

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 8, 2014

PORTSMOUTH, NH
TIME: 6:00PM

I. CALL TO ORDER [6:00PM]

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer (via conference call at 6:10 p.m.), Morgan, Spear and Thorsen

III. ANTICIPATED “NON-MEETING” IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING COLLECTIVE BARGAINING

Councilor Spear moved to enter into “Non-Meeting” in accordance with RSA 91-:2, I (a) regarding Collective Bargaining. Seconded by Councilor Shaheen.

On a unanimous roll call 8-0, voted to enter into “Non-Meeting” in accordance with RSA 91-A:2, I (a) regarding Collective Bargaining.

IV. INVOCATION

Mayor Lister asked for a moment of silent prayer in memory of former Mayor Robert Shaines.

V. PLEDGE OF ALLEGIANCE

Mayor Lister asked City Attorney Sullivan to lead in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Citywide Neighborhood Committee Re: Transportation – Cristy Cardoso

Cristy Cardoso, Chair of the Citywide Neighborhood Committee and Cliff Lazenby provided the City Council with an update on the survey they conducted regarding Transportation. She reported that 316 residents in 33 distinct neighborhoods participated in the survey. She indicated neighborhoods expressed they were negatively impacted by a lack of sidewalks, bike lanes, the need for more enforcement of speed and infrastructure repairs or maintenance where also common themes.

Councilor Morgan asked that the report be forwarded to Police Chief Dubois to review with comments back on dealing with speeding issues and the need for more enforcement.

Councilor Kennedy asked where the Citywide Neighborhood Committee would like to see the report to go from here. Cristy stated they would like feed back and residents need to feel they were listened to.

City Manager Bohenko stated if the Citywide Neighborhood Committee was to conduct future surveys the staff would assist with survey tools.

2. Report on Parking Shuttle Program – Juliet Walker

Juliet Walker, Transportation Planner provided the City Council with an update on the Parking Shuttle Program and reported over 27 weeks there have been 18,686 one-way riders that have used the Downtown Parking Shuttle. Juliet spoke to daily ridership, average ridership by time block. She stated the staff has recommended that the downtown shuttle service be extended to the end of January 2015 and the total cost of the extension of service will be \$51,674.00.

Councilor Kennedy stated she is encouraged with the shuttle and businesses would like to see the shuttle 7 days per week. She said she would like to move forward with the program and make improvements.

3. Proposed Association of Portsmouth Teacher's Contract – School Department

Dexter Legg, Vice Chair of School Board and Superintendent Ed McDonough presented the proposed Four-Year Agreement reached between the City of Portsmouth and the Association of Portsmouth Teacher's to expire June 30, 2018.

Councilor Thorsen said that this is an interesting contract and has innovated aspects.

Councilor Shaheen said she feels this is a model contract for other communities.

Councilor Spear stated there is more risk on both sides of this contract.

Assistant Mayor Splaine said he is very pleased with the presentation by School Board Vice Chair, Dexter Legg and that this contract is an investment.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister thanked the School Board and teacher's for working together on this contract. He said he is pleased to focus on student achievement.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

VI. ACCEPTANCE OF MINUTES – AUGUST 4, 2014 AND AUGUST 18, 2014 AND SEPTEMBER 22, 2014

Councilor Spear moved to approve and accept the minutes of the August 4, 2014; August 18, 2014 and September 22, 2014 City Council meetings. Seconded by Councilor Shaheen.

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

VII. PUBLIC COMMENT SESSION

Charlie Griffin spoke on the bike lane project on Lafayette Road and Islington Street. He expressed concerns on the presentation made by Juliet Walker with the traffic on Andrew Jarvis Drive and Lafayette Road and how that will impact bicyclists.

David Noard said there is a strong transparency need for individuals serving on our boards and commissions.

Claire Kittredge – spoke in support of the proposed financial disclosure statements. She said it is good government and we should not be concerned with people not wanting to serve on boards or commissions. In addition, the financial disclosure statements should be expanded to department heads and the City Manager.

Arthur Clough said we need to know more about the individuals serving on our boards and commissions. He said he wants to see transparency and the Council should vote appropriately.

Diana Gilbert said there are a large number of developers coming to the City with enormous amounts of money and some form of transparency is necessary.

Rick Becksted spoke regarding smart growth and as we expand, the cost of providing services increases. He said we should have impact fees for developments, which is done in other communities, such as Dover.

David Witham spoke regarding financial disclosures and does not see an issue for the need to have our land use boards fill out forms. He said if members of the land use boards feel there is a potential conflict of interest they know enough to recues themselves. He said that this is one of the most transparent communities in the State and there are a lot of good people doing good things in this City by volunteering to serve.

Councilor Spear moved to suspend the rules in order to take up Item XII. A.1. – Request for Approval of a Property Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers. Seconded by Assistant Mayor Splaine.

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

XII. A.1. - Request for Approval of a Proposed Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers

Councilor Spear moved to accept the proposed contract with the Association of Portsmouth Teachers to expire on June 30, 2018. Seconded by Councilor Shaheen.

Councilor Lown spoke in support of the contract and said that this is a big change in the health insurance and thanked the teacher's for agreeing to the change.

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

At 9:15 p.m., Mayor Lister declared a brief recess. Mayor Lister called the meeting back to order at 9:25 p.m.

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on for acceptance)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport

Councilor Morgan moved to pass first reading and schedule a second reading and public hearing at the December 22, 2014 City Council meeting regarding the proposed Ordinance, as presented, and further, refer this matter to the Planning Board for report back. Seconded Councilor Kennedy.

Planning Director Taintor explained that the change is to define helipad and heliport and the other changes are to the table of uses.

Assistant Mayor Splaine said that this has nothing to do with the Tradeport or the current helicopter service.

Councilor Shaheen said currently you could not land a helicopter downtown unless there was an emergency.

Councilor Lown said the current ordinance allow heliports and defining it will tighten up the ordinance.

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

- B. First Reading of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck

Councilor Shaheen moved to pass first reading and schedule a public hearing and adoption of a Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000.00) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented at the December 22, 2014 City Council meeting. Seconded by Assistant Mayor Splaine.

Councilor Kennedy is questioning major purchases until we know the cost of a new wastewater treatment plant.

Councilor Thorsen said we could get a used vehicle versus new and save money.

City Manager Bohenko stated that Fire Chief Achilles will look into various options available to us before a purchase is made.

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

- C. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-street Parking

Councilor Spear moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance as recommended by the Planning Board at the December 22, 2014 City Council meeting, as presented. Seconded by Councilor Thorsen.

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

- D. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 7, Section 10-.734 – Gateway Planned Development Intensity and Dimensional Stands, subsection 10.734.20 – Lot Requirements – building height and setback standards relative to streets other than Lafayette Road, Amend by inserting a new Section 10.734.40 – Definitions of “Workforce Housing Incentives”, Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting new terms and definitions of “Workforce Housing” and Workforce Housing Unit” to be consistent with State law

Councilor Thorsen moved to pass first reading and schedule a public hearing and second reading of the Proposed Ordinance, as presented, at the March 2, 2015 City Council meeting. Seconded by Councilor Lown.

Assistant Mayor Splaine asked City Manager Bohenko why we are going out to the March 2, 2015 meeting on the public hearing. City Manager Bohenko said on February 20, 2015 we will be conducting a Charrette and it will be on that area of the City. Assistant Mayor Splaine said by passing first reading is there any impact to the area. City Manager Bohenko said a building permit filed would need to proceed under this ordinance change. Assistant Mayor Splaine said there has been talk about that property being used for parking and work force housing.

Councilor Kennedy said she reviewed the ordinance and there are many definitions for work force housing. She is concerned with the many questions and to put something out before we have the Charrette is not the right process.

City Manager Bohenko said we could move to March 16th or April 6th to allow for more input from people.

Councilor Shaheen said the most valuable take a ways from the Charrettes was hearing people’s reactions to things. She said the timing works beautifully and she would agree to go out to March 16th.

Councilor Thorsen said this is a tactical maneuver and he supports the ordinance because it moves the discussion away from industrial.

Assistant Mayor Splaine moved to amend the motion to schedule a public hearing and second reading of the Proposed Ordinance, as presented at the March 16, 2015 meeting. Seconded by Councilor Kennedy.

Assistant Mayor Splaine said he is excited with the connector road and what could be developed.

On a unanimous roll call 9-0, voted to amend the motion to schedule a public hearing and second reading of the Proposed Ordinance, as presented at the March 16, 2015 meeting.

On a unanimous roll call 9-0, voted to pass main motion as amended.

- E. Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code *(Continued from the November 17, 2014 City Council meeting)*

Councilor Spear moved to pass second reading and hold third and final reading at the December 22, 2014 City Council meeting. Seconded by Councilor Thorsen.

Councilor Thorsen moved to amend Section 1.901 (B) – Municipal Official to add Board of Adjustment, Planning Board, Historic District Commission and Trustees of the Trust Funds. Seconded by Councilor Kennedy.

Councilor Thorsen said he feels that this amendment should be included if there is a conflict of interest without a financial disclosure. He feels we have many people with integrity on the boards but that may not be the way in the future. We should include a financial disclosure for the future of our boards.

Councilor Spear said David Witham spoke to the issue well. He said people keep using the word transparent and Councilor Spear said we have that now. He said the question is what problem are we trying to solve and there have been no examples of any problems with the land use boards.

Councilor Lown said he would vote against the amendment and said there is no wrong doing taking place on the land use boards.

Councilor Kennedy said she would support the motion. She stated she completes many financial disclosure forms for the various boards she sits on.

Councilor Dwyer said conflict of interest is different than financial disclosure. She stated she has no problem with elected officials completing a financial disclosure but feels it is different for boards and commissions. She said she has heard from 4 former Mayor's that it is difficult to find individuals willing to serve on our boards and commissions.

Councilor Shaheen asked City Attorney Sullivan if the main motion would ensure we are in compliance with the Charter. City Attorney Sullivan said it is the decision of the City Council if we are in compliance with the Charter. He feels adoption of the amendment as proposed appears to be closer to the Charter than the current ordinance.

Councilor Lown said Judge Gray ordered, it is the City Council decision what we pass.

Councilor Shaheen said she has wrestled with this over the last several months. She stated she is resentful that a vote against the amendment is not complying with transparency. Councilor Shaheen said she keeps coming back to, what is the problem we are trying to solve and in what spirit.

Councilor Morgan said she would support the amendment of Councilor Thorsen. She said she does not feel we will have a problem with getting people to serve on boards and commissions.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said during the Municipal Election there was a survey asking if you support financial disclosure. He said because you need to be careful with yes or no questions, and since that time, a year later, it is difficult to fill vacancies to boards and commissions his answer changed. He said you need to find qualified people to serve on the boards and commission. He said people put in long hours, there is a difference between conflict of interest and financial disclosure. Mayor Lister said if anyone thinks that this Council is not transparent, you have not been paying attention to anything. He said we are doing the right things. He said there is a screening process for people that apply to serve for a board and commission and stated he would not be supporting the amendment.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call vote 4-5, motion to amend Section 1.901 (B) – Municipal Official to add Board of Adjustment, Planning Board, Historic District Commission and Trustees of the Trust Funds failed to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

Councilor Thorsen moved to amend Section 1.901 (B) – Municipal Official to add the City Manager. Seconded by Councilor Kennedy.

Councilor Spear said the main source of income for a City Manager is his salary with the City. He feels this is in search of a problem that does not exist. He is concern what message this sends to people that may want to work here.

Councilor Lown said the City Manager is not moon lighting a second job and his salary from the City is his source of income.

Councilor Kennedy said there are contracts that the City Manager decides on that are small in nature and do not come to the City Council for a vote.

On a roll call vote 4-5, motion to amend Section 1.901 (B) – Municipal Official to add the City Manager ***failed*** to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

On a unanimous roll call 9-0, voted to pass second reading and hold third and final reading at the December 22, 2014 City Council meeting.

- F. Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
- Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10
- and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on the attached exhibits title "Areas Proposed To Be Rezoned to Character District 4 (CD4)", and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (*Continued Second Reading from the November 17, 2014 City Council meeting*)

Councilor Spear moved not to approve second reading of the proposed Ordinance, as presented. Seconded by Councilor Thorsen.

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

X. CONSENT AGENDA

- A. Acceptance of Police Department Donation:
- An anonymous donation of \$50 in cash was received in support of the Portsmouth Police Explorers (***Anticipated action – move to approve and accept the donation to the Portsmouth Police Department***)
- B. Letter from Matt Junkin, President, Seacoast Rotary, requesting to hold the 7th Annual Seacoast Rotary Turkey Trot 5k, on Thursday, November 26, 2015 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from David Hallowell, PMFF Board Member, requesting permission to conduct the Annual Portsmouth Maritime Folk Festival on September 26 and 27, 2015 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Sarah Jarvis, Rye Fire Department, requesting permission for the use of the High Hanover Parking Garage in December, 2014 for fundraising to attend the Firefighter Stair Climb in Seattle Washington, in March 2015 (***Sample motion – move to refer to the City Manager with power***)

- E. Letter from Tracey Tucker, New Heights, requesting permission to hold the 6th annual St Paddy's 5 Miler Road Race on Sunday, March 15, 2015 at the Pease Tradeport ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Jessica Parker, Cross Roads House, requesting permission to hold the Homeless Memorial Service on Thursday, December 18, 2014 at 5:30 p.m. in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- G. Request for Approval of Pole License to install 2 poles located on Islington Street/Barberry Street as a part of circuit upgrades in this area ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- H. Request for Approval to Pole License to install 1 pole and 5 feet of underground cable from pole to house #31 on Sherburne Avenue ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***

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

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Renee T. Bouchard, Chairperson, requesting permission to hold the First Annual "Bridal Miles" 5k Road Race and Walk on Sunday, May 3, 2015 at the Pease Tradeport

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

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

At 11:00 p.m., Councilor Shaheen moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Kennedy.

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

2. Review and Presentation Water/Sewer Assistance Program

City Manager Bohenko said a presentation will be made on the Water/Sewer Assistance Program.

Finance Director Belanger reviewed the program with the City Council. She stated that \$100,000.00 was appropriated with \$50,000.00 from the water fund and \$50,000.00 from the sewer fund. She discussed eligibility and criteria for the program and that residents would need to apply each year. Finance Director Belanger stated that this is a pilot program and the program will roll out in January and that she will provide a report back to the City Council on how the program is working in the future.

Councilor Spear moved to ratify the program. Seconded by Councilor Shaheen.

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

3. Review and Presentation Water Efficiency Rebate Program

Deputy Public Works Director Goetz spoke to the Water Efficiency Rebate Program. He stated that the program was approved as part of the Water and Sewer Enterprise Fund's FY15 Capital Improvement Plan with \$75,000.00 being authorized from each fund for a total of \$150,000.00 dedicated to this program. He addressed previous water efficiency efforts made beginning in 2006 through 2013. Director Goetz spoke to the potential water savings for high efficiency washers and toilets and that the program rollout will be effective December 9, 2014. He announced that a postcard will be mailed out to eligible customers by the end of December, 2014.

Councilor Morgan asked if staff thought of outreaching through the School Department weekly newsletter for parents and families. Director Goetz said that is an excellent idea and he will contact Superintendent McDonough.

Councilor Spear moved to ratify the program. Seconded by Councilor Shaheen.

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

4. Portwalk Door Swing License Agreement

City Attorney Sullivan explained a Door Swing License Agreement. He stated this is so the door may open up onto the City sidewalk. He said as the building was developed in Portwalk there was a change in the location of the door that was approved by the Planning Board and this will change the license agreement reached in 2012.

Councilor Lown moved to authorize the City Manager to enter and execute the amended License Agreement with Hanover Apartments LLC. Seconded by Councilor Thorsen.

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

B. MAYOR LISTER

1. Report of Appointment Process

Mayor Lister reviewed the Appointment Process with the City Council.

Councilor Morgan said a month ago she shared thoughts of making a change in the composition of the Economic Development Commission and having a person from the Sustainability Committee serve on the Commission.

Mayor Lister said Councilor Morgan could bring that matter forward at the next meeting.

Councilor Shaheen recommended Councilor Morgan attends the next Economic Development Commission meeting to see the dynamics.

Councilor Kennedy said she would like to see an update every 3 months on the status of applications to boards and commission. She said if an applicant is not going to be considered they should receive a letter advising them of that.

Mayor Lister announced that he is appointing Councilor Morgan to serve on the Sustainable Practices Blue Ribbon Committee.

2. Appointments to be Considered:

- Jennifer Zorn – Appointment to the Economic Development Commission
- William Gladhill – Reappointment to the Planning Board
- John Ricci – Reappointment to the Planning Board
- Rebecca Perkins – Appointment to the Portsmouth Housing Authority
- Arthur Parrott – Reappointment to the Zoning Board of Adjustment
- Stacy Lonergan – Appointment to the Zoning Board of Adjustment

The City Council considered the appointments listed above, which will be acted on at the December 22, 2014 City Council meeting.

3. Appointment to be Voted:

- Everett Eaton – Reappointment to the Economic Development Commission

Assistant Mayor Splaine moved to reappoint Everett Eaton to the Economic Development Commission until October 1, 2018. Seconded by Councilor Shaheen.

Councilor Shaheen thanked Everett for his continued service to the Economic Development Commission and asked Mayor Lister to send a letter to Everett acknowledging his service and thanking him for his time and commitment to the Economic Development Commission.

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

4. Establish a Blue Ribbon Committee on Sagamore Creek Land:
 - Two City Council Members
 - Representative from the Conservation Commission
 - Representative from the School Board
 - Representative from the Recreation Board
 - Ex-officio City Manager or his designees
 - One Resident

Committee Charge: The charge of the Blue Ribbon Committee on the Sagamore Creek Land is to develop a plan for public usage of the 66-acre city-owned parcel. A report back to the City Council shall be completed on or prior to September 21, 2015

No vote is required as this is a Blue Ribbon Committee.

Councilor Kennedy asked why this is coming forward before the Master Plan and she would like to see it become a standing committee.

Councilor Spear said an outcome of the Blue Ribbon Committee could be a recommendation to make it a regular committee.

Assistant Mayor Splaine said some people are concerned that this is moving too fast and it is not transparent. He feels it is transparent and thanked Mayor Lister for moving forward on this matter.

Councilor Kennedy asked City Manager Bohenko to come back with a time line for various items to let the public know when we can expect them to move forward, such as, the Master Plan, Wastewater Treatment Plant, Noise Concerns, Sidewalks and Senior Center. She would like a report back with a point of reference of times for when these matters will be coming forward to the City Council. City Manager said he would have a report back for Councilor Kennedy at the December 22, 2014 City Council meeting.

C. ASSISTANT MAYOR SPLAINE

1. Budget

Assistant Mayor Splaine thanked Mayor Lister for creating the Joint Budget Committee. He said it has been a good Committee and it brings departments together and allows for visioning.

Councilor Morgan asked Mayor Lister about the documents being posted on the website and that she would like the documents posted at least 2 business days before the meeting. She said people watching the meeting at home should have access to the documents as the meeting is occurring.

Mayor Lister said the reason they are not on the website is because the documents are drafts. He said information will be placed on the website when we get into the presentations. Councilor Morgan said that the documents could be stamped draft.

E. COUNCILOR MORGAN

1. Parking for Handicap Residents

Councilor Morgan asked what we can do to support our handicap residents that need to park in the garage during snow emergencies. City Manager Bohenko said he will provide information on this at the next City Council meeting.

D. COUNCILOR DWYER

1. Request for Internal Report from Fire Commission/Fire Department (See *attached Correspondence regarding Internal Report*)

Councilor Dwyer said she wants to make sure we follow through on the internal report from the Fire Commission and Fire Department and she would like to have the information by the end of April. She said some thought the Chief was too new as Chief, but he was Deputy Fire Chief for 14 years.

Councilor Dwyer moved to request a report back by the end of April 2015 in advance of budget deliberations. Seconded by Assistant Mayor Splaine.

Councilor Shaheen said she would like to give the Chief more time to implement changes. She asked Councilor Dwyer if we want to tie any of the work to the next contracts. Councilor Dwyer said she does not feel that this is really about the contracts. She said matters could be brought up in the report and could be part of the next contracts. She said some changes could be put in place prior to the contracts. She also said the union did not take an opinion on the report and she feels it is about other strategies to put in place.

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

F. COUNCILOR SPEAR

1. Report of Evaluation Subcommittee Re: City Manager Compensation

Councilor Spear spoke on the City Manager's Evaluation Committee and the recommendation of a \$10,000.00 payment made to the City Manager's 401 (a) Plan. He said that City Manager Bohenko has made many achievements and most recently the Triple A bond rating, which has saved the City a substantial amount of money.

Councilor Spear moved in accordance with Section 4, Paragraph B of the City Manager's Employment Agreement, move to authorize \$10,000.00 to be made to the City Manager's 401(a) Plan in January 2015 representing an addition to his compensation for FY15. Seconded by Councilor Lown.

Councilor Lown spoke to the negotiations which took place in 2011. He said City Manager Bohenko negotiated in good faith and deferred the issue of compensation at that time, and everyone agreed that the issue would be revisited. He said that the City Council would have given City Manager Bohenko far more then, than we are now. He said that this is a question of good faith and should have been dealt with 3 years ago.

Councilor Morgan said she supports the motion and wishes more information was provided to residents on the amount of money saved since we received the Triple A bond rating. She would also like to see that City Manager Bohenko provide his own evaluation next time, which would be in addition to the City Council's evaluation.

On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Shaheen said looking forward to 2015 she feels the Council has been in a reactionary form and the City Council needs to understand how to best prioritize the agenda. She said an example is we are here again until after midnight.

Mayor Lister said the bottom line is Councilors talk too much about the issues and it is not necessary to express your views 3 or 4 times about a matter, we need to be more efficient.

XIV. ADJOURNMENT

At 12:30 a.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk