

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 11, 2012

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

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

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

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Novelline Clayburgh led the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – MAY 7, 2012

Councilor Smith moved to approve and accept the minutes of the May 7, 2012 City Council meeting. Seconded by Assistant Mayor Lister. Councilor Thorsen moved to amend page 9 fourth paragraph to read as follows: *Councilor Thorsen stated he deems this to be a voluntary merger.* Seconded and voted. Main motion passed as amended.

VI. PUBLIC COMMENT SESSION

Tom Carroll spoke regarding the continued problems created by the scrap metal business located at The Port. He emptied a bucket of debris onto the podium that he picked up along Market Street from the trucks going into the facility.

George Stamos spoke on lifting restrictions on downtown parking. He said that there is not a need for an additional parking garage in the downtown.

Josh Pierce, SABR President, spoke in support of the installation of bicycle racks in the downtown.

Senator Nancy Stiles thanked the City of Portsmouth for their support and allowing her to serve as our Representative. She reported that with the recent redistricting, she will no longer be a Representative for the City of Portsmouth but would continue to support items of concern for the City.

Mayor Spear thanked Senator Stiles for serving as the City's Representative.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation Re: NH Fish & Lobster Festival - \$500.00

Councilor Kennedy moved to accept the donation for the NH Fish & Lobster Festival, as presented. Seconded by Councilor Novelline Clayburgh and voted.

- B. NH Community Planning Grant Application

Councilor Kennedy moved to authorize the City Manager to apply for, accept and expend a \$50,000.00 grant from the New Hampshire Community Planning Grant Program for the purpose of developing local regulations that foster sustainable community development. Seconded by Assistant Mayor Lister and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 11, Section 10.1115 - Off-Street Parking Provisions in the Downtown Overlay District

Assistant Mayor Lister moved to pass first reading of the proposed Ordinance amendments, as presented, and schedule second reading and public hearing for the June 25, 2012 City Council meeting. Seconded by Councilor Coviello.

Councilor Kennedy said she would like information on the ordinance change and what it would cost us in parking spots. Deputy City Manager Hayden stated that in downtown you can pay in lieu of parking and we are finding more developers going to the Zoning Board of Adjustment asking for relief from the parking requirements. She reported that funds are not coming into the parking fund because the Zoning Board of Adjustment is granting the relief requested by developers.

Mayor Spear stated at next Monday's Work Session the Council would discuss in depth parking issues and if amendments are needed, they can be made at second reading.

Councilor Kennedy asked where this puts the hotels with the parking. Deputy City Manager Hayden said they would not fall under residential, they would be non-residential. Councilor Kennedy said she would not want the first reading at this time.

Councilor Coviello said that these presentations require a great deal of staff time and approving first reading allows for more information to come forward for a public hearing and second reading.

Councilor Lown said the Planning Board has studied this in great depth and supports this amendment. He said this deserves to be moved to second reading and public hearing.

Councilor Thorsen asked if current buildings, new buildings and conversion of buildings, have the same requirements. Deputy City Manager Hayden stated that some are grandfathered.

Councilor Novelline Clayburgh said she wants to move the process along. She did express concern with point #1. She would like to see more regulation for restaurants. She stated there needs to be a balance between residential, restaurants, and retail spaces. Councilor Novelline Clayburgh suggested conducting a work session to discuss this matter further.

Councilor Dwyer said that these are good issues. She said our boards have not been on the same page on some of these issues. Councilor Dwyer requested that members of the Planning Board, Economic Development Commission, Zoning Board of Adjustment and Parking, Traffic & Safety Committee be invited to attend the June 18, 2012 City Council Work Session regarding Parking Supply and Demand Strategies at 6:30 p.m. City Manager Bohenko said he would extend the invitation to attend the meeting or to watch it via channel 22.

On a roll call 8-1, voted to pass first reading of the proposed Ordinance amendments, as presented, and schedule second reading and public hearing for the June 25, 2012 City Council meeting. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilor Kennedy voted opposed.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for Approval of Pole License to install/replace 1 pole located on Constitution Avenue ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- B. Acceptance of Police Department Donations:
- Donation from Mr. & Mrs. Lamontagne for the Portsmouth Police Explorers - \$200.00
 - Donation from Ms. York for the Portsmouth Police Explorers - \$50.00 ***(Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed)***

- C. *Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade
- Harold Whitehouse - \$25.00
 - The Nancy N. Clayburgh Rev Trust - \$25.00
 - Optima Bank & Trust - \$100.00
 - Daniel K. Poling Chapter 992 VVA - \$100.00
 - The Portsmouth Democratic City Committee - \$100.00
 - William A. and Cynthia M. Duncan - \$500.00
- (Anticipated action – move to accept the donations for the Welcome Home, Iraq Veterans Parade, as presented)***
- D. Letter from David Hallowell requesting permission to hold the 13th Annual Portsmouth Maritime Folk Festival on Saturday, September 29th and Sunday, September 30th ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request for License from Andrea Rossetto, owner of Dolce Freddo Gelato for property located at 90 Fleet Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Andrea Rossetto, owner of Dolce Freddo Gelato for 1 projecting sign at property located at 90 Fleet Street and, further, authorize the City Manager to execute License Agreements for this request)***
- Planning Director's Stipulations:**
- ***The licenses shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of the projecting signs, for any reason, will 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 signs, 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***
- F. Letter from Virginia Skevington, AIRWalk, requesting permission to hold the second annual fundraising walk on Saturday, October 20, 2012 ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Novelline Clayburgh moved to adopt the Consent Agenda. Seconded by Assistant Mayor Lister.

Councilor Kennedy stated given the construction in the south end and the addition of many events taking place, it has been difficult for residents to get activities done. She said we need to consider the number of walks and runs taking place in the south end.

Motion passed.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

Letter from Robert L. Sutherland, Jr., St. John's Lodge, No. 1, A. & A.M, requesting permission to march from the William Pitt Tavern on Court Street to the Queen Chapel on Sunday, June 24, 2012 at 8:30 a.m. for St. John's Sunday (Not on agenda)

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

- A. Letter from Petra & Christopher Barstow requesting permission to replace front steps and retaining walls in front of their property located at 528 Dennett Street

Councilor Lown moved to refer to the Planning Board for report back. Seconded by Assistant Mayor Lister and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Establish a Work Session Re: Connie Bean Center

City Manager Bohenko stated he would like to hold a Work Session on the Connie Bean Center prior to the June 25, 2012 City Council meeting. He stated that he would like to firm up the City Council's decision as to, do we want a ground lease or an outright sale of the property.

Councilor Kennedy said after the last Work Session on this matter the City Council gave direction that we wanted to move forward with a lease. City Manager Bohenko stated that there was no vote by the City Council and we need a vote to move forward with a ground lease.

Assistant Mayor Lister said a Work Session is a good idea. He asked if there has been interest to come forward with alternatives. City Manager Bohenko said we need to go through a process. He said people have approached us but we want to establish a process at the June 25th City Council meeting. He further stated that we need action from the City Council on what direction you want us to go in.

Councilor Smith moved to establish a Work Session for Monday, June 25, 2012 at 6:00 p.m. regarding the disposal of the Connie Bean Center. Seconded by Assistant Mayor Lister and voted.

2. Report Back Re: Request from Julie Bokart and Jeanne Carter, Fuel Training Studio, for permission to hold outdoor fitness classes on Peirce Island

City Manager Bohenko said that this is a report back on the request to extend outdoor fitness classes at Peirce Island. He said the Recreation Board and the Peirce Island Committee Chair have stated the program has caused no disruptions.

Councilor Coviello moved to grant approval for this request through the rest of the calendar year. Seconded by Councilor Lown.

Councilor Kennedy said she would oppose the motion because she is concerned with setting a precedent.

Motion passed with Councilor Kennedy voting opposed.

B. MAYOR SPEAR

1. *Committee for Evaluation of City Manager

Mayor Spear appointed Assistant Mayor Lister, Councilors Novelline Clayburgh, Lown and Smith to the Committee for the Evaluation of the City Manager. Mayor Spear announced that Assistant Mayor Lister will serve as the Chair of the Committee.

2. *Reports (*Postponed from the May 21st City Council meeting*)

No Reports.

C. COUNCILOR NOVELLINE CLAYBURGH

1. *Report on Elderly Services (*Postponed from the May 21st City Council meeting*)

D. COUNCILOR KENNEDY

1. *Report on Elderly Services – Verbal/Discussion (*Postponed from the May 21st City Council meeting*)

Councilors Novelline Clayburgh and Kennedy provided a status Report on Elderly Services. Discussion followed regarding transportation for the seniors.

Councilor Dwyer stated that people feel that this is being rushed into too fast. She stated that it is rare for this City to move into something like this without more discussion. Councilor Dwyer also stated that we need a way to get people more engaged in the process.

Councilor Kennedy said that people have expressed concerns with the individuals serving on the committee for elderly services. She indicated that Mr. Henson has said that this is a large project and someone will need to take charge of it. Councilor Kennedy said that Mr. Henson also stated that Wentworth Connections would not give money from the sale of Parrott Avenue Place without having a plan in place.

City Manager Bohenko stated based on consensus of the City Council he would work towards interim activities for the senior citizens. He indicated that he has spoke with Recreation Director Wilson on putting something in place within the next 60 days. He said we may need to hire someone part-time to work with Recreation Director Wilson. City Manager Bohenko also indicated that we would work with Community Campus on the lunches for seniors.

Councilor Kennedy said it is important that information is getting out to seniors on activities and what is available to them. City Manager Bohenko said we will use channel 22 to advertise.

Councilor Novelline Clayburgh acknowledged Neil Ouellette of Living Innovations for the activities they are providing for seniors.

E. COUNCILOR COVIELLO

1. Bike Corrals – Letter from Peter Egelston of The Portsmouth Brewery
(Postponed from the May 21st City Council meeting)

Councilor Coviello moved to direct the City Manager to install movable bike corrals in front of 56 Market Street and remove them during winter months. Seconded by Councilor Lown.

Councilor Smith stated he would vote against the motion. He stated that the Parking & Traffic Safety Committee has been looking at the right location for the installation of a bike rack in the downtown but due to the construction it has been difficult. He also indicated that there are safety issues that need to be considered with the installation of a rack.

Councilor Thorsen stated he agrees with the comments made by Councilor Smith.

Councilor Dwyer suggested that perhaps 56 Market Street is not the right location and an amendment might be needed.

Councilor Lown stated that Councilor Smith has raised some good issues. He said that this is something the City needs to take action on and suggested a trial period of 6 months. Councilor Lown said that the City should promote a type of transportation that takes no gas and little space.

Councilor Novelline Clayburgh stated that she is not in favor of the suggested location and feels it is a dangerous spot. She said that the process needs to be followed and that would be through the Parking & Traffic Safety Committee.

Councilor Kennedy said that she agrees with the comments made by Councilor Novelline Clayburgh. She suggested the installation of the upside U corrals, like we have installed along State Street.

Assistant Mayor Lister suggested that this matter go back to the Parking & Traffic Safety Committee with a time certain for report back.

Councilor Coviello moved to amend the motion to refer to the Parking & Traffic Safety Committee for report back at the July 16, 2012 meeting and in the interim to direct the City Manager to purchase a bike corral for installation. Seconded by Councilor Lown.

Councilor Coviello stated that installing the upside U's affects the flow of pedestrians.

Councilor Coviello moved to amend the motion to direct the Parking & Traffic Safety Committee to report back to the City Council at the July 16, 2012 meeting with locations to install bike corrals in a parking area. Seconded by Councilor Lown.

Councilor Smith reiterated that this is a safety issue.

Councilor Kennedy stated that she is not in favor of the motion and said we should use the upside down U corrals. She asked that Parking & Traffic Safety Committee look at the installation of the upside down U corrals.

On a unanimous roll call 9-0, voted to direct the Parking & Traffic Safety Committee to report back to the City Council at the July 16, 2012 meeting with locations to install bike corrals in a parking area.

Councilor Kennedy said that she voted in favor of the motion because she wants the Parking & Traffic Safety Committee to look at all options.

F. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of May 10, 2012

Councilor Smith moved to approve and accept the action sheet and minutes of the May 10, 2012 Parking and Traffic Safety meeting. Seconded by Councilor Coviello.

Councilor Smith reported that the Tanner Court item would require an ordinance change for on-street parking.

Motion passed. Councilor Kennedy voted opposed.

G. COUNCILOR THORSEN

1. Historic District Commission Council Representative

Councilor Thorsen stated during the appointment of Council Representatives to various boards and commissions, Councilor Kennedy showed interest in serving on the Historic District Commission, but her schedule prevented her from attending meetings until May. Based on the foregoing, he volunteered to serve until Councilor Kennedy's schedule permitted her to assume the appointment as the Council Representative. Therefore, he indicated that he is resigning from the Historic District Commission.

Councilor Smith moved to accept with regret the resignation of Councilor Thorsen as the City Council Representative to the Historic District Commission. Seconded by Councilor Coviello and voted.

Mayor Spear announced that Councilor Kennedy will serve as the City Council Representative to the Historic District Commission.

H. COUNCILOR COVIELLO AND COUNCILOR DWYER

1. City Council Rule 23 – Committee Nominations (*Postponed from the May 21st City Council meeting*)

Councilors Dwyer and Coviello indicated that a correction was made by City Attorney Sullivan that discussion of nominations would not be appropriate to do in non-meeting. Councilor Dwyer stated before an appointment is brought forward, the City Council should have an open discussion on possible individuals to be appointed.

Councilor Dwyer moved to amend City Council Rule 23 – Committee Nominations, as presented. Seconded by Councilor Coviello.

Councilor Lown said he understands that Councilors Coviello and Dwyer are trying to resolve the issues with Rule 23 and feels that the proposed amendment is sensible.

Councilor Coviello stated that no name would be put forward. The City Council would receive a packet of applications and the Mayor would be part of the discussion. No formal action would take place at the meeting.

Councilor Thorsen said he does not support the rule because it sets up a requirement. He said it is a good idea for the City Council to review a packet of applications of who is seeking to serve.

Councilor Smith said he would not support the motion. He feels that the existing rule works if the process is followed, and the Chair is notified of suggested appointments.

Councilor Kennedy spoke in favor of the comments made by Councilor Smith.

Councilor Novelline Clayburgh stated that it is important for the entire City Council to be involved in the process.

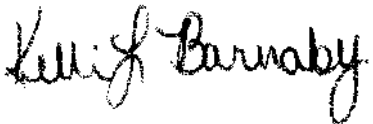
Discussion followed as to process.

On a roll call vote 4-5, motion to amend City Council Rule 23 – Committee Nominations, as presented failed to pass. Councilors Coviello, Lown, Dwyer and Mayor Spear voted in favor. Assistant Mayor Lister, Kennedy, Novelline Clayburgh, Smith and Thorsen voted opposed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 9:30 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Novelline Clayburgh 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