

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 6, 2015

PORTSMOUTH, NH
TIME: 7:00PM

At 6:00 p.m., An Anticipated “Non-Meeting” with Counsel regarding Potential Acquisition of Real Estate & Potential Settlement of Litigation – RSA 91-A:2, I (b) was held.

I. CALL TO ORDER

At 7:10 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

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

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Deputy Fire Chief James Heinz led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Middle Street Bike Lanes – Juliet Walker, Transportation Planner

Transportation Planner Walker provided a brief update on the Middle Street Bike Lanes. She stated that this would increase the utilization of bikes by school age children. She presented the new bike lane for the City Council to consider that is known as a buffer lane and showed a brief video of what the lane would look like installed. She said the purpose of installing bike lanes is to encourage students and residents to use bicycles as their mode of transportation in the City. Transportation Planner Walker stated that the buffer lanes are designed for children and families to use.

Councilor Spear moved that the City Council encourages City staff to drill down Option B and review the concept with the Parking & Traffic Safety Committee. Seconded by Councilor Lown.

Assistant Mayor Splaine thanked Transportation Planner Walker for her detailed presentation and asked if the Parking & Traffic Safety Committee has reviewed and provided approval for this or if there has been involvement by the neighborhoods. Transportation Planner Walker said she provided a presentation to the Parking & Traffic Safety Committee but no vote was taken. She said there will be a vote as this moves forward and the neighborhoods become involved in the this process.

Councilor Thorsen asked why we are asking for a vote without hearing from the Parking & Traffic Safety Committee on this matter.

Councilor Lown said that the Parking & Traffic Safety Committee will approve Option B.

Councilor Dwyer expressed concern about placing these types of lanes in other areas of the City and feels it creates some safety concerns. She stated she would like the Parking & Traffic Safety Committee to take this into account before moving forward with Option B. Transportation Planner Walker said that Councilor Dwyer's concerns will be taken into consideration during the viewing of the lanes prior to the installation of the buffer lanes.

Motion passed. Councilor Thorsen voted opposed.

2. Update on Route 7 COAST – Juliet Walker, Transportation Planner

Transportation Planner Walker spoke regarding the funding for the routes provided through municipal dues and local assistance. She introduced Rad Nichols of COAST to speak regarding the cancellation of Route 7. Mr. Nichols said that there is a lack of ridership to keep Routes 2 and 7 running any longer.

Councilor Shaheen thanked Transportation Planner Walker and Mr. Nichols for the information. She expressed concerns regarding the loss of Routes 2 and 7 along with the need to make sure our residents would not be impacted by this and that Routes 40 and 41 would take care of Portsmouth's needs. Mr. Nichols stated that no passengers live in the City that relies on Route 7. Councilor Shaheen asked how many individuals would not be served by Route 7 that have health services in Exeter. Mr. Nichols said there are approximately 5 individuals and they can easily identify the individuals.

Councilor Kennedy asked for a copy of the presentation and if there is a number for people to call if they need the use of the services that were provided by Route 7. Mr. Nichols said that people could be directed to Ms. Walker and Ms. Walker could contact COAST to assist the individuals. Mr. Nichols also informed the City Council that anyone that used Route 7 in the last year was notified by COAST of the route being discontinued.

Assistant Mayor Splaine moved to suspend the rules in order to take up Item IX. B. - Second reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services. Seconded by Councilor Shaheen.

Assistant Mayor Splaine said there are a number of individuals that signed up to speak on UBER under the Public Comment Session and they would know more about the approach moving forward with the motion he is bringing forward.

Motion passed.

IX. B. - Second reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services

Assistant Mayor Splaine moved to postpone Second Reading of the Ordinance until the April 20, 2015 City Council meeting to allow the Taxi Commission to review the Temporary Operating Agreement presented by UBER. Seconded by Councilor Shaheen.

Assistant Mayor Splaine stated the Taxi Commission has been trying to explore between ride sharing companies and leveling the playing field for taxi companies that have been here for decades. He said it has been a difficult time and more time is needed on exploring this. He stated that UBER has submitted a Temporary Operating Agreement with the City and he feels this is a great way to deal with the issues of checks and balances as well as insurance matters. Assistant Mayor Splaine announced that the Taxi Commission would be meeting on Wednesday, April 15, 2015 to review the agreement and ordinance.

Councilor Morgan said she would support the motion and this is in the best interest of the City to discuss and find the best solution. She said that ride sharing is not even regulated on the State level at this time. She asked if the agreement has been reviewed by the City Attorney. City Attorney Sullivan stated he cannot offer a recommendation to the City Council at this time because he has not had an opportunity to review the agreement in depth as it came in late on Friday.

Councilor Thorsen asked that his item not be considered until we hear back from the Taxi Commission on April 20th on the Operating Agreement. He said we should delay public comment until we hear back from the Taxi Commission at the April 20, 2015 meeting and have a final ordinance form before the Council.

Assistant Mayor Splaine said he hopes to preserve public comment for everyone. He said the public will now know that we have a new agreement before us but could speak if they so choose.

Councilor Dwyer said we are not voting on a temporary Operating Agreement and we are still in limbo for the operation of UBER and operating under no guidelines.

Councilor Shaheen thanked Assistant Mayor Splaine for bringing the motion to postpone this evening to take time to get this ordinance right. She said if we need more time after April 20th, we take the time.

Councilor Kennedy said she supports the postponement however she is frustrated it is being postponed again. She stated there is much to learn about UBER through our national news and feels the public hearing should be opened again based on the changes.

Councilor Lown said he would like to extend not issuing medallions until second reading is considered on April 20, 2015.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he shares in the frustration but everyone wants to get this right. He said that UBER should provide a list of driver's that will be operating in the City because that is required of the other companies and it is not too much to request. He stated we need to know who is transporting our residents.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Motion passed.

V. ACCEPTANCE OF MINUTES – MARCH 16, 2015

Councilor Kennedy moved to approve and accept the minutes of the March 16, 2015 City Council meeting. Seconded by Councilor Dwyer and voted.

VI. PUBLIC COMMENT SESSION

Christopher David said he is an UBER customer and spoke in favor of the company operating in the City. He suggested this be handled on the State level as Massachusetts is doing.

Jim La Flam said he uses UBER and this is new technology that has a broader appeal to the public.

Michael Finger said UBER is trying to push beyond the use of medallions to move forward with technology.

John Palreiro urged the City Council to vote on the Taxi Ordinance this evening and not postpone action any further. He stated that UBER needs to cease and desist from operating because they are not following the ordinance and guidelines.

Merle White spoke to two different articles in newspapers regarding UBER and its operation. He provided City Clerk Barnaby with the newspapers in order for copies to be provided to the City Council.

Don Libby said he works with transportation companies around the United States and UBER is a hailed service on demand not a limousine service.

Barbara DeStefano spoke on the insurance issue related to UBER and said a private policy would not provide coverage for picking up individuals to be transported to another location as UBER is doing.

Rebecca O'Brien spoke in favor of the plastic bag ordinance submitted by Surfrider for adoption by the City. She addressed the various dangers caused by plastic bags to our environment, wildlife and marine life.

Ralph DiBernardo spoke against the single bag plastic ordinance and said a better alternative would be biodegradable bags. He stated that if passed, this is a punitive ordinance, which he opposes.

Nancy Novelline Clayburgh spoke on behalf of Seacoast Growers' in support of the Farmers' Market. She thanked the City Council for their continued support of the market and the use of the Municipal Complex for the market.

Mark Brighton spoke opposed to the proposed plastic bag ordinance and stated that grocery bags make up .3% of our garbage. He said this ordinance would have no affect on our waste.

Bob Shouse spoke in support of the proposed plastic bag ordinance and said these bags are a major source of pollution in our lives.

Wayne Cippillo, Regal Limousines, requested that limousines be exempt from the proposed transportation services ordinance. He said you cannot hail a limousine and it is not an on demand service as taxies.

Michael Campbell stated he operates a limousine service in Manchester, NH and agrees that the proposed transportation services ordinance should exempt limousines. He said he agrees with the comments made by Mr. Cippillo.

Ed Feliciano, Feliciano Limousines, said he agrees with the comments made by Mr. Cippillo and Mr. Campbell.

Dennis Acton said he is an UBER driver and he had to have a thorough background and criminal check done prior to being hired as a driver. He urged the Council to adopt the ordinance to allow UBER to operate in the City.

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000.00) FOR COSTS RELATED TO ELEMENTARY SCHOOL FACILITY IMPROVEMENTS

Mayor Lister read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Lister closed the public hearing.

Councilor Kennedy moved to suspend the rules in order to take up Item IX. A. - Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements. Seconded by Councilor Shaheen and voted.

IX. A. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements

Councilor Spear moved to adopt the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements. Seconded by Councilor Shaheen.

Councilor Thorsen stated that the \$5,000,000.00 is already part of the CIP and this is not in addition to another \$5,000,000.00.

On a unanimous roll call 9-0, voted to adopt the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements.

Councilor Lawn moved to suspend the rules in order to take up Item XI. A. - Letter from Bert Cohen, Chair, Blue Ribbon Committee on Sustainable Practices recommendation for the Council to proceed with a first reading of the proposed Single-Use Carryout Plastic Bag Ordinance. Seconded by Councilor Spear and voted.

City Attorney Sullivan stated that this issue came forward in 2013 and at that time he researched for enabling legislation for which there was none. He said because there is not enabling legislation, the City could not adopt such an ordinance as it would not be legal and subject to challenge. He said he wrote to Surf rider on February 10, 2015 to notify them of this matter and received no response. City Attorney Sullivan stated if he finds enabling legislation on this matter he would draft an ordinance to bring back for the April 20, 2015 City Council meeting but if there is no enabling legislation this item would not be placed on the agenda for the April 20, 2015 City Council meeting.

Councilor Lown said he feels that the legislation does allow for this and permits the City to control its own waste.

Councilor Morgan asked if we have a copy of the 2013 memorandum that City Attorney Sullivan indicates he wrote regarding this matter. City Attorney Sullivan said he would provide a copy of the memorandum of 2013 to the City Council for their reference and review.

Councilor Kennedy said she would like to look into the use of biodegradable bags.

Councilor Smith spoke to the proposed ordinance and asked several questions for the City Attorney to provide answers to if we were to move forward with such an ordinance.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the African Burying Ground from TD Bank - \$10,000.00

Councilor Kennedy moved to accept and expend a \$10,000.00 grant from TD Bank for costs associated with the events marking the project's completion in May 2015. Seconded by Councilor Spear and voted.

- B. Acceptance of Community Development Block Grant Funds

Councilor Kennedy moved to accept and expend a Community Development Block Grant (CDBG) in the amount of \$505,162.00 from the U.S. Department of Housing and Urban Development. Seconded by Councilor Spear and voted.

X. CONSENT AGENDA

Councilor Kennedy requested that Item X.C. - Letter from Caroline Piper, Fairy House Tour, requesting permission to close Washington Street to motor vehicle through traffic between Court and Hancock Streets on Saturday and Sunday, September 26 and 27 from 9:30 a.m. to 4:00 p.m. be removed from the Consent Agenda.

- A. Request from Fairmont License Agreement for a new guy pole and guy wire on Court Street directly across from the African Burial Ground site ***(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)***
- B. Letter from Mary-Jo Mousy, Arts in Reach, requesting permission to hold the 3rd annual AIR Walk fundraiser on Saturday, October 17, 2015 from 9:00 a.m. to 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Caroline Piper, Fairy House Tour, and requesting permission to close Washington Street to motor vehicle through traffic between Court and Hancock Streets on Saturday and Sunday, September 26 and 27 from 9:30 a.m. to 4:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Sham era Simpson, March of Dimes, and requesting permission to hold the 2015 Seacoast March for Babies in Portsmouth, Sunday, May 31, 2015 ***(Anticipated action – move to refer to the City Manager with power)***

- E. Request for License from Robert Washington/Laura Corrigan, owners of Washington and Co. Antiques / Laura Corrigan Designs for property located at 207 Market 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 Robert Washington/Laura Corrigan, owners of Washington and Co. Antiques / Laura Corrigan Designs for a projecting sign at property located at 207 Market 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***

Councilor Morgan moved to adopt Items A, B, D, and E from the Consent Agenda, as presented. Seconded by Councilor Lown and voted.

- B. Letter from Caroline Piper, Fairy House Tour, requesting permission to close Washington Street to motor vehicle through traffic between Court and Hancock Streets on Saturday and Sunday, September 26 and 27 from 9:30 a.m. to 4:00 p.m.

Councilor Spear moved to refer to the City Manager with power. Seconded by Councilor Lown and voted. Councilor Kennedy abstained from voting on this matter.

- B. Letter from Sandra Yarne, Seacoast Peace Response, and requesting permission to hold a Penny Poll in Market Square on April 15th from 11:30 a.m. to 1:00 p.m. and place a plywood structure which measures 36" in height by 66" in width on the sidewalk

Councilor Lown moved to refer to the City Manager with power. Seconded by Councilor Kennedy and voted.

- C. Letter from Nancy Pape, NH Conference United Church of Christ, and requesting permission to hold a May Day Celebration for immigrant rights at Market Square on Friday, May 1, 2015 from 5:00 p.m. – 6:30 p.m.

Councilor Kennedy moved to refer to the City Manager with power. Seconded by Councilor Morgan and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2015 License Agreement

Deputy City Manager Allen said that this is a renewal to the License Agreement for the Seacoast Growers' Association Farmers' Market for the 2015 season.

Councilor Kennedy moved to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2015, as presented. Seconded by Councilor Spear and voted.

At 9:25 p.m., Mayor Lister called for a brief recess. At 9:35 p.m., Mayor Lister called the meeting back to order.

2. Applications for Sidewalk Cafés Providing Alcohol Service – city-owned sidewalks:
 - a) State Street Saloon
 - b) Popovers on the Square
 - c) Rib Ra Portsmouth
 - d) The District

Deputy City Manager Allen said this will move forward the Sidewalk Cafes Licenses to provide alcohol service outside.

Councilor Spear moved to authorize the City Manager to enter into an Area Service Agreement with State Street Saloon for outdoor Alcohol service on City land for the 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Seconded by Councilor Shaheen.

Councilor Kennedy said she would not support this because it is not enough of a substantial amount to charge to give up the benefits and rights of the citizen's use of the sidewalk.

Councilor Thorsen asked how the cost of the space compares to what is being paid by the owners for the inside space.

Deputy City Manager Allen said he is not aware of the rental rates downtown and asked Nancy Carmer, Economic Development Manager to come forward and speak to this matter.

Economic Development Manager Carmer said she could provide information generally with a range but not specific numbers because she does not have that available.

Deputy City Manager Allen stated we charge \$10.00 a square foot for the outside space.

Councilor Dwyer said you need to remember that this is only for a portion of the year and many people have identified this as something they enjoy using.

Councilor Shaheen said we could try to get the rates but they're proprietary.

Councilor Morgan said she enjoys sitting outside but we need to consider our pedestrians.

Councilor Kennedy suggested getting the information on the rates off of the recent Assessor's letter sent to owners.

Motion passed. Councilor Kennedy voted opposed.

Councilor Lown moved to authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square. Ri Ra Portsmouth and The District for outdoor Alcohol service on City land for the 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Seconded by Councilor Shaheen and voted. Councilor Kennedy voted opposed.

3. Applications for Sidewalk Cafes providing Alcohol Service – private sidewalks:
 - a) British Beer Company
 - b) The BRGR Bar

Deputy City Manager Allen said that these license are for the Sidewalk Café's located on private sidewalks, therefore we receive no fee for the Licenses.

Councilor Lown moved to authorize the City Manager to enter into an Area Service Agreement with British Beer Company and The BRGR Bar for outdoor Alcohol service for the 2015 season subject to City operating conditions contained in Council Policy No. 2012-02. Seconded by Assistant Mayor Splaine and voted. Councilor Kennedy voted opposed.

4. Annual Renewal of Boarding House Permits:
 - a) 278 Cabot Street
 - b) 350 – 352 Hanover Street

Deputy City Manager Allen said that these are the renewals for two of the Boarding Houses.

Councilor Kennedy moved to approve the Boarding House permit for 278 Cabot Street and 350 – 352 Hanover Street for a one year permit to expire April 6, 2016. Seconded by Councilor Lown and voted.

5. Sawtelle Family Donation Gift of the Carlton Theodore Chapman Painting Entitled: *Bonhomme Richard Capturing the Serapis*

Deputy City Manager Allen said this is a donation of the portrait from the Sawtelle family to the City.

Councilor Lown moved to authorize the City Manager to request stewardship funds from a NH Charitable Foundation and to negotiate and execute the Deed of Gift and necessary Internal Revenue Service donation forms needed to accept the gift and to send a thank you letter to the Sawtelle family. Seconded by Councilor Kennedy and voted.

Councilor Dwyer requested as part of the maintenance of the painting to have appropriate lighting installed over the painting.

6. Request for Road Closures for African Burying Ground Events

Deputy City Manager Allen reviewed the upcoming events for the African Burying Ground as follows:

On-site event with artist and sculptor Jerome Meadows with Middle School Students

- Date: Wednesday, May 20th
- Closure: Chestnut Street (between Court and State Streets) travel lane. Duration 8:45 a.m. to 10:00 a.m.

Reburial Ceremony at African Burying Ground

- Date: Saturday, May 23rd
- Closure: Chestnut Street (between Court and State Streets) travel lane. Duration 6:00 a.m. to 8:00 p.m.
- Closure: Right hand lane on State Street from Middle Street to Fleet Street
- Closure: Court Street from Rogers Street to Fleet Street. Duration 8:30 a.m. to 10:30 a.m.

Councilor Lown moved to refer these road closure requests to the City Manager with power. Seconded by Councilor Shaheen.

Councilor Dwyer said more detailed information on the events will be provided to the City Council. She also stated the remaining dollars to be raised is down to less than \$20,000.00 for the funds borrowed and expect to be paid by the time of the events.

Motion passed.

7. Request for Approval Re: Town of Rye Water Agreement
Deputy City Manager Allen spoke to the Agreement with the Town of Rye to extend services on Breakfast Hill Road.

Councilor Spear moved to ratify the “Water Supply Agreement” with the Rye Water District, as presented. Seconded by Assistant Mayor Splaine.

Councilor Kennedy stated she would not vote for the motion until she sees the Agreement.

City Attorney Sullivan stated the agreement is to provide public water to an area of Greenland that the Portsmouth water system does not currently have water available through its own pipe network. He further stated the terms of the agreement are that Portsmouth will pay the same rate for water supplied by Rye as the Rye Water District pays Portsmouth for wholesaled metered water it currently receives from the Portsmouth system.

Motion passed. Councilor Kennedy voted opposed.

Councilor Spear asked about the public hearing on the new parking garage. Deputy City Manager Allen said as a result of change on the parking garage agreement for the 165 Deer Street property the Council schedule a public hearing for April 20, 2015 but the Council would now hold a Work Session on April 20, 2015 at 6:00 p.m., but likely postpone the public hearing until the next meeting of the Council on May 4, 2015.

Deputy City Manager Allen announced that the Master Plan Kick-off Meeting will be held on April 15, 2015 at 3S Artspace beginning at 6:00 p.m.

Councilor Shaheen moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Spear and voted.

B. MAYOR LISTER

The City Council considered the following reappointments to be voted on at the April 20, 2015 City Council.

1. Appointments to be Considered:
 - Reappointment of Ronald Poulin to the Cable Television and Communications Commission
 - Reappointment of MaryAnn Blanchard to the Conservation Commission
 - Reappointment of Gibson "Mike" Kennedy to the Portsmouth Housing Authority
 - Reappointment of Kathryn Lynch to the Recreation Board

2. Reappointment of Peter Loughlin to the Pease Development Authority Portsmouth/Newington representative until March 31, 2018

Councilor Spear moved to reappoint Peter Loughlin to the Pease Development Authority as the Portsmouth and Newington representative until March 31, 2018. Seconded by Councilor Shaheen and voted.

3. Resignation of Elissa Hill Stone from the Conservation Commission

Councilor Kennedy moved to accept the resignation with regret and to send a letter thanking Ms. Stone for her years of service to the City of Portsmouth. Seconded by Councilor Shaheen and voted.

Letter from Julie Fountas, American Legion Auxiliary, requesting financial assistance with placing flags on all veteran's graves on Memorial Day (*Not on Agenda*)

Councilor Kennedy moved to refer to the City Manager with power. Seconded by Councilor Morgan and voted.

C. ASSISTANT MAYOR SPLAINE

1. Statement of Support on Marriage Equality

Assistant Mayor Splaine moved to adopt the Statement of Support on Marriage Equality. Seconded by Councilor Shaheen.

Councilor Spear said regardless of the merits of the motion before the Council he wants to discourage these kinds of Resolutions. He said the Council needs to limit its motions and letters that are more tailored to the City of Portsmouth.

Councilor Lown said he agrees with Councilor Spear. He said passing this Resolution will make no difference to the Supreme Court.

Councilor Morgan said she understands and concurs in some ways but she would support the motion because we don't need isolation and we are here to lead by example.

Councilor Thorsen said the City Council should avoid this kind of activism. He spoke to the memorandum he prepared regarding these kinds of Resolutions and spoke to his analysis.

Councilor Dwyer said she is generally not in favor of the feel good Resolutions but it is speaking to residents in our community.

Councilor Shaheen said social injustice will not be tolerated. She said all are welcomed to the City of the Open Door and this makes a statement that we value people that live here.

Assistant Mayor Splaine said he was hoping for a unanimous vote on this motion and it does affect the people in the City of Portsmouth. He said he would have liked to see the City Council pass such a motion when he was 15 years old.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he hopes we do not entertain many Resolutions for many items. He said he is calling this a statement and not a Resolution. He said we need to be respectful of people in our City and respect all views.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call 7-2, voted to adopt the Statement of Support on Marriage Equality. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan, Spear and Mayor Lister voted in favor. Councilors Lown and Thorsen voted opposed.

D. COUNCILOR SHAHEEN

1. Request to have the Police Chief and the Police Commission at the April 20th City Council meeting to Review Response to the Heroin Epidemic

Councilor Shaheen stated she has requested to have Police Chief Dubois and Police Commission attend the April 20th City Council meeting to review response to the heroin epidemic. *No vote required.*

E. COUNCILOR KENNEDY

1. Transportation Center

Councilor Kennedy provided a list of questions she would like responses to prior to the public hearing on the New Parking Facility.

Councilor Kennedy spoke to the downtown parking principles from 1998 and feels we have gone off target.

Councilor Dwyer said the Council endorsed and passed the principles which came from the study.

Councilor Morgan said people are concerned with the location of the garage and the impact of the sea level rise. She feels Peter Britz, Environmental Planner, should be part of the discussion. She said people would understand we are being proactive.

Councilor Shaheen mentioned Michael Manville looking at current structure and infrastructure and it might be useful in part to have that context on April 20th Work Session.

Councilor Kennedy said the report in November 2011 has conflicts with the 2012 report. Councilor Dwyer said they are not really conflicts.

F. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet of March 12, 2015

Councilor Spear moved to approve and accept the Action Sheet of the Parking & Traffic Safety Committee meeting of March 12, 2015. Seconded by Councilor Shaheen.

Councilor Dwyer said that she feels there should be more information provided on the action sheet. She said the City Council needs enough information to know what the action is that was taken by the Parking & Traffic Safety Committee.

Councilor Kennedy inquired about the potential roundabout for the Harborcorp Project. She said the roundabout could cost a significant amount of money to put in. Deputy City Manager Allen said the roundabout has been discussed as part of the Gateway project. He said it has only been discussed and no decision has been made.

Councilor Dwyer said the roundabout is a proposal of the City and part of the Gateway project and just happens to be located near Harborcorp. Councilor Kennedy said Harborcorp said that they could not do their project without the roundabout. Councilor Dwyer said she has listened to all the meetings and has not heard that said.

Councilor Spear withdrew his motion and Councilor Shaheen the second to the motion.

Councilor Spear moved to bring back the Action Sheet and Minutes of Parking & Traffic Safety Committee meeting of March 12, 2015 at the City Council meeting of April 20, 2015 for action to be taken. Seconded by Councilor Shaheen and voted.

G. COUNCILOR MORGAN

1. Testimonies to the NH Legislature on policy issues

Councilor Morgan said she would bring a motion forward at the next meeting on April 20, 2015 for checks and balances and data to quantify requests going before the NH Legislature. She said that the Council needs to know what is being sent out to the Legislature.

Assistant Mayor Splaine said Councilor Morgan has a point. He said there is a difference from fact finding and taking a position. He said when the City takes a position it appears that it has been well vetted.

Councilor Shaheen asked City Attorney Sullivan, with a City Manager form of government and the complexity of the items, what is proper for the Legislative Delegation Subcommittee.

Councilor Kennedy said she would like to be more inclusive if her position is on a letter.

Councilor Dwyer said there could be a criteria made up. She said if it is costing the City a great deal of money we need to take a stance.

Councilor Morgan said it would be good to have the City Manager provide data to quantify requests.

2. Helicopters

Councilor Morgan withdrew this matter.

H. COUNCILOR SPEAR

1. Report Back Re: Election of Mayor and Council Candidates Proposed Charter Amendment

Councilor Spear moved to schedule a public hearing on April 20, 2015 to hear and vote on the Charter Amendment presented by the Legal Department. Seconded by Councilor Dwyer.

Councilor Spear said the Legal Department has written the Charter Amendment and by passing the motion it would allow the residents to come out and speak on the matter. He asked for the City Council to support the motion.

Mayor Lister asked if we should schedule a Work Session on this matter. He said if there is enough City Council support for a Work Session he would move forward with the Work Session.

Assistant Mayor Splaine moved to schedule a Work Session on this matter for the May 4, 2015 City Council meeting. Seconded by Councilor Dwyer.

Councilor Dwyer has heard some ideas that are better and feels this is Work Session material.

Councilor Morgan said at the last Neighborhood Citywide Committee meeting there were a variety of different suggestion and ideas brought forward. She said we are coming from the wrong angle because this should have started by having a citywide discussion. Councilor Morgan said she would like to get into our Charter and let people talk. She said we are supposed to be a government for the people by the people.

Councilor Lown said the City Council over analyzes everything and this comes from the people. He said this is a specific idea on how elections are held.

Councilor Shaheen said she supports what Councilor Lown has said.

Councilor Thorsen said he is almost persuaded by Councilor Dwyer's side. He said can't we get the same information from what the public tells us, and asked if we really need a Work Session on this matter.

Councilor Kennedy asked how the public gets their views out with a Work Session. She said maybe people should come forward and speak on this matter.

Motion passed with Councilors Kennedy, Spear and Thorsen voting opposed.

2. Two Way Street

Councilor Spear said a recurring theme is to change some of our one way streets to two way streets.

Councilor Spear moved to refer to the Parking & Traffic Safety Committee for a Study to be done on this matter. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said the results need to be more than one sentence from the Parking & Traffic Safety Committee

Motion passed.

I. COUNCILOR THORSEN

1. Casinos

Councilor Thorsen said he would be placing this item on the April 20, 2015 City Council agenda.

2. Transportation Services Ordinance Policy Analysis

Councilor Thorsen said that this was for information only.

3. New Parking Garage

Councilor Thorsen said that this was for information only.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Shaheen said she has heard from someone from AIRBNB that is willing to come here to speak on AIRBNB. Deputy City Manager Allen asked Councilor Shaheen to get him the contact information.

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER

At 11:15 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Shaheen and voted.



Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk