

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, AUGUST 20, 2012

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

At 6:15 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 7:20 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**

Assistant Mayor Lister led the Pledge of Allegiance to the Flag.

## **PRESENTATIONS**

### **1. Presentation to Retiring Deputy City Manager Cindy Hayden**

City Manager Bohenko presented Deputy City Manager Cindy Hayden with a City of Portsmouth Chair in recognition of her 20 years of service to the City and her upcoming retirement. Deputy City Manager Hayden accepted the Chair with thanks and appreciation.

### **2. Report Back Re: Senior Services in Portsmouth and Various Recommendations for Interim Programming**

Staff Committee members Recreation Director Wilson, Library Director List, Community Development Director Moore and Assistant Project Manager Cannon presented the Report of the Senior Services and various recommendations. The report recommends that the City of Portsmouth, through the Recreation Department, use the 24-month interim period to facilitate various senior activities and programs, including communicating about the availability of these programs, and that the City take additional steps to support existing programs to ensure they meet the needs of Portsmouth Seniors.

## **Senior Services Recommendations:**

**Recommendation #1** - Hire a part-time Senior Services Coordinator to work within the Recreation Department. The Senior Services Coordinator would be tasked with communicating and encouraging usage of existing and new senior activities.

**Recommendation #2** - Coordinate and facilitate the development of the proposed new and expanded programming in Recreation Department and at the Portsmouth Public Library to supplement existing senior program services.

**Recommendation #3** - Continue to support and invest in the Senior Transportation Program operated by the Mark Wentworth Home; including providing an additional day of operation as well as supporting rolling stock needs.

City Manager Bohenko spoke to the funding needed for FY13 and said we do not want to delay moving forward.

### **V. ACCEPTANCE OF MINUTES – AUGUST 6, 2012**

**Councilor Coviello moved to approve and accept the minutes of the August 6, 2012 City Council meeting. Seconded by Assistant Mayor Lister and voted.**

### **VI. PUBLIC COMMENT SESSION**

Angela Star spoke concern regarding senior transportation and the need for COAST to include City Hall as a stop for the residents of Connors Cottage.

Barbara DeStefano urged the City Council to adopt the Omnibus Parking Ordinance. She requested that parking enforcement stop on Sunday and suggested a new parking garage to be constructed behind the federal building. She also spoke to the need for upgrades to the bathroom facilities at the High Hanover Parking Garage.

Blair McCracken spoke against the construction of a parking garage at the Parrott Avenue lot. He also discussed the petition containing 117 signatures against the construction of a new garage at that location.

Martin Cameron spoke to his letter requesting that \$3,000.00 - \$5,000.00 in funding to support the World War 1 Marker Site to come from the Connie Bean Center Fund distribution.

Bob Hassold spoke opposed to raising the parking meter rates and suggested increasing the parking ticket fines from \$10.00 to \$15.00. He also suggested more signage for visitors to direct them to the parking garage. Mr. Hassold also urged the City Council to solicit comments from the business owners regarding the parking needs of the City.

Natalie Hassold provided a copy of signage used in Newburyport, MA with instructions on the use of their pay and display units, parking rates, hours of enforcement, where to display the receipt, etc.

Susan Denenberg spoke regarding the proposals of the parking consultant. She suggested that the City consider implementing “share parking” and expressed her opposition to a second parking garage.

Ron Zolla stated that a great deal of thought has been put into the omnibus parking ordinance and suggested some changes for a better use of the parking garage. He spoke opposed to providing a free hour of parking in the garage and the creation of stickers for residents at a fee. Mr. Zolla also stated that the Economic Development Commission should have had an opportunity to review the ordinance before coming to the City Council.

## **VII. PUBLIC HEARING**

- A. TO RECEIVE PUBLIC COMMENT ON THE PETITION OF COMMERCE WAY LLC FOR A CONDITIONAL LAYOUT OF THE EXISTING, PRIVATELY OWNED COMMERCE WAY, A COMPLETE RECONSTRUCTION OF THE ROAD AND A BETTERMENT ASSESSMENT, BASED UPON LINEAR FEET OF ROAD FRONTAGE, TO BE CHARGED AGAINST CERTAIN PROPERTIES ABUTTING OR SERVED BY THE RECONSTRUCTED ROAD IN ACCORDANCE WITH RSA 231:28-33. SAID PROPERTY IS SHOWN ON ASSESSOR PLAN 216 AND LIES WITHIN THE OFFICE RESEARCH DISTRICT. AT THE HEARING, THE APPLICANT WILL PRESENT TO THE COUNCIL, THE DETAILS OF THE PROPOSED CONSTRUCTION, AND ESTIMATED COSTS THEREOF, AND THE ANTICIPATED BETTERMENT ASSESSMENT TO BE CHARGED TO EACH AFFECTED OWNER

Councilor Coviello recused himself from this matter and stepped down from the Dias.

Public Works Director Parkinson provided a presentation on this matter. He stated that Commerce Way LLC is seeking to attract new businesses to Portsmouth and the creation of new jobs. He reported on the state statutes governing a Conditional Layout for Existing Private Rights of Way and Betterment Assessment that is a mechanism by which the cost of improvements to a private roadway is financed by a general obligation bond issued by the city and repaid by assessments on the private property owners served by the road. Public Works Director Parkinson indicated that 100% of the bond and road improvement costs are paid by abutting property owners.

Patrick Crimmins of Tighe and Bond outlined the road improvements and the estimated costs of the improvements. He reported on the design and permitting process, bringing the roadway to City standards, pedestrian upgrades, improvements to traffic safety, the reduction of curb cuts, new signage, drainage upgrades, water service improvements and landscape enhancements. Mr. Crimmins advised the City Council that the anticipated cost of the project is \$1.6 million dollars.

The City Council discussed the projects and expressed their support.

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

Attorney Malcolm McNeill spoke in support of the project on behalf of developers for which he represents. He addressed the benefits to the City and urged the support and approval of the Council.

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

Councilor Coviello returned to the Dias.

#### **VIII. APPROVAL OF GRANTS/DONATIONS**

*(There are no items under this section of the agenda)*

#### **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A.1. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Tanner Court

**Councilor Smith moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment, as presented, at the September 4, 2012 City Council meeting. Seconded by Councilor Dwyer and voted.**

#### **Consolidated Parking Supply and Demand Omnibus Ordinances:**

- A. Third and final 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. Third and final 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. Third and final 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.)

**Councilor Dwyer moved to pass third and final reading on the consolidated Parking Supply and Demand Ordinance A thru C, as presented and that the City Council hereby establishes the parking fee at the High Hanover Parking Facility to be at the rate of \$0.75 per hour, except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility. Seconded by Councilor Coviello.**

Councilor Dwyer stated she would like to be able to amend in order to establish the highest rate for the areas that have the highest turn over rate and that she would not vote to implement the ordinance until January 2, 2013.

**Councilor Dwyer moved to suspend the rules in order to allow for an amendment at third reading. Seconded by Councilor Coviello and voted. Councilor Kennedy voted opposed.**

**Councilor Dwyer moved to amend the Omnibus Ordinances to delay the implementation until January 2, 2013. Seconded by Councilor Coviello.**

Councilor Lown said he would like to have a separate vote on the rate for the garage and having the first hour free for parking in the garage.

Councilor Dwyer stated that the motion would delay everything and make additional amendments needed to various provisions.

Councilor Smith said it is getting very confusing for people and therefore he would not support the amendment.

Councilor Novelline Clayburgh suggested setting up a meeting with the downtown business owners. She stated her support of Mr. Zolla's suggestion to create a sticker for residents to use the parking garage at a set fee.

Councilor Coviello said the omnibus is the only way this works.

Councilor Dwyer said that the City Council needs to do something about the Sunday parking enforcement and there is a feeling that the \$1.50 fee for all parking meters will not serve the City well and it is not what the parking consultant recommended. She indicated that she would work with City Attorney Sullivan promptly to get changes made and brought forward to the Council.

Councilor Kennedy said she feels many of these amendments are to fill the parking garage and expressed her opposition to that being a focus.

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

*Councilor Thorsen moved to suspend the rules in order to allow for an amendment at third reading. Seconded by Assistant Mayor Lister.*

**On a roll call vote 5-4, motion to suspend the rules in order to allow for further amendments at third reading failed to pass due to a *lack of 6 votes (two-thirds vote required)*. Assistant Mayor Lister, Councilors Kennedy, Lown, Smith and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Dwyer and Mayor Spear voted opposed.**

Assistant Mayor Lister said he would not vote for the ordinance because of the \$1.50 fee.

Councilor Smith spoke to the projected revenue impact the amendments would mean to the budget.

**On a roll call 5-4, voted to pass third and final reading on the consolidated Parking Supply and Demand Ordinances A thru C, as amended. Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Smith and Thorsen voted opposed.**

**Councilor Novelline Clayburgh moved that the parking fee at the High Hanover parking facility be at no cost for any time in which a vehicle has been parked in the facility on a Sunday when it is demonstrated to the garage attendant in accordance with standards to be promulgated by the City Manager that either the driver or the owner of the vehicle is a resident of the City of Portsmouth to take effect on January 2, 2013. Seconded by Councilor Coviello.**

Councilor Kennedy asked how a person could demonstrate that they are a resident. City Manager Bohenko suggested a driver's license but that will need to be determined and it is important to keep this as simple as possible.

Councilor Novelline Clayburgh spoke to providing the residents some relief and encouraged the use of the parking garage.

Assistant Mayor Lister spoke opposed to Sunday parking enforcement and the affect it has had on residents and visitors to the City.

Councilor Coviello said if free parking is better for businesses why are we not providing free parking all week.

Councilor Smith said that more parking tickets are issued on Sunday than any other time of the week. He said downtown business revenues are down and residents have stated they no longer will come into the downtown on Sunday due to parking enforcement.

**On a unanimous roll call vote 9-0, motion passed.**

*Motion that the City Council hereby establish the parking fee at the High Hanover Parking Facility to be at the rate of \$.75 per hour, except, however, there shall be no fee for the first hour in which any vehicle shall park in the facility; and*

*Motion to postpone until the next meeting. Were withdrawn.*

Mayor Spear declared a brief recess at 10:00 p.m. At 10:10 p.m., Mayor Spear called the meeting back to order.

## **X. CONSENT AGENDA**

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

- A. Request for License from Kenneth Hooper, owner of National Electrical Manufacturers for property located at 22-28 Deer 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 Kenneth Hooper, owner of National Electrical Manufacturers for a projecting sign at property located at 22-28 Deer 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**
- B. Request for License from Federal Savings Bank, for property located at 1 Market Square 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 Federal Savings Bank, for a projecting sign at property located at 1 Market Square 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. \*Acceptance of Donations to the Coalition Legal Fund
- Town of Hebron - \$1,000.00
  - Town of Grantham - \$1,000.00

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

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



## **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Martin Cameron requesting \$3,000.00 - \$5,000.00 to support the World War 1 Marker Site with funding from the Connie Bean Center Fund Distribution

**Councilor Coviello moved to place the letter on file. Seconded by Assistant Mayor Lister.**

Councilor Coviello said this is a reasonable request but too early for a decision.

Councilor Thorsen stated that this raises the question of how funds are distributed.

Councilor Smith said he would not support the motion because he would have preferred the matter be referred to the City Manager.

Councilor Novelline Clayburgh asked that City Manager Bohenko to remind the City Council of when action on the funding would need to take place.

**Motion passed with Councilors Smith and Thorsen voting opposed.**

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

1. Rezoning of 143 Daniel Street (Connie Bean Center)

City Manager Bohenko recommended that this matter be referred to the Planning Board for changes to the zoning map.

**Assistant Mayor Lister moved to refer the proposed Zoning Map amendments to the Planning Board for report back to the City Council. Seconded by Councilor Coviello and voted.**

2. Request to Approve City Manager's Designee to Planning Board

City Manager Bohenko stated that Deputy City Manager Hayden currently serves as his designee to the Planning Board and with her upcoming retirement his new designee Deputy City Manager David Allen will need to be acted upon by the City Council.

**Councilor Smith moved to approve the City Manager's recommendation to designate incoming Deputy City Manager David Allen as the City Manager's designee to the Planning Board effective September 1, 2012. Seconded by Assistant Mayor Lister and voted.**

3. Report Back Regarding Workforce Housing Coalition's Rock Street Garage Design Charrette Proposal

City Manager Bohenko spoke to the letter submitted to the City Council at the May 21<sup>st</sup> City Council meeting from the Workforce Housing Coalition. He recommended that the City Council approve the request of the Workforce Housing for funding towards the Rock Street Garage Design Charrette Proposal.

**Councilor Novelline Clayburgh moved to authorize the City Manager to work with the Workforce Housing Coalition on a design charrette for the Rock Street garage and appropriate \$500.00 in UDAG funding to support the Workforce Housing Coalition's Rock Street Garage design charrette. Seconded by Councilor Dwyer and voted.**

4. Funding for Implementation of Interim Senior Services Programming

City Manager Bohenko spoke to the presentation provided this evening by members of the City staff. He recommended the Council authorize him to expend funds from the General Fund Contingency in the amount of \$29,054.00 for hiring of a part-time senior services coordinator and \$10,000.00 to provide for other programs as outlined in the report; and further authorize him to expend \$43,500.00 from the Parking and Transportation Fund for the expansion of senior transportation by one day and the purchase of a new senior van at a 50% cost which will be cost-shared with Wentworth Connections.

**Councilor Smith moved to authorize the aforementioned request for supplemental funding of senior services for FY2013. Seconded by Councilor Novelline Clayburgh.**

Expenditure of Funds as follows:

- *Expend funds from the General Fund Contingency in the amount of \$29,054.00 for hiring of a part-time senior services coordinator and \$10,000.00 to provide for other programs as outlined in the report.*
- *Expend \$43,500.00 from the Parking and Transportation Fund for the expansion of senior transportation by one day and the purchase of a new senior van at a 50% cost which will be cost-shared with Wentworth Connections.*

Councilor Smith asked if the van is property of the Mark Wentworth Home or the City. City Manager stated he would need to review that and report back.

Councilor Dwyer asked if the request of Ms. Star during the public comment session to add City Hall as a stop on the COAST bus route would be possible. City Manager Bohenko stated that he would have to discuss the matter with COAST and indicated that there are certain times associated with the routes that may not be as easy to change as it sounds.

Councilor Smith asked if there is a vacancy on COAST created when Jon Frederick left his position with the City to be Town Manager for another community. City Manager Bohenko reported that Planning Director Taintor is serving as our representative.

Councilor Coviello stated that he is in favor of funding senior services but is concerned that we are providing first class service for other communities and wants to ensure the costs are equitable.

Councilor Kennedy spoke in support of the funding request. She said we need to support all citizens.

Councilor Dwyer suggested these discussions take place at the City Council Retreat in October.

Councilor Novelline Clayburgh stated that 30% of the City seniors are living below the poverty rate.

**Motion passed.**

**B. MAYOR SPEAR**

1. Appointment to be Considered:

**Trees and Public Greenery Blue Ribbon Committee**

- Dennis Souto to the Trees and Public Greenery Blue Ribbon Committee

The City Council considered the appointment of Dennis Souto to the Trees and Public Greenery Blue Ribbon Committee which will be voted on at the September 4, 2012 City Council meeting.

2. Appointment to be Voted:

**Mayor's Blue Ribbon Committee on Sustainable Practices**

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

**Councilor Coviello moved to appoint Andrew (Drew) Stadterman to the Committee on Sustainable Practices. Seconded by Assistant Mayor Lister and voted.**

3. Resignation – June Rogers from Trees and Greenery Blue Ribbon Committee

**Councilor Smith moved to accept with regret the resignation of June Rogers from the Trees and Greenery Blue Ribbon Committee. Seconded by Assistant Mayor Lister and voted.**

Councilor Smith requested that a thank you letter be sent to June Rogers for her service to the City.

4. Reauthorization of the Blue Ribbon Committee on Transportation Policy

Mayor Spear announced the re-establishment of the Blue Ribbon Committee on Transportation Policy with a sunset date of April 15, 2013 and charge it with developing policies, principles and positions for the City's approach to transportation, including but not limited to:

- Public transportation options
- Access for bicycle and pedestrian travel
- Parking availability and access
- Control/management of traffic
- Travel routes through the City
- "Complete" streets (sustainable design)

The Committee will be comprised of the following individuals: Councilor Brad Lown, Bill Lyons, Rick Chellman, Paige Roberts, Cliff Sinnott, Eric Gregg and Councilor Ken Smith, to serve as Chair Pro-Tem until a vote is taken by the Committee for the position of Chair.

**C. COUNCILOR SMITH**

1. Parking and Traffic Safety Committee – Michael Coffey

**Councilor Smith moved have Mayor Spear bring back Michael Coffey for appointment to the Parking and Traffic Safety Committee. Seconded by Councilor Novelline Clayburgh.**

Councilor Smith said we still need the 4<sup>th</sup> resident to serve on the committee. He said we need that fourth resident to get the work of the committee done and have the committee fully functional.

Councilor Kennedy spoke in support of the appointment.

Councilor Smith stated without the fourth member seated the committee is not fully seated.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear said he has reviewed Mike Coffey's qualifications and he is not going to make the appointment.

Councilor Thorsen said we need to make an appointment and allow the Parking & Traffic Safety Committee to move forward.

City Attorney Sullivan stated that the Parking & Traffic Safety Committee is operating without the fourth member

Assistant Mayor Lister said that this maybe an appropriate discussion at the Council Retreat.

Mayor Spear said that there are no applications for Peirce Island Committee. He said that the City Council should encourage people to apply. He indicated that he understands the urgency for the Committee.

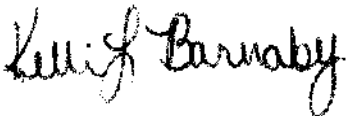
**Motion passed with Mayor Spear voting opposed.**

Assistant Mayor Lister returned the gavel to Mayor Spear.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

**At 10:45 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Novelline Clayburgh and voted.**



Kelli L. Barnaby, CMC/CNHMC  
City Clerk