

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 4, 2013

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

### **I. CALL TO ORDER [7:00PM or thereafter]**

Mayor Spear called the meeting to order at 7:15 p.m.

### **II. ROLL CALL**

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy (arrived at 8:30 p.m.), 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 Smith led the Pledge of Allegiance to the Flag.

### **PRESENTATION**

1. Presentation from Lawrence Yerdon, President and CEO of Strawberry Banke  
Re: Skating Rink Proposed Project

Lawrence Yerdon, President and CEO of Strawberry Banke provided a detailed presentation regarding proposal to create a skating rink at Strawberry Banke. He read the Mission of the Puddle Dock Pond at Strawberry Banke as follows:

*To bring a joyous, community experience to the City of Portsmouth, NH. We provide ice skating in a festive atmosphere that offers social, recreational and performing arts opportunities.*

*Our focus is delivering affordable family fun and healthy outdoor winter recreation. We accomplish this by inspiring sponsorship, volunteerism and goodwill throughout our region and beyond.*

He indicated that this would be a first class outdoor ice skating facility, provide healthy winter recreation for children, adults and families. The opportunity for individuals to learn to skate, day and evening ice skating, a winter performing arts venue, a festive outdoor social gathering spot, which would be a community asset. The recreational activities would include family public skating, after school programs, free weekday and weekend sessions, skate rentals, sharpening, open freestyle skating and pickup pond hockey.

The skating pond is anticipated to open December 2013 coinciding with the candlelight stroll and First Night with projecting operating expenses of \$300,000.00.

Discussion followed regarding potential noise, parking and lighting issues. Mr. Yerdon stated that the lighting of the pond would be done with Christmas lights and if noise became an issue it would be addressed. He also indicated that their parking lot has 100 spaces and they would like to work with the City in creating trolley service. The Council inquired whether there is neighborhood support for the proposal. Mr. Yerdon stated there is broad support from the community for this proposal.

#### **V. ACCEPTANCE OF MINUTES – FEBRUARY 4, 2013 AND FEBRUARY 19, 2013**

**Councilor Smith moved to approve and accept the minutes of the February 4, 2013 and February 19, 2013 City Council meetings. Seconded by Councilor Coviello and voted.**

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

Mayor Spear stated that there are 20 speakers this evening and the time would be limited to 2 minutes for each individual unless the Council made a motion to suspend the rules to allow for 3 minutes.

Assistant Mayor Lister moved to suspend the rules in order to allow for three minutes per speaker. Seconded by Councilor Novelline Clayburgh and voted.

Cathy Baker spoke adamantly opposed to a seasonal ice skating rink as proposed by Strawberry Banke. She stated that she is opposed to turning her quiet residential neighborhood into a busy carnival atmosphere during the winter months. She spoke to Strawberry Banke being zoned mixed residential/office which specifically details outdoor recreational use is not permitted in a neighborhood with this zoning designation. Ms. Baker said the zoning ordinance details very specific conditions, which must be met to receive a variance as well as regulates noise at a level that would be exceeded daily by music, a zamboni and the refrigeration plant and pump. In closing, she stated that any collaboration or partnership by the City in Strawberry Banke's skating rink prior to Strawberry Banke receiving necessary approval is premature. She said Council approval of discussing collaboration is taking a de facto position on this controversial zoning issue. In addition, City involvement in the rink project has the appearance of a conflict and potentially taints the objectivity of City boards and officials as fair arbiters in considering the variances and approvals required.

Tom Carroll spoke regarding his right-to-know request made regarding whether the PDA has responded to the rust dust issue at the Port. He stated the need for the PDA to end the contract with the business at the Port.

Mary Krempels spoke opposed to the Strawberry Banke proposal for a skating rink and expressed concerns with its potential affect on the neighborhood. She said the rink is proposed to be open from 9:00 a.m. – 9:00 p.m., 7 days per week and feels that is inappropriate. She also stated that she does not feel that Christmas lights would be used to light the rink.

David Krempels stated that there are many neighbors that oppose the proposal of Strawberry Banke and are against the hours of operation. He indicated that he would prefer the hours to be 9:00 a.m. – 5:00 p.m.

Sherry Hogan Brandsema spoke against the zoning ordinance proposed amendment for neighborhood commercial use. She said that these areas were not designed as City centers but for quiet neighborhood living. Ms. Brandsema asked why the neighborhoods were not notified of this proposed amendment to the zoning ordinance.

Dan Innis stated that the Worth Lot is the right location for a parking garage and would ask the City Council to reconsider the matter.

Patricia Taylor spoke against the proposed amendment to the zoning ordinance to allow for neighborhood commercial use. She stated that this would have a negative impact on neighborhoods.

Jim Lalos spoke in favor of developing the Worth Lot and said that parking is needed and that this could create a theatre district in the downtown. He indicated that development would broaden the tax base as well as create additional parking.

Duncan MacCallum spoke opposed to the zoning amendment for the neighborhood commercial use. He said he feels it is allowing businesses to get a foot in the door to take over neighborhood areas in the City.

Bob Shouse spoke in favor of the Worth Lot as the site for a new parking garage. He stated that the Parrott Avenue location is not the correct site for a garage and it is not convenient for people.

Susan Denenberg said that her understanding of the vote by the City Council on December 3, 2012 was that the Worth Lot could not be considered by this Council until the new Council is seated in January of 2014. She requested that Councilor Coviello not participate in any decisions on the Worth Lot because she feels it is a conflict of interest with his business.

Judy Nerbonne stated that she lives near Strawberry Banke and supports the proposal for a skating rink. She said her daughter lives in a community where her home is adjacent to a skating rink and it is a wonderful asset to the community and the residents. She encouraged the City to support outdoor activities.

Bryce Morales spoke in support of the proposal by Strawberry Banke for a skating ring. He said it would attract tourists and be a great resource for kids.

Lee Roberts said she lives near Strawberry Banke and is excited about a skating rink and feels it is a wonderful idea. She said there are some modifications that Strawberry Banke could consider that may allow others to support the proposal.

Joe Capobianco said he lives near Strawberry Banke and he supports the proposal of a skating rink. He stated that he does understand the concerns expressed by the neighborhood. Mr. Capobianco said the three months when this rink would be open most individuals are closed inside due to the winter weather.

Dave Anderson spoke regarding the skating rink proposal for Strawberry Banke and said there are concerns with parking, lights and noise but there are two kinds of thoughts by the neighborhood.

Lenore Weiss Bronson spoke opposed to the zoning ordinance amendment to neighborhood commercial use. She stated there is enough commercial use in the City and it is not needed in the neighborhoods. She indicated her surprise in seeing this proposed amendment in a news article because the abutters were not made aware of this matter.

Monte Bohanan spoke in support of the skating rink proposal for Strawberry Banke and that all the concerns raised this evening are of a logistical nature and feels that Mr. Yerdon and staff would address each one.

Mr. Walter Lewis requested to address the City Council but indicated he had not signed up for the public comment session.

**Councilor Smith moved to suspend the rules in order to allow one additional speaker for the public comment session. Seconded by Assistant Mayor Lister and voted.**

Walter Lewis spoke against the zoning ordinance amendment for neighborhood commercial use. He addressed the commercial use in the area of Woodbury Avenue and said the he does not understand why the neighborhood did not receive any information on this proposed amendment.

**Councilor Coviello moved to have the City Manager continue working with Strawberry Banke on this proposal and report back to the City Council. Seconded by Councilor Lown.**

Councilor Smith stated he would like to hear from the City Manager as to whether this should be heard by the City Council at this time.

City Manager Bohenko stated that Strawberry Banke would need to go before the land use boards for a variance and there would be limited involvement before that happens. He also said the City would follow the necessary steps as with any land use item.

Councilor Smith said he would not support this matter at this time. He said he does not want this to appear as support by the City Council, as an endorsement before the land use process.

Councilor Novelline Clayburgh said the Zoning Board of Adjustment would need to grant a variance to change the zoning for this request.

Councilor Coviello said he is not endorsing this project but rather answering the request of the City Manager to allow him to speak with Strawberry Banke on this proposal.

Councilor Lown said that this motion is just to allow the City Manager to speak with Mr. Yerdon. City Manager Bohenko said no public discussion from his office would be made prior to the decision of the land use boards and no report back would come to the City Council before the land use matter is addressed.

Councilor Dwyer said that City staff answers these types of questions everyday relative to the process.

Councilor Thorsen said he does not feel a vote taken on this motion would prevent the City Manager from speaking with Strawberry Banke on this proposal.

City Manager Bohenko said he is looking for a consensus from the Council and does not feel there is a need for a motion.

Councilor Smith requested that Councilor Coviello withdraw his motion.

Councilor Coveillo withdrew the motion. He stated he was just following parliamentary procedure to address an item that was not on the agenda this evening.

At 8:25 p.m., Mayor Spear declared a brief recess. At 8:30 p.m., Mayor Spear called the meeting back to order.

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

- A. Acceptance of Police Department Grants:
- NH Department of Highway Safety Grant for DWI/DUI Patrols - \$8,580.00
  - NH Department of Highway Safety Grant for Sobriety Checkpoints - \$12,168.00
  - NH Department of Highway Safety Grant for Pedestrian Patrols - \$7,436.00
  - NH Department of Highway Safety Grant for Red Light Running Patrols - \$7,436.00
  - NH Department of Highway Safety Grant for Speed Enforcement Patrols - \$7,436.00

**Councilor Smith moved to approve and accept the grants to the Portsmouth Police Department, as listed. Seconded by Assistant Mayor Lister and voted.**

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

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

## **IX. CONSENT AGENDA**

**Councilor Coviello moved to adopt the Consent Agenda, as presented. Seconded by Councilor Lown and voted.**

- A. \*Acceptance of Donation to Fire Department Re: Kearsarge Fund
- Flynn & McGee, P.A. - \$50.00

***(Anticipated action – move to approve and accept the donation to the Portsmouth Fire Department, as listed)***

- B. Request for a License from Mark McNabb, owner of Bull Moose Music on Congress Street for property located at 82-86 Congress Street to install two identical projecting signs ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Mark McNabb, owner of Bull Moose Music on Congress Street to install a projecting sign at 82-86 Congress Street and, further, authorize the City Manager to execute a License Agreement for this request)***

**Planning Director's Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, 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 sign, 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 Donation to the Coalition Legal Fund
- Coalition of NH Taxpayers - \$100.00

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

- D. Letter from Ben Anderson, Executive Director, Prescott Park Arts Festival requesting permission to briefly stop traffic crossing Memorial Bridge on Saturday, October 12, 2013 at 10:00 a.m. followed by the Memorial Bridge Road Race which is a collaborative effort between the Prescott Park Arts Festival and the Community Child Care Center of Portsmouth ***(Anticipated action – move to refer to the City Manager with power)***

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Patrick Crimmins, P.E., Tighe & Bond requesting an Urbanized Shoreland Exemption at 299 Vaughan Street, LLC for a municipal parking lot to be constructed

**Councilor Coviello moved to refer to the City Manager for report back. Seconded by Councilor Novelline Clayburgh and voted.**

- B. Letter from Jonathan N. Bursaw, Bursaw's Pantry, LLC, 3020 Lafayette Road, requesting to change the zoning on property from Mixed Residential Business (MRB) to Gateway District

**Councilor Novelline Clayburgh moved to refer to the Planning Board for report back. Seconded by Assistant Mayor Lister.**

Councilor Dwyer asked if the Planning Board would look at the remainder of Lafayette Road to determine whether it should or should not be a Gateway District.

Councilor Coviello said before we send this to the Planning Board for a report back please consider the amount of work created by having the Planning Board look at this request. He stated if the City Council as a body is not going to collectively support this request, then he would recommend not sending it to the Planning Board.

**Motion passed.**

- C. Letter from Islington Creek Neighborhood Association regarding proposed conditions for property at 21 Brewster Street

**Councilor Novelline Clayburgh moved to accept and place the letter on file. Seconded by Assistant Mayor Lister and voted. Councilor Lown abstained from voting on this matter.**

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

### **A. CITY MANAGER**

1. Approval of Boarding House Permits  
➤ 21 Brewster Street

City Manager Bohenko reviewed the ten conditions as outlined on the permit and indicated that this is a three-month extension to expire on June 4, 2013.

*The following conditions shall be met:*

- *Extend the current permit for 3 months with an inspection and report back on progress made at the facility.*
- *Require full time professional management of the facility; such management firm having the ability to respond to municipal inquiries and requests 24/7.*
- *Integrated pest management (IPM) to be maintained on monthly basis or more often if needed with monthly reports submitted to the Health Department.*
- *Require all common floors to remain non-porous and non-absorbent with cleanable surfaces.*
- *Soiled or infested bedding shall be disposed of and not re-used.*
- *Correction of all deficiencies from the annual inspection prior to permit issuance.*

- *Permitee agrees to allow unannounced inspections of all common areas of the property and to allow similar inspections of tenant rooms with the permission of the tenants.*
- *Permitee agrees that any failure to comply with these conditions, after a reasonable cure period, is adequate grounds for termination of the permit.*
- *The professional management described in item 2 above shall have the full authority of the permittee to take those actions necessary to maintain compliance with the permit.*
- *The professional management described in item 2 above shall be provided with the complete authority to maintain open communications with the neighborhood, the tenants of the property and the City with regard to all issues concerning the property.*

**Councilor Novelline Clayburgh moved to approve a three-month extension to expire on June 4, 2013, with all conditions as listed on the permit. Seconded by Assistant Mayor Lister.**

City Manager Bohenko said if the City finds during the three-month extension the conditions are not being met, we will document the issues and bring the matter back to the City Council.

**Motion passed. Councilor Lown abstained from voting on this matter.**

➤ 350-352 Hanover Street

**Councilor Smith moved to approve a one-year permit to expire on March 4, 2014, with all conditions as listed on permit. Seconded by Councilor Kennedy and voted.**

*The following condition shall be met:*

- *Correction of all deficiencies from the annual inspection prior to permit issuance.*

➤ 278 Cabot Street

**Councilor Novelline Clayburgh moved to approve the one-year permit to expire on March 4, 2014, with all conditions as listed on the permit. Seconded by Councilor Kennedy and voted.**

*The following condition shall be met:*

- *Correction of all deficiencies from the annual inspection prior to permit issuance.*
2. Report Back Re: Letter from Jean and Gordon Willis requesting the Transfer of Ownership of Artwill Avenue to the City of Portsmouth

City Attorney Sullivan provided an overview of the request from Jean and Gordon Willis. He reported that Artwill Avenue is a private easement over a parcel at 437 Lafayette Road. The easement provides access to two abutting properties owned by Robert Hopley and Kevin Lilakis. He stated that the easement is 40 feet in width for most of its length, and stops about 50 feet short of the Willis' rear lot line abutting the Greek Church property.



City Attorney Sullivan stated that Artwill Avenue was not designed or constructed to the City's current minimum standards for residential streets, and it has not been adequately maintained over the years. The easement is now in such a state of deterioration that it is damaging to City snow plowing equipment. He further stated that it seems in 1972 the City Council took two flatly contradictory actions. On May 1<sup>st</sup> the Council voted to pick up rubbish and provide snow plowing for Sylvester Street and Artwill Avenue" but on June 29<sup>th</sup> the Council voted "not to accept Artwill Avenue since it does not comply with street standards." City Attorney Sullivan stated that the 1972 actions are not allowable under State statute as RSA 674:40. He recommended that the City Council accept the recommendation as outlined by the Planning Board.

**Assistant Mayor Lister moved to accept the Planning Board's recommendation to accept Artwill Avenue as a public street only subject to the aforementioned conditions:**

- **The full cost of upgrading Artwill Avenue to City standards (estimated to be \$125,000.00) shall be borne by the private property owners abutting the street**
- **An area sufficient to construct a cul-de-sac (or alternative turnaround acceptable to the DPW) shall be conveyed to the City along with the existing easement area**

**Seconded by Councilor Smith.**

Councilor Novelline Clayburgh advised the City Council as a Planning Board representative she voted opposed to the recommendation. She said she feels it is unfair to have other property owners be responsible for the cost of bringing Artwill Avenue up to City standards.

Councilor Thorsen said he feels this is a piece of private property. He asked if the cost to bring the street to City standards could be amortized for the property owners. City Manager Bohenko stated that the City could establish a Betterment District, which would be a 10 year plan, like the Commerce Way project.

Councilor Lown stated he would be abstaining from this matter as one of the individuals is a client of his.

Councilor Dwyer asked if the property owners have been made aware of the cost involved to bring the street up to City standards. Planning Director Taintor said he has not contacted the property owners.

**Councilor Smith moved to table until the abutters are made aware of the cost to make this a City street and a report back is made to the City Council. Seconded by Councilor Kennedy and voted. Councilor Lown abstained from voting on this matter.**

### 3. Report Back and Request for Easement Re: 32 Livermore Street

City Manager Bohenko stated that the utilities would be relocated and the request was referred to the Planning Board for report back.

**Councilor Smith moved to authorize the City Manager to negotiate and execute an easement for an underground utility conduit on Livermore Street. Seconded by Councilor Lown and voted.**

4. Request for First Reading of Proposed Zoning Ordinance Amendments - Neighborhood Commercial Use

Deputy City Manager Allen stated that this amendment came out of a recommendation from the Planning Department to incorporate the thought process in the Master Plan for a walkable City and are limited uses for arterial and collector streets.

**Assistant Mayor Lister moved to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18, 2013 City Council meeting. Seconded by Councilor Lown.**

Councilor Coviello stated that this was discussed 4-5 years ago when he served on the Planning Board and it is a noble idea for a small neighborhood markets. He said he feels if we proceed further, it would not be approved because the neighborhood does not support such an amendment to the zoning ordinance.

City Manager Bohenko said that is the reason for a public hearing, to receive feedback from the residents on such matters. He said the Council could leave the public hearing open or table the ordinance but the process needs to continue and come to a public hearing. City Manager Bohenko said we cannot predict which items will have a reaction from a neighborhood.

Assistant Mayor Lister said he feels it is important to have a public hearing and follow the process to move items along and receive public input.

City Manager Bohenko indicated that a presentation would be made at the public hearing and then the City Council would vote whether to amend or table the ordinance.

Councilor Kennedy said that the problem with the public hearing is that it is given that evening and then the public is asked to comment. City Manager Bohenko stated that we could change our process to have the presentations made at first reading rather than at second reading.

Councilor Novelline Clayburgh stated that she also opposed this request at the Planning Board meeting. She said there could be problems with parking and noise created by a neighborhood market. She voiced her support of a public hearing to allow for public input on this matter.

Councilor Smith stated that he would not support the amendment as presented.

**Councilor Smith moved to postpone this matter for a work session with a presentation before proceeding forward on the proposed zoning ordinance amendments. Seconded by Councilor Kennedy.**

Councilor Thorsen said he would like the presentation to speak generically towards neighborhood commercial creep.

**On a roll call 5-4, voted to postpone this matter for a work session with a presentation before proceeding forward on the proposed zoning ordinance amendments. Councilors Kennedy, Lown, Dwyer, Smith and Thorsen voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh and Mayor Spear voted opposed.**

5. Request for First Reading of Proposed Zoning Ordinance Amendments - Signs

Deputy City Manager Allen said that these are simple amendments and more of the housekeeping nature.

**Councilor Novelline Clayburgh moved to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18, 2013 City Council meeting. Seconded by Assistant Mayor Lister and voted.**

6. Request for First Reading of Proposed Zoning Ordinance Amendments - Dimensional Standards

Deputy City Manager Allen informed the Council that the amendment would exempt small ground-mounted mechanical equipment from calculations of building coverage and yards. This would exempt owners from having to obtain variances for the installation of a ground-mounted HVAC unit or generator in a side or rear yard and would relieve all property owners of the burden of computing existing building coverage whenever such equipment is proposed. He also stated that the second change would add a new section allowing specified building elements (balconies, bay windows, decks, steps, roof eaves, fire escapes, etc.) to project into required yards. This change is proposed to promote architectural variety by accommodating limited projections of some building elements into yards where the main walls of a building comply with the yard requirements of the zoning district.

**Councilor Lown moved to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.**

7. Request for First Reading of Proposed Zoning Ordinance Amendments – Historic District Commission Work Sessions

Deputy City Manager Allen reported that there is no requirement for an applicant to provide the Planning Department and Historic District Commission with any conceptual planning or design prior to a requested work session. The proposed amendment would specify that a conceptual site plan and design information must be submitted with a request for a work session with the HDC. This amendment is intended to give Commissioners and staff an opportunity to review concept plans in preparation for work sessions.

**Councilor Lown moved to authorize the City Manager to bring back for first reading the proposed zoning ordinance amendment at the March 18, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh.**

Councilor Kennedy stated that the Historic District Commission supports this proposed amendment and encouraged the City Council to support the motion.

Councilor Smith stated he does not support the motion because work sessions are more of a give and take before the actual approval process by the HDC. He said it is through work session that ideas are discussed.

Councilor Dwyer said she supports moving the matter forward but is concerned with implications when an applicant does not have a plan to bring forward.

Deputy City Manager Allen stated this is for projects that come forward which present a need for information to be digested.

Councilor Kennedy said she understand Councilor Smith's concerns but HDC does not need a large drawn out plan, it is more for HDC to review plans prior to a work session.

Councilor Lown said Councilor Smith has raised a good point and he would be looking at the amendment closely moving forward.

Councilor Coviello said he can see both sides of this issue and feels it is an interesting amendment.

**Motion passed.**

8. Request for License Re: Container on Mechanic Street

City Manager Bohenko stated that David Adams is requesting the Council approve a license for a container to be placed on Mechanic Street during the renovations to his home, which was damaged in a fire last year. He outlined the conditions for such a license as follows:

- Doors to the container must face the back of 145 Mechanic Street, with a minimum of 5' between the container and the back of the property at 145 Mechanic Street;
- Owner must place reflectors or reflective tape on the two corners of the container that face out into Mechanic Street
- Owner must provide the Division Director of Parking with advance notice of the delivery and removal date of the container so that the delivery truck for the container can be coordinated; and
- If owner still requires the container after July 1, owner will be required to temporarily remove the container when requested by the Department of Public Works to facilitate paving and take steps as may be directed by the Department of Public Works to protect the new pavement when it is returned to the licensed location.

**Councilor Kennedy moved to authorize the City Manager to negotiate and execute a license agreement in accordance with the conditions described for the placement of a container on Mechanic Street to expire on July 1, 2013 with no extensions to the agreement. Seconded by Assistant Mayor Lister.**

Councilor Lown said that if this is denied what is Mr. Adams' recourse. City Manager Bohenko said the container would be stored at a private location.

Councilor Kennedy said there are concerns of the south end residents that the container is removed by July 1<sup>st</sup> before the summer season gets underway.

Assistant Mayor Lister said he is in support of the July 1<sup>st</sup> date and feels that this is the neighborly thing to do.

**Motion passed.**

9. Request to Establish a Work Session Re: Doble Center

City Manager Bohenko requested the City Council establish this work session for Monday, April 22, 2013 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers.

**Councilor Smith moved to establish a Work Session on Monday, April 22, 2013 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the Doble Center. Seconded by Councilor Lown and voted.**

10. Establish Time for April 6<sup>th</sup> FY14 Budget Presentations

City Manager Bohenko recommended that the budget presentations being held on Saturday, April 6<sup>th</sup> beginning at 9:00 a.m. and to conclude by 3:00 p.m.

**Councilor Novelline Clayburgh moved to approve the recommendation that the City Council commence budget presentations at 9:00 a.m. and to conclude by 3:00 p.m. Seconded by Councilor Smith and voted.**

City Manager Bohenko reminded the City Council of the presentation on Wednesday, March 13, 2013 at 6:30 p.m. on the water/sewer budget and rate study with public input.

Councilor Dwyer stated that 4 members of the City Council will not be in attendance because of the Joint Building Committee meeting that is also being held that evening.

Councilor Kennedy also indicated that the Historic District Commission has a meeting that evening as well.

City Manager Bohenko spoke to the creation of a flowchart to guide individuals through the site plan review process. Planning Director Taintor stated that the design review is to give the applicant a public hearing on the process.

**B. MAYOR SPEAR**

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

**Councilor Smith moved to appoint Colby Gamester to the Planning Board until December 15, 2015, filling the expired term of Paige Roberts who did not seek reappointment. Seconded by Assistant Mayor Lister and voted.**

**Councilor Novelline Clayburgh moved to appoint Craig Welch to the Portsmouth Housing Endowment Fund until June 1, 2014, filling the unexpired term of Joseph Couture. Seconded by Councilor Smith and voted. Councilor Kennedy abstained for voting on this matter.**

**C. ASSISTANT MAYOR LISTER**

1. Ethics Committee Report Back

Assistant Mayor Lister provided a report on the Ethics Committee and reviewed the minutes from the meeting with the City Council. He read the statement that will be distributed to all candidates in all Municipal Elections as follows:

*The City Council of the City of Portsmouth would like to remind all candidates for public office in the City that civility in our municipal government has been a past tradition and is a future expectation. This principle should begin to apply during the campaign which precedes an election. Relationships which are established during the campaign carry over into the operation of the government after the election. Accordingly, all candidates should act during the campaign in a manner which is respectful of other candidates, the electorate and the municipal government. One example of such conduct would be to refrain from negative campaigning and especially the expenditure of funds for the sole purpose of seeking to hurt or damage another candidate.*

*All candidates for elected office are requested to campaign with integrity and respect of other candidates and the office they seek.*

**Assistant Mayor Lister moved to accept the Ethics Committee Report. Seconded by Councilor Kennedy and voted.**

**D. COUNCILOR COVIELLO**

1. \*Worth Lot Lease

Councilor Coviello stated that the City Council voted on a series of ideas/guiding principles for parking. He said one of the principles was surface lots in the downtown are not the best use of land. He knows the Worth Lot has been a major issue and his intent is not to propose any parking garage there, but in thinking of the intent of the City Council and the concerns of the abutters, he would like to know if there is a way that the City can achieve both goals.

Councilor Coviello said he would like to direct the City Manager to report back on option to ground lease the Worth Lot for development with no loss of parking. He said he is not suggesting developing the whole lot, more the frontage along Maplewood Avenue. It would be elevated above the parking spaces and minimize development to three quarters of the lot to remain open during construction. He feels that this would widen that missing tooth in the smile of Maplewood Avenue and the area there as well as maintain the use of the lot.

**Councilor Coviello moved to direct the City Manager to report back on options to ground lease the Worth Lot for development with no loss of parking. Seconded by Councilor Lown.**

Assistant Mayor Lister said the Council voted to have the Parking and Traffic Safety Committee report back on a location for a parking garage and he wants to hear back from the Committee before a vote is taken by the City Council.

Councilor Novelline Clayburgh said she would support the motion and that the Worth Lot is in poor condition.

Councilor Coviello said the motion is not for a garage and he would like to receive a report back from the Parking and Traffic Safety Committee.

Councilor Smith stated that some development would require more parking and that the Parking and Traffic Safety Committee is still working on this matter and the Council needs to allow that work to be completed.

Councilor Thorsen stated he would not support the motion and that the City Manager can explore any type of development in the City through his job, which does not require a motion.

Councilor Kennedy said she does not support the motion and feels the City Council made a statement regarding the Worth Lot. She said the surface of the lot needs replacement and does not feel that we need to cover every space in the downtown for parking.

Councilor Lown said he does not feel that this motion steps on the toes of the Parking and Traffic Safety Committee. He indicated that the City will have a deficit of over 300 spaces this summer and the matter needs to be addressed.

**On a roll call 5-4, voted to direct the City Manager to report back on options to ground lease the Worth Lot for development with no loss of parking. Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Smith and Thorsen voted opposed.**

**E. COUNCILOR DWYER**

1. \*Update on Middle School Project

Councilor Dwyer requested the City Council conduct a Work Session prior to the March 18, 2013 City Council meeting to discuss the Middle School Project.

**F. COUNCILOR SMITH**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 14, 2013 meeting

**Councilor Smith moved to approve and accept the action sheet and minutes of the February 14, 2013 Parking and Traffic Safety Committee meeting. Seconded by Councilor Coviello.**

Councilor Smith spoke to the items in the action sheet which will require ordinances.

- Item #9 – Adding a line to the City’s parking violation list for “Taking up Multiple Spaces”;
- Item #10 – Amend Taxi Stand Ordinance to specify that drivers must be in their vehicles at all times when using designated taxi stands and unattended taxis parking in these spaces will be ticketed;
- Item #13 – Designate one space in front of the incoming Newbury 5-Cent Savigns Bank (Formerly Marple and James Real Estate building at State and Pleasant Streets) for 15 minute parking;
- Item #15 – Maplewood Avenue Parking Meters; and
- Item #16 – Commercial Loading Zones on Penhallow and Market Streets

Councilor Kennedy inquired about the parking as you come over the Memorial Bridge. City Manager Bohenko stated he would speak with the Public Works Director on the configuration of the spots and provide the information to the City Council.

**Motion passed with Councilor Kennedy voting opposed.**

2. \*Report on 2023 Committee

Councilor Smith informed the City Council that he would be providing a report back to the City Council at the March 18, 2014 meeting on the make up of the 2023 Committee.



**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

**Councilor Coviello moved to adjourn at 10:15 p.m. Seconded by Councilor Kennedy 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/CNHMC  
City Clerk