

10/05/2017

A regular meeting of the Keene City Council was held Thursday, October 5, 2017. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Bartolmiej K. Sapeta, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Carl B. Jacobs was absent. Councilor Hansel led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the September 21, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Chair encouraged the Council and the public to attend the Ashuelot Chapter National Society Daughters of the American Revolution ceremony honoring 15 Revolutionary War Patriots on Saturday, October 7, 2017 at 10:00 AM at 312 Washington Street. The Chair invited the Council and the public to attend the Keene Fire Department Fire Prevention Parade being held on Sunday, October 8, 2017 at 1:00 PM. He went on to also remind the Council that the Annual Inspections Dinner is on Thursday, October 12, 2017 at 6:00 PM in the Keene Fire Department Training Room. The start time for the Finance, Organization and Personnel Committee will be delayed until 7:30 PM. The Chair continued with the Steeple Celebration Day is scheduled for Sunday, October 22, 2017 at 3:00 PM. The Chair announced the Keene Veterans Council is extending its annual welcome for the Council and public to participate in the Veterans Day ceremony. It will be on Saturday, November 11, 2017 at 11:00 AM. Services will be held at the Veterans Monument at the Keene Parks and Recreation Center.

PROCLAMATION – HALLOWEEN TRICK OR TREAT

The Mayor invited the Parks, Recreation and Facilities Director to come forward to receive a proclamation for Halloween Trick-or-Treat. The Mayor designated Tuesday, October 31st from 5:30 PM and 7:30 PM as Trick or Treat Day in the City of Keene. Mr. Bohannon wished everyone a Happy Halloween and for children to wear bright clothes and bring flashlights.

PROCLAMATION – LIBRARY BOOK SALE – FRIENDS OF THE PUBLIC LIBRARY

The Mayor invited Library Trustee Pam Knight to come forward to receive a proclamation designating October 13th to October 15th as Friends of the Keene Public Library Day. Ms. Knight extended an invitation for everyone to come to the fall book sale in the Delegation Hall at the County Court House.

PUBLIC HEARING – RELATING TO ACCESSORY DWELLING UNITS – ORDINANCE O-2017-10-A

At 7:08 PM, the Mayor declared the public hearing to order. The notice of hearing and certificate of publication was read. Mayor Lane recognized John Rogers, Acting Health and Code Director, and Tara Kessler, City Planner.

Mr. Rogers said the City has an ADU Ordinance in the Zoning Code for many years; however, changes to state law demand changes to the City Ordinance's in order to be compliant. The significant changes are:

- Currently ADUs are only allowed in Low Density and Low Density-1 Districts. This change expands ADU allowance to almost all zones that allow a single-family dwelling unit.
- Currently there is no distinction between attached and detached ADUs in the City Code. RSA 674:72 does allow for distinguishing between attached and detached ADUs in some zones. Attached is allowed in higher-density zones and detached allowed in the rural and agricultural zones.
- Currently ADU size is based on a percentage of square footage; with a minimum of 400sf. Changes are now in line with the RSA, which say less than 750sf cannot be restricted.
- The RSA does not allow lot dimensions for ADUs, as opposed to the current Ordinance, which does require additional lot size for an ADU to be installed.

Ms. Kessler spoke on how they reached these ADU criteria and provided details on where in the City this will be allowed. She said overall, this change will not affect a significant square footage of the City. Currently attached and detached ADUs are allowed in three zoning districts: Low Density, Low Density-1, and Rural. Still, these ADUs account for 70% of the land area within the City. This Ordinance increases the number of zoning districts that allow attached ADUs from three to eight; but only an additional 8% of land area will be impacted because the Ordinance specifically allows for attached ADUs in mostly residential zones with a threshold of 800sf. This 800sf maximum represents 50% of the average size homes in those districts to ensure the units remain accessory dwellings. The Planning Department thinks this is a good idea in the Rural and Agriculture Districts because of the large minimum lot size and size restriction on attached units. This also increases flexibility and options for landowners who want to convert barns and garages into smaller units. In the Medium Density, High Density, and Office Districts there is currently an option for a second dwelling unit, but a minimum lot size is required. She added there are no changes to this portion of the Ordinance. This proposed Ordinance changes the allowable use (attached and detached) limits to attached only in the Low Density and Low Density-1 Districts to maintain the intent of those districts to be single-family residences. Staff believes the proposed Ordinance is in accordance with RSA 674:72, the intent of the current Zoning Districts, and the City Master Plan, which encourages more diverse housing options that are affordable to a wider population.

Mr. Rogers added that the current Ordinance requires a Conditional Use Permit for ADUs; that requirement has been lifted and instead a Building Permit is required, making it an easier and quicker process. Councilor Jones and Mayor Lane agreed ADUs essentially serve the same purpose of a home-occupied duplex.

With no public comment, Mayor Lane closed the public hearing at 7:13 PM. Written and signed comments will be accepted in the City Clerk's office until Tuesday, October 10 at 1:00 PM. The Ordinance is currently before the Planning, Licenses and Development (PLD) Committee.

10/05/2017

A true record, attest:

City Clerk

PUBLIC HEARING – RELATING TO THE ESTABLISHMENT OF A BUSINESS GROWTH AND REUSE DISTRICT, A NEIGHBORHOOD BUSINESS DISTRICT AND A RESIDENTIAL PRESERVATION DISTRICT – ORDINANCE O-2016-01-C

The Mayor called the Public Hearing to order at 7:14 PM. The notice of hearing and certification of publication were read.

Mayor Lane recognized Michelle Chalice, City Planner. Ms. Chalice noted this project had an initial public hearing on June 15 with a full slide presentation and explanation of the project. After the hearing, the Ordinance was returned back to the joint committee to consider potential minor adjustments to the intention statements of each of the three proposed zoning districts. These changes could increase economic development opportunities in the project area in the event that the City decides to enact a temporary property tax relief program, which is currently being discussed by members of the PLD Committee. She displayed a single image of a map of the project area and provided a handout to the Council with line-edit changes to the Ordinance; these changes were reviewed and approved by the Joint Committee on August 14, in particular the intention statement language changes. Ms. Chalice reviewed other minor amendments and corrections of a Scribner error in the document.

Councilor Sutherland asked about adding a Downtown zoning district to the Residential Preservation District (RP); he asked if any of these changes will impact the on-site parking requirements and if this Ordinance will enable the City to expand the TIF District into this neighborhood. Ms. Chalice replied this Ordinance allows the City to use RSA 79E, but she was unaware of potential parking impacts. There are no parking requirements in the Commerce District and the parking requirements for the RP District would remain in place. Mayor Lane said the Central Business Zone does not require on-site parking but all other zones in the City, including these proposed, do require on-site parking. This would have no effect on the current Central Business Zone requirements.

Councilor Hansel said he was pleased to see this coming forward and moving in the right direction; he thanked staff for building these changes into the Ordinance. This will allow the City to use development incentives outlined in RSA 79E and included in the Comprehensive Economic Development Plan. Another benefit of moving forward with these zoning changes is that it will help the City prepare for the larger Land Use Code Update, which could affect the entire City. Ms. Chalice agreed the City has been working on this project since 2014. Councilor Jones noted it was originally introduced in 2004 and money for consulting was placed in the CIP, but it was not recovered until 2013 after being allocated during the recession. He said sometimes the government works slowly but for a good reason and something good has come out of it.

With no public comments, Mayor Lane closed the public hearing at 7:27 PM. Written and signed comments will be accepted in the City Clerk's office until Tuesday, October 10 at 1:00 PM. The Ordinance is currently before the PLD Committee.

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City Clerk

NOMINATION

The following nomination was received from the Mayor for the Agricultural Commission: Catherine M. Souther to serve as a regular member with a term to expire December 31, 2019. The nomination was tabled until the next regular meeting.

COMMUNICATION – DEAN EATON – RESIGNATION – COLLEGE-CITY COMMISSION

A communication was received from Dean Eaton resigning from the College-City Commission. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – DONNA FORTE – APPLICATION FOR A LODGING HOUSE LICENSE – 57 WINCHESTER STREET

A communication was received from Donna Forte, requesting a lodging house license. The communication was referred to the Planning, License and Development Committee.

COMMUNICATION - JOE SCHAPIRO/KEENE IMMIGRANT AND REFUGEE PARTNERSHIP – ENCOURAGING THE CONSIDERATION OF A RESOLUTION AIMED AT MAKING KEENE A WELCOMING ENVIRONMENT FOR IMMIGRANTS

A communication was received from Joe Schapiro, from the Keene Immigrant and Refugee Partnership, requesting that the City Council consider adopting a Resolution aimed at making Keene a safe and welcoming environment for immigrants. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – COUNCILORS CLARK AND RICHARDS – INTENDED USE OF HIGHWAY FUNDS ALLOCATED TO THE CITY THROUGH SB 38

A communication was received from Councilors Clark and Richards, regarding the SB 38, which appropriated \$30 million to the State Department of Transportation for local highway projects and aid for municipal bridges. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT – DEPARTMENTAL PRESENTATION – GENERAL ASSISTANCE AND WORKFARE PROGRAM

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the presentation on General Assistance and the Workfare program as informational. The Chair filed the report into the record as informational.

MSFI REPORT – CECILE CHICKERING – REQUEST FOR NO PARKING – FOUNDRY STREET

Municipal Services, Facilities and Infrastructure Committee report read recommending the staff be directed to bring an ordinance forward for no parking on Foundry Street. A motion by Councilor Manwaring to accept the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – HOLIDAY FAMILY SPONSORSHIP – HUMAN SERVICES DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to accept donations associated with the City’s 2017 Holiday Family Sponsorship Program. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE GRANT – PLANNING DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to apply for, accept and execute a “Non-Infrastructure” grant from the New Hampshire Department of Transportation to continue to supervise and coordinate the Safe Routes to School, “Walk & Roll” program at the Symonds Elementary School. This program endeavors to increase the number of children walking and biking to school. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – MAIN STREET BRIDGE REPLACEMENT PROJECT – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Council allocate \$16,989.20 from the Bridge Capital Reserve to the Main Street Bridge Replacement Project. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – PROFESSIONAL SERVICES CONTRACT – FLOOD MANAGEMENT – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with McFarland Johnson, Inc. for engineering and technical services for the Ralston Street / Winchester Street Flood Management Project for an amount not to exceed \$135,000 with funding from Project Cost Center 90298. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager expressed she was excited to be in Keene. She has spent time with department heads and had been able to get to know the great professional staff and charter employees as well as the former City Manager. She is looking forward to the CIP process. The City Manager is also looking for ways to streamline many of the committee processes for the public.

MORE TIME

More time was granted by the Chair for: Mayor Lane – Requesting that the Council Consider Adopting an Ordinance for Disorderly Residences.

ORDINANCE O-2017-18: RELATING TO SNOW AND STREET MAINTENANCE PERIODS

A memorandum was received from the City Engineer along with Ordinance O-2017-18. The memorandum was filed into the record. Ordinance O-2017-18 referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT AND ORDINANCE O-2017-15: RELATING TO DRIVEWAY PERMITS AND STANDARDS

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Ordinance O-2017-15. The report was filed as informational. Ordinance O-2017-15 was read for the second time. A motion by Councilor Powers for adoption of the Ordinance was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor, the motion carried. Ordinance O-2017-15 declared adopted. Councilor Jacobs was absent.

FOP REPORT AND RESOLUTION R-2017-33: RELATING TO AN APPROPRIATION FOR THE POLICE COMMUNICATIONS SYSTEM REPLACEMENT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-33. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a show of hands vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Jacobs was absent. Resolution R-2017-33 declared adopted.

FOP REPORT AND RESOLUTION R-2017-34: RELATING TO AN APPROPRIATION FOR THE POLICE COMMUNICATIONS SYSTEM REPLACEMENT

Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to negotiate and execute a contract with DNC Concrete and Tank Services for an amount not to exceed \$83,385 for emergency repairs to the Black Brook Water Storage Tank subject to approval of funding. A motion by Councilor Greenwald to carry out the intent of the recommendation was duly seconded. The motion passed unanimously.

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Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-34. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a show of hands vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Jacobs was absent. Resolution R-2017-34 declared adopted.

ADJOURNMENT

At 8:01 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in black ink, appearing to read "Patricia Castle". The signature is written in a cursive style with a large initial "P".

City Clerk