

Non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition followed by a non- public session in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining strategies and a non-public session in accordance with RSA 91-A:2, I (b) to meet with legal counsel to be held at 5:30 p.m.

City Council Meeting
Minutes
November 13, 2012
City Council Chambers
7:00 p.m.

- 1. The Mayor called the meeting to order at 7:00 p.m.
- 2. Invocation by Reverend Kate Atkinson, St. Paul's Church.
- 3. Pledge of Allegiance.
- 4. Roll Call. Councilor Blanchard, Mayor Bouley, Councilors Coen, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten and Shurtleff were present. Councilors Bennett and St. Hilaire were late. Councilors Bouchard, DelloIacono and Werner were excused.
- 5. Approval of the October 9, 2012 meeting minutes.

Action: Councilor Coen moved approval of the October 9, 2012 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Unitil presentation – Gary Miller.

Action: Gary Miller, Unitil, recognized the city for the work that they do and the partnership in energy efficiency. He stated that in this community, Unitil serves fourteen cities and towns and Concord is by far the most aggressive about approaching energy efficiency and trying to get control of their costs. He presented a check to the City of Concord.

7. Agenda overview by the Mayor.

- Consent Agenda Items -

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

Action: Councilor Grady Sexton moved approval of the consent agenda, as amended, with items 23 and 35 removed to be discussed at the end of the agenda. The motion was duly seconded and passed with no dissenting votes.

Referral to Community Development and the Parking Committee

8. Communication from Richard Uchida, Hinckley Allen Snyder LLP on behalf of Interchange Development, LLC and Drake Petroleum Company, Inc. requesting a no parking zone on Whitney Road in an area to be developed for a convenience store and service station.

Referral to the Tax Exemption Policy Committee

9. Communication from Council Werner requesting that consideration for a Renewable Energy Property Tax Exemption be considered.

Items Tabled for a November 26, 2012 Public Hearing

10. Report from the Downtown Complete Streets Improvement Project Advisory Committee. (10-29)

Items Tabled for a December 10, 2012 Public Hearing

- 11. Resolution appropriating \$55,616 for the purpose of supporting the change in management of Beaver Meadow Golf Course Pro Shop to a City Personnel Operation for the remainder of Fiscal year 2013; together with reports from the Parks & Recreation Director and the Deputy City Manager Finance.
- 12. Resolution amending and restating the development program and financing plan for the North End Opportunity Corridor Tax Increment Finance (NEOCTIF) District; together with report from Assistant for Special Projects.
- 13. Resolution authorizing the City Manager to continue implementation of the Community Development Revolving Loan Fund Program, Fund 2701, and appropriating the sum of \$146,607; together with report from the Assistant for Special Projects.
- 14. Resolution authorizing the issuance of up to \$10,000,000 in refunding bonds; together with report from the City Treasurer.
- 15. Resolution repurposing Parks & Recreation Capital Project Funds from Completed Projects to supplement repairs and renovations to the Franklin Pierce Bridge at White Park; together with report from the Parks & Recreation Department.

16. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Article 30-2, Municipal Departments; Section 30-2-5, Finance Department; together with report from the Deputy City Manager – Finance.

From the City Manager

- 17. Positive Citizen Comments.
- 18. Council meeting date calendar.

Consent Reports

- 19. Appropriation Transfer Report: October 2012.
- 20. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,371.35 as provided for under the preauthorization granted by City Council.
- 21. Diminimus gifts and donations report from the Parks & Recreation Director requesting authorization to accept monetary gifts totaling \$1,000 as provided for under the preauthorization granted by City Council.
- 22. DRA Equalized Valuation Tax Rate Comparison Information from the Director of Real Estate Assessments.
- 23. Quarterly Pay As You Throw (PAYT) Quarterly Status Report. (*Pulled from consent by Councilor St. Hilaire*)

Action: Item removed for discussion at the end of the agenda.

- 24. Report from the General Services Department in response to a communication from Debbi Roy requesting City Council waive one time rental and monthly rental fees associated with renting a hydrant meter from the City of Concord. (9-8)
- 25. Report from the Deputy City Manager Finance regarding a rebate from Unitil Corporation.
- 26. September Fiscal year-to-date 2013 financial statement report from the Deputy City Manager Finance.

Consent Resolutions

- 27. Resolution in recognition of the services of Lieutenant Walter Carroll. (For presentation in December)
- 28. Resolution proclaiming December 2012 as Capital Region Food Program Month in the City of Concord. (For presentation in December)

- 29. Resolution amending resolution #8376 to increase the size of the Penacook Village Tax Increment Finance District Advisory Board from five to seven members; together with proposed appointments to the Penacook Village Tax Increment Finance District (PVTIF) Advisory Board.
- 30. Resolution authorizing the City Manager to apply to the Planning Board for a subdivision of city land to create a lot of record allowing for the future conveyance of a portion of Kimball Park as right-of-way; together with a report from the Deputy City Manager Development.

Consent Communications

- 31. Street closure request for the 11th Annual Rock 'n Race to benefit the Payson Center for Cancer Care to be held on Thursday, May 16, 2013.
- 32. Street closure request for the Annual Penacook Christmas Tree lighting event to be held on November 28, 2012 from 5:30 p.m. to 7:30 p.m.

Appointments

- 33. Proposed appointments to the Sears Block Tax Increment Finance District (SBTIF) Advisory Board.
- 34. Mayor Bouley's proposed appointment to the Energy & Environment Committee. (Maura Adams)
- 35. Mayor Bouley's proposed appointment to the Transportation Policy Advisory Committee. (David M. Newell) (Pulled from consent by Councilor Kretovic)

Action: Item removed for discussion at the end of the agenda.

36. Mayor Bouley's proposed appointments to the Everett Arena Advisory Committee. (Tom Ackerson, Gerry Blanchette, Michael Gfroerer, Nicholas Wallner and Chris Brown)

End of Consent Agenda

37. November 13, 2012 Public Hearings

A. Resolution closing and completing or making a portion of remaining unexpended funds available from certain capital projects and re-appropriating \$131,071 to support Scada System Improvements at the Hall Street Wastewater Treatment Facility, CIP #104; together with report from the General Services Department. (10-8)

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.

B. Resolution accepting and appropriating the sum of up to \$295,000 in matched Transportation Investment Generating Economic Recovery (TIGER) grant funds from the United States Department of Transportation, Federal Highway Administration (USDOT-FHWA) for the design of the Downtown Complete Streets Improvement Project (CIP #460), including the issuance of bonds and notes of up to \$118,000 for the local match portion of the project; together with report from the City Engineer. (10-9)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Blanchard questioned what would happen to these dollars if it was a decision down the road not to move forward. Mr. Aspell responded that the money that was spent has been spent and everything else would have to be rescinded and unappropriated. Councilor Blanchard asked whether dollars have already been spent. Mr. Aspell indicated that they have already awarded the bid for the design and the survey work is starting to take place now.

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

C. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-8, Peddlers, Solicitors, Section 15-8-4.1, Registration of Solicitors – Requirements; together with report from the Legal Department in response to a communication from Pinnacle Security requesting the City of Concord repeal/modify existing ordinances prohibiting door to door solicitation. (7-9) (10-10)

Action: City Manager Tom Aspell provided a brief overview.

Referencing the original ordinance, Councilor Coen inquired as to the thought behind doing it weekly instead of two weeks, 3 weeks or monthly. Mr. Aspell responded that he was not sure of this explaining that the previous City Solicitor had come up with that. Councilor Coen inquired in regards to the hours. Mr. Aspell explained that they had looked at what would be a reasonable time for people, taking daylight savings into consideration.

Councilor Nyhan asked whether there was a requirement or allowance for peddlers to display a notification that they are registered with the city to go door to door. Mr. Aspell responded that there is nothing in terms of requiring a display, however, he did consult with the Legal Department and they said that there is no prohibition to having something like that.

Councilor Keach questioned whether this ordinance would also apply to youth groups and booster clubs. Mr. Aspell responded that it would be the same way that they have done it in the past and would not require a license.

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

November 13, 2012 Public Hearing Action

38. Resolution closing and completing or making a portion of remaining unexpended funds available from certain capital projects and re-appropriating \$131,071 to support Scada System Improvements at the Hall Street Wastewater Treatment Facility, CIP #104; together with report from the General Services Department. (10-8)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed 10 to 0 on a roll call vote with Councilor Blanchard, Mayor Bouley, Councilors Coen, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten and Shurtleff voting yes.

39. Resolution accepting and appropriating the sum of up to \$295,000 in matched Transportation Investment Generating Economic Recovery (TIGER) grant funds from the United States Department of Transportation, Federal Highway Administration (USDOT-FHWA) for the design of the Downtown Complete Streets Improvement Project (CIP #460), including the issuance of bonds and notes of up to \$118,000 for the local match portion of the project; together with report from the City Engineer. (10-9)

Action: Councilor Nyhan moved approval. The motion was duly seconded and failed 9 to 1 on a roll call vote with Mayor Bouley, Councilors Coen, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten and Shurtleff voting yes. Councilor Blanchard voted no.

Councilor Shurtleff moved to table this item. The motion to table was duly seconded and passed with no dissenting votes.

(See page 10 for action taken on item 39)

40. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-8, Peddlers, Solicitors, Section 15-8-4.1, Registration of Solicitors – Requirements; together with report from the Legal Department in response to a communication from Pinnacle Security requesting the City of Concord repeal/modify existing ordinances prohibiting door to door solicitation. (7-9) (10-10)

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

Councilor Nyhan indicated that he would like to have some discussion this evening about some sort of visual display that the peddler has received from the city to go door to door. He explained that there was a problem this past year in the south end of Concord where residents were taken advantage by door to door sales. He noted that it would be nice if they have some type of visual way of identifying peddlers. He proposed adding a requirement to the ordinance that commercial peddlers display some sort of notification via badge or copy of the license authorizing them to go door to door within the city.

Councilor Nyhan moved to amend the proposed ordinance to require commercial peddlers to display evidence that they have received a city permit. The motion was duly seconded.

Councilor Shurtleff asked that if this motion were to pass whether it would go to the Public Safety Board to be acted upon.

Mayor Bouley indicated that this item has been advertised for a public hearing and now an amendment is being proposed. He questioned whether this would go to a committee for the ordinance to be further changed or whether this is something that can be incorporated within the ordinance. City Solicitor Jim Kennedy responded that to be certain that they get the language correct he recommended that it either go to a committee or back to staff at the Legal Department to incorporate the recommended changes and to then come back for a public hearing on the proposed amendment.

Councilor Nyhan moved, in light of this information, to amends his recommendation to refer this to the Public Safety Board for discussion before a Council vote. This motion was duly seconded.

Councilor Kretovic suggested that Mr. Schweiker's communication be taken into consideration in which he proposes making sunset the time that it stops.

The motion to refer this ordinance to the Public Safety Board passed with no dissenting votes.

Councilor Kretovic moved to have the Public Safety Board review the time ending to sunset as opposed to 7:00 p.m. The motion was duly seconded and passed with no dissenting votes.

Councilor Coen indicated that the amount of time that the peddler has to obtain a permit is currently one week and the recommendation is four weeks or one month. He noted that he would feel comfortable if the committee looks at this, suggesting that it could be possibly changed to every two weeks or three weeks. Councilor Coen moved to have the Public Safety Board look at the amount of time to obtain a permit. The motion was duly seconded.

Mayor Bouley asked whether it would be amenable to Council to refer this ordinance back to the Public Safety Board as well as the Legal Department. The Council agreed with this suggestion.

Councilor Shurtleff moved to table this item and refer this ordinance to the Public Safety Board and the Legal Department. The motion was duly seconded and passed with no dissenting votes.

Councilor McClure asked that, when this comes back to Council, they receive a copy of the entire ordinance; the original and what is being proposed.

Appointments by the Mayor

Reports

41. Sidewalk snowplowing report from the City Manager.

Action: City Manager Tom Aspell provided a brief overview.

Councilor McClure asked what the mileage was for the schools previously. Mr. Aspell responded that it encompassed 8.8 miles. Councilor McClure questioned whether there were fewer schools with more miles now. Mr. Aspell responded that there were 11 public schools and now there are 9 but instead of doing four safe walk to school routes that encompassed 8.8 miles; they can go out and do more mileage because of better equipment. Councilor McClure indicated that what's being said is that the city is going to cover the 9 schools better than they covered the 11. Mr. Aspell indicated that to be correct.

Councilor Kretovic indicated that it's not just helping the schools, it's helping everyone.

Mr. Aspell recognized staff member Jim Major from General Services for working hard to make this work and redistributing resources.

Councilor Nyhan asked the City Manager to comment as to where those resources are located for the sake of efficiency. Mr. Aspell responded that there is a piece of equipment at the Manor Fire Station; one at the Heights Fire Station; one at the Broadway Fire Station.

Councilor Grady Sexton moved approval of the report. The motion was duly seconded and passed with no dissenting votes.

42. Report from the Economic Development Advisory Committee regarding the Creative Concord Committee of the Chamber of Commerce's branding the city campaign. (10-30) (Scheduled for presentation in November) (Request from the Economic Development Advisory Committee to withdraw from November agenda received)

Action: Item has been withdrawn.

New Business

Unfinished Business

43. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (Action on this item tabled following a July 9, 2012 public hearing)

Action: Item remains on the table.

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44. Dame School Interim Use Report from the Assistant for Special Projects. (8Sus3) (9-40) (10-32)

Action: Item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Kretovic thanked the communities in Wards 1, 2 and parts of 3 for their patience on the Route 3 Corridor project.

In regards to the November 6th election, Mayor Bouley recognized the outstanding work of the City Clerk's Office staff, staff from other departments and that have been cross trained in elections and the election workers. City Clerk Janice Bonenfant recognized three local businesses that provided food during election day; Bagel Works, Quality Cash Market and Stoneyfield Farms.

Comments, Requests by the City Manager

City Manager Tom Aspell thanked Chip Chesley and the General Services Department, Dan Andrus and the Fire Department, and John Duval and the Police Department for their outstanding work related to the Presidential visit.

Consideration of items pulled from the consent agenda for discussion

Items 23 and 35 have been pulled from the consent agenda for discussion.

23. Quarterly Pay As You Throw (PAYT) Quarterly Status Report. (*Pulled from consent by Councilor St. Hilaire*)

Action: Councilor St. Hilaire moved to accept the report and requested that the reports be given to Council semi-annually and include financial information and to tell them how the program is working. The motion was duly seconded and passed with no dissenting votes.

35. Mayor Bouley's proposed appointment to the Transportation Policy Advisory Committee. (*David M. Newell*) (*Pulled from consent by Councilor Kretovic*)

Action: Councilor Kretovic indicated that Mr. Newell received a better offer from another organization related to his business. She indicated that he may join one of the subcommittees as opposed to TPAC. She added that if the meeting night changes for TPAC, he would like to be considered again.

Councilor Kretovic, on behalf of Mr. Newell, moved to withdraw his nomination to TPAC. The motion was duly seconded and passed with no dissenting votes.

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Councilor Shurtleff indicated that earlier in the meeting he made a motion to table item 39 and moved to take this item off the table. The motion was duly seconded and passed with no dissenting votes.

Councilor Blanchard moved to reconsider item 39 giving Councilors that arrived late the opportunity to vote on this item. The motion to reconsider was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved approval. The motion was duly seconded.

Councilor Blanchard noted her concerns on voting on these dollars before the final report is in from the committee. She stated that her intent is that she hoped they could wait until after November 26th to vote on this item.

Councilor Blanchard moved to amend the motion that Council wait to vote on this until after the public hearing on November 26th. There was no second to the motion.

The motion to approve passed 12 to 0 with Councilors Bennett, Blanchard, Mayor Bouley, Councilors Coen, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, St. Hilaire and Shurtleff voting yes.

City Manager Aspell recognized Doug Ross, Phil Bilodeau and Sean Toomey for putting together the work associated with energy.

Mr. Aspell reminded people of the Mayor's Annual Prayer Breakfast on Friday, November 16th at 7:30 a.m.

Mr. Aspell noted that the Holiday Parade will be held on Saturday, November 17th at 9:30 a.m.

Adjournment

The time being 8:04 p.m., Councilor Nyhan moved to enter into non- public session in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining strategies and a non-public session in accordance with RSA 91-A:2, I (b) to meet with legal counsel. The motion was duly seconded and passed with no dissenting votes.

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