

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 16, 2013

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

I. CALL TO ORDER

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

Councilor Novelline Clayburgh led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Portsmouth Middle School Musical Performance
(There will be a brief recess following the performance)

The Portsmouth Middle School Brass and Woodland Ensemble together with the Chamber Singers performed Deck the Hall, Simple Song of Peace, The Little Drummer Boy and Jingle Bells for the City Council.

Mayor Spear thanked the Middle School for performing this evening.

Mayor Spear called a brief recess at 7:15 p.m. Mayor Spear called the meeting back to order at 7:25 p.m.

2. Mayor's Blue Ribbon Senior Committee Report

Assistant Mayor Lister, Chair of the Committee spoke to the Final Report with a presentation given by City staff Adam Cannon, Special Projects Manager and Brinn Chute, Senior Services Coordinator who reviewed the work of the Committee and outlined the various recommendations for the future.

The following are the list of recommendations presented:

Recommendation #1:

The City Manager continue to pursue acquisition of the Doble Center. Should the City not acquire the Doble Center, it is still the obligation of the City to pursue and provide a dedicated space for seniors in the City.

- Continuing to work with the U.S. Army and Congressional Delegation

Recommendation #2:

Encourage the City Manager to take proactive steps to prepare for the eventual reuse of the Doble Facility as an attractive and inviting 50+ Activity Center.

- Due diligence with property suitability
- Code review
- Assessment of renovation needs
- Appealing exterior and interior to encourage attendance
- Multi-function room with dining capabilities
- Modern amenities and style

Recommendation #3:

The City Manager include funding in the Capital Improvement Plan for construction of Doble facility improvements.

- Retain professional design services
- Funding for construction
- Sources may include General Fund, 135 / 143 Daniel Street Charitable Trust and CDBG funds

Recommendation #4:

The City Manager including an (Operating Budget) in the FY15 Budget similar to the one presented in this report in order to plan for operating costs for the launch of the 50+ Activity Center.

Recommendation #5:

The City Manager request that the Senior Services Coordinator use State and National Senior Center Standards to develop an operations manual with the goal of being accredited through the National Institute of Senior Centers (NISC).

- NISC offers the country's only accreditation program
- 9 standards of excellence including: community, governance, administration, program planning, evaluation, fiscal management, records and reports, facility
- More than 200 centers accredited nationwide

Recommendation #6:

Immediately establish a permanent Senior Sub-committee of the Recreation Board to advise the City Council on a 50+ Activity Center name and the Senior Services Coordinator on the issues of the 50+ population and revenue support for the 50+ Activity Center.

The Sub-committee will also consider locations for a gathering space for drop-in activities in the immediate short term.

Recommendation #7:

The City explore the creation of a multigenerational Community Center in the long term for people of all ages.

The report is available on the website for people to review and reference.

3. Presentation to Councilor Anthony Coviello, Councilor Nancy Novelline Clayburgh and Councilor Kenneth Smith

Councilor Anthony Coviello, Councilor Nancy Novelline Clayburgh and Councilor Kenneth Smith were presented with City of Portsmouth chairs for their years of service to the City and its residents as members of the City Council.

V. ACCEPTANCE OF MINUTES – NOVEMBER 7, 2013

Councilor Lown moved to approve and accept the minutes of the November 7, 2013 City Council meeting. Seconded by Councilor Coviello and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll thanked everyone for their service and commitment.

George Freeman stated he was a former resident of 21 Brewster Street and thanked the City Council and staff for their services. He expressed concern with the management at 21 Brewster Street and stated that Mr. Brabazon has only been seen 3 times since taking over and said there is a need for a professional manager at the premises.

Sarah Jarvis said she is a firefighter/EMT for the Town of Rye and will be competing in the 2014 Scott Firefighter Stair climb in Seattle, WA. The stair climb takes place at the Columbia Center in downtown Seattle and is a competitive race up 69 flights of stairs with a cumulative 1,311 steps and 788 feet of vertical elevation. The stair climb is a fundraiser for The Leukemia & Lymphoma Society. There are 1,800 firefighters from 4 countries and 26 states attending this year. She requested permission for one day in December to use the High Hanover parking garage to hand out information on the climb, how to donate online, accepting cash donations, and giving tax deduction information to those that donate. The event would not intrude in any way on the public's use of the garage or the stairwell.

Assistant Mayor Lister moved to suspend the rules in order to take up Item IX. A. from the Consent Agenda - Letter from Thomas Martin, Race Director, Portsmouth Criterium, requesting to hold the 3rd Annual Community Challenge on Sunday, September 7, 2014. Seconded by Councilor Lown and voted.

- XI. A. Letter from Thomas Martin, Race Director, Portsmouth Criterium, requesting to hold the 3rd Annual Community Challenge on Sunday, September 7, 2014

Councilor Novelline Clayburgh moved to refer to the City Manager with power. Seconded by Assistant Mayor Lister and voted.

Assistant Mayor Lister moved to suspend the rules in order to take up Items X. C. - Letter from Islington Creek Neighborhood Association regarding 21 Brewster Street permit renewal and XI. A.3. – Proposed Boarding House Permit Re: 21 Brewster Street. Seconded by Councilor Coviello and voted.

X. C. Letter from Islington Creek Neighborhood Association regarding 21 Brewster Street permit renewal

Councilor Coviello moved to accept and place the letter on file. Seconded by Councilor Lown and voted.

XI. A.3. Proposed Boarding House Permit Re: 21 Brewster Street

Deputy City Manager Allen spoke to the agreement and the proposed permit for 21 Brewster Street which includes job descriptions and a code of conduct.

City Manager Bohenko said if the Council is to adopt the permit he would recommend that the expiration date be March 4, 2014.

Councilor Lown moved to renew the Boarding House Permit until March 4, 2014 with the Job Description for Management at 21 Brewster Street and Code of Conduct as agreed upon by Attorney Daniel Hoefle representing owner Brian Hogan and Attorney Sean O'Connell representing the Islington Creek Neighborhood Association. Seconded by Councilor Coviello.

Councilor Lown moved to suspend the rules in order to allow Attorney Hoefle and Attorney O'Connell to address the City Council on this permit. Seconded by Councilor Coviello and voted.

Attorney Hoefle stated the agreement was reached this evening at 4:30 p.m. between the parties. He said each person would need to agree to the code of conduct and Mr. Brabzon to the job descriptions. He said with the agreement they would like an extension to the permit until March 4, 2014.

Attorney O'Connell spoke on behalf of the Islington Creek Neighborhood Association. He stated there would be a manager on site and the idea is to influence positive behavior. He said the neighbors are concerned that this would not be successful and do not feel it complies with the permit from last year. Attorney O'Connell said the neighbors are in agreement to try to see if this works and they are hopeful this is a step in the right direction and is successful.

Councilor Kennedy asked what the expectations for meeting compliance. Attorney O'Connell said the neighbors want general compliance, less fighting, less disruptions and the taking of plants.

Assistant Mayor Lister asked if the neighbors are in agreement. Attorney O'Connell said yes.

Main motion passed. Councilor Lown abstained from voting on this matter.

VII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grants and Donations:

- A donation in the amount of \$400.00 has been received from the Friends of the South End in support of the Police Explorer Cadets
- A grant in the amount of \$8,014.43 from the US Department of Justice Bulletproof Vest Partnership Program toward the purchase cost of \$21,600.00 in replacement and new bulletproof vests
- A grant in the amount of \$5,148.00 from the New Hampshire Highway Safety for "Portsmouth Operation Safe Commute Patrols"
- A grant in the amount of \$9,959.00 from the US Department of Justice; this amount is Portsmouth's allocation of a \$31,093.00 JAG grant to Rockingham County for law enforcement initiatives. The Portsmouth Police Department will use the allotment for Intensive First Line Supervisor Training
- A grant in the amount of \$2,000.00 from Police Standards and Training for Lt. Cummings and Lt. Sargent to attend the Roger Williams Mid-Management Course in Rhode Island in February of next year
- A grant in the amount of \$500.00 from APCO International for Emergency Communications Supervisor Gil Emery to complete courses through the APCO International Institute

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- ### A. Third and Final Reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time

Councilor Coviello moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Lown and voted.

- ### B. Third and Final Reading on Proposed Amendments to the Zoning Ordinance, Article 6– Overlay District, Section 10.630 – Historic District

Councilor Coviello moved to pass third and final reading of the proposed Ordinance, as amended. Seconded by Councilor Novelline Clayburgh and voted.

Councilor Dwyer asked about the progress of form-based zoning and temporary guidelines. She said previously it was stated the guidelines could be adopted by the Historic District Commission and ratified by the City Council. Deputy City Manager Allen said the Historic District Commission is looking to bring ideas forward to their meeting in January.

Councilor Kennedy moved to suspend the rules in order to take up Item X.B. - Letter from Sarah Jarvis, Rye Fire Department, requesting permission for the use of the High Hanover Parking Garage in December, 2013 for fundraising to attend the Firefighter Stair Climb in Seattle Washington, March 9, 2014. Seconded by Councilor Smith and voted.

- X.B. Letter from Sarah Jarvis, Rye Fire Department, requesting permission for the use of the High Hanover Parking Garage in December, 2013 for fundraising to attend the Firefighter Stair Climb in Seattle Washington, March 9, 2014

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

Councilor Thorsen spoke regarding the grant the Council approved from the JAG for intensive first line supervisor training. He asked about the reporting requirements. He said it looks like the requirements have us doing more than the \$9,000.00 we would be receiving. He would have liked to have more time to research this issue before a vote was taken. Police Chief Dubois said it generally means that we complete the forms necessary. He also indicated in order for the Police Department to receive federal funding we have to follow pertinent requirements. Councilor Thorsen said he would like to see cost impacts on accepting grant dollars.

IX. CONSENT AGENDA

- B. Letter from Christina O'Grady, Associate of Development, American Lung Association, requesting permission to hold the 5th Annual American Lung Association Cycle the Seacoast Ride on Sunday, May 4, 2014 **(Sample motion – move to refer to the City Manager with power)**
- C. Letter from Kelly Sicard, Director of Special Events and Volunteers, Breathe New Hampshire, requesting permission to hold the 29th Annual Seacoast Bike Tour on Saturday, May 17 and Sunday, May 18, 2014 **(Sample motion – move to refer to the City Manager with power)**
- D. Request for License from Julie Cutting, owner of Cure Restaurant for property located at 189 State 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 Julie Cutting, owner of Cure Restaurant for a projecting sign at property located at 189 State Street and, further, authorize the City Manager to execute License Agreements 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, shall 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***
- E. Request for License from Alex Vandermark, owner of The Soupery for property located at 51 Hanover Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Alex Vandermark, owner of The Soupery for a projecting sign at property located at 51 Hanover Street and, further, authorize the City Manager to execute License Agreements 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, shall 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 Coviello moved to adopt the Consent Agenda, as presented. Seconded by Assistant Mayor Lister and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from the Town of Stratham Board of Selectmen requesting the City of Portsmouth to explore Providing Sewer Services to Stratham

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

Councilor Kennedy moved to amend the motion for the report back to include an economic analysis. No second to the motion received.

Councilor Kennedy said she is concerned with the upkeep of lines.

City Manager Bohenko said this may need to be looked at as a policy by the City Council. He stated this is preliminary and this may not be feasible for them or us.

Councilor Lown said this is what we should be looking at for regionalization.

Councilor Dwyer asked where they get their water. City Manager Bohenko said a private water company.

Councilor Smith said we need to look at when we start becoming a utility. City Manager Bohenko said we are at that line. Once a community pays their fair share to get in and pays into the system the PUC would make sure the rate payers are fairly treated. He said this follows the goal of the City Council to look at regionalization.

Motion passed.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Acceptance of Drainage Easement Re: 127 Parrott Avenue, LLC

City Manager Bohenko reported that the site improvements include the removal of fire escapes and ramps, expansion of onsite parking and improved lighting, utilities, landscaping and drainage. As part of the approval, 127 Parrott Avenue, LLC is required to convey to the City a Drainage Easement. This Drainage Easement allows the City to manage storm water in the area by installing a catch basin and drainage line. He further stated that the Planning Board is recommending that the Council approve such an easement.

Councilor Smith moved to authorize the City Manager to accept a required drainage easement from 127 Parrott Avenue, LLC. Seconded by Assistant Mayor Lister.

Councilor Kennedy asked if the DES is involved in this matter. City Manager Bohenko said he does not believe so as it is a local issue and a Planning Board matter.

Councilor Novelline Clayburgh asked if the ramps and fire escapes would need to be replaced. Councilor Coviello said fire escapes are no longer allowed under the building code.

Motion passed.

2. Adoption of 2014 Schedule of City Council Meetings and Work Sessions

City Manager Bohenko said the proposed schedule for City Council Meetings and Work Sessions for the calendar year 2014 are before you this evening for acceptance. He also stated that the all day budget meeting is schedule for May 10th and would include the General Government, Police and Fire Departments budgets. In addition, the schedule follows what is required by Charter.

Councilor Smith moved to approve the 2014 Schedule of City Council Meetings and Work Sessions, as presented. Seconded by Councilor Coviello.

Assistant Mayor Lister said he is looking forward to working with everyone as the new Mayor-Elect. He said it is important to communicate and he would like to have discussion in meetings for the City Council on issues. He said we need to get a sense of how the City Council feels on some issues.

Motion passed.

City Manager Bohenko announced the free holiday parking will begin Monday, December 16, 2013 through Wednesday, January 1, 2014. He stated that two and three hour parking enforcement will continue to ensure individuals are not utilizing a space the entire day and allows for the turnover of parking spaces.

City Manager Bohenko spoke regarding the storm operation with snow over the weekend. He spoke to the decision not to tow for this storm because 150 cars would have needed to be towed and it did make things more difficult for clean up. He said because this was the first storm and that all future storms will have cars towed. He further stated that this evening the City will be having a load out of snow from downtown because we are expecting more snow and colder weather and we do not want to have problems in the future with storms and snow. He thanked Public Works Director Peter Rice for his first snow as the new Public Works Director and said he did a wonderful job.

Councilor Dwyer asked if we would be towing this evening. City Manager Bohenko said towing will take place this evening. We have signs up and we are tweeting the information.

B. MAYOR SPEAR

1. Reappointment of City Manager John P. Bohenko as the City of Portsmouth representative to the Pease Development Authority for the term of January 1, 2014 through January 1, 2017

Councilor Novelline Clayburgh moved to reappoint City Manager John P. Bohenko as the City of Portsmouth representative to the Pease Development Authority for the term of January 1, 2014 through January 1, 2017. Seconded by Councilor Smith.

Councilor Kennedy asked if the appointment has to be the City Manager or could it be someone else. City Manager Bohenko said we work very closely with the PDA and he always puts the best interest of the City in the forefront. He said if he leaves as City Manager he would not maintain the appointment on the PDA but would be in favor of keeping the City Manager on the PDA. He said we have great relationships with the PDA.

Assistant Mayor Lister said he endorses the City Manager to continue and he is well respected, prepared and has always has the best interest of everyone in mind.

Councilor Lown said he also supports the City Manager.

Councilor Dwyer said she support the City Manager on the PDA. She said she would like to see quarterly reports from the PDA to make periodical reports.

Councilor Thorsen said he supports the City Manager on the PDA and we need to keep the municipality involved with the PDA.

City Manager Bohenko said the PDA now puts their agenda on their website for the public to access.

Motion passed.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear said former Mayor Ferrini gave him advice prior to leaving the Council and that was to pay attention to City Clerk Kelli Barnaby, City Attorney Robert Sullivan and City Manager John Bohenko. He said any mistakes were his own. He is leaving Assistant Mayor Lister in good hands.

Councilor Lown complimented Mayor Spear on how he runs the meetings. He said Mayor Spear is thorough and smart.

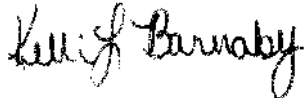
Assistant Mayor Lister returned the gavel to Mayor Lister.

Councilor Coviello thanked Chuck McMahon for treating him fairly while serving on the Council. He thanked Mayor Spear for the way he has treated all of the City Council.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 9:15 p.m., Councilor Kennedy moved to adjourn. Seconded and voted by Councilor Novelline Clayburgh and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk