



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
Council Chambers A, Keene City Hall  
July 24, 2024  
6:00 PM

**A. AGENDA ITEMS**

1. Jim Coppo/Jimmy Tempesta - Request to Discharge Fireworks - First Responder Appreciation Community Day - August 18, 2024
2. Request for Authorization for the Issuance of a Building Permit for 3 Aliber PI and 57 Marlboro St pursuant to RSA 674:41 - Community Development Director
3. Continued Discussion - Donation of Land at 0 Ashuelot Street – Compensatory Flood Storage
4. City Council Rules of Order Amendments - City Attorney

**B. MORE TIME ITEMS**

1. Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility – Ordinance O-2023-17-A
2. Ordinance O-2023-16-B: Relating to Charitable Gaming Facilities

**NON PUBLIC SESSION**

**ADJOURNMENT**

July 15, 2024

City of Keene  
Honorable Mayor & City Council  
3 Washington St  
Keene, NH 03431

To: Honorable Mayor Jay Kahn & City Council

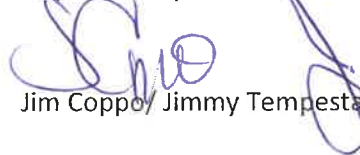
Please let this letter serve as our request and seek permission to include a fireworks display at our very unique, the First Responder Appreciation Community Day, event on August 18<sup>th</sup> at Alumni Field. This event will be open to the public, will have Police, Firefighters, Ambulance personnel, Dispatchers along with dignitaries and guest speakers. This event will be an extension to our 'Blue Line Appreciation' event we host at the restaurant.

The day will be filled with family fun, have all area equipment on display and meet and greets with the hero's, in addition to demonstrations by City, State and County departments.

I have attached a set of fliers for out to see. The fireworks display will be a music themed special First Responder colored show for 10 minute slot at the completion of the City Fire vs Police game.

The show will be done by Atlas Pyrovision Entertainment, the same company that does Swampbat games. They will use the same location as the always do.

Hope to see you all at the event,



Jim Coppo/ Jimmy Tempesta

# BLUE LINE APPRECIATION & TEMPESTA'S RESTAURANT

PRESENTS

## FIRST RESPONDER APPRECIATION COMMUNITY DAY

AUGUST 18<sup>TH</sup>. 2024

ALUMNI FIELD, KEENE, NH



### SOFTBALL GAMES

- FITZWILLIAM POLICE CRUISE EVENT
- TOUCH A TRUCK EVENT – POLICE, FIRE, AMBULANCE, NH FISH & GAME
- POLICE VS. FIRE – GUNS VS. HOSES, SOFTBALL GAMES
- HOME RUN DERBY
- NHSP MOTORCYCLE DEMONSTRATION
- POLICE K9 DEMONSTRATIONS – SEARCH, APPREHEND, AND COMFORT DOG
- FOOD TENT BY TEMPESTA'S RESTAURANT
- AXE THROWING/FACE PAINTING/BALLOON ART/FOAM FRENZY
- GUEST SPEAKERS/DIGNITARIES, AND 1ST PITCHES
- SPECIAL MUSIC THEMED FIREWORK SHOW
- LOCAL VENDORS
- STEVE PRO AND THE BOOM BOX BAND
- NH DRUM & BAGPIPE MAJOR DAVE MYER
- COPSICLE TRAILER



**Visit us on Facebook @ First Responder Community Day**

**FIRE FIGHTERS Vs. POLICE Softball Double Header/HomeRun Derby**  
**Gates Open 10 am, Events start at 11 am**

**ALL PROCEEDS TO BENEFIT MONADNOCK REGION CHILD ADVOCACY CENTER**

# BLUE LINE APPRECIATION & TEMPESTA'S RESTAURANT

PRESENTS/HOST

## 2024 FIRST RESPONDERS COMMUNITY APPRECIATION DAY AUGUST 18<sup>TH</sup> AT ALUMNI FIELD

### 2024 FIRST RESPONDER COMMUNITY DAY SCHEDULE OF EVENTS

- 10:00AM Gates Open
- 11:00AM
  - Fitzwilliam Police Association Cruise Event  
Cars / Trucks / Motorcycles
  - Police-Fire-Ambulance equipment displays
  - Steve Pro & The Boom Box Band on stage
- 1:45PM NH Police Drum & Bagpipe Major Dave Myer
- 2:00PM County Throw Down – Hoses vs. Guns /  
Police vs. Fire Softball Game
- 3:20PM Demonstrations; K9 Teams & Motorcycle Demo
- 4:30PM Home Run Derby / Police vs. Fire
- 6:30PM City Police vs. City Fire – Ultimate Showdown  
Softball Game
- 8:30PM Firework Show – First Responder themed

Meet & Greet the Local Hero's/Dignitaries & Guest Speakers  
Welcomes & Thank You's

Admission \$5 / Under 12 Free  
Proceeds to benefit CHILDREN'S ADVOCACY CENTER

Food Tent will be open the entire event.  
Schedule subject to changes and modifications.

### HAPPENINGS

- FITZWILLIAM POLICE CRUISE EVENT
- TOUCH A TRUCK EVENT – POLICE, FIRE, AMBULANCE,  
NH FISH & GAME
- POLICE VS. FIRE – GUNS VS. HOSES, SOFTBALL GAMES
- HOME RUN DERBY
- NHSP MOTORCYCLE DEMONSTRATION
- POLICE K9 DEMONSTRATIONS – SEARCH, APPREHEND,  
AND COMFORT DOG
- FOOD TENT BY TEMPESTA'S RESTAURANT
- AXE THROWING/FACE PAINTING/BALLOON ART/FOAM  
FRENZY
- GUEST SPEAKERS/DIGNITARIES, AND 1ST PITCHES
- SPECIAL MUSIC THEMED FIREWORK SHOW
- LOCAL VENDORS
- STEVE PRO AND THE BOOM BOX BAND
- AND MORE!

STAY UP-TO-DATE WITH EVENTS/HAPPENS – LIKE US ON FACEBOOK  
FIRST RESPONDER COMMUNITY DAY



Supporting Blue Line Appreciation Community Day



Free admission for show cars

# Fitzwilliam Police Association Cruise Event



Sunday August 18th starting at 11am  
(gates open at 10am)

**KHS Alumni Field**

77 Arch St Keene, NH 03431

# Cars - Food - Raffles

\* Proceeds benefit scholarships for high school seniors

Contact 603-585-6565 or [chief@fitzpolice.us](mailto:chief@fitzpolice.us)



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** July 24, 2024  
**To:** Planning, Licenses and Development Committee  
**From:** Mari Brunner, Senior Planner  
**Through:** Jesse Rounds, Community Development Director  
**Subject:** **Request for Authorization for the Issuance of a Building Permit for 3 Aliber PI and 57 Marlboro St pursuant to RSA 674:41 - Community Development Director**

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**Recommendation:**

Move to recommend the City Council grant the request to authorize the issuance of building permits for three duplexes on the property located at 57 Marlboro Street and that the City Council consider Resolution R-2000-28 for a possible revision.

**Attachments:**

1. 2024\_07\_22\_PB\_Minutes\_Advice and Comment
2. Resolution R-2000-28\_Council Policy
3. State Statute\_Regulation of Subdivision of Land

**Background:**

This request pertains to two existing, developed lots within the city that have frontage and access from a private road: 3 Aliber Place and 57 Marlboro Street. RSA 674:41 places restrictions on the issuance of building permits on lots without frontage on a Class V or better highway (or a street shown on a plat approved by the planning board and/or the legislative body).

In the case of a lot with frontage on a private road, this statute states that a building permit may be issued if the street giving access to the lot is a private road, provided that:

- "(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and*
- (2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and*
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought;"*

This item was reviewed and discussed at the Planning Board meeting on July 22, 2024. The draft minutes from this meeting are not yet available; however, the board made the following motion regarding this request:

The Planning Board moved to recommend the City Council grant the request to authorize the issuance of building permits for three duplexes on the property located at 57 Marlboro Street and advise the City Council to consider City Council Policy R-2000-28.

## I. Advice and Comment

### **Planning Board Review and Comment on Proposed Development at 57**

**Marlboro St. and 3 Aliber Pl.** – In accordance with RSA 674:41, sub-section I.(d), owner Jared Goodell seeks Planning Board review and comment regarding his request for City Council authorization for the issuance of building permits where the street giving access to the lot upon which the buildings are proposed to be placed is a private road.

Applicant George Hansel of Tailfeather Strategies addressed the board and explained that this request pertains to an issue he has never encountered before, which is a state statute that requires any parcel that does not have frontage to be approved by the governing body. Furthermore, the statute requires that the Planning Board provide comments to the governing body. He noted that this project will also require other approvals, including relief from zoning. He said he and the owner participated in a Presubmission meeting with staff and got feedback from planning, zoning, police, fire, engineering, and building. He appreciates staff working with him on a new and different idea.

The plan calls for the construction of three duplexes on a currently un-used section of 57 Marlboro St, which is located between a two-family parcel on Marlboro St and a single-family property to the rear. This lot would not be allowed to be created today – it is an existing nonconformity. The area where the duplexes are proposed is currently deteriorated gravel, so part of the plan is to make improvements to the site and add some desperately needed housing in a developed area of the city.

Mr. Hansel stated that the RSA does not provide guidance for reviewing this type of request. In his research, he found that most communities when reviewing these types of requests are mostly reviewing to make sure there is emergency access. They are concerned with Class VI roads that are way out in the woods where it might be difficult to get a fire truck or emergency vehicle to access the site. That is not an issue for this instance – this is an established site; it has been reviewed by fire and police and they did not have any comments or concerns.

Chair Farrington asked for clarification on the location of Aliber Place. Mr. Hansel responded that it is essentially a shared driveway that runs along the east of the properties that are part of this proposal. It provides access for the single-family home at 3 Aliber Place and a three-family home on 57 Marlboro. Mayor Kahn asked for clarification that Aliber Place is a private road; Mr. Hansel responded in the affirmative.

Mayor Kahn noted that the City Council has a policy, Resolution R-2000-28 that pertains to Class VI roads. Ms. Brunner addressed the Board and said that this resolution was adopted in 2000 and it deals with the RSA under discussion tonight, RSA 674:41. At the time the resolution was adopted, the RSA did not mention private roads; however, in 2002 the RSA was amended to include a section on private roads. She noted that this resolution is a matter for City Council to discuss and not the Planning Board. The role of the Planning Board is to provide comment as required by RSA 674:41 on this specific proposal, or in other words, the Planning Board is being asked to comment on whether the City Council should authorize



building permits to be issued specifically for properties with frontage/access from Aliber Place. City Council will have to decide whether the resolution the Mayor mentioned is pertinent to this situation, and if so, whether they want to amend it or suspend it.

Mayor Kahn asked whether or not the Planning Board could even look at this tonight, given City Council's policy on Class VI roads. Ms. Brunner said that the City Council's policy is not the Planning Board's policy; the Planning Board does have jurisdiction to provide review and comment on this request under RSA 674:41. City Council will have to decide whether and how their resolutions applies to this request and work through that when this item gets to them. She reiterated that the Planning Board, tonight, is being asked to comment specifically on Aliber Place and not private roads city wide. Mr. Clements added that the Board should look at this from the perspective of their role as a regulator for the safe, orderly development of the community in a general sense. He noted that the RSA contemplates old woodlots and large, very remote parcels; he doesn't the legislators were considering an urban developed area when the RSA was written.

Ms. Vezzani said that, in her view, the applicant has addressed emergency access. She has no concerns related to fire or police access. She would like to know how maintenance such as snow removal will be handled.

Chair Farrington asked whether Aliber Place is a Class VI road; Ms. Brunner said it is not. A Class VI road is a type of road in New Hampshire that is a public right of way that is no longer maintained for motor vehicle access or emergency access. The City has specific regulations relating to Class VI roads, but does not have any regulations specific to private roads. Neither the city nor state statute defines what a private road is.

Don Lussier, Public Works Director addressed the Board and said that private roads, for all intent and purposes are shared driveways - there is no public right to use a private road, versus a Class VI road which is a public road under state statute. He noted that the RSA requires that a notice be filed with the Registry that states the municipality is not, and will never be, responsible for maintenance of the road or damages resulting from it. He said Public Works will not be maintaining this road and utilities will remain private, therefore there is no public interest.

Mayor Kahn asked what the City's responsibility is to provide services to this development. Mr. Lussier said that currently, all of the buildings on these lots have individual private water service and a shared private sewer line. City ordinances allow a shared service for multiple buildings on a single parcel, but do not allow shared service for buildings on multiple parcels. The applicant has proposed to merge these lots into a single residential parcel, so it is permissible under City code to have a single water service and a single sewer service serving multiple buildings. He noted that he strongly recommends that the owner upgrade the water service in order to provide adequate water pressure to the new and existing units. Mayor Kahn asked if this is sufficient for fire service. Mr. Lussier said the Fire Department would be better equipped to answer this question, but typically single and two-family homes do not require sprinkler systems. Mr. Hansel said that the Fire Department

did look at the proposal and gave guidance on fire separation between the buildings.

Chair Farrington asked whether 57 Marlboro St. is accessed by Aliber Place; Mr. Hansel answered in the affirmative.

Ryan Clancy asked if this will be a Cottage Court overlay, Mr. Hansel said it is not - in this case the Cottage Court overlay was not useful.

Chair Farrington asked about the size of the combined parcel. Mr. Hansel did not have the acreage but showed what the outline of the merged parcel would be on a map. Mr. Mehu said he believes it would be about a half-acre.

Mayor Kahn asked what action the Board is being asked to take. Ms. Brunner recommended that the Board make a motion that summarizes any comments that the Board has so it is clear going to City Council. She said this item is going to PLD Committee on Wednesday. Mayor Kahn said he would like the committee reviewing this to consider the 2000 ordinance and its application in this instance. He thinks it deserves this kind of attention - other applicants might have similar considerations on private drives, and he thinks Council ought to weigh in.

Mr. Kost said he thinks this is a very creative approach to provide some workforce housing and its using a site that is in need of some attention. This will provide small, rentable housing in a really nice location which we need. He hopes this succeeds.

Chair Farrington asked if the Planning Board will have another chance to review this request. Ms. Brunner said that this request does need zoning relief, including two variances related to dimensional requirements and a special exception for major parking reduction, so the public will have a chance to comment on this proposal at the public hearing before the ZBA. With respect to planning, there is a three-family building on the parcel so the site changes will require administrative planning review. The new duplexes will not require site plan approval.

Chair Farrington asked what zoning districts these parcels are in. Mr. Hansel said that 57 Marlboro Street is in Downtown Edge. These parcels are located on the edge of downtown where different zoning districts come together.

Mayor Kahn asked about screening, especially from the adjacent parking lot which is heavily used. Mr. Hansel said that he included a rendering in the packet to show how heavily vegetated the area is between the parking lot and the proposed duplexes. Mayor Kahn said his comment is with respect to screening and privacy for the future occupants of the duplexes. Mr. Hansel said that is the reason they are asking for variances from setbacks - they feel the proposed location for the duplexes is ideal because it is screened from view and will provide the most privacy for the residents.

Chair Farrington asked about the process for a voluntary merger; Ms. Brunner responded that it is administrative.

Vice Chair Mastrogiovanni made a motion to recommend that City Council grant the request to authorize the issuance of building permits for three duplexes on the property located at 57 Marlboro Street. The motion was seconded by Ms. Vezzani. The Chair asked for any further discussion.

Mayor Kahn reiterated his request that the Board ask City Council to consider Resolution R-2000-28. Ms. Mastrogiovanni made a motion to amend the motion to reference Resolution R-2000-28 to be considered. The motion to amend was seconded by Mr. Mehu.

Chair Farrington asked for a vote on the motion as amended. The motion passed unanimously.



# CITY OF KEENE

R-2000-28

In the Year of Our Lord One Thousand Nine Hundred and Two thousand

A RESOLUTION Relating to Amending the Street and Utility Requirements and Standards

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

In accordance with NHRSA 674:41, the City Council of the City of Keene hereby adopts the following interim policy with respect to the use of Class VI highways within the City of Keene:

**Driveways.** It shall be permissible for the owner of any lot of record, as of May 1, 2000, having the requisite frontage on a Class IV or V highway, and that abuts a Class VI Highway, to use any Class VI Highway abutting that property as a driveway, provided that said driveway does not exceed 750 feet in length measured from the intersection of the Class IV or V Highway, and the Class VI Highway and the driveway meets the City of Keene Driveway Standards.

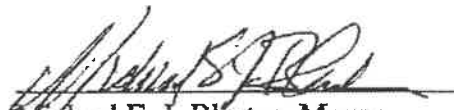
The Planning Board may issue a driveway permit, as per Section 2708.18 of the City Code, based upon a demonstration that the section of the Class VI highway to be used as a driveway is suitable for emergency vehicles on the date of issuance of the driveway permit and further provided that the property owner executes and delivers to the City a document suitable for recording at the Registry of Deeds which contains the following items.

1. Landowner name(s), address, description of the property, and where the owner's deed is recorded at the Registry of Deeds.
2. Name of the Highway, fact that the highway is Class VI, with the details of how it attained that status.
3. Description of the proposed structure to be constructed, including number of units.
4. An acknowledgement by the owner of the property that the City of Keene has no legal duty to maintain the highway, or any intent of doing so, nor any liability for damages resulting from the use of the highway. Further, that the city will provide no winter maintenance, grading or other road repairs, and that, at times, the City may not be able to provide police, fire or other emergency services. That school bus, mail, or other services may be restricted or nonexistent and it is the property owner's responsibility to obtain such services.
5. An acknowledgement by the owner of the property that the City does not maintain and does not have any intent of doing so, and that any maintenance, or expense associated with the repair and maintenance of the Class VI highway in a condition to be used as a driveway is the responsibility of the property owner or their successors or assigns. That the portion of the Class VI highway used for a driveway will be in conformance with the City of Keene Driveway Standards.

PASSED  
July 20, 2000

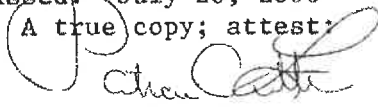
6. An acknowledgement by the owner of the property that any work performed by the property owner on the Class VI road must have prior approval from the Public Works Director or his/her designee.
7. An acknowledgement by the owner of the property that the Class VI highway shall remain a full public highway and that the property owner shall not prohibit or restrict use by the public.
8. An acknowledgement by the owner of the property that the City of Keene retains full authority, if it chooses, to regulate the public use of the highway, pursuant to RSA 41:11 and RSA 231:21.

**Building Permits on Class VI Highways.** Properties which have frontage and access only from a Class VI Highway shall not be eligible for building or driveway permits. Building lots created subsequent to May 1, 2000, which have frontage on both a Class IV or V and a Class VI highway shall be required to access said lot from the Class IV or V frontage.

  
Michael E. J. Blastos, Mayor

Passed: July 20, 2000

A true copy; attest:

  
Patricia C. Calkins  
City clerk

# TITLE LXIV PLANNING AND ZONING

## CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

### Regulation of Subdivision of Land

#### Section 674:41

##### **674:41 Erection of Buildings on Streets; Appeals. –**

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

(a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or

(b) Corresponds in its location and lines with:

(1) A street shown on the official map; or

(2) A street on a subdivision plat approved by the planning board; or

(3) A street on a street plat made by and adopted by the planning board; or

(4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40;

or

(c) Is a class VI highway, provided that:

(1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

(d) Is a private road, provided that:

(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or

(e) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if one or more buildings have been erected on other lots on the same street.

II. Whenever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and when the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of appeals, whichever is appropriate, in

accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

II-a. Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

IV. In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every building which is erected on leased land located within an unincorporated town or unorganized place to have a building permit. A building permit shall be required under this paragraph regardless of the proximity of the building to any street or highway. The county shall, by resolution, authorize the planning board to issue building permits under this paragraph.

**Source.** 1983, 447:1. 1988, 131:2, 3. 1989, 266:20. 1995, 291:10. 1998, 344:6. 2002, 270:1, 5. 2004, 154:1, 2. 2005, 226:1, 2, eff. Sept. 3, 2005.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

**Meeting Date:** July 24, 2024

**To:** Planning, Licenses and Development Committee

**From:** Tara Kessler  
Planner Paralegal - BCM Environmental & Land Law  
PLLC

**Through:** Patricia Little, City Clerk

**Subject:** **Continued Discussion - Donation of Land at 0 Ashuelot Street –  
Compensatory Flood Storage**

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**Recommendation:**

This plan relates to the request for conditional approval to locate the Monadnock Conservancy's proposed flood storage compensation area on the portion of 0 Ashuelot Street that will be donated to the City.

**Attachments:**

1. K2781 RIPARIAN SWALE CONCEPT 7-8-24(2).pdf\_reduced 11x17

**Background:**





Amendment #1

SECTION 2. SPECIAL MEETINGS AND WORKSHOP MEETINGS.

Special Meetings may be called by the Mayor, or at his or her refusal, incapacity or absence, then in writing to the City Clerk, by seven (7) members of the City Council. A properly called Special Meeting shall constitute a meeting of the City Council for the purposes permitted by law and under the Rules of the City Council. The City Clerk shall prepare a notice of the Special Meeting stating the time, place, and subject matter, and this notice shall be mailed or delivered by cell phone text message or other electronic means at least forty-eight (48) hours before the time of the meeting to the Mayor and to each member of the City Council, or in the event of an emergency as determined by the Mayor in accordance with applicable law, the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting.

Workshops are for the purpose of the City Council receiving and discussing information presented to it in an informal setting during which no formal action may be taken, except for a vote to refer the matter under consideration to the appropriate Committee for further recommendation; provided, however, that the City Council may, by consensus, recommend a course of action for the Committee to consider. Workshops shall be scheduled upon the request of the Mayor, the City Council or the City Manager. The City Clerk shall post a public notice of the workshop stating the date, time, place and subject matter. The workshop format is intended to encourage in-depth presentations by City Boards, Commissions, Committees and/or staff (including consultants engaged for purpose of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the Mayor and the Rules of Order. Although formal action may not be taken during workshops, except for referral to the appropriate Committee, the Mayor may poll Council Members during the meeting to determine the general consensus of the Council.

Amendment #2

SECTION 11. RIGHT OF FLOOR.

When recognized by the Chair, a member should rise in his or her place, and shall respectfully address the Mayor or Temporary Chair, confine himself or herself to the question under debate, avoid personal attacks, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the City Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

### Amendment #3

#### 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 ("Item") presented to the City Council for consideration, 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 ("Pecuniary Interest"). A ("Personal Interest") is any interest of a Councilor in the outcome of an Item which would provide a financial benefit to any individual, group, or organization 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 Item by the Councilor ("Personal Interest"). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child 18 years of age or older, or other member of the Councilor's immediate family living in the same household ("Immediate Family") has a Pecuniary Interest in a proposed Item. 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 Item. 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 Item 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 room.

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 an Item. 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 the Mayor, for each Councilor and for their respective Immediate Family members, (as defined above) any board, commission, organization, association, or other entity which the Mayor, the Councilor, or Immediate Family 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.

#### Amendment #4

### SECTION 25. COMMUNICATIONS.

Communications to be introduced to the City Council must be addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) submitting the communication, and contain a residential address or mailing address, if different, and an email address. Communications containing a scanned image of the person's actual signature, or an electronic signature created in accordance with applicable law or City Ordinance, may be submitted electronically. Communications not containing all of the above shall not be accepted by the City Clerk. Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council. Communications of a personal, defamatory, or argumentative nature, shall not be accepted by the City Clerk. Communications requesting that the City Council consider matters not germane to either the State or to the City, or over which the City Council lacks the authority to take any action, shall not be agendized by the City Clerk, provided, however, that the City Clerk shall place such communications into the Councilors' mailboxes.

#### Amendment #5

### SECTION 32. REPORT BY COMMITTEE.

All matters referred to a Committee must be reported out of that Committee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing before the City Council, or unless otherwise ordered by a majority of the Committee members present. Written testimony submitted after a public hearing held before the City Council shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the Committee meeting. An item which is the subject of a public hearing before the City Council must be reported out of a Committee at the next regular meeting after the public hearing unless otherwise ordered retained for further consideration by a majority of the Committee members present. No further public comment shall be accepted by the Committee after the conclusion of the public hearing before the City Council, except for written testimony as provided above. If not reported out by the Committee as provided above, or if immediate action is required, a motion by the City Council to call the matter out of Committee will then be in order. Passage of that motion will place the matter before the City Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the Committee's recommendation shall be stated. Moving to carry out the intent of the Committee report does not restrict the proponent of the motion from speaking against the recommendation of the Committee

Amendment #6

SECTION 33. RESUBMISSION OF ITEMS PREVIOUSLY CONSIDERED

Once the City Council has taken action on an item of business submitted to it, including accepting the item as informational, the identical subject matter to that matter shall not be taken up again by the City Council during that calendar year, except on a proper motion for reconsideration under the Rules of Order or the City Charter; provided, however, that the City Clerk shall place such communication into the Councilors' mailboxes.

## Amendment #1

### SECTION 2. SPECIAL MEETINGS AND WORKSHOP MEETINGS.

Special ~~m~~Meetings may be called by the Mayor, or at his or her refusal, incapacity or absence, **then in writing to the City Clerk from the City**, by seven (7) ~~or more~~ members of the City Council. ~~subject to Section 4, "Quorum and Remote Participation," of these Rules of Order.~~ **A properly called Special Meeting shall constitute a meeting of the City Council for the purposes permitted by law and under the Rules of the City Council.** The City Clerk shall prepare a notice of the ~~s~~ Special Meeting session stating the time, place, and subject matter, and this notice shall ~~either~~ be mailed or delivered by cell phone text message **or other electronic means** at least forty-eight (48) hours before the time of the meeting to the Mayor and to each member of the City Council, or in the event of an emergency as determined by the Mayor in accordance with applicable law, the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. ~~It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the City Council by telephone or otherwise of such special session.~~

**Workshops are for the purpose of the City Council receiving and discussing information presented to it in an informal setting during which no formal action may be taken, except for a vote to refer the matter under consideration to the appropriate Committee for further recommendation; provided, however, that the City Council may, by consensus, recommend a course of action for the Committee to consider. Workshops shall be scheduled upon the request of the Mayor, the City Council or the City Manager. The City Clerk shall post a public notice of the workshop stating the date, time, place and subject matter. The workshop format is intended to encourage in-depth presentations by City Boards, Commissions, Committees and/or staff (including consultants engaged for purposes of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the Mayor ~~presiding officer~~ and the Rules of Order. Although formal action may not be taken during workshops, except for referral to the appropriate Committee, the Mayor ~~presiding officer~~ may poll Council Members during the meeting to determine the general consensus of the Council.**

## Amendment #2

### SECTION 11. RIGHT OF FLOOR.

When recognized by the Chair, a member ~~shall~~ **should** rise in his or her place, **and shall** respectfully address the Mayor or Temporary Chair, confine himself or herself to the question under debate, avoid personal attacks, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the City Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

## Amendment #3

### 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 (~~“Issue”~~) (**“Item”**) presented to the City Council for consideration, 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 (~~“Pecuniary Interest”~~). A (~~“Personal Interest”~~) is any interest of a Councilor in the outcome of an ~~Issue~~ **Item** which would provide a financial benefit to any individual, group, or organization 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 ~~Item~~ **Issue** by the Councilor (~~“Personal Interest”~~). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child **18 years of age or older**, or other member of the Councilor's immediate family living

in the same household ("Immediate Family") has a Pecuniary Interest in a proposed **Item Issue**. 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 **Item Issue**. 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 **Item 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 room**.

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 an **Item Issue**. 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 the Mayor, ~~and~~ for each Councilor **and for their respective Immediate Family members, (as defined above)** any board, commission, organization, association, or other entity which the Mayor, ~~and the~~ Councilor, **or Immediate Family** 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.

#### Amendment #4

#### SECTION 25. COMMUNICATIONS.



Communications to be introduced to the City Council must be addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) submitting the communication, and contain a residential address or mailing address, if different, and an email address. Communications containing a scanned image of the person's actual signature, or an electronic signature created in accordance with applicable law or City Ordinance, may be submitted electronically. Communications not containing all of the above ~~shall will~~ not be accepted by the City Clerk.

**Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council.** Communications of a personal, defamatory, or argumentative nature, shall not be accepted by the City Clerk. **Communications requesting that the City Council consider matters not germane to either the State or to the City, or over which the City Council lacks the authority to take any action, shall not be agendized by the City Clerk, provided, however, that the City Clerk shall place such communications into the Councilors' mailboxes.**

## Amendment #5

### SECTION 32. REPORT BY COMMITTEE.

All matters referred to a Committee must be reported out of that Committee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing **before the City Council**, or unless otherwise ordered by a majority of the ~~Council~~ Committee members present. Written testimony submitted after a public hearing held before the City Council shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the Committee meeting. ~~Written testimony with regard to any other business before the Committee shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the Committee meeting to be included on the agenda of the City Council meeting. A~~ ~~matter~~ **An item** which is the subject of a public hearing **before the City Council** must be reported out of a Committee at the next regular meeting after the **public** hearing unless otherwise ordered retained for **further consideration** by a majority of the ~~Council~~ Committee members present. **No further public comment shall be accepted by the Committee after the conclusion of the public hearing before the City Council, except for written testimony as provided above.** If not reported out by **the Committee** as provided above, or if immediate action is required, a motion by the City Council to call the matter out of Committee will then be in order. Passage of that motion will place the matter before the City Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the Committee's recommendation shall be stated. Moving to carry out the intent of the Committee report does not restrict the proponent of the motion from speaking against the recommendation of the Committee.

## Amendment #6

### SECTION 33. RESUBMISSION OF ITEMS ~~PREVIOUSLY ONCE~~ **PREVIOUSLY** CONSIDERED

Once a final vote has been taken by the City Council **has taken action on a Item matter of business**, regarding the disposition of an item of business submitted to it, **including accepting the Item matter as informational**, or on any question properly before it, except for a reconsideration vote under these Rules or the City Charter, the identical subject **matter** to that item of business or question **matter** shall not be taken up again by the City Council during that calendar year, **except on a proper motion for reconsideration under the Rules of Order or the City Charter; provided, however, that the City Clerk shall place such communication into the Councilors' mailboxes. or except upon submission by the applicant to the City Council of material information not previously available at the time of action which may alter the prior action taken by the City Council. The City Council shall first determine by majority vote whether or not the information is material to the prior disposition of the matter. If so, the matter shall be referred back to the appropriate Committee for further recommendation. If not, then no further action with respect to the matter shall be taken.**