

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON DECEMBER 3, 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

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1. Acceptance of Minutes – September 4, 2012 & September 17, 2012 – Voted to approve and accept the minutes of the September 4, 2012 and September 17, 2012 City Council meetings.
2. Public Comment Session – There were 34 speakers: Jim Splaine, Heidar Ahadi, Tim Myles, Catherine Reddington, Marisa Kang, Betty Lipton, Mike DeLaCruz, Sandra Lorusso, Sidney Mador, Susan Laslo, John Golumb, Barbara Destefano, Micum Davis, Rick Horowitz, Scott Nelson, Natalie Roman-Nelson, Phil Cohen, Andrea Harkness, Judy Howard, Everett Eaton, Susan Denenberg, Zoe Stewart, Shayne Bowler, Byron Robyn, Chris Schoff, Chuck Woodson, Bob Shouse, Glen Benjamin, and Marylou McElwain (Worth Lot); Tom Carroll (Scrap Metal); Lisa DeStefano (Zoning Change); Paul McEachern and Jen Ramsey (Height Ordinance); Bill St. Laurent (FY2014 Budget).
3. Voted to suspend the rules in order to take up Item XI. C.1. – Worth Lot and Parking Garage.
4. Worth Lot and Parking Garage – Moved that the City Council discontinue any further discussion about the development of the Worth Lot as a location for a parking garage and postpone any further discussion on a second garage in Portsmouth until June 2013 when other potential locations may be considered.

On a roll call vote 4-5, motion to amend that the City Council discontinue any further discussion about the development of the Worth Lot as a location for a parking garage and postpone any further discussion on a second garage in Portsmouth until September 2013 when other potential locations may be considered **failed** to pass. Councilors Coviello, Kennedy, Smith and Thorsen voted in favor. Assistant Mayor Lister, Councilors Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted opposed.

The City Council agreed by consensus to divide the question.

On a roll call 5-4, voted that the City Council discontinue any further discussion about the development of the Worth Lot as a location for a parking garage. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Smith and Thorsen voted in favor. Councilors Coviello, Lown, Dwyer and Mayor Spear voted opposed.

On a roll call vote 3-6, motion to postpone any further discussion on a second garage in Portsmouth until June 2013 when other potential locations may be considered **failed** to pass. Assistant Mayor Lister, Councilors Kennedy and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted opposed.

5. On a roll call vote 8-1, voted to terminate the Parking Garage Site Selection Subcommittee and give the charge to the Parking Traffic & Safety Committee to continue the work and take next steps regarding a parking garage. Assistant Mayor Lister, Councilors Coviello, Kennedy, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilor Novelline Clayburgh voted opposed.
6. First Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 - Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure” – Voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 17, 2012 City Council meeting.
7. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts; and to Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, Relating to the Definitions of “Grade Plane” and “Street Wall” – Voted to postpone for revisions to the ordinance and bring back first reading at the December 17, 2012 City Council meeting. Councilor Kennedy voted opposed.
8. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article IX, Section 7.901 (E) – Penalties of the City Ordinances to amend Section 7.105 (A) Parking Violation – Expired Meter Fine Amount from \$10.00 to \$15.00 – Voted to pass third and final reading of the proposed Ordinance, as presented. Councilor Smith voted opposed.
9. Consent Agenda – Voted to adopt the Consent Agenda.
  - A. Letter from John Martin, Seacoast Ride for Polycystic Kidney Disease (PKD), requesting permission to hold the 4<sup>th</sup> Annual Seacoast Bike Ride for PKD on Sunday, June 9, 2013 (**Anticipated action – move to refer to the City Manager with power**)
  - B. Letter from Dawn M. Sawyer, Chief Michael Maloney Memorial Fund, requesting permission to hold the 2<sup>nd</sup> Annual Chief Michael Maloney Run/Walk on Sunday, April 28, 2013 (**Anticipated action – move to refer to the City Manager with power**)

- C. Request for License from Peter Mocklis owner of Look, for property located at 68 State 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 Peter Mocklis owner of Look for a projecting sign at property located at 68 State Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, 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 signs, 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***

- D. Letter from Tracey Tucker, New Heights, requesting permission to hold the 4<sup>th</sup> Annual St. Paddy's 5 Miler Road Race on Sunday, March 10, 2013 at the Pease Tradeport (***Anticipated action – move to refer to the City Manager with power***)

10. Letter from Jean and Gordon Willis transferring ownership of Artwill Avenue to the City of Portsmouth – Voted to refer to the Planning Board for report back.
11. Report Back Re: Request by Christopher McInnis to Rezone Parcels at 678 and 680 Maplewood Avenue and 261 Myrtle Avenue from Single Residence B (SRB) to Business (B) – Voted to accept the Planning Board's recommendation to **not** vote to rezone the land as requested. Councilor Smith abstained from voting on this matter.
12. Memorial Bridge Illumination Trust – Voted to authorize the City Manager to negotiate and execute a Memorial Bridge Illumination Trust in substantial conformance with the document which has been provided to the City Council.
13. Request from McAuliffe Realty Trust for Restoration of Involuntarily Merged Lots Under RSA 674-39-aa – On a roll call 6-3, voted to respectfully reject the recommendation of the Planning Director and City Attorney to deny the Request, and to approve the request of McAuliffe Realty Trust to "unmerge" the lots at 452-460 Richards Avenue. Councilors Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen voted in favor. Assistant Mayor Lister, Councilor Coviello and Mayor Spear voted opposed.

14. Adoption of 2013 Schedule of City Council Meetings and Work Sessions – Voted to approve the adoption of 2013 Schedule of City Council Meetings and Work Sessions as presented.

15. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.

16. Guidelines FY14 Budget – Moved to instruct the City Manager to direct all departments to submit their operating budget with no more than a 4% increase over the FY13 budget.

On a roll call vote 4-5, motion to amend and instruct the City Manager to direct all departments to submit their operating budget with no more than a 3% increase over the FY13 budget **failed** to pass. Councilors Coviello, Lown, Dwyer and Thorsen voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Smith and Mayor Spear voted opposed.

On a roll call 6-3, voted to pass main motion to instruct the City Manager to direct all departments to submit their operating budget with no more than a 4% increase over the FY13 budget. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted in favor. Councilors Kennedy, Smith and Thorsen voted opposed.

17. Establish Blue Ribbon Committee on Efficiencies Part II Police/Fire Departments – Mayor Spear announced the establishment of a Blue Ribbon Committee on Efficiencies Part II Police/Fire Departments. He announced members of the Committee as follows:

- Councilor Lown, Chair
- Councilor Coviello
- Councilor Thorsen
- Steve Marchand, resident
- Dana Levenson, resident
- Elected Representatives from the Police and Fire Commissions
- Police Chief DuBois, Ex-officio
- Fire Chief LeClair, Ex-officio

18. Letter to Congressional Delegation Re: Proposed Legislation for Financial Reimbursement for Presidential Visits – The City Council requested some changes to the letter by which financial reimbursements would be sought from presidential campaign visits. Mayor Spear stated he would make adjustments to the letter and bring it back at the December 17, 2012 City Council meeting for review and requested approval.

## 19. Appointments to be Considered

- Alicia Weaver appointed to the Citizens Advisory Committee
- John Pratt appointed to the Economic Development Commission
- Reagan Ruedig appointed to the Historic District Commission
- Jody Record reappointment to the Board of Library Trustees
- Philip Cohen reappointment to the Economic Development Commission
- Charles LeMay reappointment to the Zoning Board of Adjustment
- Patrick Moretti reappointment to the Zoning Board of Adjustment
- David Witham reappointment to the Zoning Board of Adjustment

The City Council considered the above referenced appointments which will be voted on at the December 17, 2012 City Council meeting.

## 20. Appointments to be Voted - Voted to appoint Marc Stettner to the Peirce Island Committee until December 31, 2013.

Voted to appoint John Bosen to the Economic Development Commission until October 1, 2013 filling the unexpired term of Tim Allison.

Voted to appoint Ernestine Greenslade to the Library Board of Trustees until October 1, 2015.

## 21. Resignation – Voted to accept with regret the resignation of Andrew Martin from the Blue Ribbon Committee on Sustainable Practices with a letter to follow thanking him for his service to the City.

## 22. Update Re: African Burying Ground – Councilor Dwyer stated that she would provide her update at the December 17, 2012 City Council meeting due to the late hour. Councilor Dwyer did advise the Council to view the display case in the Chambers that has a model of a man and woman that will be located at the ends of the street as part of the African Burying Ground project.

## 23. Miscellaneous/Unfinished Business – Councilor Novelline Clayburgh asked that the issue of the lighting for the pay and display meter kiosks be looked into. Councilor Smith said he would bring the matter forward at the Parking Traffic & Safety Committee meeting.

## 24. Adjournment – At 11:40 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk