

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, COUNCIL CHAMBERS
DATE: MONDAY, APRIL 3, 2006

PORTSMOUTH, NH
TIME 6:15PM

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING LITIGATION –RSA: 91-A:2, I (c)

AGENDA

- WORK SESSION REGARDING WATER AND SEWER RATE STUDY [6:15PM]

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

INTRODUCTION OF STUDENTS PARTICIPATING IN STUDENT GOVERNMENT DAY,
APRIL 18, 2006

KATIE HAMMER	MAYOR MARCHAND
ALEX LEITH	ASSISTANT MAYOR FERRINI
KATY HANSON	COUNCILOR GRASSO
MARISSA REILLY	COUNCILOR DWYER
KEVIN ANDERSON	COUNCILOR RAYNOLDS
JUDEE UTOH	COUNCILOR PANTELAKOS
ANDREW POULIN	COUNCILOR WHITEHOUSE
TAYLOR BARNES	COUNCILOR SMITH
JOHN HASLAM	COUNCILOR HYNES
SAVITA ANNE OKHUYSEN	CITY MANAGER
ALI DONNERMEYER	CITY ATTORNEY
DANIELLE LEGER	CITY CLERK

- V. ACCEPTANCE OF MINUTES – MARCH 20, 2006

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION TO \$27,000.00 FOR SINGLE AND \$37,000.00 FOR MARRIED

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article XVI, Section 7.1602 – Locations – Resident Only Parking by the addition of Pearl Street – Easterly side of Pearl Street, from a point ninety feet (90') north of Islington Street to the corner of Pearl Street and Hanover Street
- B. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A by the addition of Pearl Street – Westerly side of Pearl Street after 8:00 a.m. and before 5:00 p.m.
- C. First reading of Ordinance amending Chapter 7, Article VI, Section 7.601 - Truck Loading/Unloading by the addition of Pearl Street – Easterly side from a point thirty feet (30') north of Islington Street to a point seventy feet (70') north of Islington Street
- D. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A by the addition of Cottage Street: both sides from Route 1 By-Pass
 - the southerly side from Route 1 By-Pass easterly three hundred feet (300')
 - the northerly side from Route 1 By-Pass easterly four hundred feet (400')
- E. First reading of Ordinance amending Chapter 7, Article IVA, Section 7.A402 – Bus Stops, Taxicab Stands & Horse Drawn Carriages by the addition of Middle Street – a strip 10 feet adjacent to the sidewalk on the westerly side of said street from the point of intersection of Madison Street and running northerly along Middle Street a distance of 40 feet
- F. First reading of Ordinance amending Chapter 3, Article IV, Section 3.403 – Noises Prohibited – Unnecessary Noise Standard by the addition of Item R - Engine Compression Brakes
- G. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$27,000.00 for Single and \$37,000.00 for Married
- H. Second reading of Ordinance amending Chapter 1, by the creation of Article XVII – Funding of Public Art (***Tabled from the March 20, 2006 City Council meeting***)
- I. Third and final reading of 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)

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation to the Cemetery Committee
- Richard Hadlock & Stuart Wisong - \$100.00

(Anticipated motion – move to approve and accept the donation to the Cemetery Committee as listed)

- B. Renewal Request for Sidewalk Obstruction License from the following business with no changes from last year
- Helen Marks – 1 A-frame sign

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

- C. Letter from Matt Lyman, March of Dimes, requesting permission to hold the WalkAmerica event on Saturday, May 6, 2006 ***(Anticipated action – move to refer to the City Manager with power)***

- D. 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 ***(Anticipated action – move to refer to the City Manager with power)***

- E. Letter from Dawn Curtis, PNF Realty, Inc. requesting permission to place three dumpsters (two for the State Street Saloon and one for Peter Floros) on Church Street ***(Anticipated action – move to refer to the City Manager with power)***

- F. Letter from Barbara Newton, Players' Ring, requesting permission to install a new roof and apply to the New Hampshire State Council on the Arts for a Cultural Conservation Grant ***(Anticipated action – move to refer to the City Manager with power)***

- G. Request from Ashley & Victoria, LLC to place one A-frame sign in front of their establishment located at 33 Deer Street, Suite 1-A ***(Anticipated action – move to refer to the City Manager with power)***

- H. Request from Ashley & Victoria, LLC to place one A-frame sign in front of their establishment located at 59 Deer Street, Suite 2-B ***(Anticipated action – move to refer to the City Manager with power)***

- I. Request from Maine-ly New Hampshire to place one A-frame sign in front of their establishment located at 33 Deer Street, Suite 5-A ***(Anticipated action – move to refer to the City Manager with power)***

- J. Letter from Corradina Arangio, Attrezzi Fine Kitchen Accessories, requesting permission to close the small 16-car parking lot on the corner of Market and Hanover Streets on Sunday, May 14th between Noon and 6 PM to hold the Downtown Spring Tag Sale Event (with a rain date of May 21st) (***Anticipated action – move to refer to the City Manager with power***)
- K. Letter from Kaarin Olofsson, Greater Portsmouth Chamber of Commerce, requesting permission to prohibit parking on Parrot and Junkins Avenues after business hours close on Friday, July 7, 2006 through Saturday, July 8, 2006 for the 11th annual Harbour Trail 5K Road Race scheduled on Saturday, July 8, 2006 (*Approval for race given by City Council on December 19, 2005*) (***Anticipated action – move to refer to the City Manager with power***)
- L. Letter from Barbara Massar, Pro Portsmouth, requesting the City consider a plan for the closure of Pleasant Street from Porter Street to Market Square to be called “Summer in the Street – presented by Pro Portsmouth” during the summer months (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Sean O’Connell, Shaheen & Gordon, on behalf of the Children’s Museum, requesting a one year extension of the lease (***Sample motion – move to authorize a one year extension of the Children’s Museum lease***)
- B. Letter from Deborah Phillips, The Clip Joint Barber Shop, requesting permission for the placement of one dumpster on Church Street (***Sample motion – move to refer to the City Manager with power***)
- C. Letter from Russ Grazier, Jr., Portsmouth Music & Arts Center, requesting the City Council allow the Portsmouth Music & Arts Center’s undertake a feasibility study of the Lafayette School building (***Sample motion – move to refer to the City Manager for report back***)
- D. Letter from Perry Silverstein, requesting permission for a license for an outswing door onto Commercial Alley (***Sample motion – move to refer to the Planning Board for report back***)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items which require Action under other sections of the Agenda

- 1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:

- 1.1 First Reading of Amendment to Chapter 7, Article XVI, Section 7.1602 – Locations – Resident Only Parking by the addition of Pearl Street – Easterly side of Pearl Street, from a point ninety feet (90') north of Islington Street to the corner of Pearl Street and Hanover Street (**Action on this matter should take place under Section VIII of the Agenda**)
- 1.2 First Reading of Amendment to Chapter 7, Article III, Section 7.330 – No Parking sub-section A by the addition of Pearl Street – Westerly side of Pearl Street after 8:00 a.m. and before 5:00 p.m. (**Action on this matter should take place under Section VIII of the Agenda**)
- 1.3 First Reading of Amendment to Chapter 7, Article VI, Section 7.601 - Truck Loading/Unloading by the addition of Pearl Street – Easterly side from a point thirty feet (30') north of Islington Street to a point seventy feet (70') north of Islington Street (**Action on this matter should take place under Section VIII of the Agenda**)
- 1.4 First Reading of Amendment to Chapter 7, Article III, Section 7.330 – No Parking sub-section A by the addition of Cottage Street: both sides from Route 1 By-Pass
 - the southerly side from Route 1 By-Pass easterly three hundred feet (300')
 - the northerly side from Route 1 By-Pass easterly four hundred feet (400')(**Action on this matter should take place under Section VIII of the Agenda**)
- 1.5 First Reading of Amendment to Chapter 7, Article IVA, Section 7.A402 – Bus Stops, Taxicab Stands & Horse Drawn Carriages by the addition of Middle Street – a strip 10 feet adjacent to the sidewalk on the westerly side of said street from the point of intersection of Madison Street and running northerly along Middle Street a distance of 40 feet (**Action on this matter should take place under Section VIII of the Agenda**)
- 1.6 First Reading of Amendment to First reading of Ordinance amending Chapter 3, Article IV, Section 3.403 – Noises Prohibited – Unnecessary Noise Standard by the addition of Item R - Engine Compression Brakes (**Action on this matter should take place under Section VIII of the Agenda**)
2. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:
 - 2.1 Public Hearing/Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$27,000.00 for Single and \$37,000.00 for Married (**Action on this matter should take place under Section VIII of the Agenda**)
 - 2.2 Second reading of Ordinance amending Chapter 1 by the creation of Article XVII – Funding of Public Art (**Action on this matter should take place under Section VIII of the Agenda**) (*Tabled from the March 20, 2006 City Council meeting*)

3. Third and Final Reading of Proposed Resolution and Ordinance Amendments:
 - 3.1 Third and Final reading of 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) (***Action on this matter should take place under Section VIII of the Agenda***)
4. Children’s Museum Lease (***Action on this matter should take place under Section X of the Agenda***)
5. Letter from Deborah Phillips Re: Dumpster on Church Street (***Action on this matter should take place under Section X of the Agenda***)

City Manager’s Items Which Require Action

1. Request to Adopt the Capital Improvement Plan (CIP) 2007-2012
2. Proposed Settlement Re: Olde Port Development Group LLC
3. Proposed Tax Increment Financing (TIF) Districts
4. Proposed Group Licenses for Parking Garage
5. Request for Approval of Pole Licenses #63-427 and #63-429
6. Proposed Work Session Re: Middle School

Informational Items

1. Student Government Day
2. 2006 Construction Projects
3. Economic Development Commission

B. MAYOR MARCHAND

1. Appointments
2. *Reports

C. COUNCILOR DWYER

1. Little Harbour Tour

D. COUNCILOR RAYNOLDS

1. Resolution Re: Portsmouth Middle School

E. COUNCILOR PANTELAKOS

1. Packard Development (*Move to authorize the City Manager to negotiate and execute a settlement agreement with Packard Development as outlined in the letter from Attorney William C. Tucker dated March 9, 2006, see attached*)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

**KELLI L. BARNABY, CMC
CITY CLERK**

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Planning Board minutes of the December 15, 2005 and January 19, 2006 meetings
2. Historic District Commission minutes of the February 1, 2006 meeting
3. Site Review Technical Advisory Committee minutes of the February 28, 2006 meeting

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.