

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON AUGUST 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

1. At 6:00 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Negotiations RSA: 91-A:2, I (b-c).
2. Mayor’s Award – Howard Mangold, Channel 22 Producer, was presented with a Mayor’s Award and gift by Mayor Spear in recognition of him filming City Council and various meetings during the last 12 years. Howard accepted the Mayor’s Award and gift with appreciation and thanks.
3. Proclamation – National Night Out (Not on agenda) – Councilor Smith read a Proclamation declaring Tuesday, August 7, 2012 as National Night Out in Portsmouth. Deputy Chief Dubois accepted the Proclamation from Mayor Spear and the City Council with thanks and appreciation.
4. Acceptance of Minutes – July 16, 2012 – Voted to approve and accept the minutes of the July 16, 2012 City Council meeting.
5. Public Comment Session – There were 5 speakers: Liz Wright (Art-Speak AFTA Brochures); Barbara Destefano and Steve Alie (Parking Garage); Harold Whitehouse and Shaun Rafferty (Connie Bean Center).
6. Voted to suspend the rules in order to take up Item XII. A.3. – Request from Art-Speak Re: Brochure Funds.
7. Request from Art-Speak Re: Brochure Funds – Voted to approve the request with the funds coming from UDAG resources.
8. Public Hearing – Consolidated Parking Supply and Demand Omnibus Ordinances
 - A. Second reading of Ordinance 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. Second 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 this ordinance would allow the City Council to set the parking rate in the parking garage by vote of the Council. It is anticipated that the Council would then set the rate 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. Second 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. (Adoption of this ordinance would consolidate the ordinance provisions relating to the rate for parking in on-street and off-street lots.)

Held a public hearing. Moved to pass second reading and hold third and final reading for consolidated Parking Supply and Demand Ordinances A thru C for the August 20, 2012 City Council meeting, as presented.

On a roll call vote 4-5, motion to amend Section 7.102 – Parking Meter Zones – rate for parking at all metered spots on City streets and in off-street lots from \$1.50 per hour to \$1.00 **failed** to pass. Assistant Mayor Lister, Councilors Kennedy, Smith and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted opposed.

On a roll call 6-3, voted to pass main motion. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted in favor. Councilors Kennedy, Smith and Thorsen voted opposed.

9. Third and final 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 Non-residential Uses
 - Eliminate the Option to make a Payment in Lieu of providing Requirement Off-Street Parking

Moved to pass third and final reading of the proposed Ordinance, as presented.

On a roll call 6-3, voted to suspend the rules in order to allow for an amendment at third reading. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer, Smith and Thorsen voted in favor. Councilors Coviello, Lown and Mayor Spear voted opposed.

On a roll call 2-7 vote, motion to amend Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District to Change the Hotel or Motel Parking Requirements to Require .75 to **1.0** Parking Spaces per Guest Room **failed** to pass. Councilors Kennedy and Novelline Clayburgh voted in favor. Assistant Mayor Lister, Councilors Coviello, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted opposed.

Main motion passed.

10. Consent Agenda – Voted to adopt the Consent Agenda.

- A. *Acceptance of Donations Re: Welcome Home, Iraq Veterans Parade
- Martin A. & Carmen Cameron - \$100.00
 - Portsmouth Professional Fire Officers Association - \$150.00
 - Portsmouth Fire Fighters Local No. 1313 - \$150.00
 - Rotary Club of Portsmouth - \$500.00

(Anticipated action – move to accept the donations for the Welcome Home, Iraq Veterans Parade, as presented)

- B. *Acceptance of Donations to the Coalition Legal Fund
- Town of New Castle - \$500.00
 - Town of Sugar Hill - \$500.00
 - Town of Hampton - \$1,500.00

(Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)

- C. Letter from Sister Mary Agnes, St. Charles Children’s Home, requesting permission to hold the Annual 5K Road Race at the Pease International Tradeport on September 3, 2012 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

- D. Letter from Catherine Edison, Community Child Care Center, requesting permission to hold the 2nd Annual 5K Run for the Kids to benefit Community Child Care Center of Portsmouth on Saturday, October 13, 2012 from 7:00 a.m. – Noon at the Community Campus *(Approved on December 20, 2011 – Change of Route)* ***(Anticipated action – move to refer to the City Manager with power)***

- E. Request for License from Sally Chan, owner of Apsara for property located at 130 Congress Street for 2 projecting signs on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Sally Chan, owner of Apsara for 2 projecting signs at property located at 130 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***

- F. Request for License from Joe Kelly, owner of Thirsty Moose Taphouse for property located at 21 Congress 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 Joe Kelly, owner of Thirsty Moose Taphouse for 1 projecting sign at property located at 21 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***

- G. Request for License from Jack Wolthen, owner of The Stone Pony for property located at 76 Congress 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 Jack Wolthen, owner of The Stone Pony for 1 projecting sign at property located at 76 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***
11. Letter from Christina Mirasolo, Destination Partners Inc, requesting permission to place a red carpet from The Hilton Garden Inn Entryway Doors, across the sidewalk, crossing High Street, and along the sidewalk up to The 100 Club on Saturday, August 18, 2012 from 5:45 p.m. – 6:45 p.m. for the Liberty Life Assurance Company “Red Carpet Roll-Out” event – Voted to refer to the City Manager with power.
12. Letter from Barbara Allen, McNabb Properties, Ltd, requesting a license to place totes for trash and recycling at the rear of the building located at 10 Pleasant Street (Me & Ollie's) against the wall – Voted to refer to the City Manager with power.
13. Letter from Alan Keith, Connors Cottage, requesting permission to hold a “Sidewalk Sale” on Saturday, August 11, 2012 from 8:00 a.m. – 1:00 p.m. in the front of the building (south side) – Voted to refer to the City Manager with power.
14. Letter from Kristen Costa, New Hampshire Motor Speedway, requesting permission to park their RV in Market Square on Wednesday, August 15, 2012 at 2:30 p.m. for a 20 minute sidewalk rally with Sprint Cup driver Jeff Burton – Moved to refer to the City Manager with power. Voted to amend the motion to have the event take place in the Vaughan Mall. Main motion passed as amended. Councilor Coviello voted opposed.
15. Report Back Re: Zoning Ordinance Amendment to Expand Downtown Overlay – Voted to postpone consideration of first reading until the September 4, 2012 City Council meeting.

16. Sale or Long-term Ground Lease Re: 143 Daniel Street (Connie Bean Center) (tabled from July 16, 2012 City Council meeting) – Moved to authorize the City Manager to sell the Connie Bean Center with the appropriate historical covenants.

Moved to postpone and have the City Manager report back with the cost of making the building into a senior center. On a roll call vote 2-7, motion to postpone **failed** to pass. Councilors Kennedy and Smith voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Thorsen and Mayor Spear voted in opposed.

On a roll call 5-4, voted to pass main motion. Councilors Coviello, Novelline Clayburgh, Lown, Thorsen and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Dwyer and Smith voted opposed.

17. Disposal of Surplus Vehicles/Equipment – Voted to authorize the City Manager to proceed with the disposal of surplus vehicles/equipment through the sealed bid process.

18. Polling Hours for September 11, 2012 State Primary Election – Voted to set the polling hours from 8:00 a.m. – 7:00 p.m. for the September 11, 2012 State Primary Election.

19. City Manager Informational Item #2 – Removal of Board of Adjustment (BOA) Member – On a roll call 7-2, voted that the City Council establish a three (3) member subcommittee with the members appointed by the Mayor to conduct an inquiry into reported acts of misconduct by Board of Adjustment member Robin Rousseau and to report back to the full City Council as to what, if any, action should be taken by the City Council. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted in favor. Councilors Kennedy and Thorsen voted opposed.

20. Appointment to be Considered – The City Council considered the appointment of Andrew (Drew) Stadterman to the Committee on Sustainable Practices which will be voted on at the August 20, 2012 City Council meeting.

21. Appointments to be Voted – Voted to reappoint Lisa DeStefano and Jeff Landry to the Building Code Board of Appeals until July 1, 2017.

Voted to reappoint Carl Diemer to the Recreation Board until April 1, 2015.

Voted to appoint Nathan Alger to the Mayor's Blue Ribbon Committee on Sustainable Practices.

22. Parking Garage Selection Committee Mayor Spear announced that Councilors Coviello, Novelline Clayburgh and Dwyer will be serving on the Parking Garage Selection Committee with findings to be concluded by October 1, 2012.

23. Subcommittee on Removal of Board of Adjustment (BOA) Member – Mayor Spear announced that the three (3) member subcommittee will be made up of Mayor Spear, Assistant Mayor Lister and Councilor Lown.

24. Bike Friendly Community – Councilor Lown announced that Peter Britz, Sustainability Coordinator would be making a Presentation at the October 27, 2012 City Council Retreat on the City of Portsmouth being listed as a Bike Friendly Community in New England.
25. Valet License Atlantic Parking (Green Monkey) – Voted to refer to the City Manager with power for signature.
26. Valet License Atlantic Parking (The Common Man) – Voted to refer to the City Manager with power for signature.
27. Parking and Traffic Safety Committee Action Sheet and Minutes of July 12, 2012 – Voted to approve and accept the action sheet and minutes of the July 12, 2012 Parking and Traffic Safety Committee meeting.
28. Middle School Crosswalk Installtion (Not on agenda) – Councilor Dwyer requested that the Parking and Traffic Safety Committee look into the installation of crosswalks on the opposite side of the Middle School due to the construction.
29. Adjournment – At 10:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk