



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
Council Chambers A, Keene City Hall  
September 11, 2024  
6:00 PM

**A. AGENDA ITEMS**

1. Relating to the Request to Authorize the Issuance of a Building Permit for the Property at 270 Beaver Street - Community Development Director
2. Relating to an Amendment to Land Development Code - Charitable Gaming Facility  
Ordinance O-2023-16-B
3. Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility  
Ordinance O-2023-17-B
4. Rules of Order Amendments - City Attorney

**B. MORE TIME ITEMS**

**NON PUBLIC SESSION**

**ADJOURNMENT**



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** September 11, 2024  
**To:** Planning, Licenses and Development Committee  
**From:** Jesse Rounds, Community Development Director  
**Through:**  
**Subject:** **Relating to the Request to Authorize the Issuance of a Building Permit for the Property at 270 Beaver Street - Community Development Director**

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**Recommendation:**

That the Planning, Licenses, and Development Committee recommend to the City Council authorization to issue building permits to the owner of 270 Beaver Street.

**Attachments:**

1. CP-LAND-008\_R-2000-28\_Utility Standards

**Background:**

270 Beaver Street does not have frontage on a Class V road. The prospective owner of the property, Mr. Ken Susskind is seeking to build a single-family home on the parcel. State of New Hampshire RSA 674:41.I.c. states that a property owner may seek a building permit for a property on a Class VI road only after the governing body of the municipality votes to authorize the issuance of said permit. Prior to seeking that vote, the applicant must seek and receive "review and comment" from the planning board. In addition, it must be clear that the municipality assumes responsibility for maintenance of the Class VI road or retains any liability for damages resulting from the use of the Class VI road and that the same is recorded with the county registry of deeds.

Before voting on whether to authorize the issuance of a permit for this property, the Council must also vote to suspend R-2000-28. The Resolution prohibits the city of Keene from issuing building permits for properties which have frontage and access only from a Class VI highway.

The minutes of the Planning Board review and comment and R-2000-28 are attached.

In accordance with RSA 674:41, subsection I.(d), prospective owner Ken Susskind seeks Planning Board review and comment regarding his request for City Council authorization for the issuance of building permit where the street giving access to the lot upon which the dwelling is proposed to be placed is a Class VI road.

Mr. Ken Susskind addressed the Board and indicated that he and his wife Monica Marshall live at 81 Terrace Street Keene. He indicated they have made an offer to purchase 270 Beaver Street and

indicated this purchase is conditioned on receiving a building permit and a driveway permit from the city.

Ms. Susskind explained, as far as the driveway permit is concerned, he had forwarded a letter from Public Works indicating what would need to be completed under Article 23.5.5 to be eligible for a street access permit. He stated one of the things that has been brought to his attention is that the city may allow a property owner to get a street access permit, but the City Council would need to sign off on that.

He stated they are also asking the city to make an exception to Resolution R-2028, in which the City Council resolved that no permit shall be issued for development on Class VI roads. He stated this resolution is in line with NH RSA 674-41, which prohibits issuance of a building permit on a lot if the street giving access is a Class VI highway, unless certain conditions are met, which conditions are very similar to the conditions that need to be met for the street access permit.

Mr. Susskind provided some background on this item. He stated his wife and he purchased property at 81 Terrace Street and is an abutter to the property on Beaver Street. The City demolished the house a few years ago and noted what he is trying to draw the Board's attention to is that this property had a house in the relatively recent past. He stated their plan for the property is to build a small affordable house for their daughter to live in. The plan is to construct a house that is approximately 500 square feet in size and hoped others could emulate this type of housing. This concluded the applicant's presentation.

Councilor Remy stated he will be looking at city staff to review Resolution R-2028.

Mr. Susskind stated he has been given a deadline of October 15. He clarified no decision will be made tonight. Chair Farrington stated if the Board agrees a recommendation in favor will be sent to City Council.

Ms. Monica Marshall of 81 Terrace Street addressed the Board next and stated they have been interested in this idea of small housing in Keene especially with the housing shortage in the area.

Staff comments were next. Ms. Brunner stated her role tonight is to review and comment on this application, keeping in mind that the reason this request is going to City Council is simply because this property has both frontage and access from a Class VI road. She added even though the property is right next to the Class V portion of the road and even though a house used to be on this lot - it falls into that category where it requires City Council authorization for the issuance of the building permit under the RSA. In addition, in accordance with the street access standards, it requires City Council approval before a street access permit could be granted. Ms. Brunner stated what Council will be looking for is any type of recommendation from the Board as to whether this development makes sense in this location.

Mr. Kost asked where the Class VI portion begins – it was indicated it starts east of Oak Street.

Mr. Clancy asked where the original driveway was located and also asked staff because of the nature of this property, would this applicant have to come to Planning Board for any approvals. Mr. Susskind stated they have to come to the Planning Board for driveway permit approval as well as a building permit approval but felt there are conditional approval that could be obtained from the Board. He added the driveway into the property is only about ten feet in length.

Ms. Brunner referred to a plan from 2015 and noted to where the Class V portion ends and where the Class VI portion begins. The distance from the Class V portion to the lot is very short. She noted to the location where the house used to be and also indicated to the portion of Beaver Street which has never been maintained.

Mr. Clancy asked whether this site has access to city water and sewer. Mr. Susskind answered in the affirmative.

A motion was made by Councilor Remy that the Planning Board recommends that the City Council grant the request to authorize the issuance of building permit for development on the property located at 270 Beaver Street.

The motion was seconded by Kenneth Kost.

Mr. Clancy noted that the cement area leading up from Oak Street to Terrace Street is in disrepair and did not feel the city would be maintaining this.

Mr. Mehu asked whether the motion also includes the driveway permit. Councilor Remy stated this is in response Resolution R 674-41, where the Planning Board has to make recommendation to the City Council granting approval to build off a Class VI road. The City Council will also need to suspend its rules, because of the existence of Resolution R-2028. The applicant would be required to come back with a driveway permit.

The motion made by Councilor Remy carried on a unanimous vote.



# 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.

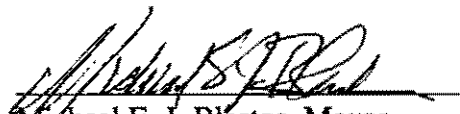
The Planning Board may issue a driveway permit, as per Section 2708.18 of the City Code, based upon a demonstration that the section of the Class VI highway to be used as a driveway is suitable for emergency vehicles on the date of issuance of the driveway permit and further provided that the property 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

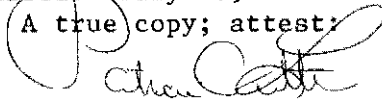
6. An acknowledgement by the owner of the property that any work performed by the property owner on the Class VI road must have prior approval from the Public Works Director or his/her designee.
7. An acknowledgement by the owner of the property that the Class VI highway shall remain a full public highway 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:

  
City clerk



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core and Commerce Districts

***Be it ordained by the City Council of the City of Keene, as follows:***

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

1. Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).
2. Use Standards
  - a. Only one Charitable Gaming Facility shall be permitted per lot.
  - b. Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:
    - i. Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.
    - ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.
    - iii. Land with frontage on Main Street south of NH Route 101 and north of Silent Way. The storefront of such a business shall face Main Street.

- iv. Land with frontage on Key Road.
  - v. Land with frontage on Ashbrook Road.
  - vi. Land with frontage on Kit Street.
- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
- i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
  - ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.
  - iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family or Two-Family dwelling.
  - iv. No Charitable Gaming Facility shall be permitted within 250 feet of a residential zoning district.
- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet.
- e. Parking and traffic.
- i. Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
  - ii. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections.
  - iii. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.
  - iv. Bus and truck loading and parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
  - v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.
  - vi. Two percent or two of the required parking spaces, whichever is greater, shall be equipped with electric vehicle charging stations.
2. Amend Section 8.4.2.C.2.a, "Specific Use Standards" of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
- a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth Districts.

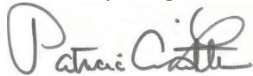


3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8 and Table 5.1.5 “Permitted Uses” in Article 5 to display “Charitable Gaming Facility” under Commercial Uses as permitted with limitations.
4. Amend Table 9-1 “Minimum On-Site Parking Requirements” in Article 9 to display “Charitable Gaming Facility” under Commercial Uses with a minimum on-site parking requirement of 0.75 spaces per gaming position.

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Jay Kahn, Mayor

In City Council July 18, 2024.  
Referred to the Planning, Licenses  
And Development Committee.  
Mayor set the Public Hearing for  
Thursday, August 1, 2024, at 7:00 PM.



City Clerk



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core and Commerce Districts

*Be it ordained by the City Council of the City of Keene, as follows:*

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**I. Charitable Gaming Facility**

1. **Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X). Does not include games licensed under RSA 287-E.**

**2. Use Standards**

- a. **Only one Charitable Gaming Facility shall be permitted per lot.**

- b. **Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:**

- i. **Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.**
- ii. **Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the**

- parking areas that have a common boundary with Winchester Street.
- iii. Land with frontage on Main Street south of NH Route 101 and north of Silent Way. The storefront of such a business shall face Main Street.
  - iv. Land with frontage on Key Road.
  - v. Land with frontage on Ashbrook Road.
  - vi. Land with frontage on Kit Street.
- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
- i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
  - ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.
  - iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family or Two-Family dwelling.
  - iv. No Charitable Gaming Facility shall be permitted within 250 feet of a residential zoning district.
- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet.
- e. Parking and traffic.
- i. Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
  - ii. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections.
  - iii. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.
  - iv. Bus and truck loading and parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
  - v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.
  - vi. Two percent or two of the required parking spaces, whichever is greater, shall be equipped with electric vehicle charging stations.

2. Amend Section 8.4.2.C.2.a, “Specific Use Standards” of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
  - a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth and ~~Downtown-Core~~ Districts.
3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8, ~~Table 4-1 “Downtown Districts Permitted Uses” in Article 4,~~ and Table 5.1.5 “Permitted Uses” in Article 5 to display “Charitable Gaming Facility” under Commercial Uses as permitted with limitations.
4. Amend Table 9-1 “Minimum On-Site Parking Requirements” in Article 9 to display “Charitable Gaming Facility” under Commercial Uses with a minimum on-site parking requirement of 0.75 spaces per gaming position.

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Jay Kahn, Mayor



# CITY OF KEENE

In the Year of Our Lord Two Thousand and \_\_\_\_\_ Twenty Three

AN ORDINANCE \_\_\_\_\_ Relating to Amendments to the Land Development Code, Definition of Charitable Gaming Facility \_\_\_\_\_

***Be it ordained by the City Council of the City of Keene, as follows:***

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded and underlined text, as follows.

1. That Article 28 “Defined Terms” be amended to include a definition for “Charitable Gaming Facility,” as follows:

**Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).Does not include games licensed under RSA 287-E.**

2. **That Article 28 “Defined Terms” be amended to include a definition for “Gaming Position,” as follows:**

**Gaming Position – One seat at an electronic gaming machine or a gaming table.**

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Jay Kahn, Mayor



# CITY OF KEENE

In the Year of Our Lord Two Thousand and \_\_\_\_\_ Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Definition of Charitable Gaming Facility

*Be it ordained by the City Council of the City of Keene, as follows:*

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2. **That Article 28 “Defined Terms” be amended to include a definition for “Gaming Position,” as follows:**

**Gaming Position – One seat at an electronic gaming machine or a gaming table.**

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George S. Hansel, Mayor



# CITY OF KEENE NEW HAMPSHIRE

ITEM #A.4.

**Meeting Date:** September 11, 2024  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** Rules of Order Amendments - City Attorney

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**Council Action:**

**In City Council August 1, 2024.**

**Referred by the Chair back to the Planning, Licenses and Development Committee for further deliberation and a recommendation back to the full City Council.**

**Recommendation:**

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #1 (Section 2. Special Meetings & Workshop Meetings) to the Rules of Order for first reading, as discussed.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #2 (Section 11. Right of Floor) to the Rules of Order for first reading, as discussed.

On a roll call vote of 4–1, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #3 (Section 15. Voting & Conflict of Interest) to the Rules of Order for first reading, as discussed. Councilor Williams voted in opposition.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #4 (Section 25. Communications) to the Rules of Order for first reading, as discussed.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #5 (Section 32. Report by Committee) to the Rules of Order for first reading, as discussed.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #6 (Section 33. Resubmission of Items Previously Considered) to the Rules of Order for first reading, as discussed.

**Attachments:**

1. 2024 Rules of Order\_Clean Copy
2. 2024 Rules of Order\_TPM RL 07.25.24 PLD Mtg

## **Background:**

Chair Bosley welcomed the City Attorney, Tom Mullins, and the City Clerk, Patty Little. Chair Bosley recalled that the last time the Committee reviewed these amendments, she asked that they be presented for individual votes. The Committee was not required to decide on all of the presented amendments at this meeting, and portions could be placed on more time. As there was not a quorum of Councilors present at this meeting, those in the audience wishing to speak would be permitted.

The City Clerk introduced the 6 proposed amendments. She ensured that the document was properly formatted for this first reading and made some edits to ensure consistency from her perspective of having to use these documents often. She provided a high-level overview of the proposed amendments:

- Amendment #1: Section 2. Special Meetings & Workshop Meetings
  - Introduces the concept of workshops in the 2<sup>nd</sup> paragraph.
- Amendment #2: Section 11. Right of Floor
  - Introduces the concept that a Councilors *should* rise in their place when speaking, as opposed to it being mandatory.
- Amendment #3: Section 15. Voting and Conflict of Interest
  - Conflict of interest reporting extended to Councilors' spouses, parents, and children over age 18.
- Amendment #4: Section 25. Communications
  - The only section of new text presented. A more substantive addition. Speaks to the issue of communications that are not germane to the City or State of NH, or over which the City lacks the authority to take action. Such communications would be placed in Councilors' mailboxes but not agendized.
- Amendment #5: Section 32. Report by Committee
  - Housekeeping changes to clarify that after a public hearing, if there is written comment agendized for the subsequent committee meeting, that does not guarantee the petitioner the right to speak at the committee meeting.
- Amendment #6: Section 33. Resubmission of Items Previously Considered
  - This section had never been triggered by any action of the City Council since it was introduced 20 years ago. This included a slight change in wording. This relies on the Council dealing with resubmissions through a proper motion for reconsideration. If there is new information presented that might change the Council's decision, a matter could be reintroduced. She mentioned the challenge in determining whether such new information would result in a different vote. This amendment clarified the reconsideration process, also calling for such communications to be placed in Councilors' mailboxes but not agendized.

The Committee proceeded deliberating on each amendment individually.

### Amendment #1: Section 2. Special Meetings & Workshop Meetings

Chair Bosley thought the Committee had reviewed this to some degree already, and this amendment would clarify that the Council would restrict voting at workshop meetings to the movement of items



back to a Standing Committee for further consideration.

Councilor Haas referred to the language presented, noting that special meetings could be called by 7 members of the City Council, but a specific number of Councilors was not specified for calling workshop meetings. The City Attorney agreed that was a Scrivener's error, which would be corrected when the amendments are presented to the City Council. Councilor Haas asked if workshops are open to public input. The City Attorney said that because workshops are technically official meetings of the City Council, allowing for public input is usually at the discretion of the Chair, but could be decided case-by-case.

Councilor Williams expressed concern about the 7-member requirement, noting that 7 members could comprise a quorum of one of the Standing Committees. So, he suggested that 5 members might be a better choice. The City Attorney said that was a good idea, noting that the language about 7 members was carried over from past edits, adding that "or more" was removed for this specific reason. The City Attorney and City Clerk agreed that changing the number to 5 was reasonable. Councilor Haas suggested that the amendment should specify that those 5 members could not comprise all members of a Standing Committee.

Chair Bosley opened the floor to public comments.

Mayor Jay Kahn of Darling Road suggested not lowering the number below 5 members, as 3 members, for example, could comprise a quorum of a Standing Committee. He did not want to move from a clear rule to something unclear.

Councilor Jacob Favolise of Main Street opposed lowering the number to 5 because that would give 1/3 of the Council the ability to easily call a special meeting on specific issues. If the number is lowered to 5, the Councilor did not think he could vote to support the amendment. He preferred a number closer to a majority of the Council being able to call a special meeting. Vice Chair Jones asked if Councilor Favolise would be in favor of changing it to 6 members, and Councilor Favolise said he preferred 6 vs. 5, but he was not worried about a quorum of Standing Committee members being able to do so.

There were no further public comments, so the Committee proceeded deliberating about Amendment #1.

Councilor Williams supported lowering the number in question to 5 Councilors, which would still be a strong voice within the Council. He did not want to add more hurdles for calling a special meeting, so while he preferred 5, he thought 6 was better than 7. Councilor Madison understood Councilor Favolise's point and added that this could be abused for minute reasons, politics, or showboating. Councilor Madison also understood and agreed with Councilor Williams' points. So, Councilor Madison supported 6 members. Councilor Haas agreed with 6, noting that the Mayor or City Manager could still call special meetings, and the change to 6 would avoid quorums. He suggested that those 6 members should represent all 3 Standing Committees (i.e., 2 from each). Chair Bosley and Vice Chair Jones also agreed with the change to 6. The Chair agreed that this Council is not above members abusing these things in the future, but this would help ensure that enough members agree that a matter is worth calling a special meeting or workshop. For these reasons, Chair Bosley supported requiring that those 6 members must be comprised of 2 Councilors from each Standing Committee. The City Clerk confirmed that this would apply to both special meetings and workshops.

The City Attorney said he supported the change to 6, but cautioned about the requirement that 2 be from each Standing Committee, noting that 2 Councilors from the same Standing Committee could block the desire of the other 4 Councilors. Thus, he suggested ensuring that there is not a quorum of

any one Standing Committee. Chair Bosley understood the Attorney's point, but they agreed that mathematically, this situation would be unlikely.

The Committee agreed on the following edit: "... 6 members, not to create a quorum of any one Standing Committee."

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #1 (Section 2. Special Meetings & Workshop Meetings) to the Rules of Order for first reading, as discussed.

Amendment #2: Section 11. Right of Floor

Chair Bosley said this amendment was triggered by her request to vote on each amendment separately. She recalled that the Council had a workshop on these Rules of Order, and the Council directed the PLD Committee to review the proposed amendments. Chair Bosley stated that she could not support this amendment because she felt that this change would lead to abuse when Councilors stay seated purposefully to portray their emotional reactions or lack of support. While she thought Councilor Williams' points about medical privacy were well made, and that those with medical challenges should be allowed to sit if needed, she felt that some would abuse the right as a form of protest during disagreements. Chair Bosley appreciates the Council's decorum, which helps to maintain a level of maturity and respect. By eliminating this structure, Chair Bosley thought it would lead to abuse. She did not favor the change of "shall" to "should" because it gives Councilors the opportunity to decide whether they are in the mood to rise on that date. She said it is not if, but when the disrespect would emerge.

Councilor Madison added that there is an old military saying: "salute the rank, not the man." So, he felt that standing before addressing the Council and dais shows respect to other Councilors, Mayor, and citizens. He was also concerned about this being abused. He recalled several years ago when a Councilor tried to change this Rule immediately after someone they disliked was elected as mayor, so the potential for abuse was clear. He suggested changing the language to, "A member shall rise if able." In the future, if Councilors need this exception, Councilor Madison did not think anyone would make a scene at a Council meeting if that person does not stand.

Chair Bosley noted that at Standing Committee meetings, Councilors do not stand to address the Chair, but comments should be made through the Chair. When there is banter during a less formal workshop, Councilors are not required to stand. Still, she thought this could devolve into chaos and disrespect. She supported including "if able." Deputy City Manager, Rebecca Landry, suggested that, "An able-bodied member shall..." could simplify the language and accomplish the same objective. Councilor Haas supported this change because it would be easier to enforce. Vice Chair Jones recalled that historically, Councilors would rise to address the dais, but could remain seated when addressing consultants or petitioners. He questioned whether this amendment would require for standing for everything, not just addressing the dais.

The City Attorney said this was a good conversation to iron these things out, and noted that unless otherwise modified, these special meetings and workshops abide by the City Council's Rules of Order. It is the Council's decision if they want to maintain the informality associated with workshops. The City Attorney was also considering more specificity in this section regarding Council meetings to eliminate any of the ambiguity that arose in this discussion. He suggested the following, "... during a regular or special meeting of the City Council, when recognized by the Chair, a member shall rise..." Chair Bosley added, "... during a regular or special meeting of the City Council, when recognized by

the Chair, a member shall rise when able...”

Chair Bosley asked if the Committee should address rising to speak to petitioners or consultants. The City Attorney said that was a separate question, adding that there could be specific requirements associated with Councilors needing to stand to be visible to the audience. To the City Clerk's knowledge, there was no issue between sitting and standing for broadcast purposes. The City Attorney was concerned about adding more complexity by incorporating all of these wordy distinctions. Chair Bosley said the language stated, "... will respectfully address the Mayor," and she thought that not including the wordiness would leave too much room for interpretation. If there was a problem, the Mayor would address that individually with the respective Councilor outside of the meeting. The City Attorney said that was a great point given that this Rule was specific to addressing the Chair or temporary Chair. Then, it is the Chairs' purviews to monitor discussion during meetings.

Councilor Williams said he supported the addition of "able-bodied," because he does not want there to ever be a situation in which someone must publicly declare a disability. He noted that the need for accommodation could change throughout a long meeting, and it could get harder for some to continue standing. He said people should not have to talk about their medical problems in a public forum. He felt that should be assumed and if the Mayor has a concern, it should be addressed outside of the meeting. Chair Bosley agreed, saying she would hope that would be the case to avoid uncomfortable conversations on the floor in general, unless the Mayor has another reason to think that person is choosing to be disrespectful. She thought it was a standard approach that she felt confident the current Mayor would follow. Vice Chair Jones noted that the Rules did not specify that a Councilor must publicly declare their inability, because it is no one else's business. He wanted to add regular Council meetings too as the City Attorney suggested.

Chair Bosley opened the floor to public comments.

Councilor Jacob Favolise respectfully disagreed with Chair Bosley's assertion that sitting while addressing the dais is inherently disrespectful. He said he is the member of many deliberative bodies outside of this role as Councilor, and this is the only forum in which members must stand to address the presiding officer. So, he preferred "should" vs. "shall." Councilor Favolise thought the addition of "able-bodied" would be appropriate. He agreed that these changes could lead to abuse, but said that is a conversation for the Mayor or Council as a whole, and ultimately up to the voters.

Chair Bosley thought the only way to keep sitting from being disrespectful when addressing the dais would be to completely remove the standing requirement. By using "should," with some abiding and others not, she believed it would be used as a tool of protest. While she does not mean disrespect by sitting when addressing her fellow Councilors at meetings in general, she believes that the Council holds/should hold itself to an extraordinarily high standards when deliberating on challenging topics. As the PLD Chair, she must maintain control of the conversation while supporting forward progress and public input, and a certain level of respect for that position is also needed. Reaching the finish line on complicated topic requires this level of respect, and it is the Mayor's job (and Committee Chairs' jobs) to shepherd the Council through those processes. Chair Bosley had experienced fellow Councilors pushing the limits of these formalities in various ways, and she personally believed that it would not be long before it is used as a political tool.

Mayor Kahn said this discussion of rising was comparable to the rules of order for NH legislative bodies. The Mayor could not imagine the inhumanity of not recognizing someone's inability. He thought things would get confusing and difficult to interpret if distinguishing between rising to address the dais vs. to address consultants/petitioners. The Mayor favored the requirement to rise if able during Council meetings. Chair Bosley agreed that rising should be the Rule for all Council meetings and that directing questions through the Standing Committee Chairs during those meetings should be

standard too.

Councilor Laura Tobin of Center Street said she was not raised to associate standing with respect. Still, if it is helpful to maintain order, she was happy to do so. She said it would be important to ensure that someone unable to stand is not embarrassed; it should be a personal decision. She also cautioned against labeling those who do not stand. Councilor Tobin expressed reservations about adding the term “able-bodied” because it implies that inability to stand means one is unable to act appropriately as a Councilor. As such, she recommended fewer words in this instance. Vice Chair Jones thought the Committee had agreed against “able-bodied” but Chair Bosley thought the Committee was considering “shall rise if able.”

Chair Bosley said she understood the concern and agreed with protecting someone’s privacy. She cited some other standard Council practices that are equally awkward, like having to announce why someone is participating remotely. She cited the case of a Councilor needing to participate remotely long term due to health reasons, and that instance influenced amendments to the Rules of Order; the Rules require that Councilors specify why they participate remotely, and that Councilor had to disclose (a State rule) that it was due to health reasons to some degree. She thinks such rules are cumbersome, awkward, and uncomfortable, and she knows the current Mayor would address things outside of meetings as appropriate. With changes discussed, the Chair felt more comfortable presenting these recommendations to the Council. Vice Chair Jones added that much of this discussion was about being functional and respectful, but he cited tradition too, which influenced his belief that standing should be a part of regular Council meetings. Chair Bosley said she also appreciated staff pointing out that some of this decorum helps with broadcasting meetings for the public.

The Committee agreed to the following: the Rules apply to regular Council meetings in addition to special meetings and workshops, and the Rules should say “shall if able.”

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #2 (Section 11. Right of Floor) to the Rules of Order for first reading, as discussed.

### Amendment #3: Voting & Conflict of Interest

Chair Bosley recalled that the Rules changed in recent years to include this conflict of interest disclosure. In addition to disclosing boards and organizations Councilors are associated with, this amendment would require that they also disclose that information for their spouses, parents, or children over age 18.

Vice Chair Jones asked about “live-in partners” or “co-residential dating,” which is how NH refers to common law marriages. The City Attorney said that adding this distinction would be the Council’s purview. Chair Bosley thought the Council would have to draw a line somewhere, and the Vice Chair agreed. The City Attorney added that there are not technically common law marriages west of the Mississippi River, but there are certain instances in NH in which common law marriages can be recognized.

Councilor Williams did not support this amendment. He understood revealing conflicts of interests for himself because he voluntarily agreed to be in this public position, whereas his spouse and children had not agreed to reveal their private business.

Chair Bosley opened the floor to public comment.

Councilor Jacob Favolise addressed the City Attorney, stating that he had heard substantive changes to the amendments discussed, and he wondered if those went past simple Scrivener's edits. Did this process satisfy the prior written notice of amendments to the Rules of Order? He felt that these amendments were substantially and materially different than the amendments presented at a prior Council meeting. The City Attorney replied that it was acceptable for this Committee to suggest changes that would be presented to the City Council for first reading, and then the changes would come back to PLD for a final recommendation to adopt. The final amendments will require prior notice to the City Council, and a 2/3 vote of the Council is required to adopt the amendments. The motions on these amendments during this meeting would allow the City Attorney to work with the City Clerk to present revisions to the City Council.

As written, Vice Chair Jones and Councilor Williams did not support this change. Councilor Haas said he agreed with the change to be as clear as possible in modern times. Chair Bosley said it was not her intent to belabor everything that could go wrong as a result of how these Rules are written, or to imply negativity about her fellow Councilors. Still, she had witnessed inconsistencies in fellow Councilors' voting patterns based on theirs or familial associations with other groups. The Chair supported this disclosure and did not necessarily agree with Councilor Williams; the Chair thought it was important to extend this to family members. Chair Bosley wanted to send this to the full Council for input; Vice Chair Jones agreed.

The Committee agreed to: send this amendment to the Council for its input. Councilor Williams did not agree with the amendment.

Councilor Madison made the following motion, which was duly seconded by Vice Chair Jones.

On a roll call vote of 4–1, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #3 (Section 15. Voting & Conflict of Interest) to the Rules of Order for first reading, as discussed. Councilor Williams voted in opposition.

#### Amendment #4: Section 25. Communications

This was the first time the Committee reviewed this new section provided by the City Attorney. The Chair thought this was timely as the Council had recent interactions related to this policy. She asked her colleagues how they thought this written policy would affect the Council's interactions with non-germane business.

Councilor Madison supported this addition. Since joining the Council, there had been a few incidents in which he felt the Council's willingness to hear issues had been abused. For example, someone brought forward a Medicare for all proposal, asking the City to make a recommendation, and as a new Councilor, he agreed to go along with it. Still, he advised the petitioner to bring this up in their own town (Dublin) and they refused, which he found astonishing. Again recently, when members of the public asked the City to take action on the war in Gaza, he offered them more appropriate options to speak with Cheshire County (their request was on behalf of Cheshire County), talk to Keene's Human Rights Committee, or bring the issue to their own town councils (one was from Swanzey and another from Surry). Councilor Madison was disappointed to find that the individuals did not pursue any of those options, which led him to believe that it was not a truly sincere effort. It was clear to him that the City was being taken advantage of on occasion to support outreach and advocacy on behalf of others. Lastly, Councilor Madison acknowledged that there had been some claims in the community that he proposed a resolution on the war in Ukraine in 2022–2023, which he said was not

true, and that such a position was not reflected in any of the associated meeting minutes.

Chair Bosley agreed that she had heard other misinformation in the community. She recalled a community effort for the City to take a position on Ukraine, but the City stayed appropriately neutral despite being accused of taking a position. The Council would have to suspend its Rules to take such an action. Chair Bosley was glad this was being addressed, noting that she would feel more comfortable in the future with a firm Rule in place.

Councilor Haas said he fully agreed with this amendment, and he was glad to have an established process by which 6 Councilors could call a special meeting if they believe the Council should address a request like this. So, there is always a backup plan.

Vice Chair Jones had called for this change for some time, and he was in full support. He agreed with Councilor Madison's points. The Vice Chair added that from a business perspective, the Council needed to recall that there is a value and cost associated with all of these actions by City staff on the Council's requests (e.g., drafting resolutions). He felt that the Council always owes it to the taxpayers to reduce costs where possible.

Chair Bosley opened the floor to public comment.

Mayor Jay Kahn asked the City Attorney to address the potential that there could be a motion to suspend this Rule should Councilors want to address a communication classified as non-germane. The City Attorney said that was one reason for the "provided however" clause at the end of this section, should Councilors disagree with the City Clerk's designation of communications as non-germane; placing the communications dubbed non-germane in Councilors' mailboxes would support this possibility. Councilor Madison appreciated the "provided however" addition because it is important for the Council to know what issues the constituents are concerned about, so they can be directed to more appropriate levels, like State of NH or national leaders.

The Committee agreed that: they proposed no changes to this amendment.

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

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #4 (Section 25. Communications) to the Rules of Order for first reading, as discussed.

Amendment #5: Section 32. Report by Committee

The City Clerk reported that these were housekeeping changes. The current Rules of Order provide for the opportunity for oral comments at the close of a public hearing. There is also an opportunity for the public to submit written comments until the agenda cut-off for the subsequent Standing Committee agendas. There had been some confusion as to whether—when a member of the public submits a communication after a public hearing—the petitioner is guaranteed an opportunity to speak before a Committee/Council. This amendment would codify that tradition.

Vice Chair Jones liked that this would clear up some ambiguity, so these are not treated as regular communications. He recalled when the Council adopted this Rule to provide more clarity to public hearings.

The Commission agreed that: they support this change.

Councilor Madison made the following motion, which was duly seconded by Vice Chair Jones.

On a roll call vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #5 (Section 32. Report by Committee) to the Rules of Order for first reading, as discussed.

#### Amendment #6: Section 33. Resubmission of Items Previously Considered

The City Clerk noted that there was a proposed edit to the title of this section as well as some added language. This would eliminate past language indicating that if a petitioner or anyone introduces new material that could change the Council's mind, that it could lead to the matter being reopened for the Council's consideration. This amendment would eliminate the past language and indicate that any resubmission of the same item needs to be through the formal reconsideration process. The caveat would still exist so that the Council could suspend this Rule to reconsider a matter. Chair Bosley added that language was included to clarify that once an item of business is accepted as informational by the Council, that topic cannot be brought forward again until the next calendar year, which the City Clerk said was correct. Vice Chair Jones appreciated the edit to the section title, which made it clearer.

Councilor Haas noted that by operating on the calendar year, it could make for a very busy holiday season, if something is submitted in December and then reintroduced in January. He suggested a minimum of 4 months between resubmissions. The City Attorney asked: if the Council disposes of a matter of business, and there is a material change, why would the time period matter?

Chair Bosley said she understood the points presented. She noted that when voting on ordinances, this Committee regularly states that it could be revisited and amended if needed. So, she said there should be some capability to revisit things after a certain time period. She echoed Councilor Haas and provided the example of how many times residents brought the issue of 5G to this Committee, which was commonly introduced to the Council in November and then again in January because of this calendar year stipulation. She agreed that it could be prudent to change it to a specific period of time vs. the calendar year.

Vice Chair Jones thought the calendar year made sense because new Councilors start in January, and there could be new perspectives on issues previously disposed of. It had been the custom for his whole tenure on the City Council, and it had always worked, with no overwhelming jump to reconsider things in January. Councilor Williams agreed with the Vice Chair's perspective and that the tradition should be maintained for these reasons. The City Attorney agreed with the wisdom of the group, as this ensures that an action of one Council cannot bind a future Council.

Chair Bosley opened the floor to public comments.

Councilor Jacob Favolise said he saw a challenge with the reconsideration process because in most cases, he thought it would provide 14 or 21 days during which new information could be presented that might change the Council's decision. While he understood that Rules could be suspended, he was cautious of creating a system that normalizes regular suspension of the Rules, which he feels should only happen in very limited extenuating circumstances. While he agreed that he does not want to see this abused—and he could imagine scenarios in which it could—he could equally imagine scenarios of new information emerging that could change the Council's disposition outside of the 2–3 week window for reconsideration, which he called a note of caution.

Chair Bosley said she had been under the impression that the Mayor can put things back on the Council's agenda if they feel it is warranted. The City Attorney replied that reconsideration would still

be restricted to the next meeting of the City Council. Under the Charter, the Mayor does have the authority mentioned by Chair Bosley, but one would have to be on the prevailing side to request reconsideration.

The City Manager added that in her tenure on the Council, she had experienced petitioners who try to come back to the Council for a different answer if they do not like the first response they receive. She emphasized the amount of effort and time required to research something, provide recommendations to the Committee, staff meetings, and for the public to provide their opinions. Unless someone provides compelling new information for Councilors to feel it should come forward again, the City Manager did not think that reconsideration should not happen automatically. Chair Bosley agreed, recalling a past instance of hearing a matter close to the end of the year and political motivations led to an effort for reconsideration at the beginning of the next year. She said it was painful to watch it unfold that way. The Chair saw value in creating space and capacity for the Council to own and live with the decisions it makes, even if only temporary.

Councilor Favolise said he understood the Mayor's broad authority to assign communications to a Standing Committee or accept them as informational. So, he wondered if there was a way for the City Manager's concern to be addressed by the City Manager choosing to accept matters as informational in addition to a number of Councilors changing their minds and waiting to appeal a decision. He thought there might be another way to address the Manager's concerns. Chair Bosley agreed that it is not the only way, but she thought it was the most effective way to deter that behavior.

With due respect to Councilor Favolise's points, the City Attorney said that each Standing Committee does have an area of jurisdiction, and communications naturally fall into some of those areas. There are times when the City Clerk must make an informed attempt to assign communications when they do not clearly fit in one of those purviews. To proceed with reconsideration, it should be specific to the Council's Rules. He said this was similar to the earlier discussion about not allowing public comment after a public hearing. He said this Rule needs to be very clear, without having to look to other portions of the Rules to infer what the Council is trying to do. Chair Bosley agreed and referred to a recent issue that was accepted as informational, was challenged on the Council floor without a second, and was brought forward again at the next Council meeting. If the language in this Rule is removed, Chair Bosley thought the Council would see more of these instances of people wanting to wear down the cc and use it as a platform for their protest. She felt confident in the history Vice Chair Jones described, indicating that this calendar year provision had been effective. Chair Bosley liked the association with new Councils that could bring a fresh perspective. Councilor Haas said it seemed the greatest issue with this had been over 5G. Chair Bosley added the recent example of protests for Gaza. If the Committee supported this, Councilor Haas said he was comfortable with it. Chair Bosley added that there is the opportunity to amend the Rule in the future.

Councilor Madison made the following motion, which was duly seconded by Vice Chair Jones.

On a roll call vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Attorney be directed to introduce Amendment #6 (Section 33. Resubmission of Items Previously Considered) to the Rules of Order for first reading, as discussed.



Final Draft for PLD Review  
June 27, 2024  
Edits from PLD Review  
July 24, 2024

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 six (6) members of the City Council, not constituting a quorum of any of the City Council Standing Committees. 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, six (6) members of the City Council, not constituting a quorum of any of the City Council standing committees, 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.

During regular or special meetings of the City Council, and when recognized by the Chair, a member shall rise in his or her place, if able, 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 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~~ six (76) members of the City Council, not constituting a quorum of any of the City Council Standing Committees. 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, six (6) members of the City Council, not constituting a quorum of any of the City Council standing committees, 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.

During regular or special meetings of the City Council, ~~and~~ when recognized by the Chair, a member ~~should~~ shall rise in his or her place, if able, 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.