

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JANUARY 7, 2013, 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. Presentation – Portsmouth US Route 1 Bypass Bridge Replacement Projects Update – Alex Vogt, Project Manager, NH DOT Highway Design – Alex Vogt provided an update to the City Council on the following projects: Replacement of Middle Road bridge over Bypass; replacement of Islington Street bridge over Bypass, replacement of Woodbury Avenue bridge over Bypass, replacement of Stark Street bridge over Bypass; replacement of Maplewood Avenue bridge over Bypass and removal of bridge over Bypass and extend Lafayette Road to new signal on Bypass. He said it has been a pleasure to work with the City and staff on these projects.
2. Acceptance of Minutes – December 3, 2012 and December 17, 2012 – **Voted** to approve and accept the minutes of the December 3, 2012 and December 17, 2012 City Council meetings.
3. Public Comment Session – There were two speakers: Tom Carroll (Scrap Metal on Market Street); and Dixie Tarbell (PortWalk Project).
4. Public Hearing – Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts – Held a Public Hearing. Move to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the January 22, 2013 City Council meeting.

On a roll call vote 4-5, motion to amend the ordinance by deleting the paragraph which reads “This shall not apply to any application which has been the subject of notice by the Zoning Board of Adjustment after June 1, 2012, and prior to the first legal notice of the second reading and public hearing on this amendment at the City Council” **failed** to pass. Assistant Mayor Lister, Councilors Kennedy, Dwyer and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Lown, Smith and Mayor Spear voted opposed.

Main motion passed.

5. Grant Application for New Hampshire Department of Transportation Safe Routes to School Program – **Voted** to authorize the City Manager to apply for, accept, and expend a \$250,000.00 grant from the NH DOT Safe Routes to School Program for the purpose of implementing infrastructure projects and non-infrastructure programming to encourage and enable elementary and middle school children to safely walk and ride bicycles to school.

6. Third and Final Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 - Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure” – **Voted** to pass third and final reading of the proposed Ordinance.
7. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Letter from Kim Blanchard, National Multiple Sclerosis Society, requesting permission to hold the 2013 Walk MS Portsmouth on Saturday, April 13, 2013 from 10:00 a.m. – 2:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)
 - B. Letter from Zhana Morris, Production Manager, The Music Hall, requesting Meter Bags for 2012-2013 Season (**Anticipated action – move to refer to the City Manager with power**)
 - C. Letter from Dave Abbett, Founder, Sub 5 Race Management, requesting permission to hold the 2013 Friends on the Fourth 5K road race on Thursday, July 4, 2013 (**Anticipated action – move to refer to the City Manager with power**)
 - D. Letter from Garfield Jones, Fattman Productions, requesting permission to hold a portion of 24 hour relay race on Saturday, June 22, 2013 – Sunday, June 23, 2013 (**Anticipated action – move to refer to the City Manager with power**)
 - E. Letter from Caitlyn Mosher Ellis, Alzheimer’s Association, requesting permission to hold the 2013 Walk to End Alzheimer’s on Sunday, September 29, 2013 (**Anticipated action – move to refer to the City Manager with power**)
 - F. Request for Approval of Pole License of one pole, one electrical manhole and 710 feet of underground conduit located on Hanover and Bridge Streets (**Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes**)
8. Proposed Revision to Fund Balance Ordinance – **Voted** to allow the City Manager to bring back Proposed Revisions to the Fund Balance Ordinance at the Tuesday, January 22, 2013 City Council meeting.
9. Report Back Re: Cemetery Setbacks – On roll call 7-2, **voted** to accept the Planning Board’s recommendation to **not** vote to enact a zoning ordinance regarding setbacks from cemeteries as requested. Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Dwyer, Smith and Mayor Spear voted in favor. Councilors Lown and Thorsen voted opposed.

10. Report Back Re: Zoning for Assisted Living Facilities – City Manager Bohenko stated he would postpone this item until the January 22, 2013 City Council meeting as Planning Director Taintor could not be present this evening due to a death in his family.
11. Request to Establish Work Session Re: Water/Sewer Rate Study – **Voted** to establish a Work Session on Monday, February 11, 2013 at 6:30 p.m., regarding the Water/Sewer Rate Study.
12. Appointments to be Considered:
 - Alison Hamilton, Citizens Advisory Committee
 - Anthony Blenkinsop, reappointment to the Planning Board

The City Council considered the above listed appointments that will be voted on at the January 22, 2013 City Council meeting.

13. Appointments to be Voted – **Voted** to appoint Elizabeth Moreau as an alternate to the Planning Board until December 31, 2015; appointment of Karina Quintans as a regular member to the Planning Board (*current alternate*) until December 31, 2015 and reappointment of Thomas Watson to the Trustees of the Trust Fund until January 1, 2016.
14. Parking and Traffic Safety Committee Action Sheet and Minutes of December 13, 2012 – **Voted** to approve and accept the action sheet and minutes of the December 13, 2012 Parking and Traffic Safety Committee meeting. Councilor Kennedy voted opposed.
15. Miscellaneous/Unfinished Business – Councilor Coviello informed the City Council that he will bring forward on the January 22, 2013 Council Agenda, under his name, a request to fund a shuttle for downtown.

Mayor Spear asked that the Recreation Board consider changing the date of trick a treat to October 31st when Halloween is celebrated, rather than October 30th and report back their recommendation to the Council.

Councilor Dwyer reported that Attorney Tom Watson was interested in having re-given to the State Legislature the Petition of the Slaves of 1779. Senator Clark introduced this to the Legislature and it will be voted on. In addition, because there were Portsmouth citizens, it's a Portsmouth Petition. The Legislature will vote to Resolve Petition which was given 234 years ago.

16. Adjournment – At 8:35 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk