

**Legislative Committee Meeting minutes**  
**March 10, 2014**  
**6:00pm**  
**City Hall-Downstairs meeting room**

Present: Councilor Feener, Councilor Boyd, Councilor Giunta

Others present: Mayor Merrifield, Councilor Desrochers, Councilor Dzujna, Manager Dragon, and Director Dick Lewis

Chairman Councilor Feener called the meeting to order at 6:00 pm.

Chairman Feener indicated that this evening the committee has four items to discuss on the agenda. The last item was recently added at the request of Director Lewis and Manager Dragon, which recommends a policy for new businesses to register with the city. Chairman Feener stated that everyone should have gotten a copy of all the proposals in advance.

**Agenda item #1 Revisions to Chapter 61 of the city Code:**

The first item on the agenda is a proposed revision to Chapter 61 of the City Code. Chapter 61 (Removal of Municipal Officials) is proposed to be amended as follows: Sections 61-1 through 61-4, inclusive, shall be stricken in their entity. Chairman Feener indicated that at a previous legislative committee meeting this was discussed as a good faith gesture between the city and new school board in hopes of preventing future legal battles around this topic. Article II (Defense and Indemnification) shall be amended by the deletion of the designation "Article II" and Section 61-5 through 61-8, inclusive, shall be renumbered as sections 61-1 through 61-5. Lastly the title "Removal of municipal officials" shall be stricken and replaced with "Defense and Indemnification of Municipal employees and officers". Chairman Feener clarified that this last change was recommended to make clear the intent is to indemnify municipal employees and officers not school board officials in this section of the code. The School offers its own indemnification policies for school board actions. Chairman Feener also explained that in the packet provided by the City Manager a copy of RSA 673:13 was provided to illustrate that there is state law already in place to deal with removal of appointed members and alternates of local land use boards. Chairman Feener asked

if there was any further discussion or questions. There was none. Councilor Boyd moved, and Councilor Giunta seconded, the recommendation to forward these changes/revisions to the city council. Vote was unanimous.

**Agenda item #2 Revisions of Chapter 247 of the city code (Sex offender ordinance)**

Chairman Feener explained that this item is a continuation of a previous discussion of the legislative committee as a result of a legal challenge to the city's sex offender ordinance. The committee had directed the City Manager to work with the City Attorney to provide language that removes the restrictions to the residential location of a sex offender and instead restricts access to areas of concern. As a result- Attorney Fitzgerald has prepared the attached revised language which would create "child safety zones". Manager Dragon explained that if the proposed language was sent to the city council and public hearings were held -it would be important to invite widespread public participation and review scientific data and studies that support adoption of the ordinance as a way to provide enhanced protection to children from sex offenders. Manager Dragon further explained that Attorney Fitzgerald drafted the proposed language modeled after a similar ordinance adopted in Peabody Massachusetts. There was further discussion among the committee about statistics related to recidivism of sexual offenders. The Mayor offered to forward statistics he was aware of through the FBI stating that sex offenders are four times more likely to recommit an offense vs. other crimes. Councilor Boyd felt strongly that it was important for the city to do whatever it could to help protect children in the community. He reiterated the importance of keeping the names of registered sex offenders public so that people in the community would know who they are and could be more cautious. The committee asked when the Peabody Massachusetts ordinance was adopted and if it had been challenged. City Manager Dragon stated it was adopted in 2012 and as far as she could see it hadn't yet been challenged. Councilor Feener requested that more statistics and studies be pursued and presented to the committee before the committee made a recommendation on the proposal. Mayor Merrifield summarized that even though the residency restriction in the city's sex offender ordinance had been challenged and currently could not be enforced-the piece of the ordinance restricting activity remained in place. These proposed "child safety zone" changes would be in line with that same restriction and would clean up the ordinance by

removing language related to residency restrictions. Councilor Giunta expressed a concern about possible future legal challenges and the cost of defending something that we felt could potentially be challenged if the language was too restrictive. Councilor Feener asked if the committee would like to gather more information, statistics, and studies regarding the enhanced safety of children through the adoption of these child safety zones and then bring that information back to the committee for further review. The consensus of the group was to hold off on a recommendation for now and bring back for a future discussion.

### **Agenda item #3 Revisions to Chapter 309-6 Smoking in designated areas**

Manager Dragon explained that Angie Carey had brought to her attention section 309-6 of the city code had not been addressed a few years back when the city adopted smoking restrictions on other various city properties. It is recommended that 309-6 of the code which references smoking in the Community Center being allowed in designated areas be deleted from the code to be consistent with other city properties. Councilor Boyd asked if this also meant that smoking would not be allowed in personal vehicles. Manager Dragon stated that was not completed as part of this revision. Councilor Boyd was satisfied with this answer and moved to forward the deletion of this section of the code (309-6) to the City Council, seconded by Councilor Giunta. Vote was unanimous

### **Agenda item #4 Creation of policy regarding registration of new businesses**

Councilor Feener explained that this item was recently added to the agenda per the request of Manager Dragon and Director Lewis. The creation of a policy to request that new businesses within the city limits register with the city serves a variety of purposes. There is a public safety benefit for the police and fire department to know who is actively operating in a building. Currently if a new business goes into a building and it is not a change in use-there is no permit or certificate of occupancy required. Manager Dragon indicated often the first time she hears of a new business is when Councilor Dzujna comes into city hall to have her and others sign a welcome card. She explained that at a recent Choose Franklin meeting she had discussed her desire to send out an email blast over news & announcements via the city website welcoming any new business to the city. This would also help let people in the community know that a new business is here. This idea was

supported by several people at the Choose Franklin meeting. She further explained that the city is an active participant with the Lakes Region Chamber of Commerce. However, at times it feels a bit distant and she would like to do something more local to piggy back on the efforts of Councilor Dzujna. Councilor Feener thought this was a good idea and asked if Director Lewis had drafted any proposed forms yet. Director Lewis explained that he has begun to draft a form but doesn't have a complete draft yet. Director Lewis explained that he is using other planning forms as a guide. Mayor Merrifield explained the recent addition of IGlobe as a Franklin business is a perfect example of a potentially huge company located within the city that we had no idea even existed. Councilor Feener suggested that if we did have businesses registering with the city the Mayor could also announce new businesses during his Mayor update. The overall sense of the committee members was support for this idea as a way to help support local businesses. Director Lewis asked the committee about the creation of a penalty if businesses didn't file with the city. Director Lewis stated that he was concerned that could be viewed as "anti-business" by some. Councilor Boyd agreed, and said that he felt businesses would be appreciative of the city's efforts to welcome them and would voluntarily register. Councilor Feener also agreed and stated that this should be seen as an effort to encourage new business and create a mutual partnership. Councilor Dzujna' also agreed and stated that furthermore creating a penalty also creates the obligation to enforce it. Councilor Desrochers also commented that he also wouldn't want to see the city charge any sort of fee for this (currently there was none proposed). Councilor Boyd motioned to make the changes discussed this evening (no penalty or fee provision) and add language about the intent of the policy (to promote local businesses), seconded by Councilor Giunta. Motion passed unanimously.

Meeting adjourned at 6:40 pm.

Submitted by: *Elizabeth Dragon, City Manager*