

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 6, 2012

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

At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations - 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, Smith and Thorsen

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Kennedy led the Pledge of Allegiance to the Flag.

MAYOR'S AWARD – Howard Mangold, Channel 22 Producer

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.

PROCLAMATION

1. National Night Out – Deputy Police Chief Dubois

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.

V. ACCEPTANCE OF MINUTES – JULY 16, 2012

Councilor Coviello moved to approve and accept the minutes of the July 16, 2012 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

VI. PUBLIC COMMENT SESSION

Liz Wright, Art-Speak, requested that the City Council approve their request for funding to cover the cost of printing 5,000 brochures to disseminate information from the recently completed 2011 American for the Arts Economic Prosperity Survey.

Barbara DeStefano spoke in support of the changes to parking and the increase in off-street parking. She stated that she resides at Portwalk condominiums and sees the number of vehicles that use the Portwalk surface lot as well as the City's parking garage. She indicated the need for a new parking garage to handle the number of vehicles that come into the City of Portsmouth.

Steve Alie spoke regarding his perspective of the need for a parking garage as a merchant. He stated that the City needs to provide parking for the individuals that come into this City.

Harold Whitehouse spoke regarding the need for another look at the Connie Bean Center. He said that the public wants to take a look at the building being made into the new senior center. He suggested a report be done on the costs involved for the installation of an elevator and a sprinkler system.

Shaun Rafferty spoke regarding the Connie Bean Center and how it sits at a gateway into the City. He said there is a need for the City to preserve this building. He also indicated that the residents have a right to know what the height and design of the building will be if it is sold.

VI. PUBLIC HEARING

CONSOLIDATED PARKING SUPPLY AND DEMAND OMNIBUS ORDINANCES:

- A. 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. ORDINANCE AMENDING CHAPTER 7, ARTICLE IV, SECTION 7.402 – OFF-STREET PARKING AREAS - AREA ESTABLISHED, DESIGNATED – 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 ON THIS ORDINANCE WOULD ALLOW THE CITY COUNCIL TO SET THE PARKING RATE 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. 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 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.)

Public Works Director Parkinson provided a brief presentation to the City Council on the proposed ordinance amendments. He reported that the proposed ordinances were brought forward as a result of work session and meeting with the City’s Parking Consultant, John Burke. He outlined the changes for each of three ordinances.

City Attorney Sullivan spoke to setting the fee for the parking garage. He advised the City Council that the fee could be set during the budget process or any other time the City Council gives the authorization.

Public Works Director Parkinson reported that these ordinance amendments do not address way-finding signs or another parking structure.

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

Doug Bates, President of the Greater Portsmouth Chamber of Commerce, stated that people are strongly opposed to the Sunday parking enforcement which was previously adopted by the City Council. He said he feels the \$1.50 fee per hour for off-street lots is too low. He would like the City Council to look at lowering the price for the 4 hour parking zones. He thanked the City council for working on changes to the ordinance and stated at the end of the day it is about maintaining the balance that we have in the City.

Bob Hassold stated that a 2 hour limit at the meters makes it difficult for people to have lunch downtown or enough time for people to browse the shops. He spoke opposed to Sunday parking enforcement and said that the City Council needs to eliminate that.

Steve Alie spoke opposed to increasing parking rates to \$1.50 because the higher parking fees have reduced the patronage of stores.

Natalie Hassold said she wants people visiting her store to have a memorable experience and having a bad parking experience is the worst thing that can happen to a customer. She stated that she is conflicted with going to \$1.50 for parking. She would like the City to look into the meters accepting bills. She also recommended that the parking garage fee be increased to \$1.00 per hour. Ms. Hassold suggested that an analysis be done between the \$1.50 at all metered spots and in off-street lots, \$1.00 for the parking garage and no meter enforcement on Sundays. She also suggested that the City sit and meet with merchants and restaurant owners to get their feed back.

Liz Wright said Sunday parking is a concern for her. She said things are quieter on Sundays in the downtown now. She stated that there is a perception that the parking garage is not safe for women who are alone and the City needs to change that perception.

Bob Hassold stated that the first hour free in the parking garage is a mistake. He said it will not mean anything to the average person.

Ron Zolla stated that there are some recommendations in the ordinances that would have unintended consequences. He said in the last few years it looks like we have doubled parking fees on the street. He stated raising fees to \$1.50 will deter people from coming to the downtown and this will not be revenue. Mr. Zolla suggested creating a card for local residents that would be \$20.00 with the first two hours free.

Todd Saunders suggested that the City Council consider alternate driving methods for transportation. He also spoke in support of the installation of additional bike racks because there are not enough in the City.

Steve Alie said he agrees with Mr. Zolla's comments. He said increased fees will drive people away and there is no reason to raise the fees now.

After three calls and no further speakers, Mayor Spear declared the public hearing closed.

Councilor Lown moved to suspend the rules in order take up Item XII. A.3. - Request from Art-Speak Re: Brochure Funds. Seconded by Councilor Coviello and voted.

City Manager Bohenko reported that this will fund the printing of 5,000 brochures. He also stated that this would be a great document to send out to businesses looking to relocate to the City of Portsmouth.

Assistant Mayor Lister moved to approve the request with the funds coming from UDAG resources. Seconded by Councilor Smith and voted.

VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

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.)

Assistant Mayor Lister 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. Seconded by Councilor Coviello.

Councilor Kennedy said she feels that the pay and display meters need to accept bills. City Manager Bohenko stated that the manufacturer does not recommend that because of the cold climate that we live in.

Public Works Director Parkinson said the manufacturer said the humidity and cold temperatures will cause jamming of the meters with placing bills into the system.

Mayor Spear stated as we increase rates the challenge of paying becomes difficult with only using coins.

Councilor Smith said he is opposed to the motion and the increase of \$1.50 for the meters. He sees this as a tax increase and such an increase in this economy is wrong. He recommended increasing the parking tickets from \$10.00 to \$15.00.

Councilor Dwyer stated that the City needs a second parking garage and that this is to stop the congestion and to get people to use the garage and allow for flexibility.

Councilor Thorsen said the intent of the work session was to balance our system and not reduce our revenues. He said he does not support raising the rates but rather to increase the hours from 2 hours to 3 hours. He suggested installing placards to urge people to use the garage. He also spoke in support of eliminating Sunday fees and said the Council should do that.

Councilor Lown said he would support the ordinance. He stated his opposition to the first hour in the parking garage being free but he would vote to pass the ordinance and move to third and final reading. He added that these ordinances are a result of a great deal of thought.

Assistant Mayor Lister said we need to be flexible with the plan and listen to the downtown merchants. He said he does not support the increase of 2 hour meters to 3 hours. He also stated that the Council should eliminate Sunday parking but he would support the increase in parking tickets.

Councilor Coviello said the goal is to improve the efficiency of parking downtown. He said we have heard several times from the Parking and Transportation Planners that we need to try these items and if they don't work, we change the ordinances.

Councilor Kennedy said she is concerned that the pay and display meters do not accept bills. She said the reason we are doing this is to get people to park in the garage. She also expressed her opposition with Sunday parking.

Councilor Novelline Clayburgh spoke in support of the motion and the ordinances. She said if changes are needed we can make future amendments. She stated that it is time for the City Council to act and make a decision.

Councilor Coviello said the \$54,000.00 should be given to the Economic Development Commission for marketing in the off season.

Councilor Smith moved 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. Seconded by Councilor Thorsen.

Councilor Thorsen said he seconded the motion to allow for adjustments and address Sunday parking. He said he would support the entire omnibus with this amendment.

Councilor Dwyer said this would not be revenue neutral taking away the Sunday parking requirement.

Councilor Lown said Councilor Dwyer is correct, the City would lose over \$400,000.00 in parking revenues.

Councilor Novelline Clayburgh said she would not support the amendment.

Councilor Kennedy said she does not support the amendment. She supports Sunday parking enforcement from January to May.

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.

Councilor Dwyer said this process started with merchants and many of the changes came from that group. She said peoples' views are changing. She also stated that none of the meters use dollar bills, not because staff hasn't researched this matter, but because the weather changes causes jamming.

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.

- D. 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

Councilor Lown moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Assistant Mayor Lister.

Councilor Dwyer moved to suspend the rules in order to allow for an amendment at third reading. Seconded by Councilor Smith.

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.

Councilor Kennedy moved 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 Spaced per Guest Room. Seconded by Councilor Smith.

Councilor Kennedy said she has had enough residents come forward asking for this amendment that she is bring the matter forward. She said there needs to be parking on the premise.

Councilor Lown said by requiring 1.0 you would have to designate hotel lots that would be half emptied.

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.

Councilor Thorsen said we are eliminating the Board of Adjustment from taking a payment in lieu of.

Councilor Coviello said you have this issue either way; we are not left with enough money to build a parking spot.

Councilor Coviello moved the main motion. Seconded by Councilor Novelline Clayburgh and voted.

Main motion passed.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER 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***

Councilor Coviello moved to adopt the Consent Agenda. Seconded by Councilor Smith and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. 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

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

- B. 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

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

- C. 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)

Councilor Lown moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh and voted.

- D. 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

Councilor Lown moved to the City Manager with power. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy stated that she is concerned with the event because we have made other events move to the Vaughan Mall.

City Manager Bohenko said the requestor wanted this event in Market Square and that is why it is before the Council.

Councilor Dwyer asked about the amplification part of the request. City Manager Bohenko said we have not allowed such events in the square.

Councilor Novelline Clayburgh moved to amend the motion to have the event take place in the Vaughan Mall. Seconded by Councilor Kennedy and voted.

Main motion passed as amended. Councilor Coviello voted opposed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Report Back Re: Zoning Ordinance Amendment to Expand Downtown Overlay

Councilor Smith moved to postpone consideration of first reading until the September 4, 2012 City Council meeting. Seconded by Assistant Mayor Lister and voted.

- 2. Sale or Long-term Ground Lease Re: 143 Daniel Street (Connie Bean Center)
(tabled from July 16, 2012 City Council meeting)

City Manager Bohenko reported that this item was tabled from the July 16, 2012 City Council meeting. He referred to the memorandum attached from the City Attorney. He said that the court has released restrictions on the property by the Attorney General's Office.

The City Council has two options before them with a sale or long term ground lease for the Connie Bean Center.

Councilor Lown moved to authorize the City Manager to sell the Connie Bean Center with the appropriate historical covenants. Seconded by Councilor Novelline Clayburgh.

Councilor Lown said he respects that residents are feeling as though we are losing history by selling the building. He spoke regarding retaining the outside facade of the building and that selling will maximize tax revenue.

Councilor Dwyer spoke opposed to the sale of the building and feels a ground lease is the best way to go.

Councilor Smith moved to postpone and have the City Manager report back with the cost of making the building into a senior center. Seconded by Councilor Kennedy.

Councilor Lown reported that Mark McNabb who owns a number of properties downtown and has rehabbed many buildings said it would be a minimum of \$3,000,000.00 to rehab the building.

Councilor Kennedy stated that she supports the motion because she is against the sale of the building.

Assistant Mayor Lister said he appreciates Councilor Smith bringing forward this motion and feels the discussion is reminiscent of the middle school.

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 opposed.

Councilor Kennedy said she does not want to tie the hands of future Councils. She also indicated that she would like to look at a lease.

Councilor Lown said the right of first refusal is a good thing to think about but a City can take a piece of property at any time through the eminent domain process.

Councilor Dwyer said if we are thinking about right of first refusal or eminent domain that shows that there is some value to the building.

Councilor Smith said he would oppose the motion and feels the City needs to continue to make sure we have covered all bases.

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.

At 9:20 p.m., Mayor Spear declared a brief recess. At 9:30 p.m., Mayor Spear called the meeting back to order.

4. Disposal of Surplus Vehicles/Equipment

City Manager Bohenko reported that there are currently 18 vehicles/equipment for disposal.

Councilor Lown moved to authorize the City Manager to proceed with the disposal of surplus vehicles/equipment through the sealed bid process. Seconded by Councilor Smith.

Councilor Kennedy asked about placing these items on the web. City Manager Bohenko Stated that we would need to change the ordinance to do that.

Motion passed.

5. Polling Hours for September 11, 2012 State Primary Election

City Clerk Barnaby requested that the City Council approve the recommended polling hours of 8:00 a.m. – 7:00 p.m. for the September 11, 2012 State Primary Election.

Councilor Smith moved to set the polling hours from 8:00 a.m. – 7:00 a.m. for the September 11, 2012 State Primary Election. Seconded by Councilor Novelline Clayburgh and voted.

City Manager Informational Item #2 – Removal of Board of Adjustment (BOA) Member

City Attorney Sullivan reviewed his memorandum on the removal of a Board of Adjustment member. The City Council would need to hold a public hearing and make a determination whether the board member has provided any of the reasons outlined in the memorandum for removal. The City Council would provide written findings of fact. He also indicated that he would advise that the actions be made naming the member and reason for considering removal.

Assistant Mayor Lister moved 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. Seconded by Councilor Coviello.

Councilor Smith asked if the Board of Adjustment member is part of the process. City Attorney Sullivan said the process is informal and preliminary to any action taken by the City Council. Councilor Smith cautioned the Council on how this could affect someone's reputation.

Councilor Thorsen said he would not support the motion.

Councilor Dwyer said that this is research and fact finding which would look at things that have already been made public via the meeting being broadcast as well as the minutes.

Councilor Coviello said he has heard many things and the Subcommittee will look into the matter and provide a report back to the City Council.

Councilor Kennedy said that she is concerned because it is affecting the reputation.

Councilor Novelline Clayburgh said she would support the motion and she has heard and read some of the things that have occurred and she wants to know the facts.

Councilor Coviello asked Mayor Spear if he has had a chance to speak with Ms. Rousseau. Mayor Spear reported that Ms. Rousseau would not speak with him but sent an e-mail stating she would not resign from the Board of Adjustment.

Councilor Thorsen stated that the facts are public and does not know what facts we would find that have not already been made. He said the facts are public.

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.

B. MAYOR SPEAR

1. Appointment to be Considered:

Mayor's Blue Ribbon Committee on Sustainable Practices

- Andrew (Drew) Stadterman to the Committee on Sustainable Practices

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.

2. Appointments to be Voted:

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

Councilor Coviello moved to reappoint Lisa DeStefano and Jeff Landry to the Building Code Board of Appeals until July 1, 2017. Seconded by Assistant Mayor Lister and voted.

Recreation Board

- Carl F. Diemer Reappointment to the Recreation Board

Assistant Mayor Lister moved to reappoint Carl Diemer to the Recreation Board until April 1, 2015. Seconded by Councilor Coviello and voted.

Mayor's Blue Ribbon Committee on Sustainable Practices

- Nathan Alger to the Committee on Sustainable Practices

Councilor Coviello moved to appoint Nathan Alger to the Mayor's Blue Ribbon Committee on Sustainable Practices. Seconded by Assistant Mayor Lister and voted.

3. *Parking Garage Selection Committee

- Appointment of Councilors Coviello, Novelline Clayburgh and Dwyer

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.

4. Subcommittee on Removal of Board of Adjustment (BOA) Member (Not on Agenda)

Mayor Spear announced that the three (3) member subcommittee will be made up of Mayor Spear, Assistant Mayor Lister and Councilor Lown.

Councilor Smith asked the City Attorney if there is a conflict of interest with Mayor Spear serving on the Subcommittee. City Attorney Sullivan said the Subcommittee is not authorized to take action but to report back to the full City Council and he does not feel it triggers any conflict.

Councilor Dwyer announced that the term of the use for public parking at the Portwalk surface lot is expiring. City Attorney Sullivan reported that Portwalk has provided notice that they would be terminating the public parking at the surface lot.

D. COUNCILOR LOWN

1. *Bike Friendly Community

Councilor Lown said he would like the City of Portsmouth to be listed as a Bicycle Friendly Community. He spoke to the different levels of a “bicycle friendly community” and stated that there are only 3 communities in New England on the list. 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.

E. COUNCILOR SMITH

1. Valet License Atlantic Parking (Green Monkey)

Councilor Smith reported that this would be an extension of the license for valet parking at the Green Monkey.

Councilor Smith moved to refer to the City Manager with power for signature. Seconded by Councilor Dwyer.

Councilor Kennedy said we need to remind people to keep off the street and one the road to oncoming traffic.

Motion passed.

2. Valet License Atlantic Parking (The Common Man)

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

3. Parking and Traffic Safety Committee Action Sheet and Minutes of July 12, 2012

Councilor Smith moved to approve and accept the action sheet and minutes of the July 12, 2012 Parking and Traffic Safety meeting. Seconded by Councilor Dwyer and voted. Councilor Kennedy voted opposed.

Councilor Coviello stated that the ordinance to establish the Parking and Traffic Safety Committee he believes indicated that the Council Representative would serve as the Chair temporarily and asked if a new Chair needs to be appointed.

Councilor Smith said that he would check with City Attorney Sullivan and report back.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Middle School Crosswalk Installation (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.

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

At 10:00 p.m., Councilor Smith 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/CNHNC
City Clerk