

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 4, 2014

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15PM, a Work Session was held regarding Police Department Space Needs Study with the Police Commission, Police Chief Dubois and Consultants Lavallee/Brensinger Architects – Will Gatchell and Ian Reeves.

I. CALL TO ORDER [7:00PM or thereafter]

Mayor Lister called the meeting to order at 7:15 p.m.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Kennedy (via conference call), Lown, Dwyer, Morgan, Spear and Thorsen

Absent: Councilor Shaheen

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Mayor Lister asked Fire Chief Achilles to lead in a moment of silence followed by the Pledge of Allegiance.

PRESENTATION

1. Report Back from Fire Chief Steve Achilles Re: Rail Transportation of Liquid Propane Gas

Fire Chief Achilles provided a Presentation regarding the Rail Transportation of Liquid Propane Gas which reviewed the following:

- Hazard Classifications
- LPG Safety Data Sheets
- Control Consideration
- Fire Department Preparedness
- Emergency Planning
- Modeling of a Catastrophic Release of LPG

Chief Achilles also spoke on the 9 classifications of hazardous materials and the departments trained preparedness to handle these types of hazards. He addressed the Code Red system versus 911 and map modifications. He explained that many things would need to go wrong for there to be a catastrophic event.

Councilor Morgan thanked Chief Achilles for the presentation and asked him to walk us through the worse case scenario and the plan in place. Chief Achilles said Maplewood Avenue would be the worse location and it would extend ½ mile around the location for the downtown area. He said a failure of systems would need to happen and fire that goes undetected for a period of time.

Chief Achilles stated if a 911 call was made the department would identify the problem that exists. He also intended we would start evacuating areas as needed and work with the Code Red system.

Assistant Mayor Splaine thanked Chief Achilles for the presentation. He indicated that he is concern for the firefighters which would be in the front lines of any event that was to take place. Assistant Mayor Splaine asked if the Chief would agree that we do not want to have such a problem and the best way to prevent something from occurring would not to have an expansion of Sea-3. Chief Achilles said the Fire Department does not have a preference with the Sea-3. He said he is approaching this some a fire safety stand point.

V. ACCEPTANCE OF MINUTES – APRIL 21, 2014

Councilor Lown moved to accept and approve the minutes of the April 21, 2014 City Council meeting. Seconded by Councilor Spear.

On a unanimous roll call 7-0, voted to accept and approve the minutes of the April 21, 2014 City Council meeting. Mayor Lister abstained from voting as he did not attend the April 21, 2014 meeting.

VI. PUBLIC COMMENT SESSION

Lou Brown spoke regarding water access from Spinnaker Way. He said there is no way to get to the tracks and feels that is a big issue. He stated Sea-3 is more serious than some think.

Mark Frank spoke in favor of the Resolution for Market Basket employees. He said he boycotts the Market Basket and feels Portsmouth should stand along side of the other areas in the State of New Hampshire.

Bob Gibbons spoke to Chief Achilles' presentation and stated that we need a detailed evacuation plan in place and his neighborhood could not shelter in place.

Jerry Karabelas spoke on traffic on Court Street and how it has tripled over the last 20 years. He requested a 3 way stop on Atkinson and Marcy Streets with speed bumps installed.

Stuart Wisong provided a packet of information with a copy of the helicopter schedule of tours which begin at 7:00 a.m. and end at 10:00 p.m., 7 days a week. He stated this is a serious issue which is affecting people's values of their homes.

Rich DiPentima commented on Chief Achilles' presentation and that an evacuation of 1//2 miles might not be enough. The ½ mile is a false sense of security.

Joe Caldarola spoke regarding the gambling ordinance and said he had difficulty understanding the definition. He spoke to Kearsarge Way and truck traffic. He said Assistant Mayor Splaine met with hi and City Officials and that they are working on an access road for Kearsarge Way.

Del Morse said the temporary road will provide access but there needs to be a long term plan put in place. There also needs to be a rerouting of oil truck for their refueling at Irving terminals. She said these trucks are creating safety concerns.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant and Donation
- Acceptance of Grant from Seacoast CrimeStoppers to underwrite the 2015 Citizen Police Academy and a portion of the 2014 Academy - \$6,600.00
 - Acceptance of Donation from William Mortimer in support of the Portsmouth Police Explorers - \$25.00

Councilor Lown move to accept and approve the grant and donation to the Portsmouth Police Department, as listed. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to accept and approve the grant and donation to the Portsmouth Police Department, as listed.

VIII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 15, DEFINITIONS, SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, ARE HEREBY AMENDED BY ADDING THE FOLLOWING NEW TERM AND DEFINITION: BUILDING FOOTPRINT – THE HORIZONTAL AREA OF A LOT COVERED BY THE BUILDING, EXCLUDING (A) GUTTERS, CORNICES AND EAVES PROJECTING NOT MORE THAN 30 INCHES FROM A VERTICAL WALL, AND (B) STRUCTURES LESS THAN 18 INCHES ABOVE GROUND LEVEL SUCH AS DECKS AND PATIOS

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance

Councilor Spear move to pass first reading on the proposed Ordinance amendment and schedule a public hearing and second reading at the August 18, 2014 City Council meeting. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to pass first reading on the proposed Ordinance amendment and schedule a public hearing and second reading at the August 18, 2014 City Council meeting.

- B. First Reading of Ordinance amending Chapter 10, Article 15, Section 10.1530 by the addition of the following new definition – Commercial Gambling Operation

Councilor Thorsen requested to withdraw this ordinance at this time.

Councilor Lown moved to postpone action on this Ordinance. Seconded by Councilor Dwyer .

On a unanimous roll call 8-0, voted to postpone action on this Ordinance.

- C. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts

Councilor Dwyer moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014, City Council meeting, and further, recommend that this matter be referred to the Planning Board for a report back to the City Council. Seconded by Councilor Spear.

Councilor Spear said if ordinances are being crafted before going to the Planning Board then this is becoming a habit and it is bad government.

Councilor Dwyer brought forward the issue of affordable housing. She stated that the Planning Board has spent a great deal of time on issues that the City Council has no desire of pursuing. She feels this process adds more value for the Planning Board to review.

On a roll call 6-2, voted pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014, City Council meeting, and further, recommend that this matter be referred to the Planning Board for a report back to the City Council. Assistant Mayor Splaine, Councilors Kennedy, Dwyer, Morgan, Thorsen and Mayor Lister voted in favor. Councilors Lown and Spear voted opposed.

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

Councilor Lown moved to pass second reading on the proposed Ordinance amendment and hold third and final reading at the August 18, 2014 City Council meeting. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to pass second reading on the proposed Ordinance amendment and hold third and final reading at the August 18, 2014 City Council meeting.

X. CONSENT AGENDA

- A. Request for License from Bruce Dupont, owner of Menemsha Blues Portsmouth for property located at 1 Congress Street for a projecting sign on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Bruce Dupont, owner of Menemsha for a projecting sign at property located at 1 Congress Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director's Stipulations:

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

- B. Request for License from Gale Gertler, owner of Southwest Passage for property located at 214 State 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 Gale Gertler, owner of Southwest Passage for a projecting sign at property located at 214 State 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***

- C. Request for License from Sara Sullivan, owner of Sara Sullivan, for property located at 24 Congress 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 Sara Sullivan, owner of Sara Sullivan, for a projecting sign at property located at 24 Congress 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. Request for License from Chi Zhang, owner of Dozo Restaurant, for property located at 96 State 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 Chi Zhang, owner of Dozo Restaurant, for a projecting sign at property located at 96 State 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**

- E. *Acceptance of Membership Dues to Art-Speak
- Strawberry Banke Museum - \$100.00
 - NH Art Association - \$125.00
 - Portsmouth Public Library - \$150.00
 - Raka - \$150.00

(Anticipated action – move to accept and approve the Charter Membership Dues to the Piscataqua Arts & Culture Alliance, a program of Art-Speak, as listed)

- F. *Acceptance of Donations to Art-Speak
- Tim Allison - \$25.00
 - Joyce G. Volk - \$25.00
 - Elaine S. Krasker - \$50.00
 - Jameson S. French - \$100.00
 - Dana and Shaula Levenson - \$100.00
 - Coughlin, Rainboth, Murphy & Lown - \$150.00

(Anticipated action – move to accept and approve the donations to Art-Speak, as listed)

- G. Letter from Alyssa Salmon, Big Brothers Big Sisters of the Greater Seacoast, requesting permission to close Pleasant Street on Saturday, June 20, 2015 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (Rain date of Sunday, June 21, 2015) ***(Anticipated action – move to refer to the City Manager with power)***

- H Letter from Sister Mary Agnes, St. Charles Children's Home, requesting permission to hold the 18th Annual Run with the Cause 5k Road Race at Pease International Tradeport on September 1, 2014 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Morgan.

On a unanimous roll call 8-0, voted to adopt the Consent Agenda.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from The Citywide Neighborhood Steering Committee, requesting that a policy be put in place that would include communication with the State of New Hampshire Department of Transportation regarding sound barriers during any construction project

Assistant Mayor Splaine moved to refer to Mayor Lister to work with NHDOT Commissioner, State Senator Martha Fuller Clark and our Legislative Delegation with a report back to the City Council. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to refer to Mayor Lister to work with NHDOT Commissioner, State Senator Martha Fuller Clark and our Legislative Delegation with a report back to the City Council.

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

Councilor Lown moved to refer to City staff for review and report back at the August 18, 2014 City Council meeting. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to refer to City staff for review and report back at the August 18, 2014 City Council meeting.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Establish City Council Retreat

Councilor Spear moved to establish a City Council Retreat on Saturday, October 4, 2014 from 9:00 a.m. to 3:00 p.m., in the Levenson Room at the Portsmouth Public Library. Seconded by Councilor Morgan.

On a unanimous roll call 8-0, voted to establish a City Council Retreat on Saturday, October 4, 2014 from 9:00 a.m. to 3:00 p.m., in the Levenson Room at the Portsmouth Public Library.

2. Rescission of Bond Authorization for Various Projects

Councilor Lown moved to approve rescinding the remaining borrowing authority with regard to the following Resolutions:

Water Fund:

- Resolution #11-1998 for \$2,088,000.00 – Rescind amount \$1,320,000.00.
- Resolution #12-2005 for \$10,100,000.00 – Rescind amount \$7,842,303.00.

Sewer Fund:

- Resolution #11-2002 for \$22,500,000.00 – Rescind amount \$2,666,811.11.
- Resolution #8-2001 for \$2,900,000.00 – Rescind amount \$13,327.99.
- Resolution #16-2007 for \$1,500,000.00 – Rescind amount \$430,286.26.

Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to approve rescinding the remaining borrowing authority with regard to the following Resolutions:

Water Fund:

- **Resolution #11-1998 for \$2,088,000.00 – Rescind amount \$1,320,000.00.**
- **Resolution #12-2005 for \$10,100,000.00 – Rescind amount \$7,842,303.00.**

Sewer Fund:

- **Resolution #11-2002 for \$22,500,000.00 – Rescind amount \$2,666,811.11.**
- **Resolution #8-2001 for \$2,900,000.00 – Rescind amount \$13,327.99.**
- **Resolution #16-2007 for \$1,500,000.00 – Rescind amount \$430,286.26.**

3. Request for First Reading Re: Various FY15 Capital Plan Projects

Councilor Lown moved to authorize the City Manager to bring back for first reading the various proposed Resolutions, as presented, at the August 18, 2014 City Council meeting. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to authorize the City Manager to bring back for first reading the various proposed Resolutions, as presented, at the August 18, 2014 City Council meeting.

4. Report Back Re: Portsmouth Cottage Senior Hospital Authorizing CDBG Loan

Community Development Director Moore came forward to address this matter and discussed the need to move forward with the replacement of the windows at the Cottage Senior Housing facility.

Councilor Lown moved to authorize the City Manager to take any and all action to implement the following:

- **To subordinate the current loan with the Cottage Senior Housing Limited Partnership behind the new debt;**
- **To increase the size of the loan from a current balance of \$52,400.00 to a new principal balance of \$130,000.00 (an increase of \$77,600.00); and**
- **Modify the distribution of surplus cash from which the City's debt is paid from 90% to 25% and modify the maturation date to occur in 2034.**

Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to authorize the City Manager to take any and all action to implement the following:

- To subordinate the current loan with the Cottage Senior Housing Limited Partnership behind the new debt;
- To increase the size of the loan from a current balance of \$52,400.00 to a new principal balance of \$130,000.00 (an increase of \$77,600.00); and
- Modify the distribution of surplus cash from which the City's debt is paid from 90% to 25% and modify the maturation date to occur in 2034.

5. Polling Hours for September 9, 2014 State Primary Election

City Clerk Barnaby recommended that polling hours for the September 9th State Primary Election be 8:00 a.m. to 7:00 p.m.

Councilor Lown moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on Tuesday, September 9, 2014. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on Tuesday, September 9, 2014.

6. Request for a Encumbrance Permit (Sidewalk Closure) for Construction Project at 185 Austin Street for an Additional Period of Six Months

City Manager Bohenko advised the City Council that the owner realized that more work needed to be completed and there is a need to extend the 30 days sidewalk obstruction for an additional six months.

Councilor Spear moved to authorize the City Manager to enter into a license with Mr. Osterhoudt to facilitate construction activities at 185 Austin Street. Seconded by Councilor Dwyer.

Councilor Dwyer would like to refer this to the Parking and Traffic Safety Committee for review.

Councilor Lown moved to amend the motion to extend the license for 60 days with a report back from the Parking Traffic & Safety Committee. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to pass the motion as amended.

7. Request for First Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 - Prohibited Conduct by Taxi Medallion Holders or Owners

Assistant Mayor Splaine moved to authorize the City Manager to bring back for first reading the proposed Ordinance amendment, as presented, at the August 18, 2014 City Council meeting. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to authorize the City Manager to bring back for first reading the proposed Ordinance amendment, as presented, at the August 18, 2014 City Council meeting.

8. Report Back Re: Architectural Design Review Outside the Historic District

City Manager Bohenko advised the City Council that the Planning Board has recommended against this.

Councilor Spear moved to postpone this matter pending a report back. Seconded by Councilor Lown.

Planning Director Taintor stated the Planning Board reviewed the request on 2 or 3 occasions and there are several ways the Planning Board does address architectural design review. Director Taintor reviewed the various way of addressing architectural design review.

Discussion followed on this matter.

On a unanimous roll call 8-0, voted to postpone this matter pending a report back.

City Manager's Informational Item #9 – Report Back Re: Building and Development Compliance with Land Use Boards

Councilor Morgan requested a report back in 3-4 months on how the process is going in order to identify any needs and provide feed back.

At 9:55 p.m., Mayor Lister declared a brief recess. At 10:00 p.m., Mayor Lister called the meeting back to order.

City Manager's Informational Item #10 – Report Back Re: Enforcement of Land Use regulation Violations

City Attorney Sullivan apologized for not prioritizing this matter correctly for a report back to the City Council.

City Manager's Informational Item #3 – Report Back Re: Helicopters

City Manager encourages individuals that have complaints regarding the helicopters to use the PDA hotline and the FAA hotline.

Councilor Morgan thanked City Manager Bohenko for working on this matter. Discussion followed regarding FAA and contacting our legislative delegation and congressional delegation regarding this matter and the need to create dialogue between the Council and the owner of the helicopter company.

B. MAYOR LISTER

1. Appointment to be Considered:

- Cristy Cardoso – reappointment to the Citywide Neighborhood Committee

The City Council considered the reappointment of Cristy Cardoso which will be voted on at the August 18, 2014 City Council meeting.

2. Appointments to be Voted:

- Robert Capone to the Cable Television and Communications Commission
- Matthew Cardin as an Alternate to the Conservation Commission
- Vincent Lombardi as an Alternate to the Historic District Commission
- Mary Lou McElwain as an Alternate to the Parking and Traffic Safety
- Lisa Louttit to the Recreation Board
- Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment

Councilor Lown moved to appoint Robert Capone to the Cable Television and Communications Commission until April 1, 2016; appointment of Matthew Cardin as an Alternate to the Conservation Commission until April 1, 2016 filling the unexpired term of Shelley Saunders; appointment of Vincent Lombardi as an Alternate to the Historic District Commission until June 1, 2016 filling the unexpired term of Dan Rawling; appointment of Mary Lou McElwain as an Alternate to the Parking and Traffic Safety Committee; appointment of Lisa Louttit to the Recreation Board until April 1, 2015 filling the unexpired term of Ed DeValle; and appointment of Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment until December 1, 2018. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to appoint Robert Capone to the Cable Television and Communications Commission until April 1, 2016; appointment of Matthew Cardin as an Alternate to the Conservation Commission until April 1, 2016 filling the unexpired term of Shelley Saunders; appointment of Vincent Lombardi as an Alternate to the Historic District Commission until June 1, 2016 filling the unexpired term of Dan Rawling; appointment of Mary Lou McElwain as an Alternate to the Parking and Traffic Safety Committee; appointment of Lisa Louttit to the Recreation Board until April 1, 2015 filling the unexpired term of Ed DeValle; and appointment of Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment until December 1, 2018.

3. Acceptance of Resignations:

- Alicia Weaver resignation from Citizens Advisory Committee
- John Weaver resignation from Library Board of Trustees

Councilor Lown moved to accept with regret the resignations of Alicia Weaver from the Citizens Advisory Committee and John Weaver from the Library Board of Trustees and to send a letter of thanks and appreciation to Alicia and John for their service to the City. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to accept with regret the resignations of Alicia Weaver from the Citizens Advisory Committee and John Weaver from the Library Board of Trustees and to send a letter of thanks and appreciation to Alicia and John for their service to the City.

4. Letter from Police Commission Chairman John F. Golumb response to motorcycle noise and speeding enforcement throughout the City

Councilor Morgan spoke to the number of complaints from neighborhoods relative to the noise and speed of motorcycles throughout the City. She stated that there needs to be more enforcement and would like to receive more information from Chief Dubois and the Police Commission on this matter.

5. Letter from Governor Margaret Hassan Re: Proposed Expansion of Sea-3 Facility in Newington

Mayor Lister said this is informational only and no action is required.

6. Letter to Governor Margaret Hassan Re: Sound Barriers

Mayor Lister said this is informational only and no action is required.

C. ASSISTANT MAYOR SPLAINE

1. Resolution Supporting Market Basket Employees

Assistant Mayor Splaine moved following Statement of Support that the Portsmouth City Council extends our sincere best wishes and support for the cause of the loyal employees and faithful customers of the Market Basket family. We are hopeful for, and encourage, a solution that will be in the interest of Portsmouth Market Basket employees and customers. Seconded by Councilor Morgan.

Discussion followed on this matter.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister acknowledges the issues surrounding this matter but is not sure we need a resolution. He supports the employees but does not feel that the City Council should be support a Resolution.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Assistant Mayor Splaine moved to amend the motion that the Council is hopeful for, and encourage, a solution that will be in the best interest of Portsmouth Market Basket employees and customers. Seconded by Councilor Morgan.

On a roll call 6-2, voted that the Council is hopeful for, and encourage, a solution that will be in the best interest of Portsmouth Market Basket employees and customers, as amended. Assistant Mayor Splaine, Councilors Kennedy, Dwyer, Morgan, Spear and Mayor Lister voted in favor. Councilors Lown and Thorsen voted opposed.

Councilor Spear moved to suspend the rules in order to continue the meeting until 11:20 p.m. Seconded by Councilor Lown and voted.

2. Atlantic Heights Emergency Access

Assistant Mayor Splaine stated that Atlantic Heights would like to find a second access for emergencies.

3. Unattended Buildings Status Review

Assistant Mayor Splaine inquired as to the status of this matter. City Manager Bohenko said the City is still working on this matter and the work is ongoing. City Attorney Sullivan said that this is the next item on his list for report back to the City Council and he would try to report back at the next Council meeting.

D. COUNCILOR KENNEDY

1. Noise Issues Citywide

Councilor Kennedy requested that the City Manager bring back a data driven mechanism to measure sound in the City.

E. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 10, 2014 meeting

Councilor Spear move to accept and approve the action sheet and minutes of the July 10, 2014 Parking and Traffic Safety Committee meeting. Seconded by Councilor Thorsen.

On a roll call 7-1, voted to accept and approve the action sheet and minutes of the July 10, 2014 Parking and Traffic Safety Committee meeting. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 11:30 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, at 11:30 p.m., voted to adjourn.



Kelli L. Barnaby, CMC/CNHMC
City Clerk