

05/18/2023

A regular meeting of the Keene City Council was held on Thursday, May 18, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones (arrived at 7:02 PM), Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, and Thomas F. Powers were present. Kris E. Roberts was absent. Kate M. Bosley requested permission to participate remotely due to travel; she was alone at her location. Hearing no objections, Mayor Hansel granted remote participation. Councilor Filiault led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel and the Council wished a Happy Birthday to Councilor Greenwald. Mayor Hansel also reminded the Council that the budget process would continue with the Finance, Organization, and Personnel (FOP) Committee special meeting Tuesday, May 23 at 5:30 PM. The FOP Committee was scheduled to make its recommendations at their regular meeting on May 25 at 6:00 PM.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes of the May 4, 2023, regular meeting as printed was duly seconded by Councilor Greenwald. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

PROCLAMATION – PUBLIC WORKS WEEK

Mayor Hansel read a proclamation declaring the week of May 21–27 as Public Works Week in the City of Keene and he encouraged citizens to join with the Public Works Department and the American Public Works Association in activities, events, and ceremonies designed to pay tribute to Keene’s Public Works professionals and recognize their substantial contributions to protecting our National, State, and local communities health, safety, and quality of life. The Assistant Public Works Director, Duncan Watson, said it was an honor to accept this proclamation on behalf of the Public Works Department, which works for the community 24/7/365.

PROCLAMATION – KIDS TO PARKS DAY

Mayor Hansel read a proclamation declaring May 27, 2023, as National Kids to Parks Day in the City of Keene and he encouraged all citizens to make time to take the children in their lives to a neighborhood, State, or National park. The Director of Parks, Recreation, and Facilities, Andy Bohannon, said it would be a great event, with food trucks, a bubble machine, and a lot of other activities. He said it was a huge success last year and he hoped to build on that this year. Mr. Bohannon hoped everyone would go out to Robin Hood Park or another park.

PUBLIC HEARING – ORDINANCE O-2023-06: RELATING TO AN AMENDMENT TO THE LAND DEVELOPMENT CODE – ACCESSORY DWELLING UNITS

Mayor Hansel opened the public hearing at 7:08 PM and the Assistant City Clerk read the public hearing notice. Mayor Hansel welcomed Jess Rounds, Community Development Director, and Evan Clements, Planner, for a description of Ordinance O-2023-06: Amendment on Accessory Dwelling Units.

Mr. Clements said this was an effort to expand the opportunity for accessory dwelling units (ADUs) throughout the City. This Ordinance would increase the allowed gross floor area up to 1,000 square feet. It would also reduce the amount of required parking from 2 spaces to 1. Attached and detached ADUs would be allowed for any single-family home that qualifies for the ADU. This would happen by changing some definitions and the approach to ADUs. Before this Ordinance, ADUs were allowed in certain Zoning districts. This Ordinance would remove the regulation of ADUs from Zoning. Instead, free standing single-family homes in the City would be allowed to have an attached or detached ADU as long as all other dimensional Zoning requirements were met, like lot coverage and setbacks. This Ordinance would reduce the amount of rear setback required for ADUs to 10 feet from the rear property line. Mr. Clements welcomed questions.

Councilor Williams asked if there was any change to the minimum size of an ADU. Mr. Clements replied that the minimum size would be eliminated, and the only size requirement would be no more than 1,000 square feet.

Mayor Hansel opened the floor to public comment.

Jay Kahn of Keene spoke in support of this Ordinance, stating that it was time to look at a 2017 State Act that compelled all 234 communities in NH to enact ADU ordinances. Mr. Kahn said he was a part of that effort and that the idea of multi-generational housing had underperformed and had not led to the kinds of added units and occupancy expected on residential properties. Now, after 6 years of implementation, Mr. Kahn said it was good to see Keene and the Council moving in this direction, recognizing that ADUs could be a part of solving the housing problem. He was encouraged and thought the Ordinance was thorough. He thought the free-standing building was an expansion beyond what was envisioned originally, which he thought would provide opportunities and eliminate the need for variances. Mr. Kahn called this good expansion with minimal risk. He thought the free-standing buildings could have a height that would allow for tiny homes as ADUs on residential properties. He said this was wise, timely, and would not add stress on properties or City services. He also thought the onsite parking was a good effort and defined well with 1 vehicle required. He said this expansion would increase equity in the community. Mr. Kahn added that he was one of the Senators who introduced NH Act 79-E to the Senate and worked with the City of Keene on expanding the tax incentives for improvement to residential properties in residential zones; added value to a property would become added incentive. He noted that it was entirely up to the City to both make use of 79-E and to define a residential zone for its use. He said the City would need to evaluate whether there would be additional costs of ADUs on a site for City services that inhibit that type of incentive for development.

05/18/2023

There being no further comments or questions, Mayor Hansel closed the public hearing at 7:17 PM, except for written comments, which would be accepted until 1:00 PM on Tuesday, June 6. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Hansel referred Ordinance O-2023-06 to the Planning, Licenses, and Development Committee.

A true record, attest:



Assistant City Clerk

PUBLIC HEARING –ORDINANCE O-2022-19-B: RELATING TO AN AMENDMENT TO THE LAND DEVELOPMENT CODE – APPLICATION PROCEDURES

Mayor Hansel opened the public hearing at 7:17 PM and the Assistant City Clerk read the public hearing notice. Mayor Hansel welcomed the Community Development Director, Jesse Rounds, and Mari Brunner, Senior Planner, for a description of Ordinance O-2022-19-B: Amendment to the Land Development Code – Application Procedures.

Ms. Brunner noted that the Council had seen this Ordinance before, so she provided a high-level update. She said that when this Ordinance was introduced, it went to the City Council for first reading in December 2022 and then there was a public workshop in January 2023. During the first public workshop, an “A” version of the Ordinance was created to include a proposed change to Section 9.2.7.C.2 of Article 9 of the Land Development Code regarding major parking deduction requests; there were no public comments at that time. That version of the Ordinance was referred back to the City Council for a public hearing on February 6, 2023, and there were no public comments again. Then, the Ordinance was referred to the Planning, Licenses, and Development (PLD) Committee, which recommended that the City Council refer the Ordinance back to the Joint Planning Board-PLD Committee for further review. The City Council agreed, but there was an amendment on the floor to clarify that the Joint Committee should consider severing from the Ordinance the proposed amendment to add a waiver provision to Article 15. The Ordinance was then referred back to the Joint Committee for a public workshop on April 10. The Joint Committee ultimately decided to take that recommendation and they created a “B” version of the Ordinance, and that portion of Article 15 was removed from the proposal. Thus, Ordinance O-2022-19-B was before the Council. Ms. Brunner welcomed questions.

There were no comments or questions from the public or the Council. As such, Mayor Hansel closed the public hearing at 7:20 PM, except for written comments, which would be accepted until 1:00 PM on Tuesday, June 6. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Hansel referred Ordinance O-2022-19-B to the Planning, Licenses, and Development Committee.

A true record, attest:



Assistant City Clerk

COMMUNICATION – ROGER WEINREICH/DOWNTOWN MERCHANTS ASSOCIATION – FURTHER INFORMATION – JEFF SPECK VISIT AND SPEAKING ENGAGEMENT

A communication was received from Roger Weinreich, submitting a follow-up letter to answer various questions posed by the Finance, Organization and Personnel Committee at their meeting on May 11, 2023. This letter was an effort to aid the Council as they considered the Downtown Merchant Association's request for financial support to facilitate a visit from Jeff Speck, urban designer and author of "Walkable City." Mayor Hansel accepted the communication as informational.

COMMUNICATION – JEFFREY MURPHY/BREWBAKER'S - REQUEST TO PLACE TABLES AND CHAIRS IN CITY ROW – ADJACENT TO WILSON STREET

A communication was received from Jeffrey Murphy, requesting permission to place tables and chairs adjacent to Brewbaker's to provide additional outdoor seating in an area within the right-of-way of Wilson Street. Mayor Hansel referred the communication to the City Manager and asked her for an update.

The City Manager reported that the original request from Brewbakers to place tables in the right-of-way was approved during Covid when there was expanded emergency authority, so it did not go through the normal process. Now, she said Brewbakers was asking to continue that ability to place tables and chairs in the right-of-way. She said Brewbakers had an upcoming event on May 20–21 and they had made some improvements to the space. The City Manager worked with the City Clerk's office to issue a temporary license for the use of City property (General License for Use of City Property: 46-2023). Under this section of the Code, Staff could issue a temporary, revocable license to allow the use of that space for the event. Following this process would allow for continued discussion of how the City might be able to accommodate the request in the future.

Councilor Greenwald suggested reconsidering the no parking on Wilson Street. He said it made sense to have it open when Keene State College had 5,000 more students, but that no longer made sense to him. Mayor Hansel and the City Manager agreed that was a good suggestion that was being considered.

COMMUNICATION – BRETT AMY THELEN/THE HARRIS CENTER – APPRECIATION FOR CITY'S STRONG SUPPORT FOR ROAD CLOSURES AND AN UPDATE ON THE 2023 SALAMANDER SEASON

A communication was received from Brett Amy Thelen, Science Director of the Harris Center, expressing her strong support for the City's assistance with the amphibian road closures and

providing an update on the 2023 salamander season. During the hours when volunteers were positioned at North Lincoln Street and Jordan Road, nearly 3,000 individual amphibians were documented. Ms. Thelen also extended a thank you to all of the residents of Jordan Road and North Lincoln Street, as well as nearby roads, for graciously driving the long way around on rainy spring nights. Mayor Hansel accepted the communication as informational.

PLD REPORT – KEENE MUSIC FESTIVAL – REQUEST TO USE CITY PROPERTY – SEPTEMBER 2, 2023

A Planning, Licenses, and Development Committee report read, recommending that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, September 2, 2023 from 8:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, a portion of Church Street from Main Street to the entrance of the Vision Financial parking lot, and Lamson Street from Main Street to Federal Street. This permission is granted subject to the following conditions: the signing of a revocable license and indemnification agreement; that the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of signed letters of permission for the use of any private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 24 Community Events Budget. Said payment shall be made within 30 days of the date of invoicing. A motion by Councilor Giacomo to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

PLD REPORT – SPECTRUM CABLE/CHARTER COMMUNICATIONS – REQUEST TO INSTALL AN UNDERGROUND COMMUNICATION CONDUIT IN THE RIGHT-OF-WAY

A Planning, Licenses, and Development Committee report read, recommending the acceptance of the communication to request to install an underground communication conduit in the right-of-way as informational. The Committee also recommended that the City Manager be authorized to do all things necessary to negotiate and execute a license agreement with Spectrum Cable for the construction and maintenance of private infrastructure, including but not limited to underground telecommunications conduit, cables, appurtenant equipment, and any other item or property identified within the right-of-way of Krif Road and Cornwell Drive, provided that all documents are in a form and format acceptable to the City Engineer and City Attorney. A motion by Councilor Giacomo to carry out the intent of the Committee report was duly seconded by Councilor Jones. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

PLD REPORT – COVENANT LIVING OF KEENE – REQUEST FOR A LICENSE TO INSTALL AND MAINTAIN TWO PRIVATE CROSSWALKS ON PUBLIC RIGHT-OF-WAY – WYMAN ROAD

A Planning, Licenses, and Development Committee report read, recommending the acceptance of the communication's request for a license to install and maintain two private crosswalks on public right-of-way as informational. The Committee also recommended that the City Manager be authorized to do all things necessary to negotiate and execute a license agreement with Covenant Living of Keene for the construction and maintenance of private infrastructure, including but not limited to two (2) private crosswalks along with appurtenant pedestrian beacons, signage, pavement markings, and any other item or property identified within the right-of-way (ROW) of Wyman Road, provided that all documents are in a form and format acceptable to the City Engineer and City Attorney. A motion by Councilor Giacomo to carry out the intent of the Committee report was duly seconded by Councilor Jones.

Councilor Jones thought it was great for the City to partner with Covenant Living. He had the opportunity to do a presentation there a few weeks prior. He said it is like another city within the City of Keene. He said many of the residents of Covenant Living were retirees who used to live in Keene's single-family homes. He called it a great part of this community that contributes to the City's economic development and counters the housing crisis. Mayor Hansel agreed.

Councilor Workman said she had crossed Wyman Road at this location countless times while visiting Covenant Living and agreed that it was dangerous. She was surprised it lasted this long without crosswalks, so she was happy this was happening now.

The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

PLD REPORT – PETER ESPIEFS – REQUESTING THAT THE CITY RESCIND THE LICENSE TO TELECOM TO ERECT SMALL CELL WIRELESS FACILITIES; AND ANN SAVASTANO – PETITION REGARDING SMALL CELL TOWER AT SUMMER AND MIDDLE STREETS

A Planning, Licenses, and Development Committee report read, recommending that the communications and the petition regarding the small cell tower at Summer and Middle Streets be accepted as informational. Mayor Hansel filed the report as informational.

Councilor Filiault understood that these communications were being accepted as informational, but he advised his fellow Councilors to recognize that this was a serious issue with conflicting reports on both sides. He urged the Council to stay informed.

PLD REPORT – COLE MILLS – IN OPPOSITION TO ORDINANCE O-2023-02: MINIMUM LOT SIZE IN RURAL ZONE

A Planning, Licenses, and Development Committee report read, recommending acceptance of the communication in opposition to Ordinance O-2023-02: Minimum Lot Size in Rural Zones as informational. Mayor Hansel filed the report as informational.

FOP REPORT – ROGER WEINREICH/DOWNTOWN MERCHANTS ASSOCIATION – REQUESTING FINANCIAL ASSISTANCE TO FACILITATE A VISIT FROM URBAN DESIGNER AND AUTHOR, JEFF SPECK – WALKABLE CITY

A Finance, Organization, and Personnel Committee report read, recommending that the City Council support a contribution of \$5,000 to assist with funding the speaker fee to facilitate a visit from Urban Planner, Jeff Speck, regarding planning for walkable cities. Said funding to come from Project Cost Center (75J0034A) “Downtown Infrastructure Improvement and Reconstruction Project”. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

After summarizing the FOP report, Councilor Powers stated his position that it seemed reasonable for the City to be a part of a program that would be looking at the downtown in a different fashion. He noted how many other downtown community events the Council supported. He thought anything that could give the community more information that could help the downtown business owners was a good idea.

Councilor Remy said he had gone back and forth about this decision. At this point, given the scope of the downtown project that the City would be investing in regardless, he thought this contribution was minor and worth it if it could result in a new good idea. Mayor Hansel recalled that this would not be adding to the total cost of the downtown project, it was part of the funds allocated already. Councilor Remy understood, but he said projects always risk overrunning their budgets, and he did not want this cost to contribute to that problem.

Councilor Greenwald said that whether it was more money or coming out of an existing budget, it was still \$5,000 of taxpayer money. He said he could think of 2 other consultants he would also be happy to listen to and suggested that perhaps \$5,000 should be allocated to bring both of them to Keene as well. He noted that he is a member of the Downtown Merchants Association; he was not asked to contribute, and he would not if asked. He thought it was fine for the Downtown Merchants Association to pay to bring a consultant to Keene and Councilor Greenwald would listen to what Mr. Speck had to say. Still, the Councilor thought this would create further confusion about the downtown project. Councilor Greenwald recalled that the City spent substantial money on the Stantec consultants, and he saw no value in throwing out another \$5,000 for a different consultant.

Councilor Filiault agreed with Councilor Greenwald. Councilor Filiault said he was completely against spending these funds. He was willing to listen to anyone that a City group wanted to invite, but he would not support spending tax dollars on this. He stated that he was approached by an individual who said that if the Council approved this \$5,000, they would seek the same for their group and their ideas about downtown, and he asked what the Council would do in that situation. Councilor Filiault said this would set a precedent. He said all the Councilors agreed that that tax

rate in the City was too high; he found it contradictory to spend \$5,000 of those taxes for this purpose. He welcomed the Downtown Merchants Association bringing Mr. Speck to Keene, but he strongly objected to using tax dollars to do it, no matter how “minimal” that figure seemed to some.

Councilor Madison said he initially supported this at the FOP meeting. However, he had spent a lot of time thinking about this issue, and he stated that he was not comfortable with this from a procedural standpoint. He agreed with Councilor Filiault that this would set a precedent for other speakers demanding money for a presentation. He said the City should not have been asked to fund this; it was up to the groups inviting these speakers. Councilor Madison said there was a process for groups who wanted to host events sponsored by the City, like the Pride Festival and Pumpkin Festival. He said that this effort seemed to be circumventing that process. The Councilor said it pained him to say that, because he was interested in what Mr. Speck had to say. Still, he did not feel comfortable with this from a procedural standpoint.

Councilor Williams fully supported this visit, which he said could contribute to a decision that would affect Keene for the next 50 years. Thus, he thought \$5,000 was a minor expense to help ensure that the downtown project is done right; it would cost a lot more if the City does not get it right. He understood the procedural concerns, but he said a lot about this downtown project process had been different. Still, he said that a lot of people were working hard to bring this project to a good outcome. Councilor Williams noted that the Downtown Merchants Association had already fundraised most of Mr. Speck’s fee and he appreciated the Association’s efforts to bring this to fruition. He appreciated all the hard work, and he thought the Council should support this.

Councilor Giacomo said his first inclination when he saw this on the agenda was to donate personally, which he did. Discussion ensued about how much the Downtown Merchants Association had raised at this point, with guesses between \$7,000 and \$10,000. While Councilor Giacomo supported the effort personally, he did not think it was proper to spend taxpayer money on this effort, particularly because it was unclear what the City would get out of the visit. He noted that Mr. Speck would be an additional consultant when the City had just paid heavily for the Ad Hoc Downtown Infrastructure Committee’s effort with the consultants from Stantec. The Ad Hoc Committee presented their report 4–6 months ago, which meant that the City was still paying for Stantec’s services throughout this whole Council Workshop process. Councilor Giacomo thought Mr. Speck could supply insight into the important issue of multimodal transportation downtown that was not entirely provided by Stantec. Still, Councilor Giacomo did not support using more of the taxpayers’ money to do it.

Councilor Workman said Councilor Madison stated most of her points. Councilor Workman also wanted to hear what Mr. Speck had to say and she would attend the event if he did come, noting that she had started reading his book. She said her concern was about a special interest group dictating what the City does. She said this effort was after the fact when the Downtown Merchant’s Association could have brought this to the Council earlier in this project. Councilor Workman stated her understanding that the City Manager was brought into the conversation long after the Association decided Mr. Speck was coming; she noted that the City had no input/choice about the date selected. So, Councilor Workman thought that using \$5,000 of taxpayer money earmarked for

the downtown project was problematic procedural issue. She encouraged anyone who wanted to donate individually, but she said the Downtown Merchants Association was well on its way to raising the full \$12,000.

While this was the City Council's decision, Mayor Hansel took a moment of personal privilege to share that he had a meeting with Mr. Speck. The Mayor said he believed that Mr. Speck would bring a different perspective that most people had not likely considered. Mayor Hansel found it interesting that by the end of this conversation, some of his perspectives had changed. So, he encouraged as many people as possible to participate in the visit, since it looked like the full amount would be raised. Mayor Hansel knew it seemed to some like this opportunity came out of nowhere, but he said Mr. Speck learned about Keene because of all the controversy surrounding this project. He said Mr. Speck was a well-respected urban planner who happened to be available for this one date. Mayor Hansel said he understood both sides that the Councilors were coming from. Still, he thought it would be a missed opportunity for the City to sit out of this conversation that the Mayor hoped would move the community collectively in a more positive direction.

Councilor Jones recalled that when the City began working on its Comprehensive Master Plan 2008, more than 2,000 community members participated. He said the primary thing the community said it wanted was a more walkable City. So, he thought inviting an expert on walkable downtowns would provide great information. Councilor Jones had researched some of Mr. Speck's work in other cities and said the before/after were unimaginable. Councilor Jones did not think this would set a precedent. He recalled that before Keene had roundabouts, the City invited an expert from England to advise, and the City shared that cost with private citizens, which led to Keene's first roundabout. He thought the City would benefit from Mr. Speck's visit.

Councilor Ormerod said the City had put a lot of time, effort, and thoughtful process into this downtown infrastructure project. He said the project was put to the test with the public input process, and some holes and mistakes in the model came to light. He said one of those holes was walkability, in addition to the importance of families with young children who could not attend Council meetings to share their views. So, he thought a visit from Mr. Speck would help to fill a clear needs gap. Councilor Ormerod would vote in support so the whole town could participate and make their own decisions.

Councilor Madison asked if the City Attorney had any comments. The City Attorney said no, this was a legislative decision for the Council to make.

Councilor Workman stated her understanding that this visit would not be open to the whole community. She heard that only 150 people would be accommodated at Heberton Hall. She asked if it would be broadcast. The City Manager said it would be broadcast. Councilor Workman said that changed part of her opinion.

Councilor Johnsen asked if Mr. Speck would be able to address the contention over bike lanes. Mayor Hansel thought he might. Councilor Johnsen said that might change her thinking because a lot of constituents had been writing to her about the bike lane issue.

Councilor Lake said the FOP Committee addressed broadcasting, because he was one of the people who would not be able to attend Mr. Speck’s visit. He hoped that any materials from the visit would be shared if the City was contributing to that. He understood the concern about using taxpayer money, especially when the Downtown Merchant’s Association seemed so close to reaching the fundraising goal. He wanted to amend the motion so the City would only pay the difference of what is fundraised, up to \$5,000.

A motion by Councilor Lake to amend the Committee report to “contribute up to \$5,000” was duly seconded by Councilor Remy. Discussion ensued about the fundraising goal, which was not completely clear.

Councilor Chadbourne said she was the only opposing vote at the FOP meeting. She cited her concern that the proposed schedule included multiple meals with VIPs and that Heberton Hall would only hold 150 people, in a City of 23,000 and on a project with such controversy. Councilor Chadbourne noted the hundreds of thousands of dollars the City had spent on Stantec and how much time Stantec spent on traffic analyses. She imagined that if the City had asked Stantec to focus on walkability, then they likely would have reported more on that. While she was open to new information from an expert—and would try to attend—she thought that City funding should lead to a larger venue like the Keene State College or high school auditoriums. She said that Keene State was as walkable from downtown as Heberton Hall. Councilor Chadbourne recalled groups associated with the skate park and dog park, and how they fundraised to make those happen. Even if Mr. Speck’s visit was recorded, she thought that the Downtown Merchant’s Association should be raising the full amount, especially if only 150 people would have access; she said streaming/broadcasting would not be the same as being present and able to ask questions. Councilor Chadbourne said she was struck by the fact that at the same FOP meeting that Mr. Speck’s visit was being discussed, the FOP Committee began its budget process and heard from nonprofits requesting City funding. In one case, the City Manager recommended \$2,500 for the Monadnock Center for Violence Prevention, and Councilor Chadbourne thought this \$5,000 under question would be better spent on services like those. She wished the Downtown Merchant’s Association would take this on and raise the money; she was sure plenty of people would attend. She did not agree with the City spending \$5,00 on this.

Councilor Remy said he supported the amendment because it provided flexibility if the Downtown Merchants raised all the money.

On a roll call vote of 10–4, the City Council amended the FOP Committee report to say, “contribute up to \$5,000.” Councilors Filiault, Chadbourne, Greenwald, and Powers voted in opposition. Councilor Roberts was absent.

Councilor Greenwald followed up on Councilor Chadbourne’s points. He said the Council talks a lot about budget contributions to City services and non-profits. He said this was taxpayer money, noting that the FOP Committee would soon deliberate the money allocated for this downtown project. Councilor Greenwald referred to a consultant out of CA, who had been emailing

suggestions to the Councilor. He said that the consultant would also probably like to come to Keene. So, if the Council approved this \$5,000 for Mr. Speck, Councilor Greenwald said he would come to the next Council meeting asking for another \$5,000 to bring the CA consultant to Keene. He asked the Council what it was doing. He noted how much the City paid for Stantec and said that if other Councilors did not have confidence in Stantec, they should own up to it. If Councilors wanted more information, he said they should have been asking for it. He thought it was fine if the Downtown Merchants wanted to fund Mr. Speck, but Councilor Greenwald intended to request \$5,000 for another consultant if this passed.

Councilor Filiault echoed Councilor Greenwald, asking what the Council would do when another similar request is made and how the Council would distinguish. He thought this would set a dangerous precedent and he did not think this would be the last request. He recalled the City Manager asking the Council to wrap this project so she could start applying for grants, and he asked how long the Council would push this down the road. Councilor Filiault thought Councilor Madison's point about not following procedures was important. He wondered what the Council would do if they did not like the next \$5,000 request. Councilor Filiault thought his point was made on the Council floor as no one could confirm how much the Downtown Merchants had fundraised. He thought it was fine for Mr. Speck to come to Keene, but he did not think it should cost the taxpayers.

Councilor Giacomo was sure that if the Downtown Merchants had 6 months to fundraise properly, they would have probably done so. He said the fact of the matter was that this was a time-sensitive issue. He thought the Merchants had done well fundraising their portion so far with such short notice. Councilor Giacomo thought it was fine to seek input from other experts, stating that it was the Council's job to decide whether to contribute to something like this. He noted that Mr. Speck was the national leader on urban planning for multimodal transportation. Councilor Giacomo thought that this would be an important visit. He did not think it would set a precedent. He felt like the City had wasted so much money on Stantec over the last 6 months by drawing out this process because the Council did not listen the first time. He thought that spending one-hundredth of that cost to bring in an expert would be well spent.

Councilor Chadbourne recalled that the location at Heberton Hall would only allow 150 people to participate.

Councilor Greenwald stated that this was inappropriate. He did not know of anyone who got paid \$20,000 for one day's presentation.

Councilor Powers wanted to ensure that everyone knew what they were voting for. He asked his fellow Councilors to consider the message they would be sending by not contributing the difference of what the Downtown Merchants were able to raise, meaning the City might not spend anything on this.

On a roll call vote of 9–5 the motion to carry out the intent of the Committee report as amended carried. Councilors Filiault, Chadbourne, Workman, Greenwald, and Bosley voted in opposition. Councilor Roberts was absent.

FOP REPORT – ACCEPTANCE OF 2023 WELLNESS GRANT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and expend the 2023 wellness grant from HealthTrust of \$2,100 to be used for employee wellness activities. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – ACCEPTANCE OF DONATION – COMMUNITY GARDEN TOOL SHED

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept a donation of a tool shed from Cheshire County Conservation District for the community gardens located behind the Monadnock View Cemetery. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – CONTRACT FOR DESIGN SERVICES – CONCEPT PLAN FOR ROBIN HOOD PARK

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Dubois & King for design services required for the Conceptual Design of Robin Hood Park, for an amount not to exceed \$34,962.00 and with funding to come from Project Cost Center (65J0018A) “Robin Hood Park Improvement Project.” A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – WINCHESTER STREET RECONSTRUCTION PROJECT – REQUEST TO REALLOCATE FUNDS

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to reallocate the remaining unspent project balance of approximately \$14,429.55 from the Wetmore/Winchester Street Main Repair Project (Water Fund Project No. 34JI024A) to the State Bypass Utilities Project, also known as the Winchester Street Reconstruction Project (Water Fund Project No. 34JI016A). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor

Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – REALLOCATION OF FUNDS – 1.5 MG TANK REPAIR PROJECT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to reallocate \$139,109.12 in remaining project balance from the Drummer Hill Tank and Pump Station Replacement Project (Water Fund Project 34JI014A) and \$89,701.88 in funds from the Water Main Cleaning and Lining Project (Water Fund Project 34MI0400) and move these funds to the 1.5MG Storage Tank Repair Project (Water Fund Project 34JI002A). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – COUNCILOR MADISON – RECOMMENDING AN AMENDMENT TO THE CITY CODE – MEETING TIMES FOR PUBLIC BODIES

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager work with the staff liaisons who support those public bodies established by the City Code to annually survey their membership to ensure meeting times are fostering the greatest level of participation possible for membership and the public. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Madison said the purpose of his letter was to start a conversation between the Council and City Staff to ensure the City's board's and commission's meeting times, as well as public outreach events, are meeting the Committees' and public's needs. He recalled that he served on the Ad Hoc Downtown Infrastructure Committee and said that the 3:00 PM meeting time was prohibitive for many members of the public who were working class and working age. He said the FOP discussion clarified how much effort goes into scheduling all of the City's meetings and coordinating with all parties. Councilor Madison thought this was best left in the City Manager's hands to have those conversations with Staff and committees' memberships.

Councilor Remy said the FOP meeting clarified that the scheduling of certain committees was chosen by the Mayor. The Councilor asked the Mayor to keep this conversation in mind and Mayor Hansel said he would.

The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

CITY MANAGER COMMENTS

First, the City Manager reported on the City Hall rear wall. The City's contractor, Monadnock Commercial Building Co., began setting up scaffolding on May 19 for the City Hall rear wall repairs project. This project would be an interim fix to the settling and cracking of the rear wall of

City Hall. The City Manager recalled that City Hall was built on top of the Town Brook, a stream that used to flow from the north of Central Square toward Emerald Street. Although the water that used to flow in the Town Brook had largely been diverted to other pipes, there was still a brick arch under the building that contained the remnants of the stream. A future capital project was planned to fill the pipe and re-route the roof and floor drains that connect to this arch. This work was expected to last approximately 1 month.

Next, the City Manager reported on the 30th annual NH 4th Grade Water Science Fair and Poetry Contest. Over 275 students from 14 different schools across New Hampshire gathered at the Keene Recreation Center on May 10 to learn about keeping water clean. The NH Drinking Water Festival celebrates National Drinking Water Week. In addition to the awards recognizing academic excellence, students learned about the complexities of keeping water clean and managing it equitably in our changing climate. The annual event is sponsored by the New Hampshire Drinking Water Coalition in conjunction with the New Hampshire Department of Environmental Services to encourage future leaders and scientists to learn about one of the world's most precious resources—water. Both the City Manager and the Mayor attended the event to help hand out awards and Councilor Madison served as a judge. The City's AV Tech, Asah Cramer, was also present to get some great photos and video clips. The City Manager thanked the Assistant Public Works Director, Aaron Costa, for all of his work organizing and holding the event, as well as the Parks and Facility crews for hosting and for all their help with set up and clean up. In addition, she thanked the Public Works Highway, Water/Sewer, Meters, and Laboratory employees for setting up and staffing activity stations for the students. There were 25 activity stations for kids to visit and 104 volunteers to make it all happen. The City Manager was grateful for another successful event. Mayor Hansel agreed, noting how many children and City Staff participated.

ACCEPTANCE OF DONATION – FIRE DEPARTMENT – FINANCE DIRECTOR

A report read from the Finance Director/Treasurer, Merri Howe, recommending the acceptance of the following donation: the Fire Department received \$500.00 from HealthTrust to be utilized for staff wellness programs to encourage healthy habits and to promote wellness at the worksite. These funds were for the FY 2023 program year. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

ORDINANCE FOR FIRST READING – RELATING TO CLASS ALLOCATION AND SALARY SCHEDULES – ORDINANCE O-2023-11

A memorandum read from the HR Director/Assistant City Manager, Elizabeth Fox, recommending that the City Council refer Ordinance O-2023-11 to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Ordinance O-2023-11 to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR SECOND READING – RELATING TO AMENDMENTS TO THE RURAL DISTRICT MINIMUM LOT SIZE – ORDINANCE O-2023-02

A Planning, Licenses, and Development Committee report read on a vote of 4–1, recommending the adoption of Ordinance O-2023-02. A motion by Councilor Giacomo to adopt Ordinance O-2023-02 was duly seconded by Councilor Jones.

Councilor Jones recalled that when he looked to move out of NJ in 1989 because he did not like the urban sprawl, he came to New England. He recalled Nashua being a beautiful city in the early 1970s, when the outskirts were all farmlands; he said the same was true of Bedford. When he visited Keene in the 1980s and met with the planning director, Councilor Jones asked how to prevent urban sprawl. He said at that time, the Ordinance was changed to a 5-acre minimum lot size in the Rural District, which seemed to work, and was one of the reasons he moved to Keene. He said this Ordinance would result in urban sprawl. He said there were not a lot of houses available in Keene because people were buying them. He noted how local realtors used to vie for those listings, which he said was not done anymore with the advancement of sites like Zillow that allow people to sell on their own. Councilor Jones had not liked this Ordinance since it was first presented, stating that it came from City Staff and was never requested by the Council or public. He said the Council should have ascertained where and what kind of housing was needed in the City, and whether that housing should be near City services. Councilor Jones said he was not worried about today but worried about tomorrow. He referenced a NH Housing Atlas with 23,000 pages of zoning regulations and maps. He thought that if this Ordinance was adopted, that the property values would go way up, noting that market value brings up assessed value. He asked what would happen to people living in the Rural District who have more than 2 acres; he noted that a 6-acre lot could include 3 buildable units. Councilor Jones said that throughout this whole process, other City services (e.g., Police and Fire) were not consulted. He said no one asked whether the school system could accommodate more students. He noted how traffic in the Rural District would also change through this Ordinance, stating that every home would have 20 car movements per day. He said there were other places within the City closer to services where housing (e.g., quarter-acre) would be better; he cited the Northern Valley Subdivision near Kennedy Drive and Autumn Way. He added that 2 acres would not provide affordable or workforce housing, with prices between \$200,000–\$350,000 for a single-family home. He cited more appropriate places for housing near City services, like the Kingsbury property or the Elm Tree Farm. Councilor Jones said he never heard people talking about “attainable” housing for renters looking to buy houses, which would create more availability in the rental market, which he said was what Keene needed. He opposed this Ordinance.

Councilor Greenwald countered Councilor Jones’ point, noting that there was still a normal workflow for real estate transactions. Councilor Greenwald said he was representing his constituents who had called him, written letters, and came to meetings. He said this was a question about the quality of life in Keene, whether someone is living on a large tract of land or driving by it. He was convinced that a lot of the Rural Zone was in current use, or contained steep slopes or wetlands, all of which he said would prevent the rampant subdividing some feared. He said most of that current use could have been subdivided already and was not because those property owners valued open space. Councilor Greenwald recalled coming to Keene in the 1970s and getting lost on the hills surrounding the City, while still being so close to downtown. He said that represented the

quality of life in Keene that he said was critical. He thought some people with larger tracts of land in the Rural District might subdivide. He said the real concern, though, was when those owners sell and developers subdivide large tracts, increasing density. He agreed that there were no City services in the Rural District to support this and that this would not create affordable housing. He said that houses on these lots would be particularly expensive because they would require septic systems, wells, and residential sprinklers. Councilor Greenwald asked his fellow Councilors to protect Keene's quality of life and keep the residential density downtown.

Councilor Workman thought this Ordinance would create equality throughout the City. She said different neighborhoods throughout the City were being considered for housing and the Rural District was just one of many solutions. She said this Ordinance would give property owners autonomy over their properties. She noted that property owners in the Rural District who opposed this did not have to subdivide. This would give the other property owners who have that autonomy to subdivide if they choose. While Councilor Workman did not believe this Ordinance would cure the housing crisis, she thought this minimum lot size change would incrementally move the City toward more housing. She said the current housing market prices were outrageous and she said that was due to Keene residents selling their homes and taking higher bids and out-of-town money. She suggested that residents opposed to this Ordinance should look toward their neighbors instead of being mad at the Council for creating more opportunity and autonomy for property owners. She thought the Council should be looking at the bigger picture.

Councilor Madison said he represented his constituents in a north-central neighborhood, for example. Those residents were struggling with exorbitantly high rental prices and being removed from their homes so out-of-state buyers could turn them into short-term rentals, of which there were 23 in the neighborhood. He represented residents like himself and Councilor Workman, who had been struggling to buy homes in Keene for the last 3 years, with double-digit increases yearly; they were watching their chance to own a home disappear, while they both make decent wages. Councilor Madison did not believe that the 2-acre Zoning would lead to urban sprawl or the apocalyptic environmental disasters that some claimed (he said he knew because he has an advanced degree in that science). He said he was frustrated with this part of Keene that was really delineated to protect the City's wealthy. While living in the center of town, he had seen housing lost to fires, 5-unit apartment buildings, and single-family homes bought by out-of-state buyers and turned into hotels, violating local ordinances and building codes. Councilor Madison supported this Ordinance and hoped the rest of the Council would too.

Councilor Bosley said she had advocated for this Ordinance since the beginning, and she wanted to respond to some comments she heard. She said that the City Council did ask for this and City Staff did not randomly begin working on this. She said the Council had repeatedly told Staff to work on solutions to the housing crisis. Now, there was an entire housing analysis indicating that this Ordinance would be one solution to the bigger problem. Councilor Bosley noted that she lives in the Rural District on Gunn Road, where there were multiple 2-acre lots that were grandfathered before the acreage change in the 1970s. She did not think that any Councilor could drive down Gunn Road and leave believing that the environment had been ruined or that it was comparable to Nashua; it is one of the most idealistic rural roads in Keene. She did not expect this Ordinance to

solve workforce housing, but she said people needed places to live outside of the City center. Councilor Bosley said it was important to not just identify one type of zone to solve the housing crisis and that options needed to be considered throughout the City.

Councilor Williams said he had been going back and forth between supporting housing and supporting environmental preservation. He had not made up his mind yet. He said that the Rural District had a lot going on and was under pressure, noting that fireworks were now allowed there. He asked if the door would be open for solar developments everywhere. With this minimum lot size change, he did not see a broad strategy to conserve the Rural District. Councilor Williams said he would be more eager to support this Ordinance if he saw this effort within a broader context of protecting what Keene has. Simultaneously, he did not think 5-acre Zoning was a great preservation tool. He said 1–2-acre Zoning was common in surrounding towns, and he would rather have those buyers living and paying taxes in Keene and not commuting. He was concerned about the type of housing that would be available on these 2-acre rural lots, like 3,500 square foot mansions, which he thought would exacerbate Keene’s housing problems. He wanted to see developers working downtown on the needed infill and apartments instead of homes for rich people. Councilor Williams preferred making this change after the minimum lot square footage was changed in the rest of Keene’s Zones. He said he lived on a 2,700 square foot lot, which was smaller than any lot currently allowed in the City, even in the highest-density zones. He bought that single-family home because he could afford it, and he was able to prosper in Keene. He wanted to know why it was impossible to find other lots smaller than that in Keene. Councilor Williams recommended increasing density in the City’s High and Medium Density Zones, and shrinking lots sizes throughout the City; he would prefer that every lot was 2/5 the size. Councilor Williams said he appreciated all the members of the public who came to meetings and spoke on this issue because he had been listening. He was still torn.

Councilor Giacomo said that when he first saw this on the Council’s agenda in 2022, his initial reaction was that this change made sense. After hearing all the public testimonies, he was 50/50 on the issue. He said many of those public testimonies came from his neighbors and it was hard for him to consider voting against what his neighbors wanted. Councilor Giacomo said he had not lived in the Rural District for very long, but since living there, conservation became important to him. He encouraged anyone living in the Rural District who planned to sell their properties to consider putting their lands in conservation, which would carry over to new owners. He noted that there was a lot of conservation land in Keene. Councilor Giacomo ultimately thought this Ordinance was a holistic approach to identifying housing as one of the City’s greatest needs. He noted that the recent Housing Needs Survey showed that a very high percentage (20%) of all homes in Keene were over \$400,000, which he said contradicted the City’s continued focus on workforce housing. He stressed how many residents were struggling to upgrade from their starter homes. While this Ordinance would not directly address that potential, it could start creating an effect for people in their starter homes who might look to live elsewhere if there were no opportunities in Keene. He hoped that the ability to upgrade from a starter home in Keene would make the market more affordable, with higher supply and demand. While this was the approach for the Rural District, Councilor Giacomo said the City should be focusing on building vertically in other districts.

Councilor Ormerod reassured Councilor Jones that the local schools had plenty of capacity to support more families in the area. He said that the housing study looked at average housing size across the State, and Keene had smaller and smaller households. He said the City needed more houses for families across the spectrum, from rentals to starter homes and beyond. He said the housing study showed that Keene was stagnating and dying as a community, despite City Staff's work to reinvigorate the City's growth, vitality, and culture. Councilor Ormerod said he asked Staff the hard questions, but noted how difficult some things were to predict depending on the shape of a lot. So, he said Staff came back with this proposal to reduce the Rural District's minimum lot size and create 58 new opportunities for single-family homes and duplexes. Councilor Ormerod said he asked about multi-family housing, which Staff told him was not allowed in that area. He said that Councilors had asked Staff the necessary questions to get things moving. After looking at all of the data and listening to the various arguments, Councilor Ormerod would support this Ordinance.

Councilor Chadbourne understood both sides of this argument and said she was feeling similar to Councilor Williams. Councilor Chadbourne mentioned her idyllic home that was reasonably priced and 5 blocks from downtown, with a large backyard. However, she said that a developer would want to subdivide her property into 3 lots. When she moved to Keene from northern NH, she found the best of both worlds between rural and urban living. Councilor Chadbourne said she would never be able to afford a large swath of land on the outside of Keene. She said she respected, honored, and supported the stewards of Keene's lands. She thought those living in the Rural District were looking out for Keene's wildlife and air quality. Councilor Chadbourne recalled a recent opinion article in the Sentinel suggesting that the Council should slow down and not decide yet; she supported giving this more time. She said that every decision this Council made was building the future of Keene and she would not support this Ordinance.

On a roll call vote of 10–4, the City Council adopted Ordinance O-2023-02. Councilors Filiault, Jones, Chadbourne, and Greenwald voted in opposition. Councilor Roberts was absent.

RESOLUTIONS – RESOLUTION R-2023-14: RELATING TO THE APPROPRIATION OF FUNDS – ROAD PRESERVATION AND REHABILITATION PROGRAM; RESOLUTION R-2023-15: RELATING TO THE APPROPRIATION OF FUNDS – STORMWATER RESILIENCY PROGRAM; AND RESOLUTION R-2023-16: RELATING TO THE APPROPRIATION OF FUNDS – THOMPSON ROAD STABILIZATION PROJECT

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that resolutions R-2023-14, R-2023-15, and R-2023-16, relating to the appropriation of funds for the Road Preservation and Rehabilitation Program, Stormwater Resiliency Program, and Thompson Road Stabilization, respectively, be introduced and read at the May 18, 2023 meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council. Mayor Hansel referred Resolutions R-2023-14, R-2023-15, and R-2023-16 to the Finance, Organization, and Personnel Committee.

05/18/2023

RESOLUTION – RELATING TO AN APPROPRIATION OF FUNDS AND USE OF
UNASSIGNED FUND BALANCE – FY 2023 FIRE DEPARTMENT PERSONNEL BUDGET:
RESOLUTION R-2023-27

A Finance, Organization, and Personnel Committee report read on a vote of 5–0, recommending the adoption of Resolution R-2023-27. A motion by Councilor Powers to adopt Resolution R-2023-27 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 9:03 PM.

A true record, attest:



Assistant City Clerk