

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, October 7, 2020

7:00 PM

Remote Meeting via Zoom

Members Present:

Kate M. Bosley, Chair
Mitchell H. Greenwald, Vice-Chair
Philip M. Jones
Gladys Johnsen
Catherine Workman

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Rhett Lamb, Community Development
Director/ACM
Kürt Blomquist, Public Works Director

Members Not Present:

Chair Bosley read a prepared statement explaining how the Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions of RSA 91-A (which regulates the operation of public body meetings) during the declared COVID-19 State of Emergency. She called the meeting to order at 7:03 PM. Roll call was conducted.

1) REPORT OUT: Trax Club – Request to Use City Property – Railroad Square

Chair Bosley asked City Manager Elizabeth Dragon to speak. The City Manager stated that Mr. Humphrey purchased the former Scores restaurant, which is now the Trax Club. She continued that he had initially requested use of City property for an outdoor patio. Staff met with Mr. Humphrey a couple times onsite; there were concerns about drainage. They asked him to send his application. The City did not receive an application from him and this agenda item has been on more time since then. Outdoor dining season is ending, so they are looking to report this out. Mr. Humphrey is welcome to make the request again next year.

Chair Bosley asked if committee members had questions. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

By a vote of 5-0, the Planning, Licenses, and Development Committee reported this item out as informational.

2) Firstlight Fiber Request to Install Conduit in the Arch Street Right-of-way – City Engineer

Chair Bosley asked for Public Works Director Kürt Blomquist to speak. Mr. Blomquist stated that the City has received a request for installation of conduit on Arch St. in the area of the Arch St. bridge, from Firstlight. He continued that this evening William Gray is here to talk about the project and proposal. The reason the request is before the City Council: Firstlight is not a regulated utility. Therefore Staff cannot issue the license for use of right-of-way. The City Council is the authorizing authority.

William Gray from Firstlight Fiber stated that he is the Outside Plant Construction Manager for Vermont, and he has been tasked with a fiber optic project as Firstlight is extending its network from Brattleboro, VT to Keene, NH, for redundancy and low latency network for one of their customers. Firstlight has applied to attach to all the Eversource poles and they are waiting for the pole survey date. Firstlight planned its route and there is one spot on Arch St. that will require underground, going under the arch itself. Firstlight is requesting to be able to directionally drill a two-inch conduit 600 feet from pole to pole to go underground under the rail trail arch. Then they will hook back up to the network on West Hill Rd. to complete the new connection to their network.

Councilor Greenwald asked Mr. Blomquist if there are any issues to discuss, such as anything potentially negative to the City, or should the PLD Committee just move this along? Will this affect having more fiber optic connections to citizens? Mr. Blomquist replied that he will let Firstlight talk about whether any additional folks could take advantage of their extension of the fiber optics. He continued that at this point there is no negative to the city. The license that Staff recommends they issue is similar to the one on Main St.; in general, it would require Firstlight to relocate their facilities if the City ever needs to do a project that that would require that, and to provide space for the City's use, and to allow a third party to utilize their duct bank, if there is a third party that would like to go underneath the Arch St. bridge at this particular location. Councilor Greenwald replied that his questions are answered and he is ready to vote.

Councilor Jones stated that there have been times when other people have been digging trenches to put in their equipment and he wonders if this a good time for the City to put in its conduit for future broadband, while Firstlight is already digging the trench. Mr. Blomquist replied that this is not a trench installation; it is directional boring. They will be drilling a hole through the ground from one side of the bridge to the other. He continued that there is not necessarily space to drop another conduit into it. But part of the license would require Firstlight to allow a third party to co-locate cable and equipment within the licensed property. And they are being required to provide a conduit there for the City, for City purposes.

Mr. Gray stated that if Mr. Blomquist is saying the City will have Firstlight put a spare duct under the bridge for them, Firstlight can definitely do that. Mr. Blomquist replied yes, that is what the City Engineer has put in the license agreement.

Chair Bosley asked if committee members had more questions. She asked if there were questions from members of the public.

The City Manager stated that a Councilor asked if this would bring additional opportunities to residents in the area to connect. She continued that Mr. Gray talked about how the project will provide redundancy to one customer. She asked if this project will expand fiber availability to others in this area. Mr. Gray replied yes, it will. He continued that at this time this is a business-only company, but he heard her talk about a fiber to the home project, and Firstlight is also a company that could supply the raw bandwidth for companies that were doing a fiber to the home presence. Chair Bosley asked if business customers in the Arch St. area could access these services. Mr. Gray replied yes.

Chair Bosley asked if committee members had more questions. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Workman.

By a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a revocable license agreement with TVC Albany, Inc., D/B/A Firstlight Fiber for the installation of conduit, cabling and associated appurtenances (licensed property) within the Arch Street Right-of-Way, subject to the following conditions:

- 1. The Licensed area shall be in the approximate location between two existing Consolidated Communications poles (Nos 134 & 30/36), with final locations to be approved by the Public Works Director.*
- 2. Licensee is responsible for all costs associated with the installation, maintenance or repair of licensed property and the restoration of any area(s) which may be disturbed to the satisfaction of the City.*
- 3. Licensee shall coordinate with and obtain approval from the New Hampshire Department of Transportation (NHDOT), Bureau of Rails, for the placement of equipment within the former railroad corridor. Any fees imposed by the NHDOT will be paid by the Licensee.*
- 4. Licensee is required to obtain all required Federal, State and local permits, including but not limited to a City excavation permit, prior to performing any work.*
- 5. Licensee shall be required to obtain an encumbrance or excavation permit from the City of Keene prior when performing any construction activity, maintenance tasks or accessing the licensed property in such a way that will obstruct public use of the right of way.*

6. *If the City requires the licensed property to be relocated or removed for any reason, Licensee shall perform such work and the cost of this work is the responsibility of the Licensee.*
7. *Licensee is responsible for the payment of any properly assessed real property or personal property taxes associated with its use and occupancy of the right-of-way in accordance with RSA 72:23, I (b), when due, failing which this license may be terminated.*
8. *Licensee agrees to allow any third-party to co-locate their cabling and equipment within the licensed property. Licensee shall be entitled to collect usual and customary lease fees from any such third party.*
9. *Licensee agrees to allow the Licensor to co-locate cabling and equipment within the licensed property and shall reserve not less than one (1) innerduct for such use. The Licensee will not be entitled to any lease fee or use charges as a result of such use by the Licensor.*
10. *Licensee agrees to indemnify, defend, and hold the City, its officers, officials, agents, employees, successors and assigns (collectively "City"), harmless from and against any claims, costs, losses, damages, causes of action, personal injuries, property damage (including any damage to the Premises), legal and administrative proceedings, liabilities, defenses, penalties, fines, liens, judgments, and expenses (including all costs, attorney(s)' fees and related expenses), whether at law or in equity relating to or arising from the use of the Premises by Licensee. Licensee shall hold the City harmless for any claim, demand, cost or expense arising from or related to the licensed property, including but not limited to any damage to the licensed property whether caused by the City or by any third party.*
11. *In any action brought by the City to enforce the terms of this License, the City shall be entitled to recover its costs, expenses, and reasonable attorney(s)' fees from Licensee. The terms stated at paragraph 9 shall survive the termination of this License.*
12. *Licensor may terminate this license for any reason upon ninety (90) days' prior written notice to Licensee. Licensee shall remove the licensed property and restore any disturbed areas to the satisfaction of the City within thirty (30) days of such termination.*

3) **Social Host Ordinance – 2nd Draft**

Chair Bosley asked to hear from City Attorney Tom Mullins. The City Attorney stated that he listened to all of the comments at the last meeting, from the committee and the public, and made changes. Committee members have a copy of this second draft, and the changes are in red. The changes also reflect internal conversations with Staff.

The City Attorney stated that in the “Definitions” section, 66-156, there is a change reflecting the conversation that was had about the definition of “common area.” He continued that he took language from the condominium statute and adjusted it as necessary, so this ordinance now has a definition of “common area” and includes places where individuals can congregate. He also added a definition for “manager,” when he was going through this and noticed that that was not a defined term and it should have been.

He continued that Staff in the Code Department pointed out that residences are allowed in places other than just residential zoning districts, so he wanted to make sure he included those residences in the ordinance. Thus, the definition of “residential area” was updated to include that, to clarify that it is not just about residential use districts. He also updated the “unruly gathering” definition to reflect that clarification of “residential area.”

The City Attorney stated that Staff looked at and discussed Section 66-157 further and wanted to clarify it, so it [is titled] “Responsibilities of Hosts, Guests, Owners, or Managers of a Residence, Including Apartments and Apartment Complexes.” This was to make it clear that it is about apartment complexes, too, not just apartments.

He continued that regarding Section 66-158, “Notice of Unruly Gathering,” someone had pointed out that it needs to say that the notice given to an Owner about an Unruly Gathering needs to occur after subsequent offenses, too, not just the first offense, so he made that change. Another change was that the word “warning” was taken out, due to the Police Chief’s feedback about the “Penalty” section. The Police Chief may want to speak to this. It was determined that a written warning was not something they wanted to do when dealing with an unruly gathering. His understanding after talking with the Chief is that Officers will tell the people at the unruly gathering to stop anyway, but if they do not stop, there will be a penalty. The first offense is a \$300 fine to the host. There was discussion at the last meeting about possibly having multiple hosts but he and Staff determined that that is unworkable, remembering that this is an Ordinance that applies throughout the city. If you went to a residence owned in common ownership, it would not be appropriate to serve the fine on both owners. So, he did not change that part.

The City Attorney continued that he made slight changes to the numbering of penalties. Then the final change was to make it clear that, as was discussed at the last meeting, the penalty follows the person served with the summons and does not run with the property. The individual is tracked for the year and it resets after a year.

The City Attorney stated that he would be glad to answer questions from the committee or public. He continued that he received some comments after the last meeting from members of the public.

The City Manager stated that in the agenda packet for PLD Committee members, she included a draft job description for the position that would be needed to create this program. She continued that the position would be 20-25 hours per week, and the cost would be split by the City and Keene State College (KSC).

Chair Bosley stated that before they get into questions from committee members, she has some “housekeeping items” she came up with while reading through this second draft. She continued that first is the definition of “Unruly Gathering” as “A gathering of five or more persons which is conducted on or within a Residence in a Residential Area.” She asked if, by adding “in a Residential Area,” they are saying that if there is a residence in a non-residential area, like a residence in a commercial area/downtown, this Ordinance does not apply. The City Attorney replied that it would apply. He continued that that was the need for the definition – “Residential Area” is now a defined term. The original definition of “Residential Area” said “within any residential zoning district.” The Community Development Director pointed out to him that you can have residences in areas that are not specifically residential districts, and the Ordinance had to capture those.

Chair Bosley asked, regarding 66-159 – “Penalty” – (a) “First Offense” says “A fine of \$300 to be served on the Host, or served on any Person committing a violation of this Ordinance who continues to do so after a verbal warning to the Person...” and asked if that language should still be in there or if it should be stricken. The City Attorney replied that that language does not need to be stricken. He continued that the idea was that an individual person who refuses to leave from the unruly gathering is still subject to the potential penalty, although that is certainly up to the committee.

Chair Bosley asked if that means the Police will not be giving written or verbal warnings, but the first offense will be a fine. The City Attorney replied unless you are the person attending the party and the Officer tells you to leave. They have the opportunity to leave. It is after the Officer has given that verbal warning and the person does not leave that the fine is associated with it.

Chair Bosley stated that on the next page, under (c) “Third and subsequent offenses,” it says, “...one year from the date of the service of a written warning...” The City Attorney replied that he thought that he had stricken all instances of the words “written warning” in this draft, but Chair Bosley found one that he missed, and he will remove it.

Councilor Greenwald asked about a hypothetical situation in which Police respond to an unruly gathering at a four-bedroom apartment. Tenant A comes to the door and is given the summons. Police come back an hour later. Tenant A is gone, and Tenant B is pushed to the forefront and is given the summons. An hour later, same thing, Tenant B is gone, and Tenant C comes to the door. He asked how they deal with a situation like that. He continued that secondly, he has real concern with the Police actually doing the reporting and controlling this. His experience is that an Officer is on duty until such-and-such a time at night, then he is off and someone else is on, then he is on days, and so on and so forth, and it is confusing and there is communication missing. He feels similarly to Councilor Jones. He does not think they need another employee. They need the Police doing this job as a priority. Back in the day, landlords used to get reports daily about bad behavior. If the Police make it a priority to report back, this could work.

The City Manager stated that in response to Councilor Greenwald's second question, this proposed position is a non-sworn one. She continued that it would be an administrative person who works the day hours. With the shortage of Police Officers, she would not be comfortable taking a Police Officer off the street to do this type of administrative follow-up. This administrative position would do the follow-up with landlords, the tracking of all of the offenses, the follow-up with the college and the City, and mediate any issues. She feels strongly that the City and college need this position and she would not try to put this on a Police Officer.

Police Chief Steven Russo stated that regarding Councilor Greenwald's first question, that scenario is one he brought up with the City Attorney, for that exact reason. He continued that the solution is for the Police to break up the party, which they can now legally do if it is deemed an unruly gathering. If the Officer comes back and the party is happening again and the same scenario comes into play, that may very well happen. They would not have a copy of the lease or know who lives at the residence. Regarding the letters Councilor Greenwald is talking about that used to go out 20 years ago, those were sent by a person in a position that no longer exists. That is why they want this part-time position (to accompany the Ordinance), so they can run this program properly and do the proper notification to the people who want to be notified, among a whole bunch of other things.

Councilor Greenwald asked the City Attorney about how to deal with the multiple potential tenants within one apartment. The City Attorney replied that the Ordinance is written to follow an individual host or an individual person. He continued that if a Police Officer needs to return to the same residence/unruly gathering and the original person who was served the summons is gone, the next person would get served with the penalty as a first offense, because that individual had not yet been served. That is the only way to really handle that.

Chair Bosley asked if, in that scenario, it would be the second offense for all of the attendees. The City Attorney replied for the people there who had not left after the initial warning, right, they would all be subject to receiving a fine, potentially.

Councilor Greenwald stated that ultimately he wants this Ordinance to happen, so he is not going to nit-pick the “what if?”s. He wants to move it along and get it adopted.

The Police Chief stated that in regards to Councilor Greenwald’s comments, the KPD’s Report Management system can track this, so when a Police Officer runs a person they will know if they have gotten a warning before or not. He continued that he is glad the City Attorney qualified that “potentially” the attendees of the unruly gatherings would be given a fine, because if there are, say, 40 people at a party, the Officer is not going to know everyone’s names, and if they return to the same party two hours later, they will not necessarily know who was there before. They will pretty much concentrate on the host or anyone else engaging in illegal activity. That is the reality of any law enforcement.

Councilor Workman stated that her question is about the penalties and removing “written warning” – could Chief Russo elaborate on the reasoning for that? Chief Russo stated that no other warnings are built into a City Ordinance or State statute, to his knowledge. He continued that the KPD felt that if someone is having an unruly gathering, by definition the person is in violation of two or more City Ordinances, [so why would] they issue a warning? Because if the Police come for a noise complaint, there is zero tolerance, and the person is going to get a City Ordinance violation the first time. It did not make sense to only issue a warning to a person committing two or more City Ordinance violations at once.

Councilor Jones stated that he has been following this Ordinance since its inception – he is the ex-officio member of the City/College Commission, and this originally came up at a subcommittee on housing. He continued that they were told that there were too many people getting involved and they did not want to violate RSA 91-A so they told the petitioners to take it on themselves and send it on. Thus, he is very familiar with this. However, he still thinks the personnel Staff wants to hire is a duplication of what Robin Picard and the Police Liaison Officer are already doing. He does not see why they need another position. It is a simple Ordinance. The Police reply to a complaint, and when they get there, they either issue a summons or they do not, and then it is over with. Why would they need someone else doing this?

The City Manager replied that this is person who would be administering the program; it is a completely new job; it is not what people are already doing. She continued that the person would track the violations and follow up and do the outreach to the property owners. It is brand new and not work that the City does now. Ms. Picard works for the college and does some outreach work in the neighborhoods, but [the work that the new position will do] is nothing that Ms. Picard does, and Ms. Picard is not tied to the City’s database. Regarding the work that Officer Bomberg does, he is out at night policing the neighborhoods, and she thinks it is important that he continue that. She does not see bringing him back in in the morning after working a later night shift, to come in and handle the administrative work. She is concerned that there is going to be a lot of expectations of this program, and if the City does not allocate the resources she does not think it will be successful. They already have concerns about notifications now because that position was eliminated some time ago, and landlords want these

notifications and follow-up. In order to do that, they need to have the staff to do it. She understands Councilor Jones's concerns. This is a part-time position that would not have benefits associated with it. She ran some numbers to see what it might cost. She is thinking that between the City and the college, if they each pay \$15,000 to \$20,000, it is worth it to her, if they are going to invest in a new Ordinance and want it to be successful.

Chair Bosley asked if this person would also be contacting landlords of non-college-related housing. The City Manager replied yes, any landlords of any tenant who receives a violation. She continued that there are noise complaints in the City that are not related to the college; there are other issues. There would be additional follow-up if they received a Social Host Ordinance violation.

Councilor Johnsen asked if there needs to be a separate motion, to have this part-time position, since there is so much question about it. Is this a separate issue that would be part of this document? The City Manager replied that tonight they are still just talking about a draft; they have not moved to an actual Ordinance. She continued that if this moves forward and the City Council is interested in doing this, she would put the adoption of the Ordinance and the approval of the part-time position (shared with the college) together. She would rather have the position than the Ordinance, and believes she would be more successful with the administrative position and the follow-up than with the Ordinance, but the Ordinance is another tool. She thinks that with the Ordinance and the position together, it gives them the better chance of the outcomes they are looking for.

The Police Chief stated that he would encourage people to look at this as a program, not just an Ordinance. He continued that there is so much more that they might be able to develop out of this with the contact working with the College Liaison Officer. The City Manager is correct that Officer Bomberg needs to spend more time doing the actual Police work on the college areas, and the coordination he does and the mentoring of college students and many other things. That College Liaison Officer could work hand in hand with the person who occupies this new position. They could extend it to notifications to homeowners of all kinds of things that occur. It is everywhere. If they have to send a letter to a house regarding people that are not the owner, who the owner is has to be researched; the KPD would not have that information that same night. They cannot call someone out and arrest them and ask as they are hauling them out, "By the way, do you own this house?" That is something that needs to be done the next morning. Once they coordinate with Assessing Department and determine the property owner, they contact that property owner with a letter or a phone call if they are local. They are modeling a lot of this off of San Marcos, Texas, which is what the neighborhood groups put forth, and that is how they built their program; it is a program, not just an Ordinance.

Councilor Greenwald asked if the direction of the motion is to present the Ordinance to City Council, or is there is a proposal for a new position, which will need funding?

The City Attorney stated that he understands the City Manager's position about this and agrees with it, and agrees with the Police Chief that this is a program. He continued that his concern is that the specific position was not on the PLD Committee's agenda to be considered tonight. Right now, all the PLD Committee is considering is whether to direct the City Manager to put this in Ordinance form and proceed with it at that point. He suggests they do that. Then the City Manager can put into the City Council next week for the same consideration, a request for this position and the Social Host Ordinance and the two can proceed together. That way all of the members of the City Council have the opportunity, either at the City Council meeting or at a committee meeting, to have the discussion with respect to the program. He would be concerned about moving forward with both of them tonight when the full City Council has not been alerted to the fact that the discussion was going to happen.

Councilor Greenwald stated that he spoke with a constituent who has concerns that this not drag on, because they are coming up to the Thanksgiving break, and it would be great to have this in place. He continued that he realizes that the funding for the position is more of a Finance, Organization, and Personnel (FOP) Committee issue, but he is puzzled about the timing and how they will get this together. He leaves that to the City Manager and The City Attorney to figure that out. He just wants this to move along. It is long overdue and they finally have something that is workable, and palatable to the landlords, residents, and tenants. He sort of agrees with Councilor Jones that the person working for the college probably could handle a lot of this, but he does not want to get hung up on minutiae; he wants to get this program enacted.

The City Attorney stated that procedurally, the timing that the City Manager is proposing still works. He continued that what would happen is: assuming that tonight the PLD Committee recommends that Staff submit an Ordinance with a number to the City Council next week, it would come back to the PLD Committee the following week, or at least this piece of it would, and the PLD Committee would make its recommendation and the City Council would be ready to act at its next meeting. So this would not take weeks and weeks.

Chair Bosley asked for public comment.

Tim Zinn, of 43 Grove St., stated that he wants to thank everyone for the hard work put in so far. He continued that it shows, and it is exciting to see that what the neighborhood group worked on is getting some meat on its bones. He realizes that given COVID-19, budgets are a legitimate concern, but there are cost savings that other communities informed them about this with program. Chief Russo calling it a "program" is a great point. They are looking to change the culture, and change things for the long term. San Marcos was able to save 3,000 police hours – they are a city of 60,000 people, which is three times bigger than Keene, but that is a significant amount of police hours that could be dedicated elsewhere. That is just one aspect. They are trying to make neighborhoods more livable and inviting to families. There are many benefits to this that will more than pay back whatever the position might cost.

Mr. Zinn stated that he has three bullet points, taken from other communities' programs, which might add to the discussion. He does not know if they are feasible in Keene or not, but they are worth throwing out there. One is the idea that they want landlords involved but there are some landlords that do not respond to nudging to get involved in this process. Eugene, Oregon mentioned that landlord involvement is a huge part of solving the problem. There are actually fines for landlords who do not become actively involved. Eugene only asks landlords to do what is legal and reasonable, but for the landlords who do not want to be proactive and get involved there are fines. They consist of straight-out fines or "response costs." If it takes five officers an hour to break up a party, tax-payers might get reimbursed for those hours. In his opinion that should be reimbursed by a host, not a landlord. But there is the penalty incentive for non-cooperative landlords. That is a discussion worth having.

He continued that the second idea is response costs. He does not know if it is feasible in the "Live Free or Die" state, but it is a topic worth exploring. The idea is that the host not only could be fined but could be held responsible for response costs, if it takes EMS and Police three hours to break up a huge party, it adds another layer of deterrence and accountability to reimburse tax-payers. They might want to look at this.

Mr. Zinn continued that third, it is important to have an arbitration clause so everyone can feel like it is not the final word and there is an option to discuss this further with whoever the administrator might be. That is another aspect that the neighborhood group, in its research, found to be important.

Councilor Jones stated that Mr. Zinn brought something to his attention that he has been waiting to hear – whenever they look at additional expenses he always looks at return on investment. He would like to hear from the City Manager about whether they would be getting a return on investment with this. The City Manager replied that that is really hard question to answer. She continued that the goal is to reduce this type of behavior, and if they are successful, over time there will be less calls to the KPD, but it is difficult to quantify that or say how long it might take before they start to make a change in behavior. She does think there is potential to reduce costs over time if behavior improves. Councilor Jones replied that was the answer he was looking for.

Chair Bosley asked if there were more questions from members of the public. Hearing none, she stated that she does not think Mr. Zinn's ideas are not worth exploring, but she has heard a lot of conversations about how this type of Ordinance has tried to make its way through the process in the past and has not been successful and there were a lot of people who had already had the wind taken out of their sails and they were not sure if it was even worth putting the effort into. She thinks that if they make this overly complicated that might happen again, and right now they have a really great jumping off point. She would like them to take that into consideration before they attempt to start reaching into different methods of reimbursements and going after landlords. Going after the hosts is really important. If that is not effective and they get feedback from this new position that they think having the landlords more involved is important, in the future they could look at that. For now she thinks the meat of this Ordinance is really smart.

Pete Moran, of 38 Myrtle St., thanked everyone for their exceptional work. He continued that he appreciates the wonderful respect of Chief Russo. Through this whole process, he, his wife, and Chief Russo had some wonderful conversations and Chief Russo always offered very different thought than what he might have had, but what it came down to is the KPD are going to be the ones making sure this is successful, out on the streets. He appreciates the KPD's work, in conjunction with that of the City Attorney and everyone else. He feels good about this and is very optimistic. He thinks the timeline is excellent.

Chair Bosley agreed that a lot of hard work has gone into this. She stated that the neighborhood should be very proud of the fact that they have been able to put this Ordinance together. It is very smart.

Mr. Zinn thanked Chair Bosley for her comments. He stated that he agrees about not wanting to derail this with minutiae. What was important to him is having the points on the record. They can revisit things if needed. Ordinances are not written in stone and they might be able to tweak this down the road if needed. His comments on the record could be referred to down the road if needed. Chair Bosley replied that she does think it is important for the neighborhood group to follow along and see how effective this Ordinance/program is, if it makes it through City Council. It would be important for Mr. Zinn and the neighbors to reach back out to the City Council if they feel something is not working.

Councilor Jones stated that he wants to say that yes, he wants this Ordinance, and he would like to see it codified and agendized for the next meeting. He continued that he is stating his opinion now because he does not know if he will have cellular service at the time of the PLD Committee's vote on a motion.

Councilor Johnsen stated that after listening to Mr. Zinn, she agrees. She would like to think of this as a living document. It is not cast in stone. It has a lot of meat to it, and this is a first step. She really supports that it is a living document that they can come back and add things to. Chair Bosley replied that she agrees.

Chair Bosley asked if there were more questions or comments from members of the public. Hearing none, she asked for a motion.

Councilor Greenwald stated that he does not want to get mired down in minutiae, either. He continued that he was considering the idea of a sunset clause, but he will take it as a living document instead.

Councilor Greenwald made the following motion, which was seconded by Councilor Workman.

By a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Manager be directed to submit the draft Social Host ordinance as a proposed Ordinance for further consideration and discussion by the City Council.

Chair Bosley noted that Councilor Jones might not have cell service right now but given the comments he just made, they will count his vote in favor and the motion was passed unanimously.

Councilor Greenwald stated that he wants to thank the City Manager. He continued that he submitted a letter, asking for discussion of several items, and he wants to say thank you. Traditionally when a letter is submitted it can be accepted as informational, which is kind of a holding place, or referred to Staff, which is another holding place, but this letter actually got action. Everything he asked for discussion on has had discussion. And in reference to the broadband expansion, maybe his letter and the discussion might have motivated some action. And who knows, maybe Kingsbury might have some action. He thanks Staff and the City Manager. Chair Bosley replied that yes, it is important to not lose sight of these items as they live in this new virtual world. She is glad that he submitted the letter and glad that they got to have those discussion.

There being no further business, Chair Bosley adjourned the meeting at 8:06 PM.

Respectfully submitted by,
Britta Reida, Minute Taker