

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 4, 2005 COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SIRRELL, ASSISTANT MAYOR GRASSO, COUNCILORS FERRINI, MARCHAND, PANTELAKOS, HYNES, WHITEHOUSE, AND ST. LAURENT

ABSENT: COUNCILOR RAYNOLDS

1. Proclamation – Poet Laureate - Assistant Mayor Grasso read the Proclamation declaring Mimi White as the Poet Laureate of Portsmouth. Mayor Sirrell presented Mimi with the Proclamation who accepted it with thanks and appreciation.
2. Acceptance of Minutes – March 21, 2005 – Voted to accept and approve the minutes of the March 21, 2005 City Council meeting.
3. Public Comment Session – There were eight speakers: Donald Coker, Peter Brescinao, and Peter Somssich (Bill of Rights Resolution); Harold Ecker (City Business); Richard Smith, Larry Simonds, and John Grady (Seacoast Poetry & Jazz Festival); and James Horrigan (Dog Ordinance/Leash Law).
4. Voted to suspend the rules in order to take up Item XI. C.1. – Bill of Rights Resolution. Move to pass Draft #2 of the Resolution Affirming the Bill of Rights and Civil Liberties. On a roll call 6-2, voted to amend the motion to delete Draft #2 Resolution in its entirety with Item #3 remaining which states *“The City of Portsmouth hereby reaffirm our commitment to the Bill of Rights as set forth in the United States Constitution and the constitution of the State of New Hampshire because the Bill of Rights guarantees the civil rights and civil liberties of our free society.”* Assistant Mayor Grasso, Councilors Ferrini, Marchand, Hynes, St. Laurent and Mayor Sirrell voted in favor. Councilors Pantelakos and Whitehouse voted opposed.

On a roll call vote 7-1, motion to amend the Resolution to add the following text failed to pass. *“It be recognized that New Hampshire’s junior US Senator, John Sununu, is a champion of privacy rights and civil liberties, and has cosponsored legislation, the SAFE Act, which would require more stringent Congressional and Judicial review of PATRIOT Act provisions and their applications to ensure the privacy rights and civil liberties of law abiding citizens are not violated.”* Councilor Whitehouse voted in favor. Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, St. Laurent and Mayor Sirrell voted opposed.

On a unanimous roll call 8-0, voted to pass the main motion as amended.

5. Public Hearing – Resolution Authorizing a Supplemental Appropriation from Undesignated Fund Balance to implement the Guaranteed Maximum Price (GMP) for the Construction of the Public Library in the amount of One Million (\$1,000,000) Dollars – Held a public hearing. On a roll call 6-2, voted to adopt the Resolution and authorize the City Manager to appropriate the supplemental \$1 million from undesignated fund balance to implement the GMP for construction of the new library. Assistant Mayor Grasso, Councilors Ferrini,

Marchand, Pantelakos, Hynes, and Mayor Sirrell voted in favor. Councilors Whitehouse and St. Laurent voted opposed.

6. Public Hearing – Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Islington Street: southerly side from Essex Avenue to a point 180 feet westerly – Held a public hearing. Voted to pass second reading of the amended ordinance, as submitted, and hold a third and final reading at the April 18, 2005 City Council meeting.
7. Acceptance of Donations to the New Library Building Fund from two anonymous donors in the amount of \$150.00 – Voted to approve and accept the donations to the New Library Building Fund as listed.
8. Acceptance of NHSCA Mini-Grant – Voted to approve and accept the NHSCA Mini-Grant award and authorize the City Manager to oversee administration of the grant.
9. Third and final reading of Ordinance amending Chapter 10, Article VII – Flood Plain Development – Proposed Amendment to the City’s 1995 Zoning Ordinance Regarding the Adoption of Flood Insurance Study and Rate Maps – Voted to pass third and final reading of the amended ordinance, as submitted.
10. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – sub-section A – Crescent Way: south side from Kearsarge Way to 40’ west of Saratoga Way, south side from Porpoise Way to end of street, north side from Kearsarge Way to 80’ west of Porpoise Way; and Preble Way: south side from Ranger Way to Kearsarge Way, north side 20 feet east of Ranger Way to Kearsarge Way – Voted to pass third and final reading of the amended ordinance, as submitted.
11. Letter from Mary Carey Foley, Student Council Adviser, thanking the City Council and staff for participating in Student Government Day 2005 on Wednesday, March 30, 2005 (Not on agenda) – Voted to accept and place the letter on file.
12. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year:
 - Ambrosia Gardens, Inc. – 1 A-frame sign
 - The One Hundred Restaurant – 1 A-frame signVoted to refer to the City Manager with power.
13. Letter from John Kelley, Chairman of Police Commission, inviting the City Council to participate in a thorough review of the Police Department, its various programs and activities – Voted to refer to the City Manager with power.
14. Letter from Jennifer Slade, Attrezzi Fine Kitchen Accessories, requesting permission to close the small 16-car parking lot on the corner of Market and Hanover Streets on May 15th between Noon and 6 PM to hold the Downtown Spring Tag Sale Event (with a rain date of June 5th) – Voted to refer to the City Manager with power.

15. Letter from Charles Doleac, The Japan-America Society of New Hampshire, requesting permission to borrow two portraits from City Hall Chambers – Voted to grant permission to The Japan-America Society of New Hampshire to borrow two portraits from City Hall Chambers with the necessary insurance protection.

16. Request to Adopt the Capital Plan (CIP) FY 2006-2011 – Voted to adopt the FY2006-2011 Capital Improvement Plan as presented at the public hearing on March 21, 2005.

Assistant Mayor Grasso requested that City Manager Bohenko ask the Planning Board to consider pushing back the funding for a new Middle School a few more years when preparing next year's Capital Improvement Plan.

17. Proposed Acceptance of Various Deeds and Easements:

- Mark Odiorne – Easement
- David Bohne – Easement
- Ferrari Remodeling & Design, Inc. – Easement
- Quitclaim Deed from John Ahlgren

Voted to authorize the City Manager to accept an easement from Mark Odiorne for drainage, easement from David Bohne for a sidewalk, easement from Ferrari Remodeling & Design, Inc. for improvements to the intersection of Ocean Road and Banfield Road, and the Quitclaim Deed from John Ahlgren.

18. Report Back Re: Avanti Development Request for Purchase of City Owned Land – On a roll call vote 7-1, motion to accept the recommendations of the Planning Board to approve the conveyance of the aforementioned land to Avanti Development with the following stipulations and authorize the City Manager to enter into any and all agreements failed to pass. Councilor Whitehouse voted in favor. Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, St. Laurent and Mayor Sirrell voted opposed.

Planning Board Stipulations:

- *That the City Assessor shall determine the present value of this parcel, so current land values are made available for the Council's use.*
- *That the property be consolidated by deed with the adjacent property of Avanti Development into one lot as required by RSA 674:39a.*
- *That the City retain an easement over the parcel conveyed for municipal utility purposes, either current or needed in the future.*
- *That the applicant must provide off-street parking for any development*

Voted to refer this matter to the Planning Board to be included in the FY2007 CIP.

19. Newcastle Avenue Roadway and Seawall Reconstruction Project Burying Overhead Utilities-Cost Sharing Proposal – Voted to authorize the City Manager to work with the residents and the City Attorney in order to bring this back for formal approval at the May 2, 2005 City Council meeting.
20. Appointment – The City Council considered the reappointment of Steven Berg to the PEDLP Review Committee. This appointment will be voted on by the City Council at the April 18, 2005 City Council meeting.
21. Reappointment of Ken Smith as the Planning Board Representative to the Historic District Commission – Voted to reappoint Ken Smith as the Planning Board Representative to the Historic District Commission until December 31, 2006.
22. Proposed Animal Control Ordinance – Voted to authorize the City Manager to bring this ordinance back for first reading at the April 18, 2005 City Council meeting.

Councilor Whitehouse requested City Manager Bohenko provide the City Council with a synopsis of the changes to the ordinance.

23. Adjournment – At 10:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, City Clerk