

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON SEPTEMBER 20, 2004 COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SIRRELL, ASSISTANT MAYOR HANSON, COUNCILORS GRASSO, FERRINI, MARCHAND, PANTELAKOS, HYNES, RAYNOLDS, AND WHITEHOUSE

1. Mayor's Awards – Portsmouth Little League – 2004 State Champions – 9, 10, 11 & 12 year olds – Mayor Sirrell presented the Little League State Champions with Mayor's Awards, t-shirts and City pins for their victories.
2. Proclamation – The Dublin Welsh Male Voice Choir – Councilor Grasso read the proclamation in recognition of the Choir. Mayor Sirrell presented the proclamation to Voices of the Heart who accepted the proclamation on behalf of the Dublin Welsh Male Voice Choir.
3. Proclamation – Alanson Sturgis – Recognition of years of service to the Conservation Commission – Councilor Ferrini read the proclamation in recognition of Alan's years of service to the Commission. Mayor Sirrell presented the proclamation to Alan who accepted it with appreciation and gratitude.
4. Proclamation – Constitution Week – September 17, 2004 – September 23, 2004 - Assistant Mayor Hanson read the proclamation declaring September 17, 2004 – September 23, 2004 as Constitution Week. Mayor Sirrell presented the proclamation to Tylene Jousse who accepted it with thanks.
5. Presentation – Update on the Mayor's Blue Ribbon Cemetery Committee – Audrey Bierhans – Audrey advised the Council that the work of the Committee has been successful and discussed the grants received and various fund raisers that have been held and will be taking place over the next year.
6. Acceptance of Minutes – August 16, 2004 – Voted to accept and approve the minutes of the August 16, 2004 City Council meeting.
7. Public Comment Session – There were six speakers: Brad Lown (Dock at Ridges Court); Tom Carroll (New business at Port); Richard Smith (Zoning Amendment); Donald Coker (Noise Ordinance); Paul Harvey and Karen Jacoby (Reuse of Lafayette School).
8. Public Hearing – Ordinance and Zoning Map amendment to Chapter 10, Article II, Section 10-202 – Location to rezone the property located at Assessors Map R-38, Lot 020 – Portsmouth Circle Business Center from Office Research (OR) to General Business (GB) – Held a public hearing. Voted to pass second reading of amended ordinance, as submitted, and hold third and final reading at the October 4th City Council meeting.
9. Public Hearing – Ordinance amending Chapter 12, Part II, International Residential Code, 2003, Section R317 Dwelling Unit Separation – Held a public hearing. Voted to pass second reading of amended ordinance, as submitted, and hold third and final reading at the October 4th City Council meeting.

10. Public Hearing – Resolution Authorizing Bond Issue of up to Three Million Dollars (\$3,000,000.00) for Street and Sidewalk Improvements – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the Resolution and authorize bonding in the amount of \$3,000,000.00 for street and sidewalk improvements.
11. Public Hearing – Resolution for a Lease Authorization for Fire Apparatus in the amount of Five Hundred and Seventy-Five Thousand Dollars (\$575,000.00) – Held a public hearing. Voted to adopt the Resolution for replacement to Fire Engine 5 for lease of a 75' aerial ladder in an amount not to exceed \$575,000.00.
12. Acceptance of 2004 LLEBG Technology Grant in the amount of \$10,285.00 to the Portsmouth Police Department – Voted to approve and accept the grant to the Portsmouth Police Department as listed.
13. Acceptance of Donation from Mr. & Mrs. Ronald Demo to the Portsmouth Honor Guard in the amount of \$50.00 – Voted to approve and accept the donation to the Portsmouth Police Department as listed.
14. Acceptance of Donation for Maple Haven Park/Playground improvements in the amount of \$1,055.00 – Voted to accept a donation in the amount of \$1,055.00 from Maple Haven neighborhood residents to be used for the Maple Haven Park/Playground Improvement project.
15. Acceptance of New Hampshire Department of Environmental Services Grant – Voted to authorize the City Manager to accept funds up to \$15,590.00 from New Hampshire Department of Environmental Services, enter into a contract with the New Hampshire Department of Environmental Services, and authorize the City Manager to execute any documents which may be necessary for this contract.
16. First reading of Ordinance amending Chapter 7, Article I – Parking Meters, various sections, Article IV – Off-Street Parking Areas; Article III – Traffic Ordinance, various sections; Article IX – Penalties, Forfeitures and Separability; and Article X – Towing, various sections – Voted to pass first reading of amended ordinance, as submitted, and schedule a Public Hearing and second reading at the October 4th City Council meeting.
17. Letter from Portsmouth Halloween Parade Committee requesting permission to hold the 10th annual Halloween Parade on Sunday night October 31, 2004 from 6:30 p.m. – 8:30 p.m. – Voted to refer to the City Manager with power.
18. Letter from Zhana Morris, The Music Hall, regarding annual request for parking meter bags for The Music Hall's 2004-2005 Season – Voted to refer to the City Manager with power.
19. Sidewalk Obstruction License Approval – The Banks Gallery, LLC, 1 A-frame sign – Voted to refer to the City Manager with power.
20. Letter from Christie Clifford-Salema, Cystic Fibrosis Foundation, requesting permission to hold the Annual Great Strides Walk on Saturday, May 21, 2005 – Voted to refer to the City Manager with power.

21. Letter from Devin West requesting a Coast Trolley stop directly across from the main entrance of Feaster Apartments – Voted to refer to the Traffic & Safety Committee.
22. Letter from Mark Bodi requesting that the city's noise ordinance be strengthened – Voted to accept and place the letter on file.
23. Letter and Petition from Eileen MacDonald regarding mosquito spraying in the Islington Creek Neighborhood – Voted to refer to the City Manager for a report back. City Manager Bohenko said our licensed Mosquito Control Specialist Mike Morrison would provide a presentation to the City Council on mosquito spraying during one of the October Council meetings.
24. Letter from Elizabethada Wright, League of Women Voters of Greater Portsmouth, requesting permission to hold two Candidate's Nights on Wednesday October 20th and October 27th from 6:00 p.m. – 9:00 p.m. in the Council Chambers – Voted to refer to the City Manager with power.
25. Letter from George Robinson, Portsmouth Housing Authority, regarding Proposed Reuse of Lafayette School – Moved to table the request and hold a work session to discuss the request further. Voted to amend the motion to insert a date of November 15th for the work session. Main motion passed as amended.
26. Request to Reschedule City Council Meeting – Voted to reschedule the regular meeting of October 18th to October 25th.
27. Report Back Re: Proposed Shriners Parade on May 28, 2005 – Voted to authorize the City Manager to proceed with giving permission to the Shriners with their request to conduct a parade on Saturday, May 28, 2005.
28. Report Back Re: Amending Chapter 10, Article I, Section 10-102 – Definitions and Section 10-208, Table 4 – Voted to adopt the City Manager's recommendation.

City Manager's Recommendation:

- *Remove the zoning ordinance, which passed first reading on May 17, 2004 from the table;*
- *Amend that ordinance be deleting the body of the ordinance in its entirety and replacing it with the proposed amendment included with the agenda packet for this meeting under the City Manager's name;*
- *Continue second reading of the amended ordinance until the Council meeting of October 4, 2004; and,*
- *Schedule a public hearing and vote on second reading of the amended ordinance for October 4, 2004.*

29. Report Back from Planning Board Re: Fernald Court – Permission to Construct a Dock, Ramp and Float Adjacent to the Right-of-Way – Moved to accept the Planning Board's recommendation to grant permission to allow the construction of a dock, ramp, and float at property located at 67 Ridge's Court, as proposed in the revised plans and with the Planning Board's stipulations. Voted to amend the motion to include another stipulation that no construction of a new dock take place until the existing dock has been demolished. Main motion passed as amended.

Planning Board's Stipulations:

- *That no boats shall be tied up on the City right-of-way side of dock*
- *That the right-of-way as it extends into the water shall be maintained free and open so that the use of the dock does not obstruct this area*
- *That the applicant shall convey to the City any fee simple ownership rights under the City's right-of-way*
- *That the applicant agrees to allow the City to construct a dock within the right-of-way*
- *That the City Attorney shall approve any necessary agreements for the content and form.*

30. Request from Police Commission Re: Upgrade of Salaries – Voted to approve the upgrade of salaries as recommended by the Police Commission.

31. Polling Hours for November 2, 2004 Presidential General Election – Voted to approve the polling hours be set from 8:00 a.m. to 8:00 p.m. for the Presidential General Election.

32. Request from Councilor Raynolds to Reschedule September 27, 2004 Work Session – The City Council decided not to reschedule the work session. A conference call will be held for the participation of Councilor Raynolds and Assistant Mayor Hanson who will be away during the work session.

33. Donations to the Coalition Legal Fund – Voted to accept the \$1,000 contribution from the Town of Hanover and the \$5,000 from the Town of Sunapee to be placed in the Coalition Legal Fund.

34. Consideration of Appointments – The City Council considered the appointment of Eva Powers as a regular member to the Conservation Commission filling Alanson Sturgis unexpired term and the consideration of Jennifer Marcelais to the Mayor's Blue Ribbon Cemetery Committee. These appointments will be voted on by the City Council at the October 4th City Council meeting.

35. Appointments – Voted to appoint Skye Maher as an alternate to the Conservation Commission filling the unexpired term of Eva Powers until April 1, 2006.

36. Voted to suspend the rules in order to continue the meeting beyond 10:30 p.m.

37. Traffic & Safety Committee Action Sheet and Minutes of the August 19, 2004 meeting – Moved to approve and accept the Traffic & Safety Committee action sheet and minutes of the August 19, 2004 meeting. Voted to divide the question and remove item #7 (Lincoln Avenue – Miller to Richards – Resident Request to allow on-street parking) from the approval of the Traffic & Safety Committee action sheet. Assistant Mayor Hanson and Councilors Whitehouse voted opposed. Voted to approve and accept the remaining portion of the action sheet and minutes of the Traffic & Safety Committee meeting of August 19, 2004. On a roll call 6-3, voted to approve item 7 (Lincoln Avenue – Miller to Richards – Resident Request to allow on-street parking) as presented. Assistant Mayor Hanson, Councilors Ferrini, Marchand, Pantelakos, Whitehouse and Mayor Sirrell voted in favor. Councilors Grasso, Hynes and Reynolds voted opposed.
38. Parking Committee Action Sheet and Minutes of the August 19, 2004 meeting – Voted to approve and accept the Parking Committee action sheet and minutes of the August 19, 2004 meeting.
39. Proposed Rezonings – Voted to refer to the Planning Board for review and report back to the City Council at the October 25th meeting.
40. Noise Ordinance – Voted to hold a work session in the new year with input from the Police Department on how complaints are handled and where they originate. Further, have the Planning Board make suggestions on how to strengthen the ordinance and review other communities ordinances and how they handle noise complaints.
41. Adjournment – At 11:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, City Clerk