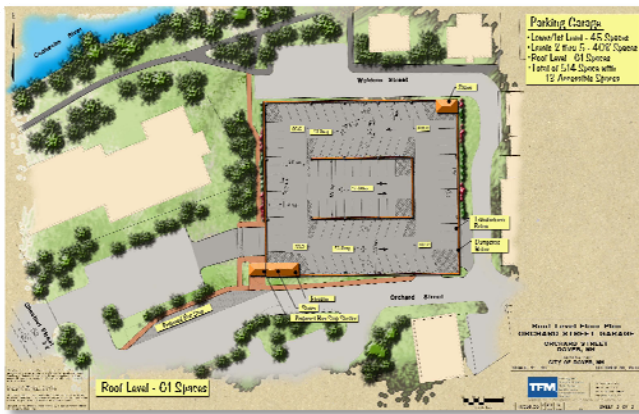




# Downtown Parking Facility and Management Study



Prepared for the  
City of Dover, NH

Prepared by



March, 2008

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LANSING MELBOURNE GROUP LLC  
TFMORAN INC.  
DMJM HARRIS/AECOM

## 1.0 EXECUTIVE SUMMARY

The following Executive Summary provides a series of brief summaries of the extensive analyses that have been conducted over the past eight months, including development of recommendations, and the creation of operational and financing strategies necessary for successful implementation. The process presented herein was developed and prepared specifically for the City of Dover will obtain results and with perseverance, provide the opportunity for the City to not only, remove parking as a barrier to economic development, but as a tool used to proactively support and encourage the economic development of the downtown.

### 1.1 OPERATIONAL AND POLICY RECOMMENDATIONS

City leaders, in both the public and private sector, will need to make difficult decisions relative to parking over the next few years as Dover transitions into a more densely developed, urban downtown. Clear direction must be provided to merchants, employees, visitors, developers and all other Stakeholders to ensure that Dover stays competitive with its peers and continues to thrive. The simple alternative to maintaining the status quo is to:

- build more parking at first costs approaching \$18,000 for every new parking space added;
- plus the cost of land;
- plus lost opportunity costs related to business loss;
- plus loss of tax revenue that could be generated from development of higher and better uses on the limited amount of remaining land.

Based on the limited number and variety of solutions available, practice by other cities in similar situations, the Consultant Team recommends and/or supports the following (page number indicates additional information available):

1. The Consultant Team fully supports the Rizzo downtown traffic and parking study recommendation on shuffling and the immediate adoption of the amendment proposed by the Dover Police Department (see page 40).
2. There are multiple locations in the downtown where two-hour, time-limited on-street parking spaces are located, but remain largely underutilized. These spaces tend to be in locations that are not proximal to destinations requiring short-term parking. Rather than maintaining the status quo, the Consultant Team recommends making these spaces available for use by employees through the sale of special on-street monthly parking permits (see page 40).
3. The City Code should be revised to uniformly change the on-street hours of enforcement along the Central Avenue corridor beginning at either 8 or 8:30 am and end at 6 pm.
4. The City should continually interact with the business community to gain a more thorough understanding of the parking needs for downtown part-time and full-time daytime employees. Aggressive outreach will likely be needed to extract the necessary information.
5. Once policies are implemented and new alternatives are provided to parkers, the City should increase enforcement, particularly of repeat chronic violators.
6. The City should investigate the potential to lease unused parking spaces from private sector and resell as permit parking.
7. If on-street management continues to be a challenge once the Orchard Street garage is opened, the City should investigate implementing the AutoVu Mobile parking system (see page 38).

8. Proactively develop a comprehensive residential permit parking program (RPPP) that anticipates continued residential development in the downtown as well as continued reinvestment in the existing residential stock surrounding the downtown (see page 35).
9. Evaluate the Winter Parking Ban programs described herein with the intent of adopting a customized program for Dover (see page 35).

The recommendations listed above can provide the framework for detailed implementation programs.

## **1.2 RECOMMENDATION FOR PARKING ORGANIZATION** (SEE PAGE 21)

In the short-term (over the next several years), the City of Dover Parking and Traffic Bureau does not require reorganization as a separate department. However, the City's goal would be better served if the Bureau is reorganized as a Parking Division, likely under the Economic Development Office. This would provide the opportunity to operate the Division as an enterprise fund, so that all of the parking assets, management, and operations are located in one place where clear lines of authority and responsibility can be assigned (see page 21). Although a full-time position may not be warranted, one person should be assigned the duties of a Parking Director responsible for coordinating the planning, financial, and operating aspects of the Division.

## **1.3 SPECIAL ASSESSMENT DISTRICT RECOMMENDATIONS** (SEE PAGE 47)

Should the City and business community decide to create a special assessment district to allocate the fair share cost of a new parking structure, there may be ways to incentive the use of the parking garage such as creating an offset, or credit, against the special assessment for a commercial business (OWNER) that documents the cost of EMPLOYEE parking permits. This incentive could potentially accomplish several goals for operation of the City's parking system:

1. This approach provides an incentive for OWNERS to facilitate EMPLOYEE purchase of monthly parking permits. The OWNER may also be encouraged to share, or subsidize, the cost of parking permits purchased by EMPLOYEES. This is because the OWNER may be eligible for a credit against their year-end parking assessment relative to documenting the annual cost of permits purchased by EMPLOYEES;
2. The increased use of off-street parking facilities by EMPLOYEES will increase permit revenue for the City and potentially reducing the district assessment for OWNERS; and
3. As a result of both items 1 and 2, a reduction of on-street "shuffling" is anticipated, thereby increasing the availability of parking for visitors and customers.

The allocation of cost should include all cost related to planning, design and construction of the new garage, financing costs, operating costs, repair and maintenance costs and any and all costs to provide parking in the new garage. In round numbers, the cost could approach \$800k to \$900k per year depending on the term of the financing. Credits could be applied to this cost relative to parking system revenue less non-garage costs and credits relative to OWNER offsets for EMPLOYEE purchased permits and credits due OWNERS for provision of on-site parking. Ultimately the methodology should represent the investment needed by the downtown district to provide parking for their employees, customers and visitors. There may be several ways that are acceptable to get to an acceptable, fair-share allocation of costs.

## **1.4 ORCHARD STREET GARAGE** (SEE PAGE 54)

At least 12 potential parking garage sites were evaluated to determine the most effective, achievable and efficient site to construct the City's first parking structure. Consequently, a 514 space parking structure is recommended for construction in the northeast area of the Orchard

Street surface parking lot. The estimated cost for the garage is approximately \$9.64 million and includes a proposed transit shelter and bus pull-off lane on a reconfigured Orchard Street. See Chapter 7 for additional details.

## **1.5 PARKING CONSULTANTS ROLE**

The Consultant Team recommends that the City of Dover retain a parking consultant to assist them through the design selection process for the City's first parking structure. Experience has shown that the nominal cost of including an expert parking consultant early in the design process will greatly increase the likelihood that the City's expectations are met. No other City-owned building is open to year-around weather, encourages people to drive their vehicles through the middle of it, expected to last 50 years, and serves many thousands of citizens over the course of a year. When a parking garage is planned, designed and constructed well, it is likely that you may never hear much about it's success. When a garage is planned, designed or constructed poorly, you will be reminded on a daily basis for many years.

## **1.6 PUBLIC INVOLVEMENT PLAN (SEE APPENDIX A)**

To ensure public involvement in the search for parking solutions, the Consultant Team developed and implemented (at the outset of the study) a comprehensive community outreach program. This Public Participation Plan was designed to actively engage all of the major downtown stakeholders.

### **1.6.1 Major Stakeholder Groups**

The primary stakeholder groups identified by the City and included in the conduct of this study included the following:

- City Council
- Transportation Advisory Committee
- City Manager
- Police Department
- Planning Department
- Community Development
- City Assessor
- COAST and Wildcat Transit
- Chamber of Commerce/Main Street organizations
- Mill owners, developers and other property owners
- Business owners, merchants, and downtown residents.

Extensive communication and coordination occurred between the City, the Consultant Team and the Stakeholders throughout the course of the study.

### **1.6.2 Modes of Communication**

The program included passive and active modes of communications, ranging from posting project documents to a link on the City's website, a project email address ([parking@ci.dover.nh.us](mailto:parking@ci.dover.nh.us)), CCTV announcements, public presentations to the TAC, Informational meetings, individual mailings, phone calls, and face-to-face visits.

### **1.6.3 Project Mailing List**

A Project Mailing List was assembled from tax maps, suggestions from City staff, meeting sign-up sheets, phone calls, and email messages from individuals. Within a few weeks, the list had grown to over 200 names and addresses. These parties were each mailed an individual invitation to each publicly advertised meeting, as well as reminders of updated reports and other website postings.

### 1.6.4 One-on-One Interviews

A series of one-on-one interviews and conference calls ranging from 45 minutes to over two hours were conducted with approximately 20 major stakeholders. These were not single meetings, but typically represented a discourse that occurred over the eight month study schedule.

The list of stakeholders included:

- Winsor Brook Management (Cocheco Falls Millworks)
- Stan Robbins (Robbins Auto Parts)
- Tony McManus
- Kevin McEneaney
- Karen Weston (Janeto's)
- David Bamford
- Wayne Chick (Foster's Daily Democrat)
- Joe Allis
- Dickinson Development
- COAST Transit
- Wildcat Transit

Detailed information relative to the interview notes has been excluded from this report but are available upon request from the City Planning Office.

### 1.6.5 Informal Communication

In addition to the above list of interviews, there were numerous informal phone calls and visits to places of business resulting in conversations with business owners, tenants, and customers. There was also email correspondence, suggestions, and comments from residents, merchants, and concerned citizens who sent messages to the City's email server for this project.

### 1.6.6 Supplemental Information

The minutes of the Stakeholder meetings are included in Appendix A to this report. However, the mailing list has not been included (to protect privacy of the addressees), but is available upon request to the City Planning Office.

- Minutes of Public Stakeholder Meeting No. 1
- Minutes of Public Stakeholder Meeting No. 2
- Mailing List
- One on One Interview notes

One on one interview notes have been excluded from this report due to the confidential nature promised to the senders. This information is also available from the City Planning Office upon request.

## 1.7 SUMMARY

Significant detail is provided on each of the recommendations within the seven chapters of this report. This report is intended to respond to the needs of the community and City of Dover with creative and proven recommendations. These recommendations are intended to act as the framework and catalyst for the provision of parking services in Dover over the next decade.

In addition to the recommendations for a new garage are critical recommendations for reorganization of the parking administration, management of on-street spaces, adjustments to rates and fees and a financing strategy to support the comprehensive "parking system".



## 2.0 EXISTING PARKING

A discussion of parking system characteristics is generally divided into two basic parameters, the parking supply and the parking demand. The parking supply is comprised of City of Dover (the City) on- and off- street parking supply and privately owned off- street parking spaces. The parking demand is defined as the demand for parking generated by employees, students, shoppers, and visitors (parkers) in the downtown. The parking demand and supply is expressed in terms of spaces while parking use, or occupancy, is expressed in terms of the percentage of spaces occupied during a given interval of time. This section also includes an analysis of the on-street parking turnover and duration which is followed by a financial analysis of the City parking infrastructure, a financial feasibility analysis for a proposed parking structure and recommendations for improving the City's parking system.

### 2.1 STUDY AREA

This chapter presents an evaluation of off-street and on-street parking inventories, utilization ratios, and other pertinent physical data obtained from the 2005 Rizzo Downtown Parking Study<sup>1</sup>. The purpose of this evaluation was to determine if the Rizzo data is valid and sufficiently representative of current conditions to rely upon as a foundation for the present study of potential parking garage locations, parking management policies, and pricing structures.

The Rizzo study separated the downtown study area into nine zones (see Figure 1) as further detailed below. Parking occupancy counts in the Rizzo study were generally taken between 9 to 11am and 2 to 4 pm on 17 September 2003. Our verification includes physical counts of inventory and occupancy rates of a representative sample of public on-street and off-street parking inventory and occupancy rates in each of these zones except Zone 9, the Riverfront parcel.

The nine subareas for this study are described below.

- Zone 1 at the center of the downtown study area includes the downtown one-way loop and the Cocheco Falls Mill;
- Zone 2 includes many of the public and government buildings located southwest of the center, as well as many businesses and residences;
- Zone 3 has businesses, senior housing, and several surface parking lots, including the municipal Orchard Street lot;
- Zone 4 has businesses, residences, and many parking lots, including the First Street municipal lot, the Cocheco Falls Mill parking lot (adjacent to the Dover Transportation Center), and the large surface parking lot at the Goodwill / New Hampshire State Liquor Store plaza;
- Zone 5 is located at the northern end of the study area, and includes businesses, a few residences, and the Third Street municipal parking lot;
- Zone 6 includes a mix of residences and businesses;
- Zone 7 includes businesses, residences, and several large parking lots, including the School Street municipal lot and the Portland Avenue municipal lot;

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<sup>1</sup> Downtown / Riverfront Redevelopment Traffic Circulation and Parking Plan / Dover, New Hampshire; February 14, 2005, prepared by Rizzo Associates

- Zone 8 has mostly employee parking for the One Washington Center mill, as well as some municipal permit parking spaces, employee parking for the Foster’s Daily Democrat, and parking for the Butterfield Gymnasium; and
- Zone 9 comprises the Riverfront parcel, which is owned by the City of Dover, and currently leased by the One Washington Center Mill for employee parking.

The LMG Team conducted a verification of counts on 21 February 2007. For purposes of comparison, occupancy counts were taken during the same peak periods used in the Rizzo study from 9-11 am and from 2-4 pm. Additional counts were also collected by the LMG Team between the hours of 8 and 9 am (isolating employee from visitor parking), and from 1 to 2 pm, the typical peak period for downtown parking demand.

A block by block inventory verification was performed on the east and west sides of Central Avenue (Zones 1, 2, 4, 5, and 6), and on both sides of Washington Street (Zones 1, 2, 3, and 8) for comparison of occupancy distribution to the Rizzo data. Total counts were taken on Second Street, Third Street (Zone 5); Portland Ave and School Street, (Zone 7); St. Thomas Street and Hale Street (Zone 2). Approximately 40 percent of restricted and metered on-street spaces were verified.

Off-street inventory and occupancy counts included Third Street Municipal Lot, First Street Lot, Orchard Street Lot, and the Library/McConnell Center Lot (see Figure 2). These counts were separated into metered, permit, and private spaces for direct comparison to the Rizzo data. Total counts were also taken in the Upper and Lower Chimney lots (private parking) and School Street lots. Approximately 85 percent of the publicly owned off-street inventory in the study area was verified.

**2.2 OBSERVATIONS**

Total on-street inventory in the verification area was found to be approximately 10 percent higher than reported in the Rizzo study. Minor discrepancies in individual block counts may have been due to markings obscured by snow and ice during the verification period.

Overall, the occupancy rates matched closely in both the 9 to 11 am and the 2 to 4 pm periods as shown in the following table. Note also that a greater occupancy rate was observed in the midday peak period between 1 and 2 pm. This is a common peak period for parking utilization in cities with a mix of downtown uses similar to Dover’s. The Rizzo study did not include counts during this period.

**Table 1 – Comparison of Observed On-Street Parking Utilization**

Data Source	Parking Occupancy Rate			
	8-9 am	9-11 am	1-2 pm	2-4 pm
Rizzo Study	NA	55%	NA	54%
LMG Verification Study	39%	54%	67%	55%

Total off-street inventory in the verification area was found to be approximately 5 percent lower than reported in the Rizzo study. Minor discrepancies in individual lot counts may have been due to inclusion of accessible aisles as spaces, and markings obscured by snow and ice during the verification period. Lower than expected occupancy in the First Street Lot is likely due to closure of several businesses formerly operating out of the adjacent commercial building.

Overall, the occupancy rates matched closely in both the 9 to 11 am and the 2 to 4 pm periods, although approximately 5 percent lower in the 9 to 11 am period, as shown in the following table.

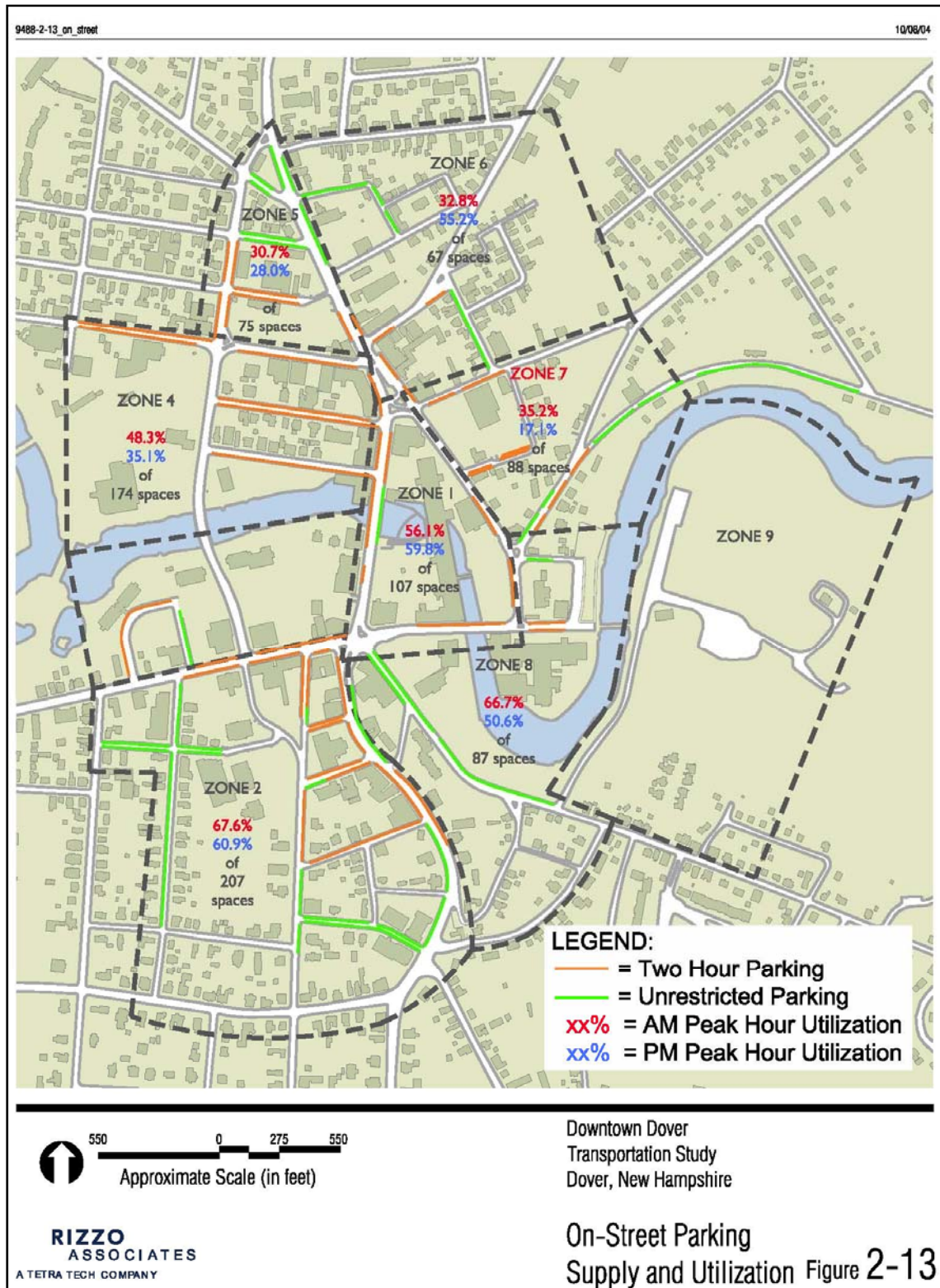
**Table 2 – Comparison of Observed Off-Street Parking Utilization**

Data Source	Parking Occupancy Rate			
	8-9 am	9-11 am	1-2 pm	2-4 pm
Rizzo Study	NA	68%	NA	58%
LMG Verification Study	58%	62%	56%	60%

### **2.3 CONCLUSION**

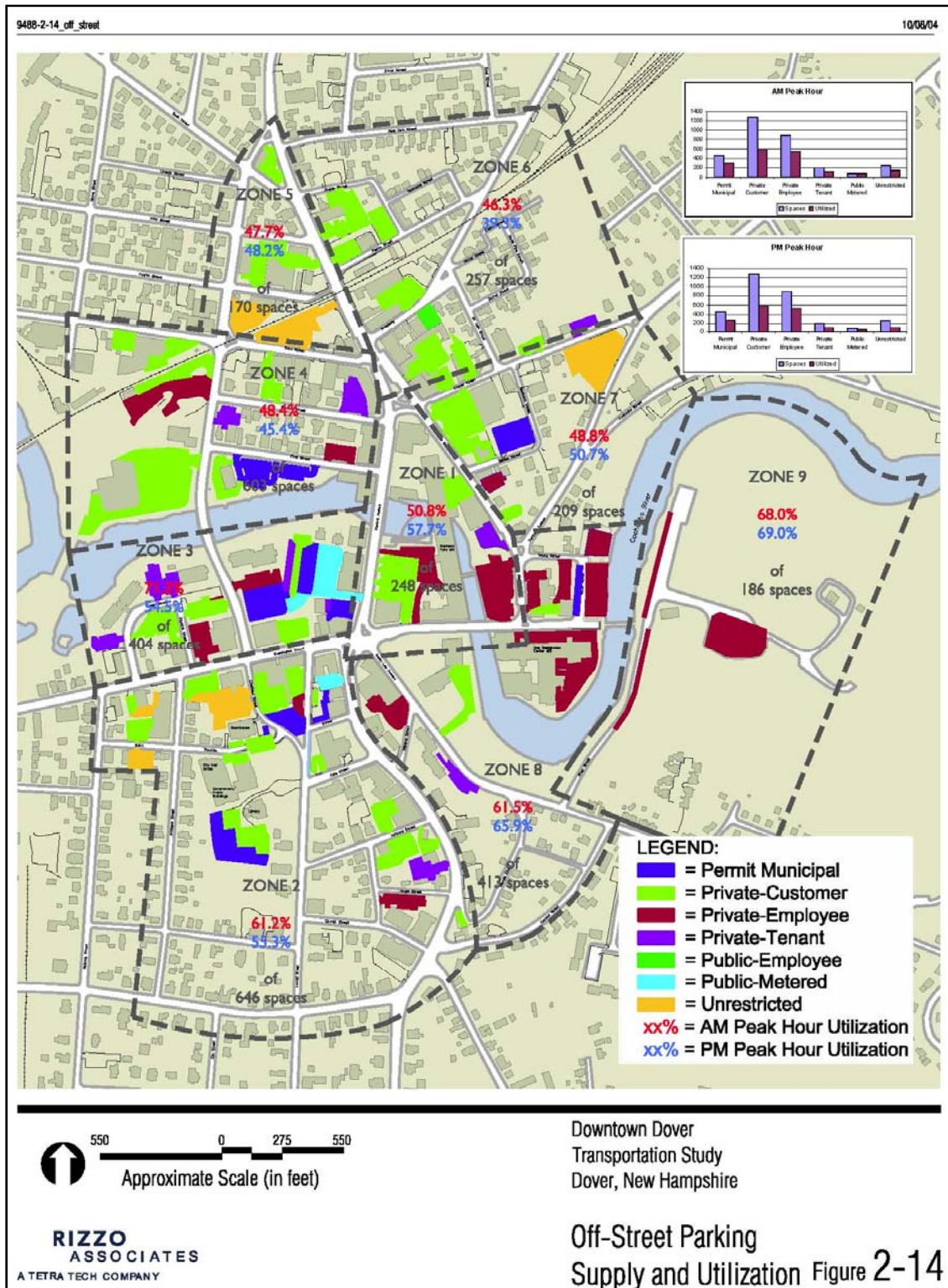
Although individual differences between individual locations were noted, the overall inventory and occupancy rates observed were remarkably consistent with the findings of the Rizzo Study, despite the passage of time, seasonal differences, and changes in building occupancy. Based on the preceding analysis, the LMG Team, with concurrence of City staff and the Technical Advisory Commission (TAC) concluded that the physical data presented in the Rizzo Study forms a valid basis for analysis for the purposes of the present study.

Figure 1 - Study Area and On-Street Parking Supply and Utilization<sup>2</sup>



<sup>2</sup> Downtown / Riverfront Redevelopment Traffic Circulation and Parking Plan / Dover, New Hampshire; February 14, 2005, prepared by Rizzo Associates

Figure 2 – Off-Street Parking Supply and Utilization<sup>3</sup>



<sup>3</sup> Downtown / Riverfront Redevelopment Traffic Circulation and Parking Plan / Dover, New Hampshire; February 14, 2005, prepared by Rizzo Associates

### 3.0 EXISTING PUBLIC TRANSIT FACILITIES AND SERVICES

This section presents an evaluation of existing and future plans for Dover Public Transportation<sup>4</sup> services. There are several public transit operators that service the downtown study area. The downtown transit hub is known as the Dover Transportation Center, located at the passenger rail station on Chestnut Street. This section also provides:

- A review of existing and proposed levels of transit service in the study area; and
- An evaluation of existing and proposed transit services can help address parking issues

Existing public transit facilities and services in downtown Dover include a transportation hub, regional bus service, inter-city bus service, and inter-city train service.

#### 3.1 DOWNTOWN TRANSPORTATION HUB

The Dover Transportation Center (Transportation Center) is an intermodal public transportation hub located on privately-owned land (owned by Cocheco Mills) located at 33 Chestnut Street, between Second and Third Streets. The Transportation Center is the terminal for Amtrak's Downeaster service as well as C&J Trailways inter-city bus service. The Transportation Center includes a 57 space surface parking lot for use by transit passengers. The same surface lot includes another 125 parking spaces used by employees of Cocheco Mills and served by the Mill transit shuttle.

#### 3.2 LOCAL SERVICE

The following section provides a brief summary of the local transit service providers and associated operations.

##### 3.2.1 Cocheco Falls Mill Shuttle

The Cocheco Falls Mill operates a private shuttle for tenants between the mill and their private parking lot adjacent to the Dover Transportation Center. This shuttle operates continuously, with approximately 10-minute headway at morning and evening peak periods.

##### 3.2.2 COAST Bus Service

The Cooperative Alliance for Seacoast Transportation (COAST) is primarily a regional transit carrier that also provides limited local services.

- COAST operates three "Community Routes" in different areas of Dover. Each of these routes provides one trip to and from Dover High School and the Dover Transportation Center during the school year.
- Adult one-way bus fare is one dollar; seniors 50 cents, and free for children under six.

The City is currently working with COAST to plan a downtown shuttle service to coordinate with their existing local and regional transit operations.

##### 3.2.3 Downtown Dover Transit Service (FASTRANS)

The City of Dover has secured a Congestion Mitigation and Air Quality (CMAQ) grant to establish a downtown shuttle bus transit service. This service is designed to provide improved

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<sup>4</sup> Sources:

- Downtown / Riverfront Redevelopment Traffic Circulation and Parking Plan / Dover, New Hampshire; February 14, 2005, prepared by Rizzo Associates
- Telephone interview – Dirk Timmons, University Transportation Services (Wildcat), 13 March 2007
- TRC memo for City of Dover and COAST, 8 January 2007
- Dover Downtown Transit Service Project, Planning Department presentation to City Council, January 2007.

transit access to popular destinations with a focus on serving transit-dependent populations, including the elderly, children, the economically disadvantaged, and the disabled. The City is working on a plan with COAST to implement such a downtown shuttle service.

### **3.3 REGIONAL SERVICE**

The following section provides a brief summary of the regional transit service providers and associated operations.

#### **3.3.1 COAST Bus Service**

As discussed above, COAST is primarily a regional transit carrier that also provides limited local services.

- COAST operates three “community routes” in different areas of Dover. Each of these routes provides one trip to and from Dover High School and the Dover Transportation Center during the school year.
- The adult one-way bus fare is one dollar, seniors are 50 cents and free for children under six.

The City is currently working with COAST to plan a downtown shuttle service to coordinate with their existing local and regional transit operations including two primary routes:

- Route 1, which connects downtown Dover with Somersworth and Berwick and operates with 60 and 90 minute headways on weekdays; and
- Route 2, which provides connections between downtown Dover, Portsmouth, Newington, Somersworth, and Rochester. Route 2 also operates with 60 to 90 minute headways on weekdays and two hour headways on Saturdays.

#### **3.3.2 Wildcat Transit**

The University of New Hampshire (UNH) operates Wildcat Transit in Durham, and operates three regional routes between the UNH campus and Cities of Dover, Portsmouth, and Newmarket. Wildcat Route 3 serves the City of Dover at the Dover Transportation Center with 60 and 90 minute headways when UNH is in session. Wildcat Transit operates with a reduced weekday schedule during UNH breaks and summer term and provides no service on holidays. The fare is free for UNH students, faculty, and staff and one dollar for all others.

### **3.4 INTER-CITY SERVICE**

The following section provides a brief summary of the inter-city transit service providers and associated operations.

#### **3.4.1 C&J Trailways**

Inter-city bus service between the Dover Transportation Center and Boston, with connections in the cities of Portsmouth and Newburyport, is provided by C&J Trailways.

#### **3.4.2 Hampton Shuttle**

Shuttle bus service between the Dover Transportation Center, Manchester Boston International Airport and Boston Logan International Airport is provided by the Hampton Shuttle.

#### **3.4.3 Amtrak Downeaster**

Passenger rail service is provided by the Downeaster between Boston and Portland with a stop at the Dover Transportation Center as well as intermediate stops in Maine, Massachusetts, and New Hampshire.

### 3.5 FASTRANS, TRANSIT AND PARKING

Public transit has the potential to assist in a parking solution for the downtown study area by shuttling parkers within and between downtown destinations and parking areas located outside the downtown in addition to linking transportation needs to other major origin/destination nodes.

The Cocheco Falls Mill parking shuttle already provides one such service; however, additional downtown transit services would be needed to materially affect downtown parking needs.

Under the current CMAQ program, the City is planning to introduce a new downtown transit service to be known as "FASTRANS". FASTRANS is proposed to integrate and combine downtown shuttle services, as well as, provide connections to remote origin and destination nodes. This type of operations is referred to as "check-point" service and is expected to incorporate the following basic characteristics:

- Provide frequent service during weekday commute periods with headways that compete favorably with automobile access;
- In addition to providing service and connections between downtown and outlying neighborhoods, the check-point service is intended to provide shuttle service between downtown destinations. The check-point service tends to result in some inefficiencies due to service overlaps, but will increase the convenience and accessibility of the service, benefiting riders;
- Radial transit routes will be developed coordinated through the central hub located at the Dover Transportation Center;
- The check-point shuttles will pick up and drop off passengers at dedicated stops along the radial transit routes at key origin/destination locations, including potential remote park-n-ride lots;
- The proposed check-point service will also provide demand-responsive service to and from offline locations upon passenger requests routed through a central dispatcher;
- The proposed FASTRANS service is expected to be funded through a combination of Federal Congestion Mitigation Air Quality grants and local funds raised through a vehicle registration surcharge;

The system is expected to start-up in late 2008 and first year projected ridership is estimated at 50,000 passengers, increasing to over 60,000 by year 2011.

### 3.6 SUMMARY

Existing transit service in downtown Dover primarily serves regional and inter-city markets. The intra-city service is currently limited to the COAST Dover High School routes plus the Cocheco Mills privately owned and operated employee shuttle between the Transportation center and Cocheco Mills. The provision of this service, particularly the Cocheco Mills shuttle, is limited to specific users.

The proposed FASTRANS service has significant potential in reducing traffic congestion and parking demand in downtown Dover. Of course, the success of the service is largely dependent on conveniences such as high frequency, dependability, low headways, location of stops, and cost of alternative options. The incorporation of accessible and available remote park and ride locations and direct routing to major destinations is a critical factor in affecting parking and traffic flow in the downtown. However, the ability of downtown Dover to grow and develop will require multiple strategies including proactive management of parking, management of traffic flow and incorporation of an integrated transit system.



## 4.0 EXISTING ADMINISTRATIVE ORGANIZATION AND FINANCIAL OPERATIONS

The following sections describe the organization, management, and operation of the City's Municipal Parking System (the Parking System). The intent of this section of the report is to review the Parking System's current financial characteristics and to recommend significant changes needed to create a financially self-sustaining operation capable of supporting economic development in the downtown.

The following section addresses the recommended organizational structure for managing the City of Dover's parking system. The following section:

1. The City's role in providing parking for downtown Dover;
2. Describes the current organizational structure for the parking system in Dover; followed by;
3. A discussion of successful management systems used by other cities; which is then followed by;
4. A recommendation by the Consultant Team for Dover's parking system management structure.

The management and organizational structure of the parking system is dependent on the function and role the City has identified for providing parking. The structure of the system needs to support the City's role and level of involvement in providing parking. On one extreme, if the role of the public sector is develop, own and manage all the off-street parking needs, the organizational and management functions will be different than if the public sector's role is act as a facilitator in ensuring that sufficient parking is provided in cooperation or partnership with the private sector.

### 4.1 THE CITY OF DOVER'S ROLE IN PROVIDING PARKING

Many cities similar in size and character of Dover continually struggle with how parking is provided as part of, or in support of, new development and redevelopment. In most downtowns like Dover, where development opportunities are limited by available land, the ability to provide surface parking to support development is extremely limited and does not represent the highest and best use of the property. Consequently, the need to "go vertical" or build multi-level structured parking becomes the most feasible land use alternative to support continued economic development. Once land use, political and economic pressures result in the decision to build structured parking, the most challenging decision becomes how to finance it and who pays for it.

The combined costs of land, construction, on-going maintenance, repair and management of facilities plus the costs of financing create an overwhelming economic barrier to the development community for creating new projects. Furthermore, in cities like Dover, that have already attracted significant redevelopment in the downtown over the past few years; the existing parking infrastructure is already strained. Since Dover generates limited parking revenue, the ability to self-fund and finance new construction from parking revenues is not feasible, other options needs to be explored. Those options are varied and were discussed in greater detailed in the following section, *Section 4. Options for Financing Parking Improvements*, of this document.

The current organizational structure managing parking for the City of Dover Parking and Traffic Bureau is depicted in Figure 3. A brief description of the duties and responsibilities is described below.

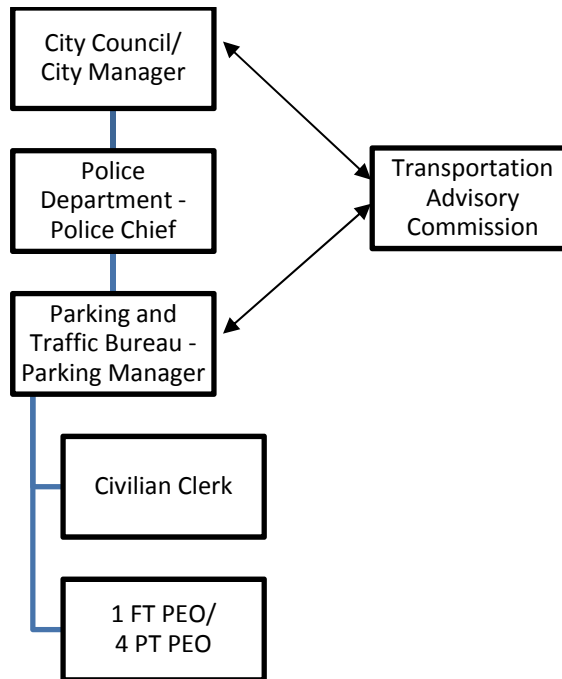


Figure 3 - City of Dover Parking and Traffic Bureau

**4.1.1 City of Dover Parking and Traffic Bureau<sup>5</sup>**

The mission statement of the Dover Police Department Parking Bureau is to promote the safe and orderly flow of vehicle traffic by supervising all municipal parking lots and public parking areas, and by enforcing all appropriate parking related laws and ordinances. The Parking Bureau is responsible for maintenance of all city parking meters and is responsible for collection of all permit, meter, and fine revenue for deposit into a special City account. The Parking Bureau is supervised by a full time sworn police officer (Parking Manager) who is responsible for the overall administration of the bureau’s function and who also serves as the designated Hearings Officer for parking ticket appeals. A full time Parking Clerk (35 hrs/wk) collects and accounts for revenue, supervises the issuance of parking permits, and handles most administrative duties associated with collection. A full time civilian Parking Enforcement Officer (35 hours per week) responds to parking-related calls for service throughout the City, performs maintenance on all city-owned parking meters, and distributes equipment as necessary for temporary parking and traffic restrictions. Three part-time Parking Enforcement Officers (20 hrs/wk) conduct foot patrol in the Dover downtown area on weekdays and early evenings to ensure the appropriate turnover of timed (two hour and thirty minute) parking zones, which is key to the viability of Dover’s various retail merchants and restaurants. The Parking and Traffic Bureau has one direct reporting function and that is to the Police Chief.

The Parking and Traffic Bureau is supported by the City's Transportation Advisory Commission (TAC) for specific expertise, long-term planning, coordination with other City transportation initiatives and direction in regard to policy-making and planning functions.

<sup>5</sup> [http://www.ci.dover.nh.us/Police/park\\_trafficn.html](http://www.ci.dover.nh.us/Police/park_trafficn.html)

#### 4.1.2 City of Dover Transportation Advisory Commission

The TAC was created by Council in 2001 to review of all transportation policy and safety matters in the City. Additionally, the TAC reviews policies concerning all forms of transportation affecting the City such as conventional vehicles, parking, transit, alternative modes (i.e. pedestrian and bicycles), commercial vehicles, and attendant amenities. A core responsibility is to act as a sounding board for citizens' traffic, pedestrian and safety issues and making recommendations to Council or staff for appropriate action. The TAC studies issues such as the City of Dover Master Plan as they relate to transportation and parking and makes recommendations to Council and/or the Planning Board and studies and prepares report to aid in the development, implementation and general improvement of the Master Plan relating to the transportation and parking.<sup>6</sup>

The TAC has nine members, one representative each from the Police Department (Parking Manager), Planning and Community Services plus one representative each from Council, Coast Public Transit plus four City residents, all, designated by the City Manager.

The TAC serves as an intermediary between Council and the Parking Manager on parking issues that require revisions to or adoption of new ordinances. An example would be vetting a proposal that would change the time limit restrictions or type of parking allowed on a specific street in the downtown. Issues related to life-safety can be directed implemented by the Parking Manager and reported to the TAC, who in turn, would communicate it to Council.

#### Traffic and Parking Bureau Budget

Table 3 provides a summary of the last four years (2003 through 2004) of parking revenues and expenses for management of the on- and off-street parking system. Technical memorandums 1 and 2 provide a detailed discussion of the parking system inventory and demand characteristics.

##### Revenue

As shown in Table 3, parking revenue is tracked in three categories; 1) meters - comprising about 10 percent of total revenue; 2) permits comprising about 30 percent of total revenue; and 3) fines comprising about 60 percent of total revenues. These percentages are typical and comparable to other cities (once adjustments are made for metered on-street parking).

Total revenue has remained relatively constant since FY01 (last year of data reviewed) except for a significant increase in FY06, primarily due to a \$35,000 increase in fines (not related to booting).

Meter revenue has remained fairly consistent ranging between a low of \$26,568 in FY04 to a high of \$32,457 in FY05 with FY06 at \$30,361. With the exception of FY04 of \$100,114, annual permit revenue has remained fairly stable at about \$92,000. FY06 has permit revenues of \$91,276, a 1.5 percent drop from FY05.

Fines revenue has jumped significantly in FY06 from \$143,085 in FY04 to \$181,165. This is likely a result of three factors: 1) most parking ticket fines were increased from \$10 to \$15, effective March 2005; 2) increased demand for on-street parking by employees; and 3) more efficient enforcement resulting in a higher number of tickets written and paid.

##### Expenses

Parking system expenses support the personnel and duties of the Parking Bureau described earlier. Expenses are tracked in four categories; 1) personnel services which account for about 84 percent of total expenses; 2) purchased services which account for

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<sup>6</sup> <http://www.ci.dover.nh.us/planning/TAC/index.htm>

about five percent of total expenses; 3) supplies which account for about 10 percent of total expenses; and 4) capital outlay which account for less than two percent of total expenses.

Total expenses have remained relatively constant since FY03 (last year of data reviewed) when adjusted for the consultant parking study fee for 2007. The balance of the increase in FY07 of about \$25,000 is due to an increase in personnel costs. The majority of this increase is due increased costs of personnel benefits rather than an increase in labor hours.

Personnel services have escalated over the past four years from \$206,357 in FY03 to \$228,105 in FY06. The budgeted FY07 amount is \$244,041 reflecting an increase in the costs of personnel benefits rather than increased labor hours. Purchased services vary from year-to-year depending on needs of the Bureau or request for specific information or services received by the TAC or Council such as hiring consultants. The FY07 budgetary item for this expense increased to \$87,291 reflecting the inclusion of the Consultant Team parking study fee.

The supplies line item varies from year-to-year, but is not a large line item and the variation can be managed. The last five years (adding in FY07) ranged from a low of \$25,009 in FY06 to a high of \$35,893 in FY05. The supplies budget for FY07 is \$27,298. The fourth line item is for capital outlay and is typically a varying nominal amount year to year from a low of \$2,185 in FY05 to a high of \$14,050 in FY07. The FY07 increase is due to the purchase of additional electronic ticket writing equipment.

## 4.2 ORGANIZATIONAL MODELS AND HOW PARKING IS FINANCED

There will likely be significant annual increases in expenses over the next few years, particularly if the City reorganizes the Bureau in an effort to expand the parking system and proactively improve the operations and management. The following discussions illustrate the standard approaches other cities have taken in reorganizing and improving the way in which parking services are provided. Each approach is dependent on the adoption of a city policy based on characteristics and needs of the constituents in the downtown that will be served (political realities), the economic realities of how to finance the system and who benefits, or both.

Based on the information contained in the Rizzo downtown Dover parking supply and demand and confirmed by the Consultant Team, there are limited pockets of available existing parking that might serve to accommodate some additional growth, particularly if the on-street management issues can be resolved. However, in the very core of the downtown, a significant parking expansion is necessary to support meaningful economic development, and in fact, may be necessary to maintain the current business community. This presents an opportunity for Dover to formally organize a proactive approach to providing parking, likely in a public private partnership, based on the recommendations derived from this report as well as strong leadership by the private and public sectors.

Prior to making a commitment to expand the parking supply, the City should ensure that the parking infrastructure already in-place is used at the highest possible efficiency, this speaks again to the on-street parking abuse by employees. Because "parking" touches numerous departments and issues before the City, it is critical that an organizational system be created that assigns responsibility for the implementation of an adequate parking system, to meet the myriad of goals for the viability of downtown, to one identifiable entity.

**Table 3 - Parking and Traffic Bureau Budget**

	FY06 Actual	FY05 Actual	FY04 Actual	FY03 Actual	No. of Spaces	No. of Permits Sold	FY06 \$/space
<b>REVENUES</b>							
<b>Meters</b>							
Belknap Lot	\$6,065	\$8,348	\$7,137	\$8,254	20	n/a	\$303
Orchard Lot	<u>\$24,296</u>	<u>\$24,109</u>	<u>\$19,431</u>	<u>\$24,156</u>	<u>62</u>	<u>n/a</u>	<u>\$392</u>
Subtotal	\$30,361	\$32,457	\$26,568	\$32,410	82	n/a	\$370
<b>Free off- and on-street</b>							
Orchard/deeded	n/a	n/a	n/a	n/a	45	n/a	n/a
First St	n/a	n/a	n/a	n/a	28	n/a	n/a
Second St	n/a	n/a	n/a	n/a	56	n/a	n/a
Third St	n/a	n/a	n/a	n/a	82	n/a	n/a
Fourth/Chestnut	n/a	n/a	n/a	n/a	40	n/a	n/a
School St	n/a	n/a	n/a	n/a	11	n/a	n/a
subtotal	n/a	n/a	n/a	n/a	262	n/a	n/a
<b>Permits</b>							
Portland Lot	\$130	\$40	\$35	\$30	44	44	\$3
Orchard Lot	\$50,725	\$50,070	\$47,591	\$45,775	69	63	\$805
First St Lot	\$14,331	\$18,800	\$26,108	\$24,735	77	77	\$186
Second St	\$955	\$785	\$675	\$2,070	above	22	44
School St Lot	n/a	n/a	n/a	n/a	69	60	n/a
Library	\$4,540	\$3,095	\$3,825	\$2,890	212	106	\$43
Locust Lot	\$2,960	\$1,995	\$2,720	\$800	29	29	\$102
Water St	\$4,800	\$4,400	\$5,350	\$5,200	20	20	\$240
River St/Lot	\$12,800	\$13,455	\$13,600	\$13,150	160	100	\$128
Misc Res.	<u>\$35</u>	<u>\$-</u>	<u>\$210</u>	<u>\$-</u>	included	n/a	n/a
subtotal	\$91,276	\$92,640	\$100,114	\$94,650	680	521	\$175
<b>Fines</b>							
Original	\$99,895	\$72,470	\$71,301	\$83,762	n/a		
Notice	\$79,700	\$72,016	\$70,363	\$74,805	n/a		
Boot Fee	<u>\$1,570</u>	<u>\$1,240</u>	<u>\$1,421</u>	<u>\$1,025</u>	n/a		
subtotal	\$181,165	\$145,726	\$143,085	\$159,592	n/a		
<b>Revenues Grand Total</b>	<b>\$302,802</b>	<b>\$270,823</b>	<b>\$269,767</b>	<b>\$286,652</b>	1,024		<b>\$296</b>
<b>EXPENSES</b>							
Personnel Services	\$228,105	\$225,109	\$214,329	\$206,357			
Purchased Services	\$12,649	\$10,014	\$11,506	\$14,285			
Supplies	\$25,009	\$35,893	\$30,985	\$26,331			
Capital Outlay	<u>\$5,647</u>	<u>\$2,185</u>	<u>\$3,739</u>	<u>\$4,949</u>			
<b>Expenses Grand Total</b>	<b>\$271,410</b>	<b>\$273,201</b>	<b>\$260,559</b>	<b>\$251,922</b>			<b>\$265</b>
<b>NET OPERATING INC.</b>	<b>\$31,392</b>	<b>(\$2,378)</b>	<b>\$9,208</b>	<b>\$34,730</b>			<b>\$31</b>

There are several organizational arrangements that are commonly used to manage parking resources. However, as mentioned previously, it is critical for the system to have management control, operational control, and cost and revenue control of each component of the system including the:

- On–street parking system;
- Off–street surface parking lots;
- Off–street parking structures; and
- Parking violation fine revenue.

The parking system, however organized should be charged with carrying out several main functions outlined in a business or Parking Master Plan (PMP), including:

- Parking program Goals and Objectives;
- Policies and plans;
- Program standards and performance criteria;
- Zoning requirements for parking (Note: The PMP would include recommendations that would be submitted to Planning and Zoning staff for consideration and adoption.);
- Regulation of commercial parking;
- Parking for specific public uses (parks, transit, public–gathering places);
- Management and regulation of on–street parking;
- Input and coordination enforcement of laws, regulations, and codes concerning parking and how offenses are adjudicated; and
- Support of economic growth is critical and should be the driving goal of the parking system; and
- Development of coalitions and partnerships with business community organizations and major stakeholders.

Accomplishment of these goals will require a reorganization of current practices so that an experienced parking professional (new hire) can develop and implement policy in addition to running the day to day operations. The items listed above are critical roles for the City to play regardless of who actually builds and owns the parking supply. This is to ensure that the parking infrastructure, private and public, supports community goals and economic development. Implementation of this approach may require the City to pass new laws or authorities to institute a particular parking action. The actual implementation of these administrative functions is beyond the scope of this study. The following are the most common practices used by municipalities and represent best practices in the industry. *Maintaining the status quo is not a solution and should not be a choice.*

#### 4.2.1 Existing City Departments

This is the approach taken by numerous cities that are struggling with the transition from small town to an urban destination. The previous City of Manchester parking model epitomized what can happen to the parking system over time as parking services are expanded yet not formally organized. The City had more than 16 different divisions involved in various aspects of providing parking services and the problems that can result. However, the City has reorganized the parking system and all functions reside in a new Parking Division located in the Economic Development Department with the exceptions of fines collections.<sup>7</sup> Prior to the reorganization,

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<sup>7</sup> The City's Ordinance Violations Bureau collects fines. The Ordinance Violations Bureau is technically part of the Police Department and a decision was made to maintain their role in fines collection due to concerns the City had regarding minimizing access to confidential records associated with fines.

the City split parking functions into several departments and divisions, including Public Works (parking structures), Traffic Department (on– street parking and off–street meters, Police Department (fines) and Finance Department (accounting, budgeting, and capital needs).

Once a city reaches a certain size (usually cities with population over 100,000 or with robust retail, commercial and tourism, like Dover), parking needs become more complicated. Since the functions of the parking system was not integrated, inconsistent technical or management decisions were made that had unintended impacts system wide.

In this type of a system, partisan political and short-term decisions tend to play a more significant role and may, unintentionally, result in band–aid approaches that may not serve the community long-term, best-interests.

#### **4.2.2 Separate Department**

A separate department raises the level of visibility and authority of a parking department to that of all other departments, essentially a “cabinet level” arrangement. A separate department provides the opportunity to develop clear roles, responsibilities, budgets, goals and objectives. Other benefits include the ability to attract top–level parking experienced personnel to the position. This approach also staffs the department with full–time, experienced, and qualified personnel that can give parking issues the attention and expertise required. Like all departments, a separate parking department will require close interaction with other departments such as Police, Planning, Economic Development Office, and Finance to coordinate efforts and proposals. This arrangement also clearly identifies budgets and responsibilities to decision makers.

The City of Dover Parking and Traffic Bureau does not require reorganization as a separate department, at least over the next several years. The City’s goal would be better served if the Bureau is reorganized as a Parking Department, likely under the Economic Development or Office, so that all of the parking assets, management, and operations are located in one place where clear lines of authority and responsibility can be implemented.

#### **4.2.3 Parking Utility or Enterprise Fund**

Some states allow formation of parking utilities or enterprise fund for parking. The entity operates the same way as any other municipal agency, but with a separate corporate structure. This arrangement requires the creation of a legal entity of local government with the power to enter into contracts, and to manage its own operations. As an example, Madison and Green Bay, Wisconsin, and Buffalo, New York have parking utilities and many cities operate parking as an enterprise fund.

As an example, the City of Madison (population approximately 200,000) has a Parking Utility and although this arrangement appears straightforward, there are numerous ways to implement the actual functions. Paid parking in Madison is a unified system administered by the parking utility. Parking in downtown Madison is provided by city, county, state, and the private sector. The utility has control over the amount of parking provided by the public or the private sector, however, the utility has limited control over the management and operation of non–city public and private facilities. There are eight different city and county agencies and committees share parking management responsibilities. These include the Parking Division of the Madison DOT, the Parking Utility Committee, the Transportation Commission, the Police Department, the Data Processing Department, the City Treasurer, the City Attorney, and the Dane County Court.

The Transportation Commission acts as the Parking Utility System according to state law and advises the Common Council on parking policy. The commission has complete jurisdiction over off–street parking time limits and rates although Common Council has veto power. A six–member Committee functions as an advisory body to the Transportation Commission and the

Parking Committee Chair is a member of the Transportation Commission. The committee supervises the assets and operation of the parking system.

The Parking Utility is fully financed through system revenues. The utility also makes a payment in-lieu of taxes to the city's general fund each year. It also pays the costs for ticket-writing enforcement personnel. The Police Department is also involved in parking management through a group of civilian ticket-writing force of parking monitors. The Police Department pays the Data Processing Department an annual fee to process tickets. The City Treasure collects parking ticket payments and counts parking facility revenues. The Dane County courts adjudicates parking tickets. Finally, the City Attorney writes parking ordinances and opinions on the implementation of ordinances and statutes. The same approach can be used for a parking enterprise fund.

#### **4.2.4 Parking Board or Commission**

Another type of arrangement is creation of a board or commission. Typically, the Mayor and/or City Council appoint a board of interested business people and community leaders who are well aware and perceptive with regard to parking. In addition, the Council usually reserves a seat or two for council member(s). The board then has the power to contract with outside vendors, operators, and consultants to operate and maintain the parking system. Basic ingredients include:

- Escrow financial support of bonds by business community;
- City financing of parking investment;
- Strong control of parking operations by Board of Parking;
- Careful operation of facilities by specialists;
- Careful planning of expansion opportunities by specialists;
- Strong support for improvements; and
- Unilateral Board decisions with minimal to no political influence.

This approach may be useful as a short-term arrangement to organize parking assets, develop policies, goals, and objectives and to determine the next step of growth for the parking system. While a Parking Board or Commission can develop momentum and public support because of the integrated structure, the arrangement still requires the city to finance improvements and the Board has little or no real authority. There are also complications involved with interaction with city departments, contracting with consultants and operators, perceptions of conflicts of interest and the personalities and possible agendas of the Board members themselves.

This arrangement is most commonly seen integrated within the downtown development authority (DDA) or business improvement district (BID). This is an arrangement that has been favored by the International Downtown Association (IDA).

As an example, in Spokane, Washington and Kalamazoo, Michigan, the parking functions were organized under the DDA so that the major emphasis would be towards economic development. It also relied upon the city's financing ability to issue GO bonds and then on parking revenue to support the debt service. In this case, the board hired an expert to manage the parking system, hired staff to provide expertise, and managed parking violations in concert with the Police Department. The mandate of the system is to maintain a financially self-supporting system through parking revenue. In addition, the DDA may also proactively acquire land, create parking or enter into development deals and fund those improvements from revenues from the tax increment finance (TIF) district or BID when parking revenues do not cover the full costs of development. An economic analysis is conducted with each development project to ensure the new tax increment will cover the development costs.



#### 4.2.5 Parking Authority

A Parking Authority is established as a separate entity corporation with board members under most state statutes. An authority is autonomous (to varying degrees) and is responsible for administering, operating, managing, planning, financing, and development of the on-street and/or off-street parking system. An authority can acquire property with eminent domain, purchase, construct, improve, and operate parking facilities. The authority can also borrow money, issue revenue bonds, regulate use of facilities, set rates independently, and enter into contracts and all necessary actions to conduct business.

Five members are usually appointed to a board by the Mayor to serve in volunteer positions, usually for staggered terms to maintain continuity in decisions. This is critical when working with the financial community and setting bond ratings. The authority hires a director and consequently approves staffing by the director.

The major advantages of an authority is that it can provide an agency, staff capabilities, and legal authority needed to manage a parking system. In addition, there is a central location for all information, responsibility, authority, management, planning and operations; little political pressure; avoids many bureaucratic governmental regulations; enables users to pay the cost of parking and keeps the cost from negatively affecting the city budget. Finally, it can finance and fund its own capital improvements through the issuance of revenue bonds.

On the minus side, in order to support the economic growth of the city, the authority has to have an external perspective rather than an internal focus. This could be a negative aspect of a parking authority. Although the goal would be to have a self-supporting authority, it may have to rely upon the city to share some costs depending on the objectives of the city. Furthermore, there are potential negative issues associated with interaction between municipal leaders (a Mayor and/or Council) and an Authority can lead to distraction of the main mission of parking.

#### 4.2.6 Recommended Parking Organization

As mentioned previously, the City of Dover Parking and Traffic Bureau does not require reorganization as a separate department, at least over the next several years. The City's goal would be better served if the Bureau is reorganized as a Parking Division, likely under the Economic Development Office, so that all of the parking assets, management, and operations are located in one place where clear lines of authority and responsibility can be implemented.

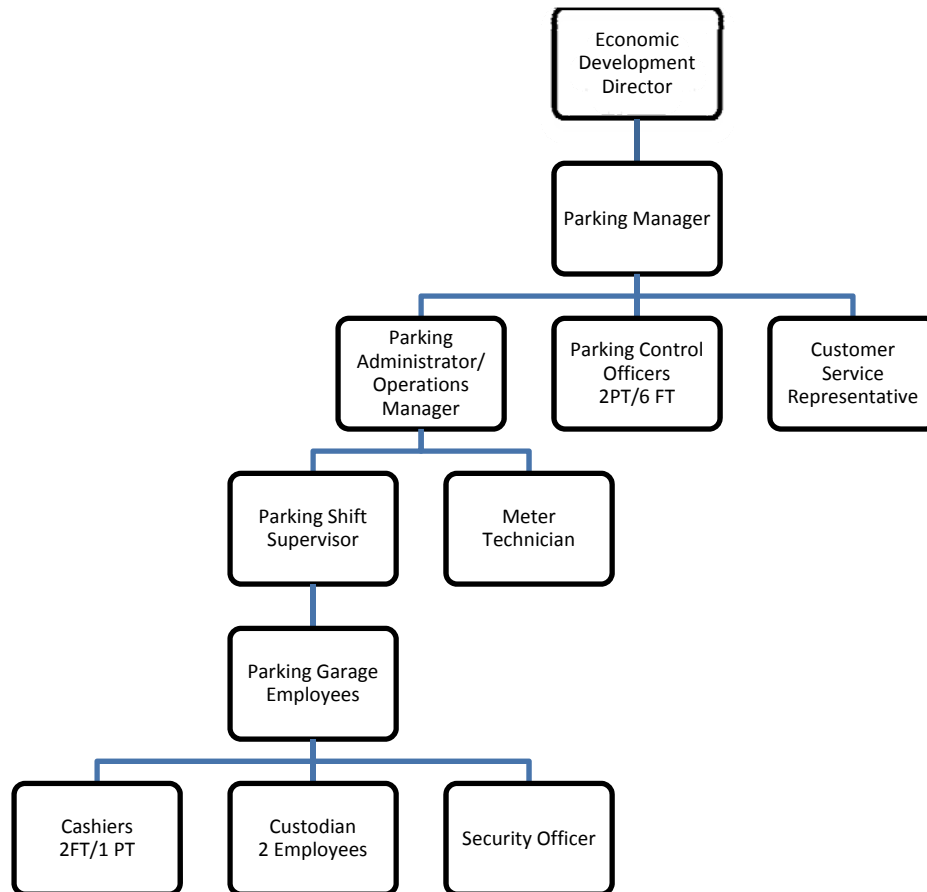
The following section describes the system as organized in Manchester, New Hampshire, a city whose parking system is transitioning to a new more sophisticated structure that can better respond to and promote economic growth. Manchester's parking system has been consolidated and relocated under a newly hired Parking Manager as a division in the Department of Economic Development. The organization recommended for Dover would be different than Manchester's, but follows the same concept. In Dover, the likely home would be the Economic Development Office.

Manchester's Parking Division is currently organized into four functional sections:

1. Administration (Parking Manager, Parking Administrator/Operations Manager, Parking Shift Supervisor, and Customer Service Representative);
2. Enforcement (Parking Control Officers);
3. Parking Garage Employees (Cashiers, Custodians, and Security Officer), and
4. Meter Technicians.

The organizational chart shown herein as Figure 4 is the Consultant Team's generalization of the Manchester Parking Division and may differ in some details from how Manchester's implementation.

However, the functional roles are similar to what would be needed when the City of Dover transitions into developing, owning and managing their own municipal garages in addition to lots and on-street parking. The City of Manchester has also created an Enterprise Fund that resides in the Parking Division. This provides another tool that allows the Parking Manager to be proactively responsive and provides broad discretion to make decisions and implement policy and improvements in support of economic development. The Manchester Board of Mayor and Alderman (BMA) have an opportunity and the on-going responsibility to act as a partner in setting policy, facilitating change and supporting implementation of system goals.



**Figure 4 - City of Manchester Parking Division**

The Parking Manager answers directly to the Economic Development Director, but is also given the authority to interact directly with the BMA. Currently, the Manchester Parking Division relies on City Finance Department for accounting and other services to avoid costly duplication of services.

As the system evolves the overall goal is to integrate parking discussions and decisions into all development and redevelopment proposals. At some time in the future, at least in Dover, it may make sense to move the parking system into an independent Department so that the position is at the “cabinet level” with other services at the City and communication flows directly to/from the Parking Director from City Leaders.

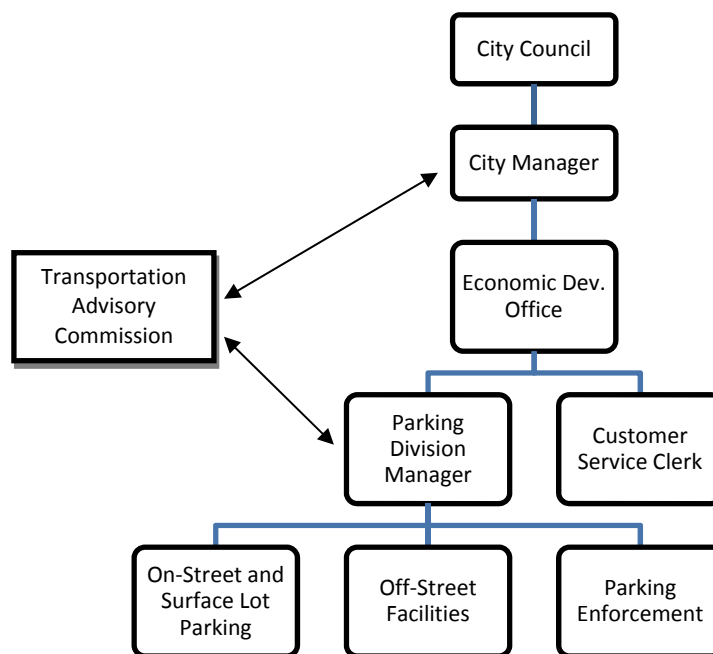
Key components of this organization are:

- The Parking Division is operated as an Enterprise Fund and must be financially self-supporting;
- The Parking Division can (eventually) issue revenue bonds;
- The Parking Division has a level of autonomy and independence, but is integrated into City government and therefore creates a stronger presence in terms of economic development directives that come from the Economic Development Department as well as the BMA;
- City Finance Department maintains checks and balances on the system;
- The Parking Division must have a Master Plan including Goals and Objectives. This Master Plan will have the full support of the BMA and will set the course for the next five to 10 years;
- The Parking Manager should be part of the BMA’s management team; and
- The Parking Manager should be an experienced, well-qualified personnel manager with technical capabilities in the profession of parking system management.

The organization of the City of Dover’s parking system is dependent on several key decisions that should be made in the near-term, including:

- Commitment to develop and manage its first parking structure;
- Implementation of funding mechanisms (discussed in the next section); and
- Designation of an experienced Parking Manager to operate the system.

Figure 5 depicts an example of a suitable organization chart for the City of Dover’s parking system.



**Figure 5 - City of Dover Parking Division**

The positions indicated below allow specific focus on the different aspects of the system. The Parking Manager develops policy, oversees all functions and reports to the Economic Development Office and City Manager. The front office Clerk, which is the “face” of the Parking

Department is a critical customer service position and should entail a positive, proactive interface with customers. Parking enforcement should reside in the Parking Division rather than the Police Department so that management of parking policies and incenting changes in parking behavior is clearly the driving function behind enforcement and fines. In addition, one position focuses on operations, management and development of off-street garages and one position is responsible for operations and management of on-street and surface lot parking, particularly in the downtown.

To the extent possible, the City should rely upon the management expertise and experience of the new Parking Manager before any final decisions are made regarding organization structure and responsibilities. Prior to then, the City can and should implement funding mechanisms which will require participation of the downtown land owners, merchants, businesses, and stakeholders.

## 5.0 PEER CITY COMPARISON AND TOPICS - BASED BEST PRACTICES

This memorandum presents an evaluation of "best practices" used by various cities across the country related to implementation of:

1. Residential Permit Parking Programs;
2. Winter and Snow Ban Procedures; and
3. Best Practices for On-Street, Time Limited, Parking Management.

Parking administration and organization structure and parking improvement financing alternatives are discussed in Chapter 4.

In the Request for Proposals for this study the City of Dover asked for a comparison of peer city practices within New Hampshire to determine the range of possible parking management applications that may be useful and successful in Dover. However, upon agreement between the Consultant Team and the City, a decision was made to evaluate successful parking strategies implemented by cities, regardless of whether they are considered "peers", as long as the strategies would be transferable or appropriate in Dover. In addition, the Consultant Team would also provide a comparison of peer cities in New Hampshire as a baseline condition for comparison and completeness.

This memorandum will first present a comparison of New Hampshire peer cities, followed by the best practices, topic-based parking strategies addressing the four items listed above, and finally a summary of the strategies that are recommended for implementation by the City of Dover.

### 5.1 NEW HAMPSHIRE PEER CITY COMPARISON

The 2005 Rizzo Downtown Parking Study<sup>8</sup> included a peer city comparison in Table 3-17, Comparison of Parking Administration for New Hampshire Cities. An update of significant information from that table is shown below in Table 4 to provide a context to evaluate the reasonableness of recommendations regarding the parking study recommendations of the Downtown Dover Parking Facility and Management Plan.

Cities that listed in Table 4 that are comparable to the City of Dover relative to constructing new parking structures downtown, implementing creative financing solutions, use of public private partnerships, or through market rate pricing of parking fees, are discussed in greater detail below.

#### 5.1.1 City of Manchester<sup>9</sup>

As shown in Table 4, the City of Manchester, the largest city, has the highest number of surface parking spaces (1,730), the most on-street parking options with both meters and pay and display kiosks, but only one city-owned parking structure and comparatively low rates. The City of Manchester has recently reorganized the parking system as a Parking Division and hired an experienced Parking Manager to manage the system. The City has recently sold two of their garages and is moving to construct up to four new parking facilities through private/public partnerships with varied ownership and management alternatives.

In addition, the City is negotiating to sell City permits in private parking facilities that have excess capacity as well as institute transit shuttle service. The largest challenge the City faces is modifying the historically, city-subsidized, under-market permit parking, currently at between

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<sup>8</sup> Downtown / Riverfront Redevelopment Traffic Circulation and Parking Plan / Dover, New Hampshire; February 14, 2005, prepared by Rizzo Associates

<sup>9</sup> <http://www.manchesternh.gov/CityGov/parking/home.html>

\$45 and \$65/month to market rates, closer to \$75 to \$125/month so that new parking can be attractively financed. Currently, the City generates in excess of \$4,000,000 in annual gross revenues from meters and permit sales.

**Table 4 - Selected Parking Administration – New Hampshire Peer Cities**

	DOVER	CONCORD	MANCHESTER	KEENE	NASHUA	PORTSMOUTH
<b>Pop. (2000)</b>	26,884	40,687	107,006	22,563	86,605	20,784
<b>Employ (2002)</b>	15,077	40,321	65,345	18,878	50,241	27,353
<b>ON-STREET PARKING</b>						
<b>Meters</b>	NA	1, 2, 4,10 hour / pay on foot	2,10 hours /pay & display	2-hour limit	1, 2 hours	15-minute, 2,4 hrs
<b>On-Street spaces</b>	~840	unknown	~2,940	unknown	unknown	>1,100
<b>City Lots</b>	10	4	9	9	15	8
<b>No. of Spaces</b>	950		1,730	1,130		675
<b>City Garages</b>	NA	2 w/1 planned	1	2	2	1 w/2 planned
<b>No. of Spaces</b>	NA		900 spaces	350 spaces	800 spaces	900 spaces
<b>Monthly Permits</b>	Empl. \$20-40; Res. \$5-10	Decks:\$52-\$62; Other: \$45	Decks: \$45-60; On-Street: \$35	Decks: \$40; Surface: \$30	Decks: \$30-45; Surface: \$50	Decks: \$50-100
<b>ADMINISTRATION</b>						
<b>Regulations</b>	Parking and Traffic Bureau – Police Dept.	Parking Control Unit - Police Dept.	Parking Div. – Manchester Econ. Dev. Office	Parking Div. – Police Dept.	Downtown Parking Committee	Parking & Transportation Div. Public Wks Dept.
<b>Annual Gross Revenues</b>	\$303,000	\$1,200,000	\$4,000,000	unknown	unknown	\$3,614,000
<b>Permits / Fees</b>	Parking and Traffic Bureau	Parking Control Div. /Engineering	Parking Div.	Parking Div.	Public Wks Div. / Collections	Parking & Trans. Div.
<b>Enforcement</b>	Parking and Traffic Bureau	Parking Control Div.	Parking Div.	Parking Div.	Public Wks Div. / Collections	Parking & Trans. Div.
<b>Violations &amp; Fees</b>	Parking and Traffic Bureau	Parking Control Div.	Police Dept.	Parking Div.	Public Wks Div. / Collections	Parking & Trans. Div.
<b>Surface Lot Management</b>	Parking and Traffic Bureau	Parking Control Div. /Engineering	Parking Div.	Parking Div.	Public Wks Div. / Collections	Parking & Trans. Div.
<b>Garage Management</b>	NA	Parking Control Div. /Engineering	Parking Div.	Parking Div.	Public Wks Div. / Collections	Parking & Trans. Div.
<b>Parking Manager</b>	Police Sergeant	Civilian Parking Control Unit, PD	Parking Manager	Civilian Parking Div.	Civilian Public Wks Div.	Civilian - Parking & Trans. Div.

**5.1.2 City of Portsmouth<sup>10</sup>**

The City of Portsmouth is well known for its large 900 space, centrally located parking structure, the High-Hanover Parking Garage. The historic downtown was visited by all Consultant Team members who are in agreement that the parking structure is prominently featured, architecturally pleasant, conveniently located and seems to be very successful and liked by the locals and business community.

<sup>10</sup> <http://www.cityofportsmouth.com/transportation/index.htm>

One of the reasons that the High-Hanover Garage works well is that the City seized the opportunity to site the facility on an available site that was large enough to accommodate the garage footprint. In addition, the downtown is rather compact and densely developed which results in a near perfect walking service area for the garage in serving both employees and visitors to the downtown. Finally, costs for the garage are supported by short-term parking rates of \$0.75 per hour for both on-street meters in effect from 9 am until 7 pm weekdays and Saturday, Sundays are free. The monthly rates start at \$50 for evening use (residential parking) to \$100 for 24-hour access in the High-Hanover Garage and \$80 per month for day-time use.

The City has a well planned parking program that offers merchants validated parking for their customers, provides free parking a short walk from the downtown for those that prefer not to pay for parking and a free downtown shuttle during the summer season to move people rather than having people move their vehicles.

The City of Portsmouth is the only city that runs their parking system outside the Police Department (with the exception of the recent change in Manchester) in a division of the Public Works Department. However, similar to the other cities, the parking system is managed within a Parking and Transportation Division.

Currently, the City generates in excess of \$3,600,000 in annual gross revenues from meters and permit sales.

### **5.1.3 City of Concord<sup>11</sup>**

The City of Concord has three parking structures, numerous off-street lots and on-street parking. The responsibility for managing the parking system is distributed throughout various departments of the City. Enforcement is provided by the Parking Control Unit of the City's Police Department and parking permits are issued by the Engineering Department. Parking system planning is the responsibility of the City Planning and Economic Development Department / Redevelopment Agency and the financing for the structures is supported through parking revenue bonds issues through the Redevelopment Agency. Tax increment finances act as the primary guarantor for the parking revenue bond along with parking revenue. The City is reviewing a reorganization of the parking system to centralize the various aspects including operations, management, planning, finance and enforcement.

Parking fees range from the equivalent of \$62.00 to \$72.50 per month for garage parking and \$44.75 per month for surface parking and are sold in four month increments. Currently there are no available spaces and a wait list.

The City of Concord generates in excess of \$1,200,000 in annual gross revenues from meters and permit sales and uses tax increment and/or parking revenue bonds to support new construction.

### **5.1.4 Summary**

An obvious common element of the cities that provide structured parking and have vibrant, growing downtowns is the ability to finance the cost of improvements through on- and off-street meters and monthly permit sales. Both Portsmouth and Concord have market rate on- and off-street metered and monthly parking rates from \$65 (Manchester) to \$72.50 (Concord) to a high of \$80 per month (Portsmouth). The City of Concord has created a waiting list for their new garage planned to open in a year or so. Portsmouth, Concord and Manchester can use tax increment financing to back the issuance of revenue or general obligation bonds in addition to parking revenues to finance parking system expansions. In addition, all three cities have

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<sup>11</sup> <http://www.ci.concord.nh.us/POLICE/concordv2.asp?siteindexeasyfind=L01,10>

negotiated private public partnerships (3P) to co-fund and/or share in the management, and revenue of new parking facilities.

The three cities highlighted herein have made a commitment to funding parking system improvements either through tax increment financing, parking revenue bonds, meter rates, 3P approaches and/or general obligation bonds. The City of Dover will also need to make that commitment if structured parking is to be constructed downtown. This is further evaluated with specific recommendations in the financing alternatives section of this memorandum.

## 5.2 TOPICS-BASED BEST PRACTICES

Based on discussions between the Consultant Team and the City, a decision was made to evaluate successful parking strategies implemented by cities, regardless of whether they are considered "peers", as long as the strategies would be transferable or appropriate in Dover. This approach was referred to as "Topics Based Best Practices" and included the following four topics:

1. Residential permit parking programs;
2. On-street parking management strategies;
3. Parking system administration and organization; and
4. Options for financing parking improvements.

This section is organized into the four topic areas with specific city practices identified under each of the four sections.

### 5.2.1 Residential Permit Parking Programs

A critical element in developing and sustaining a 24-hour, 7-day vibrant downtown is the expansion and maintenance of a stable mixed-income, mixed-age, residential land use component. Today, there are approximately 678 residential units<sup>12</sup> located within the study area of which about 50 percent are single-family units with the balance apartments.

The parking supply necessary to meet the resultant residential parking demand has been estimated at about 860 spaces<sup>13</sup>. Most of this parking supply, especially for single family units, has been met on-site, in private garages or paved parking areas. However, a substantial amount of the overall residential parking supply is currently satisfied through use of unrestricted on-street parking spaces, in unrestricted City parking lots or in permit parking spaces located in other City parking facilities.

Currently, issuance of parking permits, including residential permits, are subject to space availability and may be purchased on a monthly basis or in some instances for an extended time period. To qualify for a permit, the user must reside within 500 feet of a City facility.

Residential permits must be purchased directly from the Parking Bureau, in the lobby of the Police Department, Monday through Friday between 8:30 am and 4:00 pm.

Table 5 lists the City facilities, both on- and off-street that accommodate residential permit parking. There is a total of between 105 and 118 residential parking permits issued for use in eight of the ten facilities listed in Table 5. Two of the facilities, the Third Street Lot and the Fourth/Chestnut Lot have free, unrestricted parking and have limited residential parking demand as does the First Street Lot.

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<sup>12</sup> Downtown / Riverfront Redevelopment Traffic Circulation and Parking Plan / Dover, New Hampshire; February 14, 2005, prepared by Rizzo Associates

<sup>13</sup> *ibid.*



Although it appears that the residential parking needs are being met through the issuance of permits and use of free City facilities, several issues have been raised by residents through the conduct of this study, such as

1. Additional parking should be made available on-street; and
2. The winter ban is confusing, unnecessary and difficult to comply with and should be replaced with a snow emergency ban.

The following provides an overview of the requirements of the Winter Parking Ban which directly impact residential parkers and will also be addressed in this section.

**Table 5 - Residential Permit Parking**

<b>Facility</b>	<b>Monthly Rate</b>	<b>No. of Spaces</b>	<b>No. of Permits Issued</b>
Orchard Street Lot	\$10.00	176	capped at 25
First Street	\$5.00	28	35 - 40
First Street Lot	\$5.00	77	undersubscribed
Second Street	\$5.00	56	20 - 25
Third Street Lot	free	82	unrestricted
Fourth/Chestnut Lot	free	40	unrestricted
School Street Lot	\$10.00	69	15 - 25 – overflow from School Street
School Street	\$10.00	11	maximum of 11 residents only
Portland Street Lot	\$5.00	44	1 - 3
River Street/River Street Lot	\$5.00	160	0

A recent survey of 69 municipalities conducted by the International Parking Institute indicated that 51 percent of the cities offered a RPPP. Consistent with those findings and based on the direction the City of Dover has chosen, the Consultant Team recommends that a formalized residential permit parking program (RPPP) be implemented to address residential parking issues, as well as, buttress the City's strategic goals to support and incentivize residential development in the downtown. Adoption of an RPPP will ensure a clear and effective program is in-place to not only meet existing resident's needs but to proactively anticipate and support future residential development.

Furthermore, as the downtown continues to transition and densify, parking will become more expensive to provide and user rates will increase accordingly. Another outcome may be that the parking demand spills out into the adjacent neighborhood fringe areas of the downtown to avoid more expensive parking in the core areas. Implementation of an RPPP before this is an issue will remove that possible outcome as a future problem. The need to effectively and efficiently manage the private and public parking resources will become an increasingly critical component to sustaining a successful downtown. The adoption of an RPPP is just one aspect of an effective parking management system.

To that end, substantial research was conducted to identify "best practices" for RPPPs and the salient and applicable practices have been summarized below. Following the examples of best practices will be a recommendation for adoption of a specific RPPP by the City of Dover.

**City of Lansing, MI - Downtown Residential Parking Program**<sup>14</sup>

The following is a summary of the pertinent aspects of the City's guidelines that are provided to residential permit parkers in downtown Lansing, Michigan. The RPPP was developed several years ago to support adaptive reuse of multi-story, zero-lot line buildings to loft style apartments and conversion of historic building stock to apartments/condos in the downtown. As in the case of older downtown building inventory, there is typically no on-site parking.

1. Participants must provide a copy of the current lease documenting residency in the service area and a contact name and phone number for the landlord.
2. A non-refundable replacement fee is charged for lost, damaged, broken or stolen hang tags. The residential hang tag specifies the license plate number pertaining to the vehicle for which the hang tag was issued. The hang tag may not be moved from vehicle to vehicle. Residential parking hang tags must be displayed at all times while using City parking areas.
3. Residential parking permits will expire when the loft/apartment lease expires, but can be renewed by providing a copy of the lease renewal with the new lease expiration date.

**Long-term Monthly Permit Options:**

Discounted monthly permit parking is offered in City parking facilities. Tenants occupying one loft/apartment may be given the following discounts: the 1st monthly permit purchased is given a 50% discount off the full monthly parking permit cost and the 2nd monthly permit purchased is given a 25% discount off the full monthly parking permit cost. Any permit purchased beyond the first two permits, per dwelling unit, will be charged the full monthly permit rate. If one of two monthly permits is canceled, the discount rate on the active permit will be adjusted to the one permit 50% discount rate.

- ♦ The monthly parking permit grants parking privileges in the designated permit area at all times.
- ♦ A \$10.00 deposit is required on each proximity (access) card and hang tag for each monthly permit purchased. This deposit may be refunded when the card is returned.
- ♦ Security of the proximity card and hang tag is the responsibility of the permit holder. A \$10.00 replacement fee is charged for a lost, broken, damaged, or stolen card. A \$25.00 non-refundable replacement fee is charged in gated facilities for a lost, damaged, broken, or stolen hang tag permit.
- ♦ Monthly parking permit payments should be received by the Transportation and Parking Office by the first day of the month for which parking is desired. Delinquent payments may jeopardize parking privileges.
- ♦ If permit holders wish to change their parking location or withdraw from the residential parking program, the hang tag permit and proximity card must be returned to the Transportation and Parking Office.
- ♦ It is important to understand that as long as the hang tag permit and proximity card are outstanding, monthly charges will accrue and are the responsibility of the registered monthly parker.
- ♦ The City offers monthly parking as it is available and reserves the right to cancel it upon 30 days notice or sooner in the event of nonpayment.

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<sup>14</sup> [http://www.cityoflansingmi.com/Lansing/pnd/parking/docs/res\\_parking\\_permit.pdf](http://www.cityoflansingmi.com/Lansing/pnd/parking/docs/res_parking_permit.pdf)

Short-term Options:

Hourly parking fees will be waived on the weekends, and Monday through Friday between 4:00 p.m. and 8:00 a.m., for residential parkers displaying a residential hang tag. If a resident in the downtown service area does not have a parking hang tag or residential monthly parking permit, he/she will be responsible for payment of the hourly parking fee.

- ♦ Residential parking permits must be displayed at all times while using City parking areas. The residential parking permit hang tag specifies the license plate number of the vehicle for which the hang tag was issued so the permit may not be moved from vehicle to vehicle.
- ♦ Residential permit customers will be charged regular hourly parking rates for time parked in the hourly areas between 8:00 a.m. - 4:00 p.m. Monday through Friday.
- ♦ Designated residential loading zones will be allocated based on a proven demand and located to maximize convenience to the largest number of participants. These areas will allow on street parking for up to 30 minutes and are designed to accommodate the resident's short-term parking needs such as delivering groceries. The residential parking permit must be displayed when utilizing these areas.

**City of Manchester, NH - Residential Parking Program Recommendations**

Based on recommendations contained in a recent parking study<sup>15</sup> prepared by Lansing Melbourne Group LLC (LMG), the City's Board of Mayor and Alderman have adopted the following revisions to their current residential permit program. Residential growth in downtown Manchester has been targeted as a key area for improvement. The parking demand associated with residential units has its own unique set of characteristics, different from those of a typical commercial parking system, primarily the provision of 24-hour parking. When accommodating residential parkers, round the clock parking proximate to the residential units becomes a necessity. However, it is essential to prohibit residential parking in on-street spaces which have the highest demand during the day and in some locations, in the evening as well. Therefore, the City should reevaluate its existing programs and policies, to remove parking as a barrier to downtown residential development. To encourage residential development, the following program additions have been recommended.

The City should be in a position to guarantee parking for qualified properties within a designated sub area that creates new residential development. Each permit application would be evaluated against the following criteria to determine their specific solution:

- Allow residents to park in off-street garages or lots free or low cost from 6 pm until 8 am with actual times based upon true demand;
- When no off-street garage parking exists within a reasonable and secure walking distance, allow residents to park in on-street areas that may have high daytime demand from 6 pm until 8 am with times based upon actual demand;
- Allow residents who need daytime parking at their residence to park in facilities that can accommodate their vehicle;
- Residents who need a 24 hour permit will be able to apply for an unrestricted permit (which is the highest priced permit);
- Create 20 to 30 minute on-street residential loading zones where demand warrants. These could be dual purpose loading zones for truck loading restricted from 7 am to 11 am and the balance of the day for residential loading zones; and

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<sup>15</sup> City of Manchester Downtown Parking Study, prepared by Lansing Melbourne Group LLC, 2006

- Enforce heavily.

Currently, there are numerous “residential parking zones” in the City and there is no policy limit on the actual number of zones that could be created by the Board of Mayor and Alderman. LMG recommends the creation of one residential zone covering the entire downtown. Enforcement policies, permitting practices and illogical constraints that exist today, such as imaginary parking boundaries, would be removed. Residential parking permit spaces will be located, identified, signed and monitored so that the residential parking needs are met. At the same time, enforcement and compliance will be simplified and safety and security improved while on-street parking management and control is also improved.

### **City of Madison Parking Utility, WI – Residential Parking Permits<sup>16</sup>**

The purpose of the residential parking permit program is to prevent commuter parking on residential streets.

- People who live in an area covered by the RPPP may purchase permits from the Madison Parking Division Office. These permits allow residents of that area to exceed the posted one or two hour parking limit on the street.
- Several permit parking areas in the CBD are very crowded due to a large number of vehicle owners living in the area and there being only a few streets suitable for residential parking. Therefore, the permits allow residents of an area to park for longer than one or two hours when they find a space.
- An RPPP does not guarantee you a parking place. It allows you the right to park if you find a parking space.
- We suggest that residents of Areas 1, 2, 3, 4, 5, and 9 seek alternatives to on-street parking for their vehicles. The number of permits issued is greater than the number of on-street parking spaces available in these areas.
- The permit cost is \$21.00 for the Sept. 1, 2006 to Aug. 31, 2007 period

#### How to Apply for a Residential Parking Permit:

- You must live in an area shown on the Residential Parking Permit Boundaries map.
- If the vehicle for which you are requesting a permit is owned by you, it must be properly registered to your permanent home address.
- Outstanding parking tickets must be resolved before you apply for a residential permit.
  - You must bring the following with you (when you apply for a parking permit):
  - Your vehicle registration form and driver's license
- Proof of where you are living and a lease signed by the applicant and owner/rental agent is required as proof of residence
- The vehicle for which you are requesting a permit must be owned by you, your child, your parents, legal guardian, spouse or registered domestic partner, or be a leased or company vehicle which is assigned to you. If it is a company vehicle, a letter (on company letterhead) stating that you are the assigned driver of the vehicle is required.
- Permits can be obtained between the hours of 7:30 a.m. and 4:15 p.m., Monday through Friday from the Madison Parking Division.

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<sup>16</sup> <http://www.cityofmadison.com/parking/residential.html>

### Residential Permit Program Regulations

- Permits allow you to park only on designated streets in your area. These streets are identified by an area number which is located in the lower left-hand corner of the one- or two-hour parking sign. If there is no number on the one or two-hour sign or a different number than the number on your permit, your permit does not apply to that street.
- Permits do not apply to streets that are metered and do not allow you to park more than 48 hours on a street.
- Permits do not exempt you from alternate side parking regulations, or any other parking restrictions other than the one- or two-hour restriction on designated streets.

Ineligible Addresses - Residential Parking Permits are not presently available at certain addresses because of restrictions placed on the conditional use approvals of the buildings.

The application goes on to indicate "To Request Installation of Residential Permit Parking on Your Street...Call the City of Madison Parking Division at (608) 266-4761 for information."

### **5.2.2 Winter Parking Bans<sup>17</sup>**

In Dover, parking is restricted on all public streets from December 1st to April 1st between 1 am and 6 am, regardless of the current weather. Overnight parking is available in most municipal lots during the winter months for those residents who do not have adequate off-street parking. This service is available at no charge, but a Winter Parking Permit must be displayed on the vehicle. The permit may be obtained at any time of day or night at the Police Department. No vehicle may be parked without a permit in any City parking lot during the winter months between 1 am and 6 am, regardless of whether a permit is required during the day. This parking ban is designed to ensure that the Dover Public Works and Utilities Division (DPD) can effectively plow any and all streets in the event of a snowstorm. The DPD routinely enforces this regulation, and issues about 2,000 winter parking ban citations in a typical winter season. Occasionally, vehicles are towed for violating the winter parking ban, particularly if located within the downtown area, where plowing is most critical.

Furthermore, those who do park in City lots may be required to move their vehicles for snow removal. The Police Department will attempt to contact vehicle owners in advance. Permit holders are responsible to notify the Parking Bureau to report any change in contact information or vehicle plate number during the season.

Winter parking permits are available in the following lots. All vehicles must be removed by 8 am, except on Saturdays, Sundays, and Holidays. Vehicles parked in lots marked by an asterisk (\*) are not required to remove their vehicle:

- Orchard Street Lot
- Library/McConnell Center Lot;
- First Street Lot;
- Locust Street Lot;
- School Street Lot;
- River Street;
- Portland Avenue Lot;
- Belknap Lot;
- Third Street Lot; and
- Fourth/Chestnut Street Lot

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<sup>17</sup> [http://www.ci.dover.nh.us/police/park\\_trafficn.htm](http://www.ci.dover.nh.us/police/park_trafficn.htm)

An emergency parking ban may be declared at any time which may extend the on-street restrictions listed above.

**City of Portsmouth Snow Emergency Ban<sup>18</sup>**

A citywide parking ban goes into effect during storms that produce 2" or more of snow.

Residents are urged to call for an update on the parking ban. Announcements also appear on Portsmouth Government Access Channel 22 and will interrupt regular programming. During snow emergencies:

- City residents may park in the High-Hanover Parking Facility for \$3 utilizing a City-issued coupon. Coupons are free and are issued at the Parking Clerk's Office in City Hall upon presenting proof of Portsmouth residency.
- Vehicles may be parked at the facility up two hours before the official start of the parking ban but must be moved within two hours after its official conclusion.
- Upon exiting the garage, residents present the snow ban coupon and identification to the parking attendant to receive the \$3 rate. The coupons are non-transferable and may only be used by the person to whom they were issued.
- Additional parking lot locations listed on the website map are also available for parking during snowstorms.

**City of Manchester, NH Winter Parking and Snow Emergency Bans<sup>19</sup>**

The City of Manchester practices alternate side parking during the winter season and during a snow emergency, prohibits all on-street parking. The following describes their current policies:

Overnight Winter Parking

The City of Manchester's overnight winter on-street, odd/even parking ordinance goes into effect on the morning of November 15<sup>th</sup> at 1 am and will run through May 15<sup>th</sup>. Where parking is normally allowed on a street, the Overnight Winter Parking Ordinance permits vehicles to be parked only on the odd numbered side of a street on odd numbered calendar days and only on the even numbered side of a street on even numbered calendar days beginning at 1 am and until 6 am in the morning.

This means that when you park your car on the evening of November 14<sup>th</sup>, it should be parked on the odd side of the street, because it will be an odd day (15<sup>th</sup>) as of 1 am. If parking is presently allowed on only one side of the street during the day, then parking will be permitted on that side of the street every night. No overnight parking will be permitted on the circular portion of dead-end cul-de-sacs.

Snow Emergencies

All vehicles must be removed immediately from City streets upon the declaration of a Snow Emergency by the Public Works Director or his authorized agent. Snow emergencies are sent out to the news media. Please listen to local radio or TV stations, or call the Highway Department should you have any questions. Any vehicle parked in violation of a Snow Emergency Declaration, will be removed and impounded. Vehicles, which are so impounded, will be stored in one of the City's Vehicle Impoundment lots. Vehicles towed from the West Side will be placed in the lot behind the West Side Arena, and vehicles towed from the East Side will be placed in the lot adjacent to the Bridge Street entrance to Derryfield Park. In order to recover an impounded vehicle, the owner will be required to present proof of ownership and to make

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<sup>18</sup> <http://www.cityofportsmouth.com/transportation/news-101606.htm>

<sup>19</sup> <http://www.manchesternh.gov/CityGov/MPD/Divisions/Traffic/ParkingBan.html>

payment in cash, certified check or money order, payable to the City of Manchester. This must be done within 24 hours of the time when the vehicle was towed.

Manchester has added an additional item as part of the "Snow Emergency Notification" starting in late fall (early winter) of 2005. A "white strobe light w/ small sign indicating a snow emergency when activated" mounted to the traffic signal mast arm at targeted intersections throughout the city. Original program was 35 intersections for around \$25k (materials only, labor by city staff) and is included now in general for intersection upgrades.

Turned on and off by radio frequency. Works well overall, but a few technical problems with the signal activation are still under study in some sections of the City. This program has reduced the number of complaints by residents claiming they did not know there was a snow emergency. The City also has an email list that residents can register on the City's website that issues snow emergency notices to the email subscribers.

### **City of Worcester, MA Winter Parking and Snow Emergency Bans<sup>20</sup>**

The City of Worcester has recently implemented a new policy. Public Works has identified a list of arterials and primary routes where permanent even/odd side parking bans are in effect every winter season. All other streets (not listed) are under no restrictions except during a snow emergency, when all on-street parking is prohibited.

### **5.2.3 Recommendation for Dover Downtown Residential Permit Parking Program**

The development of a successful residential permit parking program is not difficult. The idea is not new; there is a wealth of information available as to what works and what does not work. There are several key elements to developing the program<sup>21</sup>:

- Involve citizens in the planning process. In fact, some cities require the neighborhood to take the first step towards creating a residential permit parking program by submitting an application to be considered for a program. The residents are the ones who will experience the impact of a RPPP, which has more serious impacts than a typical neighborhood traffic control program, and as a result should be fully informed throughout the process.
- Effective enforcement is critical to a successful program. Lax enforcement will doom the program before it gets started. Therefore, coordination with and a mutual understanding by the enforcement agency is critical to success.
- Select a suitably sized area. If the RPPP area is too small (four block faces or less) parkers will simply move to the fringe area of the permit parking area which becomes someone else's problem. This is not the intended result. Consequently, the neighborhood must work with its neighbors, the enforcement entity, City parking and so forth to ensure successful implementation and practice.

The RPPP for the Cities of Madison, Manchester or Lansing could be adopted to work in Dover with few modifications. The process is straight-forward, proven and can be a very successful practice if implemented properly and with conviction.

### **5.2.4 Recommendation for Dover Winter and Emergency Parking Bans**

Of the dozen or more "snowbelt" cities evaluated for best practices regarding winter parking and snow emergency bans, from Minneapolis, MN to Milwaukee, WI to White Plains, NY, about ½ enacted even/odd side winter parking ban with snow emergencies and about ½ of the cities

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<sup>20</sup> [http://www.ci.worcester.ma.us/dpw/seasonal/snow\\_guidelines.htm](http://www.ci.worcester.ma.us/dpw/seasonal/snow_guidelines.htm)

<sup>21</sup> Parking, Eno Foundation, Weant and Levinson

allowed unrestricted on-street parking during the winter season subject to emergency declarations at any time which require removal of parking from all streets. The responsibility of staying informed as to when snow emergencies are announced is the sole responsibility of the parker.

Although there are likely other cities that practice this approach, the City of Worcester, MA had the most unique and flexible plan. Maintaining a permanent winter season snow ban on specific critical circulation arterials and streets while allowing maximum flexibility for residential parking on non-critical streets appears to meet both the life/safety concerns of Public Works and the Police Department while providing the most convenience and flexibility to residents.

### **5.2.5 Recommendations for On-Street Time Limited Parking Management**

The best practices review for on-street parking management practices is focused specifically on management of limited time, on-street parking and the issue of "shuffling". This practice has been observed by the Consultant Team and the team has heard numerous complaints from a broad spectrum of various Stakeholders in the downtown. The most effective way to manage the availability and turn-over of on-street parking spaces is by charging for parking, especially with the availability of high-tech meter and kiosk systems. However, the City of Dover has to rely on other management practices to discourage employee use of 2-hour limited time parking and maximize the availability of those spaces to visitors.

Historically, the standard approach to enforcing limited time parking is through marking tires and monitoring turnover. The success of this management practice is completely dependent on, either volunteer compliance (which is highly unlikely) or constant monitoring (labor intensive) along with severe penalties for repeat offenders. Usually, shuffling occurs because alternative parking options for employees are inconvenient and/or considered too expensive compared to the risk and cost of paying occasional over-time parking fines and the actual time and effort involved in moving one's car once, twice or three times a day.

In Dover, the permit fees for monthly parking are relatively low and the location and availability of long-term parking is generally within acceptable industry norms. Therefore, the conclusion reached by the Consultant Team, consistent with Rizzo Associates, is that the deterrent of being ticketed is not a strong enough to affect a change in behavior. The Rizzo Associates downtown traffic and parking study<sup>22</sup> specifically recommended a revision to the Dover City Code to discourage shuffling.

Prior to assuming a revision to the City Code is the best solution, the Consultant Team evaluated best practices by other cities for management of downtown time limited parking. The results of that research is discussed below, which is followed by recommendations of the Consultant Team.

Ten cities were evaluated in terms of enforcement practices. All of the cities had time limited parking including seven cities with free on-street, two hour time limited parking and three cities with meters and two-hour time limits, a majority of the cities had some mix of meters and free parking. Each city had recently completed a parking study that, in part, included a discussion and recommendations regarding abuse of on-street time limited parking by downtown employees.

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<sup>22</sup> Downtown / Riverfront Redevelopment Traffic Circulation and Parking Plan / Dover, New Hampshire; February 14, 2005, prepared by Rizzo Associates



The majority of the downtowns, even in the larger cities, were similar in nature to Dover. The larger city studies focused on secondary and tertiary urban commercial districts. A list of the cities follows:

1. Monterrey, CA
2. Chapel Hill - Market Street, NC
3. Salem, OR
4. Burbank, CA
5. Belmont, MA
6. La Jolla, CA
7. Charlotte Amalie, St. Thomas, USVI
8. West Lake Avenue North, Seattle, WA
9. Little Rock, AK
10. Jackson, WY

The vast majority of these cities have conducted parking duration and turnover studies for customers and visitors in their respective downtowns as part of the data collection effort in the studies. They have also researched and cited many of the resources cited herein as scholarly and state-of-the-art references on “best practice”.

There was a common theme and approach in nearly every city. However, there was also a divergence of approaches in a couple of basic fundamentals. Rather than repeat each approach for every city, a summary has been prepared identifying that the problem is common and there is no break through solution:

1. Nearly every city (that had free on-street parking) recognized the difficulty in managing and maintaining “free” parking including lack of revenue generation and enforcement difficulties. Although, each city had considered it, none of the cities were considering a change to metered parking with the exception of Monterrey, CA. They believe the marketing advantage and convenience of offering free parking to customers was paramount.
2. Every city, that had free or metered on-street parking, was concerned about the abuse of prime parking by employees. Cost estimates to replace the customer parking lost to employees along the Central Avenue corridor are approximated at \$700,000 (assuming 25 spaces and land costs). However, it was mentioned in more than one study or City representative that the cost in lost sales, property value, business attrition and tax revenue could be far higher if taken over a multi-year analysis period.
3. Two or three of the cities were considering changing two-hour limits to three-hour limits near special event centers and restaurants. Several cities were reducing the number of 15 minute limit spaces because they determined they had many more than needed. At least one city was changing two-hour limit parking spaces to one-hour limits in an attempt to reduce employee parking use.
4. The majority of cities have implemented steps to:
  - ♦ Improve, simplify signage;
  - ♦ Market parking more aggressively;
  - ♦ Meet closely with employees and employers to determine why employees are not using fringe parking and try to meet employee needs; and
  - ♦ Step up enforcement through a greater presence, hiring more personnel, eliminating or reducing enforcement in less critical areas to focus more personnel on the downtown.
5. Most cities were changing their hours of enforcement from early in the morning to a start of 8 or 8:30 am until 6pm.

6. Many of the cities were actively evaluating lease agreements with private owners of parking that had pockets of excess parking available.
7. Many cities heavily fined repeat offenders. One city allowed three violations a year at the normal rate. The fine for the next three violations was doubled and the fine for additional violations beyond that was tripled.

### **Technology for On-Street Time Limited Parking Management**

The City of Dover Police Department has upgraded to electronic handheld ticket writing which improves the ability to manage overtime parking and identify scofflaws. A relatively new technology that could vastly improve the City's ability to identify employee abuse of time limited parking along Central Avenue corridor. The most well-known product is available from a company called AutoVu by Genetec.

#### AutoVu Mobile Parking<sup>23</sup>

AutoVu Mobile reads license plates of vehicles parked in parallel, at 45 and at 90 degrees from a moving vehicle. Combining accurate license plate reading, sophisticated mapping functionality and proprietary positioning technology, AutoVu Mobile provides parking enforcement officials with a powerful tool automating parking enforcement.

Advanced ergonomic design is applied to AutoVu Mobile's interfaces for in-vehicle use by parking officers, ensuring rapid assessment and response to alarms. The interface can be displayed on a touch screen monitor, facilitating system operation.

The hardware and software package incorporates ruggedized hardware that can withstand harsh in-vehicle operation. To maximize license plate read accuracy, AutoVu designed high capture rate cameras equipped with infra-red illumination. These same cameras are designed for easy permanent or temporary installation on the vehicle. Over 19,000 vehicles per hour can be captured in the system and monitored.

All AutoVu solutions can accurately read license plates from any state or province in North America, as well as many European, Middle-Eastern and Asian plates.

Parking officers can identify parking offences and scofflaws without ever having to leave their patrol vehicle with AutoVu Mobile. As officers patrol through city streets and parking facilities, the AutoVu system searches for parking violations by reading vehicle license plates and verifying a city map incorporating parking regulations. The AutoVu system simultaneously crosschecks each license plate to a database of scofflaws. As a result, parking officers no longer need to perform tedious practices such as tire chalking and manual license plate checks.

The AutoVu system provides parking officers with a tool that automates parking permit control. By incorporating a database of license plates associated with city parking permits, not only can parking officers quickly detect vehicles lacking proper permits, but also the system can identify expired parking permits, the use of parking permits in inappropriate areas as well as use of parking permits during restricted hours.

When a parking violation or a scofflaw is detected, the parking officer is alerted and a record is generated containing the parked vehicle's license plate number, a picture of the vehicle as well as the date, time, and precise location of the vehicle provided by AutoVu's sophisticated positioning technology. This provides parking authorities with irrefutable evidence of an offence, reducing contestations by offenders.

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<sup>23</sup> [http://www.autovu.com/index.cfm?page=Solutions/AMP/EN\\_CA/ProductPitch](http://www.autovu.com/index.cfm?page=Solutions/AMP/EN_CA/ProductPitch)

The cities of Denver, CO, Wilmington, DE, Aurora, CO, Baltimore, MD and Tampa, FL have invested in AutoVu Mobile systems. Two case study applications are presented below:

*City of Wilmington, DE*

The City of Wilmington, (population 78,000) has been chosen to receive the International Parking Institute's Award of Excellence for Innovation in a Parking Program. Out of three select partners, AutoVu Mobile, Genetec's state of the art mobile license plate recognition solution was a critical component of the achievement and success Wilmington has acquired.

Established in 1982 the IPI began the Awards for Excellence program to acknowledge and commend functional and architecturally pleasing parking facilities. Genetec, renowned for its innovative solutions had the product of choice for the city of Wilmington with AutoVu.

Vehicles equipped with the AutoVu solution are capable of scanning license plates and then cross-checking them against the city's scofflaw database.

The AutoVu Mobile solution has aided Wilmington not only have an accolade bestowed upon them, but claim \$500,000 in new revenue for the City. Over 1,300 vehicles have been held responsible for violations which lends insight to AutoVu's accuracy. Without AutoVu's keen abilities in license plate recognition (LPR), the 1,300 vehicles that have been held responsible since the program's inception could have gone undetected.

Such recognition from the IPI denotes AutoVu's state-of-the-art technology and efficiency in detecting scofflaws. Genetics' AutoVu solution is recognized both internationally and by the IPI as "the most accurate parking specific mobile license plate recognition hardware and software" on the market.

*City of Baltimore, MD*

The City of Baltimore chose the AutoVu Mobile license plate recognition solution to track down scofflaws with three or more 30-day overdue parking tickets. In the past, by inefficient means, parking officers had to manually enter each license plate number individually. Now Baltimore parking officers can patrol the city streets and identify violators instantly without leaving their AutoVu-equipped vehicles.

Ken Strong, Safety Division Chief of the Baltimore Department of Transportation, says "Before buying the AutoVu Mobile solution, we would find approximately 250 violators in two weeks. Now, with AutoVu, we are identifying more than 350 violators over the same time period. This provides an efficient tool in managing on-street parking and eliminating abuse.

The AutoVu Mobile system also allows parking supervisors to monitor officers' activity from the back-office. They can also perform searches and generate reports using the data collected by AutoVu.

Baltimore currently has four vehicles equipped with the AutoVu Mobile solution and plans to acquire additional systems in the coming year in order to identify parking violators in residential areas.

In addition to finding parking violators, AutoVu Mobile makes it possible to locate stolen vehicles. The AutoVu systems installed in Baltimore Department of Transportation vehicles are linked to a national database containing the license plate numbers of reported stolen vehicles. Whenever the system comes across one of these numbers, an alarm is triggered. In March alone, 38 stolen vehicles were identified by the system.

AutoVu may have application for the City of Dover's on-street enforcement program. This may be an efficient method to enforce appropriate use of 2 hour time limited parking. According to preliminary information, a vehicle, necessary equipment and software costs are approximately \$70,000.

**Amend City Code**

A proposed amendment to Chapter 166 Vehicles and Traffic (Chapter 166-57. Schedule J: Limited Time Parking) was proposed by the Police Department but failed to gain support and was not adopted. The Consultant Team has read the proposed amendment and supports adoption of the amended ordinance. The City's current policy is stated below for reference<sup>24</sup> and followed by the amendment.

166-57. Schedule J: Limited Time Parking, sub-sections B. and F.

- B. In accordance with the provisions of 166-22, it shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for more than two (2) hours in the following described locations: (included in Appendix 166-J of this document)
- F. In accordance with the provisions of 166-22, it shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicles for more than two (2) hours in a day in the following described locations (included in Appendix 166-J of this document), unless the vehicle leaves the listed location for a minimum of 15 minutes. [Added 05-20-92 by Ord. No. 12-92]

The proposed amendment would repeal sub-sections B. and F. in their entirety and replace with the following:

166-57. Schedule J: Limited Time Parking

- B. In accordance with the provisions of 166-22, it shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for more than two (2) hours in a day in the following described locations, unless the vehicle leaves *all* of the listed locations for more than two hours.

**5.2.6 Recommendations for On-Street Permit Parking**

There are multiple locations in the downtown where two-hour, time-limited on-street parking spaces are located, but remain largely underutilized. These spaces tend to be in locations that are not proximal to destinations requiring short-term parking. Rather than maintaining the status quo, the Consultant Team recommends making these spaces available for use by employees through the sale of special on-street monthly parking permits.

**Table 6 - Potential On-Street Permit Parking Locations<sup>25</sup>**

Street	Location	2 Hr Parking Supply	AM Demand		PM Demand		Available spaces
St. Thomas Street (No. & So.	Central to Locust	12	5	42 %	5	42 %	7
First Street (South)	Central to Chestnut	46	15	33 %	12	26 %	34
Second Street (South)	Central to Chestnut	57	29	51 %	22	39 %	35
Third Street (North)	Chestnut to Grove	40	21	53 %	8	20 %	32
Chapel Street (South)	Main to Mechanic	12	2	17 %	0	0 %	12
Portland Avenue (South)	Main to Cocheco	5	4	80 %	2	40 %	3
School Street (North)	Main to Mechanic	12	5	43 %	5	42 %	7
<b>Totals</b>		<b>184 spaces</b>	<b>81</b>	<b>44 %</b>	<b>54</b>	<b>29 %</b>	<b>130 spaces</b>

<sup>24</sup> City of Dover Code, Chapter 166.57. SCHEDULE J: Limited Time Parking

<sup>25</sup> Based on field counts conducted by Rizzo Associates on 9/17/2003.

Prior to taking immediate action, the Consultant Team recommends that the TAC facilitate a field review to identify the potential inventory and document use levels. Table 6 is based on field data that is outdated for this purpose, but representative of several block face locations where on-street monthly parking permits may be implemented. As shown in Table 6, there may be as many as 130 spaces that could be converted to monthly parking. The permits for these spaces should be premium priced and aggressively marketed to adjacent employers. A special hangtag, or bumper-sticker, dashboard display card, or perhaps, simply registering the license plate of the user, will be needed for enforcement.

Rather than incurring costs for new signing and to avoid reducing the availability of short-term parking spaces, the TAC may want to consider granting the permit holder a license to “hunt” for a parking space in a given zone or address range. Permit prices for a hunting permit would likely be sold at lower prices depending on the level of inconvenience that may be imposed on the parker. The highest priced parking would be specific “reserved” locations that prohibit all but permit holders to use the spaces.

This could be rolled-out as a “demonstration” project by the downtown or the City so that Stakeholders know that the program can be eliminated, expanded, or otherwise modified based on the level of acceptance.

## 6.0 OPTIONS FOR FINANCING PARKING IMPROVEMENTS

The cost of parking has increased dramatically over the past decade and this increase has had an enormous impact on development projects. There are two methods for financing the cost associated with new parking structures; private financing; and public financing. The following is a brief description of both approaches. This information is provided as a means of identifying available options for the City when exploring the financing new structured parking and to provide a comparison between what approaches to parking are available to the private sector and what is available to the public sector. Different arrangements will have varying financing options available.

The financial community (bonding agencies and lenders) are looking much closer at the 1984 IRS rulings and being very careful when it comes to taxable financing and private use as it relates to the 10 and 25 percent rules. As an example, the revenue bonds being floated at the time of this writing by the City of Columbia, SC will be 50 percent taxable financing. Taxable financing will be used for the new convention center garage because it serves a convention center hotel almost exclusively even though it is completely open to the public. Recently, the City of San Antonio decided to reissue their latest parking revenue bonds with taxable financing because of lease agreements for bulk parking negotiated with the private sector. The taxable aspect increases borrowing costs slightly, and likely represent an abundance of caution by bond counsel and legal advisors as opposed to the reality of the use of the facility. However, these are real factors affecting the ability of cities to borrow and must be considered in any future capital programs. These factors need to be carefully evaluated in future financing approached because taxable bonds provide significantly more freedom to manage a parking system like a private business in terms of entering into agreements with the development community.

### 6.1 PRIVATELY-OWNED FACILITIES

There are several standard approaches the private sector takes when financing stand-alone garages, single-use development with parking (residential), or mixed-use development with parking.

#### 6.1.1 Bundled Parking

The cost of parking is passed through to tenants in their lease rates, who in turn, pass the cost through to customers (lease-pass through) in the form of higher consumer prices.

#### 6.1.2 Parking Fees

Rather than defray the cost of parking completely in a lease pass-through to a tenant and on to the consumer, the owner charges the user directly. In this case, the consumer pays directly for parking in a facility, usually by the hour (customers) or through monthly permits (tenants). The owner/developer sets rates relative to demand for the services and market conditions and may or may not defray part of the cost in tenant rates to reduce the cost to the user.

#### 6.1.3 Lease and/or Sell Space

Developers can integrate garage spaces, or commercial uses into the garage, commonly referred to as mixed-use development, to offset the costs of constructing and operating the parking component. In addition, developers can sell development rights, lease or sell parking spaces, as well as lease "garage" space built out as tenant space, and lease air-rights.

The City of East Lansing, Michigan, Downtown Development Agency (DDA) created a hybrid application of this process when it agreed to a forward commitment to purchase 200 parking spaces constructed as a component of a mixed-use residential/commercial development. The

developer used the forward commitment as equity and the DDA will use the mixed-use development's new tax increment plus parking fees to pay the debt on the parking spaces.

Commonly, a city or city agency will subsidize or provide incentives to developers in the form of parking relief or density increases. Most often, a municipality will combine one or more of the following tools in a development package. The following are the most common.

#### **6.1.4 Reduced Minimum Parking Requirements**

Local jurisdictions can reduce parking requirements for projects that require or integrate structured parking to help offset the cost. This is only feasible if the overall surrounding parking supply is adequate to meet the development needs. This would not be a solution in Dover unless combined with a payment-in-lieu fee.

#### **6.1.5 Density Bonuses**

Some municipal jurisdictions grant a density bonus in the way of increased floor area ratios (FAR) to offset the cost of structured parking by increasing the development profitability<sup>26</sup>. As an example, the cities of Suffolk, Virginia, San Antonio, Texas and Charlotte, NC offer a density bonus as an incentive for converting surface parking to structured parking. As an example, for each 100 spaces converted from surface to structured parking on an area not exceeding 20 percent of the site area, an additional 20,000 square feet (SF) of new building area may be constructed. Although a different process, the City of Dover zoning regulations may provide an opportunity to provide greater density to a developer and/or a reduction in parking requirements.

#### **6.1.6 Payment in Lieu of Parking**

A payment in lieu of providing parking is allowed in many cities. The payment is usually determined in two ways: 1) a fixed amount that is set below a cost that discourages development but at a level that represents a meaningful contribution towards constructing a city-owned off-street parking garage; or 2) the actual cost of the developer providing their own on-site structured parking, usually a higher amount. Usually, developers will choose a fixed amount because they need certainty in their financing package for the development. This approach can be problematic unless the city has already provided the parking or has the ability to construct coincident with the development proposal.

The moderate sized city in Florida, with no existing parking structures, has a payment in lieu of providing parking provision in their City Code. However, since the payment was relatively low and few developers had exercised the option, the City had not yet built a large enough fund (based on the payment in lieu program) to offset the cost of building a parking structure. However, the City had recently decided to replace the existing City Government Building with a new parking structure and committed to using the payment in lieu funds to add an additional level to the garage for dedicated short-term public purpose.

Payment in lieu of parking can also be combined with tax abatements to help the developer recapture costs and encourage development. Partial recapture of the payment is typically negotiated based on the increment of new taxes generated by the new development activity or value. More about this will be discussed in the recommendations part of this section.

#### **6.1.7 Private Activity Bonds**

Private activity bonds are taxable bonds issued by a governmental entity to provide financing for projects. The bond proceeds are used by a private developer or non-governmental agency for project development. Usually the bonds are backed by project related tax revenues. Some

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<sup>26</sup> A density bonus also creates additional parking demand.

private activity bonds such as those used for enterprise zone facilities may be tax-exempt. This approach is probably not applicable in Dover.

## **6.2 PUBLICLY-OWNED FACILITIES**

There are a number of approaches to financing parking structures. The most commonly used approach for an Enterprise Fund, Parking Authority or Parking Utility would be Revenue Bonds.

### **6.2.1 Revenue Bonds**

Revenue bonds are taxable or tax-exempt bonds that rely upon parking revenues or other parking related fees and/or commitments to repay the bonds. In principle, revenue bonds would not need the backing of an entity beyond the parking enterprise fund, authority or utility (assuming revenues are sufficient), however, it is quite common to require the full faith and credit of the city as well. Revenue bonds have higher risk associated with them which is generally reflected in a higher interest rate than general obligation (GO) bonds (unless the city fully backs the bonds).

The revenue sources used to pay the bond debt can be comprised of several different income streams such as:

- Parking fees and fines;
- Leases and/or Negotiated Payments; and
- Parking Taxes.

Although parking fines revenue cannot be used to calculate the debt service coverage, they can be used to offset costs. Otherwise, all parking meter revenue and permit fees can be used to service the debt.

Like the private sector, revenue generated from leased commercial space, lease of parking spaces, payments in lieu, or air rights can be used to service the debt.

A tax can be levied on privately owned facilities to generate an additional source of revenue. In the City of Baltimore, the Parking Authority collects a tax equivalent to 11 percent of the gross transactions and a flat rate of \$14 per month per monthly permit. Pittsburgh currently has a 50 percent tax on parking fees. It is quite common for the public facilities to set aside an equivalent amount of revenue so that the private sector is not put in an uncompetitive position in the market.

### **6.2.2 General Obligation (GO) Bonds**

GO Bonds can be issued by a municipality for parking improvements and repaid with revenue generated by the parking system. This form of financing typically has the lowest interest rate since they are backed by the full faith and credit of the public entity. This approach can be used by the City of Dover with repayment from negotiated payments, leases, tax increment funds, special or parking assessment fees assessed on the private sector by the City and pledged towards bond debt.

### **6.2.3 Special or Parking Assessments Bonds**

Special assessment or parking assessment bonds are also backed by the full faith and credit of the local entity, but derived from a special tax levied on specific taxpayers that benefit directly from the public improvements financed by the special assessment bonds. Some cities create one or more Parking Assessment Districts where a tax is levied on taxpayers within that district (typically non-residential uses) and reinvested into the parking system for improvements that benefit businesses in that specific district. This can be one of several combined sources of revenue used by the City of Dover and is subject to existing New Hampshire laws.



#### **6.2.4 Tax Increment Finance Bonds**

The construction of parking structures is usually an authorized use for tax increment financing (TIF) since the improvement is generally viewed as an economic development generator that will spark or support commercial development which will increase property values and contribute towards generating the tax increment. The City of Dover has not implemented tax increment financing, but it is recommended as one of the financing tools that should be reassessed to pay for parking improvements. Many cities use this approach including the City of Manchester.

### **6.3 ALTERNATIVE FINANCING**

There is a growing source of institutional and private investors that are looking for opportunities to invest in parking systems and parking assets. These investments usually require the full faith and credit of the local entity as well as a reasonably high credit rating.

#### **6.3.1 Lease-Purchase Financing**

In this approach, a private entity finances the cost of an improvement and leases it back to the local government over some period of time long enough to generate a fixed return on investment. The lease can be determined as a revenue sharing agreement once minimum returns are earned on the development of the garage. At some period in time, usually 30 to 99 years, the asset can be purchased back from the private entity at fair market value. The City of Manchester is pursuing a similar approach, using a developer to construct new garages on a ground lease from the City. The City is subsidizing a portion of the costs so that the developer is incentivized to partner with the City on the development. This transfers the development risk to the developer (from the City) while creating needed parking at "less than market rates" initially so that the development can garner public support from local businesses. This is similar to the strategy the City of East Lansing DDA is taking to add new parking supply to the downtown. In some cases, such as Pasadena, California, the investment required is generated through sales of Certificates of Participation (COP) to multiple investors who buy shares of the anticipated lease revenues rather than purchasing a bond secured by lease payments.

#### **6.3.2 Public Private Partnerships**

Somewhat self-explanatory and also difficult to define because of the infinite possibilities, this approach is comprised of a legal relationship created between the local public entity and a private developer to advance a project that neither may be able to accomplish independently. In the cities of Arlington Heights, Illinois, Miami Beach, Florida, Lansing, Michigan, a request for qualifications (RFQs) was issued by the city requesting land owners and developers to design a public/private partnership that involved a parking component that benefited more than just the "project". Once teams are deemed "qualified" than the city entered into negotiations with each of the development teams to identify the commitment of the developer, the level of support and participation needed from the city as well as the benefit returned to the city. In some instances, the city was able to expedite the development process, in others the city contributed land and still others, the city participated by providing a new revenue source or density bonuses or commitments to lease space. In all cases, the partnerships were very successful. One major benefit is that the development community typically understands what to bring to the market better than the public sector, which is one of the reasons for success in this approach.

#### **6.3.3 Sale-Leaseback Financing**

In this approach, an investment group provides capital in the form of a sale-leaseback agreement to an entity. The amount of capital available is based on the ability of the parking system to service the repayment. The investment group typically uses the entity's parking assets as collateral and requires the full faith and credit of the entity to guarantee the

repayment. As an example, a net revenue stream of \$2,000,000 per year will generate \$30,000,000 or more in capital to the entity for improvement projects. In reality, the entity sells a 20-50 year revenue stream to an investment group at a discount rate and uses the funds typically for parking improvements. The parking system then repays the capital through lease payments over time. The advantage of this approach is that it can be executed far faster than revenue bonds, the proceeds have no restrictions like bond caveats, the net cost of money is very close to the cost of money in tax exempt financing. Washington, DC is one of many public entities negotiating a similar arrangement with private investment groups. The City of Chicago implemented this idea when they entered into a 99-year sale-leaseback of the Chicago Skyway toll facility. Since the City of Dover has limited existing revenue, this is not a viable option.

### 6.3.4 Vehicle Registration Fees

Vehicle registration fees are a consistent and likely source of funds to finance improvements in the parking system such as acquisition and installation of new meter equipment. However, there is a maximum amount that can be added to registration fees under New Hampshire law. That amount is \$5.00 per registration, generating about \$125,000 to \$135,000 per year, which is committed as the required local match for Federal Transit Authority funds designated to support new and expanded transit functions in Dover. The local match is required for the next two or three years. After that, the City may direct the registration surcharge to a Transportation Improvement Fund to support on-going transit costs. City Council has the authority to direct those funds to alternate uses.

## 6.4 RECOMMENDED OPTIONS FOR FINANCING PARKING IMPROVEMENTS

One of the last steps of the Downtown Dover Parking Facility and Management Study is the development of a financial pro forma for the design, construction, maintenance and operation of a new parking structure over the next ten years. The full costs and revenue associated with a new structure in combination with the on-going costs and revenues of the current parking plus the reorganization of the parking system needs to be further refined before alternative financing options can be specifically identified and recommended. However, the following provides “placeholder” summary of the cost involved and potential revenue to be generated if a new garage is constructed. The example used herein is based on the following example:

- A new garage on the Orchard Street lot;
- Loss of 100 spaces displaced due to construction and site modifications for the new garage;
- The addition of 600 spaces in the garage for a net addition of 500 spaces;
- Total development costs of \$18,000 per space (including design, financing, miscellaneous fees, permits, etcetera);
- Annual maintenance and repair costs of \$100 per space;
- Annual operating costs of \$250 per space;
- GO Bonds at 20 years and 5 percent;
- No debt service coverage required;
- No land costs, 450 permit parkers at \$45 per month, and 150 metered spaces at \$1.00 per hour.

A brief example is provided below summarizing order of magnitude of costs and revenue followed by a list of potential financing options that the City will need to consider.

**Table 7 - Estimated Preliminary Costs and Revenue**

<b>Development Costs</b>	
Garage development costs per space (600 spaces @ \$18,000 per space)	\$10,800,000
<b>Estimated Annual Operating Costs</b>	
GO Bonds – annual debt service	\$880,000
Annual maintenance, operating and repair costs	<u>\$210,000</u>
Total	\$1,090,000
<b>Estimated Annual Revenue</b>	
450 permits	\$240,000
150 meters	<u>\$180,000</u>
Total	\$420,000
<b>Annual Net Operating Income</b>	<b>(\$670,000)</b>

As shown the anticipated net annual shortfall in this example is anticipated as about \$670,000. Forthcoming final tasks of the parking study include an Engineering Report that recommends specific parking garage sites as well as financial proformas and applicable financing techniques to fund the improvements. The following is a list of the financing approaches that will be studied in detail in those tasks.

1. Create a Tax Increment Finance District encompassing the Downtown;
2. Implement On-Street Parking Meters;
3. Issue General Obligation Bonds;
4. Create a Parking Assessment District overlay of the Downtown;
5. Negotiate Public/Private Partnerships;
6. Increase Rates for parking fines, permits and meters; and
7. Payment-in-lieu of providing parking.

These techniques will be evaluated in greater detail once a final recommendation for improvements is developed.

**6.5 RECOMMENDATION FOR PARKING ASSESSMENT DISTRICTS**

The LMG Team reviewed information available on-line to determine whether or not other municipalities in the State of New Hampshire had enacted Parking Special Assessment Districts. Although other municipalities have established Special Assessment Districts, we found no examples where any city had enacted such a measure specifically for parking purposes.

The State of Wisconsin has enacted enabling legislation for the purpose of creating Parking Assessment Districts dating back to the 1980s. I have attached the specific statute as an appendix to this paper. Relevant excerpts are attached below.

More significantly, New Hampshire does have an enabling statute to fund construction of parking structures by Special Assessment.

### **6.5.1 Existing New Hampshire Statutes - Levying Assessments for Public Parking Facilities**

In the State of New Hampshire Title XX, Chapter 31, Cities, Towns and Village District Highways, Section 231:120 is a section entitled:

#### **231:120: Levying Assessments for Public Parking Facilities**

This section reads:

I. The assessors of any municipality which has constructed public parking facilities, upon direction from the legislative body and in accordance with the plan adopted, shall assess in the manner provided in paragraph II of this section upon the owners or lessees of leasehold interests, whose lands receive special benefits wherefrom, their just share of the cost of construction of the same. All assessments thus made shall be valid and binding upon the owners or lessees of such land. The funds collected from assessments shall be used solely for the construction of public parking facilities or for the redemption of bonds or notes issued by the municipality to obtain funds for the construction of public parking facilities, including funds paid to a housing authority for the construction of public parking facilities.

II. The plan may provide that assessments shall be made:

(a) At one time and assessments so made may be prorated over a period not exceeding the number of years which the plan shall provide to defray the construction costs of the public parking facilities; or

(b) From year to year upon the owners or lessees of leasehold interests at the time such assessment is made, their just proportion of the construction costs which shall become due in that year, including the amount of principal and interest due during the year on any bonds or notes issued to provide funds to pay such construction costs.

#### **231:121 Basis of Assessment**

This section reads:

Assessments shall be levied according to a formula which shall be set forth in the plan and which shall be reasonable and proportional to the benefits conferred upon the land or leasehold interest upon which such assessment is laid. Such formula may, but need not necessarily, be based on the number of off-street parking spaces required to be furnished by owners of land under any lawful zoning ordinances or bylaw in effect or which may be adopted by the municipality. If the formula based on a zoning ordinance requirement of off-street parking is used, the plan may provide for credit to those owners or lessees who have erected or constructed private parking structures, but need not provide credit for private parking lots.

Further detail is included in Sections 231:121 through 125. This legislation may also be an appropriate approach to allocate the capital cost of a new parking structure, or the costs to provide parking services for a defined central business district of downtown Dover. This is another of the options the City's legal staff will need to evaluate.

### **6.5.2 Existing New Hampshire Statutes - Central Business Service Districts**

Many cities in NH, in cooperation downtown business community, have established "Central Business Service Districts" that are, in part or wholly, supported by funds derived from "special assessments". The special assessments are for services and/or improvements, beyond what a municipality provides, that benefit the property owners within the service district. Enabling legislation is included in NH Statutes, under Title III, Towns, Cities, Village Districts and Unincorporated Places, Chapter 31, Powers and Duties of Towns, Central Business Service Districts, Section 31: 121 through 31:125.

An example of this type of special assessment is the Central Business Service District created in the City of Manchester, NH entitled "InTown Manchester". InTown Manchester<sup>27</sup> is a non profit 501(C)(3) management company contracted by the City of Manchester to operate a Business Improvement District (BID). InTown is funded through a special assessment on downtown commercial properties. The following list identifies the types of services InTown Manchester provides:

- *Manchester Magnifique* - InTown Manchester's new beautification contest, Manchester Magnifique, is designed to recognize properties within downtown Manchester that have made a special effort to look attractive using flowers and landscape enhancements.
- *Maintenance and Beautification* - InTown Manchester provides periodic mechanized sweeping and litter removal service for sidewalks and alleys, graffiti, flowers, trees, millyard revitalization.
- *Building Improvement Program* - Since 1997 the Building Improvement Program, sometimes known as the Facade Program, has served as an effective catalyst for commercial redevelopment in downtown Manchester. Funded by the City of Manchester CDBG funds, and administered by InTown Manchester, the Building Improvement Program provides matching grants for building improvements.
- *Retail Development & Business Support* - The Downtown Retail Development Committee (DRDC) represents storefront business owners in downtown Manchester. The group, coordinated by InTown, has been meeting periodically for several years, and it has a singular purpose: to increase business activity and profitability in the downtown.
- *Residential Development* - In 2004, construction for 200 apartment units at Manchester Place began. This is the first major residential development to be constructed in downtown Manchester in over 30 years, and it indicates a return to vibrancy in the Central Business District. 200 condominiums near the river are scheduled by 2006, with more residential opportunities on the horizon.
- *Promotional Activities* - InTown Manchester designs and implements marketing plans that include the design and production of: The Taste of Downtown Manchester, street banners, quarterly newsletters, bi-weekly e-newsletters, Downtown Maps & Guides, Downtown Dining Guides, and a website dedicated to promoting business and activities happening downtown.
- *Summer Music Festival* - A series designed to provide free entertainment for the residents of Manchester. The festival consists of 3 months of daily noontime performances in varied locations downtown and 5 Thursday night performances in Veterans Park.
- *Festival and Street Event Support* - InTown Manchester supports and encourages outdoor venues that are free to the public. We provide technical assistance, promotional expertise, and limited underwriting to community groups wishing to host downtown festivals and street events.

According to Section 31:124, the cost for these programs are allocated back to the commercial properties through a formula shall be based upon the relative linear foot frontage of the owner's property as a percentage of the total linear foot frontage of the applicable property in the district or another formula determined by the municipality to be in relative proportion to benefits received by each property owner in the central business service district.

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<sup>27</sup> <http://www.intownmanchester.com/index.php>

This may be an appropriate approach to allocate the capital cost of a new parking structure, or the costs to provide parking services for a defined central business district of downtown Dover. This is one of the options the City's legal staff will need to evaluate.

**Chapter 66, subchapter VII, Special Assessments - 66.0701 Special assessments by local ordinance.**

(1) Except as provided in s. 66.0721, in addition to other methods provided by law, the governing body of a town, village or 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> class city may, by ordinance, provide that the cost of installing or constructing any public work or improvement shall be charged in whole or in part to the property benefited, and make an assessment against the property benefited in the manner that the governing body determines. The special assessment is a lien against the property from the date of the levy.

(2) Every ordinance under this section shall contain provisions for reasonable notice and hearing. Any person against whose land a special assessment is levied under the ordinance may appeal in the manner prescribed in s. 66.0703 (12) within 40 days of the date of the final determination of the governing body.

**66.0703 Special Assessments, Generally.**

(1) (a) Except as provided in s. 66.0721, as a complete alternative to all other methods provided by law, any city, town or village may, by resolution of its governing body, levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon the property by any municipal work or improvement; and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments.

Some cities in Wisconsin (such as the City of Green Bay) provide parking services as a "public utility" subject to the same restrictions and authority to assess fees, generate revenue and issue bonds secured by said revenue.

**Special Assessments (State of New Hampshire)**

There are numerous examples of cities that have implemented Special Assessment Districts under the authority of enabling legislature contained in the State of New Hampshire statutes. These special assessment districts typically have little to do with parking improvements and usually include a variety of costs for improvements that benefit a limited group of property owners.

**6.5.3 Recommendation/Implementation**

Should the City and business community decide to create a special assessment district to allocate the fair share cost of a new parking structure, there may be ways to incentive the use of the parking garage such as creating an offset, or credit, against the special assessment for a commercial business (OWNER) that documents the cost of EMPLOYEE parking permits.

This incentive could potentially accomplish several goals for operation of the City's parking system:

4. This approach provides an incentive for OWNERS to facilitate EMPLOYEE purchase of monthly parking permits. The OWNER may also be encouraged to share, or subsidize, the cost of parking permits purchased by EMPLOYEES. This is because the OWNER may be eligible for a credit against their year-end parking assessment relative to documenting the annual cost of permits purchased by EMPLOYEES;
5. The increased use of off-street parking facilities by EMPLOYEES will increase permit revenue for the City and potentially reducing the district assessment for OWNERS; and

6. As a result of both items 1 and 2, a reduction of on-street “shuffling” is anticipated, thereby increasing the availability of parking for visitors and customers.

The allocation of cost should include all cost related to planning, design and construction of the new garage, financing costs, operating costs, repair and maintenance costs and any and all costs to provide parking in the new garage. In round numbers, the cost could approach \$800k to \$900k per year depending on the term of the financing. Credits could be applied to this cost relative to parking system revenue less non-garage costs and credits relative to OWNER offsets for EMPLOYEE purchased permits and credits due OWNERS for provision of on-site parking. Ultimately the methodology should represent the investment needed by the downtown district to provide parking for their employees, customers and visitors. There may be several ways that are acceptable to get to an acceptable, fair-share allocation of costs.

## 7.0 SITE SELECTION AND THE ORCHARD STREET GARAGE

The Consultant Team used the data gathered from the Rizzo Study and its own verification studies to identify the limits of the area experiencing a parking supply deficit. Although an overall peak utilization rate of 58 percent was observed across the downtown study area, a core “triangle” was identified that exhibited a parking utilization rate in excess of 80 percent during at least one peak demand interval. This core triangle measures approximately 2,000 feet on a side and extends from Belknap Street/Hale Street in the southwest, to Washington Place in the southeast, to Broadway/Central Ave in the north.

Although there are a number of contributing factors, the primary reason for this parking deficit appears to be the lack of suitable employee parking for downtown businesses, resulting in the “shuffling” of employee vehicles between time-limited spaces in the downtown core.

### 7.1 FACILITY SITING CRITERIA

Seven primary siting criteria were developed to assess the comparative value of potential garage sites within the parking deficit core. Within each criterion, scores were assigned as follows:

- (2) = Strongly negative; the lowest ranking
- (1) = Mildly negative, below average or optimum
- 0 = Neither positive nor negative, neutral
- 1 = Mildly positive, above average or optimum
- 2 = Strongly positive, the highest ranking

The siting criteria definitions are provided below.

1. **Location:** Location is the most fundamental siting criterion. Studies of other cities in northern climates indicate a maximum tolerated walking time of approximately 8 minutes (roughly 2400 feet) from parking space to destination in the summer, and 4 minutes (1200 feet) in winter. These distance limits were generally accepted by the public in the stakeholder meetings of this study. To be considered viable, a candidate site had to include a significant part of the parking deficit core within 1200 feet of the site.
2. **Highest & Best Use:** After location, Highest & Best Use is the next most critical siting criterion. It is economically wasteful to take prime developable land out of circulation for a non-tax-generating public parking structure.
3. **Ownership:** The availability of land is an important criterion. Land in private hands may not be available for sale, or may be too expensive, or may have varying restrictions associated with its use. Although the City can take land by condemnation for a public parking structure, the cost, time, and controversy of such a course is usually to be avoided, if reasonable alternatives exist. For ranking purposes, private land was assigned a “0” (neutral) value, and City-owned land was assigned a “1” (mildly positive).
4. **Capacity:** The study found that to be effective, a parking structure should provide at least 400 new parking spaces on a maximum of five levels.
5. **Expandability:** Related to capacity, this criterion measures the potential for future expansion of the site if parking demand continues to increase.
6. **Complexity:** This criterion takes into account irregular shape, the need to assemble several smaller parcels, the need for retaining walls or expensive construction techniques, and other difficulties that would raise the anticipated per-space cost.



- 7. **Access:** A measure of the ease or difficulty of gaining access to the structure, whether more than one access point is available, whether the access point is likely to add to congestion in problem areas, whether expensive roadway improvements would be necessary to gain access and address pedestrian or traffic safety issues.

## 7.2 INITIAL CANDIDATE SITES

The following twelve candidate sites identified as potential locations for the proposed garage:

**Figure 6 - Site Selection Criteria and Ratings**

Site <sup>see Notes</sup>	Location	Highest Use	Ownership	Capacity	Expandability	Complexity	Access	Total
A Orchard St.	1	-	1	-	-	-	1	3
B Steam Plant	1	1	-	-	(1)	(1)	-	-
C School Street	1	-	1	(1)	1	-	1	3
D Dover Trans. Center	(2)	-	-	1	1	(1)	-	(1)
E First Street	1	(1)	1	(1)	(1)	(1)	-	(2)
F Foster's	-	(1)	-	(2)	(1)	(1)	1	(4)
G Library Lot	(2)	1	1	-	-	-	(1)	(1)
H Riverfront Parcel	(1)	(2)	-	-	-	-	(1)	(4)
I Robbins Auto Parts	-	(1)	-	(1)	(1)	(1)	1	(3)
J TDBanknorth	1	(1)	-	(1)	(1)	(1)	-	(3)
K Third Street	-	(1)	1	(1)	(1)	(1)	-	(3)
L Water Street	-	(2)	-	-	-	(1)	-	(3)

**Notes**

- A. Good central location, well-suited for parking use.
- B. Very good location, difficult access, irregular shape, inefficient construction.
- C. Good location, small site but excellent opportunity for public/private partnership with Janeto's site.
- D. Too remote from lower square, potential for large mixed-use redevelopment with transportation hub.
- E. Good location, but small irregular site. Poor access with high traffic volumes.
- F. Small site with complex layout. Best use would be retail/commercial use on two street levels.
- G. Too remote from upper square, poor access with high traffic volumes.
- H. Edge of downtown core. Dense development with no room for large parking structure. Single point of access when two are needed.
- I. Small complex site requiring assembly of adjacent streets and other parcels. Good potential for public/private partnership.
- J. Small complex site. Very good location. Good potential for public/private partnership.
- K. Small irregular site. Remote from upper square. Good potential for public/private partnership.
- L. Best use is multi-story mixed-use development. Needs assembly with Water Street. Excellent potential for public/private partnership.

### 7.2.1 Selection Short-list

The twelve initial candidate sites were ranked according to the evaluation criteria presented above, and three sites were selected for further consideration:

1. Orchard Street Lot;
2. School Street Lot; and
3. Steam Plant.

These three sites had clear advantages over the others in terms of site benefits, ability to satisfy project needs as well as in ease of implementation as shown in the following matrix evaluation.

**Figure 7 - Final Site Selection Matrix Evaluation**

Site	Location	Highest Use	Ownership	Capacity	Expandability	Complexity	Access	Total
A Orchard St.	1	-	1	-	-	-	1	3
B Steam Plant	1	1	-	-	(1)	(1)	-	-
C School Street	1	-	1	(1)	1	-	1	3

## 7.2.2 Evaluation Summary

The Orchard Street site is centrally located, has direct access to both the Chestnut Street and Central Avenue corridors, and has adequate capacity to accommodate the needed spaces.

The School Street Site, although small, has excellent expandability by partnering with the adjacent Janeto's site, can accommodate a high number of parking spaces and has excellent street access.

The Steam Plant site would serve one of the largest employers extremely well in addition to providing parking for the new Children's Museum. However this site is physically constrained, access may be present safety issues because of the curvature of the adjacent road, and the property is owned by Cocheco Mills. These issues present implementation challenges relative to site ownership and control, constrained and costly construction issues as well as access issues.

Based on the information evaluated and summarized above, the Orchard Street site had clear advantages over the other two sites and was recommended as the best site alternative for the City's first parking structure. This recommendation was presented and endorsed by the TAC at their June meeting. Based on their positive endorsement of the Orchard Street Site, a set of schematic design drawings and budgetary cost estimate was prepared for this site and presented to the City Council in a workshop meeting in November 2007.

## 7.2.3 Additional Information

Please refer to the Appendix for location maps of each site, all twelve site aerials, preliminary parking facility layouts for each site, and schematic plans of the proposed Orchard Street site.

## 7.3 ORCHARD STREET GARAGE

A preliminary site feasibility study was conducted in greater detail for the proposed Orchard Street Garage (OSG) concept including, site design, functional layout, access and circulation, elevation and plan view sketches, incorporation of transit amenities, and preliminary development costs and a financial feasibility and potential financing discussion. The various elements described above are discussed in the following sections.

### 7.3.1 Site Design

Figures 8, 9 and 10 depict plan view sketches for the proposed OSG for the roof level, typical level and the grade level (respectively). The proposed garage site is located in the northeast area of the existing Orchard Street surface parking lot, just east of the senior housing residential building. There are approximately 100 parking spaces currently in the surface lot that will be eliminated with the garage. The site has an existing natural grade from east to west (about 5 feet) which provides an opportunity to enter and exit the garage from two different levels at two locations. There is an advantage to this in that it can easily distribute either entering or exiting the garage and reduce congestion, conflicts and delay.

There is also an existing access road (Waldron Street) that borders the east and north edge of the site and an electric transformer located in the southeast corner of the site that will be integrated, as shown, into the garage design. Orchard Street borders the south edge of the garage site and connects Chestnut Street, located along the west side of the entire block to Central Avenue which borders the west side of the block.

The garage layout (Figure 11) illustrates the opportunity to incorporate a bus shelter into the garage at the southwest corner and a buss pull-off lane for passenger access on Orchard Street just west of the garage.

The site dimensions will accommodate a split-level garage with two primary access points located at levels one and two in two locations. The functional design, circulation and access are discussed in greater detail in the next section.

Figure 11 depicts the elevations and massing of the garage. As shown, the garage will project vertically between 40 and 50 feet above grade (at the top of the roof level wall) from both the east and west elevation. The final garage elevations may vary from what is shown depending on final design, soil conditions and at what level the end aisle return will be located.

### **Functional Design, Circulation and Access**

The OSG provides approximately 514 parking spaces in 5½ levels. The internal drive aisles are oriented east/west in three parking bays (about 190 feet in length east/west). The north and south parking bays incorporate one-way circulation and angled parking within 55 to 57 feet of width, and the center bay incorporates two-way circulation and perpendicular parking spaces within a width of 58 to 60 feet, for a total width of about 172 to 174 feet outside to outside (north/south).

Parkers can enter the garage either from the lower access driveway located on Orchard Street (elevation 54 feet) or from the upper driveway at the west side (elevation 59 feet). The Orchard Street driveway enters a northbound, two-way end aisle that provides access to the upper levels of the garage. The driver can initiate an efficient search of the entire garage through successive left turn movements east to west in the center bay, then completing a 360 degree movement, west to east in the one-way bay along the south edge of the garage. Each 360 degree revolution moves the driver up 10 feet in elevation (5 feet in each bay). Left-turn movements are the most desirable as the driver has the greatest vision and the largest radius to negotiate. As the driver reaches the roof level, the end aisle along the east edge is used to reverse the circulation from moving up (search patten) to moving down (exit pattern). The exit choices are as a right turn at the west side egress drive or continue via the center bay and exit at Orchard Street.

At the west access drive, parkers can enter the garage at a slightly higher upper level (at 59 feet) and continue east, up the ramped one-way aisle, continuing in a left-turn searching pattern as discussed above. Drivers can cross over to the opposite north/center bay pair and exit at the west egress point via a right turn (level 59 feet) or continue via the final center bay ramp and exit at the Orchard Street egress point (level 54 feet).

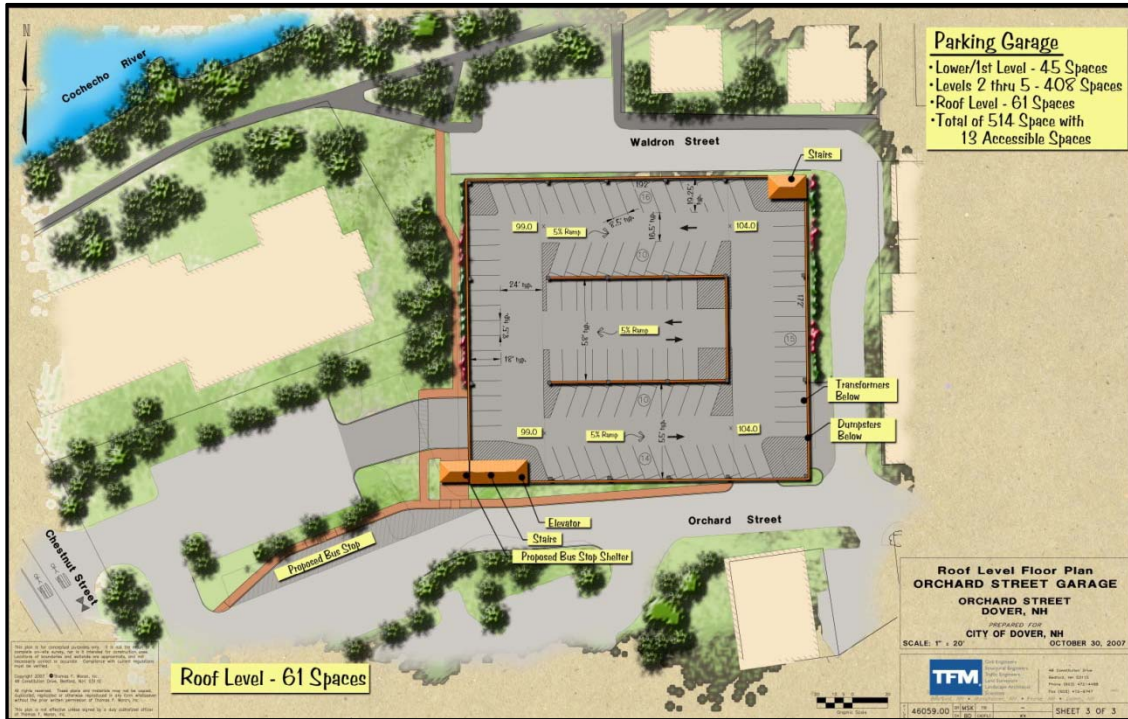


Figure 8 - OSG Plan View; Roof Level

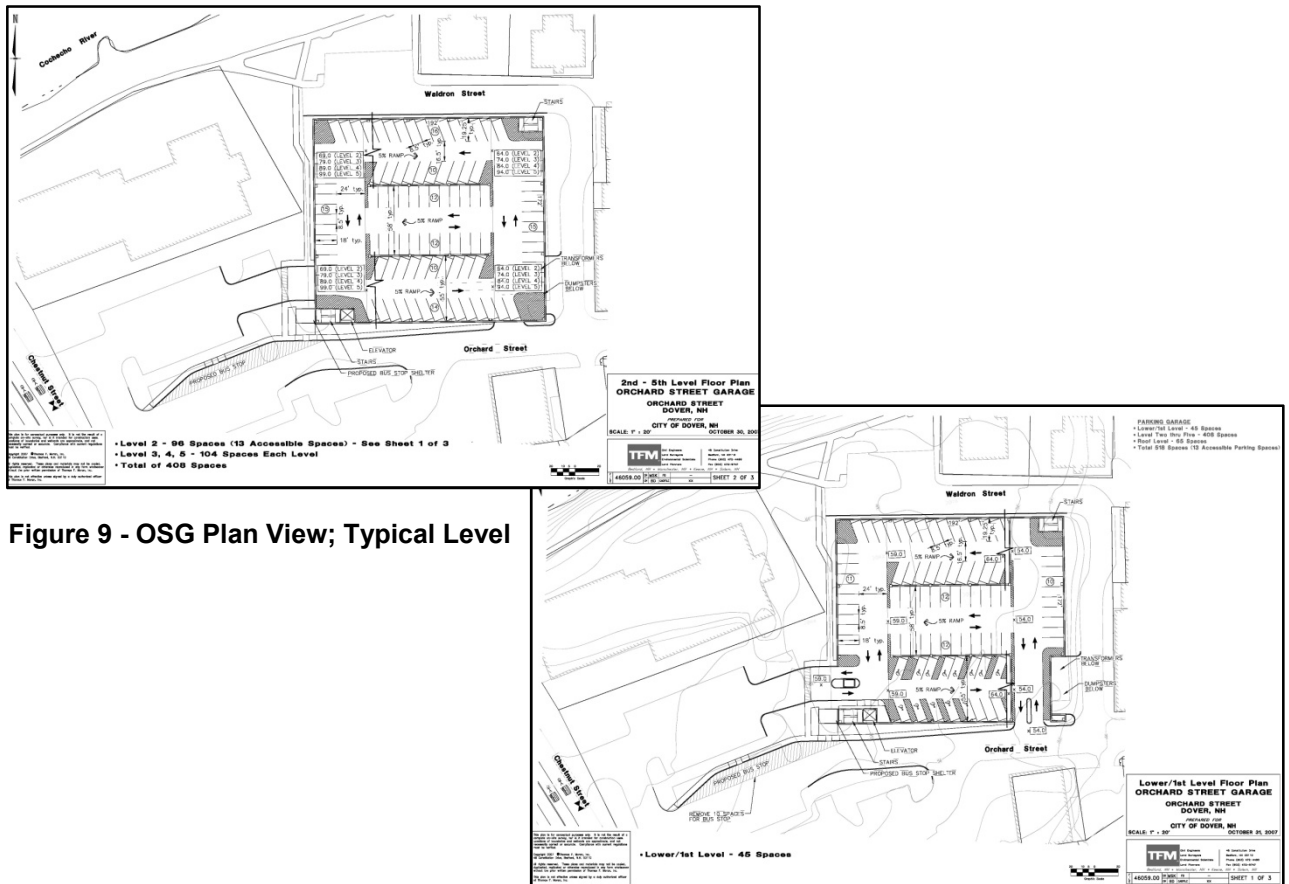


Figure 9 - OSG Plan View; Typical Level

Figure 10 - OSG Plan View; Grade Level

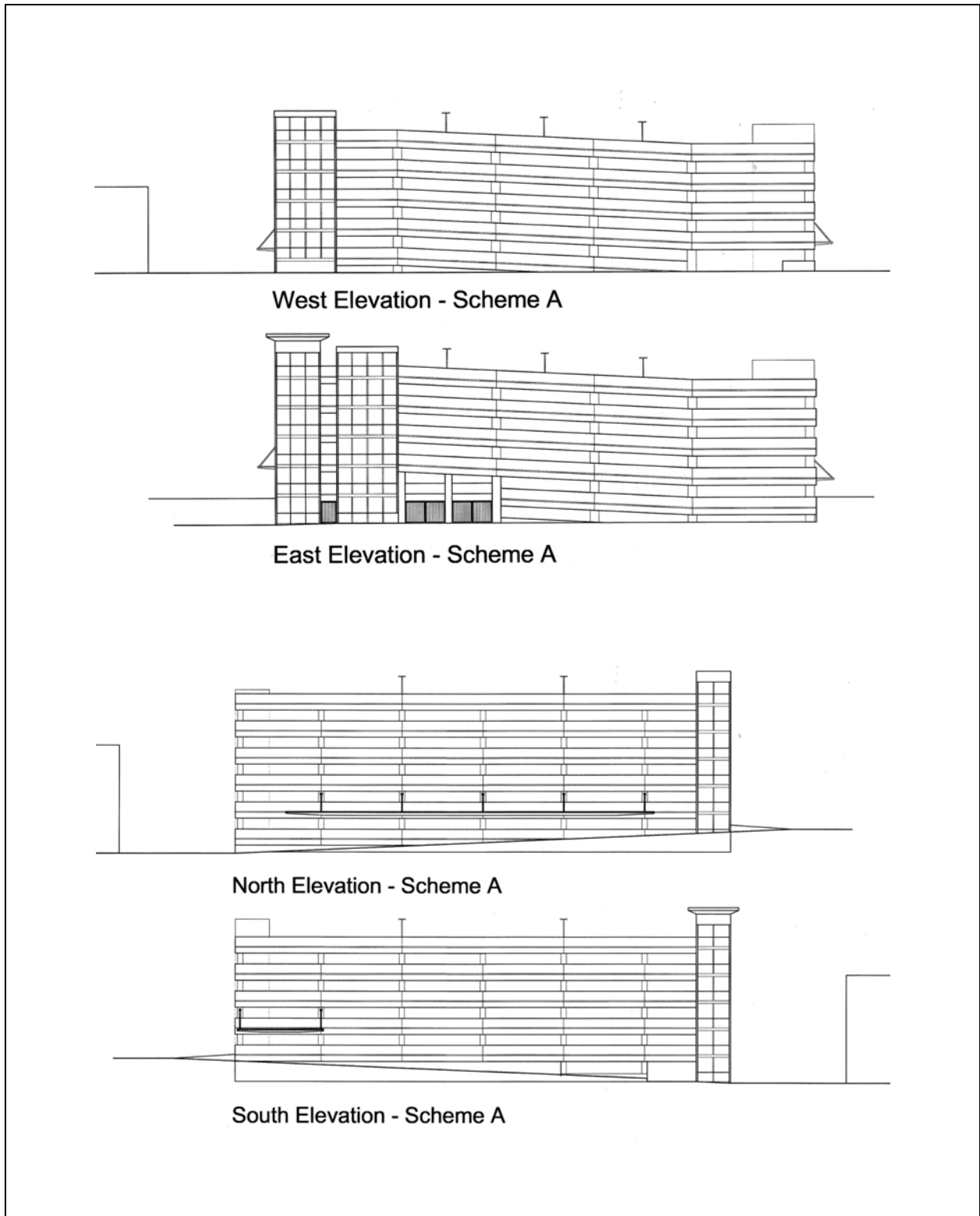


Figure 11 - OSG Elevations

### 7.3.2 Preliminary Development Costs and Financial Feasibility

Based on the OSG concept discussed previously, the Consultant Team prepared an opinion of probable construction costs for the development program. Table 8 presents the construction detail, given known conditions and issues on the site.

**Table 8 - Estimated Development Costs**

Construction Division (Categories)	Cost	Other Costs	Costs
01 General Requirements	11.0%	\$ 792,000	Site Work & Bus Shelter 5.0% \$ 360,000
03 Concrete	72.0%	5,184,000	Exterior Arch treatment 14.0% 1,000,000
03 Foundation	5.0%	360,000	Engineering 5.0% 360,000
05 Metals	2.5%	180,000	Contingency 10.0% <u>720,000</u>
07 Thermal/Waterproofing	2.0%	144,000	Subtotal \$2,440,000
09 Interior Construction	1.5%	108,000	
14 Elevator	1.5%	108,000	
15 Mechanical Systems	0.5%	36,000	
16 Electrical Systems	<u>4.0%</u>	<u>288,000</u>	
Subtotal	100.0%	\$7,200,000	
Building Size	170,000 square feet		<b>Total Costs \$9,640,000</b>
Parking Efficiency	331 sq ft/space		<b>Approximate Cost per Space \$18,750</b>
Approximate Cost per Space	\$14,000		

As shown in Table 12, the estimated for the OSG is \$9.64 million, or \$18,750 per space. If the price is adjusted to account for the existing 100 spaces lost to the garage site, the cost per net space

added increases to about \$23,300 per space.

The construction cost of the garage

can be targeted or managed in a variety of ways depending on decisions that are made regarding a number of variables including:

1. Whether or not the garage is constructed using pre-cast or cast-in-place systems;
2. The delivery method can be either conventional design/bid/build, design/build, or a hybrid method;
3. Specification of materials, durability issues and life-span desired (can be low, moderate or high design levels);
4. Decisions relative to maximizing the number of spaces that can be provided on-site (adding below-grade parking) versus minimizing excavation to reduce costs;
5. The level of architectural and façade treatments.

Items 1 through 4 can be readily decided based on straight-forward quantitative life-cycle benefit cost methods and subsequent decisions (e.g if you spend \$x you get \$y results). Item 5 is the only one of the 5 items that is more subjective than objective and decisions relative to architectural treatments probably have the highest impact on costs (that are not related to structural issue or cost of concrete).

The OSG concept discussed herein assumes a moderate level of design in all areas, including architectural treatment. As mentioned, actual construction costs could vary widely depending on a variety of design and construction decisions that need to be worked through as the design team commences their preliminary work.

### 7.3.3 Financial Feasibility

One of the consistent messages heard from both the public and the City, was that a proposed new parking structure should be self-sufficient and supported by those who benefit from the improvement, such as parkers and downtown business community.

Therefore, a preliminary financial feasibility analysis was conducted to help assist in determining what the most likely options are for financing the garage. Financing options and strategies are discussed in detail in Chapter 6 of this report. Based on tax-exempt, bond financing, the following table illustrates the magnitude of expected annual costs, revenues and net operating loss that can be expected given the current parking rate schedule in the City of Dover. As shown, the annual debt service (\$630,000) plus an allowance for operating and daily maintenance costs (\$200,000) equals an annual cost of \$830,000. This cost could be as much as 25 to 30 percent higher when accounting for a debt reserve and a depreciation or sinking fund reserve.

Annual gross revenues are shown as comprised of three components; 1) sale of special “reserve” permits to key large employers (this item should be negotiated and agreed to prior to the City entering into finance commitments); 2) sale of regularly priced monthly permits; and 3) metered parking. The final mix of users (special

versus regular permits versus metered spaces) should be a result of responding to the need

of the downtown community. If more reserve spaces are requested, the price should increase, if more visitor parking is requested, 150 spaces should be adequate, and so on. However, the total annual revenue is estimated at about \$654,800, resulting in an annual shortfall of about \$175,200. However, for planning purposes, this number should be assumed as double that amount or about \$400,000 per year for the first few years of operation.

**7.3.4 Financing Strategies**

This section provides an “order of magnitude” analysis to address the anticipated annual shortfall through the assessment of fees. Based on the constraints and opportunities discussed

2006 Base Level – Annual	
Downtown assessed value	\$ 220,000,000
Tax generated	\$ 4,000,000
Avg. increase in property value at 5.5%	\$ 12,100,000
Tax increment generated	\$ 220,000
Parking garage shortfall	(\$ 175,200)

**Table 10 - Tax Increment Financing**

are anticipated in the downtown district in a relatively short time-frame (2 to 5 years). The average increase in property value would have to increase closer to 10 percent to cover a \$400,000 shortfall, rather than the \$175,200 shortfall shown in the table.

**Parking Assessment Districts**

Creation of one or more Parking Assessment Districts may offer greater flexibility and is specifically focused on parking assets and those who benefit, rather than on property values and cost recovery of miscellaneous infrastructure improvements. A discussion of PADs is included in Chapter 6. However, the following table provides a snapshot of the potential impact a PAD may have on funding expected annual shortfalls expected with the Orchard Street Garage project. As shown in the adjacent table, the annual assessment appears to be at

**Table 9 - Estimated Annual Costs and Revenues**

<b>Development Costs</b>	
No. of Spaces	514
Cost per Space	\$18,750
<b>Total Costs</b>	<b>\$9,640,000</b>
GO Bonds – annual debt service (l = 5%, n=30 yrs)	
	\$630,000
Annual maintenance, operating expense	200,000
<b>Total Annual Costs</b>	<b>\$830,000</b>
<b>Estimated Revenue</b>	
Reserve permits – 220 @ \$125/month	\$330,000
Regular permits – 160 @ \$65/month	124,800
150 meters @ 1.50/hour	200,000
<b>Total Annual Revenue</b>	<b>\$654,000</b>
<b>Anticipated Shortfall</b>	<b>(\$175,200)</b>

throughout the conduct of the study, there are two recommended financing strategies that should be evaluated for implementation including Tax Increment Financing (TIF) and Parking Assessment Districts (PADs).

**Tax Increment Financing**

The TIF approach may not be a suitable strategy unless significant property and infrastructure improvements, like parking garages,

manageable levels. However, three significant adjustments need to be made to bring the example into a more realistic perspective:

1. The 2006 estimated downtown building inventory of 2,500,000 square feet (sf) should be adjusted relative to removing governmental buildings. This could result in a significant decrease in the potential building stock available to share the assessment (assumed as a 15 percent reduction);
2. Many property owners will have a partial credit against their assessment based on the amount of parking they have provided on-site. Partial credit is recommended because all property owners in the PAD will benefit from an improved parking system and a new parking structure, regardless of their individual parking situation (a 20 percent reduction in building sf is assumed); and
3. The annual shortfall should be increased from \$175,200 to \$400,000.

<b>2006 Building Stock - Annual</b>	
Downtown Inventory (sq ft)	2,500,000
Annual garage shortfall	(\$ 175,200)
Parking assessment (per sq ft)	\$ 0.08
Example of Annual Assessments	
1,500 sq ft building	\$ 120
5,000 sq ft building	\$ 400
25,000 sq ft building	\$ 2,000
100,000 sq ft building	\$ 8,000

**Table 11 - Parking Assessment District Application**

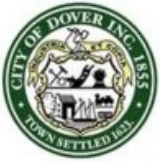
<b>ADJUSTED 2006 Building Stock - Annual</b>	
<i>Adjusted</i> Downtown Inventory (sq ft)	1,700,000
<i>Adjusted</i> Annual garage shortfall	(\$ 400,000)
<i>Adjusted</i> Parking assessment (per sq ft)	\$ 0.24
<i>Adjusted</i> Example of Annual Assessments	
1,500 sq ft building	\$ 353
5,000 sq ft building	\$ 1,176
25,000 sq ft building	\$ 5,882
100,000 sq ft building	\$ 23,529

**Table 12 - Adjusted PAD Application**

Based on the adjustments listed above, the preceding table was adjusted and illustrated in Table 12. The downtown building inventory was reduced to 1,700,000 sf, the annual shortfall was increased to \$400,000 and the resultant assessment was recalculated as \$0.24 per sf. The example assessments are shown and are approximately three times the amount shown in Table 11.



**APPENDIX A – PUBLIC INVOLVEMENT PROGRAM**



## Downtown Dover Parking Facility and Management Study

The City recently launched a study to assess downtown parking because parking operations and management is seen as a key component to supporting continued economic growth and development.

### **Why?**

The City has initiated the study in part, to address the following frequently-voiced public perceptions:

- There isn't enough parking in Downtown;
- Downtown parking can be inconvenient;
- On- and off-street parking needs to be better managed, including the incorporation of innovative, best practices;
- There is a disparity between monthly residential permit prices and any other permit prices; and
- Long-term employees currently shuffle in and out of on-street two hour time limit parking, thereby competing with short-term retail and service business customers.

### **Your Role**

The study will focus on maximizing the efficiency of the existing private and public investment in parking infrastructure, as well as evaluating the feasibility of constructing new parking structures(s) by answering questions such as:

- Where should new parking be located? Who should it serve?
- How much will it cost? Who pays for it..... parkers? the City, the private sector, or all?
- Who does this study benefit... also known as "what's in it for me?"

A critical element in developing the appropriate, feasible, effective solution is *YOU* and *YOUR INPUT!*

### **How Can You Participate?**

Input to the Consultant study team is invited at anytime during the study. Find out more by attending the following scheduled meetings:

- 1. Technical Advisory Committee (TAC) Meeting**  
what: Brief Orientation and Status Report on Parking Study  
by: Consultant Team  
where: McConnell Center Conference Room  
when: Monday, March 26, 2007 @ 7pm
- 2. Stakeholder Public Information Meeting**  
what: Study Overview and Solicitation of Public Comment  
by: City Representatives and Consultant Team  
where: McConnell Center Conference Room  
when: Tuesday, March 27, 2007, from 6 to 8pm

### **For more information contact:**

Ms. Kristine Silva, Consultant Team  
Communications Coordinator  
TF Moran Inc.  
(603) 472-4488  
[ksilva@tfmoran.com](mailto:ksilva@tfmoran.com)

Mr. Bruce Woodruff, City of Dover  
Project Manager  
City of Dover  
(603) 516-6008  
[b.woodruff@ci.dover.nh.us](mailto:b.woodruff@ci.dover.nh.us)



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

**Project:** Downtown Parking Facility and Management Study  
Dover, New Hampshire

**Date:** 27 March 2007

**Re:** Stakeholder Public Information Meeting  
City Hall Auditorium

**Notes By:** Kristine Silva  
TFMoran Inc.

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A brief project overview and an introduction to the team were given by City Planner, Christopher Parker. He also emphasized how important public involvement is to this project.

Chris Luz of Lansing Melbourne Group LLC initiated the PowerPoint presentation attached to this memo. In the presentation Chris introduced the team, went over the agenda for the meeting and provided a general project overview. He reviewed the Scope of Services and pointed out some key dates in the schedule (e.g. next TAC Meeting 21 May, next Stakeholder Meeting 22 May and the draft report 23 July).

Next, Bob Duval reviewed the project status and gave a brief summary of the four draft technical memos that have been prepared, including: Public Information Program, Previous Studies, Existing Conditions Update and Transit Operations.

Chris Luz then moved on to Perceptions & Issues and Informed Decisions; which included management of supply and demand, parking policy and a discussion of "best practices". He also briefly mentioned the typical financial costs of building and maintaining components of a parking garage, including first and on-going costs.

At the conclusion of the PowerPoint presentation, public comments and questions were encouraged.

### **Comments & Questions:**

Edward Bleiler residing at 28 Isaac Lucas Circle, a resident of Dover for the past 12 years stated that in all the years he has lived in Dover he has never had a problem parking. He did note that the only problem he has ever seen is at night when the bars are open. He strongly feels that the City does not need a parking garage. He voiced some concern on who would pay for it; he feels that by building a parking garage we would be bankrupting the City and the residents. He said that we could not afford it and therefore should not go through with it.

Chris Boldt residing at 4 Evans Drive, City of Dover, expressed some positive comments. He feels that building a parking garage is important for employers. He stated that there is no space for employees or customers and that we need to look at this in a long-term perspective; in order for the City to grow we have to have the capacity for growth. He supports Public Private Partnerships (PPP) and feels that having multiple entrances to any parking garage is important.

Vivian Bingham residing on First Street, City of Dover, stated that a parking garage would benefit the City but not her personally. Ms. Bingham was concerned that a new garage not be located in a residential area; she feels that this would be unfair to the property owners and that a garage would decrease the value of the resident's property.

Linda Hagan, Jewelry Creations, 388 Central Avenue, City of Dover stated that she had a problem with parking for her customers. She remarked that her customers were not willing to drive around the block more than twice and since that seems to be the current situation, she feels she is either losing customers, having people arrive late or not at all for appointments, etc. She is currently paying \$5,000/yr for her employees to park. She supports the idea of putting a parking garage downtown but feels that a garage in one location only is not the solution. She supports PPP and believes that we need to work together to help the community grow. Linda made a suggestion of putting in a large events center on the top floor of a new garage; she thought that it would bring people into the City and provide rental income (for the top floor) for the garage. She expressed that if the parking problem in Dover is not solved she will most likely need to move her business out of the City.

Jeremy LaRose, Wildcat Transit Operations Manager and Dover resident, speaking on behalf of Wildcat, informed the study team and public that Wildcat was committed to helping but expressed some concern on potential locations for a new garage. He indicated that bus schedules could be compromised due to traffic congestion in the downtown area and felt that if garages were located too far outside the current bus routes that their effectiveness would be reduced. He thought that having a garage with multiple access points was important. As a resident of Dover he expressed that there was definitely a lack of parking especially during lunch hour because people are parking on-street all day. His experience in Nashua shows that parking rates in a parking structure must be priced properly in order for the structure to be utilized. To bring more business and residents into the City, the City needs to provide appropriate parking at a reasonable price.

Rich Schreuer, resident of Second Street, City of Dover suggested that it is within the interest of the City to have residents living closer to downtown. His concern was with regard to providing adequate opportunities for residents who live downtown and have, or need, on-street parking. He also suggested that the winter parking ban be changed to a snow emergency ban.

Janet Perry, Nicole's Hallmark, 386 Central Avenue stated that she receives regular comments from her customers and employees regarding their difficulty in finding adequate parking. Noon and evening hours are the most difficult periods to find proximal parking and signage is poor. She feels that the Orchard Street Lot is overpriced, constantly full and the ability for permit parkers to park in metered spaces makes finding an available metered space more problematic. She mentioned that the First Street Lot, which is permitted, is always empty and that the City should think about opening the lot up. She is looking for a good solution from this project such as recommending multiple garages so that the business community could expand their client base. She also mentioned that she would like the study team to consider topography when picking a location. Another concern she had was she noticed that handicapped employees working at the mill were parking in unrestricted spaces all day and then walking to the mill. Officer Marn Speidel commented on this concern and responded that there is a State statute that allows disabled permit parking in any space with no time restrictions and takes precedence over local law.

Another comment was made regarding the Dover Mills: that if parking is such an acute problem for their business, why haven't the owners built their own garage?

In an effort to encourage final questions, Chris Luz asked the audience, "How far is too far to walk to a parking garage?" Several answers included ¼ mile, 440 yards, more than 2-3 blocks. Chris noted that many communities believe that the ideal distance to walk to a garage is approximately 1 – 1 ½ blocks.

Chris also suggested that Public Private Partnership could be an effective way to incentivize or partner with an owner/developer on redevelopment of sites by accommodating parking spaces in "excess" of what the development needs to meet other public needs, noting that the most effective solutions typically attack a problem from multiple angles.

In regard to how to make a parking garage both aesthetically pleasing and cost-effective, Chris noted that just providing commercial space at the grade level of a garage was not the answer. This approach needs to be evaluated as to what the market needs are, because a parking structure with vacant lease space at the grade level is neither aesthetically pleasing nor economically viable.

Bob Duval closed the meeting by thanking City officials and emphasizing the project's email address as a way for the public to communicate ideas to us. Gathering and evaluating public input, ideas, and suggestions is a very important component in this study. The study team needs to understand what the community, landowners', and business-owners' perspectives are so that we can develop effective recommendations.

The meeting adjourned at 8:00 pm.

March 27, 2007

DOWNTOWN DOVER PARKING FACILITY & MANAGEMENT STUDY

If you have a question or comment, please sign below.

1. *Chris Boldt*
2. *Jeremy LaRose*
- 3.
4. *Edward J. Bleeker 28 ISAAC LUCA*
5. *Victoria Fingher*
6. *Linda Hagan 388 Central Ave. Jewelry Center*
7. *Richard Schreier 32 2nd Str. Dover*
8. *Janet M. Perry - 37 Arch St., Dover, NH - Nicks*
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## DOWNTOWN DOVER PARKING FACILITY AND MANAGEMENT STUDY

The City recently launched a study to assess downtown parking because parking operations and management is seen as a key component to supporting continued economic growth and development. There has been one Stakeholder Public Information Meeting held on June 28, 2007.

***THIS NOTICE ANNOUNCES THE DATE AND LOCATION FOR THE JOINT MEETING OF THE:***

### ***TRANSPORTATION ADVISORY COMMITTEE MEETING AND 2ND STAKEHOLDER PUBLIC INFORMATION MEETING***

As a follow-up to the 1<sup>st</sup> Stakeholder Public Information Meeting, the City of Dover has scheduled a 2<sup>nd</sup> meeting to present preliminary findings and recommendations of the study and obtain feedback on:

- the City's role in financing public parking;
- the City's role in managing public parking;
- potential locations and concepts for a new parking structure.

#### **1ST STAKEHOLDER PUBLIC INFORMATION MEETING**

The 1<sup>st</sup> meeting was held on March 27, 2007. A summary of the presentations and discussion of that meeting is posted in the City's website for review. The meeting generally covered study goals and objectives, schedule and invited public input.

#### **2ND STAKEHOLDER PUBLIC INFORMATION MEETING**

The upcoming meeting will present findings and recommendations on issues including City's role in providing parking, reorganization of the public parking system, and a discussion on the location for a new public parking structure.

A critical element in developing the appropriate, feasible, effective solution is *YOU* and *YOUR INPUT!*

#### ***How Can You Participate?***

Input to the Consultant study team is invited at anytime during the study. Find out more by attending the following scheduled meetings:

#### **TRANSPORTATION ADVISORY COMMITTEE MEETING AND 2ND STAKEHOLDER PUBLIC INFORMATION MEETING**

**what:** Preliminary Recommendations and Solicitation of Public Comment  
**by:** City Representatives and Consultant Team  
**where:** McConnell Center Cafeteria  
**when:** Thursday, June 28, 2007, from 6 to 8pm

#### **For more information contact:**

Ms. Kristine Silva, Consultant Team  
Communications Coordinator  
TFMoran Inc.  
(603) 472-4488  
[ksilva@tfmoran.com](mailto:ksilva@tfmoran.com)

Mr. Bruce Woodruff, City of Dover  
Project Manager  
City of Dover  
(603) 516-6008  
[b.woodruff@ci.dover.nh.us](mailto:b.woodruff@ci.dover.nh.us)



LANSING  
MELBOURNE  
GROUP



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects

DMJM HARRIS | AECOM

**Project:** Downtown Parking Facility and Management Study  
Dover, New Hampshire

**Date:** 28 June 2007

**Re:** Stakeholder Public Information Meeting  
McConnell Center Cafeteria

**Notes By:** Kristine Silva  
TFMoran Inc.

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A brief project introduction was given by City Planner, Bruce Woodruff. Bruce also emphasized how important public involvement is to the success of this project.

Chris Luz of Lansing Melbourne Group introduced the team and gave a brief overview of the study. He went over the purpose of the RFP that was sent out in December of 2006, and how this study builds on the previous parking report done by Rizzo Associates in 2005.

After the brief overview Chris moved into the PowerPoint presentation, discussing draft policy and best practice recommendations. His first topic was residential parking, where he recommended formalizing a program that best fits the needs of the downtown community. He said that for any such program to succeed, it must be strictly enforced. He communicated that parking should not be a barrier to development, including residential development, and the importance of low cost permit parking. He suggested allowing residents to park in off-street lots free or at low cost from 6pm until 8:30am; and also when no off-street parking garage exists within a reasonable and secure distance, to allow parking in designated on-street spaces from 8:30am until 6pm.

Next, Chris discussed the winter parking and snow emergency ban. In his evaluation he gathered information from 12 or so cities. He found that many of the cities have even/odd side winter parking bans plus snow emergency restrictions; and others allowed unrestricted on-street parking subject to emergency declarations at any time. The City of Manchester uses white strobe lights mounted to traffic signal mast arms at targeted intersections to make motorists aware of emergency parking bans.

The next topic was on-street parking management. Chris discussed how his research shows a lack of clear direction on this; half of the cities grappling with this issue were removing meters, while the other half were adding meters. He also mentioned the need for greater enforcement and the success of "bundling" techniques, that is, using a number of techniques simultaneously for greater effect. Most of the cities he researched also implemented steps to improve signage and marketing. He also pointed out the benefits and drawbacks of metering spaces.



After the parking management discussion, Bob Duval of TFMoran spoke about the parking garage site evaluations. Twelve sites were discussed and evaluated against access, location, capacity, best use, ownership, complexity, and highest use. An important factor for the first site was that it be within reasonable walking distance (approximately 1,000 feet) of most or all of the downtown core. The attached matrix shows our analysis in determining which of the 12 sites would be the most appropriate location for the City's first parking structure. At this stage, we have narrowed the sites down to three possibilities – Orchard Street Lot, School Street Lot, and the Steam Plant Lot.

Chris ended the presentation by discussing traditional and innovative options for financing parking structures. Many communities are encouraging PPP's (Public-Private Partnerships) as a way of encouraging private developers to include structured parking in their development plans.

At the conclusion of the PowerPoint presentation, public comments and questions were encouraged.

### **Comments & Questions:**

Joe Allis, property owner on Water Street and resident of Newmarket, wondered why the City has not put the Dover Transportation Center in the top three. Bob responded by mentioning that the location was too remote to satisfy parking demand for most downtown locations. Bob said that it was also a good location for mixed use – potentially offering residential uses along river with commercial and retail in front, and the site may not yet be ready for laying out a parking structure.

Rich Schreuer, property owner on Second Street, stated that he thought the points made in our presentation were great but was concerned about parking limits for leasing on-street spaces from 8:30am to 6pm and, wanted to know if it meant that residents would lose their spots during the day and have to move into lots. Chris said this was not the intent; rather it was to make the time limits uniform across the study area.

Janet Perry, Nicole's Hallmark, 386 Central Avenue, spoke in regards to the Orchard Street Lot. She asked if it was a possibility the garage could be expanded into the residential or elderly housing areas. She said that one problem is the lack of buildings for businesses; she wanted to know if it was possible to put retail on lower garage levels. She feels that the Orchard Street site is a possibility for building space expansion for merchants to come into the City. Chris said that mixed use was a great point, and there aren't a lot of other large sites that the City has control over. Bob mentioned that in almost every case property owners were interested in Public Private Partnerships (PPP), and that would be considered here also; however, the Orchard Street lot has limited visibility and is therefore less attractive from a retail point of view.

Linda Hagan, Jewelry Creations, 388 Central Avenue, suggested a possible PPP with the hardware store on Washington Street. She wanted to know, out of the three potential sites, which would alleviate the problem most. Chris mentioned there is no one solution that will best address all of the issues. Linda brought up Dover lacking an event hall, and mentioned redeveloping the TDBanknorth site so that the top level is an event facility with parking underneath. Chris said that was a great idea in terms of mixed use, but it cost much more to build that top level over parking. Linda suggested that we look at all of the downtown users' needs and try to work them all together.

Karen Weston, Janetos, 77 Main Street, asked if there was a break-even number for lease rates supporting a parking garage. Chris said that it would take raising the existing lease rates by 250% to 300% so that market lease rates alone wouldn't do it. Chris recommended a menu of options, including special assessments, TIF payments, or leasing all spaces to a single user (significant employers) at a higher rate that they could subsidize for their employees or tenants.

Wayne Chick, Foster's Daily Democratic, 479 Central Avenue, suggested that retail space on ground levels would be a great way to generate revenue and deserves another look. Chris mentioned that the City needs to partner with the development community. Bob said that all of the land owners we met with are interested in exploring this further.

Kevin McEneaney, McEneaney Survey Associates, asked how many garage spaces are needed. Chris replied that approximately 400 spaces are needed at the present time.

Jack Buckley asked why TD Banknorth did not make the cut. Chris answered that it was difficult to provide commercial/retail space in front and still provide enough parking to address the City's needs. It is a better site for continued commercial development. Bob added that it was a good site for a potential PPP with the landowner.

One City resident asked why the mill hasn't built a garage themselves? Jessica Smith, representing Winsor Brook, 100 Main Street, responded that they have over 900 employees in the downtown area. This means the mill is a major downtown asset that supports many other downtown businesses, and it would be in the best interest of everyone to work together with the mills on solving these parking issues.

Bruce Woodruff, City Planner, wrapped up the discussion and reiterated that tonight's meeting was not the end of the process, and public input will continue to be solicited on the potential garage sites. You can either call or email him or Kristine Silva. The website may not have all the documents on it, but it will be updated by the middle of next week.

The meeting adjourned at 8:15 pm.

**Potential Garage Sites  
Pros and Cons Matrix**

	<i>Location</i>	<i>Highest Use</i>	<i>Ownership</i>	<i>Capacity</i>	<i>Expandability</i>	<i>Complexity</i>	<i>Access</i>	<i>Total</i>
<b>A. Orchard Street</b>	1	-	1	-	-	-	1	<b>3</b>
<b>B. Steam Plant</b>	1	1	-	-	(1)	(1)	-	-
<b>C. School Street</b>	1	-	1	(1)	1	-	1	<b>3</b>
<b>D. Dover Trans Center</b>	(2)	-	-	1	1	(1)	-	<b>(1)</b>
<b>E. First Street</b>	1	(1)	1	(1)	(1)	(1)	-	<b>(2)</b>
<b>F. Foster's</b>	-	(1)	-	(2)	(1)	(1)	1	<b>(4)</b>
<b>G. Library Lot</b>	(2)	1	1	-	-	-	(1)	<b>(1)</b>
<b>H. Riverfront Parcel</b>	(1)	(2)	-	-	-	-	(1)	<b>(4)</b>
<b>I. Robbins Auto Parts</b>	-	(1)	-	(1)	(1)	(1)	1	<b>(3)</b>
<b>J. TDBanknorth</b>	1	(1)	-	(1)	(1)	(1)	-	<b>(3)</b>
<b>K. Third Street</b>	-	(1)	1	(1)	(1)	(1)	-	<b>(3)</b>
<b>L. Water Street</b>	-	(2)	-	-	-	(1)	-	<b>(3)</b>

- A. Good central location, well-suited for parking use.
- B. Very good location, difficult access, irregular shape.
- C. Good location, small site but excellent opportunity for PPP expansion with Janeto's site.
- D. Too remote from lower square, potential for large mixed-use redevelopment with transportation hub.
- E. Good location but small, irregular shape; best use would include residential and commercial development.
- F. Small site with complex layout. Best use would include retail/commercial uses on two street levels.
- G. Too remote from upper square, poor access for high traffic volumes.
- H. Edge of downtown core. Dense development with no room for large parking structure. Single point of access.
- I. Small, complex site, requiring assembly of adjacent streets and other parcels. Good potential for PPP.
- J. Small, complex site. Very good location. Good potential for PPP.
- K. Small irregular site, remote from lower square. Good potential for PPP.
- L. Best use is multi-story mixed-use development. Needs assembly with Water Street itself. Excellent PPP site.

~ Approx. 40 total attendees

June 28, 2007

## DOWNTOWN DOVER PARKING FACILITY & MANAGEMENT STUDY

If you have a question or comment, please sign below.

1. J. F. Allis
2. Richard Schreuer
3. Janet Perry - Janet@nicolas-hallmark.com
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**APPENDIX B – SPECIAL ASSESSMENT DOCUMENTATION**

floating indebtedness, the bonds are subject to the prior lien and claim of all bonds issued to refund revenue bonds issued prior to the refunding.

**History:** 1999 a. 150 s. 231; Stats. 1999 s. 66.0623; 2001 a. 30.

**66.0625 Joint issuance of mass transit bonding. (1)** In this section:

(a) “Political subdivision” means a county, city, village or town.

(b) “Public transit body” means any transit or transportation commission or authority and public corporation established by law or by interstate compact to provide mass transportation services and facilities.

(2) In addition to the provisions of any other statutes specifically authorizing cooperation between political subdivisions or public transit bodies, unless those statutes specifically exclude action under this section, any political subdivision or public transit body may, for mass transit purposes, issue bonds or, with any other political subdivision or public transit body, jointly issue bonds.

**History:** 1991 a. 282; 1999 a. 150 s. 604; Stats. 1999 s. 66.0625.

**66.0627 Special charges for current services. (1)** In this section, “service” includes snow and ice removal, weed elimination, street sprinkling, oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals under s. 60.23 (20), loan repayment under s. 70.57 (4) (b), soil conservation work under s. 92.115, and snow removal under s. 86.105.

(2) Except as provided in sub. (5), the governing body of a city, village or town may impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. The authority under this section is in addition to any other method provided by law.

(3) (a) Except as provided in par. (b), the governing body of the city, village or town may determine the manner of providing notice of a special charge.

(b) Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, a public hearing shall be held by the governing body on whether the service in question will be funded in whole or in part by a special charge. Any interested person may testify at the hearing. Notice of the hearing shall be by class 1 notice under ch. 985, published at least 20 days before the hearing. A copy of the notice shall be mailed at least 10 days before the hearing to each interested person whose address is known or can be ascertained with reasonable diligence. The notice under this paragraph shall state the date, time and location of the hearing, the subject matter of the hearing and that any interested person may testify.

(4) A special charge is not payable in installments. If a special charge is not paid within the time determined by the governing body, the special charge is delinquent. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under ch. 74.

(5) Except with respect to storm water management, including construction of storm water management facilities, no special charge may be imposed under this section to collect arrearages owed a municipal public utility.

(6) If a special charge imposed under this section is held invalid because this section is found unconstitutional, the governing body may reassess the special charge under any applicable law.

**History:** 1999 a. 150; 2007 a. 4.

A special assessment against a church was not barred by s. 70.11 (4). *Grace Episcopal v. Madison*, 129 Wis. 2d 331, 385 N.W.2d 200 (Ct. App. 1986).

A city may impose special charges for delinquent electric bills due a municipal utility. *Laskaris v. City of Wisconsin Dells*, 131 Wis. 2d 525, 389 N.W.2d 67 (Ct. App. 1986).

The cost of service to a property under this section does not include the cost of legal services incurred by the municipality in defending against challenges to the removal of materials from a ditch under s. 88.90. *Robinson v. Town of Bristol*, 2003 WI App 97, 264 Wis. 2d 318, 667 N.W.2d 14, 02–1247.

The examples given in sub. (1) are not meant to limit its application in any way, but merely to highlight possible uses. The special charge need only provide a service, not a benefit, to the property owner. Under s. 74.01 (4) a special charge is a charge against real property to compensate for all or part of the costs to a public body of providing services to the property. *Rusk v. City of Milwaukee*, 2007 WI App 7, 298 Wis. 2d 407, 727 N.W.2d 358, 05–2630.

State property is not subject to assessment of special charges under former s. 66.60 (16) [now s. 66.0627]. 69 Atty. Gen. 269.

**66.0628 Fees imposed by a political subdivision. (1)** In this section, “political subdivision” means a city, village, town, or county.

(2) Any fee that is imposed by a political subdivision shall bear a reasonable relationship to the service for which the fee is imposed.

**History:** 2003 a. 134.

## SUBCHAPTER VII

### SPECIAL ASSESSMENTS

**66.0701 Special assessments by local ordinance.**

(1) Except as provided in s. 66.0721, in addition to other methods provided by law, the governing body of a town, village or 2nd, 3rd or 4th class city may, by ordinance, provide that the cost of installing or constructing any public work or improvement shall be charged in whole or in part to the property benefited, and make an assessment against the property benefited in the manner that the governing body determines. The special assessment is a lien against the property from the date of the levy.

(2) Every ordinance under this section shall contain provisions for reasonable notice and hearing. Any person against whose land a special assessment is levied under the ordinance may appeal in the manner prescribed in s. 66.0703 (12) within 40 days of the date of the final determination of the governing body.

**History:** 1983 a. 532; 1989 a. 322; 1999 a. 150 s. 544; Stats. 1999 s. 66.0701.

An ordinance under this section may use police power as the basis for a special assessment. *Mowers v. City of St. Francis*, 108 Wis. 2d 630, 323 N.W.2d 157 (Ct. App. 1982).

**66.0703 Special assessments, generally. (1)** (a)

Except as provided in s. 66.0721, as a complete alternative to all other methods provided by law, any city, town or village may, by resolution of its governing body, levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon the property by any municipal work or improvement; and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments.

(b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power may not exceed the value of the benefits accruing to the property. If an assessment represents an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the governing body of the city, town or village.

(c) If any property that is benefited is by law exempt from assessment, the assessment shall be computed and shall be paid by the city, town or village.

(2) The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost, the resulting damages, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the city, town or village and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost that may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for

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the proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the governing body.

(3) A parcel of land against which a special assessment has been levied for the sanitary sewer or water main laid in one of the streets that the parcel abuts is entitled to a deduction or exemption that the governing body determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street that the corner lot abuts. The governing body may allow a similar deduction or exemption from special assessments levied for any other public improvement.

(4) Before the exercise of any powers conferred by this section, the governing body shall declare by preliminary resolution its intention to exercise the powers for a stated municipal purpose. The resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid, or that the number of installments will be determined at the hearing required under sub. (7), and direct the proper municipal officer or employee to make a report on the proposal. The resolution may limit the proportion of the cost to be assessed.

(5) The report required by sub. (4) shall consist of:

- (a) Preliminary or final plans and specifications.
- (b) An estimate of the entire cost of the proposed work or improvement.
- (c) Except as provided in par. (d), an estimate, as to each parcel of property affected, of:
  1. The assessment of benefits to be levied.
  2. The damages to be awarded for property taken or damaged.
  3. The net amount of the benefits over damages or the net amount of the damages over benefits.

(d) A statement that the property against which the assessments are proposed is benefited, if the work or improvement constitutes an exercise of the police power. If this paragraph applies, the estimates required under par. (c) shall be replaced by a schedule of the proposed assessments.

(6) A copy of the report when completed shall be filed with the municipal clerk for public inspection. If property of the state may be subject to assessment under s. 66.0705, the municipal clerk shall file a copy of the report with the state agency which manages the property. If the assessment to the property of the state for a project, as defined under s. 66.0705 (2), is \$50,000 or more, the state agency shall submit a request for approval of the assessment, with its recommendation, to the building commission. The building commission shall review the assessment and shall determine within 90 days of the date on which the commission receives the report if the assessment is just and legal and if the proposed improvement is compatible with state plans for the facility which is the subject of the proposed improvement. If the building commission so determines, it shall approve the assessment. No project in which the property of the state is assessed at \$50,000 or more may be commenced and no contract on the project may be let without approval of the assessment by the building commission under this subsection. The building commission shall submit a copy of its determination under this subsection to the state agency that manages the property which is the subject of the determination.

(7) (a) Upon the completion and filing of the report required by sub. (4), the city, town or village clerk shall prepare a notice stating the nature of the proposed work or improvement, the general boundary lines of the proposed assessment district including, in the discretion of the governing body, a small map, the place and time at which the report may be inspected, and the place and time at which all interested persons, or their agents or attorneys, may appear before the governing body, a committee of the governing body or the board of public works and be heard concerning the matters contained in the preliminary resolution and the report. The notice shall be published as a class 1 notice, under ch. 985, in the city, town or village and a copy of the notice shall be mailed,

at least 10 days before the hearing or proceeding, to every interested person whose post-office address is known, or can be ascertained with reasonable diligence. The hearing shall commence not less than 10 nor more than 40 days after publication.

(b) The notice and hearing requirements under par. (a) do not apply if they are waived, in writing, by all the owners of property affected by the special assessment.

(8) (a) After the hearing upon any proposed work or improvement, the governing body may approve, disapprove or modify, or it may refer the report prepared under subs. (4) and (5) to the designated officer or employee with directions to change the plans and specifications and to accomplish a fair and equitable assessment.

(b) If an assessment of benefits is made against any property and an award of compensation or damages is made in favor of the same property, the governing body shall assess against or award in favor of the property only the difference between the assessment of benefits and the award of damages or compensation.

(c) When the governing body finally determines to proceed with the work or improvement, it shall approve the plans and specifications and adopt a resolution directing that the work or improvement be carried out and paid for in accordance with the report as finally approved.

(d) The city, town or village clerk shall publish the final resolution as a class 1 notice, under ch. 985, in the assessment district and a copy of the resolution shall be mailed to every interested person whose post-office address is known, or can be ascertained with reasonable diligence.

(e) When the final resolution is published, all work or improvements described in the resolution and all awards, compensations and assessments arising from the resolution are then authorized and made, subject to the right of appeal under sub. (12).

(9) If more than a single type of project is undertaken as part of a general improvement affecting any property, the governing body may finally combine the assessments for all purposes as a single assessment on each property affected, if each property owner may object to the assessment for any single purpose or for more than one purpose.

(10) If the actual cost of any project, upon completion or after the receipt of bids, is found to vary materially from the estimates, if any assessment is void or invalid, or if the governing body decides to reconsider and reopen any assessment, it may, after giving notice as provided in sub. (7) (a) and after a public hearing, amend, cancel or confirm the prior assessment. A notice of the resolution amending, canceling or confirming the prior assessment shall be given by the clerk as provided in sub. (8) (d). If the assessments are amended to provide for the refunding of special assessment B bonds under s. 66.0713 (6), all direct and indirect costs reasonably attributable to the refunding of the bonds may be included in the cost of the public improvements being financed.

(11) If the cost of the project is less than the special assessments levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately and if any assessments or installments have been paid the excess over cost shall be applied to reduce succeeding unpaid installments, if the property owner has elected to pay in installments, or refunded to the property owner.

(12) (a) A person having an interest in a parcel of land affected by a determination of the governing body, under sub. (8) (c), (10) or (11), may, within 90 days after the date of the notice or of the publication of the final resolution under sub. (8) (d), appeal the determination to the circuit court of the county in which the property is located. The person appealing shall serve a written notice of appeal upon the clerk of the city, town or village and execute a bond to the city, town or village in the sum of \$150 with 2 sureties or a bonding company to be approved by the city, town or village clerk, conditioned for the faithful prosecution of the appeal and the payment of all costs that may be adjudged against that person. The clerk, if an appeal is taken, shall prepare a brief statement

of the proceedings in the matter before the governing body, with its decision on the matter, and shall transmit the statement with the original or certified copies of all the papers in the matter to the clerk of the circuit court.

(b) The appeal shall be tried and determined in the same manner as cases originally commenced in circuit court, and costs awarded as provided in s. 893.80.

(c) If a contract has been made for making the improvement the appeal does not affect the contract, and certificates or bonds may be issued in anticipation of the collection of the entire assessment for the improvement, including the assessment on any property represented in the appeal as if the appeal had not been taken.

(d) Upon appeal under this subsection, the court may, based on the improvement as actually constructed, render a judgment affirming, annulling or modifying and affirming, as modified, the action or decision of the governing body. If the court finds that any assessment or any award of damages is excessive or insufficient, the assessment or award need not be annulled, but the court may reduce or increase the assessment or award of damages and affirm the assessment or award as so modified.

(e) An appeal under this subsection is the sole remedy of any person aggrieved by a determination of the governing body, whether or not the improvement was made according to the plans and specifications, and shall raise any question of law or fact, stated in the notice of appeal, involving the making of the improvement, the assessment of benefits or the award of damages or the levy of any special assessment. The limitation in par. (a) does not apply to appeals based on fraud or on latent defects in the construction of the improvement discovered after the period of limitation.

(f) It is a condition to the maintenance of an appeal that any assessment appealed from shall be paid when the assessment or any installments become due. If there is a default in making a payment, the appeal shall be dismissed.

**(13)** Every special assessment levied under this section is a lien on the property against which it is levied on behalf of the municipality levying the assessment or the owner of any certificate, bond or other document issued by public authority, evidencing ownership of or any interest in the special assessment, from the date of the determination of the assessment by the governing body. The governing body shall provide for the collection of the assessments and may establish penalties for payment after the due date. The governing body shall provide that all assessments or installments that are not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes apply to the special assessment, except as otherwise provided by statute.

**(14)** If a special assessment levied under this section is held invalid because this section is found to be unconstitutional, the governing body may reassess the special assessment under any applicable law.

**History:** 1971 c. 313; 1973 c. 19; 1977 c. 29; 1977 c. 285 s. 12; 1977 c. 418; 1979 c. 323 s. 33; 1983 a. 207; 1987 a. 27, 403; 1989 a. 322; 1991 a. 39, 316; 1995 a. 378, 419; 1997 a. 213; 1999 a. 150 ss. 525 to 535; Stats. 1999 s. 66.0703.

Under sub. (15) [now sub. (13)] the assessment lien is effective from the date of the determination of the assessment, not from the date of the publication of the resolution. *Dittner v. Town of Spencer*, 55 Wis. 2d 707, 201 N.W.2d 450 (1972).

A presumption arises that an assessment was made on the basis of benefits actually accrued. In levying a special assessment for benefits to residential property from a public improvement, the benefit to the property as commercial property may be considered only if the assessing authority can prove there is a reasonable probability of rezoning the property in the near future. *Molbreak v. Village of Shorewood Hills*, 66 Wis. 2d 687, 225 N.W.2d 894 (1975).

The plaintiff's failure to comply strictly with the express terms of sub. (12) (a) and (f) deprived the court of subject matter jurisdiction. *Bialk v. City of Oak Creek*, 98 Wis. 2d 469, 297 N.W.2d 43 (Ct. App. 1980).

"Special benefits" under sub. (1) (a) is defined as an uncommon advantage accruing to the property owner in addition to the benefit enjoyed by other property owners. *Goodger v. City of Delavan*, 134 Wis. 2d 348, 396 N.W.2d 778 (Ct. App. 1986).

Confirmation under sub. (10) permits interest to be collected from the date of the original assessment. *Gelhaus & Brost v. City of Medford*, 143 Wis. 2d 193, 420 N.W.2d 775 (Ct. App. 1988).

Sub. (12) (d) does not permit a trial court to correct an assessment that was annulled due to lack of evidence. Because sub. (12) (d) evinces an intent that the municipality

will reassess, a trial court may modify an assessment only if there is an adequate record of evidence to make the determination. *VTAE District 4 v. Town of Burke*, 151 Wis. 2d 392, 444 N.W.2d 733 (Ct. App. 1989).

Property specially assessed under the police power must be benefitted to some extent, and the method of assessment must be reasonable, not arbitrarily or capriciously burdening any group of property owners. *CTI Group v. Village of Germantown*, 163 Wis. 2d 426, 471 N.W.2d 610 (Ct. App. 1991).

Imposition of interest on an assessment from the date of enactment of an ordinance is unreasonable. *Village of Egg Harbor v. Sarkis*, 166 Wis. 2d 5, 479 N.W.2d 536 (Ct. App. 1991).

A police power special assessment must benefit the property and be made on a reasonable basis. The degree, effect, and consequences of the benefit must be examined to measure reasonableness. Mere uniformity of treatment does not establish reasonableness; rather uniqueness of a property may be the cause for the assessment being unreasonable. *Lac La Belle Golf Club v. Lac La Belle*, 187 Wis. 2d 274, 522 N.W.2d 277 (Ct. App. 1994).

Sub. (12) (a), when read with s. 895.346, allows a cash deposit in lieu of a bond. *Aiello v. Village of Pleasant Prairie*, 206 Wis. 2d 68, 556 N.W.2d 67 (1996), 95–1352.

An assessment that cannot be legally made cannot be validated by reassessment under sub. (10). An assessment that is invalid by reason of a defect or omission, even if material, may be cured by reassessment. Reassessment is not limited to situations when construction has not yet commenced, and may be made after the project is completed. *Dittberner v. Windsor Sanitary District*, 209 Wis. 2d 478, 564 N.W.2d 341 (Ct. App. 1997), 98–0877.

Appeals brought under sub. (12) (a) are exempt from the notice provisions of s. 893.80 (1). *Gamroth v. Village of Jackson*, 215 Wis. 2d 251, 571 N.W.2d 917 (Ct. App. 1997), 96–3396.

An appellant's filing under sub. (12) (a) of a notice of appeal and bond with the municipal clerk within the 90-day limit, but not in the circuit court, was a reasonable interpretation of the statute and did not result in the appeal being untimely. *Outagamie County v. Town of Greenville*, 2000 WI App 65, 233 Wis. 2d 566, 608 N.W.2d 414, 99–1575.

A summons and complaint meets the requirement of "written notice of appeal" under sub. (12) (a). *Mayek v. Cloverleaf Lakes Sanitary District #1*, 2000 WI App 182, 238 Wis. 2d 261, 617 N.W.2d 235, 99–2895.

The filing of an appeal prior to publication of the final resolution required by sub. (8) (d) was not premature under sub. (12) (a). Section 808.04 (8), which provides that a notice of appeal filed prior to the entry of the order appealed from shall be treated as filed after the entry, is applicable to appeals under this section as the result of the application of s. 801.02 (2), which makes chs. 801 to 847 applicable in all special proceedings. *Mayek v. Cloverleaf Lakes Sanitary District #1*, 2000 WI App 182, 238 Wis. 2d 261, 617 N.W.2d 235, 99–2895.

Section 60.77 authorizes town sanitary districts to levy special assessments and makes the procedures under this section applicable to those districts. As such, service of a notice of appeal on the district clerk was proper under this section. *Mayek v. Cloverleaf Lakes Sanitary District #1*, 2000 WI App 182, 238 Wis. 2d 261, 617 N.W.2d 235, 99–2895.

Legal expenses associated with an appeal of a special assessment may not be added to the assessment under sub. (5). Such legal expenses are not reasonably attributed to the work or improvement as they do not aid in its creation or development. *Bender v. Town of Kronenwetter*, 2002 WI App 284, 258 Wis. 2d 321, 654 N.W.2d 57, 02–0403.

Because special assessments can only be levied for local improvements, before the propriety of the assessment can be addressed the circuit court must initially examine whether the improvement is local. The purpose for making the improvements is relevant to resolving the nature of the improvement, but not determinative because the court must also consider the benefits the property receives. The purpose for initiating improvements must be for reasons of accommodation and convenience, and the object of the purpose must be primarily for the people in a particular locality. *Genrich v. City of Rice Lake*, 2003 WI App 255, 268 Wis. 2d 233, 673 N.W.2d 361, 03–0597.

Uniformity requires the assessment to be fairly and equitably apportioned among property owners in comparable positions. The municipality must use a method of assessment that produces a uniform and equal value for all affected properties. It is unreasonable to use the same method to assess a group of property owners when it results in an entirely disproportionate result that could easily be remedied by using a different method or to assess one group of property owners by a different method from that used to assess others if the results are entirely disproportionate. There is no per se reasonable method. *Genrich v. City of Rice Lake*, 2003 WI App 255, 268 Wis. 2d 233, 673 N.W.2d 361, 03–0597.

An availability charge assessed against each condominium unit served by a sewer extension through a single connection from the condominium lot to the sewer was not levied uniformly and imposed an inequitable cost burden as compared with the benefit accruing to the petitioners and to all benefited properties. The availability charge lacked a reasonable basis because: 1) there was no nexus between the availability charge and the district's recovery of the capital cost to it to provide sanitary sewer service to individual lots; 2) other lots with multiple habitable units and were provided the same sewer service through one stub were assessed only one availability charge; and 3) there was no showing that the condominium owners received a greater benefit than was provided to other lots that were affected by the sewer extension. *Steinbach v. Green Lake Sanitary District*, 2006 WI 63, 291 Wis. 2d 11, 715 N.W.2d 195, 03–2245.

State property is not subject to assessment of special charges under sub. (16). 69 Atty. Gen. 269.

Landowners who were not treated in a discriminatory manner and did not avail themselves of the statutory right to appeal the merits of an assessment against land based on a report under sub. (2) were not deprived of due process or equal protection and could not maintain an action under the civil rights act for damages. *Kasper v. Larson*, 372 F. Supp. 881.

Wisconsin special assessments. *Klitzke and Edgar*. 62 MLR 171 (1978).

**66.0705 Property of public and private entities subject to special assessments.** (1) (a) The property of this state, except that held for highway right-of-way purposes or acquired



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and held for purposes under s. 85.09, and the property of every county, city, village, town, school district, sewerage district or commission, sanitary or water district or commission, or any public board or commission within this state, and of every corporation, company or individual operating any railroad, telegraph, telecommunications, electric light or power system, or doing any of the business mentioned in ch. 76, and of every other corporation or company is in all respects subject to all special assessments for local improvements.

(b) Certificates and improvement bonds for special assessments may be issued and the lien of the special assessments enforced against property described in par. (a), except property of the state, in the same manner and to the same extent as the property of individuals. Special assessments on property described in par. (a) may not extend to the right, easement or franchise to operate or maintain railroads, telegraph, telecommunications or electric light or power systems in streets, alleys, parks or highways. The amount represented by any certificate or improvement bond issued under this paragraph is a debt due personally from the corporation, company or individual, payable in the case of a certificate when the taxes for the year of its issue are payable, and in the case of a bond according to the terms of the bond.

(2) In this subsection, “assessment” means a special assessment on property of this state and “project” means any continuous improvement within overall project limits regardless of whether small exterior segments are left unimproved. If the assessment of a project is less than \$50,000, or if the assessment of a project is \$50,000 or more and the building commission approves the assessment under s. 66.0703 (6), the state agency which manages the property shall pay the assessment from the revenue source which supports the general operating costs of the agency or program against which the assessment is made.

**History:** 1977 c. 29; 1977 c. 418 ss. 431, 924 (48); 1983 a. 27; 1985 a. 187; 1985 a. 297 s. 76; 1987 a. 27; 1999 a. 150 s. 548; Stats. 1999 s. 66.0705.

**66.0707 Assessment or special charge against property in adjacent city, village or town. (1)** A city, village or town may levy special assessments for municipal work or improvement under s. 66.0703 on property in an adjacent city, village or town, if the property abuts and benefits from the work or improvement and if the governing body of the municipality where the property is located by resolution approves the levy by resolution. The owner of the property is entitled to the use of the work or improvement on which the assessment is based on the same conditions as the owner of property within the city, village or town.

(2) A city, village or town may impose a special charge under s. 66.0627 against real property in an adjacent city, village or town that is served by current services rendered by the municipality imposing the special charge if the municipality in which the property is located approves the imposition by resolution. The owner of the property is entitled to the use and enjoyment of the service for which the special charge is imposed on the same conditions as the owner of property within the city, village or town.

(3) A special assessment or special charge under this section is a lien against the benefited property and shall be collected by the treasurer in the same manner as the taxes of the municipality and paid over by the treasurer to the treasurer of the municipality levying the assessment.

**History:** 1991 a. 316; 1999 a. 150 ss. 192, 550, 551; Stats. 1999 s. 66.0707.

**66.0709 Preliminary payment of improvements funded by special assessments. (1)** In this section:

(a) “Local governmental unit” has the meaning given in s. 66.0713 (1) (c).

(b) “Public improvement” has the meaning given in s. 66.0713 (1) (d).

(2) If it is determined that the cost of a public improvement is to be paid, in whole or in part, by special assessments against the property to be benefited by the improvement, the resolution

authorizing the public improvement shall provide that the whole, or any stated proportion, or no part of the estimated aggregate cost of the public improvement, which is to be levied as special assessments, shall be paid into the treasury of the local governmental unit in cash. The public improvement may not be commenced nor any contract for the improvement let until the payment required by the resolution is paid into the treasury of the local governmental unit by the owner or persons having an interest in the property to be benefited. The payment shall be credited against the amount of the special assessments levied or to be levied against benefited property designated by the payer. If a preliminary payment is required by the resolution, the refusal of one or more owners or persons having an interest in the property to be benefited to pay any preliminary payments does not prevent the making of the improvement if the entire specified sum is obtained from the remaining owners or interested parties.

**History:** 1999 a. 150 ss. 193, 194, 506.

**66.0711 Discount on cash payments for public improvements. (1)** In this section:

(a) “Local governmental unit” has the meaning given in s. 66.0713 (1) (c).

(b) “Public improvement” has the meaning given in s. 66.0713 (1) (d).

(2) Every bid received for any public improvement which is not to be paid wholly in cash shall contain a provision that all payments made in cash by the local governmental unit as provided by contract or made on special assessments are subject to a specified rate of discount. The treasurer of the local governmental unit shall issue a receipt for every payment made on any special assessment, stating the date and amount of the cash payment, the discount and the total credit including the discount on a specified special assessment. The treasurer shall on the same day deliver a duplicate of the receipt to the clerk, who shall credit the specified assessments accordingly. All moneys so received shall be paid to the contractor as provided by the contract.

**History:** 1999 a. 150 ss. 202, 507, 508.

**66.0713 Contractor’s certificates; general obligation-local improvement bonds; special assessment B bonds. (1)** DEFINITIONS. In this section, unless a different meaning clearly appears from the context:

(a) “Contractor” means the person, firm or corporation performing the work or furnishing the materials, or both, for a public improvement.

(am) “Debt service fund” means the fund, however derived, set aside for the payment of principal and interest on contractor’s certificates or bonds issued under this section.

(b) “Governing body” means the body or board vested by statute with the power to levy special assessments for public improvements.

(c) “Local governmental unit” means county, city, village, town, farm drainage board, sanitary districts, utility districts, public inland lake protection and rehabilitation districts, and all other public boards, commissions or districts, except 1st class cities, authorized by law to levy special assessments for public improvements against the property benefited by the special improvements.

(d) “Public improvement” means the result of the performance of work or the furnishing of materials or both, for which special assessments are authorized to be levied against the property benefited by the work or materials.

(2) PAYMENT BY CONTRACTOR’S CERTIFICATE. (a) If a public improvement has been made and has been accepted by the governing body of the local governmental unit, it may issue to the contractor for the public improvement a contractor’s certificate as to each parcel of land against which special assessments have been levied for the unpaid balance of the amount chargeable to the parcel, describing each parcel. The certificate shall be substantially in the following form:

\$...

No. ....

(name of local governmental unit)  
CONTRACTOR'S CERTIFICATE  
FOR CONSTRUCTION OF ....  
(name of local governmental unit)  
ISSUED PURSUANT TO  
SECTION 66.0713 (2), WIS. STATS.

We, the undersigned officers of the (name of local governmental unit), certify that (name and address of contractor) has performed the work of constructing .... in .... benefiting the following premises: (insert legal description) in the (name of local governmental unit) .... County, Wisconsin, pursuant to a contract entered into by (name of local governmental unit) with .... (name of contractor), dated ....., and that .... entitled to the sum of .... dollars, the unpaid balance due for the work chargeable to the property described above.

If the unpaid balance due is not paid to the treasurer of (name of local governmental unit) before the first day of the following December, that amount shall be extended upon the tax roll of the (name of local governmental unit) against the property above described as listed in the tax roll, and collected as provided by law.

This certificate is transferable by endorsement but an assignment or transfer by endorsement is invalid unless recorded in the office of the clerk of the (name of local governmental unit) and the fact of the recording is endorsed on this certificate. THE HOLDER OF THIS CERTIFICATE HAS NO CLAIM UPON THE (Name of local governmental unit), EXCEPT FROM THE PROCEEDS OF THE SPECIAL ASSESSMENTS LEVIED FOR THE WORK AGAINST THE ABOVE DESCRIBED LAND.

This certificate shall bear interest from its date to the following January 1.

Given under our hands at (name of local governmental unit), this .... day of ....., .... (year)

.....  
(Mayor, President, Chairperson)

Countersigned:

.....

Clerk, (name of local governmental unit)

ASSIGNMENT RECORD

Assigned by .... (Original Contractor) to .... (Name of Assignee) of .... (Address of Assignee) .... (Date and signature of clerk)

(b) A contractor's certificate is not a liability of a local governmental unit and shall so state in boldface type printed on the face of the certificate. Upon issuance of a certificate, the clerk of the local governmental unit shall immediately deliver to the treasurer of the local governmental unit a schedule of each certificate showing the date, amount, number, date of maturity, person to whom issued and parcel of land against which the assessment is made. The treasurer shall notify, by mail, the owner of the parcel, as the owner appears on the last assessment roll, that payment is due on the certificate at the office of the treasurer, and if the owner pays the amount due, the clerk shall pay that amount to the registered holder of the certificate, and shall endorse the payment on the face of the certificate and on the clerk's record of the certificate. The clerk shall keep a record of the names of the persons, firms or corporations to whom contractor's certificates are issued and of the assignees of certificates when the assignment is known to the clerk. Assignments of contractor's certificates are invalid unless recorded in the office of the clerk of the local governmental unit and the fact of recording is endorsed on the certificate. Upon final payment of the certificate, the certificate shall be delivered to the treasurer of the local governmental unit and by the treasurer delivered to the clerk. On the first of each month, to and including December 1, the treasurer shall certify to the clerk a detailed statement of all payments made on certificates.

(c) If a contractor's certificate is not paid before December 1 in the year in which issued, the comptroller or clerk of the local governmental unit shall include in the statement of special assess-

ments to be placed in the next tax roll an amount sufficient to pay the certificate, with interest from the date of the certificate to the following January 1, and the proceedings for the collection of that amount shall be the same as the proceedings for the collection of general property taxes, except as otherwise provided in this section. The delinquent taxes shall be returned to the county treasurer in trust for collection and not for credit. All moneys collected by the treasurer of the local governmental unit or by the county treasurer and remitted to the treasurer of the local governmental unit on account of the special assessments shall be delivered to the owner of the contractor's certificate on demand.

(3) GENERAL OBLIGATION-LOCAL IMPROVEMENT BONDS. For the purpose of anticipating the collection of special assessments payable in installments as provided in s. 66.0715 (3) and after the installments have been determined, the governing body may issue general obligation-local improvement bonds under s. 67.16.

(4) SPECIAL ASSESSMENT B BONDS. (a) For the purpose of anticipating the collection of special assessments payable in installments, as provided in s. 66.0715 (3) and after the installments have been determined, the governing body may issue special assessment B bonds payable out of the proceeds of the special assessments as provided in this section. The bonds are not a general liability of the local governmental unit.

(b) The issue of special assessment B bonds shall be in an amount not exceeding the aggregate unpaid special assessments levied for the public improvement that the issue is to finance. A separate bond shall be issued for each separate assessment and the bond shall be secured by and be payable out of only the assessment against which it is issued. The bonds shall mature in the same number of installments as the underlying special assessments. The bonds shall carry coupons equal in number to the number of special assessments. The coupons shall be detachable and entitle the owner of the bond to the payment of principal and interest collected on the underlying special assessments. The bond shall be executed as provided in s. 67.08 (1) and may be registered under s. 67.09. Each bond shall include a statement that it is payable only out of the special assessment on the particular property against which it is issued and the purpose for which the assessment was levied and other provisions that the governing body inserts.

(ba) Payments of principal and interest shall conform as nearly as possible to the payments to be made on the installments of the assessment, and the principal and interest to be paid on the bonds shall not exceed the principal and interest to be received on the assessment. All collections of installments of the special assessments levied to pay for the public improvement, either before or after delinquency, shall be placed by the treasurer of the local governmental unit in a special debt service fund designated and identified for the bond issue and shall be used only for the payment of the bonds and interest of the issue. Any surplus in the debt service fund after all bonds and interest are fully paid shall be paid into the general fund.

(c) Special assessment B bonds shall be registered in the name of the owner on the records of the clerk of the local governmental unit that issued the bonds. Upon transfer of the ownership of the bonds the transfer shall be noted upon the bond and on the record of the clerk of the local governmental unit. Any transfer not so recorded is void and the clerk of the local governmental unit may make payments of principal and interest to the owner of the bond as registered on the books of the local governmental unit.

(d) Principal and interest collected on the underlying special assessments and interest collected on the delinquent special assessments and on delinquent tax certificates issued for the delinquent assessments shall be paid by the treasurer of the local governmental unit out of the debt service fund created for the issue of the bonds to the registered holder of the bonds upon the presentation and surrender of the coupons due attached to the bonds. If any installment of the special assessment entered in the tax roll is not paid to the treasurer of the local governmental unit with the other taxes, it shall be returned to the county treasurer as delinquent in trust for collection.

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(e) If the tax certificate resulting from the delinquent special assessment is redeemed by any person other than the county, the county treasurer shall pay to the local governmental unit the full amount received for the tax certificate, including interest, and the treasurer of the local governmental unit shall then pay the amount of the remittance into a special debt service fund created for the payment of the special assessment B bonds.

(5) AREA-GROUPED SPECIAL ASSESSMENT B BONDS. (a) If the governing body determines to issue special assessment B bonds under sub. (4), it may group the special assessments levied against benefited lands and issue of the bonds against the special assessments grouped as a whole. All of the bonds shall be equally secured by the assessments without priority one over the other.

(b) All of the following apply to area-grouped special assessment B bonds issued under this section:

1. For the purpose of anticipating the collection of special assessments payable in installments under this section and after the installments have been determined, the governing body may issue area-grouped special assessment B bonds payable out of the proceeds of the special assessments as provided under sub. (4). The bonds are not a general liability of the local governmental unit.

2. The issue of the bonds shall be in an amount not exceeding the aggregate unpaid special assessments levied for the public improvement or projects which the issue is to finance. The bonds shall mature over substantially the same period of time in which the special assessment installments are to be paid. The bonds shall be bearer bonds or may be registered bonds under s. 67.09. The bonds shall be executed as provided in s. 67.08 (1) and shall include a statement that they are payable only from the special debt service fund provided for in subd. 4. and a fund created under sub. (7) for the collection and payment of the special assessment and any other provisions that the governing body deems proper to insert.

4. All collections of principal and interest on the underlying special assessments and installments, either before or after delinquency and after issuance of a tax certificate under s. 74.57, shall be placed by the treasurer of the local governmental unit in a special debt service fund created, designated and identified for the issue of the bonds and used only for payment of the bonds and interest on the bonds to the holders of the bonds or coupons in accordance with the terms of the issue. Any surplus in the debt service fund, after all bonds and interest on the bonds are fully paid, shall be paid into the general fund.

5. If the tax certificate is redeemed by any person other than the county, the county treasurer shall pay to the local governmental unit the full amount received for the certificate, including interest, and the treasurer of the local governmental unit shall pay the amount of the remittance into the special debt service fund created for the payment of the bonds.

7. A holder of the bonds or of any coupons attached to the bonds has a lien against the special debt service fund created under subd. 4. for payment of the bonds and interest on the bonds and against any reserve fund created under sub. (7) and may either at law or in equity protect and enforce the lien and compel performance of all duties required by this section of the local governmental unit issuing the bonds.

(6) REFUNDING B BONDS. A local governmental unit may issue refunding B bonds to refund any outstanding special assessment B bonds issued under sub. (4) or (5). The refunding B bonds shall be secured by and payable only from the special assessments levied to pay for the public improvements financed by the bonds to be refunded, and are not a general liability of the local governmental unit. If bonds issued under sub. (4) are to be refunded, the provisions of sub. (4) (b) to (e) apply to the refunding B bonds; if bonds issued under sub. (5) are to be refunded, the provisions of sub. (5) (b) apply to the refunding B bonds. If the governing body determines that it is necessary to amend the prior assessments in connection with the issuance of refunding B bonds under this sec-

tion, it may reconsider and reopen the assessments under s. 66.0703 (10). The notice and hearing under s. 66.0703 (10) may be waived under s. 66.0703 (7) (b) by the owners of the property affected. If the assessments are amended, the refunding B bonds shall be secured by and payable from the special assessments as amended. If the assessments are amended, all direct and indirect costs reasonably attributable to the refunding of the bonds may be included in the cost of the public improvements being financed. If the governing body determines to issue refunding B bonds, it may create a reserve fund for the issue under sub. (7).

(7) RESERVE FUND FOR SPECIAL ASSESSMENT B BONDS AND REFUNDING B BONDS. If the governing body determines to issue special assessment B bonds under sub. (4) or refunding B bonds under sub. (6), it may establish in its treasury a fund to be designated as a reserve fund for the particular bond issue, to be maintained until the obligation is paid or otherwise extinguished. Any surplus in the reserve fund after all the bonds have been paid or canceled shall be carried into the general fund of the local governmental unit's treasury. The source of the fund shall be established either from proceeds of the bonds, the general fund of the local governmental unit's treasury or by the levy of an irrevocable and irrevocable general tax. The bonds are not a general liability of the local governmental unit.

(8) PAYMENT OF B BONDS FROM TAX LEVY. Any local governmental unit authorized to issue special assessment B bonds, in addition to the special assessments or bond proceeds or other sources, may appropriate funds out of its annual tax levy for the payment of the bonds. The payment of the bonds out of funds from a tax levy may not be construed as constituting an obligation of the local governmental unit to make any other such appropriation.

(9) PAYMENT BY LOCAL GOVERNMENTAL UNIT. If a public improvement has been paid for by the local governmental unit, contractor's certificates under sub. (2), general obligation-local improvement bonds under s. 67.16, or special assessment B bonds under sub. (4) may be issued to the local governmental unit as the owner of the certificates or bonds. All of the provisions of subs. (2) and (4) and s. 67.16 applicable to the contractor or to the owner of the contractor's certificates, the general obligation-local improvement bonds or the special assessment B bonds shall be deemed to include the local governmental unit which has paid for the improvement and to which the contractor's certificates, general obligation-local improvement bonds or special assessment B bonds have been issued, except as otherwise provided in this section.

(10) LEGALITY OF PROCEEDINGS; CONCLUSIVE EVIDENCE. After the expiration of 90 days from the date of a contractor's certificate or special assessment B bond, the certificate or bond is conclusive evidence of the legality of all proceedings up to and including the issue of the certificate or bond and prima facie evidence of the proper construction of the improvement.

**History:** 1973 c. 172; 1977 c. 29 s. 1646 (3); 1977 c. 391; 1979 c. 110 s. 60 (13); 1981 c. 390 s. 252; 1983 a. 24; 1983 a. 189 ss. 66, 329 (14); 1983 a. 192; 1983 a. 207 ss. 32, 33, 93 (8); 1987 a. 197, 378, 403; 1991 a. 237, 316; 1993 a. 184; 1997 a. 250; 1999 a. 150 ss. 203, 502, 503, 509 to 513, 516, 517, 519, 522, 523; Stats. 1999 s. 66.0713; 2005 a. 253.

**66.0715 Deferral of special assessments; payment of special assessments in installments. (1) DEFINITIONS.** In this section:

(a) "Governing body" has the meaning given in s. 66.0713 (1) (b).

(b) "Local governmental unit" has the meaning given in s. 66.0713 (1) (c).

(c) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

(2) DEFERRAL. (a) Notwithstanding any other statute, the due date of any special assessment levied against property abutting on or benefited by a public improvement may be deferred on the terms and in the manner prescribed by the governing body while

no use of the improvement is made in connection with the property. A deferred special assessment may be paid in installments within the time prescribed by the governing body. A deferred special assessment is a lien against the property from the date of the levy.

(b) If a tax certificate is issued under s. 74.57 for property which is subject to a special assessment that is deferred under this subsection, the governing body may provide that the amounts of any deferred special assessments are due on the date that the tax certificate is issued and are payable as are other delinquent special assessments from any moneys received under s. 75.05 or 75.36.

(c) The lien of any unpaid amounts of special assessments deferred under this subsection with respect to which a governing body has not taken action under par. (b) is not merged in the title to property taken by the county under ch. 75.

**(3) ANNUAL INSTALLMENTS.** (a) The governing body of a local governmental unit may provide that special assessments levied to defray the cost of a public improvement or a project constituting part of a general public improvement, except sprinkling or oiling streets, may be paid in annual installments.

(b) The first installment shall include a proportionate part of the principal of the special assessment, determined by the number of installments, together with interest on the whole assessment from a date, not before the date of the notice under par. (e), and to that date, not later than December 31, in the year in which the installment is to be collected as determined by the governing body. Each subsequent installment shall include the same proportion of the principal and one year's interest on the unpaid portion of the assessment.

(c) The first installment shall be entered in the first tax roll prepared after the installments have been determined as a special tax on the property upon which the special assessment was levied and shall be treated as any other tax of a local governmental unit, except as otherwise provided in this section. Each subsequent installment shall be entered in each of the subsequent annual tax rolls until all installments are levied.

(d) If any installment entered in the tax roll is not paid to the treasurer of the local governmental unit with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate, except as otherwise provided in this section.

(e) If the governing body determines to permit special assessments for a local improvement to be paid in installments it shall publish a class 1 notice, under ch. 985. The notice shall be substantially in the following form:

#### INSTALLMENT ASSESSMENT NOTICE

Notice is hereby given that a contract has been (or is about to be) let for (describe the improvement) and that the amount of the special assessment for the improvement has been determined as to each parcel of real estate affected and a statement of the assessment is on file with the.... clerk; it is proposed to collect the special assessment in.... installments, as provided for by section 66.0715 of the Wisconsin Statutes, with interest at.... percent per year; that all assessments will be collected in installments as provided above except assessments on property where the owner files with the.... clerk within 30 days from date of this notice a written notice that the owner elects to pay the special assessment on the owner's property, describing the property, to the.... treasurer on or before the following November 1, unless the election is revoked. If, after making the election, the property owner fails to make the payment to the.... treasurer, the.... clerk shall place the entire assessment on the following tax roll.

Dated....

.... [Clerk of (name of local governmental unit)]

(f) After the time for making an initial election to pay the special assessment in full under par. (e) expires, the assessment may be paid in full before due upon payment of that portion of the interest to become due as the governing body determines.

(fm) 1. Between the time that a property owner elects to pay the special assessment in full under par. (e) and 30 days before the time that payment is due, the property owner may revoke his or her initial election and, subject to subds. 2. and 3., shall pay the special assessment in installments if the governing body that levied the special assessment adopts a resolution consenting to the revocation.

2. If the first installment has been paid by property owners under par. (c) before the date on which payment in full would have been due for a property owner who initially elected to pay the special assessment in one lump sum, the next property tax bill sent to a person who revoked his or her initial election to make a lump sum payment shall include all of the following amounts:

a. An amount equal to what the first installment would have been under par. (b) if the property owner's initial election had been to pay the special assessment in installments.

b. Interest on that amount at the rate used by the local governmental unit for installment payments under par. (b), covering the period between the date that the initial election was made under par. (e) and the date on which the installment is paid.

c. The amount of the 2nd installment, as calculated under par. (b).

3. If the first installment has not been paid by property owners under par. (c) before the date on which payment in full would have been due for a property owner who initially elected to pay the special assessment in one lump sum, the next property tax bill sent to a person who revoked his or her initial election to make a lump sum payment shall be an amount calculated under par. (b) plus interest on that amount at the rate used by the local governmental unit for installment payments under par. (b), covering the period between the date that the initial election was made under par. (e) and the date on which the installment is paid.

(g) A schedule of the assessments and assessment installments shall be recorded in the office of the clerk of the local governmental unit as soon as practicable.

(h) All special assessments and installments of special assessments which are returned to the county as delinquent by any municipal treasurer under this section shall be accepted by the county in accordance with this section and shall be set forth in a separate column of the delinquent return.

**History:** 1999 a. 150 ss. 204, 205, 514, 537.

**66.0717 Lien of special assessment.** A special assessment levied under any authority is a lien on the property against which it is levied on behalf of the municipality levying the assessment or the owner of any certificate, bond or other document issued by the municipality, evidencing ownership of any interest in the special assessment, from the date of the levy, to the same extent as a lien for a tax levied upon real property.

**History:** 1987 a. 378; 1999 a. 150 s. 536; Stats. 1999 s. 66.0717.

**66.0719 Disposition of special assessment proceeds where improvement paid for out of general fund or municipal obligations.** (1) In this section:

(a) "Local governmental unit" has the meaning given in s. 66.0713 (1) (c).

(b) "Public improvement" has the meaning given in s. 66.0713 (1) (d).

(2) If a special assessment is levied for any public improvement, any amount collected on that special assessment or received from the county shall be deposited in the general fund of the local governmental unit if the payment for the improvement was made out of its general fund, deposited in the funds and accounts of a public utility established under s. 66.0621 (4) (c) if the improvement was paid out of the proceeds of revenue obligations of the local governmental unit, or deposited in the debt service fund required for the payment of bonds or notes issued under ch. 67 if the improvement was paid out of the proceeds of the bonds or notes. That special assessment, when delinquent, shall be

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returned in trust for collection and the local governmental unit has the same rights as provided in s. 67.16 (2) (c).

**History:** 1999 a. 150 ss. 206, 520, 521; 2003 a. 321.

**66.0721 Special assessments on certain farmland for construction of sewerage or water system. (1)** In this section:

(a) “Agricultural use” has the meaning given in s. 91.01 (1) and includes any additional agricultural uses of land, as determined by the town sanitary district or town.

(b) “Eligible farmland” means a parcel of 35 or more acres of contiguous land which is devoted exclusively to agricultural use which during the year preceding the year in which the land is subject to a special assessment under this section produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years preceding the year in which the land is subject to a special assessment under this section, produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000.

(2) Except as provided in sub. (3), no town sanitary district or town may levy any special assessment on eligible farmland for the construction of a sewerage or water system.

(3) (a) If any eligible farmland contains a structure that is connected to a sanitary sewer or public water system at the time, or after the time, that a town sanitary district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located, the town sanitary district or town may levy a special assessment for the construction of a sewerage or water system on the eligible farmland that includes that structure. If that connection is made after the first assessment, the town sanitary district or town may also charge interest, from the date that the connection is made, on the special assessment at an annual rate that does not exceed the average interest rate paid by the district or town on its obligations between the time the district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located and the time it levies the special assessment on that eligible farmland. That assessment may not exceed the equivalent of an assessment for that purpose on a square acre or, if the governing body of a town sanitary district or town so specifies by ordinance, the maximum size of any lot that is in that service area and that is not devoted exclusively to agricultural use.

(b) If after an initial special assessment for the construction of a sewerage or water system is levied in a service area any eligible farmland subject to par. (a) or exempted from a special assessment under sub. (2) is divided into 2 or more parcels at least one of which is not devoted exclusively to agricultural use, the town sanitary district or town may levy on each parcel on which it has either levied a special assessment under par. (a) or has not levied a special assessment for the construction of a sewerage or water system a special assessment for that purpose that does not exceed the amount of the special assessment for that purpose that would have been levied on the parcel if the parcel had not been exempt under sub. (2) or that has already been levied under par. (a). The special assessment shall be apportioned among the parcels resulting from the division in proportion to their area. The town sanitary district or town may also charge interest, from the date the eligible farmland is divided into 2 or more parcels at least one of which is not devoted exclusively to agricultural use, on the special assessment at an annual rate that does not exceed the average interest rate paid by the district or town on its obligations between the time the district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located and the time it levies the special assessment on that eligible farmland under this paragraph. This paragraph does not apply to any eligible farmland unless the town sanitary district or town records a lien on that eligible farmland in the office of the register of deeds within 90 days after it first levies a special assessment for the construction of a sewerage or water system for the service area in which the eligible farmland is

located, describing either the applicability of par. (a) or the exemption under sub. (2) and the potential for a special assessment under this paragraph.

(c) If, after a town sanitary district or town first levies a special assessment for the construction of a sewerage or water system in a service area, the eligible farmland in that service area exempted from the special assessment under sub. (2) is not devoted exclusively to agricultural use for a period of one year or more, the town sanitary district or town may levy on that eligible farmland the special assessment for the construction of a sewerage or water system that it would have levied if the eligible farmland had not been exempt under sub. (2). The town sanitary district or town may also charge interest, from the date the eligible farmland has not been devoted exclusively to agricultural use for a period of at least one year, on the special assessment at an annual rate that does not exceed the average interest rate paid by the district or town on its obligations between the time the district or town first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located and the time it levies the special assessment on that eligible farmland. This paragraph does not apply to any land unless the town or special purpose district records a lien on that eligible farmland in the office of the register of deeds within 90 days after it first levies a special assessment for the construction of a sewerage or water system in the service area in which the eligible farmland is located, describing the exemption under sub. (2) and the potential for a special assessment under this paragraph.

**History:** 1999 a. 150 ss. 208, 530; Stats. 1999 s. 66.0721.

A “parcel” under sub. (1) (b) is a contiguous portion of land greater than 35 acres regardless of the number of parcels into which it might be divided for tax purposes. *Bender v. Town of Kronenwetter*, 2002 WI App 284, 258 Wis. 2d 321, 654 N.W.2d 57, 02–0403.

**66.0723 Utilities, special assessments. (1)** If a city, village or town constructs, extends or acquires by gift, purchase or otherwise a distribution system or a production or generating plant for the furnishing of light, heat or power to any municipality or its inhabitants, the city, village or town may assess all or some of the cost to the property benefited, whether abutting or not, in the same manner as is provided for the assessment of benefits under s. 66.0703.

(2) Special assessments under this section may be made payable and certificates or bonds issued under s. 66.0713. In a city, village or town where no official paper is published, notice may be given by posting the notice in 3 public places in the city, village or town.

**History:** 1993 a. 246; 1999 a. 150 s. 233; Stats. 1999 s. 66.0723.

**66.0725 Assessment of condemnation benefits. (1)**

As a complete alternative to any other method provided by law, for the purpose of payment of the expenses, including the excess of damages and all other expenses and costs, incurred for the taking of private property for the purpose set forth in ss. 32.02 (1), 61.34 (3) and 62.22, the governing body of a town, city or village may, by resolution, levy and assess the whole or any part of the expenses, as a special assessment upon the property that the governing body determines is specially benefited by the taking. The governing body shall include in the levy the whole or any part of the excess of benefits over total damages, if any, and make a list of every lot or parcel of land assessed, the name of the owner, if known, and the amount levied on the property.

(2) The resolution under sub. (1) shall be published as a class 2 notice, under ch. 985, with a notice that at the time and place stated the governing body will meet and hear objections to the assessment. If the resolution levies an assessment against property outside the corporate limits, notice shall be given by mailing a copy of the resolution and the notice by registered mail to the last-known address of the owner of the property. A copy of the resolution shall be filed with the clerk of the town in which the property is located.

(3) At the time fixed the governing body shall meet and hear objections, and for that purpose may adjourn to a date set by the

governing body, until the hearing is completed, and shall by resolution confirm or modify the assessment in whole or in part. At any time before the first day of the next November any party liable may pay the assessment to the town, city or village treasurer. On November 1, if the assessment remains unpaid, the treasurer shall make a certified statement showing what assessments under this section remain unpaid, and file the statement with the clerk, who shall place the unpaid assessments on the tax roll for collection.

(4) The town clerk shall enter on the tax roll the benefits not offset by damages or an excess of benefits over damages which are levied as a special assessment under this section by a city or village on land in the town and shall collect the assessment in the same manner as other taxes. The assessments collected shall be paid over to the city or village treasurer to be applied in payment of any damages or excess of damages over benefits awarded by the assessment. If the amount of special assessments is insufficient to pay all damages or excess of damages over benefits awarded, the difference shall be paid by the city or village. Damages or excess of damages over benefits may be paid out of the fund before the collection of the special assessments and reimbursed when collected.

(5) Any person against whose land an assessment of benefits is made under this section may appeal as prescribed in s. 32.06 (10) within 30 days of the adoption of the resolution required under sub. (3).

**History:** 1999 a. 150 s. 546; Stats. 1999 s. 66.0725.

**66.0727 Special assessments against railroad for street improvement.** (1) (a) If a city, village or town improves a street, alley or public highway within its corporate limits, including by grading, curbing or paving, if the entire or partial cost of the improvement is assessed against abutting property, and if the street, alley or public highway is crossed by the track of a railroad engaged as a common carrier, the common council or board of public works of the city, or the village or town board, shall, at any time after the completion and acceptance of the improvement by the municipality, file with the local agent of the railroad corporation operating the railroad a statement showing the amount chargeable to the railroad corporation for the improvement.

(b) The amount chargeable to the railroad corporation is the amount equal to the cost of constructing the improvement along the street, alley or public highway immediately in front of and abutting its right-of-way on each side of the street, alley or public highway at the point where the track crosses the street, alley or public highway, based upon the price per square yard, lineal foot or other unit of value used in determining the total cost of the improvement.

(2) The amount charged against a railroad corporation for improving the street, alley or public highway, fronting or abutting its right-of-way, may not exceed the average amount per front foot assessed against the remainder of the property fronting or abutting on the improved street, alley or public highway. The amount calculated under sub. (1) and contained in the statement is due and payable by the railroad corporation to the municipality filing the statement within 30 days of the date when the statement is presented to the local representative of the railroad corporation.

(3) If a railroad corporation fails or refuses to pay a city, village or town the amount set forth in any statement or claim for street, alley or public highway improvements under this section within the time specified in the statement, the city, village or town has a claim for that amount against the railroad corporation and may maintain an action in any circuit court within this state to recover the amount in the statement.

(4) This section does not preclude a city, village or town from using any other lawful method to compel a railroad corporation to pay its proportionate share of a street, alley or public highway improvement.

**History:** 1977 c. 72; 1993 a. 246, 490; 1995 a. 225; 1999 a. 150 ss. 209, 552, 554; Stats. 1999 s. 66.0727.

**66.0729 Improvement of streets by abutting railroad company.** (1) If the track of a railroad is laid upon or along a street, alley or public highway within any city, village or town, the corporation operating the railroad shall maintain and improve the portion of the street, alley or public highway that is occupied by its tracks. The railroad corporation shall grade, pave or otherwise improve the portion of the street, alley or public highway in the manner and with the materials that the common council of the city or the village or town board determines. The railroad corporation is not required to pave or improve that portion of the street, alley or public highway occupied by it with different material or in a different manner from that in which the remainder of the street is paved or improved. The railroad corporation is liable to pay for paving, grading or otherwise improving a street, alley or public highway only to the extent that the actual cost of the improvement exceeds the estimated cost of the improvement were the street, alley or public highway not occupied by the tracks of the railroad.

(2) If a city, village or town orders a street, alley or public highway to be paved, graded, curbed or improved, as provided in sub. (1), the clerk of the city, village or town shall serve the local agent of the railroad corporation a notice setting forth the action taken by the city, village or town relative to the improvement of the street, alley or public highway.

(3) If the railroad corporation elects to construct the street, alley or public highway improvement, it shall within 10 days of the receipt of the notice from the clerk of the city, village or town, file with the clerk a notice of its intention to construct the street, alley or public highway improvement, and it shall be allowed until the following June 30 to complete the work, unless the work is ordered after May 20 of any year, and in that case the railroad corporation shall be allowed 40 days from the time the clerk of the municipality presents the notice to the railroad agent in which to complete the work.

(4) If a city, village or town orders a street, alley or public highway improved under sub. (1) and serves notice on the railroad corporation under sub. (2) and the railroad corporation elects not to construct the improvement or elects to construct the improvement but fails to construct the improvement within the time under sub. (3), the city, village or town shall let a contract for the construction of the improvement and improve the street, alley or public highway as determined under sub. (1). When the improvement is completed and accepted by the city, village or town, the clerk of the city, village or town shall present to the local agent of the railroad corporation a statement of the actual cost of the improvement and the railroad corporation shall, within 20 days of receipt of the statement, pay the treasurer of the city, village or town the amount shown by the statement.

(5) If a railroad corporation fails to pay the cost of constructing any pavement or other street improvement under sub. (1), the city, village or town responsible for the improvement may enforce collection of the amount by an action against the railroad corporation as provided in s. 66.0727 (3).

(6) This section does not preclude a city, village or town from using any other lawful method to compel a railroad corporation to pay its proportionate share of a street, alley or public highway improvement.

**History:** 1977 c. 72; 1993 a. 246; 1999 a. 150 ss. 210, 555, 556, 558, 560; Stats. 1999 s. 66.0729.

**66.0731 Reassessment of invalid condemnation and public improvement assessments.** (1) If in an action, other than an action under s. 66.0703 (12), involving a special assessment, special assessment certificate, bond or note or tax certificate based on the special assessment, the court determines that the assessment is invalid for any cause, it shall stay all proceedings, frame an issue and summarily try the issue and determine the amount that the plaintiff justly ought to pay or which should be justly assessed against the property in question. That amount shall be ordered to be paid into court for the benefit of the parties entitled to the amount within a fixed time. Upon compliance with

## 66.0731 MUNICIPAL LAW

the order judgment shall be entered for the plaintiff with costs. If the plaintiff fails to comply with the order the action shall be dismissed with costs.

(2) If the common council, village board or town board determines that any special assessment is invalid for any reason, it may reopen and reconsider the assessment as provided in s. 66.0703 (10).

**History:** 1983 a. 532; 1987 a. 378; 1999 a. 150 s. 547; Stats. 1999 s. 66.0731.

**66.0733 Repayment of assessments in certain cases.**

If a contract for improvements entered into by a governmental unit authorized to levy special assessments is declared void by a court of last resort, the governing body may provide that all persons who have paid all or any part of any assessment levied against the abutting property owners because of the improvement may be reimbursed the amount of the assessment, paid from the fund, that the governing body determines. This section applies to contracts for improvements that are void for any of the following reasons:

(1) There was insufficient authority to make the contract.

(2) The contract was made contrary to a prohibition against contracting in other than a specified way.

(3) The contract was prohibited by statute.

**History:** 1993 a. 246; 1999 a. 150 s. 501; Stats. 1999 s. 66.0733.

## SUBCHAPTER VIII

## PUBLIC UTILITIES

**66.0801 Definitions; effect on other authority. (1)** In this subchapter:

(a) “Municipal public utility” means a public utility owned or operated by a city, village or town.

(b) “Public utility” has the meaning given in s. 196.01 (5).

(2) Sections 66.0803 to 66.0825 do not deprive the office of the commissioner of railroads, department of transportation or public service commission of any power under ss. 195.05 and 197.01 to 197.10 and ch. 196.

**History:** 1999 a. 150.

**66.0803 Acquisition of public utility or bus transportation system. (1)**

(a) A town, village or city may construct, acquire or lease any plant and equipment located in or outside the municipality, including interest in or lease of land, for furnishing water, light, heat or power, to the municipality or its inhabitants; may acquire a controlling portion of the stock of any corporation owning private waterworks or lighting plant and equipment; and may purchase the equity of redemption in a mortgaged or bonded waterworks or lighting system, including cases where the municipality in the franchise has reserved right to purchase. The character or duration of the franchise, permit or grant under which any public utility is operated does not affect the power to acquire the public utility under this subsection. Two or more public utilities owned by the same person or corporation, or 2 or more public utilities subject to the same lien or charge, may be acquired as a single enterprise. The board or council may agree with the owner or owners of any public utility or utilities on the value of the utility or utilities and may contract to purchase or acquire at that value, upon those terms and conditions mutually agreed upon between the board or council and the owner or owners.

(b) A resolution, specifying the method of payment and submitting the question to a referendum, shall be adopted by a majority of all the members of the board or council at a regular meeting, after publication at least one week previous in the official paper.

(c) The notice of the referendum shall include a general statement of the plant and equipment proposed to be constructed, acquired or leased and of the manner of payment.

(d) Referenda under this section may not be held oftener than once a year, except that a referendum held for the acquisition, lease or construction of any of the types of property enumerated

in par. (a) does not bar the holding of one referendum in the same year for the acquisition and operation of a bus transportation system by the municipality.

(e) The provisions of pars. (b) to (d) do not apply to the acquisition of any plant, equipment or public utility for furnishing water service when the plant, equipment or utility is acquired by the municipality by dedication or without monetary or financial consideration. After a public utility is constructed, acquired or leased under this subsection, pars. (b) to (d) do not apply to any subsequent construction, acquisition or lease in connection with that public utility.

(2) (a) A city, village or town may by action of its governing body and with a referendum vote provide, acquire, own, operate or engage in a municipal bus transportation system where no existing bus, rail or other local transportation system exists in the municipality. A city, village or town in which there exists any local transportation system by similar action and referendum vote may acquire, own, operate or engage in the operation of a municipal bus transportation system upon acquiring the local transportation system by voluntary agreement with the owners of the system, or pursuant to law, or upon securing a certificate from the department of transportation under s. 194.23.

(b) A street motor bus transportation company operating pursuant to ch. 194 shall, by acceptance of authority under that chapter, be deemed to have consented to a purchase of its property actually used and useful for the convenience of the public by the municipality in which the major part of the property is situated or operated.

(c) A city, village or town providing or acquiring a motor bus transportation system under this section may finance the construction or purchase in any manner authorized for the construction or purchase of a public utility.

**History:** 1977 c. 29 s. 1654 (9) (f); 1981 c. 347 ss. 13, 80 (2); 1985 a. 187; 1993 a. 16, 246; 1999 a. 150 ss. 172 to 174; Stats. 1999 s. 66.0803.

This section is not a restriction upon the authority granted to the department of natural resources by s. 144.025 (2) (r) [now s. 281.19 (5)] to order the construction of a municipal water system, but constitutes merely an alternative by which a municipality may voluntarily construct or purchase a water utility. Village of Sussex v. DNR, 68 Wis. 2d 187, 228 N.W.2d 173 (1975).

Section 66.065 [now s. 66.0803], which requires a municipality to obtain voter approval through a referendum prior to the construction or acquisition of a waterworks, does not apply when a municipality is ordered to construct a public water supply system pursuant to s. 144.025 (2) (r) [now s. 281.19 (5)]. 60 Atty. Gen. 523.

**66.0805 Management of municipal public utility by commission. (1)**

Except as provided in sub. (6), the governing body of a city shall, and the governing body of a village or town may, provide for the nonpartisan management of a municipal public utility by creating a commission under this section. The board of commissioners, under the general control and supervision of the governing body, shall be responsible for the entire management of and shall supervise the operation of the utility. The governing body shall exercise general control and supervision of the commission by enacting ordinances governing the commission's operation. The board shall consist of 3, 5 or 7 commissioners.

(2) The commissioners shall be elected by the governing body for a term, beginning on the first day of October, of as many years as there are commissioners, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding first day of October.

(3) The commission shall choose a president and a secretary from its membership. The commission may appoint and establish the compensation of a manager. The commission may command the services of the city, village or town engineer and may employ and fix the compensation of subordinates as necessary. The commission may make rules for its proceedings and for the government of the department. The commission shall keep books of account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.

(4) (a) The governing body of the city, village or town may provide that departmental expenditures be audited by the commis-

# TITLE XX TRANSPORTATION

## CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

### Laying Out Highways

#### Section 231:1

**231:1 Class IV, V and VI.** – All class IV highways not financed in whole or in part with federal aid highway funds, and class V and VI highways shall be laid out by the mayor and aldermen of the city, the selectmen of the town or the commissioners of a village district formed for the purpose of RSA 52:1, I (m) in which such highways are located, or by the superior court as hereinafter provided. In the case of a village district formed for the purpose of RSA 52:1, I(m), references in this title to ""town" and ""selectmen" shall be deemed to be references to ""village district" and ""village district commissioners", respectively.

**Source.** 1945, 188:1, part 3:2. RSA 232:2. 1967, 157:2. 1975, 455:3. 1981, 87:1, eff. April 20, 1981.

#### Section 231:2

**231:2 Class IV Compact Section Highways.** – All class IV highways shall be wholly constructed, reconstructed and maintained by the city or town in which they are located, and no state funds shall be expended thereon except as may be authorized by RSA 235.

**Source.** 1945, 188:1, part 2:7. 1949, 79:2. RSA 231:7. 1955, 333:1. 1981, 87:1, eff. April 20, 1981.

#### Section 231:3

##### **231:3 Class V Town Roads.** –

I. All class V highways shall be constructed, reconstructed, and maintained by the city or town in which they are located; provided, however, that town road aid may be used for such purposes, and town bridge aid may be used for the construction or reconstruction of any bridge thereon, as hereinafter provided.

II. If a city or town accepts from the state a class V highway established to provide a property owner or property owners with highway access to such property because of a taking under RSA 230:14, then notwithstanding RSA 229:5, VII, such a highway shall not lapse to class VI status due to failure of the city or town to maintain and repair it for 5 successive years, and the municipality's duty of maintenance shall not terminate, except with the written consent of the property owner or property owners.

**Source.** 1945, 188:1, part 2:8. RSA 231:8. 1981, 87:1. 1995, 77:2, eff. June 8, 1995.

#### Section 231:4

**231:4 Village Districts Not Eligible for Road Funds.** – Notwithstanding the provisions of RSA



**231:119 Borrowing Power.** – Municipalities may finance the construction of public parking facilities by issuing bonds or notes, which bonds or notes shall conform to and be issued in accordance with the provisions of RSA 33 insofar as the same may be applicable. All such bonds or notes shall be issued for public parking facilities pursuant to a plan as provided in this subdivision which provides that an amount equal to at least 50 percent of the principal of such bonds or notes are to be assessed as provided in this subdivision, raised by motor vehicle permit fees as provided in RSA 261:154, or funded from the revenues of the parking system, or any combination thereof, shall at no time be included in the net indebtedness of the municipality for the purpose of ascertaining its borrowing capacity.

**Source.** RSA 252-A:6. 1969, 493:1. 1981, 87:1, eff. April 20, 1981; 146:5, XIV, eff. Jan. 1, 1982; 146:7, V, eff. May 22, 1981.

### **Section 231:120**

#### **231:120 Levying Assessments for Public Parking Facilities.** –

I. The assessors of any municipality which has constructed public parking facilities, upon direction from the legislative body and in accordance with the plan adopted, shall assess in the manner provided in paragraph II of this section upon the owners or lessees of leasehold interests, whose lands receive special benefits therefrom, their just share of the cost of construction of the same. All assessments thus made shall be valid and binding upon the owners or lessees of such land. The funds collected from assessments shall be used solely for the construction of public parking facilities or for the redemption of bonds or notes issued by the municipality to obtain funds for the construction of public parking facilities, including funds paid to a housing authority for the construction of public parking facilities.

II. The plan may provide that assessments shall be made:

(a) At one time and assessments so made may be prorated over a period not exceeding the number of years which the plan shall provide to defray the construction costs of the public parking facilities; or

(b) From year to year upon the owners or lessees of leasehold interests at the time such assessment is made, their just proportion of the construction costs which shall become due in that year, including the amount of principal and interest due during the year on any bonds or notes issued to provide funds to pay such construction costs.

**Source.** RSA 252-A:7. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:121**

**231:121 Basis of Assessment.** – Assessments shall be levied according to a formula which shall be set forth in the plan and which shall be reasonable and proportional to the benefits conferred upon the land or leasehold interest upon which such assessment is laid. Such formula may, but need not necessarily, be based on the number of off-street parking spaces required to be furnished by owners of land under any lawful zoning ordinances or bylaw in effect or which may be adopted by the municipality. If the formula based on a zoning ordinance requirement of off-street parking is used, the plan may provide for credit to those owners or lessees who have erected or constructed private parking structures, but need not provide credit for private parking lots.

**Source.** RSA 252-A:8. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:122**

**231:122 Assessment for Operating Expenses.** – In order to defray the costs of the operation and maintenance of such public facilities, the assessors may assess upon the owners and lessees whose land

is benefited by such public parking facilities their just share of the annual operating expenses of the same. The assessors may establish a scale of assessments and prescribe the manner in which and the time at which such assessments are to be paid and to change such scale from time to time as may be deemed advisable.

**Source.** RSA 252-A:9. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:123**

**231:123 Special Account.** – The funds received from the collection of assessments provided in RSA 231:122 shall be deposited by the treasurer of the municipality in a special account which in any fiscal year shall be used only to pay the operating expenses of the public parking facilities. Any surplus in such account at the end of the fiscal year may be used for the enlargement or replacement of the public parking facilities but shall not be used for any other purpose than those above specified.

**Source.** RSA 252-A:10. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:124**

**231:124 Lien for Assessment or Rentals.** – All assessments under the provisions of RSA 231:120 and 122 shall create a lien upon the lands on account of which they are made, which shall continue until one year from October 1 following the assessment, and, in case an appeal has been taken and the assessment has been sustained in whole or in part upon such appeal, until the expiration of one year from such decision, whichever is later. Such assessments shall be subject to the interest and such other charges as are applicable to delinquent taxes. In the event that the assessments are payable over a period of years, then the assessment shall be prorated on an annual basis and the lien on said lands shall attach annually.

**Source.** RSA 252-A:11. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:125**

**231:125 Collection of Assessments.** – Assessments provided in RSA 231:120 and 122 shall be committed to the collector of taxes, with a warrant under the hands and seal of the assessors requiring him to collect them; and he shall have the same rights and remedies and be subject to the same liabilities in relation thereto as in the collection of taxes.

**Source.** RSA 252-A:12. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:126**

**231:126 Abatement of Assessments.** – For good cause shown, the assessors may abate any such assessment made by them or by their predecessors.

**Source.** RSA 252-A:13. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:127**

**231:127 Petition to Court.** – If the assessors neglect or refuse to abate any such assessments, any

person aggrieved may apply by petition to the superior court for relief at any time within 90 days after notice of the assessment, and not afterwards; and the court shall make such order thereon as justice may require.

**Source.** RSA 252-A:14. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:128**

**231:128 Correction of Assessments.** – If any error is made in any such assessment it may be corrected by the assessors by making an abatement and a new assessment, or either, as the case may require; and the same lien, rights, liabilities and remedies shall attach to the new assessment as to the original.

**Source.** RSA 252-A:15. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

### **Section 231:129**

#### **231:129 Optional Referendum; Two-Thirds Vote of Legislative Body. –**

I. Referendum. If the legislative body of a municipality affected by this subdivision desires to place the question of approving a plan formulated pursuant to this subdivision on a referendum, they may do so at any regular municipal election or at a special election called for the purpose. Should a referendum be held, the following question shall be submitted ""Shall the legislative body of the city of ( ) be instructed to approve the plan submitted to it concerning the construction of parking facilities?" The legislative body shall be bound by the outcome of the referendum.

II. Two-Thirds Vote. If the legislative body should decide not to place the question of approving a plan formulated pursuant to this subdivision on a referendum, a 2/3 vote of the entire membership of the legislative body shall be necessary in order to approve such plan.

**Source.** RSA 252-A:16. 1969, 493:1. 1981, 87:1, eff. April 20, 1981.

## **Parking Meters**

### **Section 231:130**

**231:130 Power to Install.** – The city council of any city shall have the power to authorize the installation of parking meters on any street or public parking area and the power to establish reasonable charges for parking to be paid through such meters and the powers to make any incidental use of such meters for advertising as may be desirable, provided such use does not interfere with the regulation and control of traffic. Towns likewise may at any legal meeting vote to authorize the installation of parking meters and establish reasonable charges for parking to be paid through such meters and shall have the power to make any incidental use of such meters for advertising as may be desirable, provided such use does not interfere with the regulation and control of traffic.

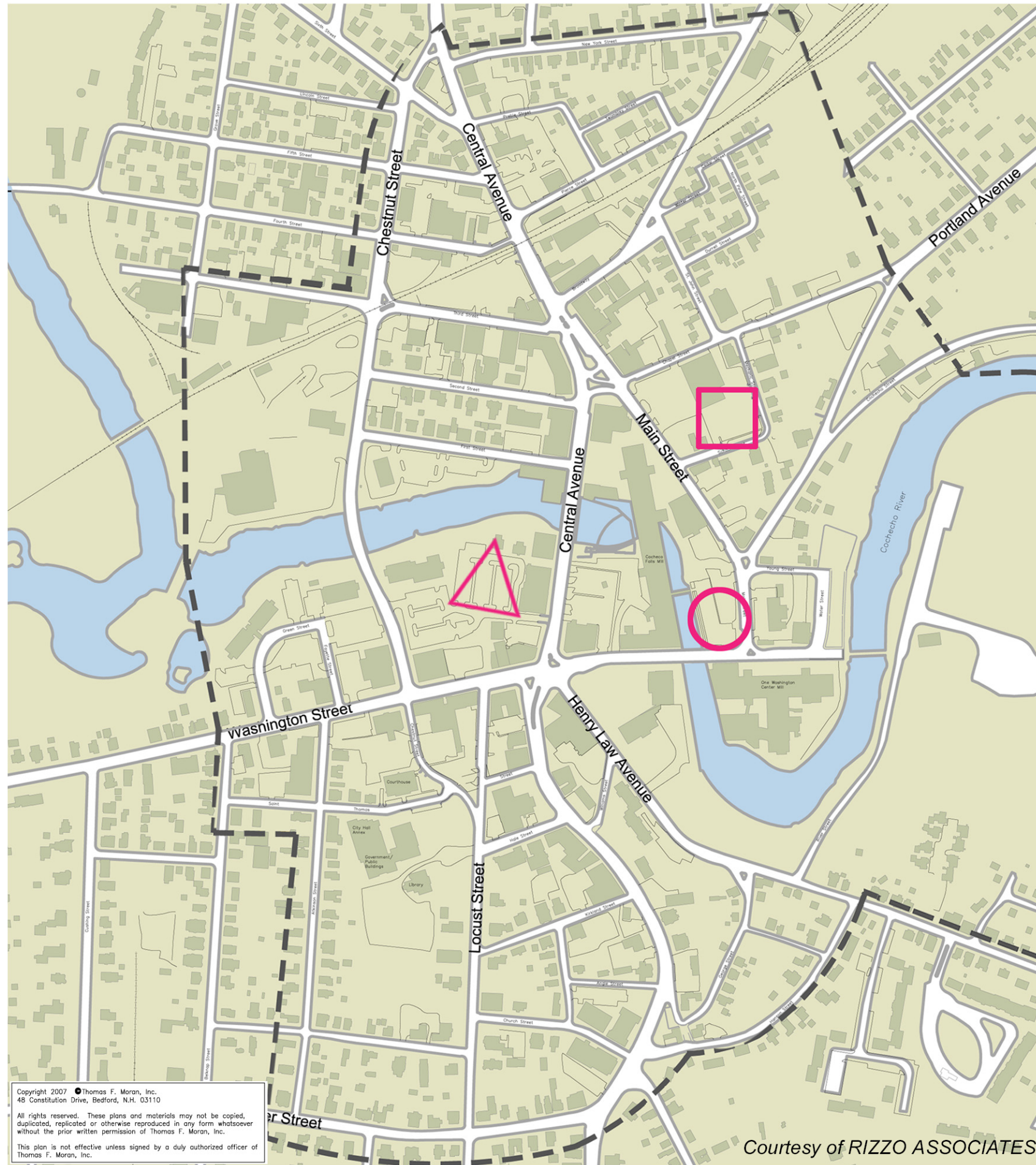
**Source.** 1947, 74:1. 1951, 172:1. RSA 249:1. 1981, 87:1, eff. April 20, 1981.




### **Section 231:130-a**

#### **231:130-a Notification of Unpaid Fines. –**

I. The legislative body of any municipality may adopt the provisions of this section. Each

**APPENDIX C – ORCHARD STREET GARAGE SITE STUDIES**



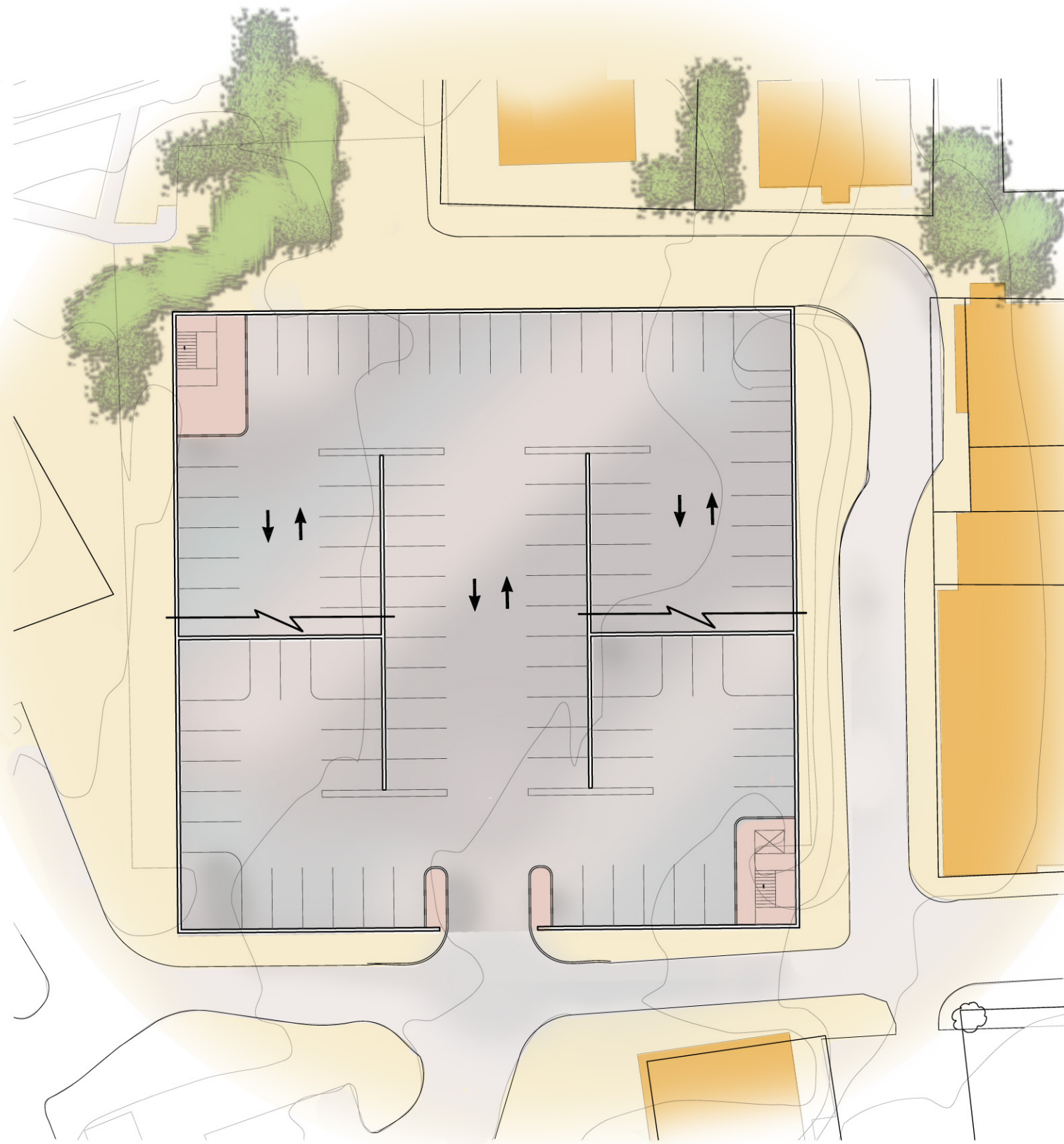
-  ORCHARD STREET SITE
-  SCHOOL STREET SITE
-  STEAM PLANT SITE

**INDEX PLAN**  
**Potential Garage Sites**  
**DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: AS NOTED JUNE 25, 2007

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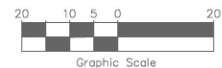
Courtesy of RIZZO ASSOCIATES

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	Structural Engineers	Bedford, NH 03110
	Traffic Engineers	Phone (603) 472-4488
	Land Surveyors	Fax (603) 472-9747
	Landscape Architects	
	Bedford, NH • Manchester, NH • Keene, NH • Salem, NH	
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	CK XX	CADFILE XX

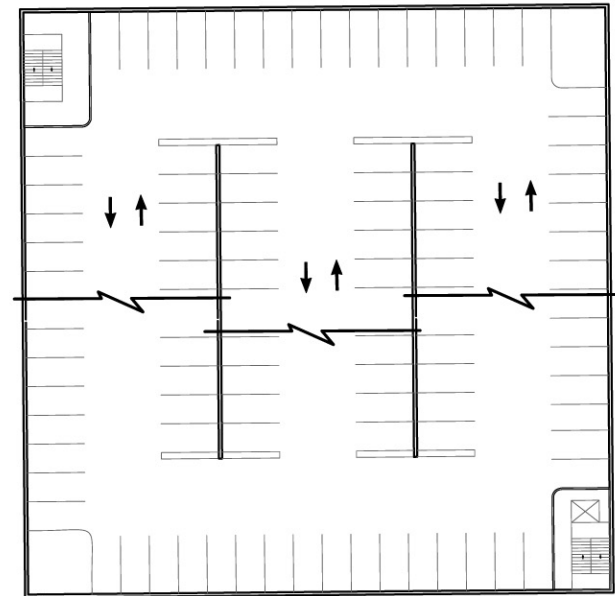


**PARKING GARAGE-GRADE LEVEL**

SCALE: 1"=20'



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**PARKING GARAGE-TYPICAL LEVEL**

SCALE: 1"=30'

**PARKING NOTES:**

- 31 GROUND LEVEL SPACES
- 490 SPACES LEVELS 1-5 (98 SPACES PER LEVEL)
- 521 GARAGE SPACES
- 105 LESS EXISTING SPACES
- 416 NET ADDITIONAL SPACES

**Parking Garage Concept Plan**  
**ORCHARD STREET GARAGE**  
 ORCHARD STREET  
 DOVER, NH  
 PREPARED FOR  
 CITY OF DOVER, NH  
 SCALE: AS NOTED JUNE 25, 2007

<b>TFM</b>	Civil Engineers	48 Constitution Drive
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	Traffic Engineers	Phone (603) 472-4488
	Land Surveyors	Fax (603) 472-9747
	Landscape Architects	Bedford, NH • Manchester, NH • Keene, NH • Salem, NH
PROJECT NO.	46059.00	
DATE		
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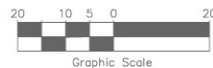
**PARKING NOTES:**

64 GROUND LEVEL SPACES  
375 SPACES LEVELS 1-5 (75 SPACES PER LEVEL)  
439 GARAGE SPACES  
66 LESS EXISTING SPACES  
373 NET ADDITIONAL SPACES  
570 EXPANSION SPACES  
943 POTENTIAL ADDED SPACES

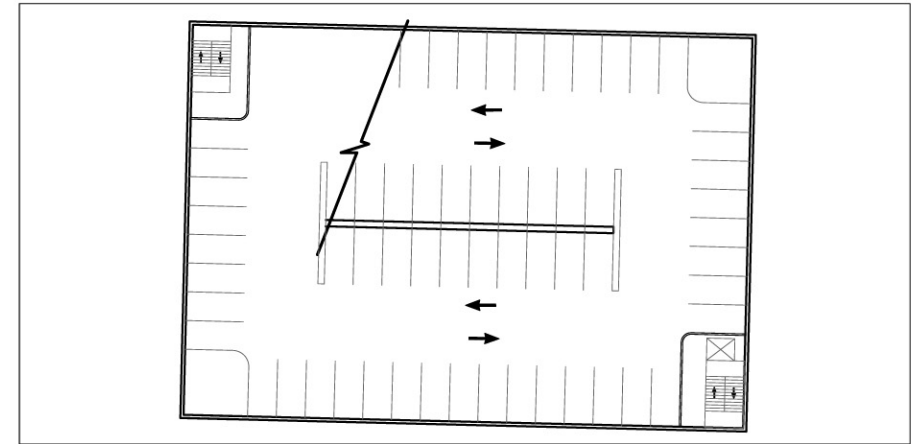


**PARKING GARAGE-GRADE LEVEL**

SCALE: 1"=20'



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**PARKING GARAGE- LEVELS 1-5**

SCALE: 1"=30'



**PARKING GARAGE- EXPANSION**

SCALE: 1"=30'

**Parking Garage Concept Plan  
SCHOOL STREET GARAGE**

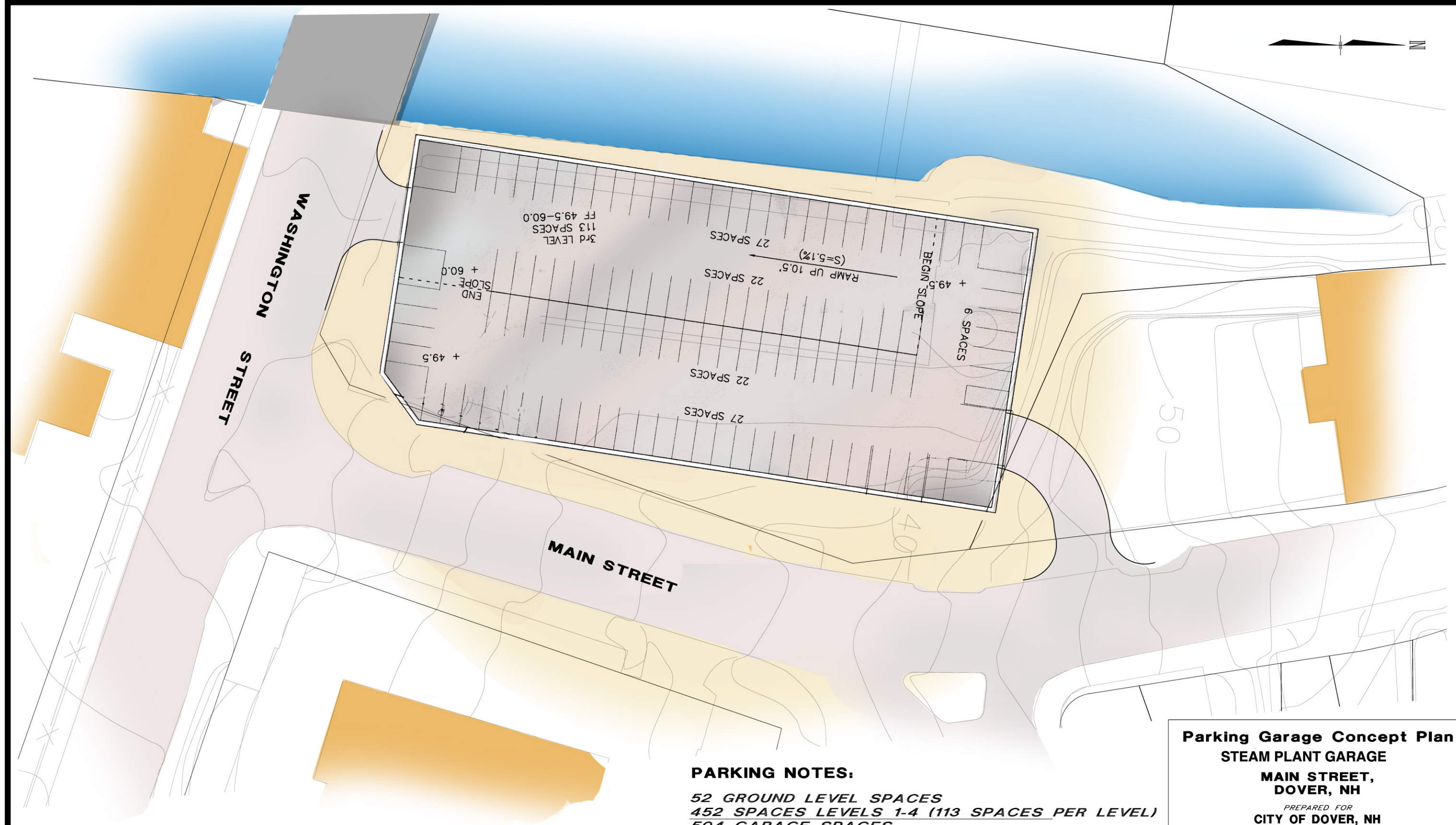
**SCHOOL STREET  
DOVER, NH**

PREPARED FOR  
**CITY OF DOVER, NH**

SCALE: AS NOTED

JUNE 25, 2007

	Civil Engineers	48 Constitution Drive Bedford, NH 03110 Phone (603) 472-4488 Fax (603) 472-9747
	Structural Engineers	
	Traffic Engineers	
	Land Surveyors	
	Landscape Architects	
	Bedford, NH • Manchester, NH • Keene, NH • Salem, NH	
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WASHINGTON STREET

MAIN STREET

3rd LEVEL  
113 SPACES  
FF 49.5-60.0

6 SPACES

27 SPACES

22 SPACES

22 SPACES

27 SPACES

END SLOPE  
+ 60.0

+ 49.5

BEGIN SLOPE

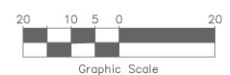
RAMP UP 10.5'  
(S=5.1%)

**PARKING NOTES:**

- 52 GROUND LEVEL SPACES**
- 452 SPACES LEVELS 1-4 (113 SPACES PER LEVEL)**
- 504 GARAGE SPACES**
- 114 LESS EXISTING SPACES**
- 390 NET ADDITIONAL SPACES**

**PARKING GARAGE-GRADE LEVEL**

SCALE: 1"=20'



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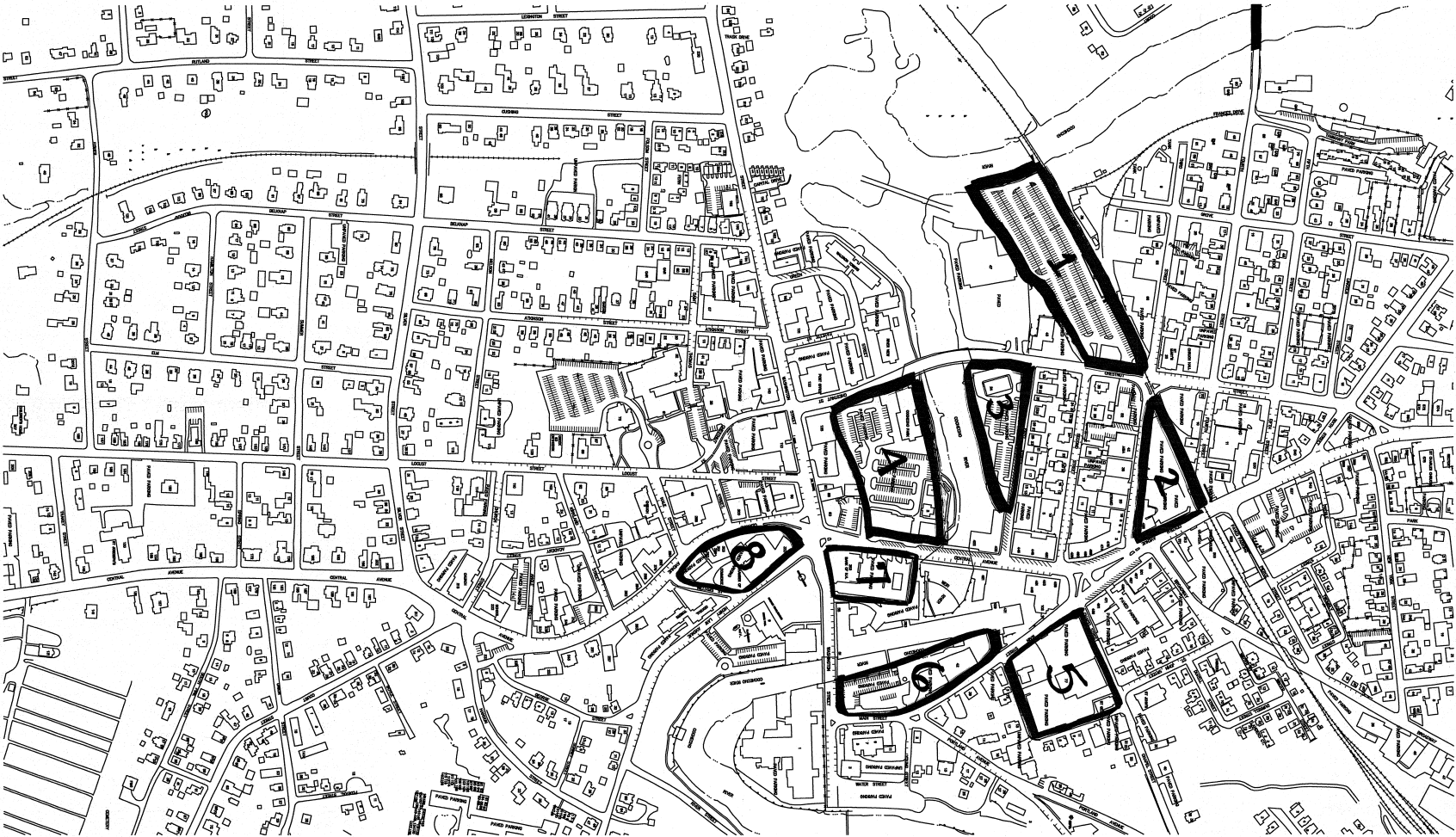
**Parking Garage Concept Plan**  
**STEAM PLANT GARAGE**  
**MAIN STREET,**  
**DOVER, NH**

PREPARED FOR  
**CITY OF DOVER, NH**

SCALE: AS NOTED JUNE 25, 2007

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	Landscape Architects	Bedford, NH • Manchester, NH • Keene, NH • Salem, NH
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- 1.) Dover Trans. Center
- 2.) Third St. Lot
- 3.) First St. Lot
- 4.) Orchard St. Lot
- 5.) School St./Janetos
- 6.) Steam Plant
- 7.) TD Bank North
- 8.) Foster's



This plan is for conceptual purposes only. It is not the result of an complete site survey, or is intended for construction uses. Locations of boundaries and wetlands are approximate, and not necessarily correct or accurate. Compliance with current regulations must be verified.

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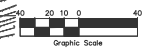
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**Parking Garage Concept Plan**  
**Dover Transportation Center**  
**CHESTNUT STREET,**  
**DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: 1"=40' APRIL 20, 2007



Civil Engineers  
 Land Surveyors  
 Environmental Scientists  
 Land Planners  
 Bedford, NH • Manchester, NH • Keene, NH • Salem, NH

48 Constitution Drive  
 Bedford, NH 03110  
 Phone (603) 472-4488  
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**Parking Garage Concept Plan  
Dover Transportation Center  
CHESTNUT STREET,  
DOVER, NH**

PREPARED FOR  
**CITY OF DOVER, NH**

SCALE: 1"=40' APRIL 20, 2007

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46059.00	DR XX DK XX	FB CADFILE
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		<b>CONCEPT</b>



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**Parking Garage Concept Plan**  
**Third Street Lot**  
**THIRD STREET,**  
**DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: 1"=40' APRIL 20, 2007

<b>TFM</b>	Civil Engineers	48 Constitution Drive
	Land Surveyors	Bedford, NH 03110
	Environmental Scientists	Phone (603) 472-4488
	Land Planners	Fax (603) 472-8747
Bedford, NH - Manchester, NH - Keene, NH - Salem, NH		
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		CONCEPT



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**Parking Garage Concept Plan  
Third Street Lot**  
**THIRD STREET,  
DOVER, NH**  
PREPARED FOR  
**CITY OF DOVER, NH**  
SCALE: 1"=40' APRIL 20, 2007

<b>TFM</b>	Civil Engineers		48 Constitution Drive	
	Land Surveyors		Bedford, NH 03110	
	Environmental Scientists		Phone (603) 472-4488	
	Land Planners		Fax (603) 472-9747	
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**Parking Garage Concept Plan  
 First Street Lot**  
**FIRST STREET,  
 DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: 1"=40' APRIL 20, 2007



Civil Engineers  
 Land Surveyors  
 Environmental Scientists  
 Land Planners  
 48 Constitution Drive  
 Bedford, NH 03110  
 Phone (603) 472-4488  
 Fax (603) 472-9747

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	CK	XX	CADFILE	XX	



New Hampshire  
Strafford

SECOND STREET

FIRST STREET



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**Parking Garage Concept Plan  
First Street Lot**  
**FIRST STREET,  
DOVER, NH**  
PREPARED FOR  
**CITY OF DOVER, NH**  
SCALE: 1"=40' APRIL 20, 2007



Civil Engineers  
Land Surveyors  
Environmental Scientists  
Land Planners

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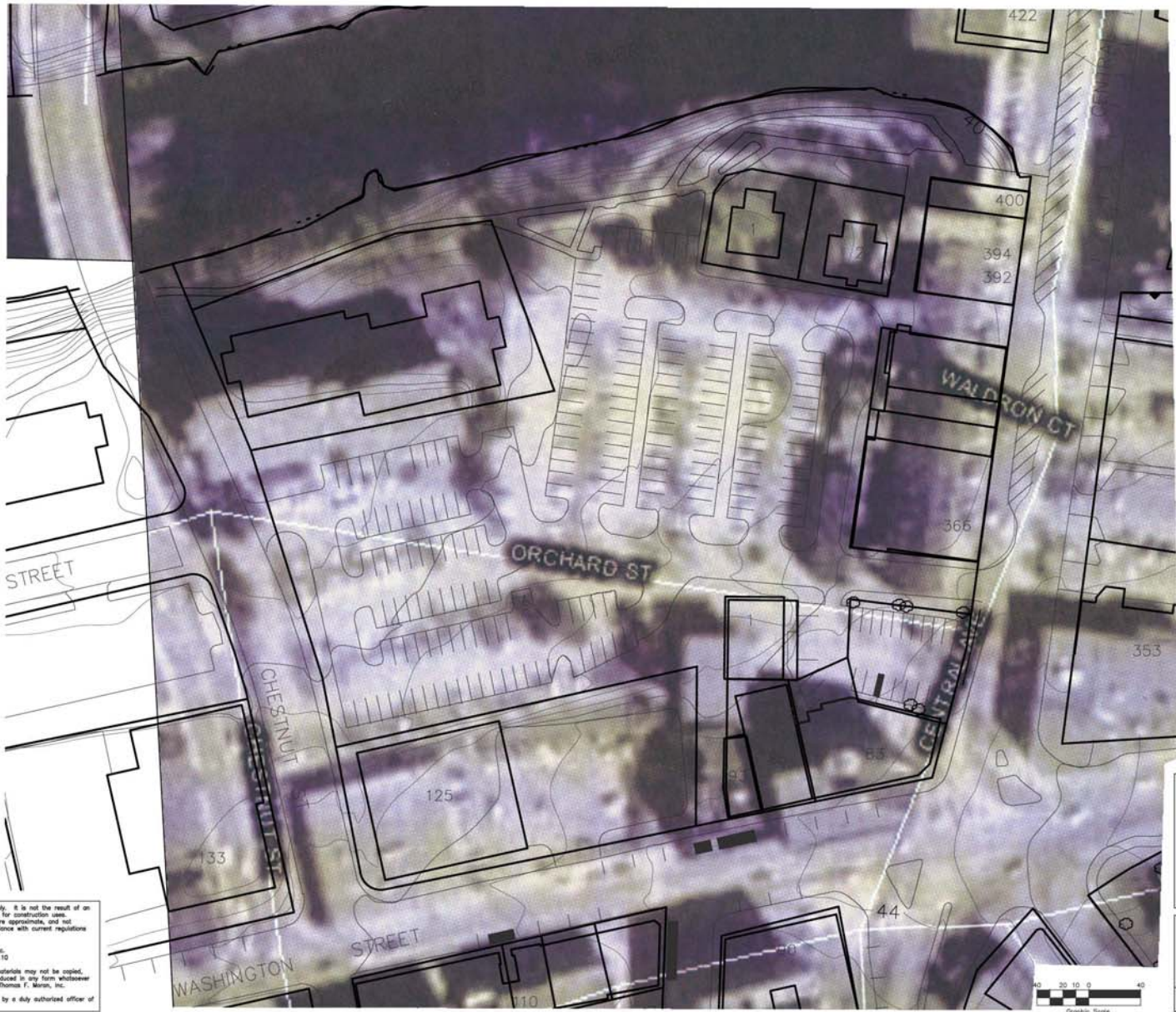
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**Parking Garage Concept Plan  
 Orchard Street Lot**  
**ORCHARD STREET,  
 DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: 1"=40' APRIL 20, 2007

	Civil Engineers		48 Constitution Drive	
	Bedford, NH 03110		Phone (603) 472-4488	
Bedford, NH • Manchester, NH • Keene, NH • Salem, NH		Fax (603) 472-9747		
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**Parking Garage Concept Plan  
 Orchard Street Lot**  
**ORCHARD STREET,  
 DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: 1"=40' APRIL 20, 2007

<b>TFM</b>	Civil Engineers	48 Constitution Drive		
	Land Surveyors	Bedford, NH 03110		
	Environmental Scientists	Phone (603) 472-4488		
	Land Planners	Fax (603) 472-9747		
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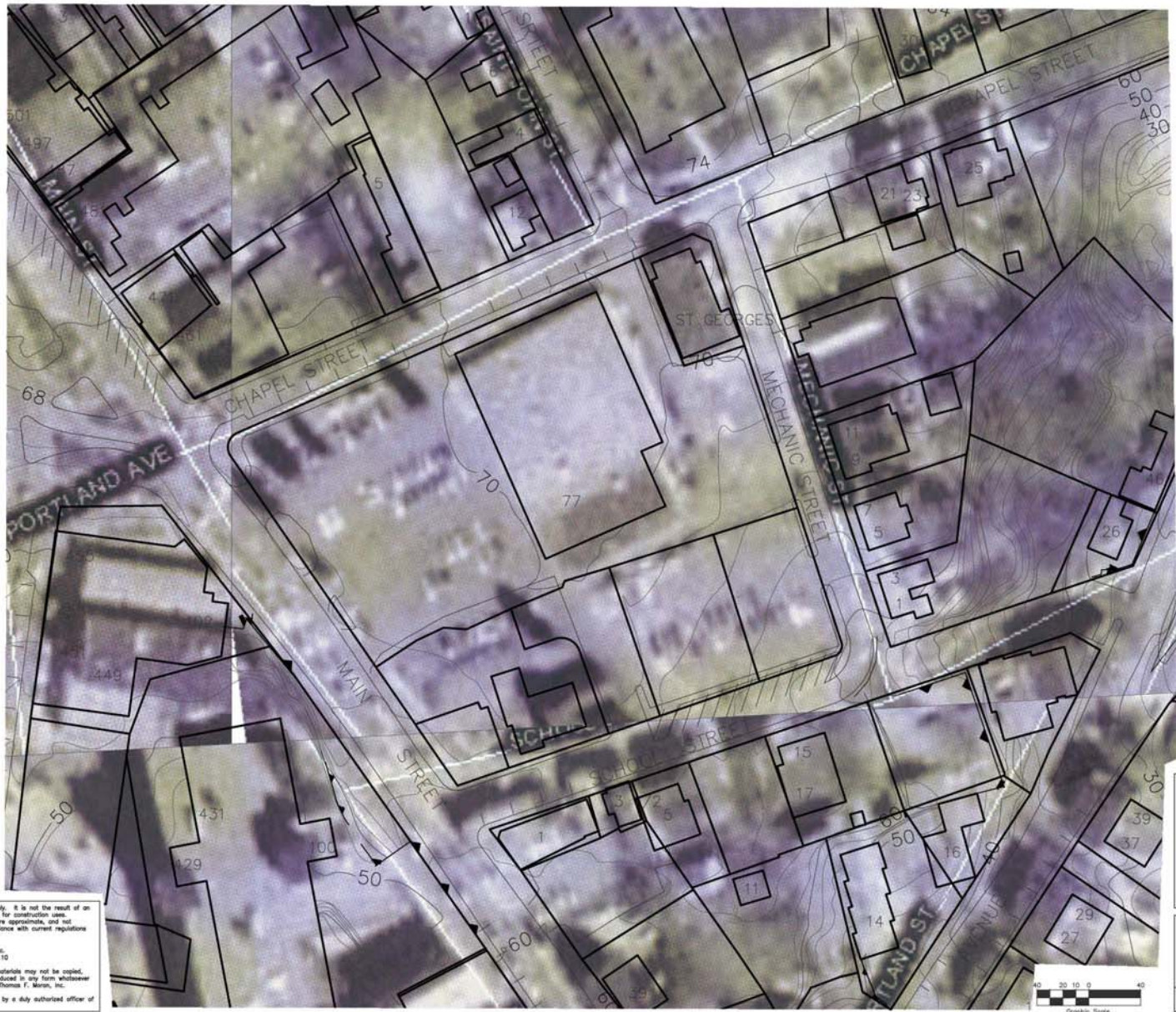
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**Parking Garage Concept Plan  
 School Street/Janetos**  
**MAIN STREET,  
 DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: 1"=40' APRIL 20, 2007

<b>TFM</b>	Civil Engineers		48 Constitution Drive
	Land Surveyors		Bedford, NH 03110
	Environmental Scientists		Phone (603) 472-4488
	Land Planners		Fax (603) 472-9747
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**Parking Garage Concept Plan  
 School Street/Janetos  
 MAIN STREET,  
 DOVER, NH  
 PREPARED FOR  
 CITY OF DOVER, NH**

SCALE: 1"=40' APRIL 20, 2007

<b>TFM</b>	Civil Engineers		48 Constitution Drive
	Land Surveyors		Bedford, NH 03110
	Environmental Scientists		Phone (603) 472-4488
	Land Planners		Fax (603) 472-9747
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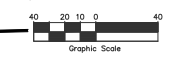
**Parking Garage Concept Plan  
 Steam Plant**  
**MAIN STREET,  
 DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: 1"=40' APRIL 20, 2007

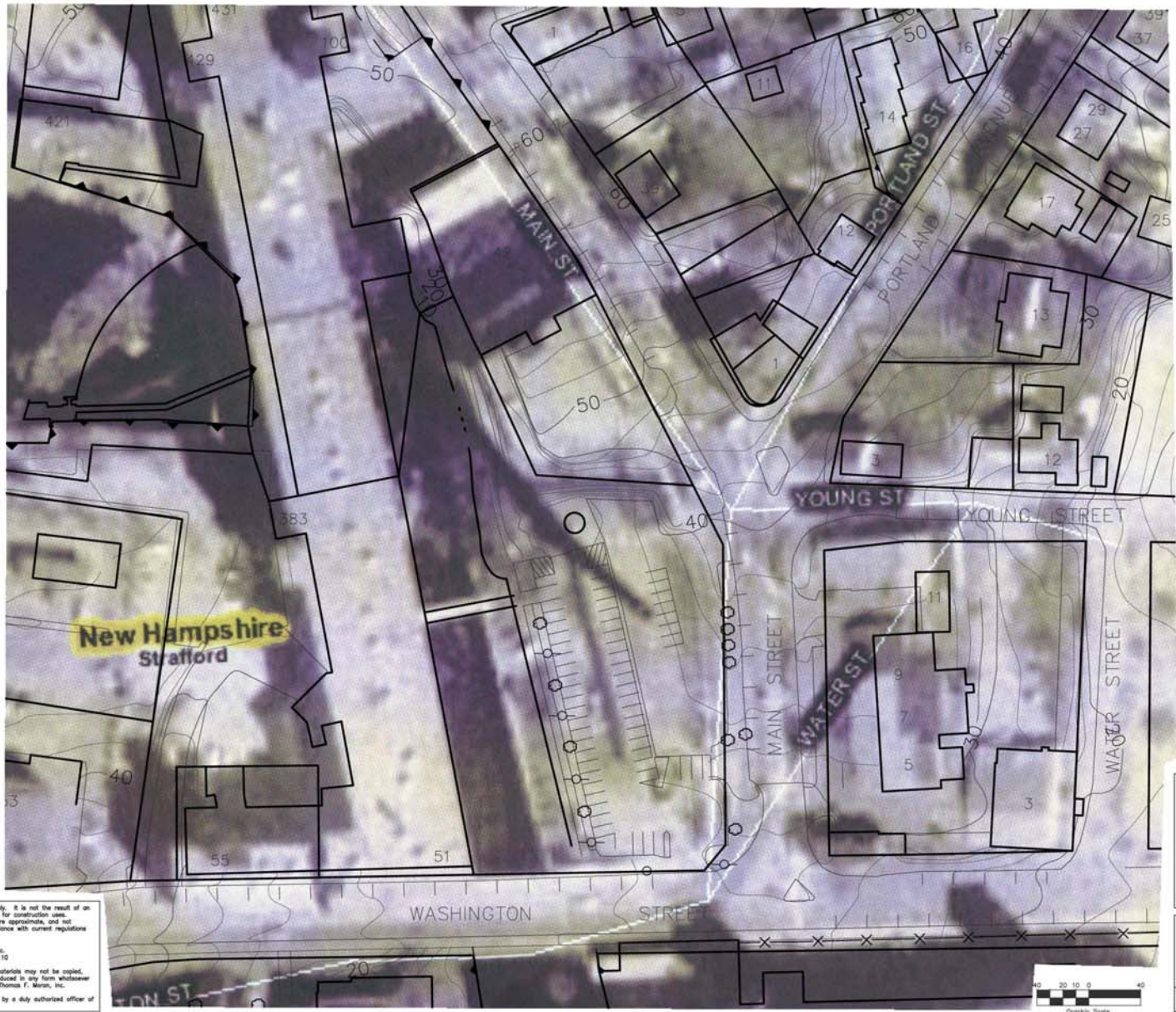
**TFM** Civil Engineers  
 Land Surveyors  
 Environmental Scientists  
 Land Planners

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**Parking Garage Concept Plan  
Steam Plant  
MAIN STREET,  
DOVER, NH**

PREPARED FOR  
**CITY OF DOVER, NH**

SCALE: 1"=40' APRIL 20, 2007

<b>TFM</b>	Civil Engineers		48 Constitution Drive
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	Environmental Scientists		Phone (603) 472-4488
	Land Planners		Fax (603) 472-9747
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**Parking Garage Concept Plan  
 TD BANKNORTH**  
**MAIN STREET,  
 DOVER, NH**  
 PREPARED FOR  
**CITY OF DOVER, NH**  
 SCALE: 1"=40' APRIL 20, 2007

	Civil Engineers Land Surveyors Environmental Scientists Land Planners		48 Constitution Drive Bedford, NH 03110 Phone (603) 472-4488 Fax (603) 472-9747	
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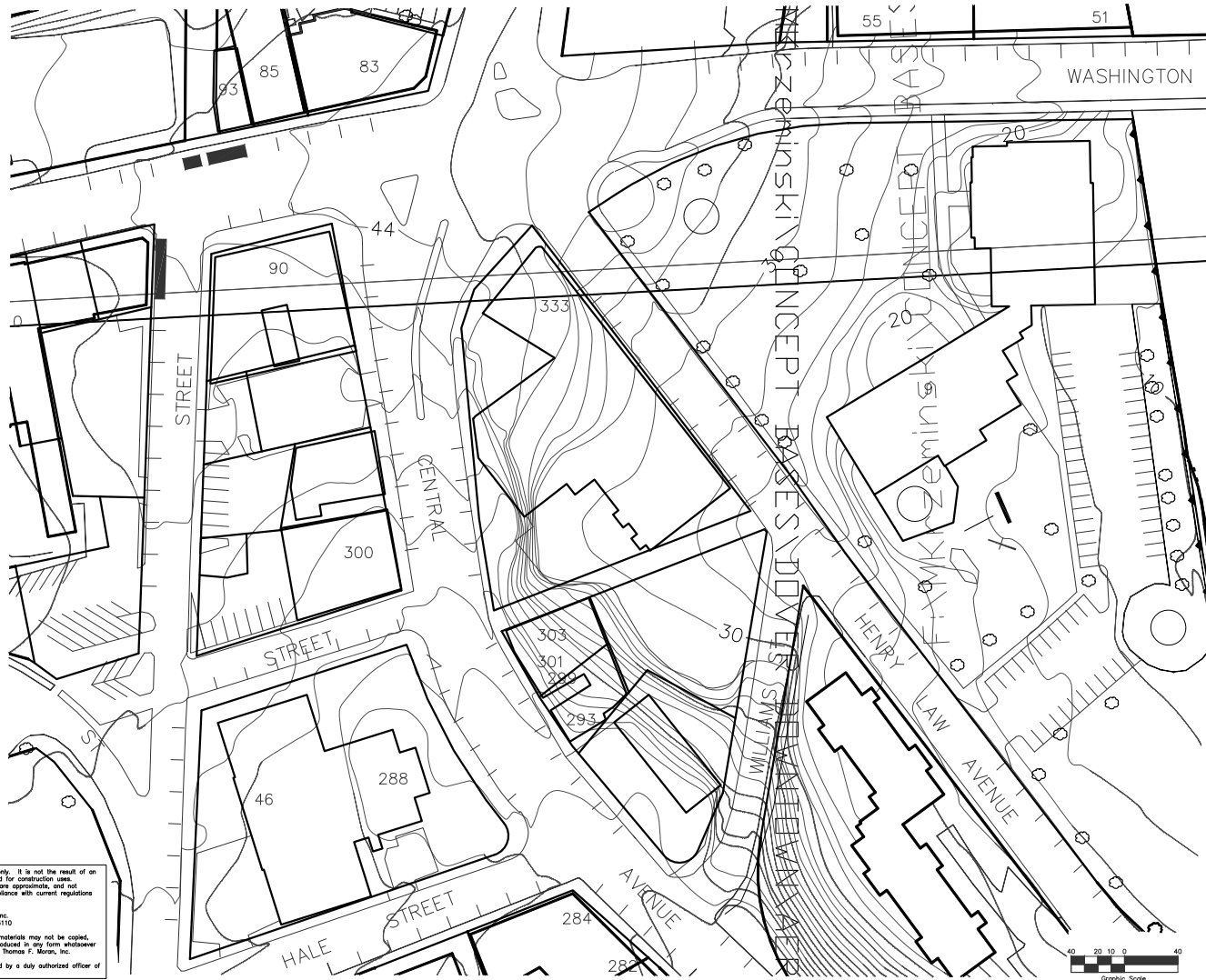
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**Parking Garage Concept Plan  
 TD BANKNORTH  
 MAIN STREET,  
 DOVER, NH  
 PREPARED FOR  
 CITY OF DOVER, NH  
 SCALE: 1"=40' APRIL 20, 2007**

<b>TFM</b>	Civil Engineers	48 Constitution Drive		
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**Parking Garage Concept Plan  
 Foster's Building  
 CENTRAL AVENUE,  
 DOVER, NH**

PREPARED FOR  
**CITY OF DOVER, NH**

SCALE: 1"=40' APRIL 20, 2007

<b>TFM</b>	Civil Engineers	48 Constitution Drive
	Land Surveyors	Bedford, NH 03110
	Environmental Scientists	Phone (603) 472-4488
	Land Planners	Fax (603) 472-8747
Bedford, NH - Manchester, NH - Keene, NH - Salem, NH		
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**Parking Garage Concept Plan  
Foster's Building  
CENTRAL AVENUE,  
DOVER, NH**

PREPARED FOR  
**CITY OF DOVER, NH**

SCALE: 1"=40' APRIL 20, 2007



Civil Engineers  
Land Surveyors  
Environmental Scientists  
Land Planners

48 Constitution Drive  
Bedford, NH 03110  
Phone (603) 479-4488  
Fax (603) 479-9747

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	DA	XX	DA/PL	XX	



**APPENDIX D – CONSULTANT TEAM**

**Parking Specialist / Prime Consultant**

Lansing Melbourne Group LLC (LMG) is an internationally recognized planning and engineering consulting firm providing highly specific parking planning services to public and private sector clients on urban parking challenges. The firm specializes

in delivering comprehensive parking planning and implementation strategies supporting economic development, with a specific emphasis in providing creative financing and development strategies. LMG has three office locations including East Lansing, MI, Melbourne Beach, FL and Washington, DC.

Contact: Christian R. Luz, PE, AICP  
Lansing Melbourne Group LLC  
1665 Cahill Drive  
East Lansing, MI 48823  
Tel: (517) 853-1422  
Fax: (517) 853-0229  
E-mail: [cluz@lmggroup.us](mailto:cluz@lmggroup.us)  
Web: [www.lmggroup.us](http://www.lmggroup.us)

**Site Civil/Structural/Transportation/Engineering/Planning**

TFMoran Inc. (TFM) is a regionally recognized consulting firm with over 40 years of continuous service to the private and public sectors. The Company employs over sixty talented civil engineers, structural engineers, traffic engineers, land surveyors, wetlands and soils scientists, land planners and landscape architects. TFM's LEED

Accredited Professional staff ensures cost-effective, low-impact development services. TFM has four New Hampshire offices, located in Bedford, Manchester, Salem, and Keene.

Contact: Robert Duval, PE, LEED AP  
TFMoran Inc.  
48 Constitution Drive  
Bedford, NH 03110  
Tel: (603) 472-4488  
Fax: (603) 472-9747  
E-mail: [rduval@tfmoran.com](mailto:rduval@tfmoran.com)  
Web: [www.tfmoran.com](http://www.tfmoran.com)

**Architectural Consultant**

DMJM Harris is an international engineering firm providing unparalleled expertise in planning, design and construction management of buildings, intermodal facilities, parking garages, interstate and state highways, freeways, bridges, transit/heavy rail facilities, and port and airport projects of all kinds. The firm also specializes in storm water pollution prevention assistance and has served numerous clients in this field. DMJM Harris has 2,300 employees in 38 permanent offices in the US and 12 international offices.

Contact: Terry Rookard, AIA  
DMJM Harris  
66 Long Wharf  
Boston, MA 02110  
Tel: (617) 742-0947  
Fax: (617) 371-4493  
E-mail: [terry.rookard@dmjmharris.com](mailto:terry.rookard@dmjmharris.com)  
Web: [www.dmjmharris.com](http://www.dmjmharris.com)



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