CITY COUNCIL MEETING

MUNICIPAL COMPLEX PORTSMOUTH, NH
DATE: MONDAY, JUNE 16, 2014 TIME: 7:00 PM [or thereafter]

At 6:00PM, An Anticipated "Non-Meeting" with Counsel was held Re: Negotiations – RSA: 91-A:2, I (b-c).

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

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

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen (via conference call), Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Mayor Lister asked Mark Brighton to lead in the Pledge of Allegiance.

PRESENTATIONS

1. Art-Speak Annual State of the Art Report, Memorandum of Understanding Renewal Request and Public Art Referral Policy – Nancy Pearson

Ms. Pearson provided a PowerPoint Presentation review of last year's activities and accomplishments of Art-Speak. She spoke to the creation of the Portsmouth Public Art Walk which consists of a mix of historic and contemporary works of art woven through our city neighborhoods. The Art-Walk launch will be Tuesday, June 17th at 4:30 p.m. from the Discover Portsmouth Center. Ms. Pearson also discussed the Task Force which has created a business plan for the Arts Alliance and next Tuesday, June 24th is the launching and it will take place at the Tyco Center at Strawbery Banke.

Assistant Mayor Splaine moved to adopt the attached Public Art Referral Policy. Seconded by Councilor Dwyer.

On a unanimous roll call vote 9-0, motion passed.

Assistant Mayor Splaine moved to authorize the City Manager to extend the Memorandum of Understanding (MOU) between the City and Art-Speak from July 1, 2014 through June 30, 2015. Seconded by Councilor Kennedy.

On a unanimous roll call vote 9-0, motion passed.

2. Historic Cemeteries Update – David Moore

Community Development Director Moore reviewed the 7 historic cemeteries the City is responsible for up keeping. He stated that the cemeteries are historic resources to the City and the community and are valued public places. Director Moore spoke to the 3 sections of the Presentation which include Capital Improvements, Maintenance, and Programming. He addressed the capital improvements which have been made to grave stones.

Councilor Kennedy requested that the City set up a contact for people who wish to volunteer with the work at the historic cemeteries.

Councilor Dwyer requested that the City establish a Cemetery Improvement Trust to be brought back at a future upcoming City Council meeting.

City Manager Bohenko stated he will establish an action plan for these projects.

V. ACCEPTANCE OF MINUTES – MARCH 17, 2014

Councilor Kennedy moved to accept and approve the minutes of the March 17, 2014 City Council meeting. Seconded by Councilor Lown.

On a unanimous roll call vote 9-0, motion passed.

VI. PUBLIC COMMENT SESSION

Sue Polidura thanked the City Council for the Presentation on Cemeteries. She feels encouraged and the City may be able to receive grants for the maintenance especially for the North Cemetery. She stated that this Saturday is the 226th Anniversary of the signing of the Declaration of Independence. She said there will be a wreath lying on John Langdon's grave and encouraged residents to attend.

Bob Hassold spoke about the Port and said that Grimmell's lease expires at the end of the year and it is not going to be renewed. He requested a Work Session with the PDA, City Council and Port of Portsmouth back in February and asked when that would take place.

Mark Brighton said he has had the pleasure of reviewing the North Cemetery with Ms. Polidura and Assistant Mayor Splaine. He spoke to the many historic items that exist in the cemetery and that the City needs to show appreciation of the cemeteries.

Susan Denenberg spoke about the Worth Lot including the maintenance and improvements that are needed. She suggested placing benches in the lot that have separations in them so people do not sleep on them.

Joe Caldarola said transparency is important and discussed financial disclosures. He said that individuals serving on land use boards should also be required to complete financial disclosure forms. We need to find out where the finances are coming from.

Councilor Spear moved to suspend the rules in order to take up Item X. A.1. - Approval of Tentative Three (3) Year Employment Agreement for Deputy Fire Chief Carl Roediger. Seconded by Assistant Mayor Splaine.

X. A.1. - Approval of Tentative Three (3) Year Employment Agreement for Deputy Fire Chief Carl Roediger

Human Resources Director Fogarty provided an overview of Deputy Fire Chief Carl Roediger's proposed 3-Year Employment Agreement. She stated that the benefits are tied to the Professional Management Association contract.

Councilor Spear moved to approve the three (3) year Employment Agreement for Deputy Fire Chief Carl Roediger to expire June 30, 2017 as recommended by the Fire Commission. Seconded by Councilor Lown.

On a unanimous roll call vote 9-0, motion passed.

VII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the Agenda)

VIII. CONSENT AGENDA

A. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to the 2014 Bike MS NH Seacoast Escape on Saturday, August 23, 2014 ***(Anticipated action – move to refer to the City Manager with power)***

B. Request for Approval of Pole License to install 1 pole located on Court Street and Chestnut Street as part of the African Burial Ground Project ***(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)***

C. Request for Approval of Comcast License Agreement for Raines Avenue and Vaughn Street for underground conduit system as a part of the general upgrade of utilities associated with development in the area ***(Anticipated action – move to authorize the City Manager to negotiate and execute a License Agreement to allow Comcast to place conduit for Raines Avenue and Vaughn Street as requested with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***

D. Request for License from Rita Fabricatore, owner of Lady Pickwicks for property located at 56 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 Rita Fabricatore, owner of Lady Pickwicks for a projecting sign at property located at 56 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 Judith Lee, owner of Herringbones LLC for property located at 207 Market 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 Judith Lee, owner of Herringbones LLC for a projecting sign at property located at 207 Market 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 Spear moved to adopt the Consent Agenda. Seconded by Councilor Kennedy.

On a unanimous roll call vote 9-0, motion passed.

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

(There are no items under this section of the Agenda)

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICALS

A. CITY MANAGER

2. Report Back from Planning Board Re: Proposed Zoning Amendments

Planning Director Taintor said that this request was brought to the City Council in February and that the delay was due to the CBZ. He stated the CBZ changed CBZ and CBB property. The CBZ would extend down Islington Street and CBC would conflict with CBZ. He further stated that the CBC would increase density and it is being recommended to create a new definition of "building footprint".

Councilor Spear moved to schedule a first reading on the proposed Ordinance amendment at the July 14, 2014 City Council meeting, as presented. Seconded by Councilor Lown.

On a unanimous roll call vote 9-0, motion passed.

3. Request to Dispose of Surplus Equipment and Vehicles

City Manager Bohenko stated that the equipment and vehicles would be disposed of through our sealed bid process.

Councilor Kennedy asked about the criteria for what is considered surplus equipment and vehicles. City Manager Bohenko reported that we do a cost benefit analysis and that mileage is not looked at. It is the life cycle and the maintenance needs for the vehicle. In the Police Department you have vehicles with mileage but also running time. He said we were spending more money to fix the cars than it was worth.

Councilor Lown moved to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process. Seconded by Councilor Spear.

Councilor Shaheen asked City Manager Bohenko about a time table on the number of vehicles for the sealed bid process. City Manager said in the next 30 days we need to advertise these items.

Assistant Mayor Splaine asked how this would be advertised and if something would be placed on the website with pictures.

Councilor Kennedy expressed concern with the 2009 car in the Police Department and that the reason for disposing of it should be more than just paint. City Manager Bohenko said that is a good point and he will ask the Police Chief for a better description.

On a roll call 8-1, voted to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Kennedy voted opposed.

City Manager's Informational items

- Parking Shuttle Statistics

Councilor Kennedy suggested the Shuttle start at 9:00 a.m. on Friday's and Saturday's and on Sunday's the shuttle to run until 11:00 p.m.

- Update of the Implementation Plan Section of the 2005 Master Plan

Councilor Morgan asked that this document be placed on the website under the "What is New" items.

City Manager Bohenko requested Public Works Director Rice to come forward to update the City Council on the Worth Lot project. Director Rice reported that the lighting needs replacement as well as the transformer. Public Works is reviewing the flow of traffic for the parking lot and are developing design criteria for the project. Signage will be replaced and enhanced, there will be an island installed in the middle of the lot with trees. In addition, Peter Taylor will need to replace his dumpster as it does not meet the requirements of the Health Department.

Assistant Mayor Splaine thanked Director Rice for his update on the Worth Lot.

B. MAYOR LISTER

1. City Council Retreat

Mayor Lister reported that a date would be established for the retreat on a Saturday at the end of September or the beginning of October.

Councilor Morgan inquired as to the format for the Retreat Agenda. City Manager Bohenko said we need to focus on aspects of the budget and formulate goals by departments. He said the first part should be the budget process. He said we need to be focused and receive action items to move forward on the budget. He also stated he may bring in a facilitator on the budget process.

C. ASSISTANT MAYOR SPLAINE

1. North Cemetery Commemorative Event, Saturday, June 21st

Assistant Mayor Splaine said the North Cemetery event will be held on Saturday, June 21st at 11:00 a.m. with a wreath laying and speeches. He said Sue Polidura is providing tours of the North Cemetery as well.

2. "The Year-Round Budget Plan"

Assistant Mayor Splaine provided copies of his year end budget planning. He asked that City Manager Bohenko provide copies to any one who would like a copy. He said the plan consists of 50 different thoughts on how to do a better job on budgeting.

Councilor Thorsen said the Council has lacked direction in the beginning of the budget process.

Assistant Mayor Splaine said he would like to see more involvement by the public.

Councilor Dwyer suggested reactivating the Joint Budget Committee in the budget process. She said the most important thing is to have a work session public meeting with the various perimeters on the different phases such as medical and retirement. She stated that may not have been done this year because there were not many changes. Councilor Dwyer also stated that the School Board and the Fire and Police Commissions need involvement early in the process.

Councilor Morgan said we have two points to address; the process and directives. She said she feels the process needs to be looked at and open it up more. She said she is not sure that a Joint Budget Committee is the best plan.

Councilor Kennedy said she agrees with many of the comments and there needs to be directives. She said we provide many opportunities for people to speak in the budget process. She said many people do not feel comfortable in providing comments.

3. Worth Lot Improvement Suggestions

Assistant Mayor Splaine said that this matter was addressed earlier in the agenda.

4. Financial Disclosure Memo

Assistant Mayor Splaine said he cannot attend the meeting tomorrow on Financial Disclosures and wanted to offer thoughts. He referred to his memorandum to the City Council on this matter.

D. COUNCILOR LOWN

1. Medical Insurance Options

Councilor Lown said he provided a memorandum for the City Council and public to be aware of various issues. He said health insurance is not sustainable and could drive up health care by 40% in the City. The School Care insurance we heard about this evening is encouraging.

E. COUNCILOR DWYER

1. Update on African Burying Ground Memorial Park Construction

Councilor Dwyer said you have a brief memorandum on this matter. She said they are nearing the end of fundraising and are close to the $1 million dollar mark. She stated last year was the 10th Anniversary of discovering the burying ground and are within $165,000.00 to having everything for the project.

Councilor Dwyer moved to authorize the City Manager to make available $165,000.00 in Urban Development Action Grant (UDAG) Funds available as cash flow assistance for the completion of the African Burying Ground Memorial Park. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said it is incredible what the Committee has done on this project.

Councilor Thorsen asked City Manager Bohenko if there are terms on the loan. City Manager Bohenko said we intend to have it paid back but before he signs the contract he needs to have funds available. He said there are pledges out there and when the funds come in the funds will go back to UDAG. He stated the interest rates are low right now and it is less of a loan and more of a commitment.

On a unanimous roll call vote 9-0, motion passed.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 9:40 p.m., Councilor Kennedy moved to adjourn. Seconded by Assistant Mayor Splaine and voted unanimously.

Kelli L. Barnaby, CMC/CNHMC
City Clerk