

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JULY 15, 2013

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

At 6:00 p.m., a “Non-Meeting” with Counsel was held regarding Litigation – RSA 91-A:2, I (c).

At 6:30 p.m., a “Non-Meeting” with Counsel was held regarding Negotiations – RSA 91-A:2 I (b-c).

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

Mayor Spear called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Spear, Councilors Coviello, Novelline Clayburgh, Dwyer, Smith and Thorsen

Absent: Assistant Mayor Lister, Councilors Kennedy and Lown

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Thorsen led the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – JUNE 3, 2013 and JUNE 17, 2013

Councilor Smith moved to approve and accept the Minutes of June 3, 2013 and June 17, 2013 City Council Meetings. Seconded by Councilor Coviello and voted.

VI. PUBLIC COMMENT SESSION

There were no speakers.

VII. APPROVAL OF GRANTS/DONATIONS

(There were no items on this section of the agenda)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First Reading of Resolution for bond authorization of up to \$5,750,000 for FY14 City Improvements

- Citywide Facilities Capital Improvements - \$1,000,000
- Citywide Sidewalk Reconstruction Program - \$800,000
- McDonough Street Area Improvements - \$400,000
- Gateway Improvements–Exit 7 - \$550,000

- Street Paving, Management and Rehabilitation - \$2,500,000
- Islington Street Improvements - \$500,000

Councilor Novelline Clayburgh moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of up to \$5,750,000.00 at the August 5, 2013 City Council meeting. Seconded by Councilor Coviello and voted.

- B. First Reading of Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades

Councilor Coviello moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of \$10,000,000.00 at the August 5, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

- C. First Reading of Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades

Councilor Novelline Clayburgh moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000.00 at the August 5, 2013 City Council meeting. Seconded by Councilor Coviello and voted.

IX. CONSENT AGENDA

Councilor Smith asked that Item A, Final 2013 Omnibus Sidewalk Obstruction Renewals, be removed from the Consent Agenda.

- B. Letter from Virginia Skevington, Arts in Reach (AIR), requesting permission to hold the Annual AIR Walk on Saturday, October 19, 2013 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Mark Herrholz, Portsmouth Professional Firefighters Local 1313, requesting permission to set up two Boot Drives for the Muscular Dystrophy Association, with the first boot drive on Saturday, July 20, 2013 and the second boot drive on Saturday, August 10, 2013 from 8:00 a.m. – 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. *Acceptance of Donation to the Coalition Legal Fund
- Town of Carroll - \$1,000.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- E. *Acceptance of Donation to Art-Speak for the General Administration
- Catherine Sununu - \$150.00
- (Anticipated action – move to approve and accept the donation, as listed)***

- F. Letter from Sister Mary Agnes, St. Charles Children's Home, requesting permission to hold the 17th Annual St. Charles Children's Home 5k on Monday, September 2, 2013 at 9:00 a.m. at the Pease International Tradeport **(Anticipated action – move to refer to the City Manager with power)**
- G. Request for Approval of Pole License to install 1 pole and a brace pole located at the intersection of Bow and Daniel Streets. One brace pole will be added while 4 poles will be removed resulting in a net loss of 4 poles in the area – License Agreement #63-0560 **(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)**
- H. Request for Approval of Pole License to install 145 feet of underground conduit at the Middle Road Bridge project in two sections; 80' of conduit on the Plains side of the bridge and 65' on the downtown side – License Agreement #63-0561 **(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)**
- I. Request for License from Shelia McMahon, owner of Man Cave Cut & Style for property located at 10A Ladd Street for a projecting sign on an existing bracket **(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Shelia McMahon, owner of Man Cave Cut & Style for a projecting sign at property located at 10A Ladd 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 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**

Councilor Smith moved to adopt the Consent Agenda, Items B – I, as presented. Seconded by Councilor Dwyer and voted.

- A. Final 2013 Omnibus Sidewalk Obstruction Renewals – See Attached Listings

Councilor Coviello moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh and voted. Councilor Smith abstained.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Rob Sevigny, The Paper Patch, requesting an easement to restore a step onto Ladd Street from storefront with an address of 36 Market Street

Councilor Smith moved to refer to the Planning Board for report back. Seconded by Councilor Coviello and voted.

- B. Letter from Zachary Taylor, Riverside & Pickering Marine Contractors, requesting a minor amendment to the License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust of 2010, 300 New Castle Avenue and the City of Portsmouth

Councilor Smith moved to refer to the Legal Department for report back. Seconded by Councilor Novelline Clayburgh and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back Re: Proposal for Mobile Vending

Councilor Novelline Clayburgh moved to authorize the City Manager to enter into a license agreement with the Kitchen for mobile vending in accordance with the terms recommended by staff, seconded by Councilor Coviello.

Councilor Thorsen stated the ordinance states \$5,000.00 minimum bid or as established by Article I, Fee Schedule, and asked if this is the correct fee.

Assistant City Attorney Woodland stated that this is set during the annual budget process and allows the fees to be adjusted annually.

Councilor Dwyer asked about pro-ration. Assistant City Attorney Woodland stated there is no proration of the fee as consistent with our mobile vendor licensing.

Motion voted.

2. Proposed Memorandum of Understanding between the Town of Kittery and the City of Portsmouth Re: Illumination of the Memorial Bridge

Councilor Smith moved to authorize the City Manager to execute this Memorandum of Understanding between the Town of Kittery and the City of Portsmouth for the bridge illumination project. Seconded by Councilor Thorsen and voted.

3. Report Back Re: Sidewalk Policy Richards Avenue

City Manager Bohenko stated that a meeting was held with the residents regarding this issue and the staff recommends this request for waiver be granted.

Councilor Novelline Clayburgh moved to grant the waiver request to install brick sidewalks on Richards Avenue from Middle Street to Parrott Avenue on both sides of the street, seconded by Councilor Thorsen.

Councilor Novelline Clayburgh asked if there is an effort to include Richards Avenue in the Historic District. Councilor Dwyer stated yes, it has been discussed by the Historic District Commission and has been referred to the Planning Board.

Councilor Coviello asked for clarification that there are no private driveways being bricked. City Manager Bohenko confirmed that to be correct.

Motion voted.

City Manager Bohenko referred to Information Item 4, Update on City Transportation Projects, stating that City Planner Juliet Walker has prepared a synopsis of the work done by city staff to date. He continued that COAST will be making a presentation at the August 5, 2013 Council meeting and he would like to incorporate this information to be presented in more detail as well as the request from several Councilors to hold a work session regarding the parking issue. He stated he would like to include that request in the presentation instead of holding a work session.

Councilor Dwyer stated that she would like a matrix of all activities done by staff, the Transportation Policy Committee and other committees, etc. for clarification of what has been done to this point so that we are all on the same page.

Councilor Novelline Clayburgh asked if the staff is working with the principle that 600 additional parking spaces are needed by 2020. City Manager Bohenko stated we are exploring all options and hopes to come back in the fall with the options.

B. MAYOR SPEAR

1. Appointments to be Voted:
 - John Palreiro – Taxi Commission
 - Dana Mary Hegre – Citywide Neighborhood Steering Committee

Councilor Novelline Clayburgh moved to appoint John Palreiro to the Taxi Commission with term to expire December 31, 2013 and Dana Mary Hegre to the Citywide Neighborhood Steering Committee with term to expire April 1, 2015. Seconded by Councilor Smith and voted.

2. Establish Senior Committee Charge
The purpose of the Committee is to advise the City Council on developing a senior center. This would include potential programming, senior center location and a suggested plan of action to develop a new center.

The committee will develop a suggested menu of programming opportunities and services that could be available at a senior center. It will review community input and demographics gathered to date. It will identify activities not currently available to residents. It will identify potential partners in the community for services, programming and intergenerational activities.

After preliminary assessment of the activities and programs to be offered, physical space to operate the program will be estimated, along with staff requirements. The committee will investigate the feasibility of the Doble Army Reserve building, as well as any other potential locations that could serve as a future senior center in Portsmouth.

The committee will suggest a proposed site along with plan and project budget. The committee will also develop an operations plan describing the administrative organization of the center.

The Blue Ribbon Committee will report back to the City Council in 150 days and recommend a plan-of-action for the creation of a senior center that will cover all areas of facility, budget, programming and administration

Mayor Spear read the afore-mentioned charge establishing the Senior Committee and made the following appointments to serve on the committee.

3. Senior Committee Appointments:
 - Bob Lister, Chair
 - Nancy Novelline Clayburgh
 - Eva Powers
 - Nancy Andrews
 - Martha Fuller Clark
 - Maureen Arsenault
 - Jack Jamison

4. Establish Fire Department Study Committee Charge
The purpose of the Committee is to choose an independent consultant to perform an independent study of the Portsmouth Fire Department for the purpose of recommending to the City Council and Fire Commission changes to the practices and organizational structure of the Department in order to reduce costs and/or improve service without materially affecting public safety

Mayor Spear read the afore-mentioned charge establishing the Fire Department Study Committee and made the following appointments to serve on the committee.

5. Fire Department Study Appointments:
 - Chris Dwyer
 - Brad Lown
 - Norm Olsen
 - Peter Somssich
 - Eric Gregg
 - Fire Commissioner
 - Steve Achilles, Fire Chief Ex-officio

Councilor Dwyer asked where the funding will come from. Mayor Spear stated the staff in the procurement office will be working on this and we are following the same procedure as with the police department study but because this request is coming from the Council, the committee will come back to the Council with a proposal and cost. He stated the Council will then vote on whether to go forward and if so, the money would come from contingency.

Councilor Smith asked when this committee will sunset. Mayor Spear stated he would like the committee to sunset themselves as there is a defined objective.

C. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 13, 2013 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of June 13, 2013, seconded by Councilor Thorsen.

Councilor Coviello asked about the Maplewood Avenue meters that he read about in the newspaper. Councilor Smith explained that action took place at the July 11th Parking and Traffic Safety Committee meeting and will be on the next Council agenda. He continued to explain that this was a request by the businesses on the other side of Maplewood Avenue and consists of 9 spaces from Raynes Avenue to the Cemetery and will be Pay and Display metered spaces. Councilor Coviello stated his fear is that these spaces will remain empty most of the time and wonders if a 2 hour time limit could be imposed instead of the pay and display meters.

Councilor Coviello stated his other issue is with the item regarding Holiday Parking and that there are several Councilors absent this evening who are concerned with this issue as well.

Councilor Coviello moved to remove Action Sheet Item #10 and Item V-1 of the Minutes regarding Holiday Parking from the June 13, 2013 Parking and Traffic Safety Committee meeting and defer to the August 5, 2013 Council meeting, seconded by Councilor Thorsen. Motion passed. Councilor Smith voted opposed.

Motion to approve and accept the remaining Action sheet and minutes of the Parking and Traffic Safety Committee meeting of June 13, 2013 passed.

Councilor Dwyer stated it is important to mention the item regarding the placement of the pay and display receipts on the passenger side of the vehicle instead of the driver side.

Councilor Smith explained that this was presented to the Parking and Traffic Safety Committee as an informational item that they are educating the public that placement on the passenger side of the vehicle is safer for both the vehicle operator and the parking enforcement officers.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Spear stated that although this meeting isn't going to be an issue, several of the past meetings have gone well beyond the 10:00 p.m. time limit. He stated he would like to abide by that rule in the future and will vote against any motions to go beyond the 10:00 p.m. limit. He stated he doesn't feel that good decisions are made after that time.

Councilor Thorsen asked what happens to the rest of the agenda. Mayor Spear stated it gets deferred to the beginning of the next meeting.

Councilor Dwyer stated this is not a good idea and reminded the Mayor that the late meetings have been due to the number of people speaking on the issues and we don't want to curtail that participation. She asked if the meetings could start earlier than 7:00 or is that set by the Charter. City Attorney Sullivan stated it is set by the Charter.

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

Councilor Smith moved to adjourn at 7:30 p.m. Seconded and voted unanimously.



Valerie A. French
Deputy City Clerk