COMMITTEE ON BILLS ON SECOND READING

September 7, 2010 **6:15 PM**

Chairman DeVries called the meeting to order.

The Clerk called the roll.

Present: Aldermen DeVries, Lopez, Arnold, Corriveau, Shaw

Messrs: T. Arnold, B. Stanley

Chairman DeVries addressed item 3 of the agenda:

3. Ordinance Amendment:

> "Authorizing the Mayor to dispose of certain tax deeded property situated at Groveland Avenue, Manchester, New Hampshire known as Map 492, Lots 3A and 3B."

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to discuss this item.

Alderman Lopez stated I just talked to the City Solicitor about the purchase price which is $13,000, but he is missing a zero there. It has to be corrected.

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted that the Ordinance Amendment ought to pass as amended.

Chairman DeVries addressed item 4 of the agenda:

4. Ordinance Amendment:

> "Amending Section 70.57 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by adding section (G) Special Event Parking to allow the parking Division to charge $5.00 per vehicle per day for parking in public and private parking lots controlled by the Parking Division on October 1st, 2nd and 3rd, 2010."

On motion of Alderman Corriveau, duly seconded by Alderman Arnold, it was voted to discuss this item.

Alderman Corriveau stated I have a technical question for the Solicitor, this being a temporary ordinance that is only in effect for three days during the Chili Cook Off. What happens? Does this just go right off the books? For example, will section 70.57 just cease to exist as of October 4th? Does this some how stay on our books permanently, but not be in effect.

Mr. Tom Arnold, Deputy City Solicitor, replied my understanding is that it will not be added to the Code of Ordinances so the Code of Ordinances won't be modified for this ordinance and it is only effective for three days. After a few days, it will go out of existence. We will, of course, have a paper record of it, but it would no longer be in existence.

Alderman Corriveau asked Brandy, do you want to add anything to this while you are here? That's all I had, Madam Chair.

Chairman DeVries stated I would follow up with the Solicitor on that question. Do we have precedent of a temporary ordinance being enacted? This isn't groundbreaking action here is it?

Mr. Arnold replied I don't recall any off the top of my head, Alderman, but that's not to say that it hasn't happened. I don't recall any at this moment.

Chairman DeVries stated that looks like it has prompted the need for Ms. Stanley to come forward.

Ms. Brandy Stanley, Parking Manager, stated we actually had a temporary ordinance for the in-vehicle parking meter pilot program. We did pass a temporary ordinance and it expired and ultimately, we put it into permanent law, but we did do it.

Alderman Arnold stated just for the record, Madam Chair, this did pass Traffic and Public Safety unanimously, correct? Is that correct?

Chairman DeVries stated I would ask the Clerk that. Do you know the vote taken at Traffic and Public Safety? Was it unanimous when it went through the Traffic and Public Safety Committee?

Ms. Maura Leahy, City Clerk's Office Administrative Assistant, replied yes, it was.

On motion of Alderman Corriveau, duly seconded by Alderman Arnold, it was voted that the Ordinance Amendment ought to pass.

Chairman DeVries addressed item 5 of the agenda:

5. Ordinance Amendment:

> "Amending Chapter 70: Motor Vehicle and Traffic of the Code of Ordinances of the City of Manchester by adding a new Residential Parking Permit Zone #8 in Section 70.55 (D) (8) Residential Parking Permit Zone #8 (Central High School area) and (G) (5) special restrictions for zone eight."

On motion of Alderman Lopez, duly seconded by Alderman Shaw, it was voted to discuss this item.

Alderman Lopez stated I'll just point out that the Special Committee that was appointed has been working on this for three years, trying to solve the problem. The area of Central High is where they are trying to solve the problem. It doesn't affect Memorial or West at this time.

Chairman DeVries stated I would note that Alderman Roy is tied up in the other room with a candidate who is being interviewed right now. You are absolutely correct that the Special Committee on High School Parking has been dealing with the various issues around the three high schools. This is the solution that has been enacted for Central High and this has gone through the policy committee for school parking.

Alderman Corriveau asked Brandy, it mentions that a residential parking permit is required only during school hours, so is that literally from opening bell to closing bell? Is it not after school activities or sports or whatever preschool activities there may be? Is that for a specific time period?

Ms. Stanley replied there are signs like this all over the City that there is no parking during school hours. I don't believe that there is any definition that has been put into the Code of Ordinances, but it has always been, as matter of policy, enforced from opening bell to closing bell, you're correct.

Alderman Corriveau asked is there any wording in our Code of Ordinances about what school hours may be defined as?

Mr. Arnold replied not that I could answer off the top of my head. I don't believe so, but I would like to look.

Chairman DeVries stated I think it would be difficult as well because the hours are different for each type of school, elementary, middle and high school.

Alderman Corriveau stated the only reason I ask is because I know there has been some discussion about maybe changing school hours at some point with the whole notion that kids need to sleep more and go to school later to make it more in accordance with the workday. I don't know if we will ever go that route, but that was the only reason for my question.

Chairman DeVries stated it sounds like the good news is, Alderman, that we won't have to change our Ordinances if the schools change their hours of operation.

Alderman Lopez stated there are some areas in the City that have traffic controls that tell you that school hours are from 7:00 AM to 3:00 PM and you can't take a right hand turn. That might help in that area.

On motion of Alderman Lopez, duly seconded by Alderman Shaw, it was voted that the Ordinance Amendment ought to pass.

TABLED ITEMS

6. 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: Retabled 6/23/10: Parking Manager to return to the Committee with revised recommendations. Originally tabled 5/24/10)*

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to remove this item from the table.

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to discuss this item.

Alderman Lopez stated just briefly, I'll let Brandy discuss this. It has just been sitting there and I think we have solved the problem.

Chairman DeVries asked could you give us the background on this? It has been a while and it may help to refresh the Committee's memories.

Ms. Stanley stated this Ordinance was submitted to the Traffic Committee in January of this year so it has been sitting around for quite a while in various capacities. One of the problems that we had when we first installed the pay and display meters in December 2006 was the interpretation of the way the Ordinance is currently written which basically says that you must move to a different space after the posted time limit. If you take a space in front of Piccola Italia, what you will notice is that when we put the meters in we erased the lines in between the spaces and therefore, there is no definition for each individual space. The letter of the Ordinance basically says that they have to move a space, but if they are not identified then all the car has to do is move, whether it is two or three inches up or back. This has been happening more and more frequently and a number of the business owners downtown are getting very frustrated with seeing vehicles parked in front of their stores all day, every day and they come out every couple of hours and move the vehicle. They don't move it away, they just move it up or back. For the most part, our response to that was to drop the Ordinance so that you can only have two hours on a block face. In other words, if you park in front of Piccola Italia, you can stay there for two hours and after that you must move to the other side of the street or around the corner and cannot return to that particular block face for 24 hours or a calendar day. This will make it a lot easier for us to enforce. We get constant calls from the business owners downtown telling us that we are not doing our job because we are not timing the vehicles. It takes us a very long time to time the vehicle because we have to record the license plate number, we have to chalk the tire, we have to write down the time in a notebook when the vehicle was chalked and then we come back two hours later and if the vehicle is gone it goes away. The problem is that we probably have about 1,500 time spaces in the downtown. It is literally impossible, even when we are fully staffed to time all of them every two hours. A lot of the business owners on Elm Street would prefer that we time them every time we walk past the vehicle. However, that is not really feasible given the fact that we have so many spaces to time and so much ground to cover. This Ordinance would basically help us time vehicles more frequently because we wouldn't have to do as much writing and it would all give us a little more teeth in terms of getting people to change their behavior instead of coming out every two hours and move their car up or back. That is really why we asked for this Ordinance to come in. I know a number of the business owners have met with the Mayor in the intervening time requesting that this Ordinance be passed.

Chairman DeVries stated thank you, Brandy, for the update on this. Is it your understanding now that the Mayor has indicated that he has met with many of those businesses in the downtown and they are continuing to request this action be taken?

Ms. Stanley replied it is my understanding that he has met with some of them, I don't know how many, but I know he has met with some, yes.

Alderman Arnold stated I'll reiterate my concern and I'm cautiously optimistic that enactment of this Ordinance will satisfy the needs of all the people concerned, including the downtown business owners. If you recall, Brandy, what my concern was the last time this Committee took up the Ordinance was that you would have an individual park within the same block a couple times a day, but perhaps being a patron at different outlets downtown. As I said when we took it up before, I certainly appreciate the business owner's position and I'm happy to support the Ordinance, but as I say, I'm cautiously optimistic. If in the future it becomes problematic I guess at that point we can deal with it.

Chairman DeVries asked Brandy, did you indicate that there would be any kind of a learning expectation that you would be working with the citizenry to let them know that a new Ordinance has gone on the books and assist them in being educated?

Ms. Stanley replied yes, absolutely. I think it would be a recipe for disaster if we didn't take the time to educate both the business owners and the people who are parking. We will go through systems of warnings, at least for two to three weeks on the overtime tickets, because we want to make sure that everyone understands what the Ordinance is and what they have to do. It would not be successful if we didn't do that so we are absolutely planning on doing that.

Chairman DeVries asked would it be your opinion that if there is confusion on the part of the public, since the enforcement will be on one side of a block between two intersections and that can be a little bit difficult to message on a sign board to educate the public…so if there is confusion, will you be before this Committee or before the Public Safety and Traffic Committee to maybe continue to look for a different solution?

Ms. Stanley replied yes, absolutely. If we can't, over a period of time, educate the people who are typically the most frequent violators then we need to change it so it does work so yes, absolutely.

Chairman DeVries stated it is not about tickets with this Ordinance. It is purely about making our downtown parking the best for our downtown businesses and the residents as well.

Ms. Stanley stated yes, and in the long run I would not be surprised if we ended up issuing fewer tickets than we do now, which is one of my goals.

Alderman Arnold stated I have a quick follow up that is not entirely on point with our discussion, but something you said a minute ago reminded me of this issue. You mentioned that it is a large investment for your staff to write down the license plate numbers and go through the downtown area and keep records of that in order to enforce the Ordinances. Do I recall correctly that you had once indicated to me that it can't be done another way? I know that some places outside of New Hampshire have license plate recognition tools. Is that something that is not currently allowed under State law or City law?

Chairman DeVries stated that is something I know a little bit about.

Ms. Stanley stated it is in fact illegal to use license plate scanning devices. That is not just for parking, but for police departments and various other agencies. There are a number of specific exceptions that are written into the law. E-Z Pass is one of them, bridge security is another. When we were looking at license plate recognition technology probably about two years ago, we took a look at changing the State law and Senator DeVries was kind enough to bring it to the State House and it went absolutely nowhere very quickly. That being said, we are in the process of evaluating responses to a RFP for new citation equipment. The new citation equipment will ultimately allow us to do this faster with the use of pictures and GPS location, but for now, the GPS location will require this Ordinance change because it has a range of 30 to 40 feet so again, if you are looking at a difference between two or three inches, GPS isn't going to work. We do see that we are going to be able to streamline this in the future when we get the new equipment.

Chairman DeVries stated I can just explain a little bit more. The difficulty with the legislature was the sensitivity to privacy issues as you might have caught this last summer with all of the Google maps street view when the same concerns came up even though we were shooting at the pavement, at license plate level, there were enough concerns that we would be somehow capturing something that someone did not want captured. It killed the legislation so it was dead in its tracks.

On motion of Alderman Lopez, duly seconded by Alderman Shaw, it was voted to approve this item.

7. 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: Retabled 6/23/10: Parking Manager to return to the Committee with revised recommendations. Originally tabled 5/24/10)*

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to remove this item from the table.

On motion of Alderman Lopez, duly seconded by Alderman Shaw, it was voted to approve this item.

There being no further business, on motion of Alderman Arnold, duly seconded by Alderman Lopez, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee