

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 22, 2020

PORTSMOUTH, NH  
TIME: 6:30PM [or thereafter]

### Remote Meeting via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

[https://zoom.us/webinar/register/WN\\_Sg-uYL3KQTgAWtI8QKsi\\_g](https://zoom.us/webinar/register/WN_Sg-uYL3KQTgAWtI8QKsi_g)

You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-10, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-10 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

### **I. CALL TO ORDER**

At 6:30 p.m. Mayor Becksted called the meeting to order.

### **II. ROLL CALL**

Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

### **III. INVOCATION**

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

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

Mayor Becksted led in the Pledge of Allegiance to the Flag.

**Councilor Kennedy moved to suspend the rules to take up Item XVII. A. – Update from the Citizens Response Task Force and XI. A. – Adoption of Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY21). Seconded by Councilor Huda.**

**On unanimous roll call vote 9-0, motion passed.**

James Petersen and Mark Stebbins provided a status update regarding the work of the Task Force relative to outdoor restaurant seating and the plan for roof top dining at the Foundry Garage. Mr. Stebbins reported that there are currently 22 requests from restaurants to dine outdoors. Discussion followed on the location of barriers and where outdoor dining could be held.

Assistant Mayor Splaine thanked Mr. Petersen and Mr. Stebbins for their work on this matter and spoke to the need for balance with the opening of businesses and the businesses remaining open, to recover financially.

Councilor Kennedy asked about messages from residents. City Manager Conard said the major concern of residents in the downtown is noise.

Mr. Petersen said noise is the number one concern for them and they have the benefit of an acoustic consultant. He stated they plan to spread out the amplification and will adopt similar rules to Prescott Park on when the noise stops.

Councilor Kennedy said she would like to see the financial plan of the group.

Mr. Stebbins advised the City Council that some businesses do not want to be outside. He said they're learning as we move forward and we have reached out as much as possible.

Assistant Mayor Splaine said we have started at a good time and great weather is here but expressed concern regarding the installation of tents and/or coverings.

City Manager Conard said Ann Widman is reviewing the set ups for restaurants and will adapt the needs to the locations.

Mr. Stebbins said they would deal with the issue of tents when the matter comes forward.

Mayor Becksted thanked James and Mark for their work on these matters. He said we need to make sure that comfort levels are considered at this point and stated insurance is a big issue.

Councilor Trace spoke to the CURE restaurant using two smaller temporary tents that are working well for them.

Assistant Mayor Splaine said it is important to remember the retail businesses and their need for parking spaces for customers as well as the restaurants.

## **XI. PUBLIC HEARINGS AND VOTES ON ORDNANCES AND/OR RESOLUTIONS**

### **Adoption of Proposed Budget Resolutions:**

***(Postponed from the June 15, 2020 City Council meeting)***

- A. Adoption of Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY21)

City Manager Conard said the presentation will walk through the budget. She said it reflects and proposes cuts of \$5,734,966.00 with a 50% reduction and a \$.12 reduction on the tax rate. She addressed various reductions that would not affect full or part time employees. She advised the City Council that early retirements will add savings to the School Department. She spoke to reductions to the SIPP budget, Capital Contingency and rolling stock which would create a \$.16 reduction in the budget. City Manager Conard discussed revenues, the housing market, and unemployment rates.

Councilor Trace thanked City Manager Conard for the presentation and asked about the School budget and how it has increased over the last ten years and her disappointment that they could only come forward with a \$20,000.00 reduction.

City Manager Conard spoke to the \$140,000.00 in cuts provided in May by Superintendent Zdravec in addition to the \$20,000.00 being proposed this evening.

Assistant Mayor Splaine said we have come a long way. He said we have seen good changes from departments. He stated that the School Department is the biggest expenditure but it is the biggest responsibility for the City Council. He stated if we approve the budget are we just looking at the bottom line. Assistant Mayor Splaine said City Manager Conard deserves a great deal of credit for her work on this budget.

Councilor Kennedy thanked everyone for their work on the budget. She reviewed items contained in the School budget and the IT budget and suggested removing \$50,000.00 from Informational Technology. Councilor Kennedy stated she is not comfortable double dipping in budgets. Information Technology Manager Brady explained the budget requests. Finance Director Belanger said all the computers are in a roll out program and all the software is listed. She stated printer cartridges are computer supplies. Councilor Kennedy stated there needs to be clarification of titles in the budget.

Councilor McEachern said he has had many conversations with teachers and parents and the School Department needs more support now, and in the coming months. He thanked City Manager Conard for her exemplary work and responses regarding the budget. He thanked the City Council for their work on the budget and said the Council is in the position to pass the budget.

Discussion followed regarding the educational needs in the School Department and funding to ensure children are receiving the proper education as well as creating and making reductions to the budget.

Mayor Becksted thanked City Manager Conard, staff, and Councilor Huda for their work on the budget. He said no one has ever passed a budget during COVID.

Councilor Huda thanked the staff for their work on the budget. She said you all worked diligently on being responsive and looking deeper into department budgets. She asked what the status is on the hiring freeze and CIP expenditures. City Manager Conard said we have a spending freeze on budgets. She said we are weighing every decision in terms of hiring and have kept it to essential personnel. She indicated that she would keep the City Council apprised of all hiring but it would be for essential personnel.

Councilor Kennedy said in order to keep things affordable we need to think about taxes and our tax structure. She said we need to continue to encourage all departments to work on saving money.

## **V. PUBLIC COMMENT SESSION**

Matt Glenn spoke regarding the Middle Street Bike Lanes and said action needs to take place by the Council. He stated we need the bike lanes fully installed and residents feel the delay is because of the City Council.

Jocelyn Philbrook said her daughter was never offered anything to speak on the School Department and their budget. She is not a member of the PTA but appreciates the work they do. She said education is important to her and taxpayers. She stated there are disadvantage kids that need to be considered when approving the funding.

Byron Matto said school education is important and cutting the School Department does not benefit the residents. He said we need to preserve our home values.

Andrew Bagley said teachers are invaluable and they care about the kids they teach.

Cathy Baker said the City Council has worked very hard on this budget. She said you should not be looking for more areas of reductions. She spoke to some communities making large cuts and taxpayers are feeling the pain. She said all the pressure is being put on taxpayers.

Mark Brighton said there has been a certain degree of wizardry and the spending of budgets at the end of the year.

Erica Wygonik said the impact of COVID has been greatly difficult. She said the school community has done their best to educate students at this time. She stated it is not the job of teachers only to educate, we need to work together. Ms. Wygonik said children need help to grow and support. She stated additional cuts from the School Department are going to hurt the most vulnerable students.

- A. Adoption of Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY21)

### Resolution No. 7-2020 – Municipal Fees

Finance Director Belanger advised the City Council that the fees need to be approved before acting on the Resolution for the General Fund.

**Councilor Lazenby moved to adopt Resolution #7 regarding Municipal Fees. Seconded by Councilor McEachern.**

Finance Director Belanger said fees are estimated at \$1.5 million or 1% of the total revenues of the General Fund.

Councilor Tabor reported there are more than 100 separate fees and they were reviewed and discussion took place by the Fee Committee, which recommends the City Council approve the Resolution.

Councilor Kennedy said is there any changes that needed to be made to the fees.

Councilor Huda said changes to parking fees were reviewed and updated. She further stated many fees that were not looked at in the past were reviewed and staff recommended changes.

Councilor Tabor said we preserved free parking on Sunday but switched it from the High Hanover Parking Garage to the Foundry Garage.

**On a unanimous roll call vote 9-0, motion passed.**

*Resolution No. 8-2020 – General Fund Expenditures*

**Councilor Huda moved to adopt Resolution #8 – General Fund Expenditures in the amount of \$118,965,338.00 and delay for six months any expenditures related to rolling stock in the General Fund only those deemed critical to safety will come before the City Council for emergency approval and further the City Council freeze for six months any new capital expenditure projects only those deemed critical to safety will come before the City Council for emergency appropriations. Seconded by Councilor Kennedy.**

Councilor Huda said she feels this is a conservative measure and should be approved.

**Councilor Tabor moved to divide the question for the adoption of the resolution. Seconded by Councilor McEachern.**

**On a unanimous roll call vote 9-0, motion passed.**

City Attorney Sullivan asked Finance Director Belanger if the proposed motion is workable from her point of view. Finance Director Belanger said freezing the expenditures or rolling stock is the decision of the City Manager.

City Manager Conard said that this is a management decision and would have implications on contracts.

Assistant Mayor Splaine said we need more information on the impact of the motion. He said we need to delay the action on this Resolution until the next City Council meeting.

Councilor McEachern asked if delays to rolling stock will have an impact on services or contracts. He asked if the City Council could direct the City Manager to direct department heads to delay rolling stock after adopting the Resolution.

City Attorney Sullivan said he does not believe the City Council could direct the expenditure of funds.

Finance Director Belanger stated Capital Outlay and Rolling Stock is the City Manager's portion of the budget. She stated if a department requests expenditures they go to the City Manager for approval.

Councilor Kennedy said if it is an emergency it comes to the City Council. She said it is making a statement that we are going to be conservative for the next six months.

Councilor Huda said she agrees with Councilor Kennedy's comments. She said we need to guarantee the money will not be spent until December and only the requests deemed critical would come to the City Council.

Councilor McEachern said it feels like this is getting close to the City Council managing the City Government. He said the City Manager is able and will monitor expenditures.

**Assistant Mayor Splaine moved to table this until the next City Council meeting for a report back from the City Manager and City Attorney on the actual impact and whether we can do this. Seconded by Councilor McEachern.**

City Attorney Sullivan said the question was divided, the first part of the motion is the adoption of the Resolution and the second would be the six month freeze.

*Assistant Mayor Splaine withdrew his motion and Councilor McEachern his second to the motion.*

**Assistant Mayor Splaine moved to adopt Resolution #8 – General Fund Expenditures in the amount of \$118,965,338.00. Seconded by Councilor McEachern.**

Councilor Huda said this would provide more of a cushion.

City Manager Conard said we have cut the Rolling Stock budget by 50% and would report back on items remaining in the \$427,000.00.

**On a unanimous roll call vote 9-0, motion passed.**

*Councilor Huda said if we are down to \$427,000.00 she would withdraw her motion and Councilor Kennedy withdrew her second.*

Mayor Becksted asked as we move forward he would like the City Manager to notify the City Council on expenditures and rolling stock. City Manager Conard said we will map out where the expenditures will fall.

<b>Department</b>	<b>Appropriation</b>
General Government	\$20,871,927.00
Police	\$12,152,362.00
Fire	\$9,624,468.00
School	\$52,026,812.00
Collective Bargaining	\$105,000.00
Transfer to Indoor Pool	\$75,000.00
Transfer to Prescott Park	\$99,344.00
Non-Operating	\$24,010,425.00
<b>Total</b>	<b>\$118,965,338.00</b>

The City Council requested City Manager Conard provide a report back on the development of a plan on where the expenditures and revenue allocations fall at the July 13, 2020 City Council meeting.

*Resolution #9-2020 – Annual Sewer Fund Appropriation and Cash Requirements*

**Councilor Lazenby moved to adopt Resolution #9 – Sewer Fund Expenditures. Seconded by Councilor McEachern.**

Mayor Becksted asked if the number has the four cent increase. Finance Director Belanger said that this does not show the rate increase. She indicated if the City Council wanted to see a four cent increase to the rate the Resolution could be amended at this time.

Discussion followed regarding the user rates based on unit consumption.

**Councilor Kennedy moved to amend Resolution #9 the appropriated sum to \$19,301,764.00 to defray expenses for the operations of the sewer system, the cash requirements of \$18,434,445.00 to defray expenses for operations of the sewer system, the sewer user rate effective July 1, 2020 to \$14.32 per unit for the first 10 units of consumption per month, and \$15.75 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the sewer system. Seconded by Councilor Huda.**

Councilor Kennedy said we don't know the new plant expenses and does not want to see a large increase.

Councilor Whelan said Councilors Kennedy and Huda make good sense, we need to stay the course and follow staff for the best results.



Deputy Public Works Director Goetz said he appreciates the amendment and they will continue to update the City Council as we move forward.

Mayor Becksted informed the City Council he will be abstaining from voting on the Resolution.

**On a roll call vote 7-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace voted in favor. Councilor Lazenby voted opposed. Mayor Becksted abstained.**

- ***Appropriate sum of \$19,301,764.00 to defray expenses for the operations of the sewer system***
- ***Cash requirement of \$18,434,445.00 to defray expenses for the operation of the sewer system***
- ***Sewer user rate effective July 1, 2020 is \$14.32 per unit for the first 10 units of consumption per month, and \$15.75 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the sewer system***

**Resolution #10-2020 – Annual Water Fund Appropriation and Cash Requirements**

Finance Director Belanger said the rates in the Resolution are based on a zero increase.

**Councilor Kennedy moved to amend the appropriated sum of \$9,022,096.00 with cash requirements to \$9,002,416.00. Seconded by Councilor Huda.**

Councilor Huda asked Deputy Public Works Director Goetz the effect of this change and how much we would need to make up for future years. Deputy Public Works Director Goetz said a 2% increase is projected for this year and 2.5 for future years.

**On a unanimous roll call vote 9-0, motion passed.**

**Councilor Kennedy moved to adopt Resolution #10 – Annual Water Fund, as amended. Seconded by Councilor Huda.**

**On a unanimous roll call vote 9-0, motion passed.**

- ***Appropriated the sum of \$9,002,416.00 to defray expenses for the operation of the water system***
- ***Cash requirement of \$9,884,655.00 to defray expenses for the of the water system***
- ***Water user rate effective July 1, 2020 is \$4.32 per unit for the first 10 units of water consumed per month, and \$5.20 per unit of all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system***



- **Water irrigation user rate effective July 1, 2020 is \$5.20 per unit for the first 10 units of water consumed per month, \$9.81 for consumption over 10 and up to 20 units consumed, and \$12.11 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system**

Resolution #11-2020 – Special Revenues, Debt Service Fund, and Committed Fund Balance for Necessary Expenditures

**Assistant Mayor Splaine moved to adopt Resolution #11 – Special Revenues, Debt Service Fund, and Committee Fund Balance for Necessary Expenditures. Seconded by Councilor Whelan.**

**On a unanimous roll call vote 9-0, motion passed.**

Resolution #12-2020 - Investment Policy

**Councilor Lazenby moved to adopt Resolution #12 – Investment Policy. Seconded by Assistant Mayor Splaine.**

**On a unanimous roll call vote 9-0, motion passed.**

Mayor Becksted said we just adopted the budget and no jobs were lost.

Assistant Mayor Splaine asked for the total amount of the budget and how much was cut and what the projected tax rate would be.

City Manager Conard announced the projected tax rate would be \$14.70 for a total budget of \$118,965,338.00.

At 9:45 p.m., Mayor Becksted called for a brief recess. At 9:55 p.m. Mayor Becksted called the meeting back to order.

### **XIII. CITY COUNCIL MEMBERS**

#### **A. ASSISTANT MAYOR SPLAINE**

***(Tabled from the June 15, 2020 City Council meeting)***

1. Police Commission

Assistant Mayor Splaine withdrew his item until the July 13, 2020 meeting or one of the two meetings in August (August 3<sup>rd</sup> or August 31<sup>st</sup>).

## **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

1. Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease

Councilor Lazenby said there was a motion on the table at the last meeting, which he made and Councilor Tabor seconded.

**Councilor Lazenby moved to authorize the City Manager to negotiate an agreement with Bluestone under which Bluestone would have the use of five (5) parking spaces in the Worth Lot behind 135 Congress Street. As noted in the City Council Agenda packet of May 18, 2020, such an agreement “would need to deal with the numerous types of issues that might arise in 20 years, such as change in parking fees, changes in municipal use of the Worth Lot, assignability of the spaces, and sale or transfer of the Bluestone Property.” Seconded by Councilor Tabor.**

Councilor McEachern said City Manager Conard would negotiate an agreement to allow Bluestone to park in the further lot. He said the City Manager would work with Bluestone and create an arrangement and we would send this to be arbitrated by a judge and we would be denied and Bluestone would look for legal relief.

Mayor Becksted said he is in favor of Option B and he would rather have a judge look at the information. He further stated each spot is worth \$6,000.00 and he does not want to set a precedent.

Councilor McEachern said he appreciates the perspective but putting this forward to a judge is an argument that this is good for the City and saying the project scope is limited. He said that this is something we should honor and allow the City Manager to negotiate directly with Bluestone.

Councilor Trace said the entire parking lot was put together by eminent domain and the City Council needs to be careful that we do not set a precedent. City Attorney Sullivan said if the City makes an agreement with Bluestone it does not create something legally binding.

Councilor Huda said if the City Attorney doesn't feel that this would set a legal precedent but a fairness precedent, would the entire businesses be entitled to come back. City Attorney Sullivan said Bluestone made a legal argument that the City owed them five parking spaces, they're two separate agreements.

Councilor Tabor said fairness is part of this and the five spaces were attached to the building for five years, which creates a claim. He said Bluestone is willing to pay for the spaces with an art venue on the first floor and an area for musicians on the other floor.

Assistant Mayor Splaine said there needs to be an access zone and if there was a park you could make both work with an access zone.

Councilor Kennedy said she is against taking things by eminent domain. She said she finds that we don't document well and things get fuzzy. She said she likes the idea of a court deciding on this issue. She said the lack of information on our part should not be held against the people.

Councilor McEachern said this is a matter for the City Council and not the court. He said the City Council needs to empower the City Manager to discuss these spaces with Bluestone.

Councilor Kennedy asked if this would come back to the City Council.

City Attorney Sullivan said Bluestone is aware if City Manager Conard negotiates an agreement it would come back to the City Council.

Discussion followed regarding negotiations and coming to an agreement.

**On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace voted in favor. Mayor Becksted voted opposed.**

2. Request to Schedule First Reading Re: Omnibus Ordinance Change

**Councilor Whelan moved to postpone any action on the omnibus ordinance change until July 13, 2020 City Council meeting and refer the amendments for Chapter 7 for Stay and Pay to July 9, 2020, Parking and Traffic Safety Committee meeting for further review and revision. Seconded by Councilor Trace.**

Councilor Whelan said he received many calls on the Pay and Stay Program and it was not discussed at Parking and Traffic Safety which is why we are referring it to the July meeting.

Councilor Kennedy said she does not feel this went through protocol. She said one of the streets does not have parking, never had parking, and is a residential street. She is upset this came forward and feels like something was happening and people had no knowledge. She hopes Parking and Traffic Safety understands what this could mean to residents of the South End.

**On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.**

**XVI. CONSENT AGENDA**

***(Tabled from the June 15, 2020 City Council meeting)***

- A. Letter from Samantha Boland, National Multiple Sclerosis Society, requesting permission to hold the 2020 Bike MS: New Hampshire Seacoast Escape cycling event on Saturday, August 22, 2020

City Manager Conard announced this event has changed to a virtual platform. No action required.

Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to hold the annual Juneteenth Celebration (Not on agenda)

City Manager Conard announced that this event has taken place. No action required.

- C. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Saturday, July 11, 2020 for an outdoor dining and concert event in the evening

**Councilor Lazenby moved to refer to the City Manager with Authority to Act. Seconded by Councilor Trace.**

**On a unanimous roll call vote 9-0, motion passed.**

- B. Water Services Access Easement for 3110 Lafayette Road

**Councilor Lazenby moved to grant authority for the City Manager to accept the Easement Deed in a form similar to that attached in the June 22, 2020 City Council packet. Seconded by Councilor Whelan.**

**On a unanimous roll call vote 9-0, motion passed.**

**XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**  
*(Tabled from the June 15, 2020 City Council meeting)*

- B. Email Correspondence

**Councilor Lazenby moved to accept and place on file. Seconded by Councilor McEachern.**

**On a unanimous roll call vote 9-0, motion passed.**

- C. Letter from Attorney Derek Durbin, Durbin Law, on behalf of James Gould, requesting the Restoration of Involuntarily Merged Lots at 246 Thornton Street

**Councilor McEachern moved to refer to the Assessor for report back. Seconded by Councilor Lazenby.**

**On a unanimous roll call vote 9-0, motion passed.**

**Councilor Kennedy moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Huda.**

**On a unanimous roll call vote 9-0, motion passed.**

## **XVIII. CITY MANAGER'S INFORMATIONAL ITEMS**

*(Tabled from the June 15, 2020 City Council meeting)*

1. Report back from Parking and Traffic Safety Committee regarding "Recommended Modifications to Middle Street/Lafayette Bike Lanes"

City Manager Conard read from her memorandum regarding this matter. She reported that Planning Director Walker reached out to NHDOT to find out if modifications to substantially change the design of this project would require that the City forfeit those previously awarded federal funds. Planning Director Walker did receive confirmation from the NHDOT staff, who also consulted with Federal Highway Administration staff, which confirmed that the City should expect to have to return that funding should such a change be made.

Mayor Becksted said he has lived the bike lanes for the last 6 years and safety is his concern. He said he would like to return the vehicles to the curb.

**Mayor Becksted moved to return cars to curb and no bollards would be needed and implement a 25mph speed limit and the City Council would deal with grant monies, if necessary. Seconded by Councilor Kennedy.**

Councilor Kennedy said she agrees with Mayor Becksted as someone that has had an accident and her mirror was taken off, she feels it's very narrow and dangerous. She said this was one of her issues that she ran on and supports the members of the community. She questioned why the bike lanes stop and do not go the entire length of the street.

Councilor McEachern said given the time put into this from Parking and Traffic Safety and the trust he has for Captain Newport and Fire Chief Germain he would like to see the changes implemented before action is taken on this matter.

Councilor Lazenby said on June 15<sup>th</sup> the City Council approved the Parking and Traffic Safety action sheet and minutes and by approving the minutes we approved any actions in the minutes for that, true. City Attorney Sullivan said that is correct. Councilor Lazenby said the Council voted to move ahead with these changes. City Attorney Sullivan stated a two-thirds vote is required for the suspension of the rules to allow the action taken which was inconsistent by the prior vote of the City Council.

**Councilor Kennedy moved to suspend the rules to allow the action taken inconsistent with the prior vote of the City Council. Seconded by Councilor Huda.**

Councilor Lazenby said this item was on the agenda as an informational item and no action was suggested. He said it would be fairer for people to know action is coming forward.

Councilor Kennedy said she believed this could happen but we were voting on the minutes.

City Attorney Sullivan said it is a parliamentary rule and the ordinance for Parking and Traffic Safety indicates that accepting the Parking and Traffic Safety minutes it would take action.

Mayor Becksted said he not be voting in favor of Parking and Traffic Safety action sheets and minutes.

Councilor Trace said you will see three councilors not voting to accept the Parking and Traffic Safety action sheets and minutes.

Councilor Tabor said the original study put the cars against the curb and recommended 6 feet for the bike lanes. He said he felt that might be a good solution but when Parking and Traffic Safety took action the other way. He said he went to see Mayor Becksted on this matter and losing the funding and moving forward with the solution was not safe. He stated he feels he has to vote with Parking and Traffic Safety, and that it is not good to be cavalier about this situation.

Councilor Huda said she was not under the impression that we were voting on Parking and Traffic Safety action sheet and minutes. She said we need to look at where the cars are located.

Councilor Kennedy stated that this was a safety issue and asked who at the State we are working with on this matter.

City Manager Conard said we are dealing with Bill Watson at the State.

Planning Director Walker said the bike lane is reviewed by an engineer.

Councilor Whelan said he was the no vote on this matter at Parking and Traffic Safety. He said this was an experiment and we are just spinning our wheels.

Mayor Becksted said this is the only bike lane pattern in the City and the only one in New Hampshire. He said we need to go back and not position the cars off the curb.

Councilor Trace said we need to move the bike lanes to make it safe for the children.

City Manager Conard said if we make any changes we need to return the road to its previous condition.

Planning Director Walker spoke to changes and costs involved for reengineering, restriping, as well as additional costs that would be incurred.

Public Works Director Rice said there is a cost to restore the roadway and if they grind off the paint and repave the roadway it would cost close to \$1,000,000,00.

Discussion followed on the changes that would be required, costs involved, the grant received to fund the installation of the bike lanes, and whether bollards are necessary. Further discussions surrounded revisiting this matter and finding an answer to whether we need to pay the grant funds back to the State. The City Council felt this matter should be reviewed again in the fall.

**On a roll call vote 5-4, motion failed to pass. (*Motion to suspend the rules requires 6 voting members in favor for passage*).**

**XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

**XX. ADJOURNMENT**

**At 11:50, p.m. Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Kennedy.**

**On a unanimous roll call vote 9-0, motion passed.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK