a value of approximately \$50 as provided for under preauthorization granted by City Council.

Action: This consent report was approved.

18. Concord City Auditorium Management Agreement and Recommendation Report from the Deputy City Manager - Finance.

Action: This consent report was approved.

19. Report from the City Planner in follow-up to a referral from City Council regarding Tax Deeded Properties at 101 Washington Street (Penacook) and 8 Coral Street.

Action: This consent report was approved.

20. Report from Code Administration regarding Intown Concord's request to serve alcoholic beverages on city property during Concord Market Days 2016.

Action: This consent report was approved.

Consent Resolutions

21. Resolution in recognition of the services of Master Police Officer Kevin A. Partington.

Action: This consent resolution was approved.

Consent Communications

22. Street closure request for the Annual Concord Criterium Bike Race to be held around White Park, on Saturday, August 6, 2016.

Action: This consent communication was approved.

23. Street closure request for a birthday/neighborhood block party to be held on Orion and Valley Streets on Saturday, July 16, 2016.

Action: This consent communication was approved.

24. Street closure request from the New Hampshire Cycling Club for the Annual White Park Cyclocross Bicycle Race to be held on Liberty Street on Saturday, September 17, 2016.

Action: This consent communication was approved.

25. Street closure request for the 2016 Making Strides Against Breast Cancer event to be held at Memorial Field on Sunday, October 16, 2016.

Action: This consent communication was approved.

End of Consent Agenda

Public Hearings

- 26A. Resolution accepting and appropriating the amount of \$29,880 in grant funding from the Department of Safety, State Homeland Security and Emergency Management Exercise and Evaluation Program for funding of a Homeland Security Exercise Active Shooter Training; 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.

- 26B. Resolution authorizing and appropriating the sum of \$321,000 to the Solid Waste Fund Operating Budget for Fiscal Year 2016; together with report from the Deputy City Manager-Finance.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

Mayor Bouley was not present in Council Chambers.

- 26C. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works, Article 5-7, Solid Waste; together with report from the General Services Director.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

Mayor Bouley was not present in Council Chambers.

- 26D. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works, Article 5-8, Solid Waste Flow Control; together with report from the General Services Director.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

Mayor Bouley was not present in Council Chambers.

- 26E. Sylvia Miskoe Public Hearing for a Discretionary Preservation Easement.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

Mayor Bouley was not present in Council Chambers.

Public Hearing Action

27. Resolution accepting and appropriating the amount of \$29,880 in grant funding from the Department of Safety, State Homeland Security and Emergency Management Exercise and Evaluation Program for funding of a Homeland Security Exercise Active Shooter Training; together with report from the Deputy Fire Chief.

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

Mayor Bouley was not present for the vote.

28. Resolution authorizing and appropriating the sum of \$321,000 to the Solid Waste Fund Operating Budget for Fiscal Year 2016; together with report from the Deputy City Manager-Finance.

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

Mayor Bouley was not present for the vote.

29. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works, Article 5-7, Solid Waste; together with report from the General Services Director.

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

Mayor Bouley was not present for the vote.

30. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works, Article 5-8, Solid Waste Flow Control; together with report from the General Services Director.

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

Mayor Bouley was not present for the vote.

31. Sylvia Miskoe Public Hearing for a Discretionary Preservation Easement.

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

Councilor Nyhan indicated that while going through the documents he didn't see a schedule of maintenance as to what the monies would be used for. He questioned what the cost savings to the property owner would be used for.

Sylvia Miskoe indicated that the barn and shed were repainted in September 2011 and, in December 2000, the realigning of the barn was completed.

Councilor Nyhan noted that it's estimated that roughly \$1,400 to \$1,500 a year will be saved on Ms. Miskoe's tax bill. He asked if it's anticipated, over the next ten years, that \$14,000 to \$15,000 of renovations will be made to the barn.

Ms. Miskoe responded that she hasn't completed a program for this; she explained that during a wind storm, a quarter of the roof blew off and she had to repair this because it became an immediate necessity.

Councilor Shurtleff explained that the intent of 79-D, as he understands it, isn't to take every bit of savings saved on taxes and put it back into the property. The intent is to maintain the farming buildings within the state that bring people into New Hampshire and to keep that agriculture heritage going for next generations.

Councilor Herschlag inquired whether there are other properties that have this preservation easement within the city.

Kathryn Temchack, Director of Real Estate Assessments, responded that there are five, including the Miskoe property.

Following brief discussion, the motion to approve passed with no dissenting votes.

Appointments by the Mayor

Reports

New Business

32. Report from the City Engineer recommending a modification to the Old Loudon Road/Portsmouth Street intersection improvement.

Action: City Manager Tom Aspell provided a brief overview of the staff report.

Councilor St. Hilaire indicated that he is satisfied with the alternative.

Councilor St. Hilaire moved acceptance of the third proposal. The motion was duly seconded.

Councilor Coen inquired where the driveway would connect to the new proposed layout. Mr. Aspell responded that the driveway would come straight out at the same angle that it is now and tie into the intersection. Councilor Coen asked if this was a good engineering practice. Mr. Aspell clarified that it doesn't intersect at the radius.

Councilor St. Hilaire's motion passed with no dissenting votes.

Unfinished Business

33. Report from the Rules Committee recommending revisions to the current Rules of the City Council. (Item tabled, no action taken, at the June 8, 2015 City Council meeting).

Action: This item remains on the table.

34. Supplemental report from the City Engineer outlining lighting alternatives for the Downtown Complete Streets Improvement Project (CIP460).

Action: This item remains on the table.

35. Street closure request from Millennium Running for the 3rd Annual New England Half Marathon to be held on Sunday, October 23, 2016. (Pulled from consent by Councilor Nyhan at the March 2016 City Council meeting) (Revised request with new route submitted) (Route comparison submitted)

Action: This item remains on the table.

City Manager Tom Aspell indicated that he would have staff look at this to see if there are any conflicts or concerns so if Council takes this off the table next month, they would have information if there were any issues related to this.

Councilor Herschlag asked if the applicant could be asked to give a side by side comparison of the old route and the new route; what has changed.

Comments, Requests by Mayor, City Councilors

Councilor Todd announced that there will be a ceremony on Thursday, June 16th at the Guyette Pool at Rolfe Park beginning at 5:30 p.m.

Councilor Todd announced that the Penacook Farmer's Market has once again

returned; every Monday from 4:00 p.m. to 6:30 p.m. at the Rolfe House at Penacook Street in Penacook through August 29th.

Comments, Requests by the City Manager

City Manager Tom Aspell indicated that the city received the NH Magazine's Best of NH 2016 Main Street Concord award.

Consideration of Suspense Items

Councilor Nyhan moved to consider suspense items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

Sus1 Report from the Deputy City Manager - Development recommending the City Manager be authorized to enter into an agreement with Merrimack County to provide temporary parking solutions during construction for users of the Merrimack County Superior courthouse.

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

Councilor Champlin inquired whether there will be any opportunity, during this process, for any input by members of the neighborhood community.

City Manager Aspell responded that there are two pieces to this: 1) a section of the discontinuance of Pitman Street which would be a referral to the Planning Board; 2) the overall parking on the local streets as requested by the County will be up to Council. Staff could work out a tentative arrangement to bring forth to Council for action and public input or Council could authorize him tonight to work out a structured deal for parking within the neighborhood.

Mayor Bouley stated that the current motion is simply authorizing the City Manager to enter into the agreement.

Councilor Champlin noted that he just wants to make sure that people in the community feel that their concerns are taken under consideration as the arrangement is negotiated. He would like to see some sort of public meeting or hearing to receive feedback from people.

Following brief discussion, Councilor Champlin moved to amend the motion and refer this item to the Parking Committee. The motion was duly seconded.

Councilor Kretovic explained that when they have been dealing with the Main Street project they have left it up to the City Manager to make fluid decisions on a day to

day basis. She feels that, during construction, she would like him to have that same ability. She feels that this is what works best for the neighborhood that's going to be impacted the closest because he's going to be monitoring it every day.

Councilor Herschlag noted his support of Councilor Champlin's motion.

Councilor St. Hilaire questioned whether referring this would impact the construction schedule.

Carlos Baia, Deputy City Manager-Development, feels that the schedule that Council has laid out will be okay but any longer delays may pose a problem.

After brief Council discussion, the motion to refer this item to the Parking Committee passed on a voice vote.

Referral to the Planning Board

Sus2 Report from the Deputy City Manager-Development regarding a request from Merrimack County to discontinue a portion of the Pitman Street right-of-way.

Action: Councilor Champlin moved referral to the Planning Board. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 7:46 p.m., Councilor Keach moved to enter into non-public sessions in accordance with RSA 91-A: 3, II to discuss the City Manager's Evaluation, RSA 91-A:2, I (b) meeting with legal counsel, RSA 91-A:3, II (d) to discuss property acquisition and contract negotiations and RSA 91-A:2, I (b) meeting with legal counsel.

At 9:31 P.M., Councilor St. Hilaire moved to adjourn the nonpublic session. Councilor Nyhan seconded. Motion carried unanimously on a roll call vote.

Councilor St. Hilaire moved to seal the minutes of the nonpublic session. Councilor Champlin seconded. Motion carried unanimously on a roll call vote.

In accordance with the City Charter, specific to the City Managers Annual Evaluation, Councilor Nyhan moved to determine that the City Manager's performance for the past year was "satisfactory". The motion was duly seconded and was approved with no dissenting votes.

Councilor Nyhan moved to approve a new contract for the City Manager effective July 1, 2016. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved to ask the Rules Committee to review, at a future time, the potential of modifying the charter to allow for a multi-year contract for the City Manager. The motion was duly seconded and was approved.

There being no additional Council business, Council Keach made a motion to adjourn at 9:57 PM. The motion was duly seconded and passed with no dissenting votes.

*A true copy; I attest:
Michelle Mulholland
Deputy City Clerk*

Information

Inf1 January 28, 2016 Transportation Policy Advisory Committee Meeting Minutes

Action: Information item received and filed.

Inf2 May 2, 2016 Concord Public Library Board of Trustees Meeting Minutes.

Action: Information item received and filed.

Inf3 May 17, 2016 Traffic Operations Committee Meeting Minutes.

Action: Information item received and filed.

Inf4 Communication from Comcast Cable notifying City Council of Channel Change Information occurring on July 28, 2016.

Action: Information item received and filed.