

City Council Legislative Subcommittee Meeting

**Conference Room A
5:30 p.m.
Monday, February 1, 2016**

Present: John P. Bohenko, City Manager; Jane Ferrini, Assistant City Attorney; Mayor Blalock, Assistant Mayor Splaine, Councilor Dwyer, Councilor Spear, Senator Martha Fuller Clark; Rick Taintor, Planning Director and Kelli L. Barnaby, City Clerk

I. Call to Order

Mayor Blalock called the meeting to order at 5:30 p.m. and thanked everyone for attending.

II. Distribution of Draft Minutes from January 20, 2016 and January 25, 2016 meetings

The minutes will be presented at the February 8, 2016 meeting.

III. Discussion

- A. Status update and discussion of Hotel Occupancy bills, Meals and Rooms bills, Short Term Rental bills, Accessory Dwelling bill, Uber bill

Rick Taintor, Planning Director said changes in the law for accessory dwelling would require everyone to allow accessory building in all residential single family areas as a matter of right if the community does not pass an ordinance. He also stated accessory dwellings would be allowed by ordinance by conditional use permit, special exception or as a matter of right. He indicated that the bill allows attached structures and may allow detached structure. Planning Director Taintor spoke to the size of the structure and that they are required to be owner occupied.

City Manager Bohenko said if the bill is adopted it would take effect July, 2017 and it is important for the City to have an ordinance in place if this bill is adopted.

Assistant City Attorney Ferrini spoke to the hearing on Airbnb and discussed the information that was presented to the Committee, stating that she did not testify in support or against but spoke, regarding the principles it supported. She indicated that the NH Realtors spoke against the bill. She said the City has issued a cease and desist and one person has applied to operate a B and B.

Senator Fuller Clark spoke to a licensing mechanism for hotel occupancy bills and that it has been challenged by tourist areas.

Assistant City Attorney Ferrini spoke briefly on the meals and room bill and indicated she did not testify in support or against but presented information on tourism and meals and rooms revenues generated and received by the City. She stated that we are the second largest contributor in the State for meals and rooms revenue.

Assistant City Attorney Ferrini spoke on the Uber bill and the amendment relative to insurance.

B. Status update on staff testimony submitted on behalf of Professional Boards

Assistant City Attorney Ferrini referenced the three sets of testimony distributed to the Committee from staff members who have presented testimony on behalf of their professional board or associations.

C. Discussion by Committee of bills to be brought to City Council for vote, including right to know bills

Information was provided regarding the right to know bills HB 1611, HB 1216 and HB 1593. City Manager Bohenko said he always provides information and believes that when in doubt you hand out the information. Discussion followed on the concern surrounding HB 1216 which requires the creation of documents that do not exist and how that could take a great deal of staff time. Assistant City Attorney Ferrini stated we continue to watch the calendar for hearings on various bills of interest regarding right to know but the City has not submitted any testimony on these bills. Councilor Dwyer spoke to creating documents and that it is a concern and not a clear issue. Assistant Mayor Splaine said we should place all three bills on the next City Council agenda. City Manager stated that the bills would be placed on the February 16th City Council agenda under Miscellaneous/Unfinished Business. Assistant City Attorney Ferrini said we could talk about how it would look at the February 16th meeting. City Manager Bohenko said it would be generic in nature.

D. Discussion of new policy regarding bills regarding building codes and municipal access to property

City Manager Bohenko spoke to the type of inspections required by life and safety and confirmed the adopted principles already address this issue.

E. Discussion of application of Legislative Subcommittee policies and principles regarding the submission of testimony

Assistant City Attorney Ferrini provided information to the Subcommittee on this matter. She asked if the Committee wants her to support a particular bill number moving forward. City Manager Bohenko said support for a particular bill would be support as currently written at the time support is given and the Committee unanimously support this recommendation.

Senator Fuller Clark spoke on signing onto bills and how they change time to time from when they're presented. Assistant Mayor Splaine said the Sub-committee could take a position that is outside the principles.

Councilor Dwyer said liability bills need to be discussed and should be placed on Monday's agenda.

At 6:15 p.m., Mayor Blalock closed the meeting.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk