

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, June 27, 2018

7:00 PM

Council Chambers A

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice Chair
George S. Hansel
Bart K. Sapeta
Margaret M. Rice

Staff Present:

Elizabeth Dragon, City Manager
Rhett Lamb, ACM/Planning Director
Beth Fox, ACM/Human Resources Director
Rebecca Landry, ACM/IT Director
Kurt Blomquist, Public Works Director
John Rogers, Acting Health Director

Members Not Present:

Other Councilors Present

Robert B. Sutherland
Carl B. Jacobs
Gary P. Lamoureux
Robert B. Sutherland

Chair Richards called the meeting to order at 7:00 PM.

1. Presentation – Broadband Study – WideOpen Networks

Chair Richards invited Assistant City Manager/IT Director Rebecca Landry and Jack Maytum, Senior Business Analyst from WideOpen Networks forward. Ms. Landry stated Mr. Maytum's firm was hired to conduct a broadband study for the City. She continued she wanted to provide some context prior to the presentation relative to the problem we are trying to solve here. Keene cannot compete with other communities in other regions for businesses and residential buyers because they rely on modern broadband services. Broadband expansion is a necessary component of economic development and that is the basis for why we need to look at our broadband problem and what we can do about it. Keene, unlike other communities in Cheshire County, actually has decent minimum broadband options and coverage. There are some areas that have no access, but they are the exception. However, Keene does not have many options for broadband providers. Competition is needed to drive prices down and improve services. Both residential and especially commercial services are available in Vermont and Massachusetts at a fraction of the cost that we are charged here, sometimes 75 to 80 percent less costly when you

are looking at 50 or 100 megabyte service. The State of New Hampshire, unlike other states, provides little to no support for broadband development and relies instead on for-profit telecom companies to expand their infrastructure. This puts us behind others because large providers will invest their dollars where there is a higher population, cities like Boston and Manchester or Nashua. We do have some good infrastructure here, but it has been difficult to get this expanded. This study is meant to suggest some options to improve Keene's broadband landscape and to provide us with information to allow us to understand the cost and implications of a city broadband solution. Ms. Landry continued that WideOpen Networks has provided some theoretical examples including a downtown study prompted by the pending reconstruction of Marlboro Street, as well as a residential example for the Maple Acres neighborhood. The Study does not provide a detailed plan for a city wide broadband network. The projects included are simply theoretical examples.

Mr. Maytum, of WideOpen Networks stated that he agrees with what the IT Director said previously. Keene is not the worst location they have seen in terms of broadband services. WideOpen Networks has authored about 250 reports in rural communities across the country. He has worked on several of them himself in places like Idaho, Texas, Ohio, and Virginia. What they are proposing are three pilot projects for the City of Keene. One of them is the Marlboro Street area in conjunction with proposed construction there, which is an opportune time to install broadband conduit which would contain fiber that could then either be used directly by the City or leased out for use by other entities that would then offer services and pay the City a lease rate for that fiber. In addition, an area around the Middle School was looked at for residential. A wireless component was also provided out at the new assisted living facility which would involve a wireless tower connected to fiber coming from the rest of the pilots that would be built.

Mr. Maytum continued they have costs in the study for these pilot programs but no estimates for a citywide project at this time. If after some discussion and evaluation this idea is determined to have merit, this could be done in the future. Draft copies of several pages of the study have been provided to the Committee and final copies of the report will be distributed once the final report is issued. He noted three maps have been provided to represent a mapping of existing assets in the city now which includes the Fast Roads network, the proposed Marlboro Street network and city owned fiber, as well as the Keene wireless link. He continued the second map contains more detail on the Marlboro Street network as well as locations where access points would exist on this network. The third map focuses on the neighborhood residential area around Marlboro Street. He noted they have broken out costs for the Marlboro Street backbone as well as the residential network that would come off of it. The third map shows that the proposed Marlboro Street fiber is very close to the Fast Roads fiber, which is one avenue to get internet access directly onto this network.

Mr. Maytum referenced the last few pages of the report which provided cost breakdowns for the proposed projects. He added that since Marlboro Street will be undergoing construction that would be a good opportunity for the City to consider installing conduit and once installed fiber

can be inserted into the pipe. The conduit could support a couple dozen to several hundred or more fibers which can be added over time in response to demand. This could be leased out to a broadband provider that can then offer services to businesses and residences along the route. Alternately, the city could also use the infrastructure for their needs as well as sell the services. Mr. Maytum noted that do not recommend the city doing this, they recommend the city simply put in the conduit as an infrastructure improvement and that the private sector or some other entity sell services to potential broadband users along that route. They have projected there will be 3.1 miles of conduit installed during construction and potentially fiber as well. Hand holes would also be installed in the street where fiber can be installed and made accessible. They are projecting no subscribers on this network because it is simply an infrastructure project which would provide the means for a private entity to offer services. The take rate, or the estimated number of users that would seek out these services was estimated at about 50 percent of those along route. They are projecting the cost for this project to install conduit and fiber on Marlboro Street would be about \$300,000. Mr. Maytum also provided revenue sources if they chose to lease out fiber to various providers. For instance the rates for leasing of empty conduit are generally .50 cents per foot per year. With fiber and conduit, the rate would be about \$75.00 per month per strand. He provided another option called an IRU or Irrefutable Right of Refusal which would essentially be a perpetual lease to the provider and is generally around \$3,500 per strand. He went on to provide information on maintenance costs that would be charged to someone leasing fiber noting there are figures included in the plan.

Chair Richards asked if there is fiber on Optical Avenue. Ms. Landry stated she was not sure. She believes there is some along Eastern Avenue, but she would need to investigate that. Chair Richards stated there are a lot of businesses in that area that would benefit from this, and asked if we have sought their support to offset any of these costs. Ms. Landry noted we have the information to make that projection but have not approached these businesses at this time.

Councilor Hansel stated he thought the purpose of this study was to look at what assets currently exist in Keene and asked why current main providers were not asked about what they have in place. Ms. Landry commented we have that information. It can be easily obtained from Spectrum (Charter) because it is required in the franchise agreement, however Fairpoint (Consolidated Communications) will only provide minimal information because they say it is protected. They have pretty good coverage but the cost for those services is the issue. There have also been issues in some places getting the services due to the cost associated with extending services to a particular location. The network needs to be more reliable and more affordable.

Mr. Maytum agreed it is hard to get any detailed information from incumbent providers for competitive reasons. Assets that are on public property are the only ones they are required to provide.

Councilor Hansel inquired was Charter or Consolidated informed of this study taking place. Ms. Landry answered yes they were notified and we try to maintain a positive relationship with them because their partnership is important moving forward and we need their support.

Vice-Chair Jones stated Spectrum and Fairpoint are more self-serving whereas we want broadband where we can sell lanes on our broadband highway. It's good that these providers are here to service their private customers but they are not interested in sharing space on their infrastructure because it could create competition. Ms. Landry agreed stating that is one of the drivers of municipalities doing this.

Vice-Chair Jones referenced a Rural Development Plan that was brought forward long ago by the Merton Group to assist with financing these types of projects. He asked if this funding source is still available. Ms. Landry stated this is difficult because in New Hampshire it is hard to get onto the poles, and the funding opportunity back then was for communities with lower populations than ours. There are opportunities like this that pop up from time to time from the USDA Rural Development Association, but typically they would be loans for a community our size. One of the things in the report is that we need to have our antennae up looking for grant opportunities.

Mr. Maytum referred back to the Marlboro Street project stating the other aspect of it is the Marlboro Street neighborhood which comes off the Marlboro Street backbone fiber. He noted that this would be about 4.19 miles of conduit, 73 hand hole access points, and about 176 customers that would potentially subscribe to the network. The cost for that would be \$1,469,000 for a full network with the City owning the fiber and conduit and leasing access to providers with a monthly rental fee. Mr. Maytum referenced the last page of the report providing a 10-year financial overview on all proposals including all expenses that would be incurred and all potential revenues to be derived including connection fees, subscriber charges, services fees, etc. The idea would be that a half dozen or so providers would sell services on this network, each addressing a different type of market dependent on their needs and ability to pay.

Chair Richards asked where this goes from here. Ms. Landry stated that a telecom dig once policy or ordinance has been recommended, so that whenever construction is occurring it would be part of the project. It is important to understand that if we adopt a dig ounce policy specifically for telecom, we could need to consider budgeting capital funds on an annual basis to pay for these projects. This will take years – it will not happen overnight. Ms. Landry added that this was not meant to be a proposal but rather an overview of what it would take. The small steps that have come out of this are a dig once policy, to install conduit whenever we do our own road projects, and to look at budgeting funds in our CIP on an annual basis to chip away at this. Last year we began requiring telecom and other players to install city conduit when they dig up the roads. Any broadband expansion requires an investment and interconnections requires an investment.

Vice-Chair Jones asked if there are requirements that this be underground like it is of the cable company. Ms. Landry stated that would not apply.

Councilor Hansel asked how much this study cost, what was the scope and when was it approved. Ms. Landry stated in was prompted when Medard Kopczynski was City Manager and it came out of the Economic Development action plan as one of the recommendations. It was in the IT Budget under the Professional Services line item. The study fell under the \$20,000 threshold for a capital project. She added the cost for the study was about \$15,000. Councilor Hansel stated this report raised some red flags for him. He spoke about the risk involved in building out this infrastructure. This missed the mark for him because it is selling an idea not gathering ideas to make an assessment of our needs in the community. He added that some of the suggested mandates that might be included in the dig once policy would be a concern to him. This will need some fine tuning. He stated that adding requirements suggested in this study to proposed development in the city could be an issue. He worries about mandating these requirements and adding to the costs borne by potential developers to comply. This comes down to a philosophical issue, and the he feels this is a high risk venture, and it is not appropriate for the City to take this on. He is not sure that we have a place here to do it ourselves. He would much rather see a collaborative effort and the city taking on the role as a facilitator to move this forward with current providers. Ms. Landry thanked Councilor Hansel for his feedback and reiterated this was called for by the Economic Development action plan, and was only meant to show what a project like this would entail and to provide context. We are not in a position to recommend installing a multi-million dollar network, however it does behoove us to look at this and consider taking small steps.

Chair Richards asked if the Mayor is going to reconstitute the Economic Development Committee. The City Manager answered she believes he is planning to create a new Economic Development Committee that may have different members, structure and focus than the previous iteration of the committee. The Chair said that would be good venue to hatch out all these issues rather than a Council Standing Committee.

Councilor Sapeta stated we build roads and maintain them. It is important to have them for a variety of reasons. He sees broadband as another piece of infrastructure, road or connection. It is in our best economic development interest to follow a dig once policy and he thinks it should be included. The report gave him an idea of what could be done, but he is concerned about the cost. There are some concerns and red flags related to that. Wireless is becoming faster but step by step we need to gather this information and using the dig once policy will be important. He added an overlay on GIS would be helpful as well to let people know what is available here. We are in the 21st century and should be doing that. Ms. Landry stated mapping the current fiber and telecom services is a very contentious issue and current maps are terrible in terms of representing what is actually out there. She added there will be a meeting with Senator Kahn in the next few weeks to discuss this issue. She ended by reiterating that we cannot get reliable information from the incumbent providers.

Councilor Sutherland agreed this missed the mark. He looked at some of the past experience the consultant had with other communities. The rates he looked at from these other communities did not seem that much less expensive than what we have here. Balancing that is a matter of how much do we spend to save 5 or 10 dollars per month on our internet bill. He added who will bail this out if it fails. He agrees we should be more of a facilitator. We should reach out to incumbent providers to offer help to ease the red tape involved in building out conduit if the providers wanted to install it, and keep us and the taxpayers out of it. His biggest concern is if we had done these things 20 years ago we would have been putting out copper wire for dial up services. Technology is changing quickly. Why is a municipality investing and trying to keep up with emerging technologies?

Mr. Maytum responded just because they have a 10-year pro forma included does not mean they are not suggesting the City should do this, it was meant to provide the city with information. He continued that fifth generation wireless relies a great deal on fiber. All major telecom and cable companies are buying up backbone networks as fast as they can. The fact that some entity would be investing in fiber, this would safely be a 20 to 50 year investment. In terms of the obsolescence He does not think that is the case. The network proposed in the report was a mix of fiber and wireless. Those that have chosen to integrate this in their construction are miles ahead. Small communities who started putting in conduit about 10 years ago are looking at this as a long term project. Over the cost of a road construction project, this would add 2 to 3 percent to the project. They are merely suggesting this is a good opportunity to include some broadband infrastructure in future projects.

Councilor Hansel stated one of the suggestions he liked from the report was the idea of an independent CIP fund for funding these activities. This would keep it separate and clear as to what is going towards this infrastructure.

Mr. Maytum commented that some communities are interested in this to get people off their roads by allowing them to telecommute. If they can get traffic off the roads one or two days a week it justifies this for them.

Ms. Landry commented on one of the first internet providers in Keene. Monadnet started because we needed internet here. They brought something to the community then stepped back when other entities came in and sold their infrastructure. Every ten years in this community we have had a broadband entity that has impacted the City and has been successful in spurring competition. She agrees this would not be just a city project, and would need partners across the table. They continue to talk to the incumbent providers in the spirit of cooperation.

Chair Richards pointed out this started the conversation and we need a group to start looking at the details. We do not know enough about the impact. We now have a better picture of what is going on and he would like to see this taken to the next step of looking for community partners etc. There are a lot of businesses that would benefit from this.

Zach Lewis, 40B Stonehouse Lane explained he is the founder of Paragon Digital Marketing. He stated he appreciates the effort that went into this report. It is well worth it. He agreed that incumbent providers are not willing to provide information. He spoke to the survey that was done as part of the study. He noted that 90 to 100 percent of business respondents said this was critical to their success, and 77 percent said they need better internet. Small businesses and start-ups are the ones that need this most, not larger companies that can afford to pay high premiums for good service. Mr. Lewis noted that three years ago when they were at their location on the corner of Church and Main they could not get good enough internet to do a web meeting. It would have cost \$8,000 to get fiber to the building. They ended up having to move to get better internet. He pointed out issues getting service to businesses on Krif Road as well. To him City involvement to assist with covering costs to get infrastructure in the ground is important. He heard someone say the reason Fast Roads failed was because the backbone was built in Keene but none of the connections to residences and businesses were made. We need to do something about this because if we don't it will put us farther behind. It is crucial to businesses to do everything in the cloud. When internet is down they are at a standstill. In addition on the business side there were times they considered moving their business out of town. This is essential to attract and keep young people in the City. Ms. Lewis ended he hopes this will continue to be worked on as it is crucial to the future of our city.

Councilor Sapeta stated Vermont is realizing they have a good quality of life. They have good telecom, fast internet and they are providing incentives to people to move to their state and telecommute to work. We need to be thinking about this.

The City Manager stated the feedback and conversation was great. It helped her understand what people are thinking and the concerns people have. She added Ms. Landry deserves kudos for all her work on this. It was a very worthwhile effort that may have changed some councilor's perspectives on building our own network vs. placing conduit in the ground during construction projects.

Ms. Landry ended her comments by pointing out that we are currently spending \$350,000 on a Police communications system where we didn't have fiber between here and Troop C. That cost might have been reduced if this infrastructure existed.

Vice-Chair Jones noted there is an important connection to economic development. He noted issues he had with a skype session with people from China and the issues with his bandwidth as more people joined the meeting. Mr. Maytum mentioned a similar situation at a local restaurant where they were unable to answer the telephone while processing a credit card transaction.

Councilor Hansel made the following motion which was seconded by Councilor Sapeta:

On a vote of 5-0, the Planning, Licenses and Development Committee accepted the presentation as informational.

2. Peggy Schaffler/Country Life – Use of City Property – Sandwich Board Sign

Peggy Schaffler, 15 Roxbury Street, Keene addressed her letter. She noted she is asking to put a sandwich board sign on Main Street at the corner of Roxbury Street to help people find them and also list specials for the day.

The Chair recognized Assistant City Manager/Planning Director Rhett Lamb. Mr. Lamb explained that sign regulations can be complicated. Chapter 46 section 490 allows each business in the Central Business District to have a sign in front of their business. It does not address placing a sign in front of someone else's business or placing a sign on Main Street not directly in front of the business. Country Life could have a sign in front of their store on Roxbury Street under Section 46-490 of the code subject to some parameters. However, there is no other allowance for off-premises signs in the city. The fundamental premise of the sign code is that it does not allow this type of sign. This is because it could create a proliferation of signs in the City. There is a motion before the committee that states this request is not consistent with City Code. Staff has discussed this and there are a couple of other options that might work in this situation. One would be a city established wayfinding sign. This was recommended and first discussed in the 2010 Comprehensive Master Plan. There are two locations where signs have been placed by the City at the crossing by Railroad Square and staff is suggesting that the wayfinding sign system be expanded, and this is a good answer for the desire for these types of signs. Parameters would need to be determined as to how far off of Main Street this would extend and who would have the opportunity to be included on the signs. Another option is a directional sign on the building which is permitted under the current Zoning code with property owner approval. The idea of wayfinding signs by the City is currently under discussion for implementation by staff and they are intending to come back with some parameters.

Chair Richards felt the request before the committee could be accommodated prior to those details being meted out. Mr. Lamb stated there will be some effort involved and they cannot promise a specific timeline but will work as quickly as possible to get this going.

Chair Richards asked Ms. Schaffler her thoughts on this proposal. Ms. Schaffler stated she would be very happy with the wayfinding sign. Chair Richards suggested that Country Life be the priority in terms of getting signage in place. Mr. Lamb stated they will go through the process and will likely need to come back to the Council with some cost details so that this can be moved forward.

Vice-Chair Jones suggested that the signs we have already installed are a little sterile and suggested we make our signs artistic so they become part of the character of the downtown. He wants to see some creativity. Mr. Lamb agreed but we also need to get this started and would not want that do waylay the process. Over time we could invest more money in a comprehensive design.

Councilor Rice hoped the signs would be not only aesthetic but also large enough for motor vehicles to read.

Councilor Sapeta stated the Sign Code is very clear and this seems timely. Cohesion seems important and allowing creativity as well is important and this will require a balance. He thanked staff for providing a solution for the applicant.

Councilor Hansel suggested that Staff provide some research and justification for these wayfaring signs to sell this to the public because there are people who feel there is already a proliferation of signage in the downtown.

Chair Richards reiterated that Ms. Schaufler's wayfaring sign should be done as quickly as possible. Mr. Lamb stated hers will be a top priority. The Chair added there needs to be a balance between artistic license and utility.

Council Jones made the following motion which was seconded by Councilor Rice:

On a vote of 5-0, the Planning Licenses and Development Committee recommends that the request from Country Life Restaurant for placement of a sandwich board sign on city property on the corner of Main Street and Roxbury Street be denied as the request does not comply with City Code Section 46-960; and would otherwise be contrary to Section 102-1292 paragraph 13 of the City's Zoning Ordinance, which prohibits off-premises signs in every zoning district of the city.

3. 2018 Pumpkin Festival - Staff Recommendation – Public Works Department

EMD/Public Works Director Kurt Blomquist stated we are back before the Committee this evening for the issuance of the Pumpkin Festival license to Let It Shine. He noted staff has had several meetings with the petitioner and are comfortable moving this forward. Some of the staff recommendations that have come out of those meetings are included in the background notes of the staff memorandum, and the motion has been shortened and made more concise. He added the protocol review process is a give and take where the petitioner provides their event scope and staff provides what support would be needed to make that happen. There may be some changes as the process unfolds based on staff suggestions.

George Hansel asked Mr. Blomquist if there are any significant changes from last year. Mr. Blomquist answered there are no significant changes, noting the footprint remains the same and staff felt the scope remained consistent with the prior event. Mr. Zinn can speak to some minor changes to activities within the footprint if he would like to elaborate on that piece.

Tim Zinn, identified himself as the Chairman of the Let It Shine Board of Directors. They are excited for this year's event which is scheduled for Sunday October 28th from 1:00 PM to 7:00 PM. The Sunday event and the timing that was chosen were intended to keep the event small and local. They are proposing the same footprint and this will remain free to the public and locally

focused. They are using careful marketing to ensure this remains a small event. He praised the current and past team members for helping to make this event happen last year. It was challenging. They are all volunteers. Mr. Zinn also thanked KSC students and staff as well as SAU students for their participation and support. They are focused on local school children and are hopeful to also engage the arts community in the event and use it as a means to inspire local school children. This could be an exciting addition for the kids. They are openly inviting teachers, artists, college students and others to lend their creative talents to the festival and become involved. They are also asking to raise the cap on the number of pumpkins to allow them to have 6,000 pumpkins rather than the 5,000 they were permitted to have last year. This is not a goal they are trying to meet, but rather is meant to put some scope and predictability to the event. They are in conversations with SAU 29 as well as SAU 93 and 60. Schools will continue to be the focus. They would like to continue to have some latitude to work with other schools should some of the ones they initially planned for drop out. They are also working to add four curbside refreshment stands inside the event footprint. Mr. Zinn explained that those would be run by local restaurants working together with a non-profit of their choice with some of the proceeds going to the non-profit. They are currently in discussions with Luca's, Kristen's, Life is Sweet and the Keene Partner City Committee to provide the refreshment stands. They will continue to have games like pumpkin bowling etc. They also have the same plan for family friendly entertainment, music and photo opportunities. They would also like to incorporate a small display of hay sculptures like what was done at last year's Fall Festival. They would like to have the customary costume parade at 1:00 PM as well. There would continue to be a 500 pumpkin sign up online for home schooled and kids too young to participate. They would again hold aside pumpkins for City of Keene Employees as well. They still want to count the pumpkins, but it is not as a means to hit a target, and rather is meant to acknowledge participants and to provide logistical information for planning the clean-up etc. The event closes at 7:00 PM and they anticipate a quick clean-up with the goal to be completed by 10:00 PM.

Chair Richards stated that he does not support the addition of vendors and non-profits to this event. This represents an expansion to him and he wants to see this stay small and not change for a few years before we even consider these additions.

Councilor Rice asked why they expanded the number of pumpkins for this year when they did not even hit the 5,000 they had allotted for last year. Mr. Zinn responded that it gives them room to include some other schools that wanted to be part of event and could not be last year. He reiterated this is not a goal to hit; it is an attempt to include those that want to be part of the event.

Councilor Hansel commented Let It Shine does need to understand that they are partners with the City on this event. It is a community event that is subsidized with taxpayer dollars. We need to work together and have some give and take. He does not have a problem with this incremental change but wants to make sure this remains a partnership. He added he sees this as one of many smaller events downtown and hopes it stays that way.

Councilor Sapeta thanked Mr. Zinn for explaining the proposed changes. He stated he's concerned about the vendors and prefers they stay at the same level and scope as last year. There are plenty of restaurants that can provide refreshments in their establishments. He also agreed with Councilor Hansel about keeping this small, noting that smaller events that are nicely spaced out are the goal. He asked Mr. Zinn to elaborate on the vendors and why they want to add them. Mr. Zinn stated they have agreed to no more than five of these curbside refreshment stands and they want this addition because it provides a festive atmosphere and ambiance to the event. It also provides people who do not want to sit down at a restaurant other options, while incorporating support for non-profits in partnership with downtown businesses - so it is collaboration versus competition.

Councilor Rice agreed with Councilor Sapeta and said there is plenty of options downtown for people. She is not in favor of the curbside refreshment stands being added to the event.

Tracy Gunn, Eaton Road, Munsonville identified herself as Chair of the Keene Downtown Group and owner of Life is Sweet. She supports the festival and is confused why the prospect of curbside refreshments is so frightening. A downtown event that is happy and brings people downtown is important. She noted that as a downtown business, they lost \$15,000 in revenue annually when we lost the Pumpkin Fest. During the 2017 event they doubled their business on a Sunday and had a very good day. She personally does not want the City to be known for what happened in 2014. It was a lovely event. The current event is put on by people that are volunteers and who care about this community. Having businesses on Central Square participate seems reasonable and has been done for other events.

Councilor Sapeta stated the festival grew to a level that was unsustainable and they are looking to keep this static for a while and see how it goes before we expand. This is a process of finding out where this will go and he appreciated Mr. Zinn's openness. He ended that he cannot support the addition of the vendors this year at this time.

Vice-Chair Jones thanked Mr. Zinn for all that he does and understands that a lot of the things that happened associated with the event were before his time. He went on to say the issue he has with the event is that a few years back Let It Shine was given an invoice for \$60,000 and they said they could not pay it and made no offer to at least assist with the costs. KSC paid for the bill and asked that the Pumpkin Fest not continue. Branding of the event is also an issue for him, and feels that it could work against us to continue using the Keene Pumpkin Fest name for the event. If you Google Keene Pumpkin Fest the first thing that comes up is images and videos of the riots. He had suggested a rebranding and a new event name last year when the request initially came forward, and he made that suggestion because it could allow them a fresh start.

Mr. Zinn stated he wants to understand why the addition of a few food vendors is such an issue and wanted to understand what they are afraid of. Chair Richards said he does not think the vendors would change things that much, but his concern is that he does not want to see this get

bigger - he wants to keep this event small. Until the City is no longer known for the difficulties associated with the prior event he has concerns. Mr. Zinn stated it seems this is more about what happened in the past in the periphery. Chair Richards agreed that has to be a concern to the City. Until we can get past the stigma attached to past events, he does not want to see this event grow.

Mr. Zinn Read the following from a prepared statement:

I have prepared some thoughts that I would like to share with the City and fellow Citizens.

As a representative and spokesperson for Let It Shine, I continue to look for a respectful but open and frank dialogue about the Festival and related topics. Keep in mind that I have lived at 43 Grove Street since 1990 and offer my opinions from real life experience. I'd like to make a few honest comments and then make a suggestion in the spirit of continuous improvement. Given some of the challenges from last year, I think this is a needed conversation and one worth having.

I got involved in this discussion at many levels after 2014. To me, it was a pending perfect storm that came to a head that year. Decades of a lack of accountability for off campus student behavior, and a Pumpkin Festival growing in worldwide popularity were on a collision course.

I watched for more than two decades as the bar was consistently lowered for accountability. The college party culture began drawing "Outsiders" well before 2014. The Pumpkin Festival was simply the best day of the year for everyone to push the limits of what was going on throughout the school year.

I was pretty critical of both the city and college after the riot. I have not been someone to just point the finger and blame others; I have done what I can to make a difference in this conversation.

As I became involved and communicated with the college, I was honored when asked to be part of the off campus orientation program. Four residents including myself were part of a videotaped interview giving a residents perspective of the good, bad, and ugly of living in an off campus college neighborhood. The Southeast Keene Neighborhood Group deserves kudos for its persistence in highlighting those issues. I saw the college making very real efforts at culture change and accountability. A progressive discipline off campus code of conduct policy and new culture change expectations were making a big difference in the daily quality of life in my neighborhood.

Yet, I still had concerns about what I felt was the root cause of the riot of 2014 and other serious occurrences; very large gatherings of intoxicated college students and the "outsider" elements that behavior invites.

In my mind, we didn't bill the Red Sox in 2013, why would we bill organizers for unrelated college students hosting Finnerage, the "outsiders" they drew, and the chaos that ensued?

Finnerage and the KSC students that hosted them should have been billed by the City in 2014 and made an example of. Justice still seemed to be lacking in my opinion.

About a year prior to our request for the 2017 Festival, I approached the City with a question as to why these parties are allowed to get so big, and what can we do to change things. I forwarded a YouTube video of a disturbing large drunken Spring Break party held not even a year after the riot. We had two very good discussions within the PLD committee, city staff was asked to investigate what other cities have for best practices.

Within those discussions, we learned that as a City, we have the option to enforce an assembly ordinance of either 50 or 100. A lot of the discussion revolved around the benefits and challenges of both. KSC was on board for serious consideration of the 50 ordinance. That is significant. The new college tools combined with a new city tool could be a real deterrent when needed.

The discussion was eventually tabled as informational and no further action was taken.

In the course of preparing for this meeting, I was heartbroken to find additional YouTube videos of KSC Spring Break parties in both 2017 and just this year in 2018. They are easily found by doing a Keene State Spring Break search by anyone interested learning more. I struggled as to whether or not to dig up old wounds, but not going so would betray Let It Shine, the community, and much of why I got involved.

Video forwarded to PLD Council members: <https://www.youtube.com/watch?v=OYBIAcZcZsc>

2018 video mentioned but not provided: <https://www.youtube.com/watch?v=hfkXN768Ds0>

These are large scale parties, full of public drunkenness, students on rooftops, bottles and cans being thrown and smashed along with numerous other issues. You can sense the escalation in the videos and the potential for serious problems or injury. The videographer posts in one of them: "sorry for the ##### camera work, I was trying to avoid being hit by beer bottles and cans". It is a sad reminder of similar behavior from the past.

With all due respect, it is clear from the challenges over a handful of social media posts last year, the second round of voting, and these videos that we still do not have the right tools in the tool box. The college has implemented major policy changes; Let It Shine is doing its best to propose a simple festival. What is missing is the City of Keene's tool in the toolbox. All we ask is that each party learns from the past and makes a good faith effort to work on their piece of the puzzle. We need a proactive tool that communicates that unacceptable behavior in the City of Keene carries severe financial and legal consequences. Both individuals and hosts of large gatherings should be held fully accountable.

My suggestion is this: Can we reconsider the 50 assembly ordinance as an as needed tool? Can we implement it during festivals, spring breaks, or sports events as needed? Can it be used on a

limited basis such as the day before, of, and after a festival? In the name of public safety, can it be used in a limited area of say a designated radius of any event? Can it carry full personal accountability with very real financial and legal consequences enforced by our City?

I have two pages of requirements to hold a family friendly pumpkin festival, what is required for a large scale Spring Break party involving alcohol?

For the safety of our college students, for the reputation of our college and city, this tool is needed regardless of our pumpkin festival. These videos do lasting damage to our City and college. More importantly, they highlight that more work is needed. While we can't stop videos from being posted, we can work to enact fixes for the root cause of the issue.

Rather than put artificial limits on our festivals and ourselves, let's learn from the past and move forward. With the right tools in place, we can move forward with proactive measures that allow us to make decisions not based on fear, but what the citizens of Keene decide for themselves.

Let It Shine is committed to moving at a pace that supports what the Citizens of Keene desire, and the culture change within Keene State College. We also commit to honest and productive conversation about underlying issues.

If it requires a resubmitting of this potential ordinance change to prompt further discussion, I would be happy to do so. I offer this suggestion in the spirit of continuous improvement and getting to a better place for all of us.

Other points if time allows:

- Downtown group and "Team Keene" coordinator, New Downtown coordinator, Culture change at KSC, 2017 Sentinel P Fest video all good publicity being negated by Spring Break videos and more importantly, the underlying danger.*
- These videos speak volumes to potential college students and their parents, potential employers, the world. Fix the root cause, and the videos have no relevance (small gatherings don't draw outsiders or YouTube interest).*
- 4 years later, what is the City tool in the tool box?*
- IS THE BEHAVIOUR IN THESE VIDEOS ACCEPTABLE AND SAFE WITHIN THE CITY OF KEENE OR NOT? IF NOT, WHAT ARE WE DOING TO FIX IT?*
- 2X with the Disorderly housing amendment, 1X with the Assembly discussion, both tabled, no changes.*
- We turned away Disney and a Travel magazine last year to keep things low key. We are sacrificing those types of positive videos while not addressing the root cause of Spring Break videos.*

Councilor Hansel stated he would be okay with going forward with the current plan but he does not think the other members feel the same. He asked Mr. Zinn if he could come back with some sort of compromise to discuss. Mr. Zinn stated he would like to see the party issue taken up again. The Chair stated he would not entertain a discussion on that topic right now; it is not germane to the subject this evening.

Councilor Sapeta stated we cannot change the past, but we can design the future and that is what we are attempting to do. He went on to ask Mr. Zinn if they would be willing to scrap the idea of the vendors from the proposal. Mr. Zinn stated he would need to discuss that with their Board.

Vice-Chair Jones stated he would be for this if the event was rebranded with a new name and a new start.

Councilor Hansel stated he wants to see Let It Shine come to the table with ideas and responses to concerns that the Committee could work with. Mr. Zinn responded that they have already compromised, and spoke in reference to a road race they wanted to add this year and it was recommended they not do so. The City Manager stated staff has recommended any road race that day be handled as a separate license.

Councilor Rice made the following motion which was seconded by Councilor Hansel:

That a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 28, 2018 to hold a “Keene Pumpkin Festival, In the HeART of Downtown Keene, NH” subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2018.
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 19 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury

Plaza to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;

- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 26, 2018 to Monday October 29, 2018, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- It is the intent of City Emergency Services to review all applications for other activities requested to occur on October 28, 2018 to determine if a public safety concern exists. If a public safety concern is found to exist, said license will not be granted. This would apply to the following activities: hawkers and peddlers on private property, itinerant vendors on private property, outdoor periodic events on private property, walk-a-thons, parades, bike and foot races on public property, general uses of public property, and sidewalk obstructions and sidewalk café licenses on public property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 26, 2018 to Monday October 29, 2018, and spaces within the event footprint on the day of the event; and
- That the Petitioner complies with any other recommendations of City staff.

Councilor Sapeta proposed the following amendment which was seconded by Councilor Hansel:

Move to recommend that no vendors or refreshment stations are allowed at the event.

Discussion on the motion followed, with the other members stating they would not support the amendment and would rather that the petitioner returns with a revised scope. Councilor Sapeta withdrew his motion and Councilor Hansel withdrew his second.

In reference to the previous motion, on a vote of 1-5, the Planning Licenses and Development Committee failed to recommend that the license be granted. Councilor Hansel voted in favor.

ADJOURNMENT

As there was no further business, Chair Richards declared the meeting closed at 9:05 PM.

Planning, Licenses and Development Minutes
June 27, 2018

Respectfully Submitted by
Terri M. Hood
Assistant City Clerk