



City of Concord

City Council

Meeting Minutes - Final

Monday, September 9, 2024

7:00 PM

City Council Chambers
37 Green Street
Concord, NH 03301

Non-meeting in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies followed by a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition to begin at 5:30 PM

Present: 10 - Mayor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Michele Horne, Councilor Jennifer Kretovic, Councilor Judith Kurtz, Councilor Karen McNamara, Councilor Jim Schlosser, Councilor Kris Schultz, Councilor Ali Sekou and Councilor Brent Todd

Absent: 4 - Councilor Stacey Brown, Councilor Nathan Fennessy, Councilor Jeff Foote and Councilor Paula McLaughlin

Late: 1 - Councilor Fred Keach

Mayor Champlin called the meeting to order at 5:30 PM.

Councilor Grady Sexton moved to enter a non-meeting in accordance with RSA 91-A:2, I (a) to discuss collective bargaining strategies followed by a non-public session in accordance with RSA 91-A: 3, II (d). The motion was duly seconded by Councilor Kurtz and passed with no dissenting votes. Councilor Stacey Brown was not present during collective bargaining discussions.

Staff members present: City Manager Tom Aspell, Deputy City Manager - Finance Brian LeBrun, Deputy City Manager - Development Matt Walsh, City Solicitor Danielle Pacik, Deputy City Solicitor John Conforti, Director of Human Resources and Labor Relations Jennifer Johnston, Deputy Police Chiefs John Thomas and Steve Smagula and Rebekkah Dougherty Office of Management & Budget were present.

At 6:35 PM, Councilor Grady Sexton moved to exit the meeting. The motion was duly seconded by Councilor Kurtz and passed with no dissenting votes.

In public session, Councilor Grady Sexton moved to seal the minutes of the non-public session. The motion was duly seconded by Councilor Kurtz and passed with no dissenting votes.

There being no additional Council business, Councilor Kretovic moved to adjourn the non-meeting. The motion was duly seconded by Councilor Grady Sexton and passed with no dissenting votes.

1. Call to Order.

Action: Mayor Champlin called the meeting to order at 7:00 PM. Mayor Champlin noted that devices are available to help those who have difficulty hearing. These devices use a transmitter and headphones, and allow for an individual to personally adjust the volume to their needs. A device can be obtained at the ConcordTV booth in the back of Council Chambers.

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

Present: 12 - Councilor Stacey Brown, Mayor Byron Champlin, Councilor Amanda Grady Sexton, Councilor Michele Horne, Councilor Fred Keach, Councilor Jennifer Kretovic, Councilor Judith Kurtz, Councilor Karen McNamara, Councilor Jim Schlosser, Councilor Kris Schultz, Councilor Ali Sekou, and Councilor Brent Todd

Excused: 3 - Councilor Nathan Fennessy, Councilor Jeff Foote, and Councilor Paula McLaughlin

5. Approval of the Meeting Minutes.

August 12, 2024 City Council Draft Meeting Minutes

Action: Councilor Grady Sexton moved approval of the August 12, 2024 City Council meeting minutes. The motion was seconded by Councilor Kretovic.

Councilor Brown requested that discussion on page 23 of agenda item number 20 be amended to include, "and it's \$800 less than surrounding golf courses" to the end of the sentence beginning with, "Councilor Brown noted that she is concerned that members of the committee, who may be golf course members, are voting on the rates they are paying."

Discussion followed regarding the recording of City Council meetings by ConcordTV and the availability of these recordings on YouTube. The minutes

were not amended.

Councilor Grady Sexton's motion to accept the minutes as presented passed with two dissenting votes.

6. Agenda overview by the Mayor.

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

Action: Councilor Kretovic moved approval of the consent agenda with the exception of consent agenda items number 23 - 25 which were set for an October 15, 2024 public hearing. The motion was duly seconded by Councilor Todd.

Councilor Brown recused from agenda items 19 - 20 and 23 - 25.

Referral to the Transportation Policy Advisory Committee and the Traffic Operations Committee

7. Communication from Tony Puntin requesting consideration be given for the installation of a sidewalk along Borough Road.

Action: This item was referred to the Transportation Policy Advisory Committee and the Traffic Operations Committee.

Items Tabled for October 15, 2024 Public Hearings

8. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-3, Parking Meters, Schedule X and Chapter 18, Parking, Article 18-1, Stopping, Standing, and Parking, Schedule XXI, to modify law enforcement only parking near the Federal complex on Pleasant Street; together with a report from Assistant Director of Community Development.

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

9. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes, Chapter 26, Building Regulations, Articles 26-16 and 26-18; together with a report from the Fire Chief.

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

10. Resolution appropriating the sum of \$210,000 to include \$180,000 to the Golf Fund and \$30,000 to the Arena Fund for Fiscal Year 2024 retroactive to June 30, 2024, to be funded from excess revenues in each of the funds; together with a report from the Deputy City Manager - Finance.

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

11. Resolution appropriating the sum of \$80,000 in the New Airport Terminal Building Project (CIP #383) to replace water services at the Municipal Airport located at 71, 77, 83 and 87 Airport Road and authorizing the issuance of Airport General Obligation Bonds and Notes in the sum of \$80,000 for this purpose; together with a report from the City Engineer.

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

12. Resolution appropriating the sum of \$12,500 in the Airport Fund as a transfer out to capital and authorizing the use of Airport Fund balance for this purpose, and appropriating the sum of \$250,000 in the New Airport Terminal Building Project (CIP #383) for an Environmental Assessment (EA), accepting the sum of \$225,000 in grant funds from the Federal Aviation Administration, accepting the sum of \$12,500 of grant funds from the State of New Hampshire, and authorizing the use of \$12,500 as a transfer from the Airport fund for this purpose; together with a report from the Associate Engineer - Capital Projects and the Deputy City Manager - Development.

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

13. Resolution appropriating the sum of \$20,000 in the General fund for the Parks and Recreation Department to offer programming for resident youth and authorizing the use of \$20,000 as a transfer in from the Special Event Reserve Fund for this purpose; together with a report from the Parks and Recreation Director. (Public testimony submitted.) (Additional public testimony received.)

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

14. Resolution appropriating the sum of \$11,000 in the Granite United Way grant project for training in Adverse Childhood Experiences (ACES) and accepting the sum of \$11,000 from the Granite United Way for this purpose; together with a report from the Deputy Chief of Police.

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

From the City Manager

15. Positive Citizen Comments.

Action: These positive comments were received and filed.

Consent Reports

16. Diminimis gifts and donations report from the Library Director requesting authorization to accept gifts and donations totaling \$1,773.67, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

17. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept the monetary gift of \$190, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

18. Report from the General Services Director requesting the City Manager be authorized to apply for and accept grant funds from the New Hampshire Department of Environmental Services to assist homeowners with replacing possible lead containing water service lines.

Action: This consent report was approved.

19. Report from the Deputy Police Chief recommending that City Council approve the acceptance and appropriation of the funds which have been collected during fundraising efforts on August 6, 2024 during the National Night Out event sponsored by the Concord Police Department.

Action: This consent report was approved. Councilor Brown recused.

20. Report from the Deputy Chief of Police recommending through the City Manager the Police Department be authorized to apply for up to \$73,000 in grant funding through the New Hampshire Attorney General's Drug Task Force for funds to be utilized to assist in off-setting costs associated with the Police Department assigning a sworn officer to the Drug Task Force.

Action: This consent report was approved. Councilor Brown recused.

21. Report from the Assistant Director of Community Development requesting authorization to expand the scope of work in CIP #433 for vandalism deterrence at the School Street Parking Garage.

Action: This consent report was approved.

22. Report from the Transportation Engineer recommending supporting the New Hampshire Department of Transportation (NHDOT) proposal to consider converting the intersection of Hoit Road and Mountain Road (NH Route 132) to an all-way stop.

Action: This consent report was approved.

Consent Resolutions

23. Resolution appropriating the sum of \$73,000 for law enforcement-related programs and accepting the sum of \$73,000 in unmatched grant funds from the United States Department of Justice, Byrne Discretionary Community Project grant program for this purpose; together with a report from the Deputy Chief of Police.

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

24. Resolution authorizing the City Manager to submit an application in an amount of up to \$25,300, appropriating the sum of \$25,300 for Police Department roadway safety and outreach initiatives and accepting the sum of \$25,300 in grant funds from the New Hampshire Highway Safety Agency for this purpose; together with a report from the Deputy Chief of Police.

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

25. Resolution appropriating the sum of \$23,505 in the Granite United Way Grant Project for expenses incurred by the police department for Adverse Childhood Experience Response Team (ACERT) Program activities and accepting the sum of \$23,505 from the Granite United Way for this purpose; together with a report from the Deputy Chief of Police.

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

26. Resolution authorizing the City Manager to submit an application for a U.S. Environmental Protection Agency Brownfield Clean Up Grant for the abatement of hazardous building materials associated with the former Concord Stables building located at 111.5 Warren Street; together with a report from the Director of Special Projects & Strategic Initiatives.

Action: This consent resolution was approved.

Appointments

27. Mayor Champlin's proposed appointment to the Energy & Environment Advisory Committee: Miriah King.

Action: This appointment was approved.

28. Mayor Champlin's proposed appointment to the Transportation Policy Advisory Committee (TPAC): J. Chris Nadeau.

Action: This appointment was approved.

End of Consent Agenda

Public Hearings

- 29A. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule I - Parking Prohibited at All Times in Designated Places, Schedule III - Parking Time is Limited in Designated Places, and Schedule VII - Bus and Taxicab Stands; together with a report from the City Engineer and the Deputy City Manager - Development in response to the City Council's request to relocate the Concord Area Transit (CAT) bus stop, now located between 214 and 220 North Main Street. (Public testimony received.)

Action: The public hearings for agenda items number 29A - 29B were held in conjunction.

City Manager Aspell provided a brief overview of agenda item number 29A in which City staff recommends that the Concord Area Transit (CAT) bus stop be relocated from 220 North Main Street to the frontage of 214 North Main Street as a temporary, interim measure which would impact five parking spaces. For a permanent solution thereafter, City staff recommends that City Council appropriate \$10,000 to design a bus stop complete with pull off, required Americans with Disabilities Act (ADA) features, and potentially a pedestrian enclosure on the east side of North Main Street generally between Court Street and 214 North Main Street. Said funds would be allocated to Capital Improvement Project (CIP) #17 (Sidewalks, Bikeways, and Streetscape Improvements). City staff notes that this section of North Main Street is programmed to be repaved in Fiscal Year 2026 as part of CIP #78 (Annual Highway Paving Program), and the new bus stop improvements could be constructed in conjunction with CIP #78.

Councilor Grady Sexton noted that the complaint brought forth regarding the bus stop was not due to concern over loitering. Rather, the concern was over the safety of those waiting for the bus at the bus stop being put in danger.

Discussion followed regarding loitering, location, and ADA compliance.

Mayor Champlin opened the public hearing.

Roy Schweiker described the current bus stop location and expressed his concern with the removal of the five parking spaces without review by the Parking Committee or comment by the two businesses abutting the parking spaces. Mr. Schweiker suggested alternative bus stop locations than the one presented.

Terri Paige, Transportation Director Community Action Program of Belknap-Merrimack Counties, discussed the City engineers and the Transportation Policy Advisory Committee's work, approximately three years prior, to relocate this bus stop from the Concord Coalition to End Homelessness due to safety concerns. Ms. Paige discussed how that relocation to the current bus stop location allowed the bus to be fully removed from travel lanes and allowed the bus' lift or ramp to be deployed for individuals using mobility devices.

Seating at the bus stop was discussed.

Councilor Grady Sexton asked Ms. Paige about bus user rates, and Ms. Paige discussed an on/off study which reported approximately 11 users at this current bus stop location.

Discussion followed regarding the deployment of the bus' lift and ramps at various bus stops, and Councilor Kretovic asked about the bus utilizing driveways to let riders on and off the bus. Ms. Paige spoke against using private driveways for letting riders on and off the bus.

Councilor Todd asked Ms. Paige if she can envision a scenario where the final outcome of making a recommendation for a bus stop location may be unacceptable to Ms. Paige. Ms. Paige noted that she would feel irresponsible to put the bus, its driver, and its riders in harm's way.

Councilor Brown asked Ms. Paige about the increase in CAT ridership. Ms. Paige explained that last year was a record-breaking year of 106,000 rides for Concord services and there has been 8% increase from that number of 106,000 rides.

Councilor Brown asked Ms. Paige if she is aware that the new, interim location for the bus stop would be in front of the law office's conference room. Ms. Paige noted that she has not seen that plan.

Councilor Horne asked Ms. Paige if City staff has spoken with her, and Ms. Paige expressed that she has been involved with the permanent plans but not the interim location.

Mayor Champlin asked Ms. Paige to explain the definition of a travel lane. Ms. Paige explained that vehicles travel in a traffic lane and the bus departs the traffic lane and swings into a travel lane to safely negotiate entering and exiting the traffic lane.

Mayor Champlin asked Ms. Paige if she has a sense of how the drivers negotiate the traffic light and driveways. Ms. Paige explained that the traffic light is beneficial as it slows traffic.

Councilor Sekou asked about the impact to riders if there is no bus stop in that area. Ms. Paige explained where the other bus stops are located and the long stretch between them. She also expressed that she wants to provide a bus stop but does not want to put people in danger. Councilor Sekou expressed his hope that the City works with Ms. Paige to find a safe location.

Councilor Kurtz asked Ms. Paige if any signage or lighting has been added to the current bus stop. Ms. Paige expressed she has not added anything.

Councilor Kurtz asked if this stop has high ridership. Ms. Paige explained that this stop lies in the middle of ridership numbers.

Mayor Champlin asked Ms. Paige if she is optimistic that the public testimony will help contribute to community consensus regarding the bus stop location. Ms. Paige confirmed this with the contingencies that meetings are accessible and held at hours that people are able to attend.

Ian McGregor, a Concord resident and member of Transportation Policy Advisory Committee (TPAC), expressed that the location presented by TPAC is the safest and most equitable in that area of North Main Street. Mr. McGregor expressed that moving the bus stop does not stop safety issues of the bus stop and suggested increased police patrols. He requested that if the bus stop is moved, it be move to a similar location and that the City and committees work with Ms. Paige.

Councilor Schlosser asked Mr. McGregor if a better solution is to move the bus stop once and not to an interim location and then a final solution. Mr. McGregor

agreed.

Councilor Kretovic asked Mr. McGregor if TPAC discussed the location. Mr. McGregor confirmed this.

Councilor Keach asked if Mr. McGregor would support eliminating the stop altogether in the interest of safety. Mr. McGregor stated he would not.

Mayor Champlin asked Mr. McGregor if there is an alternate site that is preferable to the proposed site. Mr. McGregor stated that he can imagine having the bus stop in front of the controlled intersection at Ferry Street.

Councilor Grady Sexton asked if Mr. McGregor sees value in discussions with the community, residents, business owners, and bus riders. Mr. McGregor stated that exposing individuals to the existing, free public transportation system is a high priority.

There being no further public testimony, Mayor Champlin declared the hearing closed.

- 29B. Resolution appropriating the sum of \$10,000 in the Sidewalk, Bikeway, and Streetscape Improvements project (CIP #17) for the design of bus stop improvements on North Main Street and authorizing the use of Highway Reserve funds for this purpose; together with a report from the City Engineer and the Deputy City Manager - Development.

Action: The public hearing for this agenda item was held in conjunction with agenda item number 29A.

- 29C. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 13, Public Health, Article 13-5, Sanitary Food Code; together with a report from the Health & Licensing Officer. (Referred back to the Ad-Hoc Committee to review Outdoor Dining & Food Trucks at the September 9, 2024 City Council meeting.)

Action: City Manager Aspell provided a brief overview of this item. The 2022 Food and Drug Administration (FDA) Food Code is the most recent set of codes to be published by the FDA. The adoption of the model code will assist in achieving uniform food safety standards and enhancing the efficiency and effectiveness of inspection and enforcement protocols. Staff has performed an extensive review of both the state and federal regulations.

Staff is also proposing revisions to the model code to be consistent with state and local laws. There are also revisions to use terminology and methodologies for violations that are consistent with the model code and state law. The remaining revisions consist primarily of housekeeping changes and also contain changes relative to homestead operations.

Councilor Kurtz asked if Concord currently has a regulation prohibiting homestead operations.

Brian Santiago, Health and Licensing Officer, noted that the City does not have any regulations currently and the language of the proposed ordinance allows homestead operations.

Councilor Kurtz asked Mr. Santiago if he has collected any data from potential homestead operators regarding the impact of the proposed ordinance. Mr. Santiago added that he has not collected such data but that the State of New Hampshire does allow homesteading as long as time and temperature controlled foods are prohibited.

Councilor Kurtz asked Mr. Santiago if he has a sense of cost of meeting criteria for homestead applicants and/or a sense of cost for the City to administer and process applications. Mr. Santiago noted there is a \$223 annual fee and a one time \$40 plan review fee.

Councilor Kurtz asked Mr. Santiago further about a sense of cost for the other regulations such as pest control and liability insurance. Mr. Santiago stated that he does not.

Councilor McNamara asked Mr. Santiago if there are any regulations for homestead operators who bring items to the farmer's market. Mr. Santiago explained that there are regulations through other jurisdictions but not through the City.

Discussion followed regarding whether the proposed ordinance makes it easier for a food truck to sell items such as muffins or fudge. Mr. Santiago explained how homesteads have equipment inside the residential home while food trucks have equipment inside of the truck for off-site preparation.

Councilor Kurtz asked how the absence of existing City regulations, with state law

allowing homestead operations, prohibit homestead operations within the municipality. Mr. Santiago explained that Concord is a self-inspecting municipality and municipalities who are not self-inspecting fall under the jurisdiction of the state.

City Manager Aspell explained that City staff is leading the charge of this item as to allow this for the community.

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

- 29D. Resolution appropriating the sum of \$1,140,000 as a transfer to the Community Improvement Reserve and accepting the sum of \$1,140,000 in grant proceeds from the New Hampshire Department of Business and Economic Affairs (BEA) Division of Economic Development for this purpose; together with a report from the Deputy City Manager - Finance.

Action: City Manager Aspell provided a brief overview of this item. In September 2022, City Council authorized the City Manager to submit an application to the New Hampshire Department of Business and Economic Affairs InvestNH Municipal Per Unit Grant Program. In September 2023, City Council authorized the City Manager to submit a Universal Design Waiver and Supplemental Funding Application to the New Hampshire Department of Business and Economic Affairs InvestNH Municipal Per Unit Grant Program.

Grants were awarded to municipalities who applied for the funds and completed the permitting process for new affordable housing developments in their communities in less than six months. Funds are awarded on a per unit basis on \$10,000 per new affordable unit, with a cap of \$1,000,000 per municipality unless a waiver is granted based on the project's incorporation of Universal Design principals. The City Manager recommends transferring these funds to the City's Community Improvement Reserve to allow the City Council adequate time to develop a plan on how to best allocate these funds.

Councilor Brown asked if all of the permitted housing was constructed and the number of units. City Manager Aspell confirmed the construction and noted that the grant was specific to 114 units.

Mayor Champlin added that he has asked City staff to present to Council at the October meeting regarding housing.

Councilor Brown asked for more information about the Community Improvement

Reserve. City Manager Aspell provided an overview of this reserve.

Using these funds, with future City Council approval, for the development of housing was discussed.

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

- 29E. Resolution rescinding the appropriation of \$135,000 and de-authorizing the issuance of bonds and notes in the sum of \$135,000 for the Fire Facility Renovations project (CIP #252), appropriating the sum of \$65,000 for the FY24 Washer Dryer subproject (CIP #252), appropriating the sum of \$70,000 for the FY25 Manor Station Sewer Line Maintenance subproject (CIP #252) and authorizing the issuance of bonds and notes in the sum of \$135,000 for these purposes; together with a report from the Deputy Fire Chief.

Action: City Manager Aspell provided a brief overview of this item. Last fiscal year, \$80,000 was appropriated for fire station improvements including the purchase and replacement of commercial washer and dryers. A complete assessment and review was performed of the existing floor plans, gas, water, and electrical systems. Modifications to natural gas, flue exhausts, mechanical vents, waste lines, and underground plumbing will be required to ensure that the installation meets current commercial dryer code requirements. Due to code requirements, the Fire Department lacks the funding to complete the installation process.

This fiscal year, \$135,000 was appropriated for the repair of sewer lines at all three fire stations. However, the appropriation does not allow for additional deficiencies found once the existing pipeline is exposed or for the reconstruction of interior floors, concrete, and asphalt repairs associated with the excavation required to expose the existing pipelines.

Preliminary reports indicate that the drain system and piping at the Manor Station is in poor condition. The \$135,000 previously appropriated will not be sufficient to fund the remediation of sewer lines, but it will be sufficient to mitigate the pipeline rehabilitation at Manor Station and to install the commercial washer and dryers purchased in Fiscal Year 2024.

City staff recommends rescinding and de-authorizing the \$135,000 of facility improvement supported bonds previously appropriated as part of the Fiscal Year 2025 budget, appropriating \$70,000 of facility improvement bonds and notes, and

appropriating \$65,000 of facility improvement support bonds and notes for the washer and dryer. installation. This course of action has no new fiscal impacts for the community.

Councilor Brown asked about the appropriation needed in Fiscal Year 2026. City Manager Aspell explained that a better number will be determined after Manor Station is addressed.

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

- 29F. Resolution appropriating the sum of \$35,000 in the Combined Operations and Maintenance Facility (COMF) Improvements project (CIP #323) for the development of a conceptual study of shared facilities at the Combined Operations and Maintenance Facility and accepting the sum of \$35,000 from the Concord School District for this purpose; together with a report from the General Services Director.

Action: City Manager Aspell provided a brief overview of this item. The Combined Operations and Maintenance Facility (COMF) has leased an area to Concord School District (CSD) for approximately 30 years. The CSD is interested in a long-term partnership with the City. It is in the best interest to develop a long-range conceptual plan for the shared area of the COMF. The acceptance of this item will accept funds from CSD for a study.

Councilor Brown asked about the area of the COMF and the area used by CSD. Chip Chesley, General Services Director, noted that CSD occupies three vehicular bays and provided further description of the COMF.

Councilor Brown asked Mr. Chesley how CSD may plan to utilize the space and the potential for overlap with CSD such as sidewalk clearing or using City equipment. Mr. Chesley noted that the space currently houses drivers, mechanics, and equipment needed to maintain the school bus fleet. He further explained that it's in the best interest of both entities to determine what is needed for the future than what was done in the past. Mr. Chesley explained the close communication between the City and CSD regarding snow.

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

- 29G. Report from the Director of Real Estate Assessments recommending the City Manager be authorized to enter into a Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls.

Action: City Manager Aspell provided a brief overview of this item. Briar Hydro Associates owns and operates three hydroelectric generating facilities along the Contoocook River. Briar Hydro and the City previously entered into payment in lieu of taxes (PILOT) agreements starting in 2018 and the most recent expired in March 2024. Both the City and Briar Hydro would like a reasonable level of assurance of expected income for budgeting purposes and an expected PILOT program. The said agreement is for two years ending in March 2026. Tax Year 2024 and 2025 PILOT payments to the City shall each be \$255,000. The agreement has been reviewed and agreed upon by the parties and requires City Council approval.

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

Public Hearing Action

30. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking, Article 18-1, Stopping, Standing and Parking, Schedule I - Parking Prohibited at All Times in Designated Places, Schedule III - Parking Time is Limited in Designated Places, and Schedule VII - Bus and Taxicab Stands; together with a report from the City Engineer and the Deputy City Manager - Development in response to the City Council's request to relocate the Concord Area Transit (CAT) bus stop, now located between 214 and 220 North Main Street. (Public testimony received.)

Action: Councilor Kretovic moved approval. The motion was seconded by Councilor Todd.

Councilor Brown noted that she serves on both the Transportation Policy Advisory Committee (TPAC), as well as the Parking Committee, and that the item at hand was studied extensively by TPAC. Councilor Brown stated her belief that the item be tabled and referred to the Parking Committee so that outreach can be done to the neighborhood regarding the impact on parking.

Councilor Grady Sexton asked City Manager Aspell if it's possible to eliminate phase one of the bus stop relocation and proceed with phase two. City Manager

Aspell confirmed that is possible if City Council would like.

Councilor Horne expressed that she does not support the interim location due to parking and safety concerns.

Councilor Kretovic asked City Manager Aspell if TPAC reviewed this item after City Council's recommendation that City staff return to City Council with a recommendation for moving the bus stop. City Manager Aspell explained City staff would not take an item to a committee but that a committee may take an item up on its own to share its thoughts with City Council.

Councilor Brown explained that TPAC reviewed the item which then went to City Council and was referred to the Public Safety Board. Councilor Brown further explained that the Public Safety Board advocated for moving the current bus stop location and referred the item to TPAC to find a location. TPAC then reviewed the item again.

Councilor Todd further explained that there is a standing item on TPAC agendas of items that come before City Council. This specific item came up for discussion with TPAC because it was an item about which City Council had made a decision.

Councilor Kurtz moved to amend by removing phase one, the interim relocation, and retain the bus stop at its current location while pursuing the public process to determine if a safe and reasonable location exists. The amendment was seconded by Councilor Grady Sexton.

Councilor Todd inquired about referring this item back to an appropriate committee to consider other suggested items for the bus stop such as trimming hedges and those sort of interim changes.

Councilor Kretovic asked City Manager Aspell if General Services recently removed a bench placed at this bus stop without City permission. City Manager Aspell confirmed this removal.

Councilor Schlosser echoed the concerns of the law office with their concern over the safety of the individuals at the bus stop and their displeasure with the interim location. Councilor Schlosser acknowledged the work of City staff to find an alternative location and agreed with Councilor Kurtz on eliminating phase one, the interim relocation.

City Manager Aspell explained that the relocation could be worked on over the winter and spring and brought to City Council as part of the Capital Budget in May 2025 for Fiscal Year 2025. If appropriated, it could be implemented as part of construction.

Councilor Keach explained that he will be voting against the amendment as a permanent solution will take time, and he feels that there is an obligation to address the concerns brought before City Council. Councilor Keach expressed that a short term solution is in order at this time.

Councilor Sekou discussed that he feels input from the business and community is needed and supports keeping the bus stop at its current location.

Councilor Schlosser expressed that moving the bus stop to an interim location trades one set of risks for another set of risks.

Councilor Kurtz asked City Manager Aspell about the timeline for improvements that Councilor Todd referenced. City Manager Aspell explained that he believes it is relevant to the timing of the Capital Budget, but minor things could be reviewed by TPAC or the Public Safety Board.

Mayor Champlin expressed he would hesitate making capital improvements at the current bus stop location if there will be a different permanent location.

For clarification, Councilor Todd expressed that low-cost items such as a sign or bench would be the types items he is interested in placing at the current location. He further explained he would be interested in having TPAC look further into this.

Councilor Kretovic discussed some of the safety issues discussed by the law office's attorney such as individuals following employees of the law office to their vehicles. Councilor Kretovic also discussed the liability of an incident occurring on private property adjacent to a bus stop.

Councilor Schultz discussed Mr. McGregor's testimony and discussed not characterizing bus riders as a public safety concern.

Councilor Brown spoke in favor of the amendment as well as low-cost, interim items such as a bench and lights.

Councilor Keach discussed how there is a public safety concern and it just so happens that the bus stop is a gathering place for not just bus riders but people from other populations with different intentions.

Mayor Champlin explained how he will be voting against the motion and that the public safety issues presented by the bus stop location sitting between two active driveways is his primary concern. He noted that this is an opportunity to mitigate the danger of the bus stop surrounded by active driveways by finding an interim location during which a best possible spot can be selected with the help of community conversations.

Mayor Champlin requested a roll call vote on Councilor Kurtz's motion to amend.

Yes: 8 - Councilor Brown, Councilor Grady Sexton, Councilor Horne, Councilor Kurtz, Councilor Schlosser, Councilor Schultz, Councilor Sekou, and Councilor Todd

No: 4 - Mayor Champlin, Councilor Keach, Councilor Kretovic, and Councilor McNamara

Excused: 3 - Councilor Fennessy, Councilor Foote, and Councilor McLaughlin

Councilor Kurtz's motion to amend passed in a roll call vote.

Councilor Kretovic's motion with the amendment to proceed to phase two passed in a voice vote with three dissenting votes. Therefore, the ordinance failed.

31. Resolution appropriating the sum of \$10,000 in the Sidewalk, Bikeway, and Streetscape Improvements project (CIP #17) for the design of bus stop improvements on North Main Street and authorizing the use of Highway Reserve funds for this purpose; together with a report from the City Engineer and the Deputy City Manager - Development.

Action: Councilor Kretovic moved to table the item until a location is selected. The motion was seconded by Councilor Keach.

Discussion followed regarding the \$10,000 and whether the funds are to be used for the permanent location or whether they can be used at the current location.

Deputy City Manager - Development Matt Walsh, per request of Councilor Grady

Sexton, provided his thoughts on whether or not this item should be tabled.

Deputy City Manager - Development Walsh noted that City Council has decided not to proceed with the interim bus stop location which negated the need to pass the last ordinance as that ordinance was related to all the interim options such as parking and bus stop changes.

Deputy City Manager - Development Walsh noted that the \$10,000 is for design and there will be public outreach. Deputy City Manager - Development Walsh added that the highway program will be paving this section of roadway next year, and if approved by City Council, those funds will be available July 1, 2025. He noted that General Services can move quickly on roadwork so funds for design for whatever may be happening in this corridor should be available immediately as Community Development does not want to delay General Services. Next, Deputy City Manager - Development Walsh explained the type of work involved with the design, such as utilities, and the need to conduct a boundary survey for such reasons.

Councilor Kretovic's motion to table failed with all dissenting votes.

Councilor Kretovic moved approval. The motion was seconded by Councilor Grady Sexton and passed with no dissenting votes.

32. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 13, Public Health, Article 13-5, Sanitary Food Code; together with a report from the Health & Licensing Officer. (Referred back to the Ad-Hoc Committee to review Outdoor Dining & Food Trucks at the September 9, 2024 City Council meeting.)

Action: Councilor Todd moved approval. The motion was seconded by Councilor Sekou.

Councilor Kurtz moved to amend by referring the item to the Ad-Hoc Committee to Review Outdoor Dining & Food Trucks as to consider whether, without the collection of data from the community, the ordinance discourages or facilitates homestead operations.

Councilor Kurtz's motion, as amended, to refer the item to committee passed with one dissenting vote.

Councilor Todd's motion with the amendment to refer the item to committee passed with one dissenting vote.

33. Resolution appropriating the sum of \$1,140,000 as a transfer to the Community Improvement Reserve and accepting the sum of \$1,140,000 in grant proceeds from the New Hampshire Department of Business and Economic Affairs (BEA) Division of Economic Development for this purpose; together with a report from the Deputy City Manager - Finance.

Action: Councilor Grady Sexton moved approval. The motion was seconded by Councilor Todd and passed with no dissenting votes.

34. Resolution rescinding the appropriation of \$135,000 and de-authorizing the issuance of bonds and notes in the sum of \$135,000 for the Fire Facility Renovations project (CIP #252), appropriating the sum of \$65,000 for the FY24 Washer Dryer subproject (CIP #252), appropriating the sum of \$70,000 for the FY25 Manor Station Sewer Line Maintenance subproject (CIP #252) and authorizing the issuance of bonds and notes in the sum of \$135,000 for these purposes; together with a report from the Deputy Fire Chief.

Action: Councilor Todd moved approval. The motion was seconded by Councilor Grady Sexton and passed with no dissenting votes.

35. Resolution appropriating the sum of \$35,000 in the Combined Operations and Maintenance Facility (COMF) Improvements project (CIP #323) for the development of a conceptual study of shared facilities at the Combined Operations and Maintenance Facility and accepting the sum of \$35,000 from the Concord School District for this purpose; together with a report from the General Services Director.

Action: Councilor Kretovic moved approval. The motion was seconded by Councilor Grady Sexton and passed with no dissenting votes.

36. Report from the Director of Real Estate Assessments recommending the City Manager be authorized to enter into a Payment in Lieu of Taxes Agreement between the City of Concord and Briar Hydro Associates for Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls.

Action: Councilor Todd moved approval. The motion was seconded by Councilor Grady Sexton and passed with no dissenting votes.

Reports

New Business

Mayor Champlin announced that Councilor Kretovic will be serving as the City

Council's representative on the New Hampshire Municipal Association and attending the upcoming Legislative Policy Conference.

Councilor Kretovic discussed the role and the New Hampshire Municipal Association.

Councilor Schlosser moved approval of Councilor Kretovic's role of serving as representation on the New Hampshire Municipal Association. The motion was seconded by Councilor Todd and passed with one dissenting vote.

Unfinished Business

37. Resolution appropriating the sum of \$10,308,000 in the Beaver Meadow Golf Course Club House & Buildings Project (CIP #107) for the construction of a new facility and related improvements, and authorizing the issuance of bonds and notes in the sum of \$10,308,000 for this purpose; together with a report from the Deputy City Manager - Finance. (Presentation and proforma submitted.) (Public testimony received.) (Revised presentation submitted.) (Additional public testimony received.)

Comments, Requests by Mayor, City Councilors

Councilor McNamara thanked City staff members Danielle Pacik and Beth Fenstermacher for planting flowers next to City Hall. She also announced the Crisis Center of Central New Hampshire is hosting their 10th anniversary Walk a Mile in Their Shoes fundraiser on October 2 in front of the State House.

Councilor Brown announced the Multicultural Festival on September 22 at Keach Park.

Councilor Kurtz announced that the Multicultural Festival marks the end of Welcoming Week. She also acknowledged that both Jewish high holidays, Rosh Hashanah and Yom Kippur, occur in early October.

Councilor Schlosser announced that September 10 at 7:00 PM there is a Ward Seven Resident Meeting at the West Street Ward House.

Councilor Sekou highlighted the Multicultural Festival and thanked General Services for their help assisting a resident.

Councilor Horne highlighted the Multicultural Festival and announced that volunteers are still needed. Volunteers can sign up online. She also announced

that Wings and Wheels is September 29 at 10:00 AM on Airport Road.

Councilor Kretovic noted that next month's City Council meeting will be held on Tuesday, October 15 because Monday, October 14 is Indigenous People Day. She also announced campfire stories as part of First Fridays occurring in October in Eagle Square.

Councilor Grady Sexton thanked General Services for the Neighborhood Street Paving Project.

Councilor Keach noted that last Sunday's Cars and Coffee event was a massive success.

Mayor Champlin noted the hundreds of people in attendance at the Cars and Coffee main event. He also noted the work of Jessica Livingston on the Multicultural Festival as well as Ghana Sharma and Sindy Chown. Mayor Champlin also acknowledged Welcoming Week as well as the September 10 State Primary Election. Polls are open 7:00 AM - 7:00 PM, and Mayor Champlin thanked all of Concord's poll workers

Comments, Requests by the City Manager

Adjournment

Action: At 9:50 PM, there being no additional Council business, Councilor Kretovic moved approval to adjourn. The motion was seconded by Councilor McNamara and passed with no dissenting votes.

Information

Inf1 June 18, 2024 Planning Board Meeting Minutes.

Action: This information item was received and filed.

Inf2 June 18, 2024 Traffic Operations Committee Meeting Minutes.

Action: This information item was received and filed.

Inf3 June 27, 2024 Transportation Policy Advisory Committee Meeting Minutes.

Action: This information item was received and filed.

Inf4 July 8, 2024 Conservation Commission Meeting Minutes

Action: This information item was received and filed.

Inf5 July 17, 2024 Planning Board Meeting Minutes.

Action: This information item was received and filed.

Inf6 July 22, 2024 Parking Committee Draft Minutes.

Action: This information item was received and filed.

Inf7 July 25, 2024 Airport Advisory Committee Draft Minutes.

Action: This information item was received and filed.

Inf8 August 8, 2024 Diversity Equity Inclusion Justice and Belonging (DEIJB) Core Committee Draft Meeting Minutes.

Action: This information item was received and filed.

A true copy, I attest:

*Elisabeth Harrington
Deputy City Clerk*