



City of Concord

City Council

Meeting Minutes - Draft

Monday, May 11, 2020

7:00 PM

Zoom Meeting Link:
<https://us02web.zoom.us/j/8942591833>

3

Telephone Dial: US: +1 929 205 6099 -
Webinar ID#: 894-2591-8333

COVID-19 - Public Meeting Procedures Notice

Due to the Covid 19/Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, City Council is authorized to meet electronically. The City of Concord will be utilizing the Zoom platform for this electronic meeting.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04.

*All members of City Council have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by following the link below, or dialing the number below and entering the ID number at the prompt. For those who want to provide public testimony in the Public Hearing portion of the meeting, and you are connected to the Zoom website, you may click on the Raise Hand icon in the Attendees Section of Zoom to make the request. When the time is appropriate, you will be recognized so you can provide your testimony. For those calling in who want to provide public testimony, dial *9 to alert the host that you wish to speak. The host will unmute you at the appropriate time/during the public hearing portion of the meeting. All participants please keep your phones and computers on mute unless speaking.*

Website address: <https://us02web.zoom.us/j/89425918333> .

Telephone Dial: US: +1 929 205 6099 - Webinar ID#: 894-2591-8333.

Members of the public can also email questions or other public testimony to citycouncilmeeting@concordnh.gov. Staff will read the testimony or question into the record during the meeting.

Any member of the public can also call the City of Concord at 603-230-4619 or email: citycouncilmeeting@concordnh.gov if they are unable to access the meeting and assistance connecting is needed.

Non-public session in accordance with RSA 91-A:3, II (d) to discuss property acquisition to be held at 5:30 p.m.

1. Mayor Bouley called the meeting to order at 7:12 p.m.

Action: Action: Mayor Bouley welcomed everyone to the May 11, 2020 Electronic Meeting of the City Council, indicating City Council was meeting electronically due to the COVID-19/Coronavirus pandemic in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04. Mayor Bouley noted that in accordance with the Governor's Emergency Order, we have provided public notice of the necessary information for accessing this meeting. He noted that instructions are provided on our agenda on the City of Concord's website at: <https://concordnh.legistar.com/Calendar.aspx>. He further noted that Council was utilizing the Zoom platform for this electronic meeting. All members of the City Council have the ability to communicate contemporaneously during this meeting, and the public has access to listen and, if necessary, participate in this meeting via the following website address: <https://us02web.zoom.us/j/89425918333>.

If any member of the public does not have website access, they may dial the telephone number 929-205-6099 and enter the password 894-2591-8333.

For those who want to provide public testimony in the Public Hearing portion of the meeting, and who are connected to the Zoom website, they may click on the Raise Hand icon in the Attendees Section to make the request. When the time is appropriate, they will be recognized by the Mayor and can provide their testimony. For members of the public who are participating by phone, they may dial *9 to alert the Mayor that they want to testify. Mayor Bouley noted that we would not be using the Chat function in Zoom for this meeting. He also noted that testimony is only allowed for agenda items that have been scheduled for a public hearing, and public participation is not authorized for the other items on the agenda.

Anyone having a problem accessing the meeting were advised to call 603-230-4619 or send an email to: citycouncilmeeting@concordnh.gov.

The Mayor indicated that in the event the public is unable to access the meeting, the meeting would be adjourned and rescheduled at that time.

All votes to be taken during this meeting will be done by roll call vote.

Mayor Bouley asked members of City Council, when stating their presence at the meeting, to please also state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.

In accordance with the Right-to-Know law, Councilor Kretovic indicated that Bill and Jack Kretovic were in the house with her. All other members of City Council indicated they were alone.

Present: 15 - Councilor Candace Bouchard, Mayor Jim Bouley, Councilor Byron Champlin, Councilor Nathan Fennessy, Councilor Amanda Grady Sexton, Councilor Meredith Hatfield, Councilor Fred Keach, Councilor Linda Kenison, Councilor Jennifer Kretovic, Councilor Gail Matson, Councilor Keith Nyhan, Councilor Erle Pierce, Councilor Zandra Rice Hawkins, Councilor Brent Todd, and Councilor Robert Werner

5. Approval of the Meeting Minutes.

April 13, 2020 Meeting Minutes.

Action: Councilor Matson moved approval of the April 13, 2020 meeting minutes. The motion was duly seconded by Councilor Champlin and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

6. Agenda overview by the Mayor.

Action: Councilor Kretovic moved to seal the minutes of the non-public session held in accordance with RSA 91-A:3, II (d) that was held prior to the Council meeting this evening. The motion was duly seconded by Councilor Pierce and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Consent Agenda Items

Action: Prior to entertaining a motion on the consent agenda, Mayor Bouley noted that City Council received a revised report specific to item #17. Councilor Kretovic indicated she wished to recuse herself on item #17, as she was an existing member of the Beaver Meadow Golf Course. Councilor Nyhan moved approval of the consent agenda. The motion was duly seconded by Councilor Grady Sexton and passed, 14-1, by roll call vote. Councilor Kretovic recused herself on item #17 only, voting to approve all other items.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Recused: 1 - Councilor Kretovic

Items Tabled for June 4, 2020 Public Hearings

7. Resolution fixing and determining the amount of money to be appropriated by the City of Concord for the Fiscal Year 2021, ending June 30, 2021, for the General Fund, Special Revenue Funds, Enterprise Funds, Debt Service Funds and Diminimis Accounts. (To be submitted under separate cover.)

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

8. Resolution for the annual capital closeout and repurposing of capital project funds; together with report from the Senior Accountant. (To be submitted under separate cover.)

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

9. Resolution authorizing and appropriating for Fiscal Year 2021 (July 1, 2020 through June 30, 2020) funds for Capital Projects and authorizing the issuance of bonds and notes for various Capital Projects more specifically identified in the budget document. (To be submitted under separate cover.)

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

10. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties, Sewer Rates. (To be submitted under separate cover.)

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

From the City Manager

11. Positive Citizen Comments.

Action: This positive comments report was received and filed.

Consent Reports

12. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$393.67, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

13. City Council 2020-2021 Quarterly Priorities Report from the City Manager.

Action: This consent report was approved.

14. Report from the Deputy City Manager - Development notifying Council of a \$30,000 award of Federal CARES Act funding to the Concord Municipal Airport.

Action: This consent report was approved.

15. March 2020 Fiscal Year to Date Financial Statements from the Deputy City Manager - Finance.

Action: This consent report was approved.

16. Report from the Deputy City Manager - Finance requesting authorization for the City Manager to enter into a Memorandum of Understanding with Unutil relative to a light-emitting diode (LED) street lighting program.

Action: This consent report was approved.

17. Report from the Deputy City Manager - Finance proposing revisions to Beaver Meadow Golf Course Membership Rates for the 2020 Golf Season and adding a single rider cart rate as recommended by the Golf Course Advisory Committee. (Revised report submitted)

Action: This consent report was approved.

18. Report from the City Solicitor's Office regarding a tentative agreement between the City of Concord and the International Association of Fire Fighters, Local 1045 (IAFF).

Action: This consent report was approved.

19. Report from the Interim Fire Chief on an application for a grant funding opportunity from the New Hampshire Department of Safety for Critical Infrastructure Protection and Emergency Operations Center Support Equipment.

Action: This consent report was approved.

20. May 2020 Economic Development Report from the Economic Development Director.

Action: This consent report was approved.

21. Report from the Traffic Operations Committee and the Transportation Policy Advisory Committee summarizing referrals from 2019.

Action: This consent report was approved.

Consent Resolutions

22. Resolution authorizing the City Manager, by way of the Police Department, to submit a grant application to the Concord Regional Crimeline Grant Program, for funding of up to \$3,000, designated to purchase Police Mountain Bikes, accessories, and maintenance equipment; together with report from the Police Department.

Action: This consent resolution was approved.

23. Resolution authorizing the City Manager, by way of the Police Department, to submit an application to the United States Department of Justice, Patrick Leahy, Bulletproof Vest Partnership Grant Program to receive funding for the purchase of ballistic vests; together with report from the Police Department.

Action: This consent resolution was approved.

End of Consent Agenda

Public Hearings

- 24A. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, Schedule X, to convert certain metered parking spaces from 3 hours to 10 hours near 60-62 Pleasant Street, together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley closed the public hearing.

- 24B. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-8, Parking Time Limited in Designated Places, Schedule III (Two Hours between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday), by removing the two hour time limit on School Street between Liberty Street and Pine Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley closed the public hearing.

- 24C. 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, Schedule I (Parking Prohibited at All Times), by amending Schedule I by creating a no parking zone at the westerly end of District 5 Road; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: City Manager Tom Aspell provided a brief overview. After his overview, City Manager Aspell indicated that members of City Council had received written communication regarding this item from resident, Roy Schweiker.

Councilor Matson indicated she had been contacted by a constituent concerned with the lack of parking in the area. Councilor Matson inquired as to whether or not parking was available on the side of the road. City Manager Aspell, referencing the map within Council packets, indicated there were places to park along the side of the road.

Councilor Kretovic indicated she had received feedback from constituents within Ward Three indicating that at times access to the trails were blocked. Councilor Kretovic inquired as to whether or not city staff and/or the Conservation Commission could look into the access concerns, when they felt it was appropriate to do so. City Manager Aspell indicated that staff and the Conservation Commission were working on access concerns to this conservation property.

Councilor Hatfield indicated she had also received constituent concerns, similar to those that Councilor Kretovic received, inquiring as to how residents could report

issues. City Manager Aspell indicated residents with access concerns could contact the Conservation Commission and/or City staff directly.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley closed the public hearing.

- 24D. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, to re-establish law enforcement only parking near the Federal complex on Pleasant Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Fennessy inquired as to whether or not the US Marshalls Office had signed off on the proposed changes as outlined in the ordinance before Council. Mr. Aspell indicated that they did agree on the changes before Council.

Councilor Keach questioned as to whether or not there was an obligation to give those parking spots to the federal government. He further inquired if the spots were going to be for law enforcement only, indicating he felt there should be some compensation to the City in exchange for the parking.

Mayor Bouley indicated that he felt the ordinance before Council was a fair and reasonable compromise that ensures the safety of law enforcement, the Federal Building and all of the employees that work at the courthouse.

Councilor Champlin noted that the Parking Committee agreed with the changes before Council, indicating that the arrangement before Council was the best solution for the City of Concord.

Mayor Bouley declared the hearing open. There being no public testimony, Mayor Bouley closed the public hearing.

- 24E. Resolution appropriating the sum of \$5,500 from Arena Fund Balance for the procurement of outside services to develop a detailed cost estimate of an existing conceptual design for an Arena addition; together with report from the General Services Director.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Fennessy inquired as to what the anticipated scope of the addition was,

in terms of size. City Manager Aspell indicated that the idea was to put on a major addition in the back of the arena for restaurant space and provide additional services to those that use the arena, as well as provide user space for events. City Manager Aspell stated that the estimated cost to do this addition was eight million dollars.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley closed the public hearing.

- 24F. Resolution appropriating the sum of \$60,000 for the purpose of off-setting personnel costs for the Police Department to assign an officer to the Drug Task Force and accepting the sum of \$60,000 from the State of New Hampshire Attorney General's Drug Task Force for this purpose; together with report from the Police Department.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Hatfield inquired as to whether or not the \$60,000 completely offset the City's costs related to this assignment. City Manager Aspell indicated it does in terms of all of the City's costs for what value the City gets out of it. City Manager Aspell indicated the arrangement works very well for both agencies.

Councilor Keach referenced the shortage of police officers, asking if the City could afford the loss of another officer on the streets while one participated in this program. Police Chief Brad Osgood responded, indicating this was a lateral transfer from the City's investigative staff, stating they were not reducing the number of officers within the patrol division. Chief Osgood further stated that, historically, the City had participated in this program.

Mayor Bouley opened the public hearing. There being no public testimony, Mayor Bouley closed the public hearing.

- 24G. Resolution appropriating the sum of \$74,315 for equipment, professional development, and overtime, and accepting the sum of \$74,315 in United States Department of Justice FY2020 Coronavirus Emergency Supplemental Funding for this purpose; together with report from the Police Department.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley declared the hearing open. There being no public testimony, Mayor Bouley closed the public hearing.

- 24H. Resolution appropriating the sum of \$187,467 in the Annual Highway Improvement Program Project (CIP #78) and accepting and authorizing the use of revenue received for departmental services completed in conjunction with the capital project; together with report from the General Services Director.

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley asked the City Manager if the City had already been out to bid and received bids for this year's paving. City Manager Aspell indicated that to be correct. Mayor Bouley inquired as to how the prices the City received were. City Manager Aspell indicated that Continental Paving had kept this year's paving prices the same, which was not the case in all communities.

Mayor Bouley declared the hearing open. There being no public testimony, Mayor Bouley closed the public hearing.

- 24I. Resolution appropriating the sum of \$117,000 for equipment and overtime, and accepting the sum of \$117,000 in Department of Justice FY2020 Coronavirus Emergency Supplemental Funding for this purpose; together with report from the Interim Fire Chief.

Action: City Manager Tom Aspell provided a brief overview.

Councilor Hatfield thanked the City Manager and staff for being proactive in looking for these funding sources.

After brief Council discussion, Mayor Bouley declared the hearing open. There being no public testimony, Mayor Bouley closed the public hearing.

Public Hearing Action

25. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, Schedule X, to convert certain metered parking spaces from 3 hours to 10 hours near 60-62 Pleasant Street, together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Councilor Nyhan moved approval. The motion was duly seconded by Councilor Champlin and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

26. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Section 18-1-8, Parking Time Limited in Designated Places, Schedule III (Two Hours between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday), by removing the two hour time limit on School Street between Liberty Street and Pine Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Councilor Nyhan moved approval. The motion was duly seconded by Councilor Champlin.

Councilor Fennessy spoke in opposition to this ordinance indicating once the restrictions were removed in this area he felt it would become the new area for high school students to park, which would negatively affect residents in the area.

Councilor Champlin indicated that the Parking Committee did discuss Councilor Fennessy's concerns, further stating that parking enforcement would be keeping an eye on the situation and indicating that if it became a problem, the Parking Committee would revisit.

Councilor Keach expressed his concerns with the proposed changes, indicating he felt the City should not make ad hoc parking decisions.

Mayor Bouley spoke in support of the ordinance.

There being no further Council discussion, the motion passed 13 to 2 with a roll call vote.

Yes: 13 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Grady Sexton, Councilor Hatfield, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

No: 2 - Councilor Fennessy, and Councilor Keach

27. 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, Schedule I (Parking Prohibited at All Times), by amending Schedule I by creating a no parking zone at the westerly end of District 5 Road; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Councilor Champlin moved approval. The motion was duly seconded by Councilor Bouchard.

Councilor Kretovic noted that this is not the first time this area of District 5 Road has been before Council, on a number of different issues, referencing the complaints that Council continues to receive from residents having difficulty using the trails. Councilor Kretovic encouraged City Administration to follow-through, working with residents in the area to ensure the trails are available for use in the community.

Councilor Hatfield agreed with Councilor Kretovic's comments, speaking in support of the trails being available to all that wish to use them.

Councilor Matson agreed with Councilors Kretovic and Hatfield noting she would like any potential parking improvements in the area to be considered.

There being no additional Council discussion, the motion passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

28. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, to re-establish law enforcement only parking near the Federal complex on Pleasant Street; together with report from the Director of Redevelopment, Downtown Services, and Special Projects.

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Nyhan and passed 14 to 1 with a roll call vote.

Yes: 14 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

No: 1 - Councilor Keach

29. Resolution appropriating the sum of \$5,500 from Arena Fund Balance for the procurement of outside services to develop a detailed cost estimate of an existing conceptual design for an Arena addition; together with report from the General Services Director.

Action: Councilor Nyhan moved approval. The motion was duly seconded by Councilor Grady-Sexton passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

30. Resolution appropriating the sum of \$60,000 for the purpose of off-setting personnel costs for the Police Department to assign an officer to the Drug Task Force and accepting the sum of \$60,000 from the State of New Hampshire Attorney General's Drug Task Force for this purpose; together with report from the Police Department.

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Matson and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

31. Resolution appropriating the sum of \$74,315 for equipment, professional development, and overtime, and accepting the sum of \$74,315 in United States Department of Justice FY2020 Coronavirus Emergency Supplemental Funding for this purpose; together with report from the Police Department.

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

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

32. Resolution appropriating the sum of \$187,467 in the Annual Highway Improvement Program Project (CIP #78) and accepting and authorizing the use of revenue received for departmental services completed in conjunction with the capital project; together with report from the General Services Director.

Action: Councilor Bouchard moved approval. The motion was duly seconded by Councilor Matson and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

33. Resolution appropriating the sum of \$117,000 for equipment and overtime, and accepting the sum of \$117,000 in Department of Justice FY2020 Coronavirus Emergency Supplemental Funding for this purpose; together with report from the Interim Fire Chief.

Action: Councilor Hatfield moved approval. The motion was duly seconded by Councilor Bouchard and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

Reports

New Business

34. Budget Adoption.

Action: Mayor Bouley referenced the budget schedule and the need for City Council to continue meeting in electronic format through the budget adoption process indicating it may indeed take longer to get through this year's budget review process than it normally would when meeting in person. Mayor Bouley asked all members of City Council to consider how they might wish to break up the budget review process prior to the Manager's budget review on May 18, 2020.

Councilor Nyhan agreed with Mayor Bouley's comments, indicating that he felt flexibility would be the key to getting through the budget review process this year.

Unfinished Business

35. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards; Section 28-5-50, Keeping of Chickens as Pets Accessory to a Residential Use; together with a report from the City Planner. (Ordinance referred to the Public Safety Advisory Board at the October 15, 2019 City Council meeting.)

Action: This item remains on the table.

36. Report from the Associate Engineer approving the design of the "Welcome to East Concord" gateway sign and directing staff to return with an appropriating resolution accepting a \$1,500 donation from the East Concord Garden Club (ECGC) and allocating additional sign installation funds. (Action on this item tabled at the February 10, 2020 Council meeting.)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Action: Councilor Werner commended Deputy City Manager LeBrun for all of his work with Unutil on the LED street lights project.

Councilor Pierce extended his gratitude to General Services and Continental Paving for all of their work on the Bog Road project. Councilor Pierce also thanked Danielle Pacik, Deputy City Solicitor, for all of her work on a recent land ownership issue on the rail trail.

Councilor Rice Hawkins provided a census update indicating that Concord has a 66% completion rate at this time.

Councilor Rice Hawkins referenced a communication that all members of City Council received from a constituent that was asking about potential local

ordinances requiring residents to wear masks in the City of Concord. Councilor Rice Hawkins indicated she felt this issue should be dealt with at the State level, further stating that since that was not happening she would like a referral made to the City Solicitor to get a legal opinion on the possibility of adopting an ordinance specific to masks in the City.

Councilor Rice Hawkins commended the Concord Police Officers that were in the video dealing with citizens using playground equipment, during this pandemic, at Rollins Park recently.

Councilor Todd noted that it was regrettable that Memorial Day events were cancelled this year, further stating that he was hopeful that residents would still remember those that died in active military service.

Jim Kennedy, City Solicitor, clarified for Council that if it was the will of the Council to direct the legal department to investigate a potential ordinance specific to mandating that residents wear masks as requested by Councilor Rice Hawkins, the Legal Department would do so. Solicitor Kennedy referenced an ordinance being considered by the Town of Salem specific to requiring their residents to wear masks. Mr. Kennedy referred to the significant reference to masks in an executive order by Governor Sununu.

Councilor Rice Hawkins indicated that she was surprised that Governor Sununu indicated in his press conference today that he was not making a decision at the State level, rather indicating it was a local community decision to mandate mask wearing. She further stated she wanted an opinion from the Legal Department as to the legality of the issue prior to Council discussion as to whether or not they wished to adopt an ordinance specific to mask wearing.

Councilor Bouchard spoke in support of residents wearing masks while inquiring as to whether or not mandating that they be worn was enforceable.

Councilor Hatfield indicated that if the Solicitor's office had the bandwidth to investigate this issue, it would be worth the investigation so that Council had the information prior to considering an ordinance specific to mandating mask wearing.

Councilor Fennessy recommended that City Council direct the City Solicitor to explore further the authority upon which the Town of Salem was relying upon specific to their potential ordinance.

Solicitor Kennedy thanked Councilor Fennessy for his direction, indicating the Town of Salem was relying on the enforcement of their Health Officer. Solicitor Kennedy further noted that the Governor did indicate that communities could make their own decisions.

Councilor Fennessy indicated, from his perspective, if Council was going to consider this at some point, there would likely be a legal challenge to any ordinance the City may consider adopting.

Councilor Keach spoke in support of enlightenment and education, indicating that was likely more effective at this point than enforcement.

Councilor Werner noted his agreement that anything potentially considered and adopted by City Council would have legal challenges.

Councilor Champlin spoke in support of all residents wearing masks in the community in an effort to protect each other, not just themselves, while speaking in opposition to the passage of any potential ordinance mandating the wearing of masks.

Mayor Bouley noted his reluctance in directing the City Solicitor to do any research on this subject, stating that he didn't think it practical to adopt any ordinance mandating the wearing of masks within the City of Concord.

Mayor Bouley thanked Deputy City Manager Baia for all of his work with downtown restaurant owners preparing to open up for outside dining on May 18, 2020. Mayor Bouley, referencing the potential for the City Manager to allow downtown restaurants to use parking spaces in the vicinity of their businesses, suggested Council move to waive the \$15 per day encumbrance fee, per parking space, that restaurant owners would typically be charged for the use of a given space so that they could expand and/or begin outside dining during this pandemic time.

Councilor Bouchard agreed with waiving the fee during this pandemic time, inquiring whether or not consideration would be made to allow restaurants on Loudon Road to do the same, using their parking lots. Mayor Bouley indicated that those were private property, stating that owners of private property could do what they wanted.

Councilor Pierce inquired as to who would decide how many parking spaces a given restaurant would get. Mayor Bouley indicated that it would be a case by case situation with Administration making those decisions.

Councilor Kenison spoke against waiving the fee.

Councilor Champlin spoke in full support of waiving the fee for downtown restaurants to expand outdoor dining on Main Street during this pandemic time.

There being no further Council discussion on this subject, Councilor Kretovic moved to waive the \$15 per day encumbrance fee, per parking space, during this pandemic time. The motion was duly seconded by Councilor Bouchard and passed unanimously with a roll call vote.

Yes: 15 Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd and Councilor Werner.

Councilor Fennessy, with respect to the budget schedule, asked Mayor Bouley when he thought the schedule would be finalized. Mayor Bouley indicated he was hopeful to finalize the schedule when Manager Aspell did his budget overview on Monday, May 18, 2020.

Councilor Kenison inquired as to when the meeting links would be posted. City Manager Aspell indicated links would be sent out following tonight's meeting.

Councilor Champlin indicated he agreed with Mayor Bouley's budget discussion, stating he had been contacted by a constituent concerned that residents may not have the opportunity to participate.

Councilor Kretovic reminded members of City Council, that in accordance with the City Charter, it was the time of year City Council needed to act on the City Manager's annual evaluation. She indicated, as chair of the committee, she was counting on 100% participation in that process this year.

Comments, Requests by the City Manager

Consideration of Suspense Items

Adjournment

Action: At 9:07 p.m., Councilor Bouchard moved to adjourn. The motion was duly seconded by Councilor Kretovic and passed unanimously with a roll call vote.

Yes: 15 - Councilor Bouchard, Mayor Bouley, Councilor Champlin, Councilor Fennessy, Councilor Grady Sexton, Councilor Hatfield, Councilor Keach, Councilor Kenison, Councilor Kretovic, Councilor Matson, Councilor Nyhan, Councilor Pierce, Councilor Rice Hawkins, Councilor Todd, and Councilor Werner

A true copy; I attest:

*Janice Bonenfant
City Clerk*

Information

Inf1 January 6, 2020 Transportation Policy Advisory Committee Bicycle & Pedestrian Draft Meeting Minutes.

Action: Item was received and filed.

Inf2 January 22, 2020 Transportation Policy Advisory Committee, Public Transportation Subcommittee Draft Meeting Minutes.

Action: Item was received and filed.

Inf3 April 20, 2020 Fiscal Policy Advisory Committee Draft Meeting Minutes.

Action: Item was received and filed.

Inf4 Communication from Comcast notifying City Council of programming changes.

Action: Item was received and filed.