

CITY OF KEENE
PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, December 09, 2015

7:00 PM

Council Chambers A

Members Present:

David R. Meader, Vice-Chair
Emily P. Hague
Carl B. Jacobs
Bettina Chadbourne

Staff Present:

Patty Little, City Clerk
Tara Kessler, Planner
Steve Russo, Captain KPD
Medard Kopczynski, Acting City Mgr.
Andy Bohannon, Director Parks & Rec
Thomas Mullins, City Attorney

Members Not Present:

David Richards, Chair

Others:

Councilors Present:

James Duffy
Jan Manwaring
Robert O'Connor

Mayor Kendall Lane

Vice-Chair Meader called the meeting to order at 7:00 PM welcoming the viewers of Cheshire TV, Channel 10. Vice-Chair Meader advised those present that agenda item #3 would be heard first due to the number of people present for this item.

1. COMMUNICATION: Keene Senior Center – Collaboration Between City of Keene and Keene Senior Center– Shared Space at the Recreation Facility

Mike Forrest, of the Keene Senior Center addressed their communication. He noted members of the Keene Senior Center are requesting the opening of formal discussions to explore the idea of collaboration between the Keene Senior Center and the Parks and Recreation Department on Washington Street. They are interested in maintaining their current status of a 50 1-C3 non-profit, while exploring the idea of expanding (if necessary) and identifying shared building space and parking at the Recreation Department's facility. At this time, they are quickly outgrowing their facility at 70 Court St. both in terms of parking and programs, as they face a fast growing senior population. Together, the Recreation Department and the Senior Center would create a mutually beneficially intergeneration of community service to benefit the r region and the city.

Mr. Forrest pointed out the Recreation Center isn't utilized very much from early in the morning until about

three in the afternoon, conversely the Senior Center is busy from early morning until early evening. Mr. Forrest also noted the increase in the senior population while pointing out the City has collaborated with private entities in the past, citing Keene Ice as the most recent example.

Mr. Forrest distributed copies of a motion prepared by the Senior Center. The motion is as follows: *That the Planning, Licenses, and Development Committee recommend that the City Council approve discussions by the Keene Senior Center and the Parks and Recreation Department concerning collaboration between the two parties. A first goal would be to report back to the City Council within six months with the findings of the discussions and recommendations for further action.* Mr. Forrest indicated they want to make it public that the two groups are talking; adding he has no idea where this will lead.

Vice-Chair Meader asked for questions/comments from the Committee.

Councilor Chadbourne asked Mr. Forrest if he had already had discussions, adding she is unsure what he is looking for. Mr. Forrest noted in the past the Senior Center has used the Recreation Center parking lot during the day to park during bus trips. He continued they are aware of the programs that go on there, and are often invited. He noted future discussions would revolve around a joint working relationship and the possibility of the Senior Center moving to the location of the Parks and Recreation Department.

Councilor Jacobs commented this strikes him as similar to when people got together to discuss a Fall Festival in 2016 in an effort to make the Council aware of the discussions. Mr. Forrest agreed with Councilor Jacob's comment that they just want to make certain those types of discussions are not problematical and that the Council encourages them.

Vice-Chair Meader asked for public comments or questions.

Mayor Lane commented this has been a subject matter for a couple of years. He thinks it is an important subject for the City and it is critical to move forward with it. Mayor Lane noted a couple of things to take into consideration as they move forward. First, the Keene Senior Center operates independently of the City, and it is the only Senior Center in the State that operates independent of a city, others operate as part of the city. Secondly, there are obvious financial implications and costs associated with doing this for the City and the Senior Center. Continuing, the Mayor commented he thinks a feasibility study needs to be conducted by both parties. He pointed out the Recreation Center is 40 years old and has had very little renovations done to it. Mayor Lane noted this is an opportunity for the two entities to collaborate. He hopes both the Committee and Council will support going forward to do the necessary feasibility studies to determine how much this would cost, what the impact would be, how they would proceed, and develop a program that would benefit both parties.

Vice-Chair Meader and others agreed they did not realize the Senior Center was part of the City in other places throughout the state.

Councilor Hague referred to agenda item #8 Licenses and Permits and asked as this is a new use of City property would it come back before this Committee should the discussions prove fruitful. The City Clerk noted this type of permitting is not a license; and it is not contemplated in the proposed Ordinance.

Mr. Kopczynski, Acting City Manager thanked the Mayor for bringing up the corollary issue that the Recreation Center does need to be looked at. He continued his comments adding they really don't know whether it would be a license or a permit or an agreement. Mr. Kopczynski noted the building was built for the programs in 1978; the City is changing demographically and they have to look at the core function of the Recreation Center and how the Senior Center fits into that.

Brian Mattson, of 30 Page Street clarified the Parks & Recreation Director has been a liaison the Keene Senior Center Board since 1975. He added the City has been aware of the situation at the Senior Center; and discussions have been held for many years. Mr. Mattson noted the conditions at the Senior Center relative to space and parking, in addition to the increasing senior population. He reiterated this collaboration has been talked about over the years and now they would like to take it a step further.

Andy Bohannon, Parks & Recreation Director agreed with Mr. Mattson's comments regarding the history of the two entities, noting he currently serves on their Board. He noted the involvement of KSC architecture students with a local architect in looking at the building's possibilities. The study produced three different models that provided ideas for discussion on what could happen. He noted needs assessment study should be done through a feasibility study. Mr. Bohannon clarified the Recreation Center is used during the day, but not to its fullest capacity. Mr. Bohannon pointed out the 86 parking spaces would have to be expanded. He noted the trend of numbers growing at the Recreation Center even though the school numbers are decreasing. He agreed a feasibility study needs to be conducted. There are a lot of questions to be answered moving forward.

Councilor Chadbourne commented she thinks it is a great idea, noting she wasn't aware of the history of ongoing conversations, and that the Senior Center is for people over 50. She added she is in favor of moving forward with this idea.

Peg Monahan, the Executive Director for the Keene Senior Center clarified not all Senior Centers are owned by municipalities, but many are, with the remainder having funding from federal programs (Meals on Wheels, for example). She noted what is unique about the Keene Center is they don't get any federal money, though they do get a little money from the City as an outside agency and they are a private non-profit owning their own building. Ms. Monahan also noted there are 60 Senior Centers in the State.

Councilor Chadbourne recognized that Ms. Monahan was a former Ward II City Councilor.

Vice-Chair asked Mr. Bohannon if he felt the six months was enough time to report back. Mr. Bohannon replied in the affirmative noting this would provide time to research other funding sources.

There being no further questions/comments Vice-Chair Meader asked for a motion.

Councilor Jacobs made the following motion which was seconded by Councilor Chadbourne.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council approve discussions by the Keene Senior Center and the Parks and Recreation Department concerning collaboration between the two parties. A first goal would be to report

back to the City Council within six months with the findings of the discussions and recommendations for further action.

Vice-Chair Meader returned to the first agenda item introducing Gary Spykman, of the Planning Board who will provide an update on the Planning Board.

2. **PERIODIC REPORT**: Gary Spykman, Chair – Planning Board

Gary Spykman, of 284 Water Street introduced himself as the Chair of the Planning Board. Mr. Spykman noted the Board' charge per State Statute as it relates to the Keene Master Plan, zoning changes, and review of the Capital Improvement Plan. He shared the meeting schedule and the functions of the Steering Committee that meets the week before the actual Planning Board meeting. Mr. Spykman further explained site visits are also held a week prior to the meeting. The Planning Board functions include Site Plan Reviews, Sub-divisions, Driveway applications, Conditional Use Permits, and boundary line adjustments. Mr. Spykman noted the goal of the Planning Board is to help people make their projects work. The Planning Board also meets on the second Monday of each month holding a joint meeting with the Planning, Licenses, and Development Committee.

Mr. Spykman addressed the Board's membership providing the members' names including the ex-officio members, noting the Board has nine members with a quorum being five members.

Mr. Spykman provided a rundown of things the Planning Board did in 2014 and outlined projects before the Board for the year. He also explained the Administrative Approval process. Mr. Spykman also noted the presenters appearing before the Joint Committee for the year. He noted the big thing on the Board's plate for 2016 is the Land Use Code rewrite. Mr. Spykman pointed out the Board will be starting from scratch with this rewrite to simplify things. A consultant will be hired to assess our needs and to see what other communities have done. Mr. Spykman noted the Marlboro Street rezoning could be used as a model for the rewrite. Mr. Spykman pointed out the Outdoor Lighting Standard needs to be changes; he explained as LED lighting has become more or less the standard, people are having trouble meeting Keene's standards the way they are written.

Mr. Spykman noted there are two items coming from the Comprehensive Master Plan that he would like to do a little pushing for include 1) mixed use neighborhoods, and 2) promoting the creative economy. Mr. Spykman concluded by noting at the January meeting a priority list for the coming year will be set.

Vice-Chair Meader asked for questions/comments from the Committee or public.

Councilor Hague thanked Mr. Spykman for his comprehensive report on the Planning Board and its activities. Mr. Spykman thanked Councilor Hague for her years of service to Keene.

Councilor Hague made the following motion which was seconded by Councilor Chadbourne.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the report on the activities of the Planning Board be accepted as informational.

2. MEMORANDUM: City Clerk – Amendment to Revocable License – Downtown Banners – Keene Rotary Club

The City Clerk provided the background on this issue noting previously, the Planning, Licenses and Development Committee had recommended staff work with representatives of the Keene Rotary Club to identify changes to their revocable license and indemnification agreement that would allow the club to assign their license to other organizations. Staff has met with representatives of the club to identify the necessary changes that would allow the Rotary Club to assign their license to a non-profit or designated "community event" occurring within the City. In addition, the agreement would also prohibit any image, name, trademark, or logo of a commercial nature except for commercial sponsorship directly related to the event. It provides that the Keene Rotary Club may adopt requirements for the program and charge fees as are reasonable and necessary for the administration of the Downtown Banner Program and for the installation and removal of banners for a sub-licensee. Finally, language was added to the license that would provide that the license will automatically continue from year to year unless terminated by either the City of Keene or the Rotary Club. The City Clerk also noted the agenda packet included a set of guidelines developed by the Rotary Club provided to the Committee as information. The City Clerk commented they are looking for the Council to endorse this language going forward.

Vice-Chair Meader asked for questions/comments from the Committee.

Councilor Chadbourne asked staff if the light posts are City property and if the City is responsible for their maintenance. Mr. Kopczyński replied the City owns the light posts and they maintain them.

Councilor Chadbourne addressed Peter Mangan of the Rotary Club asking whether the club is using these banners (both the sponsorship and the actual banners) as fundraisers. Mr. Mangan replied in the affirmative noting 2015 was the first year they allowed another organization to post their banners; they traditionally receive sponsorships from local businesses to maintain the banners. The Rotary Club owns the hardware which hangs on the City owned light posts. The International Film Festival did pay the Rotary Club a fee for the volunteers to change out the banners, and the Film Festival provided their own banners. He noted the DeMar Marathon sponsored by their sister Rotary Club, also provided their own banners and in that instance no fees were charged. Mr. Mangan noted the Rotary's intention to direct any sponsorship or banner revenue received that was not required for maintenance costs into their charitable funds.

Councilor Hague noted she is happy to see this happening and pointed out their guidelines note that banners are not available for display from March-November (weather guidelines). She asked Mr. Mangan if there were any opportunities for flexibility here. Mr. Mangan replied in the affirmative.

There being no questions or comments from the Committee or public, Vice-Chair Meader asked for a motion.

Councilor Chadbourne made the following motion which was seconded by Councilor Hague.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Acting City Manager be authorized to execute an amended revocable license and indemnification agreement with the Keene Rotary Club that would authorize the assignment of their license in

connection with a non-profit or designated "community events" occurring within the City of Keene.

4. COMMUNICATION: Keene Downtown Group – Free Parking Weekends in 2016 (Council Policy – Free Parking)

Tracy Keating, of the Keene Downtown Group (KDG) was present to propose four weekends of free parking for the upcoming 2016 year. The group found that the 2015 Free Parking days were quite beneficial for the downtown and the community. They are formally requesting that this continue annually. The KDG believes this will support the downtown community and downtown businesses of Keene. She identified the particular dates that they thought might work for the downtown community and the *events* they are paired with. She provided the following proposed dates. Ms. Keating also noted this is the second annual request.

2016 Free Parking Weekends and KDG Events

March 4th & 5th Spring Fling

June 3rd & 4th Artwalk

July 22nd & 23rd Keene Karnivale

November 4th & 5th Local First weekend

Vice-Chair Meader asked for questions from the Committee/staff.

The City Clerk noted the packet does contain the Free Parking Policy which was amended and now aligns with this request.

There being no questions or comments from the Committee or public, Vice-Chair Meader asked for a motion.

Councilor Jacobs made the following motion which was seconded by Councilor Hague.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council approve the request for free downtown events in 2016 for the following dates: March 4th & 5th Spring Fling, June 3rd & 4th Artwalk, July 22nd & 23rd Keene Karnivale, and November 4th & 5th Local First Weekend.

5. COMMUNICATION: Executor of the Estate of Sally Horton – Donation of Property – Old Gilsum Road

Mr. Kopczynski, Acting City Manager reported this is a small piece of property, on a Class VI road surrounded by City owned, conservation land. Mr. Kopczynski also noted he had this looked at by both Planning staff and the Department of Public Works; adding there is no reason why the City wouldn't want to add this to the bulk of the conservation property in that area.

Vice-Chair Meader clarified the location of this property and asked for questions/comments by the Committee.

Councilor Hague asked if there were any maps to show the location. Mr. Kopczynski noted it wasn't included in the packet, but he will have it for the City Council meeting. Councilor Hague

also asked if the total acreage was known, and if there was any infrastructure on the property. Mayor Lane indicated it was approximately a half an acre; Mr. Kopczynski reported there was no infrastructure on the parcel. Councilor Hague also asked if there was any potential for the City to use it in any specific way. Mr. Kopczynski noted it would be added to the recreation area; with no specific added value.

Councilor Jacobs asked for clarification that the Conservation land around it is owned by the City. Mr. Kopczynski agreed it is surrounded by City land.

Attorney Mullins suggested it is clear from the letter the individuals are not going to do anything more with the property; even if the City doesn't accept the donation it would probably be taken for outstanding property taxes. He suggested there may be some benefit to these folks if the City accepts the donation by way of a tax deduction rather than going to a tax deed.

Councilor Hague asked if there would be any deed restrictions associated with this transaction. Attorney Mullins noted the deed was provided with no restrictions or anything problematic; he also noted a title search would be performed.

There being no further questions/comments from the Committee or public, Vice-Chair Meader asked for a motion.

Councilor Hague made the following motion which was seconded by Councilor Chadbourne.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council accept the donation of the property located on Old Gilsum Road, PARID #173-02-003.0000 subject to due diligence from the City Attorney's office, with gratitude.

6. COMMUNICATION: Councilor Duffy – Periodic Updates on the Use of the Bearcat Armored Vehicle

Councilor Duffy referred to his communication noting in 2012 the Keene City Council voted to accept a Homeland Security Grant for the Bearcat Armored Vehicle. The Keene City Council also voted to require twice yearly updates on the use of the Bearcat to the Finance Organization and Personnel Committee. The Councilor noted this reporting was never intended to be a permanent practice and he believed it is no longer necessary to do so.

Vice-Chair Meader asked for questions/comments from the Committee.

Both Councilor Jacobs and Vice-Chair Meader agreed with Councilor Duffy's recommendation. Councilor Chadbourne agreed the original objective was achieved and the reports are no longer necessary.

There being no questions or comments from the Committee or public, Vice-Chair Meader asked for a motion.

Councilor Hague made the following motion which was seconded by Councilor Jacobs.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council rescind the requirement for the periodic updates on the bearcat armored vehicle.

7. MEMORANDUM: Police Captain – Specialized Mission Vehicle Report –

Captain Steve Russo reported that the update was supposed to be provided twice a year, but the June report was missed this year. He continued in 2011 the City's grant request for a 2010 Department of Homeland Security grant was approved and, in 2012, the City Council subsequently approved the acceptance of the grant. On November 16th, 2012 the vehicle was placed into use by the Police Department. During this process the Police Department was directed by the City Council to present six-month reviews of vehicle use and costs.

From January 1st, 2015 through November 19th, 2015, the vehicle has been logged out fourteen times. These encompass six times for training purposes, once for fuel, and seven times for operational purposes. During this time frame, costs have been limited to fuel costs that have totaled \$74.51 and an annual inspection with a cost of \$98.00 for a total of \$172.51. No maintenance costs have been incurred. Captain Russo also reported a trip to Jaffrey several days ago to assist their Police Department. Data on usage can be gathered very quickly as a log is kept.

Vice-Chair Meader asked for questions from the Committee.

Councilor Chadbourne asked if six times is the average that this vehicle is used for training; and do other Police Departments use this vehicle for training. Captain Russo replied it would be difficult to give an average; noting future training instances. In response to the second half of her question, Captain Russo replied in the negative. The Police Department e drives the vehicle to a location and other police departments do not borrow the vehicle.

There being no questions or comments from the Committee or public, Vice-Chair Meader asked for a motion.

Councilor Chadbourne made the following motion which was seconded by Councilor Jacobs.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends this report concerning the use and costs associated with the Homeland Security grant Special Mission Vehicle be accepted as informational.

8. ORDINANCE: O-2015-13: Relating to Licenses and Permits.

The City Clerk noted this Ordinance transfers the responsibility for administering several reoccurring licenses from the City Council to the City Clerk's office. She noted this was initiated at the Committee's request to benefit the public in getting through the Council process, which generally take 2 City Council meeting cycles. She continued there was also a desire from the Committee to re-focus their efforts on issues such as suggested by Mr. Spykman during his presentation. The City Clerk covered the administrative licenses that would be transferred to her department. She noted a new section for the general use of City property was added to the Ordinance. The Committee will continue to receive applications for a discharge of fireworks, community events, any long-term encumbrances on City property. The City Clerk indicated she

would not go through the entire Ordinance, but did have a few sections to bring to the Committee's attention.

On Sec. 46-92 Review Process there was a Scribner's error, as she had neglected to line out the reference to the number "ten" in the second sentence. The City Clerk drew attention to the last sentence in the paragraph clarifying that the Ordinance provides that the City Clerk can refer any licenses to the Committee. She added she will bring anything to the Committee that she is uncomfortable with; and asked for the Committee's trust in her discretion.

Councilor Jacobs asked didn't the Committee also talk about alcohol coming to the Council for the first issuance. The City Clerk reiterated that she would defer any first time issuance to the Council; but language could also be added to the ordinance to codify that expectation. Councilor Jacobs clarified he believed the committee intended first issuances of alcohol would come to the Council and renewals would be handled administratively. He also referred to alcohol being served on City property suggesting this should always come before Council. The City Clerk asked for assistance from the City Attorney to develop language for Article XXII. Sidewalk Cafes, on pages 7 and 8. There being no additional comments regarding alcohol, the City Clerk continued.

The City Clerk noted there are a lot of housekeeping issues, pointing out the efforts to streamline the licensing process. Definitions were brought to the front of the chapter, and a chart on Page 3 was updated with previous Council amendments that were not codified in the chart. The several sections dealing with Temporary Suspension were combined into a general statement and moved to General Use. The City Clerk advised the same combination and removal of multiple references was done with respect to penalties.

The City Clerk addressed Sec.46-480 Special license for use of downtown property and the reference to a reasonable fee (in addition to a license fee) for use of city property. This language was removed and the ordinance incorporates the fee at \$250 into Appendix B. The City Clerk noted the Ordinance does not increase any fees. She suggested it is reasonable on a periodic basis to look at license fees; pointing out there is no across the board methodology for increasing fees. In her closing comment the City Clerk noted upon adoption of this Ordinance, 80% of the current workload of the Planning, Licenses and Development Committee would be removed.

Attorney Mullins asked for clarification on what Councilor Jacobs was asking for in terms of an amendment to the Ordinance. He continued in the context of Sidewalk Cafes if this is the first application it should go to the City Council; if it's a continuing application by the same license holder year after year the City Clerk could have that discretion. If it is for sale of alcohol on any other City property such as Heberton Hall those licenses will always be known and approved by the City Council. Councilor Jacobs commented the key is compliance with procedures (Liquor Commission established). Following up on his suggestion, Attorney Mullins noted the two references are Sec. 46-1194 and Sec. 46-2024. He suggested adding the following: Licensees holding a valid license from the State Liquor Commission may also serve alcoholic beverages or liquor at the Sidewalk Café when permitted to do so by the City Clerk; provided, however that if the application to serve alcohol is a first request by a licensee the license shall be granted by the City Council. The second change would be on Sec. 46-2024 suggesting the following language; except as provided in Sec. 46-1194 (b) permission for the sale of service of alcohol on City

property shall be granted through a license by the City Council and be in compliance with requirements of the State Liquor Commission.

Mr. Kopczynski asked for clarity on the first amendment. In response the City Attorney clarified the license does not follow the property. A new owner would have to come before the City Council.

Councilor Chadbourne commented she would like to ensure that Council remains a part of the process; noting the long standing tenure of the City Clerk.

Councilor Hague commented it seems like they are making special considerations for alcohol to be served on City property because there is inherent risk to the City; she asked if this was correct. She otherwise agreed with Council Chadbourne's comments. Mr. Kopczynski referred to previous discussions and concerns noting it was more than just it was on City property, noise and nuisance were also of concern.

Councilor Jacobs commented first instances for sidewalk cafes with alcohol should definitely come to the Council; in the other instances, Heberton Hall for example he would defer to the Clerk's discretion. Councilor Hague noted her agreement with Councilor Jacob's comments, and is amenable to the amendments posed by the City Attorney assuming Staff would have the chance to work out specific language before this goes to full Council. She also pointed out there is precedent for Administrative Approvals such as with the Planning Board. The City Attorney then recommended leaving Sec. 46-2024 as it was presented and change only Sec. 46-1194.

Mr. Kopczynski noted he would be bringing up the issue of fee increases at the January 12th Fiscal Policy meeting.

There being no questions or comments from the Committee or public, Vice-Chair Meader asked for a motion.

Councilor Jacobs made the following motion which was seconded by Councilor Chadbourne.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the following language be incorporated in Sec. 46-1194 (b) after the words City Clerk (first sentence); "provided, however that if the application to serve alcohol is a first request by a licensee the license shall be granted by the City Council". The Committee recommended the adoption of Ordinance O-2015-13, as amended.

Mayor Lane noted approval of this Ordinance removes 80% of the Committee's workload. He explained City staff and Committee Chairs have been working to review the workloads for each of the Standing Committees; taking this opportunity to try and even out the workload between various committees. He added a proposal will be coming in January to realign the responsibilities of each of the Standing Committees.

Councilor Chadbourne expressed her excitement with these changes; noting her support.

Mr. Kopczynski recognized Vice-Chair Meader and Councilor Hague for their service as this is their last meeting. Vice-Chair Meader thanked his fellow Councilors for their support during his tenure.

There being no further business Vice-Chair Meader adjourned the meeting at 9:02 PM.

Respectfully submitted by:
Mary Lou Sheats-Hall, Minute-taker
December 12, 2015