

CITY OF KEENE
PLANNING, LICENSES AND DEVELOPMENT
COMMITTEE MEETING MINUTES

Wednesday, January 21, 2015

7:00 PM

Council Chambers B

Members Present:

David Richards, Chair
David R. Meader, Vice-Chair
Emily P. Hague
Bettina Chadbourne

Staff Present:

Kenneth Meola, Police Chief
Patricia Little, City Clerk
Rhett Lamb, Planning Director
Rebecca Landry, Asst. City Manager/
IMS Director
Thomas Mullins, City Attorney
Michele Chalice, Planner
Medard Kopczynski, Asst. City Manager/
Health Director

Members Not Present:

Carl B. Jacobs

Others:

Councilors Present:

Councilor Duffy
Councilor Clark
Councilor Manwaring
Councilor Powers

Chair Richards called the meeting to order at 7:00 PM, and welcomed the viewers of Cheshire TV, Channel 10.

1. COMMUNICATION: The Edge Ensemble Theatre Company - Request to Serve Alcohol at Heberton Hall

Mark DiPietro, of 15 Castle Court advised that The Edge Ensemble Theatre Company would like to hold a fundraising dinner theatre on Saturday, February 14, 2015, Valentine's Day at Heberton Hall. Dinner will begin at 6:30 p.m., followed by The Edge Ensemble's production of Ernest Thompson's play, On Golden Pond. Mr. DiPietro also noted the group would like to have a cash bar in order to sell beer and wine. He also reported they are in the process of obtaining a one-day liquor license from the state. Cost for the event is \$55/per person.

The City Attorney verified the applicant has met all requirements.

There being no comments or concerns from the Committee or members of the public, Chair Richards 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 Edge Ensemble Theatre Company be granted permission to serve alcohol on City property located at Heberton on Friday, February 14, 2015, in conjunction with their fundraising event subject to the following conditions: (1) The customary licensing requirements of the City Council; (2) Obtainment of all necessary permits and licenses and compliance with all laws; and (3) That all alcohol be dispensed by a licensed caterer or in accordance with the terms and conditions of a one-day license issued by the NH Liquor Commission.

Chair Richards noted agenda item 7 would be heard before agenda item 6 due to scheduling issues.

2. COMMUNICATION: Monadnock Travel Council - Request to Use City Property - Ice and Snow Festival

James Narkiewicz, representing the Monadnock Travel Council advised last year on Saturday, February 8, 2014 the Monadnock Travel Council produced the 12th Annual Keene Ice & Snow Festival in downtown Keene. He is requesting permission for the Monadnock Travel Council to produce and a license be issued to hold the 13th Annual Keene Ice & Snow Festival on Saturday, February 7, 2015 in downtown Keene. Mr. Narkiewicz confirmed there are no significant changes from prior years, and stated that a protocol meeting will be held with City staff to review the plans for this year. He added that The Monadnock Travel Council has submitted the paper work for Community Event Funding for the 2016 Festival as well, and will be meeting with City staff to review that request..

The City Attorney verified the applicant has met all requirements.

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

Councilor Meader 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 Monadnock Travel Council be granted permission to use City property on Central Square and Railroad Square, including outside burning of a fire in an enclosed fire pit on Railroad Square and closure of Railroad Street from Main Street to the driveway entrance at the Monadnock Developmental Services Building for the 2015 Ice and Snow Festival on Saturday, February 7, 2015 from 10:00 AM to 4:00 PM. Said permission is granted subject to the customary licensing requirements of the City Council; submittal of written consent from MDS to use their parking area; obtainment of any necessary licenses or permits; and compliance with any recommendations of City staff.

3. COMMUNICATION: Pathways for Keene, Inc. - Request to Use City Property - 4 on the 4th Road Race

Chuck Redfern, of 9 Colby Street noted that Pathways for Keene, Inc. ("PFK") plans to present the 14th Annual 4 on the 4th road race on July 4, 2015, and requests a permit that will allow them to

proceed with race preparations. Mr. Redfern continued, we hope to again utilize a combination of the Cheshire Rail Trail, City streets, and private property for the two-miles out and two-miles back course. The planned route is identical to the route used in 2013 and 2014. As with previous races, we request that the City mark Railroad Street as a No Parking area from 6:00 AM to 11:00 AM; to solve a problem we had in 2011 with a flatbed truck parked in this area for the duration of the event. The 7:00 AM registration and 8:00 AM start should keep us out of peak holiday traffic as we will be completely done before 11:00 AM.

Chair Richards suggested the group avail themselves the use of the City signboard. Mr. Redfern noted the group would take advantage of that again this year; indicating a request has been submitted for use of the signboard.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2015, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing ten volunteer race marshals, and subject to any recommendations of City staff.

4. MEMORANDUM: City Clerk - Periodic Reports of Boards and Commissions

The City Clerk advised that starting in January the Standing Committees of the City Council will start receiving periodic updates of the activities of the City's 17 official Boards and Commissions. This initiative is aimed at opening up a conversation between the public bodies. The reports will be provided verbally by the Board or Commission Chair. The report will focus on the charge of the Committee (as outlined by the City Code), their recent activities or initiatives, any future efforts as well as any alignments between their work and the Comprehensive Master Plan. Based upon the focus areas of each Standing Committee, the Planning, Licenses and Development Committee will be receiving reports from the following groups: Heritage Commission, Historic District Commission, Cities for Climate Protection Committee, Keene Housing, Planning Board, Zoning Board of Adjustment, Agriculture Commission and the Conservation Commission. The City Clerk noted this idea was put forth by Councilor Duffy, and noted the benefits this program will provide.

Councilor Chadbourne commended Councilor Duffy for suggesting this idea, and staff for implementing it.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the memorandum from the City Clerk be accepted as informational.

5. VERBAL REPORT: Heritage Commission - Periodic Report

Louise Zerba, Chair of the Heritage Commission distributed copies of the brochure “Keene Heritage Commission” created by Commission members to make the public aware of what the Heritage Commission is. Continuing, Ms. Zerba noted the Commission meets every other month, and is composed of six regular members and two alternates. The Commission is currently seeking new members. Ms. Zerba introduced Katherine Snow, Susan D’Egidio, George Foskett, John Bemis, Councilor Terry Clark, Rosie Carey, and Ardis Osborne as the Commission members.

Ms. Zerba noted she was asked to focus on how what the Commission does fits in with the Master Plan. With that in mind, she made reference to several pages in the Master Plan throughout her report (Pages 52, 53, 54, and 55). She continued their primary focus this year has been to work toward the establishment of the Main Street Historic District, noting this request came before the PLD Committee one year ago this month. A sub-committee was formed last March that has been meeting monthly, and is comprised of three Historic District Commission members and two Heritage Commission members. This sub-committee was charged with preparing a draft Ordinance which will be presented to this Committee and City Council when completed; hopefully by the end of the year.

The Stone Arch Bridge Committee an ad hoc committee created at the suggestion of the Heritage Commission, has been working hard to preserve the bridge after it was determined drainage improvements were needed. The Committee secured grants, funding from the City, and funding from private donors. This sub-committee continues to meet regularly, and continues talks with NHDOT (the owner of the bridge) to determine access to the bridge after completion of the current project.

Ms. Zerba also reported the Commission is currently putting finishing touches on an informational packet (resources) for those looking to restore or renovate historic properties. This packet is currently available on the City website under the Boards and Commissions section. This is an attempt to work with citizens to preserve an historic property, and particularly with those who may not have considered preservation. The Heritage Commission also hopes to educate and raise awareness for preservation and its process by including a visual section showing “now and then”, as well as success stories and a question and answer portion. One of the members has also started to research and develop rotating articles for the “Preserving Our Heritage” page; also accessible through the City website.

Within the Heritage Commission there is an active Demolition Review Committee which meets on an as needed basis. This Committee, after being contacted by the Planning Department determines if a property is historic (over 50 years old), and if deemed to have historic value the applicant has 30 days in which to find alternatives to demolition. If an alternative cannot be found, the Committee photographs the interior and exterior in addition to trying to save those portions that can be reused. If not worthy of preservation, the Committee signs off and the demolition is allowed to proceed.

Ms. Zerba noted the Heritage Commission is often used as a resource for various community projects. Last year the Commission was asked to provide input on two projects; 1) Keith Thibault presented the Westmill Senior Housing project, and 2) Jim Donison, City Engineer appeared before the Commission with regard to replacing a double culvert on lower Main Street by Martell Court. Ms. Zerba also pointed out Keene was selected to host last year's Division of Natural Resources historic preservation forum. She further indicated the Commission continues to be interested in preserving the Grace Methodist Church; which is on the "7 to Save" list.

Ms. Zerba concluded her report noting the Commission's three goals for 2015:

- A fully operational website in place with all information included detailing the where, who and how to's for historic preservation/restoration including potential tax benefit information.
- The creation of informational articles on historic properties in Keene with comments from current owners to be placed on the City website and hopefully in print media.
- Presenting to City Council a Main Street Historic District Ordinance for discussion, and hopefully adoption.

Chair Richards and Councilor Chadbourne thanked Ms. Zerba for her presentation.

Councilor Hague referred to the profiling of historic places and asked how many we have. Ms. Zerba indicated she was unsure how many there are throughout the City. Ms. Zerba also indicated the articles would try to focus on a different viewpoint than those done previously by Phil Faulkner (interviews with the current owners).

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

Chair Richards indicated this report would be accepted as informational. In response to Councilor Chadbourne the City Attorney suggested a vote was not needed on a verbal report, but there should be a vote on the City Clerk's Memorandum, under agenda item 4. A motion was then made and voted on.

7. REPORT: Ad Hoc Committee's Final Report - Marlboro Street Zoning Project - Issue Areas

Chuck Redfern, Chair of the ad hoc Marlboro Street Rezoning Committee noted this is the final report; adding there are areas the Committee wanted to highlight. Mr. Redfern continued this has been a two year project; he thanked Michele Chalice and Rhett Lamb of the Planning Department on behalf of the entire Committee. Handouts of the slide presentation were distributed. As there was an equipment malfunction no slide presentation was given. Committee members worked from the handouts.

Mr. Redfern provided a history of the area noting at the turn of the century, Marlboro Street was a gateway into the City's center. This was the industrial era's heyday and the Kingsbury Corporation on Marlboro Street was providing over 1,000 well-paying jobs. However in 2011, after a long

period of struggle and decline, the company filed for bankruptcy. The surrounding neighborhoods however were already long in need of rehabilitation due to the economic changes that had taken place over time. The situation created the opportunity for re-development and other neighborhood changes that would be consistent Keene's 2010 Comprehensive Master Plan (CMP). In July of 2012, the City of Keene was awarded a \$50,000 Community Planning Grant by the New Hampshire Housing Finance Authority. This grant, combined with municipal, capital improvement funds, enabled the City to contract a study looking at revising local land use regulations to create a more resilient group of southeast Keene neighborhoods. The study focused on the roughly 270-acres along Marlboro Street (east of the City's Main Street).

The result of the study was a comprehensive report documenting the various public comment mechanisms and research methodologies which created zoning recommendations, re-development design guidelines, a flood risk management strategy, a storm water management strategy, a transportation strategy, as well as recommended related actions for the area. While the largest goal of the study was to develop zoning amendments suitable for consideration by the Keene City Council and Keene Planning Board, the study also needed to achieve specific objectives:

1. Pursue the goals of the 2010 Comprehensive Master Plan
2. Preserve and restore residential neighborhoods in and near the study area
3. Encourage redevelopment of neighborhood-scale businesses that support a walkable community and a thriving urban environment
4. Encourage creative reuse of former commercial and industrial buildings
5. Encourage a pedestrian-oriented gateway streetscape including sidewalks, lighting, on-street parking, and other amenities including parks and bicycle access
6. Recommend soil-appropriate, Low Impact Development (LID), best management practices and possible flood storage options to combine with greenway amenities along Beaver Brook
7. Preserve the traffic capacity of Marlboro Street

This study has exemplified creative methods of seeking significant and varied public input from diverse parts of the community as well as students and staff from the adjacent state college to better understand the issues and opportunities in the Marlboro Street area.

At this point, Mr. Redfern introduced the other Committee members, and provided information on their backgrounds. This Committee was made up of the following individuals from the community: Kathy Harper, Councilor Jan Manwaring, Andy Robinson, Bob Pratt, Darryl Masterson, Richard Berry, Susan Theilen, and Dr. Michael Welsh.

Mr. Redfern read the Committee's charge, which was to assist in providing overall direction, public outreach and support the Planning Department staff and the selected consultant to implement the Marlboro Street Re-Zoning Project.

Chair Redfern addressed the Committee's areas of concentration and concern, he commented while the committee, in general, has been very supportive of the consultant's findings, there have been particular areas of concern that the committee would like to emphasize to Keene's City Council members. Chair Redfern referred to the list included in the report, and noted for this presentation Committee members would speak on their particular area of concern.

1. Flooding and Storm water Issues: (Pages 3 and 4 of the report)

Ad hoc Committee member Richard Berry, of 8 Moore Farm Road indicated the Committee spent a great deal of time discussing the flood issues in that part of town, concluding they are probably getting worse. He suggested if development is going to be done in this area, than this issue should be addressed and improved; if not eliminated. Mr. Berry outlined the five recommendations (Page 4 of 19 in the report) made by the Committee; which they strongly encourage the City to consider.

Discussion:

Chair Richards referred to the first recommendation “fund a comprehensive evaluation of the entire Beaver Creek watershed”, and asked the Planning Director if any of this had been done already. The Planning Director, Rhett Lamb indicated Public Works would be discussing the overall hydrologic study of Beaver Brook during their CIP (Capital Improvement Program) presentation. Mr. Lamb also noted you will see a project in the CIP in the upcoming FOP Committee meeting, and during the CIP tour this Saturday.

Councilor Chadbourne referred to the fifth recommendation “create of a Municipal Storm water Utility”; Chair Richards clarified this was not on the slide presentation handout, but is in the report (Page 28). Councilor Chadbourne asked Mr. Berry if the Committee talked about a timeline for this to take effect. Mr. Berry replied in the negative; suggesting it would be a good tool for the City to use. Chair Richards suggested this may come out of the Public Works presentation.

Dave Curran, of 16 Prescott Street referred to last year’s dredging of Beaver Brook asking the Planning Director if we’ve gotten any results or numbers back. Mr. Lamb indicated he was unaware of any studies or follow-up to the results. Mr. Lamb suggested this is something the Public Works Department could probably answer and report back, if the Committee desired. Chair Richards asked Mr. Lamb if he would advise the Public Works Department that this Committee would like to know those results. Mr. Lamb replied in the affirmative.

2. The Current Industrial Zone – Proposed “Innovation District” (Pages 5 & 6 in the report)

Mr. Berry noted the Cecil Group presented the concept of an “Innovation District”, pointing out the Committee was somewhat confused as to what this was supposed to be. The Cecil Group sited Boston as an example, but the Boston project did not sound comparable to our project area. So Committee members researched the idea of Innovation Districts/Zones elsewhere in the United States. Examples of successful Innovation Districts are included in the Committee final report. Mr. Berry noted although the financial infrastructure is not available the Committee was in favor of the mixed use concept; flexible zoning of what was formerly known as incompatible uses. Mr. Berry noted the Committee strongly encourages the City to retain the desirable aspects of the proposed new zone or district without using the term “Innovation.” Mr. Berry also discussed the truck traffic connector from Victoria Street to Marlboro Street. This would encourage truck traffic to come off of Optical Avenue.

Discussion:

Chair Richards asked the Planning Director if we should consider this area under discussion as the

business zone (blue district on the map). Mr. Lamb noted the blue area on the map was the area under consideration for the term Innovation District. Continuing, Mr. Lamb noted there are some aspects of the concept that are really attractive; however, we don't have all of the associated market forces or institutional force behind establishing an Innovation District. When we looked at Innovation Districts the formula does include things like academic institutions that produce spinoff businesses either in the sciences or technology areas. Although attractive, we didn't think we had all the necessary circumstances present to produce the desired results. Just by calling a district "innovative", doesn't make it happen. Mr. Lamb noted we have tried to streamline some of the business permitting so we can get redevelopment there that adds value to the community.

Chair Richards asked if this would mirror a current zone or are we inventing a new concept. Mr. Lamb suggested we are inventing a new concept that will have aspects of an Innovation District, but will be more fitting to the market we are likely going to serve in the future. He reiterated Mr. Berry's comments regarding a mixed use type development district. Chair Richards agreed, noting we want to get away from the old model. He clarified we are inventing a new zone so to speak, but we haven't yet worked out all the details. Mr. Lamb concurred.

Councilor Hague referred to the potential extension of Victoria Street, noting she also saw Laurel Street as an alternative elsewhere in the report. Mr. Redfern responded, indicating this would be discussed later in the presentation. Chair Richards pointed out that zoning doesn't specifically address streets. He continued if we are going to put all this effort into redevelopment we should also request that staff start working up what we need to do as we get to the streetscapes (Victoria/Laurel Streets). We should work in tandem and put those streets on the CIP so we can rework/remodel them in the next five years. We should do everything we can to make it attractive.

Councilor Duffy stated he was intrigued by several phrases in this section of the report. He asked for an explanation of Keene's conservative views and political landscape comments. Councilor Duffy asked if there was anything specific the Committee was trying to say. Mr. Redfern noted the Committee's initial thoughts that everything would go in the CIP. The reality came through little messages coming back to us them relative to looking at TIF District potentials. Mr. Redfern suggested staff is very busy looking for grants right now; trying to see what is there to assist us. As the Chair of the ad hoc Committee, he feels there will have to be some things in the CIP to move this forward, as the City will have to make an upfront investment.

Chair Richards asked Mr. Redfern if he was only talking about monies for the roads; Mr. Redfern replied in the affirmative. Chair Richards agreed we should be moving right along with that. In addition to other comments, Chair Richards suggested we need to send this along to staff to see what we need to do to make these roads happen; whether that be with grants or whatever that may be. He added it will be years before we can put that kind of money into the roads; additionally he would like to see these discussions start happening. Mr. Lamb commented on the word "conservative" noting he thinks the intention of that is to recognize the importance of City Council paying attention to the budgets and the tax payer; so taking into consideration the impact that this type of expense would have long-term.

Councilor Duffy noted he didn't disagree with the Innovation Zone, and asked if the Committee explored anything that would be a benefit, and not an obstacle. He pointed out that C&S is

investing time and money into KSC to create a skilled workforce. Mr. Berry replied their basic task was zoning; it wasn't figuring out what it would take to turn this into an Innovative District. They looked at this because the Cecil Group brought it up, and it was their opinion it would be difficult to do. Discussion continued and Chair Richards clarified the conversation we're all having is how do we allow the most things without allowing something we wouldn't want. He noted in the development of this zone we want to open it up to possibilities, but not essentially dangerous possibilities. Mr. Lamb indicated he would make not of this; adding probably the most important thing we can do is stay flexible and not limit our options by being too specialized.

3. Marlboro Street – Complete Street Improvements (Pages 6-8 of the report)

Mr. Redfern pointed out that Marlboro Street is the second widest street in the city. His opinion is if we can't do Complete Streets improvements on Marlboro Street, where can we do it. Mr. Redfern suggested that Marlboro Street offers ample opportunity to upgrade to a true Complete Street. He continued we have the possibility to improve and enhance the safe transit of all community movement including safe, comfortable and dedicated paths of travel for both pedestrians and bicyclists. It is the strong belief of this Committee that these improvements to Marlboro Street will transform the area, spurring increased business activity and a renewed sense of homeowner pride in the neighborhood. He outlined the Committee's recommendations to the City (Pages 6-8 of the report).

Discussion:

Chair Richards commented the wideness of Marlboro Street actually adds to the confusion; especially at the end closer to Main Street. He also noted this is why he is excited to see this move forward and to CIP review. He continued if we were to do what is recommended here for Marlboro Street it would be beautiful forever. As we move forward we do need to get this into the CIP and working hand-in-hand with the zoning.

Councilor Hague agreed with Chair Richards comments, and added it is exciting to get to do some planning ahead of time. She asked if it was possible to contemplate the greenspaces while contemplating all the other improvements. Councilor Hague suggested it would be great to see this on some of the mockup plans. Chair Redfern commended Councilor Hague's previous request to see all three segments delineated.

4. Student Housing (Pages 8-10 of the report)

Darryl Masterson, of 44 Willow Street addressed the issue of curbing off-campus housing, noting he has seen his own neighborhood deteriorate. Mr. Masterson noted he does have examples of what other City Councils have implemented to try to provide a balance to what we have going on (neighborhood quality of life and expansion of off-campus housing). These examples can be found on Page 9 of the report, items a. and b., which are the Committee's recommendation for Council consideration. Mr. Masterson also pointed out the information addressing the issues of 1) are these restrictions discriminating against students, and 2) parking for off-campus housing.

Discussion:

Chair Richards asked the Planning Director if it is our intention to look at this information and

write it in as part of the zoning. Mr. Lamb indicated he was unsure if he could answer this question. He feels the original intent was to establish new zoning districts with respect to the general outline that was in this plan. Mr. Lamb continued the three areas of consideration are the Business (Innovation) District, the Edge District (area closest to Main Street), and the idea of the neighborhood protection concept. He noted the initial recommendation there was to deal with density and use. It will be up for consideration whether this is included in the final draft Ordinance or not. He suggested further research is needed on managing and regulating student housing, before we could include it. Chair Richards indicated he would like to see it in there; and he would like the distance to be more than 100 feet. Chair Richards referred to a presentation some years back by Health and Code Director Medard Kopczynski on student housing and how it can enhance or wreck a neighborhood. He continued you are not saying you don't want student housing, because you do; what it is saying is that you don't want it concentrated. Student housing should be spread out throughout the City, so as not to corrupt one neighborhood. Chair Richards recommends looking at this as we go forward; he also noted we shouldn't be so restrictive that we can't have those units used for elderly or assisted housing.

Councilor Chadbourne addressed the efforts taken in the downtown area relative to zoning, noting concentrating the off-campus housing close to the college will create a competitive market there. She also noted many people who work in Keene don't live here. Councilor Chadbourne asked if the existing rental properties would be grandfathered in, and how does that work. Is it grandfathered in by the properties or by the owners. Mr. Lamb suggested the term grandfathered is actually describing a pre-existing non-conforming use; if the use is present on the property in a legal form and the zoning changes that pre-existing non-conformance is vested. The City Attorney agreed with Mr. Lamb, if you have a legal pre-existing use it can continue at the time when the zoning changes. Attorney Mullins noted this is to prevent "takings". He clarified the use follows the property, not the owner until the use is discontinued.

5. Creating Public Green Space (Pages 11-12 of the report)

Committee member Councilor Jan Manwaring referred to the CMP and the Active and Passive Recreation Plan, which both say we need more greenspace and recreational space. She noted that all members of this ad hoc Committee believe that. Councilor Manwaring reviewed the Committee's recommendations which can be found on Pages 11-12, of the report.

Discussion:

Chair Richards referred to the recommendation for creating a conservation zone on the other side of Baker Street asking the Planning Director if the City owns this land. Mr. Lamb replied the area they are describing is partially owned by the City and there is some privately owned property there. So this would affect private property. Councilor Manwaring noted her understanding is that the City owns a strip of that land, but most of it is private. Mr. Lamb noted alternatives would be a conservation easement or ownership by the City; it would all depend on the property owner's willingness to participate. Chair Richards suggested we need to vet this out as we move through the process. Chair Richards clarified they are talking about the open spaces south of Baker Street. Mr. Lamb commented he doesn't feel they were talking about any land with buildings on it. Chair Richards asked if there was any land there that someone could build on, and we're going to say you can't. Mr. Lamb suggested that is the issue, noting we would have to find out more about that.

Chair Richards recommended we answer this question as we move forward and not jump to a conservation zone; unless we try to work it out with the land owners first.

Councilor Hague commented she was in favor of the decreased lot coverage along the brook; suggesting this eliminates property and infrastructure damage. She asked staff how this would differ from the Surface Water Protection Ordinance already in place. Mr. Lamb noted that Councilor Hague was referring to the Surface Water Ordinance which affects land within 30 feet of a wetland (low-density zoning). He continued the premise was that it would also affect properties a little further back, away from that area, through a lot coverage requirement change (lessening the amount of impervious surface). Councilor Hague pointed out many conservation easements restrict the pervious surface to 2% of the total lot area.

Councilor Clark noted he liked the idea of the retention pools, and asked two questions, 1) if there is enough publically owned land there, and 2) can we do this without a lot of money. Mr. Lamb suggested the answer to that comes from the discussion earlier regarding the hydrologic study of Beaver Brook. Storm water storage and retention will probably be a little further upstream, as this focus area is fairly well developed. He reiterated Steve Cecil's comment "you have to look to the watershed as a whole". This is why he is suggesting that a broader look at the Beaver Brook watershed is probably more fruitful than looking for flood storage areas. Chair Richards commented until we get the comprehensive look from Public Works this will be a multi-area deal. Mr. Lamb suggested it would also be a multi-area deal.

Chair Redfern pointed out they had covered 12 of the 18 pages in the report; he asked the Chair's preference as to whether or not the Committee should continue with its presentation or if the Committee would like to review the rest of the report at its leisure. The PLD Committee members agree to continue with the presentation; and perhaps move it along a little more quickly.

6. Incentives to Restore Single Family Housing (Pages 12-14 of the report)

Mr. Redfern pointed out this has been discussed in other places throughout the presentation.

7. Victoria Street Extension – Rail Trail Functionality/Safety (Pages 14-15 of the report)

Mr. Redfern briefly addressed this section noting the trail uses by walkers and cyclists. He noted the safety issues. Mr. Redfern also commented on the idea, of extending Victoria Street south through to Marlboro Street, which has many potential economic benefits for the area, but poses a formidable challenge to yet another road crossing the trail which would somehow involve a significant grade change. Mr. Redfern noted the Committee's recommendation on Page 15 of 19, in the report.

Discussion:

Chair Richards suggested when we get to the motion we ask Public Works to look at this and the road design as discussed. He noted City Council has been talking about Victoria Street for many years.

8. Re-Establish Walk to Work Opportunities (Pages 15-17 of the report)

Committee member Darryl Masterson noted that Kathy Harper provided a lot of historical photos from her family. He suggested the whole philosophy is just making Keene a little more community minded. Although he is in favor of the walk-to-work concept, he pointed out only 3 of the 20 people in his workplace live in Keene; due to the high rental rates for competing college students and things like that. The question then becomes how realistic is this concept. Mr. Masterson noted the “Complete Street” is one of the bigger concepts to make Marlboro Street more walker friendly.

Discussion:

No comments made.

9. Reducing Land Acquisitions by Keene State College (Pages 18-19 of the report)

Committee member Susan Theilen, of Kelleher Street commented she feels we have a unique opportunity for housing in Keene after a long decline in housing generally (costs and other issues). She pointed out on top of that we have the privately financed dormitories for Keene State students; adding last year there were a lot of houses along the east side that did not fill up with student rentals. Ms. Theilen discussed the recommendations on Pages 13 and 14, under 6. Incentives to Restore Single Family Housing.

Discussion:

Chair Richards asked the Planning Director if we go after CDBG grants annually. Mr. Lamb replied there is a pretty regular CDBG grant application process. Chair Richards asked who gets those requests. Mr. Lamb advised that most of them come through Keene Housing; adding for the most part we’ve been doing a lot of business development which is job creation with the CDBG grants over the past few years. He noted we haven’t focused a lot on housing. Chair Richards suggested making staff aware of this and perhaps diverting some of that money from sewers to housing.

Dave Curran, of Prescott Street, dovetailing on Ms. Theilen’s comments, stated obviously we’re hearing two things, zoning and funding. He asked if this would be ahead of or behind the rewriting of the Land Use Codes. He addressed funding by noting the two taxable dormitories being built; suggesting we be creative and tax a portion of that taxation and put it towards the old “Returning Home” program that never got off the ground. Mr. Curran also asked where our priorities are, in community events or our neighborhoods. Chair Richards addressed Mr. Curran’s first comment noting we are somewhat restricted by state law on what we can do without a TIF District. As to Mr. Curran’s second point, Chair Richards commented he didn’t know if it’s a one or the other decision. Discussion continued on the City’s CIP process and what goes into it. Ms. Theilen emphasized a point that the State of New Hampshire does not fund housing; most of the funding comes from the federal government. She suggests if we don’t make these things happen in our environment they are not going to happen.

Councilor Duffy noted he thinks this is the most critical issue, not only in the Marlboro Street area but in any neighborhood that borders downtown. Although he likes the idea, he thinks the City Council, people and staff need to think about developing legislative tools to possibly condemn and flatten some of these homes. This is an issue that through neglect and complicity has grown to a

ghettoization of decent housing stock. After additional comments, Councilor Duffy suggested we need to get over our fear of ruffling local feathers and property owner managers who live outside the city. He added none of this will succeed unless we shore up these decaying neighborhoods. Chair Richards commented hopefully with zoning we can set the table and perhaps drive out the unwanted behaviors (such as drug issues) raised by Councilor Duffy.

Councilor Hague asked if the Affordable Housing revolving loan could possibly be a mechanism by which to take over some of these properties. Chair Richards asked the Health and Code Enforcement Director to come up and explain not so much what we can do legislatively but address what is required to condemn a house (remove it).

Mr. Kopczynski noted he did attend some of the Committee meetings and had discussions with Mr. Lamb and Ms. Chalice. He suggests a lot of what is being talked about is far afield from zoning. Continuing his comments, Mr. Kopczynski said we have seen deterioration (ghettoization), and by that he means single use. We don't have the mixture in the neighborhoods that we used to have. He thinks what the discussion is really about is community and neighborhood; these are all community and neighborhood issues. Mr. Kopczynski noted there are issues with the Innovation and Edge Districts; adding there is a great deal of care that needs to take place in how we treat them (the law of unintended consequences). Mr. Kopczynski suggested there is a lot to talk about and we have to figure out how we're going to have those conversations, because you really have about seven different conversations going on. Mr. Kopczynski pointed out it is very difficult to condemn a property in New Hampshire. Those we have been able to condemn we were able to prove they were structurally deficient, to the point of falling. He noted the process to obtain permission for demolition in Keene. Mr. Kopczynski pointed out there are some laws in effect on maintaining the property, but they are not very strong laws. He suggested that condemnation for this type of purpose might edge into the "taking" realm. When the building is at the point of falling down is when we can do something about it. Chair Richards commented this was useful information that we needed to know. He referred to one of the examples provided by the Committee where a 400 foot buffer was put between these buildings, noting this is an effective tool. Chair Richards suggested staff might want to take a look at that as we move forward. Mr. Kopczynski suggested you might want to have some stronger Housing Codes and noted the other regulated areas involved. Along with the want to restrict how far apart these one and two-family uses are, you probably also want to talk about where you want to have the bigger uses, as opposed to where you don't want them. Mr. Kopczynski does agree there might be unique opportunities that we didn't have in the past, as far as the market is concerned.

Darryl Masterson noted conversations between Keene State College and the City where President Huot stated she would like to see 70% of students live on campus rather than in town. Mr. Masterson pointed out if this actually happens it can change the dynamics of housing accessibility and things like that.

At this point, Chair Richards addressed #9 REDUCING LAND ACQUISITIONS BY KEENE STATE COLLEGE. Chair Richards noted his concern with this because if they start taking more properties across Main Street (calling it campus), it doesn't really help us any. Chair Richards noted the college does have eminent domain over us; adding however, that by and large they tend to work with us. Chair Richards continued we do need more than a handshake and we do need

them to stop taking property on the other side of Main Street.

Mr. Redfern commented the former verbal agreement between the City and Keene State College officials has not been successful. While the college, as many people know, is not subject to the City's zoning codes or taxing structure, the issue is frustrating and contentious for surrounding residents. The topic of additional land being removed from the City's tax rolls is an even more serious one and an economic consideration for the City. Both parties, the City and the College, need to be economically viable for their own survival and that of the other. The former Main Street "border" between the College and the zone of this study will continue to be an area of discussion, beyond student behavior issues. Mr. Redfern noted the recommendations on Pages 18-19 of the report.

Chair Richards addressed the recommendation to revise the current number of people who can stay in a single-family home, suggesting the need to be careful there. He cited an example where three people on Social Security renting three rooms and they're all sharing the kitchen and living room (creating a community). They are not college students, they are not making any trouble, and in their financial situation this works beautifully for them.

Chair Richards thanked the Committee and staff, noting we have been waiting for this; this is the jewel of planning.

There being no comments or concerns from the Committee or members of the public, Chair Richards asked what the motion should be. Mr. Lamb recommended accepting this as informational. Mr. Lamb pointed out Council will see this again in the form of a Zoning Ordinance. Mr. Lamb reiterated there are some CIP related actions to be considered as well as some policy or legislative actions to be considered. Mr. Lamb continued that for the actions to be considered, he recommends staff would take the notes from this discussion and include them in the documents that would lead to their implementation. Chair Richards suggested the legislative issues can be worked along because they are really in our interest, and as you do the zoning, it will affect things. Chair Richards stated he would like to see the streets issues sent to Public Works, or to the MSFI Committee with the recommendation that Public Works starts to at least paint the broad strokes of what our options would be in terms of ballpark dollar figures. He further suggested that Public Works will also need to advise whether we can get this in the CIP within the five or six year time window. He requested this be on the record so it comes back to this Committee, so really the zoning and that part of it are working hand-in-hand. Chair Richards commented because this is such an expensive and large project we would want to demonstrate that commitment sooner rather than later. Mr. Lamb reiterated his recommendation to accept this evening's report as informational. Chair Richards noted he is not looking to see it get into this CIP; he added he would write a letter to Council asking the MSFI Committee to review it.

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

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

6. MEMORANDUM: IMS Director & City Clerk - City Councilor Use of Constituent Email

Committee Report and Recommendations

Ms. Landry reiterated the purpose and history of the Constituent Email Committee created by the Mayor last year. She outlined the progress of the draft Electronic Resources Acceptable Use Policy brought forth by that Committee. The draft was sent back to the Committee which resulted in two changes taking place. The two changes are 1) the title which is now the “Elected Officials Electronic Resources Acceptable Use Policy”, and 2) in section VI. A. specific reference was made to the City Seal.

Referring to the memo, dated January 20, 2015, Ms. Landry emphasized the second paragraph which she read aloud. *“The Electronic Resources provided to City employees and councilors are a valuable asset that provide a mechanism to serve the public. Councilors are encouraged to use City email, for example, to reach, respond to and interact with constituents on City business matters. This can include activity such as forwarding City notices, referencing City projects and initiatives, and engaging in a dialogue with email participants. This may also include distributing City business information to email recipient lists provided that, if the message is unsolicited, an option for recipients to “opt out” of future such messages is included. The use of purchased email distribution lists is prohibited for users of City email, but this does not preclude Councilors from using purchased email lists when communicating through their personal email accounts.”* After the reading she commented the policy is not designed to restrict the use of resources; it was designed to make sure they are used in an ethical, efficient, and professional manner.

Chair Richards clarified the City has no control over the use of purchased lists used on personal email accounts or resources.

The City Clerk reiterated the City Seal is specifically referred to in section VI. A. where intellectual property is referenced; clarifying that the seal is not intellectual property, per say. Ms. Little noted there has been some concern over the use of the City Seal by individual Councilors; she felt it would be helpful for the Committee to know her perspective. Under state law she is the custodian of the City Seal. There is a state statute that says every municipality shall have a City Seal, and it is provided to the Clerk for their use. Traditionally that use is to authenticate documents or actions of the Council, and it is used to identify ownership of a document or initiative. The City Clerk commented in her mind, the seal really is restricted to official City business. It is not meant to be used by individual Councilors by copying and pasting it from the internet onto an email or a piece of blank stationary. When Councilors take office they are provided certain things; they are given a name badge, business cards, and notepads which do include the City Seal. Ms. Little continued Councilors are given these things to identify themselves as a member of the Council. Again from her perspective the Councilors individual use of the City Seal is something we don’t want to encourage. One of the reasons to restrict this use is because it is confusing to recipients; they will automatically think it is the City of Keene speaking.

Chair Richards commented this is the one thing he and the City Clerk have disagreed on. Although he was out voted at the Committee level, he still feels Councilors should be able to use the seal and they should be able to use it on letterhead. Chair Richards indicated he was still unsure what he was going to do; he also verified this Resolution could be amended on the floor at Council. Attorney Mullins agreed. Chair Richards reiterated his comments from the Committee meeting,

and suggested this he was taking more of a philosophical rather than a regulatory position on how you can use the seal.

Councilor Hague asked if it was ever contemplated to have a specific seal just for Councilors. The City Clerk replied in the negative. The City Clerk also pointed out other municipalities have Ordinances with language that states you cannot modify or markup the City Seal. She further suggested if there were to be some sort of banner/emblem for a Councilor it cannot look like the City Seal.

Chair Richards asked for additional comments or questions from the Committee. He stated the Constituent Email Committee did good work, and asked others to bear in mind that we really had to set a separate set of rules, very similar to the employee one. Chair Richards noted he would also like to reconstitute the Committee to discuss other electronic issues that may be coming before us.

Chair Richards opened the floor for public comments.

Councilor Clark commented he wanted to address the issue by example, and provided the following scenario. "Let's pretend I'm going door to door or sending out a snail mail letter; here's my business card with the City Seal on it that identifies me as an official of the City of Keene. And I'm here because I've identified you as a resident of Keene. I know this because of a list that I purchased from the City of Keene (voter registration list). And I'm here today to tell you about some of the things that are going on in the City." Councilor Clark gave examples of basketball games at the Rec Center, and trips going to Boston. Councilor Clark commented that what he has done here is totally legal and totally within our rules; but if he were to transfer what he just did to an email this would be an infraction of these new rules. These are four rules that have not been put in place yet, he noted. He continued number one is the seal; which the City Clerk just said we are issued a business card and notepad with the seal on it. Councilor Clark argued that if he is sending you an email, and doesn't change the seal, he should be able to use it. He noted the City does have several versions of the seal; and pointed out the impracticality of doing a door to door newsletter. Councilor Clark pointed out five years ago he found a way to communicate with his constituents effectively and cheaply in the form of an email newsletter. He indicated the hundreds of thousands of these emails he has sent over the past five years have generated nary a complaint. Councilor Clark suggested what he has done is reach out to his constituents; adding the City is asking the constituents to come to them via the website.

Councilor Clark suggested people are not confused when they see the City Seal, as it identifies him as a City Councilor. He also commented he summarized the Rec Center notices in the newsletter which is acceptable if he came to your door. Councilor Clark reiterated previous comments noting he never changes the intent of the press releases or notices.

Chair Richards asked Councilor Clark if he would like to go through these one at a time. Councilor Clark indicated that was the second one and he would move onto the third one.

Councilor Clark raised the issue of a purchased list asking why it is okay to purchase a voter checklist. He noted email is the way people communicate today; sometimes having more than one email address. Chair Richards noted his confusion and asked if Councilor Clark was saying you

should be able to use a purchased list. Councilor Clark said he should be able to use a purchased list; adding the City will not provide me with a list of email addresses.

Chair Richards clarified the four areas of Councilor Clark's concerns; the City Seal, press releases, using a purchased list, and his email address.

Councilor Clark referred to the section that says authorized users can send out bulk emails (following the restrictions), and asked the City Attorney if that meant an authorized user can use his email address to send out bulk emails. The City Attorney suggested the distinction Councilor Clark is making is that there is language in here with respect to that as long as there is an opt-out provision with respect to it. Attorney Mullins continued the distinction here is that the policy does prohibit the use of the City email address for purchased lists; that is the major distinction. If any Councilor wants to use a purchased list in connection with their personal email address to their constituents, they certainly are not prohibited by the policy from doing that. Councilor Clark reiterated these new items are not policy yet. The City Attorney agreed; not until City Council decides. Councilor Clark indicated the email was changed in version four, and we are working on revision five from 2007. Attorney Mullins suggested Councilor Clark keep in mind what the Committee and Council are deciding is whether or not to adopt this as a rule of the Council. Once adopted by Council it would be applicable to you as individual Councilors. Continuing his comments, Councilor Clark indicated he doesn't have a problem with the fourth rule.

Continuing, Councilor Clark suggested the problem is if you take the list away from him, he won't be able to communicate with anybody. Attorney Mullins asked which list; Councilor Clark replied his purchased list. Attorney Mullins indicated he was confused as Councilor Clark keeps moving back and forth between the personal side of the house and the City. Attorney Mullins continued the example that the Councilor gave with respect to going door to door was appropriate. The question this policy deals with is whether you can take that activity and run it through the City's resources, and then send it out. What this policy if adopted by the Council says is that those resources should be used for official City business; that's the distinction between the example provided and what the policy is intending to do. Attorney Mullins commented it is important for the Committee and the public to remember this is not a staff driven initiative; the Mayor setup the Committee based on constituent input. We then worked with the Committee to try to bring the issues identified into this policy. He continued whether you all adopt that or not is absolutely your prerogative, when it goes up to the City Council.

Chair Richards indicated he understands how we got here; adding he also looks at this as really we were behind the times in the technology arena, and we didn't have a set of guidelines that we should have had for the Council. He continued how you work in business is one way, and how we work as Councilors is actually another way. He recommends using it for what it was meant for, communicating City business.

Councilor Powers suggested he was getting more confused as the hour goes on. He asked for some clarification; noting he signed an Acceptable Use Policy when he took office. He has one that is dated May 8, 2014 asking if that is roughly the same policy or are we talking about some revisions; because he thinks Councilor Clark is talking about some items he thinks are already in the policy. Chair Richards suggested they are there more for an employee than a Councilor and asked Ms.

Landry to comment. Ms. Landry noted no user of City resources is granted access to these resources without signing the policy and being trained on the policy. This policy has been in effect for a number of years, and the policy is updated all the time (last updated in May 2014). Councilor Powers continued his point was going to be there are rules that prevent us from purchasing email lists; because we signed and said we were going to do what we were supposed to do. Continuing, Councilor Powers suggested the confusion is that people think that doesn't apply to Councilors; adding it does apply to Councilors in his mind because we are authorized users. Councilor Powers suggested there should be one set of rules and it should apply to everybody. Councilor Powers also pointed out he supports the safeguard of the City Seal, but if we do it in this document we are only doing it as it applies to the electronic system.

Chair Richards agreed with Councilor Powers the policy we signed when we took office was clearly the policy for everybody. He continued what we are saying here is that the Council really has to function under a different set of rules than an employee. To Councilor Clark's point, an employee wouldn't be sending out a newsletter, so the way we use it is a little bit different. After additional comments, Chair Richards commented we are trying to establish a set of rules for the Council because we are different from an employee of the City.

Councilor Clark stated he never signed one of these policies, nor was he ever asked to sign one. His second point was this is dated May 8, 2014 and he never voted on that. The City Attorney pointed out that was the revision date for when this process was started. Councilor Clark then commented the 2014 document was never adopted. Chair Richards noted the 2014 version is the one everybody signed whether a Councilor or City employee. We are now working on a separate set of rules from what the employees would receive. Ms. Landry indicated that not every employee signed this document every time it was changed. The changes are communicated to them, and that is provided for within the language of this policy. Ms. Landry pointed out every City Councilor has signed an Acceptable Use Policy or they would not have been given access to the resources; a point she doesn't feel can be argued one way or another. Councilor Clark suggested he may have signed one in 2008, the year he started his newsletter which he worked with the IMS Department on. Chair Richards reiterated what we're talking about here is we're writing a policy specifically addressed at Councilors; adding we are currently working under the old policy. Chair Richards addressed Councilor Clark noting he had raised three points where he disagrees with what is written. Chair Richards noted his support on two of those points; adding he would support amendments to the policy. Ms. Landry clarified we very much do encourage use of City resources to reach out to the public.

Beth Caldwell, of 27 Langley Road noted she is one of the people who have received many of Councilor Clark's emails, and she is one of the people who have complained over the content and the format. Ms. Caldwell pointed out the use of the City Seal and email address gave her the perception she was hearing from a City Councilor regarding City business. Ms. Caldwell read her email to Councilor Clark dated April 5, 2014, advising him that she did not want to be on his email list. She noted she sent a second complaint today after receiving another email from Councilor Clark. Ms. Caldwell indicated she never authorized Councilor Clark to use her email address, as she is not even in his Ward. She reiterated she asked to be removed from his list and was not. Ms. Caldwell indicated her perception was that Councilor Clark got her email address through the City; adding she was apparently incorrect in that perception. She disagreed with Councilor Clark's

comments about never receiving a complaint because he did respond to her email complaint on April 5, 2014. Ms. Caldwell contends she never authorized Councilor Clark to use her email address. After additional comments, Ms. Caldwell noted she is grateful for the City notices she receives; she feels what Councilor Clark has been doing goes beyond that to the point of inappropriate promotion of his business and himself which she finds unacceptable. She noted her husband agrees with her that this is an inappropriate use of City email. Ms. Caldwell provided copies of her emails to the City Attorney.

Debbie Bowie, of 659 Hurricane Road indicated she agreed with Ms. Caldwell's comments. She suggested when the Committee votes on this they look at the professionalism and the election aspect of it. If the Committee doesn't pass these things they may be very close to coming up to some sort of violation in the future. Ms. Bowie indicated she has one email that did involve electioneering. She suggests the Committee use caution there. She made reference to the timeframe in which she started receiving emails from Councilor Clark; noting she never asked for an investigation, she just wanted the issue resolved.

Chair Richards recommended going through each one of the issues and deciding whether they should be in or out of the Elected Officials Electronic Resources Acceptable Use policy, and then the forwarding to the Council. Chair Richards noted he believes that electioneering is not a permitted use in the policy.

Chair Richards reiterated his comments from the Constituent Email Committee meetings noting every level of government is allowed to use the seal/send out newsletters except for the City. He asked for Committee comments on this issue.

Councilor Hague commented she understands the concerns about using electronic resources and the City Seal. She hopes we can continue to be accessible in our capacity in the government. Councilor Hague noted she appreciates Ms. Landry's comments about encouraging us to continue to use email as we may. She also noted she was not going to comment directly on the use of the City Seal; it does lend authenticity, and she also understands the state statutory limitations. Chair Richards disagreed noting the state statute does not say you can't use the seal as a City Councilor; they do say that the City Clerk is the regulator, but it doesn't say you can't use it.

Councilor Meader recommended City Councilors not being allowed to use the City Seal should stay in the proposed policy. Chair Richards noted he will move to amend on the floor (City Councilor use of the City Seal). Chair Richards clarified the use of the City Seal will be forwarded to City Council.

Chair Richards addressed the issue of editing press releases. Attorney Mullins asked for clarification, editing press releases and using City resources or editing press releases and using personal resources. Chair Richards clarified just the City resources. Chair Richards noted his belief you should not be able to alter a City notice; he also believes if you want to send out your own newsletter you should be able to do that in an effort to reach out to people. He asked Ms. Landry to point out the location in the policy that addresses not altering press releases. Ms. Landry noted it is located under section VI. A.(sixth bullet). Chair Richards noted he had no objection to this; Councilor Meader noted his agreement.

Chair Richards noted he is against the purchased list use. Councilor Meader concurred. Chair Richards suggested these were the issues Councilor Clark raised and asked for further comments from the Committee.

Councilor Chadbourne noted she feels it very important that we streamline and come up with something that works for everyone. She continued, Councilor Clark has brought to the forefront the changing of the times. Councilor Chadbourne said she is sensitive to constituents, and knows she has mentioned that she has heard from constituents about it. She feels it is good to communicate and offer a service, which the City does through its website (people can sign up on the website if they so choose). It puts people in an awkward position when you give them something they really didn't ask for. She believes people appreciated receiving notices regarding City related business; adding it crossed the line when emails were sent out and the perception was that these emails were self-promoting. Councilor Chadbourne indicated she hadn't wanted to say some of these things, but feels they have to be said. She noted some of the feedback she received citing the instance of the City Seal transposed onto a greeting card that was sent out; pointing out this crossed the line for some people. Regardless of how those email addresses were obtained, when those email addresses were transferred over to business that was unrelated to the City that also crossed the line for people. She suggested we have to be sensitive in our position and walk a line; not intruding on peoples' space or their ability to be a contributing member in our community (they should feel that their privacy is respected). If they communicate to us and we respond back, this is acceptable to them. Councilor Chadbourne referred to an email promoting "Empty Bowls" at the Community Kitchen, noting even though we support that some people found it to be self-promoting. She reiterated these things are difficult to say because they are about a peer; pointing out she also has an obligation to her constituents. Councilor Chadbourne suggested the City website offers a passive opportunity; adding she originally thought Councilor Clark's idea of a newsletter was a great idea and she thought she would use it to send out a newsletter to her constituents in Ward 2. Now for whatever reasons she has people outside her Ward call her because they feel more comfortable with her than their own Councilor. She respects that they call her and that she is not sending them something that perhaps they didn't ask her to send. Councilor Chadbourne continued the adoption of some of these rules is in keeping with respecting the people we serve.

Chair Richards commented he would have to disagree with Councilor Chadbourne for a moment. He continued perception is one thing, but what we're trying to do is set up rules so that we can move forward. Chair Richards pointed out that Councilor Clark did nothing wrong at any time. Chair Richards truly believes this is technology catching up with us, and us trying to setup rules we can operate under, and feel good about. Chair Richards commented he doesn't think we should limit Councilor Clark's or any other Councilors' ability to reach out to their constituents. We change perceptions by writing a set of rules that everyone is governed by, and everyone can understand. Chair Richards suggested we move this to the floor and debate it there again.

Councilor Chadbourne clarified she did not say Councilor Clark violated anything, nor did she draw any conclusions.

Councilor Hague noted the hour, and clarified what is different tonight is a change to the title and a

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change to section VI. referencing the City Seal. The City Attorney concurred, noting the Resolution attached to this policy is sort of the operative document at this point. He noted to move this along the appropriate motion would be to recommend adoption of the Resolution. If amended on the floor for some reason it would then become an (A) version.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends to the City Council the the adoption of Resolution R-2015-02 regarding the Elected Officials Electronic Resources Acceptable Use Policy.

Chair Richards adjourned the Planning, Licenses, and Development Committee at 10:20 PM.

Respectfully submitted by,
Mary Lou Sheats-Hall, Minute Taker
January 24, 2015

With additional edits by,
Terri M. Hood
Assistant City Clerk