

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 18, 2014

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

- At 6:00PM an anticipated “Non-Meeting” with Counsel was held regarding Negotiations in accordance with RSA 91-A:2, I (b-c)

I. CALL TO ORDER

Mayor Lister called the meeting to order at 7:10 p.m.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

Assistant Mayor Splaine asked everyone to remember the many contributions to the City of Portsmouth of former City Councilor John Hynes who recently passed away and sent condolences to his family.

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Splaine led the Pledge of Allegiance.

Assistant Mayor Splaine moved to suspend the rules to move Items 12.B.4., Webber Independent Review and 12.C.1. , Webber Estate Matter, up on the Agenda for Council action. Seconded by Councilor Shaheen and voted.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister stated that today a meeting was held with himself, Assistant Mayor Splaine, Police Commission Chair Golumb and the other Police Commissioners. He thanked everyone who have come out and spoken on this issue. He stated that today’s meeting resulted in a collaborative agreement to have an independent review of the Goodwin/Webber matter and come back with good solutions.

He then introduced Police Commission Chairman John Golumb who read into the record a letter dated August 18, 2014 from outlining the intent to appoint an independent investigatory “entity” of the Goodwin/Webber matter. He continued that an e-mail address has been established on the city website to receive input: publicinput@cityofportsmouth.com, or citizens can write letters addressed to the Police Commission via the Police Department. He concluded that all questions should be submitted by September 21, 2014 as the Commission intends to begin its inquiry no later than September 30, 2014.

Assistant Mayor Splaine stated this is a major step and commended the Police Commission for taking the leadership role immediately and not waiting. He stated he is not totally satisfied with the extent of the investigation but will see how it evolves.

Councilor Shaheen asked if the public input e-mail is anonymous. Deputy Police Chief McDonald it was just set up today, but there could be another e-mail address set up that is anonymous or people can send anonymous letters.

Councilor Morgan stated that after this is done, she would like to see a panel set up for ethics training and an outreach to raise awareness with senior citizens and address the vulnerability of this group. She stated it may be difficult for seniors to find information via a website but feels as a community we should be proactive.

Councilor Dwyer asked if part of the conversation was to engage a professional group instead of 3 separate individuals for the panel as there are groups that counsel for these types of issues. She stated she feels it is important that this be done correctly from the beginning so we don't end up investigating the panel that investigated the issue and to provide guidance. City Manager Bohenko stated he will work with the Mayor and the Police Commission Chair and if they need more guidance or more money for such service, he will come back to the City Council.

Councilor Thorsen stated he lauds the Commission for their speed but is concerned that we are in the middle of a judicial process and doesn't feel the group can make a recommendation until that process is complete. He continued that to set expectations too early, some questions aren't going to be able to be answered so instead of second guessing, they will only be able to come back with a framework. He stated he understands that the public wants action now, but there is only so much that can be done quickly.

PRESENTATION

1. 3-D Modeling – David Allen, Deputy City Manager; and Rick Taintor, Planning Director

Planning Director Rick Taintor gave a brief demonstration of the 3-D modeling program which is part of the ongoing efforts to improve the City's development review process for the Historic District Commission and other Land Use Boards.

Discussion ensued regarding the various applications available and some limitations still to be worked out.

Councilor Spear stated there have been a lot of requests that people want to have done right away. He continued that the last Council gave the authority for this to be done and it has taken a year and he is glad we are moving forward. He stated that he doesn't feel that most of the general public would be using this unless there is a specific project they are interested in. Planning Director Taintor stated that is correct and it would not be on the website at this point although he is open to it in the future.

Councilor Kennedy asked why it will not be on the website immediately. Planning Director Taintor stated basically it is due to the time and resources required. City Manager Bohenko stated that this was meant to be a tool for the Historic District Commission who are making the policy decisions. He stated that developers will be required to present the city with a 3D model to drop into our system and stated that we may be able to have a system in the library for public viewing.

Councilor Dwyer stated that there needs to be a policy that there not be several versions of the same project floating around and that the newest version is the one available for viewing. Planning Director Taintor agreed stating that is an issue for all Boards and Commissions.

V. ACCEPTANCE OF MINUTES – MAY 5, 2014; MAY 12, 2014; MAY 19, 2014; AND MAY 27, 2014

Councilor Lown moved to accept and place on file the minutes from May 5, 2014, May 12, 2014, May 19, 2014 and May 27, 2014 City Council meetings. Seconded by Councilor Dwyer and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll – spoke regarding the upcoming Dept. of Environmental Services meeting stating the Council has received a preliminary report from the DES on their tentative findings. He stated he wants to attend the meeting but was told he cannot. He stated he isn't aware of any final report having been released and he has a list of questions he wants asked at the meeting which are extremely important.

Gloria Goyette – spoke regarding the noise impact of the Prescott Park Arts Festival over the summer stating that the neighbors should be able to expect some quality of life but this has gone on 6 nights a week for 3-4 hours a night. She stated that the Police have said they are limited in what they can do and she presented a spread sheet of the decibel levels at various locations and times around Prescott Park.

Mark Brighton – stated the public is angry about the Webber estate issue and he is glad action is being taken.

Arthur Clough – first spoke regarding the importance of the elderly having someone to advocate on their behalf. Secondly, he spoke regarding alleged sexual harassment in the City organization which he has previously spoken about and that no City Councilor has followed up with him regarding the issue. He stated that silence is the currency of malice and he is brokenhearted for the victims who are held in silence.

Rick Becksted – spoke regarding bonding and the Capital Improvements Plan stating it has become a really big issue. He stated that the quality of life for the residents of Panaway Manor needs to be addressed and discussed the safety concern of the Middle Street Bridge which was completed but is still unsafe for school children to walk across.

Seth Levine – spoke regarding the appointment of the “entity” to investigate the Goodwin/Webber issue stating that the independence is challenged if solely appointed by the Police Commission and also feels that they need to give respect to the judicial proceedings.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of \$45,000.00 Grant from the Charitable Gift Fund for Restoration of the Kearsarge Fire Pumper

Councilor Lown moved to approve and accept the \$45,000.00 grant from the Charitable Gift Fund, as submitted. Seconded by Councilor Kennedy and voted.

VIII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, VEHICLES, TRAFFIC AND PARKING OMNIBUS ORDINANCE

Parking and Transportation Director Mark Nelson gave a brief overview of the changes to Chapter 7, Vehicles, Traffic and Parking as an omnibus ordinance which incorporates changes approved by the Parking and Traffic Safety Committee the previous year if they are deemed to be working well.

Mayor Lister read the public hearing notice and declared the public hearing open. Seeing no one wishing to speak, Mayor Lister closed the public hearing.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance Amendment to Chapter 1, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners

Councilor Lown moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, at the September 22, 2014 City Council meeting. Seconded by Councilor Kennedy and voted.

- B. First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements

Councilor Spear moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of \$3,475,000.00 at the September 22, 2014 City Council meeting. Seconded by Councilor Spear and voted.

- C. First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements

Councilor Lown moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for School Facilities Improvements in the amount of up to \$750,000.00 at the September 22, 2014 City Council meeting, seconded by Councilor Shaheen.

Councilor Kennedy asked the City Manager to address the citizen comment regarding bonding money. City Manager Bohenko stated we are never guaranteed we will get a premium as it is only when the market wants our bonds and we have been lucky. He continued that by law, we have 2 choices on how to use the money; either pay down debt or reassign it for similar projects. He stated staff is currently reviewing what to recommend to the City Council.

Motion voted.

- D. First Reading of Resolution Authorizing a Bond Issues and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements

Councilor Lown moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.00 at the September 22, 2014 City Council meeting. Seconded by Councilor Spear and voted.

- E. First Reading of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for Costs related to the Pease Waste Water Treatment Plant Upgrades

Councilor Spear moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,000.00 at the September 22, 2014 City Council meeting, seconded by Councilor Shaheen.

Councilor Kennedy asked where are we in the process with the waterline upgrades, well upgrades, etc and would like this information provided before the next Council meeting. City Manager Bohenko stated he would provide a memorandum. Councilor Kennedy asked that be provided as far in advance as possible and would like the presentation made on television for the public and the memorandum posted to the website.

Motion voted.

- F. Second Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance

Councilor Spear moved to pass second reading and schedule a third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the September 22, 2014 City Council meeting, seconded by Councilor Dwyer.

Councilor Kennedy asked for clarification on various points of the ordinance. She asked how many parking spots are being lost as a result of the ordinance, including parking spaces that aren't necessarily defined or lined as spaces but that people use on a daily basis.

Parking and Traffic Director Nelson stated they do only count the lined spaces but agrees there are a lot of other "spaces" that people use to park. He stated they are working towards making safe parking spaces that are enforceable.

Councilor Kennedy asked about the Atlantic Heights neighborhood stating that people park in the area outlined as "No Parking" in this ordinance and where will the park now. Mr. Nelson responded that the Little League parents are the people who park in these spots and a letter has been sent to inform them of the changes. Councilor Kennedy then asked about the recent

change of a portion of Hanover Street to a 2 way street and what type of outreach was done to inform people of the change. Parking Director Nelson stated they went door to door with flyers in the neighborhood in addition to signage.

Councilor Shaheen asked if anything has been discussed regarding mopeds on sidewalks. City Manager Bohenko stated it will be discussed by the Parking and Traffic Safety Committee at a future meeting.

Motion voted.

- G. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios

Councilor Spear moved to pass third and final reading on the proposed Ordinance amendment, as presented. Seconded by Councilor Lown and voted.

X. CONSENT AGENDA

Councilor Morgan moved to adopt the Consent Agenda. Seconded by Councilor Dwyer and voted.

- A. Request for License from Andrea Lucas, owner of Barre & Soul for property located at 163 Court Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Andrea Lucas, owner of Barre & Soul for a projecting sign at property located at 163 Court Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director's Stipulations:

- The license shall be approved by the Legal Department as to content and form;
- Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
- Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works

- B. Request for License from Rudy Nadilo, owner of Dapresy for property located at 16 Market Square, Unit #3 for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Rudy Nadilo, owner of Dapresy for a projecting sign at property located at 16 Market Square, Unit #3 and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director's Stipulations:

- The license shall be approved by the Legal Department as to content and form;
 - Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
 - Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works
- C. *Acceptance of Membership Dues to Art-Speak
- Calypso Communication - \$150.00
 - Portsmouth Historic House Association, Inc. - \$75.00
- (Anticipated action – move to approve and accept the the membership dues to the Piscataqua Arts & Culture Alliance, a program of Art-Speak, as listed)***
- D. *Acceptance of Donations to Art-Speak
- Kevin and Peggy Hodges - \$25.00
 - Port City Online (Doug Roberts) - \$50.00
 - Portsmouth Music and Arts Center (Russ Grazier) - \$150.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)***
- E. Letter from Nicole Galovski, Programming Director of NH Film Festival, requesting permission to close Chestnut Street on Friday, October 17, 2014 for the NHFF red carpet opening night gala ***(Anticipated action – move to refer to the City Manager with power)***
- F. Approval of Pole License to install 2 poles on Heritage Avenue ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- G. Approval of Underground Conduit System on Longmeadow Road ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Gerald Zelin regarding development of the North End

Councilor Spear moved to accept and place on file, seconded by Councilor Dwyer.

Councilor Spear stated this goes back to the Council initiative this past Spring for further development of the Northern Tier. He stated it is critical to engage the public but a lot of people are away during the summer months. He stated the City has used this time to lay the groundwork for public involvement in the fall and therefore feels it is premature to adopt these

ideas until this process has occurred.

Councilor Kennedy stated that this should be referred to the City Manager for a report back and feels that we want the public input first.

Assistant Mayor Splaine moved to amend and refer to the City Manager for report back on the progress to the North End vision plans at the next Council meeting, seconded by Councilor Kennedy.

City Manager Bohenko stated the City has contracted with the firm Town Planning and Urban Design Collaborative (TPUDC) to produce the new Character based code. TPUDC is the firm that worked with the City on the initial character based zoning project.

The process that will be followed to develop the zoning code for the next two areas will be similar to the process used in developing our initial character based code in the central downtown area. That process will begin with a kick-off meeting that is scheduled for Tuesday, September 23rd. The kick-off meeting will be preceded by a public outreach program to ensure local residents and business owners are aware of the charrette locations, the public meeting schedule, and other related activities. Following the kick-off meeting, the consultant will begin collecting the field information for the two study areas and preparing for the four day design charrette on the North End. The North End design charrette has been scheduled to take place on November 10th through November 14th. The schedule for the Islington Street Corridor charrette is still being arranged but will likely take place in January or February of next year. He continued the four day event begins with a public presentation on the first day that will include a hands-on workshop. The second day will include both technical meetings as well as an open studio that will allow members of the public to stop in at their convenience to engage in the process and contribute their ideas. The third day will include a pin-up and review session to present alternatives and gather feedback from the public on those alternatives. The final day of the charrette will include a work in progress presentation that will describe the process to date, explain the elements of the plan, and present other findings and work products developed during the charrette. This presentation also offers the public another opportunity to provide feedback and shape the direction and vision for the areas. Also, included in the deliverables will be a Master Plan for the areas being studied that will include the identification of areas of critical importance for historic preservation; building heights and proposed solutions to rectify height discrepancies; building value assessment; new, existing and retrofitted buildings; potential locations for new parks and plazas as well as enhanced design for any existing underutilized public spaces; potential new street, alley or sidewalk connections; streetscape improvements; on-site and off-site parking and potential locations for private infill buildings. Finally, following the Charrette, the consultant will prepare a draft of amendments to the Character-Based Zoning Ordinance. The draft ordinance will be vetted through the Planning Board and ultimately the City Council public review process. He stated he can look at Mr. Zelins' letter and see what else they can do and have reached out to him as well, but concluded that the Staff wants a good process and positive development.

Councilor Morgan stated she agrees with Council Kennedy that we need to have public input before everything else and feels that there are 2 separate processes; the Charette and Visioning. City Manager Bohenko stated these are not different things.

Discussion ensued.

Councilor Lown stated he has respect for Mr. Zelin but changes take time and he is asking for immediate implementation.

Councilor Thorsen addressed the 3rd point in Mr. Zelins's letter stating that design review is a statutory term but it really should be "early vesting" for the developer. He stated that people are concerned that early vesting is giving the advantage to developers so the Council doesn't have time to make any changes. He stated we need more discussion of what design review is.

Assistant Mayor Splaine stated we are missing the boat and giving up an opportunity if we don't get on top of "early vesting" in the North End. He stated we should balance grown and commended the staff for the upcoming schedule, but feels that the participants in the Charette process are going to be stakeholders and not necessarily the neighborhoods and we need time to reach out.

Councilor Kennedy stated that design review is decided before abutters and community members are informed and if we are as open as we say we are, then we have to make sure every citizen has the opportunity to have input.

City Manager Bohenko stated that the sticking point is item 3 in the letter, but everything else is taken care of through the Charette process.

Discussion ensued.

Assistant Mayor Splaine and seconder of the motion to amend, Councilor Kennedy, withdrew the motion.

Councilor Spear and seconder of the motion to accept and place on file, Councilor Dwyer, withdrew the motion.

Councilor Dwyer moved to refer to the City Manager to create an opportunity for the City Councilor to have an informed discussion to better understand the design review process, and to take action based on that discussion. Seconded by Councilor Thorsen and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Report Back Re: Letter from Bernard Pelech, Attorney, Law Office of Wholey & Pelech, regarding Request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39aa (2 Sylvester Street/Tax Map 232, Lot 35)

Planning Director Taintor stated the property that is the subject of this request is located at 2 Sylvester Street and is shown on Assessors Map 232 as Lot 35. The Assessors Map indicates that the lot contains 0.363 acre (15,812 sq. ft.) and has 198 feet of frontage on Sylvester Street and 80 feet of frontage on Middle Road.

The request letter states that the existing lot corresponds to 5 separate lots on a 1903 plan, and that at some undetermined point between 1903 and 2000 three of these lots were involuntarily merged by the City into a single lot (former Lot 232-35). The other two original lots were also combined at some point into a single lot (former Lot 232-34), but the request letter does not indicate whether this merger was voluntary or involuntary. However, the letter does state that a previous owner voluntarily merged lots 34 and 35 to create the current Lot 35, and includes the Voluntary Lot Merger Form dated 2/24/2005. He stated his conclusion after reading the law is that the Council has no jurisdiction over this request for restoration and he is neither in favor nor against.

City Attorney Sullivan read the statutes as follows:

RSA 674:39-aa provides that “lots or parcels that were involuntarily merged prior to September 18, 2010 ... shall at the request of the owner, be restored to their premerger status” The statute distinguishes between “involuntary” and “voluntary” mergers as follows:

- “Involuntary merger” and “involuntarily merged” mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
- “Voluntary merger” and “voluntarily merged” mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

RSA 674:39-aa only applies where “no owner in the chain of title voluntarily merged his or her lots.” Further, RSA 674:39-aa,II(b) states “If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be stopped from requesting restoration.”

RSA 674:39-aa assigns the responsibility for “restoration of involuntarily merged lots” to the City Council. If the merged lots meet the criteria in the statute, the Council must vote to restore them to their premerger status. Conversely, if the merged lots do not meet the criteria in the statute, the City Council has no jurisdiction to grant a request to split the lots. A decision by the Council regarding a request to restore lots to their premerger status may be appealed to the Zoning Board of Appeals, but no standards for such appeals are set forth in the statute. Unlike other situations where lots are proposed to be merged or separated, there is no role for the Planning Board in this process.

Councilor Lown moved to suspend the rules to allow Attorney Pelech to address the Council. Seconded by Councilor Dwyer and voted.

Attorney Pelech stated this is a unique situation The lot was originally comprised of 5 separate lots as shown on the attached 1903 plan of Prospect Park. He continued that Lots 231, 232, and 233 as shown on the 1903 Prospect Park plan were involuntarily merged by the City of Portsmouth and were shown as 1 lot, Tax Map 232, Lot 35 on the April, 2000 Portsmouth Tax Maps. Subsequently, Irving W. Spinney who owned Tax Map 232, Lots 34 and 35 voluntarily merged the lots which Voluntary Merger is recorded in the Rockingham County Registry of Deeds at Book 4456, Page 0664. In conclusion, on behalf of the present owners the Comacks, I would respectfully request that the City Council vote to unmerge the lot shown as Lot 231 on

the 1903 Prospect Park Plan. This lot was involuntarily merged with lots 232 and 233 by the city and should be entitled to be unmerged pursuant to the statute.

Councilor Lown stated that operative word is “voluntary” and if Mr. Spinney voluntarily merged the lots in 2005 and it was because he said the city had already merged the 5 lots and he had no choice, then he agrees it wasn’t voluntary and the City has the burden of proof that it was voluntary. Mr. Pelech clarified that he merged them because he was being taxed for 2 separate lots. Councilor Lown stated he still has questions on Mr. Spinney’s intent and feels it is a matter of assumptions.

Councilor Thorsen stated he agrees and the crux of the matter is that there is no precedent in intent of involuntary merger because of previous involuntary merger and the stated purpose was to lower taxes with one lot.

Councilor Spear moved to resolve that the City Council does not have jurisdiction over this request, seconded by Councilor Kennedy. Motion passed on a 6-3 vote, Councilors Lown, Morgan and Thorsen voted opposed.

2. License Request Re: 28-32 Dearborn Street

City Attorney Sullivan stated this has been a long process for this applicant and he has been before all of the required Boards and Commissions.

Councilor Spear moved to authorize the City Manager to enter into a revocable license with Mr. Regan for purposes of installation of a set of granite steps. Seconded by Councilor Thorsen and voted.

Informational items

1. Events Listing
2. 2015 Cyclical Revaluation
3. Update on the Schedule for the Phase 2 of the Character-Based Zoning Project
4. Reminder Re: Port Advisory Committee Meeting
5. Proposed Enrollment of City Manager in the New Hampshire Retirement System
6. Report Back Re: 185 Austin Street
7. Lafayette Road/Route 1 Bypass Intersection Improvements

There were no questions regarding the City Manager’s Informational Items.

B. MAYOR LISTER

1. Appointment to be Voted:
 - Cristy Cardoso – reappointment to the Citywide Neighborhood Committee

Assistant Mayor Splaine moved to approve the reappointment of Cristy Cardoso to the Citywide Neighborhood Committee with term to expire April 1, 2017. Seconded by Councilor Shaheen and voted.

2. Resignation – Chris Hubbard from the Peirce Island Committee

Councilor Shaheen moved to accept the resignation with regret and a letter of thanks and appreciation for service. Seconded by Councilor Spear and voted.

3. Report Back Re: Traffic Issues in City Neighborhoods

Mayor Lister read a letter from Police Chief Dubois addressing the Police Department awareness and actions in response to the additional traffic being generated due to various construction projects in the city which urges that residents be cautious and patient through these repairs and improvements to city streets.

Councilor Morgan thanked Chief Dubois for stepping up their efforts.

4. Webber Independent Review (*previously addressed*)

C. ASSISTANT MAYOR SPLAINE

1. Webber Estate Matter (*previously addressed*)

D. COUNCILOR LOWN

1. Proposed Ordinance Re: Gifts and Bequests

Councilor Lown stated this is not designed to have any effect on the Webber case and is not meant to prohibit gifts to employees or prohibit employees from accepting gifts but is meant to prevent unseemly situations. He clarified that it is different from the existing Ordinance Section 1.8.

Councilor Lown moved to refer to the Legal Department for report back, seconded by Councilor Spear.

Councilor Thorsen stated this is an interesting proposal and we need to look at the legality of it. He stated this looks like it would put the burden on the testator and we have no jurisdiction over a person building a will. He stated it relates to an integrity issue and is less than a bribe, but the impression of influence.

Councilor Shaheen stated she is concerned with the 2 year time period because someone diagnosed suddenly does not have the luxury of time. She stated this may not be meant to be in relation to the Webber case but feels that perhaps it should be as far as maybe limit the amount of the bequest.

Councilor Dwyer stated that she feels the key is whether or not the current Ethics Ordinance needs to be strengthened and feels this is narrowly drawn and should be looked at side by side with the current ordinance.

Councilor Lown stated this is not designed to direct people on what to do with their assets but what employees do.

Assistant Mayor Splaine stated he feels that this should include elected/appointed officials as well but will leave it in the hands of the City Attorney.

Motion voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy asked when a report back will be made regarding noise.

City Manager Bohenko stated that they have made contact with the FAA through the PDA and will be having a meeting. He continued that the helicopter issue is separate from the other noise issues. He stated also, regarding the other noise issues, there will be interns taking noise readings around the city but the question we need to answer is what are we really trying to accomplish and what can we enforce. He stated that the City Attorney has been working with the owner of the Gas Light and that noise issue.

Discussion ensued regarding acceptable levels of volume.

Mayor Lister stated there is currently a working group assembled to work with the Prescott Parks Arts Festival and feels that this shouldn't be discussed in this forum at this time.

Councilor Morgan stated another issue has been the impact of the Mavericks baseball games on that neighborhood.

Councilor Dwyer stated this is a more complicated issue and feels that the City Manager's approach to get advice and input from other resources is appropriate.

Councilor Shaheen stated it is worth pausing and validating peoples frustration especially during this time of year and the amount of construction occurring is also adding to it all.

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

Councilor Lown moved to adjourn at 10:20 p.m. Seconded and voted unanimously.

Respectfully submitted:



Valerie A. French
Deputy City Clerk