

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 20, 2015

PORTSMOUTH, NH
TIME: 6:00PM

At 6:00 p.m., a Work Session was held regarding the Proposed New Parking Facility located at 165 Deer Street.

I. CALL TO ORDER

At 7:25 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

Fire Chief Achilles led in the Pledge of Allegiance to the Flag.

Councilor Morgan moved to suspend the rules in order to allow the Public Comment Session prior to the Presentation portion of the Agenda. Seconded by Councilor Kennedy.

On a roll call vote 3-6, motion failed to pass. Assistant Mayor Splaine, Councilors Kennedy and Morgan voted in favor. Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.

PRESENTATIONS

1. Review Response to the Heroin Epidemic – Police Chief Dubois & Police Commission

Police Chief Dubois provided a presentation on the Review Response to the Heroin Epidemic. He spoke to how easy the drug is to obtain and the drugs are coming through the hot spots in Massachusetts directly through our thoroughfare. He reported that the Fire Department now carries the drug Narcan to reverse the effects of heroin and the Police Department is looking to do the same. He spoke to the department's involvement with mental health assistance and Operation Blessing to assist in dealing with this problem.

2. Wastewater Treatment Facility at Pease – Brian Goetz, Deputy Public Works Director & Terry Desmarais – City Engineer

Mayor Lister asked the City Council if they wish to delay this Presentation until the Work Session scheduled for Monday, April 27th on this matter.

Councilor Kennedy moved to hold off the Presentation until the Council Work Session on Monday, April 27th at 6:30 p.m. Seconded by Councilor Shaheen and voted.

V. ACCEPTANCE OF MINUTES – APRIL 6, 2015

Councilor Shaheen moved to approve and accept the minutes of the April 6, 2015 City Council meeting. Seconded by Councilor Morgan and voted.

VI. PUBLIC COMMENT SESSION

Mayor Lister said he would allow 2 ½ minutes for each person to speak due to the large number of speakers this evening.

Josh Denton spoke in support of the single plastic bag ordinance and said all stores will be required to use other types of bags at each checkout and there is no exception for the small stores except those stores selling produce. He said the ordinance would take effect one year upon passage. Mr. Denton said single use bags are having an environmental impact.

Kelly Shaw said people that do not live in the central business district have been forgotten. She said work was promised by the Parking Traffic & Safety Committee for Banfield Road which has not been done. She said there needs to be more of a police presence in this area as well. Ms. Shaw spoke in support of electing ward councilors that would be dedicated to the area for which they reside and there would be more of an equal representation for all residents in the City.

Rich DiPentima thanked the City Council for the actions taken thus far to protect the City from the Sea-3 expansion. He said this matter needs to continue to be addressed and the involvement of Portsmouth is imperative.

Ralph DiBernardo said the government needs to provide for public safety. He said the City is responsible for making sure everyone is safe. He said if UBER can't accept the requirements of the City we are not the only community that has said no to them operating.

Mark Brighton said he has gathered 498 signatures for a petition against the plastic bag ordinance. He said if the Council was to pass such an ordinance he would challenge it.

Christopher David spoke in support of the extension for the Taxi Commission to have an additional 90 days to decide on the UBER issue. He said the City Council needs to be hands on to make sure the ordinance addresses UBER and their needs.

Rick of Livery Associates, Durham, NH spoke in support of the exclusion of limousines from the Transportation Services Ordinance. He said 90 days will put the City right in the middle of the high tourist time and that needs to be considered. He also spoke to the insurance issues with ride share companies.

Marjorie Andrews said Sea-3 will have a regional impact on the area and requested that the City keep working on this matter.

Merle White spoke against the 90 day extension for UBER. He said they should comply with the City ordinance. He said the City has a responsibility to its residents to ensure public safety.

Jeffrey Cooper said the current election system should remain as is. He said that this would cause a face off between candidates and special interest candidates.

David Soule, Newmarket, NH said he can accept the risk to take a ride with an UBER driver. He feels the taxi owners are angry because UBER creates competition.

Pat Ford asked the City Council to intervene in the Sea-3 matter. She said the Sea-3 expansion will cause more safety issues and increased risks to residents.

Arthur Clough said the City and Police Department owe the family and friends of Geraldine Webber an apology for not watching over her. He spoke to the investigation on this matter and said there are many holes without any answers being brought forward.

Joe Caldarola spoke regarding market research regarding the construction of a new garage to address our parking problems. He said the City has never tried to manage the parking. He spoke to adding parking incentives.

George Dempsey said it is terrible what happened to Ms Webber. He said there is no creditability anymore in the Police Department and asked why there was no elder abuse filed.

Rick Becksted asked why we would change the way our Mayor and City Council is elected. He said if this is what the people want it should be done through a petition to get the question on the ballot. If this is done then the entire Charter should be opened up for review.

Joe Onesko requested the City Council support the motion that Assistant Mayor Splaine will be bringing forward regarding the Webber Report. He said residents have a right to know what happened.

Kathleen Logan said she supports the comments made by prior speakers on the Webber matter. She agrees with the motion being brought forward by Assistant Mayor Splaine and would like the City Council to pass it when it is presented later this evening.

Peter Sommsich said there should be no more compromising with UBER. He said the proposed ordinance is a good one and that this Council has been disingenuous with the current taxi companies.

Dennis Acton, Fremont, NH, said he is a current UBER driver and they take their business seriously. He spoke to background checks and driver record checks as well as the cleanliness of the vehicles.

Crystal Paradis invited the City Council to attend a public forum on the Heroin Epidemic being held at the Music Hall on Monday, April 27th.

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TWENTY THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$23,200,000.00) FOR THE CONSTRUCTION OF A NEW PARKING FACILITY

Mayor Lister read the legal notice, declared the public hearing open and called for speakers.

Everett Eaton, Economic Development Commission Chair, spoke to the criteria used to come forth with the locations for the new parking garage. He said sites owned and not owned by the City were looked at and the Deer Street site came to the top. Mr. Eaton stated this is the best option to fix the parking problem in the City.

Karen Logan said she has watched the development of the City grow around her and no matter what you change will not solve the parking problem. She said downtown is losing businesses because of the lack of parking.

Barbara DeStefano spoke in support of a new parking garage at the Deer Street site. She said this has been needed for 10 years and this is the perfect location.

Jeffrey Cooper said he is speaking to the matter. He expressed concern with the parking garage being looked at as the silver bullet to solve all the parking problems and it will not. He stated that the continued development is the reason we need a new parking garage.

Paul Mandle asked if the public would be allowed to speak to this matter at the May 4th City Council meeting. Mayor Lister said it is the intention of the Council to leave the public hearing open.

Arthur Clough said he is concerned with the quality of life in the City. He doesn't feel adding more parking is the right decision when money is needed to create more sidewalks. He stated building a new parking garage is serving the needs of the developers.

Rick Becksted said he attended the EDC meeting last week when the presentation was given on the new parking garage. He said he is still trying to process the information and is pleased that the City is going to leave the public hearing open to allow for people to speak at the next meeting on this matter. He stated that the City needs to take into consideration that this might not solve the problem and then what happens. Mr. Becksted said he does not want to see a Band-Aid approach used to solve this situation.

Bob Marchewka stated there is a lack of parking and we have a site that will alleviate the issue. He said we need to do something. He said we are here for many reasons but we need to solve the parking problem.

Councilor Kennedy moved to keep the Public Hearing open on the proposed Resolution until the May 4, 2015 City Council meeting. Seconded by Assistant Mayor Splaine.

Councilor Kennedy asked if City Manager Bohenko would have the answers to the questions she brought forward at the last meeting for the May 4th City Council meeting. City Manager Bohenko said he would provide as much information as possible for Councilor Kennedy at the May 4th City Council meeting.

Motion passed.

At 9:20 p.m., Mayor Lister called for a brief recess. At 9:35 p.m., Mayor Lister called the meeting back to order.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- 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 (*Postponed from the March 16, 2015 City Council meeting*) (**Sample motions: (1) move that the following sentence be added at the end of the first paragraph of Section 7.208 FARE REGULATION which shall read as follows:**

“In no situation shall the fare for any single transportation service beginning and ending within the City of Portsmouth exceed the total sum of \$25.00”

(Explanation not part of the motion: The maximum fare contained in the proposed amendment was based on input requested from Great Bay Taxi based upon the cost of a taxi ride under the current ordinance commencing at the Kittery town line and continuing to the Rye town line which is 5.1 miles, \$21.95)

(2) move that Section 7.202 VEHICLE REGISTRATION of the proposed ordinance by the addition of the following sentence after the words “Transportation Services” and before the words “There shall be a fee...” which shall read as follows:

“The placard shall be displayed in such a manner as to be plainly visible from the exterior of the vehicle by any potential customer”

(3) move that the phrase, “on its date of issuance” in Section 7.207 ANNUAL RENEWAL: be deleted and replaced with “May 1st”

(4) move that the following new paragraph be added to Section 7.201 TRANSPORTATION SERVICES:

However, this ordinance shall not apply to the following:

- a. Limousine Services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;***
- b. Limousine Services, whose operation is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse.***

And further, authorize the City Manager to bring back for third and final reading the proposed Ordinance at the July 13, 2015 City Council meeting, as presented.

(Please note that on Wednesday, April 15, 2015 the Taxi Commission voted the following motion “Moved to allow taxi companies and ride sharing companies to continue to operate as they currently are while the Taxi Commission continues to work for the next 90 days with the City Attorney and the Council to consider ordinance changes.”)

Assistant Mayor Splaine moved to allow taxi companies and ride sharing companies to continue to operate as they currently are while the Taxi Commission continues to work for the next 90 days with the City Attorney and the Council to consider ordinance changes with a report back to the City Council at the July 13, 2015 City Council meeting. Seconded by Councilor Lown.

Assistant Mayor Splaine said the Taxi Commission has done some wonderful work on this issue and everyone is dedicated to find a solution to the situation. He said the City Council has a decision to make, either we fish or cut bait. He recommended the Council provide guidance to the Commission whether to do nothing or let the current ordinance stand. Assistant Mayor Splaine said the Taxi Commission wants to get this right and will continue to work for 90 days to find a way to fine tune the ordinance.

Councilor Shaheen said it is important for the Taxi Commission to receive feed back from the City Council on this matter. She said this is no way to do business and the Council needs to understand if there are safety measures in place. She said the registering of drivers is not as important to her because of the application UBER has. She does not feel background checks and the insurance issues have been adequately addressed.

Councilor Kennedy said we put children on buses with teachers and they're required to have background checks. She said she wished the Council had set up a Committee to figure this out and leave the current ordinance in place. She will vote for this motion this evening but would not vote for another extension.

Councilor Morgan said she recognizes the extensive work by the Taxi Commission to this point and understands the frustration by current Taxi Companies.

Councilor Dwyer said the City Council does not receive minutes from the Taxi Commission and does not know how the issues are resolving in terms of this matter. She said we need City Council consensus on this and we need to know what the Council's bottom line is on this matter. Councilor Dwyer expressed concern with the background checks and the insurance for UBER.

Councilor Thorsen said he did not like limousines in the ordinance as having to comply. He said he does not like the ordinance as written and feels that ride sharing is as far away as taxies and limousines are. He said he would vote for the extension because he wants ride sharing in the City. He expressed concern regarding liability issues surrounding UBER. City Attorney Sullivan stated he does not feel there is a liability issue in the case of the City.

Councilor Lown said he does not feel this is unfair to the taxi companies because they are not being asked to renew their taxi medallions. He said we need to realize that UBER is something people want and expect.

Councilor Spear asked what kind of direction does the City Council need to provide to the Taxi Commission.

Assistant Mayor Splaine said he never considered that the Commission was in any stage of negotiations but more of a fact finding mission. He said we would be eliminating the medallions under the new ordinance.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said enough is enough and he would not vote for another extension. He said he would support the motion because of the work of Assistant Mayor Splaine and the Taxi Commission. He expressed concern regarding registering drivers and said he doesn't understand why this is a big deal. He said we have an ordinance to follow and we can't change our rules because someone doesn't like them. Mayor Lister said that this is about public safety.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Motion passed.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Anne Rugg, commuteSMARTseacoast, requesting permission to hold a "Fix a Flat Clinic for Women" on Friday, May 15, 2015 as part of the Bike/Walk to Work Week in front of the North Church (***Anticipated action – move to refer to the City Manager with power***)

- B. Request for License from Jeff Johnston on behalf of Portwalk HI, LLC, and Hanover Apartments, LLC owner, for property located at 35 Portwalk Place, the Green Elephant Bistro & Bar, to allow a marquee structure to project approximately 10 inches into the Deer Street right-of-way

(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jeff Johnston, on behalf of Portwalk HI, LLC and Hanover Apartments, LLC to allow a marquee structure at property located at 35 Portwalk Place 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 marquee structure, 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 marquee structure, 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. Request for License from Jay McSharry, owners of The Franklin Oyster House for property located at 148 Fleet 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 Jay McSharry, owners of The Franklin Oyster House for a projecting sign at property located at 148 Fleet 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***

- D. Letter from Jay Diener, Co-Race Director, Seacoast Half Marathon, requesting permission to hold the half marathon on Sunday, November 8, 2015 ***Anticipated action – move to refer to the City Manager with power***)

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Shaheen and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Thomas Watson, DrummondWoodsum, requesting a long term License or Rental Arrangement to a dedicated dock to accommodate the property owners Charles and Susan Lassen of Round Island their vessel on a 24/7 basis, that will also provide access to a city street, parking for motor vehicle, trash disposal and a mailbox

Councilor Kennedy recused herself from this item and left the dais.

Councilor Lown moved to refer to the City Manager with power. Seconded by Councilor Shaheen.

Councilor Dwyer said in the report back she would like to know if this is an exclusive use or not.

Councilor Kennedy returned to the dais.

Motion passed. Councilor Kennedy abstained from voting on this matter.

- B. Letter from Chuck Rhoades, Seacoast Outright, requesting permission to hold a community-based, family-friendly Pride event on Saturday, June 27, 2015 and further seeking permission to block off Pleasant Street from State to Congress Streets from 1:00 p.m. to 4:00 p.m. (***Sample motion – move to refer to the City Manager for report back to the City Council***)

Assistant Mayor Splaine moved to refer to the City Manager for report back to the City Council. Seconded by Councilor Shaheen and voted.

- C. Letter from Gregg Hopkins, Newmarket International, Inc., requesting permission to hold a 5K Fun Run/Walk on Thursday, May 14, 2015 at 6:30 a.m. to 7:30 a.m.

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for First Reading of Character Base Zoning – North End Ordinance

City Manager Bohenko said he would like to request to bring this back for a first reading at the June 1st City Council meeting and refer this to the Planning Board for recommendations.

Councilor Kennedy said last time we looked at Character Base Zoning we had a meeting at the Library to inform the public what we were doing and we need public input on this before it comes forward to the City Council for first reading.

Deputy City Manager Allen said that a meeting will be scheduled at the Library in the Levenson Room sometime in May.

Councilor Lown moved to authorize the City Manager to bring back for first reading the proposed amendments to the Zoning Ordinance and the Zoning Map, as presented, at the June 1, 2015 City Council meeting, and further, to refer the proposed amendments to the Planning Board for recommendations. Seconded by Councilor Kennedy and voted.

2. Requesting Approval for the City to Intervene in SEA-3 Site Review Evaluation

City Manager Bohenko said the City Council is aware of the background on this matter and this is a policy issue for the City Council to decide next steps.

Assistant Mayor Splaine moved to authorize the City Manager to direct the Legal Department to take any and all action necessary and appropriate to intervene on behalf of the City in the pending matter before the Site Evaluation Committee. Seconded by Councilor Kennedy.

Assistant Mayor Splaine said staff has done great work on this matter. He feels this is the right direction to move in and we need to make sure the City is safe with the cargo going through the City.

Councilor Shaheen said she would support the motion.

Councilor Lown said the Attorney General is going to carry the ball on this matter.

Mayor Lister thanked the Legal Department for their work on this matter.

Motion passed.

3. Request for License Encumbrance of Sidewalk and Parking Spaces Re: 275 Islington Street

City Manager Bohenko said that Green & Co. Real Estate is requesting a license to encumber the sidewalk and six parking spaces abutting 275 Islington Street, and the sidewalks on Cornwall and Rockingham Streets closest to Islington Street. He also stated the applicant seeking to encumber the area to facilitate demolition and construction activities for the first phase of the project from May 4, 2015 through December 7, 2015. He said the license area will be used as a staging and delivery area and there will be no meter bag daily fees charged for the encumbrance of the six parking spaces because there are no meters currently at the site. City Manager Bohenko further indicated that the applicant also requests a license to encumber the sidewalks abutting the length of the lot along Cornwall Street and Rockingham Street.

Councilor Lown moved to authorize the City Manager to negotiate and enter into a license with Green & Co. Real Estate to facilitate demolition and construction activities at 275 Islington Street. Seconded by Councilor Dwyer and voted.

City Manager's Informational Items

2. *Wastewater Treatment Master Plan Update – Work Session April 27th at 6:30 p.m. in Council Chambers*

City Manager Bohenko reminded the City Council of the WWT Master Plan Update Work Session will be held on Monday, April 27th at 6:30 p.m. in the Chambers.

4. *Household Hazardous Waste Day – May 30th*

City Manager Bohenko announced that the Household Hazardous Waste Day will be held on Saturday, May 30th, and if anyone should have any questions, contact the Public Works Department.

5. *Senior Activity Center – Winter/Spring Update*

City Manager Bohenko spoke to the Senior Activity Center Winter/Spring Update provided by Senior Services Coordinator Brinn Chute.

6. *Public Meeting Video Coverage*

City Manager Bohenko informed the City Council that the video coverage would cost an additional \$10,000.00 and he would recommend having this implemented next fiscal year. He will work with Board and Commission Chairs to have the meetings in the Eileen Dondero Foley Council Chambers.

Councilor Kennedy thanked City Manager Bohenko for the report. She is pleased that we will have all the meetings on YouTube. She requested that a list of when meetings are held and

when they will be replayed be posted on Channel 22 because a person contacted her that does not have a computer. City Manager Bohenko said he would have to take a look at this.

Councilor Shaheen wondered if this provides more flexibility where the meetings are held. City Manager Bohenko said we could work towards that if there is a reason why we can't meet in the Chamber and must meet in another room. He would work on this matter. Councilor Shaheen said she has heard that people would not want to have every City Council meeting in the Chambers but for the Council to go out in the community. City Manager Bohenko said it would not be a live broadcast. Assistant Mayor Splaine said we could start this in July. City Manager Bohenko said given the public interest in the Taxi Commission we could find a way to have it here in the Chambers. He said we could have the Taxi Commission, Parking & Traffic Safety Committee and Site Review Technical Advisory Committee. Councilor Dwyer said we should do this but we need to find a better way to organize the meetings by categories. Councilor Thorsen said he would like to know the major costs to implement this for a meeting. City Manager Bohenko reported that the individuals receive a stipend per meeting.

Councilor Morgan asked about the budget schedule for the public hearing on May 11th because some Councilors would like to attend the public hearing being held at Pease that evening.

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

B. MAYOR LISTER

1. Appointments to be Voted:

Councilor Kennedy moved to reappoint Ronald Poulin to the Cable Television and Communications Commission until April 1, 2018. Seconded by Councilor Shaheen and voted.

Assistant Mayor Splaine moved to reappoint MaryAnn Blanchard to the Conservation Commission until April 1, 2018. Seconded by Councilor Lown and voted.

Councilor Kennedy moved to reappoint of Gibson "Mike" Kennedy to the Portsmouth Housing Authority until April 1, 2020. Seconded by Councilor Lown and voted. Councilor Shaheen abstained from voting on this matter.

Councilor Shaheen moved to reappoint of Kathryn Lynch to the Recreation Board until April 1, 2018. Seconded by Councilor Dwyer and voted.

C. ASSISTANT MAYOR SPLAINE

1. Public Transparency and Openness in Presentation of the Webber Investigation Report

Assistant Mayor Splaine moved that the City Council requests that the investigative report into the Webber Estate matter conducted by the Roberts Task Force Panel be submitted jointly to the City Council and the Police Commission when it is completed, and that it become fully public and transparent at that time. Seconded by Councilor Morgan.

Assistant Mayor Splaine stated he wants to make sure when the report is completed it is submitted to the City Council and Police Commission for review and made public. He said he would like to see the report completed before the court deals with this matter.

Councilor Lown spoke against the motion and feels it is unnecessary. He said Commissioner Golumb would receive the report and review it and he has no intention of redacting any part of the report.

Councilor Thorsen said he also agrees that this motion is unnecessary. He is concerned that people have time to read through the report.

Councilor Dwyer said she agrees with Councilor's Lown and Thorsen. She said the report will be about the Police Department and its procedures not about the will. She stated the report will not focus on the issues that will be decided and heard by the court. Councilor Shaheen said she would support the motion to ask that the report be released to the public at the time it is provided to the Police Commission and City Council.

Councilor Kennedy spoke in support of the motion and said that this will give the public transparency.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said we all want transparency and to get to the bottom of this matter. He respects the process and we agreed to stay out of this until we receive the report. The Police Commission needs to receive the report first and then share it with the City Council and then the public.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call vote 4-5, motion that the City Council requests that the investigative report into the Webber Estate matter conducted by the Roberts task force panel be submitted jointly to the City Council and the Police Commission when it is completed, and that it become fully public and transparent at that time failed to pass. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Morgan voted in favor. Councilors Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Minutes of March 12, 2015 (*Referred back from April 6, 2015 City Council meeting*)

Councilor Lown said the City Council asked at the last meeting for more in depth information on the minutes of the March 12th meeting of the Parking & Traffic Safety Committee.

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

Councilor Kennedy asked given the concerns brought forward at the Planning Board would any of that warrant going back to the Parking & Traffic Safety Committee. City Manager Bohenko said at this point it is in the hands of the Planning Board and they would have say and there would be discussion on that issue. He further stated it would be voted on at the Planning Board as part of the Site Plan unless the Planning Board votes to refer it back to the Parking & Traffic Safety Committee. Councilor Kennedy said she does not feel this was fully vetted and would like it to go back to the Parking & Traffic Safety Committee for further consideration. City Manager Bohenko said it is the Planning Board that would decide whether this needs to go back to the Parking & Traffic Safety Committee.

Councilor Spear addressed the loss of 20 spaces on Deer and Russell Streets. He said he hopes between now and next year we look at those roads to squeeze in one lane of traffic.

Assistant Mayor Splaine said he has been watching this issue very carefully. He supports the request of HarborCorp for the CUP and feels they are making a good project. He said the CUP is something that could be supported but there needs to be some work on the map and the back of the building. Assistant Mayor Splaine said we need commitments for satellite parking and asked if it would be useful to have the City Council, Planning Board, Historic District Commission led by staff, have a site walk of the area to get a grasp of the size. City Manager Bohenko said he would like to consult with the City Attorney and Planning Board on this matter. Assistant Mayor Splaine asked City Manager Bohenko to report back on this at the next City Council meeting.

Councilor Morgan said questions raised at the Planning Board are serious and should be sent back to Parking & Traffic Safety Committee on the issues and impact on the traffic flow.

Motion passed. Assistant Mayor Splaine and Councilor Kennedy voted opposed.

E. COUNCILOR MORGAN

1. Testimonies to the NH Legislature on policy issues

Councilor Morgan said on February 2nd the City Council received copies of testimony from staff on behalf of the City of Portsmouth and the City Council had not taken a position on any of the testimony. She said any position taken by the City of Portsmouth should be by the City Council.

Councilor Morgan moved to authorize the City Manager and his Deputies to coordinate and submit testimonies to the NH Legislature for which the City Council has issued an official position. No testimonies taking positions on behalf of the City of Portsmouth can be submitted or presented otherwise, further to instruct the City Manager to have such testimony posted on the City Website for public information within 1 business day of submitting any testimony. Seconded by Councilor Kennedy.

Councilor Thorsen said he was surprised by some testimony not coming before the City Council.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said staff is well prepared and look out for the City Council and the City of Portsmouth's best interest and sometimes we need to act quickly. He spoke of the Legislative Subcommittee of the Council and said the meetings are open to the public and all members of the Council are invited to attend.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Councilor Morgan said that this is not a criticism to the Subcommittee.

Assistant Mayor Splaine said whether the motion passes it is a question of staff awareness. He said this is not distrust of the Subcommittee and he feels that these matters should go through the City Council. He said we can provide testimony without taking a position.

Councilor Shaheen said the key concern supporting the motion is rendering the Subcommittee irrelevant to the Legislature in Concord, NH. She said we don't want to compromise our ability to weigh in. She said legislation changes rapidly and on the ground and that can't happen at this level. She said the City plays an important role in the State and it would be a shame if we can't weigh in on matters and for that reason she would vote against the motion.

Councilor Dwyer said she agrees with Councilor Shaheen and things move rapidly in Concord, NH. She said the City was irrelevant before the Legislative Committee. She said we receive well respected testimony and are making head way on some things. She said people could get much more involved if they want to. She said the first item is a standing policy and it has been provided to the City Council. She said if we lose Portsmouth's voice in the Legislature we would be making a real mistake. She said policy is a line of action and many items do not have a great deal of time between when the hearing would be held.

Councilor Kennedy said in the last 2 ½ years she had to testify against the City and the issue she testified against had not come before the City Council. She said recently she testified against the City and was with residents and it was uncomfortable for her.

Councilor Spear spoke in support of the Legislative Subcommittee for all the reasons stated by Councilor's Shaheen and Dwyer. He said this would put an end to all testimony.

Councilor Lown said the problem is the City Council overkills and over analyzes everything. The issue is one of trust and the City Manager knows what is in the best interest of the City Council.

On a roll call vote 3-6, motion to authorize the City Manager and his Deputies to coordinate and submit testimonies to the NH Legislature for which the City Council has issued an official position. No testimonies taking positions on behalf of the City of Portsmouth can be submitted or presented otherwise, further to instruct the City Manager to have such testimony posted on the City Website for public information within 1 business day of submitting any testimony *failed* to pass. Assistant Mayor Splaine, Councilors Kennedy and Morgan voted in favor. Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.

F. COUNCILOR SPEAR

1. Peirce Island Entrance Fee

Councilor Spear moved to request the Peirce Island Committee to study the feasibility of an entrance fee for the use of Peirce Island for non-residents. Seconded by Councilor Lown.

Councilor Spear said other communities are doing this and he feels it is worthy of discussion.

Councilor Thorsen said he is in favor of discussing this but is not sure installing a gate and charging is the right thing.

Councilor Kennedy said any ideas or thoughts should be presented to the Peirce Island Committee. She said the Council should provide more direction to the Committee as to what you are expecting for a report back.

City Manager Bohenko said he could work with Councilor Spear on those items and we need to look at certain grant monies we accepted.

Councilor Kennedy asked if there is a date for a report back because traditionally the Committee does not meet in the summer.

Motion passed.

G. COUNCILOR THORSEN

1. Casinos
2. Transportation Services Ordinance Policy Analysis
3. Parking Fees

Councilor Thorsen said his items are informational only.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 11:45 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Morgan and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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