

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JULY 11, 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

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1. Presentation – Former Superintendent of Schools Lyonel Tracy - Mayor Sirrell, City Manager Bohenko and the City Council presented former Superintendent of Schools Lyonel Tracy with a City of Portsmouth Chair in recognition of his recent retirement.
2. Acceptance of Minutes – June 8, 2005 & June 20, 2005 – Voted to approve and accept the minutes of the June 8, 2005 and June 20, 2005 City Council meetings.
3. Public Comment Session – There were six speakers: Raymond Will (An opportunity for the City Council); Rick Becksted (Board/Commission Appointments); Harold Ecker (City Business); Ken Weston (Atlantic Heights Development); Robin McIntosh, and Stephanie Krenn (Avanti).
4. Voted to suspend the rules in order to take up Item XI. A.1. – Report Back Re: Avanti Development. On a unanimous roll call 9-0, voted 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:
  - *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 shall be consolidated by deed with the adjacent property of Avanti Development into one lot as required by RSA 674:39a;*
  - *That the City shall retain an easement over the conveyed parcel for municipal utility purposes, either current or as needed in the future;*
  - *That the applicant must provide off-street parking for any development;*
  - *That the zoning district classification should be addressed;*
  - *That all representations made in Attorney Pelech's letter dated April 21, 2005 are attached to this recommendation, including, the conceptual designs of the building as well as the providing of public parking spaces; and,*
  - *Require the applicant to complete a Site Review process so as to ensure conformance with Attorney Pelech's representations and conduct a voluntary design review process with the Planning Board*

5. Public Hearing – Amendment to Chapter 7 – Vehicles, Traffic Parking (Omnibus Parking Ordinance April 16, 2004 to June 14, 2005) – Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – by the deletion of Hancock Street: both sides from Marcy Street to Pleasant Street – Held a public hearing. Voted to pass second reading of the action to be incorporated into the Parking Ordinance, as presented, and hold a third and final reading at the August 1<sup>st</sup> City Council meeting.
6. Public Hearing – Ordinance amending Chapter 7, Article II, Section 7.336 – One Way Street by the addition of Pearl Street: Northerly from Islington Street to Hanover Street – Held a public hearing. Voted to pass second reading of amended ordinance, as submitted, and hold a third and final reading at the August 1<sup>st</sup> City Council meeting.
7. Public Hearing – Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – by deletion of Pearl Street: westerly side from Islington to Hanover Street – Held a public hearing. Voted to pass second reading of amended ordinance, as submitted, and hold a third and final reading at the August 1<sup>st</sup> City Council meeting.
8. Public Hearing – Ordinance amending Chapter 7, Article X, Section 7.1004 – Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines – Held a public hearing. Voted to pass second reading of amended ordinance, as submitted, and hold a third and final reading at the August 1<sup>st</sup> City Council meeting.
9. Acceptance of Donations to the New Library Building Fund
  - Thelma Ballew - \$10.00
  - Charles Vaughn - \$100.00
  - Carol Hollis - \$100.00
  - Robert & Nackey Scagliotti - \$1,000.00
  - John P. Bohenko & Nancy K. London - \$1,000.00

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

10. Acceptance of Donations to the Cemetery Committee
  - Robert & Betty Goldstein - \$25.00
  - Anonymous - \$47.00
  - Dr. Robert Chaikin - \$100.00

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

11. Acceptance of Grant to the Portsmouth Police Department from the Office of Juvenile Justice for the tri-state ICAC task force in the amount of \$450,000.00 – Voted to approve and accept the grant to the Portsmouth Police Department as listed.
12. Acceptance of Donation to the Portsmouth Police Honor Guard from Rick Fecteau in the amount of \$100.00 – Voted to approve and accept the donation to the Portsmouth Police Department as listed.

13. Acceptance of Donation to the Portsmouth Police Department from the Fuller Foundation for Drug Recognition Expert (DRE) training in the amount of \$1,000.00 – Voted to approve and accept the donation to the Portsmouth Police Department as listed.
14. Acceptance of Recycling Grant from NH The Beautiful, Inc. in the amount of \$2,790.00 – Voted to approve and accept the Recycling Grant from New Hampshire The Beautiful, Inc. as listed.
15. Acceptance of NHSCA Community Arts Development Grant in the amount of \$5,000.00 – Voted to accept and expend the grant funds from New Hampshire State Council on the Arts and authorize the City Manager to oversee administration of the grant as listed.
16. Request for Sidewalk Obstruction License from Mimi Loureino, 02 Yoga Studio to place 1 A-frame sign in front of establishment – Voted to refer to the City Manager with power.
17. Letter from Attorney Bernard Pelech regarding Rezoning of Land at Banfield Road and Constitution Avenue – Voted to refer to the Planning Board for a report back.
18. Letter from Martha Petruzzi, The American Diabetes Association, requesting permission to hold the annual America's Walk for Diabetes on Saturday, October 15, 2005 – Voted to refer to the City Manager with power.
19. Letter from Attorney Robert Ciandella requesting motion for rehearing in regards to ordinance amending Chapter 10, Article II, Section 10.202 – Location – to rezone properties located off Mirona Road at Tax Map 252, Lot 3 and Map 253, Lot 4 from Industrial to General Business – On a roll call 7-2, voted to deny the Motion for Rehearing filed by Market Basket. Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, Raynolds and Mayor Sirrell voted in favor. Councilors Whitehouse and St. Laurent voted opposed.
20. Request for Sidewalk Obstruction License from Donna Downes, Edible Arrangements, requesting permission to place 1 A-frame sign in front of establishment – Voted to refer to the City Manager with power.
21. Letter from Sister Mary Agnes, St. Charles Children's Home, requesting permission to hold a 5k Road Race at Pease International Tradeport on Labor Day, September 5, 2005 at 9:00 a.m. – Voted to refer to the City Manager with power.
22. Letter from Gary Dodds & Pat Lyons, Portsmouth Rotary Club, requesting permission to hold the 13<sup>th</sup> annual Thunder Chicken 5k Road Race on Thursday, August 4, 2005 – Voted to refer to the City Manager with power.
23. Clarification of July 14, 2005 Work Session – Voted to cancel the City Council Joint Work Session scheduled for July 14<sup>th</sup> at 6:30 p.m. and accept the invitation of the Joint Building Committee to attend the meeting to receive an update on the High School Project.
24. Donations to the Coalition Legal Fund – Voted to accept the \$1,000.00 contribution from the Town of Lincoln and \$500.00 from the Town of Hebron, to be placed in the Coalition Legal Fund.

25. Art-Speak Trust Appointment – Voted to appoint Elaine Krasker to be the Mayor and City Council's designee to the Trust Advisory Group.
26. Port Reuse Advisory Board Appointments – Voted to appoint Joel Carp, City Councilor and State Representative Laura Pantelakos, and State Representative Jim Powers to the Pease Development Authority's Ad Hoc Advisory Committee known as the Division of Ports and Harbors Use Committee.
27. Consideration of Appointments – The City Council considered the appointment of Kathleen Pearce and the reappointment of Gene Fisk to the Cable Television and Communications Commission; and the reappointment of Andy Bangs to the PEDLP Review Committee. These appointments will be voted on by the City Council at the August 1, 2005 City Council meeting.
28. Appointments – Voted to appoint Richard Katz as a regular member of the Historic District Commission until June 1, 2008 filling the expired term of Rick Becksted. Councilors Whitehouse and St. Laurent voted opposed. Voted to appoint Jonathan Wyckoff as an alternate to the Historic District Commission filling the unexpired term of Richard Katz until June 1, 2007.
29. Resolution Re: Support for Continued Presence of Taxpayer Assistance Center in Portsmouth – Move to adopt the Resolution regarding Support for Continued Presence of Taxpayer Assistance Center in Portsmouth. Voted to amend the last paragraph of the Resolution by deleting the words "*reconsider its planned closure of*" and insert the following language "*keep open*". Voted to pass the Resolution as amended.
30. Adjournment – At 8:45 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, City Clerk