

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 4, 2015

PORTSMOUTH, NH
TIME: 6:30PM

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

I. CALL TO ORDER

At 7:10 p.m., Mayor Lister called the regular City Council meeting to order.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, 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

Sophia Nute led in the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. Poet Laureate

David Phreaner provided a brief history of the Poet Laureate program and announced that this would be the 10th Poet Laureate.

Councilor Kennedy read the Proclamation declaring Kate Leigh as the 2015 Poet Laureate. Ms. Leigh was presented the quill from the former Poet Laureate Kimberly Cloutier Green. Ms. Leigh accepted the Proclamation with thanks and read one of her poems for the City Council entitled Lilacs.

2. Police Week in Portsmouth – Peace Officers’ Memorial Day

Councilor Shaheen read the Proclamation declaring May 10, 2015 – May 16, 2015 as Police Week in the City of Portsmouth and May 15th as Peace Officers’ Memorial Day. Mayor Lister presented the Proclamation to Police Chief Dubois who accepted it with thanks and appreciation.

3. Bike/Walk to Work Day

Councilor Lown read the Proclamation declaring May 15, 2015 as Bike/Walk to Work Day in Portsmouth. Mayor Lister said the Proclamation will be placed on file.

V. ACCEPTANCE OF MINUTES – APRIL 20, 2015

Councilor Lown moved to approve and accept the minutes of the April 20, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.

VI. PUBLIC COMMENT SESSION

Bob Shouse said part of the parking solution is at hand this evening. He said if the second garage is built at the Gary's Beverage lot than the third parking garage should be created at the Worth Lot.

Jonathan Sobel submitted a petition regarding Sheafe Street where the residents are requesting residential parking and that no parking meters are installed on their street.

Roy Hesel spoke in favor of electing the Mayor separate from the City Council and to create Ward City Councilors to expand the Council representation around the entire City.

Merle White, Anchor Taxi presented a letter to the City Council that was an email sent by UBER to encourage contacting the City Council to express support of UBER remaining in the City.

John Paleriro, Great Bay Taxi said UBER has not presented their insurance to the City as of today. He said the taxi owners are required to carry liability insurance and UBER should as well.

George Dempsey said the City needs to acknowledge the decent police officers in the department. He spoke to the many issues facing the Police Department currently.

Paul Mannle said it is not appropriate to stifle comments from the public. He asked when the City became anti pro speech and that there needs to be more of a dialogue between residents and the City Council.

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TWENTY THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$23,200,000.00) FOR THE CONSTRUCTION OF A NEW PARKING FACILITY

City Manager Bohenko provided a presentation on the new Parking Facility and spoke to the work of the Economic Development Commission in finding this location.

Everett Eaton, EDC Chair, said the EDC Subcommittee has worked on this matter for the last 14 months and all 20 sites where considered and rated and 165 Deer Street is the site recommended by the EDC.

Nick Cracknell, Planner spoke on the long term vision of the north end which is where the new parking facility will be located. Planner Cracknell showed renderings of a possible design for the building with an active streetscape. He spoke to the main components of the Municipal Parking Garage Project micro-Apartments, Ground-Floor Commercial space, Civic space and a Mixed-Used Building that would be a liner building. He reported that the facility would have 600 parking spaces and would be a 5 story building.

City Manager Bohenko spoke regarding the pro-forma for the garage. He addressed the existing pass holders and transient users at the High Hanover Parking Garage and the proposed increased rates for 2017. He reported of the remaining 500 pass holders the rate for 24 hours would go to \$150.00 and the 12 hour rate to \$125.00. He said an increase in the hourly rate would increase from \$1.00 to \$1.25. He also addressed existing and proposed meter-rates, on street meter rates for the high occupancy spaces will increase to \$2.00 in 2017 and the non high occupancy spaces will increase to \$1.50. City Manager Bohenko reported on the projected expenditures and revenues for the new garage and the projected new revenue from the High Hanover garage and the new meter revenue. He spoke to the next steps being as follows:

- Revised letter of intent (Non-Binding) – May, 2015
- Site Analysis – (ongoing)
- Financial Analysis (ongoing)
- Bonding Authorization (May 4, 2015)
- Development Agreement (May-June, 2015)
- Design & Permitting (July 2015 – March 2016)
- Building Construction (2016 – 2017)

Mayor Lister reopened the public hearing and said individuals will be given two opportunities to speak, the first will be for 2 minutes and the second round if needed, will be for 3 minutes.

The following individuals spoke in favor of the Public Hearing:

1. Rick Chellman
2. Brian Kelly, Seacoast Repertory Theatre
3. Monte Bohanan, Music Hall
4. Nancy Novelline Clayburgh
5. Chirstina Lusky
6. Steve Marchand
7. Paul Young
8. Tracey Kozak
9. Harold Whitehouse
10. Crystal Paradis
11. Jasmin Hunter
12. Sally Mulhern
13. Greg Schwartz
14. Jason Boucher
15. Ms. Joy
16. Abby Hackett

17. Chris Hackett
18. Barry McArdle
19. Lisa DeStefano
20. Mike Talis
21. Jeff Mountjoy
22. Phil Cohen
23. Sophia Nute
24. Jennifer Zorn
25. Joe Lamond
26. Duncan Craig
27. Peter Weeks
28. Dixie Tarbell
29. Eric Weinrieb
30. Ned Reynolds
31. Caitlyn Hassett
32. Dan Whitham, Sheraton Harborside Hotel
33. Kathleen Cavalaro, Seacoast Repertory Theatre
34. Nancy Potter
35. Dan
36. Peter Loughlin
37. David Moreau
38. Elizabeth Moreau
39. Katrina Quintans
40. Joshua Cyr
41. Jim Jalbert
42. Lily
43. Trevor Bartlett
44. Doug Bates, Greater Portsmouth Chamber of Commerce
45. Judy Miller
46. Jeff Kisiel

The following individuals spoke opposed to the Public Hearing:

1. Susan Denenberg
2. Claire Kittredge
3. Paul Mannle
4. Joe Caldarola
5. Rick Becksted

The following individuals spoke for the second round of speakers:

1. Rick Becksted
2. Joe Caldarola
3. Susan Deneberg
4. Phil Cohen

5. David Moreau
6. Brian Kelly
7. Jason Boucher
8. Paul Mannle

With no further speakers Mayor Lister closed the public hearing.

Mayor Lister called for a brief recess at 9:50 p.m. At 10:05 p.m., Mayor Lister called the meeting back to order.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000.00) for the Construction of a New Parking Facility

Councilor Spear moved to Adopt the Proposed Resolution, as presented. Seconded by Councilor Shaheen.

Councilor Spear said we have heard a great deal regarding the benefits of a new parking garage and the staff has looked at great depth to find another location for a parking garage. He thanked the staff and EDC for their hard work and those that came out this evening in order to have their voices heard on this matter.

Councilor Shaheen said we have a historic opportunity that has plagued this community for too long. She thanked everyone that has worked so hard on this issue. She said the City Council, staff and City Manager Bohenko have worked on the front lines of this. She thanked the community and everyone for being here this evening. Councilor Shaheen said the time is now and we need to move forward.

Assistant Mayor Splaine said that this is a perfect location and we are ensuring that there will be quality parking for the City with building this garage at 165 Deer Street. He said he was fascinated by the civility of the discussion and this is the passion we needed to get to yes on this matter. He stated that this project has not been rushed in any means. Assistant Mayor Splaine said he supports satellite parking and having a transportation center.

Councilor Lown spoke to City staff and the EDC for their hard work. He thanked everyone that came out to speak on this matter. He said he will vote on this matter and will vote in favor of the motion. He stated he has no personal or financial benefits to this lot and does not have a conflict of interest. Councilor Lown said the matter of reduced parking for residents will be on the next Parking & Traffic Safety Committee agenda for review.

Councilor Thorsen said that this has been a long road and knows we need more parking in the area of the downtown, but more in the north end. He stated when the Council received the price for the new parking garage he also felt it was too expensive, but then the plan came out and the various increases in parking fees will help with the expense. He said he would like to see a 50% discount for resident parking. He said he would prefer to see a revenue bond versus a general obligation bond because a revenue bond will tie the garage to the revenues that are going to pay for it.

Councilor Dwyer said this needs to be a comprehensive plan with a set of principles and guidelines. She stated we will need to plan for more parking after this garage and she hopes we get ahead of it this time. She said she wants to place a priority on resident parking and that is where the pressure will be for the next couple of years.

Councilor Kennedy moved to amend the motion to make this a revenue bond. Seconded by Councilor Morgan.

Councilor Kennedy said she is please that so many people came out and that the City Council is here to support everyone. She said she is concern for the elderly and feels this needs to be a revenue bond that will put an end to making this a taxpayers issue. She stated we need a transportation plan and a transportation center in the City.

City Manager Bohenko said the City has a triple A rating and we can borrow at a low rate. He said in order to have a revenue bond we would need to make our parking fund an enterprise fund and we would no longer be able to use revenues for the general fund. He said we would also not receive the rate we would with a revenue bond versus a general fund bond and we would need to purchase principle and interest insurance for the bond.

Councilor Thorsen said he did not have this answer on Friday when he brought it forward and he is no longer in favor of a revenue bond and was sorry for this uninformed idea.

Councilor Kennedy withdrew the amendment to the motion and Councilor Morgan the second to the motion.

Discussion followed on increasing the rates and having the Fee Committee review the matter.

Councilor Kennedy asked when the next vote on the garage would take place. City Attorney Sullivan said the purchase and sales agreement would be the next vote and that would be a complicated and complex document.

Councilor Morgan said there has been great discussion and thanked everyone that sent messages and called. She said she is happy with the civility this evening and would like to point out that along with the hours we have an enormous amount of volunteers that have worked on this matter. She said we need a parking structure on Deer Street but would like the Frank Jones property to be looked at. She would like to hear more of the time line for the project at the next City Council meeting and she would vote in support of the Resolution.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister thanked everyone for coming out this evening and for the messages on this matter and that parking is not a single issue in the City. He said we are very fortunate in the City because everyone worked together and he is proud of the City and the neighborhoods. He said this is a great place to be and it is not about the destination it is about the journey. He stated he works with an amazing City staff and City Manager Bohenko.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a unanimous roll call 9-0, voted to Adopt the Proposed Resolution, as presented.

X. CONSENT AGENDA

- A. Acceptance of Membership Dues to Art-Speak
 - Harbor Light Stage Inc. - \$100.00

(Anticipated action – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)
- B. Letter from Sister Mary Agnes, Run with the Cause, requesting to hold the 19th Annual St. Charles Children's Home 5k Road Race at Pease International Tradeport on Monday, September 7, 2015 at 9:00 a.m. ***(Anticipated Action – move to refer to the City Manager with power)***
- C. Letter from Josh Pierce, Seacoast Area Bicycle Riders, requesting permission to allow SABR to host a commuter breakfast on Friday, May 15, 2015 from 7:00 a.m. to 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Duncan Regonini, Portsmouth Professional Firefighters Local 1313, requesting permission to hold 2 boot drives, the first on Saturday, June 27, 2015, and the second on Saturday, August 8, 2015 from 8:00 a.m. to 5:00 p.m. in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request for License from James Woodhouse, owners of Louie's for property located at 84-86 Pleasant 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 James Woodhouse, owners of Louie's for a projecting sign at property located at 84-86 Pleasant 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***

- F. 2015 Omnibus Sidewalk Obstruction Renewals (Final) *(List Attached)*
(Anticipated Action – move to refer to the City Manager with power)
- G. Letter from Robert L. Sutherland, Jr., St. John's Lodge No. 1, requesting permission to March from the William Pitt Tavern to St. John's Church on Sunday, June 21, 2015 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- H. Letter from Mike Young, President of Portsmouth Babe Ruth, requesting permission to place 10 outfield signs on the inside of the fence at Leary Field
(Anticipated action – move to refer to the City Manager with power)

Councilor Shaheen moved to adopt the Consent Agenda. Seconded by Councilor Spear and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Friends of Sheafe Street Petition requesting "Residential Parking Only" on Sheafe Street from 5:00 p.m. to 9:00 a.m. Monday – Sunday, maximum day-time parking allowed and further to designate Residential Reserved evening Parking on Sheafe Street and not install Parking meters on the residential street

Councilor Kennedy moved to refer to the Parking & Traffic Safety Committee for report back. Seconded by Councilor Spear and voted.

- B. Letter from Attorney Bernard Pelech regarding Portsmouth Land Acquisition, LLC Proposed Rezoning Bartlett Street and Route 1 Bypass Area

Deputy City Manager Allen said the letter is requesting that the group of properties go through a design review and it is not for vesting purposes.

Councilor Dwyer said this would be difficult without more information for the City Council to vote on this matter. City Attorney Sullivan said a yes vote by the City Council would allow the Planning Board to talk about this matter. Councilor Dwyer asked if we could authorize the Planning Board to look at it without a sign off.

Councilor Spear moved the City Council authorize Portsmouth Land Acquisition, LLC to submit a proposal for Design Review to the Planning Board which includes a portion of City Land. Seconded by Councilor Morgan.

City Attorney Sullivan stated this project cannot be built under the current zoning ordinance.

Motion passed with Councilors Kennedy and Morgan voting opposed.

- C. Letter from Michael Busby, Eversource Energy, regarding Proposed Hanover/High Street Underground Improvement Project

Councilor Shaheen moved to refer to the Planning Board for report back. Seconded by Councilor Spear and voted.

- D. Letter from Delmira Pirini Morse regarding the pursuit of a Memorial for the Immigrants who resided in the North End

Councilor Spear moved to accept the letter and place it on file. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said he wants to ensure that Ms. Morse is kept inform on this matter.

Motion passed.

Councilor Morgan moved to suspend the rules in order to take up Items XII. D.1. & F.1. – Update on the Prescott Park Arts Festival. Seconded by Assistant Mayor Splaine and voted.

XII D.1. & F.1. – Update on the Prescott Park Arts Festival

Councilor Kennedy said this is under her name on the agenda for informational. She would like residents to hear the outcome of the Committee's decision and if there is another outreach person could they meet with residents. She also asked how people can share information.

Councilor Morgan said she would like to have a report back from the Committee. She would like this on the next City Council agenda.

Councilor Shaheen said Mayor Lister is reconvening the working group and a report back will be provided after the meeting of the working group. She reported that Ben and the Board are working on the vacancy from the resignation of Joey.

Councilor Kennedy said she would like people to meet on the agreement and would like a time line of when that would take place.

Mayor Lister said he has a meeting next week with the working group.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for First Reading of Proposed Ordinance Amending Chapter 1, Article VIII, Section 1.807 of the Ordinances – BEQUESTS OR GIFTS TO CITY EMPLOYEES

Councilor Lown moved to authorize the City Manager to bring back for first reading at the May 18, 2015 City Council meeting the aforementioned Ordinance, as presented. Seconded by Councilor Shaheen.

Councilor Dwyer said she feels we need to play out some of these items within the ordinance before it goes to first reading. She said items #1 and #3 of the ordinance make sense but items #2 and #4 do not and have unintended consequences.

City Manager Bohenko withdrew his recommendation and will work with Councilor Lown and City Attorney Sullivan on the ordinance to address the concerns expressed by Councilor Dwyer relative to Items 2 and 4.

2. Request for Approval of Parking Agreement with Connect Community Church

Councilor Spear moved to approve the aforementioned License Agreements, and further, authorize the City Manager to execute Agreement, as presented. Seconded by Councilor Shaheen and voted.

City Manager Bohenko reminded the City Council of the All Day City Council Budget Work Session with Departments on Saturday, May 9th at 8:00 a.m. in the Levenson Room at the Library.

City Manager Bohenko announced that the City Council will be holding the Public Hearing on the FY16 Budget on Monday, May 11, 2015 at 7:00 p.m. in the Eileen Dondero Foley Council Chambers.

B. MAYOR LISTER

1. Appointments to be Considered:
 - Appointment of Matthew Cardin to the Conservation Commission as a Regular member
 - Appointment of Kimberly Meuse to the Conservation Commission as a Regular member
 - Appointment of Kate Zamarchi to the Conservation Commission as a Regular member

- Appointment of Adrienne Harrison to the Conservation Commission as an Alternate member
- Appointment of Samantha Wright to the Conservation Commission as an Alternate member
- Reappointment of Carl Diemer to the Recreation Board
- Appointment of Patrick Moretti to the Zoning Board of Adjustment as a Regular member

The City Council considered the appointments listed above and will take action on these at the May 18, 2015 City Council meeting.

C. ASSISTANT MAYOR SPLAINE

1. Arranging an Interactive Work Session for PS21 Topics on the Search for Walkability, On-Street Parking, and Street Flow

Assistant Mayor Splaine requested to have this on for the May 18, 2015 City Council Agenda due to the late hour.

E. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Items and Minutes of the April 9, 2015 meeting

Councilor Spear moved to approve and accept the minutes of the April 9, 2015 Parking & Traffic Safety Committee meeting. Seconded by Councilor Dwyer and voted. Councilor Kennedy voted opposed.

F. COUNCILOR MORGAN

2. May 11th Pease Development Authority Airport Committee meeting at 6:00 p.m. at the PDA Office Re: Helicopter Sales

Councilor Morgan announced on May 11th at 6:00 p.m. at the PDA Office there will be a meeting regarding Helicopter Sales.

G. COUNCILOR THORSEN

1. New Parking Garage (Update)

Councilor Thorsen said this was informational only.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 11:30 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear 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, MMC, CMC, CNHMC
City Clerk