

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JULY 16, 2012

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

At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations and Personnel Matters – RSA: 91-A:2, I (b-c).

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

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

II. ROLL CALL

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

Absent: Councilor Thorsen

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Smith led the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – June 11, 2012 and June 25 2012

Councilor Coviello moved to approve and accept the minutes of the June 11, 2012 and June 25, 2012 City Council meetings. Seconded by Assistant Mayor Lister and voted.

VI. PUBLIC COMMENT SESSION

Steve Alie spoke regarding the proposed ordinances changing parking fees stating that he feels that the increased fees constitute a tax on those who support the downtown businesses. He stated that it will bring in revenue during the tourist season but will be detrimental during the rest of the year.

Marylou McElwain began by stating that she is surprised and disappointed that the Mayor is forming a committee to explore a parking garage as she feels there is already city staff and the Parking and Traffic Safety Committee members who could do this review. She continued that there have been 2 parking studies done and neither one has put a parking garage as a high priority and actually recommend parking in the outer areas and shuttling people into the downtown. She stated that the hotels should be providing their own parking as nobody carpools to conferences, so the .75 figure doesn't make sense. Finally she asked that residents input be sought to see if they want a parking garage or not.

Emile Bussiere spoke in favor of allowing the Alzheimer's Association to conduct a walk on the date requested stating that he lives on the route and feels that the small inconvenience is not enough to deny a worthy cause. He stated that these are hard working people doing good work.

Peter Somssich began by thanking the Council and city staff for their support of the Welcome Back parade stating that it was well attended. Secondly, he discussed the proposed parking ordinances stating he appreciates the measures being taken, especially the free one hour parking in the garage, but feels that the real issue is the underutilization of what we already have and educating people as to where parking spaces are available. He stated that if a committee is formed, he doesn't want its' focus on one sight and would like to see it away from the downtown area with links with other services.

Brendan Cooney and Bruno Paciulli indicated their support of bicycle racks in written comment on the sign-up sheet but were not in the audience when called to speak.

Seeing no one else wishing to speak, the Mayor closed the public comment session.

VI. PUBLIC HEARINGS

After a brief presentation by Deputy City Manager Hayden explaining the proposed changes, Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 11, SECTION 10.1115 – OFF-STREET PARKING PROVISIONS IN THE DOWNTOWN OVERLAY DISTRICT. THE RECOMMENDED AMENDMENT WOULD MAKE THE FOLLOWING CHANGES TO THE ZONING ORDINANCE:

- CHANGE THE RESIDENTIAL PARKING REQUIREMENT TO 1.5 PARKING SPACES PER DWELLING UNIT
- CHANGE THE HOTEL OR MOTEL PARKING REQUIREMENTS TO REQUIRE .75 PARKING SPACES PER GUEST ROOM
- ELIMINATE OFF-STREET PARKING REQUIREMENT FOR ALL OTHER NON-RESIDENTIAL USES
- ELIMINATE THE OPTION TO MAKE A PAYMENT IN LIEU OF PROVIDING REQUIRED OFF-STREET PARKING

Doug Bates, President, Portsmouth Chamber of Commerce – stated we are fortunate in the City of Portsmouth to be able to discuss growth and still be a vibrant city with low unemployment. However, he feels that parking issues control future growth and that this process should not be piecemealed together without looking at the whole picture. He stated that people want to park downtown and urged people to come to the meetings and talk about this important issue. He urged the Council to take the process slowly, stating that they are currently undertaking an economic study that he hopes will be helpful in this process as well.

Marylou McElwain – stated she agrees with Mr. Bates and urged the Council to take this process slowly and look at the whole picture.

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

B. PUBLIC INPUT SESSION ON THE DISPOSITION OF PROERTY AT 143 DANIEL STREET (CONNIE BEAN CENTER) BY SALE OR LONG-TERM GROUND LEASE

City Planner Nick Cracknell and Assistant City Attorney Suzanne Woodland gave a brief presentation regarding the options for the disposition of the Connie Bean Center property.

Mayor Spear opened the public input session and called for speakers:

Harold Whitehouse stated that this property has a lot of history and old timers refer to it as the “community center” because that is what it was for many service people and residents over many decades. He stated that we are continuing to lose history in the city and it bothers him that someday there will be nothing left for future generations to look back on. He further explained the formation of the Army/Navy Association which was meant to ensure that service people had a place to go when they were stationed in the area. He stated that there are restrictions on the property, similar to other areas in the city, which we have to go to court to have removed. He concluded by stating that he would like to see this building be retained by the city and perhaps become the new Senior Center.

John Russo stated he grew up on Daniel Street and remembers all of the activities that occurred there over the years. He stated he agrees with Mr. Whitehouse that we are losing the history of Portsmouth and feels that we should retain control of the building.

Sue Dennenberg stated she doesn’t know the history of the property like the other speakers, but she does know the more recent activities that have occurred at the Connie Bean Center such as Mother/Son dances, Father/Daughter dances, Halloween Parties, various sports activities etc. She stated that her concern is that whatever happens to the building she doesn’t want to see a 5-story addition going up which is possible under the current zoning regulations. She concluded that once a building like that goes up, it doesn’t come back down very easily.

Michelle Lozuaway, Business owner, stated her family has also attended various events at the Connie Bean Center and feels that there are creative ways to utilize the building and still preserve it. She stated she and her business partner have some ideas and are interested in making this situation work.

Marylou McElwain stated she has read Mr. Whitehouse’s book regarding the history of Portsmouth and recommends it to others. She continued that she has also attended events at the Connie Bean Center and feels it is great to see families coming and going from the building in the area and wants it to be preserved for everyone.

Harold Whitehouse, 2nd time – stated that they should keep in mind that any renovations done to the Connie Bean Center such as tearing it down, could result in damage to the Warner House property.

With no further speakers, Mayor Spear declared the public input session closed.

Assistant Mayor Lister moved to suspend the rules in order to take action on Item XI.A., Alzheimer's Association request to hold 2012 Walk to End Alzheimer's. Seconded by Councilor Coviello and voted.

- A. Letter from Caitlyn Mosher Ellis, Alzheimer's Association, requesting permission to hold the 2012 Walk to End Alzheimer's on Sunday, September 23rd or Sunday, October 7th

City Manager Bohenko explained that this request was previously denied due to other activities that were already occurring in the area. He stated he has met again with the Alzheimer's Association and there are 2 different dates offered as well as 2 route options for walkers which will quickly take them out of the South end.

Assistant Mayor Lister moved to grant the request to hold the 2012 Walk to End Alzheimer's on September 23, 2012. Seconded by Councilor Coviello and voted.

Councilor Kennedy asked that everyone be reminded to stay on the sidewalk on Bow Street and to be mindful of Church services as well.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear stated that with so many events occurring in the City and many concentrated in one area, he would like to see an event coordinator position be created on a part-time basis and suggested that funding could come from the Parking and Transportation fund.

Assistant Mayor Lister passed the gavel back to Mayor Spear.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant and Donations:
- New Hampshire Highway Safety for Sobriety Checkpoints Grant - \$9,900.00
 - Donation to the Portsmouth Explorer Cadet Academy from Mr. & Mrs. David Brown - \$270.00
 - Donation of Magnum Boots for Designated Police Personnel from Magnum Boot Company

Councilor Smith moved to approve and accept the Grant and Donations to the Portsmouth Police Department, as presented. Seconded by Councilor Novelline Clayburgh and voted.

Motion voted.

- B. *Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade
- William M. Lyons & Janet L. Polasky - \$25.00
 - Sarah M. Baker & James W. Holly - \$25.00
 - Brendan McNamara Inc., - \$25.00
 - Sarah H. Baker & Christopher Rose - \$25.00

- Atinuke Abiola Cahill - \$25.00
- South Street and Vine, LLC - \$25.00
- Fairpoint Communications - \$1,000.00

Councilor Coviello moved to accept the donations for the Welcome Home, Iraq Veterans Parade, as presented, seconded by Councilor Novelline Clayburgh.

Assistant Mayor Lister thanked the Police Department for their continued efforts in getting grants and donations.

Councilor Kennedy thanked Mr. Whitehouse, Mr. Somssich and the committee for the successful Welcome Home parade.

Councilor Novelline Clayburgh stated she was unable to attend the parade but heard it was magnificent and feels that this type of event brings pride to the City of Portsmouth.

Motion voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

First Reading Re: Parking Supply and Demand Omnibus Ordinances:

- A. First reading of Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Increase the rate for parking at all metered spots on City streets and in off-street lots to \$1.50 per hour and increase the maximum time at which an automobile could remain at a metered spot on the street or in a metered lot from two (2) to three (3) hours
- B. First reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Off-Street Parking Areas – Areas Established, Designated and Described – Allows the City Council to set the fee for parking in the High Hanover Garage either by means of the budget process as is currently done, or by vote of the City Council at any time. (Adoption of the ordinance would set the parking rate in the parking garage at \$0.75 per hour, “except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility”
- C. First reading of Ordinance amending Chapter 7, Article I, Section 7.105 – Parking - Deletion of existing language *“All on street metered parking shall be at the rate of \$1.00 per hour for a maximum of two hours. This rate”*; remaining language unchanged from existing

Councilor Coviello moved to consolidate for first reading Parking Supply and Demand Ordinances A thru C and establish a Consolidated public hearing on Ordinances A thru C for the August 6, 2012 City Council meeting, seconded by Councilor Lown.

Councilor Smith stated he is not in favor.

Councilor Novelline Clayburgh stated she is concerned with the proposed 1 hour free parking as it would be a loss of revenue. City Manager Bohenko stated this was added as a result of the Work Session held and it was meant as an incentive to get people to park in the parking garage. He stated that the combined amendments would actually result in an estimated net gain of \$54,000.00. He further explained that this is the first reading and suggested that this go to a public hearing and then amendments can be made at the second reading. He concluded that if the amendments were substantial, then it would again be referred to a public hearing.

Assistant Mayor Lister stated he understands the need for revenue, but the objective of this is to get more patrons downtown. He stated he is against this at this time as he feels we should be looking at the big picture to including biking, walking, etc. He stated he also has been against the Sunday parking fees since they were implemented.

Councilor Kennedy stated at this point she wants to hear the public input but she is concerned that we are not looking at the big picture and are losing the local population in the downtown area. She stated she agrees with Assistant Mayor Lister that this is being piecemealed and feels that we are missing an overlay of the big picture.

Councilor Dwyer stated that there have been various meetings on this issue for the last six months and that this is a piece of the big picture and we can't vote on everything simultaneously. She also wonders about the concern expressed that free parking for one hour will hurt business.

Councilor Lown stated that this is a result of 2 parking studies, meetings and the recommendations of consultant John Burke who has a lot of expertise in this area. He stated these ideas and principles are not new and have been tried by other municipalities. He stated he would rather see the free parking incentive limited to a half hour for residents only, but he is willing to try this proposal.

Councilor Coviello stated he doesn't understand why this is so complicated and feels it addresses everyone's issues. He stated we need to offset what we take from the revenues and feels that if we don't make any changes, it will be a recipe for disaster.

Councilor Novelline Clayburgh stated she will vote in favor of moving this forward to a public hearing because she feels that this will incentivize people to use the garage, but she is still concerned with the loss of revenue and feels it would be nice to offer free Sunday parking in the garage for residents.

Councilor Kennedy stated she is not against hearing the public input but she doesn't have a problem taking 6 months or longer on an issue if that is what it takes to look at the big picture.

Councilor Smith stated he is opposed to the process and having 3 ordinances included in one vote. He continued that saying that we should do something because it is done in other towns is wrong as Portsmouth is the envy of other cities because we don't do what other cities do. He stated we have to balance the needs of the residents with tourists and visitors needs. He stated we don't want to confuse the customers and keep them away.

City Manager Bohenko again clarified the ordinances stating that the figures presented are not set in stone and can be adjusted according to the Councils' wishes. He stated doing it this way with 3 ordinances as a pilot program allows more flexibility.

Motion voted on a 7-1 roll call vote, Councilor Smith voted opposed.

- D. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 11, Section 10.1115 - Off-Street Parking Provisions in the Downtown Overlay District. The recommended amendment would make the following changes to the Zoning Ordinance:
- Change the Residential Parking Requirement to 1.5 Parking Spaces per Dwelling Unit
 - Change the Hotel or Motel Parking Requirements to Require .75 Parking Spaces per Guest Room
 - Eliminate Off-Street Parking Requirement for all other Nonresidential Uses
 - Eliminate the Option to make a Payment in Lieu of providing Requirement Off-Street Parking

Councilor Coviello moved to pass second reading of the proposed Ordinance, as presented, and schedule a third and final reading for the August 6, 2012 City Council meeting, seconded by Assistant Mayor Lister.

Councilor Kennedy discussed the .75 parking space per guest room amendment for hotel and motels stating that this isn't even 1 space per room. City Manager Bohenko explained that staff based this on the occupancy rates over the last 3 years but it can be amended. He stated it is a policy decision and falls between national standards.

Councilor Coviello stated it sounds like the .75 was a compromise and often thinks that it would be nice to be able to use the unused spaces in the Sheraton lot. He stated that he feels this is a good compromise and land is valuable and we need to use it efficiently.

Councilor Kennedy moved to amend the ordinance regarding Hotel or Motel Parking Requirements to require 1 Parking Space per guest room, seconded by Councilor Novelline Clayburgh.

Councilor Kennedy stated she feels the hotels should provide their own parking as there are often 2-4 guests in a room who all bring their own vehicles. She stated that it is not up to the citizens to pay for parking for multi-million dollar corporations.

Councilor Dwyer asked if conference center spaces would fall under a special exception. Deputy City Manager Hayden stated it is treated the same as a guest room.

Councilor Lown stated he understands the idea of the amendment but feels that it is not a good idea as it would require more space than any other city. He stated the occupancy data that was provided showed that over a 12 month period there is 50-60% occupancy which would leave a lot of empty spaces in the lots.

Councilor Dwyer agrees stating that she doesn't like the idea of big surface parking lots and feels that citizens want to minimize these lots both for aesthetic and environmental reasons.

Councilor Novelline Clayburgh stated she is in favor of the amendment stating that many times the Sheraton lot is full and feels that this isn't a big difference in the requirement.

Motion to amend failed on a 2-6 roll call vote. Councilors Kennedy and Novelline Clayburgh voted in favor. Assistant Mayor Lister, Councilors Coviello, Lown, Dwyer, Smith and Mayor Spear voted opposed.

Councilor Novelline Clayburgh moved to amend to keep the restaurant parking requirement at the current 1 space per 100 sq. feet, seconded by Councilor Kennedy. Motion to amend failed on a 2-6 roll call vote. Councilors Kennedy and Novelline Clayburgh voted in favor. Assistant Mayor Lister, Councilors Coviello, Lown, Dywer, Smith and Mayor Spear voted opposed.

Main motion voted on an 8-0 roll call.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Chris Curtis, The Music Hall, requesting permission to hold the Annual Telluride by the Sea Weekend Celebration on Friday, September 14, 2012 – Sunday, September 16, 2012 (***Anticipated action – move to refer to the City Manager with power***)

- B. Request for License from John Tanner, owner of V2 Strategic Advisors for property located at 51 Islington Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of John Tanner, owner of V2 Strategic Advisors for 1 projecting sign at property located at 51 Islington 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

- C. Request for License from Janette Desmond, owner of Kilwin's for property located at 20 Congress Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Janette Desmond, owner of Kilwin's for 1 projecting sign at property located at 20 Congress 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
- D. *Acceptance of Donation to the Coalition Legal Fund
- Town of Carroll - \$1,000.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***

Councilor Smith moved to adopt the Consent Agenda as presented. Seconded by Councilor Dwyer and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Caitlyn Mosher Ellis, Alzheimer's Association, requesting permission to hold the 2012 Walk to End Alzheimer's on Sunday, September 23rd or Sunday, October 7th (***Action Taken Previously***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Approval of Proposed Employment Agreement for Police Chief Designee Stephen J. DuBois

Councilor Smith moved to approve the employment agreement between Stephen J. DuBois and the Portsmouth Board of Police Commissioners for a 5 year term commencing on September 1, 2012 and ending on August 31, 2017, seconded by Assistant Mayor Lister.

Councilor Coviello stated he will support this but admits that he did struggle with it. He stated that he feels Chief DuBois will be excellent, but is concerned that his residency is not here in Portsmouth and feels that it could open him up to criticism when requesting funding from the taxpayers.

Councilor Novelline Clayburgh stated she feels we are lucky to have Chief DuBois but agrees with the residency issue asking if the Council can adopt a policy requiring future Department Heads to be residents. City Attorney Sullivan stated that there used to be an ordinance in the City with that requirement but it wasn't legal. He stated that the State law does have exceptions, which does include Chief of Police. He stated that this type of requirement can be dealt with through employment agreements on a case by case basis.

Assistant Mayor Lister stated he looks forward to working with Chief DuBois, and feels discussion of residency requirements should take place in the future.

Councilor Smith thanked the Police Commission for bringing this fine candidate forward stating that the City has had good Chiefs of Police due to their work.

Councilor Lown stated that the taxpayers should know that the benefits being received by Chief DuBois are consistent with his experience and are comparable to other Police Chiefs.

Motion voted.

2. Sale or Long-Term Ground Lease Re: 143 Daniel Street (Connie Bean Center)

Councilor Smith moved to table to the August 6, 2012 City Council Meeting, seconded by Councilor Kennedy.

Councilor Smith stated that the Council just received more information on this issue today and need more time to review it.

Councilor Dwyer stated she has no problem tabling this but feels the building re-use committee laid out a process to consider the ground-lease option first and then go to a sale if the lease was not appropriate. She stated that more people came out to speak when they were moving the Connie Bean Center sign and feels that not many people came out to speak on this because it is summertime.

Assistant Mayor Lister stated that the city is looking for Council direction to move forward in some way whether selling or leasing.

Councilor Kennedy stated she is ready to vote as this is a gateway of the city and she doesn't want to see a 5 story building there. She stated we don't know what will happen in 100 years and wants to keep options open for future Councils and feels that whatever money we can get in a sale is small in comparison to what may happen in the future.

Councilor Novelline Clayburgh asked if we can put in a sales agreement that the city has the right to first refusal in the future if somebody sells it. City Attorney Sullivan stated yes, but that can have a negative impact on a sale. Councilor Novelline Clayburgh continued that the zoning requires the exterior of the 1916 portion of the building be maintained and it is also in the Historic District so would have to go before that Commission for any proposed changes.

Motion to table passed.

3. Establish Public Hearing on Conditional Layout and Betterment Assessment District in accordance with RSA 231:28-33

Councilor Novelline Clayburgh moved to proceed with the Conditional Layout and Betterment Assessment process and establish a public hearing on August 20, 2012 in accordance with RSA 231:28-33. Seconded by Councilor Smith and voted. Councilor Coviello abstained.

4. Request for First Reading to Expand Downtown Overlay District

Deputy City Manager Hayden reviewed the proposed expanded downtown overlay district area stating that extending the DOD will help ensure the continuity of ground-floor, pedestrian-oriented businesses as the area redevelops over time.

Discussion ensued regarding the inclusion of the Connie Bean Center in the overlay district with City Manager Bohenko explaining that it was important to deal with the proposed section at this time.

Councilor Dwyer stated that we need to get public input on this. Councilor Kennedy agreed stating that there are residences included and we need to hear from those people. Deputy City Manager Hayden clarified that these residences on the ground floor would be grandfathered.

Councilor Lown asked why the property where the old Pier II was not included, and wonders if it were included, would it have been impacted. Deputy City Manager Hayden stated no, but if it were included, it wouldn't have been impacted because it is still an active project and they already have their permits.

Councilor Smith moved to authorize the City Manager to bring back for first reading the proposed ordinance amendment at the August 6, 2012 City Council meeting as presented, seconded by Councilor Novelline Clayburgh.

Councilor Lown moved to include the Pier II property, seconded by Councilor Kennedy.

Councilor Lown explained that he is concerned that if something happens to the current project, then this should be included.

Councilor Coviello stated that he would need to recuse himself if this is included and if so, he would want to be able to speak as a representative of the Pier II developer.

City Manager Bohenko suggested than any amendments wait until the 2nd reading.

Councilor Lown and Councilor Kennedy withdrew their motion and second to amend.

Councilor Dwyer stated that this area is between a residential and park area and feels there is vitality in that. She stated that something is lost in thinking vitality only comes with commercial businesses on first floors everywhere in the city.

Councilor Kennedy agrees and stated we need to look at the bigger picture and if someone currently grandfathered leaves, then it is no longer grandfathered.

City Manager Bohenko stated that a public hearing should be held to find out what people think about the proposed area.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear asked if it is possible to have the overlay include lots in front of State Street. Deputy City Manager Hayden stated yes.

Assistant Mayor Lister passed the gavel back to Mayor Spear.

City Manager Bohenko stated he will bring this back for a first reading on August 6th and the public hearing date can be set for whenever the Council decides.

Motion passed on a 6-1 roll call vote. Councilor Kennedy voted opposed and Councilor Coviello abstained.

5. Request to Establish City Council Retreat

Assistant Mayor Lister moved to establish a Council Retreat on October 27, 2012. Seconded by Councilor Novelline Clayburgh and voted.

B. MAYOR SPEAR

1. *Establishment of Blue Ribbon Committee on Parking Garage Site(s) Selection:
 - a) Recommended Location
 - b) Recommended Concept e.g. Multi-Story and/or Deck
 - c) Report Back: No Later than October 1, 2012
 - d) Review in Detail at City Council Retreat

Mayor Spear explained that he is establishing a Blue Ribbon Committee on Parking Garage Site(s) with the above stated criteria. He asked that any Councilors interested in serving, please let him know.

2. Appointments to be Considered:

Building Code Board of Appeals

- Lisa DeStefano Reappointment to the Building Code Board of Appeals
- Jeff Landry Reappointment to the Building Code Board of Appeals

Recreation Board

- Carl F. Diemer Reappointment to the Recreation Board

Mayor's Blue Ribbon Committee on Sustainable Practices

- Nathan Alger to the Committee on Sustainable Practices

Mayor Spear stated that the above stated reappointments will be voted at the August 6, 2012 Council meeting.

3. Appointments to be Voted:

Conservation Commission

- Paul Ambrose to the Conservation Commission as an Alternate member
- Shelley Saunders to the Conservation Commission as an Alternate member

Taxi Commission

- Aaron Lawson to the Taxi Commission

Councilor Coviello moved to approve the appointments of Paul Ambrose and Shelley Saunders as alternate members of the Conservation Commission and Aaron Lawson to the Taxi Commission. Seconded by Councilor Lown and voted.

4. Resignation of Jeff McLean from the Portsmouth Economic Development Loan Program (PEDLP) Effective July 16, 2012

Councilor Kennedy moved to accept the resignation of Jeff McLean from the Portsmouth Economic Development Loan Program (PEDLP) with a letter of appreciation to follow. Seconded by Councilor Coviello and voted.

Councilor Kennedy asked the Mayor the status of the appointment to the Peirce Island Committee. Mayor Spear explained that he has contacted the applicants but has been unable to meet with them due to scheduling conflicts, but will follow up again.

Councilor Smith stated that there are applicants for the Parking and Traffic Safety Committee but the vacancy still has not been filled. Mayor Spear stated he is waiting for more applicants who don't live in the south end and he would like to appoint a woman as well.

C. ASSISTANT MAYOR LISTER

1. *City Manager's Evaluation Report

Assistant Mayor Lister read a prepared statement regarding the City Manager's evaluation and thanked the committee members and Councilors for their input.

D. COUNCILOR COVIELLO

1. Anatomy of Complete Streets

Councilor Coviello stated that he wanted to share this information which is being utilized in Burlington Vermont stating it is an interesting concept where they provide services for bicyclists including showers, repair stations, etc. for bicyclists touring through the city.

Councilor Kennedy stated the Sustainability Committee is looking at this concept as well.

Councilor Lown stated he appreciates this information being brought forward and feels it will come up again.

E. COUNCILOR SMITH

1. Report Back Bicycle Rack in Downtown

Councilor Smith reported that the Parking and Traffic Safety Committee met on July 12th at which time they discussed the request to install a bicycle rack in a parking space in front of the Portsmouth Brewery on Market Street. He explained that the vote was 4-3 opposed to this request but that immediately following that vote a motion was made to install a bike corral in the parking lot at the corner of Hanover and Market Streets. In addition, as part of that motion, there was a recommendation to place a bike rack in front of Izzy's Ice Cream at the corner of Bow and Ceres Streets, with these recommendations passing unanimously. He concluded by stating that no Council action is required.

Councilor Coviello stated he doesn't understand why there cannot be a bike rack in the original requested location. Councilor Smith explained the concerns of the Parking and Traffic Safety Committee members that this is a very busy street and they were concerned with having this type of activity in the middle of a high traffic area.

Councilor Coviello moved place the bike rack in the original Council recommended location in front of the Portsmouth Brewery as a pilot program with a report back in the fall, seconded by Councilor Lown.

Councilor Smith expressed concern that this motion appears to be disrespectful to the decision brought forward by the Parking and Traffic Safety Committee. He stated it is unsafe to do this even as a pilot program.

Councilor Coviello stated he doesn't feel it is disrespectful to disagree and feels that the information he previously provided regarding "Complete Streets" shows that this area would be an acceptable place for a bike rack. He stated that the Police Chief and Public Works Director voted in favor of the motion at the Parking and Traffic Safety Committee meeting.

Councilor Smith asked City Attorney Sullivan if the motion was within the Council rules. City Attorney Sullivan stated it is allowable.

Discussion ensued regarding the various locations that currently have bicycle racks available that may require some additional walking to desired locations.

Councilor Lown stated that he understands the action of the Parking and Traffic Safety Committee but feels that the Council's direction from the June 11, 2012 Council meeting was for the PTS to come back with recommendations for a parking space area that could be used. He stated that this would send a message that the City of Portsmouth encourages and supports alternate transportation.

Motion FAILED on a 3-5 roll call vote. Councilors Coviello, Lown and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer and Smith voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer stated that there has been an issue recently regarding the actions of a Board member and she has heard from many people who have also had unpleasant dealings with this individual. She asked what the process is for the Council to take steps to remove a Board member. City Attorney Sullivan responded that there is a removal process in place which would include holding a public hearing. He stated he will draft a memo to the Council outlining the process. City Manager Bohenko stated he will bring it back under his items at the next Council meeting.

Councilor Kennedy asked when the next update regarding the Senior Center will take place. City Manager Bohenko stated that he will submit his report back to the Council at the August 20th meeting and then refer any items for action to another meeting after that report back is given.

Mayor Spear shared 2 photos of his recent vacation in Sedona which showed how creative zoning accommodated protecting the visual environment with businesses. He stated that they also install their street lighting at a lower level to preserve the view of the night sky. He concluded by showing a picture of a xylophone which was interactive and acoustic street art.

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

Councilor Coviello moved to adjourn at 9:40 p.m., seconded by Councilor Novelline Clayburgh and voted.

Respectfully submitted:



Valerie A. French
Deputy City Clerk