



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: J.3.

SUBJECT: Relations to the Use of the City Park Lands

COUNCIL ACTION:

In City Council August 2, 2018.

Report filed into the record. Voted unanimously for the rescission of Resolution R-2015-30: Relating to Use of City Park Lands and the adoption of Resolution R-2018-27: Relating to Use of City Park Lands.

RECOMMENDATION:

On a vote of 4-1, the Municipal Services, Facilities & Infrastructure Committee recommends that R-2015-30 be rescinded and R-2018-27: Relating to the Use of City Parklands be adopted.

ATTACHMENTS:

Description

Resolution R-2015-30

Resolution R-2018-27

BACKGROUND:

Chair Manwaring recalled there were questions about these resolutions at the last meeting. Councilor Sutherland said the last line of the resolution states the City can request a charge for instructional recreation uses that equals 20% of collected registration fees. He feels that all fees related to recreation should be housed in one place, publically available, and consistent for all parties. They have only been specifically applied to camps, which he thinks is discriminatory. He understands the argument and history that led to this fee to match use. He has reviewed the state laws, which enable the City to enter into contracts. He said fees should not be a percentage of registration (which could include coaching fees, jersey's, equipment, etc.), which has nothing to do with use. State law says fees should be reasonably in line with use and maintenance. He suggested striking the last line of the Resolution R-2018-27 and separately reviewing fees, addressing them specifically based on hours, days, and participants. An appropriate fee schedule can be determined regarding use to appropriately reimburse the City for that type of use. He thinks this would be most appropriate and applies to all parties who use something consistently.

The City Manager said she has learned since the last meeting that there are more organizations other than camps that this applies to (like yoga and health classes). It applies to any organization using fields that are fee based. She looked at other communities (like Portsmouth and Concord) which also charge these fees based on registration. The City Council reviewed all recreation programming fees in 2017. She thinks the Council can look at additional language for a possible resolution in the future, but this language has been applied to various

organizations since 2002 and she thinks it has been applied consistently. An organization that the City is considering a memorandum of understanding type agreement with, as Councilor Sutherland suggested, is the Cal Ripkin program because over time they have invested in facilities instead of paying fees. Still, this system has worked in Keene and other communities.

Councilor Lamoureux made a motion to recommend that R-2015-30 be rescinded and R-2018-27: Relating to the Use of City Parklands be adopted, which was seconded by Councilor Filiault.

Councilor Sutherland asked, then, if the last sentence of R-2018-27 was not going to be removed. He argued this line of the resolution is not being applied to all necessary parties, as the City Manager suggested, because Mr. Bohannon said he has only applied this to two organizations in recent time. He said many non-profits lease these lands and fees are not applied, which is discriminatory. He thinks these fees should be public and tied to use. If an organization charges nothing but uses the land extensively then the City will not get what they need. He said this is not articulated well and the City can do this better.

Mr. Bohannon said at the last meeting he mentioned this was strictly for camps and that was incorrect. This also includes fitness classes, tennis lessons, etc. and the City is consistent in how it is applied. The City only seeks the 20% of registration fees for camps, lessons, and instruction based programs. The fee is based on use of the facility and number of participants so that the fee is consistent with the size of the class/activity. He said this is how the process was explained to him in 2004, so he has continued working in that manner. Councilor Sutherland said if someone is not charged a high registration fee and destroys a field, the City will not get reimbursed; he thinks the City should think more about this.

On a vote of 4-1, the Municipal Services, Facilities & Infrastructure Committee recommends that R-2015-30 be rescinded and R-2018-27: Relating to the Use of City Parklands be adopted. Councilor Sutherland opposed.



RESCINDED

CITY OF KEENE

R-2015-30

Fifteen

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to Use of City Park Lands

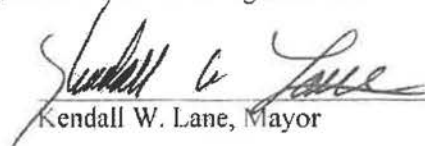
Resolved by the City Council of the City of Keene, as follows:

- WHEREAS: It is understood that while all parklands are available to the general public; there are uses for portions of these parks that would result in exclusive availability for specific groups for periods of time through the issuance of a reservation at the discretion of the Parks, Recreation and Facilities Director; and
- WHEREAS: Any portion of any park not reserved for a group's exclusive use must be kept accessible to the general public during that use; and
- WHEREAS: It will not be acceptable for any group or individual reserving an area to deny the general public the use of all paths, walks or roadways available that connect with an unreserved park area; and
- WHEREAS: City park lands are under the authority and control of the Parks, Recreation and Facilities Department in accordance with Chapter 2 "Parks, Recreation and Facilities;" and
- WHEREAS: Central Square Common and Railroad Square are subject to the rules and regulations contained in Resolution R-2015-29: Relating to Central Square and Railroad Square and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

NOW THEREFORE BE IT RESOLVED THAT

The City Council agrees that charitable solicitation, educational, instructional recreational or recreational activities, whether non-profit or commercial, are acceptable uses for exclusive use determined by the Parks, Recreation and Cemeteries Director for portions of the Ashuelot River Park, Carpenter Street Field, Court Street Stone Arch Bridge parklands, Edgewood Avenue Park, Ellis Harrison Park, Hickey Desilets Park, Fuller Park, Keene Skate Park, Ladies Wildwood Park, Robin Hood Park, Water Street Basketball Courts and Wheelock Park.

AND BE IT FURTHER RESOLVED that necessary charges for any reservations for any permitted activities shall be set by the Director of the Keene Parks, Recreation and Facilities Department to reflect the City's expense for maintenance for each event and to cover costs for wear and tear on City property. In addition to such charges, fee based, instructional recreational uses shall pay the City of Keene twenty (20) percent of collected registrations.


Kendall W. Lane, Mayor

ED July 2, 2015

In City Council July 19, 2018.
Referred to the Municipal Services, Facilities
and Infrastructure Committee.

A true copy;
Attest:



City Clerk


City Clerk

RESCINDED August 2, 2018



CITY OF KEENE

R-2018-27

Eighteen

In the Year of Our Lord Two Thousand and

Relating to Use of City Park Lands

A RESOLUTION

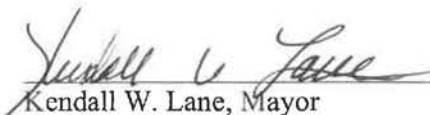
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- WHEREAS: Central Square Common and Railroad Square are subject to the rules and regulations contained in Resolution R-2015-29: Relating to Central Square and Railroad Square and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

NOW THEREFORE BE IT RESOLVED THAT

The City Council agrees that charitable solicitation, educational, instructional recreational or recreational activities, whether non-profit or commercial, are acceptable uses for exclusive use determined by the Parks, Recreation and Facilities Director for portions of the Ashuelot River Park, Church Street Park, Patricia T. Russell Park, Court Street Stone Arch Bridge parklands, Edgewood Avenue Park, Ellis Harrison Park, Hickey Desilets Park, Fuller Park, Keene Skate Park, Ladies Wildwood Park, Robin Hood Park, Water Street Basketball Courts and Wheelock Park.

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Kendall W. Lane, Mayor

In City Council July 19, 2018.

Referred to the Municipal Services, Facilities and
Infrastructure Committee.


City Clerk

PASSED August 2, 2018