

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: KELLI L. BARNABY, CITY CLERK
RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MARCH 20, 2006 COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE
PRESENT: MAYOR MARCHAND, ASSISTANT MAYOR FERRINI, COUNCILORS GRASSO, DWYER, RAYNOLDS, PANTELAKOS, WHITEHOUSE, SMITH AND HYNES

1. At 6:00 p.m., the City Council held a Work Session regarding the Overtime Audit Interim Report from Matrix Consulting.
2. Acceptance of Minutes – March 6, 2006 – Voted to approve and accept the minutes of the March 6, 2006 City Council meeting.
3. Public Comment Session – There were two speakers: Chris Mayeux (HarborCorp Zoning Amendment Request); and Harold Ecker (City Business).
4. Public Hearing – Capital Improvement Plan (CIP) FY2007-2012 – Held a public hearing.
5. Public Hearing – Ordinance amending Chapter 1, by the creation of Article XVII – Funding of Public Art – Held a public hearing. Voted to table second reading of the Ordinance until the April 3, 2006 City Council meeting. The City Council requested that the following amendments be brought back for second reading: (1) the creation of waivers for projects, (2) propose a ½% as opposed to the 1% for the public art commitment, and (3) create a cap for the bid price or negotiated price.
6. Public Hearing – Ordinance amending Chapter 10, Article II, Section 10.202 – Location – Rezoning properties located off Banfield Road and Constitution Avenue from Office Research (OR) to Industrial (I) – Held a public hearing. Voted to pass second reading, as submitted, and hold third and final reading at the April 3, 2006 City Council meeting.
7. Public Hearing – Ordinance amending Chapter 7, Article III, Section 7.330, Sub-section A – No Parking – Church Street: both sides from State Street to Court Street – Held a public hearing. On a roll call vote 0-7, motion to pass second reading, as submitted, and hold third and final reading at the April 3, 2006 City Council meeting *failed* to pass. Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Mayor Marchand voted opposed. Assistant Mayor Ferrini and Councilor Hynes abstained from voting.

City Manager Bohenko requested that the Parking Committee formalize the creation of two parking spaces on Church Street in accordance with the pilot program.

8. Voted to suspend the rules in order to take up Item XII. A.1. – Proposed Contract Extension for Fire Chief Christopher LeClaire.
9. Proposed Contract Extension for Fire Chief Christopher LeClaire – Voted to approve the extension of the contract for Fire Chief Christopher LeClaire, as presented.
10. Voted to suspend the rules in order to take up Item XI. A. – Letter from Jameson French, Market Square Steeple Fund, requesting that the City waive the building permit fee for the restoration project of the North Church Steeple.

11. Letter from Jameson French, Market Square Steeple Fund, requesting that the City waive the building permit fee for the restoration project of the North Church Steeple – On a unanimous roll call 9-0, voted to authorize the City Manager to waive this building permit fee in the amount of \$12,000.00.
12. Acceptance of Public Health Network Grant Amendment – Voted to authorize the City Manager to accept and expend a grant from the New Hampshire Department of Health and Human Services for the purpose of funding a regional public health network.
13. Acceptance of Storm Water Master Plan Grant – Voted to accept and expend funds; enter into a contract with the Department of Environmental Services; and further authorize the City Manager to execute any documents, as part of this project.
14. First reading of Resolution Amending Elderly Exemption Income Limits – Voted to pass first reading and schedule a public hearing and adoption at the April 3, 2006 City Council meeting.
15. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.
16. Consent Agenda – Councilor Raynolds requested the removal of Item H. – Letter from George Hosker, Jr. requesting permission to hold a parade on Thursday, May 25, 2006 at 5:45 p.m. to celebrate the early history of Portsmouth in conjunction with the Underbelly Tour from the Consent Agenda. Mr. Hosker has requested that this item is considered at the April 3, 2006 City Council meeting.

Voted to adopt the remainder of the Consent Agenda as presented.

- A. Approval of Donation for Disposal of Vehicle to Seacoast Emergency Response Team (***Anticipated motion – move to approve the donation of the vehicle to the Seacoast Emergency Response Team as listed***)
- B. Acceptance of Grant from the NH Highway Safety Agency (***Anticipated motion – move to approve and accept the grant to the Portsmouth Police Department as listed***)
- C. Acceptance of Donation to the New Library Building Fund
 - Barry and Suzanne Foley - \$1,000.00

(Anticipated motion – move to approve and accept the donation to the New Library Building Fund as listed)
- D. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year
 - Cobble Hill – 1 A-frame sign
 - Corks & Curd, LLC – 1 A-frame sign
 - Edible Arrangements – 1 A-frame sign
 - Molly Malones – 1 A-frame sign
 - Online Communications – 1 A-frame sign

- RiverRun Bookstore – 1 Table and 1 A-frame sign
- Portsmouth Athenaeum – 1 A-frame sign
- The Press Room – 1 A-frame sign

(Anticipated action – move to refer to the City Manager with power)

- E. Letter from Carol Welsh and Ellen Stockmayer, Pan Mass Challenge, requesting permission to hold a Pan Mass Challenge Kids Ride on Sunday, May 21, 2006
(Anticipated action – move to refer to the City Manager with power)
- F. Letter from Tracy Poland, American Diabetes Association, requesting permission to hold the Tour de Cure on Sunday, May 7, 2006
(Anticipated action – move to refer to the City Manager with power)
- G. Letter from Tammy Jordan, Sexual Assault Support Services, requesting permission to hold the 14th Annual SASS Walk on Sunday, April 30, 2006
(Anticipated action – move to refer to the City Manager with power)
- I. Letter from Phelps Dieck and Debra Weeks, The Green Monkey, requesting permission to place one dumpster and one 50 gallon grease drum behind the establishment on Church Street
(Anticipated action – move to refer to the City Manager with power)
- J. Letter from Samson Tokuno, Sakurabana, requesting permission to place one dumpster on Church Street
(Anticipated action – move to refer to the City Manager with power)
17. Letter from Peter Narbonne, Portsmouth Historical Society, requesting their interest in becoming a central player in discussions and possible implementation of future reuse of the historic library building – Voted to accept and place the letter on file with referral to the committee, if one is established.
18. Letter from Attorney Michael Donahue on behalf of The Housing Partnership requesting a Proposed Amendment to Section 10-1503 of the City's Zoning Ordinance Relating to Residential Planned Unit Developments – Voted to refer to the Planning Board for report back.
19. Letter from Attorney Malcolm McNeill on behalf of HarborCorp LLC (Sheraton) requesting Four (4) Proposed Zoning Amendments – Voted to refer to the Planning Board for report back.
20. Letter from Richard Davis, Seacoast Academy, expressing interest in the South Meeting House and the current Library as possible sites for the school – Voted to accept and place the letter on file with referral to the committee, if one is established.
21. Letter from George Robinson, Portsmouth Housing Authority, regarding Lafayette School – Voted to accept and place the letter on file.

22. Conservation Fund Reimbursement to Contingency Fund – Voted to authorize that \$994.40 be transferred from the Conservation Fund to reimburse the City's Contingency Fund for this expenditure.

23. Request to Establish Work Session Re: Update on Water/Sewer Rate Study – The City Council agreed to hold a work session regarding an Update on the Water/Sewer Rate Study at the April 3, 2006 City Council meeting at 6:00 p.m. in the City Council Chambers.

Voted to hold a work session regarding Public Performances on Monday, March 27, 2006 at 6:30 p.m. in the City Council Chambers.

24. Consideration of Appointment – The City Council considered the appointment of James Horrigan to the Conservation Commission filling the unexpired term of Donald Green. The City Council will vote on this appointment at the April 3, 2006 City Council meeting.

25. Appointments – Voted to appoint Anthony Coviello as a regular member to the Planning Board filling John Sullivan's unexpired term until December 31, 2006. Voted to appoint Eric Spear to the Traffic & Safety Committee until January 1, 2008, Eric is filling Ralph DiBernardo's expired term. Voted to appoint Christina Westfall to the Traffic & Safety Committee until January 1, 2008, Christina is filling Ronald Cypher's expired term. Voted to appoint Elias Abelson to the Board of Library Trustees filling Maria Sillari's unexpired term until October 1, 2007.

26. Report on meeting of Middle School Facilities Committee Meeting

National Trust for Historic Preservation Fact Sheet: Renovation vs. Replacement and the Role of a Feasibility Study

Motion for Joint Work Session with the School Board and Public Hearing on the future of the Middle School (post-budget passage)

Councilor Reynolds advised the City Council that he has drafted a Resolution regarding the Middle School that he will place under his name on the April 3, 2006 City Council agenda for consideration and action.

27. Request for drafting of Ordinance regulating Balloons for Auto Dealerships – Voted to refer this matter to the City Attorney to draft an ordinance regulating Balloons for Auto Dealerships. *Please note: There has been no date certain established by the City Council for this ordinance to come back for a first reading.*

28. Traffic & Safety Committee Action Sheet and Minutes of the March 9, 2006 meeting – Voted to approve and accept the action sheet and minutes of the March 9, 2006 Traffic & Safety Committee meeting.

29. Adjournment – At 11:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC
City Clerk