

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, February 10, 2016

7:00 PM

Council Chambers

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice-Chair
Bettina A. Chadbourne
Robert B. Sutherland

Staff Present:

Medard Kopczynski, City Manager
John Rogers, Acting Health Director
Mark Howard, Fire Chief
Patty Little, City Clerk
Rhett Lamb, Asst. City Manager/Planning Dir.

Members Not Present:

George S. Hansel

Other Councilors Present

Terry Clark
Carl Jacobs

Mayor Kendall Lane

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

1) MEMORANDUM: Acting Health Director – Introduction of KSC Coordinator of Student and Community Relations

John Rogers referred to the Proactive Code Report created in 2003. The Committee heard an update on the report in 2005. Tonight, he would provide the Committee with another update since 2015

He reiterated one of the report's key items was improving communications between Keene State College, City Departments, and landlords. Mr. Rogers explained the creation of the Keene Community Coalition and outlined its membership makeup. He added this group meets monthly to discuss different issues such as potential actions that can be taken, program ideas, and identifying problem properties. Mr. Rogers referred to one of the actions taken by the Coalition was to help the students know what to expect and what is available to them as resources. Mr. Rogers also pointed out the Voluntary Inspection Program has been successful. Another step taken by KSC is to make the Coordinator of Student & Community Relations position full-time. Mr. Rogers introduced Robin Picard who is the new Coordinator of Student & Community Relations for KSC.

Robin Picard provided an overview of her academic background as well as her work experience; noting she has also been a landlord. She noted the goal was to give students the resources they need to be successful. After additional comments, Ms. Picard noted she would be happy to answer any questions.

Chair Richards asked for questions/comments from the Committee.

Councilor Sutherland asked if KSC had a Volunteer Program. Ms. Picard reported the College has a full-time Coordinator of Community Service; adding she did not have the actual numbers regarding the hours of Community Service completed. She noted students are required to do Community Service; pointing out many students continue above and beyond the required hours. Ms. Picard noted the College's plans to revive the Adopt a Street Program. She also pointed out that Community Service is not used punitively.

Councilor Jones welcomed Ms. Picard noting he serves on the College/City Special Commission. He referred to their report of December 2015 which was largely based on student behavior; adding the upcoming March report will focus on housing, parking, and the tax base. Ms. Picard indicated she would be joining the College/City Special Commission as a member.

Ms. Picard noted she would like to come back with an updated report in six months.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Jones 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 update to the 2003 Proactive Code Report and the introduction of the KSC Coordinator of Student and Community Relations be accepted as informational.

2) COMMUNICATION: Danielle Boudrand – Suggested Ban on Single Use Plastic Bags

Chair Richards reported the petitioner was unable to be present and would like to address this issue personally. Chair Richards asked Councilor Chadbourne for a “more time” motion.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the request from Danielle Boudrand to ban single use plastic bags be placed on “more time”.

3) COMMUNICATION: 57 Winchester Street – Lodging House License

Chair Richards noted the applicant was not present. The City Manager deferred to John Rogers and Fire Chief Mark Howard to address this application.

John Rogers, Acting Health Director reported there were minor issues being addressed but nothing that would hold up issuing the license. Mark Howard, Fire Chief reminded the Committee that moving forward this license will no longer come to the PLD Committee; instead the license will be through a permit process out of the Keene Fire Department in collaboration with the Building Department. Chief Howard also reported on the inspections conducted, noting there were three minor violations at the location, and the applicant has 30 days in which to comply. He noted the location would be re-inspected. After additional comments, Chair Richards noted his understanding that the City Clerk would not issue the license until the applicant was in compliance. The City Clerk confirmed this noting their current license expires in June. Chief Howard also explained the current license requires bi-annual inspections. Chief Howard explained why the application was before the Committee and noted he hopes the new process is in place before June; adding the applicant will not be coming for a future license.

Chair Richards asked for questions/comments from the Committee.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a lodging house license be issued to 57 Winchester Street Realty, LLC with the following conditions:

1. No more than 16 persons may reside on the premises.
2. No more than 27 persons may be within the structure at any one time.
3. No less than 8 vehicular parking spaces must be provided on the premises.
4. The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments.
5. Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Department may be grounds for suspension or revocation of the license.
6. No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission.
7. Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license.
8. Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement, Fire and Health Departments of the City of Keene at all reasonable times.
9. The cellar space does not meet the qualifications for public assembly and therefore cannot be used as a gathering space.

10. The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.

4) COMMUNICATION: United Church of Christ – Lodging House License

Kathy Blair, of 175 West Surry Road addressed the request by noting she is here under the advice of City Plans Examiner, Gary Schneider. Mr. Schneider advised the applicant to apply to the City Council for a Lodging House License in order to provide space for the overflow of homeless people from the Hundred Nights Shelter. She noted they had an inspection by Lt. Bates from the Keene Fire Department to ensure that they complied with the safety regulations, and they were happy to welcome anyone to visit their Church.

Chair Richards asked for questions/comments from the Committee.

Councilor Jones inquired of the location of the entry to which Ms. Blair replied it was at the rear of the building near the parking lot. She noted the Hundred Nights staff would check-in any homeless guests and then escort the guest to the church where they are met by a church member. Councilor Jones inquired when the Hundred Nights Shelter was scheduled to close their overnight accommodations. Mark Harris, the Church Administrator indicated the scheduled close down is April 15.

Councilor Chadbourne clarified the Lodging House License was for a one year term. She indicated most of the people going to the Church would be women and children; and suggested the license should not have an expiration date.

Chair Richards asked the City Manager if the Committee could put a time limit on the license, and if all City requirements had been met. The City Manager noted his understanding is that the building is safe from both the Fire and Code Departments. The City Manager also noted the term of the license is one year under the Ordinance. He explained the previous restriction on Hundred Nights, and continued they have not been using the full year as they operate from November to February/March depending on the weather. In response to Chair Richards, the City Manager commented the Ordinance does not allow a shorter term than a one year term.

Councilor Sutherland noted his understanding is this is a request to be an overflow for Hundred Nights, following the Hundred Nights check-in process. He continued if Hundred Nights is closed then people will not be sent over to the Church (UCC). The City Manager noted the reason for them having a license is to take in the overflow; but the license itself is to operate a Lodging House at that site.

Chief Mark Howard commented Hundred Nights was here last month for their license for the next year. Chief Howard reiterated Hundred Nights starts up in the fall and stops in February/March; he also noted they don't use the facility in the summer time even though their license is active. After additional comments Chief Howard noted the ultimate intent of all City staff is that they have a safe place where homeless people are going to. He

further noted the Church and Hundred Nights have complied with the Fire Department requirements. Chief Howard also reiterated this will be a permit process next year; not a license so the term will not be a concern. John Rogers, Acting Health Director reported the site was inspected yesterday and it meets all Fire and Building Codes for a Lodging House.

Councilor Jones noted even though there is a relationship with the Hundred Nights Shelter, the license to operate a lodging house license would be issued to the United Church of Christ. He continued they could run a Lodging House year round and suggested adding the condition that the license is subject to the Church being used by Hundred Nights for overflow. The City Manager commented although he doesn't see the ability to put a restriction on the time frame; he suggested a condition could be added to the license that it is only for overflow.

After addressing the one year term of the license and the conditions at Hundred Nights, Councilor Chadbourne commented the Church would offer a very safe place for children (not exposing them to drugs, alcohol, and predators). She noted she was not in favor of putting any limits on the license as there are always exceptions (emergency situations not occurring on the hundred coldest nights).

Councilor Jacobs, of Ward 2 noted his previous service on this Committee and referred to the time Hundred Nights wanted to rent beds during a community event. The Committee came to the conclusion that Hundred Nights already had a Lodging House License so there was no need to come before the Committee again for this special use. Councilor Jacobs continued with that in mind, he doesn't see what the problem is if the Church saw a reason to shelter people when Hundred Nights wasn't in operation.

Hilda De Moya, of 47 Pine Avenue commented she has been involved with the Hundred Nights overflow at the UCC since its inception; she also noted they are currently housing a family, and they do house small children. Last year they only had adults; and the shelter tries to house children separately from some of the "hard elements" at the shelter. Ms. De Moya also explained there is no intent on the Church's part to be a Lodging House. Ms. De Moya outlined the setup at the Church (use of camping cots taken out at night and put away in the morning). She further explained only folks from the shelter are allowed into the Church. The Church takes in a maximum of 10 people. Ms. De Moya referred to the letter (in the packet) noting the Church is a non-profit and they would like to be exempted from the license fee.

Chair Richards asked if the Church needs a license to shelter people. The City Manager noted there is nothing in the Ordinance to allow the Church an exemption from the lodging house license. The City Manager referred to the letter and noted a condition could be added limiting the number of people to 10; this would at least restrict the potential population. Regarding the fee there is nothing in the Ordinance giving the City Council the authority to waive the fee.

Councilor Clark, of Ward 3 suggested the City Council would be remiss as humans if they

were to stop the Church from housing someone in need.

Councilor Jones commented this was noticed as an overflow for the Hundred Nights Shelter; he asked if the petitioner was alright with a condition that referenced the overflow at Hundred Nights Shelter.

Chris Cornell, of 37 East View Road noted the Church's policy is to allow for 10 guests plus the 2 volunteers. They increased this number to 16 in their letter to allow for unforeseen circumstances. It is their intent to operate within the footprint of Hundred Nights; pointing out the Church is usually not called upon later in the season. After additional comments regarding the license (times of operation), Councilor Jones indicated he was more concerned with the check-in process; adding the indication was that Hundred Nights would be managing this. Mr. Cornell confirmed Hundred Nights would be responsible for the intake process.

Councilor Chadbourne suggested the license would work the way it is if the Committee were to allow for flexibility without putting limitations on it. She is not in favor of constricting the license.

Mark Harris, Church Administrator stated the Church's overflow shelter operates without any funding assistance outside of the church.

After additional comments regarding other resources for the homeless, Councilor Sutherland commented it is not so much about restricting the availability of sheltering, as it is ensuring the process is administered.

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

Councilor Jones made the following motion which was seconded by Chair Richards.

The Planning, Licenses and Development Committee recommends that a license be issued to the United Church of Christ in Keene subject to 1) it being used as an overflow for the Hundred Nights Shelter, 2) it not being used for any more than 20 tenants at one time, and 3) subject to any recommendations of City staff.

Chief Howard suggested that 20 may exceed the number of people allowed for the space inspected. He also suggested that 16 would be a safe number based on the Fire Code.

Councilor Jones amended his motion to reflect 16 tenants. Chair Richards seconded the amendment.

On a vote of 4-0 the Planning, Licenses, and Development Committee recommends that a license be issued to United Church of Christ in Keene subject to 1) the lodging house license being used as an overflow for the Hundred Nights Shelter, 2) the license not being used for any more than 16 tenants at one time, and 3) subject to any recommendations of City staff.

Councilor Chadbourne referred to Mr. Harris' comments regarding funding and asked if the petitioner was asking to not go through the Hundred Nights guidelines because they are separate. Ms. Blair responded in the negative noting the Church has signed a Memorandum of Agreement with Hundred Nights and this is a mission of the Church.

The City Manager commented that everyone (Hundred Nights, the Church, and the City) is working towards doing a good thing and they should all take comfort from that. Councilor Jones thanked the Church for extending itself.

5) **MEMORANDUM:** Mayor & City Clerk – Rules of Order Amendments

Mayor Lane noted these proposed amendments to the City Council's Rules of Order are intended to redistribute the workload of the three Standing Committees and to clarify the participation of non-Committee members at Standing Committee meetings. The Mayor noted this will change the functions of the Committees to better align with the functions of the administrative portfolios.

The City Clerk provided the background of Amendment #1 by noting the recent Ordinance amendment to remove 80% of the Committee's workload in terms of making recommendations on various licenses. She indicated this would return the PLD Committee to its roots where it would serve more in a planning function. The intent is two-fold; 1) a better alignment with the portfolios, and 2) to level out the workload of the Committee's and backfill PLD with issues that are more relevant to a planning focus. The City Clerk referred to Pages 10 – 13 in the packet noting additions are shown in bold and removals are indicated by strikethroughs.

Chair Richards asked for questions/comments from the Committee.

Councilor Sutherland referred to Amendment #1 asking for clarification on the following strikethrough and addition under Finance, Organization, and Personnel Committee (**purchase and sale of real** ~~City-owned~~ property). The City Clerk noted this was language from the City Attorney. Mayor Lane clarified the purpose of the language is to reflect the issue that comes before Finance is whether the City should be purchasing a piece of property or whether the City should be selling a piece of property. He continued the reference to "City owned" property was not really a correct reference for the issues that come before the Council. Councilor Sutherland asked for clarification this meant the City's purchase and sale of "real property." Mayor Lane replied yes.

On the same page under the Planning, Licenses and Development Committee, Councilor Sutherland asked why the cable franchise was moved to the FOP Committee. The City Manager noted when dealing with the cable franchise or Cheshire TV they're usually looking at specific contracts or fiduciary issues. He added the proper Committee for that would be the Finance, Organization, and Personnel Committee. Councilor Sutherland also noted the exception that the Airport and Airport leases were moved down to the Planning, Licenses and Development Committee. In response to Councilor Sutherland,

the City Manager noted these are currently the only leases negotiated outside of the FOP Committee. The City Manager further clarified that the major leases, such as the restaurant lease will go through the FOP Committee. Discussion continued with the City Clerk pointing out it is important to note this is meant to be a guideline; it is not black and white. Chair Richards also commented on the recent realignment of responsibilities. Mayor Lane added the issues primarily coming to the PLD Committee will be issues related to planning or economic development. Councilor Chadbourne suggested the Airport Leases could be under the FOP Committee and Airport planning could remain with the PLD Committee.

Mayor Lane continued on with the amendments referring to the removal of the sentence (~~No member of the Council who is not a member of the Committee may indicate how they will vote on an item on a Committee agenda.~~) Removing this language will eliminate the confusion Councilors have about when they can most appropriately speak about issues at the committee level and to what extent they can speak. He pointed out the next sentence provides clarity noting the Committee level is the appropriate place to discuss any proposal before it goes to Council and before the Committee has made a decision as to what motion is appropriate. Councilor Jones noted he still wants to question the part “Councilors may not participate after a motion and second”. The Mayor noted they are not trying to change that rule at this point.

Addressing Amendment #2, the City Clerk explained this is basically a housekeeping change; she explained the quarterly attendance report and more time items no longer have any value. In response to Councilor Sutherland, the City Clerk clarified the more time report was a recap for the Committee’s issues still under consideration. Councilor Chadbourne noted she liked the attendance report as it provided a sense of accountability. She noted the concern there is no mechanism to remove committee members who don’t attend the meetings.

The City Clerk moved onto Amendment #3 noting this again is more of a housekeeping change that reflects the fact that the City is moving forward with the electronic committee packet and there will be no actual signature by the Committee chair on the reports.

Mayor Lane addressed amendment #4 and noted this practice has worked out well especially with the televised meetings; it allows the general public to have some idea of what it is we’re doing. Chair Richards noted he was in favor of this idea. Councilor Jones asked why the last sentence was being removed. The Mayor noted the previous sentence had been revised to include the intent of the last sentence.

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

Councilor Chadbourne made the following motion which was seconded by Chair Richards.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends adoption of the changes to the Rules of Order.

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There being no further business Chair Richards adjourned the meeting at 8:25 PM.

Respectfully submitted by,
Mary Lou Sheats Hall
February 13, 2016