

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MAY 6, 2013

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

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

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

Mayor Spear called the meeting to order at 7:40 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 Smith led the Pledge of Allegiance to the Flag.

### **PROCLAMATIONS**

#### **1. Earth Day**

Councilor Lown read the Proclamation declaring April 22, 2013 as Earth Day and encouraged residents, businesses and institutions to use the occasion to celebrate the Earth and commit to building a sustainable and green economy, and urged others to undertake similar actions to participate in various Service Projects in our City.

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

Councilor Smith read the Proclamation declaring May 12, 2013 – May 18, 2013 as Police Week in the City of Portsmouth and May 15<sup>th</sup> as Peace Officers’ Memorial Day. Mayor Spear presented the Proclamation to Police Chief Dubois who accepted it with thanks and appreciation.

Councilor Smith thanked the Portsmouth SWAT team for their assistance in Watertown, MA in the apprehension of the marathon bombing suspect.

3. SMART Sustainably Made Art (not on agenda)

Diane Stradling invited the City Council to attend the opening for SMART-Sustainably Made Art to “Meet the Artists” on Wednesday, May 8, 2013 from 7:00 p.m. – 8:30 p.m. at the Portsmouth Public Library. She announced that the show will be displayed throughout the first floor of the library during the month of May.

**PRESENTATION**

1. Report Back Re: New Adventure Entertainment, LLC d/b/a The Page Restaurant

Police Chief Dubois reviewed his report for “Calls for Service Involving The Page Restaurant”. He stated that the summary is for calls commencing on July 28, 2007 and continuing through April 6, 2013 for which there are 102 entries. City Attorney Sullivan outlined the options available to the City Council in regards to The Page Restaurant.

**Assistant Mayor Lister moved to authorize the City Manager to petition the State of New Hampshire Liquor Commission to revoke the liquor license for The Page Restaurant. Seconded by Councilor Dwyer.**

Councilor Dwyer said she agrees with the motion. She said there is a pattern with the number of warnings and actions with no evidence that the warnings were taken seriously.

Councilor Smith asked City Attorney Sullivan what would stop the owners from creating a new corporation and apply for a license under the new establishment. City Attorney Sullivan said nothing could stop it but the licensing process is vigorous and the City would step in and request a hearing by the State Liquor Commission before a decision is made on the issuance of a new license.

Councilor Lown spoke to the number of concerning complaints. Police Chief Dubois spoke to the complaints and operations at The Page.

**Motion passed.**

**V. ACCEPTANCE OF MINUTES – APRIL 10, 2013 AND APRIL 15, 2013**

**Councilor Smith moved to approve and accept the minutes of the April 10, 2013 and April 15, 2013 City Council meetings. Seconded by Councilor Novelline Clayburgh and voted.**

**VI. PUBLIC COMMENT SESSION**

Mayor Spear announced due to the number of speakers each person would have 1 ½ minutes to speak.

**Councilor Smith moved to suspend the rules in order to allow each speaker the full 3 minutes. Seconded by Councilor Novelline Clayburgh and voted.**

Cathy Baker asked the City Council to exclude Parrott Avenue from any discussions for a parking structure. She stated the developments without parking allocation are the reason for the parking problems.

Tom Carroll thanked the Councilors that have assisted him with his complaints regarding the scrap metal operations at The Port. He also thanked City Manager Bohenko for speaking at the PDA meetings regarding this matter. Mr. Carroll requested that a magnet man be hired to pick up the metal materials being left on Market Street. He stated that this is a formal complaint that needs to be addressed.

Robert Padian said he would like to see rail services restored in the City.

Dick Bagley spoke opposed to a parking garage at Parrott Avenue. He said that the lot is a historical location in the City and suggested the Council visit with neighbors to discuss parking in the City.

Patricia Bagley spoke opposed to developing the Parrott Avenue lot property. She said a parking structure should not be put in place near the Library and the Middle School.

Harold Clemmens spoke opposed to a parking structure at Parrott Avenue and expressed concern with the amount of development in the City.

Shaun Rafferty spoke opposed to a parking structure at Parrott Avenue. He said the area is too congested and would create traffic that could have an affect on response times of the Police and Fire Departments. He said the Master Plan was to limit the number of cars in the downtown and this would go against that plan.

Zelita Morgan said that the City should be livable and walkable. She spoke to the historic significance of the City and expressed her opposition to a parking garage being constructed at Parrott Avenue.

Barbara DeStefano thanked the City Council for their vote on The Page. She spoke to the need for a parking garage but does not feel that Parrott Avenue is the right location.

Irja Cilluffo spoke opposed to a parking structure on Parrott Avenue. She said residents in the south end have worked hard to restore their homes and we must protect the historic character of the City.

Kathleen Logan agreed Parrott Avenue should not be a parking garage. She said she is opposed to the development in the downtown. She said the City should have a moratorium on commercial development.

Frank Cilluffo spoke to the historic nature of the City and that there has been too much development. He stated that the City is being destroyed for future generations.

Erica Dodge agreed Parrott Avenue is not a place for the parking garage. She spoke to stacker lots that are used in Europe for parking. She said that these lots are built inexpensively and there is currently a structure in Hoboken, New Jersey.

Mary Krempels spoke to a moratorium on building being put into effect. She feels the beauty of the City is being sacrificed to developers. She spoke opposed to the large building which was approved on Islington Street and the City needs to examine size and building developments.

Claire Kittredge spoke to the fragile state of this historic City and would like a one year moratorium on the building of commercial units and limit the size. She stated that there is a petition on-line regarding this matter, which can be located at [www.portsmouthnow.com](http://www.portsmouthnow.com).

Liane Gigis spoke in support of a one year moratorium on commercial development in the City. She urged the City Council to not allow for a parking garage at the Parrott Avenue and urged the Council to think about preserving the quality of life in the City.

Duncan MacCallum spoke opposed to a parking garage at Parrott Avenue and said he would support a moratorium on development.

Mark Brighton spoke regarding the cost of overtime for the Fire and Police Departments. He said that the City needs to reduce spending.

Arthur Clough spoke opposed to further development in the City. He said over growth has blocked the North Church steeple. He also said people can no longer afford to live in the City and the middle class is being phased out.

Mary Maurer spoke regarding renovating her home on Rogers Street from a duplex to a single family home. She addressed the increase in parking with the building of the Library and stated that the Parrott Avenue lot was never built to have a parking garage constructed at that site.

Bob Shouse spoke opposed to the Parking and Traffic Safety Committee recommendation for a parking deck at the Parrott Avenue Lot. He stated that the City needs to address the parking issues and solve them. Mr. Shouse also said no one wants to ride a trolley to get to downtown, people want convenience.

Susan Denenberg said the population in the City is not just made up of wealthy people. She stated that 25% of the students in school are eligible to receive reduced lunch. She urged the Council to think twice with an increase in the budget. She asked the Council to look at the big picture and the cost of creating a new parking garage and stated her support for creating a building moratorium.

Ralph DiBernardo thanked the public for coming out to speak opposed to the Parrott Avenue parking garage proposal. He urged the Council to not reduce the Fire or Police Departments budgets.

Peter Somssich thanked the City Council and staff for the work they're doing. He said he supports the budget as proposed and said people need to remember the value they receive from services in the City. He feels the Association of Portsmouth Taxpayers is out of touch with the residents.

Wilburn Miller spoke opposed to capital costs in the budget. He stated his opposition to a parking garage and any future commercial development.

Ruth Griffin said she does not support constructing a parking garage at the Parrott Avenue lot. She also expressed her opposition to reducing the Fire and Police Departments overtime budget. She said overtime is needed in the Police and Fire Departments budgets.

Doug Roberts said he is concerned with the recent development in the City. He said many people are concerned with the development and said he supports a moratorium on development.

Paul Mannle stated that the parking debacle is a concern and reminds him of the Middle School study circles. He said that the City Council needs vision to see another option.

Andrew Bagley spoke opposed to a parking garage being built. He said the ability to walk downtown is what people of his age are looking for.

Neill DePaoli said the City being walkable is what attracted him here and expressed concern with commercial development. He also said he supports a moratorium on building.

At 9:15 p.m., Mayor Spear declared a brief recess. At 9:20 p.m., Mayor Spear called the meeting back to order.

**Councilor Kennedy moved to suspend the rules in order to bring forth a motion. Seconded by Councilor Smith and voted.**

**Councilor Kennedy moved to have an immediate one-year moratorium on all commercial and residential development larger than 5,000 square feet. Seconded by Councilor Thorsen.**

Mayor Spear ruled the motion out of order because this matter was not on the agenda and people were not notified. He said it is worthy of discussion but feels we should have a work session to discuss the laws surrounding a moratorium. Councilor Kennedy stated she brought forward a written motion, which has been allowed in the past.

City Attorney Sullivan stated that moratoriums are permitted by State law but are allowed under specific requirements. He said the City Council needs to move in a cautious manner. He stated the Planning Board makes the recommendation for a moratorium, it is clear the Council cannot act alone or first.

Councilor Lown said he would not support a work session without this going to the Planning Board for their thoughts.

Councilor Dwyer suggested holding a joint work session with the Planning Board and Council.

Councilor Smith said the Council is here to listen to the residents and suggested holding the work session on a Saturday and allow for public discussion.

Councilor Novelline Clayburgh said she does not want to have any more projects approved before a decision is made on form-based zoning.

**Councilor Kennedy moved to amend the motion to conduct a Work Session on this topic with the Planning Board at the earliest convenience and allow public discussion. Seconded by Councilor Thorsen and voted.**

## **VII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper - \$15,000.00

**Councilor Coviello moved to approve and accept the grant from Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundations, as submitted. Seconded by Councilor Novelline Clayburgh and voted.**

- B. Acceptance of Police Department Grant from Seacoast CrimeStoppers to fund the purchase of a fume hood - \$3,595.00

**Councilor Novelline Clayburgh moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Smith and voted.**

## **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2013 through June 30, 2014 (FY2014)
- Resolution #5-2013 – General Fund Expenditures

City Manager Bohenko reviewed the General Fund Expenditures Budget Resolution. He said that the budget would begin July 1, 2013 through June 30, 2014. The amount being recommended is \$92,838,137.00, which will result in an increase of \$.36 or 2.05% from FY13.

**Assistant Mayor Lister moved to adopt Resolution #5 – General Fund Expenditures. Seconded by Councilor Smith.**

**Councilor Lown moved to amend the motion by reducing the Fire Department and Police Department by 1%. Seconded by Councilor Coviello.**

Councilor Lown stated that he raised this motion last year and nothing has changed in the last 12 years with overtime. He said he wants to reduce each budget by 1% and stated the majority of the overtime is to cover shifts. Councilor Lown said this is a small reduction and does not feel it would affect public safety in a negative way.

Councilor Kennedy asked City Manager Bohenko and City Attorney Sullivan if this is the City Manager's budget. City Manager Bohenko stated that the budget on March 28<sup>th</sup> is the City Manager's budget. She indicated she will be making a motion to reduce the budget by \$470,744.00 to lower the budget to an increase of only 2%. City Manager Bohenko stated the budget is increasing by 2.5% over FY13.

Councilor Coviello said that he struggles with the motion to amend the Police and Fire Departments budgets. He understands we can't cut the overtime and said this is more of a protest vote. Councilor Coviello said there is a fundamentally structural flaw with the way the compensation works and changes need to happen at the state and national levels for insurances.

Assistant Mayor Lister said we heard residents speak to why they moved here and they want quality services. He spoke to the Efficiencies Committee and advised the Council that they will be making a recommendation to increase staffing in the Fire Department.

Councilor Dwyer said the difference is recoiling of hours being representative as overtime and the only solution is to have more staffing.

Councilor Smith spoke to overtime being shifted from the state to the municipalities. He stated he would oppose the motion and if the Fire Department budget is reduced the department would close Fire Station 3.

Councilor Thorsen said he agrees with Councilor Coviello's concerns with the structure of overtime. He said we were given a list of employees with overtime and expressed concern regarding some of the numbers.

Councilor Novelline Clayburgh said she would oppose the motion. She said the City Council came down from 4% to 2.5%. She thanked the City Manager for working with the Police Department to get below 4%. She said she would like to see a different tier for employees with the new contracts.

Councilor Smith stated that the Matrix Report is 8 years old and maybe the City should look at it again and how overtime is handled. Councilor Thorsen said Councilor Smith's suggestion to redo the Matrix Overtime Study is a good idea.

Mayor Spear passed the gavel to Assistant Mayor Lister.

**Councilor Smith moved to suspend the rules to allow Fire Chief LeClaire to come forward and answer questions of the Council. Seconded by Councilor Novelline Clayburgh and voted.**

Mayor Spear said that this is the same discussion from one year ago. He asked Fire Chief LeClaire if an outside firm came in to look at the overtime would the Fire Department be cooperative. Fire Chief LeClaire said the Fire Department would welcome a study and it comes at an expense. He said the study needs to be someone with Fire Department expertise. He spoke to the \$700,000.00 in revenue the Fire Department has brought in from the ambulance and that revenue does off set the overtime.

Assistant Mayor Lister returned the gavel to Mayor Spear.

**On a roll call vote 3-6, motion to amend by reducing the Fire Department and Police Department by 1% failed to pass. Councilors Coviello, Lown and Thorsen voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer, Smith and Mayor Spear voted opposed.**

**Councilor Kennedy moved to amend the bottom line of the General Fund Expenditures Resolution to \$92,367,393.00. Seconded by Councilor Thorsen.**

Councilor Lown said he would like to know what reductions would need to be made by this motion before it is adopted.

Councilor Thorsen said he would not support any budget that would increase the taxes.

Mayor Spear passed the gavel to Assistant Mayor Lister and stepped out of the room. Assistant Mayor Lister returned the gavel back to Mayor Spear.

Councilor Dwyer said we need to be stable. She said we are prized on stability overall and have worked in our favor with interest rates. She said we should not spend our rainy day fund, which is not conservative.

**Councilor Dwyer moved to suspend the rules to allow Superintendent of Schools McDonough to speak. Seconded by Councilor Coviello and voted.**

Councilor Kennedy asked if Superintendent of Schools McDonough could make cuts to the School Department budget. Superintendent McDonough said he could make recommended cuts but it is ultimately the School Boards decision.

**On a roll call vote 2-7, motion to amend the bottom line of the General Fund Expenditures Resolution to \$92,367,393.00 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.**

*Councilor Dwyer moved to amend the motion to add \$50,000.00 to include the Islington Street Charette to the budget. Seconded by Councilor Kennedy for discussion.*

City Manager Bohenko said there are funds available and that is why we keep capital contingencies.

Mayor Spear asked Councilor Dwyer to withdraw the motion because we have the amount to fund a Charette for Islington Street and a work session should be held on this matter.

*Councilor Dwyer withdrew the motion.*

**On a roll call 7-2, voted to adopt Resolution #5 – General Fund Expenditures. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted in favor. Councilors Kennedy and Thorsen voted opposed.**

Department	Appropriation
General Government	\$16,536,628
Police	\$9,174,659
Fire	\$7,434,078
School	\$39,820,958
Transfer to Indoor Pool	\$150,000
Non-Operating	\$19,721,814
<b>Total</b>	<b>\$92,838,137</b>

Mayor Spear asked City Manager Bohenko to review the increase to parking garage rates. City Manager Bohenko said the fee schedule could be amended to change the garage hourly rate from \$.75 to \$1.00, which would bring in an additional \$274,000.00.

*Councilor Coviello moved to amend the garage hourly rate from \$.75 to \$1.00. Seconded by Councilor Novelline Clayburgh.*

Councilor Thorsen said last year we talked about driving people into the garage and increased rates for outside that garage and now the garage is full.

Councilor Smith said the Council should look at overall parking issues. He said to come out at the last minute and increase the parking garage rate will impact downtown employees. He said this is poor timing and has not been brought to Parking and Traffic Safety Committee for consideration.

Councilor Dwyer said the garage needs to be full to see the problem. She said we were trying to maximize use, instead of having residents pay for the use.

Councilor Kennedy said we are having a parking work session on June 17, 2013 and all items should be placed on the table until then. She said she does not feel we have a parking problem.

Councilor Novelline Clayburgh said she would support the motion and feels it is a minimal increase. She said revenues would increase by \$274,000.00 and lower the tax rate by another \$.7 for a tax rate increase of \$.29.

Councilor Thorsen said he is confused how a reduction in the parking fees will change the budget. City Manager Bohenko stated the tax rate is not set until October in accordance with NH State law. He stated Finance Director Belanger would bring that to the DRA to set the tax rate with the additional \$274,000.00 in revenues and the rate would be adjusted.

Councilor Smith said the parking garage rates should be put off to another meeting. City Manager Bohenko said we should not put the vote off beyond June 30, 2013.

*Councilor Coviello withdrew the motion.*

Councilor Coviello stated he would list the item under his name for the first meeting in June.

- Resolution #6-2013 – Municipal Fees

**Councilor Novelline Clayburgh moved to adopt Resolution #6 – Municipal Fees. Seconded by Councilor Smith and voted.**

- Resolution #7-2013 – Sewer Fund Expenditures

**Councilor Novelline Clayburgh moved to adopt Resolution #7 – Sewer Fund Expenditures. Seconded by Assistant Mayor Lister and voted.**

- Resolution #8-2013 – Water Fund Expenditures

**Councilor Coviello moved to adopt Resolution #8 – Water Fund Expenditures. Seconded by Assistant Mayor Lister and voted.**

- Resolution #9-2013 – Special Revenues and Committed Fund Balances for Necessary Expenditures

**Councilor Kennedy moved to adopt Resolution #9 – Special Revenues and Committee Fund Balances for Necessary Expenditures. Seconded by Councilor Novelline Clayburgh and voted.**

- Resolution #10-2013 – Investment Policy

**Assistant Mayor Lister moved to adopt Resolution #10 – Investment Policy. Seconded by Councilor Coviello and voted.**

**Councilor Smith moved to suspend the rules to continue the meeting beyond 10:00 p.m. Seconded by Councilor Novelline Clayburgh and voted.**

**IX. CONSENT AGENDA**

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

Councilor Coviello requested that Item A - Request for License from Carla Goodnight, owner of CJ Architect for property located at 4 Market Street for a projecting sign on an existing bracket, be removed from the Consent Agenda.

**Councilor Novelline Clayburgh moved to adopt the remainder of the Consent Agenda – Item B. Seconded by Councilor Dwyer and voted.**

- B. Request for License from Janice Morse, owner of Newburyport Five Cents Savings Bank for property located at 254 State Street for 2 projecting signs on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Janice Morse, owner of Newburyport Five Cents Savings Bank for 2 projecting signs at property located at 254 State Street 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***

- A. Request for License from Carla Goodnight, owner of CJ Architects for property located at 4 Market Street for a projecting sign on a existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carla Goodnight, owner of CJ Architects for a projecting sign at property located at 4 Market Street 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***

Councilor Novelline Clayburgh moved to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carla Goodnight, owner of CJ Architects for a projecting sign at property located at 4 Market Street and, further, authorize the City Manager to execute License Agreements for this request. Seconded by Councilor Dwyer and voted. Councilor Coviello abstained from voting on this matter.

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

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

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

1. Request to Amend Seacoast Growers' Association License Agreement

Councilor Lown moved to approve an amendment to the Seacoast Growers' Association License Agreement, as presented. Seconded by Assistant Mayor Lister and voted. Councilor Novelline Clayburgh abstained from voting on this matter.

2. Request to Change Work Session Date Re: Report Back from Transportation Policy Committee

Assistant Mayor Lister moved to approve the change of date for the Work Session on Transportation Policy to Monday, June 3, 2013 at 6:00 p.m. Seconded by Councilor Kennedy and voted.

3. Request for Approval of Expenditure from the African Burying Ground Trust

City Manager Bohenko stated this is an accounting mechanism to return funds to the Music Hall.

Councilor Novelline Clayburgh moved to expend a total of \$2,818.50 from the African Burying Ground Trust pursuant to the fundraising partnership with the Music Hall. Seconded by Councilor Dwyer and voted.

4. Acceptance of Sidewalk Easement Re: 1190 Lafayette Road (Comfort Inn)

Councilor Novelline Clayburgh moved to authorize the City Manager to accept the sidewalk easement at 1190 Lafayette Road from MacLeod Enterprises, Inc. Seconded by Councilor Kennedy and voted.

5. Report Back Re: Letter from Aphrodite and Louis Georgopoulos – Zoning of Property at 1900 Lafayette Road

City Manager Bohenko requested Planning Director Taintor come forward to explain the request.

Planning Director Taintor explained this has been before the City Council in the past. He indicated the proposed Conditional Use Residential Development provision would allow up to about 70 dwelling units on the parcel at 1900 Lafayette Road. The provision requires between 1.3 and 1.8 off-street parking spaces per dwelling unit; therefore, a 70-unit development would include between 91 and 126 spaces.

Further, for an assisted living center, the draft ordinance requires 1,500 square feet of developable lot area per assisted living unit, which would allow up to about 120 units on the site. The Zoning Ordinance requires the provision of 1 parking space for every two assisted living units, so a 119-unit facility would require 60 parking spaces.

**Councilor Novelline Clayburgh moved to accept the Planning Board's recommendation, and further, authorize the City Manager to bring back for first reading the attached proposed Ordinance amendment at the May 20, 2013 City Council meeting. Seconded by Councilor Dwyer.**

Councilor Lown stated he would need to abstain due to a personal conflict.

**Motion passed with Councilor Lown abstaining from voting on this matter.**

6. Report Back Re: Request to Rezone Property at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway

Planning Director Taintor stated this is a zoning change on Lafayette Road currently zoned Mixed Residential Business to Gateway at the owners request. Planning Director Taintor reviewed the zoning for the area. He stated that the Planning Board discussed this zoning change in a work session on March 28, 2013 and options presented for consideration included:

- Rezone to Gateway
- Rezone to Business
- Expand permitted uses in MRB
- Leave existing zoning in place

He indicated the consensus of the Board was the existing zoning is appropriate and no rezoning was recommended. In addition, Planning Director Taintor addressed the letter from Mr. Bursaw submitted on March 29, 2013 stating he had no specific alternative uses in mind for the property, but requested a rezoning to Gateway to open up a wider range of permitted uses. The particular uses that are identified in Mr. Bursaw's letter are gas stations and food service establishments. Planning Director Taintor stated that a gas station would not be allowable at this location even if the zoning were changed to Gateway, because the Zoning Ordinance requires that a lot containing a service station (a) be at least one acre in area, and (b) be at least 200 feet from a residential zoning district.

He further stated based on these considerations, the Planning Board voted unanimously at its meeting on April 18, 2013, to recommend that the zoning designation for this parcel **not** be changed.

**Councilor Coviello moved to accept the Planning Board's recommendation that the zoning designation for this parcel may not be changed. Seconded by Councilor Lown and voted.**

## **B. MAYOR SPEAR**

### 1. Parking Revenues

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear stated we passed the Resolution on how much the City will spend in the FY14 budget and the only debate is who will pay; either to levy it on the taxpayers or the people that go to the downtown. He said he would not bring forward Item 4 – Meter Parrott Avenue lot @ \$0.50 per hour due to the construction in the area.

Item #3 – Increase meter enforcement hours from 7:00 p.m. to 9:00 p.m. would require an ordinance change and should be well vetted. He stated this would reduce the tax rate by \$.10.

*Mayor Spear moved to reduce the December Holiday Parking from 18 to 10 days. Seconded by Councilor Novelline Clayburgh.*

Councilor Lown said that these are all interesting, and in light of the late hour they should be tabled to allow the public to weigh in on this matter.

*Mayor Spear indicated due to the late hour he would bring this matter back before the Council at the May 20, 2013 meeting.*

Mayor Spear said the Parking and Transportation Department spends \$2,000,000.00, and meters bring in \$1,000,000.00. If you raise meter fees to go to Parking and Transportation Department, you still reduce the tax rate because there is less over flow.

Councilor Kennedy asked why this is not going to the Parking and Traffic Safety Committee. Mayor Spear stated because it is a revenue matter and is the decision of the City Council.

Councilor Smith said he would not be at the May 20, 2013 Council meeting and explained the Holiday Parking is based on the calendar and not days. He said this is a recommendation of the Parking and Traffic Safety Committee, and not a set policy by the City Council.

Councilor Novelline Clayburgh stepped out of the meeting at 11:25 p.m. and returned at 11:30 p.m.

2. Appointments Needed to the Public Access Financial Advisory Committee
  - City Council Representative (Presently Councilor Coviello)
  - Cable Commission Representative – John Gregg

City Manager Bohenko explained the Committee was established to review annually Portsmouth Public Media's (PPM's) budget and to authorize, or not, disbursements from the Trust. In summary, the Council should reappoint a Council member. Presently, Councilor Coviello serves in this role. The term could be for just one year or up to three. In addition, the Council should appoint John Gregg, who has previously served as Chair of the Cable Commission and is willing to serve in this capacity. The term could be for just one year or up to three.

**Councilor Kennedy moved to appoint Councilor Coviello as the Council Representative to the Public Access Financial Advisory Committee. Seconded by Councilor Lown and voted. Councilor Thorsen abstained from voting on this matter. Councilor Coviello voted opposed.**

**Councilor Kennedy moved to appoint John Gregg as the Cable Commission Representative to the Public Access Financial Advisory Committee. Seconded by Assistant Mayor Lister and voted.**

3. Appointments to be Considered:
  - Daniel Rawling – Reappointment to the Historic District Commission
  - Jonathan Wyckoff – Reappointment to the Historic District Commission
  - Kory Sirmaian – Reappointment to the Recreation Board

The City Council considered the above referenced appointments, which will be voted on at the May 20, 2013 City Council meeting.

4. Appointments to be Voted:
  - Jay Leduc – Appointment as an Alternate to the Planning Board
  - Todd Henley – Reappointment to the Recreation Board
  - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund

**Councilor Coviello moved to appoint Jay Leduc as an Alternate to the Planning Board until December 31, 2014. Mr. Leduc is filling the unexpired term of Brian Groth; reappointment of Todd Henley to the Recreation Board until April 1, 2016; and reappointment of Christine Lukacz to the Portsmouth Housing Endowment Fund until June 1, 2015. Seconded by Assistant Mayor Lister and voted.**

### **C. COUNCILOR DWYER**

1. Update on Middle School Project

Councilor Dwyer provided a status update on the Middle School Project. She reported that the next phase of the building is beginning and that the construction manager has returned. She advised the City Council that DeStefano Architects are still part of the project.

**D. COUNCILOR SMITH**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 11, 2013 meeting

**Councilor Smith moved to approve and accept the Action Sheet and Minutes of the April 11, 2013 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Lister.**

Councilor Smith reported that there are no recommendations for ordinance changes.

*Councilor Smith requested to remove Item #3 – section which recommended pursuing a distributed parking system to include a parking deck on the Parrott Avenue Lot.*

Councilor Smith stated that the City would pursue the McIntyre Building and a public/private partnership in the Northern Tier.

Discussion followed regarding Item 3 of the action sheet.

Councilor Coviello asked if the Parking and Traffic Safety Committee members are in agreement with not pursuing the parking deck on the Parrott Avenue Lot.

City Manager Bohenko said the Parking and Traffic Safety Committee action sheet are consent agenda items and the PTS is an advisory committee which, the Council can accept or deny items.

Councilor Novelline Clayburgh asked if PTS voted to remove Parrott Avenue from the list of possible garage sites. Councilor Smith stated he is removing the item as the City Council Representative to the PTS. City Manager Bohenko said anything can be removed from Item 3.

Councilor Lown indicated he attended the PTS meeting and the motion was in favor. City Manager Bohenko said the intent was to get the report back to the City Council and stated this does not need to go back to the PTS Committee; it is a consent agenda item and can be removed.

*Motion by Councilor Novelline Clayburgh to bring Item #3 back to the PTS Committee for a vote was withdrawn.*

*Councilor Kennedy moved to deny Item #3 of the PTS Committee action sheet. Seconded by Councilor Novelline Clayburgh.*

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear said PTS Committee has reviewed this matter. He discussed the report that came out in November with 3 choices for a possible parking garage – Worth Lot, McIntyre Site and the Northern Tier. Mayor Spear stated all issues remain on the table for the June 17, 2013 Work Session.

Assistant Mayor Lister returned the gavel to Mayor Spear.

Councilor Kennedy asked if the Chambers would be adequate space for all the people that may attend the June 17, 2013 Work Session.

Councilor Smith said PTS never looked at the Parrott Avenue Lot in the same way the Site Selection Committee looked at the lot and things were looked at in a fundamentally different way.

Councilor Coviello stated that he does not want the work session held at Portsmouth High School due to issues with the quality of sound.

City Manager Bohenko suggested to not accept the recommendation from the Parking and Traffic Safety Committee to pursue a distributed parking system to include a parking deck on the Parrott Avenue Lot.

**Councilor Kennedy moved to amend the motion to not accept the recommendation from the Parking and Traffic Safety Committee to pursue a distributed parking system to include a parking deck on the Parrott Avenue Lot. Seconded by Councilor Smith and voted. Councilor Novelline Clayburgh voted opposed.**

**Main motion passed as amended. Councilor Kennedy voted opposed.**

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

City Attorney Sullivan advised the City Council that the Police Department is recommending the Council amend the motion previously passed regarding The Page Restaurant.

**Councilor Lown moved to amend the motion that the petition to be filed on behalf of the City Council would be to seek non-renewal and/or revocation as appropriate of The Page Restaurant liquor license. Seconded by Councilor Coviello and voted.**

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

**At 12:00 a.m. (midnight), Councilor Lown moved to adjourn. Seconded by Councilor Kennedy and voted.**



Kelli L. Barnaby, CMC/CNHMC  
City Clerk