

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: KELLI L. BARNABY, CITY CLERK
RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON FEBRUARY 21, 2012, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE
PRESENT: MAYOR SPEAR, ASSISTANT MAYOR LISTER, COUNCILORS COVIELLO, KENNEDY, NOVELLINE CLAYBURGH, LOWN, DWYER, SMITH AND THORSEN

1. Presentation – Greater Portsmouth Chamber of Commerce – UDAG Loan Request – Doug Bates, Chamber President and Valerie Rouchon, Tourism Manager provided a brief presentation regarding the development of a dedicated tourism website.

Voted to suspend the rules in order to take up Item XII. A.1. for action – Greater Portsmouth Chamber of Commerce – UDAG Loan Request.

Voted to approve the request from the Greater Portsmouth Chamber of Commerce for an Urban Development Action Grant loan to develop a dedicated tourism website, and further, authorize the City Manager to enter into all necessary agreements to execute this loan request. Councilor Smith voted opposed.

2. Acceptance of Minutes – February 6, 2012 – Voted to approve and accept the minutes of the February 6, 2012 City Council meeting.
3. Public Comment Session – There were 5 speakers: Ralph DiBernardo, Paul McEachern, Paul Mandle (Zoning); Rick Horowitz and Tim Black (Police Contract).
4. Public Hearing - Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption – Held a public hearing. Voted to adopt the Resolution for Elderly Exemptions, as submitted.

Elderly Exemption at 2.9%

Single	\$34,486.00 increase of \$972.00
Married	\$42,542.00 increase of \$1,199.00
Asset Limit of	\$114,958.00 increase of \$3,240.00

5. Public Hearing - Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption – Held a public hearing. Voted to adopt the Resolution for the Disabled Exemptions, as submitted.

Disabled Exemption at 2.9%

Single	\$34,486.00 increase of \$972.00
Married	\$42,542.00 increase of \$1,199.00
Asset Limit of	\$114,958.00 increase of \$3,240.00

6. Acceptance of Donation/Lloyd M. Horlick Revocable Trust to the Portsmouth Fire Department - \$211,000.00 – Voted to accept this donation under the terms described in the Trust.
7. First reading of Proposed Zoning Ordinance Amendments – Office Research District – Voted to pass first reading and schedule a public hearing and second reading on the proposed ordinance amendment, as presented, at the March 19, 2012 City Council meeting. Councilor Kennedy voted opposed.
8. Third and final reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, Section 7A.406 – Horse Drawn Carriages spaces on Pleasant Street and Section 7.330 – by eliminating the No Parking Area on State Street between Court Place and Church Street to install 4 new metered spaces and Ordinance cleanup measures – City Attorney Sullivan requested a minor amendment to the Ordinance which would require the City Council to suspend the rules in order to make a motion for the amendment. Voted to suspend the rules to amend Section 7A406 – Horse Drawn Carriages from reading – In addition to any other parking prohibiting law, to read as follows: ***In addition to any other penalty provided by law.*** Voted to pass third and final reading of the proposed ordinance, as amended.
9. Third and final reading of Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Junkins Avenue both sides – Moved to pass third and final reading. On a 6-3 roll call vote, motion passed. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Dwyer, Smith and Mayor Spear voted in favor. Councilors Kennedy, Lown and Thorsen voted opposed.
10. Consent Agenda – Voted to adopt the Consent Agenda.
 - A. Letter from Karen Butz Webb, Project Safety Association, requesting permission to hold a 5K Road Race on Saturday, September 29, 2012 at 8:30 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
 - B. Letter from Kimberly McGlinchey and Deirdre Barrett, PHS Ecology Club Advisors, requesting permission to hold the 2nd Annual 5K Road Race on Saturday, May 12, 2012 from 1:00 p.m. – 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

- C. Request for Approval of Pole License to install/replace 4 poles located on Richards Avenue, Miller Avenue, and Highland Street (***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***)
- D. Request for a License from Angela Drew, owner of Wear House on Congress Street for property located at 74 Congress Street to install 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 Angela Drew, owner of Wear House on Congress Street to install a projecting sign at 74 Congress Street and, further, authorize the City Manager to execute a License Agreement 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, 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***

- E. Letter from Kathie Lynch, Portsmouth Little League, requesting approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2012 baseball season (***Anticipated action – move to refer to the City Manager with power***)

11. Request for Approval of Teacher’s Early Retirement – Voted to approve the request from the Portsmouth School Board to offer a retirement incentive to teachers, as presented.
12. Request for Approval of Tentative Agreement between the Portsmouth Police Commission and NEPBA Local #11, Portsmouth Patrolman’s Association – Moved to approve the Tentative Agreement between the Portsmouth Police Commission and NEPBA Local #11 Portsmouth Patrolman’s Association. On a roll call vote 7-2, motion passed. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted in favor. Councilors Coviello and Thorsen voted opposed.
13. Proposed Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers – Voted to approve the Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers, as presented.

14. Report Back Re: Policy Regarding Appointments to City Boards and Commissions – Moved to approve this policy. On a roll call 6-3, voted to amend the Policy to allow for the appointment of those persons who have resided in the City of Portsmouth for at least 1 year. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer, Smith and Mayor Spear voted in favor. Councilors Coviello, Lown and Thorsen voted opposed.

On a roll call vote 5-4, main motion passed as amended. Assistant Mayor Lister, Kennedy, Novelline Clayburgh, Dwyer and Smith voted in favor. Councilors Coviello, Lown, Thorsen and Mayor Spear voted opposed.

15. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2012 License Agreement – Voted to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2012, as presented.

16. Proposed Amendment Re: Fund Balance Ordinance – Voted to authorize the City Manager to bring back for first reading the proposed Fund Balance Ordinance, at the March 5, 2012 City Council meeting.

17. Proposed Bond Refunding Resolution – Voted to bring back for first reading a proposed Refunding Resolution of up to Twenty Million Dollars (\$20,000,000.00) to refinance the remaining portion of a callable bond issued September 15, 2002 and all related costs, at the March 5, 2012 City Council meeting.

18. Proposed Funding Authorization for Long-Term Control Plan Projects – Voted to authorize the City Manager to bring back for first reading a Bond Resolution for the aforementioned long-term control plan projects for first reading at the March 5, 2012 City Council meeting, as presented.

19. Tentative Dates for Upcoming Work Sessions (not on agenda) – City Manager Bohenko provided tentative dates for upcoming Council Work Sessions as follows:

- March 12th – Parking Guiding Principles & Disposal of Connie Bean Center at 6:30 p.m. in the Eileen Dondero Foley Council Chambers
- March 26th – Quarterly Meeting with Planning Board, Historic District Commission and the Economic Development Commission at 6:30 p.m. in the Eileen Dondero Foley Council Chambers
- April 9th – Quarterly Wastewater Update at 6:30 p.m. in the Eileen Dondero Foley Council Chambers

20. Appointments to be Considered - The following appointment recommendations will be brought back for Council vote on March 5, 2012.

- Appointment of Daniel Rawling to the Historic District Commission
- Reappointment of James Russ to the Peirce Island Committee

21. Appointments to be Voted – Mayor Spear withdrew the application for Sherry-Lea Bloodworth Botoy for appointment as an Alternate to the Planning Board due to the recently adopted Council Policy which indicates that a person must be a resident for 1 year before appointment to a Board or Commission.

Voted to reappoint Phyllis Eldridge to the Trustee of the Trust Funds until January 1, 2015.

22. Appointment of School Board Member to the Board of Library Trustees – Voted to approve the selection of Mary Olea to serve as the School Board's liaison to the Portsmouth Library Board of Trustees.

23. Current Boards and Commissions Vacancies – Mayor Spear provided the City Council with a list of current vacancies of various Boards and Commissions and requested that each Councilor try to bring two names forward for the available vacancies.

24. Senior Services Update – No action required.

25. Non-Binding Resolution – Flat Budget – On a roll call vote 2-7, motion to adopt this Non-Binding Resolution requesting a Flat Budget **failed** to pass. Councilors Kennedy and Thorsen voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted opposed.

26. Adjournment – At 9:55 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk