

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 17, 2013

PORTSMOUTH, NH  
TIME: 7:00 PM [or thereafter]

### **I. CALL TO ORDER [7:00PM or thereafter]**

Mayor Spear called the meeting to order at 7:00 p.m.

### **II. ROLL CALL**

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

### **III. INVOCATION**

Mayor Spear asked everyone to join in a moment of Silent Prayer.

### **IV. PLEDGE OF ALLEGIANCE**

Assistant Mayor Lister led the Pledge of Allegiance to the Flag.

### **V. ACCEPTANCE OF MINUTES – MAY 20, 2013**

**Councilor Lown moved to approve and accept the Minutes of May 20, 2013 City Council Meeting. Seconded by Assistant Mayor Lister and voted.**

### **VI. PUBLIC COMMENT SESSION**

Zelita Morgan – spoke in favor of proposed height ordinance.

George “Buzzy” Dodge – spoke in favor of proposed height ordinance.

Clare Kittredge – spoke in favor of proposed height ordinance.

Jay McSharry – thanked the Department of Public Works for the work done on the sidewalks on State Street and other locations stating the wait was worth the results.

Duncan MacCallum – spoke in favor of the proposed height ordinance.

Shaun Rafferty – spoke in favor of the proposed height ordinance.

Stephanie Seacord – invited everyone to attend the celebration of the State of New Hampshire 225<sup>th</sup> Birthday being held at Strawberry Banke.

Stephen Kelm – spoke regarding the proposed height ordinance stating there has already been a “moratorium” on building as a result of the bad economy. He stated that the current Charrette is a good process and people should remember that the taxes in Portsmouth have only gone up approximately 1% when other communities are at 7% and cutting services and this is due to the development occurring in Portsmouth.

Paul Mannle – spoke in support of the proposed height ordinance stating he would like to see it implemented throughout the entire Historic District. He also stated that the vote on the Parking issue should not be held until after the Portsmouth Listens group has given their presentation to the Council.

Mary Maurer – spoke in favor of the proposed height ordinance.

Maxene Feintuch – spoke in favor of the proposed height ordinance.

Rick Horowitz – spoke in favor of the height ordinance and preserving the scenic views that are left in the City. He also spoke regarding the parking issue stating he agrees that this should not be voted until after the Portsmouth Listens presentation.

John Tabor – invited the public to attend or tune in to the Transportation Study Circles presentation on June 24<sup>th</sup> and urged the Council to make room for this in the deliberations on the issue.

Susan Denenberg – spoke in support of the proposed height ordinance.

## **VII. PUBLIC PARKING INPUT SESSION**

Mayor Spear stated that due to the large number in attendance looking to speak, there will be 2 rounds; the first will be for Portsmouth residents only, the second round will be for all others and people who wish to speak again. He stated the limit will be 2 minutes for each speaker.

### **Mayor Spear opened the First Round at 7:30 p.m.:**

Dick Bagley – spoke against the Parrott Avenue Lot and the Worth Lot Parking Garage.

Eric Gregg – spoke in favor of the Worth Lot Parking Garage

James Horne – spoke in favor of the Worth Lot Parking Garage

Bob Hassold – spoke in favor of the Worth Lot Parking Garage

Natalie Hassold – spoke in favor of the Worth Lot Parking Garage

Margaret O'Rourke – spoke opposed to vote until after the Study Circle presentation

Bob Shouse – spoke in favor of the Worth Lot Parking Garage

Walter Hamilton – spoke opposed to the Worth Lot Parking Garage

Ariel Cilluffo – read a letter from Angela Matthews opposing the Worth Lot Parking Garage

Jonathan Sobel – spoke in favor of the Worth Lot Parking Garage

Patricia Bagley – spoke against Parrott Avenue Lot

Blair McCracken – asked that Parrott Avenue be excluded from the discussion

Josh Cyr – spoke in favor of the Worth Lot Parking Garage

John Akar - spoke in favor of the Worth Lot Parking Garage

Everett Eaton - spoke in favor of the Worth Lot Parking Garage

MaryEllen Burke, Executive Director of the Historical Society – stated she and the Board of the Historical Society are in favor of the Worth Lot Parking Garage

Barbara Ward – spoke against the Worth Lot Parking Garage

Mark Brighton – spoke opposed to the Worth Lot Parking Garage

Deb Weeks – spoke in favor of the Worth Lot Parking Garage

Dan Innis – spoke in favor of the Worth Lot Parking Garage

Doug Bates – spoke in favor of the Worth Lot Parking Garage  
Steve Marchand – spoke in favor of the Worth Lot Parking Garage  
Dana Levenson – spoke in favor of the Worth Lot Parking Garage  
Jay McSharry – spoke in favor of the Worth Lot Parking Garage  
John “Jay” Gardner – spoke in favor of the Worth Lot Parking Garage  
Joe Caldarola – spoke opposed to the Worth Lot Parking Garage  
Rick Chellman – spoke in favor of the Worth Lot Parking Garage  
Mike Delacruz – spoke in favor of the Worth Lot Parking Garage  
Shari Donnermeyer – spoke in favor of the Worth Lot Parking Garage  
John Lyons – spoke in favor of the Worth Lot Parking Garage  
Harold Whitehouse – spoke in favor of sending the issue back to the Parking and Traffic and Safety Committee  
Ralph DiBernardo – spoke opposed to the Worth Lot Parking Garage  
Lisa Destefano – spoke in favor of the Worth Lot Parking Garage  
Tracy Kozak – spoke in favor of the Worth Lot Parking Garage  
Beth Lamontagne-Hall – spoke in favor of the Worth Lot Parking Garage  
Jeremy Colby – spoke in favor of the Worth Lot Parking Garage  
Shaula Levenson – spoke in favor of the Worth Lot Parking Garage  
Jane Angelopoulos, former long-time Portsmouth resident current Rye resident and business owner – spoke in favor of well-distributed additional parking at a lower cost for employees of businesses  
Andrew Bagley – spoke opposed Worth Lot and Parrott Avenue  
Mike Frandzell – spoke opposed to the Worth Lot Parking Garage  
Richard Nylander – spoke opposed to the Parrott Avenue Lot  
Christina Davidson – spoke opposed to Worth Lot and Parrott Avenue  
Susan Denenberg – spoke opposed to the Worth Lot Parking Garage  
Sue Carlisle – spoke in favor of the Worth Lot Parking Garage  
Abby Hackett – spoke in favor of the Worth Lot Parking Garage  
Jeff Mountjoy – spoke in favor of the Worth Lot Parking Garage  
Phil Cohen – spoke in favor of the Worth Lot Parking Garage  
Angela Pont – spoke opposed to Parrott Avenue Lot  
Peter Somssich – spoke opposed to the Worth Lot Parking Garage  
Barbara Adams – spoke opposed to the Worth Lot Parking Garage  
Clare Kittredge – spoke opposed to the Worth Lot Parking Garage  
Zelita Morgan - spoke opposed to the Worth Lot Parking Garage  
Steve Taylor – spoke in favor of the Worth Lot Parking Garage  
Joe Barone – spoke in favor of the Worth Lot Parking Garage  
Arthur Clough – spoke opposed to the Worth Lot Parking Garage  
Kathleen Logan – in favor of other options and charging more for parking  
Jennifer Jacobs – spoke opposed to the Worth Lot Parking Garage  
Roy Helsel – suggested building a garage in City Hall employee lot  
Gibson Kennedy – spoke in favor of the Worth Lot Parking Garage  
Paul Mannle – spoke opposed to the Worth Lot Parking Garage  
Dan Rawling – spoke in favor of the Worth Lot Parking Garage  
Joe Almeida – spoke in favor of the Worth Lot Parking Garage  
Barbara Destefano – spoke in favor of the Worth Lot Parking Garage  
Leota Friess – spoke against parking garages being used to warehouse cars because the rates are so low

Shaun Rafferty – spoke in favor of requiring developers to provide parking and is not in favor of the Parrott Avenue Lot option

Scott Young – spoke against Worth Lot but suggested expanding the footprint of the Bridge Street Lot

Bill Hagarty - spoke opposed to the Worth Lot Parking Garage

Duncan MacCallum – spoke opposed to the Worth Lot Parking Garage

Lee Roberts – spoke opposed to the Parrott Avenue Lot

Mary Maurer – spoke opposed to the Worth Lot Parking Garage

Carol Hollis – spoke in favor of the Worth Lot Parking Garage

Walter Hamilton (2<sup>nd</sup> time) – spoke opposed to Worth Lot but in favor of additional signage informing of other public parking spaces

Patty Kennedy - spoke in favor of the Worth Lot Parking Garage

Jay McSharry – spoke in favor of the Worth Lot Parking Garage

Howard Mangold – spoke opposed to the Worth Lot Parking Garage

Shayne Bowler – spoke opposed to the Worth Lot Parking Garage

**Mayor Spear opened the second round @ 9:50 p.m.:**

Barry McArdle, Dentist Office located in Portsmouth – spoke in favor of additional parking in whatever form

Mark Galvin – business owner, 75 Congress St. – spoke in favor of Worth Lot as this was one of the reasons he located his and daughter's businesses there.

Jeff Johnston, Cathartes Private Investments, Portwalk – spoke in favor of the Worth Lot Garage

Natalie Roman Nelson, owner Portsmouth Health Food Store – 151 Congress St. – spoke opposed to the Worth Lot Garage

Sam Winebaum – owns property in the immediate area of the Worth Lot – spoke opposed to the Worth Lot Garage

Susan Laslo – works in Portsmouth, spoke opposed of the Worth Lot Garage and is also speaking on behalf of Betty Lipton owner of business at 151 Congress St.

Peter Labrie – owner of Riverfront Restaurant and other businesses in Portsmouth, spoke in favor of the Worth Lot Garage

Ray Tweedie – office located at 155 Fleet Street, spoke in favor of the Worth Lot Garage

Mike Buckley – owner of Surf Restaurant, spoke in favor of the Worth Lot Garage

Aaron Jewell – business owner, spoke opposed to the Worth Lot Garage

Catherine Reddington – owner of City Shoes, spoke opposed to the Worth Lot Garage

**Seeing no one else wishing to speak, Mayor Spear closed the Public Parking Input Session at 10:10 p.m.**

**Councilor Lown moved to suspend the rules to bring forward Mayor's Item XII.B.3. for consideration. Seconded by Councilor Coviello and voted.**

3. \*Worth Lot Parking Garage

**Councilor Lown moved to suspend the rules in order to renew discussion of a proposed parking garage at the Worth Lot, seconded by Councilor Coviello.**

Councilor Kennedy stated she will not support this as Portsmouth Listens is scheduled to give a presentation on their parking and transportation study circles next Monday (June 24<sup>th</sup>) and feels that they should be heard before this was even brought back. She stated there are other people who also wanted to come speak this evening but were unable to because of this afternoons' storm.

Councilor Coviello clarified that the motion is to renew discussion and learn more about possibilities. He stated that the public have defined the answers but we don't know the answers until all of the options have been presented. He stated that Portsmouth Listens isn't studying the Worth Lot, they are studying the big picture. He stated that we should look at the reports that have already been presented as well which did not say that the Worth Lot was a bad option. He feels that the reports have been cherry-picked for information to support specific opinions. He continued that the entire planning community disagrees that developers are not driving the development and also with the philosophy that parking should be provided as this does not follow best practices. He stated that this leaves some spaces unused and is not a good use of space. He stated that the parking garage generates revenue for the city and helps pay down the tax rates. He concluded by stating that we all want the same thing and no one is evil, but there are other ideas to explore and that is what this vote is meant to do.

Councilor Dwyer clarified for the record that the motion on the floor is to suspend the rules to allow discussion.

Councilor Smith stated he is not in favor as this has already been decided and it is time to move on to other alternatives.

Councilor Thorsen agreed stating that this was decided in December and we need to move on.

Assistant Mayor Lister stated he is opposed and agrees that there is a great deal of misinformation out there and the pervasive attitude of not in my back yard and neighborhoods versus businesses. He stated there is a reaction to the building of big buildings. He stated that the Portsmouth Listens and Portsmouth Now groups are creating a dialogue to help come up with good options and compromises need to be made. He concluded by stating that this is historical character versus hysterical character.

Councilor Novelline Clayburgh stated that we owe Portsmouth Listens study circles the opportunity to present their ideas as well as the Charrette report. She stated that the height and mass of the proposed Worth Lot garage was too big and would create a tunnel effect. She stated she still prefers the idea of building smaller structures and various locations and perhaps going underground. She stated that there are drawings of a 175 space facility at the Parrott Avenue Lot that the high school students involved in the Portsmouth Listens study circles will be presenting that shows how it can be done without being intrusive.

Councilor Lown thanked everyone for coming out to speak. He stated that this is a definitive moment for this Council and is showing itself to be ineffective in resolving the big problem of this city. He continued that the High/Hanover garage is full more and more often and this Council is signaling the end of the Worth Lot debate for the remainder of the year. He stated there aren't many viable, realistic alternatives and clarified that this vote is only to discuss the option again. He concluded by stated the Council was elected to resolve problems.

Councilor Dwyer stated the motion is about looking at the viability and finds it hard to believe that the Council doesn't want to even explore more information and correct the misinformation that is out there. She agrees with Councilor Coviello that people are only hearing the parts of the reports they want to hear and didn't hear the Charrette report where they recommend getting rid of all surface parking lots. She concluded by stating that not voting in favor of hearing more information is a vote for ignorance.

Councilor Kennedy stated that in response to the ignorance comment, she believes that it is about respect to hear from the Portsmouth Listens group first.

Councilor Dwyer stated that it was clear that the Portsmouth Listens study circles was looking at the big picture and not at where to locate the garage. She stated that having heard the presentation of the high school students, they reported the Worth Lot as being a valid location for a garage, but again, there are a lot of ideas out there and that is one of them that needs further discussion. Councilor Dwyer clarified that she was not calling anyone ignorant, but stating that the vote against gathering more information would be a vote for ignorance.

Councilor Coviello stated that the Council has passed a motion regarding pursuing a ground lease option on the Worth Lot property and the decision of this vote is whether we want to maintain control of that property or not.

Discussion ensued regarding the pros and cons of furthering discussion on the Worth Lot location.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear stated that it is hard to discuss this issue when they are not actually supposed to be talking about it but feels this is a complicated issue that includes air rights, abutters, etc. He stated that the numbers regarding how many spaces we have versus how many we need and will need in the future aren't clear and the point of this vote was to allow for consultations with experts to take place and get a report back in the fall. He stated this would be well after the study circles have concluded and this vote was meant to reduce speculation.

Assistant Mayor Lister returned the gavel to Mayor Spear.

**Motion failed of a 4-5 roll call vote, Mayor Spear, Councilors Coviello, Lown and Dwyer voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Smith and Thorsen voted opposed.**

Recess/Reconvened 10:50 p.m. – 11:00 p.m.

**Assistant Mayor Listed moved to suspend the rules to continue the meeting beyond 10:00 p.m. Seconded by Councilor Kennedy and voted. Councilor Coviello voted opposed.**

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Community Development Block Grant (CDBG) for FY2014 from the US Department of Housing and Urban Development - \$514,312.00

**Councilor Coviello moved to approve and accept the CDBG for FY14 from the US Department of Housing and Urban Development - \$514,312.00. Seconded by Assistant Mayor Lister and voted.**

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

*(There are no items under this section of the agenda)*

## X. CONSENT AGENDA

***At the request of Councilor Coviello, Consent Agenda Item B was removed.***

- A. Letter from Mike Daboul, President, Seacoast Mavericks, requesting the installation of 30 outfield signs and a temporary storage trailer at Leary Field during the course of the season June 8<sup>th</sup> – August 7<sup>th</sup> (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Sue Polidura requesting permission to hold a reading of the Declaration of Independence in front of the North Church on Thursday, July 4, 2013 at 3:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

**Councilor Lown moved to adopt Items A and C. Seconded by Councilor Dwyer and voted.**

- B. Letter from Kim Cahill, Marketing Director, Seacoast Mavericks, requesting permission to place 2 A-frame signs at designated locations downtown during the 2013 season, June 8<sup>th</sup> – August 7<sup>th</sup> on game days only (27 dates). First choice locations would be the downtown kiosk, Discover Portsmouth, Poco's or other business on Bow Street

**Councilor Coviello moved to refer to the City Manager with power, seconded by Councilor Lown.**

Councilor Coviello stated he wanted to speak to this to say that he has heard nothing but good things about the Seacoast Mavericks and feels that if they need to place the signs out the day before games as well, the City Manager should have the ability to grant that as well.

City Manager Bohenko stated that their request is consistent with the policy of other leagues in placing the signs out on the day of the games.

**Motion passed.**

**XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

*(There are no items on items under this section of the agenda)*

**XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

1. Request for First Reading on Various Bonding Resolutions
  - A) Resolution for bond authorization of up to \$5,750,000 for FY14 City Improvements
    - Citywide Facilities Capital Improvements - \$1,000,000
    - Citywide Sidewalk Reconstruction Program - \$800,000
    - McDonough Street Area Improvements - \$400,000
    - Gateway Improvements–Exit 7 - \$550,000
    - Street Paving, Management and Rehabilitation - \$2,500,000
    - Islington Street Improvements - \$500,000
  - B) Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades
  - C) Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades

**Councilor Lown moved to authorize the City Manager to bring back for first reading the Bonding Resolutions, as presented, at the July 15, 2013 City Council Meeting, seconded by Assistant Mayor Lister.**

Councilor Novelline Clayburgh stated that during the study circles people were concerned about sidewalk improvements and she directed them to review the Capital Improvements Plan to see what is coming up. City Manager Bohenko confirmed that is where that information is provided.

Councilor Kennedy stated she is living in one of the current “improvement zones” and wonders if the entire “zone” a/k/a neighborhood will be completed at once. City Manager Bohenko stated they will do a presentation showing where the improvements have been and will be made.

**Motion voted.**



## 2. Firefighter Fact Finding Report

Attorney Tom Closson, City Negotiator, reviewed the fact finding process stating that it has been rejected by both the unions and the Fire Commission. He stated that usually the Council would be voting in response to one or the other's recommendation, but having both parties reject it, the Council can still accept it, but it wouldn't have any impact. He concluded by stating that the Council cannot pick and choose parts to support or reject either.

**Councilor Coviello moved to reject the Firefighter Fact Finding Report, seconded by Councilor Novelline Clayburgh.**

Discussion ensued regarding the pros and cons of accepting or rejecting the report with Attorney Closson again explaining that at this point they will go back to the table as both parties rejected the findings.

Councilor Lown stated that the fact finder did well and came to sensible conclusions but feels they did not go far enough. He stated they did however, do what the Council asked them to do.

Councilor Novelline Clayburgh stated that these are the only 2 unions who have not settled since 2008 and we still be starting the process again next year. She asked if we should wait until then so that they will all expire at the same time. Attorney Closson stated that we can't push them back a year.

Councilor Dwyer stated there have already been 2 fact finder reports, and asked if there are any limits. Attorney Closson stated there are no limits and no binding arbitration in the State of New Hampshire.

**Motion voted.**

## 3. Proposal for Mobile Vending

City Manager Bohenko explained that there were no bids during the bidding period for the 2 parking spaces put aside for mobile vendors, but now the Kitchen restaurant has requested the use of these spaces at a lower rate and monthly payments. He stated he is requesting this be brought back at the next regular meeting.

**Councilor Lown moved to authorize the City Manager to report back, and have the City Council take action on the proposal at the next meeting on July 15, 2013. Seconded by Councilor Coviello and voted.**

## 4. Renewal of Senior Transportation Agreement Mark Wentworth Home d/b/a/ Mark Wentworth Transportation

**Councilor Lown moved to renew the Senior Transportation Agreement with the Mark Wentworth Home for \$143,000 for the year beginning July 1, 2013 through June 30, 2014, seconded by Councilor Coviello.**

Councilor Kennedy stated that she would like to see this expanded to include weekends as there are events downtown and church on Sundays that seniors would like to participate but aren't able to because there are no rides provided. She stated that spending the money on a driver and gas might be worth it for giving people a way to attend weekend outings. She suggested that an organization may consider sponsoring the extra day(s).

City Manager Bohenko explained that it would cost \$1,500.00 a month with an extra day added, but stated he would make the inquiry and suggested that this be explored for the next fiscal year.

Councilor Kennedy stated that we need to look outside the box for options for our elderly citizens as New Hampshire has the 3<sup>rd</sup> highest elder population and seniors enjoy leaving their houses.

Councilor Dwyer asked about the 20 ride passes and if there is an alternative to purchasing the full 20 rides. Community Development Director David Moore stated that the 20-ride pass is the only option at this time. Councilor Dwyer stated that this needs to be clarified to the patrons but wonders if there can be an alternative offered for people who only need it a few times or during the winter months etc.

City Manager Bohenko stated he can talk with Wentworth Connections about this but feels that this program needs to be kept simple and not have multiple tiers.

**Motion voted.**

## **B. MAYOR SPEAR**

1. Appointments to be Considered:
  - John Palreiro – Taxi Commission
  - Dana Mary Hegre – Citywide Neighborhood Steering Committee

The appointments of John Palreiro to the Taxi Commission and Dana Mary Hegre to the Citywide Neighborhood Steering Committee were considered and will be voted at the July 15, 2013 Council meeting.

2. Appointment to be Voted:
  - Ronald Poulin – Cable Television Advisory Board

**Councilor Smith moved to appoint Ronald Poulin to the Cable Television Advisory Board with a term to expire April 1, 2015. Seconded by Councilor Coviello and voted.**

3. Worth Lot Parking Garage (*Previously acted upon*)

4. \*Request to Establish a Work Session on August 19, 2013 with the Historic District Commission at 6:00 p.m. in the Eileen Dondero Foley Council Chambers prior to the regular meeting

**Councilor Coviello moved to establish a work session with the Historic District Commission on August 19, 2013. Seconded by Councilor Novelline Clayburgh and voted.**

5. Request to Establish a Work Session on June 24, 2013 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers Re: Report from Study Circles

**Councilor Coviello moved to establish a work session regarding Report from Study Circles on June 24, 2013. Seconded by Assistant Mayor Lister and voted.**

### **C. COUNCILOR KENNEDY**

1. Adopt a Spot, Policy, Procedure, and City's Responsibility

Councilor Kennedy stated that she feels there are some great spots being taken care of by some great volunteers but there are also some forgotten areas out there as well. She stated she is looking for a list of the spots and the volunteers and would like to have some sort of celebration honoring those people who volunteer their time and efforts. She stated that due to the lateness of the hour, she will revisit this at the next meeting.

2. Wastewater Treatment Plant Impact Fees

Councilor Kennedy stated that she has provided some information from the Town of Durham regarding WWTP impact fees and is looking to have a discussion regarding this at perhaps then next WWTP work session update.

City Manager Bohenko distributed a memo regarding the information provided by Councilor Kennedy and explained that this comparison is actually oranges and apples and not apples to apples.

Councilor Novelline Clayburgh asked if this should be referred to the Fees Committee. City Manager Bohenko stated that the memo he distributed clarifies the information.

### **D. COUNCILOR DWYER**

1. Proposed Zoning Amendment Re: Maximum Structure Height in the Central Business District A and Central Business District B - 45' or 3 stories, whichever is less

Councilor Coviello stated that he will be recusing himself from the discussion and vote on this issue and asked if there would be any other items being voted. Seeing none, he excused himself from the remainder of the meeting at 11:30 p.m.

Councilor Dwyer reviewed the intention of the proposed ordinance stating that the Historic District Commission needs additional support and guidance and feels that this will go towards that need. She stated the intention is not to impose a moratorium but to add a guideline and there would be an avenue for a "variance" from the restriction if certain criteria are met.

She stated that it is her intention to refer this to the Planning Board for recommendation and to a second reading and public hearing on July 15, 2013.

**Councilor Dwyer moved to pass first reading and schedule a public hearing and second reading for the July 15, 2013 City Council meeting and further refer to the Planning Board for report back, seconded by Councilor Kennedy.**

Councilor Novelline Clayburgh stated that there isn't enough time before July 15<sup>th</sup> for the Planning Board to review this because the next meeting is June 19<sup>th</sup> and the one in July is the 18<sup>th</sup>.

City Manager Bohenko suggested setting the Public Hearing for August 5, 2013 to give the Planning Board time to review the proposal and will still fall within the 120 day requirement.

The mover and seconder agreed to the amendment.

Councilors Lown, Thorsen and Smith stated they will support the motion for a public hearing to allow for public input.

Assistant Mayor Lister asked if the Historic District Commission should also review the ordinance as they would be the authority in this process.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear stated he feels that this is a bad precedent because although this may look fine to the City Council, the Planning Board has the expertise and should make their recommendation first. Secondly, he stated that he doesn't like reactive ordinances and will vote against this because it isn't going through the regular process.

Assistant Mayor Lister passed the gavel back to Mayor Spear.

**Motion passed on a 6-2 vote, Councilor Novelline Clayburgh and Mayor Spear voted opposed.**

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

### **XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]**

**Councilor Smith moved to adjourn at 11:45 p.m. Seconded and voted unanimously.**