

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MAY 16, 2011

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

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

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

### **II. ROLL CALL**

Present: Mayor Ferrini, Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Coviello, Kennedy and Smith

Absent: Councilor Dwyer

Mayor Ferrini informed the City Council that Councilor Dwyer will be joining the meeting via conference call at 8:00 p.m.

### **III. INVOCATION**

Assistant Mayor Novelline Clayburgh asked everyone to join in a moment of silent prayer in memory of Raimond Bowles who recently passed away.

### **IV. PLEDGE OF ALLEGIANCE**

Assistant Mayor Novelline Clayburgh led the Pledge of Allegiance.

### **MAYOR'S AWARD**

1. Deputy Fire Chief Steven Griswold - Retirement

Mayor Ferrini presented a Mayor's Award and City of Portsmouth chair in recognition of Deputy Chief Griswold's dedicated service to the City over the last 33 years. Deputy Chief Griswold accepted the Mayor's Award and chair with thanks and appreciation. Fire Chief LeClaire thanked Deputy Griswold for his years of service to the City. He also spoke to how valuable Deputy Griswold has been to the Department and said he will be missed by all.

### **V. ACCEPTANCE OF MINUTES *(There are no minutes for acceptance this evening)***

## VI. PUBLIC COMMENT SESSION

MaryLou McElwain – spoke opposed to Sunday parking enforcement and how difficult it is for people to come forward and address the City Council. She recommended that there be feed back during the Public Comment Session between the residents and the Councilors. She also expressed the need for the Councilors to have e-mail where residents can contact them and allow for better communication.

Doug Bates, President of the Greater Portsmouth Chamber of Commerce said he agrees with comments made by Ms. McElwain. Mr. Bates spoke in support of Popover's request to have alcohol service for their outdoor seating area. He said that this will add value to the downtown and urged the City Council to support the request.

## VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10, ARTICLE 4, SECTION 10.420 – (DISTRICT LOCATION AND BOUNDARIES) REZONING OF LAND AT 54 ROGERS STREET FROM MUNICIPAL (M) TO MIXED RESIDENCE OFFICE (MRO) - AND ZONING MAP REFERENCED IN CHAPTER 10

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

City Manager Bohenko said that this is a result of action by the City Council from several weeks ago regarding a property line issue.

With no speakers Mayor Ferrini declared the public hearing closed.

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Grant for African Burying Ground Fundraising Costs - \$4,000.00

**Councilor Smith moved to accept a grant for a total of \$4,000.00 from Centrix Bank and further, expend this grant on fundraising costs associated with the African Burying Ground Memorial Park. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes not to exceed Sixteen Million Dollars (\$16,000,000.00)

**Councilor Smith moved to pass first reading and hold a public hearing and adoption of the Resolution at the June 6, 2011 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

- B. Second reading of Proposed Ordinance Amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) - and Zoning Map referenced in Chapter 10

**Councilor Smith moved to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the June 6, 2011 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

**X. CONSENT AGENDA**

***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Acceptance of Donation to the Coalition Legal Fund
- Town of Center Harbor - \$500.00  
***(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- B. Letter from Briana Marshall, Big Brothers Big Sisters, requesting permission to close Chestnut Street on Saturday, August 20, 2011 from 3:30 p.m. – 4:30 p.m. to hold the 2<sup>nd</sup> Annual Stiletto Race ***(Anticipated action – move to refer to the City Manager with power)***

**Councilor Smith moved to adopt the Consent Agenda. Seconded by Councilor Coviello and voted.**

**XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Rachel McCoy, Cocheco Valley Humane Society, requesting permission to use Peirce Island on October 2, 2011 for the 14<sup>th</sup> annual Dog Walk and Vendor Fair entitled Parade Your Pooch

City Manager Bohenko advised the City Council that it is important for this request to go to the Recreation Board and Peirce Island Committee for review and report back. He said that there are a large number of people involved in this event.

**Councilor Smith moved to refer to the Recreation Board and Peirce Island Committee for report back. Seconded by Councilor Kennedy and voted.**

- B. Letter from Cindy Braun, Girls on the Run, requesting permission to hold a 5k Road Race on Saturday, June 18, 2011 at the Pease International Tradeport

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

- C. Letter from Attorney Robert Shaines, Shaines & McEachern, PA, requesting the City Council authorize the City Manager to execute a release deed discontinuing the easement for property located at 80 Woodlawn Circle

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

- D. Letter from Michael Shingleton, Share Our Strength, requesting permission to seek donations on the streets of Portsmouth and at the entrances of businesses on Saturday May 21, 2011 or Saturday, May 28, 2011

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

- E. Letter from John Tinios, Owner of Popovers on the Square, Requesting Use of City Owned Property for Outdoor Seating with Alcohol Service

**Councilor Smith moved to authorize the City Manager to proceed with the request of Popovers and, further, obtain any approvals necessary by the Trees and Public Greenery Committee and a Liquor Staff review. Seconded by Councilor Lister.**

City Manager Bohenko said that this will be part of a policy program that will be established by the staff and noted that this will be a learning experience. He said he would like to make sure that this creates a good environment and it is critical that the Trees and Public Greenery Committee review this request. City Manager Bohenko also informed the Council that Mr. Tinios would like to have the fee pro-rated and he would agree.

**Councilor Kennedy moved to amend the motion for a report back to the City Council from the Trees and Public Greenery Committee following their review of the request. Seconded by Councilor Hejtmanek.**

Councilor Coviello advised City Manager Bohenko that he would like to see public seating outside of the area. City Manager Bohenko said to allow for seating outside the area we would need to ensure that there is a good flow in the area.

Councilor Spear asked if modifications to the bakery window would require Historic District Commission approval. City Manager Bohenko said yes.

Councilor Lister expressed his concerns with protecting the trees in the area.

City Manager Bohenko said that at the conclusion of the season the staff will create a policy that will be reviewed, discussed and voted on by the City Council.

Assistant Mayor Novelline Clayburgh also expressed concerns regarding the trees in the area. City Manager Bohenko reported that the proposal would cause for the removal of 2 trees and that the Trees and Public Greenery Committee will review the request and we will try to solve the issue of concerns expressed by the Council.

Discussion followed regarding who would be allowed to sit at the table and chairs. City Manager Bohenko said that only customers of the restaurant would be allowed to use the tables and chairs.

**On a unanimous roll call 8-0, voted to amend the motion for a report back to the City Council from the Trees and Public Greenery Committee following their review of the request.**

**On a unanimous roll call 8-0, voted to pass main motion as amended.**

- F. Report from Association of Portsmouth Taxpayers regarding the Police Department Budget

**Assistant Mayor Novelline Clayburgh moved to accept and place report on file. Seconded by Councilor Spear.**

Councilor Coviello requested that the Police Commission receive a copy of the report.

Councilor Spear thanked the Association of Portsmouth Taxpayers for their hard work. Assistant Mayor Novelline Clayburgh thanked the Association of Portsmouth Taxpayers for sharing their information with the City Council.

**Motion passed.**

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

- 1. Request to Dispose of Surplus Vehicles

City Manager Bohenko said that this is done each year and currently the City has 12 surplus vehicles and 1 mower for disposal. He also said that the vehicles are sold through the sealed bid process.

**Councilor Smith moved to authorize the City Manager to dispose of surplus vehicles and other equipment by the sealed bid process. Seconded by Councilor Coviello and voted.**

2. Request for a License from Michael Buckley, owner of Surf Portsmouth RNC for property located at 99 Bow Street to install a projecting sign

City Manager Bohenko said this is a request for a projecting sign and recommended that the Council accept the recommendation of the Planning Director.

**Councilor Smith moved to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Michael Buckley, owner of Surf Portsmouth RNC to install a projecting sign on a new bracket at 99 Bow Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Kennedy and voted.**

Planning Director 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, will be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

3. Proposed Work Session on Worth Lot Parking Garage

City Manager Bohenko said he would like to hold a Work Session prior to the June 20<sup>th</sup> City Council meeting on the Worth Lot Parking Garage. He requested that any major issues the City Council may have regarding the construction of a parking garage at the Worth Lot should be brought to his attention in order for the issues to be addressed at the Work Session.

**Councilor Smith moved to establish a Work Session on Monday, June 20, 2011 at 6:00 p.m. in the Eileen Dondero Foley Council Chambers, regarding the Worth Lot Parking Garage. Seconded by Councilor Coviello.**

Councilor Kennedy said she will not be able to make the meeting at 6:00 p.m. because of a work related issue.

**Motion passed.**

City Manager's Informational Items

2. *Informational Session Re: Retirement Bill*

City Manager Bohenko announced that there will be an informational session on May 17<sup>th</sup> regarding Senate Bill 3 which is the retirement bill.

**B. MAYOR FERRINI**

1. Appointments to be Considered:
  - Cristy Cardoso – Reappointment to the Citywide Neighborhood Committee
  - Kathleen Birse Siegel – Reappointment to the Recreation Board

The following appointments were considered and will be voted at the June 6, 2011 City Council meeting.

- Cristy Cardoso – Reappointment to the Citywide Neighborhood Committee
- Kathleen Birse Siegel – Reappointment to the Recreation Board

2. Appointments to be Voted:
  - Thomas Heany – Reappointment to the Portsmouth Housing Authority
  - Jacqueline Cali-Pitts – Reappointment to the Recreation Board
  - Elaine Syracuse – Reappointment to the Recreation Board
  - Elissa Hill Stone – Appointment as Regular Member to the Conservation Commission (currently serves as an alternate)

**Councilor Smith moved to reappoint Thomas Heany to the Portsmouth Housing Authority until April 1, 2016; the reappointment of Jacqueline Cali-Pitts and Elaine Syracuse to the Recreation Board until April 1, 2014; and appointment of Elissa Hill Stone to the Conservation Commission until April 1, 2014 as a regular member. Ms. Stone is filling the unexpired term of Brian Wazlaw. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

3. Resignation of Sharon Morrison from the Citywide Neighborhood Steering Committee

**Councilor Smith moved to accept with regret the resignation of Sharon Morrison from the Citywide Neighborhood Steering Committee. Seconded by Councilor Lister and voted.**

Councilor Smith requested that a letter of thanks and appreciation be sent to Ms. Morrison for her years of service to the City.

### **C. COUNCILOR KENNEDY**

#### 1. \*Adoption of FY12 Budget

Councilor Kennedy thanked all individuals that participated in the Sustainability Fair on Saturday, May 14<sup>th</sup>.

Councilor Kennedy said she would like to be prepared for Wednesday's Work Session on the Budget. She said that she feels someone should answer the questions posed by Portsmouth Listens.

City Manager Bohenko said that he is thinking of ways to make the budget more interactive next year. He said the Municipal Budget has gone up the least of any other budget in the last 11 years.

Councilor Kennedy asked City Manager Bohenko how we would absorb the \$1.8 million that may be imposed by the State of New Hampshire and where it would be absorbed from. City Manager Bohenko said that would be an answer for the City Council and he would present some ideas on where the money could come from.

Mayor Ferrini said the Work Session on Wednesday will start at 6:30 p.m. and will be held in the Eileen Dondero Foley Council Chambers.

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

Assistant Novelline Clayburgh reported that the City Charter Advisory Committee has completed the Charter review process. She thanked City Attorney Sullivan and City Clerk Barnaby for their work as well as members of the Committee. She also informed the Council that City Attorney Sullivan and City Clerk Barnaby have drafted the report and asked when the Council would like to have the report brought forward.

Mayor Ferrini said we may not want to have the report on the night of the adoption of the budget. He suggested the June 20<sup>th</sup> City Council meeting. Mayor Ferrini also said that we may need to schedule a Work Session on the items contained in the report.

Assistant Mayor Novelline Clayburgh said Ms. McElwain spoke during the public comment session regarding the need for more communication from the Council with the residents. Councilor Coviello said on the feed back issue with the Council and the residents he would like to have a discussion by the City Council. Councilor Spear said Ms. McElwain specifically mentioned e-mail. City Manager Bohenko said some people don't want 2 e-mail accounts. Councilor Spear said there maybe a better method than e-mail.

Councilor Spear announced that the Ground Breaking Ceremony for the Middle School will be held on June 6<sup>th</sup> at 8:00 a.m.




Mayor Ferrini asked that the date of the Ground Breaking Ceremony be added to the City's newsletter.

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

At 8:00p.m., Councilor Smith moved to adjourn. Seconded by Councilor Coviello and voted.

*Please Note: Councilor Dwyer did not participate as the meeting adjourned at 8:00 p.m.)*

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