



# City of Concord

## City Council

### Meeting Minutes

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Monday, September 13, 2021

7:00 PM

City Council Chambers  
37 Green Street  
Concord, NH 03301

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*Non-public session in accordance with RSA 91-A:3, II (d), to discuss the acquisition, sale or lease of property to be held at 6:00 p.m.*

1. The meeting was called to order at 7:05 P.M.
2. Invocation.
3. The Pledge of Allegiance was completed.
4. Roll Call.

**Present:** 14 - Councilor Candace Bouchard, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Karen McNamara, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

**Excused:** 1 - Mayor Jim Bouley

5. Approval of the Meeting Minutes.

August 09, 2021 City Council Draft Meeting Minutes

**Action:** Councilor Matson moved approval of the August 09, 2021 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor Rice Hawkins abstained from voting due to her excused absence from the August 9th meeting.

August 23, 2021 City Council Meeting Minutes.

**Action:** Councilor Matson moved approval of the August 23, 2021 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

August 30, 2021 City Council Meeting Minutes.

**Action:** Councilor Matson moved approval of the August 30, 2021 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. City Council action relative to the City Manager's employment contract.

**Action:** Councilor Kretovic motioned to extend the City Manager's contract for an additional year, per the time limit set in the City Charter. She noted that the renewed contract included a 2.75 percent compensation raise for City Manager Aspell. She stated that all Unions received a 2.75 percent raise for their three year contracts, noting that City Manager Aspell did not take a raise in 2020 due to COVID-19 and the fiscal uncertainty at that time. She noted that City Manager Aspell's evaluation concluded with an outstanding performance, although the Charter only allowed a rating of satisfactory. She extended her appreciation for having a strong leader who continues to do an excellent job.

Councilor Nyhan stated his support and appreciation to renew City Manager Aspell's contract for another year.

Mayor Pro Tem Bouchard extended her thanks and appreciation to City Manager Aspell for all his efforts and leadership during the COVID-19 pandemic.

7. Agenda overview by the Mayor.

***\*\*Consent Agenda Items\*\****

**Action:** Councilor Kretovic moved approval of the Consent Agenda Items. The motion was duly seconded and passed with no dissenting votes.

**Items Tabled for October 12, 2021 Public Hearings**

8. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing and Parking; Schedule VII, Bus and Taxicab Stands; together with report from the Transportation Engineer.

**Action:** This ordinance was moved to set for a public hearing.

9. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-7.1, Parking Prohibited During Certain Hours and Months in Designated Places, Schedule IX, Jackson Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

**Action:** This ordinance was moved to set for a public hearing.

10. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-6, Parking

Prohibited at All Times in Designated Places, Schedules I and Ia, Whitney Road; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

**Action:** This ordinance was moved to set for a public hearing.

11. Resolution appropriating the sum of \$20,000 for the addition of a Fiscal Tech II at the Beaver Meadow Golf Course, funding for which shall be provided from anticipated excess revenues for Fiscal Year 2022; together with report from the Deputy City Manager for Finance.

**Action:** This resolution was moved to set for a public hearing.

12. Resolution appropriating the sum of \$21,527 for Police Department Roadway Safety Initiatives and accepting the sum of \$21,527 in grant funds from the New Hampshire Highway Safety Agency; together with report from the Police Department.

**Action:** This resolution was moved to set for a public hearing.

13. Resolution appropriating the sum of \$32,000 for the general operations and maintenance of the Concord Municipal Airport and accepting the sum of \$32,000 in American Rescue Plan Act funding as administered by the New Hampshire Department of Transportation Bureau of Aeronautics for this purpose; together with report from the Deputy City Manager for Development.

**Action:** This resolution was moved to set for a public hearing.

14. Resolution appropriating the sum of \$180,000, to include \$20,000 to the Inspection Fund and \$160,000 to the Golf Fund for Fiscal Year 2021, retroactive to June 30, 2021, to be funded from excess revenues in the Golf Fund and fund balance in the Inspection Fund, together with report from the Deputy City Manager for Finance.

**Action:** This resolution was moved to set for a public hearing.

15. Resolution establishing Birch Street as an Emergency Lane under RSA 231:59-a; together with report from the General Services Director.

**Action:** This resolution was moved to set for a public hearing.

### **From the City Manager**

16. Positive Citizen Comments.

**Action:** Positive comments were received and filed.

**Consent Reports**

17. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$6,667.30, as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

18. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$8,035.00 as provided for under the pre-authorization granted by City Council.

**Action:** This consent report was approved.

19. Diminimus gifts and donations report from the Police Department requesting authorization to accept revenue totaling \$4,671.00 from the 2021 National Night Out event as provided for under preauthorization granted by City Council.

**Action:** This consent report was approved.

20. Report from the City Manager recommending a one-year extension to the existing agreement between the City of Concord, the Concord School District, and Concord Community Television for the continued development and operation of Concord Community Television.

**Action:** This consent report was approved.

21. Report from the Deputy City Manager for Development on the status of the John Flatley Company zoning amendment request for property located on Break O'Day Drive.

**Action:** This consent report was approved.

22. Report from the City Engineer in response to a referral requesting the installation of a streetlight on Shawmut Street.

**Action:** This consent report was approved.

**Appointments**

23. Mayor Bouley's proposed appointment to the Committee for Concord's Plan to End Homelessness: Gregory Lessard.

**Action:** This appointment was approved.

24. City Manager's Proposed Appointment to the Conservation Commission: Emily Landry

**Action:** This appointment was approved.

*\*\*End of Consent Agenda\*\**

### **Public Hearings**

- 25A. Resolution appropriating the sum of \$126,064.72 for the Hoit Road / Whitney Road Intersection Improvement Project (CIP #30) and accepting the sum of \$126,064.72 in supplemental donations from Interchange Development L.L.C. for this purpose; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (Public testimony submitted)

**Action:** City Manager Aspell stated that on April 12, 2021 the City Council approved Resolution #9360, which authorized the City Manager to enter into a Development Agreement with Interchange Development L.L.C. concerning a public private partnership regarding design, permitting, and construction of certain improvements to Hoit Road and Whitney Road, known as CIP #30, in order to facilitate development of 43 acres of land located at 1 Whitney Road. The Agreement was executed in May 2021.

He stated that in accordance with the terms and conditions of the Development Agreement, Interchange Development L.L.C. was responsible for all costs of that portion of CIP #30 located within the Town of Canterbury.

He noted that due to change orders associated with the design and permitting process, as well as construction bids for CIP #30 as received by the City's Purchasing Office in May 2021, Interchange Development L.L.C.'s cost share for that portion of CIP #30 located in Canterbury had increased from \$449,250 to \$575,314.72 (a net increase of \$126,064.72).

He stated that because Resolution #9363 anticipated that Interchange Development's total cost share for CIP #30 would be \$449,250, the City must accept and appropriate the additional \$126,064.72 from the Developer. Interchange Development L.L.C. provided the full \$575,314.72 payment to the City on July 1, 2021. He stated that with these additional funds, the total budget for CIP #30 was now \$4,906,064.72; of which the City was responsible for \$4,330,750 and Interchange Development was responsible for \$575,314.72.

Councilor Fennessy asked to clarify that the City would not be contributing more

money towards this project, to which City Manager Aspell confirmed.

Roy Schweiker, a Concord resident, submitted written testimony that is on file in the Clerk's office.

Mayor Pro Tem Bouchard opened the public hearing. There being no public testimony, Mayor Pro Tem Bouchard closed the public hearing.

- 25B. Resolution authorizing the City Manager to submit an application in an amount of up to \$25,000 and to accept and appropriate grant proceeds of up to \$25,000 of Community Development Block Grant funds to conduct a needs assessment and feasibility study for entrepreneurial and small business technical support services in conjunction with Making Matters NH d/b/a Concord Makerspace; together with report from the Director of Redevelopment, Downtown Services and Special Projects and the Local Government Management Fellow.

**Action:** Mayor Pro Tem Bouchard asked to consolidate items 25B. and 25C. for public hearing purposes, which Councils members unanimously agreed to.

On behalf of Matthew R. Walsh, Director of Redevelopment, Downtown Services and Special Projects; Crayton Brubaker, Local Government Management Fellow, stated that Community Development Block Grants were made available to municipalities through the New Hampshire Community Development Finance Authority (NHCDFFA). He noted that, annually, \$500,000 was made available for economic development projects, \$500,000 was made available for public facilities projects, up to \$500,000 was made available for housing projects, up to \$500,000 was made available for emergency activities, and up to \$25,000 was made available for planning grants. He noted that all projects had to directly benefit a majority of low and moderate income persons.

Mr. Brubaker stated that the public hearing was to authorize the City to apply for, accept, and appropriate up to \$25,000 in Community Development Block Grant Feasibility/Planning Grant funds from the NH Community Development Finance Authority on behalf of Making Matters NH D/B/A Concord Makerspace. It was noted that a consultant would be hired to conduct a needs assessment and feasibility study concerning technical assistance services for entrepreneurs in the Capital Region. Specifically, the study would identify the number of micro-enterprise and small businesses within the region, current technical assistance resources and support systems for said businesses and gaps associated therewith, as well as develop a feasibility study / business plan to address identified gaps in technical support services for these businesses.

Mr. Brubaker noted that to be eligible for the CDBG funds, the City must readopt the City's Anti-displacement and Relocation Policy Statement and Procedures in support of the City's Community Development Block Grant Application to the New Hampshire Community Development Finance Authority. It was noted that the Anti-Displacement and Relocation Policy, would establish procedures the City - or its subgrantees - would adhere to when expending CDBG funds to support projects which could involve temporary or permanent displacement of residents or businesses. Mr. Brubaker noted that since this proposal was to first pursue a planning study, no displacements or relocations were anticipated at this time. He noted that this course of action would essentially follow up on a 2017 Chamber of Commerce recommendations report and would equip the Makerspace to be a direct technical support for small businesses and to be eligible for more New Hampshire Community Development Finance Authority (NHCDFFA) funding through the micro-enterprise fund.

Councilor Pierce asked to confirm if the \$25,000 would build on what the Chamber's report presented in 2017, instead of duplicating it. Mr. Brubaker confirmed.

Mayor Pro Tem Bouchard opened the public hearing.

Sandra May, the Making Matters NH Treasurer, thanked City Council for their consideration on this proposal. She noted that her organization was a Makerspace and had a business incubation wing that was full. She noted all of their private offices and artist cubes were all full. She stated there was a need for small and middle income business support in the community, and encouraged City Council's assistance in identifying those needs.

City Manager Aspell extended his thanks and appreciation to Ms. May for her support with helping to support the Downtown Penacook investment and needs.

Mayor Pro Tem Bouchard noted that she had toured the Making Matters NH space and was amazed to see all the services and assistance provided to newcomers, artists and businesses. She encouraged people to stop in and check it out.

There being no additional public testimony, Mayor Pro Tem Bouchard closed the public hearing.

## 25C. Resolution readopting the City's Anti-displacement and Relocation Policy

Statement and Procedures in support of the City's Community Development Block Grant Application to the New Hampshire Community Development Finance Authority; together with report from the Director of Redevelopment, Downtown Services and Special Projects and the Local Government Management Fellow.

**Action:** Public testimony was recorded in item 25B.

- 25D. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; Administrative Library Technician; together with report from the Library Director.

**Action:** City Manager Aspell stated that after discussion and analysis with the Human Resources Director and the Library Director, it was determined that a job classification change was appropriate regarding the Administrative Specialist II position changing to an Administrative Library Technician. The change also included a Labor Grade and Step change from an 11L to Labor Grade Step 12M at a cost of \$3,700.

Councilor Kretovic asked City Manager Aspell if the labor and position reclassifications were due to changes seen in the market, if it was due to compensation study, or if these changes were driven by the additional duties being performed by an individual. City Manager Aspell stated that changes in technology drive most of the organizational and position changes, as does the added responsibilities being taken on by individuals. He noted that he asked all Department Heads to monitor for these changes and tried to account for most in the budget cycle, but some were not captured due to the timing of budget preparations.

Mayor Pro Tem Bouchard opened the public hearing. There being no public testimony, Mayor Pro Tem Bouchard closed the public hearing.

- 25E. Resolution authorizing the City Manager to enter into a Purchase and Sale Agreement Amendment with the John J. Flatley Company concerning the sale and redevelopment of the former New Hampshire Employment Security Property located at 32-34 South Main Street and 33 South State Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Public testimony submitted)



**Action:** Mayor Pro Tem Bouchard asked to consolidate items 25E., 25F. and 25G. for public hearing purposes, which Councils members unanimously agreed to.

Matthew R. Walsh, Director of Redevelopment, Downtown Services and Special Projects, stated that the City of Concord had acquired the property in October 2014. He noted that, prior to purchase, customary due diligence efforts were performed which included an asbestos survey of the existing building. He noted that, on May 17, 2021, the City entered into a Purchase and Sale Agreement with the John J. Flatley Company (“the Developer”) concerning the sale and redevelopment of the Property. He stated that, under the terms of the Purchase and Sale Agreement, the City, prior to Closing, was obligated to abate certain light ballasts / bulbs and Asbestos Containing Materials (“ACM”) associated with the former office building, as previously identified in the 2014 Hazardous Building Materials Survey. After Closing, the Developer would then demolish the existing structure and construct its proposed project.

Mr. Walsh stated that, following the execution of the Purchase and Sale Agreement, during the course of preparation of bid specifications for the City’s abatement project, additional ACM were discovered at the property. These materials were not previously identified in the Hazardous Building Materials Survey commissioned by the City in 2014 in conjunction with its acquisition of the property from the State of New Hampshire. He noted that the majority of the newly discovered ACM was associated with the building’s blue exterior curtain wall, as well as other exterior doors and windows. Given these circumstances, he noted that it would be best to abate all exterior ACM simultaneously with the future demolition of the building.

The City promptly informed the Developer of the additional ACM at the Property. Upon learning about these additional materials, the Developer informed the City that they would not proceed with its project until such time as the City and the Developer reached an agreement concerning abatement of these materials. Mr. Walsh proposed amending the Purchase and Sale Agreement with the John J. Flatley Company, to state that the City would complete abatement of all interior Asbestos Contaminated Material (ACM) at the property, as identified in the 2014 Nobis Engineering HBM Survey and the Developer would abate all exterior Asbestos Containing Materials (AMC), as well as all other hazardous building materials at the property. Abatement of these materials would occur simultaneously with the Developer’s demolition of the building after Closing. As part of this arrangement, the City would provide the Developer with a \$150,000 payment at

Closing to support costs of removing exterior asbestos abatement.

It was noted that in order to help fund the additional expense, City Administration recommended accepting and appropriating \$27,500 in additional Brownfields Grant funds from the New Hampshire Department of Environmental Services (NHDES). Mr. Walsh stated that with these additional grant funds, the City's total budget for abatement of interior ACM, as well as light ballasts / bulbs, is \$410,000, of which \$200,000 is supported by NHDES grant funds. He noted his optimism about being able to complete the ACM removal within that budget amount.

Mr. Walsh proposed accepting and appropriating the sum of \$150,000 from certain third parties for asbestos abatement. He noted that non-City sources would be used to compensate the John J. Flatley Company for removal of certain Asbestos Containing Materials ("ACM") at the property.

Mr. Walsh confirmed that the Developer was still willing to proceed with its due diligence efforts and the permitting process, noting no scheduling impacts to the project. Mr. Walsh supported moving forward because once the project was completed, the community would receive a signature real estate development consisting of a new 6 story, 80,000SF building, with 64 apartment units, expanding the City's tax base by \$8,000,000 - \$10,240,000, and generating \$215,000 - \$275,000 in new property taxes annually. He also noted that due to additional grant funds, as well as anticipated funds from the consultant, there would be no additional costs to Concord taxpayers stemming from the additional Asbestos Containing Materials discovered at the property.

Councilor Kretovic asked to clarify if, under the previous agreement where the City considered taking the building down, would the City be responsible for the \$150,000 asbestos removal. Mr. Walsh noted that under the previous agreement with Del Sol, yes the City was to be responsible for all asbestos removal at the property and demolition. He noted that similar third party outreach would have been considered to help fund the asbestos removal.

Councilor Kenison stated that she was looking forward to this project as it would help create more housing in the City. She thanked Mr. Walsh for his negotiating skills to get the project to this point.

Roy Schweiker, a Concord resident, submitted written testimony that is on file in the Clerk's office.

Mayor Pro Tem Bouchard opened the public hearing. There being no public testimony, Mayor Pro Tem Bouchard closed the public hearing.

- 25F. Resolution appropriating the sum of \$150,000 to compensate the John J. Flatley Company for abatement of certain asbestos containing materials at the former New Hampshire Employment Security Property (CIP #578) located at 32-34 South Main Street and 33 South State Street and authorizing the use of \$150,000 in Economic Development Reserve Funds for this purpose; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Revised resolution and supplemental report submitted)

**Action:** Public testimony was recorded in item 25E.

- 25G. Resolution authorizing the City Manager to apply for the sum of \$27,500 in New Hampshire Department of Environmental Services Brownfields Program Grant Funds, appropriating the sum of \$27,500 for Hazardous Building Materials Abatement at the Former New Hampshire Employment Security Property located at 32-34 South Main Street (CIP #578), and accepting the sum of \$27,500 in New Hampshire Department of Environmental Services Brownfields Program Grant Funds for this purpose; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

**Action:** Public testimony was recorded in item 25E.

### **Public Hearing Action**

26. Resolution appropriating the sum of \$126,064.72 for the Hoit Road / Whitney Road Intersection Improvement Project (CIP #30) and accepting the sum of \$126,064.72 in supplemental donations from Interchange Development L.L.C. for this purpose; together with report from the Director of Redevelopment, Downtown Services, and Special Projects. (Public testimony submitted)

**Action:** Councilor Fennessy moved approval. This motion was duly seconded and passed with no dissenting votes.

27. Resolution authorizing the City Manager to submit an application in an amount of up to \$25,000 and to accept and appropriate grant proceeds of up to \$25,000 of Community Development Block Grant funds to conduct a needs assessment and feasibility study for entrepreneurial and small business technical support services in conjunction with Making Matters NH d/b/a Concord Makerspace; together with report from the Director of Redevelopment, Downtown Services and Special Projects and the Local Government Management Fellow.

**Action:** Councilor Nhyan moved approval. This motion was duly seconded and passed with no dissenting votes.

28. Resolution readopting the City's Anti-displacement and Relocation Policy Statement and Procedures in support of the City's Community Development Block Grant Application to the New Hampshire Community Development Finance Authority; together with report from the Director of Redevelopment, Downtown Services and Special Projects and the Local Government Management Fellow.

**Action:** Councilor Champlin moved approval. This motion was duly seconded and passed with no dissenting votes.

29. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; Administrative Library Technician; together with report from the Library Director.

**Action:** Councilor Matson moved approval. This motion was duly seconded and passed with no dissenting votes.

30. Resolution authorizing the City Manager to enter into a Purchase and Sale Agreement Amendment with the John J. Flatley Company concerning the sale and redevelopment of the former New Hampshire Employment Security Property located at 32-34 South Main Street and 33 South State Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Public testimony submitted)

**Action:** Councilor Kenison moved approval. This motion was duly seconded and passed with no dissenting votes.

Councilor Fennessy thanked the City Manager, Mr. Walsh and their team for their efforts. He noted that there were some issues but that he was satisfied to see where things ended up and would support the project.

31. Resolution appropriating the sum of \$150,000 to compensate the John J. Flatley Company for abatement of certain asbestos containing materials at the former New Hampshire Employment Security Property (CIP #578) located at 32-34 South Main Street and 33 South State Street and authorizing the use of \$150,000 in Economic Development Reserve Funds for this purpose; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (Revised resolution and supplemental report submitted)

**Action:** Councilor Nhyan moved approval. This motion was duly seconded and passed with no dissenting votes.

32. Resolution authorizing the City Manager to apply for the sum of \$27,500 in New Hampshire Department of Environmental Services Brownfields Program Grant Funds, appropriating the sum of \$27,500 for Hazardous Building Materials Abatement at the Former New Hampshire Employment Security Property located at 32-34 South Main Street (CIP #578), and accepting the sum of \$27,500 in New Hampshire Department of Environmental Services Brownfields Program Grant Funds for this purpose; together with report from the Director of Redevelopment, Downtown Services & Special Projects.

**Action:** Councilor Kretovic moved approval. This motion was duly seconded and passed with no dissenting votes.

Councilor Champlin endorsed this project and noted the benefits of having additional market rate housing in the area. He noted that this resolution highlighted the skill and achievements of City staff to find alternate sources of funding, to minimize impacts, to property tax payers, and thanked staff for their service.

Mayor Pro Tem Bouchard gave her thanks and appreciation to City staff for their work on this project.

## **Reports**

### **New Business**

Motion to direct the City to amend the Code of Ordinances to change the Columbus Day holiday to be Indigenous Peoples' Day. This notice would be posted in the October agenda and set for a November public hearing.

**Action:** Councilor Rice Hawkins proposed a motion to have the City of Concord refer to Indigenous Peoples' Day instead of Columbus Day. She stated that this change would be made to honor and acknowledge the sacrifice and works of the Indigenous People who were here for hundreds of generations. She stated that this change has been advocated for decades and helped to acknowledge the physical and cultural harms of genocide and discrimination that the Indigenous People have faced. She noted that, in the spirit of social justice, equity and equality, this change would be one worth making and would further align with Concord's School Districts and other communities. She stated that she wanted her motion to be passed tonight and not be set for a public hearing. She noted that she was an advocate for public input, but felt that it was not the role of City Council to debate the validity of lived experiences of historically marginalized communities when they say something is harmful to them. She stated her belief that the it was time for Council to act because the action of inaction would speak louder. She reminded Council that prior public input and testimonies were received the year prior and the discussion to make this change were long overdue.

Councilor Rice Hawkins made a motion, which was duly seconded, for the City of Concord to refer to the second Monday in October as Indigenous Peoples' Day going forward.

Mayor Pro Tem Bouchard asked to clarify the process to determine if this change could be voted on or if it was an Ordinance change. City Solicitor Kennedy stated that the City holidays were set forth in the City's Code of Ordinances under section 34 and since Columbus Day was one of the holidays listed, Council would need to follow the Council rules and State law in order to change it, which would include holding a public hearing. He noted that under State law, notice was to be made regarding a change to the Ordinance. He noted that if the change was noticed in the October Council meeting, it could be on the November agenda for a public hearing and passage, unless Council voted to suspend the rules for a quicker action.

Councilor Keach stated that he would vote against this proposal as he felt it was short sighted to not include the community in this discussion. He said he didn't necessarily disagree with the idea, but wanted to hear from the community first.

Councilor Kenison noted that she did not see a reason to speed through this process since it wouldn't be recognized until after the holiday. She noted her agreement for the proposed change, but advocated for following through with the regular process.

Councilor Kretovic noted that when Columbus Day first became a holiday it was intended to celebrate discovery and became something that Italian American immigrants held on to as a celebration, at a time they were being oppressed, because they were short and of a darker color. She stated that she would hate to replace one holiday by suppressing another segment of a population. She stated that she wanted to see the community come together to discuss this proposed change as it didn't seem right to oppress one culture to highlight another.

Councilor Champlin echoed Councilor Kretovic's comments and supported following the due process to allow the community time and input in this process. He noted that Columbus Day was a source of Italian American pride and was a day set in 1892 to counter the negative prejudices and hate crimes committed against Italian Americans. He noted that the celebration of Columbus was incidental as the day became a way to highlight and celebrate the achievements of Italian Americans. He felt that it was wrong to take away recognition from one minority group that was persecuted in order to then recognize another. He stated that he agreed with the intent of Councilor Rice Hawkins, as there was a history of genocide, displacement, slavery, and appropriation of property, caused by Columbus, that needed to be addressed and recognized. He noted his preference to remove Columbus entirely while providing recognition to the Italian American community.

Councilor Pierce agreed with Councilor Keach and advocated having the regular order and process followed to solicit public comments and input.

Councilor Werner asked to clarify that if Council noticed this change at the September 20th Council meeting it would still not take effect in time for the October holiday, to which it was confirmed. He stated his support for following the regular process, as the decision would still be made after the holiday.

Councilor Grady Sexton supported following the established process, and voiced concerns over rushing through the process, as she felt public feedback and input was important.

Councilor Rice Hawkins asked to clarify why notice couldn't be given at the meeting, to which City Solicitor Kennedy stated that the Ordinance would need to be first drafted in order for it to be recognized and then made available to the public.

Councilor Fennessy noted that he found it confusing to celebrate Columbus when

he didn't actually discover America, and was open to making a change. He reiterated that public input was important as everyone had different ideas about what to actually call the holiday, and felt that getting an Ordinance and plan was important. He agreed with Councilor Rice Hawkins' intent, but felt that time to properly digest and plan would be a more effective solution.

Councilor Kretovic reminded Council that it was Concord's Welcome Week and that Concord's Multicultural Festival would be held on Sunday, September 19th, at Keach Park, from 11 A.M. to 4 P.M.

Councilor Rice Hawkins agreed to withdraw her motion, which was seconded by Councilor McNamara, in order to follow the process of getting an Ordinance changed. City Solicitor Kennedy noted that Council would also need to clarify what to amend the holiday name to be in order to properly draft the Ordinance change, to which she confirmed her intent to have it be called Indigenous Peoples' Day.

Councilor Rice Hawkins motioned to direct the City to amend the Code of Ordinances to state Indigenous Peoples' Day, instead of Columbus Day, where applicable. This notice would be posted in the October agenda and set for a November public hearing. Councilor Todd seconded the motion.

Councilor Keach stated that he would vote against this, as it was premature to draft an ordinance before having an actual discussion on the naming first. He noted his belief that gathering public input would be the first step and felt there shouldn't be a rush to push this through.

Councilor Champlin stated he would vote in favor of this motion and felt there was enough time to engage with the Concord community on their opinions.

Councilor Kenison stated that she would support the motion to encourage the continued discussion.

Councilor Nyhan stated that he supported Councilor Keach's comments. He noted that there were strong arguments for and against this change and suggested perhaps settling on it being called Cultural Awareness Day to encompass everyone, but that further discussion was needed. He suggested keeping the name and substance blank on the ordinance, to keep it open for discussion, as it shouldn't be rushed and felt that a proper process should be followed.



Councilor Kenison agreed with Councilor Nyhan, but felt that there could be a compromise with the current motion as the name could be rejected.

Councilor Pierce asked to clarify if Council could amend the Indigenous Peoples' Day name after the fact without triggering additional public hearings, to which City Solicitor Kennedy confirmed and stated that transparency and notice to the public was most important.

Councilor Todd agreed to follow the process and have a public hearing, while noting that perhaps a Committee could help collect enough input and information for the right decision to be made in a sensitive way before the next holiday.

Councilor Fennessy asked if there was another mechanism in place that could be used to put the public on notice of this change, without needing to draft an Ordinance. City Solicitor Kennedy noted that, typically, Council would form a Committee that would hold public hearings on the Ordinance, to then draft an Ordinance, then set the public hearing on that Ordinance.

Councilor Kenison did not agree with putting out an Ordinance with a blank name and did not want to set up a Council committee. She noted that it was time to move forward with this now.

Councilor Rice Hawkins stated that sixteen months ago, people on the Council did not want to pass a statement on racial justice because they wanted to have community conversations, and reiterated that sixteen months later there still hadn't been any community conversations. She noted that Council was able to move the Gas Holder conversation in a very short period of time and included finances. She stated that she was not interested in a blank Ordinance and wanted what has been asked for over fifty years. She stated that this change wasn't a hard one to make and that people really hurt when they hear this. She stated her opinion that this shouldn't be open for public debate, but did recognize there was a process in place to follow to make the change. She encouraged everyone to be honest about the actual conversation and to watch the movie Frozen 2, noting that it said that when you know better, you do better. She said it wasn't hard to recognize or listen to people who have been harmed and to do what they ask to make things better. She stated that she did not want to have a study committee and wanted to move forward with the conversation that Council committed to do for the City, around issues like this.

Councilor Kretovic noted that Councilor Rice Hawkins should have said "during a

pandemic" when stating that community conversations around racial justice still haven't been had.

Councilor McNamara noted that she did not feel this conversation was being rushed. She noted that Indigenous People were self sufficient, thriving, and were part of a successful community. She agreed to open up the conversation for public input, but didn't want to prolong it further and did not want a blank name.

Councilor Champlin motioned to move the question, which was duly seconded.

Mayor Pro Tem Bouchard noted that she supported this motion to change the holiday's name. She acknowledged that to her Italian American relatives and friends who celebrate Columbus Day, it was a way to celebrate and take pride in their heritage and religion. She noted that it was important to start the conversation in order to have it.

Councilor Keach asked for a roll call voted, which was duly seconded.

**Yes:** 12 - Councilor Bouchard, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor McNamara, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

**No:** 2 - Councilor Keach, and Councilor Nyhan

**Excused:** 1 - Mayor Bouley

### **Unfinished Business**

### **Comments, Requests by Mayor, City Councilors**

**Action:** Councilor Champlin reminded the community that the Capital Arts Fest was being held in Downtown Concord and spread throughout the City, September 24-26th. He noted that the event would be anchored by a Fine Arts and Craft Fair, presented by the League of NH Craftsmen, and encouraged everyone to check it out, noting that there would also be free music and entrainment.

Councilor Matson reiterated that Concord's Multicultural Festival was scheduled for Sunday, September 19th, from 11 A.M. to 4 P.M., at Keach Park.

Councilor McNamara recognized community member George Ash for his dedication to community service, noting that he daily cleans the Green Street sidewalks and curbs. Council extended a round of applause for Mr. Ash and extended their appreciation for his work.

Councilor Werner stated that Concord's Welcome Week was very important, but also timed with up to 100 Afghanistan evacuees coming to New Hampshire. He stated his belief that diversity strengthens the community and emphasized his hope for Concord to continue to be welcoming to the new people soon to arrive.

Councilor Kretovic asked if the community should reach out to Mayor Pro Tem Bouchard in the Mayor's absence, to which it was noted that Mayor Bouley would return on Monday. City Manager Aspell noted that any community communications can be sent to the City Manager and City Clerk for follow up.

Councilor Rice Hawkins noted that the Library had fun take-away craft kits for kids all month long.

### **Comments, Requests by the City Manager**

**Action:** City Manager Aspell gave an update on scheduling efforts with the National League of Cities, stating that there would be two meetings, one for City Council and one for City staff. He noted that the earliest meeting for staff would be in December and a date had not yet been determined for Council due to evening scheduling availability.

Councilor Champlin clarified that these meetings would be for diversity training.

### **Adjournment**

**Action:** Councilor Kenison moved approval to adjourn the meeting at 8:30 P.M. The motion was duly seconded and passed with no dissenting votes.

**Information**

Inf1 April 20, 2021, May 18, 2021 and June 15, 2021 Traffic Operations Committee Meeting Minutes.

**Action:** Information item received and filed.

Inf2 August 16, 2021 Fiscal Policy Advisory Committee Draft Meeting Minutes.

**Action:** Information item received and filed.

Inf3 August 17, 2021 Ad Hoc Beaver Meadow Golf Course Clubhouse Committee Draft Meeting Minutes.

**Action:** Information item received and filed.

*A true copy; I attest:*

*Ashley Hamilton*

*Deputy City Clerk*