

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON FEBRUARY 6, 2012, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SPEAR, ASSISTANT MAYOR LISTER, COUNCILORS COVIELLO, KENNEDY, NOVELLINE CLAYBURGH, LOWN, DWYER, SMITH AND THORSEN

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1. At 5:30 p.m. an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations RSA 91-A:2, I (b-c).
  2. At 6:30 p.m. a Work Session was held regarding FY 13 Budget Discussion.
  3. Presentation – Comprehensive Annual Financial Report – Scott McIntyre of Melanson, Heath & Company PC presented the Auditors' Financial Report for the Year Ending June 30, 2011.
  4. Acceptance of Minutes – Voted to accept the Minutes of the December 19, 2011, January 3, 2012 and January 17, 2012 City Council meetings.
  5. Public Comment Session – There were ten speakers: Joseph Caldarola (Dennett Street Parking); Atty. Malcolm McNeill (10 State Street LLC project) Jerry Hejtmanek, Dean Plager, Rebecca Emerson and Tom Martin (Sunday parking); Mary Olea, Linda Plummer and Bill St. Laurent (WWTP Advisory Committee); Aaron Garganta (I-95 Sound Barrier).
  6. A Public Hearing was held regarding the Adoption of Resolution Authorizing a Supplemental Appropriation of up to \$150,000.00 from Unassigned Fund Balance for the Operation of the Fire Department – There were 41 speakers.
  7. Voted to suspend the rules to move up Item IX.E. of the agenda for Council Action.  
  
IX.E. – Adoption of Resolution Authorizing a Supplemental Appropriation of up to \$150,000.00 from Unassigned Fund Balance for the Operation of the Fire Department – Voted on a 6-3 roll call to authorize a supplemental appropriation of up to \$150,000.00 from Unassigned Fund Balance for the Operation of the Fire Department. Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Dwyer and Smith voted in favor. Councilors Lown, Thorsen and Mayor Spear voted opposed.
  8. Suspension of Rules to continue past 10:00 p.m. – Voted to suspend the rules to continue the meeting past 10:00 p.m.
  9. Voted to Suspend the rules to move up Item X11.A.1 Various Approvals Request by NH DOT regarding Construction of Memorial and Scott Avenue Bridges – 1.1 through 1.3 on the agenda for Council action.

10. License for Temporary Construction Laydown Area and Temporary Traffic Pattern – Voted 8-0 to authorize the City Manager to enter a license agreement with NHDOT for the Memorial Bridge construction laydown area and to authorize the temporary traffic pattern as presented, and further authorize the City Manager to take any other actions necessary to implement the provisions of that license agreement. Councilor Coviello abstained as he is the structural engineer of the 10 State Street LLC project.
  
11. License for Use of City Property Under Scott Avenue Bridge for Bridge Maintenance Staff Parking – Voted 8-0 to authorize the City Manager to enter a license agreement with NHDOT for the Memorial Bridge lift operators on City land under the Scott Avenue Bridge as presented, and further authorize the City Manager to take any other actions necessary to implement the provisions of that license agreement. Councilor Coviello abstained as he is the structural engineer of the 10 State Street LLC project.
  
12. License for Use of City Property Under Scott Avenue Bridge for Backup Generator and Utility Transformer Cabinets – Voted 8-0 to refer the NHDOT’s request for an easement to locate a backup generator and utility transformer cabinets on City land under the Scott Avenue Bridge as part of the Memorial Bridge replacement project to the Planning Board for a report back. Councilor Coviello abstained as he is the structural engineer of the 10 State Street LLC project.
  
13. Acceptance of Wellness Grant - \$2,500.00 – Voted to accept and approve the Wellness grant as presented.
  
14. Acceptance of Re-allocation Grant for Sagamore Island Purchase - \$12,500.00 – Voted to authorize the City Manager to accept and expend a NH Coastal Program grant in the amount of \$12,500.00 to purchase the Island in Sagamore Creek as presented.
  
15. First Reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption: - Voted to pass first reading and authorize the City Manager to bring back for public hearing and adoption the proposed Resolution at the February 21, 2012 City Council meeting.

Elderly Exemption at 2.9%

Single	\$ 34,486.00	increase of \$ 972.00
Married	\$ 42,542.00	increase of \$1,199.00
Asset Limit of:	\$114,958.00	increase of \$3,240.00

16. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption: - Voted to pass first reading and authorize the City Manager to bring back for public hearing and adoption the proposed Resolution at the February 21, 2012 City Council meeting.

Disabled Exemption at 2.9%

Single	\$ 34,486.00	increase of \$ 972.00
Married	\$ 42,542.00	increase of \$1,199.00
Asset Limit of:	\$114,958.00	increase of \$3,240.00

17. Second Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, Section 7A.406 – Horse Drawn Carriages spaces on Pleasant Street and Section 7.330 – by eliminating the No Parking Area on State Street between Court Place and Church Street to install 4 new meter spaces and Ordinance cleanup measures – A public hearing was held with no speakers. Voted to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a third and final reading at the February 21, 2012 City Council meeting.
18. Second reading of Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Junkins Avenue both sides – A public hearing was held with no speakers. Voted to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a third and final reading at the February 21, 2012 City Council meeting.
19. Consent Agenda – Voted to adopt the Consent Agenda with the exception of Item F which was removed at the Request of Councilor Kennedy.

**A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA**

- A. \*Acceptance of Funds for Art-Speak – Betty LaBranche Real Estate - \$50.00  
***(Anticipated action – move to accept and approve the donation to Art-Speak to support Art-Speak’s Art & Economic Prosperity Survey, as presented)***
- B. Request for Approval of Pole License to install/replace one pole located on Mendum Avenue ***(Anticipated action – move to approve the aforementioned pole license as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- C. Letter from Olivia Kopri, Sexual Assault Support Services, requesting permission to hold the 5<sup>th</sup> Annual 5K to Keep Kids SAFE on Pease International Tradeport on Sunday, April 15, 2012 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Jeanine Sylvester, Runner’s Alley, LLC, requesting permission to hold the 15th Annual Runner’s Alley/Redhook Brewery Memorial 5K on Sunday, May 27, 2012 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Robert Sutherland, Jr., St. John’s Lodge, requesting permission to hold the 5K “Out of Hibernation” Road Race on Saturday, April 14, 2012 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- G. Letter from Eli Sokorelis, State Street Saloon, requesting the renewal of license for 2 dumpsters located on Church Street ***(Anticipated action – move to refer to the City Manager with power)***

20. Letter from Caroline Amport and Nancy Pollard, Friends of the South End, requesting permission to hold the Annual Fairy House Tour on Saturday, September 15, 2012 from 9:00 a.m. – 1:00 p.m. and Sunday, September 16, 2012 from 11:00 a.m. – 3:00 p.m. – Voted 8-0 to adopt Consent Agenda Item F with anticipated action to refer to the City Manager with Power. Councilor Kennedy abstained as she is a member of the Friends of the South End.
21. Letter from Dennett Street residents requesting that the Parking and Traffic Safety Committee reconsider the parking plan for the intersection of Dennett and Kane Streets – Voted to refer to the Parking and Traffic Safety Committee for reconsideration.
22. Letter from the Greater Chamber of Commerce regarding UDAG Loan Request for Tourism – Voted to bring back for action at the February 21, 2012 City Council meeting.
23. Letter from Julie Bokat and Jeanne Carter, Fuel Training Studio, requesting permission to hold outdoor fitness classes on Peirce Island 2 evenings and 2 mornings starting in April through September – Voted to refer to the Recreation Board and Peirce Island Committee for reports back.
24. Letter from David Choate, III, Grubb & Ellis Northern New England, requesting that the Planning Board consider amending Section 10.836.20 of the Zoning Ordinance regarding drive-through lanes for retail/commercial buildings outside of the Central Business District. – Voted to refer to the Planning Board for report back.
25. Letter from John Golumb, Chairman of Portsmouth Police Commission, requesting amendments to the Pawn Shop Ordinance. – Voted to refer to the City Attorney for a report back.
26. Sunday Parking Enforcement – Voted to refer to the Parking and Traffic Safety Committee for a report back at a Council Work session.
27. Proposed Zoning Ordinance Amendments – Office Research District – Voted to accept the Planning Board's recommendation and further, authorize the City Manager to bring back for first reading the proposed ordinance amendment, as presented, at the February 21, 2012 City Council meeting.
28. Appointments to be considered: - The following appointment recommendations will be brought back for Council vote on February 21, 2012.
  - Appointment of Sherry-Lea Bloodworth Botop as an Alternate to the Planning Board
  - Reappointment of Phyllis Eldridge to the Trustee of the Trust Funds
29. Resignations of Jennifer Wilhelm as Alternate to the Conservation Commission and Brett Pasinella to the Sustainable Practices Blue Ribbon Committee. - Voted to accept the resignations with regret and appreciation of service.

30. Appointment of City Council Representatives – In accordance with Rule 23 the following Councilors were appointed to Committees:

- African Burying Ground Blue Ribbon Committee – Councilor Chris Dwyer
- Chamber of Commerce Liaison – Councilor Jack Thorsen
- Fee Schedule Study Committee – Councilors Ken Smith and Nancy Novelline Clayburgh
- Legislative Subcommittee – Councilors Chris Dwyer, Ken Smith and Assistant Mayor Bob Lister
- Pease Development Authority Liaison – Assistant Mayor Bob Lister
- Pease Development Authority – Port Subcommittee – Councilor Esther Kennedy
- Recreation Board – Councilor Nancy Novelline Clayburgh
- Rockingham Planning Commission – No appointment at this time
- Sustainable Practices Blue Ribbon Committee – Councilors Brad Lown and Esther Kennedy
- Veteran Organization – Assistant Mayor Bob Lister and Councilor Ken Smith

31. Reactivate Mayor's Blue Ribbon Committees – The following Blue Ribbon Committees were reactivated by Mayor Spear:

- African Burying Ground Blue Ribbon Committee
- Citywide Neighborhood Steering Blue Ribbon Committee
- Sustainable Practices Blue Ribbon Committee
- Transportation Policy Blue Ribbon Committee
- Trees and Public Greenery Blue Ribbon Committee

32. Advisory Committee for Wastewater Treatment Facility Improvements. – Voted on a 7-2 roll call to postpone indefinitely appointing the Advisory Committee for Wastewater Treatment Facility Improvements. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilors Kennedy and Lown voted opposed.

33. Adjournment – At 11:55 p.m., voted to adjourn.

Respectfully submitted by:

Valerie A. French  
Deputy City Clerk