



CITY OF DOVER

CITY COUNCIL MINUTES

Meeting Type: Workshop Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, March 7, 2007**
Meeting Time: **7:00 pm WORKSHOP**

Those present: Councilors Cheney, Ciotti, Mayor Myers, Deputy Mayor Hindle, Councilors Scott, and Trefethen. Also present: City Manager Mike Joyal and City Attorney Allan Krans. Those absent were Councilor DeDe, Keays and Turner.

1. PLEDGE OF ALLEGIANCE

Councilor Scott led the Pledge.

2. DISCUSSION RE:

A. SIGN ORDINANCE

The Mayor stated we have two items on the workshop agenda; the sign ordinance and second is the out years of the CIP as he turned the meeting over to the City Manager.

The City Manager then turned it over to City Planner, Chris Parker. Chris explained he would give an overview of the flashing sign ordinance. Along with him is Code Enforcement Officer, Tom Clark.

Chris stated the story started 60 years ago in 1948 when the city enacted a zoning ordinance with commercial signs. They broke the city into certain uses; agricultural, industrial, commercial and residential zones. By 1963 there were also 3 commercial zones in the neighborhood, central business and thoroughfare businesses. They looked to regulate height, size and where signs can be placed and there are a few of the older businesses that have flashing signs and in 1984 they rewrote the sign ordinance and that is what is in effect today; it said flashing was only legal only for time, date and temperature. In 1999 RW Insurance had a sign at the Weeks Crossing that was an electronic sign. RW appealed the decision of the Planning Board; they said it could only flash if the text changed every 10 minutes or so. This became the 10 minute rule although it never became part of the sign ordinance.

The sign ordinance covers the height of the sign as well as placement. If it says time date and temperature, otherwise no flashing. They have been watching other communities and have watched as they have their sign ordinances challenged in courts. Also during the speak out sessions for the master plan update process that were held last summer they heard how people liked the small town community feel during these sessions. In going forward they need to incorporate what they heard from Speakout and incorporate it in the sign ordinance by maintaining the character of the town. They looked at four real purposes: clarification, aesthetics, traffic safety, and property values. He stated Krans will go over the legalities of the ordinance.

Chris continued to explain the positive and negative points of the proposed sign ordinance noting this ordinance is about the electronic not the manual signs. He discussed the idea of excluding the Miracle Mile from the proposed ordinance. The Planning Board did look at other options but they decided no flashing signs.



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He then turned the presentation over to Attorney Allan Krans to explain the Power Point Presentation (see council folder of 3-7-2007).

Krans explained there will be an explosion of digital signs in the next 10 years. Dover is part of the wave of the future. He used the Key Auto sign on Route 108 and the mortgage company sign across from Wal-Mart in Somersworth for examples. He continued with the PPP. There is a significant difference between changing a sign that is manual as opposed to one that is electronic which changes every 3-4 seconds. The second major difference is the method used to make the change. If you travel throughout New Hampshire you would have the opportunity to look at many examples of these electronic signs.

As you drive up the Miracle Mile there will be 10 to 13 manual changeable signs. He continued on how the electronic signs have to do with driver attention, inattention and driver distraction and about signage which we can control. He explained that Dover's sign ordinance is similar to many other community's in NH but several have come up for litigation with many challenges and they are getting more aggressive. After much litigation and perhaps a negotiated settlement then violations of the ordinance occur and now they are all progressing towards forbidding electronic message boards. He continued to explain the assorted community's signs throughout NH. He stated Dover was sued by Naser Jewelry about a year ago and is waiting settlement in Concord Supreme Court.

Scott interrupted that Krans had made his point and he did not need to see the video. The Mayor ruled we would see the video which takes only about 5 minutes. The video showed typical signs in the City of Dover. The next part is manual changeable signs here in the city. Then the time and temperature signs were shown. He continued with pictures of electronic signs from across NH.;

Cheney says it is obvious that we need to pass this ordinance, she asked why is this such a compelling workshop on this subject. Trefethen commented we discussed this at the Planning Board level and talked about other compromises that they could make. And one thing kept coming through on this when Naser came in for their sign, they were told about the 10 minute rule. Naser kept saying they were aware of the 10 minute rule but they have not complied with it. People that want to violate it are going to no matter what so you just need to do away with it completely.

The Mayor asked if there any more of these signs that are in the pipeline. Chris is only aware of one Meineke Muffler but has not been activated yet also the Federal Savings Bank and both of them are aware of the 10 minute rule and Federal Savings Bank is only time and temperature.

Tom Clark stated it is not an issue to date.

The Mayor thanked all of them for their input.

B. CIP APPROVAL PROCESS



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This is the out years of the CIP process. This is an opportunity to move and prioritize items. The City Manager turned this portion over to Bruce Woodruff to explain. He is here to clear up the confusion of why we need to approve the out years of the CIP planning. It makes the whole process work. This is not a wish list and there are a lot of components that go into it. This bridges the gap between planning and spending. He read a prepared statement.

He stated if they do not approve the CIP, they cannot legally collect impact fees. He continued reading the prepared statement while distributing four handouts showing the priorities and long range planning involved in the CIP. The update is conducted annually and reflects new information. Plans can be modified and/or updated by adopting this process. Sound programming like sound planning is part of the continuous process.

Scott asked about the impact fee from the hotel in the north end. Woody does not know if he can be exact; he gave the criteria that it is based on. He thinks it is about \$264,000 from that hotel. This is the hotel next to Margaritas on Indian Brook Drive.

The Mayor explained handout #1 stating those items in bold were in this year's CIP and if bolded indicates that changes were made to the year these items were recommended to be moved to. He would like to discuss the council's priorities with regards to these projects.

Cheney is not convinced about an item that currently passed in the current year CIP and that is the water tower. She thinks we are moving too fast in trying to resolve this issue with the information that came to light on the tax liens that will be put on people at the north end and the water main loop that they approved. She thinks that things are moving just too fast. She has a lot of questions about the study that has been done including issues on the Department of Environmental Services report which she read from.

She is not convinced we have looked at all the facts but she does not want to keep us from getting impact fees by not adopting this resolution.

Hindle pointed out the water tower was moved out to FY2011 and feels she has made a good point. We face a lot of challenges with our 1888 water system. He explained we are committing ourselves to figure out if the need is there.

Trefethen can understand the concern about a particular item and to have questions, the way he looks at it is it facilitates putting these questions into questions and getting answers. This allows us to look at the infrastructure and to study the systems involved and by putting it in the plan these questions get studied. It does not commit us to spending any money; this only gives us options. And we are required by State Statute to adopt this. We have had 5 months of review of this CIP.

The Mayor added he sees water pressure improvements, not a water tower; this came as a concern from constituents in ward 1.

Scott likes the idea of a five year plan, we need a second plan of what the taxpayers can afford, he continued with the math. The Mayor clarified some of this is debt, some capital, some in the water and sewer fund, some TIP programs, some from reserves.

On another note he is not in favor of the police facility design next year but again we will have some answers when we get the space needs study results. The City Manager



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clarified that this plan continues to wean the city from reliance on debt financing by paying as you go.

Cheney wants to know if this will be voted on next week. So that is when we can make amendments on these out years. She is alarmed for the north end and the loop that is being put in. The City Manager explained the assessment that is place on each house where the sewer system goes through but it won't affect the property owner unless they choose to tie into the system. The DUC is working on a recommendation to deal with this issue. And there are avenues for people to get this fee waived.

3. ADJOURN

Hindle moved seconded by Cheney to adjourn at 9:37 PM with all in favor.