



City of Concord

City Council

Meeting Minutes - Draft

Monday, June 3, 2024

5:30 PM

City Council Chambers
37 Green Street
Concord, NH 03301

City Council Meeting to begin immediately following the Finance Committee work session that begins at 5:30 p.m.

1. Mayor Champlin called the meeting to order at 8:34 PM.
2. Roll Call.

Present: 14 - Councilor Stacey Brown, Mayor Byron Champlin, Councilor Nathan Fennessy, Councilor Jeff Foote, Councilor Amanda Grady Sexton, Councilor Michele Horne, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Judith Kurtz, Councilor Paula McLaughlin, Councilor Karen McNamara, Councilor Jim Schlosser, Councilor Kris Schultz, and Councilor Brent Todd

Excused: 1 - Councilor Ali Sekou

3. Agenda overview by the Mayor.

Public Hearings

- 4A. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2025, ending June 30, 2025, for the General Fund, Special Revenue Funds, Enterprise Funds, Debt Service Funds and De Minimis Accounts.

Action: Mayor Champlin opened the public hearings. Public hearings for items 4A, 4B, 4C and 4D were held in conjunction. There being no public testimony, the Mayor declared the hearing closed.

- 4B. Resolution for the annual capital closeout and repurposing of capital project funds; together with a report from the Assistant Finance Director.

Action: The public hearings for items 4A, 4B, 4C and 4D were held in conjunction.

- 4C. Resolution appropriating for Fiscal Year 2025 (July 1, 2024 to June 30, 2025) the sum of \$53,551,745 for capital projects, authorizing the issuance of bonds and notes in the amount of \$45,286,110, accepting \$3,508,925 in federal grant funds,

and accepting \$401,710 in state grant funds for various capital projects more specifically identified in the budget document.

Action: The public hearings for items 4A, 4B, 4C and 4D were held in conjunction.

- 4D. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by amending Chapter 9, Section 9-1-6 Water Use Rates, Section 9-1-8 Water Fixed Charges, Section 9-3-8 Sewer Use Rates, and Section 9-3-8(a) Sewer Fixed Charges.

Action: The public hearings for items 4A, 4B, 4C and 4D were held in conjunction.

Public Hearing Action

5. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2025, ending June 30, 2025, for the General Fund, Special Revenue Funds, Enterprise Funds, Debt Service Funds and De Minimis Accounts.

Action: Councilor Fennessy moved approval. The motion was duly seconded and passed on a roll call vote.

Mayor Champlin made a motion for the General Fund to add \$150,000 for events to be funded from Economic Development Reserve; reduce the Human Services software maintenance budget by \$14,000; reduce the Legal Department Other Communities revenue line by \$70,355; reduce the tax rate increase to 3.5% by adding \$10.3 million to assessed value real growth; increase investment income by \$100,000; increase motor vehicle income by \$64,000; for CIP 515 move snow making \$250,000 from FY27 to FY26; add \$20,000 to Concord TV; and reduce CIP #63 by \$560,000 moving this project to FY26 and reduce bond authorization by \$560,000 for Garrison Park Pool. The motion was duly seconded. The amendment passed on a roll call vote.

Councilor Kretovic asked if any member of City Council would be recusing on any portion of the budget.

Mayor Champlin asked Councilor Brown if she would like to recuse herself from the Police Department portion of the budget.

Councilor Brown stated that she believes she votes on the budget and that last year she voted and did not recuse from Police Department related items.

Mayor Champlin stated that Councilor Brown does vote on the budget but that he recommends she recuse herself from the police portion of the operating budget which he believes she has done in the past.

Councilor Brown stated she does not believe she did and requested the City Solicitor's input.

City Solicitor Danielle Pacik stated that she reviewed last year's minutes and did not see a recusal for Councilor Brown. Solicitor Pacik stated that the recusal would be at the discretion of Councilor Brown or Mayor Champlin.

Mayor Champlin stated that he believed Councilor Brown had recused herself.

Councilor Kretovic stated that the operating budget does include the compensation for all employees including the rate increase for health care benefits as well as the step adjustments for anyone within the Police Department. Councilor Kretovic stated that she is unsure why there was not a recusal last year and believes there may have been a recusal the year prior. Councilor Kretovic stated that perhaps this is an item that is taken under advisement for clarity by the Rules Committee.

Mayor Champlin stated that as the chair he will rule that Councilor Brown recuse from the Police Department portion of the budget.

Councilor Brown stated that she spoke with former City Solicitor Jim Kennedy in the past and that it was understood regarding compensation. She also discussed that she is comfortable continuing in the same vein as the previous year.

Mayor Champlin provided an example of his recusals in the past from items regarding the Greater Concord Chamber of Commerce because he sat on the Board of Directors. Mayor Champlin then ruled that Councilor Brown recuse.

Councilor Brown stated she would like to challenge the ruling as she said that it is broad to recuse from anything regarding the Police Department. She also stated that she is voting on the entire budget and not just a specific Police item.

City Solicitor Pacik noted that the 2022 minutes stated that Councilor Brown recused from voting on items relating to the Police Department as well as compensation adjustment lines. City Solicitor Pacik noted that the City Solicitor's

office has not and does not notify Councilors regarding recusals and that Councilors should be deciding on their own regarding recusals.

Councilor Brown stated that her decision to not recuse in 2023 was because she had a conversation with former City Solicitor Jim Kennedy and may not have needed to recuse.

Mayor Champlin ruled that there is a conflict of interest specifically because included in the budget are compensation and benefits for Councilor Brown's spouse and family.

Councilor Fennessy commented that he believes the wise decision would be for one to recuse from the item at hand. Councilor Fennessy also stated that he was surprised that the former City Solicitor is portrayed as having provided advice as Councilors are encouraged to make their own decisions. Due to the ability to make one's decisions, Councilor Fennessy stated that he would be voting against Mayor Champlin's ruling as he believes a Councilor should have the ability to make their own decision on recusals.

Councilor Brown stated that she did recuse herself from the conversation.

Councilor Horne asked that Mayor Champlin specify from which items Councilor Brown should recuse.

Mayor Champlin explained that the vote for Council will be to decide whether Councilor Brown should recuse from compensation adjustment lines and all Police Department lines within the operating budget.

Councilor Kurtz asked for confirmation that a neigh vote would signify that the chair does not call for a recusal and allows the Councilor to make the decision on recusing or voting.

Councilor Schlosser asked for confirmation that the City Council's prerogative is to ask for a Councilor's recusal.

Mayor Champlin explained that the Mayor has the right to determine whether there is a conflict of interest but that the involved Councilor has a right to ask for a challenge and ask the body for a vote.

Councilor Kretovic explained that Council rules state that any member of the Council may ask the Mayor for a ruling and that she asked as a courtesy to Councilor Brown.

The challenge was a tie with a roll call vote and the motion to challenge Mayor Champlin's ruling that Councilor Brown recuse failed thereby requiring Councilor Brown to recuse.

Councilor Grady Sexton recused from any items related to the Crisis Center of Central New Hampshire because she works for the administrative office who manages funds for the Crisis Center.

Councilor Brown recused from police compensation lines and lines related to the police department.

Councilor Fennessy moved approval of the resolution as amended. The motion was duly seconded and passed on a roll call vote. Councilors Brown and Grady Sexton recused from certain sections of the budget as noted previously.

Yes: 14 - Councilor Brown, Mayor Champlin, Councilor Fennessy, Councilor Foote, Councilor Grady Sexton, Councilor Horne, Councilor Keach, Councilor Kretovic, Councilor Kurtz, Councilor McLaughlin, Councilor McNamara, Councilor Schlosser, Councilor Schultz, and Councilor Todd

Excused: 1 - Councilor Sekou

6. Resolution for the annual capital closeout and repurposing of capital project funds; together with a report from the Assistant Finance Director.

Action: Councilor Kretovic moved approval. The motion was duly seconded and passed with a roll call vote.

Yes: 14 - Councilor Brown, Mayor Champlin, Councilor Fennessy, Councilor Foote, Councilor Grady Sexton, Councilor Horne, Councilor Keach, Councilor Kretovic, Councilor Kurtz, Councilor McLaughlin, Councilor McNamara, Councilor Schlosser, Councilor Schultz, and Councilor Todd

Excused: 1 - Councilor Sekou

7. Resolution appropriating for Fiscal Year 2025 (July 1, 2024 to June 30, 2025) the sum of \$53,551,745 for capital projects, authorizing the issuance of bonds and

notes in the amount of \$45,286,110, accepting \$3,508,925 in federal grant funds, and accepting \$401,710 in state grant funds for various capital projects more specifically identified in the budget document.

Action: Councilor Kretovic moved approval. The motion was duly seconded and passed with a roll call vote.

Councilor Kretovic moved to reduce CIP 63 by \$560,000. The motion was dully seconded and passed with a roll call vote.

Councilor Fennessy moved approval of the resolution as amended. The motion was duly seconded and passed with a roll call vote.

Yes: 14 - Councilor Brown, Mayor Champlin, Councilor Fennessy, Councilor Foote, Councilor Grady Sexton, Councilor Horne, Councilor Keach, Councilor Kretovic, Councilor Kurtz, Councilor McLaughlin, Councilor McNamara, Councilor Schlosser, Councilor Schultz, and Councilor Todd

Excused: 1 - Councilor Sekou

8. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines, and Penalties, Schedule I, by amending Chapter 9, Section 9-1-6 Water Use Rates, Section 9-1-8 Water Fixed Charges, Section 9-3-8 Sewer Use Rates, and Section 9-3-8(a) Sewer Fixed Charges.

Action: Councilor Kretovic moved approval. The motion was duly seconded and passed with a roll call vote.

Yes: 14 - Councilor Brown, Mayor Champlin, Councilor Fennessy, Councilor Foote, Councilor Grady Sexton, Councilor Horne, Councilor Keach, Councilor Kretovic, Councilor Kurtz, Councilor McLaughlin, Councilor McNamara, Councilor Schlosser, Councilor Schultz, and Councilor Todd

Excused: 1 - Councilor Sekou

Comments, Requests by Mayor, City Councilors

Councilor Kretovic discussed the Rules Committee and the New Hampshire Municipal Association's new advisory specific to recusals which may impact Council Rules.

Councilor Schultz announced the last day to change one's party affiliation prior to the September State Primary is June 4. Councilor Schultz also announced that the filing period for a number of State positions begins on June 5.

Councilor Brown asked if the Rules Committee will discuss the institution of a financial disclosure form. Councilor Brown announced a School Board meeting and a Joint City/School Committee on Cooperation meeting.

Councilor Grady Sexton thanked the City Manager and City staff for the work that went into the budget process.

Mayor Champlin also thanked the City Manager, Deputy City Managers, City staff, and members of Council for their work on the budget.

Comments, Requests by the City Manager

Adjournment

Action: There being no further Council business, Councilor Todd moved to adjourn the meeting at 9:08 PM. The motion was duly seconded and passed with no dissenting votes.

A true copy, I attest:

*Elisabeth Harrington
Deputy City Clerk*