

AGENDA

COMMITTEE ON BILLS ON SECOND READING

June 23, 2010

Aldermen DeVries, Lopez,
Arnold, Corriveau, Shaw

Immediately following
Sp. Committee on Airport Activities
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman DeVries calls the meeting to order.
2. The Clerk calls the roll.
3. Ordinance Amendment:

“Amending the Zoning Map of the City of Manchester by rezoning an area currently zoned as Research Park District (RP) to Neighborhood Business District (B-1), generally located in the vicinity of Hackett Hill Road, Poore Road, and the F.E. Everett Turnpike – Interstate 293, including a portion of TM 766, Lot 15, a portion of TM 766, Lot 14D and a portion of TM 767, Lot 3A.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

4. Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester (RP Zone) by revising Section 4.01 A. Base Districts and Section 5.10 Table of Principal Uses.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

TABLED ITEMS

A motion is in order to remove any item from the table.

5. Ordinance Amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.36 Stopping, Standing and Parking by adding Section (E) Overtime Parking and Section (F) Penalty.”

(Note: Tabled 5/24/10)

6. Ordinance Amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.06 Definitions to add the definition of Overtime Parking.”

(Note: Tabled 5/24/10)

7. Ordinance Amendment:

“Amending Section 33.60 Standby Duty by adding a new Section (D).”

(Note: Attached is a memo from Jane Gile, Human Resources Director, providing her recommendation to receive and file. Tabled 11/24/09; Office of Youth Services Director to review Ordinance.)

8. A report of the Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the proposed amendments to the Peddler’s Ordinance be forwarded to the Committee on Bills on Second Reading.

(Unanimous vote)

(Note: Tabled 11/24/09; City Solicitor to review Ordinance.)

9. If there is no further business, a motion is in order to adjourn.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Zoning Map of the City of Manchester by rezoning an area currently zoned as Research Park District (RP) to Neighborhood Business District (B-1), generally located in the vicinity of Hackett Hill Road, Poore Road, and the F. E. Everett Turnpike – Interstate 293, including a portion of TM 766, Lot 15, a portion of TM 766, Lot 14D and a portion of TM 767, Lot 3A.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Map of the City of Manchester by rezoning an area currently zoned as Research Park District (RP) to Neighborhood Business District (B-1), generally located in the vicinity of Hackett Hill Road, Poore Road, and the F. E. Everett Turnpike – Interstate 293, including a portion of TM 766, Lot 15, a portion of TM 766, Lot 14D and a portion of TM 767, Lot 3A, and being more particularly bounded and described as follows:

Beginning at a point at the intersection of the centerline of Hackett Hill Road and Poore Road, said point also being a point on the zone boundary line between the RP (Research Park) zone district and the RS (Residential-Suburban) zone district, prior to this amendment;

Thence southeasterly along the zone boundary line between the RP (Research Park) zone district and the RS (Residential-Suburban) zone district, prior to this amendment, to a point at the intersection of the RP (Research Park) zone district, the RS (Residential-Suburban) zone district, and the R-SM (Residential Suburban Multifamily) zone district, prior to this amendment, said point also being between the northbound and southbound lanes of the F. E. Everett Turnpike – Interstate 293, for a distance of approximately 675 ft. to a point;

Thence southwesterly between the northbound and southbound lanes of the F. E. Everett Turnpike – Interstate 293, along the zone boundary line between the RP (Research Park) zone district and the R-SM (Residential Suburban Multifamily) zone district, prior to this amendment, to a point, for a distance of approximately 685 ft. to a point;

Thence northwesterly to a corner point along the zone boundary line between the RP (Research Park) zone district and the CV (Conservation) zone district, prior to the amendment, for a distance of approximately 100 ft. to a point;

Thence northwesterly to an angle point along the zone boundary line between the RP (Research Park) zone district and the CV (Conservation) zone district, prior to the amendment, for a distance of approximately 180 ft. to a point;

Thence northwesterly to an angle point along the zone boundary line between the RP (Research Park) zone district and the CV (Conservation) zone district, prior to the amendment, for a distance of approximately 200 ft. to a point;

Thence northerly to a point on the zone boundary line between the RP (Research Park) zone district and the CV (Conservation) zone district, prior to the amendment, said point being approximately 3 ft. south of an angle point along the zone boundary line between the RP (Research Park) zone district and the CV (Conservation) zone district, prior to the amendment, said point also being a point on the property line between TM 766, Lot 14D and TM 766, Lot 172, for a distance of approximately 300 ft. to a point;

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Zoning Map of the City of Manchester by rezoning an area currently zoned as Research Park District (RP) to Neighborhood Business District (B-1), generally located in the vicinity of Hackett Hill Road, Poore Road, and the F. E. Everett Turnpike – Interstate 293, including a portion of TM 766, Lot 15, a portion of TM 766, Lot 14D and a portion of TM 767, Lot 3A.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Thence northeasterly along the property line between TM 766, Lot 14D, TM 766, Lot 172, and TM 766, Lot 172A to a point, said point being the southeasterly corner point of TM 766, Lot 172A, said point also being a corner point between TM 766, Lot 172A and Hackett Hill Road, for a distance of approximately 563 ft. to a point;

Thence northeasterly in the same direction to a point at the intersection of the centerline of Hackett Hill Road and Poore Road, said point also being a point on the zone boundary line between the RP (Research Park) zone district and the RS (Residential-Suburban) zone district, prior to this amendment, for a distance of approximately 100 ft. to a point, said point being the point of beginning.

Said description to include a portion of TM 766, Lot 15, a portion of TM 766, Lot 14D and a portion of TM 767, Lot 3A, consisting of approximately 11.5 acres of land to be rezoned from RP (Research Park) to B-1 (Neighborhood Business) zone district, after this amendment.

Section II. Resolve this ordinance shall take effect upon passage.

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester (RP Zone) by revising Section 4.01 A. Base Districts and Section 5.10 Table of Principal Uses.”

(Note: Deletions shown as ~~struck through~~, new text shown *italicized*).

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION I. Amend the Zoning Ordinance of the City of Manchester, ~~Article 4, Section 4.01A Base Districts 15. Research Park District (RP). The purpose of the Research Park District is to set aside and retain contiguous tracts of land capable of supporting large scale integrated development of professional offices, educational and research and development functions in a planned park or campus-like setting in well designed high quality buildings which are compatible with their natural surroundings, incorporating sufficient buffers to insulate surrounding residential areas from adverse impacts.~~

15. Research Park District (RP). The purpose of the Research Park District is to set aside and retain contiguous tracts of land capable of supporting large scale integrated development of professional offices, educational and research and development functions, in addition to commercial and light industrial uses associated with the production of goods, materials and knowledge. It is expected that parcels in the RP zone would be developed in a planned park or campus-like setting in well-designed high quality buildings which are compatible with their natural surroundings, incorporating sufficient buffers to insulate surrounding residential areas from adverse impacts.

SECTION II. Amend the Zoning Ordinance of the City of Manchester, Article 5, Section 5.10 Table of Principal Uses:

<u>Use</u>	<u>Existing</u>	<u>Change to</u>
Small scale assembly, fabrication and craftsmen businesses with no outside storage or machinery	Not permitted	<i>Conditional Use</i>
Warehousing or wholesale storage and distribution facilities	Not permitted	<i>Permitted</i>
Primary manufacturing industries	Not permitted	<i>Conditional Use</i>
Telephone, telecommunication & cable service operations and maintenance facilities	Conditional Use	<i>Permitted</i>
Essential public services, utilities and appurtenances	Conditional Use	<i>Permitted</i>
Other business and professional offices	Conditional Use	<i>Permitted</i>
Offices of health care practitioners and outpatient health care	Conditional Use	<i>Permitted</i>

City of Manchester New Hampshire

In the year Two Thousand and Ten

AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester (RP Zone) by revising Section 4.01 A. Base Districts and Section 5.10 Table of Principal Uses.”

(Note: Deletions shown as ~~struck through~~, new text shown *italicized*).

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

<u>Use</u>	<u>Existing</u>	<u>Change to</u>
Physical & occupational rehabilitation centers	(New Category)	<i>Permitted</i>
Medical Research & Development	Conditional Use	<i>Permitted</i>
Adult day care facilities	Not permitted	<i>Conditional Use</i>

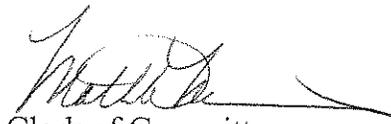
SECTION III. This Ordinance shall take effect upon its passage.

To the Board of Mayor and Aldermen of the City of Manchester:

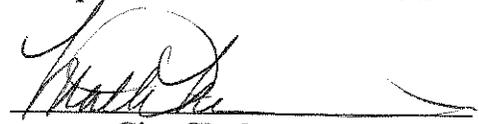
The Committee on Public Safety, Health and Traffic respectfully recommends, after due and careful consideration, that revisions to 70.06 and 70.36 for Overtime Parking submitted by the Parking Manager be approved.

(Unanimous vote with the exception of Alderman Ouellette who was absent)

Respectfully submitted,


Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held May 18, 2010, on a motion of Alderman DeVries, duly seconded by Alderman O'Neil, the report of the Committee was accepted and its recommendations adopted.


City Clerk

1/11/10 tabled

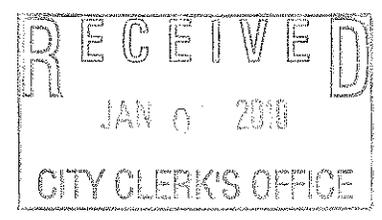
CITY OF MANCHESTER PARKING DIVISION



Brandy Stanley
Parking Manager
bstanley@manchesternh.gov

January 6, 2010

Chairman Jim Roy
Committee on Public Safety, Health & Traffic
One City Hall Plaza
Manchester, NH 03101



Re: Revisions to 70.06 and 70.36 for Overtime Parking

Dear Chairman Roy:

There has been a growing number of complaints from local business owners about vehicles that are parking in front of businesses all day. In response to these complaints, we looked at the effectiveness of our 2 hour limit ordinance and would like to change sections 70.07 and 70.36.

When we installed the Pay & Display meters, we eliminated the spaces in between parallel spaces. The current ordinance states that a vehicle must move from the space after the time limit has been reached. Since the spaces are not striped, the question becomes how far does someone need to move their vehicle in order to avoid an overtime ticket.

People have figured this out and are moving their vehicles back and forth by inches throughout the day, successfully circumventing the intent of the ordinance. This has been a growing problem and a source of frustration for my staff and many of the local business owners.

The proposed changes to the ordinances, if passed, require that a vehicle has to be moved from that side of the block until the next calendar day. This will allow our staff to effectively enforce the time limits and encourage all day parkers to explore alternate parking arrangements.

I thank you in advance for your consideration.

Sincerely,

Brandy Stanley

**Brandy Stanley
Parking Manager
City of Manchester**

CC: Bill Sanders

City of Manchester
New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.36 Stopping, Standing and Parking by adding Section (E) Overtime Parking and Section (F) Penalty.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as ~~struck through~~. Portions of the following sections that remain unchanged appear in regular type.

§ 70.36 STOPPING, STANDING, OR PARKING PROHIBITED.

(E) **The driver of a vehicle shall not park such vehicle for longer than the designated time limit, as prescribed by Ordinance during the hours of enforcement, per calendar day.**

1. Enforcement: Any vehicle parked on one side of a block between two intersections for longer than the designated time limit shall be in violation.

(F) **Any violation under this section shall be considered a “No Parking Zone” and the fine will be as prescribed in Section 70.78 PENALTY, unless otherwise prescribed by Ordinance.”**

- II. These ordinances shall take effect upon their passage.

City of Manchester
New Hampshire

In the year Two Thousand and

AN ORDINANCE

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.06 DEFINITIONS to add the definition of OVERTIME PARKING.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Deletions to existing ordinance language are ~~struckthrough~~. New language appears in **bold**. Sections of the following chapter that remain unchanged appear in regular type.

§ 70.06 DEFINITIONS

OVERTIME PARKING. The parking of a vehicle for longer than the posted limit as prescribed by city Ordinance during the hours of enforcement per calendar day.

II. This Ordinance shall take effect upon this passage.

City of Manchester
New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

Amending Section 33.60 Standby Duty by adding a new section (D)

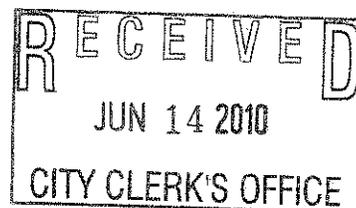
BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

NEW SECTION (D)

33.60 STANDBY DUTY

(D) Office of Youth Services. Employees of the Office of Youth Services who are assigned to rotating coverage of the Substance Abuse Hotline shall be compensated at the rate of \$210.00 per week.

Jane Gile
Human Resources Director



CITY OF MANCHESTER Human Resources Department

June 14, 2010

Alderman Betsi DeVries, Chair
Bills on Second Reading
One City Hall Plaza
Manchester, NH 03104

Dear Chair DeVries:

A referral was made to Bills on Second Reading amending Section 33.60 Stand-By Duty of the Code of Ordinances of the City of Manchester to insert new language:

- (D) Office of Youth Services. Employees of the Office of Youth Services who are assigned to rotating coverage of the Substance Abuse Hotline shall be compensated at the rate of \$210.00 per week.

The language is no longer needed. On July 1, 2010, the Substance Abuse Hotline will no longer be under the Office of Youth Services (OYS) nor will OYS employees provide coverage.

On July 1, 2010, the Substance Abuse Hotline coverage will be contracted to Employee Management Resource, LLC (EMR). EMR is the new Employee Assistance Program for City employees. As such, staffing and coverage of the Hotline is the responsibility of EMR, which is a private corporation.

Recommendation: Receive and File.

Respectfully submitted,

Jane E. Gile
Human Resources Director

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommend, after due and careful consideration, that the proposed amendments to the peddler's ordinance be forwarded to the Committee on Bills on Second Reading.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held August 18, 2009 on a motion of Alderman O'Neil, duly seconded by Alderman Pinard, the report of the Committee was accepted and its recommendations adopted.


City Clerk



*Matthew Normand
City Clerk*

CITY OF MANCHESTER
Office of the City Clerk

MEMORANDUM

TO: Committee on Administration/Information Systems
Ald. O'Neil, Garrity, Osborne, Pinard, Lopez

FROM: Matthew Normand
City Clerk

DATE: June 29, 2009

RE: Amendments to the Peddler's Ordinance

Recently, I was asked that I look into revising the current ordinances that regulate City peddlers. As requested, I have submitted some suggested changes to Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester. While the majority of the proposed amendments are general "house-keeping" changes, the amendment to Section 115:45(B) in the attached document attempts to address a recurring problem of licensed peddlers that bid on locations within the City for the sole purpose of preventing others from obtaining a license for the same location. These peddlers typically have no intention to ever operate at the location and the City has little recourse in trying to promote a level "playing field" for all vendors.

As the Clerk's Office deliberated on how to best address this issue, I believe we have come up with an alternative that may correct the problem without the need of an ordinance change. Since the problem originates from locations that are put out to bid by the Clerk's Office (i.e. City Hall Plaza), I believe that added language in the Bid Instructions would solve the problem without mandating the changes for all peddlers which may have unintended consequences later on. I have also attached a copy of the most recent bid documents used earlier this season which includes the proposed language (Item 7 bolded on page 3 of the bid documents) we would use next year if the Committee agrees to the alternative.

If you have any questions before the meeting, you may reach me at (603) 624-6473. Thank you.

PROPOSED ORDINANCE CHANGES

§ 115.01 DEFINITIONS.

DISQUALIFYING CRIMINAL CONVICTION. Any felony convictions, any conviction involving harassment, violence, theft, fraud, loitering, prowling, or endangering the welfare of a child or incompetent **or any criminal conviction involving a child or incompetent.**

§ 115.43 TRAFFIC REGULATIONS.

Peddling from a motor vehicle is subject to any and all restrictions contained in the traffic regulations of the city except that peddling from a motor vehicle is prohibited where parking is controlled by parking meters **or Pay & Display meters.**

§ 115.44 PROHIBITED CONDUCT.

A peddler shall not:

(A) Operate his business on any street, sidewalk, park, parkway or in any other public place unless his peddler's license specifies that peddling in such public place is permitted thereunder.

(B) Vend within **600** feet of the grounds of any elementary or secondary school between one-half hour prior to the start of the school and one-half hour after dismissal at the end of the school day.

(D) Vend within 1,000 feet of the same street of any public assembly building ~~while such building is in use~~ unless his peddler's license specifies that peddling in such place is permitted thereunder.

§ 115.45 FRAUD; REVOCATION OF LICENSE.

(A) Any licensed peddler who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as peddler in the city, or who shall sell any goods, merchandise, service, or wares other than those specified in the application for a license shall be deemed guilty of a violation of this subchapter.

(B) Annual licenses issued pursuant to Section 115.40 shall be revoked if the licensee has failed to conduct normal business activities for five consecutive days, twice in a three month period.

(C) Any person violating any provisions of this subchapter shall have his license revoked. Upon request of the City Clerk the licensee shall surrender his license. Upon conviction of violations under this section, no license shall be issued to such person for a period of three years unless permission is granted by the Committee on Administration.

(D) Any peddler having his license revoked may request ~~in writing~~ reconsideration by the Committee on Administration. The request must be made in writing within ten days of the date of notice. The Committee on Administration shall set a hearing date, notifying the applicant or licensee of said hearing date. The hearing will be held at the earliest possible date and the matter shall be decided within a reasonable time. The applicant or licensee will be notified of the decision of the Committee, and the decision by the Committee to deny, restrict, suspend, or revoke a business license shall be final.

OFFICE OF THE CITY CLERK

MANCHESTER, NH

STANDARD INSTRUCTIONS TO BIDDERS – VENDING LOCATION

These instructions are standard for all proposals issued by the City of Manchester, Office of the City Clerk, for the issuance of vending locations. The City of Manchester may delete, supersede, or modify any of these standard instructions for a particular proposal by indicating such change in the section headed (“**Special Instructions to Bidders**”).

1. The attached proposal is signed by the bidder with full knowledge of, and agreement with, the general specifications, conditions and requirements of this bid.
2. Return copy of proposal on the enclosed form. Only Bid Proposal forms obtained and signed for at the Office of the City Clerk will be accepted.
3. Submit proposal in an envelope marked with the bidder’s name and address on the upper left hand corner.
4. Bids to be addressed to Office of the City Clerk, One City Hall Plaza, Manchester, NH 03101, c/o Matt Normand, Acting City Clerk. Clearly mark envelope with the title of the bid and the date and time of opening as shown in the “Invitation to Bid.”
5. Bids received later than the time and date specified will not be considered. Amendment to or withdrawal of bids received later than the time and date set for the bid opening will not be considered.
6. Bidders may be present at opening of bids.

STANDARD INSTRUCTIONS TO BIDDERS

7. Bidders shall submit proposed payment amount in spaces provided on the bid proposal form.
8. The City reserves the right to reject any and all bids, to waive technical defects, and to make awards by item or total as may be in the best interest of the City. If a bidder desires to bid on an “all or nothing” basis, he shall so indicate on the bid schedule. When an “all or nothing” bid is submitted the bidder must bid on every item on the bid schedule.
9. The City of Manchester may withhold acceptance of or reject any merchandise that is found, upon examination, not to meet the specification requirements if indicated. When rejected, it shall be removed by the contractor (vendor) within ten (10) days after notification of rejection.
10. Bidder shall post the full amount of his bid as a bid bond, which will be retained by the City should a contract not be executed within ten (10) days after notification of bid award. Bidder(s) not awarded a contract will have their bond returned within ten (10) days of bid award.

CITY OF MANCHESTER
OFFICE OF THE CITY CLERK
ONE CITY HALL PLAZA
MANCHESTER, NH

CONTRACT PROPOSAL

for

CITY HALL PLAZA VENDING

Date of Bid Opening: **Wednesday, April 28, 2009**

Time: **1:30 P.M.**

INVITATION TO BID

Sealed bids will be received in the Office of the City Clerk no later than the date and time set forth above, for the issuance of the vending location listed herein.

Matt Normand, Acting City Clerk
Office of the City Clerk

STANDARD INSTRUCTIONS

See "Standard Instructions to Bidders" attached to the Contract Proposal.

SPECIAL INSTRUCTIONS TO BIDDERS

1. Questions on specifications may be referred to Kevin M. Kincaid, Business Licensing, Business Licensing & Enforcement Division, Office of the City Clerk.
2. Delivery to be made to Office of the City Clerk, One City Hall Plaza, Manchester, New Hampshire.

SPECIAL INSTRUCTIONS
City Hall Plaza Vending

Vendor has exclusive rights to vend their products at the assigned facility commencing May 1, 2009 through April 30, 2010.

Dates vary according to type of facility assigned.

Vendor must agree to the following:

1. Vendor must have in their possession all licenses and permits necessary as prescribed by the City Clerk and City Health Department.
2. Vendor must possess liability insurance in accordance to regulations set by City Risk Manager.
3. Vendor agrees to maintain all areas affected by his operations in a clean and responsible manner.
4. Vendor must operate from an area, at their designated facility, as specified by the Department.
5. Vendor will not create a safety hazard at any time during their operations.
6. Vendor must pay full amount stated in bid proposal prior to operating at awarded facility.
7. **The privilege to operate at a location that has been awarded in conjunction with this bid process shall be revoked if the licensee has failed to conduct normal business activities for five consecutive days, twice in a three month period at that location. A licensee (hereinafter referred to as the "awardee") may submit notification in writing to the City Clerk that they wish to suspend their activities at this location (i.e. during the winter season) thirty (30) days prior to ceasing operations. The City Clerk reserves the right to issue a temporary license to another peddler during that period. Should the awardee wish to resume activities at the location, a notification of intent must be submitted in writing to the City Clerk fourteen (14) days prior to reinstatement of the privileges at the location.**
8. All necessary permits, payments and certificates must be presented to the Office of the City Clerk no later than April 30, 2009.
9. Vendor agrees to sell only items specified in contract so as not to conflict with wares of other designated vendors.
10. Vendor agrees to follow all applicable municipal rules, regulations and ordinances and applicable rules, regulations and statutes of the State of New Hampshire.
11. Failure to abide by any of the above preset conditions may result in loss of vending privilege.

PROPOSAL

SEALED PROPOSALS WILL BE RECEIVED AT THE OFFICE OF THE CITY CLERK,
ONE CITY HALL PLAZA, MANCHESTER, NH 03101 UNTIL
1:30 P.M. ON WEDNESDAY, APRIL 28, 2009.

Vendor Name _____

Street Address _____

City _____ State _____ Zip Code _____

Phone # _____ Cell # _____

Product(s) _____

Vending Location

Proposed Bid Amount

City Hall Plaza
