

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MAY 6, 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. At 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations - RSA: 91-A:2, I (b-c).
2. Proclamation - Bike/Walk to Work Day in Portsmouth – Councilor Lown read the Proclamation declaring May 17, 2013 as Bike/Walk to Work Day in the City of Portsmouth.
3. Proclamation - Police Week in Portsmouth – Peace Officers' Memorial Day – Councilor Smith read the Proclamation declaring May 12, 2013 – May 18, 2013 as Police Week in the City of Portsmouth and May 15<sup>th</sup> as Peace Officers' Memorial Day. Mayor Spear presented the Proclamation to Police Chief Dubois who accepted it with thanks and appreciation.
4. SMART Sustainably Made Art (not on agenda) – Diane Stradling invited the City Council to attend the opening for the SMART-Sustainably Made Art to "Meet the Artists" on Wednesday, May 8, 2014 from 7:00 p.m. – 8:30 p.m. at the Portsmouth Public Library. She announced that the show will be displayed throughout the first floor of the library during the month of May.
5. Presentation - Report Back Re: New Adventure Entertainment, LLC d/b/a The Page Restaurant – Police Chief Dubois reviewed his report for "Calls for Service Involving The Page Restaurant". He stated that the summary is for calls commencing on July 28, 2007 and continuing through April 6, 2013 for which there are 102 entries. City Attorney Sullivan outlined the options available to the City Council in regards to The Page Restaurant.

**Voted** to authorize the City Manager to petition the State of New Hampshire Liquor Commission to revoke the liquor license for The Page Restaurant.

6. Acceptance of Minutes – April 10, 2013 & April 15, 2013 – **Voted** to approve and accept the minutes of the April 10, 2013 and April 15, 2013 City Council meetings.
7. Public Comment Session – Mayor Spear announced due to the large number of speakers each person would have 1 ½ minutes to speak.

**Voted** to suspend the rules in order to allow each speaker the full 3 minutes.

There were 30 speakers: Cathy Baker; Dick Bagley, Patricia Bagley, Harold Clemens, Shaun Rafferty, Irja Cilluffo, Kathleen Logan, Frank Cilluffo, Erica Dodge, Mary Maurer; Bob Shouse, Paul Mannle, Andrew Bagley, (Parking Garage/Parrott Avenue); Tom Carroll (Complaints to City about Scrap Metal Operation at Port); Robert Padian (Transportation); Zelita Morgan, Doug Roberts, Neill DePaoli, (Parrott Parking & Development); Barbara DeStefano (Parking & The Page); Mary Krempels, Clare Kittredge (Moratorium/Portsmouth.Now Petition); Liane Gigis (Parrott Avenue Garage & Moratorium); Duncan MacCallum (Against Parrott Avenue & Worth Parking Garages); Arthur Clough, Mark Brighton, Susan Denenberg, Ralph DiBernardo, Peter Somssich, Ruth Griffin (City Budget); and Wilburn Miller (Stop Public Funding of Parking).

8. **Voted** to suspend the rules in order for Councilor Kennedy to bring forth a motion.
9. Emergency Development Moratorium (not on agenda) – Moved to have an immediate one-year moratorium on all commercial and residential development larger than 5,000 square feet. **Voted** to amend the motion to conduct a Work Session on this topic with the Planning Board at the earliest convenience and allow public discussion.
10. Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper - \$15,000.00 – **Voted** to approve and accept the grant from Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundations, as submitted.
11. Acceptance of Police Department Grant from Seacoast CrimeStoppers to fund the purchase of a fume hood - \$3,595.00 – **Voted** to approve and accept the grant to the Portsmouth Police Department, as listed.
12. Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2013 through June 30, 2014 (FY2014)

Resolution #5-2013 – General Fund Expenditures – Moved to adopt Resolution #5 – General Fund Expenditures.

On a roll call vote 3-6, motion to amend by reducing the Fire Department and Police Department by 1% **failed** to pass. Councilors Coviello, Lown and Thorsen voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer, Smith and Mayor Spear voted opposed.

On a roll call vote 2-7, motion to amend the bottom line of the General Fund Expenditures Resolution to \$92,367,393.00 **failed** to pass. Councilors Kennedy and Thorsen voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted opposed.

On a roll call 7-2, **voted** to adopt Resolution #5 – General Fund Expenditures. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted in favor. Councilors Kennedy and Thorsen voted opposed.

| Department              | Appropriation       |
|-------------------------|---------------------|
| General Government      | \$16,536,628        |
| Police                  | \$9,174,659         |
| Fire                    | \$7,434,078         |
| School                  | \$39,820,958        |
| Transfer to Indoor Pool | \$150,000           |
| Non-Operating           | \$19,721,814        |
| <b>Total</b>            | <b>\$92,838,137</b> |

Resolution #6-2013 – Municipal Fees – **Voted** to adopt Resolution #6 – Municipal Fees.

Resolution #7-2013 – Sewer Fund Expenditures – **Voted** to adopt Resolution #7 – Sewer Fund Expenditures

Resolution #8-2013 – Water Fund Expenditures – **Voted** to adopt Resolution #8 – Water Fund Expenditures

Resolution #9-2013 – Special Revenues and Committed Fund Balances for Necessary Expenditures – **Voted** to adopt Resolution #9 – Special Revenues and Committed Fund Balances for Necessary Expenditures.

Resolution #10-2013 – Investment Policy – **Voted** to adopt Resolution #10 – Investment Policy.

13. **Voted** to suspend the rules in order to continue the meeting beyond 10:00 p.m.

14. Consent Agenda – Councilor Coviello requested that Item A – Request for License from Carla Goodnight, owner of CJ Architect for property located at 4 Market Street for a projecting sign on an existing bracket be removed from the Consent Agenda.

**Voted to adopt the remainder of the Consent Agenda – Item B.**

B. Request for License from Janice Morse, owner of Newburyport Five Cents Savings Bank for property located at 254 State Street for 2 projecting signs on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Janice Morse, owner of Newburyport Five Cents Savings Bank for 2 projecting signs at property located at 254 State 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***

15. Request for License from Carla Goodnight, owner of CJ Architects for property located at 4 Market Street for a projecting sign on a existing bracket – **Voted** to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carla Goodnight, owner of CJ Architects for a projecting sign at property located at 4 Market Street and, further, authorize the City Manager to execute License Agreements for this request. Councilor Coviello abstained from voting on this matter.

*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*

16. Request to Amend Seacoast Growers' Association License Agreement – **Voted** to approve an amendment to the Seacoast Growers' Association License Agreement, as presented. Councilor Novelline Clayburgh abstained from voting on this matter.

17. Request to Change Work Session Date Re: Report Back from Transportation Policy Committee – **Voted** to approve the change of date for the Work Session on Transportation Policy to Monday, June 3, 2013 at 6:00 p.m.

18. Request for Approval of Expenditure from the African Burying Ground Trust – **Voted** to expend a total of \$2,818.50 from the African Burying Ground Trust pursuant to the fundraising partnership with the Music Hall.

19. Acceptance of Sidewalk Easement Re: 1190 Lafayette Road (Comfort Inn) – **Voted** to authorize the City Manager to accept the sidewalk easement at 1190 Lafayette Road from MacLeod Enterprises, Inc.

20. Report Back Re: Letter from Aphrodite and Louis Georgopoulos – Zoning of Property at 1900 Lafayette Road – **Voted** to accept the Planning Board’s recommendation, and further, authorize the City Manager to bring back for first reading the attached proposed Ordinance amendment at the May 20, 2013 City Council meeting. Councilor Lown abstained from voting on this matter.
21. Report Back Re: Request to Rezone Property at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway – **Voted** to accept the Planning Board’s recommendation that the zoning designation for this parcel may **not** be changed.
22. Parking Revenues – Mayor Spear indicated due to the late hour he would bring this matter back before the Council at the May 20, 2013 meeting.
23. Appointments Needed to the Public Access Financial Advisory Committee – **Voted** to appoint Councilor Coviello as the Council Representative to the Public Access Financial Advisory Committee. Councilor Thorsen abstained from voting on this matter. Councilor Coviello voted opposed.

**Voted** to appoint John Gregg as the Cable Commission Representative to the Public Access Financial Advisory Committee.

24. Appointments to be Considered - The City Council considered the following appointments which will be voted on at the May 20, 2013 City Council meeting.
- Daniel Rawling – Reappointment to the Historic District Commission
  - Jonathan Wyckoff – Reappointment to the Historic District Commission
  - Kory Sirmaian – Reappointment to the Recreation Board

25. Appointments to be Voted – **Voted** to appoint Jay Leduc as an Alternate to the Planning Board until December 31, 2014. Mr. Leduc is filling the unexpired term of Brian Groth.

**Voted** to reappoint Todd Henley to the Recreation Board until April 1, 2016.

**Voted** to reappoint Christine Lukacz to the Portsmouth Housing Endowment Fund until June 1, 2015.

26. Update on Middle School Project – Councilor Dwyer provided a status update on the Middle School Project. No action required.
27. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 11, 2013 meeting – Moved to approve and accept the Action Sheet and Minutes of the April 11, 2013 Parking and Traffic Safety Committee meeting.

**Voted** to not accept the recommendation from the Parking Traffic and Safety Committee to pursue a distributed parking system to include a parking deck on the Parrott Avenue Lot. Councilor Novelline Clayburgh voted opposed.

**Main motion passed as amended** with Councilor Kennedy opposed.

28. Miscellaneous/Unfinished Business – The Page Restaurant – **Voted** to amend the motion previously passed by the Council earlier as follows:

*That the petition to be filed on behalf of the City Council would be to seek non renewal and/or revocation as appropriate of The Page Restaurant liquor license.*

29. Adjournment – At 12:00 a.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk