

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MAY 2, 2005 COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

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

1. Proclamation – National Police Week – Councilor Ferrini read the Proclamation declaring May 15 – May 21, 2005 as National Police Week. Mayor Sirrell presented the Proclamation to Lieutenant Earl Case who accepted it on behalf of the entire Police Department with thanks and appreciation.
2. Proclamation – Saverio Giambalvo – Portsmouth Housing Authority - Assistant Mayor Grasso read the Proclamation in recognition of Mr. Giambalvo's 42 years of service to the Portsmouth Housing Authority. Mayor Sirrell presented Mr. Giambalvo with the Proclamation and a gift in honor of his years of service to the Portsmouth Housing Authority who accepted it with thanks and appreciation.
3. Mayor's Awards – The Planning Board and Portsmouth Listens - Mayor Sirrell presented Mayor's Awards to the members of the Planning Board and Portsmouth Listens in recognition of their efforts and work in preparing the Master Plan.
4. Acceptance of Minutes – April 18, 2005 – Voted to accept and approve the minutes of the April 18, 2005 City Council meeting.
5. Public Comment Session – There were eight speakers: Steve Durgin (Chestnut Street/Posting City Business); Don Green (Bioblitz – Great Bog); Tom Carroll (Importance of public comments); Joel Carp and Bryan Pappas (Request for support from City Council); Bernie Pelech (Falkland Place Land Conveyance); Joshua Cyr (Summer Street Program); and Kiarna Boyd (Wedding Ceremony at Haven Park).
6. Public Hearing – Ordinance amending Chapter 6, Article VII – Dog Ordinance be deleted in its entirety and replaced with new Sections 6.701 – 6.715; Chapter 8, Article II, Section 8.202(D) – Dogs in Parks; Chapter 9, Article IV – Removal of Dog Excrement deleted in its entirety – Held a public hearing. Move to pass second reading of the amended ordinances, as submitted, and including the amendments as outlined in the City Manager's comments and hold third and final reading at the May 16, 2005 City Council meeting.

Amendments outlined in City Manager's comments:

- Amend Section 6.706 (a) by replacing "as defined in Section 6.701" with "as defined by this Ordinance."
- Amend Section 6.706 (b)(4) by adding the following sentence at the end of the first sentence: "Designated off-leash areas shall be any City property posted under the authority of the Public Works Department as an off-leash area."

Voted to amend the motion under Section 6.707 (c)(4) to read as follows: *“Dogs must be spayed or neutered that are one year or older.”*

Motion to amend the motion under Section 6.705 – Definitions – Vicious Dog by deleting the following: *“or other domestic animal”* failed to pass. Councilor St. Laurent voted in favor. Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, Raynolds, Whitehouse and Mayor Sirrell voted opposed.

Voted to amend the motion under Section 6.702 (6) by replacing it with the following: *“Barks, whines, howls or cries in an excessive and continuous fashion or during hours of the early morning or late evening as to disturb the peace and quiet of any other person. For the purposes of this ordinance, “continuous fashion” shall be defined as more than thirty (30) minutes, and “hours of the early morning or late evening” shall be defined as those used in Article IV, Section 3.404 (“Noises Prohibited – Unnecessary Noise Standard”): prior to 7:00 a.m. or after 11:00 p.m.”*

Main motion passed as amended.

7. Acceptance of Donations to the New Library Building Fund:

- Peter and Meghan Rice - \$40.00
- Vernis and Emerald Jackson - \$500.00
- Youth Basketball Clinic Sponsorship - \$1,855.00

Voted to approve and accept the donations to the New Library Building Fund as listed.

8. Acceptance of Donations to the Cemetery Committee

- Bettencourt Chiropractic - \$100.00
- Portsmouth Regional Hospital - \$150.00
- Saint Andrew’s Lodge - \$200.00

Voted to approve and accept the donations to the Cemetery Committee as listed.

9. Acceptance of Community Development Block Grant - \$745,656.00 – Voted to accept a Community Development Block Grant (CDBG) in the amount of \$745,656.00 from the U.S. Department of Housing and Urban Development.

10. Acceptance of Donations to the Police Department to purchase officer trading cards and like items - \$3,000.00 – Voted to approve and accept the donations to the Portsmouth Police Department as listed.

11. Moose Plate Grant Wetland Study – Voted to authorize the City Manager to enter into a grant agreement to accept and expend funds in the amount of \$16,465 from the State Conservation Commission to conduct the Portsmouth Buffer Restoration and Education Project.

12. First reading of Ordinance amending Chapter 10, Article II, Section 10.202 – Location – to rezone the properties located off Mirona Road at Assessors Map 252, Lot 3 and Map 253, Lot 4 from Industrial (I) to General Business (GB) – Voted to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the May 16, 2005 City Council meeting.
13. Letter from James Stankiewicz, Firefighters Trans NH, requesting permission to hold the 18th annual Trans-NH Bike Ride for Muscular Dystrophy on Sunday, June 26, 2005 – Voted to refer to the City Manager with power.
14. Letter from Danna Truslow, and Richard Adams, The Seacoast Land Trust, requesting permission to conduct the “Bioblitz” activity by which naturalists document all the plant and animal species in the Great Bog over a short period of time on Saturday, June 4, 2005 – Voted to refer to the City Manager with power.
15. Letter from Attorney Bernie Pelech requesting that the City Council reconsider their vote not to convey the land on Falkland Place and Ranger Way to Avanti Development – Voted to refer to the Planning Board for a report back.
16. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting the City consider a plan for Street Closures during the summer months – Voted to refer to the City Manager with power. Councilor Whitehouse voted opposed.

Assistant Mayor Grasso requested that City Manager Bohenko evaluate each event on a weekly basis.
17. Letter from Kiarna Boyd requesting permission to hold a wedding ceremony on Saturday, October 29, 2005 at Haven Park – Voted to refer to the City Manager with power.
18. Letter from Krika Overton, Portsmouth Percussive Dance Festival, requesting permission to close Pleasant Street between Market Square and Porter Street for street performances on Friday, July 1, 2005 at 7:30 p.m. – 8:30 p.m. – Voted to refer to the City Manager with power.
19. Report Back Re: Proposal by Wenberry Associates, LLC Re: Fleet Street Property – Voted to accept the Planning Board’s recommendation to accept conveyance of the property being offered by Wenberry Associates, LLC and to negotiate and execute whatever documents necessary for that purpose.
20. Request for the Authorization to Enter into an Annual Operating Agreement with Art-Speak and to Establish a Trust for Arts and Culture – Voted to approve the proposed agreement and authorize the establishment of the trust.
21. Maxam Property Appropriation – Voted to approve the appropriation of \$25,000 towards the acquisition of the Maxam Properties for Conservation purposes using funds from the City’s Conservation Fund also known as Fund 10. The lots are all shown on Assessor plans Map 297 as lots 0004-0000, 0004-003A and 0000-0003.

22. Request for Approval of Pole License Agreement #63-421 – Voted to approve the request from PSNH for pole license agreement #63-421 as recommended by the Public Works Department.
 23. Proposed Easement Agreement 6-16 Congress Street (Former Eagle Photo) – Voted to authorize the City Manager to negotiate and execute any easement or licenses as necessary to allow the construction of a building at 6-16 Congress Street in accordance with approvals issued by the Planning Board and the HDC.
 24. Letter from David Engel, Chair of Old State House, requesting permission to hold the dedication of the Old State House Plaque in Market Square on Sunday, May 15, 2005 at Noon (Not on agenda) – Voted to refer to the City Manager with power.
 25. Appointments – Voted to reappoint John Gregg to the Cable Television and Communications Commission until April 1, 2008.
- Voted to reappoint Donald Green to the Conservation Commission until April 1, 2008.
26. Resignation – Voted to accept with regret the resignation of Saverio Giambalvo from the Portsmouth Housing Authority.
 27. Subcommittee for Board and Commission Appointments - Mayor Sirrell announced that she has established a Subcommittee to review appointments and make recommendations for the Boards and Commissions. She advised the City Council that she has appointed Assistant Mayor Joanne Grasso, Councilor Thomas Ferrini, Councilor Laura Pantelakos to serve on this subcommittee and she will serve as an Advisory member.
 28. Traffic & Safety Committee Action Sheet and Minutes of the April 14, 2005 meeting – Voted to approve and accept the Traffic & Safety Committee Action Sheet and Minutes of the April 14, 2005 meeting.
 29. Parking Committee Action Sheet and Minutes of the April 14, 2005 meeting – Voted to approve and accept the Parking Committee Action Sheet and Minutes of the April 14, 2005 meeting.
 30. Letter to PDA Executive Director Re: Port of NH – Voted to send a letter to the PDA Executive Director with copies to the PDA Board of Directors and Governor Lynch expressing the opinion of the City Council regarding the Port of NH.

City Manager Bohenko requested in the letter where it makes reference to City of Portsmouth Economic Development Director that the City of Portsmouth staff be inserted in its place.

31. Adjournment – At 9:50 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, City Clerk