

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 5, 2013

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

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

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, 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. Transportation Issues e.g. COAST, Satellite Parking, Wayfinding, Bicycle Friendly Community, etc.

Juliet Walker, City’s Transportation Planner and Rad Nichols, Executive Director of COAST, provided a presentation to the Council regarding the City’s Transportation Initiatives. The outline of the presentation included public transportation, parking access and connections, wayfinding, bicycle and walking friendly communities’ designations, and complete streets.

Mr. Nichols spoke to the annual operating budget of COAST and that revenues are derived through public sources. He discussed the various routes and the increase in ridership. He provided a review of the new Clipper Connection pilot project which offers service from Portsmouth Naval Shipyard to Pease Tradeport and Market Square. He also spoke to the seasonal trolleys that operate weekends in December only, free of charge for Vintage Christmas.

Juliet reviewed potential opportunities to maximize existing infrastructure – satellite parking, parking shuttle, bike share and valet parking.

2. Update Re: Sagamore Bridge Replacement

Peter Rice, Public Works Director, spoke regarding the Sagamore Bridge replacement project. He announced that the bridge will be closed beginning October 15, 2013 with construction anticipated to be complete by Spring 2015. The total construction cost is \$8,650,000.00. This is a Federal Highway/City of Portsmouth 80/20% cost sharing with the City's share being \$1,730,000.00.

V. ACCEPTANCE OF MINUTES – JULY 15, 2013

Councilor Coviello moved to approve and accept the Minutes of July 15, 2013 City Council Meeting. Seconded by Assistant Mayor Lister and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll spoke regarding the scrap metal operations at the Port. He submitted a letter this evening that is an official request under the right-to-know law to obtain information regarding the scrap metal being collected from Market Street by Grimmel Industries employees.

Peter Happny spoke in favor of the proposed parking lot at the end of Rock Street for the Heinemann Company and Kearsarge Mill Unit Owners Association.

Ralph DiBernardo asked why the Council is still discussing the Worth Lot as a proposed parking garage/deck. He stated that individuals have indicated their opposition to this and it is time to end the discussion.

Jim Somes requested the City support the proposed parking lot on Rock Street for the Heinemann Company. He said Heinemann has been in the City for the last 20 years and continues grow. Mr. Somes said that this would address their parking needs. He stated that parking should be dedicated to Heinemann during the day and offered to the public after hours, weekends and holidays.

Jim Anthony requested the City Council support the Rock Street parking lot. He said all employees of Heinemann Company live nearby and this parking is much needed as the company continues to expand.

Natalie Roman-Nelson spoke opposed to a study for a parking deck on the Worth Lot site. She said there will be an increase in traffic and congestion. She also stated that it makes no sense to create a green space on the top of a parking deck. She urged the Council to hire an experienced lobbyist to obtain the McIntyre Building for a possible site of a parking garage.

Blair McCracken said he would like to see the City go back to quarterly billing for water and sewer, this way he believes there would be no need for an additional staff person to be hired.

Susan Denenberg said she supports the proposed height ordinance. She also spoke regarding parking. She expressed concern with spending more money on a feasibility study for parking. Ms. Denenberg said more than 10,000 people attended a recent event at Prescott Park without additional parking being needed.

Christine Davidson spoke regarding the large developments being constructed in the downtown. She said these buildings are taking away from the character of the City.

Neill DePaoli said he is frustrated to see the Worth Lot once again appearing on the agenda for a proposed parking garage. He would like to see the City focus on creating satellite parking for residents, employees and visitors.

Lee Roberts expressed concerns with the proposed building height limit ordinance. She stated she would like to see the ordinance postponed until a report back is given from the Planning Department.

Paul Mannle said he is in support of a height limit ordinance for the entire Historic District. He also spoke to the Worth Lot and his opposition to it being brought forward again. Mr. Mannle also urged the City to find a way to honor the late Tony Rahn.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS ARE HERE BY AMENDED AS FOLLOWS:
- SECTION 10.531 – TABLE OF DIMENSIONAL STANDARDS – BUSINESS AND INDUSTRIAL DISTRICTS, MAXIMUM STRUCTURE DIMENSIONS – STRUCTURE HEIGHT, CBA 45' OR 3 STORIES, WHICHEVER IS LESS; CBB 45' OR 3 STORIES, WHICHEVER IS LESS;
 - SECTION 10.535 – EXCEPTION TO DIMENSIONAL STANDARDS IN THE CENTRAL BUSINESS DISTRICTS, BY INSERTING A NEW SECTION 10.535.13: INCREASED BUILDING HEIGHT BY CONDITIONAL USE PERMIT

(The public hearing will be continued until the August 19, 2013 City Council meeting)

Councilor Coviello recused himself from discussion and voting on this matter. He stepped down from the Dais and out of the Chambers.

Planning Director Taintor reviewed the ordinance. He advised the Council that this matter came to the Planning Board as a referral from the Council. He informed the Council the last time height standards were changed in the downtown was 1982 and that 90% of the buildings downtown are 45 feet.

Planning Director Taintor advised the Council that the Planning Board had significant debate on this ordinance with some members feeling there should be different heights for the CBA and CBB. He informed the Council that the Planning Board public hearing was continued to August 15th and would like to see the Council continue its public hearing until August 19th.

Mayor Spear announced that this evening first time speakers would be heard with second time speakers and others wishing to speak at the August 19th meeting.

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

Gibson Kennedy said he appreciates the intent but does see some problems. He said limiting heights could get you boxy buildings. He would like to see floor area ratio used in the construction of buildings and larger buildings generate more tax revenue. Mr. Kennedy said he would like the Planning Board to report back on the tax rate revenue effect with a height limitation on buildings.

Ralph DiBernardo spoke in favor of the ordinance and that he does not support a conditional use permit. He stated that the Historic District Commission already has the authority to limit height and that exceptions to height belong with the Zoning Board of Adjustment.

Chris Erickson spoke opposed to the proposed ordinance. He said the ordinance would create large changes to the scape of the City, especially along the river. He further stated if the intent is to maintain the character of the City it should not be tied to the number of stories in a building.

Keith Eveland, Rye, NH said he recently visited Santa Fe and it is much like Portsmouth. He spoke to their height limitations and the beauty of the downtown. He urged the Council to support this ordinance.

Duncan McCallum spoke in favor of the ordinance and height restrictions. He said the proposal is not perfect but a step in the right direction. He further addressed the Historic District Commission conditional use permit option and stated if any building is higher than 45 feet it should be justified.

Barbara DeStefano spoke opposed to the height ordinance and feels it is poorly written. She stated this was a questionable decision of the City Council that was made after 10:00 p.m.

Zelitz Morgan spoke in favor of the ordinance to establish a 45 foot building height limit. She said this is about creating sustainable development. She said we do not need more traffic and congestion in the downtown people are attracted to the City because it is a City you can stroll.

Blair McCracken spoke in favor of the ordinance and the need to plan better for the developments coming forward.

Councilor Kennedy moved to keep the public hearing open and second reading of the ordinance until the August 19, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy said that the Historic District Commission is debating what a conditional use permit is. She stated potentially on Wednesday there is a group coming forward for a conditional use permit and asked if the Historic District Commission had to act on the request. City Attorney Sullivan said the Historic District Commission needs to use their best judgment. Councilor Kennedy asked if the Historic District Commission could postpone the hearing until after August 19, 2013. City Attorney Sullivan said the Historic District Commission could postpone the hearing until after August 19 2013.

Councilor Thorsen said he does not support the Historic District Commission allowing a conditional use permit. He said that the HDC is very busy and this will burden them. He would like the conditional use permit removed from the ordinance at second reading.

Councilor Dwyer said the Council needs to look at the legal precedent and the way HDC makes decisions. She feels it will be a long time before there is form-based zoning.

Councilor Lown said he would speak to City Attorney Sullivan and Planning Director Taintor on whether the Council should be the board to allow a conditional use permit.

Councilor Novelline Clayburgh said she would like the Council to consider different heights for the different districts.

Motion passed.

At 9:45 p.m., Mayor Spear called for a brief recess. At 9:55 p.m., Mayor Spear called the meeting back to order.

B. 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

City Manager Bohenko provided an overview of the Resolution. He stated these projects were part of the Capital Improvement Plan and the element sheets for the projects have been provided.

Mayor Spear read the legal notice, declared the public hearing open and called for speakers, with no speakers Mayor Spear declared the public hearing closed.

C. RESOLUTION FOR BOND AUTHORIZATION OF UP TO \$10,000,000 FOR THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT UPGRADES

City Manager Bohenko said this is the beginning of the process and the upgrade is required by the EPA.

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

Councilor Kennedy asked when the Council would be receiving another update of the Wastewater Treatment Plan. City Manager Bohenko said he would work with Mayor Spear in scheduling a time for an update.

With no speakers, Mayor Spear declared the public hearing closed.

D. RESOLUTION FOR BOND AUTHORIZATION OF UP TO \$3,500,000 PEASE WASTEWATER TREATMENT PLANT UPGRADES

City Manager Bohenko said that additional improvements are being made to make us compliant with EPA regulations.

Councilor Kennedy asked if we are looking at upgrades and new standards. Terry Desmarais said there is a study being conducted now and we are looking at future requirements.

Mayor Spear read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Spear declared the public hearing closed.

Councilor Coviello moved to suspend the rules in order to take up Items XII. A.1. – Rock Street Parking Garage Lot Proposed License Agreement for Shared Parking, XII. A.5. – Proposed Outside Area Service Agreement for British Beer Company, and XII. A.7. – Report Back Re: Letter of Request for Amendment to License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust 2010, 300 New Castle Avenue and the City of Portsmouth which appeared under the City Manager’s Items Requiring Action. Seconded by Councilor Smith and voted.

XII. A.1. Rock Street Parking Garage Lot Proposed License Agreement for Shared Parking

City Manager Bohenko explained this would be a license agreement for shared parking at the Rock Street parking garage lot. He stated the Heinemann Company is experiencing significant growth and is outgrowing the existing office space at the Kearsarge Mill. In an effort to retain the firm at its current location and to accommodate future growth, the building owner, Kearsarge Mill Unit Owners Association, has worked with the company to devise a plan to add 4,500 square feet to the building. City Manager Bohenko said with the recent demolition of the Rock Street Garage adjacent to the Heinemann offices, it has been the City’s intention to create a surface parking lot with 30-40 spaces at the site. This will provide the City to gain additional neighborhood parking on the Heinemann lot during weekday evenings and on weekends. He also stated there will be no taxpayer dollars used, as this would be funded with Urban Development Action Grant funds.

Councilor Smith moved to authorize the City Manager to enter into a license agreement with the Heinemann Company and Kearsarge Mill Unit Owners Association for shared parking at the Rock Street Garage lot. Seconded by Councilor Novelline Clayburgh.

The City Council thanked City Manager Bohenko for working to the Heinemann Company to keep them here in the City and devising this plan to create additional parking.

Motion passed.

XII. A.5. Proposed Outside Area Service Agreement for British Beer Company

City Manager Bohenko explained this is an Area Service Agreement for tables and chairs which is similar to the other five Area Service Agreements that we have throughout the City. He stated this Agreement is unique in that the property itself is owned by Portwalk Development and there is no fee associated.

Councilor Smith moved to authorize the City Manager to enter into an Area Service Agreement with the British Beer Company. Seconded by Councilor Novelline Clayburgh and voted.

XII. A.7. Report Back Re: Letter of Request for Amendment to License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust 2010, 300 New Castle Avenue and the City of Portsmouth

City Manager Bohenko informed the Council this would be an amendment to the license agreement. City Attorney Sullivan recommended the amendment be approved by the Council. He reported the former Semprini dock constructed in the days prior to state regulation could not be permitted under existing state law. He indicated this is a policy determination for the Council which does not present significant legal issues.

Councilor Smith moved to authorize the City Manager to negotiate and execute an amendment to the Revocable License Agreement with the Priscilla Semprini Revocable Trust of 2010 in accordance with the request presented to the Council to allow a dock to be constructed attached to City land on New Castle Avenue. Seconded by Assistant Mayor Lister and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

B. Adoption 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 Lown moved to adopt a Bond Resolution for City Improvements in the amount of up to \$5,750,000.00. Seconded by Councilor Novelline Clayburgh.

Councilor Thorsen said he would oppose the Resolution and feels we are spending too much money too fast.

Motion passed with Councilor Thorsen voting opposed.

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

Councilor Lown moved to adopt a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of \$10,000,000.00. Seconded by Councilor Novelline Clayburgh.

Councilor Thorsen stated he would support the motion as this is part of the \$63,000,000.00 we will need to spend for treatment plant upgrades.

Motion passed.

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

Councilor Lown moved to adopt a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000.00. Seconded by Councilor Coviello and voted.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Police Department Donations:
- Police Honor Guard in memory of Retired Captain Kerry Plaisted by former Commissioner William Mortimer - \$100.00
 - Police Explorer Cadets from Wentworth-Coolidge Commission Inc. - \$100.00
(Anticipated action – move to approve and accept the donations, as listed, to the Portsmouth Police Department)
- B. *Acceptance of Donation from Liberty Mutual Insurance Re: African Burying Ground Committee:
- Liberty Mutual Insurance - \$1,000.00
(Anticipated action – move to authorize the City Manager to accept and expend a \$1,000.00 donation from Liberty Mutual Insurance for fundraising soft costs related to the African Burying Ground Project)
- C. Letter from Jill McFarland, St. Patrick School, requesting permission to hold an annual 5k Road Race on Saturday, March 15, 2014 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

- D. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 8th annual Seacoast Half Marathon on Sunday, November 10, 2013
(Anticipated action – move to refer to the City Manager with power)

Councilor Novelline Clayburgh moved to adopt the Consent Agenda. Seconded by Assistant Mayor Lister and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Mark Ayotte, requesting the City return all rights and privileges to him as an abutter (9 Garden Street) from their current property line to the centerline of both Garden Street and Colonial Avenue

Councilor Novelline Clayburgh moved to refer to the Planning Board for report back. Seconded by Councilor Kennedy and voted.

- B. Letter from Valerie Rochon, Greater Portsmouth Chamber of Commerce and Assiah Russell, Chair, Retail Committee, requesting permission to hold the Summer Daze Sidewalk Sale for five days, August 29, 2013 through September 2, 2013 with the placement of sale racks outside and against their shops during retail hours, 10:00 a.m. until at least 8:00 p.m. *(Participating shops to date: Flower Kiosk, Puttin' on the Glitz, Hazel, Tugboat Alley, Kilwins, City Shoes and Le Club Boutique)*

Councilor Coviello moved to refer to the City Manager with power. Seconded by Assistant Mayor Lister and voted. Councilor Smith abstained from voting on this matter.

- C. Letter from Barbara Archibald requesting permission to have a Flash Dance/Flash Mob outside Poco's Restaurant on Saturday, September 7, 2013 from 1:30 p.m. – 2:00 p.m.

Councilor Lown moved to refer to the City Manager with power. Seconded by Councilor Kennedy and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 2. Proposed Omnibus Parking Ordinance

City Manager Bohenko requested to bring this ordinance back for first reading at the August 19, 2013 City Council meeting.

Councilor Novelline Clayburgh moved to authorize the City Manager to bring back for first reading the proposed Parking Omnibus Ordinance at the August 19, 2013 City Council meeting. Seconded by Councilor Smith and voted.

3. Proposed Amendments to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement and the School Custodial Supervisors' Union Collective Bargaining Agreement in accordance with the Memorandum of Agreement to Change to SchoolCare Re: Health Insurance
 - a) School Clerical Employee's Memorandum of Agreement

Assistant Mayor Lister stated he is recusing himself from discussion and voting on these matters. He stepped down from the Council Dais.

City Manager Bohenko advised the City Council that this union has agreed to accept SchoolCare and therefore an amendment is needed to the Memorandum of Agreement. He outlined the terms and conditions for agreeing to accept SchoolCare. They are as follows:

- Employees will pay a co-pay of 14% for all plans
- Change the Dental Plan from Northeast Delta Dental to Cigna and increase the annual amount of coverage from \$750.00 to \$1,500.00
- Extend their contract for an additional year expiring on June 30, 2015

Councilor Smith moved to approve the proposed amendment to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement, as presented. Seconded by Councilor Lown.

Councilor Kennedy requested a thank you letter be sent to the unions.

Councilor Lown stated this is a significant concession and would like other unions to step forward and agree to the change as well, which would be a great savings to the City.

Motion passed.

- b) School Custodial Supervisors' Union Memorandum of Agreement

City Manager Bohenko advised the City Council that the same amendment applies to this union to accept SchoolCare and therefore an amendment is needed to the Memorandum of Agreement. He outlined the terms and conditions for agreeing to accept SchoolCare. They are as follows:

- Employees will pay a co-pay of 14% for all plans
- Change the Dental Plan from Northeast Delta Dental to Cigna and increase the annual amount of coverage from \$750.00 to \$1,500.00
- Extend their contract for an additional year expiring on June 30, 2015

Councilor Smith moved to approve the proposed amendment to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement, as presented. Seconded by Councilor Lown and voted.

4. Proposed Application to National Parks Service Re: Doble Center

City Manager Bohenko provided an overview of this matter and further stated that action now would help to further strengthen the City's position as it advocates for receiving the property and communicating our readiness and long held plans to receive it under the BRAC disposal process.

Councilor Lown moved to authorize the City Manager to apply for a public benefit conveyance from the National Parks Service for the Paul A. Doble Army Reserve Center. Seconded by Assistant Mayor Lister and voted.

6. Proposed Additional Areas Re: Form-Based Zoning

City Manager Bohenko said in June the Council asked for a report back regarding this matter. He stated he and staff believe we should continue to put this matter off until we go through the initial study areas to determine if form-based zoning should be expanded.

Councilor Smith moved to table this item until the September 16, 2013 City Council meeting. Seconded by Assistant Mayor Lister.

Councilor Kennedy requested a brief update on this matter. Planning Director Taintor stated that the process is 3 phases and the initial draft was for the staff to review. The staff received the draft and had 2 weeks to review and make comments. He informed the Council that the draft will go back this week to the consultants.

Motion passed.

Councilor Smith asked City Manager Bohenko if he could comment on the letter left at the Councilor's seats this evening from Mr. Carroll regarding the scrap metal operations at the Port. City Manager Bohenko stated every time we receive a complaint from Mr. Carroll our Code Enforcement Officer is sent out to take pictures and he has found minimal materials and sometimes the materials are not from the site. He indicated he would like to see how the new sweeper is working and he would contact Mr. Mullen tomorrow on the materials collected.

Councilor Dwyer asked if we have received the LGC refund. City Manager Bohenko said we receive one check today and expect another check shortly.

Councilor Kennedy asked City Manager Bohenko the status of Mr. Robinson's request to prepare an historical review of the City for the 400th anniversary. City Manager Bohenko said this is in the hands of Mayor Spear. He stated it would require an appropriation of \$5,000.00 over the years. Mayor Spear said this discussion and other items associated with the anniversary are for the Committee to handle. Councilor Kennedy asked where the Committee is at this point. Mayor Spear said the appointments for that Committee are to be made by the Council. City Manager Bohenko said he would pull the file and send a list to the City Council with the description of the Committee and schedule a time to meet.

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Stephen Scott Gerrato – Taxi Commission (Taxicab Representative)

The City Council considered the appointment of Stephen Scott Gerrato which will be voted on by the City Council at the August 19, 2013 meeting.

2. Letter from Tammy Wright, Clerk of the New Hampshire Senate, requesting the City appoint a representative to serve on the Projected Sea Level Rise and other Coastal and Coastal Watershed Hazards
 - Steve J. Miller, Conservation Commission Chair

Mayor Spear stated the NH Senate is requesting the City appoint a representative to serve on the Projected Sea Level Rise and other Coastal and Coastal Watershed Hazards Commission and he recommends Steve Miller, Chair of the Conservation Commission.

Councilor Kennedy moved to appoint Steve Miller, Conservation Commission Chair, as the City's Representative to the Projected Sea Level Rise and other Coastal Watershed Hazards Commission. Seconded by Councilor Novelline Clayburgh and voted.

3. Resignations:
 - Anthony Blenkinsop from the Planning Board effective at the end of the August 15, 2013 meeting

Councilor Smith moved to accept with regret the resignation of Anthony Blenkinsop from the Planning Board effective at the end of August 15, 2013 meeting. Seconded by Assistant Mayor Lister and voted.

Councilor Smith requested that a letter of thanks be sent to Mr. Blenkinsop for his service to the City.

- T. Stephen McCarthy from the Portsmouth Housing Authority effective August 1, 2013

Councilor Smith moved to accept with regret the resignation of T. Stephen McCarthy from the Portsmouth Housing Authority. Seconded by Assistant Mayor Lister and voted.

Councilor Smith requested that a letter of thanks be sent to Mr. McCarthy for his service to the City.

C. COUNCILOR NOVELLINE CLAYBURGH

1. The Worth Lot

Councilor Novelline Clayburgh moved to suspend the rules in order to take this matter up. Seconded by Councilor Coviello.

Councilor Lown said the motion is not to approve a parking lot at the Worth Lot site, design or binds any City Council. The motion is to have the City Manager report back on this idea.

Councilor Dwyer asked how we could take up this same item again, during the same term of the City Council. City Attorney Sullivan stated because there is a suspension of the rules by which a two-thirds vote of the Council is required.

Councilor Novelline Clayburgh said she feels this is a compromise and opinions on this matter are split. She said we should at least explore the idea.

On a roll call vote 4-5, motion to suspend the rules in order to take this matter up failed to pass. Councilors Coviello, Novelline Clayburgh, Lown and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Dwyer, Smith and Thorsen voted opposed.

D. COUNCILOR LOWN

1. Report Re: Sustainability Committee

Councilor Lown provided an update to the City Council on the May 23, 2013 and June 27, 2013 meetings of the Sustainability Committee.

2. 50 "Sustainable Tips"

Councilor Lown reviewed the 50 "Sustainable Tips" that can support Portsmouth in its ongoing process as an EcoMunicipality.

E. COUNCILOR SMITH

1. *Free Holiday Parking Period (*Deferred from the July 15, 2013 City Council meeting*)

Councilor Novelline Clayburgh moved to set the 2013 Holiday Parking from December 16, 2013 through January 1, 2014. Seconded by Councilor Kennedy.

Councilor Smith stated that the Parking and Traffic Safety Committee reviewed this matter and the number of days would be reduced to 17.

Assistant Mayor Lister said we want to offer parking and attract people to the downtown, but he would recommend a compromise and reduce the number of days to 11.

Assistant Mayor Lister moved to amend and reduce the number of days for free holiday parking to 11. Seconded by Councilor Lown.

Councilor Coviello said he does not agree with the program it would be better giving merchants free passes to customers for parking in the garage.

Councilor Kennedy thanked the Parking and Traffic Safety Committee for listening to the Council's request and lowering the number of days for free holiday parking.

Councilor Novelline Clayburgh stated this is a tradition and we should uphold that tradition.

Councilor Lown said Councilor Coviello made an excellent point but he supports the compromise of Assistant Mayor Lister and amendment.

Councilor Dwyer said this is a tradition and not a great deal of revenue. She said it is less about days and more about establishing a period of time.

Councilor Smith said he would not support cutting back days. He said people look forward to the holiday free parking and we still enforce the two hour parking period.

Councilor Kennedy said these funds would not go into the general fund but the parking fund. Councilor Coviello said he understands tradition but feels it is hurting the downtown businesses and not helping the businesses.

On a roll call vote 4-5, motion to amend and reduce the number of days for free holiday parking to 11 **failed** to pass. Assistant Mayor Lister, Councilors Coviello, Lown and Mayor Spear voted in favor. Councilors Kennedy, Novelline Clayburgh, Dwyer, Smith and Thorsen voted opposed.

Main motion passed to set the 2013 Holiday Parking from December 16, 2013 through January 1, 2014. Mayor Spear and Councilor Coviello voted opposed.

2. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 11, 2013 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of July 11, 2013. Seconded by Councilor Novelline Clayburgh and voted. Councilors Coviello and Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Novelline Clayburgh said she and others were saddened by the sudden passing of Tony Rahn. She would like to ask the Recreation Board to look at a way to honor him.

Councilor Dwyer said Principal Stokel of the Middle School and Recreation Director Wilson spoke about the creation of a recognition wall between the two gymnasiums at the Middle School. She suggested asking the Recreation Board what the plans are for the area.

City Manager Bohenko indicated he would speak with Recreation Director Wilson to have the matter considered by the Recreation Board.

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

At 11:15 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Smith 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