

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, May 8, 2024

7:00 PM

**Council Chambers,
City Hall**

Members Present:

Kate M. Bosley, Chair
Philip M. Jones, Vice Chair
Robert C. Williams
Edward J. Haas

Members Not Present:

Ward One Council seat vacant

Jay V. Kahn, Mayor

Staff Present:

Elizabeth A. Dragon, City Manager
Rebecca Landry, Deputy City Manager
Thomas P. Mullins, City Attorney
Amanda Palmeira, Assistant City Attorney
Patty Little, City Clerk
Terri Hood, Assistant City Clerk
Steve Stewart, Police Chief
Amanda Trask, Community Liaison
Specialist
Jesse Rounds, Community Development
Director
Mari Brunner, Senior Planner

Chair Bosley called the meeting to order at 7:03 PM.

1) **Updates Regarding Social Host Ordinance Activity – Amanda Trask, Community Liaison Specialist**

Chair Bosley welcomed Police Chief, Steve Stewart, and Community Liaison Specialist, Amanda Trask, Ms. Trask explained that a part of her position with the Police Department (PD) is to monitor the Social Host Ordinance, but over time, she also incorporated activities with Keene State College (KSC) to address the off-campus student behavior. First, she talked about the data. She explained that calls reach the Police Department in a variety of different ways and there is no clear way to capture everything; for example, a noise complaint could come in as a parking complaint. She shared data on violations since 2021:

- 2021:
 - A total of three violations, two in quarter one (both evening calls, 6:00 PM–10:00PM) and one in quarter four (late night).
- 2022:
 - Only two violations throughout the entire year, one in quarter one and one in quarter three.
- 2023:

- An uptick with a total of three violations, one in quarter one, one in quarter two, and one in quarter three.
- 2024 to date:
 - Three violations, one in quarter one and two in quarter two.

Ms. Trask explained that many of these calls were to properties that the PD was already aware of. Anytime there is a citation, she notifies the landlord in writing. In late 2022, she expanded that notification to include Noise Ordinance violations as well, which had remained steady since 2021. She added that there are challenges with tracking this data, including NH Liquor Law violations. To understand what other issues were occurring because of large gatherings, she also tracked disturbances, parking complaints, and open containers violations.

Chair Bosley referred to the spreadsheet Ms. Trask shared, noting that many violations were marked as “other,” and she asked why the Social Host Ordinance was not triggered in those instances. Chief Stewart said there were many reasons. To trigger the Social Host Ordinance, there needs to be a combination of two of the following: noise, a minor in possession of alcohol, a parking issue, or public urination. Even if two of these factors occur concurrently, the calls could come to the PD separately or there could be human error. He added that open container violations had shifted in the past 10 years, with less violations for KSC students and more for individuals downtown or in the parking garages, which do not trigger the Social Host Ordinance. The Chief noted that the noise complaint data is City-wide, and complaints had decreased significantly over the past 20 years, which he said might be associated with KSC’s drop in enrollment. In general, Chair Bosley asked whether most of the Social Host Ordinance violations were related to KSC or City residents in general. Ms. Trask said that all violations were related to KSC.

The City Manager explained how Ms. Trask’s position as Community Liaison Specialist had evolved over time. Originally, a neighborhood group came to the City, and they were very interested in bringing forward this Social Host Ordinance. Staff looked at what worked/did not other campuses across the United States. At the time, there were some rather large disturbances in City neighborhoods. With Covid, things slowed down as more students moved on-campus, in addition to the drop in enrollment. Thus, Ms. Trask’s position evolved to focus more on prevention than reaction: following-up on violations, tracking noise in general, and following up with property owners. A past complaint had been that the City did not collaborate enough with the KSC. Now, Ms. Trask attends monthly community coalition meetings that address off-campus behavior, including City (i.e., Fire and Code Enforcement) and KSC representatives, as well student representatives. When updating Ms. Trask’s job responsibilities and looking for ways to expand the position to focus more on prevention and education, staff looked at off-campus housing conditions, Code Enforcement issues, and whether there was a way to strengthen that relationship. The City Manager was actively collaborating with KSC President, Melinda Treadwell, particularly about educating students on what to expect and how to handle issues in off-campus housing. To bolster education, Ms. Trask had instituted office hours, when she meets with students on campus. Ms. Trask added that she also has a table at various KSC events on campus to promote her role to the students. She also collaborates with the KSC Liaison Officer

for a presentation during student orientation.

Councilor Haas was glad this data was being gathered, though he was unsure whether any conclusions could be drawn. He appreciated that Ms. Trask was building these relationships. He asked how her position had changed since the Social Host Ordinance was originally instituted, and how to improve it in the future. Ms. Trask replied that the City Manager was correct that the role had evolved from reaction to prevention. Councilor Haas wondered what behaviors were triggering the Social Host Ordinance, and whether students receive advice on how to interact with positive and negative roommate challenges. He did not want all roommates to receive citations if not all participate in the offense.

Councilor Jones said the City had come a long way in this regard. He recalled chairing the committee that started the Noise Ordinance in 2000 because of issues with a nightclub. He asked whether there was still a liaison officer who attends KSC orientation every year. Chief Stewart replied that Police Officer Jack LaPorte was in that role. Officer LaPorte tells students about Ms. Trask's position. Councilor Jones also wondered about educating roommates on how they can take action if one roommate is triggering this violation. For example, what if an offending roommate leaves and another is left accountable but did not cause the problem? Chief Stewart shared an example from the previous week when a student came into the Police Department and informed an Officer that his roommates were planning to have a party and he wanted the Police to break up the party so it would not get too big. Chief Stewart explained that with the Social Host Ordinance, only one roommate can be held accountable at a time, and the PD was exploring a mechanism to hold multiple roommates accountable at once. Unfortunately, this had led to issues with revolving accountability: one roommate accepts the citation one week and another accepts the citation the next week so that they all avoid subsequent offenses. However, that is not unique to the Social Host Ordinance, it applies to the Noise Ordinance too.

Chair Bosley asked how many of the noise violations listed were related to KSC. Ms. Trask Replied that 2/3 of the violations were related to the college. Chair Bosley said it was good to have perspective on neighborhood issues even if they do not trigger the Social Host Ordinance.

Vice Chair Jones also appreciated this perspective. He thanked Ms. Trask for being proactive. He asked whether any potential changes could make Ms. Trask's job easier. Ms. Trask said there had been a challenge with the reporting software. She continued, stating that the biggest challenge with her position was getting clear data because of how many variables come into play when a call comes into PD dispatch. Otherwise, she said she had developed very positive relationships with the students, who had been very receptive to her office hours, which were being utilized more and more, especially as they have been advertised to the student body. Ultimately, she said it was about keeping momentum and finding other ways to branch into the college community.

Chair Bosley welcomed public comments.

Councilor Andrew Madison of Elm Street asked how the Social Host Ordinance would apply to short-term rentals. He had experienced issues with out-of-town landlords advertising properties in Keene as sort-term rentals for large parties. He wondered whether the Social Host Ordinance included a mechanism to hold those property owners accountable for running illegal hotels in residential neighborhoods. Chair Bosley did not think the Social Host Ordinance would hold the property owner responsible, but rather the person on site that is deemed responsible for the unit. The citation would be issued to the renter. Ms. Trask added that the Social Host Ordinance would only hold a landlord responsible if they knowingly allow a party to occur. Councilor Madison asked if a landlord was advertising their property on a website as a venue that hosts large events, would that constitute knowing about the prohibited behavior? Chair Bosley said it was a good point and that the PLD Committee had talked a lot about needing short-term rental ordinance and to revise other ordinances to reflect these other issues.

Citizens should call the PD non-emergency line (24/7) to report violations: 603-357-9815.

Councilor Williams made the following motion, which was duly seconded by Vice Chair Jones. On a vote of 4–0, the Planning, Licenses, and Development Committee recommends accepting the updates regarding the Social Host Ordinance activity as informational.

2) **Keene Elm City Rotary Club – Request to Use City Property – Clarence DeMar Marathon – September 29, 2024**

Chair Bosley welcomed Alan Stroshine, Race Director, who said no changes were anticipated from prior events. He called this the premiere event in the community. The marathon and half marathon include the Kids DeMar and the Super Seniors events the same day. The protocol meetings with City staff had occurred successfully. Mr. Stroshine also reported that the race began in 1978, except for one year canceled during Covid, so this would be the 46th annual event.

Deputy City Manager, Rebecca Landry, thanked Mr. Stroshine for his long-term cooperation with the protocol meetings, which had all occurred, and everything was approved by staff. The Deputy City Manager also thanked Assistant City Clerk, Terri Hood, for her excellent work ensuring all bases were covered.

Vice Chair Jones noted that this is one of the top marathons in NH. He asked Mr. Stroshine to speak briefly about Clarence DeMar for those who were not familiar. Mr. Stroshine agreed that he is very proud that the marathon held the distinction as the best in NH for the last eight years by Race Raves, a nationwide organization that promotes races across the country. Another organization ranked DeMar as the best half marathon in NH. It is a source of pride that people come to Keene from all over the country to participate in this event and go home to tell their friends what a great time they had in Keene, NH. Mr. Stroshine continued, talking about Clarence DeMar, who holds the record for the most Boston Marathons won (7). DeMar was also a three time Olympian and a bronze medal winner in the 1924 Paris Games. He taught at Keene Normal School for 10 years. He eventually moved to a farm in Swanzey. However, his living children

would say it was not a great story because the City of Keene took their property by eminent domain for the Dillant Hopkins Airport.

There were no public comments.

Vice Chair Jones made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 29, 2024, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioner providing an adequate number of volunteer race marshals to ensure runner safety along the course, submittal of signed letters of permission from any private property owners for the use of their property, and is subject to any recommendations of City staff. The petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 community Events Budget. Said payment shall be made within 30 days of the date of invoicing.

3) Keene Family YMCA – Request for Road Closure – Summit Road – June 2, 2024

Chair Bosley welcomed the applicant, Kelly Fleurette of Schuler Way, Senior Program Director of Keene Family YMCA. This year is the third Youth Triathlon and it had grown each year from 50 participants in 2022 to more than 67 registered in 2024. She said the relationship with the neighborhood had been very successful, and the organizers work hard to communicate the closure to all the neighbors, including a letter to all effected one week in advance. During the event, volunteers will be located near driveways to ensure neighbors needing to leave can get out safely between bikers.

Vice Chair Jones thanked Ms. Fleurette for what had always been a great event. He is a neighbor, and he alerts the five homeowners' associations in the area about the event. He said that all the neighbors like to know so they can watch. Ms. Fleurette appreciated the support.

Councilor Haas wondered whether there would be a banner on the city of Keene sign stanchions advertising the event. Deputy City Manager, Rebecca Landry, said the sign posts are available to nonprofits for events by Ordinance via a licensing process. Ms. Fleurette had worked on this with the Clerk's office in the past and would again this year.

Deputy City Manager Landry also reported that protocol meetings occurred, and all requirements were met. Public safety is the priority of protocol meetings, and this is a relatively small event, so staff were in support.

There were no public comments.

Councilor Haas made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to the Keene Family YMCA to sponsor a youth triathlon on Sunday, June 2, 2024 from 8am to 1pm, including the closure of Summit Road just after the YMCA entrance and Summit Ridge Drive where it intersects with Summit Road subject to the following conditions: the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, providing advance notice of the race to impacted residents, and subject to any recommendations of City staff. The petitioner agrees to absorb the cost of any City services provided and agrees to remit said payment within 30-days of the date of invoicing.

4) Keene Music Festival – Request to Use City Property – August 31, 2024

Chair Bosley welcomed the applicant, Pablo Fleischmann of Roxbury Street, the long-time Keene Music Festival Director. Mr. Fleischmann had been involved since the festival began in 2001, and little had changed. He said the City had been supportive and granted permissions, as well as providing staff on the day of the event. It is a 100% volunteer event with a minimal budget supplemented by hard work. The protocol meetings had occurred, and he was prepared for another prior to the event. Chair Bosley asked if there was a rain date. Mr. Fleischmann said no, they had never had to cancel for weather, and trying to reschedule the 60–70 bands of 1–8 members each would be very challenging. Chair Bosley said that if they ever want to try a rain date in the future, the City would be happy to work with him. Regarding a rain date, the Deputy City Manager, Rebecca Landry, noted that the City asks organizations to contact Emergency Services a few days before events to discuss potential weather issues and a communication process for rescheduling an event.

Ms. Landry continued, noting that the City was happy to have the Music Festival back again with the impressive numbers of musicians this year. Mr. Fleischmann noted that in the past, there had been up to 90 bands, which was difficult to manage. Over time, he said they learned to keep the footprint along Main Street; festivalgoers struggled to find stages down Washington Street and near Keene State College in the past. Chair Bosley agreed that many events organizers had similar realizations about keeping activities largely centered on Main Street.

Vice Chair Jones said this was another great event that makes Keene an event City. Chair Bosley added that this Committee is proud to be a part of all the amazing things happening in the City.

There were no public comments.

Councilor Williams made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way, 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, August 31, 2024 from 8:00 AM to 11:00 PM, with downtown merchant sidewalk sales permitted in locations where a minimum of six feet of clearance is maintained for pedestrian access. 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 former 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 a signed letter of permission from City Tire for use of their 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. The petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

5) **The Keene Sentinel – Request to Use City Property/Fireworks Discharge – 225th Anniversary Celebration – September 7, 2024**

Chair Bosley welcomed the applicants, Sean Burke and Jack Rooney, Chief Operating Officer and Managing Editor for Audience Development (respectively) of The Keene Sentinel. Chair Bosley noted that The Sentinel had not planned an event like this in the community in 25 years. Mr. Burke said this would be a community celebration of the 225th anniversary of The Sentinel. It is meant to be a multi-activity event from 11:00 AM to dusk, which is when they hope for the fireworks display. There will be an opening ceremony and other features include a downtown sidewalk sale and classic car show. They hope to have two music venues, an art show, and food trucks (with Liquor Commission permission for a beer and wine tasting from local breweries, which would occur on private property). At the end of the sidewalk sale, there will be a local “celebrity” softball game at Alumni Field before finishing the day with the fireworks demonstration there. This would be a free, fun, entertaining, and invigorating event for the community.

Chair Bosley thought it sounded like an ambitious and wonderful event. She noted that the Committee had talked a lot about developing a framework to help new event organizers to navigate the City process. She hoped that applicants’ experiences working with the City had been great.

Deputy City Manager, Rebecca Landry, said the protocol meetings were great and all requirements had been met. In terms of a framework, she learned that Police/Fire/Public Works Departments have a framework that had worked well for similarly sized events in the past.

There were no public comments.

Councilor Williams recalled his position that there are too many fireworks displays in the City. This year, many fireworks displays were proposed at Alumni Field, which is adjacent to a wetland where bats and other wildlife would be disturbed by fireworks. He would have preferred that the Swamp Bats only have one fireworks display so the Sentinel could have this one. He supported this event despite the fireworks.

Councilor Haas agreed with Councilor Williams about fireworks but noted that if the Sentinel thought the fireworks were important to the celebration, he was in support. He also encouraged the organizers to promote the event well and thanked them for celebrating Keene.

The Deputy City Manager said she spoke with the Assistant City Clerk about fireworks, and they seek ideas about fireworks alternatives. Their intent is to mention to event license applicants that there is sensitivity to fireworks and that alternatives exist. Unfortunately, Chair Bosley did not think there was a safe location downtown for fireworks, so this neighborhood around Alumni Field was taking the brunt of these events. Otherwise, the Chair was excited to see the list of “celebrity” players.

Vice Chair Jones said he was honored to make the following motion as he made the same one 25 years ago.

Vice Chair Jones made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that The Keene Sentinel be granted a street fair license to use downtown City rights-of-way, and the use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street on Saturday, September 7, 2024 from 10:00 AM to 5:00 PM to host a 225th Anniversary Celebration, as well as permission for the discharge of fireworks on Alumni Field at no later than 10:00 PM, conditional upon the following:

- 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;
- That the fireworks vendor provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000;
- The obtainment of a Class B fireworks permit;
- That the Petitioner agrees to absorb the cost of any City services provided to the event, and agrees to remit said payment within 30-days of the date of invoicing;

- That the footprint and layout for the downtown portion of the event shall encumber the traveled portions of Central Square, the northbound lanes of Main Street from Central Square to Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place portapotties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, September 6, 2024 to Monday September 9, 2024 which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That downtown merchant sidewalk sales are permitted in locations where a minimum of six feet of clearance is maintained for pedestrian access;
- That the downtown portion of the event will be held from 10:00 AM to 5:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for storage of equipment and placement of porta-potties from Friday, September 6, 2024 to Monday September 9, 2024; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

6) The Colonial Theatre – Request to Use City Property – 100th Anniversary Celebration – August 18, 2024

The Deputy City Manager, Rebecca Landry, said this application was withdrawn, but the Colonial might still be doing other things for their anniversary. Chair Bosley hoped so.

A motion by Councilor Haas to accept this item as informational as the petitioner had withdrawn their request was duly seconded by Vice Chair Jones.

Chair Bosley accepted comments from Mayor Jay Kahn, who said the Colonial had a great event in February celebrating the 100th anniversary. He agreed with Ms. Landry that there would likely be more free events later this year.

The Committee agreed that it was wonderful how many community entities were celebrating these milestones.

On a vote of 4–0, the motion to accept as informational carried unanimously.

7) City Council Rules of Order Amendments – City Attorney

The City Attorney, Tom Mullins, recalled Council workshops in February to discuss potential amendments to the City Council Rules of Order. He presented the Committee with possible revisions in response to the Council's requests. Any changes to the Rules of Order are the Council's decision. Chair Bosley reminded the Committee that the possible revisions the City Attorney presented were recommended by consensus at the February workshops. The City Attorney reviewed each potential revision and the Committee discussed each. Details listed in the meeting's agenda packet, beginning on page 10 of 24.

Section 15: Voting & Conflict of Interest

- Potential revisions to include:
 - Immediate family in the City Council conflict of interest statement filed by the Mayor and City Councilors each January.
 - A definition of "immediate family" of Councilors as: the spouse, parent, child, or other member of the Councilor's immediate family *living in the same household*.

Chair Bosley noted that this would likely lead to a conversation at City Council as other Councilors might disagree with this Committee. She was weighing whether some of these changes should be made individually versus as a single Ordinance. Because this was the first time any Councilors were seeing these potential edits in writing, the City Attorney felt that he should review them at this meeting and then the Committee should place the matter on more time while he considers further revision stemming from this meeting. The City Attorney wanted to ensure the full Council would have an opportunity to consider changes before adopting. Chair Bosley was potentially interested in voting on each section individually to avoid a situation in which a Councilor could vote to reject all the changes because they disagree with only one of the changes, which had happened in the past. The City Attorney said it was a point well taken and he felt the purpose of this meeting was simply to introduce possibilities. He clarified that it would be a rule change, not an ordinance change. While it would be cumbersome to have an individual 2/3-vote for each change, Chair Bosley felt it would be the most transparent, and the City Attorney agreed. Vice Chair Jones appreciated this draft format versus codifying an ordinance with multiple versions.

Councilor Williams was concerned that "immediate family members" seemed broad. Hypothetically, would he have to report on his underage-18 child that is president of a video game club at the high school? Councilor Williams did not think reporting on minors would be appropriate, but the City Attorney said that was for the Council to determine. Chair Bosley thought it was appropriate to exclude minor family members.

Discussion ensued about how the City Attorney should act on this discussion once placed on more time. Chair Bosley wanted the City Attorney to bring back any nuanced language changes that the Committee requested at this meeting for the Committee's review before the City Attorney prepares something formal for the City Council. The City Attorney agreed, noting that because the whole Council had not seen these suggestions, he would show the modifications to the version under discussion at this meeting in the document he presents to the full Council. Chair Bosley

agreed. Chair Bosley recalled many conversations about Councilors attending Standing Committee meetings so they can see early drafts like these in advance of Council meetings, and yet she only saw a few colleagues in the audience.

Councilor Williams recalled the workshop discussion being focused about reporting on spouses and these edits felt broader. The City Attorney noted other factors that were mentioned in the Council discussions, and this was his best attempt to discern from the Council's discussion and the edits are up to the Council.

Discussion ensued briefly about the recommended motion and the City Attorney confirmed that his recommendation was to place the matter on more time so the City Attorney's revisions could be presented to the Council as a draft. If on more time, the document would be in the Council's packet for their review.

Overall, Vice Chair Jones noted that he was against this section from the beginning because there had never been an issue of a Councilor not properly recusing during his tenure. Chair Bosley disagreed, recalling an instance during her first few months as a Councilor, when a colleague changed the budget for an organization they sat on the board for. That instance prompted this concern and Council conversation. Chair Bosley thought the language should be clear that there is no issue if a Councilor is in a non-leadership position and is seeks no financial contribution from the City for an organization that they are a member of. Chair Bosley feels that using a Councilor's position to change a contribution to an organization is a violation of this authority.

Councilor Haas said the Council should continually strive for better ethics and codes of conduct, so the wording the Rules of Order should be the best possible to push the Council in that positive direction.

Councilor Williams thought that individual Councilors should be responsible for reporting, but he did not think that should apply to family members who did not sign-up to have their personal information made public. He did not think the original rule should be changed at all, but if it had to be, he supported eliminating minors and limiting reporting to spouses only.

The Committee agreed to the following: omit immediate family under age 18.

Section 2: Special Meetings [& Workshop Meetings]

- Potential housekeeping revisions to include:
 - Workshops specifically.
 - Special meetings and workshops are called by the Mayor, or the City Clerk in their absence.
 - Removal of "of more" in the following because more than 7 members triggers a quorum: "... *by seven (7) or more members of the City Council.*"
 - Clarifications that a properly called special meeting is like any other meeting of the City Council but may be outside of the usual calendar process.

- Edits about meeting notice to include by cell phone, text message, or other electronic means.
- Delete the following, which seemed duplicitous based upon the prior language: *“It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the City Council by telephone or otherwise of such special session.”*
- Potentially substantive additional paragraph on workshop meetings specifically:
 - “Workshop Meetings are for the purpose of the City Council receiving and discussing information presented to it in an informal setting during which no formal action may be taken, except for a vote to refer the matter under consideration to the appropriate Committee for further recommendation; provided, however, that the City Council may, by consensus, recommend a course of action for the Committee to consider. Workshops shall be scheduled upon the request of the Mayor, the City Council or the City Manager, and shall also state the purpose of the Workshop. The workshop format is intended to encourage in-depth presentations by City Boards, Commissions, Committees and/or staff (including consultants engaged for purposes of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the presiding officer and the Rules of Order. Although formal action may not be taken during Workshop Meetings, except for referral to the appropriate Committee, the presiding officer may poll Council Members during the meeting to determine the general consensus of the Council.”

Chair Bosley asked if this added language was strictly for workshops and not special meetings and the City Attorney confirmed. Chair Bosley asked if votes in workshops could only refer business to a Standing Committee and the City Attorney confirmed. The Chair asked if the Mayor could poll for consensus and the City Attorney confirmed. As such, Chair Bosley was comfortable with the potential revisions to Section 2.

Discussion ensued about confusion over who calls for and announces a workshop versus a special meeting. The City Attorney explained that special meetings have their own place in the Rules of Order and can occur for many different purposes. Special meetings are not to be restricted as a workshop meeting would be. A special meeting is a full meeting of the City Council with the full authority of the City Council. The Mayor, a majority of the City Council (the historical language, but could state “quorum”), or City Manager can call for workshop. Workshops also require a quorum of the City Council to be present because it is still technically a meeting of the City Council.

Section 11: Right of Floor

- Potential revisions to include:
 - Changing the word “shall” to “should” in the following: *“When recognized by the Chair, a member shall rise in his or her place, respectfully address the Mayor or*

Temporary Chair, confine himself or herself to the question under debate, avoid personal attacks, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote.”

Councilor Williams thought this was a good compromise so that if someone has pain one day, they should not need to ask permission to remain seated. However, the Councilor did not think a Councilor “should” respectfully address the Mayor, but “shall.” The City Attorney felt the subsequent comma in that sentence accomplished Councilor Williams’ point, but the City Attorney could revise. Councilor Williams suggested: “... a member should rise ... and shall respectfully address the Mayor.”

Chair Bosley disagreed with changing “shall” to “should” and would not vote to support it at City Council. She felt it opened Pandora’s box. She had seen Councilors growing to use things for protest, and she was concerned that this could create opportunities for a disrespectful culture in the Council Chamber. She was fine with the option being presented to the full Council if all the revisions are separated for individual votes. The City Attorney asked whether the following would suffice: “... in his or her place and shall respectfully address the Mayor...” Chair Bosley still felt it would be an assumption that one would respectfully address the Mayor, whether seated or standing.

Vice Chair Jones commented on the language to respectfully address the Mayor, recalling the historic practice for Councilors to stand when addressing the dais but with the option to remain seated if addressing City staff or presenters at the presenters’ table. He thought the custom changed due to issues with the Council meetings being televised. Chair Bosley read it differently, with her understanding that it would be a Councilor’s decision whether to stand when called upon by the Mayor. The City Attorney reiterated that the only potential revision at this point was to change “shall” to “should,” and it is the Council’s decision whether to codify the prior practice about sitting/standing; it might not require codification. Vice Chair Jones was comfortable with it practice not being codified.

Section 25: Communications

- Potential housekeeping revisions:
 - Move the following sentence from Section 32 to Section 25: “*Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council.*” It did not belong in Section 32, which deals with time limits for Committee reports, whereas Section 25 is about the deadline for communications to be submitted for inclusion on the City Council agenda.

The Committee had no comments.

Section 32: Report by Committee

- Potential revisions to include:

- Clarification of parts of the public hearing process. Under the existing rule, it was unclear that—as a matter of pattern and practice—once a matter was heard during public hearing of the City Council and sent back to Standing Committee for recommendation, no further public comment would be allowed, except for written comments.

Councilor Haas posed some clarifying questions and the City Attorney confirmed that this section is specifically about reports from the Standing Committees before the City Council. The City Attorney quoted: “*All matters referred to a Committee must be reported out of that Committee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing before the City Council, or unless otherwise ordered by a majority of the Council Committee members present.*” This would allow for placing a matter on more time and delaying action, and if the Council does not agree, it can pull it from the Standing Committee. The City Attorney said he could edit to say: “... majority of Committee members present.” This language appears in some other parts of the Rules too and should be edited as well.

Section 33: Submission of Items Once Considered

- Potential revisions to include:
 - Clarity on what happens with the turnover of a calendar year. The City Attorney said that—hypothetically—the Council could make a decision, and even after reconsideration is over, might want to review the topic again during the calendar year. However, there needs to be an end point.
 - Clarifying the language of “prior vote.” When something is accepted as informational, it is effectively “disposed of.”

Chair Bosley expressed concern about “... including accepting the matter as informational.” She felt there were times that the Council chose to accept things as informational—appropriately—when, for example, the Council anticipates reviewing an ordinance change, among other instances. She was concerned that the language in the rules implies that the Council would not take up business similar to other items accepted as informational during the same calendar year, which she said would not be the case at all times. She recalled the Committee hearing a recent complaint about procedure for sidewalk café licenses, and the Committee accepted the matter as informational. She noted that sidewalk cafés were opening for the year, and the Council could hear more complaints. She worried that under this rule, further complaints about sidewalk cafés would not be heard because similar complaints were heard during this calendar year. The City Attorney said it was a point well taken and he struggled to balance this language. He recalled that typically when the Council accepts something as informational, it is because it is either not within the Council’s purview or authority. Whereas if the Council accepts something as informational, but really needs to deal with it within the year, this rule will require that the petitioner come back and show evidence of material change, even if there is not a change. This could also create issues with two different petitioners with similar applications.

The City Attorney's suggestion was that once a final vote occurs to approve/deny, the matter should not be heard again in the calendar year unless there is a material change. If the Council accepts an item as informational but the matter needs to be addressed in the same calendar year, there would need to be evidence of a material change. Discussion ensued about the potential for someone to use this revised rule against the Council. Hypothetically, a member of the public could continue bringing things to the Council that it had accepted as informational.

The City Manager thought it was a good point. She shared a recent example of a request to stripe parking differently. The City had recently gone through a process to define how to stripe parking and implemented the painting. A person was unhappy and wanted more space near their driveway and submitted a letter to the Council. That person came to the Committee multiple times and because the Council does not like to reject items, the Committee accepted as informational; in other cases, matters are sometimes referred to staff. Shortly thereafter, someone else on another road asked for similar striping changes, and the Council wanted to make changes in that scenario. In that case, the original petitioner could have complained about the matters being handled differently.

The City Attorney thought this hinged on having final votes to approve/deny versus accepting as informational, which was his suggestion. Then, the matter cannot appear before the City Council again in the same calendar year unless there is a material change. The Council could still accept items as informational, but those would not trigger this rule.

The Committee debated whether it would be useful to add language indicating that "identical" subject matters shall not be taken up by the City Council during a calendar year. The City Attorney agreed with Councilor Williams that a strong word like "identical" could offer protection. They questioned whether the rule should refer to the petitioner rather than the subject matter. The City Attorney said he considered that, and it could help to clarify. Still, the City Attorney cautioned that this could become a bit arbitrary. Councilor Haas suggested that if something is accepted as informational, identical matters would not be heard during the same calendar year, whereas a matter could be placed on more time so it could be raised again during the year.

The City Attorney would work with the Assistant City Attorney, City Manager, and City Clerk to craft an unofficial response for when an item is placed on more time.

Chair Bosley welcomed public comments.

Councilor Michael Remy of Castle Street commented on "identical" language. Arguably, he said that if it was a different applicant, different location, etc., then it would not be identical, even if it was very similar. In the example about Sidewalk Café licenses, it would not be the exact same request. He questioned whether it would be Council's discretion to determine whether something is identical. To the Councilor's point, Chair Bosley asked how/who would determine whether something is identical. The City Attorney said that when a communication is submitted to the

City Council, unless it is clearly not something the Charter Officers would put in front of the City Council, staff are reluctant to make unilateral decisions about what is identical. The City Attorney was clear that developing these potential revisions to Section 33 was a challenge.

Chair Bosley agreed with the challenges mentioned. She thought it was a matter of the Council deciding whether a change is “identical.” However, she did not want every matter that is accepted as informational to go back to the City Council for a 2/3 decision whether to refer to the proper committee. Rather, she suggested that if an identical communication is submitted, then the Mayor should alert everyone to it at the next Council meeting. The City Attorney thought that was a reasonable approach: staff will show anything that seems identical to the Council for a decision and if there is a challenge, a material change must be proven. The City Attorney agreed to work on this mechanism with the other Charter Officers and the Assistant City Attorney.

Vice Chair Jones said the Council accepted matters as informational much more during the past 5–6 years. Rather, there had been more motions to handle matters administratively. The City Attorney cautioned against sending something into the City structure for the purpose of doing something with it, which is not better. He agreed that on occasion matters are still referred to staff with specific, minor tasks. The City Manager said it is difficult if something is referred to staff without clear instructions; often, it is just a nice way to dispose of something.

Mayor Jay Kahn of Darling Road thanked staff for bringing this forward. This was the result of a Workshops called by the City Council. He appreciated this follow-through on the consensus of those discussions. On Section 33, the Mayor agreed about defining identical subject matter. After that clause in the revisions, he thought things were more challenging. He suggested that when a recommendation comes forward and the Council wishes to challenge the initial decision, it should follow a certain process. He thought this could be accommodated with less complication than trying to define what “material information” is in a request.

Mayor Kahn also commented on Section 15. [*the City Attorney confirmed that the bold paragraph in Section 15 of the PLD meeting packet should not have been in bold, because it is not new material. The only potential new revisions to Section 15 were in red]. The Mayor thought that the clarification added to Section 15 indicating that *immediate family must reside in the same household* should be carried through otherwise he thought it could become a burdensome request. The City Attorney said that was why he added “immediate family” as a defined term. The Mayor said he understood, but was still concerned the term would get lost. The City Attorney thought that was because only the first paragraph was visible.

Councilor Haas made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the amendments to the Rules of Order be placed on more time.

8) **Relating to the Cottage Court Overlay District – Ordinance O-2024-01**

Chair Bosley welcomed Community Development Department, Jesse Rounds, and Senior Planner, Mari Brunner. The project consultant, Bill Eubanks, attended the meeting remotely. Chair Bosley noted that no further public comment would be accepted because there had already been a public hearing before the City Council.

Ms. Brunner was excited to report on this project that was fun to work on as a Planner. This Ordinance was funded through the Invest NH grant program, which provided funding to hire a consultant. This project grew out of the City's recent Housing Needs Assessment report that identified both a very high a demand and a high need for more housing choices in our community, including more affordable housing, and specifically housing that is smaller. The community data showed that people are looking for smaller options but are struggling to find them, which was the impetus for this Ordinance. The aim was to meet the community's goal to have a compact and walkable community, with greater housing choices and efficient land use. This could also be called an "infill ordinance," focusing on areas of the City where infrastructure is already in place to support additional density, avoiding the need for large public expenditures to build new water and sewer lines. This should lead to more cost-effective delivery of community services for these developments.

Ms. Brunner reported that there was a public workshop before the Joint Planning Board-Planning, Licenses, & Development Committee on March 11, followed by a public hearing on April 18. Now, the Ordinance was back before the PLD Committee to make a recommendation to City Council. The Joint Committee had discussed specific parts of the Ordinance, particularly short-term rentals (e.g., Airbnb). The consensus of the Joint Committee was that short-term rentals should be handled citywide and not through this specific Ordinance.

Ms. Brunner also touched on questions about these developments occurring on sites where there are already existing structures, noting that staff made some minor wording edits that addressed those concerns. Ms. Brunner also explained that the Ordinance has a cap on the overall unit size that would only apply to new units added to a site. There was also a discussion about whether this type of development should be allowed in rural areas of the City and where City water and sewer are not available. She explained that this Ordinance was designed for areas where City water and sewer are provided. This was all based on smart growth principles of densifying and making a more compact, walkable environment for residents as opposed to having more greenfield development. The Joint Committee came to a consensus that this Ordinance could move forward as is for now, with the opportunity to amend it in the future if deemed appropriate.

Chair Bosley hoped the Committee was comfortable with the language included. She recalled that this process was related to the grant, and she thought the Ordinance was within the scope. After the lengthy conversations, Chair Bosley was comfortable with the language and excited to see this move forward.

Mr. Rounds pointed out a Scrivener's error: in Section 2.1, "Article 2-19" of the official text (page 18/24 of the meeting packet), which showed "18" highlighted and "19" crossed out. Whereas it should be the opposite, with "18" crossed out and "19" highlighted. The City Attorney said that was fine to accept this as a Scrivener's error.

Councilor Haas referred to page 16 of the meeting packet, under Conditional Use Permits. He noted the requirement for a minimum of one on-site parking space per unit, with a maximum of one space per bedroom allowed on site. He wondered whether the Ordinance should be limited to one space per bedroom instead. Ms. Brunner replied that this Ordinance was intended to help use land more efficiently and increase housing. Somebody could go through all of these processes to get off-site parking above the maximum. Still, she said that on the actual site, there would be maximum parking of one space per bedroom to limit the amount of parking that is taking up land.

Vice Chair Jones thanked Ms. Brunner for mentioning smart growth principles, which he had been an advocate of for years. Vice Chair Jones would support adopting the Ordinance because it helps to meet goals for future use. Someday, he would like a discussion about removing denial of private roads from the Land Development Code, because he thought private roads would help this Ordinance.

There were no public comments.

Councilor Williams made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-01.

9) Relating to Sidewalk Cafe Enforcement Measures – Ordinance O-2024-06

Chair Bosley welcomed the City Clerk, Patty Little, and Assistant City Clerk, Terri Hood. The City Clerk recalled that 1.5 years ago, in a meeting with the City Manager and retired Public Works Director, it was clear that someone in the organization needed to step forward and take responsibility of enforcing Sidewalk Café Licenses. Because the Clerk's office administers the licenses, it seemed appropriate to also be the front door of the complaint process. If taking over the responsibility, the Clerk was clear that her office would also reassume its leadership role in the Café License; that leadership role had shifted to Public Works over the past few years. So, Ms. Hood developed guidelines for Sidewalk Cafés, modeled by looking at all the various conditions on the licenses issued over the years, and modeled after the Parklet Ordinance, which was helpful. At this time, there were approximately 20 Sidewalk Café Licenses.

The City Clerk continued, explaining that Sidewalk Café Licenses begin with the application process at the end of winter, and this year, the City asked for all the applicants to be ready with all their fixtures in place by April 1. Thus, there could be a site inspection by representatives from the Fire Department, Community Development Department, and Public Works Department. Staff

were able to conduct the site visits using a checklist of guidelines created by Ms. Hood. This checklist allowed for more efficient inspections of the sidewalk cafés, ensuring things like ADA requirements are met. For those with violations to correct, staff agreed to go back and confirm, which had occurred. The City Clerk said that the final part of this relicensing process would be to go out and photograph the cafés with very defined lines of sight. Thus, if there are any complaints throughout the year, staff can use the photographs to compare with the existing conditions. The Clerk's office had approached the Fire Marshal, Rick Wood, for help communicating with licensees in the case of violations (e.g., notice to comply). The City Clerk thought these amendments would help to suit the City's needs much better.

Ms. Hood explained the changes she drafted with Assistant City Attorney, Amanda Palmeira. Ms. Hood researched other communities in NH (e.g., Concord, Portsmouth, Nashua, Manchester, and other bigger communities) and nationally to understand how they handle enforcement measures. She thought the resulting amendments fit Keene's situation. For Keene, this was prompted partially by a letter submitted to the City Council, raising issues with sidewalk cafés, such as extending beyond one's own storefront. At that time, it did not seem like a change related to permission to expand was something that the Committee wanted to pursue. Another point raised was about the operation of TVs in these spaces, which is something the City does not regulate. However, TVs cannot be operated using City power. So, if the establishment can run TVs safely—subject to the parameters of City Code—then it is allowed. One thing staff wanted to add to the guidelines was language about how TV's are orientated within sidewalk café spaces so that they do not cause a safety issue with traffic. Staff were considering adding this to the administrative guidelines.

Ms. Hood continued, explaining what was included in this new Ordinance: which included some housekeeping matters and some more substantive issues, like enforcement. One change was to the section about petitions from a party that feels they were aggrieved by the licensing process (i.e., if a license is denied, suspended or revoked for some reason). The new language would route these petitions to the City Manager, and she would be charged with hearing any evidence and determining whether the licensing authority made the right choice for that situation. One housekeeping item was an edit to change the renewal date for these licenses from March 1 to April 1 (largely due to winter weather and street maintenance) as the date of Sidewalk Café License renewals. The end date for sidewalk cafés would now be November 1 for the same reasons. Further, some language was added to give the City Manager the authority to extend licenses for an additional 10-day period in the case of nice weather; the City is contacted regularly with requests to continue operating beyond November 1. Licensees would be notified in writing if the request is permitted.

Lastly, Ms. Hood discussed other additions to the Sidewalk Café License ordinance. The edits would allow the Clerk's office to hear complaints, triage them appropriately depending on what the complaint relates to, and then apply what the office considers a reasonable timeframe for the license holder to comply with any adjustments required. For life safety, staff would immediately reach out to licensees in violation, asking them to correct the issues as soon as possible; ideally

within 24 hours. For other things related to license conditions (e.g., ADA), staff would notify the licensee immediately, giving them a reasonable time frame to comply. She noted that the time frame is not identified in the Ordinance, but the Clerk's office would rely on the Fire Marshal, Richard Wood, for guidance on how to apply this fairly to all the license holders. Ms. Hood reported that there was also an addition for cases in which staff cannot gain compliance through talking to a license holder and asking them to adjust. In these situations, staff would issue a letter of corrective action and keep track of whether repeat letters must be issued in each license period, which would potentially affect their ability to get a license in the future. If a situation was serious enough to require removing things from the sidewalk, there was language in the Ordinance about removal of items from the sidewalk at the expense of the license holder. There is also one paragraph about unlicensed activities, which assumes that the operator is not aware of the license requirement, allowing the Clerks to notify them, provide them with the documents they need to complete, and give them a reasonable time frame within which to comply. If an operator still does not comply, those items could be removed from the sidewalk.

Chair Bosley said this was exactly what the Committee expected at this time, acknowledging that there would likely be more changes to the Ordinance after the downtown project. Ms. Hood agreed.

Vice Chair Jones asked about the definition of a licensing authority, mentioning his understanding that the Council needed to approve all Sidewalk Café Licenses in the first year they apply. Ms. Hood explained that the Council only sees Sidewalk Café License applications in the first year if the operator seeks to serve alcohol in the sidewalk café, which must comply with the Liquor Commission. After that first year, those licenses would be issued administratively. The City Clerk is the licensing authority in all instances. Revocation would be administrative too, with the option to appeal to the City Manager, who agreed that this was clearer than the historic appeal options.

The City Manager explained that the way the Ordinance was written, appeal hearings were held before a panel of the City Manager, the Police Chief, and the City Clerk; it was unclear when/how that process was established. These edits would clarify that process. Chair Bosley thought the new wording made the point they wanted to accomplish, giving the Clerk enforcement authority.

Councilor Williams expressed concern that TVs were left out. He did not think TVs should be outside as they create noise for neighbors. Chair Bosley noted that the recommended motion could be amended to include TV guidelines. The City Clerk agreed that she welcomes recommendations for additional administrative guidelines from the Council as issues arise.

Councilor Haas also commented on TVs, questioning whether they would be regulated like backlit signs in the Sign Ordinance. Chair Bosley knew of a business with a TV in the window that was not in violation. Councilor Haas intended to inquire further and bring questions to staff. He also commented on the 14-day time limit listed, noting concern about whether the season could be over before the time limit expires. He also thought it was great that the City Manager would be empowered to control all these things as a last resort. It was clarified that any issue

would stop with the City Manager; a licensee could not send an appeal to the City Council. The City Manager agreed to provide the Council with a report of denials/revocations. In her seven years with the City, there had only been one threat of revocation, but the issue was resolved in time. However, the City Manager added that when the City starts holding licensees to these timelines, it could lead to revocations the following year if licensees do not comply.

Chair Bosley welcomed public comments.

Councilor Michael Remy of Castle Street provided two questions/recommendations on behalf of his constituents. (1) Provide applicants of examples of what the City seeks for ADA compliance and encourage as much accessible seating as possible. The City Attorney thought it was listed in the guidelines. Ms. Hood explained that currently, the ADA requirements were mostly related to access to the City sidewalk, which requires 6' of clearance for passage of pedestrians. The guidelines are not about access to seating at the café. (2) In Section F, a suggestion to list a timeframe for compliance when a business expands onto the sidewalk without permission; the guidelines stated "a reasonable timeframe," and the constituent suggested defining the time limit. Staff indicated that 24–48 hours might not be reasonable for all Department heads to take action or for the applicant to prepare/submit drawings. Lastly, Councilor Remy posed his own question about the authority of the City Manager to extend operation for an additional 10 days past November 1 in the case of nice weather. He wondered if it would make more sense to allow the City Manager to continue extending multiple 10-day periods as long as the weather allows. He knew the Council was considering similar changes to other City regulations, like parking, due to extended warmer weather. He was comfortable with the City Manager having this administrative authority. He suggested the following language: "The City Manager will have the authority to extend all current licenses for additional 10-day timeframes, weather permitting. Notice of such extensions shall be provided to all licensees in writing prior to November 1st or the expiration of the prior extension." The City Attorney was comfortable with that language, but the amendment would create an "A" version of the Ordinance. The Committee reviewed associated edits that would be needed throughout.

Councilor Laura Tobin of Center Street said that now that sidewalk cafés would be permitted seven months of the year, 24/7, it would create a challenge for people who live here. So, she thought that it would be important for them to be able to report problems easily. She recalled that when making a complaint, the complainant would have to report the license number, which is not clearly or easily accessible to pedestrians/neighbors. She thought that most issues with non-compliance would happen when the City is closed. In one instance, she was asked whether the licensee was following their site plan, and she questioned how residents would know that information. Thus, without these details, one could not call and report noncompliance. She hoped that information would be accessible and that methods to report violations would be clear and easy. Further, she hoped that the Clerk's office would collect data on these licenses, especially complaints. That way issues with things like TVs or smoking could be easily addressed. Chair Bosley asked whether smoking is prohibited in sidewalk cafés. Ms. Hood said no, it is at the business owner's discretion, but they must provide a receptacle if they allow smoking; many do

not allow it. Councilor Tobin noted that when a sidewalk café has a lot of umbrellas, it causes cigarette smoke to waft into the sidewalk, impacting pedestrians. Chair Bosley noted that it is challenging for the City to regulate smoking, which had been a topic of conversation regarding City parks. The City Clerk agreed that she would be tracking this data.

The City Manager and Chair Bosley agreed that there also needs to be a way to ensure complaints are legitimate.

Councilor Haas added that regardless of violations, it would be nice for the City Council to have updates on challenges with the Ordinance as they arise. He agreed that the Clerk's office should track complaints for updating the Council and residents can submit complaints to the Clerk.

Discussion ensued about Section F and a timeframe by which someone must start the application process. Staff and the Committee agreed to provide up to seven days to apply (including sketches), some of which would depend on whether it is a new application or renewal. Councilor Haas was more concerned with the enforcement section's time limit, stating that a time limit should be applied to 1195. For some of these questions, the Fire Marshal would be helpful. The City Manager explained that the intention was not to set a timeframe for every scenario, so the Ordinance is written more fluidly. Chair Bosley recommended moving forward with "reasonable timeframe" and then track data for when this Ordinance is rewritten to accommodate the downtown project. Councilor Williams was comfortable with "reasonable timeframe;" he thought the City Clerk would specify whatever is appropriate. Councilor Haas agreed.

The Committee recommended: (1) allow City Manager to extend licenses for additional 10-day periods as the weather allows; (2) enforce up to a seven-day timeframe to apply if operating without a license; (4) add a timeframe to paragraphs where "reasonable time" is mentioned if needed, except for ADA if regulated elsewhere; (3) report denials and revocations to City Council.

Vice Chair Jones asked if there was a difference between someone not applying for a license to serve food on the sidewalk versus being licensed to serve alcohol. Regardless, the City Attorney said it would be a violation. Vice Chair Jones said that the owners potentially have a lot to lose.

A motion by Chair Bosley to adopt Ordinance O-2024-06 was duly seconded by Councilor Williams.

Chair Bosley made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4-0, the Planning, Licenses, and Development Committee amended Ordinance O-2024-06 to allow the City Manager discretion to continue extending Sidewalk Café Licenses, weather permitting, and to add the deadline of up to seven days for an unlicensed business to apply in Section F. Thus, Ordinance O-2024-06-A was created.

The City Attorney clarified for the record that staff would insert the specific language discussed at this meeting. The Committee agreed.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-06-A.

10) Relating to Nuisance, Menace and Vicious Dogs Ordinance O-2024-07

Chair Bosley welcomed Police Chief, Steve Stewart, who said the substantive changes were to increase the forfeiture amounts to what NH State allows. There were some other housekeeping edits.

Councilor Haas questioned whether \$400 was the maximum for a second offense of a vicious dog. The City Attorney, Tom Mullins, confirmed.

Councilor Williams asked for the distinction between nuisance, menace, and vicious dogs. While the details were clearly outlined in the Ordinance, which the City Manager quoted, Chief Stewart provided a simple reply that dogs are nuisances for excessive barking, menaces for growling, and vicious for biting. Councilor Williams expressed concern that this punishment might be excessive for a barking dog. Chair Bosley countered that the nuanced language about barking reaching a nuisance was very useful to share with her tenants. Because these amendments were based on NH State recommendations, Councilor Williams was comfortable with the recommended amendments.

There were no public comments.

Councilor Haas made the following motion, which was duly seconded by Vice Chair Jones.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-07.

11) Adjournment

There being no further business, Chair Bosley adjourned the meeting at 9:42 PM.

Respectfully submitted by,
Katriona Kibler, Minute Taker
May 11, 2024

Edits submitted by,
Terri M. Hood, Assistant City Clerk