

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 6, 2011

PORTSMOUTH, NH
TIME: 7:00 PM [or thereafter]

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

Mayor Ferrini called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Smith

III. INVOCATION

Assistant Mayor Novelline Clayburgh asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Smith led the Pledge of Allegiance.

PRESENTATIONS

1. Resolution Re: National Guard Association of New Hampshire – William Sylla
(Sample motions (1) -move to suspend the rules in order to take action on this matter and; (2) – move to adopt the resolution, as presented)

Mr. Sylla provided a brief presentation regarding basing the new tanker aircraft KC-46A at Pease Air National Guard Base. He asked the City Council to support and adopt the resolution he presented in support of basing the new tanker aircraft at Pease.

Councilor Smith moved to suspend the rules in order to take action on this matter. Seconded by Assistant Mayor Novelline Clayburgh and voted.

Councilor Smith moved to adopt the resolution, as submitted. Seconded by Councilor Lister.

Mayor Ferrini read the resolution for the record.

Motion passed.

2. Mayor's Award - PHS Percussion Ensemble *(arriving at 8:00 p.m.)*

Mayor Ferrini announced that the Portsmouth High School Percussion Ensemble will perform at 8:00 p.m.

V. ACCEPTANCE OF MINUTES – MAY 2, 2011 AND MAY 9, 2011

Assistant Mayor Novelline Clayburgh moved to accept and approve the Minutes of the May 2, 2011 and May 9, 2011 City Council meetings. Seconded by Councilor Lister and voted.

VI. PUBLIC COMMENT SESSION

Jennifer LeBarge Seabrooke spoke in support of funding the Fire Department budget at the level requested by Fire Chief LeClaire. She said if Fire Station 3 is closed it could mean the loss of a life. She said it is of great importance that the Fire Department are fully funded and urged the City Council to provide adequate funding in order to keep Fire Station 3 open.

Paul Mannle spoke in support of the Fire Department budget and the need to keep Fire Station 3 open. He said the Fire Department has submitted a 0% budget for the last 3 years and they deserve the funding they need in order to operate Station 3 and it can be done without raising taxes. He suggested that the City Council use the collective bargaining funds.

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING BORROWING IN ANTICIPATION OF REVENUES AND TAXES NOT TO EXCEED SIXTEEN MILLION DOLLARS (\$16,000,000.00)

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

City Manager Bohenko said by state law, the City bills for property taxes twice a year in arrears. The first half tax bill in FY12 will be issued in October and is not due until December 1, 2011 even though our fiscal year starts on July 1, 2011. Similarly, the second half bill is not due until June 1, 2012.

He also informed the Council that because property taxes constitute our single largest source of revenue, this lag in billing may cause a temporary cash flow problem for us in both the beginning and the middle of the fiscal year. City Manager Bohenko said if necessary, this resolution would allow us to borrow money on a short-term basis until the property taxes come in.

With no speakers, Mayor Ferrini closed the public hearing.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grants as follows:
- NH Dept. of Highway Safety for a series of three (3) Sobriety Checkpoints - \$9,900.00
 - NH Dept. of Highway Safety for DWI/DUI Patrols - \$6,050.00
 - NH Dept. of Highway Safety for DWI Hunter Patrols - \$2,475.00
 - NH Dept. of Highway Safety for Red Light Running Enforcement - \$6,050.00
 - NH Dept. of Highway Safety for Pedestrian Patrols - \$6,050.00
 - NH Dept. of Highway Safety for Speed Enforcement Patrols - \$6,050.00

Councilor Smith moved to approve and accept the grants to the Portsmouth Police Department, as listed. Seconded by Councilor Lister and voted.

- B. *Acceptance of Donations to the Police Explorer Cadet Post and Academy as follows:
- Mr. and Mrs. O. Thagard - \$250.00
 - Mr. J. Page - \$200.00

Councilor Kennedy moved to approve and accept the donations to the Portsmouth Police Department, as listed. Seconded by Councilor Lister and voted.

- C. *Acceptance of Donation for African Burying Ground Fundraising Costs

Councilor Smith moved to accept and expend a donation of \$114.95 from Jane James for fundraising soft costs associated with the African Burying Ground Memorial Park. Seconded by Assistant Mayor Novelline Clayburgh and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Budget Resolutions for Fiscal Year July 1, 2011 through June 30, 2012 (FY2012)

- Resolution #7-2011 – General Fund Expenditures
- | | |
|-----------------------------------|------------------------|
| Municipal | \$15,442,527.00 |
| Police | \$ 8,438,675.00 |
| Fire | \$ 6,722,490.00 |
| School | \$36,904,000.00 |
| Collective Bargaining Contingency | \$ 900,000.00 |
| <u>Non-Operating</u> | <u>\$18,049,152.00</u> |
| Total | \$86,456,844.00 |

Councilor Coviello moved to adopt Resolution #7 – General Fund Expenditures. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Dwyer moved to amend the bottom line figure of the Police Department by adding \$50,000.00; and further amend the bottom line figure of the Fire Department by adding \$150,000.00. Seconded by Councilor Smith.

Councilor Dwyer said that the Police Department should use the additional funding for the downtown police patrol and the Fire Department to keep Station 3 open. She stated that she does not know over the long run if we can maintain keeping Station 3 open. She further stated that both departments would need to make some changes and she knows that the City Council does not have line item authority.

Councilor Spear said he would oppose the motion. He does like the approach to fund the downtown patrol for the Police Department. He said the eight cents we are supposed to save on the tax rate is already spent and we haven't heard from the State regarding an increase in costs. He further stated that we will see a sewer increase. Councilor Spear said if nothing changes and there are no push downs from the State, then he would be the first to revisit the issue.

Councilor Lister said he would vote opposed to the motion. He said the City Council said we would come in at 0% and things have been given up in every department to reach that 0%. He does have concerns with Station 3 being closed but there is not an ambulance out there now and many people think that there is. Councilor Lister urged the Council to keep their creditability.

Councilor Hejtmanek said he concurs with the comments of both Councilors Spear and Lister. He further stated the cost to keep Station 3 open escalated and the additional \$150,000.00 will not keep the station open because Chief LeClaire has stated they need \$365,000.00.

Councilor Smith said he would support the motion and would like to see more funding provided to the Fire Department. He said Station 3 is very important to the City and he expressed concern with increasing the response times. He said the fire engine has all the equipment and protect lives until the ambulance which is the transportation vehicle, can arrive. Councilor Smith said he does not want to put any ones life at risk. In addition, he spoke in support of keeping a downtown patrol for the Police Department.

Councilor Coviello said he would like to know what Fire Chief LeClaire would do with the additional \$150,000.00 for the Fire Department.

Chief LeClaire said he will keep Station 3 open for as long as possible but could not give a time period for how long that may be because in order to keep the department running, they require \$365,000.00.

Councilor Coviello said the additional funding does not solve the problem and that the Council needs long term solutions and he would oppose the motion.

Councilor Kennedy spoke to the uncertainties of push downs from the State. She said the City Council needs to vote on the 0% and do what we said for once. She further stated that the Council needs to look at the budget for next year to make this a continuing processing throughout the year. Councilor Kennedy said the Council needs to say zero tonight and make a promise to evaluate the budget later when necessary.

Councilor Dwyer said it is bad public policy to operate with supplemental appropriations and it costs more money when you do that. She does not feel voting on 0% would solve the problem. Councilor Dwyer further stated that the Council did not know what a 0% would mean and that it would be a public safety issue. She said the economic engine of the City is the downtown and the Tradeport and we need to listen to those areas and commercial interest in the City. She also said that she did not like the attitude of the Fire Chief and his responses at the Work Session but we need to put that aside, it is a personality issue and that should not be part of the decision made this evening.

Assistant Mayor Novelline Clayburgh said she would oppose the motion. She said she would vote for a 0% budget and stated there are ways to manage money differently to keep Station 3 open. She feels that the Fire Department needs to think outside the box and be more creative. She also stated that the Police Department could save money by hiring part-time officers to patrol the downtown during the summer.

Councilor Smith said the motion will not increase taxes; the funding will come from within the budget. He said we are experiencing an economic down turn and things will turn around. He further stated that both the Police and Fire Chief's have stated they need the funding.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said he is not going to approve the amendment but is pleased that Councilor Dwyer made the motion. He said significant work has been done by the departments and said that additional dialogue will need to happen. Mayor Ferrini further stated that he does not want to see Station 3 closed either, but the community needs to understand if we want to maintain the level of services we have now, the community may need to think how to fund those services.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

On a roll call vote 2-7, motion failed to pass. Councilors Dwyer and Smith voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Coviello, Kennedy and Mayor Ferrini voted opposed.

Councilor Coviello spoke to retirement costs, the costs we will see in the future and its impact on the budget.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said he is being clear that we do need to have a discussion with the community and getting to a 0% took a lot of hard work.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

Councilor Dwyer said we need to talk about the balance and services that are provided. She said the community thinks the City Council is on the right track and people are saying what they like about the services they received and we need to lower taxes. She further stated that we need to discuss what we can and cannot live with in regards to services.

On a unanimous roll call 9-0, voted to adopt Resolution #7 – General Fund Expenditures.

Mayor Ferrini stated that the Portsmouth High School Percussion Ensemble will perform at this time.

2. Mayor's Award - PHS Percussion Ensemble (*arriving at 8:00 p.m.*)

The 2011 World Champion Portsmouth High School Percussion Ensemble performed for the City Council. Mayor Ferrini presented Mayor's Awards and a gift to the members of the PHS Percussion Ensemble as well as the chaperones. Steve Cirillo, Director of the ensemble, thanked everyone for their support throughout the year.

At 8:20 p.m., Mayor Ferrini declared a brief recess. At 8:30 p.m., Mayor Ferrini called the meeting back to order.

- Resolution #8-2011 – Municipal Fees

Assistant Mayor Novelline Clayburgh moved to adopt Resolution #8 – Municipal Fees. Seconded by Councilor Coviello.

Assistant Mayor Novelline Clayburgh stated that she served as Chair of the Fee Study Committee and various fees were increased in departments.

On a roll call 8-1, voted to adopt Resolution #8 – Municipal Fees. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor. Councilor Smith voted opposed.

- Resolution #9-2011 – Sewer Fund Expenditures

Assistant Mayor Novelline Clayburgh moved to adopt Resolution #9 – Sewer Fund Expenditures. Seconded by Councilor Coviello.

Councilor Kennedy said that there needs to be a rate for people that want to conserve and use fewer units.

On a roll call 8-1, voted to adopt Resolution #9 – Sewer Fund Expenditures. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor. Councilor Smith voted opposed.

- Resolution #10-2011 – Water Fund Expenditures

Councilor Hejtmanek moved to adopt Resolution #10 – Water Fund Expenditures. Seconded by Councilor Lister.

Councilor Kennedy said she would like a lower rate for people that want to conserve and use fewer units. She also stated that she will push hard next year for a credit for those residents that conserve units.

Councilor Lister acknowledged the Public Works Department for the programs they provide to educate the community on conserving water.

On a roll call 8-1, voted to adopt Resolution #10 – Water Fund Expenditures. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor. Councilor Smith voted opposed.

- Resolution #11-2011 – Special Revenues for Necessary Expenditures and Designated Fund Balances

Assistant Mayor Novelline moved to adopt Resolution #11 – Special Revenues for Necessary Expenditures and Designated Fund Balances. Seconded by Councilor Coviello.

On a unanimous roll call 9-0, voted to adopt Resolution #11 – Special Revenues for Necessary Expenditures and Designated Fund Balances.

- Resolution #12-2011 – Investment Policy

Councilor Smith moved to adopt Resolution #12 – Investment Policy. Seconded by Councilor Coviello.

On a unanimous roll call 9-0, voted to adopt Resolution #12 – Investment Policy.

- B. Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes Not to Exceed Sixteen Million Dollars (\$16,000,000.00)

Councilor Coviello moved to adopt the Resolution as presented. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- C. Third and final reading of proposed Ordinance amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) - and Zoning Map referenced in Chapter 10

Councilor Smith moved to pass third and final reading on the proposed Ordinance, as presented. Seconded by Councilor Dwyer and voted.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from David Hallowell, Portsmouth Maritime Folk Festival requesting permission to hold the Maritime Folk Festival on Saturday, September 24, 2011 and Sunday, September 25, 2011 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Cynthia Yates-Rybczyk, Alzheimer’s Association requesting permission to hold the Walk to End Alzheimer’s at Wentworth Connections on Saturday, September 24, 2011 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Aerial Sillanpaa on behalf of the merchants on Deer Street to display “Deer Street Open” Flags during normal business hours ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Smith requested that Item C. - Letter from Aerial Sillanpaa on behalf of the merchants on Deer Street to display “Deer Street Open” Flags during normal business hours be removed from the Consent Agenda.

Councilor Smith moved to adopt the Consent Agenda. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- C. Letter from Aerial Sillanpaa on behalf of the merchants on Deer Street to display “Deer Street Open” Flags during normal business hours ***(Anticipated action – move to refer to the City Manager with power)***

Assistant Mayor Novelline Clayburgh moved to refer to the City Manager with power. Seconded by Councilor Dwyer and voted. Councilor Smith abstained from voting.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney John McGee, Jr., Flynn & McGee, P.A. Re: the Boundary Issue – Arthur MacDonald Trust - Portsmouth Middle School Boundary

Councilor Dwyer moved to refer to the Planning Board for a report back. Seconded by Councilor Smith and voted.

- B. Letter from Philip Cohen and Stephanie Krenn, Co-Chair AHANA, regarding Emergency Access for the Atlantic Heights Area Neighborhood

Councilor Smith moved to refer to the Traffic & Safety Committee for a report back. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Dwyer said 3 to 4 years ago this issue came up and City Manager Bohenko talked with PSNH and there was a temporary resolution.

City Manager Bohenko said PSNH allowed access to the road in case of emergency. He said the road is substandard and that personnel would need to be assigned out there if the road was closed due to its condition. He further stated that a more formal discussion needs to be held with PSNH on this matter.

Motion passed.

- C. Petition from Portsmouth residents to express displeasure with the "street art" and requesting future public review and discussion with the Arts Council before future displays in the City

Councilor Coviello moved to accept and place the letter on file. Seconded by Councilor Spear.

Councilor Coviello said we may need a report from City Attorney Sullivan on the issue and whether there is a legal process with this matter. City Attorney Sullivan said that the matter has been discussed and there is nothing that the City can do with the art work on the buildings in the City.

Councilor Coviello said the Historic District Commission reviewed this matter and said there is no damage to the buildings from the art work and that people have a right to put art on their buildings.

Councilor Dwyer said Chair Sandra Dika of the Historic District Commission comments were well made. She said that people are confusing this art organization with Art-Speak and they are completely separate from each other.

Councilor Smith said that there was discussion with the City and the museum before this art went out.

City Manager Bohenko said the request came into the City and it was turned over to City Attorney Sullivan to make a decision. City Attorney Sullivan said that he and Planning Director Taintor reviewed the request and determined that there are no regulations to applying a painting to a building and we do not regulate such activity. He did indicate if the painting was a sign to attract attention to a business in the building that would be regulated.

Councilor Lister said that the letter should also be sent to the Historic District Commission. Councilors Coviello and Spear agreed that the letter would be sent to the Historic District Commission.

Motion passed.

- D. Letter from Jennifer Wilhelm regarding the decision to remove the understory from several areas on Peirce Island

Councilor Spear moved to refer to the Peirce Island Committee for a report back to the City Council. Seconded by Councilor Coviello and voted.

- E. Letter from Ann Harman requesting the installation of a bench in memory of Suzette (King) LaFleur downtown near the North Church

Councilor Smith moved to refer to the City Manager with power. Seconded by Councilor Lister and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Area Service Agreement for The District Restaurant for Use of City Owned Property on Vaughan Mall for Outdoor Seating with Alcohol Service (Previously Approved for Pesce Italian Kitchen)

City Manager Bohenko said that the agreement was previously issued to the former owners Pesce Italian Kitchen. The restaurant is now known as The District Restaurant and they would like to expand out an additional 500 feet into the Vaughan Mall. He said he would like to have a vote to move forward with the same conditions outlined in the previous agreement.

Councilor Spear moved to authorize the City Manager to enter into the attached Area Service Agreement with The District Restaurant for outdoor liquor service on City land in Vaughan Mall. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- 2. Report Back Re: Item #2, Clough Drive, of the Traffic & Safety Committee Action Sheet and Minutes of the April 14, 2011 Meeting

Deputy City Manager Hayden reported that the Traffic & Safety Committee action sheet item was not passed regarding Clough Drive to review the matter further. She stated that the best approach would be to widen the sidewalk by adding additional asphalt between the chain link fence along the ball field and the outside edge of the sidewalk. She further stated it was felt this would create sufficient width for a lane of pedestrians (closest to the curb) and a lane for bicyclists (closer to the ball field fence). She indicated that the widened sidewalk would be from the corner of Clough Drive and South Street down to the first curve in the road where parents drop off children. Deputy City Manager Hayden said that Public Works Director Parkinson has stated that the sidewalk widening could take place this summer after the close of school. In addition, it should be noted that widening the sidewalk in this area was a recommendation of the February 2010 Safe Routes to School Action Plan.

Councilor Smith moved to accept the staff report back as presented regarding Clough Drive and to approve and accept Item #2 – Clough Drive of the action sheet and minutes of the April 14, 2011 Traffic & Safety Committee meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.

3. Planning Board Report Back on City Council Referral: Rezoning of Land between Bartlett Street and the US Route 1 Bypass

City Manager Bohenko stated that the Planning Board recommended taking no action on this matter.

Councilor Smith moved to accept the Planning Board's report back regarding this matter as presented. Seconded by Assistant Mayor Novelline Clayburgh and voted. Councilor Coviello abstained from voting on this matter.

Planning Board Recommendation

The City Council takes no action on the request for rezoning as JASK Realty Trust no longer wished to pursue the rezoning.

4. Planning Board Report Back on City Council Referral: Letter from John Chagnon, P.E., Ambit Engineering, Re: Acceptance of Land in Connection with a Subdivision Located Off Kearsarge Way

City Manager Bohenko reported that the Planning Board unanimously voted to grant the subdivision proposal.

Assistant Mayor Novelline Clayburgh moved to accept the Planning Board's report back regarding this matter as presented. Seconded by Councilor Dwyer and voted.

Planning Board Recommendation

The City Council accepts the land shown as Lot A, subject to an agreement to be approved by the Legal Department, regarding operation and maintenance of the storm water management system.

5. Planning Board Report Back on City Council Referral: Sale of the Connie Bean Center

City Manager Bohenko said that the Planning Board voted to dispose of the Connie Bean Center by sale or long term lease.

City Attorney Sullivan said that the City Council voted on December 6, 2010 on the restriction that we clear the property of the deed restriction. He reported in 1944 when the City acquired the property the property was to be used for recreational use and under the building code we can know longer have recreational use for the building. He said that the building will continue for the purpose of the charitable trust as near as possible and the proceeds from the building will be used for a recreational, education, or civil purpose. City Attorney Sullivan informed the Council that the Attorney General has agreed with the request of the City.

City Manager Bohenko said that this is part of the process and will come back to the City Council in a Work Session on how to deal with the issue.

Councilor Dwyer moved to accept the Planning Board's report back and dispose of the Connie Bean Center by sale or long-term lease. Seconded by Councilor Smith and voted.

6. Memorandum of Agreement Re: Great Bay Estuary Study

Deputy Public Works Director Allen said that this is a collaborative effort by the Coalition Communities and the DES which results in a meaningful step towards using the best available science to establish permit limits for the wastewater treatment facilities in the Great Bay.

He said this MOA is important because in it the DES acknowledges the scientific uncertainty present in their current nutrient criteria. The nutrient criteria are used to set permit limits and to determine if water quality standards in the Great Bay are being met. This Agreement is an acknowledgement by the State that those uncertainties exist and that additional studies will improve the means with which permit limits are established.

Deputy Public Works Director Allen reported that the MOA lays out the objectives of the modeling study and establishes a schedule for completion of the model by January 2012. In addition, the Coalition Communities agree to optimize their existing facilities for nutrient reduction and begin planning activities to incorporate process improvements at their wastewater plants to meet an 8 mg/l seasonal nitrogen limit if the modeling effort indicates it is necessary. The DES has agreed to commit to supporting a delay in EPA's issuance of final NPDES permits of Coalition wastewater treatment facilities until applicable modeling has been completed and considered by EPA.

Councilor Smith moved to approve the Memorandum of Agreement, as submitted, and authorize the City Manager to execute this Agreement. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Kennedy asked what the cost is. Deputy Public Works Director Allen said that the cost for this modeling effort will be split evenly between the six participating communities. The total cost of this initial effort is anticipated to be approximately \$300,000, of which the City would be responsible for \$50,000. In anticipation of permitting related efforts, the proposed FY 2012 sewer budget includes funding for this work.

Councilor Coviello asked if there have been conversations with the Conservation Law Foundation. Deputy Public Works Director Allen said there is an outreach having a collaborative agreement and we need good information before expensive decisions are made.

Councilor Dwyer said it feels that most of this is about modeling the Squamscott area and Exeter's challenges. Deputy Public Works Director Allen said that is correct and there may be additional phases in the future.

Water & Sewer Engineer Rice said the DES acknowledges the science needs to be improved openly and that is what we are getting the DES to approve on with the 8mg.

Councilor Hejtmanek congratulated Public Works for getting the DES to agree with our finding for more science.

Councilor Kennedy asked where this puts the City in terms of the wastewater project. Deputy Public Works Director Allen said we are moving forward with the technology selections. He said it will work concurrently.

Motion passed.

7. Report Back Re: the Request from John Tinios, Owner of Popovers on the Square, for use of City Owned Property for Outdoor Seating with Alcohol Service

City Manager Bohenko said he received a letter to withdraw Mr. Tinios' request but, at 1:00 p.m. today he received an e-mail from Mr. Tinios stating that he wants to reconsider. City Manager Bohenko said we have not seen the new layout as of yet and would like an opportunity to review that matter further. He also reported that Mr. Tinios would like a pro-ration of the fee and he would agree with that request.

Councilor Kennedy moved to refer to the City Manager for review and report back to the City Council at the June 20, 2011 meeting. Seconded by Councilor Spear.

Councilor Spear said that the trees still need to be part of the request. He further stated that the request does not say he is resubmitting on his own, but on the behalf of others.

Councilor Smith said he would support the request either this evening or on June 20th with this being a pilot program.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said in the interest of disclosure, he had a conversation with Mr. Tinios that he could resubmit the request but in no way did he make an endorsement. He said he wants to have the City Council vote on the request at the June 20th Council meeting.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

Motion passed.

Councilor Spear said the City Council will discuss the Worth Lot garage and he will not be at the meeting. The long term strategy on handling parking fit hand and glove with the Planning Board. He said if there are questions they should be submitted to the Planning Department or City Manager Bohenko.

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Richard Katz – Reappointment to the Historic District Commission
 - Nancy Beach – Reappointment to the Cable Television and Communications Commission
 - Steven Berg – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board

The following appointments were considered and will be voted at the June 20, 2011 City Council meeting.

- Richard Katz – Reappointment to the Historic District Commission
 - Nancy Beach – Reappointment to the Cable Television and Communications Commission
 - Steven Berg – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
2. Appointments to be Voted:
 - Cristy Cardoso – Reappointment to the Citywide Neighborhood Committee
 - Kathleen Birse Siegel – Reappointment to the Recreation Board

Councilor Smith moved to reappoint Cristy Cardoso to the Citywide Neighborhood Committee until April 1, 2014 and reappoint Kathleen Birse Siegel to the Recreation Board until April 1, 2014. Seconded by Councilor Kennedy and voted.

C. COUNCILOR SMITH

1. Parking Committee Action Sheet and Minutes of the May 12, 2011 meeting

Councilor Smith moved to accept and approve the action sheet and minutes of the May 12, 2011 Parking Committee meeting. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Smith reported that there are no requirements for ordinance amendments. He further mentioned the valet pilot program that will be taking place for the Surf Restaurant.

Motion passed with Councilor Kennedy voting opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Spear reported that the Ground Breaking Ceremony at the Middle School took place today and it was wonderful. Mayor Ferrini stated that it was a real positive event for the community.

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

At 9:20 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Hejtmanek 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, CMC/CNHMC
City Clerk