



****CORRECTED****

City of Keene
New Hampshire

**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE
AGENDA
Council Chambers A
June 10, 2020
7:00 PM**

Kate M. Bosley, Chair
Mitchell H. Greenwald, Vice Chair
Philip M. Jones
Gladys Johnsen
Catherine Workman

1. Darren Humphrey/Trax Club - Request to Use City Property - Railroad Square
2. Use of Railroad Square - Parks, Recreation and Facilities Director
3. Sarah Franklin/Concerned East Side Neighbors - Consideration of a Social Host Ordinance
4. Dawn and Med Kopczynski - In Support of Social Host Ordinance
5. Councilors Williams, Filiault and Clark - Encouraging the Consideration of a Resolution Relating to Wearing Facemasks
6. Proposed Amendments to the Rules of Order - Mayor Hansel

MORE TIME ITEMS:

- A. Relating to a Zone Change - Krif Road and Winchester Street - Industrial to Commerce Limited
Ordinance O-2020-04
- B. Relating to Social Service and Congregate Care Uses and License
Ordinance O-2019-13
Ordinance O-2019-14
- C. Tad Schrantz/The Colonial Theatre Group – Various Licenses Needed for the Renovation and Addition to the Colonial Theatre

Non-Public
Adjournment

Due to the COVID-2019 State of Emergency, the Planning, Licenses and Development Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To view please use the following link <https://us02web.zoom.us/j/85816235122> and enter the Meeting ID: 858 1623 5122. To listen via telephone call (877) 853-5257 and enter the Meeting ID: 858 1623 5122. When the meeting is open for public comment, callers may press *9 if interested in commenting or asking questions.



City of Keene, N.H.
Transmittal Form

June 3, 2020

TO: Planning, Licenses and Development Committee

FROM: Darren Humphrey

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Darren Humphrey/Trax Club - Request to Use City Property - Railroad Square

ATTACHMENTS:

Description

Communication_Trax Club

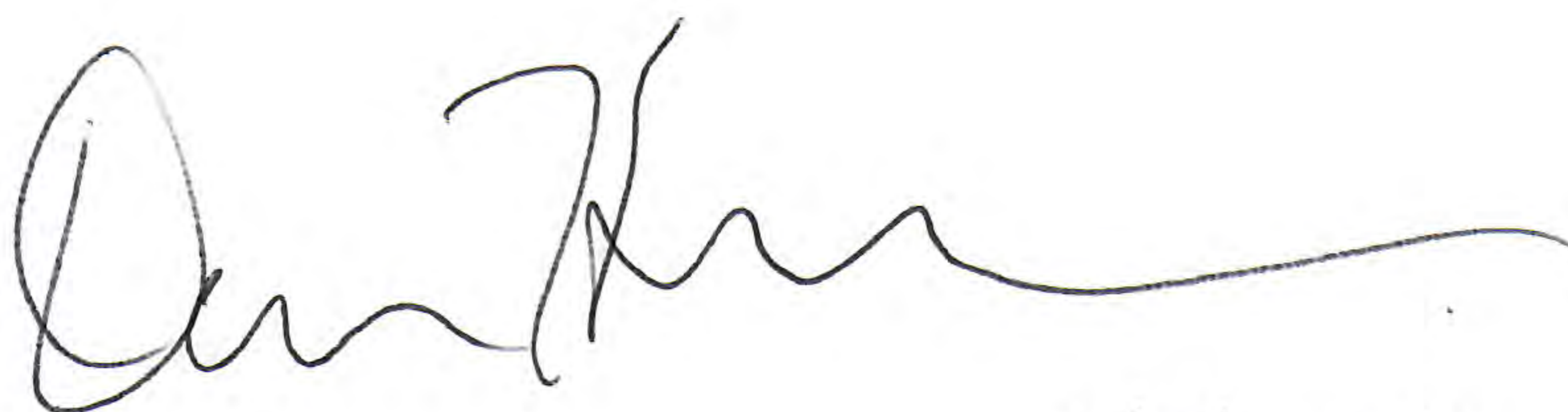
BACKGROUND:

Mr. Humphrey is requesting permission to place tables and chairs on City property and serve alcohol. The property is adjacent to Railroad Square abutting the Trax Club.

To Mayor of Keene and City Council, I wish to put tables outside of the Trax Club on Railroad Square.
Can I have your permission to set up tables and serve food and Alcohol.

I would like to meet down at the location tomorrow if possible?

Thank you, Darren Humphrey

A handwritten signature in black ink, appearing to read 'Darren Humphrey', with a long horizontal flourish extending to the right.

6/3/2020



City of Keene, N.H.
Transmittal Form

June 5, 2020

TO: Planning, Licenses and Development Committee
FROM: Andy Bohannon, Parks, Recreation and Facilities Director
THROUGH: Elizabeth A. Dragon, City Manager
ITEM: 2.
SUBJECT: Use of Railroad Square - Parks, Recreation and Facilities Director

RECOMMENDATION:

Accept as informational.

ATTACHMENTS:

Description

Use of RRSQ and CSQ

BACKGROUND:

Since the creation of Railroad Square in 1992, the intended space has been in question regarding commercial activity. When established, the brick paver area did not have commercial businesses with store front entrances into the space. A series of Council resolutions has addressed the issue, with the most recent change being reflected in R-2015-29.

Through the years, discussions involved food trucks, Christmas wreath sales, ice cream carts, coffee kiosks, and outdoor patio seating for the current restaurant/bar tenant. All of these uses have created some type of problem related to pedestrian traffic, drainage, and noise or code compliance.

As stated in R-2015-29 Railroad Square was originally designed for no commercial use, and the brick paver area has been outlined for specific purposes, these include educational events, community events, political activities, recreational events, and charitable solicitations.

The resolution does provide for commercial use in the grass area, however, this has proven to be problematic as it was never designed for that purpose. Drainage is a significant issue, and without the expenditure of redesigning Railroad Square, the drainage will remain a problem for any commercial use of this space. In addition, in the past, multiple violations have occurred relating to proper signage and use of the space that was designated for sales of alcohol. There have been multiple complaints to the Parks, Recreation and Facilities Department from rental groups utilizing the space about the noise and or language coming from the designated area.

As Parks, Recreation and Facilities Director, the language created in 2015 should be revised to encompass the grass area into the designated park area and not allow for commercial use as originally designated in 1992 until a new design could come forward creating the proper use being sought after by commercial entities.



CITY OF KEENE

R-2015-29

In the Year of Our Lord Two Thousand and Fifteen

A RESOLUTION Relating to Central Square Common and Railroad Square

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

Whereas: The City Council has adopted several resolutions relating to the use of park lands and Central Square and Railroad Square and where as there are conflicting provisions between these resolutions;

Whereas: Central Square Common and Railroad Square are public areas that are intended for public use and no person or group shall claim any kind of exclusive right to use or occupy either of these public areas, except as may be authorized and licensed by the City Council; and

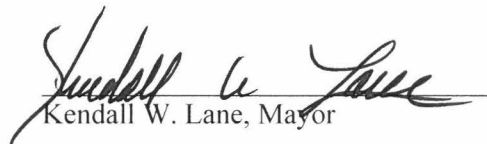
Whereas: The types of activities that are permissible on Central Square Common and Railroad Square include educational events, community events, political activities, recreational events, and charitable solicitation; and

Whereas: Central Square Common and Railroad Square also constitute City parks under the authority and control of the Keene Parks, Recreation and Facilities Department and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

Whereas: A mobile vending cart location has been designated on the Main Street sidewalk adjacent to Railroad Square; and a vending cart location has been designated in Central Square Common under the provisions of a sidewalk café license with the condition that any tables and chairs be removed when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Keene Parks, Recreation and Facilities Department; and

Whereas: the grassed in area immediately abutting the pavers in Railroad Square may be used for commercial activity under the provisions of a sidewalk café license with the condition that any tables and chairs be removed when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Keene Parks, Recreation and Facilities Department.

NOW THEREFORE BE IT RESOLVED that excepting for the locations identified above, and unless Central Square Common and Railroad Square have been licensed for a community or other event by the City Council, no other commercial vending shall be permitted in Central Square Common or Railroad Square.


Kendall W. Lane, Mayor

July 2, 2015

PASSED





City of Keene, N.H.
Transmittal Form

June 2, 2020

TO: Mayor and Keene City Council

FROM: Sarah Franklin on behalf of Concerned East Side Neighbors

THROUGH: Patricia A. Little, City Clerk

ITEM: 3.

SUBJECT: Sarah Franklin/Concerned East Side Neighbors - Consideration of a Social Host Ordinance

COUNCIL ACTION:

In City Council June 4, 2020.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Franklin

Background Documents_Franklin

Additional Background_Zinn

BACKGROUND:

Representing the Concerned East Side Neighborhood, Sarah Franklin has submitted a letter urging the City Council to consider a social host ordinance. Details of a proposed ordinance are included with her communication.

To: Keene City Council and Mayor Hansel
From: Concerned East Side Neighbors

June 1, 2020

Dear City Council members and all concerned,

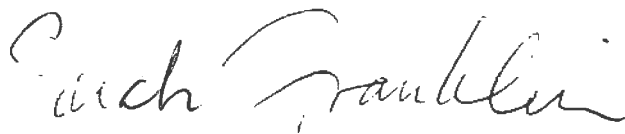
We are a small group that have been meeting together for close to two years called the Concerned East Side Neighbors. As a result of extensive research, outreach and communication with the City of Keene, Keene State College, landlords, citizens and other stake holders, we think a Social Host Ordinance would benefit greatly the wellbeing of the community.

We ask that you, the City Council and Mayor of Keene, adopt a Social Host Ordinance that addresses the disruptive effect of ungoverned social gatherings which disturb the peaceful enjoyment of our homes and neighborhoods.

Attached is a basic working draft with definitions of terms.

We appreciate deeply your attention, your time, and your concern.

Sincerely,



Sarah Franklin (Adams St.) and the Concerned East Side Neighbors:
Martine Fiske (Adams Court)
Michael Induni (Adams Street)
Andy Oram (Main Street)
Susan and Pete Moran (Myrtle Street)
Jack and Nancy Weststrate (Gates Street)
Timothy Zinn (Grove Street)

In City Council June 4, 2020.
Referred to the Planning, Licenses
and Development Committee.


City Clerk

WORKING DRAFT
Proposed Social Host Ordinance (SHO)
Presented by the Concerned Eastside Neighbors, Keene NH

We are a group of neighbors who have experienced the harm, fear, and annoyance of large and unruly parties and their consequences. We have experienced noise at all hours of the night, urination on our property, garbage spewed on our lawns, vandalism and intimidation. Although the City of Keene Police Department responds quickly to our calls, we feel that the root of the problem has not been addressed. We are concerned for the safety of all people affected. Many other college communities have implemented a Social Host Ordinance. This tool has been embraced by and works well for the police departments in these college communities. We would like the City of Keene to consider adopting a Social Host Ordinance designed specifically for our community. Throughout the process of drafting such an Ordinance we wish to create a partnership with the City Of Keene, Keene State College, Landlords, Tenants, and Neighbors. Landlords would be encouraged to incorporate behavioral standards and ordinance information in their lease agreements.

A Social Host Ordinance primarily holds hosts of gatherings responsible for their behavior and the behavior of their guests. It is initiated when behaviors of gatherings are defined as **Unruly Gatherings**.

Unruly Gathering: a party or gathering where alcohol and/or illegal substances are served or consumed and/or where any two or more of the following **Offensive Behaviors** occur by hosts or guests on the property where the gathering takes place. (Some communities use a defined number of people to help quantify a “gathering”.)

Offensive Behaviors: Any violation of state laws relating to the sale, service, possession or consumption of alcoholic beverages and/or illegal substances, assault, menacing, harassment, intimidation, disorderly conduct, noise disturbance, criminal mischief, public urination and defecation, indecent or obscene conduct or exposure, littering, parking violations, rioting, destruction of property, vandalism.

Possible Consequences:

First offense: Hosts are educated about the Social Host Ordinance and a fine is levied in accordance with the terms of the Social Host Ordinance supported by the enabling legislation of NH RSA 31:39 & NH RSA 47:17. It could be subjective or fixed based on the severity of the violation. Community service and/or restorative justice may be an alternative if deemed applicable. (Landlords are informed about all incidences and offenses and expected to assist in mitigating their tenant’s behavior.) (An appeal process would be included in the SHO)

Second offense: The hosts would be subject to progressive fines and/or community service as determined by the Social Host Ordinance and supporting legislation.

Third and subsequent violations during a 12 month period:

The hosts will be held responsible for the maximum fine in accordance with the terms of the Social Host Ordinance and supporting legislation. At this third stage the owner of the property may be fined if they have not been actively involved in addressing the issues with their tenants.

All suggestions above are open for discussion and subject to change. These examples are taken from existing Social Host Ordinances that have been implemented in other college communities.

Thank you,

Concerned East Side Neighbors

MEMORANDUM

DATE: 6/7/2020

TO: The City of Keene

Planning, Licenses and Development Committee

From: Concerned East Side Neighbors

RE: Social Host Ordinance (SHO) Proposal

Supporting Documentation

Attached please find the following supporting documentation for your review and consideration:

- **Social Host Ordinances Research Sources Document**
- **UNH Article outlining the health concerns for the entire community of Durham, NH as a result of parties during the COVID-19 pandemic.**
- **Clemson Student Party article outlining how local law enforcement was able to break up this party by using the City's Social Host Ordinance.**

Social Host Ordinances Research Sources
Concerned East Side Neighbors (CESN) of Keene, NH

New Hampshire enabling legislation

NH RSA 31:39. Title III: Towns, Cities, Village Districts, and Unincorporated Places; Chapter 31: Powers and Duties of Towns, Power to Make Bylaws, Section 31:39.

<http://gencourt.state.nh.us/rsa/html/iii/31/31-39.htm>

NH RSA 31:39-c. Title III: Towns, Cities, Village Districts, and Unincorporated Places; Chapter 31: Powers and Duties of Towns, Power to Make Bylaws, Section 31:39-c.

<http://gencourt.state.nh.us/rsa/html/iii/31/31-39-c.htm>

NH RSA 47:17. Title III: Towns, Cities, Village Districts, and Unincorporated Places; Chapter 47: Powers of City Councilors, Bylaws and Ordinances, Section 47:17. <http://gencourt.state.nh.us/rsa/html/iii/47/47-17.htm>

NH RSA 47:17-b. Title III: Towns, Cities, Village Districts, and Unincorporated Places; Chapter 47: Powers of City Councilors, Bylaws and Ordinances, Section 47:17-b.

<http://gencourt.state.nh.us/rsa/html/iii/47/47-17-b.htm>

San Marcos, California

City of San Marcos (California). Good Neighbor Guidelines.

<https://www.san-marcos.net/home/showdocument?id=6586>

Newark, Delaware

Bill 19-05: An Ordinance Amending Chapter 22, Police Offenses, Code of City of Newark, Delaware, By Creating A Civil Violation for Unruly Social Gatherings. Adopted March 11, 2019.

https://library.municode.com/DE/newark/ordinances/code_of_ordinances?nodeId=946461

Smith, Leanna and Karl Baker. "Newark passes law targeting unruly University of Delaware 'super-parties' after complaints." Delaware News Journal. Published March 11, 2019, Updated March 12, 2019.

<https://www.delawareonline.com/story/news/2019/03/11/home-no-1-party-school-newark-seeks-peace-and-quiet/3129138002/>

Amherst, Massachusetts

General Bylaws of the Town of Amherst Massachusetts. Nuisance House (ATM – April 28, 2008 – Art. 40) (Amended STM – November 19, 2012 – Art. 19). Pages 44 - 47 .

<https://www.amherstma.gov/DocumentCenter/View/47041/GENERAL-BYLAWS-APRIL-2018>

Eugene, Oregon

Council Ordinance Number 20504, Council Bill 5081. An Ordinance Concerning Unruly Gatherings; ...” Adopted January 28, 2013. <https://www.eugene-or.gov/DocumentCenter/View/10463/Ordinance-Concerning-Unruly-Gatherings?bidId=>

“Ordinance Concerning Unruly Gatherings (Social Host) Property Owners’ & Tenant Host Frequently Asked Questions.”
https://www.eugene-or.gov/DocumentCenter/View/10635/SHOInfofinal2_14_13?bidId=

San Marcos, Texas

Dvorak, Lisa. “The Evolution of Solutions: Reducing Noise in a Town and Gown Community” Power Point presentation at Achieving Community Together. Community Liaison/Neighborhood Enhancement, 630 E. Hopkins, San Marcos, Texas 78666. (512) 753-2310.

San Marcos, Texas - Code of Ordinances /Subpart A. – General Ordinances/ Chapter 34-Environment/ Article 6. – Host Responsibilities of Parties in Residential Areas.
https://library.municode.com/tx/san_marcos/codes/code_of_ordinances?nodeId=SPAGEOR_CH34EN_ART6HOREPAREAR

San Marcos, Texas – Code of Ordinances /Subpart A. – General Ordinances / Chapter 34-Environment/ Ordinance No. 2018-04 , § 11, Article 7. – Rental Property Standards.
https://library.municode.com/tx/san_marcos/codes/code_of_ordinances?nodeId=SPAGEOR_CH34EN_ART7REPRST

2011 Herman Goldstein Award: San Marcos, Texas, Police Department. Noise in Neighborhoods: Achieving Community Together (ACT)
[https://popcenter.asu.edu/sites/default/files/library/awards/goldstein/2011/11-38\(F\).pdf](https://popcenter.asu.edu/sites/default/files/library/awards/goldstein/2011/11-38(F).pdf)

Texas State, Student Affairs: Department of Housing and Residential Life. “Off-Campus Housing: ACT and ACT Ally, Achieving Community Together (ACT).
<https://www.reslife.txstate.edu/OffCampusLiving/ACT.html>

Texas State, University Advancement: Office of Media Relations. “Town-and-Gown effort honored with 2017 Larry Abernathy Award.” February 9, 2018.
https://www.txstate.edu/news/news_releases/news_archive/2018/February-2018/ITGA020918.html

https://www.unionleader.com/news/health/coronavirus/covid-19-reported-at-off-campus-housing-in-durham-after-cinco-de-mayo-celebration/article_6546f523-f8ac-5762-b5ce-f412d4a9970a.html

COVID-19 reported at off-campus housing in Durham after Cinco de Mayo celebration

By Kimberley Haas Union Leader Correspondent
May 21, 2020

Townhouses on Rosemary Lane in Durham are being sanitized after three University of New Hampshire students notified their landlord they had tested positive for COVID-19, raising concerns among town officials about the true extent of the threat in the community.

Although UNH moved to remote learning after spring break, a number of students remained in Durham off-campus housing. The high-end townhouses where students tested positive are located near the Peter T. Paul College of Business and Economics.

The four townhouses can house up to 32 students.

Ken Rubin, managing partner at Madbury Capital and one of the owners of the townhouses, said that on May 5 about 20 people were at an outside Cinco de Mayo celebration, which which was disbanded by Durham police.

No arrests were made, according to the police log.

Rubin said two students notified them on May 12 of their positive tests. The third reported being positive for COVID-19 on May 15, he said.

Rubin said landlords have no authority to ask tenants in good standing to leave or stay in their leased apartments, so they did not ask them to self-quarantine.

"We understand that the tenants were given quarantine instructions from the clinic that performed the test and we believe the tenants intended to follow the guidance," Rubin said.

Rubin said that though his company did not notify Durham officials, it did share some information with UNH. Madbury Capital is cooperating with the college to ensure students stay healthy when in-person classes resume in the fall.

"All of the landlords in Durham are working cooperatively with UNH," Rubin said. "While no one can make the virus go away, we believe UNH is on top of the right issues to make going to college safe."

Town Administrator Todd Selig said he has concerns about people living off-campus not being required to

disclose their health status to landlords and landlords not having to notify the town if they have tenants who test positive for COVID-19.

"The only way we would have an indication is if there was an emergency call at a given location, the dispatchers would let the fire or police or ambulance crew know that there has been a positive test at that location and that extra precautions should be taken, but until and unless there is an emergency call, there would not be a way for us to know," Selig said.

Selig is encouraging landlords who know of positive COVID-19 tests in their off-campus student housing to notify the town, so officials can inform first responders before an emergency call comes in.

Selig also worries that when asked where they live, UNH students typically give their hometowns, which might be why the state has just 20 positive results listed for Durham.

"We've had concerns because the numbers reported on the state forms don't seem to correspond with real, on-the-ground knowledge that we might have locally," Selig said.

Selig hopes that when students return for in-person learning, UNH uses its extensive lab systems to conduct COVID-19 testing.

Paul Raymond, with the New Hampshire Joint Information Center, said Wednesday that contact tracing does not include notifying landlords.

"The contact investigation does work to notify people who have been in close contact and are required to be notified by law and for privacy reasons. It's going to stay at that," Raymond said.

According to the May 11 weekly summary report released by the NH Department of Health and Human Services, there have been 448 COVID-19 infections of people between 20 and 29 years old in the state. There were 10 hospitalizations and two deaths.

The only age group with more infections was the 50- to 59-year-old population. According to the summary report, that age group had 583 infections, 50 hospitalizations and zero deaths.

As of May 20, there were 3,868 confirmed cases of COVID-19 in New Hampshire.

Straffordnews@unionleader.com

Kimberley Haas

<]

Clemson Students Threw Party with 100 Despite COVID-19 Crisis

[Robin Hattersley-Gray](#) April 10, 2020

Clemson, S.C. – The city of Clemson is stepping up its enforcement of social-distancing orders at private residences after police there broke up a party of at least 100 college students last Friday.

The party, which was held at a home rented by a Clemson student, didn't fall under Gov. Henry McMaster's executive order prohibiting public gatherings of more than three people. **However, local law enforcement was able to break up the party by using the city's social host ordinance, which was passed by the city council two years ago, reports [Upstate Today](#).** Originally passed to address gatherings that get out of control and affect other city residents, the ordinance was also designed to protect [public health](#), as well as the safety, peace and welfare of the community.

The breakup of the party was prompted by several calls from local residents, reports [Greenville News](#). The city of Clemson also reached out to Clemson University, asking campus Police Chief Greg Mullen to communicate to students the need for them to practice social distancing.

In its most recent [update](#) on the [COVID-19](#) crisis, the school said: "Clemson University officials were notified of student gatherings in the City of Clemson and Oconee County over the weekend, contributing to unsafe situations with groups gathering in excess of the numbers permissible under the current state regulations. Students found responsible for gatherings on or off campus are subject to the University's student code of conduct, as well as possible sanctions under local laws."

Just this week, Gov. McMaster issued a "home or work" order, which requires residents to stay at home or at work unless they are visiting family members, exercising or shopping for essential goods or services. The new order is a follow up to the March 23 executive order stating, "law enforcement has the ability to disperse groups of people who pose a risk to the public's safety and to the safety of others."

The Evolution of Solutions: Reducing Noise in a Town and Gown Community



Lisa Dvorak, Community Liaison
San Marcos, Texas



Instructor

*Lisa Dvorak is a veteran police officer who retired at the rank of Assistant Chief to lead the City/University collaboration **ACT San Marcos**, an internationally recognized* problem-oriented policing effort that shifts from enforcement to shared responsibility in resolving conflict and disorder in town and gown communities.*

Lisa is the Community Liaison for the City of San Marcos, TX and President-Elect of the International Town and Gown Association (ITGA).

** 2011 Herman Goldstein Award Finalist*

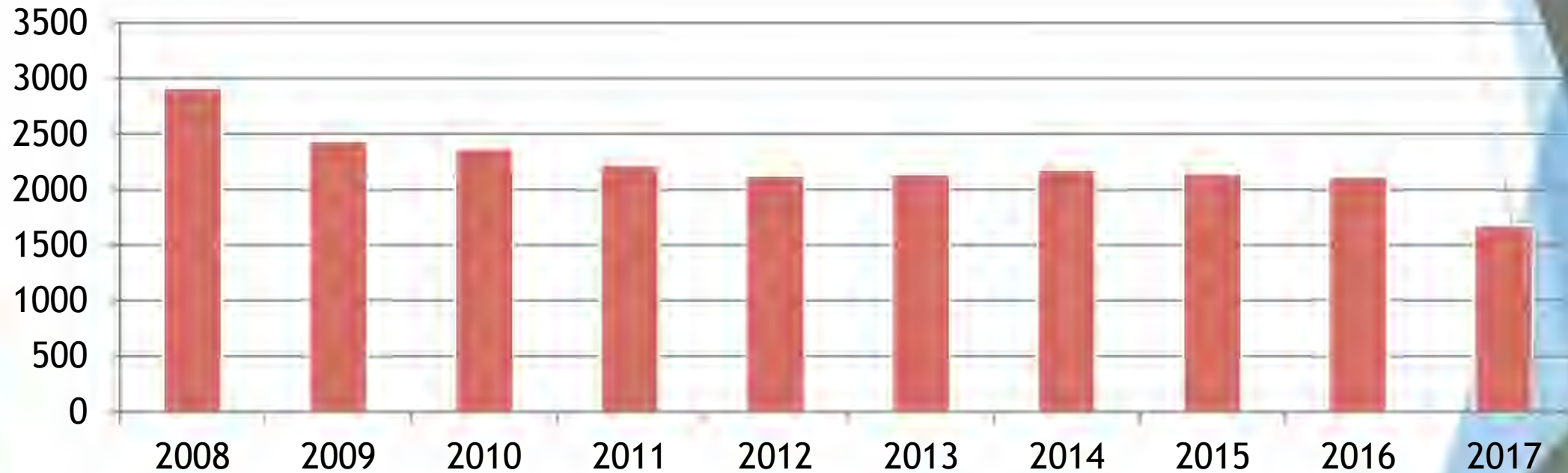


Assessment - Noise



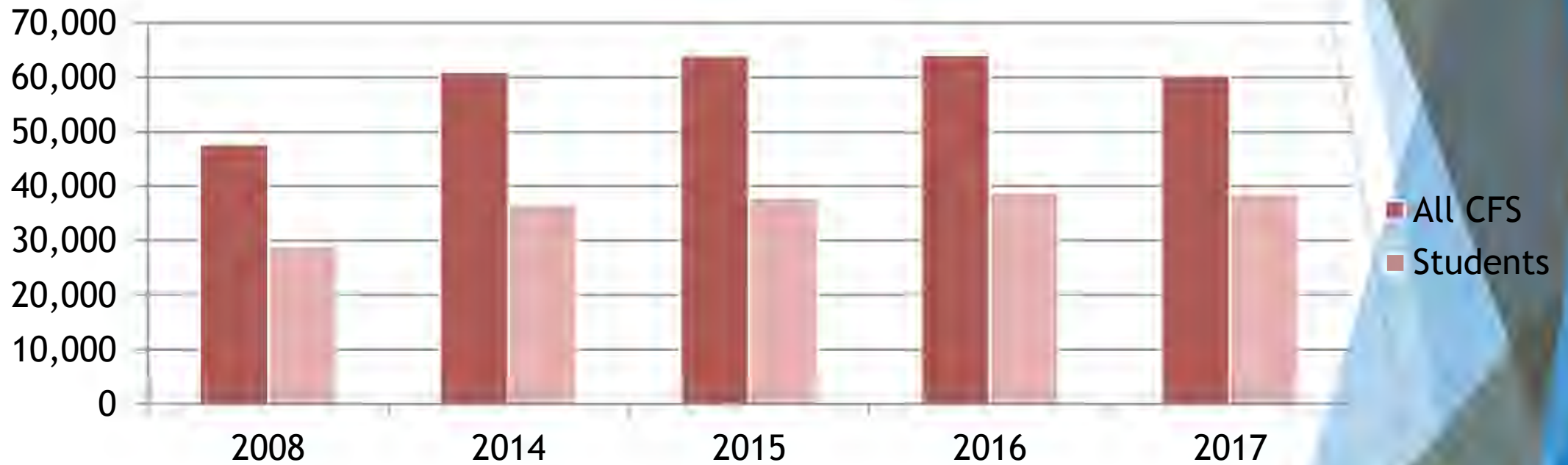
Assessment - Noise Calls

San Marcos Police Department Noise Calls for Service



Assessment - Calls for Service and Enrollment

San Marcos: Police Calls and Student Enrollment



Assessment - Noise Calls for Service Results

- ▶ Noise Calls 2008 - 2017
 - ▶ Overall Reduced 42.5%
 - ▶ 26.5% increase in police calls for service
 - ▶ 33.0% increase in student enrollment
 - ▶ 9pm - 3am: Reduced 41.1%
 - ▶ Dropped from 6.1% to 2.8% of total calls for service

Assessment - 2008 - 2017 Results

- ▶ Noise arrests/citations reduced 71.8%
- ▶ Student arrests/citations reduced 42.0%
- ▶ Noise no longer most frequent call type
- ▶ Increased oversight of apartment common areas
- ▶ Reduced on-scene patrol time more than 3,378 hours

Noise Abatement Program Summary

- ▶ Shift from enforcement
- ▶ Free officers to commit time elsewhere
- ▶ Coordinated response with COSM, TXST, property managers
- ▶ Consider interests of multiple values
- ▶ Prepare for the future
- ▶ Reinvent culture

Questions



Contact: Lisa Dvorak
ldvorak@sanmarcostx.gov,
ld26@txstate.edu



City of Keene, N.H.
Transmittal Form

June 9, 2020

TO: Planning, Licenses and Development Committee

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: 4.

SUBJECT: Dawn and Med Kopczynski - In Support of Social Host Ordinance

ATTACHMENTS:

Description

Communication_Kopczynski

BACKGROUND:

Dawn and Med Kopczynski are expressing their support of a Social Host Ordinance.

Med and Dawn Kopczynski

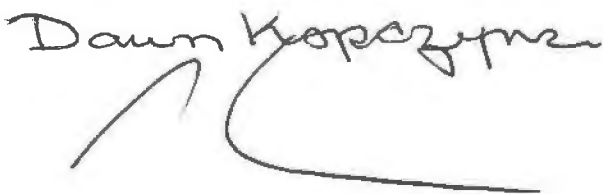
10 Willow st
Keene NH 03431
(603) 903-3659
[REDACTED]

6/08/2020

Honorable Mayor and City Councilors:

We are in support of the proposed Social Host Ordinance. We have lived for 20 years with the noise of out of control parties, and trash plus the neighborhood deterioration that they bring. The parties harm our peace, and it deteriorates the reputation of Keene State College as well as harms property values. It is no coincidence that the properties where these parties occur are usually the same ones year after year and if you look carefully tend to be the most run down.

Respectfully ,

Dawn Kopczynski




Transmittal Form

June 2, 2020

TO: Mayor and Keene City Council

FROM: Councilors Williams, Filiault and Clark

THROUGH: Patricia A. Little, City Clerk

ITEM: 5.

SUBJECT: Councilors Williams, Filiault and Clark - Encouraging the Consideration of a Resolution Relating to Wearing Facemasks

COUNCIL ACTION:

In City Council June 4, 2020.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Williams, Filiault, Clark

BACKGROUND:

Councilors Williams, Filiault and Clark are requesting the Council consider a resolution that asks Keene citizens and visitors to wear protective face coverings in public settings where other social distancing measures cannot be followed.

2 June 2020

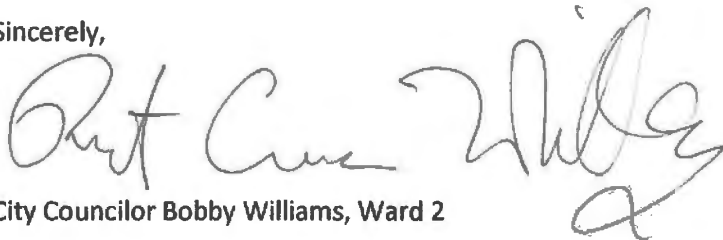
Bobby Williams
66 North Lincoln Street
Keene, New Hampshire 03431

Keene City Council
3 Washington Street
Keene, New Hampshire 03431

To the Honorable Mayor and City Council,

Though a proposed mask ordinance is off the table for now, it is clear that members of the public have a strong desire to provide their input on steps that the City can take to keep our people safe from a second wave of the coronavirus pandemic. We request that the topic of the coronavirus be discussed in a meeting of the Planning, Licensing, and Development Committee, which would provide the public with an opportunity to comment on this issue. Specifically, we request that the council consider a resolution that asks Keene citizens and visitors to wear protective face coverings in public settings where other social distancing measures cannot be followed

Sincerely,



City Councilor Bobby Williams, Ward 2



City Councilor Randy Filiault, At Large



City Councilor Terry Clark, Ward 3

In City Council June 4, 2020.
Referred to the Planning, Licenses
and Development Committee.



City Clerk



Transmittal Form

May 29, 2020

TO: Mayor and Keene City Council

FROM: Mayor George S. Hansel

ITEM: 6.

SUBJECT: Proposed Amendments to the Rules of Order - Mayor Hansel

COUNCIL ACTION:

In City Council June 4, 2020.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

Move to refer to the Planning, Licenses and Development Committee for their review and recommendation.

ATTACHMENTS:

Description

Amendments

BACKGROUND:

Under the City Council's Rules of Order, the Planning, Licenses and Development Committee is charged with the responsibility of considering amendments to the Rules. The following amendments initiated from discussions that started with former Mayor Kendall Lane and continued when I assumed office in January.

The amendments relate to the following sections: Section 15 "Voting and Conflicts of Interest", Section 17 "Motions", section 29 "Votes on Ordinances and Resolutions", Section 30 "Annual Appropriation" and Section 31 "Appropriation of Unbudgeted Funds." Although there are additional amendments that will be drafted over the next several weeks, it was decided to bring amendments forward in manageable groups for the Committee's consideration.

The amendments will require a 2/3 majority vote by the City Council.

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every ~~member~~ **Councilor** present when a question is put shall vote thereon, except when the ~~member~~ **Councilor** has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene. **A conflict of interest shall also include a fiduciary duty. A fiduciary duty shall be determined as an obligation to act on behalf of a third party in a capacity of trust or confidence, any breach of which could subject the Fiduciary to potential liability.** A conflict may exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the Council and a Councilor is employed by the business, or is otherwise a party in interest. If the conflict becomes known prior to a Council meeting, the Councilor shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. **The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest.** When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and voting **on the matter**. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. **The Mayor shall also be subject to the Rule on conflict of interest notwithstanding whether or not the Mayor is entitled to vote on a matter. The question of whether or not a conflict of interest is subject to debate.** The question will then be decided **by the Council** as set forth above.

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it. When a main motion is under debate, the Mayor may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable

Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor may receive the following incidental and restoratory motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable

Appeal from a decision of the Chair	2nd required	2/3 Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

SECTION 29. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for the appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call, **majority vote**, and entered in full upon the record. **A Resolution calling for the appropriation of funds through the issuance of a Bond shall require a 2/3 roll call vote of all members.** Every member shall be required to vote unless excused for conflict of interest by vote of the Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 30. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed **capital improvement budget or the** annual operating budget during the budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the Council agenda no later than 4:00 p.m. on the Tuesday prior to the Council meeting scheduled for the adoption of the **capital improvement budget or the** annual budget. After the annual appropriation has been passed, subsequent expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. In such case said subsequent expenditure creates a City debt the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

SECTION 31. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the budget, Resolutions calling for the appropriation of funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the funds to which it is to be charged. **A Resolution calling for the repurposing of previously appropriated Bond funds shall require a 2/3 roll call vote of all members.**