



City Council Recessed Meeting
Agenda
July 30, 2014
City Council Chambers
7:00 p.m.

1. Call to Order.
2. Roll Call.
3. Agenda overview by the Mayor.
4. **July 30, 2014 Public Hearings**
 - A. Resolution appropriating the sum of \$730,000 and authorizing the issuance of bonds and notes for additions to the construction of the Downtown Complete Streets Improvement Project (CIP #460).

July 30, 2014 Public Hearing Action

5. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with report from the City Engineer. (6-5) (7-24J; 7-36) *(Public hearing held on July 14, 2014)*
6. Resolution rescinding resolution #8686 and appropriating \$2,500,000 and authorizing the issuance of bond and notes in the amount of \$2,500,000 for the Downtown Complete Streets Project, CIP #460, within the Sears Block Tax Increment Finance District. (6-6) (7-24K; 7-37) *(Action to be taken July 30, 2014) (Report from the Sears Block Tax Increment Finance District Advisory Board submitted) (Public hearing held on July 14, 2014) (Supplemental report from the City Engineer submitted)*
7. Resolution appropriating \$348,705 in Traffic Impact Fee Funds for construction of the Downtown Complete Streets Improvement Project, CIP #460. (6-7) (7-24L; 7-34) *(Public hearing held on July 14, 2014)*
8. Resolution appropriating \$152,780 and authorizing the issuance of bonds and notes for Water System Improvements in conjunction with the Downtown Complete Streets Improvement Project, CIP #460. (6-8) (7-24M; 7-35) *(Public hearing held on July 14, 2014)*

City Council Agenda

July 30, 2014

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9. Resolution appropriating the sum of \$730,000 and authorizing the issuance of bonds and notes for additions to the construction of the Downtown Complete Streets Improvement Project (CIP #460).

Reports

New Business

Unfinished Business

10. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-331; 2-42) (3-39) (4-37) (5-58) (6-53) (7-40) (8-65) (9-37) (10-36) (11-40) (12-37)(1-42) (2-56) (3-45) (4-18) (5-45) (6-42) (7-38) (*Action on this item tabled following a February 2013 public hearing*)
11. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration. (8-14)(9-26C; 9-29) (10-37) (11-41) (12-38) (1-43) (2-57) (3-46) (4-49) (5-46) (6-43) (7-39) (*Action on this item was tabled after a public hearing was held on September 9, 2013.*)
12. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection; together with report from Acting City Planner. (1-9) (2-45A; 2-46) (3-47) (4-50) (5-47) (6-44) (7-40) (*Action tabled on this item; item also referred to the Impact Fee Committee after a public hearing was held February 10, 2014*)
13. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations, Section 28-6-7, Signs Prohibited Under this Ordinance and Glossary; together with a report from the Zoning Administrator. (2-16) (3-35E; 3-39) (4-51)(5-48) (6-45) (7-41) (*March 10, 2014 public hearing opened and recessed at the request of the Deputy City Manager – Development until such time as the Planning Board has had to finalize their review*) (*Report from the Deputy City Manager – Development; together with proposed ordinance submitted*).

Comments, Requests by Mayor, City Councilors

Comments, Requests by the City Manager

Consideration of items pulled from the July 14, 2014 consent agenda for discussion

15. Comprehensive Annual Financial Report Award notification from the Deputy City Manager – Finance and the Assistant Finance Director. *(Pulled from consent by Councilor Coen)*
17. Report from the City Engineer recommending that the City Manager be authorized to reestablish the public right-of-way boundary line along Sewalls Falls Road in conjunction with the Sewalls Falls Bridge Replacement Project (CIP22). *(Pulled from consent by Council McClure)*
18. Report from the Police Department in response to a communication from Kathleen Conners, 5 Cambridge Street, regarding safety concerns she has within her neighborhood as well as other areas within the City of Concord. (6-11) *(Report from Code Administration submitted) (Pulled from consent by Councilor Champlin)*

Consideration of Suspense Items

- 7 Sus1 **Referral to the Transportation Policy Advisory Committee**
Communication from Jason and Julie Petty asking that consideration be given to the installation of new stop intersections one at Snow and Welch Street and one at Snow and Bean Street.
- 7 Sus2 **Referral to Parks and Recreation**
Communication, from Michael Feinstein and Jackie Lessard, requesting the City of Concord consider developing a Green Burial site.

Adjournment

Brian
7/15/14
7-46
7-9

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION APPROPRIATING THE SUM OF SEVEN HUNDRED THIRTY THOUSAND DOLLARS (\$730,000) AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR ADDITIONS TO THE CONSTRUCTION OF THE DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT (CIP #460).

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The City of Concord resolves as follows:

WHEREAS, on June 19, 2012, the City received notice from the US Department of Transportation (USDOT) that it had been awarded a Transportation Investment Generating Economic Recovery (TIGER) grant for the Downtown Complete Streets Improvement Project; and

WHEREAS, the 2014-2023 Capital Improvement Plan (CIP) includes a project for streetscape improvements on Main Street known as the Downtown Complete Streets Improvement Project (CIP #460); and

WHEREAS, the amount of \$10,331,677 in grant, matching, and non-matching funds has been appropriated by Resolutions #8478, #8599, #8618, #8678, #8704, and #8686 for streetscape improvements; and

WHEREAS, a contractor has been selected through a qualifications-based alternative selection process where a detailed project scope, budget, and schedule was developed which exceeds available project funds; and

WHEREAS, it is the desire of the City Council to include Work Scope Alternatives #9 (Uplights and Electrical Receptacles in Tree Wells) and #10 (Conduit for Future Lighting in the Tree Wells) and colored lights options, approximately \$340,000; funding for lighting engineering services to ensure all lights downtown work together and complement one another appropriately, approximately \$100,000; funding to allow for the moving of the Clock Tower, approximately \$180,000; and funding for planter fencing, approximately \$110,000 which will require total additional funding in the amount of \$730,000; and

WHEREAS, given the award of the TIGER grant, previously appropriated funds, and the completion of the design through a public process, it is the recommendation of the City Engineer to appropriate additional project funds to complete the construction of the Downtown Complete Streets Improvement Project; and

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION APPROPRIATING THE SUM OF SEVEN HUNDRED THIRTY THOUSAND DOLLARS (\$730,000) AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES FOR ADDITIONS TO THE CONSTRUCTION OF THE DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT (CIP #460).

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WHEREAS, RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

- 1) The sum of\$730,000
be and is hereby appropriated as follows:

General Capital Projects Fund

Community Development Engineering Services

FY 2014 Downtown Complete Streets Improvement Project CIP#460....\$730,000

- 2) Revenue to meet said appropriation shall be provided from the following sources:

General Capital Projects Fund

Community Development Engineering Services

FY 2014 Downtown Complete Streets Improvement Project\$730,000

- 3) The City Treasurer, with the approval of the City Manager, is authorized to issue up to \$730,000 in bonds and notes of the City of Concord.
- 4) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes, and providing for the sale, is hereby delegated to the City Treasurer.
- 5) Sums as appropriated shall be expended under the direction of the City Manager.
- 6) The useful life of the improvements is expected to be in excess of twenty-five (25) years.
- 7) This resolution shall take effect upon its passage.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

Brian
6/26/14
6-5
7-249/
7-5

RESOLUTION ADOPTING AN AMENDED AND RESTATED DEVELOPMENT PROGRAM AND FINANCING PLAN FOR THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT.

Page 1 of 3

The City of Concord resolves as follows:

WHEREAS, by Resolution #5396, adopted on October 9, 1979, and Resolution #6761, adopted October 20, 1997, the City Council adopted the provisions of NH RSA 162-K, as amended, for the purposes of establishing one or more tax increment financing districts; and

WHEREAS, the City adopted Resolution #7205 on July 9, 2001, to establish the Sears Block Tax Increment Finance District and enact a Development and Financing Plan in support of a Development Agreement between the City of Concord and a developer, which was never executed as that developer subsequently withdrew from the project; and

WHEREAS, pursuant to Resolution #7515, adopted on September 8, 2003, the City repealed the Sears Block Tax Increment Finance District, together with its Development and Finance Plan, as adopted by Resolution #7205, and created a new Sears Block Tax Increment Finance District and adopted a new Development and Finance Plan pursuant to a Development Agreement with Capital Commons L.L.C. concerning redevelopment of certain property formerly known as the Sears Block, previously located at 11 South Main Street, now known as the Capital Commons Office Building and Municipal Parking Garage located at 75 Storrs Street; and

WHEREAS, on April 11, 2005, the City adopted Resolution #7722, which modified the Development Program and Financing Plan for the Sears Block Tax Increment Finance District due to certain changes in scope for the public improvements and cost escalations related thereto associated with the so-called Capital Commons Redevelopment Project located at 11 South Main Street and 75 Storrs Street; and

WHEREAS, on May 8, 2006, the City adopted Resolution #7890, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District due to certain scope changes and cost escalations associated with the Capital Commons Redevelopment Project located at 11 South Main Street and 75 Storrs Street; and

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION ADOPTING AN AMENDED AND RESTATED DEVELOPMENT PROGRAM AND FINANCING PLAN FOR THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT.

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WHEREAS, on February 13, 2012, the City adopted Resolution #8534, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District in order to support the Bindery Redevelopment Project located at 43-45 South Main Street, including conversion of approximately \$2.505 million in previously issued tax exempt debt to taxable status associated with the conversion of 91 public parking spaces to long-term lease spaces for tenants of the Bindery Redevelopment Project, as well as expansion of the District's geography to include the New Hampshire Employment Security ("NHES") property located at 32-34 South Main Street and certain other surrounding properties thereto; and

WHEREAS, on August 12, 2013, the City adopted Resolution #8685, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District in order to support the installation of underground utilities for a section of South Main Street to be undertaken in conjunction with the City's Downtown Complete Streets Project, CIP #460; and

WHEREAS, on June 9, 2014, the City adopted Resolution #8776, which further modified the Development Program and Financing Plan for the Sears Block Tax Increment Financing District in order to support acquisition and weatherization of real estate located at 32-34 South Main Street known as the former NH Employment Security Property; and

WHEREAS, the City desires to further amend the Development Program and Financing Plan for the Sears Block Tax Increment Finance District to rescind funding approved by Resolution #8686 and to issue bonds and notes to support the Downtown Complete Streets Project (CIP #460);

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION **ADOPTING AN AMENDED AND RESTATED DEVELOPMENT PROGRAM AND FINANCING PLAN FOR THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT.**

Page 3 of 3

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

1. After holding a public hearing and taking public testimony, the City Council hereby finds that the Amended and Restated Sears Block Tax Increment Finance District Development and Finance Plan presented at this meeting and attached hereto, and infrastructure improvements to be undertaken within the Sears Block Tax Increment Finance District as part of the Downtown Complete Streets Project (CIP #460) serves a public purpose pursuant to NH RSA 162-K:5.
2. In accordance with NH RSA 162-K:6, 162-K:9, and 162-K:10, the City Council hereby amends and restates in its entirety the Sears Block Tax Increment Finance District Development Program and Financing Plan, adopted by Resolution #7515 on September 8, 2003, and amended by Resolutions #7722, #7890, #8534, #8685, and #8776 respectively, by adopting the Amended and Restated Sears Block Tax Increment Finance District Development Program and Financing Plan, dated July 30, 2014, presented at this meeting and attached hereto.
3. This resolution shall take effect upon passage.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Edward L. Roberge, PE, City Engineer
DATE: REVISED June 27, 2014
SUBJECT: Downtown Complete Streets Improvement Project (CIP #460)

Recommendation

Accept this report and set the following resolutions for a public hearing on July 14, 2014.

1. Resolution amending and restating the Sears Block Tax Increment Finance District Development Program and Financing Plan, but delay City Council action until July 30, 2014 in accordance with RSA 162-k:4.
2. Resolution rescinding Resolution #8686 and authorizing the issuance of bonds and notes in the amount of up to \$2,500,000 for infrastructure improvements in conjunction with the Downtown Complete Streets Project (CIP #460), but delay City Council action until July 30, 2014 in accordance with RSA 162-k:4.
3. Appropriating the sum of Three Hundred Forty Eight Thousand Seven Hundred Five Dollars (\$348,705) in Traffic Impact Fee Funds for construction of the Downtown Complete Streets Improvement Project (CIP #460).
4. Appropriating the sum of One Hundred Fifty Two Thousand Seven Hundred Eighty Dollars (\$152,780) and authorizing the issuance of water bonds and notes for water system, improvements in conjunction with the Downtown Complete Streets Improvement Project (CIP #460).

Background

At its February 10, 2014 meeting, City Council authorized the City Manager to reject the single bid received on January 24, 2014 and pursue an alternative approach to contractor selection through Federal Highway Administration (FHWA). The City Council also acknowledged that the restrictions as to the project's execution were significantly problematic and limited participation in the project and drove costs quite high. Specific areas to review with the selected contractor would include day time work schedules, expansion of the work areas, and flexible parking within the work zone. Council also directed staff to pursue detailed pricing on sidewalk snowmelt system alternatives.

Discussion

Following the February meeting, staff released a Request for Proposals (RFP) for Construction Manager/General Contractor (CM/GC) services. Two proposals were received on April 11, 2014 and a proposal evaluation team which included staff from Administration, Community Development, Engineering, General Services, Finance, the project consulting team, and FHWA was convened. The evaluation team concluded their evaluation of proposals on April 18, 2014 and recommended selection of Severino Trucking Co., Inc. (STCI) of Candia, NH through the qualifications-based selection process.

CMGC Process

Following selection approval by FHWA, the project evaluation team met with STCI on April 25, 2014 to formally kick off the CM/GC process. Staff stressed the importance of maintaining the project scope of work as approved by City Council through the public process. The project as proposed is substantially the same as approved by City Council. Minor detail modifications and material selections have been proposed but do not jeopardize the quality or intent of the project.

The process included three project review workshops (April 29th, May 6th, and May 13th) where staff and the contractor critically reviewed plans, specifications, material selections, and prosecution of work in order to develop a final scope of work for the project. STCI's detailed project scope, budget, and schedule proposal was delivered on June 3rd which was followed by a June 6th proposal review meeting with the project evaluation team. Additional information was sought for better project clarification and the final project proposal was delivered on June 20, 2014.

Proposal Scope

The project scope of work remains consistent with Council's adopted work plan and the previous bid attempts where the base bid structure is followed by non-participating work, several bid add alternatives, and a project option. Additionally, through the CM/GC process, several work scope alternatives (additions and deletions) were introduced for Council consideration.

The base bid includes all the work outlined in the final design drawings for the complete project. Non-participating work items include the resurfacing at Eagle Square and replacement of a number of water services along Main Street. The Eagle Square improvements were previously appropriated and are separate from the Main Street project funds. Non-participating water service improvements were not funded previously so the Resolution noted above recommends funding the necessary water improvements.

To allow for maximum flexibility of project alternatives and costs, bid add alternates were included in the original bid release and maintained throughout the bid and CM/GC process. Add Alternate #1 includes sidewalk surface material upgrades, specifically replacing base bid concrete sidewalks with alternate granite and brick pavers in all bumpout areas. Add Alternate #2 consists of crosswalk material upgrades on side streets, replacing base bid paved and striped crosswalks with decorative concrete unit pavers at side streets. Add Alternate #3 replaces proposed double-head decorative lighting fixtures at crosswalks with

an alternative "smart light" system which allows for Wi-Fi, audio, and visual technologies. Add Alternate #4 introduces downtown banner structures at a south end and north end location for street wide banners. Add Alternate #5 is the relocation of the clock tower from Eagle Square to Phoenix Avenue.

The project option consists of a sidewalk snowmelt system. Two service area options were presented including a snowmelt system from Centre Street to Hills Avenue (9,200 SY) and Centre Street to Theatre Street (12,000 SY). At the February meeting, City Council requested that staff pursue pricing for the Centre to Theatre Street option including review of all alternative power sources available. Staff and the CM/GC reviewed a number of system energy options including natural gas, steam, geothermal wells, wood chips, and wastewater energy re-use. Based on the energy requirements, geothermal wells require a well farm of some 500 wells and a wood chip plant would likely encompass over 5 acres of land. Both proved not feasible for this project. Staff also reviewed the latest technology where energy could be extracted from the wastewater stream through a heat exchange process. This too proved not feasible given the energy needs and the lack of overall wastewater flow required.

In the end, a traditional gas fired boiler or steam heat exchange system appeared most feasible for use, but both have significant cost impacts to the project. While the steam system has a lower capital cost, operating and maintenance costs are much higher. A natural gas system has a higher initial capital investment but would prove less costly to operate and maintain but still a large expense. Both require significant infrastructure investment to support energy generation and ongoing operation and maintenance costs are high. Detailed costs are provided in an attachment to this report.

Prosecution of Work/Schedule

In order to complete the project, STCI proposes an innovative approach to traffic control and access to the work areas. The project will be sequenced in three phases beginning in the south end and working north. In Phase 1 (South Main Street), STCI proposes one-way traffic patterns on Main Street between Storrs Street and Pleasant Street allowing for better control of the project work areas while maximizing available parking. When work is underway along the east side of South Main Street, traffic will be directed one-way southbound in order to use the existing angled parking spaces along the west side. When traffic is moved to accommodate west side construction, the traffic pattern will be reversed to one-way northbound direction to use the available parking spaces along the east side. Temporary parallel parking and an adjacent sidewalk is proposed parallel to the one-way travelway. Parking within the Phase 1 work area is estimated to range between 75% and 90% of existing spaces. A similar one-way traffic pattern is proposed in Phase 2 (North Main Street). Generally, there will be about 80% of parking spaces available during the Phase 2 work. Phase 3 will include completion of streetscape features, landscaping, final paving, markings, and signage throughout both South and North Main Street and traffic patterns and available parking will vary.

STCI proposes to begin construction immediately following approval by City Council and expects construction through 2014 and 2015 with completion in mid- to late-2016. Day time work hours generally from 7AM to 7PM are proposed with the exception of major utility and paving operations which have been planned for night work. Storefront access will be

maintained with either constructed ramps within the work areas or by hard sidewalk surfaces provided to the business and residential entrances. Assistance with pedestrians will be provided by flagger staff throughout the duration of the project. Directional signage for one-way traffic patterns as well as wayfinding signage to parking garages will be maintained through the duration of the project.

Following the 2014 construction season, construction will resume in the spring 2015 by late March (weather permitting) and will conclude around the Veteran's Day holiday in November. This schedule will repeat in 2016 until complete. The contractor does not expect to work weekends or holidays.

Proposal Cost

The detailed project costs are outlined below.

Base Bid:

Construct Improvements Storrs to Storrs	\$10,234,020.50
Construction Engineering	\$ 250,000.00
Eagle Square: Replace Pavers and Lighting	\$ 312,850.00
Water System Improvements: Fire Service Replacements	\$ 152,780.00
Add Alternate #1 – Sidewalk Surface Upgrades	\$ 897,150.00
Add Alternate #2 – Crosswalk Material Upgrades	\$ 110,310.00
Add Alternate #3 – Street Lighting Upgrades	\$ 360,000.00
Add Alternate #4 – Downtown Banner Structures	\$ 75,000.00
Add Alternate #5 – Relocate Clock Tower	\$ 180,000.00
Project Cost:	\$12,572,110.50

Work Scope Alternatives:

Deduct Sta. 100+00 to 110+00 (Storrs to Concord – South)	(\$1,500,000.00)
Deduct Sta. 137+50 to 143+50 (Centre to Storrs – North)	(\$ 395,500.00)
Deduct Ornamental Fencing at Planters	(\$ 110,000.00)
Deduct Conduit for Future Uplights/Outlets in Tree Planters	(\$ 32,820.00)
Substitute Concrete Paver Crosswalks with Paved Crosswalks	(\$ 88,302.00)
Substitute Cobblestone Median with Paved Median	(\$ 249,900.00)
Substitute Cobblestone Median with Concrete Median	(\$ 94,760.00)
Substitute Big Belly Compactors with Ornamental Receptacles	(\$ 66,000.00)
Replace Loam with Structural Soil	\$ 135,000.00
Add Uplights/Outlets in Tree Wells/Planters	\$ 137,190.00
Underground Utility Relocation (Pleasant to Thompson)	\$ 1,699,500.00
Sidewalk Snowmelt System (12,000 SY Centre to Theatre)	\$ 4,456,320.00

Project Recommendation

Staff developed the following recommended project work plan based upon the extensive public process, previous Council direction, and project affordability. The recommended project plan is the transformative downtown improvement project sought by the Project Advisory Committee and the general public, and as endorsed by City Council. The project

includes a two-lane roadway with a cobblestone median, dramatic streetscape improvements including widened sidewalks of concrete, granite, and brick materials, ornamental paver crosswalks, irrigated tree planters and tree grates, enhanced LED lighting, downtown street wide banner support structures, and accessibility improvements that include the elimination of the double step curb, additional accessible parking spaces, and new access to 18 storefronts.

In order to meet funding limitations, it is recommended that the project limits be shortened to Concord Street in the south (Sta. 110+00) and to Centre Street/Loudon Road in the north (Sta. 137+50). Most design amenities are included in the recommended project with the exception of lighting under the granite seat blocks, uplighting and electrical outlets at each tree planter and tree well, ornamental fencing on the raised granite tree planters, the "big belly" trash compactors, and the relocation of the clock tower. Electrical outlets will be included on all lighting fixtures for downtown use and ornamental trash receptacles will replace the "big belly" compactors.

The recommended project work plan does not include the utility relocation alternative or the sidewalk snowmelt system option. Costs were quite high and could not fit within the project funding limitations without significant impact to the quality and intent of the project or requiring additional funding commitments.

The detailed recommended project cost is outlined below.

Construct Improvements Storrs to Storrs	\$10,234,020.50
Construction Engineering	\$ 250,000.00
Eagle Square: Replace Pavers and Lighting	\$ 312,850.00
Water System Improvements: Fire Service Replacements	\$ 152,780.00
Add Alternate #1 – Sidewalk Surface Upgrades	\$ 897,150.00
Add Alternate #2 – Crosswalk Material Upgrades	\$ 110,310.00
Add Alternate #4 – Downtown Banner Structures	\$ 75,000.00
Deduct Sta. 100+00 to 110+00 (Storrs to Concord – South)	(\$1,500,000.00)
Deduct Sta. 137+50 to 143+50 (Centre to Storrs – North)	(\$ 395,500.00)
Deduct Ornamental Fencing at Planters	(\$ 110,000.00)
Deduct Conduit for Future Uplights/Outlets in Tree Planters	(\$ 32,820.00)
Substitute Big Belly Compactors with Ornamental Receptacles	(\$ 66,000.00)
Contingency	<u>\$ 294,598.70</u>
Project Cost:	\$10,222,389.20

Funding available for construction from previous appropriations totals about \$9,720,904, of which \$2,378,677 is General Fund bonds resulting in an anticipated first year debt service payment of \$190,294. It is recommended that the gap in funding between previous appropriations and the project cost (\$501,485) be made up with traffic impact fee funds and water funds not previously used in the Main Street funding. No additional General Fund appropriations are required to complete the project if this recommended work plan is accepted. However, available funds also include previously appropriated Sears Block TIF (SBTIF) District funds which will require repurposing for use in constructing the streetscape improvements.

City Council will recall that on August 12, 2013, Resolutions 8685 and 8686 were approved; authorizing the issuance of SBTIF supported bonds and notes in the amount of up to \$2,500,000 for construction of underground utilities along portions of South Main Street. This work was to be undertaken concurrently with the Downtown Complete Streets Project. In total, approximately 750' of aerial utilities were to be buried, generally between the Concord Food Co-Op and Thompson Street. The purpose of this investment by the SBTIF was to prepare the NH Employment Security site, as well as other surrounding properties, for future redevelopment.

The recommended project work plan proposes to forgo installation of the underground utilities and, in turn, utilize the TIF funds to support that portion of the project within the SBTIF District (generally between Depot Street and Theatre Street). The attached resolutions will amend and re-state the SBTIF Development Program and Financing Plan, as well as rescind and re-appropriate the \$2,500,000 in TIF supported bonds and notes. Please note that the summary pro forma for the SBTIF has been updated to reflect the City Council's recent appropriation of funds for acquisition of the NH Employment Security property and related activities.

It is important to note that final pricing offered by the CM/GC for the utility work was \$1,699,500. This figure is \$800,500 less than the initial \$2,500,000 estimate prepared in August 2013. Placing the utilities underground does create curb appeal through improved aesthetics and improves the views from upper floors of a building, and could likely facilitate the construction for potential new buildings at the NHES site. In the event the City Council still wanted to pursue the utility relocation effort, the \$800,500 in savings could be made available for the Complete Streets Project. However, the City Council would need to appropriate an additional \$1,600,000 in General Fund supported bonds and notes to make up for the SBTIF moneys, which would be re-dedicated to the installation of underground utilities.

A detailed project revenue, expense, and recommended project cost report has been attached for Council's reference.

Operation and Maintenance Costs

There has been considerable discussion on the need to make significant changes in the level of investment to maintain the downtown once the proposed improvements are complete. The Administration also recognizes that the snowmelt system was a significant feature of the original project. To address both issues, Administration is proposing the addition of a four person red carpet team dedicated to the downtown. This staffing level would provide quality, year-round service to sweep, pick up trash, do regular maintenance and remove snow. Based on a model of three maintenance aides and one supervisor, it is estimated that the personnel costs in year 1 would be approximately \$272,000. Equipment needed for this team would add about \$30,000 in annual debt service. During snow events, this team would be focused on downtown snow removal to provide prompt service at a significant savings as contrasted with the operational costs of a gas-fired or steam snowmelt system. Should Council accept this recommendation, the Administration will program the necessary staffing and equipment purchases as part of the FY2016 City budget. Council should be cognizant, nonetheless, that the addition of this staffing component will be equivalent to a 1% tax rate increase and be an on-going financial commitment to the downtown.

Recommendation

It is recommended that City Council accept this report and set the attached resolutions to amend and restate the Sear Block TIF District, rescind previous appropriated TIF funds, authorize and appropriate TIF supported bonds and notes, appropriate traffic impact fee funds, and authorize and appropriate water bonds and notes for a public hearing on July 14, 2014.

/elr

attachments

cc: Tom Aspell, City Manager
Carlos Baía, Deputy City Manager - Development
Brian LeBrun, Deputy City Manager - Finance
Matt Walsh, Assistant for Special Project
Denise Taschereau, Fiscal Supervisor
Jamie Sikora, FHWA

CONCORD 23717
 CONCORD DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT
 CONCORD, NH

PROJECT REVENUE SUMMARY

<u>PROJECT REVENUE</u>	<u>TOTAL FUNDS</u>	<u>FED</u>	<u>LOCAL</u>	<u>NOTES</u>
Project Appropriation - TIGER (Resolution 8599)	\$420,000.00	\$252,000.00	\$168,000.00	TIGER Grant Funds + Repurposed Bond Funds
Project Appropriation - TIGER (Resolution 8618)	\$295,000.00	\$177,000.00	\$118,000.00	TIGER Grant Funds + GO Bond Funds
Project Appropriation - TIGER (Resolution 8678)	\$5,566,000.00	\$4,281,000.00	\$1,285,000.00	TIGER Grant Funds + GO Bond Funds
Project Appropriation - TIF (Resolution 8686)	\$2,500,000.00	\$0.00	\$2,500,000.00	TIF Supported GO Bond Funds
Project Appropriation - Local Match (Resolution 8704)	\$1,535,677.00	\$0.00	\$1,535,677.00	GO Bond Funds + CDFA Tax Credits
Project Appropriation - Solid Waste (Resolution 8478)	\$15,000.00	\$0.00	\$15,000.00	Solid Waste - Downtown Trash Receptacles
Eagle Square Appropriation - NONPAR (Resolution 8583)	\$297,897.00	\$0.00	\$297,897.00	GO Bond Funds
Water System Improvements - NONPAR	\$152,780.00	\$0.00	\$152,780.00	Water Funds (Pending Appropriation 7/14/2014)
Love Building Sidewalk Deposit	\$34,323.00	\$0.00	\$34,323.00	Exaction - Cash Deposit
Traffic Impact Fees	\$348,705.00	\$0.00	\$348,705.00	IFF-Traffic (Pending Appropriation 7/14/2014)
Project Revenue TOTAL:	\$11,165,382.00	\$4,710,000.00	\$6,455,382.00	

AVAILABLE PROJECT FUNDS

	<u>TOTAL FUNDS</u>	<u>EXPENDITURES</u>	<u>AVAILABLE</u>
Project Appropriation - TIGER (Resolution 8599)	\$420,000.00	\$418,321.60	\$1,678.40
Project Appropriation - TIGER (Resolution 8618)	\$295,000.00	\$293,821.20	\$1,178.80
Project Appropriation - TIGER (Resolution 8678)	\$5,566,000.00	\$224,850.00	\$5,341,150.00
Project Appropriation - TIF (Resolution 8686)	\$2,500,000.00	\$0.00	\$2,500,000.00
Project Appropriation - Local Match (Resolution 8704)	\$1,535,677.00	\$6,000.00	\$1,529,677.00
Project Appropriation - Solid Waste (Resolution 8478)	\$15,000.00	\$0.00	\$15,000.00
Eagle Square Appropriation - NONPAR (Resolution 8583)	\$297,897.00	\$0.00	\$297,897.00
Water System Improvements - NONPAR (Resolution 8583)	\$152,780.00	\$0.00	\$152,780.00
Love Building Sidewalk Deposit	\$34,323.00	\$0.00	\$34,323.00
Traffic Impact Fees	\$348,705.00	\$0.00	\$348,705.00
			Water Funds (Pending Appropriation 7/14/2014)
			IFF-Traffic (Pending Appropriation 7/14/2014)
TOTAL AVAILABLE:	\$11,165,382.00	\$942,992.80	\$10,222,389.20

CONCORD 23717
 CONCORD DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT
 CONCORD, NH

PROJECT EXPENSE SUMMARY

BASE PHASE - PHASE 1 (DESIGN)

<u>Project Design/Permitting (PE)</u>	<u>COST</u>	<u>TIGER FUNDS 60%</u>	<u>LOCAL MATCH 40%</u>
Survey			
Preliminary Engineering	\$50,000.00	\$30,000.00	\$20,000.00
Final Engineering	\$200,000.00	\$120,000.00	\$80,000.00
Project Management	\$325,000.00	\$195,000.00	\$130,000.00
ADA Accessibility Design	\$68,000.00	\$40,800.00	\$27,200.00
Signage and Wayfinding	\$30,700.00	\$18,420.00	\$12,280.00
Underground Utility Relocation (NON-PAR)	\$49,500.00	\$29,700.00	\$19,800.00
Environmental Permitting	\$50,500.00	\$0.00	\$50,500.00
Historic Review	\$2,000.00	\$1,200.00	\$800.00
NEPA-CE Review	\$55,000.00	\$33,000.00	\$22,000.00
	\$25,000.00	\$15,000.00	\$10,000.00
Design/Permitting Subtotal (PE)	\$855,700.00	\$483,120.00	\$372,580.00

OPTION PHASE - PHASE 2 (CONSTRUCTION)

<u>BASE BID</u>	<u>COST</u>	<u>FED</u>	<u>LOCAL</u>
Base Bid (PAR)			
Construction Engineering	\$10,234,020.50	\$4,076,880.00	\$6,157,140.50
Eagle Square Improvements (NON-PAR)	\$250,000.00	\$150,000.00	\$100,000.00
Water System Improvements (NON-PAR)	\$312,850.00	\$0.00	\$312,850.00
Add Alternate #1 - Sidewalk Surface Material Upgrades	\$152,780.00	\$0.00	\$152,780.00
Add Alternate #2 - Crosswalk Material Upgrades	\$897,150.00	\$0.00	\$830,000.00
Add Alternate #3 - Special Lighting Upgrades	\$110,310.00	\$0.00	\$110,310.00
Add Alternate #4 - DOWNTOWN Banner Structures	\$360,000.00	\$0.00	\$360,000.00
Add Alternate #5 - Relocation of Clock Tower	\$75,000.00	\$0.00	\$75,000.00
	\$180,000.00	\$0.00	\$180,000.00
Construction Total (CON)	\$12,572,110.50	\$4,226,880.00	\$8,278,080.50

CONCORD 23717
 CONCORD DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT
 CONCORD, NH

CONSTRUCTION ALTERNATIVES DETAIL

OPTION PHASE - PHASE 2 (CONSTRUCTION)

Base + Alternatives

Base Bid (PAR)	\$10,234,020.50
Construction Engineering	\$250,000.00
Eagle Square Improvements (NON-PAR)	\$312,850.00
Water System Improvements (NON-PAR)	\$152,780.00
Add Alternate #1 - Sidewalk Surface Material Upgrades	\$897,150.00
Add Alternate #2 - Crosswalk Material Upgrades	\$110,310.00
Add Alternate #3 - Special Lighting Upgrades	\$360,000.00
Add Alternate #4 - Downtown Banner Structures	\$75,000.00
Add Alternate #5 - Relocation of Clock Tower	<u>\$180,000.00</u>

Construction Total (CON) \$12,572,110.50

POTENTIAL WORKPLAN

Work Scope Alternatives

- 1 Eliminate Sta. 100+00 to Sta. 110+00 (South end)
- 2 Eliminate Sta. 137+750 to Sta. 143.50 (North end)
- 3 Eliminate Ornamental Fencing on Planters
- 4 Substitute Concrete Pavers with HBPHM Crosswalks
- 5 Substitute Cobblestone Median with HBPHM
- 6 Substitute Cobblestone Median with Exposed Concrete
- 7 Substitute Big Belly Compactors with Ornamental Receptacles
- 8 Add Lighted Seat Blocks
- 9 Add Uplights and Electrical Receptacles in Tree Wells
- 10 Eliminate Conduit for Future Lighting/Electric in Tree Wells
- 11 Replace Loam with Structural Soil.

ESTIMATED SAVINGS

- (\$1,500,000.00)
- (\$395,500.00)
- (\$110,000.00)
- (\$88,307.00)
- (\$249,900.00)
- (\$94,700.00)
- (\$66,000.00)
- \$150,420.00
- \$137,190.00
- (\$32,820.00)
- \$135,000.00

RECOMMENDED WORKPLAN

Base Bid (PAR)	\$10,234,020.50
Construction Engineering	\$250,000.00
Eagle Square Improvements (NON-PAR)	\$312,850.00
Water System Improvements (NON-PAR)	\$152,780.00
Add Alternate #1 - Sidewalk Surface Material Upgrades	\$897,150.00
Add Alternate #2 - Crosswalk Material Upgrades	\$110,310.00
Add Alternate #4 - Downtown Banner Structures	<u>\$75,000.00</u>
	<u>\$12,032,110.50</u>

RECOMMENDED WORKPLAN

- 1 Eliminate Sta. 100+00 to Sta. 110+00 (South end)
- 2 Eliminate Sta. 137+750 to Sta. 143.50 (North end)
- 3 Eliminate Ornamental Fencing on Planters
- 7 Substitute Big Belly Compactors with Ornamental Receptacles
- 10 Eliminate Conduit for Future Lighting/Electric in Tree Wells

- (\$1,500,000.00)
- (\$395,500.00)
- (\$110,000.00)
- (\$66,000.00)
- (\$32,820.00)
- (\$2,104,320.00)

RECOMMENDED OPERATIONS AND MAINTENANCE PLAN

STAFFING

Facilities Maintenance Supervisor (UAW-COND-G16)	\$85,500.00
Maintenance Aide	\$66,000.00
Maintenance Aide	\$62,000.00
Maintenance Aide	<u>\$58,000.00</u>
	<u>\$271,500.00</u>

EQUIPMENT

1-Ton Foreman Platform Dumping Pickup Truck	\$45,000.00
Stainless Steel Sander	\$6,000.00
Sidewalk Tractor w/ Angle Plow, Snowblower, and Sander	\$155,000.00
Pickup Sweeper for Tractor	\$15,000.00
4-Ton Equipment Trailer	<u>\$6,000.00</u>

(Annual Debt Service for Equipment = \$30,000)

\$227,000.00

CONCORD 23717
 CONCORD DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT
 CONCORD, NH

UNDERGROUND UTILITY RELOCATION DETAIL

OPTION PHASE - PHASE 2 (CONSTRUCTION)

Base + Alternatives

Base Bid (PAR)	\$10,234,020.50	
Eagle Square Improvements (NON-PAR)	\$312,850.00	
Water System Improvements (NON-PAR)	\$152,780.00	
Add Alternate #1 - Sidewalk Surface Material Upgrades	\$897,150.00	
Add Alternate #2 - Crosswalk Material Upgrades	\$110,310.00	
Add Alternate #3 - Special Lighting Upgrades	\$360,000.00	
Add Alternate #4 - Downtown Banner Structures	\$75,000.00	
Add Alternate #5 - Relocation of Clock Tower	\$180,000.00	
	<u>\$12,322,110.50</u>	
		Construction Total (CON)
		\$12,322,110.50

POTENTIAL WORKPLAN

Underground Utility Relocation Alternative

1	STCI Underground Utility Improvements	\$520,000.00
2	Concord Electric	\$756,000.00
3	Fairpoint Communications	\$152,000.00
4	Comcast Communications	\$16,000.00
5	Concord Fire Alarm/Fiber Network	\$45,000.00
6	R&T Electric (Utility Service Transfers)	\$120,000.00
7	Project Design	\$50,500.00
8	Construction Management	\$40,000.00
		<u>\$1,699,500.00</u>
		Construction Total (CON)
		\$1,699,500.00

RECOMMENDED WORKPLAN

Base Bid (PAR)	\$10,234,020.50	
Construction Engineering	\$250,000.00	
Eagle Square Improvements (NON-PAR)	\$312,850.00	
Water System Improvements (NON-PAR)	\$152,780.00	
Add Alternate #1 - Sidewalk Surface Material Upgrades	\$897,150.00	
Add Alternate #2 - Crosswalk Material Upgrades	\$110,310.00	
Add Alternate #4 - Downtown Banner Structures	\$75,000.00	
	<u>\$12,032,110.50</u>	
		Construction Total (CON)
		\$12,032,110.50

RECOMMENDED WORKPLAN

- 1 Not Recommended.

\$0.00

CONCORD 23717
 CONCORD DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT
 CONCORD, NH

SIDEWALK SNOWMELT SYSTEM OPTIONS DETAIL

OPTION PHASE - PHASE 2 (CONSTRUCTION)

Base + Alternatives

Base Bid (PAR)	\$10,234,020.50
Eagle Square Improvements (NON-PAR)	\$312,850.00
Water System Improvements (NON-PAR)	\$152,780.00
Add Alternate #1 - Sidewalk Surface Material Upgrades	\$897,150.00
Add Alternate #2 - Crosswalk Material Upgrades	\$110,310.00
Add Alternate #3 - Special Lighting Upgrades	\$360,000.00
Add Alternate #4 - Downtown Banner Structures	\$75,000.00
Add Alternate #5 - Relocation of Clock Tower	\$180,000.00
	<hr/>
Construction Total (CON)	\$12,322,110.50

POTENTIAL WORKPLAN

Sidewalk Snowmelt System Options

1	Option A (9,200 SY - Centre to Hills) - Natural Gas	\$3,440,156.00
2	Option A (9,200 SY - Centre to Hills) - Steam	\$3,158,728.00
3	Option B (12,000 SY - Centre to Theatre) - Natural Gas	\$4,456,320.00
4	Option B (12,000 SY - Centre to Theatre) - Steam	\$4,010,040.00
5	Geothermal Wells Option	\$22,000,000.00
6	WW Energy Recovery-Heat Pump Option	\$5,000,000.00

Construction Total (CON) \$12,322,110.50

Construction Total (CON)

RECOMMENDED WORKPLAN

Base Bid (PAR)	\$10,234,020.50
Construction Engineering	\$250,000.00
Eagle Square Improvements (NON-PAR)	\$312,850.00
Water System Improvements (NON-PAR)	\$152,780.00
Add Alternate #1 - Sidewalk Surface Material Upgrades	\$897,150.00
Add Alternate #2 - Crosswalk Material Upgrades	\$110,310.00
Add Alternate #4 - Downtown Banner Structures	\$75,000.00
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	\$12,032,110.50

RECOMMENDED WORKPLAN

- 1 Not recommended.

\$0.00

\$0.00

SIDEWALK SNOW REMOVAL OPTIONS

CAPITAL AND OPERATIONAL COSTS W/OUT SNOWMELT SYSTEM (RECOMMENDED)

O&M costs based on three (3) maintenance aides and one (1) supervisor plus debt service on purchase of 1 ton dumping platform truck; sander; sidewalk tractor with sweeper and 4 ton trailer.

Downtown Maintenance (Wages & Benefits @ full staff year-round)	\$272,000.00
Debt Service on downtown maintenance equipment investment of \$227,000 (10 yrs @ 3%)	\$29,510.00
Salt/Sand	\$10,000.00
Estimated Total Annual Cost	\$311,510.00

CAPITAL AND OPERATIONAL COSTS W/NATURAL GAS SNOWMELT SYSTEM

O&M costs based upon 120 days of use on design Btu load of 16MM Btu/HR for Option B - 12,000 SY - Centre to Theatre - Natural Gas System.

Gas: 160 therms x 120 days x 24 hours x \$1.10/therm	\$506,880.00
Electricity: Pumps and System Controls	\$24,000.00
Contracted Gas System Maintenance during winter months	\$18,000.00
Debt Service on capital investment of \$4,456,320.00 (20 years @ 3%)	\$356,505.60
Downtown Maintenance (Wages & Benefits w/reduced winter staff)	\$170,031.32
Debt Service on downtown maintenance equipment investment of \$51,000 (10 yrs @ 3%)	\$6,682.53
Estimated Total Annual Cost	\$1,082,099.45

CAPITAL AND OPERATIONAL COSTS W/STEAM SNOWMELT SYSTEM

O&M costs based upon 120 days of use on design Btu load of 16MM Btu/HR for Option B - 12,000 SY - Centre to Theatre - Steam System.

Steam provided by Concord Steam through potential City heat exchanger.

Steam rate shown in range from unconfirmed potential special rate to City's current tariff rate.

	<u>\$21/Mlb</u>	<u>\$42/Mlb</u>
Steam: 16 Mlb x 120 days x 24 hours x Rate per Mlb	\$967,680.00	\$1,935,360.00
Electricity: Pumps and System Controls	\$24,000.00	\$24,000.00
Contracted Steam System Maintenance during winter months	\$24,000.00	\$24,000.00
Debt Service on capital investment of \$4,010,040.00 (20 years @ 3%)	\$320,803	\$320,803
Downtown Maintenance (Wages & Benefits w/reduced winter staff)	\$170,031.32	\$170,031.32
Debt Service on downtown maintenance equipment investment of \$51,000 (10 yrs @ 3%)	\$6,682.53	\$6,682.53
Estimated Total Annual Cost	\$1,513,197.05	\$2,480,877.05

Bin
6/26/11

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

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7-6

RESOLUTION RESCINDING RESOLUTION #8686 AND APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE DOWNTOWN COMPLETE STREETS PROJECT (CIP #460) WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT.

Page 1 of 3

The City of Concord resolves as follows:

WHEREAS, Resolution #8686 was passed by City Council on August 13, 2012, which authorized the issuance of Sears Block Tax Increment Finance District supported bonds and notes in the amount of up to \$2.5 million for construction of underground utilities along portions of South Main Street; and

WHEREAS, this work was to be undertaken concurrently with the Downtown Complete Streets Project (CIP #460) and is no longer the intent of this project, therefore, rescission of Resolution #8686 is necessary; and

WHEREAS, on July 9, 2001, the City approved Resolution #7205, which established the Sears Block Tax Increment Finance District, which was subsequently amended by Resolutions #7515, #7722, #7890, #8534, #8685, and #8676; and

WHEREAS, the purpose of the Sears Block Tax Increment Finance District is to finance infrastructure improvements to encourage private investment in redevelopment of real estate and other economic development activities within Downtown Concord; and

WHEREAS, the City's initial investment within the Sears Block Tax Increment Finance District was in the amount of \$16,324,840 for construction of the Capital Commons Municipal Parking Garage, plazas, sidewalks, and related streetscape and utility improvements; and

WHEREAS, the City desires to make additional investments within the Sears Block Tax Increment Finance District through the construction of street, sidewalk, utility, and landscaping improvements in conjunction with the Downtown Complete Streets Project (CIP #460); and

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION RESCINDING RESOLUTION #8686 AND APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE DOWNTOWN COMPLETE STREETS PROJECT (CIP #460) WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT.

Page 2 of 3

WHEREAS, the purpose of these improvements will be to improve pedestrian safety, increase compliance with the Americans with Disabilities Act, as well as improve the aesthetic character of the central business district in order to foster additional private investment and real estate development activities within the Sears Block Tax Increment Finance District and its surrounding environs; and

WHEREAS, on the date hereof, the City Council has adopted the Amended and Restated Sears Block Tax Increment Development Program and Financing Plan (the "Amended Sears Block TIF Plan") to, among other things, include additional debt service costs for these proposed improvements; and,

WHEREAS, RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a bond resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

- 1) The sum of\$2,500,000
from Resolution #8686 is hereby rescinded.
- 2) The sum of\$2,500,000
be and is hereby appropriated as follows:

Sears Block TIF District Fund
Community Development Engineering Services
FY 2014 Downtown Complete Streets Improvement Project\$2,500,000

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION RESCINDING RESOLUTION #8686 AND APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE DOWNTOWN COMPLETE STREETS PROJECT (CIP #460) WITHIN THE SEARS BLOCK TAX INCREMENT FINANCE DISTRICT.

Page 3 of 3

3) Revenue to meet said appropriation shall be provided from the following sources:

Sears Block TIF District Fund

Community Development Engineering Services

FY 2014 Downtown Complete Streets Improvement Project

General Obligation Bonds and notes\$2,500,000

- 4) The City Treasurer, with approval of the City Manager, is authorized to issue up to two million five hundred thousand dollars (\$2,500,000) in bonds and notes of the City of Concord under RSA 162-K: 8, Chapter 280 of the Acts of 2000, and/or the Municipal Finance Act, it being the expectation of the City to pay the debt service costs on such bonds and notes from Tax Increment Revenues as designated and further described in the Amended Sears Block TIF Plan.
- 5) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes (including whether such bonds or notes shall be issued on a tax exempt or taxable basis), and providing for the sale, is hereby delegated to the City Treasurer.
- 6) These funds shall be available for any legal purpose within the Sears Block Tax Increment Finance District, including, but not limited to, infrastructure improvements or any other activity related to the redevelopment of properties located within the Sears Block Tax Increment Finance District.
- 7) Sums as appropriated shall be expended under the direction of the City Manager.
- 8) The useful life of the improvements is expected to be in excess of twenty-five (25) years.
- 9) This resolution shall take effect upon its passage.

SBTIF Pro Forma: Complete Streets Project
Fund Balance Pro Forma
July 30, 2014 Amendment

City Fiscal Year (FY)	YEAR 9 FY 2014 7/1/2013 - 6/30/2014	YEAR 10 FY 2015 7/1/2014 - 6/30/2015	YEAR 11 FY 2016 7/1/2015 - 6/30/2016	YEAR 12 FY 2017 7/1/2016 - 6/30/2017	YEAR 13 FY 2018 7/1/2017 - 6/30/2018	YEAR 14 FY 2019 7/1/2018 - 6/30/2019	YEAR 15 FY 2020 7/1/2019 - 6/30/2020	YEAR 16 FY 2021 7/1/2020 - 6/30/2021	YEAR 17 FY 2022 7/1/2021 - 6/30/2022	YEAR 18 FY 2023 7/1/2022 - 6/30/2023
ASSESSED VALUE										
TIF Captured Assessed Value - Existing Development	\$20,876,019	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119
Assessed Value - NHES Redevelopment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL ASSESSED VALUE	\$20,876,019	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119	\$24,600,119
REVENUES										
Property Tax Revenues - Existing Development	\$534,009	\$641,856	\$654,694	\$667,787	\$682,620	\$698,872	\$715,528	\$732,683	\$750,287	\$768,489
Investment Income	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Property Taxes - NHES Redevelopment	\$534,009	\$641,856	\$654,694	\$667,787	\$682,620	\$698,872	\$715,528	\$732,683	\$750,287	\$768,489
TOTAL REVENUE	\$1,068,018	\$1,283,712	\$1,309,388	\$1,335,574	\$1,365,240	\$1,397,744	\$1,431,156	\$1,465,363	\$1,500,574	\$1,536,898
EXPENDITURES										
Existing Debt Service - Subtotal	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reserve Fund Repayments & Contributions	\$516,157	\$502,648	\$493,971	\$486,783	\$480,364	\$474,636	\$469,483	\$464,803	\$460,607	\$456,801
Operating Expenses - Subtotal	\$227,000	\$270,000	\$296,000	\$326,000	\$356,000	\$386,000	\$416,000	\$446,000	\$476,000	\$506,000
TIF District Administrative Fee	\$8,500	\$8,500	\$8,500	\$8,500	\$8,500	\$8,500	\$8,500	\$8,500	\$8,500	\$8,500
TOTAL - EXISTING EXPENDITURES	\$751,657	\$781,148	\$808,471	\$830,283	\$854,864	\$883,136	\$913,983	\$945,303	\$977,107	\$1,009,301
Proposed New Expenditures										
NHES Bond (BAA for First 5 Years)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Underground Utilities (BAA for First 5 Years)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL - PROPOSED NEW EXPENDITURES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net Operating Income (Revenues Less Expenditures)	\$316,361	\$502,564	\$500,917	\$505,291	\$510,376	\$514,608	\$517,173	\$519,060	\$523,467	\$527,597
MOI as % of Total Revenue	-43.04%	-24.54%	-1.26%	0.89%	10.31%	12.31%	13.29%	14.20%	14.98%	15.80%
Fund Balance Calculation										
Previous Year	\$523,861	\$289,237	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Projected FY Year End Surplus / (Deficit)	(\$234,824)	(\$157,541)	(\$6,378)	\$6,010	\$128,328	\$223,891	\$339,250	\$466,721	\$603,174	\$736,610
Available Fund Balance	\$289,037	\$131,696	\$193,622	\$129,318	\$221,628	\$318,250	\$405,971	\$492,492	\$589,348	\$693,508

YEAR 19	YEAR 20	YEAR 21	YEAR 22	YEAR 23	YEAR 24	YEAR 25	YEAR 26	YEAR 27	YEAR 28	YEAR 29	YEAR 30
7/1/2023 - 6/30/2024	7/1/2024 - 6/30/2025	7/1/2025 - 6/30/2026	7/1/2026 - 6/30/2027	7/1/2027 - 6/30/2028	7/1/2028 - 6/30/2029	7/1/2029 - 6/30/2030	7/1/2030 - 6/30/2031	7/1/2031 - 6/30/2032	7/1/2032 - 6/30/2033	7/1/2033 - 6/30/2034	7/1/2034 - 6/30/2035
FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033	FY 2034	FY 2035
\$31.1	\$31.81	\$32.44	\$33.09	\$33.75	\$34.43	\$5.12	\$5.82	\$36.55	\$37.27	\$38.01	\$38.77
\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119	\$32,960,119
\$408,000	\$408,000	\$408,000	\$408,000	\$408,000	\$408,000	\$408,000	\$408,000	\$408,000	\$408,000	\$408,000	\$408,000
\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119	\$33,368,119
\$1,027,758	\$1,048,314	\$1,069,280	\$1,090,665	\$1,112,479	\$1,134,728	\$1,157,423	\$1,180,571	\$1,204,183	\$1,228,266	\$1,252,832	\$1,277,882
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$1,027,758	\$1,048,314	\$1,069,280	\$1,090,665	\$1,112,479	\$1,134,728	\$1,157,423	\$1,180,571	\$1,204,183	\$1,228,266	\$1,252,832	\$1,277,882
\$1,040,481	\$1,061,630	\$1,083,156	\$1,105,186	\$1,127,719	\$1,150,760	\$1,174,317	\$1,208,412	\$1,233,067	\$1,258,282	\$1,284,057	\$1,310,492
\$678,344	\$668,842	\$663,174	\$658,049	\$653,360	\$649,107	\$645,274	\$641,861	\$638,789	\$636,067	\$633,605	\$631,404
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$13,846	\$14,538	\$15,265	\$16,028	\$16,829	\$17,671	\$18,554	\$19,482	\$20,456	\$21,479	\$22,553	\$23,681
\$27,652	\$29,035	\$30,486	\$32,011	\$33,611	\$35,282	\$37,026	\$38,909	\$40,855	\$42,897	\$45,042	\$47,294
\$213,841	\$212,514	\$208,825	\$207,007	\$205,713	\$204,953	\$204,614	\$204,681	\$205,131	\$205,478	\$205,725	\$205,972
\$121,432	\$128,081	\$124,230	\$121,379	\$118,029	\$114,677	\$111,326	\$107,975	\$104,624	\$101,273	\$97,922	\$94,571
\$210,000	\$205,000	\$200,000	\$195,000	\$190,000	\$185,000	\$180,000	\$175,000	\$170,000	\$165,000	\$160,000	\$155,000
\$341,432	\$333,081	\$324,230	\$316,379	\$308,029	\$300,677	\$293,326	\$286,975	\$281,624	\$276,273	\$270,922	\$265,571
\$333,515	\$327,713	\$322,912	\$318,111	\$313,310	\$308,509	\$303,708	\$298,907	\$294,106	\$289,305	\$284,504	\$279,703
-3,57%	-0.03%	3.08%	21.34%	18.37%	31.08%	29.20%	31.07%	32.78%	19.66%	15.74%	-69.07%
\$200,484	\$179,691	\$195,366	\$244,246	\$491,946	\$714,457	\$1,144,208	\$1,552,169	\$2,009,400	\$2,470,926	\$2,923,674	\$3,333,225
\$20,793	\$15,695	\$48,861	\$249,700	\$220,511	\$427,750	\$410,061	\$425,896	\$209,407	\$2,470,926	\$2,923,674	\$3,333,225
\$179,691	\$195,366	\$244,246	\$491,946	\$714,457	\$1,144,208	\$1,552,169	\$2,009,400	\$2,470,926	\$2,923,674	\$3,333,225	\$3,333,225

AMENDED AND RESTATED SEARS BLOCK TAX INCREMENT DEVELOPMENT PROGRAM AND FINANCING PLAN

Adopted by Resolution #7205 on July 9, 2001
Amended by Resolution #7515 on September 8, 2003
Amended by Resolution #7722 on April 11, 2005
Amended by Resolution #7890 on May 8, 2006
Amended by Resolution #8534 on February 13, 2012
Amended by Resolution #8685 on August 12, 2013
Amended by Resolution #8776 on June 9, 2014
Amended by Resolution #XXXX on July 30, 2014

I. Introduction:

The purpose of the Sears Block Tax Increment Finance District (SBTIF) is to foster redevelopment of real estate and other economic development activity within the central portion of the Opportunity Corridor and Downtown Concord along the South Main Street corridor through strategic public investment in parking facilities and other infrastructure as further described within this Development Program and Financing Plan. The components of the Development Program and Financing Plan include:

- Statement of Objectives
- District Boundaries
- Determination of Compliance with District Size Limitations
- Development Program
- Financing Plan
- District Administration
- Advisory Board Responsibilities

II. Statement of Objectives:

The City Council has identified economic development in the Opportunity Corridor and Downtown Concord as a City priority. Economic development includes, but is not limited to, the expansion of the property tax base and employment opportunities through the redevelopment of blighted, underutilized, contaminated, or abandoned properties.

The adoption of the Sears Block Tax Increment Development Program and Financing Plan provides a valuable tool for implementing redevelopment activities to address the following goals and objectives:

- Create redevelopment opportunities;
- Improve the visual image of the southerly entrance to the Downtown;
- Expand the real estate property tax base;

- Construct, expand, and rehabilitate public parking facilities, streets, utilities, parks, plazas, and pedestrian ways to provide improved access and expanded capacities sufficient to encourage private investment within the District;
- Remove blighted land uses and cleanup environmental contamination; and,
- Improve transportation components to permit the efficient use of land for redevelopment.

III. **District Boundaries:**

The following is the legal description for the Sears Block Tax Increment Finance District. A graphic depiction of the District is included as Exhibit 1.

Beginning at a point in the northerly side line of Pleasant Street at its intersection with the westerly side line of N. Main Street; thence

1. Northerly along the westerly side line of N. Main Street to a point at its intersection with the westerly extension of the northerly side line of Depot Street; thence
2. Easterly along the westerly extension of the northerly side line of Depot Street, crossing the N. Main Street right-of-way, to a point at its intersection with the easterly side line of N. Main Street; thence
3. Continuing easterly along the northerly side line of Depot Street to a point at its intersection with the westerly side line of Storrs Street; thence
4. Continuing easterly along the easterly extension of the northerly side line of Depot Street, across the Storrs Street right-of-way, to a point at its intersection with the easterly side line of Storrs Street; thence
5. Southerly along the easterly side line of Storrs Street to a point at its intersection with the easterly extension of the southerly side line of Theatre Street; thence
6. Westerly along the easterly extension of the southerly side line of Theatre Street, crossing the Storrs Street right-of-way, to a point at its intersection with the westerly side line of Storrs Streets; thence
7. Continuing westerly along the southerly side line of Theatre Street to a point at its intersection with the easterly side line of S. Main Street; thence

8. Continuing westerly along the westerly extension of the southerly side line of Theatre Street, crossing the S. Main Street right-of-way, to a point at its intersection with the westerly side line of S. Main Street; thence
9. Northerly along the westerly side line of S. Main Street to a point at its intersection with the southerly side line of Thompson Street; thence
10. Westerly along the southerly side line of Thompson Street to a point at its intersection with the easterly side line of S. State Street, said point being the southeast corner of the intersection of said streets; thence
11. Continuing westerly along the extension of the southerly side line of Thompson Street to a point at its intersection with the westerly side line of S. State Street, said point being the southwest corner of the intersection of said streets; thence
12. Northerly along the westerly side line of S. State Street to a point at its intersection with the southerly side line of Pleasant Street; thence
13. Northerly along the extension of the westerly side line of S. State Street, crossing the Pleasant Street right-of-way to a point at the intersection of the westerly side line of N. State Street with the northerly side line of Pleasant Street; thence
14. Easterly along the northerly side line of Pleasant Street to a point at its intersection with the easterly side line of N. State Street; thence
15. Continuing easterly along the northerly side line of Pleasant Street to a point at its intersection with the westerly side line of N. Main Street and the point of beginning.

Meaning and intending to describe a Tax Increment Finance District, as shown on a plan (Exhibit 1) entitled "Sears Block Tax Increment Finance District", dated December 6, 2011, prepared by the City of Concord Community Development Department, Engineering Services Division.

IV. **Determination of Compliance with District Size Limitations:**

In accordance with RSA 162-K:5, the following information is provided to demonstrate compliance with State Law at the time of the designation of the District in 2001. Some of this information was updated in 2012 and 2013, respectively.

Total Taxable Value of the City	\$4,321,396,542
8%	\$345,711,723
16%	\$691,423,477
Sears Block TIF	\$51,418,000
North End Opportunity Corridor TIF	\$50,223,600
Penacook Village TIF	\$11,149,600
Combined Total	\$112,792,000
Total Land Area of the City	41,100 Acres
5%	2,055 Acres
10%	4,110 Acres
Sears Block TIF	22.00 Acres
North End Opportunity Corridor TIF	67.70 Acres (Updated 2013)
Penacook Village TIF	47.09 Acres
Combined TIFs	136.79 Acres (Updated 2013)

Using the data above, the City has determined that the SBTIF District, in combination with the other TIF Districts within Concord, does not exceed the taxable value or land area limitations. Please note that there remains a significant capacity, both in terms of allowable value and allowable land area, for the creation of additional tax increment finance districts as deemed necessary by the City Council.

V. Development Program

1. Purpose: The purpose of this section is to comply with RSA 162-K:6 by describing the general scope of public investments in infrastructure and other public facilities to be undertaken in order to support redevelopment of public and privately owned real estate within the SBTIF District.
2. Public Facilities and Infrastructure Improvements to be Constructed: Redevelopment activities within the SBTIF and associated public investment in infrastructure improvements will occur in multiple phases, as follows:
 - a. Phase I Improvements (2001-2007): Phase I investments were completed in 2007 and included the acquisition and demolition of the former Sears Block, construction of the Capital Commons Municipal Parking Garage, as well as related improvements including the Capital Commons Plaza, Pleasant Street Extension / Storrs Street Pocket Park, reconstruction of the Hills Avenue Municipal Parking Lot, together with related utility, sidewalk, highway, and streetscape improvements on South Main Street and Storrs Street, respectively. These improvements were undertaken to support redevelopment of the former Sears Block located at 11

South Main Street (now known as the Capital Commons Office Building) as well as other parcels in the area.

- b. Phase II Improvements (2013): Phase II improvements shall consist of the installation of underground electrical and telecommunications utilities from #16 - #40 South Main Street. Total area affected is approximately 750 linear feet. The purpose of these improvements is to promote redevelopment of the New Hampshire Employment Security property located at 32-34 South Main Street, as well as adjacent parcels.

Due to timing considerations, this improvement shall be undertaken simultaneously with the Downtown Complete Street Project (City Capital Improvement Program Project #460) which is scheduled for construction between September 2013 and July 2015.

- c. Phase III Improvements (2014): Phase III improvements shall consist of acquisition and preparation of the NH Employment Security Property located at 32-34 South Main Street and 33 South State Street for redevelopment.
- d. Other Improvements Not Financed by the SBTIF District: It should be noted that other investments in public infrastructure have occurred within the District since its inception. These have included utility, roadway, sidewalk, and streetscape improvements associated with the following private development projects: SMILE Office Building located at 49 South Main Street, Mennino Place Apartments located at 51 Storrs Street, and the so-called NH Book Bindery Redevelopment at 43-45 South Main Street.

~~In addition, the City plans to undertake additional utility, roadway, sidewalk, and streetscape improvements associated with the Downtown Complete Streets Project (CIP #460) during 2013-2015. This project will include complete reconstruction of North and South Main Streets within the SBTIF District. The SBTIF shall support this project with a \$2.5 million investment to bury aerial utilities as discussed herein. The remainder of the project will be financed by a TIGER Grant from the US Department of Transportation, private donations, as well as bonds and notes supported by the City's General Fund.~~

3. Open Space Created: Redevelopment within the Sears Block Tax Increment Finance District will help to preserve open space within the City by providing opportunities for commercial and residential uses on previously developed and, in some cases, contaminated real estate, thereby relieving further development pressure on "green field" sites.

4. Regulatory Controls Applied: The City and all private developers undertaking development projects within the SBTIF shall be required to comply with the following laws, ordinances, rules, and regulations, as applicable:
 - City Subdivision and Site Plan Review Regulations;
 - City Code of Ordinances;
 - City of Concord Zoning Ordinance;
 - State and Federal Laws, Codes, Rules, Regulations, and Standards related to abatement of hazardous materials and environmental contamination; and,
 - Compliance with City and State Building Codes and National Life Safety Codes.

5. Operations, Maintenance, and Administrative Costs:
 - a. Capital Commons Parking Garage: Operating and maintenance costs associated with the Capital Commons Parking Garage shall be financed through the City Parking Fund. Operating and maintenance costs may be supplemented with funds from the SBTIF or other sources as needed.

 - b. Plazas & Pocket Parks: Operating and maintenance costs for the Capital Commons Plaza and Storrs Street pocket park shall be financed by incremental property tax revenues generated by new development within the SBTIF District. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a Parking Fund or General Fund obligation as necessary.

 - c. Sidewalks and Highways: No new highways or sidewalks are proposed within the SBTIF District. However, existing roads and sidewalks may be reconstructed to support development activities. Because of this circumstance, the operating and maintenance costs associated with reconstructed sidewalks and highways within the SBTIF shall be financed by the City's General Fund and Parking Fund, as applicable. However, these funding sources may be supplemented or replaced by revenues generated by the SBTIF District, provided the District's gross revenues are sufficient to support all other debt service, operating costs, as well as financial contributions to contingency and capital reserve funds.

 - d. Public & Private Utilities:
 - i. Drainage: Operating and maintenance costs for drainage utilities shall be financed by incremental property tax

revenues generated within the SBTIF District associated with new development or utility enterprise / special revenue funds, as appropriate. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs for drainage utilities within the district, these costs shall become a Parking Fund or General Fund obligation as necessary.

- ii. Water & Sewer: Operating and maintenance costs for water and sanitary sewer utilities shall be financed by the City's Water or Sewer Enterprise Funds, as applicable.
 - iii. Telephone, Cable Television, & Communications Utilities: Operating and maintenance costs for these utilities shall be the responsibility of the private corporations associated therewith.
- e. Administration and Public Safety: Costs associated with administration of the District, as well as public safety serving new development within the District, shall be financed by incremental property tax revenues generated within the SBTIF District associated with new development. If proceeds from the Tax Increment District are insufficient to cover the necessary operation and maintenance costs of the district, these costs shall become a Parking Fund or General Fund obligation as necessary.

The District shall, at the City Council's discretion, be charged an annual administrative fee to support staff time and related overhead expenses associated with managing the SBTIF District.

- f. Records and Reports: The City will maintain records of financial activity of the District in accordance with Generally Accepted Accounting Principles. The City will include the financial reporting requirement in the Comprehensive Annual Financial Report (CAFR).
6. Relocation and Displacement: It is not anticipated that businesses or residences will need to be acquired or relocated in order to construct municipal facilities or infrastructure improvements to be undertaken in accordance with this Development Program and Finance Plan. However, in the event of relocation of businesses or residences due to facilitate construction of municipal facilities or infrastructure improvements, the City shall follow the Uniform Relocation Act of 1970, as amended, unless otherwise waived by displaced parties.

Private development projects within the District shall not be subject to this provision unless otherwise required by the State or Federal Government due to use of State or Federal funds, such as Community Development Block Grants or certain tax credit programs, to support private development activities, as applicable

7. Property Acquisition and Disposition: The City hereby has the authority to purchase, sell, or lease real estate within the SBTIF District. The City shall also have the ability to acquire or convey easements and rights-of-way in order to carry out construction of infrastructure and public facilities, as well as to support private development activities.

In accordance with RSA 162-K:6,III,b, the City may acquire real property or easements through negotiation or through powers of eminent domain, except that property acquired through powers of eminent domain shall be put to public use, as defined in RSA 162-K:2, IX-a

8. Grants: The City may seek and use private, non-profit, or governmental grants, as it deems necessary, to provide financial assistance to support private development activities, as well as the design and construction of infrastructure and public facilities. All such applications for and appropriations of such grants shall be approved by the City Council. The City shall not be obligated to amend this Development Program and Financing Plan when accepting grant funds for infrastructure improvements, unless said grants are to be matched with SBTIF funds.

VI. Financing Plan

1. Purpose: The purpose of this section is to comply with RSA 162-K:9 by describing the capital, operating, and maintenance costs of infrastructure and other public facilities constructed to support redevelopment of public and privately owned real estate within the SBTIF District.
2. Capital Costs: Capital investments in infrastructure and public facilities will be undertaken in multiple phases during the duration of the SBTIF District's existence. The following is a description of capital costs for various infrastructure improvements undertaken by Phase within the SBTIF.
 - a. Phase I Improvements (2001-2007): Phase I improvements consisted of the construction of the Capital Commons Parking Garage and related improvements. Phase I improvements were completed in 2007.

Phase I Capital Investment Summary

Item	Amount
Financing / Capitalized Interest	\$300,000
Bond Sale Cost	\$123,000
Permitting	\$92,000
Contingency	\$728,400
Construction of Public Parking Garage	\$9,970,000
Construction / Relocation of Utilities	\$1,393,000
Construction of Streetscape Improvements	\$284,170
Construction of Public Plazas	\$529,100
Repair of City Municipal Parking Lot	\$71,500
Storrs Street / Pleasant Street Traffic Signal	\$150,000
Improvements to Abutting Properties	\$700,000
Developer Construction Management Fee	\$160,000
Construction Bond	\$145,000
Builder's Risk Insurance	\$23,830
Construction Oversight & Legal	\$160,000
Building Demolition	\$365,000
Property Acquisition, Legal Expenses, & Contingency	\$1,129,840
Total Project Cost	\$16,324,840

- b. Phase II Improvements (2013; Revised 2014): Phase II improvements shall consist roadway, sidewalk, landscaping, streetscape amenities, and utility improvements of the installation of 750 linear feet of underground utilities in the vicinity of #16 – #40 South Main Street. The total capital cost of this effort is \$2.5 million, including design and contingency. Costs of repairing/ reconstructing sidewalks, roadways, and streetscape amenities associated with the installation of these utilities shall be financed by the City's associated with the City's Downtown Complete Street Project (CIP #460). The purpose of the Downtown Complete Streets Project is to reconstruction portions of North Main and South Main Streets in order to improve pedestrian safety, improve compliance with the Americans with Disabilities Act, as well as improve the aesthetic appearance of the City's central business district. The SBTIF shall invest up to \$2,500,000 in such improvements within the geographic limits of the SBTIF. The remainder of the project will be financed by a variety of other sources, including, but not limited to, a Federal Highway Administration TIGER Grant, Community Development Finance Authority Tax Credits, Impact Fees, contributions from the City's Water Fund, private donations, as well as bonds and notes supported by the City's General Fund.

- c. Phase III Improvements (2014): Phase III Improvements shall consist of acquisition of the NH Employment Security building, as well as potential weatherization and/or demolition of the structure, and related holding costs. Estimated costs are set forth as follows:
 - i. Property Acquisition, including due diligence and holding costs: \$1,900,000 (Appropriated by Resolution #8777 on June 9, 2014)
 - ii. Building Weatherization, as well as certain holding costs: \$190,000. (\$90,000 of this total was appropriated by Resolution #8777 on June 9, 2014)
 - iii. Building Demolition: \$325,000.
3. Sources of Revenue for Development Program Costs: The following is a summary of revenues to finance capital investments for all phases of improvements.

Funding Sources: Capital Improvements

Resolution # 7102 August 14, 2000
 Resolution # 7270 January 14, 2002
 Resolution # 7304 August 11, 2003
 Resolution # 7305 August 11, 2003
 Resolution # 7721 April 11, 2005
 Resolution # 7891 May 8, 2006
 Resolution # 8531 January 9, 2012
 Resolution # 8686 August 12, 2013
 Resolution # 8777 & 8778 June 9, 2014
 Replaced by Resolution # XXXX
 July 30, 2014

Equity	Resolution #	Resolution #	Resolution #	Resolution #	Resolution #	Resolution #	Resolution #	Resolution #	Resolution #	Resolution #	Resolution #	Total
Economic Development Reserve Fund												\$2,850,000
Parking Fund			\$300,000									\$550,000
Grants												\$482,840
USHUD EDI Grant												\$482,840
Bonds*												
Sears Block TIF Supported												
Taxable												
Tax Exempt												
Parking Lease Supported												
Taxable												
Tax Exempt												
Parking Fund Supported												
Taxable												
Tax Exempt												
General Fund Supported												
Taxable												
Tax Exempt												
Total	\$250,000	\$800,000	\$300,000	\$1,100,000	\$663,500	\$2,368,500	\$883,000	\$3,040,000	\$799,500	\$2,386,500	\$2,281,000	\$20,814,840

* Excludes changes in taxable and tax exempt allocations approved by Resolution 8531. Specifically, in May 2012, the City converted approximately \$2.505 million in tax exempt debt previously issued in 2005 and 2007, respectively, in order to convert 91 hourly public parking spaces in the Capital Commons Municipal Parking Garage to lease status to support redevelopment of private property, including but not limited to, the NH Book Bindery Block located at 43 South Main Street.

4. Estimated Annual Debt Service and Operating Costs for the District: Please see Exhibit 2 for a summary of anticipated revenues and expenditures for the SBTIF District.
5. Duration of the Program's Existence: The Sears Block Tax Increment Finance District shall exist until the purposes for which it has been created are fulfilled. Specifically, the District shall continue to exist until such time as:
 - a. The repayment or legal defeasance of all debt service supported by the District;
 - b. Repayment of all reserve funds contributions from the Economic Development Reserve, and Parking Fund used to finance the development program;
 - c. Capitalization of a Capital Reserve Fund, in such amounts determined by City Council, to support future repair and reconstruction of SBTIF improvements; and,
 - d. Passage of the appropriate resolutions by City Council to officially dissolve the District.

As of the date of this amendment (June 2014), it is anticipated that permanent debt service for Phase II and III improvements may not be issued until City FY2021. The specific terms of said debt service will be finalized at the time of issuance. However, said debt could be issued with a 20 year term, thereby extending the expiration date for the District to City FY2042 +/- . That said, the actual expiration date of the District will be driven by the amount of new incremental development and associated property tax revenues. The District pro forma, included as Exhibit 2, anticipates this date might be expedited to FY2035 depending upon various assumptions included therein concerning future development within the District.

6. Estimated Tax Increment Financing Impact on All Related Taxing Jurisdictions: All property tax revenues generated by incremental development within the SBTIF District occurring after the date of the District's creation shall be captured and retained by the District to support debt service and operating costs associated with infrastructure improvements constructed within the District.

It is anticipated that permanent debt service associated with Phase II and III improvements shall not be fully repaid until City FY2042. Therefore, property tax revenues associated with incremental assessed value created in the District from new development may not be available to the Concord School District, Merrimack County, or the State of New

Hampshire until 2042. However, based upon assumptions incorporated into the District's pro forma (included as Exhibit 2), it is anticipated that this date may be expedited to FY2035.

The City Council may, on an annual basis, vote to release a portion of the captured incremental assessed value, and property taxes associated therewith, to the City's General Fund, as well as the Concord School District, Merrimack County, and the State of New Hampshire, as applicable. However, release of any portion of the captured incremental assessed value shall only occur after the SBTIF has sufficient revenues to support:

- a. Existing debt service;
 - b. Repayment of equity contributions from the Economic Development Reserve Fund, Downtown Economic Development Reserve Fund, and Parking Fund;
 - c. Operating and maintenance expenses;
 - d. Capitalization of a contingency fund for the SBTIF; and,
 - e. Capitalization of a Capital Reserve Fund to support future repair and replacement of public facilities and infrastructure improvements financed by the SBTIF District.
7. Captured Value Dedicated Towards Retirement of Bonds and Notes: One hundred percent (100%) of the captured value of the District shall first be dedicated for the payment of the tax increment supported bonds and notes in accordance with NH RSA 162-k:10, II, a.

In the event the City receives captured value (and associated incremental property tax revenues) in excess of the minimum amount necessary to pay annual debt payment obligations for Sears Block TIF District Supported General Obligation Bonds, as well as operating and maintenance costs of the District, the City may, upon passage of all necessary resolutions by the City Council, allocate any portion of the excess captured value to support debt service previously issued, or to be issued, by the Parking Fund or the General Fund, for:

- a. Public improvements within the District, without limitation;
- b. Additional debt service which might be incurred as a result of converting any portion of the taxable or tax exempt Sears Block TIF District, Parking Fund, Parking Lease, or General Fund supported General Obligation Bonds previously issued to finance design and

construction of improvements within the District. Support of said debt service can be in the form of a financial transfer from the Sears Block TIF Fund to the Parking Fund or City's General Fund, as required.

8. Annual Allocation of Captured Value:

- a. In the event any annual Tax Increment Revenues from the Tax Increment District that, together with any unexpended balances of such revenues from prior years, exceed the amount necessary annually to meet 1) current debt service payments on the portion of the bonds designated in the Amended and Restated Sears Block TIF Plan as payable from Tax Increment Revenues, 2) costs of maintenance and operation of the Capital Commons Municipal Parking Garage in excess of available revenues produced from such facility and 3) debt service payments on the Bonds to be due in the next fiscal year shall be used to reimburse the following funds of the City for Capital Commons Municipal Parking Garage project costs, or debt service related thereto, heretofore, or hereafter paid from such funds, plus interest unless otherwise approved by the City Council.
 - i. The Parking Fund, to reimburse any equity (cash) contributions to finance public facilities and infrastructure improvements or to support debt service on bonds issued for the Capital Commons Parking Garage project.
 - ii. The General Fund, to reimburse any past or current payments from said Fund required for debt service on bonds issued for the project due to insufficient tax increment revenues or parking lease revenues, as applicable.
 - iii. The Economic Development Reserve Fund (including the Downtown Economic Development Reserve Fund), to reimburse any contributions by said Fund to support capital improvements or maintenance activities.
 - iv. Capitalization of a contingency fund, or enhancement of the District's unrestricted fund balance, to support debt service, as well as operating and maintenance expenses in the event of potential reductions in property tax revenue associated with property tax abatements for incremental real estate development within the District.
- b. In the event the District generates sufficient captured assessed value (and associated incremental property tax revenues) resulting

in a surplus of such incremental tax revenues after satisfying the District's annual debt service, operating expenses, and contingency fund obligations set forth within items i-iv above, the City may also:

- i. Create a capital reserve fund to support future repair or replacement of infrastructure and public improvements constructed within the District, including, but not limited to the Capital Commons Municipal Parking Garage; or,
- ii. Release a portion of the District's captured assessed value or associated "surplus" property tax revenues to the City's General Fund, as well as the Concord School District, Merrimack County, and State of New Hampshire, as applicable.

VII. District Administration

1. In accordance with RSA 162-K:13, the City Manager, or his designee, shall serve as the administrator for the District. The Administrator shall be responsible for:
 - a. Staffing the SBTIF Advisory Board;
 - b. Preparing reports;
 - c. Overseeing capital investments;
 - d. Coordinating maintenance activities within the District;
 - e. Negotiating agreements to acquire or sell real estate for City Council's approval;
 - f. Preparing grant applications to support development activities within the District; and,
 - g. Negotiating contracts for design, construction, or maintenance of public facilities and infrastructure improvements constructed within the SBTIF Districts.

VIII. Section VI Advisory Board Responsibilities

In accordance with RSA 162-K:14, the City Council passed Resolution #7740 on May 9, 2005, which created the Advisory Board. This resolution incorporated the provisions of RSA 162-K. The Advisory Board shall meet as circumstances warrant, as determined either by the City Manager, his designee, or members of the Advisory Board.

The Advisory Board shall have thirty (30) days to appeal any decision of the District Administrator to City Council for review and appropriate action.

The Advisory Board shall advise the governing body and the District Administrator on implementation of the development program, as well as maintenance and operations of the District until defeasance of all bonds and notes supported by the SBTIF and a vote by the City Council to dissolve the District.

List of Exhibits

- 1) Exhibit 1: Map of Sears Block TIF Geography.
- 2) Exhibit 2: Sears Block TIF District Financial Pro Forma

EXHIBIT 1: Sears Block TIF District Geography





CITY OF CONCORD

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7-3

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Sears Block Tax Increment Finance District Advisory Board

DATE: July 11, 2014

SUBJECT: Downtown Complete Streets Project (CIP 460) & Repurposing of \$2.5 Million Sears Block TIF Funds

Recommendation:

Accept this report.

Background:

The Sears Block Tax Increment Finance (SBTIF) District Advisory Board was established by Resolution #7740 on May 9, 2005. In accordance with RSA 162-K:14, the Board's mission is to *"advise the governing body and district administrator on planning, construction, and implementation of the development program and on maintenance and operation of the district."*

Currently, the SBTIF Advisory Board is comprised of Sarah Chaffee, Paula Harris, Rosemary Heard, John Hoyt, Jason LaCombe, and Eric Reingold. The Board presently has one vacancy. The Board is appointed by the City Council.

Discussion:

The Advisory Board met for the purpose of reviewing the City Administration's proposal to repurpose \$2.5 million in Sears Block TIF District ("SBTIF") to finance the Downtown Complete Streets Project. These funds were originally appropriated on August 12, 2013 by passage of Resolution #8686 for installation of underground utilities on a portion of South Main Street, generally between the Concord Co-Op and Thompson Street, to support redevelopment of the NH Employment Security site and surrounding properties. The City Administration has proposed to forgo underground utilities and repurpose the available \$2.5 million to finance roadway, sidewalk, and streetscape improvements along those portions of Main Street located within the SBTIF (i.e. between Depot Street to Theatre Street). The City Administration has made this proposal in order to help resolve budgetary issues associated with the Complete Streets Project while minimizing impacts upon the City's General Fund and the taxpayers.

In the context of the City Administration's recommendation, it is important to note that the Advisory Board understands that through recent negotiations with Severino Trucking (the selected contractor for the project) and applicable utility companies, the cost of installing underground utilities has decreased from \$2.5 million to \$1.7 million; thereby resulting in a savings of \$800,000 which could be used to support the Complete Streets Project.

The Advisory Board engaged in a detailed discussion of the advantages and disadvantages of the City Administration's proposal. The Advisory Board believes that in the event that the community wanted to install underground utilities in the future, the cost could be more than the current \$1.7 million estimate. Based upon those discussions, the Advisory Board respectfully offers the following for the City Council's consideration:

1. The Advisory Board believes that the Complete Streets Project is highly valuable "place making" project for Downtown, as well as the City at large, as it will result in a safer, more accessible, and visually attractive Main Street, thereby creating long-term economic development benefits for the City.
2. The Advisory Board also understands financial pressures on the City's General Fund and the steadfast desire by the City Council and City Administration to minimize impacts upon the taxpayers related thereto.
3. While it would be ideal to install underground utilities on South Main Street (both within and outside of the Sears Block TIF District), the Advisory Board recognizes that neither the TIF District, nor the General Fund, can support the required \$1.7 million investment at this time given budgetary issues associated with the Complete Streets Project. Therefore, in recognition of this circumstance, the Advisory Board recommends that the City Council proceed with the Complete Streets Project without installation of underground utilities on South Main Street.

July 20, 2014

Mayor Bouley and Councillors:

I am a resident of Ward 4 who has paid little attention to the downtown revitalization plan. Change can be good, and if the merchants were happy and Federal funds were paying a substantial amount of the cost, why should I meddle?

Then I took some time to attend an InTown Concord presentation at the Holiday Inn. My big concern was for the loss of crosswalks, since I prefer to either walk to downtown or to park off-street. I decided to attend the public hearing to voice my concern .

At the hearing, as I listened to the comments of others, I found myself growing more and more opposed to the plan. Here's why;

It will destroy too much parking

It will create a two-lane, two-way street better suited to a much smaller community

It will do nothing to restore the brave array of flags we once could expect to see lining the historic portion of Main Street

It will seriously inhibit business on Main Street during construction

It doesn't do a darn thing for South Main Street

It uses on ly a banner here and there to draw people from the highway in to town, and makes no change in the dull array of warehouse-like backs of Storrs Street buildings which provide the traveler with his first impression of our city

The widened sidewalks provide no more space for pedestrians or for shop patos, but instead are filled with expensive, high-maintenance "furniture." Our present trees are satisfactory but their gratings are in need of service.

The funding balance has shifted dramatically from Federal to local property.

Is the plan totallly wrong? No. I really like the repositioned handicapped spaces with immediate access to a sidewalk ramp.

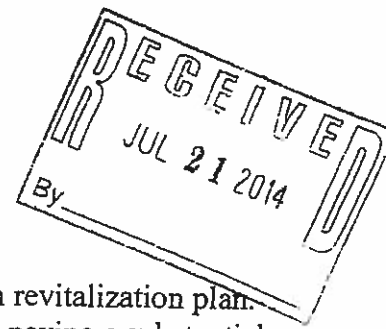
I suggest you add flag brackets to every one of those lovely brick buildings along North Main. They could hold the city-owned flags for national holidays, and color-coordinated banners for the seasons and for special community events – Race Days, perhaps. Massively improve the signage leading to our parking garages.

For South Main Street, with its much greater variety of building styles and setbacks, I suggest finding a way to reposition the overhead power lines and poles. For flags and banners, pole holders could be attached to the Water Street bridge. I leave it to those cleverer than I to work out a way to put flags and pennants symettrically north to Pleasant Street.

One last thing – do light the street trees. But with the tiny white lights that can be left up all year, then connected seasonally.

Please do vote against funding the present proposal.

Sincerely,
Eileen Keim. 9 Bradley St



Bonenfant, Janice

From: Gerry Mark <caringgifs@dgs.mv.com>
Sent: Friday, July 18, 2014 3:25 PM
To: Bonenfant, Janice
Subject: Main Street Project -Janice would you please distribute this to the Mayor and City Council before the next meeting regarding the Main Street Project

Dear Mayor and members of the City Council.

We attended the public hearing regarding the complete streets project on Monday, July 14, 2014. It appeared to us an excellent hearing with time for input from everyone who wished to comment on the project who were in attendance. The Merchants Roundtable presentation that we supported and were involved in was primarily about the design and the construction process and how it might effect downtown merchants. We are in favor of a project that will improve the appearance of and make our street much more accessible to all, but are requesting that the Council delay the final vote for a few more months, perhaps through the fall and winter, so that many of the concerns and suggestions that were presented at the hearing could be addressed in much more detail.

In our opinion, a delay to further study the present plan and improve greatly the description and marketing of the design to the public would boost the moral of the community at large and merchants more specifically. It was quite obvious at the hearing that there is still a perception that the design has quite a few questions remaining that need to be studied. It's all in the details! We feel that the Council will find much more support and good will if a bit more time is taken for design study during this fall and early winter months, coming back with adjustments, and more complete answers with the target starting date of early Spring, 2015. You will never be able to please all but trying one more time will win points for you in our opinion. It would certainly take care of the predominant "this appears like a rush job" perception apparently shared by so many.

The few questions asked by City Councilors during and after the public hearing were interesting and for the most part appeared like folks truly cared about making the correct decision. One counselor, however, asked if it might be possible to keep the construction going a bit past the Veterans Day in November. Wow! That was disturbing to most of us and many wondered at the time if the tremendous risk merchants were taking by voicing approval of the project was a mistake. Perhaps counselors perhaps still don't realize what negative impact a project of this magnitude would do to our business or even if they fully understand just what retail is all about. We suspect if any one of you owned a retail business on our Main Street you would be as scared as we are, particularly in this economic climate. We merchants have the most at stake with this project with absolutely no guarantee that the end result will be an improvement for us. For example it is still difficult for us to understand why a fairly inexpensive paint job beforehand, suggested again at the hearing, to see just how the new 4 lanes to 2 lanes concept will work is not a good idea. It would show questionable turning problems prior to the final construction and could be completed in late September/early November and would give us invaluable data.

The loss of the snow melt system and night time work that was assured us at the time The Merchants Roundtable spoke in favor of the project is gone now and merchants are upset. Also, perceptions addressed to us at our business almost on a daily basis by our customers lead us to believe the general public still thinks this project was requested by we merchants when in truth it originally came from 20/20 Vision, Main Street Concord (now Intown Concord) and the City of Concord.

If a bit more time was taken as we are suggesting, to take another look at the present design as well as to do a much better job of marketing that design, we believe you would win points all around and could move forward quickly this early Spring. Please consider our request.

Respectfully submitted,

Donna Mark, Gerry Mark and Sue Phillips
Caring Gifts
18 North Main Street
Concord, NH 03301
603-228-8496
www.caringgifts.com



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Edward L. Roberge, PE, City Engineer

DATE: July 18, 2014

SUBJECT: Downtown Complete Streets Improvement Project (CIP #460)

Recommendation

Accept this report.

Background

At the July 14, 2014 City Council meeting, following public testimony related to parking along the east side of North Main Street, Councilor Shurtleff requested additional information related to changes to the parking along the east side of North Main Street north of Park Street and the relocation of the bus stop along the east side of North Main Street.

Discussion

Remi Hinxhia, owner of Associated Enterprises, Inc., is in the process of acquiring the property at 150-158 North Main Street (Vegas Block) and provided testimony at the July 14, 2014 public hearing. His comments focused on changes to parking and the bus stop along the east side of North Main Street in the vicinity of the subject property.

Currently, there are five parking spaces along the east side of North Main Street north of the crosswalk bumpout at Park Street. Through an extensive design development process, the proposed Main Street improvements eliminates the parking spaces to the north of the crosswalk bumpout to support both a relocated bus stop along the east side of North Main Street as well as an expanded right-turn lane currently deficient in support the traffic demand at the Main Street/Centre Street/Loudon Road intersection. By eliminating these parking spaces and relocating the bus stop to this location, parking spaces were added to the area currently reserved for the bus stop location (nearest the entrance to Eagle Square) and allowed for the expansion of the right-turn lane to Loudon Road. In addition, by eliminating the parking spaces, the curb line along the Vegas Block property was adjusted allowing for the widening of the sidewalk which accommodates the installation of a sidewalk ramp system making four of the retail store entrances to Mr. Hinxhia property accessible where they currently are not. Engineering staff spent a considerable amount of time with the owner of the property to accommodate this design detail which was fully endorsed.

Restoration of parking along that block section would require relocation of the bus stop to its previous location nearest the entrance to Eagle Square. Where 3 spaces could be gained nearest the Vegas Block, we estimate that about 7 spaces would be lost near the entrance to Eagle Square, netting a loss of 4 spaces in the downtown core.

Staff met with Mr. Hinxhia following the public hearing and provided copies of the improvement plans adjacent to his property. While we understand his concerns with parking immediately adjacent to the front of his building, the final design balances the needs of the property owner as well as the downtown streetscape design, Concord's transportation systems, as well as people with mobility challenges. Staff does not recommend design changes to the project improvements.

/elr

attachments

cc: Tom Aspell, City Manager
Carlos Baía, Deputy City Manager - Development
Brian LeBrun, Deputy City Manager -- Finance
Denise Taschereau, Fiscal Supervisor
Jamie Sikora, FHWA

Brian
6/26/14

CITY OF CONCORD

6-7

7-7/4, 7-7

7-7

In the year of our Lord two thousand and fourteen

RESOLUTION APPROPRIATING THREE HUNDRED FORTY EIGHT THOUSAND SEVEN HUNDRED FIVE DOLLARS (\$348,705) IN TRAFFIC IMPACT FEE FUNDS FOR CONSTRUCTION OF THE DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT (CIP #460).

Page 1 of 2

The City of Concord resolves as follows:

- WHEREAS,** on June 19, 2012, the City received notice from the US Department of Transportation (USDOT) that it had been awarded a Transportation Investment Generating Economic Recovery (TIGER) grant for the Downtown Complete Streets Improvement Project; and
- WHEREAS,** the 2014-2023 Capital Improvement Plan (CIP) includes a project for streetscape improvements on Main Street known as the Downtown Complete Streets Improvement Project (CIP #460); and
- WHEREAS,** the amount of \$10,331,677 in grant, matching, and non-matching funds has been appropriated by Resolutions #8478, #8599, #8618, #8678, #8704, and #8686 for streetscape improvements to Main Street; and
- WHEREAS,** a contractor has been selected through a qualifications-based alternative selection process where a detailed project scope, budget, and schedule was developed which exceeds available project funds; and
- WHEREAS,** the total cost to complete the construction of the project, including contingency, will require an additional \$348,705 in funding appropriation based on the recommended project alternative; and
- WHEREAS,** the Main Street project is located within Traffic Improvement District #3, where \$348,705 in traffic impact fees are available, and where this project proposes traffic improvements that will provide a benefit to the traffic improvement district; and
- WHEREAS,** given the award of the TIGER grant, previously appropriated funds, and the completion of the design through a public process, it is the recommendation of the City Engineer to appropriate additional project funds to complete the construction of the Downtown Complete Streets Improvement Project; and
- WHEREAS,** this appropriation is for a purpose not included in the adopted budget, therefore, Section 37 of the City Charter requires a two-thirds vote of the City Council;

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION APPROPRIATING THREE HUNDRED FORTY EIGHT THOUSAND SEVEN HUNDRED FIVE DOLLARS (\$348,705) IN TRAFFIC IMPACT FEE FUNDS FOR CONSTRUCTION OF THE DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT (CIP #460).

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

- 1) The sum of \$348,705
be and is hereby appropriated as follows:

General Capital Projects Fund
Community Development Engineering Services
FY 2014 Downtown Complete Streets Improvement Project \$348,705

- 2) Revenue to meet said appropriation shall be provided from the following sources:

General Capital Projects Fund
Community Development Engineering Services
FY 2014 Downtown Complete Streets Improvement Project \$348,705

- 3) Sums as appropriated shall be expended under the direction of the City Manager.
- 4) The useful life of the improvements is expected to be in excess of twenty-five (25) years.
- 5) This resolution shall take effect upon its passage.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

Brian
6/26/11
6-8
7-24M,
7-8

RESOLUTION APPROPRIATING ONE HUNDRED FIFTY TWO THOUSAND SEVEN HUNDRED EIGHTY DOLLARS (\$152,780) AND AUTHORIZING THE ISSUANCE OF WATER BONDS AND NOTES FOR WATER SYSTEM IMPROVEMENTS IN CONJUNCTION WITH THE DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT (CIP #460).

Page 1 of 2

The City of Concord resolves as follows:

- WHEREAS,** on June 19, 2012, the City received notice from the US Department of Transportation (USDOT) that it had been awarded a Transportation Investment Generating Economic Recovery (TIGER) grant for the Downtown Complete Streets Improvement Project; and
- WHEREAS,** the 2014-2023 Capital Improvement Plan (CIP) includes a project for streetscape improvements on Main Street known as the Downtown Complete Streets Improvement Project (CIP #460); and
- WHEREAS,** the amount of \$10,331,677 in grant, matching, and non-matching funds has been appropriated by Resolutions #8478, #8599, #8618, #8678, #8704, and #8686 for streetscape improvements to Main Street; and
- WHEREAS,** a contractor has been selected through a qualifications-based alternative selection process where a detailed project scope, budget, and schedule was developed which exceeds available project funds; and
- WHEREAS,** water system improvements are non-participatory in the TIGER grant program and where costs to complete the necessary work will require \$152,780 in water funds based on the recommended project alternative; and
- WHEREAS,** the water system improvements will complete previous water utility investments along Main Street; and
- WHEREAS,** given the award of the TIGER grant, previously appropriated funds, and the completion of the design through a public process, it is the recommendation of the City Engineer to appropriate additional project funds to complete the construction of the Downtown Complete Streets Improvement Project; and
- WHEREAS,** RSA 33:9 mandates that a two-thirds vote of all members of the City Council is required to pass a water bond resolution;

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

RESOLUTION APPROPRIATING ONE HUNDRED FIFTY TWO THOUSAND SEVEN HUNDRED EIGHTY DOLLARS (\$152,780) AND AUTHORIZING THE ISSUANCE OF WATER BONDS AND NOTES FOR WATER SYSTEM IMPROVEMENTS IN CONJUNCTION WITH THE DOWNTOWN COMPLETE STREETS IMPROVEMENT PROJECT (CIP #460).

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that:

- 1) The sum of \$152,780
be and is hereby appropriated as follows:

Water Capital Projects Fund

Community Development Engineering Services

FY 2014 Downtown Complete Streets Improvement Project \$152,780

- 2) Revenue to meet said appropriation shall be provided from the following sources:

Water Capital Projects Fund

Community Development Engineering Services

FY 2014 Downtown Complete Streets Improvement Project \$152,780

- 3) The City Treasurer, with the approval of the City Manager, is authorized to issue up to \$152,780 in bonds and notes of the City of Concord.
- 4) The discretion of the fixing of dates, maturities, rates of interest, form and other details of such bonds and notes, and providing for the sale, is hereby delegated to the City Treasurer.
- 5) Sums as appropriated shall be expended under the direction of the City Manager.
- 6) The useful life of the improvements is expected to be in excess of twenty-five (25) years.
- 7) This resolution shall take effect upon its passage.

CITY OF CONCORD

In year of our Lord two thousand thirteen

RESOLUTION Amendment of the Official Map so as to establish the Mapped Lines of a Future Street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

The City of Concord resolves as follows:

- WHEREAS,** pursuant to enabling statutes, the City has established an Official Map as well as adopted an ordinance creating a process for mapping the lines of future streets; and
- WHEREAS,** mapping the lines of future streets reserves a corridor for a street to be constructed at a future time by restricting the issuance of building permits for buildings or structures within the mapped lines of future streets; and
- WHEREAS,** the adopted Master Plan 2030 recommends the creation of a roadway network to serve the southern Opportunity Corridor. The Opportunity Corridor Study and the 2030 Master Plan includes an extension of Storrs Street from the Intersection of Theatre Street and Storrs Street southerly under the Manchester Street Bridge to Gas Street, and then southerly to Langdon Avenue; and
- WHEREAS,** the City of Concord contributed over 1 million dollars in 1997-8 to the I-93 Exit 13 NH Department of Transportation improvement project to widen the Manchester Street Bridge to accommodate this planned roadway; and
- WHEREAS,** the Planning Board held a public hearing on December 19, 2012, after notifying the affected property owners on the planned new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue and accepted testimony, and
- WHEREAS,** the future street is intended to be constructed as an urban street to support the redevelopment of the southern Opportunity Corridor.
- WHEREAS,** the Planning Board voted unanimously to forward a request to the City Council that the Board be authorized pursuant to Section 16-3-6, Mapping of Future Streets, of the Code of Ordinances, to prepare and certify a plan of the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Resolution No.

CITY OF CONCORD

In year of our Lord two thousand thirteen

RESOLUTION Relative to the Establishment of the Mapped Lines of a Future Street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Page 2

NOW, THEREFORE, BE IT RESOLVED by the City Council of Concord that:

- 1.) The Planning Board be, and hereby is authorized to prepare and certify a plan of the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.
- 2.) This resolution shall take effect upon its passage.



CITY OF CONCORD

120

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Stephen Henninger, Assistant City Planner

DATE: December 20, 2012

SUBJECT: Amendment to Mapped Lines of Future Streets – Storrs Street South

Recommendation

The Planning Board, after holding a public hearing on December 19, 2012, voted unanimously to forward the proposed revision of mapped lines of future streets to the City Council. The Board is requesting that the City Council direct the Planning Board to certify the mapped line of a future street pursuant to Article 16-3-6 Mapping of Future Streets, of the Code of Ordinances, and RSA 674:11, Amendments to Official Map, for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue.

Prior to directing the Planning Board to certify the mapped street, the City Council will need to hold its own public hearing, send notice of the hearing by certified mail "to all owners over whose lands the proposed streets will cross," and publish the hearing notice in the newspaper.

Please see the attached map showing the location of the proposed 50' wide mapped line of future streets extending from the intersection of Theatre Street and Storrs Street, southerly adjacent to the NH main line railroad line, underneath the Water Street Bridge to Gas Street, then southerly from Gas Street to Langdon Avenue.

Background

This new road extending through the old Boston and Maine railroad yards southerly to the South Concord Industrial park has been planned for many decades. The yards and the South Concord Industrial park have languished as an underused and deteriorating brownfields site since prior to the 1960's.

The area has been begun a turnaround and several new developments have been completed including a new maintenance facility and headquarters for Concord Coach (an inter-city

bus company), Evolution Rock (a fitness center and climbing gym), and renovations to the J & S Leasing property.

The construction of Concord Steam Power Plant and cogeneration facility southerly of Langdon Avenue is planned for construction in 2013.

The City facilitated the extension of this new road in 1998-9 by increasing the length of the Water Street Bridge as part of the I-93 Exit 13 reconstruction project to allow for one bay under the bridge for the NH Main Line Railroad and one-bay for the Storrs Street extension at a cost of 1.3 million dollars.

The City has acquired the rights to develop Langdon Avenue as a public street from South Main Street to the NH Main Line Railroad (B & M Rail Line). A small amount of additional right-of-way in front of the Concord Coach facility still needs to be secured. A recent condominium subdivision of the J& S Property has preserved a corridor for the future road north from Langdon Avenue.

Master Plan

The Planning Board in 1993, as part of the Year 2010 Master Plan Update, adopted a Future Transportation Plan showing the southerly extension of Storrs Street from Theatre Street (Chandler Street) to the vicinity of Allison Street and South Main Street.

In the "The South Concord Redevelopment Area Study - A Small Area Master Plan" adopted by the Planning Board in 1997, the current alignment shown on the attached plan was developed.

The Concord Opportunity Corridor Master Plan prepared in April of 2005 reaffirmed the location and alignment of the southerly extension of Storrs Street and the recommendations of the South Concord Redevelopment Area Study.

In the current Master Plan 2030, the Planning Board reaffirmed the location and purpose of the southerly extension of Storrs Street to facilitate the redevelopment within the southern segment of the Opportunity Corridor.

Analysis

The proposed new mapped street has been referred for decades as the southerly extension of Storrs Street. Based on E-911 mapping and addressing conventions, when this street is developed a new street name will need to be selected. In this report we will continue to identify this proposed street as the southerly extension of Storrs Street.

The southern extension of Storrs Street has a well-defined beginning, middle and end. The starting point at the intersection of Storrs Street and Theatre Street is anchored at an existing four way intersection, falls between two large industrial scale buildings, and is the

ideal location from a grade standpoint to connect back to Storrs Street. The Merrimack River bluffs along South Main Street are on average about 26' above the grade of the plain below the bluff. Langdon Avenue is located at a low point in the bluffs and has 5-6% slopes on both approaches on South Main Street and on Langdon Avenue. Other connecting points between the two locations would require significant grade changes and impacts to existing buildings. Full access at Gas Street will be a design consideration given the available right-of-way for Gas Street, grade of Gas Street at South Main Street, and site distance at the South Main Street/Gas Street intersection. The underpass designed specifically for the future road under the Water Street Bridge is the only feasible location for the street between South Main Street and the NH Main Line Railroad. This section of the NH Main Line Railroad has been designated as one of five high speed rail corridors in the country with service proposed from Boston to Montreal. New at-grade rail crossings of this line are unlikely to be approved.

The corridor could be completed in two independent phases, one section from Theatre Street to Gas Street, and the second section from Gas Street to Langdon Avenue. Improvements to Langdon Avenue and the intersection of Langdon Avenue and South Main Street will be needed to support redevelopment in the southern section.

The following properties would be affected by the proposed mapped line of future streets.

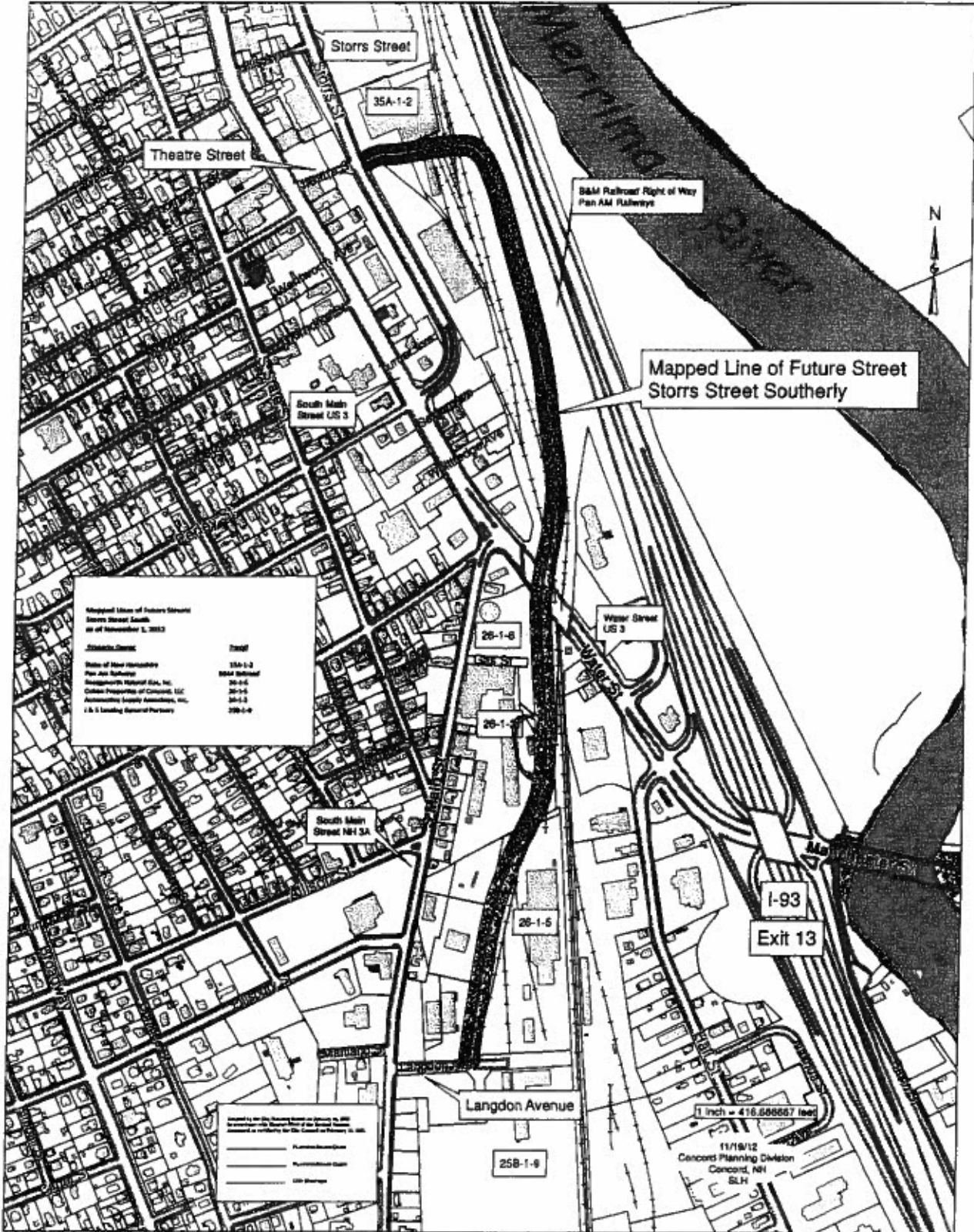
<u>Property Owner</u>	<u>Map/Lot Number</u>	<u>Address</u>
State of New Hampshire	35A-1-2	50 Storrs Street
Pan Am Railroad	B & M Railroad	Storrs Street
Energynorth North Natural Gas, Inc.	26-1-6	Gas Street
Cohen Properties of Concord, LLC	26-1-5	Gas Street
Automotive Supply Associates, Inc.	26-1-3	219-231- S. Main St
J & S Leasing General Partners	25B-1-19	287 South Main St.

There are no environmentally sensitive areas along the corridor.

For the extension of Storrs Street to be completed south of Gas Street a complete take would be required for parcel 26-1-5 owned by Cohen Properties of Concord, LLC. This 0.65 acre parcel has a total assessed value of \$87,600. No other building or structure is impacted.

The corridor is located in a Brownfield area; however recent development in this area has proceeded without major expenditures for the cleanup of either soil or ground water contamination. The Energynorth parcel (26-1-6) at Gas Street was the site of a coal-gasification plant and the source of coal tar contamination in the area. Liberty Gas, the successor to Energynorth, would be are responsible for any Brownfield remediation associated with this contamination which may be required due to construction of the new street.

Storrs Street Southern Extension Mapped Line of Future Street



**Mapped Line of Future Street
Storrs Street South
as of November 1, 2012**

Plat/Block/Corner	Tract
State of New Hampshire Pan Am Surface	35A-1-2
Seaboard Railroad	26-1-6
Seaboard Railroad	26-1-5
Seaboard Railroad	26-1-4
Seaboard Railroad	26-1-3
J & S Landscaping General Partnership	25B-1-9

Legend

- Existing Street
- Proposed Street
- Right of Way
- Other Street

**Mapped Line of Future Street
Storrs Street Southerly**

1 inch = 416.66667 feet

11/19/12
Concord Planning Division
Concord, NH
SLH

CITY OF CONCORD

In the year of our Lord two thousand and thirteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, by amending Section 27-1-5, Amendments to the International Property Maintenance Code/2009, as follows:

Section 101 – General

Add new section 101.3.1 Licensed Trades as follows:

101.3.1 Licensed Trades: To further ensure the public health, safety and welfare, any new installations or major repairs in residential rental property to plumbing, mechanical or electrical work must be performed by State of NH licensed tradesperson who shall obtain the necessary permits for such work. The Code Official may require licensed tradesperson to correct non-compliances to plumbing, mechanical or electrical work performed by the property owner or his or her agent.

Section 102- Applicability

102.3 Application of other codes: Delete this section in its entirety and replace with the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most recently adopted versions of the following codes: International Building Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, NFPA 70, International Existing Building Code, NFPA 101 Life Safety Code, International Building Code, International Fuel Gas Code, International Mechanical and NFPA 70.

Nothing in this code shall be construed to cancel, modify or set aside any provision of the Municipal Code of Ordinances, Chapter 28.

Section 104- Duties and Powers of the Code Official

Add new section "104.3.1 Access by owner/operator/agent" as follows:

104.3.1 Access by owner/operator/agent: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

Section 202 – General Definitions

Under Section 202, General Definitions, add the following definitions:

Cooking Appliance: A stove containing an oven and cooking surface, or a stove top cooking surface and wall oven.

Weed(s): All grasses, annual plants and vegetation other than trees or shrubs or cultivated flowers and gardens.

Under Section 202, General Definitions, amend paragraph 7 of the definition of "Public Nuisance" as follows:

7. Any premises that is unsanitary, or that is littered with rubbish or garbage ~~or that has an uncontrolled growth of weeds;~~ or

Under Section 202, General Definitions, amend the definition of "Rooming House" as follows:

Rooming House: A detached dwelling unit containing sleeping accommodations for ~~individuals other than~~ *more than three (3) unrelated individuals other than members of the resident family* and having common kitchen and dining facilities.

Section 302 – Exterior Property Areas

302.4 Weeds: Delete this section in its entirety and replace with the following:

302.4 Weeds. Weeds on all exterior premises shall be maintained at a height that does not obstruct sight distance when entering or exiting a roadway or has the potential to create a fire hazard or public nuisance.

Section 307 – Handrails and Guardrails

307.1 General: Delete this section in its entirety and replace with the following:

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck of ramp or other walking surface.

Exception: Guards shall not be required where exempted by the more recently adopted building code.

Section 405 – Dwelling Units

405.1 Dwelling Unit: Amend paragraph 1 as follows:

1. The unit shall be provided with a kitchen sink, cooking appliance (a microwave is not considered a cooking appliance per section 403.3) ***with all components in safe, clean working condition***, and a clear working space of not less than 30 inches. Light and ventilation conforming to this code shall be provided.

Add the following as a new section:

Section 406 – Rooming Houses

406.1 A person shall not operate a rooming house, hotel or motel unless that person holds a valid rooming house permit per Article 27-1-3 of the City of Concord Code of Ordinances.

406.2 A detached dwelling housing three (3) or more unrelated individuals other than members of the resident family is classified as a rooming house and is subject to an annual inspection.

Section 503 – Toilet Rooms

503.3 Floor surface: Amend this section as follows:

503.3 Floor surface. In ~~other than~~ dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such flooring to be easily kept in a clean and sanitary condition.

Section 605 – Electrical Equipment

Add new sections "605.4, 605.5, 605.6, 605.7 and 605.8" as follows:

605.4 Branch circuits in buildings with more than one occupancy. Branch circuits in each dwelling unit shall supply only loads within that dwelling.

605.5 Common area branch circuits with more than one occupancy. Branch circuits installed for the purpose of lighting, central alarm, signal, communications, or other purposes for public or common areas of a two-family dwelling, a multi-family dwelling, or a multi-occupancy building shall not be supplied from equipment that supplies an individual dwelling unit or tenant space.

605.6 Identification. Each circuit in an electrical panel is required to be identified as to what area of the building that circuit supplies power.

605.7 Occupancy. Each occupant shall have ready access to all overcurrent devices protecting the conductors supplying that occupancy.

Exception: Where electrical service and electrical maintenance are provided by the building management and where these are under continuous building management supervision, the service overcurrent devices and feeder overcurrent devices supplying more than one occupancy shall be permitted to be accessible only to authorized management personnel in multiple-occupancy building and guest rooms/guest suites.

605.8 Unused openings. Unused openings for circuit breakers and switches shall be closed using identified closures or other approved means that provide protection substantially equivalent to the wall of the enclosure.

Section 702 – Fire Protection Systems

704.2 Smoke alarms: Amend this section as follows:

704.2 Smoke alarms. ~~The minimum standard pursuant to the City Housing Code, Article 27 of the Municipal code of Ordinances and a July 1, 1999 amendment to the State of NH Smoke Detector Law Rules (RSA 153:10 a) requires that~~ Existing battery powered smoke detectors located within single family rental housing and multi-family (two or more dwelling units) housing, must be replaced with a hard wired*, electrically powered battery back-up smoke detectors, which incorporate a "false alarm silencing" feature. The electrically powered smoke detector(s) must be installed by a New Hampshire licensed master electrician. An electrical permit must be obtained prior to installation. This code standard applied to the installation of smoke detection where none were previously provided ~~but~~ *or additional units* are required.

**Remote Smoke Detectors. In existing buildings, wireless remote, battery-back up smoke detectors may be installed. Installation must be performed by a State of NH licensed electrician.*

SECTION II: This ordinance shall take effect upon its passage.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Michael Santa, CBO, Code Administrator

DATE: July 16, 2013

SUBJECT: Updating of the City's Housing Code

Recommendation

Accept this report recommending that the City Council amend the Code of Ordinances, Chapter 27, Housing Maintenance and Occupancy Code.

Background

The current Code of Ordinances, Chapter 27, Housing Maintenance and Occupancy Code was last updated in March of 2011. The Housing Maintenance and Occupancy Code is based on the 2009 International Property Maintenance Code. Staff is proposing amendments to the Housing and Maintenance Occupancy Code because recent State of New Hampshire changes to the smoke detector and carbon monoxide requirements in residential structures has created a conflict between standards. Staff is also proposing other amendments to the Housing and Maintenance Occupancy Code to provide clarification regarding the requirements of certain sections.

Discussion

The City's Housing Maintenance and Occupancy Code was last updated in 2011. Since the Housing Maintenance and Occupancy Code is specifically tailored to the City of Concord, situations are encountered that occasionally require the amending of the code. The proposed amendments have been written to provide consensus between State and local law, as well as to provide clarification in sections of the code to prevent any ambiguities about the requirements.

cc: Thomas J. Aspell, City Manager
Carlos Baia, Deputy City Manager, Development
Gloria McPherson, City Planner
Craig Walker, Zoning Administrator
Sean Toomey, Deputy Fire Chief

Proposed changes to Housing Maintenance and Occupancy Code 2012

(Red font = additions to code)
(Deletions)

101.3.1 Licensed Trades: To further ensure the public health, safety and welfare, any new installations or major repairs in residential rental property to plumbing, mechanical or electrical, work must be performed by State of NH licensed tradesmen who shall obtain the necessary permits for such work. The Code Official may require a licensed tradesman to correct non-compliances to plumbing, mechanical or electrical work performed by the property owner or his agent.

104.3.1 Access by owner/operator/agent: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

704.2 Smoke alarms. ~~The minimum standard pursuant to the City Housing Code, Article 27 of the Municipal Code of Ordinances and a July 1, 1999 amendment to the State of NH Smoke Detector Law Rules (RSA 153:10-a) requires that~~ Existing battery powered smoke detectors located within single family rental housing and multi-family (two or more dwelling units) housing, must be replaced with hard wired*, electrically powered battery back-up smoke detectors, which incorporate a "false alarm silencing" feature. The electrically powered smoke detector(s) must be installed by a New Hampshire licensed master electrician. An electrical permit must be obtained prior to installation. This code standard applies to the installation of smoke detection where none were previously provided ~~but~~ or additional units are required.

***Remote Smoke Detectors.** In existing buildings, wireless remote, battery-back up smoke detectors may be installed. Installation must be performed by a State of NH licensed electrician.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most recently adopted versions of the following codes: International Building Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, NFPA 70, International Existing Building Code, NFPA 101 Life Safety Code, International Building Code, International Fuel Gas Code, International Mechanical and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Municipal Code of Ordinances, Chapter 28.

~~**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this code term shall not include cultivated flowers and gardens.~~

~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

Weeds on all exterior premises shall be maintained at a height that does not obstruct sight distance when entering or exiting a roadway or has the potential to create a fire hazard.

SECTION 202 - GENERAL DEFINITIONS

Public Nuisance: Includes, but is not limited to, the following:

7. Any premises that is unsanitary, or that is littered with rubbish or garbage ~~or that has an uncontrolled growth of weeds;~~ or

Rooming House: A detached dwelling unit containing sleeping accommodations for ~~individuals other than~~ more than three (3) unrelated

individuals ~~other than members of the resident family~~ and having common kitchen and dining facilities.

Weeds: All grasses, annual plants and vegetation, other than trees or shrubs or cultivated flowers and gardens.

SECTION 406 - ROOMING HOUSES

406.1 A person shall not operate a rooming house, hotel or motel unless that person holds a valid rooming house permit per Article 27-1-3 of the City of Concord Code of Ordinances.

406.2 A detached dwelling housing three (3) or more unrelated individuals other than members of the resident family is classified as a rooming house and is subject to an annual inspection.

Section 307 - Handrails and Guardrails

307.1 General. ~~Handrails and guardrails in residential occupancies shall comply with the minimum standards established by the appropriate of the most recently adopted version of NFPA 101 Life Safety Code.~~ Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards not less than 30 inches high above the floor of the landing, balcony, porch, deck or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the most recently adopted building code.

Under Chapter 6 Mechanical & Electrical Requirements:

605.4 Branch circuits in buildings with more than one occupancy. Branch circuits in each dwelling unit shall supply only loads within that dwelling unit.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection; subsection (b) Computation of the Amount of Impact Fee, by deleting Tables 1, 2, and 3 in their entireties and replacing with the following new tables:

**TABLE 1
SCHOOL FACILITIES
IMPACT FEE PER VARIABLE UNIT**

<i>Type of New Development</i>	<i>Concord School District Facilities Impact Fee Per Variable Unit</i>	<i>Merrimack Valley School District Facilities Impact Fee Per Variable Unit</i>	<i>Variable Unit</i>
Single-family residence	\$ 1.12	\$ 1.12	Square foot of gross living area
Townhouse/duplex	\$ 0.75	\$ 0.75	Square foot of gross living area
Multi-unit/apartment (other than townhouses or duplexes)	\$ 998.51	\$ 998.51	Dwelling unit
Mobile home	\$ 1,995.78	\$ 1,995.78	Dwelling unit

**TABLE 2
RECREATIONAL FACILITIES
IMPACT FEE PER VARIABLE UNIT**

<i>Type of New Development</i>	<i>Recreational Facilities Impact Fee Per Variable Unit</i>	<i>Variable Unit</i>
Single-family residence	\$ 0.52	Square foot of gross living area
Townhouse/duplex	\$ 0.75	Square foot of gross living area
Multi-unit/apartment (other than townhouses or duplexes)	\$ 664.46	Dwelling unit
Mobile home	\$ 998.55	Dwelling unit

TABLE 3
TRANSPORTATION FACILITIES
IMPACT FEE PER VARIABLE UNIT

<i>Type of New Development</i>	<i>Transportation Facilities Impact Fee Per Variable Unit</i>	<i>Variable Unit</i>
Residential Uses		
Single-family	\$2,110.48	Dwelling unit
Townhouse/duplex	\$1,408.99	Dwelling unit
Multi-unit dwelling/apartment (other than townhouses or duplexes)	\$1,449.88	Dwelling unit
Mobile home	\$1,035.63	Dwelling unit
Nonresidential Uses		
General office	\$ 1.70	Square foot of floor area
Single-tenant office	\$ 1.88	Square foot of floor area
General light industrial	\$ 1.09	Square foot of floor area
Manufacturing	\$ 0.63	Square foot of floor area
Warehousing	\$ 0.78	Square foot of floor area
Quality restaurant	\$ 5.59	Square foot of floor area
High-turnover restaurant	\$ 6.73	Square foot of floor area
Fast food restaurant with drive-thru	\$ 20.59	Square foot of floor area
Small retail (less than 5,000 SF)	\$ 2.56	Square foot of floor area
Retail (5,001 SF to 100,000 SF)	\$ 4.51	Square foot of floor area
Retail (100,001 to 300,000 SF)	\$ 3.65	Square foot of floor area
Retail (greater than 300,000 SF)	\$ 3.33	Square foot of floor area
Bank with drive-up	\$ 12.05	Square foot of floor area
Daycare center	\$ 4.09	Square foot of floor area
Hotel/motel	\$ 1,817.16	Room
Gas station/convenience store	\$ 3,374.07	Pump
New car sales	\$ 6.52	Square foot of floor area
Automobile Service	\$ 3.96	Square foot of floor area
Automated car wash	\$ 5,280.90	Wash stall
All other uses	\$ 205.90	New trip

SECTION II: This ordinance shall take effect upon its passage.

TABLE 1
SCHOOL FACILITIES IMPACT FEES PER VARIABLE UNIT

Type of New Development	Concord District Facilities Impact Fee per Variable Unit		Merrimack Valley School District Facilities Impact Fee per Variable Unit		Variable Unit
	2013 Fee	Adjusted Fee	2013 Fee	Adjusted Fee	
Single Family Residence	\$1.08	\$1.12	\$1.08	\$1.12	Square foot of Gross Living Area
Townhouse / Duplex	\$0.72	\$0.75	\$0.72	\$0.75	Square foot of Gross Living Area
Multi-Unit / Apartment (other than Townhouses or Duplexes)	\$965.77	\$998.51	\$965.77	\$998.51	Dwelling Unit
Mobile Home	\$1,930.34	\$1,995.78	\$1,930.34	\$1,995.78	Dwelling Unit

Note: Inflationary increase from July 2009 to July 2010 was 1.89%. Source: RS Means, Facilities Construction Cost Data 2011.
 Note: Inflationary increase from July 2010 to July 2011 was 4.20%. Source: RS Means, Facilities Construction Cost Data 2012.
 Note: Inflationary increase from July 2011 to July 2012 was 1.78%. Source: RS Means, Facilities Construction Cost Data 2013.
 Note: Inflationary increase from July 2012 to July 2013 was 3.39%. Source: RS Means, Facilities Construction Cost Data 2013.

	Historical Cost Index	Percentage Increase	Historical Cost Index	Percentage Increase
Jul-00	120.9		180.1	
Jul-02	128.7	6.45%	183.5	-0.17%
Jul-04	143.7	11.66%	191.2	1.89%
Jul-05	151.6	5.50%	194.6	4.20%
Jul-06	162.0	6.86%	201.2	1.78%
Jul-07	169.4	4.57%		
Jul-08	180.4	6.49%		3.39%

TABLE 2

RECREATIONAL FACILITIES IMPACT FEES PER VARIABLE UNIT

Type of New Development	Recreational Facilities Impact Fee per Variable Unit		Variable Unit
	2013 Fee	Adjusted Fee	
Single Family Residence	\$0.50	\$0.52	Square foot of Gross Living Area
Townhouse / Duplex	\$0.72	\$0.75	Square foot of Gross Living Area
Multi-Unit / Apartment (other than Townhouses or Duplexes)	\$642.67	\$664.46	Dwelling Unit
Mobile Home	\$965.81	\$998.55	Dwelling Unit

Note: Inflationary increase from July 2009 to July 2010 was 1.89%. Source: RS Means, Facilities Construction Cost Data 2011.
 Note: Inflationary increase from July 2010 to July 2011 was 4.20%. Source: RS Means, Facilities Construction Cost Data 2012.
 Note: Inflationary increase from July 2011 to July 2012 was 1.78%. Source: RS Means, Facilities Construction Cost Data
 Note: Inflationary increase from July 2012 to July 2013 was 3.39%. Source: RS Means, Facilities Construction Cost Data

	Historical Cost Index	Percentage Increase
Jul-07	169.4	
Jul-08	180.4	6.49%
Jul-09	180.1	-0.17%
Jul-10	183.5	1.89%
Jul-11	185.7	1.20%
Jul-12	194.6	4.79%
Jul-13	201.2	3.39%

TABLE 3

TRANSPORTATION FACILITIES IMPACT FEES PER VARIABLE UNIT

Type of New Development	Transportation Facilities Impact Fee per Variable Unit		Variable Unit
	2013 Fee	Adjusted Fee	
Residential Uses			
Single Family Residence	\$2,051.60	\$2,110.48	Dwelling Unit
Townhouse / Duplex	\$1,369.68	\$1,408.99	Dwelling Unit
Multi-Unit / Apartment (other than Townhouses or Duplexes)	\$1,409.43	\$1,449.88	Dwelling Unit
Mobile Home	\$1,006.74	\$1,035.63	Dwelling Unit
Nonresidential Uses			
General Office	\$1.66	\$1.70	Square Foot of Floor Area
Single Tenant Office	\$1.82	\$1.88	Square Foot of Floor Area
General Light Industrial	\$1.06	\$1.09	Square Foot of Floor Area
Manufacturing	\$0.61	\$0.63	Square Foot of Floor Area
Warehousing	\$0.76	\$0.78	Square Foot of Floor Area
Quality Restaurant	\$5.43	\$5.59	Square Foot of Floor Area
High Turnover Restaurant	\$6.54	\$6.73	Square Foot of Floor Area
Fast Food Restaurant	\$20.02	\$20.59	Square Foot of Floor Area
Small Retail (0 to 5,000 sf)	\$2.49	\$2.56	Square Foot of Floor Area
Retail (5,001 to 100,000 sf)	\$4.38	\$4.51	Square Foot of Floor Area
Retail (100,001 to 300,000 sf)	\$3.55	\$3.65	Square Foot of Floor Area
Retail (greater than 300,000 sf)	\$3.24	\$3.33	Square Foot of Floor Area

Type of New Development	Transportation Facilities Impact Fee per Variable Unit		Variable Unit
	2013 Fee	Adjusted Fee	
Bank with Drive Up Lanes	\$11.72	\$12.05	Square Foot of Floor Area
Day Care Center	\$3.98	\$4.09	Square Foot of Floor Area
Hotel/Motel	\$1,766.47	\$1,817.16	Room
Gas Station/Convenience Store	\$3,279.94	\$3,374.07	Fueling Station (pump)
New Car Sales	\$6.34	\$6.52	Square Foot of Floor Area
Automobile Service	\$3.85	\$3.96	Square Foot of Floor Area
Automated Car Wash	\$5,133.36	\$5,280.69	Wash Stall
All Other Uses	\$200.16	\$205.90	New Trip

Note: Inflationary increase from November 2012 to December 2013 was 2.87%. Source: Engineering News Record. Enr.com - Construction Cost Index History (1908-2011) December 3, 2011.

Note: Inflationary increase from December 2011 to November 2012 was 2.46%. Source: Engineering News Record. Enr.com - ENR's Construction Cost Index History (1908-2012) November 2012.

Construction Cost Index	
Jul-00	6225
Jul-02	6605
Jul-04	7126
Jan-06	7660
Dec-06	7888
Nov-07	8092
Dec-08	8551
Dec-09	8641
Dec-10	8952
Dec-11	9172
Nov-12	9398
Dec-13	9668



CITY OF CONCORD

TAA

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Stephen Henninger, Acting City Planner *SH*
DATE: December 20, 2013
SUBJECT: Annual Review of the Public Capital Facilities Impact Fee Ordinance

Recommendations

Adopt an amendment to Chapter 29.2, Public Capital Facilities Impact Fee Ordinance, replacing the current impact fee tables with an updated schedule of fees that reflects the increase in construction costs since the impact fees were last adjusted in February 2013.

The Planning Board voted unanimously to recommend that the City Council adopt the adjusted schedule of fees and expressed its support for a consistent annual update process to keep steady pace with inflation, rather than increasing the fees less frequently and adopting higher rates that reflect larger cumulative changes.

Background

The current Public Capital Facilities Impact Fee Ordinance was adopted in June 2001 and contains a requirement in Section 29.2-1-2(b)(10) that the impact fee tables "shall be reviewed periodically by the Planning Board and shall be revised by the City Council whenever appropriate." It requires a report by the Board's Clerk each year to the City Council "with respect to increases in the estimated costs to construct public capital facilities" including recommendations "for appropriate adjustments to the impact fee tables." Specific sources of cost data and information for updating the fees are cited in the ordinance.

The City Council last amended the ordinance on February 11, 2013.

Discussion

The Planning Board, at the regular meeting on December 18, 2013, considered a report from the Planning Division relative to the annual review of the Fee Schedule for the Public Capital Facilities Impact Fee Ordinance. The Planning Division's

report to the Board included proposed new fee schedules for the School, Recreation and Transportation Facilities Impact Fees. These schedules were developed using the data sources and indices as specified in the Ordinance. A draft Ordinance amending the Public Capital Facilities Impact Fee Ordinance to incorporate these new fee schedules was also submitted to the Board for their review.

The rate of inflation from 2012 to 2013 for school and recreation construction costs is 3.39% and for highway construction costs is 2.87%.

Copies of the tables containing the proposed new fee schedules, as well as the draft Ordinance which would implement these fee schedules, are attached to this report.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-6 Sign Regulations and Glossary

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-6 Sign Regulations, Section 28-6-7, Signs Prohibited Under This Ordinance, Paragraphs (a), (h) and (s) as follows:

28-6-7 Signs Prohibited Under This Ordinance.

All signs not expressly permitted under Sections 28-6-8 and 28-6-9 of this ordinance, or signs not expressly exempt from permit requirements under Section 28-6-3 of this ordinance, are prohibited in the City of Concord. Such signs include but are not limited to the following:

- (a) *Programmed or environmentally activated* [S]signs which physically or visually move, rotate or create an illusion of movement, or which have parts or surfaces that physically or visually move, rotate or create the illusion of movement or which emit audible sound or noise.
- (h) Signs which *are or appear to be* animated or projected, or which are intermittently or intensely illuminated or [ef] *have* a traveling, tracing, scrolling, *automated*, or sequential light type, or signs which contain or are illuminated by animated or flashing light
- (s) *Mechanical scrolling signs which change more than four times in a twenty-four hour time period.*

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Glossary, by adding Sign definitions for Electronic Message Center, Environmentally Activated, Programmed and Mechanical Scrolling, and renumbering as follows:

- (5) *Sign, Electronic Message Center. A sign or portion of a sign, that displays an electronic image or video, which may include text, including any sign or portion of a sign that uses lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages or the rate of change is electronically programmed or can be modified by electronic*

processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

(6) *Sign, Environmentally Activated.* An animated sign or device motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

(57) *Sign, Freestanding.* A self-supporting sign, the supports of which are permanently anchored in the ground and are independent from any building.

(68) *Sign, Marquee.* Any sign attached to or in any manner made part of a permanent roof-like structure projecting beyond the wall of a building.

(79) *Sign, Mechanical Scrolling.* A sign which utilizes track or roller mounted copy that is changed by mechanically-driven means and is non-digital.

(810) *Sign, Monument.* A type of freestanding sign for which the sign, its supports, and base are a monolithic structure.

(911). *Sign, Pennant.* Any lightweight plastic, fabric or similar material, whether or not containing a message of any kind, suspended from a rope, wire, or other material, usually in a series, designed to move in the wind.

(12) *Sign, Portable.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

(1013) *Sign, Programmed:* A sign capable of displaying changing content without the need for direct and immediate manual input.

(1114) *Sign, Projecting.* Any sign affixed to a building with the plane of the sign at an angle to the plane of the wall of the building.

(1215) *Sign, Roof.* Any sign erected and constructed wholly on and over the roof of a building and supported by the roof structure.

(1316) *Sign, Temporary.* A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period of time after the erection of the sign; or a sign that is intended to remain on the location where it is erected or placed for a reasonably short or definite period of time after the erection of the sign. If the sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as a temporary sign.

(1417) Sign, Wall. A sign attached to, or erected against the wall of a building with the face of the sign in a parallel plane to the plane of the building wall, and projecting no more than fourteen (14) inches from the building wall.

(18) Sign, Window. Any sign that is placed inside or upon the window panes or glass, and that is visible from the exterior of the building or structure.

SECTION III: This ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in *bold italics*.
Matter removed from the current ordinance appears ~~in brackets and struck through~~.



CITY OF CONCORD

TJA

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Craig Walker, Zoning Administrator
DATE: February 3, 2014
SUBJECT: Sign Regulation Ordinance Amendments

Recommendation

Accept this report and set the attached ordinance amendments for public hearing in March.

Background

The City's Sign Regulations are intended to encourage and promote the effective use of signs as a means of communication while maintaining and enhancing the aesthetic environment of the City, as well as ensuring that the signs do not have an adverse effect on pedestrian and traffic safety. The New Hampshire Supreme Court and the United States First Circuit Court of Appeals have upheld the constitutionality of the City's Sign Regulations.

The Zoning Board of Adjustment (ZBA) received a request for a variance to allow a "scroller" type sign for fuel price display on a freestanding sign at a motor vehicle fuel filling station within the City of Concord. A "scroller" is a type of sign that contains a vinyl scroll that can scroll up or down to display a specific image in the display window. In the case of the fuel price display, there are numbers on the vinyl scroll that can be changed to show the current price. These signs are not currently permitted under the City's Sign Regulations. The ZBA determined that it was unable to grant the request for a variance to allow a "scroller" sign because the Sign Regulations as applied to the property did not interfere with the reasonable use of the property, as is required for a finding of hardship.

The ZBA did request the City review its existing Sign Regulations, Article 28-7, to address whether it is appropriate to amend the current regulations as they pertain to "scroller" signs. A consent report on this issue was submitted to City Council for its January 13, 2014 meeting.

The Zoning Administrator is also seeking to amend the glossary to add definitions for the following types of signs: (1) electronic message centers; (2) environmentally activated; (3) programmed; and (4) mechanical scrolling.

Discussion

A proposed ordinance is being submitted to allow mechanical scrolling signs. These signs are not limited to the use of fuel stations, and therefore, any business would be allowed to utilize this type of sign. The mechanical scrolling signs operate using a track mounted system and the copy (numbers, characters and symbols) is changed mechanically. These signs are permissible so long as the message does not change more than four times in a twenty-four hour period. It should be noted that the proposed ordinance is less strict than the original variance request received by the fuel station, which asked for permission to change the price only two times in a twenty-four hour period.

A proposed ordinance is also being submitted to add definitions for “environmentally activated” and “programmed” signs. Both of these types of signs are currently prohibited under the ordinance, and the definitions are intended to provide clarification. An “environmentally activated” sign is defined in part as a sign which uses wind, thermal changes and other environmentally-activated input to change. A “programmed” sign is defined as a sign which does not require direct and immediate input for changes to be made, *i.e.*, a pre-programmed message.

Lastly, a proposed ordinance is also being submitted to add a definition for “electronic message center.” The City did not previously define this term, and instead relied on the definition set forth in the International Code Council’s 2009 International Zoning Code. The proposed definition is intended to provide clarification.

The proposed ordinance is scheduled for review and recommendation by the Planning Board at its February 19th meeting.

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CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager—Development

DATE: February 21, 2014

SUBJECT: Proposed Amendment to the Sign Ordinance—Request to Table or Recess the March 10th Public Hearing Until Further Notice

The proposed amendment to the Concord sign ordinance scheduled for a March 10th public hearing with City Council was reviewed by the Planning Board at its February 19th meeting. The Planning Board requested additional information from staff which will mean that the earliest the Board would be able to re-visit this matter would be at its March 19th meeting. As a result, staff is respectfully asking that the public hearing on this matter be tabled or recessed until further notice.



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager—Development
DATE: June 25, 2014
SUBJECT: Sign Regulation Ordinance Amendments

Recommendation

Accept this report and set the attached ordinance amendment for public hearing.

Background

The Zoning Board of Adjustment (ZBA) considered a request to allow a mechanical sign on May 1, 2013. The request was for a variance to allow a “scroller” type sign for fuel price display on a freestanding sign at a filling station in the City. These types of signs are not currently allowed under the Sign Regulations, Article 28-6.

A “scroller” is a type of sign that contains a vinyl scroll that can scroll up or down to display a specific image in the display window. In the case of the fuel price display, there are numbers on the vinyl scroll that can be changed to show the current price. The ZBA determined that it was unable to grant the request for a variance to allow a “scroller” sign because the Sign Regulations as applied to the property did not interfere with the reasonable use of the property, as is required for a finding of hardship to grant a variance.

The ZBA requested that City Council review its existing Sign Regulations, Article 28-7, to address whether it is appropriate to amend the current regulations as they pertain to “scroller” signs. A consent report on this issue was submitted to City Council for its January 13, 2014 meeting. The City Council agreed to review the matter to determine whether an amendment would be appropriate and forwarded the inquiry to the Planning Board.

Discussion

The Planning Board conducted public hearings and considered draft amendments to the City’s Sign Regulations during its meetings of April 2, 2014, May 21, 2014 and June 18, 2014.

By a vote of 7 to 3, the Planning Board **did not recommend** permitting mechanical scrolling signs under Section 28-6-9 of the Sign Ordinance (Signs Permitted in Nonresidential Districts). In voting against the adoption of mechanical scrolling signs, issues cited included: (1) concerns that an amendment to the mechanical scrolling sign ordinance would present opportunities to bring legal challenges to the current sign ordinance, which has been upheld by courts and prohibits electronic message centers; and (2) concerns that some types of mechanical scrolling signs could have negative aesthetic impacts.

The Planning Board, did however, vote to **recommend** the addition of references and/or definitions for “environmentally activated,” “programmed,” and “mechanical scrolling” signs as well as “electronic message centers” to the ordinance. These types of sign are prohibited under the existing ordinance but the definitions are intended to provide clarification.

A draft ordinance is attached which sets forth the provisions recommended by the Planning Board for adoption.

CITY OF CONCORD

In the year of our Lord two thousand and fourteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-6 Sign Regulations and Glossary

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-6 Sign Regulations, Section 28-6-7, Signs Prohibited Under This Ordinance, Paragraphs (a) and (h) as follows:

28-6-7 Signs Prohibited Under This Ordinance.

All signs not expressly permitted under Sections 28-6-8 and 28-6-9 of this ordinance, or signs not expressly exempt from permit requirements under Section 28-6-3 of this ordinance, are prohibited in the City of Concord. Such signs include but are not limited to the following:

(a) *Programmed or environmentally activated* [S]signs which physically or visually move, rotate or create an illusion of movement, or which have parts or surfaces that physically or visually move, rotate or create the illusion of movement or which emit audible sound or noise.

(h) Signs which *are or appear to be* animated or projected, or which are intermittently or intensely illuminated or [ef] *have* a traveling, tracing, scrolling, *automated*, or sequential light type, or signs which contain or are illuminated by animated or flashing light

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Glossary, by adding Sign definitions for Electronic Message Center, Environmentally Activated, Programmed and Mechanical Scrolling, and renumbering as follows:

(5) *Sign, Electronic Message Center. A sign or portion of a sign, that displays an electronic image or video, which may include text, including any sign or portion of a sign that uses lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages or the rate of change is electronically programmed or can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.*

(6) Sign, Environmentally Activated. An animated sign or device motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

(57) Sign, Freestanding. A self-supporting sign, the supports of which are permanently anchored in the ground and are independent from any building.

(68) Sign, Marquee. Any sign attached to or in any manner made part of a permanent roof-like structure projecting beyond the wall of a building.

(79) Sign, Mechanical Scrolling. A sign utilizing track or roller mounted alphanumeric copy that is changed by mechanically-driven means and is non-digital.

(810) Sign, Monument. A type of freestanding sign for which the sign, its supports, and base are a monolithic structure.

(911). Sign, Pennant. Any lightweight plastic, fabric or similar material, whether or not containing a message of any kind, suspended from a rope, wire, or other material, usually in a series, designed to move in the wind.

(12) Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

(1013) Sign, Programmed: A sign capable of displaying changing content without the need for direct and immediate manual input.

(1114) Sign, Projecting. Any sign affixed to a building with the plane of the sign at an angle to the plane of the wall of the building.

(1215) Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building and supported by the roof structure.

(1316) Sign, Temporary. A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period of time after the erection of the sign; or a sign that is intended to remain on the location where it is erected or placed for a reasonably short or definite period of time after the erection of the sign. If the sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as a temporary sign.

(1417) Sign, Wall. A sign attached to, or erected against the wall of a building with the face of the sign in a parallel plane to the plane of the building wall, and projecting no more than fourteen (14) inches from the building wall.

(18) Sign, Window. Any sign that is placed inside or upon the window panes or glass, and that is visible from the exterior of the building or structure.

SECTION III: This ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in **bold italics**.
Matter removed from the current ordinance appears [~~in brackets and struck through~~].