

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 7, 2015

PORTSMOUTH, NH  
TIME: 6:15PM

At 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Update on outstanding Collective Bargaining Agreements in accordance with RSA 91-A:2, I (b).

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

At 7:17 p.m., Mayor Lister called the regular City Council meeting to order.

### **II. ROLL CALL**

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

### **III. INVOCATION**

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

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

Attorney John Lyons led in the Pledge of Allegiance to the Flag.

### **PRESENTATION**

1. Report of Sagamore Creek Blue Ribbon Committee

Councilor Spear said the Blue Ribbon Committee was created back in January and met over the last 12 months with much input from the public and visions for the future. He said the Blue Ribbon Committee is proud of the work done on this matter.

David Moore, Assistant City Manager for Special Projects & Community Development Director, outlined the Vision of the Committee:

The Sagamore Creek Land is a unique and valuable community resource that should be conserved and made accessible to all in a balanced manner that promotes waterfront access, protection of invaluable natural features, and permits recreation opportunities that complement one another, which are sensitive to the overall vision of preserving the site's character.

He spoke to the process followed by the Committee and the amount of public input opportunities that were held. He reviewed the Master Plan that is intended to show the type and location of the recommended improvements for the 66 acre parcel. He stated the Committee wants to encourage use of unprogrammed open field space, promote waterfront viewing, limited mowed areas to promote wildlife, reduce maintenance, and create pathways to ensure universal access and partial fence removal/replacement.

**V. ACCEPTANCE OF MINUTES – NOVEMBER 5, 2015 AND NOVEMBER 16, 2015**

**Councilor Lown moved to approve and accept the minutes of the November 5, 2015 and November 16, 2015 City Council meetings. Seconded by Councilor Shaheen and voted.**

**VI. PUBLIC COMMENT SESSION**

George Remick spoke to the naming of the Lafayette Road Park Playground after Dr. & Mrs. Paul Harvey. He stated that Dr. and Mrs. Harvey did a great deal of work for the City and spoke in support to re-naming the playground.

Rick Horowitz spoke regarding Right-to-Know legislation. He said residents, resident groups and the press should not be charged for Right-to-Know requests. Mr. Horowitz spoke regarding Attorney Zelin's letter on Right-to-Know requests and stated that he had a valid point and no resident or newspaper should have to pay for these requests.

Tom Carroll spoke on the need to promote the Port to get a Ferry service to Provincetown, Massachusetts. He asked the City to stay actively informed and to promote the Ferry service.

John Paleriro spoke on the non-enforcement of the ordinance for transportation services. He said recently cabs left the City to provide taxi service to Dover one evening and UBER ended up charging a 4% surcharge for all Portsmouth calls.

Mark Brighton spoke on the Right-to-Know request for taxpayers and how the City should absorb those costs.

Margot Doering spoke in support of preserving the Sagamore Creek land. She said the land should be used by all and would suggest that this area be left free of domestic animals.

Mary Jane Beckwith spoke to the trash on the Sagamore Creek land and stated that for decades the City has not put an effort into cleaning up the site. She said that the capped area is hazardous and should not be used.

Jane Zill requested the City Council support the motion by Councilor Morgan to not charge for Right-to-Know requests and documents. She said that charging for this information discourages public involvement.

Allison Tanner, Conservation Commission Representative, said the Sagamore Creek Blue Ribbon Committee did a great job looking at all areas of concern with the site. She said the site should be open for all people to enjoy.

Steve Miller spoke in support of the Sagamore Creek Blue Ribbon Committee and their work. He said the land is a great resource and allows more residents to use the resources available to them. He said he does not feel there are any safety issues with the site.

John Mikolajcyk spoke in support of Sagamore Creek Blue Ribbon Committee and its recommended Master Plan. He said the property will be used correctly for individuals to enjoy.

Roger Pitroff spoke concern with leaving the Sagamore Creek land open all night for the public's use. He said the Police Department has indicated they do not have the resources to patrol the area. He spoke to the capped area being contaminated and said serious issues exist with the water. Mr. Pitroff said the site should remain as is and not used as an open spaced area for individuals to use.

Samantha Applebaum spoke in support of the natural resources that Sagamore Creek land provides. She expressed concern with the increase of traffic and its affect over the land. She said the area should be left as is and spoke to the seriousness of the capped area and its dangers.

Paul Houlares spoke concern with Sagamore Creek land and said that loose dogs should not be allowed on the land. He said it is important that dogs be leashed to protect the wildlife that exists on the land. He also expressed concern with the traffic that would be increased on Jones Avenue.

Lennie Mullaney thanked all the citizens that have come to the meetings and expressed their thoughts. She said the gate needs to be open and it is public property that people should be invited into to enjoy. She also said that the land needs to be accessible for the handicap.

Ryan Baker said he does not disagree with cleaning up the Sagamore Creek land but does not feel the main entrance should be on Jones Avenue. He said there is a great deal of traffic in that area and having the entrance on Jones Avenue will only increase the amount of vehicles to the area. He said the entrance should be through the High School.

Ralph DiBernardo asked the City Council to put the Transportation Service Ordinance to rest and tell UBER there will be no more changes to the Ordinance. He said we should have a rideshare company that is willing to follow our Ordinance as written.

Nancy Johnson spoke on the Sagamore Creek land Master Plan and stated that the Blue Ribbon Committee has considered all input and thoughts of residents. She said there will be an increase in use and cause further congestion at the site entrance with a limitation of parking.

Stephanie Franz, Deerfield, NH, said she is an UBER driver and has a right to be in the City operating. She stated if the current taxies in the City were providing the services needed then UBER wouldn't be receiving business.

Harrison deBree, Dover, NH, said UBER performs extensive back ground checks and that should be sufficient for operating in the City. He requested that the requirement for City checks should be removed from the Ordinance.

Christopher David, Dover, NH, said that the City is creating a negative feeling not allowing UBER to operate. He said the City is scaring away entrepreneurs from coming to the City. He suggested that the City deregulate the transportation services in the City.

Joel Valenzuela, Concord, NH, spoke in support of UBER and its operating in the City. He said taxi drivers are harassing UBER drivers and its customers, which needs to stop.

Barry Ellis, Wakefield, NH, said he works in the transportation industry here in the City and the current Ordinance is absurd. He said the industry should be deregulated.

**Councilor Spear moved to suspend the rules in order to take up Item XII. A.1. – Proposed Adoption of Blue Ribbon Committee’s Report Back Re: Sagamore Creek Parcel. Seconded by Councilor Shaheen and voted.**

**Councilor Spear moved to adopt the Blue Ribbon Committee’s Report Back as well as its recommendations and Master Plan for the Sagamore Creek parcel. Seconded by Councilor Shaheen.**

Councilor Spear said the hours of usage was discussed in-depth in terms of enjoyment during the winter and it would only be allowed for a few months. He said that some people like being active in the evening by snowshoeing, cross country skiing or stargazing and it should be opened to allow for these and other types of activities.

David Moore, Assistant City Manager for Special Projects & Community Development Director, said the trash policy will be carry in and carry out which is what other natural areas do. He said that the water was tested at the site and DES requires the monitoring of the land.

Councilor Spear said people have discussed preserving the site as is. He said the best way to preserve the site is by adopting the plan. He also stated much of the traffic in the area is due to other businesses in the area.

Councilor Kennedy asked who the abutters are that served on the Committee. She said much of the upkeep of trails is done by people that live in the area. She said we have a list of people that have signed petitions and she feels there should be time limits on the use of the land. She said we need a place for our non-domestic animals to roam freely.

Councilor Shaheen asked if the access was explored and whether there was an assessment of the effect of changes.

Councilor Dwyer said high school uses were discussed between the Committee and a number of teachers. The teachers spoke on the value of the land and their current uses by the cross country high school team and the middle school track team. The vernal pools will have added benefits to the students for learning. She said there is no intent for commercialization of the area or the installation of a golf course. Councilor Dwyer said the Committee hopes more people will use bikes and pedestrian access. She spoke to the dog issue and how it is sensitive. She said that the Committee would like to bring the land back to an on-leash site.

Councilor Spear said every activity is in the conjunction with preservation and the Committee is hoping for opening the parcel up to passive recreation and this could lead to other sites being opened up for passive recreational purposes.

Assistant Mayor Splaine said there is much to like in this Master Plan but he is concerned with the process followed. He said 3 generations later the area is much the same and we do not need to use everything and we should leave something for the future.

Councilor Lown thanked Mayor Lister and the Committee for their thoughtful report. He spoke to the vote of the Council 6 months ago to make the site accessible to all. He said the plan is to make the land more accessible and welcoming.

Councilor Morgan said we have the duty to look at all the information. She said she agrees with concerns expressed by Assistant Mayor Splaine. If we are going to protect wild life we can't allow access at night. She said the idea of using the land is great but we must take cautious steps.

Councilor Thorsen said he likes the idea of access and more public use of the area. He did indicate the need for the DES to look at the cap and the land for toxicants to ensure the area is safe.

Councilor Kennedy said she agrees with the plan but is concerned with the process and that there is a petition with 200 signatures that do not agree with these ideas of the Committee.

Councilor Shaheen said she is surprised by the amount of negativity and thanked the Committee for their hard work on this matter. She said the purpose of this is to preserve the 66 acres and we can't lose sight of that point.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister thanked the Committee for their work on this matter. He asked City Manager Bohenko if this is approved are we approving the plan. City Manager Bohenko said that is correct and we have a report, which is well documented and no substantial amount of money has been expended.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

**Councilor Thorsen moved to amend the motion that prior to opening access to the public that:**

- 1) Safety related to the cap and toxic materials are analyzed and addressed;**
- 2) Incorporate a report back from the Parking & Traffic Safety Committee as approved by the City Council at the time with regards to the traffic along Jones Avenue;**
- 3) That a trash pick-up strategy be in place**

**Seconded by Councilor Morgan.**

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

**On a roll call 6-3, main motion passed as amended. Councilor Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy and Morgan voted opposed.**

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

## VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 DESCRIBED LAND BE REZONED FROM WATERFRONT BUSINESS (WB) TO SINGLE RESIDENCE B (SRB); LOT 2 AS SHOWN ON A PLAN TITLED "SUBDIVISION PLAN – TAX MAP 201 LOT 1 – APPLICANT: WILLIAM L. PINGREE – OWNER 955 SAGAMORE REALTY TRUST – 955 SAGAMORE AVENUE, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE," PREPARED BY AMBIT ENGINEERING, INC, DATED JUNE 2015, REVISED NOVEMBER 6, 2015, CONTAINING 25,698 SQUARE FEET. AND 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

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

Peter Weeks said the reason he presented the new information on this matter was he wanted to make sure all outstanding questions were answered. He said the rezoning was asked for in August and the Planning Board approved the subdivision. He stated it has been asked if we are losing more waterfront business and we are not. He stated the waterfront property will remain with Lot 1, and Lot 2 could never be used for waterfront activity due to a 30 foot drop at the back of the lot.

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

- B. ORDINANCE AMENDING CHAPTER 10, SECTION 10.1530, TERMS OF GENERAL APPLICABILITY, AMEND THE DEFINITIONS OF "HOTEL" AND "MOTEL" BY INSERTING THE PHRASE "BUT SHALL NOT INCLUDE CASINO GAMBLING, KENO OR OTHER GAMES OF CHANCE" AFTER THE WORDS "RECREATIONAL FACILITIES" IN EACH DEFINITION

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

Jerry Zelin said the reason for the amendment is because the current ordinance allows for a change to the definitions of "hotel" and "motel". He stated he would like to remove game of chance and replace it. He said the amendment would not be bullet proof because the State can amend any zoning ordinance.

Peter Weeks spoke in favor of the proposal of Mr. Zelin. He said the City does not need casinos.

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

## VIII. APPROVAL OF GRANTS/DEFINITIONS

- A. Acceptance of Donation from Annette Roylos for lights on the Market Square Christmas Tree - \$200.00

**Councilor Shaheen moved to accept and approve for lighting the Market Square Christmas Tree. Seconded by Councilor Kennedy and voted.**

- B. Acceptance of Grant from New Hampshire Division of Historical Resources - \$45,725.00

**Councilor Lown moved to give the City Manager authority to enter into a grant agreement and accept and expend funds up to \$45,725.00 from the New Hampshire Division of Historical Resources. Seconded by Councilor Shaheen and voted.**

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article II – Transportation Services Ordinance

**Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment, as presented, at the December 21, 2015 City Council meeting. Seconded by Councilor Shaheen.**

Councilor Spear said he would like the ordinance split into three separate ordinances. City Attorney Sullivan stated no amendment is needed and he would bring them back each as 3 separate items.

City Attorney Sullivan said this ordinance was drafted to meet the requests of UBER and the ordinance in front of the Council has been approved by UBER. City Attorney Sullivan explained each amendment to the Council that is before them for first reading.

Councilor Lown said the City Council should pass first reading and debate this at second reading and public hearing.

Councilor Dwyer said it is important to know if the Transportation Service Commission approved of the changes. Assistant Mayor Splaine said the Commission met and recommended votes on each of these amendments.

Assistant Mayor Splaine requested that the minutes and a report from the Transportation Service Commission be provided at the public hearing on this ordinance.

Councilor Morgan said she expected some feedback from the Transportation Service Commission. She said she agrees with the comments made by Councilor Kennedy. Assistant Mayor Splaine said that the Commission voted against most of the amendments.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he has been clear since the beginning and we have been round and round with UBER and we must be concerned with the safety of passengers. He stated UBER needs to follow the rules and they're not ready to do that so he would vote against first reading.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Assistant Mayor Splaine explained the process for receiving a license from the City Clerk's office.

**On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Councilors Kennedy, Morgan and Mayor Lister voted opposed.**

- B. Second Reading amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezone from Waterfront Business (WB) to Single Residence B (SRB)

**Councilor Lown moved to pass second reading and schedule third and final reading of this Ordinance at the December 21, 2015 City Council meeting and further, to amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled "Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire," revised November 6, 2015, containing 25,698 s.f. This amendment shall take effect on the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds. Seconded by Councilor Shaheen.**

Councilor Kennedy said she is not willing to give up waterfront acreage. Councilor Lown said Peter Weeks was very clear that we were not giving up waterfront property.

**Motion passed with Councilor Kennedy opposed.**

- C. Second Reading amending Zoning Ordinance – Chapter 10, Section 10.1530 – Term of General Applicability, amend the definitions of "hotel" and "motels as follows – shall not including casino gambling, keno or other games of chance

**Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed Zoning Ordinance amendment, as presented, at the December 21, 2015 City Council meeting. Seconded by Councilor Kennedy.**

**Councilor Dwyer moved to amend the motion to substitute "games of chance" with "other forms of gambling." Seconded by Councilor Kennedy.**

**Amendment to ordinance passed.**

**Main motion passed, as amended.**



D. Third and final reading of Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up by the Elimination of Irrigation Meters

City Manager Bohenko said Brian Goetz, Deputy Public Works Director and David Hyder, Burton and Associates will speak on the elimination of irrigation meters.

Deputy Public Works Director Goetz outlined the options before the City Council.

1. Adopt third reading of Ordinance – Eliminating all irrigation meters (including existing)
2. Grandfather existing irrigation meters and disallow any future irrigation meters (Amendment to Ordinance)
3. Expand irrigation meters to all City customers (Amendment to Ordinance)
4. No Action – Let Ordinance proposal expire

He spoke to what irrigation does to the water demand. He reviewed the current irrigation demand over the last five years and the residential irrigation meters average monthly consumption units.

David Hyder spoke to expanding irrigation meters to all customers as follows:

- This will increase water demand
- This will require additional water supply capacity to meet peak demands during the summer
- Metered water revenue will increase, metered sewer revenue will decrease

He said expanding irrigation meters to all customers will increase seasonal demand. He addressed expanding meters to all customers would reduce sewer system revenues and rates would need to be increased and this will hurt the small users. He stated based on their financial analysis the sewer fund will not be able to remain financially viable with an 8.7% reduction in sewer revenues. He reviewed the sewer fixed charges as follows:

- The City's current sewer revenues are completely dependent on billed water usage
- The City does not assess a fixed charge for the availability of sewer service (a fixed charge is currently assessed for water service)
- The City incurs significant costs regardless of whether a customer uses the sewer system or not (typically around 80% of sewer system costs are fixed)
- It is common industry practice to assess a sewer fixed charge to recover a portion of the fixed cost of providing sewer service

**Councilor Spear moved to suspend the rules to allow for public comment on the ordinance. Seconded by Councilor Lown and voted.**

Attorney John Lyons stated he represents 20 residents in the City. He said to treat users differently is discriminatory. He explained his opposition to the ordinance and urged the City Council to vote against the ordinance.

**Councilor Spear moved to pass third and final reading. Seconded by Councilor Thorsen.**

Councilor Thorsen spoke in favor of option 3.

Councilor Lown said cost is not the primary issue but sustainability is. He would support option 2.

Councilor Dwyer said she agrees with option 2.

City Manager Bohenko said if the ordinance is defeated he would work with the next City Council on that matter.

**On a voice vote 1-8, motion failed to pass. Councilor Spear voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Thorsen and Mayor Lister voted opposed.**

## **X. CONSENT AGENDA**

### **A. Requests for License to Install Projecting Signs:**

- John F. Golumb, owner of Two Ceres Street, for property located at 33 Bow Street
- Bethany Hayes, owner of TJ's Food & Spirits, for property located at 88 Penhallow Street

***(Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for these requests)***

#### **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. Letter from Caryl Dow, Dottie Bailey and Sarah Rafferty, Compassionate Friends', requesting to hold the 19<sup>th</sup> Annual Worldwide Candle Lighting on Sunday, December 13, 2015 at 7:00 p.m. in Market Square, for 1 hour ***(Anticipated action – move to refer to the City Manager with power)*****

- C. Letter from Deidre Reynolds, NH Chapter Leader for Moms Demand Action, requesting permission to hold a walk from the South Church to Prescott Park to honor the Sandy Hook Anniversary on Sunday, December 13, 2015 from 12:00 p.m. to 1:15 p.m. (**Anticipated action – move to refer to the City Manager with power**)
- D. Letter from Donna Hepp, Granite State Wheelmen, Inc., requesting permission to hold the Seacoast Century on Saturday, September 24, 2016 and Sunday, September 25, 2016 (**Anticipated action – move to refer to the City Manager with power**)
- F. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Chamber of Commerce Run Portsmouth Road Race Series Races for 2016: (**Anticipated action – move to refer to the City Manager with power**)
- Easter Seals Veteran's Count – Pack & Boots 5k on Monday, July 4, 2016 at Strawberry Banke at 9:00 a.m.
  - Portsmouth Rotary Club – 5K Cross Country Race on Thursday, August 4, 2016 at Portsmouth High School at 6:00 p.m.
  - CelebratePink 5K Road Race & Walk on Sunday, September 18, 2016 at Portsmouth Middle School at 9:00 a.m.
  - Memorial Bridge Road Race, Saturday, October 8, 2016 at Memorial Bridge at 10:00 a.m.
  - Great Bay Services – Resolution 5k on Sunday, January 1, 2017 at Portsmouth Middle School at 11:00 a.m.
- G. Letter from Thomas P. D'Arcy requesting permission to hold a charity fundraiser road race event, "Danielle's Dash", on Saturday, April 30, 2016 on Pease Tradeport. (**Anticipated action – move to refer to the City Manager with power**)

Councilor Kennedy requested to remove Item X. E. – Letter from Caroline Piper, Friends of the South End requesting permission to hold the 2016 Fairy House Tours on Saturday, September 24, 2016 and Sunday, September 25, 2016 from the Consent Agenda.

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

- E. Letter from Caroline Piper, Friends of the South End requesting permission to hold the 2016 Fairy House Tours on Saturday, September 24, 2016 and Sunday, September 25, 2016 (**Anticipated action – move to refer to the City Manager with power**)

**Councilor Shaheen moved to refer to the City Manager with power. Seconded by Councilor Lown and voted. Councilor Kennedy abstained.**

**XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

A. Letter from Gerald Zelin regarding Right to Know Law

**Councilor Morgan moved to suspend the rules to take up Item XII. F.1. – Right-to-Know Law – charging for labor costs. Seconded by Councilor Kennedy and voted.**

XII. F.1. Right-to-Know Law – charging for labor costs

**Councilor Morgan moved that the Portsmouth City Council does not support any proposal to amend the Right-to-Know law (RSA 91-A) that would allow municipalities to charge for the cost of labor for the reproduction of public documents. It shall be the policy in the City of Portsmouth to not charge city residents and the press for the cost of labor for access to and retrieving or reproducing public documents. Seconded by Councilor Kennedy.**

Councilor Morgan stated people need access to government documents.

Assistant Mayor Splaine spoke in support of the motion and said he does not feel that the item would need to be printed just provided to the resident. He said transparency is something that we do.

Councilor Thorsen said he agrees if something is available electronically that the information be provided in that manner.

Councilor Lown said the proposal seeks to not allow the City to make the decision by themselves.

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

**XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

2. Acceptance of Sagamore Creek Bridge Project

**Councilor Lown moved to accept the Sagamore Creek Bridge Project, and further, authorize the City Manager to execute the Certificate of Final Completion of Work. Seconded by Councilor Shaheen and voted.**

3. 2016 Schedule of City Council Meetings and Work Sessions

**Councilor Spear moved to approve the 2016 Schedule of City Council Meetings and Work Sessions. Seconded by Councilor Lown and voted.**

4. Holiday Parking

City Manager Bohenko stated that this was a tradition to allow for free parking during the Holiday season.

**Councilor Kennedy moved to approve Holiday Free Parking commencing on Saturday, December 19, 2015 through Sunday, December 27, 2015. Seconded by Councilor Spear and voted.**

5. License Request for 110 Chapel Street from Applicant Rye Beach Landscaping, LLC

**Councilor Lown moved to authorize the City Manager to negotiate and enter into a revocable meter panel license with Applicant Rye Beach Landscaping, LLC on behalf of owner and accompanying Petition and license for the new electrical conduit. Seconded by Councilor Spear and voted.**

City Manager's Informational Items

5. *Zoning Board of Adjustment Action to Override Decision Re: 65 Mendum Avenue*

Councilor Dwyer said the law ordered the City Council to allow for the unmerging of lots unless there was a clear reason not to. She is not sure if we have standing in the appeal for it.

Councilor Thorsen said he does not feel that the Board of Adjustment has the authority to repeal the decision of the City Council. He asked City Attorney Sullivan if the Zoning Board of Adjustment has the authority to repeal the decision. City Attorney Sullivan said he would need to review the matter and report back to the City Council.

**B. MAYOR LISTER**

1. Appointments to be Considered:
  - Appointment of Dexter Legg to the Planning Board effective January 1, 2016
  - Appointment of Jim Lee as an alternate to the Zoning Board of Adjustment
  - Appointment of Jeremiah Johnson as a regular member to the Zoning Board of Adjustment

The City Councilor considered the above referenced appointments which will be voted on by the City Council at the December 21, 2015 meeting.

2. Appointed to be Voted:
  - Appointment of Jamie Baker to the Citizens Advisory Committee

**Councilor Spear moved to appoint Jamie Baker to the Citizens Advisory Committee. Seconded by Councilor Shaheen and voted.**

**C. ASSISTANT MAYOR SPLAINE**

1. Renaming of Lafayette Playground

**Assistant Mayor Splaine moved to name the Lafayette Park Playground “The Dr. Paul and Carolyn Harvey Playground.” Seconded by Councilor Lown.**

Councilor Dwyer said she can't vote on this due to the stopping of the affordable housings and the daycare center.

**Motion passed with Councilors Dwyer and Spear opposed.**

**D. COUNCILOR SHAHEEN & COUNCILOR DWYER**

1. Update Re: Community Meeting on Heroin Epidemic

Councilor Shaheen reported that 60 doses of narcan have been issued in the City. She spoke on the number of deaths that are occurring at the Portsmouth Regional Hospital. She stated that Portsmouth has few referrals to drug court. She said that 50 people at a time can be referred to drug court. Councilor Shaheen said the Police Department is looking at more drug take backs. She also reported that there will be a free narcan giveaway to assist those in need. She also stated that there is a strong need to open a recovery center to deal with this matter and Portsmouth could lead the way on working towards a solution to this problem and further the cost of a treatment facility is a relatively low cost due to the volunteerism that is available.

Councilor Dwyer said services are important and their integration. She stated that this is a chronic disease and people need ongoing support services for dealing with this epidemic. Councilor Dwyer said the community needs to own the issue all together.

Councilor Thorsen said we are going in the right direction and that this is a health issue not a criminal situation.

**E. COUNCILOR LOWN**

1. Parking and Traffic Safety Committee Action Sheet, Minutes and Work Session Minutes of the November 5, 2015 meeting

**Councilor Lown moved to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting and work session of November 5, 2015. Seconded by Councilor Dwyer and voted. Councilor Kennedy voted opposed.**

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Morgan requested an update on the McIntyre Building at the December 21, 2015 City Council meeting.

Councilor Kennedy requested an update on the Prescott Park Arts Festival Working Group at the December 21, 2015 City Council meeting.

**XIV. ADJOURNMENT**

**At 11.35 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted.**

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk