



City of Keene
New Hampshire

**FINANCE, ORGANIZATION
AND PERSONNEL COMMITTEE
AGENDA
Council Chambers B
October 25, 2018
6:30 PM**

Mitchell H. Greenwald
Carl B. Jacobs
Terry M. Clark
Thomas F. Powers
Bettina A. Chadbourne

-
1. Acceptance of NH Network Diversion Funding - Youth Services
 2. Acceptance of Holiday Family Sponsorships - Finance Department
 3. Acceptance of NH Highway Safety Agency Grant - Police Department
 4. Acceptance of Bulletproof Vest Partnership Grant Program - Police Department
 5. Acceptance of Drug Forfeiture Distribution - Police Department
 6. Monadnock Conservancy - Conservation Easement Fees for 105 Daniels Hill Road Property
 7. Woodward Dam Improvements - Permit Application Fees - Public Works Department
 8. Design Change Order – Goose Pond Dam Improvements Project - Public Works Department
 9. Construction Change Order - Babbidge Reservoir Dam Improvements - Public Works Department
 10. Future Consideration of 12 Gilbo Avenue - Parks, Recreation and Facilities Department
 11. Relating to Parking
Ordinance O-2018-19

MORE TIME ITEMS:

- A. Christine and Edward Sweeney - Offer of Donation to the City - Land at 0 Apollo Avenue

B. Councilor Manwaring - License Fees for Events Requiring Staff Protocols

Non Public Session
Adjournment



City of Keene, N.H.
Transmittal Form

September 21, 2018

TO: Finance, Organization and Personnel Committee

FROM: Elisabeth Brown , Youth Services Manager

THROUGH: Elizabeth Dragon, City Manager

ITEM: 1.

SUBJECT: Acceptance of NH Network Diversion Funding - Youth Services

RECOMMENDATION:

Move that the Finance, Organization, and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

BACKGROUND:

Youth Services has been granted a second funding opportunity from the NH Diversion Network to deliver services from July 1, 2018 thru June 30, 2019 totaling \$8,000 for work related to substance abuse screening for youth. In 2017-18 Youth Services was granted \$22,691 to complete an outreach plan to police departments and begin the using the assessment tool with all youth in the program. Youth Services used this money to hire a part-time case worker to help with youth in the towns outside of Keene.

This NH Diversion Grant will partially assist in continuing to fund a part-time case manager. The grant reimbursement is based on completing evidence based substance use-screening tool to all youth coming through the program up to 32 cases. Due to the reimbursement model, we would need additional funds to employ a part-time case manager for Youth Services. We are applying to the County for additional funds in order to continue to keep the part-time case manager. We will continue to explore other available funding resources since this position is vital to this department is being efficient and effective.

The source of funds is through the Governor's Commission on Alcohol and Other Drug Abuse Prevention, Intervention, and Treatment contracted with New Hampshire Juvenile Court Diversion Network. The City Attorney has reviewed and found this agreement acceptable.



City of Keene, N.H.
Transmittal Form

September 11, 2018

TO: Finance, Organization and Personnel Committee

FROM: Merri B. Howe, Acting Finance Director

THROUGH: Rebecca Landry, Assistant City Manager/IT Director

ITEM: 2.

SUBJECT: Acceptance of Holiday Family Sponsorships - Finance Department

RECOMMENDATION:

Move that the Finance Organization and Personnel Committee recommend the City Manager be authorized to accept donations associated with the City's 2018 Holiday Family Sponsorship Program.

BACKGROUND:

Annually the Department of Human Services contacts sponsors who will provide gifts and holiday items for a family or older adult. The sponsored families and older adults are clients who have received assistance from Human Services within the past year. Families who have children with special needs and persons who have been struggling to make ends meet are considered for sponsorship. The goal of the program is to provide holiday gifts, food and items for those in need who will then use their own resources to maintain housing, utilities and essentials of daily living.

This request is very early because sponsors have requested information and details prior to big fall retail sale weekends. Given the tough economy even sponsors like to shop ahead and purchase items on sale.

Human Services staff appreciates the support of the Council for this annual project that provides happy holidays for those we serve. Families are so appreciative and humbled by the generosity of the community.



City of Keene, N.H.
Transmittal Form

October 4, 2018

TO: Finance, Organization and Personnel Committee

FROM: Todd Lawrence, Police Captain

THROUGH: Elizabeth Dragon, City Manager

ITEM: 3.

SUBJECT: Acceptance of NH Highway Safety Agency Grant - Police Department

RECOMMENDATION:

Move that the Finance, Organization, and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant- Keene.

BACKGROUND:

This program is a statewide initiative sponsored by the NH Highway Safety Agency on an annual basis. In years past this grant was divided and applied for through different sub-projects such as DWI Patrols, Sustained Traffic Enforcement Patrols and Bicycle and Pedestrian Patrols. The NH Highway Safety Agency has now combined all these different programs into one complete grant.

The purpose of this grant is to reduce the number of persons driving while intoxicated and there related accidents. To combat all of the more prevalent motor vehicle safety infractions and to reduce the number of persons who are violating pedestrian and bicycle laws in the downtown area.

The campaign runs from October 1, 2018 to September 30, 2019.

Below is the allocation of the Grant money:

Sustained Traffic Enforcement Patrols: \$13, 073.

Bicycle and Pedestrian Patrols: \$5,916

DWI Patrols: \$12,560

The total cost of this operation, \$31,549, will be reimbursed by the New Hampshire Highway Safety Agency; the reimbursement includes payroll-related deductions.



City of Keene, N.H.
Transmittal Form

October 3rd, 2018

TO: Finance, Organization and Personnel Committee

FROM: Todd Lawrence, Police Captain

THROUGH: Elizabeth Dragon, City Manager

ITEM: 4.

SUBJECT: Acceptance of Bulletproof Vest Partnership Grant Program - Police Department

RECOMMENDATION:

Move the Finance, Organization, and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept \$3,492.50 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.

BACKGROUND:

Consistent with the provisions of the collective bargaining agreements and sound safety practices, the Keene Police Department provides all police officers with body armor for on-duty wear. The body armor or “bulletproof vest” has a warranted life of five years and then is replaced.

The Police Department has budgeted \$3,950.00 for the purchase of new vests. It is anticipated that we will expend \$7,442 for replacement vests. The program will reimburse the City approximately 47% of the actual cost, or up to a total of \$3,492.50.

These vests will be issued to new officers and will replace vests currently in service that are over five years old.



City of Keene, N.H.
Transmittal Form

September 13, 2018

TO: Finance, Organization and Personnel Committee

FROM: Steve Stewart, Police Captain

THROUGH: Steve Russo, Police Chief, Elizabeth A. Dragon, City Manager

ITEM: 5.

SUBJECT: Acceptance of Drug Forfeiture Distribution - Police Department

RECOMMENDATION:

Move that the Finance, Organization, and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture distribution in the amount of \$697.50

BACKGROUND:

This distribution represents the City's portion of funds seized pursuant to a narcotics investigation that culminated on 10/25/17 (KPD report number 17-1269-AR).



October 4, 2018

TO: Mayor and Keene City Council

FROM: W. Rhett Lamb, ACM/Community Development Director

THROUGH: Elizabeth Dragon, City Manager

ITEM: 6.

SUBJECT: Monadnock Conservancy - Conservation Easement Fees for 105 Daniels Hill Road Property

COUNCIL ACTION:

In City Council October 4, 2018.

Referred to the Finance, Organization and Personnel Committee.

RECOMMENDATION:

Councilor Hansel moved for the Conservation Commission to recommend that City Council make the \$15,000 contribution from the Land Use Change Tax Fund to the Monadnock Conservancy for the Domina property conservation easement project. Mr. Reilly seconded the motion and the Conservation Commission carried it unanimously.

ATTACHMENTS:

Description

Background

BACKGROUND:

Chair Haynes welcomed Stacy Cibula, a project manager at the Monadnock Conservancy; she works with landowners to conserve their private property. This property on Daniels Hill Road, owned by Charles and Judith Domina for 80 years, is a great strategic property for the Conservancy to acquire; it is adjacent to many parcels of undeveloped land on West Hill. All properties abutting this 28,000 acre property are in conservation, making this an excellent addition to the wildlife corridor, which is the primary reason to acquire the property. The property also contributes to a scenic drive with stonewalls and woodlands along Daniels Hill Road, provides great wildlife habitat, and there are also some good water sources (streams and springs). This acquisition would place a conservation easement on the land: a permanent deed restriction to ensure it cannot be subdivided and developed. In this scenario, the family retains private ownership of the land but they and future owners can only use it for conservation. She demonstrated characteristics of the property on an aerial map.

The Conservancy requests \$15,000 to offset transaction costs for the project (the budget was included in the meeting packet). This amount would assist with boundary surveys, staff time, paying attorneys to review legal documents, and contribute to the Conservancy stewardship fund—a permanent endowment to ensure the more than 200 easements (19,000 acres) are monitored and enforced. Councilor Hansel asked if the City's contribution to this endowment will ensure stewardship of this property only, or all Conservancy properties. Ms. Cibula replied it is a communal fund for all properties, even those outside Keene. She did not breakdown exactly what the \$15,000 City contribution will be used for in the budget, but she does not believe the entirety

will go into the endowment. The landowners as well as the Conservancy Greenways and Corridor Fund are also contributing to the \$29,162 total cost of acquisition.

Chair Haynes asked, in the larger vision of greenways, if the Conservancy has any other parcels in mind to expand this network. Ms. Cibula replied there is another in West Chesterfield but she is unaware of others in Keene. The Conservancy always wants to enhance large unfragmented conservation areas. Ms. Clark noted she was on the Commission when they made contributions to acquire the Meyer and Snowman properties; she said this is a perfect extension of Commission work and she supports this donation.

Chair Haynes recalled that this donation would come from the Commission budget, which is comprised of the Land Use Change Tax fund (a commercial development tax) and a yearly contribution from the City (tax payers). Ms. Cibula said she can restructure the budget so the City's contribution goes toward staff costs, etc. as opposed to the endowment. Councilor Hansel said he supports the project but he is concerned about how tax payers will feel contributing to projects outside Keene. Ms. Cibula said she respects Councilor Hansel's concerns and understands, politically, if it is easier to restructure the budget. Mr. Lamb provided another perspective: the City's contribution to the endowment could pay staff to steward that land in Keene for 30 years.

Ms. Cibula continued that an easement base rate is typically \$7,500, but this project is \$15,000 because there are actually two parcels (north and south) because of the tax lots and will therefore create more stewardship work.

Councilor Hansel said he is comfortable moving forward contingent upon a more detailed budget, including a breakdown of easement costs over time; this will make the donation easier to justify to the Council and community. This is an informal recommendation to the petitioner to bring a more detailed budget to the Finance, Organization and Personnel Committee. Ms. Clark also recommended highlighting to Council how many parcels Keene already stewards to demonstrate a bigger picture of conservancy work.

Councilor Hansel moved for the Conservation Commission to recommend that City Council make the \$15,000 contribution from the Land Use Change Tax Fund to the Monadnock Conservancy for the Domina property conservation easement project. Mr. Reilly seconded the motion and the Conservation Commission carried it unanimously.



MEMORANDUM

Date: October 2, 2018
To: Keene City Council and Mayor Kendall W. Lane
From: Stacy Cibula, Conservation Project Manager, Monadnock Conservancy
RE: Conservation Funding Request for Domina Property, 105 Daniels Hill Road, Keene

OVERVIEW

The Monadnock Conservancy requests **\$15,000** from the City of Keene to conserve approximately 60 acres of undeveloped woodland in west Keene. The property is bisected by Daniels Hill Road, with approximately 37 acres to the north and 23 acres to the south of the road. We will protect the land using a tool called a conservation easement—a permanent deed restriction which restricts future development of the land to protect wildlife habitat, scenic beauty, and other important natural resources. The property owners, Charlie Domina and Judith Dimock, will retain ownership of the property. As this property consists of two lots of record, it will be subject to two conservation easements—one on the northern lot and one on the southern lot. The Conservancy will hold the easements—ensuring that the property is protected in perpetuity. The Dominas are generously donating the easements to us, as well as \$7,500 towards the overall project costs.

CONSERVATION VALUES

The Domina property is located within the *California Brook Natural Area*—a conservation focus area containing over 9,000 acres of undeveloped land connecting the 645-acre Horatio Colony Nature Preserve to the 13,000-acre Pisgah State Park. In fact, this property is within the largest remaining unfragmented forest block (approximately 28,000 acres) in southern New Hampshire. The Domina land is also adjacent to 800 acres of conserved land on West Hill, including three other Conservancy easements (see attached map). The property's strategic location and the habitat connectivity it will expand upon is the primary reason why the Conservancy wishes to protect it. However, the property is also compelling to protect for its:

- **Important forestry soils.** The entire property consists of “Group 1” forestry soils, as determined by the Natural Resources Conservation Service. These soils are well suited for producing and harvesting quality timber.
- **Water resources.** There is approximately 1,200’ of stream frontage as well as several springs on the land.
- **Scenic rural landscape.** The property has approximately 2,000’ of scenic, forested frontage on Daniels Hill Road and another 1,400’ along Route 9.
- **Alignment with City conservation priorities.** The City of Keene Open Space Plan (1990) recommends “securing easements from property owners to establish permanent buffers along edge of all major roadways” to provide wildlife habitat and preserve rural character in Keene.

PROJECT BUDGET

A note on the budget below: at the request of Councilor Hansel, we are providing additional information about our Easement Stewardship Fund.

With every conservation easement we accept, we allocate funds to our Easement Stewardship Fund. This fund helps to cover the annual costs of monitoring and enforcing our 214 easements, which takes significant organizational resources. Staff inspect the properties annually to ensure that the easement terms are being met and also spend significant time communicating with landowners and resolving any issues, including possible violations. It costs us, on average, \$300 per easement annually to perform this work. Assuming a

4% rate of return, we need to request at least \$7,500 per easement to ensure that we have the \$300 needed to cover our stewardship obligations for that land.

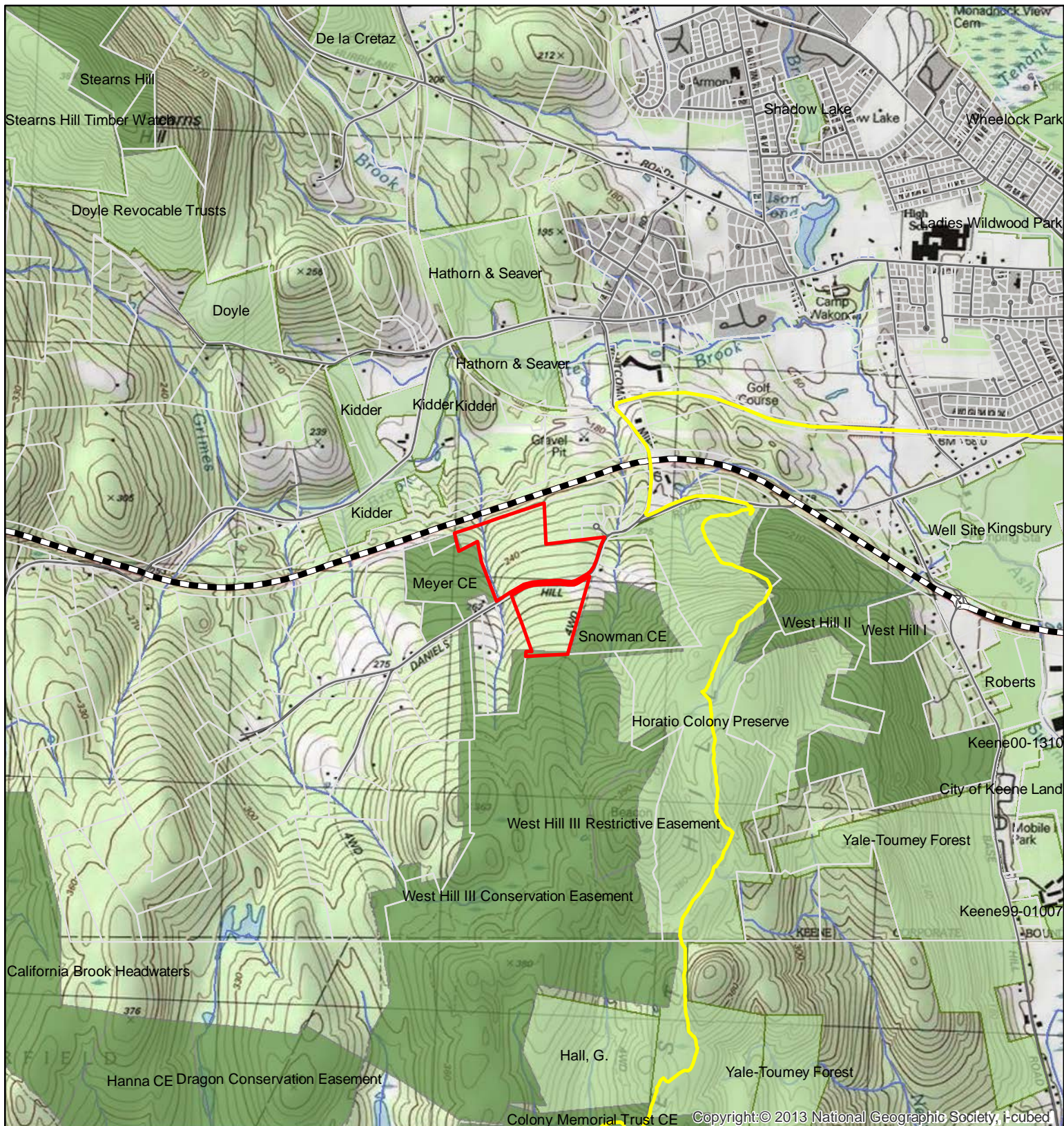
Since this property will be subject to two easements (one for the northern parcel and one for the southern parcel), we request \$15,000 for the total stewardship contribution.

Estimated Costs

Staff Time (84 hours @ \$60/hr.)	\$5,040
Legal Costs (includes title exam)	\$1,500
Boundary Survey	\$5,300
Environmental Assessment	\$350
Recording Fees	\$125
Admin (15% of transaction costs less stewardship allocation)	\$1,847
Easement Stewardship Fund (\$7,500 per easement)	\$15,000
TOTAL	\$29,162

Funding Sources

City of Keene (requested)	\$15,000
Monadnock Conservancy's Greenways and Corridor Fund (secured)	\$6,662
Landowner donation (committed)	\$7,500
TOTAL	\$29,162



Domina property, Keene, ~60 acres, Daniels Hill Road



NAD 83 - NH State Plane
 S. Cibula, 7-12-18
 Source: GRANIT & SWRPC

- Wantastiquet to Monadnock Trail
- Domina property
- Local Roads
- State Roads
- Parcel Bounds
- Monadnock Conservancy Lands
- Other Protected Lands
- Streams

Note: Map is not survey accurate.

1:24,000





City of Keene, N.H.
Transmittal Form

September 21, 2018

TO: Finance, Organization and Personnel Committee

FROM: Donald R. Lussier, P.E., City Engineer

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 7.

SUBJECT: Woodward Dam Improvements - Permit Application Fees - Public Works Department

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Council reallocate \$6,000 from the Babbidge Dam Rehabilitation Project (05034-B) to the Woodward Dam Rehabilitation Project (05039-C) for the purpose of paying required permit application fees.

BACKGROUND:

The FY17 Capital Improvement Plan included funds for the design of required repairs at Woodward Dam. The design work is well underway and our consultant is preparing to submit permit applications for the work. While the design project came in on budget, additional funds are needed to pay the state permit fees. This includes the "Permit to Construct or Reconstruct a Dam" (\$4,000) and a permit to work in wetlands (est. \$2,000).

The rehabilitation of Babbidge Dam is on track to be completed this season. Staff estimates the final cost will be approximately \$50,000 less than originally budgeted. Therefore, it is recommended to use unspent funds from the Babbidge Dam project to pay the permit fees on the Woodward Dam project.



City of Keene, N.H.
Transmittal Form

October 22, 2018

TO: Finance, Organization and Personnel Committee

FROM: Donald R. Lussier, P.E., City Engineer

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 8.

SUBJECT: Design Change Order – Goose Pond Dam Improvements Project - Public Works Department

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a design change order with Dubois & King, Inc of Randolph, VT in an amount not to exceed \$22,700.

BACKGROUND:

The City entered into an agreement with Dubois & King in 2017 for design of the Goose Pond Dam Improvements Project. Design and permitting for this project is nearing successful completion. During the wetlands delineation process, two vernal pools were identified along the access road to the dam. These vernal pools are considered a valuable wetland resource by the Ashuelot River Local Advisory Committee (ARLAC) and the Ashuelot Valley Environmental Observatory. The presence of these vernal pools was not anticipated during the initial scope of work and labor hour estimate and their presence required additional effort to address regulatory agency requirements.

Our consultant conducted extensive coordination with the NHDES Wetlands Bureau, the NH Natural Heritage Bureau, a NH Fish & Game Wildlife Biologist, the NH Fish & Game Nongame and Endangered Wildlife program, the NH Shoreland Program, the Army Corps of Engineers, the U.S. Fish & Wildlife Service, and the ARLAC. Two additional site visits and one pre-application meeting were required. A shorelands impact permit was subsequently needed for the access road in the area of the vernal pools. The design for the access road was modified to route it around the vernal pools, thus satisfying the concerns of the regulatory agencies. Additionally, a topographic survey is planned to complete the design revisions and produce documents suitable for bidding by construction contractors.

In addition to the effort required to address the vernal pools, our consultant performed investigation and coordination to address City concerns about the restoration of the low level outlet for the dam. The historic record of construction and demolition at the outlet structure is incomplete. In order to supplement the existing record and topographic survey, our consultant performed pond depth measurements near the outlet structure to establish an underwater ground surface profile. This allows greater clarity for the temporary dewatering plan needed to isolate the work area near the outlet structure. This will reduce uncertainty and perceived risk by construction contractors, which generally leads to reduced bid prices.

The total cost of extra work, including all of the items mentioned above is \$22,700. This amount exceeds the City Manager's authority to approve change orders up to 10% of the original contract value. However, the total

cost of the design, including the original contract amount, permit fees and this change order is less than the amount appropriated for the project in the FY17 CIP (\$106,389). Therefore, no additional appropriation is required.



City of Keene, N.H.
Transmittal Form

October 22, 2018

TO: Finance, Organization and Personnel Committee

FROM: Donald R. Lussier, P.E., City Engineer

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 9.

SUBJECT: Construction Change Order - Babbidge Reservoir Dam Improvements - Public Works
Department

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Kingsbury Companies, LLC of Waitsfield, VT in an amount not to exceed \$68,176.00.

BACKGROUND:

Construction for the Babbidge Reservoir Dam improvements project is nearing completion. During the course of construction, a number of unanticipated conditions have led to increased costs. While the current invoiced amounts are within the original construction budget, additional funding is needed to compensate the Contractor for expected quantities needed to complete the project.

The most significant of these extra costs is concrete needed to stabilize the soil underneath the new concrete foundations. During excavation for the foundations, we determined that the bedrock elevation was lower than expected based on the soil borings done at the site. The soils present in the foundation area were comprised of organic material and silt, neither of which provided the bearing capacity needed for the new concrete foundations.

In order to stabilize the soils underneath the foundations, additional excavation was performed to remove the unsuitable soils. After removal, the excavations were filled with a medium-strength concrete that provides the needed bearing capacity to support the concrete foundations.

The next significant extra cost is leaking pipes that presented a risk to the integrity of the dam and to the safety of laborers at the site. In order to perform pipe replacement work without putting the dam or laborers at risk, the contractor hired a diving subcontractor to perform pipe and valve removal and replacement work underwater.

Finally, the original proposed toe drain layout was revised during construction to provide better access for future inspection. The NHDES requires dam owners to monitor and measure seepage through the dam during quarterly inspections. The original design of the toe drains did not allow access for long-term monitoring. The toe drain layout was modified accordingly, at additional cost for materials and labor.

The total cost of extra work, including all of the items mentioned above, is \$68,176.00. A previous construction change order exceeded the City Manager's authority to approve change orders up to 10% of the original

contract value. The Babbidge Dam Rehab Project (05034-B) currently has a remaining balance of \$118,372. Therefore, no additional appropriation is required.



City of Keene, N.H.
Transmittal Form

October 22, 2018

TO: Finance, Organization and Personnel Committee

FROM: Andy Bohannon, Parks, Recreation and Facilities Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 10.

SUBJECT: Future Consideration of 12 Gilbo Avenue - Parks, Recreation and Facilities Department

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Council provide direction on the future purpose of 12 Gilbo Avenue.

BACKGROUND:

In 2018, a group of concerned citizens came before the Municipal Services, Facilities, and Infrastructure Committee to initiate a conversation with City staff to review the opportunity for the City to once again provide a public restroom in the downtown area.

Over the course of the summer, City staff, along with Councilors Jacobs and Clark, met with the group to review the possibilities and proposed locations for a future restroom. It was the direction of the Council to provide a Capital Improvement Project for review during the next cycle.

Before the committee tonight, the project provides information that the Council should explore when considering which direction to move forward with. Currently the building is broken into 3 commercial spaces which are currently under agreement; Yolo (1350 sq. ft.) expires in April 1, 2019, Taco Odelay (594 sq. ft.) expires in May 1, 2019, and Senator Shaheen's office space (348 sq. ft.) expires on January 2, 2021.

The Capital Improvement Program will introduce a public restroom project, which could impact the current leased space of Taco Odelay. This space has been vacant for the past two years; however the tenant has been keeping within the terms of the lease. The intentions of the current lease holder would be to renew the space to create a new business opportunity and to sign a new agreement with the City. The tenant began these conversations with the City in the spring of 2018. His business plan involved obtaining certain permits from the State of NH for their purpose, and they have acquired these permits.

However, the City should recognize that before entering into another lease agreement, a determination should be made for the future consideration of the space's use. The current tenant will be seeking a renewal of space that they have leased since 2014 in good standing meeting the terms of the agreement. As stated, the purpose would change but a new lease would need to be created with new terms, however, a determination prior the lease renewal date should be made regarding the future use of the current 594 sq foot space.

The CIP project would include minor renovations for the purposes of creating a single use code compliant restroom. The current space has a restroom meeting code specifications, but the layout for a public restroom is

not an ideal environment. Alternatives for the downtown restroom such as a Portland Loo are still optional, but less desired than a more permanent facility.

In 2012, the public restrooms located in the rear of the Transportation Center were closed after multiple acts of vandalism and fire. Should a consideration for new public restrooms be given, staff recommends that they be attended, monitored and only open during a specific time frame to help reduce the problems that were previously prevalent.

The purpose of this consideration provides City staff a direction for continued commercial use or developing a public restroom within the Transportation Center building, or continues with an alternative facility option for the CIP process.



City of Keene, N.H.
Transmittal Form

September 13, 2018

TO: Mayor and Keene City Council

FROM: M.K. Kopczynski, Director-Economic Development, Initiatives and Special Projects

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 11.

SUBJECT: Relating to Parking

COUNCIL ACTION:

In City Council September 20, 2018.

Referred to the Finance, Organization and Personnel Committee.

RECOMMENDATION:

That Ordinance O-2018-19 be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

ATTACHMENTS:

Description

Ordinance O-2018-19

BACKGROUND:

June 19, 2018, staff provided to the City Council at the Parking Issues and Utilization Update Workshop a detailed report and executive summary with recommendations. The report detailed a number of observations relative to the parking system and its importance to the Downtown and the economy; as well as the importance of maintaining the fiscal health of the Parking Fund into the future. The report stated that changes relative to fees would be presented in September, with more recommendations to follow after the hiring of the Parking Operations Manager.

Summary of Proposals:

- 1) Added the Court Street space restrictions to permit bus access at the Senior Center
- 2) Add the spaces created by the reconstruction of Emerald Street to the three-hour metered section of Chapter 94.
- 3) Add the spaces created by the reconstruction of Norway Avenue to the Leased Spaces section of Chapter 94
- 4) Strikes outdated language related to leasing/rentals in the Wells Garage
- 5) Revise outdated language about Leased Spaces and Public Street Parking Spaces
- 6) Changes the time frames for penalties payments and amount(s)
- 7) Changes the Parking Meter and Wells Garage lease rates



CITY OF KEENE

O-2018-19

Eighteen

In the Year of Our Lord Two Thousand and

Relating to Parking

AN ORDINANCE

Be it ordained by the City Council of the City of Keene, as follows:

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by removing the stricken text and inserting the bolded text to the following provisions in Article III, "Parking", of Division 2, "Specific Streets", of Sections 94-93 and 94-94, of Division 4, Leased Spaces of Section 94-151. Leased parking lot spaces and Section 94-152, Public street parking spaces, Division 5, Penalties and Towing of Section 94-181 Established and Division 6. Parking Rates of Section 94-211 Meter Rates and Appendix B, Chapter 94, Traffic, Parking and Public Ways as follows;

Division 2. Specific Streets

Sec. 94-93. No Parking.

(a) Specific Streets. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:

Court Street, West side, from the southwest corner of the driveway of 70 Court Street for a distance of 20 feet southerly

Sec. 94-94. Restrictions.

(a) *Two-hour zones.* It shall be deemed ~~unreasonable a violation~~ **a violation** if a vehicle is left standing for more than two hours at any time between 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the following streets:

Marlboro Street, south side in metered areas.

(b) *Three-hour zones.* The following street is designated as a three-hour parking zone:

Main Street, east side, from a point 150 feet south of Marlboro Street to a point 200 feet south of Baker Street.

Main Street, west side from a point 285 feet south of Winchester Street to a point 55 feet from Appleton Street.

Emerald Street, north side from Main Street to Wilson Street.

(c) Miscellaneous parking.

(1) *Marlboro Street.* It shall be a violation if a vehicle is left standing for more than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the northerly side of Marlboro Street from a point 645 feet southeast of its intersection with Main Street, a distance of 384 feet in a southeasterly direction to Grove Street.

(2) *Marlboro Street.* It shall be a violation if a vehicle is left standing for more than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday along the curb on the southerly side of Marlboro Street from a point 787 feet southeast of its intersection with Main Street, a distance of 121 feet in a southeasterly direction to Adams Street.

DIVISION 4. LEASED SPACES

Sec. 94-151. Leased parking lot spaces.

(a) All revenue of parking spaces in public parking lots shall be for a minimum period of three months and at a quarterly rental rate as set forth in the schedule of fees in appendix B to this Code. The number of permits to be issued each month shall be at the discretion of the city manager. Rentals shall be from 8:00 a.m. to 5:00 p.m., Monday through Saturday, in all city lots except for the Elm Street Lot. Rentals in the Elm Street lot shall be from 7:30 a.m. to 6:00 p.m. for daytime reserved parking spaces, Monday through Saturday, and 6:00 p.m. to 7:30 a.m. for nighttime reserved spaces, each day of the week. Anyone occupying a parking space leased to another shall be subject to the penalty set forth in section 94-181. The terms and conditions of existing leases of parking spaces shall not be subject to the provisions of this division.

(b) Areas so designated in the Commercial Street Lot, Gilbo Avenue West Lot and the Wells Street Parking Garage for overnight permit parking shall not be subject to the rates set forth in subsection (a) of this section. Permits will be issued for these areas at a rate as set forth in the schedule of fees in appendix B to this Code. These permit rentals shall have no time limit and vehicles may remain parked around the clock seven days a week. Maintenance of this area will be minimal; users will be responsible for dealing with wind rows and ice left by minimal snow plowing.

(c) Leases of bulk portions of unused public parking areas may be issued on such terms as negotiated and approved by the city council.

~~(d) — An exception to the standard quarterly rental rate and timeframe set forth in subsection (a) of this section shall be 43 designated reserved spaces on the upper level of the Wells Street parking structure. These rentals shall have no time limit and remain around the clock seven days a week at a fee determined by the city.~~

~~(e) — An exception to the standard quarterly rental rates specified in subsections (a) and (b) of this section shall be for designated spaces in the lower level of the Wells Street parking structure~~

Sec. 94-152. Public street parking spaces.

(a) ~~Leased spaces~~ **Short term parking space permits.**

(1) Notwithstanding other sections of this chapter, parking spaces may be ~~rented~~ **permitted** on a daily basis for funerals or weddings, for special drives or events, and for construction or remodeling in which the work being accomplished necessitates work vehicles to be placed adjacent to where the construction is taking place and there is no other proximate area to locate the vehicle or vehicles. The decision of the city manager or parking services shall be final with respect to granting such parking space ~~rentals~~ **permits**. ~~Rental Space permit~~ **Rental Space permit** payments shall be made in advance to the city in the amount as set forth in the schedule of fees in appendix B to this Code.

(2) For funerals and weddings, application may be made in advance to the city for billings to be sent out at intervals of no greater than once a year. In such case, the applicant shall furnish in advance an estimate to the city of the proposed use over the interval to be billed. Prior to the agreed upon billing date, the applicant shall furnish the city a log of actual usage during the interval. Bills will then be sent out based on actual use; if less than one full day or a partial day, rates may be determined by the city. The responsibility for appropriate marking and removal of the marking of the space being rented shall be with the person renting the space.

(3) On street parking spaces may be ~~leased~~ **issued a permit for periods of less than 90 days** in accordance with rates as set forth in the schedule of fees in appendix B to this Code. Designation of on street ~~leased~~ **permit** spaces shall be determined by the city council. Rentals shall be from 7:30 a.m. to 6:00 p.m., Monday through Saturday. Anyone occupying a parking space leased to another shall be subject to the penalty set forth in section 94-181.

The following shall be designated as on street ~~leased~~ **permit** parking spaces:

Center Street - Three consecutive spaces on the north side of Center Street beginning west of Court Street.

Elm Street - Five consecutive spaces on the west side of Elm Street beginning north of Mechanic Street.

Mechanic Street (west) - Four consecutive spaces on the south side of Mechanic Street beginning east of Court Street.

Mechanic Street (east) - Two consecutive spaces on the south side of Mechanic Street beginning west of Washington Street.

Mechanic Street (east) - Two consecutive spaces on the north side of Mechanic Street beginning west of Washington Street.

Norway Avenue – Five consecutive spaces on the west side of Norway Avenue beginning north of Church Street.

Norway Avenue – Six consecutive spaces on the east side of Norway Avenue beginning north of Church Street.

Summer Street - Ten consecutive spaces on the south side of Summer Street beginning west of Court Street.

Vernon Street - Two consecutive spaces on the south side of Vernon Street beginning west of Washington Street.

DIVISION 5. PENALTIES AND TOWING

Sec. 94-181. Established.

(a) *Penalty.* Unless a penalty for the violation is otherwise specified, any person violating the provisions of this chapter shall be subject to a fine of not more than \$100.00 for each offense, which shall be collected under the following procedures, and may also be subject to the towing or immobilization of the motor vehicle as provided in section 94-183.

(b) Fine schedule and summons.

(1) Within ~~14~~ **30** days of the time when a notice of violation of parking regulations was attached to the vehicle, the registered owner of any vehicle parked in violation of this chapter, or the registered owner's designated agent, shall pay to the city by mail or by depositing in the appropriate receptacles a fine payment according to the following schedule:

- a. For each violation of subsections 94-94(a) through (c) and (e), \$15.00.
- b. For each fire lane parking violation of subsection 94-66(11), \$75.00
- c. For each handicap parking violation of subsection 94-66(21), \$250.00.
- d. For each violation of all other sections, \$15.00

(2) If payment has not been made within ~~14~~ **30** days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:

- a. For each violation of subsections 94-94(a) through (c) and (e), ~~\$15~~ **30.00**.
- b. For each violation of all other sections, \$35.00.

(3) If payment has not been made within ~~28~~ **60** days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:

- a. For each violation of subsections 94-94(a) through (c) and (e), ~~\$35~~ **60.00**.
- b. For each violation of all other sections, \$75.00.

(4) If the registered owner of the vehicle fails to make payment within an additional five working days, a summons may be issued to the owner who shall be charged with a violation under RSA 625:9 and shall be subject to a fine of not more than \$100.00 plus court fees, costs

and penalty assessment.

(5) Multiple violations. Any operator or registered owner who parks in violation of subsection 94-94(a) pertaining to two-hour zones in excess of six consecutive hours shall pay to the city a fine of \$25.00. This fine is in addition to the fine for the underlying violations.

(c) Civil collection.

(1) The city may, at its option, seek to collect the fine payments specified under subsection 94-181(b) by civil process commenced through the district court small claims process under RSA 503:1, et seq., at any time before the expiration of three years from the date of the issuance of the notice of violation.

(2) The commencement of the civil process as provided in this section may occur if payment of the fine has not been made by the registered owner or designated agent within 28 days of the date of the issuance of the notice of violation.

(3) The civil process for the collection of the fine payment specified under subsection 94-181(b), and the collection of court costs and fees, shall be in accordance with the procedures established for small claims litigation under RSA 503:1, et seq.

DIVISION 6. PARKING RATES

Sec. 94-211. Meter rates.

(a) The meter rates set forth in this chapter pertain to all single space parking meters, multi-space meters and any other payment technologies.

(b) Parking rates.

(1) On street parking is defined as any metered space directly accessed from the roadway, except for Roxbury Plaza.

a. Rate of parking is ~~75~~ **85** cents for one hour of time.

(2) Off street parking includes Elm Street, Commercial Street, **Wells Street lot**, Gilbo East **and West**, parking lots, City Hall and Wells Street Parking Garages and any other assigned location.

b. Rate of parking is ~~30~~ **35** cents for one hour of time.

APPENDIX B

FEE SCHEDULE

Chapter 94. Traffic, Parking and Public Ways

§ 94-151(a). Public parking lot space ~~rental~~ **permit**, quarterly (surface lots) ~~\$130.00~~ **145.00**

Public parking lot space ~~rental~~ **permit**, quarterly (garage) ~~155.00~~ **\$200.00**

Per day 5.00

§ 94-151(b). Commercial Street parking lot, Elm Street parking lot, Gilbo Avenue east parking lot and Wells Street Parking Garage overnight parking permit fees:

Per twenty-four-hour period 5.00

§ 94-152(a). Public street parking space ~~rentals~~ **permits**:

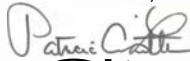
Metered spaces, per day per space 15.00

Unmetered spaces, per day per space 15.00

Kendall W. Lane, Mayor

In City Council September 20, 2018.

Referred to the Finance, Organization and Personnel Committee.



City Clerk