

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 19, 2013

PORTSMOUTH, NH
TIME: 6:30 PM [or thereafter]

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

At 6:30 p.m., a Work Session was held regarding Wastewater Update.

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. Update on Senior Transportation Program from William Henson, President and CEO of the Mark Wentworth Home

Mr. Henson gave a brief presentation of the services provided to senior citizens at a minimal rate 4 days a week. He stated they need to call the day before any appointments between 7:00 a.m. and 11:00 a.m. to schedule a ride if it is somewhere that isn't on the regular schedule. He described various activities that the seniors are transported to participate.

Councilor Kennedy asked if it is possible to expand the service to 5 days a week by including Tuesdays. Mr. Henson stated that the demand is going up but it will require additional funding as was the case when they went from 3 days to 4 days a week. He stated he is not certain it is needed yet but there will be an additional cost associated and the program currently costs \$225,000.00 per year.

Councilor Coviello asked how much of that figure is subsidized by the City. Mr. Henson replied \$134,000.00

Councilor Novelline Clayburgh stated that the numbers will only increase as people are living longer. Mr. Henson agreed.

2. Update from Brinn Chute, Senior Services Coordinator

Brinn Chute, Senior Services Coordinator, stated she has been on the job since November of 2012 and has been attending various activities and events to get acquainted with what is being provided as well as meeting the senior citizens. She stated she has created two newsletters which list activities in Portsmouth as well as surrounding towns and tries to keep them to low cost and free activities. She stated it has been very well received and people like being able to get that information from one source. She stated she has also added an additional senior luncheon at Families First on the Community Campus which continues to gain numbers of attendees. She stated she tries to have some type of educational presentation at the luncheons as well. She stated that Senator Jeanne Shaheen recently conducted a fraud presentation for seniors at the Portsmouth Library which was well attended. She concluded that she is conducting an informal survey to gather opinions and ideas.

Assistant Mayor Lister thanked Ms. Chute for her work and collaboration with various organizations to bring these services together. He then asked if there is something provided for people who are unable to get out. Ms. Chute stated that Meals on Wheels has been delivering her newsletters to those residents who aren't able to get out and she has been working with Portsmouth Housing Authority to provide informal gatherings in the senior resident buildings themselves for easier access. She stated that Operation Blessing also does outreach at the Margeson and Feester Buildings.

Councilor Novelline Clayburgh asked if there is still support for a "Senior Center". Ms. Chute stated yes, everyone still wants a senior center and better senior transportation. She stated she feels that regarding transportation, it is a matter of education of what is already available as she feels many people aren't aware or misunderstand it.

Councilor Kennedy asked if the questionnaire addresses what type of transportation they are looking for. Ms. Chute reiterated that it is a matter of informing people of what is already available. Councilor Kennedy stated she is specifically wondering about transportation to events. City Manager Bohenko stated that there isn't another municipality that provides the level of senior transportation as Portsmouth. Councilor Kennedy stated that Eliot, Maine provides transportation to events. Ms. Chute stated that there are bus trips run by the Recreation Department as well as the Rye 55 and over club which allows Portsmouth residents to participate.

Councilor Dwyer asked what age groups are largely attracted to the services being offered. Ms. Chute stated it varies by activity i.e., 75-85 for the luncheons, 55-65 for some of the exercise classes etc.

Ms. Chute concluded that her next focus will be on outreach to a broader range of senior citizens.

3. Update on Doble Center from David Moore, Community Development Director

David Moore, Community Development Director, updated the Council on the status of the Doble Center and the need to determine if and how the City wishes to reuse the property. He explained the terms of the Base Realignment and Closure Act (BRAC) which defines tools available to the Department of Defense for disposing of property. He reviewed the timeline of key actions taken by the City up to 2008 when the City adopted a reuse plan for the facility which was to create an outdoor recreation facility to address field shortages which was accepted by the Department of Defense as an acceptable use under BRAC law. He stated the U.S. Army is currently constructing their replacement facility and expect to be able to vacate/transfer the Doble Center in the Fall of 2013. He concluded by stating that the next steps for the City include determining if the City still wants to determine reuse of the property; move forward with the current reuse plan or adopt another reuse in accordance with BRAC law; and work with the Department of the Army to transfer the property.

Councilor Novelline Clayburgh stated that this was decided a few years back now and wonders if it should be discussed again before going forward. City Manager Bohenko stated yes and a work session would be appropriate.

Councilor Smith stated he would like to discuss all possible uses of the property and feels it may be better suited to a public safety building to include Police, Fire, Dispatch services etc. City Manager Bohenko stated currently we have been approved for the recreational use so we would have to change direction totally and determine if the Police and Fire Department needs could be met and get approval under the BRAC law for that use. Councilor Smith stated that in 2006 when this issue was discussed he understood that there was flexibility in the use of the property and asked if that has changed since then. City Manager Bohenko stated that it is a matter of going through the process all over again if we change direction.

Councilor Kennedy asked how long the property has to remain in the approved use. Community Development Director Moore stated we have to agree to the use in perpetuity. City Manager Bohenko clarified that there is the ability to amend in the future.

Assistant Mayor Lister stated that there needs to be a work session and have all of the ideas laid out on the table including a senior center, but to remember we also have stated that the City needs additional recreational fields.

Councilor Dwyer stated that when we went through the process previously, the Army wanted additional housing. Community Development Director Moore stated that the BRAC law does put a premium on homelessness and housing but stated we are at a different point in the process having been approved for recreational use.

Mayor Spear stated a work session will be scheduled on this issue.

V. ACCEPTANCE OF MINUTES *(There were no minutes on for approval)*

VI. PUBLIC COMMENT SESSION

Tom Carroll, spoke regarding the ongoing issue of rust dust and scrap metal on Market Street stating he has distributed a letter to the Council which is requesting any and all information regarding the response or intended response of the letter written to the Pease Development Authority dated December 17, 2012 regarding the above stated complaints. He stated that if there is no response, then the City should go to the State legislature and attorney general.

Jim Splaine spoke regarding the item under Assistant Mayor Lister's name on the Agenda regarding the repeal of the Defense of Marriage Act (DOMA) stating that the deadline has passed, but the City can still sign on to the Amicus Brief. Mr. Splaine stated that 20 years ago he was the Assistant Mayor and they were discussing equal rights for same sex couples at that time and although the issue has made some strides, there is still a lot of inequality in regards to benefits that are granted for everyone else. He discussed the recent passing of Charlie Morgan who left behind a wife and not being able to leave her wife with the benefits afforded to other married couples. He concluded by stating he would be proud as a Portsmouth resident to have the City of Portsmouth be a leader in joining to fight DOMA.

VII. PUBLIC HEARINGS

- A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION:

ELDERLY EXEMPTION AT 2%

| | |
|----------------|-------------------------------------|
| SINGLE | \$35,176.00 INCREASE OF \$690.00 |
| MARRIED | \$43,393.00 INCREASE OF \$851.00 |
| ASSET LIMIT OF | \$117,257.00 INCREASE OF \$2,299.00 |

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

City Assessor Rosann Lentz gave a brief presentation explaining the history of the exemptions and the proposed increases.

Seeing no one wishing to speak, Mayor Spear closed the public hearing.

- B. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION:

DISABLED EXEMPTION AT 2%

| | |
|----------------|-------------------------------------|
| SINGLE | \$35,176.00 INCREASE OF \$690.00 |
| MARRIED | \$43,393.00 INCREASE OF \$851.00 |
| ASSET LIMIT OF | \$117,257.00 INCREASE OF \$2,299.00 |

Mayor Spear read the legal notice, declared the public hearing open and called for speakers. Seeing no one wishing to speak, Mayor Spear closed the public hearing.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Lonza Biologics Incorporated

Assistant Mayor Lister moved to accept and approve the aforementioned donation from Lonza Biologics Incorporated, and further, authorize the City Manager to sign a release agreement. Seconded by Councilor Kennedy and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

Elderly Exemption at 2%

| | |
|----------------|-------------------------------------|
| Single | \$35,176.00 increase of \$690.00 |
| Married | \$43,393.00 increase of \$851.00 |
| Asset Limit of | \$117,257.00 increase of \$2,299.00 |

Councilor Novelline Clayburgh moved to adopt, the Elderly Exemption resolution, seconded by Councilor Thorsen.

Councilor Kennedy stated she would still like to raise the asset limit as people are living much longer now.

Motion voted.

- B. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Disabled Exemption at 2%

| | |
|----------------|-------------------------------------|
| Single | \$35,176.00 increase of \$690.00 |
| Married | \$43,393.00 increase of \$851.00 |
| Asset Limit of | \$117,257.00 increase of \$2,299.00 |

Councilor Novelline Clayburgh moved to adopt the Disabled Exemption resolution, seconded by Councilor Lown. Motion voted.

- C. Third and Final Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance

Councilor Lown moved to pass third and final reading on the proposed Fund Balance Ordinance, seconded by Assistant Mayor Lister.

Councilor Thorsen stated that the City Manager answered his question in the City Manager comments regarding the marginal benefit between an AA+ and AAA rating but feels that there is not much of a difference and is more a matter of civic pride. He stated we need to be careful going after things that may take money out of the pocket of residents in order to look good. He stated he would like to divide the question of the minimum requirement and the suggested goal.

City Attorney Sullivan stated there is no logical division of the question.

City Manager Bohenko stated that the 10-17% is a goal and not a requirement as per Councilor Thorsen's previous comments. He stated we are now at 11.5%.

Councilor Thorsen stated he appreciates that and will vote in favor of the change but he doesn't want to actively try to raise it any higher than the 11.5%.

Councilor Lown stated that in the narrow sense Councilor Thorsen's comments are true but the money is not going away never to be used as it can be used with 6 votes as the Council deems necessary.

Councilor Thorsen stated that the money comes from the residents and does go into a vault under 10% fund balance.

Councilor Dwyer stated this all depends on whether we want to be spendthrifts or invest in the future. She stated the money does come from the taxpayers but the investment is on their behalf.

Councilor Coviello stated he agrees with Councilor Thorsen but we are a community on the Coast and there are a variety of things that could occur making disaster funds necessary. He stated we either have this set aside in an account or would have to produce that money quickly.

Councilor Novelline Clayburgh stated she is proud that we are in the situation to apply for a AAA rating stating that City Manager Bohenko has worked hard over the years to put us in that position and most other communities are not.

Councilor Kennedy stated she respects Councilor Thorsen's comments but to take it a step further, the Wastewater Treatment Facility is going to require millions of dollars to be bonded and we need to save now so that we can get the best rate when we go to bond. She stated she also would not like to go higher than the current 11.5%.

Motion voted.

X. CONSENT AGENDA

- A. Letter from Kristen Lyons, Sexual Assault Support Services, requesting permission to reschedule the 5th Annual 5K Race to Sunday, June 2, 2013 at 11:00 a.m. (*The Council previously approved this race for a different date*) (**Anticipated action – move to refer to the City Manager with power**)

Councilor Coviello moved to adopt the Consent Agenda as presented, seconded by Assistant Mayor Lister. Motion voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Barbara Engelbach, Moffatt-Ladd House Maintenance Chair, inquiring if non-profit museums could have tier billing as private residences for the watering of gardens

Councilor Smith moved to refer to the City Manager to include in the rate study, seconded by Councilor Novelline Clayburgh.

Councilor Kennedy stated that this is regarding the item on the Agenda under her name so she will discuss it now. She stated that we need to look at providing non-profit museums a way to keep their gardens watered without the large fees that go with it because they help to draw tourists to the City. She stated this can be addressed through sustainable practices, water trucks, irrigation meters, etc.

Councilor Dwyer stated that the bill provided as an example was not as much as she was originally led to believe and is in line with what residents pay. She stated this is not just a museum but is their residence as well and feels we need to be careful in not singling out just one type of non-profit.

Councilor Coviello stated he agrees that this should be reviewed as part of the study, but it should be remembered that every discount given is added to everyone else's bill.

Motion voted.

- B. Letter from Elizabeth Moreau, Member, Islington Creek Neighborhood Association, requesting submitted stipulations be integrated with any renewal of the license for the 21 Brewster Street property

Assistant Mayor Lister moved to refer to the Legal Department for report back at the March 4, 2013 City Council meeting, seconded by Councilor Novelline Clayburgh.

City Manager Bohenko stated that if the Council wishes the suggested stipulations to be incorporated with the renewal license for 21 Brewster Street, he will work with the City Attorney to determine if they are in line with laws and ordinances and bring it back at the March 4th meeting.

Councilor Lown stated he will abstain from any votes on this issue due to a potential professional conflict.

Motion voted. Councilor Lown abstained.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Adoption of Capital Improvement Plan (CIP) FY2014-2019

Councilor Novelline Clayburgh moved to adopt the Capital Improvement Plan for FY 2014-FY2019, seconded by Councilor Coviello.

Councilor Thorsen stated he will be proposing a series of amendments for the purpose of adjusting the budgeted amount early on in the process. He stated if things need to be brought back then they can be. He stated he would like to see other Councilors bring forward amendments as well.

Councilor Thorsen moved to remove \$25,000.00 from FY14, BI-CD-10, Land Acquisition, seconded by Councilor Smith.

Councilor Novelline Clayburgh asked why we have this money set aside in each year of the CIP. City Manager Bohenko explained that if we are acquiring land with grant funds and need matching funding, it will be available.

Councilor Lown stated he looks at this the same way as the fund balance, as an investment in the future. Assistant Mayor Lister and Councilor Dwyer agreed.

Councilor Thorsen stated that if the money is needed for this purpose in the first year it can be brought forward for the council to add back, but he is trying to reduce Year I of this CIP down to \$1.1 million from the proposed \$1.5 million because it is more than it has ever been before. He stated that all of the items in the CIP can be justified but we have to start somewhere.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear stated that he agrees that all of the items are justifiable, but now the challenge is how to make it match the budgetary goal. He stated he likes the plan but feels that this should be done as part of the budget process in April and May.

Assistant Mayor Lister passed the gavel back to Mayor Spear.

Councilor Kennedy stated she understands Councilor Thorsen's reasoning and will support some of his amendments. She agreed that the \$1.5 million is above what is usually presented and that dealing with this now gives the Council time to reflect on what this spending is doing to the citizens.

Assistant Mayor Lister stated he means no disrespect to Councilor Thorsen but feels that going through line items is not necessary as the City Manager and staff has put together this plan, which is a plan, to start the budget process.

Councilor Coviello stated that he is not in favor of making these amendments at this time, also preferring to wait until the budget process in April and May. He stated he ran for City Council because of the perceived tax breaks being achieved by not investing in the infrastructure which ultimately needs to be dealt. He stated that Portsmouth has been steady and predictable with tax increases close to inflation rates and he wants to continue to fund the CIP for infrastructure to avoid spikes in the future.

Councilor Kennedy stated she would love to debate this later as well but the Council has been asked to vote on this now. She also agrees that the Council shouldn't be making line item adjustments and should decide what bottom line amount they want to reduce by and let the City Manager and staff makes those decisions.

Councilor Smith stated he agrees with putting money aside yearly for land acquisition but feels that it can be put off one year.

Motion to amend FAILED on a 3-6 roll call vote. Councilors Kennedy, Smith and Thorsen voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted opposed.

Councilor Thorsen moved to send the CIP back to the City Manager to make adjustments to achieve \$1.1 million in General Fund for FY14, seconded by Councilor Kennedy.

Mayor Spear stated that if this is passed it will delay the budget schedule the Council previously set.

City Manager Bohenko clarified that he is in favor of the CIP as presented.

Councilor Dwyer asked what happens with the Planning Board if this is sent back. City Manager Bohenko stated they are out of the process at this point as they voted on the CIP that they presented.

Councilor Novelline Clayburgh stated she will not support this motion as this is her 6th budget process and feels that doing any amendments now would be doing it backwards.

Assistant Mayor Lister stated he will not support the cut either although he commends Councilor Thorsen and feels they all want to save the taxpayers money, he doesn't want to ignore the infrastructure.

Councilor Smith stated it is the wrong time to do an overall cut, but will gladly go line by line.

Councilor Lown stated he also respects Councilor Thorsen advocating for the taxpayer but feels they should do it later in the process when they can get feedback on the impact from the Department Heads.

Motion FAILED on a 2-7 vote, Councilors Kennedy and Thorsen voted in favor.

Councilor Thorsen moved to move \$75,000 from BI-PL-27, Master Plan Planning Process to FY 15, no second.

Councilor Thorsen moved to move \$50,000 from TSM City-07 Wayfinding System to FY 15, leaving 50,000 in FY 14, seconded by Councilor Kennedy.

Councilor Dwyer stated she would like to know what the consequences of pushing items back would be.

City Manager Bohenko stated that the idea of the CIP is to spread out the expense of items over several years. He continued that the Wayfinding project has been going on for several years and that there are positive results coming in the next year.

Councilor Smith stated that he agrees with the sentiments of moving things back a year or two but feels this project is a good thing for the citizens and downtown.

Motion failed on a 2-7 vote, Councilors Kennedy and Thorsen voted in favor.

Councilor Thorsen moved to move \$50,000 from FY14, VE-FD-06, SCBA Replacement Program, to FY16, NO SECOND.

Councilor Thorsen asked about BI-PW-22, City Hall Entry Way Accessibility Improvements, for \$100,000.00 and if it is just a placeholder. City Manager Bohenko stated that it is a CDBG allocation for ADA compliance which we have achieved throughout the community, but feels that City Hall is not a good example of being ADA compliant. He stated our entrance meets the requirements but it was built in 1987 and limited improvements have been made since that time. He stated that 2/3rds would be paid by the CDBG and it would be a complex project, but he feels it is necessary. No motion was made.

Councilor Thorsen moved to reduce FY 14, IS-IT-01, Information Technology Upgrades and Replacements – General Fund by \$100,000.00, seconded by Councilor Kennedy.

Councilor Thorsen stated he feels that the City should be looking to outside servers for the City instead of doing everything in-house.

Councilor Kennedy asked if we are taking steps to remove things from the City server such as utilizing "Cloud".

Information Technology Manager Alan Brady explained that they have looked into the Cloud based system and are utilizing YouTube for meeting videos on-line. He continued that there is a need to increase internet connectivity because if the internet goes down, productivity throughout the City government is affected. He stated they are also hesitant to use products before they have been time tested because they don't always do what they are supposed to do.

Councilor Coviello stated this isn't how these decisions should be made and the Council aren't experts on this subject. He stated the consultants who know the system are making this recommendation.

Motion FAILED on a 1-8 vote, Councilor Thorsen voted in favor.

Councilor Thorsen moved to remove \$100,000.00 from FY 14, VE-FD-01 – Ambulance Replacement, seconded by Councilor Kennedy.

Councilor Thorsen stated that ambulances do need to be replaced but feels that this corner can be cut for this year.

City Manager Bohenko explained that we need to maintain ambulances and the cost to do this is \$100,000.00 a year. He stated we need to replace when needed to maintain 3 ambulances for a stable and predictable service.

Councilor Smith stated he will not support this and related the recent issue with an ambulance that did breakdown. He stated this is a matter of public safety and is the foundation of what municipalities provide. He concluded by stating that the ambulance is also a revenue generator.

Motion FAILED on a 1-8 vote, Councilor Thorsen voted in favor.

Councilor Thorsen stated that he has no further motions but referred to the remainder of his list of "Other Revenue Sources" stating that just because we have revenue, doesn't mean we have to spend it.

Councilor Kennedy moved to remove \$45,000.00 from FY14, TSM City-04, Replacement of Parking Meters, seconded by Councilor Thorsen.

Councilor Kennedy stated that we need to look at these meters before we spend more money on them because people do not like them and feels we should research other types of meters.

Councilor Smith stated he will not support this as this is a maintenance issue. He stated the New Parking Division Director has already been directed to look at other options, but this is for maintenance.

Motion FAILED on a 2-7 vote, Councilors Kennedy and Thorsen voted in favor.

Motion to adopt the Capital Improvement Plan for FY 2014-2019 as presented passed on a 7-2 vote. Councilors Kennedy and Thorsen voted opposed.

2. Request to Renew Lease Agreement for Sons of Italy

Councilor Smith moved to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of one year from April 1, 2013 through March 31, 2014, seconded by Councilor Lown. Motion voted 7-0. Councilors Coviello and Novelline Clayburgh abstained.

3. Town of Barrington Re: Land Conservation

Assistant Mayor Lister moved to support this project with an amount not to exceed \$5,000.00, seconded by Councilor Coviello.

Councilor Thorsen asked if this property was being sold freely or being taken by eminent domain.

Councilor Smith asked if the land will be used for recreational purposes as well or be restricted.

John Wallace, Chair of the Conservation Commission for the Town of Barrington stated that the land is being sold freely and will be a Conservation Easement. He stated that recreational activities will be allowed on the property.

Councilor Thorsen asked who will be responsible for maintaining the property. Mr. Wallace replied the Town of Barrington.

Motion voted.

4. Request for Easement Re: 32 Livermore Street

Councilor Lown moved to refer this proposed easement for an underground utility conduit on Livermore Street to the Planning Board for a report back, seconded by Councilor Kennedy. Motion voted.

5. Report Back Re: 21 Brewster Street Boarding House Permit

Councilor Thorsen moved to authorize the City Manager to bring back at the March 4th City Council meeting, permit renewals for 21 Brewster Street three month extension; one-year permit for 350-352 Hanover Street; and a one-year permit for 278 Cabot Street, seconded by Assistant Mayor Lister.

City Manager Bohenko reiterated that the City Attorney will also review the stipulations suggested by the Islington Creek Neighborhood Association and he will bring back all that are applicable at the next meeting.

Motion voted 8-0. Councilor Lown abstained.

Informational Items

1. Events Listing
2. Strawberry Banke Re: Skating Rink Proposal

City Manager Bohenko stated that Mr. Yerdon will be at the March 4th meeting to give a brief presentation on the overall concept of the skating rink proposal.

Councilor Kennedy stated that there is a gathering of the neighborhood on March 3rd regarding this issue and asked if the Council will be asked to contribute to the project in any way at the March 4th meeting because she would like people to be able to hear the presentation and for the Councilors to hear from them before making any commitments.

City Manager Bohenko stated there will be a presentation and he will be looking for direction from the Council as to whether the City will be interested to take part in some way, or not at all. He stated there will be no specific commitments on March 4th.

Councilor Kennedy would prefer to have the presentation at the March 18th meeting.

After some discussion, the consensus was to proceed with the presentation as scheduled on March 4, 2013.

Councilor Smith asked City Manager Bohenko to address the comments made by Mr. Carroll during the public comment session as to whether or not the Pease Development Authority had responded to the City Manager's letter.

City Manager Bohenko stated that he feels that the complaints are being heard and are being addressed, but he had not yet received a response back.

Councilor Thorsen stated he had written to Port Authority Director Marconi and did receive a thorough response from him.

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Colby Gamester – Planning Board
 - Craig Welch – Portsmouth Housing Endowment Fund

Councilor Coviello asked for clarification that Mr. Welch's appointment to the Portsmouth Housing Endowment Fund Board is appropriate as the Portsmouth Housing Authority Director. Mr. Bohenko stated yes.

The aforementioned appointments were considered and will be voted at the March 4, 2013 City Council Meeting.

2. Appointments to be Voted:
 - Kelly Weinstein – Citywide Neighborhood Steering Committee
 - Lisa Louttit – Peirce Island Committee
 - J. Robert Shouse - Blue Ribbon Committee on Sustainable Practices

Councilor Lown moved to appoint Kelly Weinstein to the Citywide Neighborhood Steering Committee, term to expire 04/01/2015; Lisa Louttit to the Peirce Island Committee, term to expire 12/31/2013; and J. Robert Shouse to the Blue Ribbon Committee on Sustainable Practices, seconded by Assistant Mayor Lister. Motion voted.

C. ASSISTANT MAYOR LISTER

1. Defense of Marriage Act Re: Motion to Sign onto an Amicus Brief (*Sample motion*)

Assistant Mayor Lister moved to sign onto an amicus brief with other cities and employers in the Windsor v. United States of America lawsuit at the U.S. Supreme Court challenging the constitutionality of the Federal Defense of Marriage Act, seconded by Councilor Kennedy.

Assistant Mayor Lister read a prepared statement thanking Mr. Splaine for bringing this issue forward and urging the Council to support the motion.

Councilor Lown stated he doesn't think the Supreme Court will listen to the City of Portsmouth and the others who have signed the amicus brief, but feels as a general expression that the Defense of Marriage Act is unconstitutional and to support gay marriage he will support the motion.

Councilor Thorsen stated that the Federal Government is not the place to define marriage and feels it should be done at the State level. He stated he does have a reservation of voting on a document that he hasn't seen and for speaking on behalf of all citizens of the City of Portsmouth, so he is on the fence.

Motion voted unanimously.

D. COUNCILOR KENNEDY

1. Deduct Water Meters for Historical Museums (previously addressed)

E. COUNCILOR DWYER

1. Portsmouth's 400th Anniversary

Mayor Spear stated he recently received an invitation to the Portsmouth, Rhode Island 375th celebration and he realized that the City of Portsmouth, New Hampshire would be reaching its 400th Anniversary in the relatively near future (2023).

Councilor Dwyer stated that the 400th will be a major achievement of the City and will not belong to any one group to plan and feels that we should begin the process. She stated that it will involve a broad spectrum of citizenry and feels that goals should be set in order to accomplish an incredible celebration by that time.

Councilor Smith stated he wants a Blue Ribbon Committee established with subcommittees formed from there to involve the community in this huge undertaking. He stated he envisions this to involve Art Speak, Pro Portsmouth, Schools, etc. to celebrate the culture, history, etc. He stated that 9 years seems like a long time away, but this will require having a plan in place sooner than later in order to advertise the event.

Councilor Thorsen stated that this will be a national event and not just a party for the City as celebrating 400 years as a City in America is a tremendous achievement.

Councilor Kennedy agreed stating that she was here when Prince Charles came to Portsmouth to celebrate the 350th. She stated that there are certain things that need to be booked 5 years or so in advance such as the tall ships.

Mayor Spear stated that this will be discussed more in the future and feels that the talent of City staff should be included as well.

F. COUNCILOR THORSEN

1. Capital Improvement Plan (CIP) (previously addressed)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Spear asked to have a report back in the future regarding a final summation/analysis of the move of the Connie Bean Center to the new location at the Middle School. He stated he would like to hear about the economical impact, recreational impact and school programs.

Councilor Lown asked Councilor Smith to give an update as to the progress of the Parking Garage Selection as it stands with the Parking and Traffic Safety Committee and when will they report back with a recommendation.

Councilor Smith stated it is not going to be a quick process. He stated he has scheduled an informal public listening session on Saturday, February 23, 2013 from 10:00 a.m. to noon at Bagel Works. He stated this is for citizens to be able to speak more freely in an informal setting. He concluded by stating that the Parking and Traffic Safety Committee will hold their next work session on the Parking Garage Site Selection on Thursday, February 28, 2013 at 8:00 a.m. He stated he will ask the Committee for direction on when a report back may be submitted.

Councilor Kennedy stated it sounds as if the Parking and Traffic Safety Committee is progressing on the issue and commended Councilor Smith and the committee for their work.

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

Councilor Coviello moved to adjourn at 9:45 p.m., seconded by Assistant Mayor Lister. Motion voted unanimously.

Respectfully submitted:



Valerie A. French
Deputy City Clerk