

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, SEPTEMBER 5, 2017

PORTSMOUTH, NH
TIME: 7:00 PM

At 5:30 PM a Work Session was held regarding Review of Parking Principles and Initiatives

I. CALL TO ORDER

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

II. ROLL CALL

Council Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led the Pledge of Allegiance.

V. ACCEPTANCE OF MINUTES – AUGUST 21, 2017

Councilor Spear moved to approve the minutes of the August 21, 2017 City Council meeting. Seconded by Councilor Cyr and voted.

VI. PUBLIC COMMENT SESSION

David Hudlin – discussed the 2017 assessments and the impact of the commercial assessments on residential taxpayers.

Ted Jankowski – spoke in support of the proposed resolution to eliminate toxic pesticides from public areas stating there are other organic and natural alternatives to controlling pests and weeds.

Esther Kennedy – spoke regarding the proposed Arts Reinvestment Agreement with ArtSpeak stating she would like to see an RFP put out to all organizations. She then spoke regarding her concerns with a recent personal attack on-line by an organization which was associated with Art-Speak.

Paige Trace – stated she attended a meeting with the assessors this morning who were professional and polite, but she was concerned that her meeting was 20 minutes late starting due to a conflicting meeting in the Conference Room. She also expressed concern that the comps online are from 2016 and you have to go to City Hall to get the 2017 comps and that people are being give comps that aren't in their own neighborhood.

Rick Becksted – spoke regarding the posting of “No Jumping” signs from the Sagamore Bridge stating that this is a right-of-passage for many people and that if a sign is going to be put up, it should be backed up by an ordinance.

Wes Tater – *(Mayor Blalock granted Mr. Tater permission to speak as he arrived after the sign-up sheet was removed from the foyer.)* Mr. Tater first requested that there be televisions installed at the front of

the Chambers so that the audience can see and hear the speaker at the podium. Secondly, he spoke in support of the proposed resolution to eliminate toxic pesticides from public areas stating this a very serious issue and the City has already taken a stand on this when adopting "The Natural Step". He concluded by stating he also has enjoyed jumping off the Sagamore Bridge.

Mayor Blalock stated that at the next regular Council meeting there will be a Public Dialogue Session which will be in place of the Public Comment. He stated the details will be announced as they become available.

VII. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. PUBLIC HEARING/SECOND READING OF ORDINANCE AMENDMENTS TO CHAPTER 4 PERTAINING TO THE CITY'S FOOD LICENSING AND REGULATIONS BY STRIKING ARTICLES I-V IN ITS ENTIRETY AND REPLACE WITH NEW LANGUAGE

• PRESENTATION

Acting City Manager Colbert Puff stated she has received many e-mails requesting that the vote on this item be delayed but feels that is due to misinformation. She continued that she is open to having a work session, although this has been discussed at previous meetings as well as a public meeting. She explained that we are adopting the State of NH RSA which incorporates the Food Code which we already abide by. She continued that the second issue she has heard is whether there is an appeals process and there is currently an informal process in which when a complaint is received it is addressed by the Health Department first and then goes to the Legal Department if necessary. She stated the Food Code has a more formal process, but we haven't ever evoked it. Thirdly, the question of whether an establishment has to be brought up to code when it changes hand, and the Food Code now does require that a change of ownership requires a new license so it should be in compliance. She stated that currently, the Health Inspector visits every business every year so they are already in compliance with their food licensing. She stated that when the Building and Fire Inspectors are brought in and if they haven't been to that facility in years, there may be issues, but they work together to come up with a plan for compliance.

Health Inspector Kim McNamara reviewed a power point presentation outlining the proposed changes.

• CITY COUNCIL QUESTIONS

Councilor Cyr asked about the use of the term Victuallers referred to in Article V.

Ms. McNamara explained it is the same as food service establishment.

Councilor Cyr stated it should be changed to state that more clearly. Next he stated that there needs to also be a clear understanding of what "new ownership" is as there are many different situations.

Ms. McNamara stated that the permit should match what the Secretary of State has on file for the owner as well as the liquor license. She stated that they should already be in compliance.

Councilor Cyr cited the Press Room as a recent example and asked why that became an issue.

Ms. McNamara stated that there were private issues with the establishment but briefly explained that there were a significant amount of things that needed to be fixed and the potential new owner had other ideas of how he wanted to spend his money.

Councilor Lown asked about the appeals process and is it fair and effective and secondly, what percentage of appeals end up at Superior Court.

Ms. McNamara stated that hasn't happened yet except once.

Councilor Lown then stated he agrees with Councilor Cyr that the term "ownership" is not defined well as LLC's, investors, etc. is not a change of ownership.

City Attorney Sullivan stated we would look at if there was any change in ownership interested and any change or sale of a corporation would be a change in ownership but would be on a case by case basis.

Councilor Dwyer stated that a 700 page Code is daunting and people don't know where to find it so how do they know about the requirements.

Ms. McNamara stated that the Health Department provides the information on where to get it and also the Inspection form specifies which code is not in compliance and feels that most businesses are aware.

Councilor Dwyer continued stating that it is unclear how the building code and food codes come together especially with historic buildings and would like to see something developed to clarify it.

Acting City Manager Colbert Puff stated that all of the regulatory departments are working together now to make sure businesses are code compliance and gave The Button Factory as a recent example of being put on a compliance plan.

Assistant Mayor Splaine stated that there may be a consensus to delay the vote and if so, what will transpire in the next couple of months in terms of public participation.

Acting City Manager Colbert Puff stated that they strongly urge businesses to contact the Health Department and agrees that having a work session may be in order.

Assistant Mayor Splaine stated that he has visited some businesses and has heard that some are afraid to approach or be visited by the Inspection Department.

Acting City Manager Colbert Puff stated she oversees the Inspection Divisions and urged people to contact her directly with any grievance if they can't resolve it with the Building Inspection Department. She continued that she also does not want to engage in a "tit-for-tat" in response to newspaper articles and feels that the negative stories get the attention but there are many good as well that don't get publicized.

Ms. McNamara stated she understands that businesses have dread when dealing with inspections but she does get positive feedback regarding her staff's professionalism and interpersonal skills.

Councilor Perkins stated her family has owned a restaurant and is familiar with some of these concerns. She stated she is open to delaying the vote but asked for clarification as to the changes being made to the local ordinance is to comply with the State and FDA Food Codes.

Ms. McNamara stated that we are keeping the State amendments in place because it exempts certain businesses so we are adopting the FDA code with State amendments.

Councilor Perkins stated she would like to have a session to receive input.

Councilor Denton asked if the vote is delayed, can staff also report back on self-enforcement communities appeal processes for comparison and potential inclusion in our ordinance amendment.

Mayor Blalock stated as a downtown restaurant owner for over 40 years he has experienced the inspections every year as well and that a minor change in ownership did trigger changes, but understands that people have had difference experiences.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the proposed ordinance public hearing notice and declared the public hearing open:

Paul Sorli – owner of the Gaslight Restaurant – stated that the Acting City Manager and Health Inspector gave a great presentation and explanation but feels there are still more questions. He stated that the code is not black and white and is open to interpretation. He concluded that he would like to see a fair appeals process.

Francesca Marconi – Geno’s Chowder and Sandwich Shop – stated she has always had good dealings with the Health Department but feels it is because she has been pro-active. She continued that it is up to the businesses to keep up with the codes but feels it would be a good idea to have public input. She then discussed allowing dogs on decks stating that there are too many liability issues and doesn’t feel they should be allowed at all.

Peter Egelston – owner of the Portsmouth Brewery – stated he agrees with what has been said and feels there is a need for a systematic appeals process. He continued that well-meaning people can disagree and feels that the words “informal” and process” clash. He concluded that the appeals process should be formalized so that people know their recourse.

Joe Kelly – owner of Fat Belly’s, Joe’s Pizza and Thirsty Moose – stated he likes the Health Department personnel but agrees that the codes are not black and white especially with historic buildings. He stated that you could have gone through the process 10 years ago and it was approved but then a new person comes in and says that it shouldn’t have been approved, so there needs to be clarity as to how long the approval is good. He continued that they also shouldn’t have to redo everything if there is a new investor or if one partner buys out another partner and there should be a formalized appeals process.

Rick Becksted – stated as a business owner he understands some of what people are going through. He related an issue with a local business that had an understanding with the city over the years until a recent shift in the inspection department. He stated that as a contractor, he is not required to have a license but restaurant owners do have to have a license and it can be pulled if they don’t comply. He wonders if our codes are current and if the State regulations have been adopted by the City Council.

Mike Somers – Representing the NH Lodging and Restaurant Association – stated he was asked to speak on behalf of many of the downtown restaurants regarding the proposed ordinance change. He stated that businesses like certainty and structure. He stated that some of the members do fear retaliation if they speak out. He stated the three issues of concern are the appeals process, definition of ownership and dogs. He stated that there should be clarity on all of these components.

Mayor Blalock asked for clarification on allowing dogs stating that he believes that the ADA requirements for services dogs is that they are allowed. Health Inspector McNamara stated that is correct.

Paul Sorli stated that some of the contractors he has dealt with do not want to go to City Hall to apply for permits.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Spear stated that it appears that most of the reasons for wanting to hold a work session are regarding the appeals process, changes of ownership clarification, and interpretation of the code and interaction with inspectors. He continued that we are passing the Food Code currently and these issues are not a part of this ordinance change and could be passed now while still holding a work session on the other issues.

Assistant Mayor Splaine moved to postpone action until the December 4, 2017 City Council meeting and to encourage businesses to communicate with the Inspection Department and City Manager's Office and to schedule a work session, seconded by Councilor Pearson.

Assistant Mayor Splaine stated that this is putting the cart before the horse and sometimes the city works too slow and sometimes too fast.

Councilor Lown stated that there are 170 restaurants in the city and we have only heard from 3 of them at this point. He stated there is no harm in delaying this and it opens up the opportunity for others to come forward.

Councilor Denton stated another benefit of delaying would be to get the report back on the appeals process of the other self-enforcing towns.

Councilor Dwyer stated that she does not want to delay this until December and feels that everything boils down to the appeals process. She would like to see the date be changed to October 16th meeting.

Assistant Mayor Splaine stated he would agree to that amendment with the addition of "or to a date determined by Mayor and Acting City Manager".

Councilor Pearson stated she would like to request the e-mails that are being compiled in the packets be formatted similarly to what has been done for other committees.

Mayor Blalock called for a brief recess from 8:45 p.m. – 8:50 pm.

Councilor Cyr stated he agrees with Councilor Spear that the vote could still be taken on the proposed ordinance but is fine if it is delayed. He stated we could also ask that a work shop be held with industry representatives and a report back.

Motion passed on a 7-2 roll call vote to postpone to October 16, 2017 City Council meeting or to a date determined by the Mayor and Acting City Manager and to schedule a work session. Councilors Spear and Cyr voted opposed.

B. WHETHER TO ALLOW KENO ON THE BALLOT – SENATE BILL 191

- **PRESENTATION**

- **CITY COUNCIL QUESTIONS**

There was no presentation or City Council questions prior to the public hearing.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the proposed public hearing notice and declared the public hearing open:

There were no speakers for public hearing. Mayor Blalock closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Charles McIntyre, Director of the New Hampshire Lottery, stated he is available to answer any questions.

Mr. McIntyre gave a brief history of the lottery in New Hampshire and that so far every community that has brought this forward for a vote have unanimously approved it to go on the ballot.

Mayor Blalock asked about a mailing he had received advertising to businesses about having Keno in their establishments without it having been approved yet and found it premature.

Mr. McIntyre explained that they started getting calls about it in July when Senate Bill 191 passed especially by border towns.

Assistant Mayor Splaine asked if the City Council does not approve this to go to the ballot what else can be done by citizens if they want to bring it forward.

Mr. McIntyre stated that 5% of the registered voters could petition to have it placed on the ballot but that no one from his office would be pursuing any efforts in that regard.

Councilor Dwyer stated that his colleague who recently gave a presentation to the Council did a great job explaining the process but she recently saw that it said that \$1,900.00 will be given per student in the first year which was more than previously stated.

Councilor Lown stated the distribution of the funds would be determined by State legislature and each student would get \$1,100.00 in the first year but wonders how it will be divided after that in regards to whether it is by those who passed keno or by who generates more money etc.

Mr. McIntyre stated it is a minimum of \$1,100 per student based on conservative estimates. He stated that there are some towns who won't be able to get keno in their areas because they don't have any businesses with liquor licenses but they will still get the money.

Councilor Lown moved to place the following question on the November 7, 2017 Municipal Election Ballot "Shall we allow the operation of keno games within the city", seconded by Councilor Denton.

Councilor Lown stated we should find out what the people want and although he hasn't heard from anyone on the issue, the Council shouldn't pre-empt the people's choice.

Councilor Dwyer stated that this is terrible public policy although she is a long-time advocate of the

kindergarten program. She stated she agrees that no one has expressed any interest or opinion on this which is another reason not to bring it forward. She concluded that this sets a terrible precedent on so many levels.

Councilor Cyr stated he also has not heard anything about this issue and feels that voting to put it on the ballot gives the appearance of endorsing it.

Mayor Blalock handed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated he will agree to put it to the ballot but doesn't want keno in the city.

Assistant Mayor Splaine handed the gavel back to Mayor Blalock.

Councilor Denton stated that Portsmouth has changed a lot recently with many favorite bars no longer here. He stated he enjoys some of the pull tab games occasionally at the VFW but feels that the average citizen going to a bar wouldn't want to see those games in the establishments and would be surprised to see them there as this has not been a widely discussed issue.

Councilor Lown stated that the Council Chambers was filled with 250 angry taxpayers 2 weeks ago and feels that this is a taxpayer issue which could provide some tax relief. He stated that people have the right to vote on it.

Councilor Spear stated he is also opposed to Keno and feels it should not be a referendum issue which are usually limited to government issues. He stated that this is a policy issue that the Council should handle.

Assistant Mayor Splaine stated he agrees with previous speakers in opposition of putting this to the ballot. He continued that he understands the seductiveness of the lottery and how it originally started with \$1.00 scratch tickets and now can go as high as \$30.00. He stated that people can do what they want but doesn't feel that this should be cluttering up the ballot when there are already 2 city charter questions.

Councilor Pearson stated that she agrees this should not go on the ballot and that there were restaurant people in the audience previously and no one spoke on the issue at all.

Motion FAILED on a 2-7 roll call vote. Councilor Lown and Mayor Blalock voted in favor.

VIII. APPROVAL OF GRANTS/DONATIONS

(There were no items under this section of the Agenda)

IX. CONSENT AGENDA

(There were no items under this section of the Agenda)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Diana Nyad requesting permission to pass through Portsmouth for the EverWalk on Wednesday, September 14, 2017 and set up a few tables at Prescott Park

to hand out snack food and water for the walkers

Councilor Perkins moved to refer to the Acting City Manager with power, seconded by Councilor Dwyer.

Councilor Lown stated that Diana Nyad was the first person to swim to Cuba and stated she is a role model.

Motion passed.

- B. Flyer for the Electric Vehicle Show on Saturday, September 16, 2017, 2pm-5pm at Red Hook Brewery Parking Lot

Councilor Perkins moved to accept and place on file. Seconded by Councilor Cyr and voted.

- C. Letter from Amber Day, New Hampshire Film Festival, requesting permission to close Vaughn Mall on Saturday, October 14, 2017 for the NH Film Festival Hospitality Day Party from 11:00 a.m. – 2:00 p.m.

Councilor Perkins moved to refer to the Acting City Manager with power. Seconded by Councilor Pearson and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

- 1. Request to Schedule a Public Hearing Re: Elderly Exemptions

Councilor Dwyer stated she had contacted Acting City Manager Colbert Puff to get a deeper understanding of the commercial factors and how they affected the other assessment. She stated she wants to understand that before shifting the impact to other taxpayers. She stated she would like a work session on the commercial aspect so she can have confidence on this issue.

Acting City Manager Colbert Puff stated they are planning to hold a work session but the individual involved with the commercial assessments is out until September 18th.

City Assessor Lentz stated that the longer the Council waits to act on the exemption, it may not be able to be done due to the time constraint.

Acting City Manager Colbert Puff stated the questions regarding commercial assessments can be answered with more thorough examination.

Councilor Perkins stated that this is one of a slew of policy decisions made that affect the budget and impacts others. She stated that this should be a part of a bigger picture.

Acting City Manager Colbert Puff stated that this was brought forward now because of the tight time frame. She stated that more information can and will be provided but the public hearing could still be scheduled.

City Assessor Lentz explained the figures on a handout she provided.

Councilor Spear moved to authorize the Acting City Manager to bring back a Resolution for public hearing and adoption at the September 18, 2017 City Council meeting, seconded by Councilor Perkins.

Councilor Spear stated he usually doesn't vote in favor of these resolutions because it shifts it to other taxpayers but feels that the process should be started in the effort to save a certain population some money. He stated the goal is to let people stay in their homes.

Councilor Dwyer agreed that the process should be started but still wants more information provided on commercial assessments so that the Councilors can explain it to the residents. She stated that this is a redistribution and usually it is families that receive the short-end.

Motion passed on a 9-0 vote.

2. City Cemeteries and RSA 289:3

Assistant City Manager Moore explained the the City has performed a number of improvements to its City-owned historic cemeteries in recent years through the Capital Improvement Program. This work has included restoration of grave stones and improvements to hill and ledger tombs as well as various walls, enclosures and other structures in the City's historic cemeteries. He continued the most recent improvement was in North Cemetery, which is located along Maplewood Avenue and listed on the National Register of Historic Places. The project included the restoration and repair of the 200-foot long North Cemetery front enclosure wall likely constructed in the middle 1800s, approximately 170 years ago. The project was carried out in order to address the wall's deteriorated condition that posed a threat to public safety. Over the course of addressing one 25' section of wall, it was discovered that this portion of wall was originally constructed immediately on top of the ends of several burials.

This discovery set into motion several protocols established in state law, which the City is in the process of completing in close coordination with the Division of Historical Resources (DHR). This includes the creation of an archaeological report that will document the discovery, and identify the burials if possible. Meanwhile, in accordance with the state law (RSA 289:3) and guidance from the Attorney General's Office and the Division of Historical Resources, the City Council is required to make a determination about the future of the wall. Finally, in coordination with the State Archaeologist and the consulting archaeologist, the decision was made to stabilize the archaeological site by replacing the stones in the original location as a temporary measure, while a long-term solution was devised. He concluded that going forward, there are two options for a long-term solution for the wall, which include A) leaving it in place (with no further disturbance required), or B) potential relocation of the wall.

Deputy City Attorney Woodland reviewed the second motion which is meant to be a housekeeping issue to allow the city to take appropriate action when necessary pursuant to RSA 289:3. She continued that the City of Portsmouth has a lot of burial sites with a lot of city infrastructure surrounding it which can pose interesting situations. She continued that in conversations with the State, they saw the need for a housekeeping vote. She stated that city staff does have sensitivity and protocol to deal with any remains. She concluded by stating that Dr. Richard Bouvier of the State Dept. of Historic Preservation is in attendance.

Mr. Bouvier reviewed the background of what occurred with the relocation of the North Cemetery wall and that he had recommended temporarily replacing it in the current location, but ultimately move it out further. He stated that there were at least as many remains as were at the African Burial Site and explained the process of trying to identify the next of kin and the protocol involved. He stated that he was disappointed to learn that the City did not adhere to his recommendation. He then distributed a letter from the Attorney General.

Acting City Manager Colbert Puff stated there is a long history to this subject.

Councilor Lown moved to determine that the reconstruction of the North Cemetery wall in its current location constitutes construction of an essential service pursuant to RSA 289.3 and appropriate markers/recognition of the unmarked burials be developed and installed.

Councilor Dwyer stated she supports this action and was a member of the African Burial Ground Committee. She explained that a second set of remains were found when the footings were being placed and the descendent community had a long and moving discussion of whether to continue and decided they wanted no further disturbance. She stated that the remains are commemorated and acknowledge without further disturbance.

Councilor Lown stated the statute applies to construction and not a 170 year old wall.

Motion passed.

Councilor Lown moved to determine that the emergency repairs or replacement of existing infrastructure, pursuant to RSA 289.3, be considered as “construction of an essential service”. Seconded by Assistant Mayor Splaine and voted.

3. 2018 Schedule of City Council Meetings and Work Sessions

Councilor Spear moved to approve the 2018 Schedule of City Council Meetings and Work Sessions. Seconded by Assistant Mayor Splaine and voted.

Acting City Manager’s Informational Items:

1. Events Listing
2. Schedule for Work Session on September 9th Re: McIntyre Property
3. Household Hazardous Waste Day
4. Peirce Island Wastewater Treatment Facility Upgrade Quarterly Report
5. Coakley Landfill Update
6. FY 2017 Inspections Department Annual Report (Period July 1, 2016 to June 30, 2017)

Regarding #5, Acting City Manager Puff stated suggested that a presentation be scheduled for a Coakley Landfill update.

Regarding #6, Councilor Perkins requested more information regarding the FY2017 Inspections Department Annual Report.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Appointment of Richard Katz to the Library Board of Trustees
 - Reappointment of Stephanie Hausman to the Library Board of Trustees
 - Reappointment of Donald Margeson to the Library Board of Trustees
 - Reappointment of Sarah Lachance to the Economic Development Commission

The aforementioned individuals were considered for appointment to various boards and will be voted at the September 18, 2017 Council meeting.

2. Appointments to be Voted:
 - Appointment of Alan Gold to the Economic Development Commission

Assistant Mayor Splaine moved to approve the appointment of Alan Gold to the Economic Development Commission for a 4 year term to expire October 1, 2021. Seconded by Councilor Lown and voted.

- Appointment of Lindsay Gallant to the Sustainable Practices Blue Ribbon Committee

Assistant Mayor Splaine moved to approve the appointment of Lindsay Gallant to the Sustainable Practices Blue Ribbon Committee. Seconded by Councilor Dwyer and voted.

- Appointment of Maria Stowell as the PDA Representative to the Renewable Energy Committee

Councilor Lown moved to approve the appointment of Maria Stowell as the Pease Development Authority representative to the Renewable Energy Committee. Seconded by Councilor Pearson and voted.

3. Resignation – Amy Burns from the Cable Television and Communications Commission

Councilor Lown voted to accept the resignation of Amy Burns from the Cable Television and Communications Commission with regret and a letter of thanks and appreciation of service. Seconded by Councilor Perkins and voted.

C. ASSISTANT MAYOR SPLAINE

1. Toxic-Free Weed Program

Assistant Mayor Splaine moved that the city immediately stop using toxic chemicals in public places, that it encourage toxin-free property maintenance for all new developments, and to provide an educational program for all property-owners on safe, proven organic property maintenance. We aspire to lead the way to make Portsmouth the first non-toxic community in New Hampshire, seconded by Councilor Denton.

Councilor Lown stated that as a point of order this presumes something and feels that we should hear from the City first as he thought that the city is not using chemicals.

Acting City Manager Colbert Puff stated the city would appreciate the opportunity to report on this issue.

Councilor Lown moved to postpone to the next meeting, seconded by Councilor Spear.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated this is an important issue and will vote opposed to postponing.

Discussion ensued regarding the need to have a report back from staff and the need for clarification of various terminology.

Motion to postpone to the September 18, 2017 City Council meeting to clarify terminology and receive information from the Public Works Director passed on a 7-2 roll call vote. Assistant Mayor Splaine and Mayor Blalock voted opposed.

D. COUNCILOR PEARSON

1. The Arts Reinvestment Agreement

Councilor Pearson stated that Mike Texeira, President of Art Speak is present to answer any questions. She continued that she has not been an employee of Art Speak since December 2016 and addressed the misinformation that was stated during the public comment stating that that Art Speak is not affiliated with “The Tug” and is only on the same web host.

Councilor Pearson then address the Arts Reinvestment agreement stating that there was an Arts Economic impact study done and it showed that Arts and Culture money goes into the Parking revenue but does not go back to the arts. She stated this will take 1% of the revenue and reinvest it into the community.

Councilor Dwyer stated that when the City gives money to other organizations there is a much more detailed set of expectations of what will be done with the public money. She gave the Chamber of Commerce as an example and feels it would set a good precedent for the future and show what does and doesn't work.

Mr. Texeira stated he worked with the City Manager to put the agreement together so has provided the level of detail that was suggested. He stated that they can put something else together but feels the proof will be in the pudding.

Councilor Spear stated that the Economic Development Commission recently went through this with the Holiday Parking Program so suggested that Art Speak submit the details to the EDC to make suggestions before making final expenditures.

Mr. Texeira stated he is happy to work with the EDC but feels that the financial arm needs to trust the creative process and give them the flexibility to create exciting things.

Councilor Pearson reminded everyone that Economic Development Director Nancy Carmer is the liaison member of Art Speak.

Councilor Pearson moved to accept the Arts Reinvestment Agreement with Art Speak with the expectation that prior to expenditure of funds, additional information will be reported back to the City Council about specific objectives and intended benchmarks for each of these goals. Seconded by Councilor Spear and voted.

At 10:30 Councilor Denton moved to suspend the rules to continue the meeting past 10:30 p.m. Seconded by Councilor Spear and voted 8-1. Assistant Mayor Splaine voted opposed.

E. COUNCILOR DENTON

1. Maple Haven Crosswalk

Councilor Denton moved to request a report back from staff to City Council or Parking and Traffic Safety Committee on the requirements to move forward with placing a crosswalk across Ocean Road connecting the Maple Haven Neighborhood, seconded by Assistant Mayor Splaine.

Councilor Lown asked Councilor Denton to let him know the location on Ocean Road that he is requesting and he will bring it to the Parking and Traffic Safety Committee.

Motion passed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Assistant Mayor Splaine requested a report back from the Acting City Manager regarding Sagamore Bridge jumping restrictions.

XIII. ADJOURNMENT

Assistant Mayor Splaine moved to adjourn at 10:40 p.m. Seconded by Councilor Cyr and voted unanimously.

Respectfully submitted,

Valerie A. French
Deputy City Clerk