

**City of Keene**  
**New Hampshire**

**PLANNING, LICENSES AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

**Wednesday, March 10, 2021**

**7:00 PM**

**Remote Meeting via Zoom**

**Members Present:**

Kate M. Bosley, Chair  
Mitchell H. Greenwald, Vice-Chair  
Philip M. Jones  
Gladys Johnsen (arrived at 7:06 PM)  
Catherine Workman

**Members Not Present:**

**George S. Hansel, Mayor**

**Staff Present:**

Rhett Lamb, Community Development  
Director/Assistant City Manager  
Kürt Blomquist, Public Works  
Director/Emergency Management Director  
Patricia Little, City Clerk  
Beth Fox, Assistant City Manager/Human  
Resources Director  
Steven Russo, Police Chief  
Tara Kessler, Senior Planner  
Thomas Mullins, City Attorney  
Med Kopczynski, Economic Development  
Director

Chair Bosley read a prepared statement explaining how the Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions of RSA 91-A (which regulates the operation of public body meetings) during the declared COVID-19 State of Emergency. She called the meeting to order at 7:02 PM. Roll call was conducted.

**1) Farmer's Market of Keene – Request to Use City Property and Requesting a Waiver or Reduction in Fees**

Bruce Bickford of Walpole stated that this is the Farmer's Market's annual request for the continued use of parking spaces on Gilbo Ave. and a portion of the Commercial Street Parking Lot that they have been using for the past three or four years, from April to the end of October.

Chair Bosley asked if there are changes to the request this year from prior years. Mr. Bickford replied no, except he might have put the start date too early; he thinks Saturday, April 17 should really be Saturday, April 24 to coincide with the Earth Day celebrations.

Chair Bosley asked to hear from staff. Kürt Blomquist, Public Works Director/Emergency Management Director, stated that as Mr. Bickford indicated, this is the annual request from the Keene Farmer's Market for use of parking spaces along the south side of Gilbo Ave. from

approximately the transportation center down to the entrance into the Commercial St. lot. They are also looking for the use of spaces in the Commercial St. lot along the north/opposite side. He continued that as Mr. Bickford indicated, typically the Farmer's Market is there Saturdays and Tuesdays. There is no significant change to the Petitioner's request. Staff recommends the standard conditions they have had in the past, including permitting a sandwich board sign. They will also continue with the condition related to the current State of Emergency. The Farmer's Market is looking for potential relief from the fees. Staff recommends that be sent to the Finance, Organization, and Personnel (FOP) Committee for discussion, due to the condition of the Parking Fund.

Chair Bosley asked if anyone on the committee had questions. She noted that Councilor Johnsen has arrived (at 7:06 PM). She continued that the reduction or elimination of the fee would impact the Parking Fund and that it was her thought that this is a conversation that should be before the Finance Committee for their recommendation.

Med Kopczynski, Economic Development Director, stated that he would be happy to answer any questions about the Parking Fund. Chair Bosley stated that her opinion is that they should let this conversation slide over to the FOP Committee, if there is not any hesitation from the rest of the committee. Hearing none, she asked if there were questions or comments from the public. Hearing none, she asked for a motion.

Mr. Blomquist stated that the recommended motion has April 17 as the start date, but that can be changed to April 24, per Mr. Bickford's statement.

Councilor Greenwald stated that he cannot find the full recommended motion that was drafted, and so, he made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends granting the motion according to the dates and terms indicated, with the financial matters to be discussed by the Finance, Organization, and Personnel Committee.

**2) Granite Roots Brewing – Requesting Permission to Sell Alcohol at the Farmer's Market of Keene**

Fenella Levick, of 545 West Hill Rd., Troy, stated that this is an annual request that the New Hampshire Liquor Commission asks Granite Roots Brewing to do. She continued that they are requesting permission to sell beer at the Farmer's Market. They are not requesting permission for sampling, due to COVID-19 constraints. They will just be selling 16-ounce cans of beer.

Chair Bosley stated that she recalls that the committee heard this request last year, too. She asked if the committee had any questions. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Greenwald stated that he found the full, recommended motion regarding the Farmer's Market, and asked if he should read it into the record now. City Clerk Patricia Little stated that they can amend the motion on the floor at the next City Council meeting.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that Granite Roots Brewing be granted permission to sell alcohol at the 2021 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmers' Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws.

During and following the State of New Hampshire Emergency Declaration due to the Novel Coronavirus (COVID-19) and as amended, Granite Roots Brewing shall be subject to, and shall comply with the licensing conditions applied to all vendors participating in the Farmers' Market of Keene; provided, however, that the City Manager is authorized to allow Granite Roots Brewing to offer individual product samples to patrons in accordance with the requirements of the State Liquor Commission, either at the conclusion of the State of Emergency as declared by the Governor, or at such time thereafter as determined to be appropriate by the City Manager.

**3) Representative Joe Schapiro – Urging the City of Keene to Take a Position on HB 266**

Chair Bosley stated that the PLD Committee does not have staff present tonight to discuss this agenda item in the detail that it needs to have.

Chair Bosley made a motion to place this request on more time for one more cycle. Councilor Greenwald seconded the motion.

Councilor Johnsen asked when this is coming up for a vote. Chair Bosley replied that this whole item will come back before the PLD Committee in two weeks. Councilor Johnsen asked when HB 266 is coming up in Concord. Chair Bosley replied that she is not sure; she believes there has already been some movement on it in Concord. Councilor Johnsen replied that she thought so, too. She continued that she is not sure if they are too late. Chair Bosley replied that there is an element of timing that she is not sure about, but they should still hear from the Petitioner, and they want to hear from some members of staff who are on vacation this week.

Chair Bosley recognized Representative Joe Schapiro. Rep. Schapiro stated that he is surprised to hear this is going to be delayed, because no one communicated that to him. He continued that there is an issue of timeliness in terms of this Bill and the Mayor and the City Council taking a position on it. Chair Bosley stated that she saw an email sent from the City Clerk's Office. She asked to hear from the City Clerk.

The City Clerk stated that she did communicate the information that the City Manager and the City Attorney are on vacation and it was decided that they really needed to be present for this discussion to continue. Rep. Schapiro stated that he did not see that. He asked when that was sent. Chair Bosley replied she thinks Tuesday.

Rep. Schapiro stated that this Bill has already been voted out of committee and it will go to the House in a few weeks. He continued that he knows that with the way the Keene City Council works it has already been three or four weeks since he submitted the letter at the suggestion of the City Attorney. There will be ample time to take a stand on this because it will have to go before the whole House and will have to go before the Senate if it passes the House, and will have to go before the Governor for a signature if it passes both Houses. He is disappointed that it is not happening tonight, but he thinks it is worthwhile doing it at the next meeting.

Chair Bosley stated that she appreciated Rep. Schapiro sending a copy of the City's Resolution. She continued that she had spoken with the City Clerk about that as well, because she thinks it is important to notice that when they have this conversation.

Chair Bosley asked if there were any further questions from the committee or public.

Councilor Greenwald stated that he would like to ask Rep. Schapiro to please not read this as anything negative, regarding his letter or the intent. He continued that he is fully supportive with Rep. Schapiro. He just wants to hear what the City Attorney has to say, and since it is not, as he understands it, so time sensitive that it has to get pushed through tonight, he wants to let the process run.

Councilor Johnsen stated that to tag on to Councilor Greenwald's comments, she is very happy to see Rep. Schapiro and appreciates what he is doing, and regarding the timing issues, sometimes these things happen.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the communication from Representative Shapiro be placed on more time until the next cycle.

**4) Councilor Filiault – Requesting Minutes be Kept of Meetings Between the Mayor, the Charter Officers, and the Committee Chairs**

Chair Bosley asked to hear from Councilor Filiault.

Councilor Filiault stated that he tried to bring this to the committee last year, but it got stalled on the City Council floor and did not make it this far. He continued that a few things have happened in the last couple of weeks and he decided to bring this up again, because he thinks it is important. He is looking for a Minute-taker (for the meetings between the Mayor, the Charter Officers, and the Committee Chairs) just for transparency. That is all. There is no political reason behind the scenes. Every other committee or City Council meeting that is scheduled has a

Minute-taker. Last time there was an argument of “That means we’ll have to have a Minute-taker for every impromptu meeting that comes along,” and that is not the case.

Councilor Filiault stated that to make a comparison: at committee meetings like tonight’s, there is a Minute-taker. That ensures that the other 10 City Council members not part of the committee, if they are not present, can read the meeting minutes and get an idea of what was discussed. The meetings between committee chairs and staff – which, by the way, are fairly new, something started under former Mayor Lane – have become regularly scheduled bi-weekly. If the other 12 City Councilors who are not part of those meetings want to read any meeting minutes or background notes of what happened at these meetings, there are none. All 15 City Councilors are elected and all 15 should have access to the same information, the way it is at City Council meetings and committee meetings. He is just looking for a Minute-taker, and it does not matter to him if it is someone on staff or someone else who takes decent minutes so that the 12 City Councilors not in attendance can have a transparent, legal notification of what happened at the meeting.

Chair Bosley asked if the City Clerk wants to speak to what the process would be for this to happen.

The City Clerk stated that she is here to give some background and some understanding of the level of information that is shared at these meetings. She continued that the purpose of the meetings is to review the draft agendas, which are in draft form on Monday morning. At these meetings she goes through the agenda and indicates who has responded to invitations, who will be attending, who on staff will be presenting, whether any PowerPoint presentations are expected, and other administrative considerations. She continued the City Manager might share an understanding of staff’s position and whether staff will need more time. The chairs are given an opportunity to indicate any change in the order of the items on the agenda or ask for any background information to be included in the agenda packet. The chairs can also ask that a “more time” item to be brought up for a future agenda. These meetings are administrative in nature and they are intended to make certain that the actual committee meeting runs smoothly and that the committee has all the information and resources they need to make a recommendation. The City Clerk continued there is no information shared with the committee of any substantive nature. These meetings were started several years ago, as Councilor Filiault said, by the former City Manager John MacLean, who previously would call the committee chairs individually and review their agendas. At some point it was decided – and she thinks there was a discussion between the City Manager and the Mayor – that it would be more efficient for everyone if it was a scheduled meeting of the three chairs. In addition to the Mayor, the committee chairs, the Charter Officers, the Assistant City Managers are also included, as their assistance may be requested during the meeting and it is important that they stay abreast of the agenda items.

The City Clerk continued that generally speaking, she always has a concern going beyond RSA 91-A, the Right to Know law, not only in our ability to support the process long-term, but for the

potential that this could lead to an expectation of meeting minutes being created of other administrative conversations in the organization. This group comprised of the three Standing Chairs, the Mayor, the Charter Officers, and the Assistant City Managers, is not a public body, and they are not required to keep minutes. As a more practical matter, she could not assign a Minute-taker to this grouping of people because this is not a public body and there is an administrative directive that you need to be a public body to have the assistance of a professional Minute-taker assigned to your group. If she were assigned the task, she would be concerned with having to give this function a priority, when her attention is really needed in creating the actual agenda packet and dealing with all of the other administrative details that need to occur before the meetings occur.

The City Clerk continued that actually, all Councilors do receive a roll-up of much of what is discussed at these meetings with the Charter Officers and committee chairs. That roll-up is contained in the email they receive on the Wednesdays of the Committee meetings. That email tells you all of the agenda items, who is expected to be there, what staff members are presenting on the issue, and whether there is any PowerPoint presentation. In addition, the City Clerk's Office shares with all the Councilors all the proposed motions that are being offered to the committee for their consideration.

Councilor Filiault stated that he agrees with most of what the City Clerk said and what a couple other Councilors have said. He continued that they are saying "It's pretty mundane stuff being spoken about at these meetings; it is nothing all that exciting; it is just routine." He has not heard any good reason to not have a minute-taker. It is all about transparency. If they are concerned that a minute-taker would cause too much of a ruckus, then they should eliminate these meetings. Take them off the table like they were several years ago before then-Mayor Lane put them on. He is a stickler for transparency and has heard no logical reason not to have a minute-taker, other than it is a slight inconvenience. He will stick to his guns and say: it is only about transparency. He has chaired all of the committees of the City Council over the last 20 years at one point or another, and he would have never accepted the fact that he was going to be a committee chair at a meeting at which there was not a minute-taker. He would not have allowed it.

Councilor Greenwald stated that having been a participant in these meetings over many years, he can say yes, it is an agenda review. The people at the meeting go through the agenda to see what is coming up and ask clarifying questions. It is a helpful tool for the chair. He continued that it is not about gossip or topics off the agenda. Maybe as a compromise between nothing and everything, the agenda can be sent as a "pre-agenda" and maybe that gives the transparency of having a minute-taker without having full minutes. Regarding the phrase "high-level minute-taking" – it does not have to have a lot of detail, just "a discussion about [this] item," "a discussion about [that] item." Then the rest of the City Council would know what is going on at these meetings. The meetings are very helpful to the chairs. As Councilor Filiault knows, as a previous chair, and as he and Chair Bosley know, it is not easy being the chair, and you need some preparation going into the meeting. This is the one bit of preparation, which is very helpful. He does not want to see it discontinued, but he agrees with what Councilor Filiault is

saying. If it takes a little more transparency so they know what the discussion is or what is going on, it does not have need to be lots of long paragraphs like the minutes of the actual City Council committee meetings; just writing “a discussion about this” would satisfy everyone.

Chair Bosley stated that she has been thinking about this since she saw this letter come to the committee, and she and Councilor Filiault discussed this the last time he brought this up. She continued that she is a relatively new Councilor and a new chair in this last year. Without these (agenda review) meetings, she would not have made it. It would have been sink or swim, and she probably would have sunk. These meetings have given her an opportunity to review the agendas prior to the committee meetings and to ask questions about previous City Council decisions, and to ask the City Clerk to include items in the agenda packets, so that there is additional reference material for new Councilors on the committee. It is a basic agenda review. It is also her understanding that if they do have a Minute-taker there is a five-day window for the meeting minutes to be produced after a meeting.

The City Clerk replied yes, by statute, a Minute-taker is given five (business) days to prepare and submit a set of draft minutes. Chair Bosley replied that in that case, they would actually be holding the committee meeting before the minutes from the agenda review meeting would be required to be turned in. It starts to get complicated. She continued that she also feels like they are looking at creating a public body of three chairs that do not create a quorum of anything. She understands that the rebuttal to that is that these are regularly-scheduled meetings, and she does hear that, but she gets concerned about the fact that they want to say three random Councilors having a meeting now generates a quorum of some sort of public body. She asked to hear from the Mayor.

Mayor George Hansel stated that the purpose of these meetings is expediency. He continued that it saves him, the City Manager, and the City Clerk from having three separate conversations and he values that immensely, given the number of meetings that they all have to do. He does not know what would be contained in these minutes if they were to have minutes, other than just going down the agenda and saying “This agenda item was discussed, and this is who is going to speak.” Like the City Clerk said, Councilors are basically getting the minutes now, with the emails they are getting. This is not a public body, and he really hopes they do not make it a public body, because it just triples the amount of work for the Mayor and the City Manager to communicate some of this information. He works very hard, as the person running the meeting, to make sure that it stays to the agenda. There have been times when it has started to stray off and they have brought it right back. These are very purposeful meetings, and they are administrative in nature. Creating an extra amount of work and a level of detail here is unnecessary and would be of no value to the other Councilors. He hopes they do not go down this road; it would likely lead to just more work and more time for some people, which they do not have.

Councilor Workman stated that she understands the position of City staff and the Mayor, and she understands the merits and the purpose of the meetings, and she thinks they are critical. She

continued that she also has to agree with Councilor Filiault. She does not see the harm in having added transparency, and she understands it may not be a formal quorum, but there are Councilors who, by position as being identified as Chairs, have access to information a day earlier than the other 12 Councilors. For example, Chair Bosley is in those meetings and has access to Municipal Services, Facilities, and Infrastructure Committee and Finance, Organization, and Personnel Committee information that the other Councilors get a day later. People might say, “It is just a day; what’s the big deal?”, but it makes it so that the Councilors are not all on an equal playing field. It would not have to be high-level minute-taking; she agrees with Councilor Greenwald. Maybe they can come to a compromise without making it a public body. She does see the importance of having a minute-taker and having that added layer of transparency.

Councilor Jones stated that he is concerned about option two of the recommended motions. He continued that it sounds like they would be making this an official meeting under RSA 91-A(2), which means they would have to pay for the public notice. Also, he wonders who the meeting minutes would go to. He remembers that years ago the City Council was asking for the minutes of the meetings of the City’s Department Heads, because that is where a lot of things are discussed. That was denied, because of the same issues – it was not a quorum of the City Council. If you open it up, these types of things happen through RSA 91-A:2. People have to write to ask for copies of the minutes. And who would approve the minutes? There would be meetings talking about upcoming committee meetings, and then the committee meetings would happen a few days later and no one would have approved the minutes in between. He would not want there to be minutes, or to have something called minutes. If they want to call something a “summary” and send it out, that is fine. He chaired the PLD Committee for 15 years and the MSFI Committee for two years, and in the past, they invited Councilors to come to the meetings if they wanted to, as long as there was not a quorum of one committee or a quorum of the City Council. They could do that. There are ways around this. He just does not want to open a can of worms and start asking for minutes of other meetings, such as the Department Head meetings, which is where a lot of items are discussed that later go to the City Council.

Chair Bosley stated that Councilor Jones brings up another point that she would like to clarify: if those meetings are publically noticed, she thinks it also opens public participation. She asked if that is correct. The City Clerk replied that a public body does require notice to the public for the public to listen, not to have any sort of conversation, and the public and other Councilors could join a Zoom meeting if it were in that format, or if they return to face-to-face meetings, members of the public could actually come into the meeting space. Chair Bosley stated that she thinks that really complicates things.

Councilor Johnsen stated that she appreciates where Councilor Filiault is coming from, but having served in a leadership role on many organizations, there are very appropriate times when the leadership meets separately from the general membership. It is just a time for the administration to make sure everything is in order. With all due respect, she does not think it is the Councilors’ purpose to go into these meetings and she will not be voting in favor of this, with apologies to Councilor Filiault.



Councilor Filiault stated that to top off what Councilor Greenwald and Councilor Jones said, if they had some type of summary that would work, because what he wants is transparency. If they do not want to call a person a “minute-taker” but someone is there taking a summary, so the next day the other 12 Councilors have a summary of what was discussed, that is fine. They can call it what they want.

The Mayor stated that he wants to put out there for the Councilors’ consideration: the Mayor and the City Manager have the responsibility of managing this process of how information comes into the City Council, setting the agendas, and so on and so forth. If they take this too far it is inhibiting the Mayor and the City Manager’s ability to do their job. It is a bit of an overstep, he believes, on the part of the City Council. He and the City Manager try to run these meetings efficiently and they are always thinking about transparency, and this is an administrative function. He cautions the City Council against taking this step. Sure, it is a bit of a gray area, but he thinks it is not in the City Council’s purview.

Councilor Filiault stated that the Mayor just said it – it is a gray area. He continued that when it is a gray area, you err on the side of transparency. Councilor Filiault stated the Mayor made his exact point.

Chair Bosley stated that she disagrees; she does not think this is a gray area. She continued that she thinks it has been made very clear which meetings require minutes and which do not, and they are creating a gray area by getting into this conversation.

Chair Bosley asked if members of the public had any questions.

Councilor Powers stated that he perceives the meetings in question to be staff meetings, and they have been going on for at least seven years, if John MacLean started them. He continued that he has only been involved for about a year, since he became a chair, and to him they are staff meetings. He would rather focus on what is practical. If they had a Minute-taker, the Minute-taker would get the minutes out in five days. On Friday, you would get a draft set of minutes of what transpired during a conversation on Monday about a draft agenda (such as which staff members are lined up for the meetings and who will be coming in to the meeting), and by the time Wednesday and Thursday come about it is probably totally different, because somebody cannot make it at this time or that time. Another week later, the body will approve those minutes, which are now official but two weeks stale and most of the work has already been done. He does not understand the process as being functional and beneficial to the organization. He did not recall, until City Clerk mentioned it tonight, that the Councilors do get this new email. The new email gives information on everything that has made it to the agendas and was talked about at the agenda review meeting. All of that information is there in a timely fashion, because these emails go out before the meetings. He does not think anyone/anything in the City would benefit from them adding another layer that will not do much for them in terms of information.

Chair Bosley stated that she received a text message from Councilor Manwaring, who is not able to attend tonight. She read the text into the record:

*“Unfortunately I had a library meeting right after MSFI. Could you please say that I texted you that the chairs and charters meetings are purely administrative for me. It tells me the staff person talking to the item, options for motions, and in my case, whether we can handle the item in hour. If there are any complications on an item I would alert my committee members ahead of time as I did today.”*

Chair Bosley stated that she agrees with Councilor Manwaring. She continued that she hopes that PLD Committee members understand that if there was some sort of process issue she reaches out to all of them, and keeps them in the loop on any complicated process and what options they have, identifying what they need to be prepared to discuss. Also, they receive those emails from the City Clerk, which identify the speakers, and there is also an opportunity for the committee members to reach out to staff individually, between the time they receive those committee meeting agendas, to get any additional information that they might require that the chairs might not have thought to ask for or had not known to ask for at the agenda review meeting. She feels like the process works right now.

Chair Bosley asked if members of the public had any questions. Hearing none, she recognized Councilor Filiault.

Councilor Filiault stated that he did notice that all three committee chairs are against what he is saying, because they say “Everything’s fine, and we do the best that we can.” For him, that does not cut it. He continued that his personal experience is that when he was a committee chair, he could not say that, because what he told committee members about what was said at the agenda review meetings would be his opinion. At least if there were a set of meeting minutes or something to show what was said, from a neutral source, that is transparency. He is glad the three committee chairs think it works well and that they are providing enough information, and in their opinions, they probably are. But unless the other 12 Councilors can see the exact same thing, it does not cut it for him.

Councilor Greenwald stated that to throw out a potential, easy compromise, there is a loose agenda for the agenda review meetings, which could be made available to any Councilor who wants to see it. He continued that maybe that would put the issue to rest. Then any Councilor will know what was discussed and then they could dig further. He agrees that “administrative” is a good way to put it, but it is preparation for the meeting. It is not gossip or secret information, and a good committee chair is going to make available to their committee members anything that went on at the “top secret” meeting.

Chair Bosley asked if Councilor Greenwald is suggesting the City Clerk send out a copy of the draft agendas to the entire City Council, prior to the meeting for committee chairs. Councilor Greenwald replied that maybe it could be made available. He continued that he thinks that out of

the 15 Councilors there will only be a few who will be interested, and if they are, they can go see the City Clerk to get a copy.

Councilor Workman stated that she personally does not think that there is gossip or any wrongdoing being done behind closed doors or during these meetings, but having transparency and having all Councilors have the same access to information at the same time is fair. Yes, they get the information on Tuesday, but it is still 24 hours after that meeting. The committee chairs do have a 24-hour advantage, of being able to process the agenda, think about questions ahead of time, and so on and so forth. She does not like option one or option two [of the recommended motions]. She would like a third option, not calling it a “minute-taker” and avoiding RSA-91(A) and avoiding the public body. There has to be a third option somehow.

Chair Bosley stated that she thinks that having an official Minute-taker would not give what Councilor Workman is looking for anyway, because minutes would be produced five days later and then would need time to get approved, and they certainly would not have those minutes in time to have any sort of review or understanding of what is going on in the agenda review meeting prior to Tuesday when the agendas are released. She asked Councilor Workman: if copies of the draft agendas were available to committee members, so Councilors could ask questions on Monday when they receive them, would that give her sufficient comfort? She continued that committee chairs do not receive background information; they just receive a draft agenda. They might have questions or comments. For example, regarding tonight’s agenda item about HB 266, she recalled that there was a Resolution in a previous year relating to that and asked the City Clerk about it and asked for it to be included in the agenda packet. The City Clerk identified the Resolution because she was not present when it was drafted. Sometimes she, as an individual, might know a little bit but not enough to have all the history that, say, Councilor Jones might have. The City Clerk has been here a long time and has that institutional knowledge, so she is always a good person to ask.

Councilor Filiault stated that he likes some of the comments being made. He continued that once again, for him it is about transparency. If the word “minute-taker” is not working, he is hearing a mutual consensus. He has no problem with the PLD Committee placing this item on more time and discussing it over the next couple weeks. For him this is about transparency; there is not some big political agenda he is trying to force down anyone’s throats. He just wants the process to be more open. If they place this on more time he will get together with City staff and try to come up with some amicable solution so everyone is getting the same information. Whatever word they want to call it is fine.

Councilor Johnsen stated that when she was in an administrative role she appreciated having just the administrators, so when she got to the meeting she was very clear and things came through. This explains to her why Chair Bosley comes in here [to the PLD Committee meetings] and clearly knows what is going on. If she (Councilor Johnsen) were chairing one of these committees she would be sitting at that administrative meeting asking questions and it would seem like just one more thing she had to do. She really appreciates having the space for

administrators to just do their thinking out loud, not discussing anything else. She has noticed that the City Council meetings go right on the button. Everything goes click, click, click, click. That is where she sees the purpose of the agenda review meetings.

The Mayor stated that he advises against draft agendas. He continued that there are definitely times when things get moved around; items get pulled off or put on at certain points. He does not want to get another set of agendas out there to confuse people. You never know what kind of issues that could have. If they pull an item or push it back and then that person talks to a Councilor before the meeting they may show up when they do not have to. Putting out a draft agenda and a regular one is something he cautions against, and he does not see the value. There is maybe a time element to it, but he does not want to send out two sets of agendas for these meetings. That does not make sense. He also wants to correct what he said before: he does not think this is a gray area. He should have said that Councilor Filiault is arguing that it is a gray area, but it is not. This is not a public body and they do not meet the requirements for public bodies. The City Council cannot direct the Mayor regarding who the Mayor can and cannot meet with. He understands what Councilor Filiault is talking about but thinks he is making a much bigger deal of this. [The agenda review meetings as they currently occur are done for expediency and he could have these individual conversations with any individual Councilor if he wanted to, without any issues. He hopes the City Council does not cause this to become a problem, because it is an administrative thing. They are doing these meetings to save time. They are not doing these meetings to conceal information from the City Council.

Councilor Workman stated that she understands the perspective of the City staff, the Mayor, and the chairs. She continued that if it is all about time and efficiency, if everyone agrees to an audio recording that can be started immediately at the beginning of the meeting and no one has to edit it and it could be dispersed amongst the Councilors. She is just trying to think of another compromise. It does not sound like they will come to a resolution on it tonight, and the City Attorney is not present, so she does not know the legalities of that. She is trying to think of a compromise that would avoid minute-takers and the lengthy process. Audio recordings are something to consider.

Councilor Greenwald stated that he was thinking about Councilor Filiault's suggestion to put the matter on more time, and that this would be discussed at the next meeting, and it seems like running the dog around after its tail. Chair Bosley replied that she thinks they will have a robust conversation about this on the City Council floor. She continued that she is ready for a motion.

Councilor Greenwald made a motion to place this item on more time. Councilor Jones seconded the motion.

Chair Bosley stated that she does not believe they should be placing this item on more time. She continued that she would like to amend this motion, to deny this request to have minutes prepared for meetings between the Mayor and the Charter Officers and standing committee

chairs. She thinks they should put one of these motions before the full City Council and find out what the City Council has to say about it. Councilor Johnsen seconded the amendment.

Councilor Filiault stated that as a point of order, that is not an amended motion; it is a totally separate motion. Councilor Jones stated that there is already a motion on the floor. Councilor Filiault stated that the motion on the floor was for more time, and Chair Bosley made a separate motion before that motion had been voted on.

The City Clerk stated that the City Attorney is present as an attendee and can speak to whether that was an appropriate amendment. Chair Bosley noted that the City Attorney is calling in from his vacation.

Thomas Mullins, City Attorney, stated that there is a motion on the floor, and any motion is subject to an amendment. He continued that if this were a motion at a Town Meeting you could not change the subject matter entirely but if there is a motion to amend and then a second and the motion to amend is to change the substance of the motion that is permissible.

Chair Bosley asked what the path forward is. Do they vote on the amended motion? The City Attorney replied yes, there is an amendment on the floor that has been seconded; it would be a vote on that amendment. Chair Bosley stated that they are voting to amend the motion and then they would vote to pass or deny the amended motion. The City Attorney replied that is correct.

Chair Bosley stated that the motion is to amend the motion for more time to an official motion that would move this forward to the City Council. She asked if there were any questions from the committee or the public.

Councilor Greenwald stated that he deems this to be an unfriendly amendment. He continued that he is not going to argue with the City Attorney, but he is opposed to this amendment and thinks the item should go on more time. He does not want to make a statement on the subject at this time.

Councilor Jones stated that he thinks that in all his years on the City Council, any time a Petitioner has asked to have their item placed on more time the City Council has done it for them, no matter what the reason is. Thus, he thinks they should stick with more time.

Chair Bosley stated that her concern is that she is not sure what they will get out of waiting two more weeks, except another conversation like this. She continued that she would like to hear how the full City Council feels about this. That was her reasoning behind pushing this through. If they want to talk about this again in two weeks, they can. She is just not sure what new information would come forward.

Chair Bosley asked for a vote on the amendment only. The motion to amend the motion failed with a vote of 2-3. Councilor Workman, Councilor Greenwald, and Councilor Jones were opposed.

On a vote of 3 to 2, the communication from Councilor Filiault was placed on more time. Chair Bosley and Councilor Johnsen were opposed.

**5) Relating to Chapter 18 Building Regulations  
Ordinance O-2021-01**

Chair Bosley asked to hear from Tara Kessler and Rhett Lamb.

Tara Kessler, Senior Planner, stated that this Ordinance relates to the proposed Land Development Code, which staff anticipates will come before the City Council for a public hearing in April. She continued that if the proposed Land Development Code is adopted, staff would recommend it not take effect until July 1, or, if for some reason this process is elongated through the City Council's public hearing phase, at a point a few months after the Land Development Code is voted on by the City Council. The reason for that spacing between when it is voted on and when it becomes effective is to give the community, including boards and staff, time to get up to speed with the changes in the Code, since it is a very substantial update to the regulations. The section of Chapter 18, which is proposed to be removed in the Ordinance that was submitted, today essentially prevents permits from being issued once a public hearing for a proposed Zoning or City Code Ordinance has been noticed for public hearing and if the proposed work that is involved in that permit would be in conflict with any of the changes proposed through that Zoning or Code change. Typically, the timeframe between when a City Council public hearing is noticed and when the City Council would act is only a matter of a few weeks. In the event of Land Development Code, they anticipate that the timeframe between the notice of a public hearing for it and when it would take effect would potentially be a few months. Staff feels that would be burdensome for people seeking permits and also for staff who are trying to get up to speed with the vast amount of changes that are proposed in this Code. Thus, the Ordinance essentially proposes to eliminate that section of Chapter 18 that talks about permits not being able to be issued once a Code change or Zoning change is publically noticed if it is going to be a conflict with that change. Staff does, however, recommend that after the Land Development Code takes effect, staff would come forward to reinstate that language since it is important for the City. Essentially it is a temporary removal of it but the cleanest way to do it would be to, at this point in time, strike it from the City Code, and then after the take-effect date of the Land Development Code they would come back and reinstate that language.

Rhett Lamb, Community Development Director stated that all he wants to add is: as Ms. Kessler has pointed out, this is unique to the Land Use Code. He continued that as part of the Land Use Code, creating an "effective date" is not something they do very often. Under the circumstances, the Chapter 18 provision sort of conflicts with what they are trying to achieve with the public information/education piece associated with the Land Use Code. That is why they are making

this change, and also the suggestion that staff come back to the PLD Committee after the Land Use Code's effective date is passed to ask the City Council to put it back in.

Chair Bosley asked if there were any questions from the committee. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends adoption of Ordinance O-2021-01.

There being no further business, Chair Bosley adjourned the meeting at 8:07 PM.

Respectfully submitted by,  
Britta Reida, Minute Taker