

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 3, 2012

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

At 6:15 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Litigation – RSA 91-A:2 I (c).

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

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

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello; Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Thorsen led the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – SEPTEMBER 4, 2012 & SEPTEMBER 17, 2012

Councilor Coviello moved to approve and accept the minutes of the September 4, 2012 and September 17, 2012 City Council meetings. Seconded by Assistant Mayor Lister and voted.

VI. PUBLIC COMMENT SESSION

Mayor Spear reviewed the rules of the public comment session and that it is a 45 minute session. Due to the large number of speakers each comment will be limited to 1 minute per person which will allow everyone the opportunity to speak.

Councilor Smith moved to suspend the rules in order to allow the Public Comment Session to go beyond the 45 minute time limit and allow individuals to speak up to 3 minutes each. Seconded by Councilor Kennedy and voted.

Jim Splaine spoke opposed to any construction of a parking garage at the Worth Lot location and requested that the City Council look into other alternatives. He urged the Council to review an overall transportation plan and involve other seacoast communities and the Town of Kittery, Maine.

Heidar Ahadi spoke against the parking garage at the Worth Lot and said it would have a negative affect on downtown businesses.

Tom Carroll expressed his opposition to the scrap metal operation at the Port and said that the City does not receive enough in taxes from that site. He recommended that the Pease Development Authority be asked to recommend a tax increase to \$100,000.00.

Tim Myles asked the City to hold the line on the budget. He said it is difficult for those on fixed incomes. He also spoke opposed to the Worth Lot becoming a site for a second parking garage and suggested the use of the McIntyre site for a new garage.

Catherine Reddington read a letter from Marie Lyford, who is a customer, expressing her opposition to the parking garage construction at the Worth Lot site. The letter further stated the Council should consider other choices such as the McIntyre or Sheraton sites.

Marisa Kang said a second parking garage should not be placed at the Worth Lot. She asked that the Council withdraw the consideration of a second garage, at the Worth Lot.

Betty Lipton spoke against a parking garage being located at the Worth Lot and stated that it would affect downtown businesses.

Mike DeLaCruz said that more parking is needed in the downtown area and spoke in support of a second parking garage at the Worth Lot site.

Sandra Lorusso said the conditions of the downtown are changing. She said there many issues with the Worth Lot site for a parking garage.

Sidney Mador, Raymond, NH said he comes to play and visit the downtown businesses and that the Worth Lot is not an ideal site for a second parking garage.

Lisa DeStefano spoke regarding the zoning ordinance proposals. She said the changes would affect the character of the City. She said Porter Street Townhouses, old City Hall, Ale House Inn and many more existing buildings have character and give it to the City. She requested that the City Council take time on the changes to the zoning ordinance.

Susan Laslo, Newmarket, NH works at the Health Food store downtown and is opposed to building a second parking garage at the Worth Lot site. She asked the City Council to consider shuttles for individuals. She also stated that more art work should be encouraged in the building process.

John Golumb said he is a downtown business owner and asked the Council to consider all the options available when building a second parking garage. He spoke in support of building a second parking garage.

Paul McEachern, indicated that he is representing Wright Avenue LLC, and that his client wants to build a structure at the Wright Avenue location however, with the new height ordinance the building might not meet the requirements. He asked the Council vet the ordinance more carefully before making a decision.

Barbara DeStefano spoke in support of a second parking garage. She stated that the Worth Lot might not be the right site but a garage is needed. She indicated the need for a decision now, rather than being pushed out into the future.

Micum Davis stated constructing a second parking garage at the Worth Lot site would add to the heavy flow of traffic already in the area. He suggested looking at the McIntyre Building site.

Rick Horowitz spoke against the Worth Lot site for a second parking garage. He said it will affect downtown businesses in a negative way. He suggested that the private sector build a second parking garage.

Scott Nelson, owner of Portsmouth Health Food, said the store would close if a parking garage is located at the Worth Lot site. He said that the majority of his customers park in the Worth Lot.

Natalie Roman-Nelson, owner of Portsmouth Health Food, said she visited City Hall today to look at the e-mails on the parking garage issue. She stated that 95% were against a garage. She addressed a petition against the building of a second parking garage at the Worth Lot site. Ms. Roman-Nelson urged the City Council to listen to the community on this matter and provided the City Clerk with the petition for the files.

Phil Cohen spoke regarding the Site Selection Committee report and the need to move forward with a vote on the parking garage. He said there would be growing pains with any construction that takes place and it is up to the City to provide for the infrastructure of the businesses and adequate parking.

Bill St. Laurent said the Association of Portsmouth Taxpayers is back and will be reviewing the budget. He expressed his opposition to having a 4% increase to the budget and said a 0% increase is what the residents need.

Andrea Harkness, Dover, NH spoke opposed to a parking garage at the Worth Lot site. She said that this would affect the downtown businesses in a negative way.

Judy Howard spoke opposed to a parking garage being built at the Worth Lot site. She expressed concerns with traffic congestion in the downtown area.

Everett Eaton, Economic Development Commission Chair, stated that the EDC has been before the Council 6 to 8 times concerning the need for a second parking garage and said there is an unmet need for parking. He expressed opposition to waiting for the McIntyre building to become available and stated it would add to the congestion of the Daniel Street area.

Susan Denenberg spoke against the Worth Lot site as a parking garage and asked the City Council to consider alternatives to the Worth Lot. She presented the City Clerk with a petition containing signatures consisting of residents and downtown business owners against the parking garage at the Worth Lot site.

Zoe Stewart spoke regarding the parking kiosks' and the lack of lighting. She stated that it is difficult to read at night.

Jean Ramsey spoke regarding the height ordinance. She provided a design for the Wright Avenue lot building and stated that it is a thoughtful design. She said that there are questions which remain unanswered relating to the ordinance and the building may require a higher cost if there is a need for redesign based on the ordinance changes.

Shayne Bowler said he agrees with the comments against the Worth Lot site for a parking garage. He asked how much growth the City really needs. He also stated his opposition to constructing a garage at the McIntyre site.

Byron Robyn spoke against the parking garage at the Worth Lot site. He said he would like the City to look at another location for constructing a garage.

Chris Schoff spoke opposed to a parking garage at the Worth Lot site. He said a garage at that site would be an error and that the current garage serves the City and there is not a need for a second facility.

Chuck Woodson spoke against a parking garage at the Worth Lot site. He said he would need to close his shop. He said it would cost him \$30,000.00 to relocate to another site.

Bob Shouse spoke in support of a parking garage and said most of the opposition is from downtown workers and customers of the businesses within the Vaughan Mall area. He said parking has always been an issue in the City.

Glen Benjamin spoke opposed to the Worth Lot site for a parking garage. He said he is disabled and uses the Worth Lot and feels it should remain as a surface lot.

Marylou McElwain spoke on studies relating to making a City walkable. She informed the Council of a book published in November regarding this topic.

Councilor Coviello moved to suspend the rules in order to take up Item XI. C.1. – Worth Lot and Parking Garage. Seconded by Councilor Smith and voted.

XI. C.1. – Worth Lot and Parking Garage

Assistant Mayor Lister 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. Seconded by Councilor Kennedy.

Assistant Mayor Lister said he has observed the debate and does not feel the community should be polarized by this subject. He said there is a disagreement with residents and the City Council. Assistant Mayor Lister said we need additional information and there is no consensus on any one site. He added that the Worth Lot is the gateway to the northern tier and expressed concern with any potential costs to residents for a parking garage.

Assistant Mayor Lister stated that the City is now entering into the budget process which requires a great deal of time and we need the full attention of the City staff to be on the budget process. Assistant Mayor Lister further spoke to encouraging the EDC to work with the City Council on the parking garage issue.

Councilor Kennedy moved to amend the motion to move the discussion out to September 2013. Seconded by Councilor Smith.

Councilor Kennedy said this summer we will start to work on our master plan and the issue should not be brought forward during the summer when people travel. She spoke to celebrating our sustainable practices.

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.

Councilor Coviello said he is disappointed with the timing of the motion. He said this is a hard issue with strong opinions. He stated that the Council is elected to do what is best for the City. He said tourists come here for what the City offers and eventually the business groups will realize they can move out to Pease and not deal with the parking issues.

Councilor Novelline Clayburgh thanked everyone for coming out to speak this evening. She stated her opposition to the motion and spoke to the work of the Parking Subcommittee for which she serves on. She indicated that the committee is making progress and would like to see the process continue.

Councilor Thorsen said it takes a great deal of effort to work through these things. He said he is not sure how many parking garages will be needed in the next 30 years and feels that the Worth Lot is an unlikely location for a garage. He indicated that he feels the motion on the table is a two part motion and would like to divide the question.

Councilor Smith said he is opposed to the Worth Lot as a site for a new parking garage. He expressed his support for the McIntyre site being a better location. He spoke to the need for more signage for tourists to know where to park.

Councilor Dwyer said this evening was not about a garage, it was about postponing a discussion on a parking garage. She said we should be able to deal with multiple issues rather than just focusing on the budget. She spoke to the current deficit in parking spaces which is 300. She said we need to put all items on the table for discussion. Councilor Dwyer advised the Council that the Deer Street lot would need to be taken by eminent domain. She said the Council needs to look at how many cars come into the downtown and the location of the garage.

Councilor Lown said the motion is whether to postpone a decision for 7 months or not and this is what he believes is a way to avoid making a tough decision.

Councilor Kennedy said she would like the City Attorney to speak on the motion because she feels it is a two part motion. City Attorney Sullivan said the motion is open to two different issues. He said the better way is to divide the questions.

The City Council agreed by consensus to divide the question.

Assistant Mayor Lister moved that the City Council discontinue any further discussion about the development of the Worth Lot as a location for a parking garage. Seconded by Councilor Kennedy.

Councilor Kennedy said there are concerns with the costs for a garage, location and whether a new garage is needed or not.

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.

Assistant Mayor Lister moved to postpone any further discussion on a second garage in Portsmouth until June 2013 when other potential locations may be considered. Seconded by Councilor Coviello.

Councilor Coviello said he would not support eminent domain.

Councilor Dwyer stated that the Council is putting the economic development of the City in jeopardy and if there are other areas for a new garage to be located we need to bring them forward and pursue those locations.

Councilor Lown said he respects Councilor Coviello and agrees with Councilor Dwyer on the need to explore other options which are available to the City.

Councilor Novelline Clayburgh said she would like to see discussion continue at the Committee level. She stated that discussion has been going on for 10 years and we need a second parking garage.

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.

At 9:24 p.m., Mayor Spear called a brief recess. At 9:40 p.m., Mayor Spear called the meeting back to order.

Councilor Dwyer moved 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. Seconded by Councilor Coviello.

Councilor Smith said the Parking Traffic & Safety Committee is pleased to take the next step on the garage.

Councilor Kennedy said we need to look at the parking situation as a whole.

Councilor Novelline Clayburgh said she is opposed to the motion.

On a roll call 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.

VII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda this evening)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. 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”

Councilor Lown moved 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. Seconded by Councilor Coviello and voted.

- B. 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”

Assistant Mayor Lister moved to postpone for revisions to the ordinance and bring back first reading at the December 17, 2012 City Council meeting. Seconded by Councilor Lown.

City Manager Bohenko said we need to go back and talk to the stakeholders rather than act on this, at this late hour.

Councilor Coviello asked if HDC worked on this Ordinance. He would like to see a Work Session with HDC and Planning staff on this Ordinance.

Councilor Dwyer expressed concern with taking time on the height issue. She said there is a building that is already going forward. She expressed concern with someone taking advantage of this ordinance with the height issue. She said right now it can be as tall as you want as long as part of the building meets the requirements.

City Attorney Sullivan stated that height is a zoning matter not a Planning Board matter.

Councilor Kennedy said if we move the ordinance to second reading and public hearing then at that point nothing can happen. City Attorney Sullivan reported that the moment in time is when the notice of second reading is posted.

Planning Director Taintor stated that there were two projects that would be affected by the ordinance, former Rosa's Restaurant and the former Portsmouth Herald building. He said it may be possible to exempt projects that have had a public hearing before the Planning Board.

Councilor Thorsen said the developer would have more certainty because it would give notice to the Planning Board. City Attorney Sullivan said that a developer would know after first reading is passed that they would have to satisfy both the existing and proposed amendment for the zoning ordinance.

City Manager Bohenko stated that the ordinance would come back for the December 17th meeting as first reading.

Motion passed with Councilor Kennedy opposed.

- C. 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

Councilor Novelline Clayburgh moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Coviello and voted. Councilor Smith voted opposed.

IX. CONSENT AGENDA

- A. Letter from John Martin, Seacoast Ride for Polycystic Kidney Disease (PKD), requesting permission to hold the 4th 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 2nd 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 4th 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)

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jean and Gordon Willis transferring ownership of Artwill Avenue to the City of Portsmouth

Councilor Lown moved to refer to the Planning Board for report back. Seconded by Councilor Novelline Clayburgh and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. 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)

City Manager Bohenko reported that the Planning Board held a public hearing on this request at its meeting on November 15, 2012 with approximately 10 Myrtle Avenue residents expressing opposition to the rezoning proposal. He said the residents stated the potential impact of commercial development as it relates to noise, traffic and safety in the neighborhood. He stated that the Planning Board unanimously voted to not recommend the rezoning request.

Councilor Smith indicated that he would be abstaining from voting on this matter.

Councilor Lown moved to accept the Planning Board's recommendation and not vote to rezone the land as requested. Seconded by Councilor Kennedy and voted. Councilor Smith abstained from voting on this matter.

2. Memorial Bridge Illumination Trust

City Manager Bohenko stated that the presentation on this matter was made at the last Council meeting. He recommended that the Council establish a Memorial Bridge Illumination Trust through the Portsmouth Trustees of the Trust Funds. He reported that the Trust would receive all donations for both the capital portion of this proposed illumination project as well as the operational costs. If approved by the Council, the Illumination Committee will request the Town of Kittery's support for this document.

Councilor Kennedy moved 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. Seconded by Councilor Novelline Clayburgh and voted.

3. Request from McAuliffe Realty Trust for Restoration of Involuntarily Merged Lots under RSA 674-39-aa

City Manager Bohenko requested Planning Director Taintor provide a brief presentation on this matter and City Attorney Sullivan also speak to this issue.

Planning Director Taintor said that this is the third request to come before the City Council since the RSA was passed last year. He reviewed the report with the City Council and advised that there are three structures on the property and that the lot is larger than others in the neighborhood. He advised the Council that 4 lots have been merged over time to one lot. Planning Director Taintor said an exhibit submitted with Attorney Ritzo's letter shows the merged parcel being divided into two lots, each containing two of the four premerger lots.

Planning Director Taintor said as to the question of whether or not the lots in this case were voluntarily or involuntarily merged, the evidence is in conflict. He reviewed the building permit applications submitted by owners of the property commencing in 1979 and continuing until 1997 which describe the entirety of the property at issue as a single lot. Although all lots appear as one on the City tax maps, no specific act of involuntary merger by the City has been shown. Thus, it is debatable whether the municipality had involuntarily merged the lots or whether the property owners in the chain of title regarded the lots as merged into a single lot. Planning Director Taintor reported that the lots at issue have been voluntarily merged by individuals appearing previous in the chain of title to the present owners. Further, in light of the development pattern of the property which has been developed in such a way as to preclude separate use of the two parcels or tracts sometimes described in the deeds. Currently there are three principal residential structures situated on one of the original parcels or tracts, which only makes planning sense in terms of density and lot coverage if both tracts were considered one lot. It can be readily assumed that the Board of Adjustment would not have granted the variances which allowed this development pattern to occur but for the fact that the prior owner presented the entirety of the land as a single parcel. Based on the foregoing it is the recommendation that the City Council deny the request of McAuliffe Realty Trust to "unmerge" the lots at 452-460 Richards Avenue. If the City Council accepts this recommendation the property owner has an option under the statute of appealing that decision to the Board of Adjustment.

Councilor Lown moved to suspend the rules in order to hear from the applicant. Seconded by Assistant Mayor Lister and voted.

Discussion followed between the Council and Planning Director Taintor regarding the request. Planning Director Taintor reported that the McAuliffe deed describes it as two parcels.

Attorney Ritzo addressed the City Council and stated that the property was purchased in 1981 by the McAuliffe's as two parcels of land. He reported that sometime between 1971 and 1985 the City merged the lots into one lot but the Assessor does not have a copy of the map. In 1985 one lot was shown on the tax maps.

Councilor Lown asked if the abutters are aware of this affect and are they opposed. Attorney Ritzo responded that they are not aware of any one that is opposed.

Councilor Lown moved 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. Seconded by Councilor Novelline Clayburgh.

City Attorney Sullivan stated that he concurs with Planning Director Taintor's recommendation. He said the problem is, until the law passed, an issue such as this was studied by the Planning Board and Board of Adjustment.

Assistant Mayor Lister and Councilor Coviello stated there is more information needed before making a decision on this matter. Councilor Coviello said it was four lots and went to two. He said the flaw with the RSA is they are not familiar with old cities with small lots.

Councilor Kennedy asked if the motion could be amended to refer this to the Planning Board for report back. City Attorney Sullivan stated that the RSA does not give the authority to refer to the Planning Board.

Councilor Kennedy moved to amend the motion to send this matter to the Planning Board for report back. No second received.

Councilor Novelline Clayburgh stated that this is what the owner purchased in 1981 and we should go with what the deed states.

Councilor Dwyer said we need to look at these requests on a case by case basis. She stated that you have all this density on one lot and normally this would not have been allowed.

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.

4. Adoption of 2013 Schedule of City Council Meetings and Work Sessions

Councilor Smith moved to approve the adoption of 2013 Schedule of City Council Meetings and Work Sessions as presented. Seconded by Councilor Lown.

Councilor Kennedy stated that she would like the Budget Presentation Work Session on Saturday, April 6, 2013 to end by 3:00 p.m.

Motion passed.

Assistant Mayor Lister moved to suspend the rules to continue the meeting beyond 10:00 p.m. Seconded by Councilor Coviello and voted.

B. MAYOR SPEAR

1. Guidelines FY14 Budget

Assistant Mayor Lister move 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. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy said she would oppose the motion. She said we need to have departments come in as close to 1% as possible.

Councilor Lown said that this is a guideline to assist the departments. He said 4% is a reduction in services for all departments.

Councilor Dwyer said it is difficult for people to understand a ceiling. She said we are saying don't bring in anything above 4%. She further stated that this is a hard limit.

Councilor Smith said he would vote opposed to the motion. He said he wants departments to come in with their best budgets.

Councilor Thorsen said he would like departments to look at a 1% increase. He said with a 4% guideline, departments will come in with a 4% budget. He stated that the City is growing faster than its tax base.

City Manager Bohenko said the operating budget is 5.63% higher than FY13.

Assistant Mayor Lister stated that department heads will come in with their needs. He further stated that this is just a guideline.

Councilor Thorsen moved 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. Seconded by Councilor Dwyer.

Councilor Smith said we need to have departments present the City Manager with their best budget.

Councilor Kennedy stated that she would not support a 3% increase because she feels it is too high.

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.

2. 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

3. Letter to Congressional Delegation Re: Proposed Legislation for Financial Reimbursement for Presidential Visits

Mayor Spear said he would like to send a letter to our delegation regarding legislation for financial reimbursement for Presidential visits.

Councilor Dwyer said this letter would cover Presidential visits from Presidential candidate visits. She does not feel the letter is clear. Mayor Spear said he would review the letter and come back with changes at the December 17th meeting. Councilor Dwyer said there needs to be a difference between campaign visits and a Presidential visit.

Councilor Kennedy asked if we received reimbursement from the Romney campaign. City Manager stated that the Romney campaign paid their bill.

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.

4. 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.

5. Appointments to be Voted:
 - Marc Stettner appointed to the Peirce Island Committee
 - John Bosen appointed to the Economic Development Commission
 - Ernestine Greenslade appointed to the Library Board of Trustees

Assistant Mayor Lister moved to appoint Marc Stettner to the Peirce Island Committee until December 31, 2013; appoint John Bosen to the Economic Development Commission until October 1, 2013 filling the unexpired term of Tim Allison; and appoint Ernestine Greenslade to the Library Board of Trustees until October 1, 2015. Seconded by Councilor Lown and voted.

6. Resignation – Andrew Martin from the Blue Ribbon Committee on Sustainable Practices

Councilor Smith moved 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. Seconded by Assistant Mayor Lister and voted.

D. COUNCILOR DWYER

1. 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.

XII. 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.

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

At 11:40 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Smith and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk