



City of Concord

City Council

Meeting Minutes - Draft

Monday, June 10, 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: 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, Councilor Ali Sekou, and Councilor Brent Todd

Late: 1 - Councilor Nathan Fennessy

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

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

The non-meeting to discuss collective bargaining negotiations ended at 6:16 PM. Councilor Brown rejoined the meeting upon conclusion of the non-meeting regarding collective bargaining negotiations.

Staff members present for the non- public session: City Manager Tom Aspell, Deputy City Manager - Development Matt Walsh, City Clerk Janice Bonenfant, City Solicitor Danielle Pacik, and Assistant Community Development Director Tim Thompson.

At 6:59 PM, Councilor Kretovic moved to exit the non-public session. The motion

was duly seconded and passed with no dissenting votes.

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

There being no additional Council business, Councilor Kretovic moved to adjourn. The motion was duly seconded and passed with no dissenting votes.

1. Call to Order.

Action: Mayor Champlin called the meeting to order at 7:05 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: 15 - 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, Councilor Ali Sekou, and Councilor Brent Todd

5. Approval of the Meeting Minutes.

May 13, 2024 City Council Draft Meeting Minutes.

Action: Councilor Grady Sexton moved approval of the May 13, 2024 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Agenda overview by the Mayor.

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

Action: Councilor Grady Sexton moved approval of the consent agenda. The motion was duly seconded. Agenda items number 21 and 25 were pulled from the consent agenda by Councilor Brown for discussion.

Councilor Brown recused from agenda items number 17 and 22 - 24 because she has a family member employed by the Concord Police Department.

Councilor Fennessy recused from agenda item number 20 because his law firm is involved in the proceeding.

There being no additional discussion the motion to approved the consent agenda was approved.

Items Tabled for July 8, 2024 Public Hearings

7. Ordinance amending the Code of Ordinances, Title V, Administrative Code, Chapter 30, Administrative Code, Article 30-2, Municipal Departments, Section 30-2-20, Community Development Department; together with a report from the Deputy City Manager - Development and the Human Resources and Labor Relations Director.
Action: This ordinance was moved to set for a public hearing.
8. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; together with a report from the Deputy City Manager - Development and the Human Resources and Labor Relations Director.
Action: This ordinance was moved to set for a public hearing.
9. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; together with a report from the Deputy City Manager - Development and the Human Resources and Labor Relations Director.
Action: This ordinance was moved to set for a public hearing.
10. Resolution authorizing the City Manager to submit an application in an amount of up to \$25,000, appropriating the sum of \$25,000 to conduct a planning and feasibility study concerning a potential new shared facility for 603 Legal Aid, the Disability Rights Center-New Hampshire, and New Hampshire Legal Assistance, and accepting the sum of \$25,000 in Community Development Block Grant funds for this purpose; together with a report from the Assistant Director of Community Development.
Action: This resolution was moved to set for a public hearing.
11. Resolution adopting an Anti-Displacement and Relocation Policy Statement and Procedures in support of the City's Community Development Block Grant application to the New Hampshire Community Development Finance Authority to support the Community Justice Center's site analyses of potential buildings and/or

land for development, and acquire preliminary architectural and engineering designs and cost estimates; together with a report from the Assistant Director of Community Development.

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

Items Previously Tabled for July 8, 2024 Public Hearing

12. Ordinance amending the Code of Ordinances; Title IV, Zoning Code; Chapter 28, Article 28-2-4 Allowable Principal and Accessory Uses in Zoning Districts, Article 28-5, Supplemental Standards and Glossary; together with a report from the Assistant Director of Community Development. (Revised Ordinance and reports submitted.)

Action: This ordinance was previously set for a July 8, 2024 public hearing.

From the City Manager

13. Positive Citizen Comments.

Action: Positive comments were received and filed.

Consent Reports

14. Diminimus gifts and donations report from the Library Director requesting authorization to accept gifts and donations totaling \$3,238.64, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

15. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$11,057.00 as provided for under the pre-authorization granted by City Council.

Action: This consent report was approved.

16. Diminimus gifts and donations report from the Assistant Finance Director requesting authorization to accept monetary gifts totaling \$1,040.00, as provided under the pre-authorization granted by City Council.

Action: This consent report was approved.

17. Request from the Barley House Restaurant for permission to offer ticketed concerts on sidewalks and in on-street parking spaces which are licensed from the City for outdoor dining, together with a report from the Deputy City Manager - Development.

Action: This consent report was approved. Councilor Brown recused from voting on this item.

18. Report from the Director of Real Estate Assessments Regarding Full Measure and List Revaluation.

Action: This consent report was approved.

19. Report from the Parks & Recreation Director on Second Start room use at the City Wide Community Center.

Action: This consent report was approved.

20. Response to City Council Referral from the Planning Board and Community Development Department concerning a request from Casey Destefano to amend or add certain definitions to the Zoning Ordinance pertaining to lodging establishments.

Action: This consent report was approved. Councilor Fennessy recused from voting on this item.

Consent Resolutions

21. Resolution establishing a Grants for Special Events Reserve and authorizing the use of \$20,000 in the General fund as a Transfer Out to Trust for this purpose. (Pulled from consent by Councilor Brown.)

Action: This item was pulled from consent for discussion at the end of the meeting.

22. Resolution authorizing the City Manager, by way of the Police Department, to submit a grant application to the New Hampshire Department of Safety - Law Enforcement Substance Abuse Reduction Initiative, for funding designated to assist the Department in conducting illegal drug related investigations; together will a report from the Police Department.

Action: This consent resolution was approved. Councilor Brown recused from voting on this item.

23. Resolution authorizing the City Manager to submit an application to the Granite United Way as outlined in its current Grant Program; together with a report from the Police Department.

Action: This consent resolution was approved. Councilor Brown recused from voting on this item.

24. Resolution authorizing the City Manager to submit an application to the Granite United Way as outlined in its current Grant Program; together with a report from the Police Department.

Action: This consent resolution was approved. Councilor Brown recused from voting on this item.

Appointments

25. Mayor Champlin's proposed reappointments to the Energy & Environment Advisory Committee: Nicholas Babladelis, W. Carl Cooley, Dorothy Currier, Gerald Eaton, Jennifer Galbraith and Chuck Willing. (Pulled from consent by Councilor Brown.)

Action: This item was pulled from consent for discussion at the end of the meeting.

26. Mayor Champlin's proposed reappointments to the Community Development Advisory Committee: Jeffrey Bart, Michael Gfroerer and Janet Sprague.

Action: These reappointments were approved.

27. Mayor Champlin's proposed appointments to the Diversity, Equity, Inclusion, Justice and Belonging (DEIJB) Committee: Vijay Bhujay, Moe Djabelarbi, Amy S. Girouard-Crush, Karen Juall, Clement Nsenga Kigugu, Ahni Malachi, Alison Murphy, Zoey Murphy, Robin Nafshi, Ghana Sharma, Usha Thapa Shrestha, Noemi Hagen Wierwille and Sheila O. Zakre.

Action: These appointments were approved.

End of Consent Agenda

Public Hearings

- 28A. Resolution appropriating the sum of \$11,956.94 in the Police Department Ballistic Vest Replacement Program project (CIP #370) for the purchase of ballistic vests and accepting the sum of \$11,956.94 in unmatched United States Department of Justice Patrick Leahy Bulletproof Vest Partnership Grant Program funds for this purpose; together with a report from the Deputy Police Chief.

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

- 28B. Resolution appropriating the sum of \$38,292.10 for management of tax deeded properties and accepting the sum of \$38,292.10 from the sale of tax deeded properties for this purpose; together with a report from the Treasurer/Tax Collector. (Public testimony submitted.)

Action: City Manager Aspell provided a brief overview of this item in which the City acquired properties, for non-payment of taxes, which were sold at auction in January 2024. Per State law, the City is allowed to retain the total of all taxes, interest, and costs that were due at the time of the tax deeding; all taxes and interest that would have accrued since the deed date; any costs that were incurred by the City since acquiring the property; and a penalty of 10% of the assessed value of the property for properties not owner-occupied. The allowable proceeds for these properties are \$38,292.10 which, if approved, will be added to the fund for Care and Management of Tax Deeded Property.

General discussion followed regarding whether former owners of these properties had requested assistance with their taxes.

Mayor Champlin opened the public hearing.

Roy Schweiker declared his opposition and discussed his opinion that the City manage fewer funds and special funds. He also discussed his opinion that these dollars be returned to the former property owners. Mr. Schweiker also discussed a different property which was sold, and he also discussed secondary properties.

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

- 28C. Report from the Recreation and Parks Advisory Committee on recommended non ordinance based fees and charges.

Action: City Manager Aspell provided an overview of this item in which the Recreation and Parks Advisory Committee recommends rate increases for community center rentals, private pool parties, non-resident family pool memberships, non-resident drop in fees, and parks staff overtime fees.

Parks and Recreation Director David Gill discussed the rate decrease for exercise rooms rentals. He also discussed usage cards and the number of employee and non-resident pool passes that have been purchased.

Mayor Champlin opened the public hearing.

Roy Schweiker discussed the rental cost of the West Street Ward House and shared his idea of selling the property for historic preservation.

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

Public Hearing Action

29. Resolution appropriating the sum of \$11,956.94 in the Police Department Ballistic Vest Replacement Program project (CIP #370) for the purchase of ballistic vests and accepting the sum of \$11,956.94 in unmatched United States Department of Justice Patrick Leahy Bulletproof Vest Partnership Grant Program funds for this purpose; together with a report from the Deputy Police Chief.

Action: Councilor Kretovic moved approval. The motion was duly seconded.

Councilor Brown recused as her spouse is an employee of the Concord Police Department.

Councilor Kretovic's motion passed with no dissenting votes.

30. Resolution appropriating the sum of \$38,292.10 for management of tax deeded properties and accepting the sum of \$38,292.10 from the sale of tax deeded properties for this purpose; together with a report from the Treasurer/Tax Collector. (Public testimony submitted.)

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

31. Report from the Recreation and Parks Advisory Committee on recommended non ordinance based fees and charges.

Action: Councilor Kretovic moved approval. The motion was duly seconded.

Councilor Fennessy discussed the work done in 2022 by the Recreation and Parks Advisory Committee to reduce rental fees per resident requests.

Councilor Fennessy moved to amend the report to reflect no change in the resident rental fee for the Citywide Community Center with the exception of the Exercise Rooms. The motion was duly seconded and passed with no dissection votes.

Councilor Brown moved to amend the report to increase the non-resident family pool pass to \$170 and non-resident Memorial Field football game rate to \$350. The motion was duly seconded.

General discussion followed regarding the use of pools by residents and non-residents.

Councilor Brown's motion passed.

Councilor Fennessy moved to approve the report with Councilor Brown's amendment. The motion was duly seconded and passed with one dissenting vote.

Reports

32. Report from the Fire Chief, on behalf of the Public Safety Board, in response to a City Council referral from the Public Safety Board in regards to a communication from Ari Pollack requesting consideration be made to relocate the Concord Area Transit (CAT) bus stop now located between 214 and 220 North Main Street in Concord.

Action: Councilor Grady Sexton moved to accept both committee reports, agenda items number 32 and 33, and direct City staff to act on the Public Safety Board's recommendation.. The motion was duly seconded.

Councilor Grady Sexton provided a summary of the history of these reports. In 2021, two bus stops were consolidated and moved to a location outside of the parking lot of the Gallagher Law Firm on North Main Street. In January 2024, the Transportation Policy Advisory Committee (TPAC) considered a request from the Gallagher Law Firm submitted by Attorney Ari Pollack that the new bus stop location be relocated.

Councilor Grady Sexton explained that TPAC rejected the proposal and sent a report back to Council. Prior to Council action on the report, Attorney Pollack shared that he was not informed of the TPAC meeting and had some additional information that he would have liked to share with TPAC.

Council then sent the proposal back to TPAC and also to the Public Safety Board. TPAC met and determined that the committee was not interested in moving the bus stop and that this is the best location for the bus stop. The Public Safety Board met, considered Attorney Pollack's proposal through the lens of what is best for public safety, and voted 8-1 to move the bus stop.

Attorney Pollack explained to the Public Safety Board that the bus stop is located between two busy entrances to the Gallagher Law Firm parking lot with little sidewalk space for those waiting for the bus. As a result, people are instead congregating inside the parking lot and the entryways of the building which result in near misses between those waiting for the bus and vehicles entering and exiting the parking lot. Councilor Grady Sexton expressed that TPAC considered that this location did not have much data indicating this area had a problem, but the Public Safety Board considered that vehicle-pedestrian near misses are not often captured in data as few drivers and pedestrians report near misses.

Councilor Grady Sexton expressed that Public Safety Board found that this is a dangerous location for those waiting for the bus and while Attorney Pollack suggested an alternative location, the Public Safety Board did not feel it was their purview to recommend a specific alternative location. Councilor Grady Sexton urged the members of City Council to send this back to City staff to determine a safer bus stop location.

Councilor Brown provided more insight into the consideration of the current bus stop and also the review of other locations by TPAC. Councilor Brown discussed her review of the area.

General discussion followed regarding complaints regarding the bus stop, loitering, homelessness, public safety, and factors to consider when determining a bus stop location.

Councilor Fennessy called the question.

Councilor Brown requested a roll call vote

Councilor Grady Sexton's motion passed with three dissenting roll call votes.

Yes: 12 - Mayor Champlin, Councilor Fennessy, Councilor Foote, Councilor Grady Sexton, Councilor Keach, Councilor Kretovic, Councilor Kurtz, Councilor McLaughlin, Councilor McNamara, Councilor Schultz, Councilor Sekou, and Councilor Todd

No: 3 - Councilor Brown, Councilor Horne, and Councilor Schlosser

33. Report from the Transportation Engineer, on behalf of the Transportation Policy Advisory Committee, in response to a referral from City Council regarding a communication from Ari Pollack requesting consideration be made to relocate the Concord Area Transit (CAT) bus stop now located between 214 and 220 North Main Street in Concord.

Action: The discussion for agenda items number 32 and 33 were held in conjunction.

New Business

Unfinished Business

34. 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.)

Consideration of Items pulled from the Consent Agenda

21. Resolution establishing a Grants for Special Events Reserve and authorizing the use of \$20,000 in the General fund as a Transfer Out to Trust for this purpose. (Pulled from consent by Councilor Brown.)

Action: This agenda item was pulled from the consent agenda by Councilor Brown for discussion.

Councilor Brown noted that this report was written May 1. Councilor Brown moved to create a separate special reserve for sustainability. Councilor Brown discussed how the \$20,000 could be used for items that help achieve sustainability goals through the Energy & Environment Advisory Committee. The motion was duly seconded.

City Manager Aspell explained that if action is not taken at this Council meeting, the funds will be added to surplus. City Manager Aspell also explained that the intention of the \$20,000 was for use by the Citywide Community Center for the CommUNITY Activity Program but it first would require the creation of the proposed fund.

Councilor Horne advocated for a similar, smaller version of the program to be held

in Penacook.

Councilor Brown's motion failed.

Councilor Kretovic moved to accept the report. The motion was duly seconded and passed with one dissenting vote.

25. Mayor Champlin's proposed reappointments to the Energy & Environment Advisory Committee: Nicholas Babladelis, W. Carl Cooley, Dorothy Currier, Gerald Eaton, Jennifer Galbraith and Chuck Willing. (Pulled from consent by Councilor Brown.)

Action: This agenda item was pulled from the consent agenda by Councilor Brown for discussion.

Councilor Brown noted that one of the proposed re-appointments, Jennifer Galbraith has submitted a letter of resignation from the committee.

Councilor Brown moved to strike Jennifer Galbraith's name from the list of re-appointments. The motion was duly seconded and passed with no dissenting votes.

Councilor Schultz moved to approve the re-appointments with the amendment. The motion was duly seconded and passed with no dissenting votes.

Consideration of Suspense Items

Action: Councilor Fennessy moved to suspend the rules to consider items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

- Sus1 Resolution approving the Concord Community Power Electric Aggregation Plan; together with a report from the Director of Special Projects and Strategic Initiatives, on behalf of the Energy & Environment Advisory Committee.

Action: City Manager Aspell provided an overview of this item. Earlier this year, City Council authorized the adoption of a Community Power Program for electricity supply and to join the Community Power Coalition of New Hampshire (CPCNH).

Per state law, the Energy & Environment Committee prepared an Electric Aggregation Plan which was approved by the Public Utilities Commission. City Council approval of the final Electric Aggregation Plan is required to finalize the

Member Services Agreement with CPCNH.

Councilor Kretovic moved approval. The motion was duly seconded and passed with no dissenting votes.

Comments, Requests by Mayor, City Councilors

Councilor Brown announced a Juneteenth event hosted by Project STORY on June 19 from 5:00 - 7:00 PM as well as an event hosted by the Merrimack Greenway Trail on June 13 at 1:00 PM at 4 Loudon Rd.

Councilor Kretovic announced a Concord Historical Society event on the history of Swensen Granite on June 14. Concord Historical Society and the Black Heritage Trail are co-sponsoring a reading of Frederick Douglas's, "What to the Slave is the Fourth of July?" on June 29.

Councilor Kurtz noted the Equality Health Center's hosting of a Pride 5k which sold out and hopes to double its participants next year. Capital City Pride has declared July as Pride Month in Concord.

Councilor Sekou discussed Juneteenth and learning opportunities as well as Eid Al-Adha on June 16. Councilor Sekou also thanked Councilor Todd for attending a ceremony for the loss of a community member and mother of four. Councilor Sekou also announced World Refugee Day on June 20.

Councilor Todd announced the Abbot-Downing Historical Society's event on June 22 from 10:00 AM - 3:00 PM at the Tom Prescott Facility. June 29 is the Penacook Historical Society's open barn event where Concord Coaches will be on display.

Councilor Horne congratulated the Merrimack Valley High School graduates and the upcoming Concord High School graduates.

Councilor Schultz announced that the filing period for those wishing to be on the Republican and Democratic ballots ends on June 14 at 5:00 PM.

Mayor Champlin thanked Elizabeth Finney from Broken Ground School for organizing Career Day. Mayor Champlin also thanked members of City Council for their approval of the consent agenda report that will help to expand English as a Second Language class hours.

Comments, Requests by the City Manager

City Manager Aspell announced that the City is the winner of the 2024 Best Tasting Water Award from this year's New Hampshire Drinking Water Festival.

Adjournment

Action: At 8:43 PM, there being no additional Council business, Councilor Kretovic moved approval to adjourn. The motion was duly seconded and passed with no dissenting votes.

Information

Inf1 February 29, 2024 and March 28, 2024 Transportation Policy Advisory Committee Meeting Minutes.

Action: Information item received and filed.

Inf2 March 19, 2024 Traffic Operations Committee Meeting Minutes.

Action: Information item was received and filed.

Inf3 April 2, 2024 Architectural Design Review Committee Meeting Minutes.

Action: Information item received and filed.

Inf4 April 10, 2024 Conservation Commission Meeting Minutes.

Action: Information item received and filed.

Inf5 April 12, 2024 Public Safety Board Subcommittee on Homelessness Meeting Minutes.

Action: Information item received and filed.

Inf6 April 17, 2024 Planning Board Meeting Minutes.

Action: Information item received and filed.

Inf7 April 18, 2024 Public Safety Board Meeting Minutes.

Action: Information item received and filed.

Inf8 April 29, 2024 Parking Committee Draft Meeting Minutes.

Action: Information item received and filed.

Inf9 May 6, 2024 Concord Public Library Board of Trustees Meeting Minutes.

Action: Information item received and filed.

Inf10 May 16, 2024 Finance Committee Meeting Minutes.

Action: Information item received and filed.

Inf11 May 20, 2024 Finance Committee Meeting Minutes.

Action: Information item received and filed.

Inf12 May 22, 2024 Community Development Advisory Committee Draft Minutes.

Action: Information item received and filed.

Inf13 Parks and Recreation Departments Summer/Fall Brochure.

Action: Information item received and filed.

Inf14 Correspondence from Xfinity regarding a Rate Change.

Action: Information item received and filed.

A true copy, I attest:

*Elisabeth Harrington
Deputy City Clerk*