

A regular meeting of the Keene City Council was held on Thursday, December 2, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Michael J. Remy, Janis O. Manwaring, Bryan J. Lake, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Stephen L. Hooper and Raleigh C. Ormerod were absent. Councilor Filiault led the Pledge of Allegiance.

#### ANNOUNCEMENTS

The Mayor announced the final special meeting for Charter Officers evaluations would be Tuesday, December 7 at 6:00 PM.

Mayor Hansel announced that continuing with our tradition of taking a group photograph of both the incoming and outgoing City Council, Councilors should arrive early on December 16 dressed in their holiday attire. The incoming Councilors' group photo will be taken at 6:10 PM. The outgoing Councilors' group photo will be taken at 6:20 PM.

Mayor Hansel added that the City Council's holiday party will be held immediately after their December 16 City Council meeting. City Councilor-elect Mike Giacomo offered his new residence as the site for the get-together. Mr. Giacomo requested that all attendees be vaccinated and that Councilors carpool because of limited parking.

Looking forward to 2022, the Mayor said the joint City/County Legislative Delegation meeting is being hosted by the County on Monday, January 24 at 6:00 PM in Delegation Hall. Councilors can park in the County parking lots on either Winter Street or Center Street and enter through the doors that are on either side of the building. Refreshments will be served at 5:15 PM. Delegation Hall is on the 2<sup>nd</sup> floor. Mayor Hansel hopes the Council attends for this important conversation about downshifting. Representatives from the NH Municipal Association will be there.

#### MINUTES

A motion by Councilor Powers to adopt the minutes of November 18, 2021 was duly seconded by Councilor Bosley and passed unanimously with 13 Councilors present and voting in favor.

#### PROCLAMATION – MONADNOCK RUGBY CLUB

Mayor Hansel welcomed the Monadnock Rugby Club, including Brad Dufresne and Dan Belluscio. The Mayor read into the record a Proclamation acknowledging the Rugby Club's success this year, including winning the New England Championship and representing New England at the USA Rugby National Championship, and congratulated them on behalf of the City Council and the City of Keene.

Mr. Dufresne thanked everyone who was a part of this, including the Parks, Recreation, & Facilities Department, which he said had bent over backwards to accommodate the Club's need for field lights and more. He said there is a lot of support in east Keene with the Russell Park rebuild upcoming and for which the Club is excited. They look forward to having a more active presence in Keene.

PROCLAMATION – RETIREMENT RESOLUTION – W. RHETT LAMB

Mayor Hansel welcomed Community Development Director, Rhett Lamb, to be recognized with a Resolution upon his retirement, which Mayor Hansel read into the record.

Mr. Lamb said he had been privileged to talk to the City Council and the community for almost 26 years. He said that when thinking about what to say during this honor, he was at a loss for words. He said that underneath it all, the work was always with a team and it did not matter who got the credit, which he said is the hallmark of the City of Keene and that comes from the residents and City Councilors. Mr. Lamb felt privileged to have had the opportunity to spend most of his professional career in Keene and he thanked everyone for their participation in and contribution to the planning effort. He said Keene really is an amazing place and it will continue to be. Mr. Lamb wished everyone the best and thanked everyone for the opportunity.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT SPONSORED BY THE CITY OF KEENE FOR IMPROVEMENTS AT THE COMMUNITY KITCHEN

Mayor Hansel opened the public hearing at 7:15 PM and the City Clerk read the public hearing notice. The Mayor recognized James Weatherly, Planning Technician at Southwest Regional Planning Commission, and Phoebe Bray, Executive of the Keene Community Kitchen, to address the Community Kitchen project.

Mr. Weatherly, the City's Grant Writer and Administrator, was present to allow the public an opportunity to comment on the ongoing Community Kitchen Community Development Block Grant. He said the project is sponsored by the City of Keene, who was originally awarded \$500,000 in CDBG funds in August 2020. The aim of this project is to make substantial improvements to the Community Kitchen's Mechanic Street facility, including updates to the office area, guest facilities, and particularly energy efficiency measures, including a brand-new HVAC system for the first floor. The aim is to address the Kitchen's exceedingly high energy costs, as well as to set them up for long term sustainability and success at Mechanic Street. Regarding the timeline, Mr. Weatherly said that in spring 2021, bids were solicited from local construction firms. Due to soaring construction costs in New England and nationwide, all the bids that were received originally were about \$100,000 or more over budget. So, thanks to the assistance of this Council, City Staff, and the New Hampshire Community Development Finance authority, the project was able to secure additional funds and formalized a contract with DEW Construction in June 2021. Despite the Covid-19 pandemic, construction started in August and has progressed well, with most work complete. It was anticipated that the installation of a new rooftop solar array would begin sometime the week after this meeting. Mr. Weatherly concluded his comments stating that approximately \$203,000 remains of the CDBG.

Ms. Bray said they were calling this the Community Kitchen sustainability project, which she said is progressing as well as can be expected during a pandemic that delayed the construction start from March to July. She said the improvements to the registration and foyer area in the office are already benefitting staff. She said the solar component was most impacted by the delays, but the delivery should arrive the Monday/Tuesday after this meeting. The solar will help offset the Community

12/02/2021

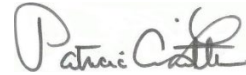
Kitchen's \$3,000/month energy bills. She said everyone at the Kitchen is excited and she thanked the City of Keene for their continued support of the Community Kitchen.

Mayor Hansel opened the floor to public comments.

With no public comments, the Mayor said this seemed exciting, he was glad to see some progress, and offered best of luck completing the project. Ms. Bray said she hopes for a ribbon cutting ceremony at the new front door when finished.

Hearing no further comments, Mayor Hansel closed the public hearing at 7:21 PM

A true record, attest:



City Clerk

#### PUBLIC HEARING – RELATING TO AMENDMENTS TO THE BUSINESS, GROWTH, AND REUSE DISTRICT – ORDINANCE O-2021-14

Mayor Hansel opened the public hearing at 7:22 PM and the City Clerk read the public hearing notice. The Mayor recognized Rhett Lamb, Community Development Director, and Mari Brunner, Senior Planner, to give a description of the amendments. The Community Development Director introduced Ms. Brunner, who provided background.

Ms. Brunner said that Ordinance O-2021-14 proposes to introduce personal service establishments as principal permitted uses in the Business, Growth, and Reuse (BGR) district. A personal service establishment is defined in the zoning regulations as an establishment that provides services of a personal nature, including but not limited to barber shops or hair salons, spas, nail salons, laundromats, dry cleaners, tailors, and tattoo or body piercing parlors. The BGR District was established in 2017 as a part of the Marlboro Street rezoning effort; the goal of this initiative was to try and encourage redevelopment of this industrial area with industrial and business uses that were cleaner and more environmentally friendly than the traditional smokestack industrial uses that had taken place there prior. She said it is a relatively small zoning district that only has about 29 parcels. The District is bounded by Marlboro Street to the south, Water Street to the north, Eastern Avenue to the east, and Grove Street to the west. The stated intent of this District is to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of a former industrial area in an environmentally sensitive manner. The intent is also to promote development that is compatible with the adjacent residential neighborhoods. This district currently allows for a limited number of permitted uses, and of the commercial uses that are permitted, they are typically smaller-scale or their uses are restricted in size.

Ms. Brunner continued, stating that the personal service establishment is a use that was not originally contemplated as a part of the BGR District, mostly because it is already allowed in other districts, including neighboring districts. The intent was to hold space within this district for some of those lighter industrial uses, such as research and development. However, the proposed personal service use is not in conflict with the intent of the District and appears to be compatible with the

other uses that are allowed. She said this Ordinance had been before the City Council for first reading and was then sent to the Joint Planning Board–Planning, Licenses, & Development Committee, before the Planning Board voted to find the proposed Ordinance consistent with community goals in the Comprehensive Master Plan and the Planning, Licenses, and Development Committee voted to recommend that the Mayor schedule this public hearing.

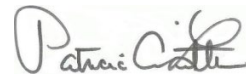
Mayor Hansel recognized the petitioner, Randall Walter of 310 Marlboro Street. Mr. Walter said that Ms. Brunner provided a really well-done summary of this issue. He thought this was a simple topic and opportunity to allow the BGR District to develop quicker by adding these uses. He said that research and development is a laudable goal but that there are few applicants for those uses. He said this use is already allowed in the perimeter zone and is therefore not disruptive to the area, and there is one property in the District already with personal service use allowed by Variance.

Councilor Jones thought this just fell through the cracks the first time. He said this is a good use and a good fix. He thanked Mr. Walter for bringing the issue forward.

Mayor Hansel opened the hearing to public comments.

Hearing no further comments, Mayor Hansel closed the public hearing at 7:28 PM, except for written public comments, which will be accepted until 1:00 PM on Tuesday, December 7. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. This issue will be before the Planning, Licenses, and Development Committee at their meeting on Wednesday, December 8.

A true record, attest:



City Clerk

#### PUBLIC HEARING – REDISTRICTING OF WARD LINES – AD HOC REDISTRICTING COMMITTEE – ORDINANCE O-2021-15

Mayor Hansel opened the public hearing at 7:29 PM and the City Clerk read the public hearing notice. The Mayor recognized former Mayor Kendall Lane of 5 Hastings Avenue, Chair of the Ad Hoc Redistricting Committee to give a presentation on the Committee’s efforts. Mayor Hansel thanked all members of this Committee who stepped-up to do this important work.

Mr. Lane said this was his third time as Chairman of the Redistricting Committee, and his fifth time as a member of the Committee. The other members of the Committee were Councilor Jan Manwaring, Representative Sparky Von Plinsky, IV, Councilor-elect Mike Giacomo, and Marilyn Houston. Mr. Lane was present at this meeting because the voters modified the City Charter to transfer the responsibility for redistricting from the City Charter to the City Council.

Mr. Lane began with comments about the census. In a broad sense, he said the latest census showed Cheshire County with a population loss of 659 people and the City of Keene had a population loss of 362 people. He said a closer look at the census tells a very different story of Ward One in Keene,

12/02/2021

which includes Keene State College (KSC), at a reduction of over 1,300 people. At that time, Keene State College had a reduced population, and continues to have a reduced enrollment of over 2,000 students. When the census data was being collected, many of the students are not in Keene, so they were not included in the data collection. If you look at the census results ward-by-ward, he said every other ward in the City had an increase. The reality was that the non-student population of Keene increased by a little over 1,000 people in the last 10 years, which is the largest increase in Keene since 1970. Mr. Lane said that Keene's growth over the last decade has been prosperous, the economy is strong.

Mr. Lane continued explaining that the Redistricting Committee started out by establishing some criteria that they wanted to use for redistricting: all the wards would originate in Central Square, all the wards would be contiguous to each other, and all the wards would follow physical features. He said the aim was to achieve a deviation of less than two and a half percent. They wanted to have the Keene State College campus entirely in Ward One. He said the Committee wanted to ensure the polling stations would remain in their current wards and they also avoided moving any moderators, which is an elected office in each ward, though sometimes challenging to fill. The Committee did not consider the impact this would have on any incumbents. He said the greatest challenge was the population diminished by 1,300 people in Ward One. Therefore, they had to bring people into Ward One to make it compatible and equal with the other wards, which was reflected on the map provided to the City Council. Some of Ward Four was moved into Ward Five and some of Wards Two and Five were moved into Ward One. Some of Ward Four was also moved into Ward Three for better alignment.

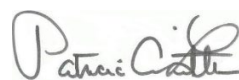
Mr. Lane said that with these changes, the Committee was able to achieve the following deviations: Ward One off by 0.7%, Ward two by 1.1%, Ward Three by 1.3%, Ward Four by 0.2%, and Ward Five by 1.4%. So, all the deviation achieved was minimal in each ward. Mr. Lane hoped the City Council would adopt the proposed ward line adjustments, which he said the Committee tried to keep to a minimum and to not be any more disruptive than absolutely necessary.

Councilor Jones thanked Mr. Lane and the Committee for their excellent work in transferring between wards. He said there was a visible improvement to Ward Four on the map. Mr. Lane replied that the Committee recognized that there had been some odd configurations in the past, particularly in Ward Four, and they tried hard to eliminate those where possible.

Mayor Hansel opened the hearing to public comments.

Hearing no comments, Mayor Hansel closed the public hearing at 7:38 PM, except for written public comments, which will be accepted up until 1:00 PM on Tuesday, December 7. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. This issue will be before the Finance, Organization, and Personnel Committee at their meeting on Thursday, December 9.

A true record, attest:



City Clerk

## NOMINATIONS

Mayor Hansel nominated the following individuals to the Congregate Living and Social Services Licensing Board: Andrew Oram with a term to expire December 31, 2024, Allison Welsh with a term to expire December 31, 2024, Martha Curtis with a term to expire December 31, 2023, Abigail Abrash-Walton with a term to expire December 31, 2023, and Medard Kopczynski with a term to expire December 31, 2023. Mayor Hansel tabled the nominations until the next regular meeting. Mayor Hansel said this is a new Board created through the Land Use Code update and this would be the first Board doing licensing for social services agencies.

## COMMUNICATION – DR. DON CARUSO/PRESIDENT AND CEO OF CHESHIRE MEDICAL CENTER – RECOMMENDING A MASK ORDINANCE FOR INDOOR SETTINGS

A communication was received from Dr. Don Caruso, President and CEO of Cheshire Medical Center, requesting that the City Council enact a mask mandate for indoor settings. Mayor Hansel accepted the file and communication as informational and said the respective Ordinance for first reading would be referred to the Planning, Licenses, and Development Committee later in the meeting.

## MSFI REPORT – REPURPOSING OF WHEELOCK PARK CAMPGROUND – PARKS, RECREATION, AND FACILITIES DIRECTOR – DESIGNATION OF A SITE FOR A COMMUNITY DOG PARK & PROPOSAL TO BUILD A 9-HOLE DISC GOLF COURSE

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to expend funds from the Capital Improvement Program to create a concept plan for the repurposing of the Wheelock Park campground to include both a dog park and disc golf course, and recommending that the communications from both the dog park and disc golf petitioners be accepted as informational.

A motion by Councilor Manwaring to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion passed unanimously with 13 Councilors present and voting in favor.

## MSFI REPORT – AUTHORIZATION TO ACQUIRE EASEMENT – BEAVER BROOK – RUSSELL PARK – PARKS, RECREATION, & FACILITIES DIRECTOR

The City Council noted that there was a Scribner's error in the motion listed in the agenda packet and she read the following report as corrected.

Municipal Services, Facilities, & Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and acquire property rights for the Russell Park project.

A motion by Councilor Manwaring to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion passed unanimously with 13 Councilors present and voting in favor.

FOP REPORT – BULLETPROOF VEST PARTNERSHIP GRANT-2021 – POLICE DEPARTMENT

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept \$5,588.00 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion passed unanimously with 13 Councilors present and voting in favor.

FOP REPORT – BRANDING, MARKETING, AND COMMUNICATIONS VENDOR SELECTION – IT DIRECTOR/ACM

Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to negotiate and execute an agreement with Guide Studio for Branding, Marketing and Communications services and that the City Manager be authorized to negotiate and execute an agreement with Selbert Perkins Design if negotiations with Guide Studio are unsuccessful.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Mayor Hansel recognized Councilor Remy, who said he was the one who voted against this in Committee. Following that meeting, Councilor Remy had further conversation with IT Director/ACM, Rebecca Landry. Now that he understood better that the feel between vendors was very similar, Councilor Remy was in favor of this and thought they did a great, diligent job. He appreciated the information Ms. Landry gave him.

The motion passed unanimously with 13 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began her comments discussing Keene's Light Up the City Tour. Councilors should have received a flyer from the Parks & Recreation Department about their new and exciting Tour. Keene residents who decorate for the holidays and want to show off their display can enter their addresses by December 6. Viewing maps will be created by December 10. Community viewing and voting will take place December 11–22. Winners will be announced on December 24. All participants will be entered into a raffle.

Next, the City Manager reported that Demitria Kirby took a new position last month and Alyssa Bender from Keene would take over as Youth Services Manager in January. Ms. Bender has a bachelor's in Criminal Justice and Psychology from Keene State College (KSC) and is pursuing her master's in Health and Human Performance. She is presently serving as the Program Assistant in the Office of Youth Services for the town Hillsborough and serves as a volunteer guardian ad litem/court appointed special advocate for the State. The City Manager looks forward to welcoming her to the team.

The City Manager shared some sad news from the Fire Chief. Last month a long-time retired call member, Charlie Harris, passed away at home under the watch of Department personnel and his wife after a long fight with cancer. He served the City from October 1984 until December 2019 (35 years).

The City Manager shared good news from the Public Works Department that the Granite State Rural Water Association selected Keene's water as the best drinking water at their annual Operator Field Day and Exhibit Show. The winner gets to send one representative to the National Rural Water Association Rally, which is held annually in Washington DC to compete in the Great American Taste Test contest. The Association pays all expenses including airfare, hotel, and meals. Ben Crowder, Water Treatment Plant Manager, has volunteered to represent the City. In addition to the contest, Mr. Crowder will get the opportunity to visit the offices of State Congress and talk about water related issues. The City Manager offered congratulations to the Water Department, stating her confidence that our water will also fare well in this national competition.

Next, the City Manager said the next joint City/County legislative meeting was scheduled for Monday, January 24 at 6:00 PM. The County is co-hosting the City at their facility and will provide for a hybrid format to allow individuals to participate remotely.

The City Manager reported that Staff were working on a date for the next Council goals workshop. She was extremely grateful to Community Development Director, Rhett Lamb, that he has agreed to come back and help facilitate this workshop and to hopefully wrap-up the goals process for this year.

The City Manager concluded her report, stating that the City Council received the most up to date Covid-19 information from Dr. Caruso and she put a memo update on their desks regarding Staff protocols.

**CITY OFFICER REPORT – PROPOSED AMENDMENTS TO THE RULES OF ORDER – CITY CLERK & CITY ATTORNEY – TABLED AT THE NOVEMBER 18, 2021 COUNCIL MEETING; & PROPOSED AMENDMENTS TO THE RULES OF ORDER RELATIVE TO CONFLICTS OF INTEREST**

Planning, Licenses, & Development Committee report read recommending the adoption of the Rules of Order as amended.

A report was read from the City Attorney, as requested, with the proposed amendment to the City Council Rules of Order about conflicts of interest for discussion and action by the City Council.

A motion by Councilor Bosley to adopt the Rules of Order as presented and with an effective date of Friday, December 3, 2021 was duly seconded by Councilor Greenwald. Discussion followed.

A motion by Councilor Bosley to amend the Rules of Order to replace Section 15 relating to conflicts of interest, with the proposed language drafted by the City Attorney was duly seconded by Councilor Greenwald.

Mayor Hansel asked the City Attorney to review the proposed amendment to Section 15 relating to conflicts of interest, which essentially replaces the current Section 15 with new language. The City



Attorney said he had considered the conversation from the last meeting as he redrafted this language. He shared a few key features. He said he wanted to break it up into parts that are easier to read than the last iteration, which always looked to him like one run-on sentence. The City Attorney said the very first part of the Rule in Section 15 states the general rule, which is that the Council is required to vote on matters that come before the Council. As Councilors knew, there are no abstentions for the City Council; the only time that they are permitted to not vote under the rules is if there is a conflict of interest. So, the City Attorney reviewed rules from other jurisdictions. As Councilors knew, Keene's conflict of interest rule is narrowly specific to pecuniary interest, which is basically a financial interest that is defined in the second paragraph of the proposed amendment. He said it really comes down to whether there is an economic gain that the Councilor is receiving that is different than the public may receive generally; pecuniary interest is only if you have a financial stake in the matter that is before the Council, in which context, recusal would be necessary under the Rules.

The City Attorney recalled that the City Council's Rules of Order can be broader than the Charter provides. Thus, the second and more significant change the City Attorney addressed was personal interest. He said this is a broader issue when a Councilor has a personal interest in the results of a matter before the Council that is greater or different than other Councilors or members of the public, which could be determined as a conflict of interest. This is a conflict that generally inhibits one's impartial judgment of the decision on the matter before them. He wanted to deal with membership in organizations because all Councilors are active in the community and sit on different boards and committees, which he said is a wonderful thing. So, he tried to narrow that issue to Councilors who serve in leadership positions for such organizations; when such an organization is before the Council, financially or otherwise, then he said that is a potential conflict of interest and the Councilor should recuse themselves. For example, if a Councilor is just a member of the Keene Snoriders, that is not an issue, but if they are on the Board of the Snoriders, that is a conflict.

Next, the City Attorney discussed the third paragraph of Section 15, which essentially restates what was in the Rule previously about how a conflict of interest is noticed, or how a Councilor brings it to the attention of the Council. He said there were no changes to how conflicts should be noticed. Additionally, the fourth paragraph remains essentially the same, though he revised it to include reference to a statement of interest (employer, and any boards or organization served and their position) discussed at the last meeting that Staff were crafting, which Councilors would fill out through the City Clerk's office.

Further discussion ensued. The motion to amend the Rules of Order to replace Section 15 with the City Attorney's drafted language passed unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilors Hooper and Ormerod were absent.

Mayor Hansel heard other proposed amendments and comments on the Rules of Order under consideration. Councilor Greenwald stated that he objected to this process at this meeting because it was his understanding that this was going back to Committee for further in-depth discussion and public input. He said he was unhappy and there were other issues discussed last meeting regarding remote participation.

A motion by Councilor Greenwald to amend the proposed Rules of Order to allow for Councilors' remote participation if on vacation for up to two weeks was duly seconded by Councilor Bosley.

Councilor Greenwald continued explaining that the proposed Rules allowed remote participation for illness, disability, or work reasons. To him, family vacation was also a part of the quality of life that the Councilors hope for, but they also made a commitment to the public that they serve to represent them. He said it is a balance. He found it difficult to understand the problem if an individual wanted to participate from their vacation; he saw no harm to the process. He did not like the argument from the previous meeting that if you cannot keep the Thursday night commitment then you should not be on Council or take vacations. He hoped there could be support for adding this language.

Councilor Bosley stated her agreement with Councilor Greenwald and said that when the PLD Committee originally evaluated these Rules of Order, they heard a lot about work-life balance. She thinks each person decides their balance and as an entrepreneur with limited free time, she finds it important for her to be able to attend remotely. She supported the amendment.

Councilor Filiault stated he would also make a motion to amend the Rules later in the discussion. With due respect to Councilor Greenwald, Councilor Filiault disagreed. He said that if someone goes on vacation, there is a quorum of other Councilors to do the work. He said this was "opening a can of worms" and someone down the line could abuse this and it would be up to the City Attorney to identify abuses. He said the Rules of Order in place have worked for years and other Councilors were trying to fix something that did not need to be fixed and creating problems for the City Attorney later.

A motion by Councilor Johnsen to amend Councilor Greenwald's proposed amendment to add "death in the family" was duly seconded by Councilor Remy.

Councilor Jones referred to section four and asked where this amendment would be added. The City Attorney replied that he would need to do some wordsmithing. The City Attorney added that he would avoid proprietary statements about Zoom or WebEx, for example.

Councilor Workman referred to comments at the last meeting that remote participation would allow for a more diverse Council. In her opinion, this was one of the most diverse Councils ever, though not as racially diverse as she would like. Still, these Councilors came from various family and employment backgrounds. Still, she said remote participation would allow input from more people. At the last meeting, Councilor Workman also heard about constituents deserving to be represented. She thought that the current process provided that representation because there are two Councilors from each ward and five at-large Councilors. Therefore, she said that being absent for one meeting would not slow the process. However, she said that increasing remote participation would slow the City process by requiring roll call for every vote and potential technology interference, which she thought should be weighed heavily.

Councilor Chadbourne expressed disappointment because she also thought this was going back to Committee and she did not favor the process underway, with amendments to amendments, for which she saw conflicts; she supported adding a death in the family but did not support vacation

and so she would vote against the amendment. She agreed with Councilor Workman that there is representation on the Council still if one or two members are missing. She still thought Councilors would vote with their conscience and on behalf of their constituents. She thought the issue of remote participation was getting too “luxurious” in a way she did not feel comfortable with. She wished this went back to Committee.

Mayor Hansel said that Councilor Chadbourne was welcome to offer a later amendment to remove vacations from the Rules. He said that Staff and Council had worked through these proposed Rules intensely and narrowed down these contentious issues that he felt could be resolved at this meeting.

Councilor Jones said bereavement could also be abused by someone. He agreed that this should go back to Committee for discussion.

Councilor Johnsen said this was a wonderful change and she did not care for the extremes of people possibly abusing the Rules. She thought all Councilors were intelligent, she did not see a problem, and thought the Council should follow through on some of this.

Councilor Greenwald asked what was wrong with the extremes; what is wrong with someone participating remotely because their cat died? Additionally on representation, he said not to assume that both Councilors from the same ward will align on all votes because they each have unique constituents. He does not understand why a Councilor should be prohibited from doing their Council job on their time.

Councilor Bosley said that all Councilors are adults and can make these decisions for themselves. She suggested trusting each other and future Councilors and if it did become an issue in the future, she imagined that the Rules could be amended again. She wanted to give this a try to see if it could be successful.

The motion to amend Councilor Greenwald’s proposed amendment to include “death in the family” passed on a vote of 10–3. Councilors Jones, Filiault, and Powers opposed. Conversation returned to Councilor Greenwald’s proposed amendment to include vacations up to two weeks and death in the family. Councilor Remy believed that if someone abused this in the future any of the people in the audience at the meeting would hold them accountable by not re-electing them.

Councilor Filiault was not in favor of any amendment because he thinks the Rules of Order have worked well since the City was incorporated in 1874. He thought they were trying to fix something that was not broken. Councilor Lake thought the difference between vacation and the other reasons listed was control. He said a vacation is within a Councilor’s control/choice and a death or work matter are not. The City Attorney clarified that the amendment was for a death in the family not bereavement, which is broader, in addition to vacation up to two weeks.

On a vote of 7–6, the motion passed to amend the proposed Rules of Order to include remote participation for vacation up to two weeks and death in the family. Councilors Lake, Filiault, Jones, Chadbourne, Workman, and Powers opposed.

Discussion returned to the whole proposed Rules of Order.

Councilor Filiault knew that amending the Rules of Order required a two-thirds majority vote (10 votes) and asked the City Attorney whether the same applied when voting on amendments to the Rules. The City Attorney said that was a good question. He said the Council had not voted on the entire Rule yet and therefore it would not apply to the amendments. He clarified further that the existing Rule says two-thirds of the active members and not the quorum present, and therefore the final vote on these Rules would require 10 votes in the affirmative.

Councilor Filiault moved to delete from the proposed Rules of Order, in Section Four, everything from the sentence that starts, “One or more members, but less than a quorum...” to the end of that paragraph. Councilor Filiault referred back to his mentions of potential abuses and how to define these issues and potential problems for a later Council that thinks differently. He said there would always be abuse and clearly trying to fix a Rule of Order is not easy. He said this would break something and force another Council to fix it. He said people do not run for local office for other reasons besides having to show up twice monthly. In the new Rule, he saw the words “reasonably practical” and “serious health issues” and asked who would have to determine that. On a vote of 2–11, Councilor Filiault’s motion failed. Councilors Filiault and Jones voted in favor.

The Mayor reminded everyone that any amendment to the Rules of Order required a two-thirds majority of 10 votes to pass.

Councilor Filiault said he still had issues with the vacation matter, particularly, and encouraged others to vote against this and work on it more at Committee because he did not think this was a clean Rule of Order right now and thought the Council would regret it.

On a roll call vote of 9–4, the motion to adopt the Rules of Order effective December 3, 2021 failed. Councilors Filiault, Jones, Chadbourne, and Workman voted in opposition.

Councilor Greenwald asked if it were warranted at this point to send the matter back to Committee. Mayor Hansel reminded the Council that denying the Rules of Order undid all the work done on the proposed draft. Staff would now start the process over and submit a new communication to Council. Otherwise, the Mayor had authority in the Charter to request a reconsideration at the next meeting. Mayor Hansel assured that the Council was still operating under the existing Rules.

#### ORDINANCE FOR FIRST READING – RELATING TO THE WEARING OF FACE COVERINGS – ORDINANCE O-2021-16

A memorandum was received from the City Attorney recommending that proposed facemask Ordinance O-2021-16, be referred to the Planning, Licenses, & Development Committee for further discussion and recommendation to the City Council. Mayor Hansel referred Ordinance O-2021-16 to the Planning, Licenses, & Development Committee.

#### RESOLUTION – RELATING TO THE OFFICE OF THE CITY TREASURER – RESOLUTION R-2021-43 & RESOLUTION R-2021-44

Finance, Organization, & Personnel Committee report read recommending the adoption of Resolution R-2021-43 relating to the appointment of City Treasurer. The report further

12/02/2021

recommended the adoption of Resolution R-2021-44 relating to the appointment of City Treasurer. Mayor Hansel filed the report.

A motion by Councilor Powers to adopt Resolution R-2021-43 was duly seconded by Councilor Remy and the motion passed unanimously with 13 Councilors present and voting in favor.

A motion by Councilor Powers to adopt Resolution R-2021-44 was duly seconded by Councilor Remy and the motion passed unanimously with 13 Councilors present and voting in favor.

RESOLUTION – IN APPRECIATION OF BARRY PHILIP HILTON SR. UPON HIS RETIREMENT – RESOLUTION R-2021-47

A memorandum was received from the Human Resources Director/ACM recommending that Resolution R-2021-47: In Appreciation of Barry P. Hilton Sr. Upon His Retirement be adopted by the City Council.

A motion by Councilor Powers to adopt Resolution R-2021-47 was duly seconded by Councilor Bosley and the motion passed unanimously with 13 Councilors present and voting in favor.

RESOLUTION – RELATING TO THE FIRE/EMS TRAINING AND PUBLIC EDUCATION REVOLVING FUND – RESOLUTION R-2021-48

A memorandum was received from Jeffery Chickering, Deputy Fire Chief, recommending that Resolution R-2021-48 be referred to the Finance, Organization, & Personnel Committee for their consideration and recommendation. Mayor Hansel referred Resolution R-2021-48 to the Finance, Organization, & Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:33 PM.

A true record, attest, 

City Clerk