



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
March 9, 2022
6:00 PM

A. AGENDA ITEMS

1. Danya Landis/Machina Kitchen & Artbar - Request to Serve Alcohol at Sidewalk Cafe
2. Gail Somers/Yahso Jamaican Grille - Request to Serve Alcohol at Sidewalk Cafe
3. Keene Young Professionals Network – Keene Food Festival - Request to Use City Property
4. Councilors Remy, Bosley and Giacomo - Rules of Order - Section 4 - Quorum (Remote Participation)
5. Councilor Kate Bosley - Rules of Order - Section 15 - Conflicts of Interest

B. MORE TIME ITEMS

1. Terry Clark - Relating to Small Wireless Facility Deployments in Public Rights-of-Way
2. Zone Change - 19 Whitcomb's Mill Road - Rural to Low Density-1 Ordinance O-2022-02
3. Keene Pride – Request to Use City Property – September 11–18, 2022

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.1.

Meeting Date: March 9, 2022
To: Mayor and Keene City Council
From: Danya Landis
Through: Patricia Little, City Clerk
Subject: **Danya Landis/Machina Kitchen & Artbar - Request to Serve Alcohol at Sidewalk Cafe**

Council Action:

In City Council February 17, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Machina

Background:

Machina Kitchen & ArtBar is requesting permission to serve alcohol at the sidewalk cafe in front of her business.



Machina Kitchen & ArtBar

9 COURT STREET, KEENE NH

(603) 903-0011

INFO@MACHINAARTS.ORG

WWW.MACHINAARTS.ORG

DEAR HONORABLE MAYOR GEORGE HANSEL

February 9, 2022

Machina Kitchen & ArtBar is requesting permission to serve alcohol on our patio which is located on city sidewalk at 9 Court Street, Keene NH.

**THANK YOU,
DANYA LANDIS
PARTNER**

A handwritten signature in black ink, appearing to read 'Danya Landis', written over a horizontal dashed line.

Direct



danya@machinaarts.org



(603) 205-0135



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.2.

Meeting Date: March 9, 2022
To: Planning, Licenses and Development Committee
From: Gail Somers
Through: Patricia Little, City Clerk
Subject: **Gail Somers/Yahso Jamaican Grille - Request to Serve Alcohol at Sidewalk Cafe**

Recommendation:

Attachments:

1. Communication_Gail Somers

Background:

Yahso Jamaican Grille is requesting permission to serve alcohol at the sidewalk cafe in front of her business.



45 Main St,
Keene NH 03431
Restaurant: 603-338-0025
Mobile: 603-931-8560

February 28, 2022

City of Keene
3 Washington St
Keene NH 03431

Dear City Mayor George Hansel and City Council,

RE: Permission to extend our Alcohol Service to the Sidewalk

Yahso Jamaican Grille located at 45 Main St in Keene holds an active NH Alcohol license and serves alcoholic beverages as a part of their menu. Under the temporary Covid provisions, for the last 18 months or so since being at the current location, we have been successfully serving alcohol during our sidewalk outdoor seating months without incident.

I am writing today to request permission to continue to do so. This will allow us to continue to run a viability part of our business crucial to keep us in busy and to best serve our restaurant guests. The management team at Yahso will continue to follow all the pertinent alcohol sale guidelines to ensure that we safely extend this service to our outdoor dining guests.

Thank you in advance for your consideration. Please reach out with any questions.

Sincerely

A handwritten signature in blue ink that reads "Gail Somers". The signature is fluid and cursive, with the first name being more prominent.

Gail Somers
Owner – Yahso Jamaican Grille



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.4.

Meeting Date: March 9, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Councilors Remy, Bosley and Giacomo - Rules of Order - Section 4 - Quorum (Remote Participation)**

Council Action:

In City Council February 17, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the communication on remote access be reported out of committee and be referred to the Planning, Licenses and Development Committee for their consideration as an amendment to the Rules of Order.

Attachments:

1. SECTION 4 - Remote Participation

Background:

City Manager Elizabeth Dragon indicated this communication has been discussed as part of the Council's Rules of Order and indicated the suggestion tonight is that this item be reported out and be sent over to PLD so it could be made part of their agenda March.

Councilor Remy stated as one of those who submitted he felt this fits right into what they are doing.

Councilor Madison made the following motion, which was seconded by Councilor Remy.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the communication on remote access be reported out of committee and be referred to the Planning, Licenses and Development Committee for their consideration as an amendment to the Rules of Order.

PROPOSED AMENDMENT
RULES OF ORDER
AS CONSIDERED BY THE CITY COUNCIL ON DECEMBER 2, 2021

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. **In the event that a quorum is not achieved,** ~~case that a less number than a quorum shall convene at a regular or special meeting,~~ the meeting shall be rescheduled by the Mayor or the Temporary Chairman. **Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be “reasonably practical” in the event of serious health issues, disability, or out of town employment responsibilities, vacation for up to two weeks or death in the family.** The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.5.

Meeting Date: March 9, 2022
To: Mayor and Keene City Council
From: Councilor Kate Bosley
Through: Patricia Little, City Clerk
Subject: Councilor Kate Bosley - Rules of Order - Section 15 - Conflicts of Interest

Council Action:

In City Council February 17, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Bosley
2. SECTION 11 - Conflict of Interest

Background:

Councilor Bosley is requesting that Section 15 of the City Council's Rules of Order - dealing with conflicts of interest - be referred for further discussion and potential amendment of the language.

KATE MICHELLE BOSLEY

111 Gunn Rd • Keene, NH 03431 • [REDACTED]

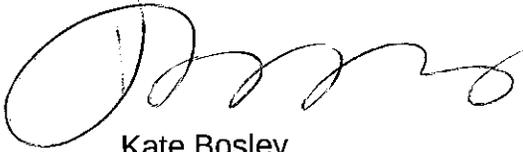
[REDACTED] www.hendersonbosley.com

February 9th, 2022

Dear Mayor and City Council,

I am writing this letter in regards to following up on the current matter in front of the Council relating to the rules of order. I am hoping that we can further the conversation and consider reviewing Sec 15. Conflicts of interest. I have spoken to this matter in the past and feel that this section could use some fine tuning and would like to see it appear on a committee agenda for further conversation and possible amended language.

Thank you for your time and consideration in this matter.



Kate Bosley
Keene City Council
At-Large

PROPOSED AMENDMENT
RULES OF ORDER
AS CONSIDERED BY THE CITY COUNCIL ON DECEMBER 2, 2021

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration.

A conflict of interest shall be defined to exist when a proposed action, decision, or discussion, would affect the Councilor's pecuniary or personal interests. A pecuniary interest is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally. A personal interest is any non-pecuniary interest by a Councilor in the outcome of a matter in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the matter by a Councilor. Membership in an organization generally, and not in a leadership capacity, shall not be considered a personal conflict of interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict of interest.

A Councilor with a conflict of interest on a Council agenda 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 a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote 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 exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for each person in the household the person's employer, and any board, commission, organization, association, or other entity which the person is a member of, and

whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.