

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 22, 2014

PORTSMOUTH, NH  
TIME: 6:30PM

At 6:30 p.m. a Non-Public Session RE: Acquisition of Real Property Pursuant to RSA 91-A:3, II (d) was held.

Councilor Morgan arrived at 6:45 p.m.

**Councilor Spear moved to enter into Non-Public Session in accordance with RSA 91-A:3, II (d) regarding Acquisition of Real Property. Seconded by Councilor Lown.**

**Assistant Mayor Splaine moved to amend the motion by adding the purpose of the Non-Public Session is to discuss real estate on Cottage Street related to the Doble Center. Seconded by Councilor Shaheen.**

**On a roll call vote 3-5, motion failed to pass. Assistant Mayor Splaine, Councilors Shaheen and Kennedy voted in favor. Councilors Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed. *Councilor Morgan was not present for vote.***

**On a roll call vote 7-1, main motion passed to enter into Non-Public Session in accordance with RSA 91-A:3, II (d) regarding Acquisition of Real Property. Councilors Shaheen, Kennedy, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine voted opposed. *Councilor Morgan was not present for vote.***

### **I. CALL TO ORDER [6:30PM]**

Mayor Lister called the meeting to order at 7:10 p.m.

### **II. ROLL CALL**

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

### **IV. INVOCATION**

Mayor Lister asked everyone to remember those that are homeless during this Holiday season and wished everyone a Merry Christmas.

### **V. PLEDGE OF ALLEGIANCE**

Mayor Lister asked Steve Cirillo to lead in the Pledge of Allegiance to the Flag.

### **PRESENTATION**

1. Portsmouth High School Ensemble – Steve Cirillo

Portsmouth High School Ensemble played a selection of Holiday carols for the City Council to enjoy.

## **VI. ACCEPTANCE OF MINUTES – OCTOBER 6, 2014 AND OCTOBER 20, 2014**

**Councilor Shaheen moved to approve and accept the minutes of the October 6, 2014 and October 20, 2014 City Council meetings. Seconded by Assistant Mayor Splaine and voted.**

## **VII. PUBLIC COMMENT SESSION**

Tom Carroll wished the people of Portsmouth Happy Holidays. He said the City has much to be thankful for this evening. He spoke of the view from the gateway of the City since the removal of the scrap metal operations. He said he is looking forward to see what the future of the Port will bring.

Rick Becksted spoke regarding financial disclosure forms and conflict of interest. He said the ordinance from Councilor Thorsen should be listed on the agenda as financial disclosure and not just conflict of interest. He said 10 years ago land use board members filled out financial disclosure forms. He asked why they are not being filled out now.

Dick Bagley wished everyone a Merry Christmas. He asked the City Council to consider the large numbers in the FY16 Capital Improvement Plan and said there needs to be priorities. He said the presentations at the last City Council meeting were very helpful and it was nice to hear from the Citywide Neighborhood Committee. He feels that the City Council should have a person on the Citywide Neighborhood Committee. He stated he is pleased with the new contract for teachers and wants to make sure that the guidelines are followed.

Paul Mannle said issues will come and go and when all is said and done you know what will remain. We are Portsmouth, we are a community and we need to remember that and come together.

Ryan Fallon, resident of Somersworth, NH, said he is a driver for Uber and provided materials to the City Council for their review. He said it is a connection between the rider and the driver. There is no contact with the customer before or after the ride. He spoke to the intensive background checks that are done by Uber and proposed the City Council allow a trial run by Uber.

## **VIII. PUBLIC HEARINGS**

- A. **ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 1.440 TABLE OF USES, USE #15.20 AND SECTION 10.1530 TERMS OF GENERAL APPLICABILITY, REGARDING HELIPAD AND HELIPORT**

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

- B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 10.1110 – OFF-STREET PARKING BY INSERTING A NEW PARAGRAPH 10.1115.24 – THE PROVISIONS OF SECTION 10.1112.50 – MAXIMUM NUMBER OF PARKING SPACES, SHALL NOT APPLY TO BUILDINGS AND USES WITHIN THE DOWNTOWN OVERLAY DISTRICT

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

- C. BONDING RESOLUTION OF UP TO SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR THE PURCHASE OF A HEAVY RESCUE FIRE TRUCK

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

Fire Chief Achilles provided a brief presentation on the purchase of a heavy rescue fire truck. He said the current unit is a 1986 vehicle and it is becoming increasingly difficult to find replacement parts for the equipment. He said they are looking at not having a custom unit built in order to save money.

Rick Becksted said we need to expend the money because it is a safety issue and the vehicle saves lives and that is important. He does not see a problem purchasing a demonstration model.

Dick Bagley agreed with comments made by Rick Becksted. He said the truck allows the Fire Department to act in an efficient way. He asked the City Council to approve the request.

Paul Mannle spoke in favor of Fire Chief Achilles' request and said this is a life safety issue.

With no further speakers, Mayor Lister declared the public hearing closed.

## **IX. APPROVAL OF GRANTS/DONATIONS**

*(There are no grants/donations on for acceptance)*

## **X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Second 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 Kennedy moved to pass second reading and schedule third and final reading at the January 5, 2015 City Council meeting regarding the proposed Ordinance, as presented. Seconded by Councilor Dwyer.**

Councilor Thorsen said he supports the motion but feels we are leaving a gap in the definition.

**Motion passed.**

- B. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking by Inserting a new paragraph 10.1115.24 – The Provisions of Section 10.1112.50 – Maximum Number of Parking Spaces, shall not apply to Buildings and Uses within the Downtown Overlay District

**Councilor Shaheen moved to pass second reading of the proposed Ordinance as recommended by the Planning Board and schedule third and final reading at the January 5, 2015 City Council meeting, as presented. Seconded by Councilor Lister.**

Councilor Kennedy said some people are confused with the Ordinance. She said this allows people to put more parking on their property and less in the downtown commercial district.

**Motion passed.**

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

**Councilor Morgan moved to adopt the 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. Seconded by Councilor Shaheen.**

Councilor Shaheen asked Chief Achilles about the vehicle that was on the replacement list for 10 years. Chief Achilles said the department first wanted to replace the vehicle in 2006.

Councilor Kennedy said in the Resolution it does not mention equipment and expressed concerns. She would not vote in favor because she needs more details.

Chief Achilles said we purchase vehicles with funds approved and equipment is a part of that and the department does not go over the amount approved.

Councilor Kennedy feels we need to let the public know what we are going to buy.

Councilor Lown said this is a difficult one for him. Chief Achilles said the vehicle needs some major repairs and this is a primary piece of apparatus since 1986 but he would like to see this as part of the internal report back in April by the Fire Department.

Mayor Lister said we could wait until January 5<sup>th</sup> and generate questions and answer them at that meeting.

**Councilor Lown moved to table the Resolution. Seconded by Councilor Thorsen.**

Councilor Thorsen asked what will be done with the current equipment and what the resale value of the equipment is.

Councilor Dwyer said that the list of questions needs to be clear.

Councilor Shaheen said she is concerned with tabling the motion and asked why Chief Achilles could not answer any questions this evening.

Councilor Morgan said she is in favor of supporting the purchase of the truck but understands the questions asked by Councilor Thorsen.

Chief Achilles said the truck has little to no value, less than \$5,000.00. He said they looked at what is being built and found something for less than \$500,000.00, which is a demonstration model. He stated there would be challenges with purchasing a used truck and would rather purchase a demonstration model that is new.

Councilor Thorsen asked if they could get a truck for less then \$600,000.00.

Chief Achilles said we could get something around \$500,000.00. He said we have a grant to purchase some of the equipment needed for the vehicle.

Councilor Shaheen would like to pass the Resolution. She said the most important thing we do is ensure public safety.

Councilor Lown said he would like to see the Resolution come back with the internal report of the department due in April.

**On a roll call vote 4-5, main motion failed to pass. Assistant Mayor Splaine, Councilors Shaheen, Dwyer, Morgan voted in favor. Councilors Kennedy, Lown, Spear, Thorsen and Mayor Lister voted opposed.**

Assistant Mayor Splaine asked if Councilor Thorsen would be in favor of bringing the matter back at the next City Council meeting and having it placed under his name for action on the agenda. Councilor Thorsen said he would.

Councilor Lown said he would like to combine the issues with the department's internal review.

City Attorney Sullivan reported that the City Council is currently at the point where the Resolution failed. Councilor Thorsen has stated he would make a motion at the next City Council meeting to reconsider the vote. He said when the motion comes before the City Council it is a simple majority for reconsideration of the Resolution and adoption would require a majority vote.

Councilor Thorsen stated he would bring the Resolution back for Reconsideration under his name for the January 5, 2015 City Council meeting.

- D. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code

**Councilor Spear moved to substitute the ordinance in its entirety as presented by City Attorney Sullivan and move to pass third and final reading. Seconded by Councilor Thorsen.**

Councilor Shaheen asked City Attorney Sullivan independent of the amendment, is the current language addressing the Charter what we need to address. City Attorney Sullivan said yes. Councilor Shaheen said the amendments by Councilor Thorsen would get us closer and in line with the Charter. City Attorney Sullivan said there is no right answer because it is the decision of the City Council.

**Motion passed.**

Councilor Kennedy said it has been stated that 10 years ago financial disclosures were filled out and asked if we have copies of them. City Manager Bohenko said he is not aware of any financial disclosures being completed, City Attorney Sullivan concurred with City Manager Bohenko and City Clerk Barnaby also concurred with the City Manager and City Attorney.

**XI. CONSENT AGENDA**

- A. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting to hold the Aptails CF Cycle for Life on Saturday, July 18, 2015 and Sunday, July 19, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting permission to conduct the 2015 Run Portsmouth Road Race Series:
- Easter Seals Veteran’s Count – Pack & Boots 5k on Saturday, July 4, 2015 at Strawberry Banke at 9:00 a.m.
  - Portsmouth Rotary Club – Thunder Chicken Road Race on Saturday, August 1, 2015 at Strawberry Banke at 9:00 a.m.
  - CelebratePink 5K Road Race & Walk on Sunday, September 13, 2015 at Portsmouth Middle School at 9:00 a.m.
  - Memorial Bridge Road Race, Saturday, October 10, 2015 at Memorial Bridge at 10:00 a.m.
- (Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting to conduct the 2015 Portsmouth Challenge on Saturday, May 23, 2015 at the Portsmouth High School at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Request for License from Gary Simon, owner of British Beer Company for property located at 2 Portwalk Place for a projecting sign on a bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Gary Simon, owner of British Beer Company for a projecting sign at property located at 2 Portwalk Place and, further, authorize the City Manager to execute License Agreements for this request)***

**Planning Director’s Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***

- ***Any removal or relocation of the 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 Donation to Art-Speak – Robin Albert Lehman - \$150.00  
***(Anticipated action – move to approve and accept the donation to Art-Speak, as listed)***
- F. Acceptance of Membership Dues to Art-Speak – Portsmouth Public Media, Inc. - \$125.00  
***(Anticipated action – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)***

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

## **XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Formal Request for Resident Handicapped Parking Spaces for residents of 20 Islington Street

City Manager Bohenko said he would like to refer the letter to the Parking & Traffic Safety Committee for review.

**Councilor Kennedy moved to refer to the Parking & Traffic Safety Committee with an update back to the City Council at the January 20, 2015 City Council meeting. Seconded by Councilor Spear and voted.**

## **XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

1. Request for Approval of a Proposed Tentative Agreement between the City of Portsmouth and the AFSCME #1386 School Custodials

City Manager Bohenko said he is requesting the approval of AFSCME #1386 School Custodials contract, as presented.

Dianna Fogarty, Human Resources Director, reviewed the contract that is for 3 years, retroactive back to July 1, 2014 and a 10-year rolling COLA as with the other contracts.

**Councilor Shaheen moved to accept the proposed contract with AFSCME #1386 School Custodial to expire on June 30, 2017. Seconded by Councilor Spear and voted.**

2. Request for Approval of a Proposed Tentative Agreement between the City of Portsmouth and the Portsmouth Paraprofessional Association

Dianna Fogarty, Human Resources Director, reviewed the contract with the Council which is also a 3 year contract with a 10 year rolling COLA. She reviewed a change in language for when paraprofessionals need to accompany students on field trips they will receive an additional stipend.

Councilor Dwyer asked how many paraprofessionals this applies to. Human Resources Director Fogarty said 95 individuals.

**Councilor Spear moved to accept the proposed contract with the Portsmouth Paraprofessional Association to expire on June 30, 2017. Seconded by Councilor Dwyer and voted.**

3. Request for Supplemental Appropriation Re: Collective Bargaining Agreements

City Manager Bohenko said this is a request for a supplemental appropriation for collective bargaining agreements. He said this matter was discussed at the retreat and it would be funded through Unassigned Fund Balance. He stated no funds would be released until the City Council approves the contract.

**Councilor Spear moved to establish a public hearing for January 5, 2015 to raise and appropriate \$555,500.00 from Unassigned Fund Balance. Seconded by Councilor Dwyer.**

Councilor Thorsen asked what level are we at in Unassigned Fund Balance. City Manager Bohenko said we would be at 12.2% with the adoption of the supplemental appropriation.

**Motion passed.**

4. Release of Easement Re: John Ahlgren

City Attorney Sullivan reported on January 22, 2013, the City Council approved the acceptance of a new utility easement from John Ahlgren who owns property at the end of Langdon Street and Brewster Street. He further stated the acquisition of this easement was recommended by the Planning Board on October 18, 2012. The purpose of the easement is to install upgraded infrastructure to alleviate flooding that occurs during significant rain events at the end of Brewster Street and in the adjacent low areas north of McDonough Street.

City Attorney Sullivan stated during the course of finalizing both the easement and the construction plans, it became apparent that an existing sewer easement encumbering John Ahlgren's property is not necessary. In order to clear up the title, the Legal Department recommends that the unnecessary easement be released.

**Councilor Spear moved to authorize the City Manager to release an easement from Mr. Ahlgren to the City found in the Rockingham County Registry of Deeds at Book 4186, Page 2604. Seconded by Councilor Dwyer and voted.**

City Manager's Informational Items

1. *Events Listing*
2. *Income and Expense Survey – 2015 Commercial Revaluation*
3. *Report Back Re: Handicapped Spaces*
4. *Report Back Re: Various Items*
  - a. *Master Plan*
  - b. *Senior Center*
  - c. *Wastewater Treatment Facility*
  - d. *Helicopter Meetings*
  - e. *Review of Noise Ordinance/95 Barrier*
5. *City Council Agenda Re: January 5, 2015*

City Manager Bohenko stated that Item #4 provides the updates on matters Councilor Kennedy was requesting.

Councilor Kennedy requested copies of the survey that will be used in the 2015 Commercial Revaluation. She stated a great deal of personal information is being asked for and wanted to know if the information is voluntary and what would happen if the company refuses to answer the questions. City Manager Bohenko said he would provide a memorandum back to the City Council on this matter.

Councilor Shaheen said she would like to better understand process. She said she knows of 5 items that need to be reported back on. City Manager Bohenko said that is a fair question. He suggested if the City Council wants an update on projects he would provide the update. He asked that people are judicial about asking for the updates. Councilor Shaheen said it is more about process with the City Council.

Mayor Lister said we have talked about bringing issues to the City Council. He said Councilor Kennedy has issues and brought them forward. He further stated she brought the matters forward and City Manager Bohenko reported back at the next meeting. Mayor Lister said the City Council could call the City Manager to ask questions on items but we need to determine the priority of these items. City Manager Bohenko said he would give some thought to the process.

Councilor Morgan suggested conducting a meeting at the beginning of 2015 to discuss Council priorities. Mayor Lister said we added more work sessions in order to do that type of thing.

Councilor Kennedy said that she just wanted to see a time line and does not see why that is an issue. She thanked City Manager Bohenko for the report on her questions.

Councilor Shaheen said she is not questioning the appropriateness of the request; she is questioning handling the appropriateness of the issues and process in the future. City Manager Bohenko said he will give some thought on this matter.

City Manager Bohenko said with the short week next week he would like to have the City Council get information to him by Tuesday and have the packet go out on Wednesday.

Councilor Spear asked when the report back on derelict buildings will be brought back to the City Council. City Manager Bohenko said he knows we owe the City Council that report but City Attorney Sullivan has been busy with court cases and a report back will be provided soon.

## **B. MAYOR LISTER**

1. Appointments to be Voted:
  - Jennifer Zorn – Appointment to the Economic Development Commission
  - William Gladhill – Reappointment to the Planning Board
  - John Ricci – Reappointments to the Planning Board
  - Rebecca Perkins – Appointment to the Portsmouth Housing Authority
  - Arthur Parrott – Reappointment to the Zoning Board of Adjustment

Councilor Shaheen requested to pull out the appointment of Rebecca Perkins separately as she will need to abstain from voting on Ms. Perkins.

**Assistant Mayor Splaine voted to appoint Jennifer Zorn to the Economic Development Commission until October 1, 2018; reappointment of William Gladhill to the Planning board until December 31, 2017; reappointment of John Ricci to the Planning Board until December 31, 2017; and the reappointment of Arthur Parrott to the Zoning Board of Adjustment until December 1, 2019. Seconded by Councilor Spear and voted.**

**Assistant Mayor Splaine moved to appoint Rebecca Perkins to the Portsmouth Housing Authority until April 1, 2016 filling the unexpired term of Thomas Heaney. Seconded by Councilor Spear and voted. Councilor Shaheen abstained from voting on this matter.**

2. Resignation of Mary Ann List from the Joint Building Committee

**Councilor Kennedy moved to accept with regret the resignation of Mary Ann List from the Joint Building Committee. Seconded by Assistant Mayor Splaine with a letter of thanks and appreciation sent to Ms. List for her years of service on the Joint Building Committee and voted.**

## **C. ASSISTANT MAYOR SPLAINE**

1. Update on Uber and Ride-Sharing Services: The Taxi Commission will hold a public forum for input and discussion Wednesday, January 14, 2015

Assistant Mayor Splaine spoke to the recent meeting of the Taxi Commission and their decision to hold an open forum at 7:00 p.m. on Wednesday, January 14, 2015 to receive public input regarding Uber and Ride-Sharing Services.

Assistant Mayor Splaine asked City Attorney Sullivan what the latitude would be for the City Council to allow Uber to operate until the Taxi Commission is ready to report back at the end of January or the beginning of February. He said Uber has good back ground checks and that allowing them to work would provide assistance with an unmet need for taxi's during the Holiday's. He feels that the Taxi Commission is trying to find a way to make this work for everyone.

City Attorney Sullivan said the Ordinance and the intent of the City Council in this situation have some unique issues. He has determined and expressed to the Taxi Commission by reading the current Ordinance the way Uber operates would happen to be in violation of the current Taxi Ordinance. He further stated anyone operating would be violating the Ordinance without a taxi driver license. City Attorney Sullivan said when the ordinance was adopted the situation of Uber did not exist. There are concerns with the Police Department on the Ordinance as well as in Manchester, NH and Portland, ME and they're looking at this matter and have decided not to proceed against Uber currently.

Councilor Thorsen said a company not operating in the City can come into the City and pick people up. He also spoke to limousine services and said we are defining something different now.

City Attorney Sullivan said Uber operates from the point of the Taxi Ordinance like a taxi. Uber would fit the definition of the current Taxi Ordinance. The item of a limousine is addressed in the Ordinance and he reviewed the definition for the Council.

Councilor Kennedy said she will vote against the motion. She said we have a Commission on this matter. She would like the Taxi Commission to come up with a decision before the City Council acts on this. She is concerned with liability issues.

Councilor Thorsen said there is no motion on the floor.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister thanked Commissioner Catalado for his work on this matter. He appreciates the concerns of Councilor Kennedy and he believes that Assistant Mayor Splaine, a member of the Taxi Commission is coming to ask if there is a way to allow Uber to work.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Councilor Lown said we should defer to the Taxi Commission on this matter. He said City Attorney Sullivan is stating that Uber is a taxi and would require a medallion and was not considered at the time of the original Ordinance adoption.

Councilor Shaheen asked if we would need to enforce this matter currently if Uber is operating in the City.

City Attorney Sullivan said the Police Department would need to issue a violation. He said if the City Council makes a clear intent on this matter the Police Department and Legal Department would decide on the enforcement.

Councilor Dwyer said Assistant Mayor Splaine said when he made the statement it was his request and not a vote of the Taxi Commission. Assistant Mayor Splaine said there was no vote by the Taxi Commission and it was his intent to bring the matter forward. He would like to have enforcement officers to take no action in the next 60 days until the Taxi Commission provides a report back to the City Council.

**Assistant Mayor Splaine moved that the City Council allow a temporary 60 day request of the law enforcement officials of the City not to restrain Uber from operating in the City with a report back to the City Council from the Taxi Commission. Seconded by Councilor Spear.**

Councilor Thorsen questioned whether we have the power to do this and what liability issue could we be facing. He said we should enforce our Ordinances and we need to define matters and solve them. He stated he would not support the motion at this time.

Councilor Kennedy said she agrees with Councilor Thorsen. She did not take away from Commissioner Cataldo that this was a consensus of the Commission. She would like a vote from the Commission before we move forward. She said the key to this is the safety of the people and vehicles.

Councilor Morgan said she agrees with the comments of Councilors Thorsen and Kennedy. She asked if there is a reason why this is a pressing issue and a reason not to wait for the Taxi Commission to work on this and follow its normal schedule.

Assistant Mayor Splaine said there our reasons to consider this now. It is clear that Uber is here to stay in this world. He said there is a need for more taxis and we will see that need during the Holiday's.

Councilor Shaheen said the urgency is, the industry is ahead of the Ordinance right now.

City Attorney Sullivan said he believes that is the situation. He said current drivers would be subject to being ticketed because the Ordinance does not allow for Uber drivers and they could be summons every time they bring an Uber vehicle into the City.

Councilor Shaheen said that the Taxi Commission should do their work and report back. She does not feel that this is urgent.

**On a roll call vote 4-5, motion *failed* to pass. Assistant Mayor Splaine, Councilors Lown, Spear and Mayor Lister voted in favor. Councilors Shaheen, Kennedy, Dwyer, Morgan and Thorsen voted opposed.**

**Councilor Thorsen moved that the City Council recognizes that the situation with Uber, such that it may not be covered under current ordinances and therefore request City enforcement officials to be cognizant of that in its authority until such time that the ordinances can be adjusted. Seconded by Councilor Shaheen.**

Councilor Kennedy said she feels we are bypassing the Taxi Commission.

Councilor Morgan asked if the motion would be a statement from the City Council. City Attorney Sullivan said yes. Councilor Morgan said it would be subject to the interpretation by the law enforcement officials.

**Motion passed with Councilor Lown voting opposed.**

#### **XIV. MISCELLANEOUS/UNFINISHED BUSINESS**

#### **XV. ADJOURNMENT**

**At 9:30 p.m., Councilor Lown moved to adjourn. Seconded by Assistant Mayor Splaine and voted.**



Kelli L. Barnaby, CMC/CNHMC  
City Clerk