

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MARCH 19, 2007, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR MARCHAND, ASSISTANT MAYOR FERRINI, COUNCILORS GRASSO, DWYER, RAYNOLDS, PANTELAKOS, WHITEHOUSE, SMITH AND HYNES

1. Introduction of Students Participating in Student Government Day, April 11, 2007 - The City Council, City Manager, City Attorney and City Clerk introduced their counterparts that will be participating in Student Government Day on April 11, 2007.
2. Proclamation – Music in Our Schools Month – Councilor Grasso read the Proclamation declaring March as Music in Our Schools Month. Mayor Marchand presented the Proclamation to Wendell Purrington who accepted it with thanks and appreciation.
3. Proclamation – Youth Art Month – Councilor Dwyer read the Proclamation declaring March as Youth Art Month. Mayor Marchand presented the Proclamation to Anna Nuttall who accepted it with thanks and appreciation.
4. Acceptance of Minutes – March 5, 2007 – Voted to approve and accept the minutes of the March 5, 2007 City Council meeting.
5. Public Comment Session – There were eight speakers: David Perkins, Michael Keefe, Ginny Geraci, Iiro Lehtinen, Peter Bresciano and Lenore Weiss Bronson (Woodbury Traffic Claming Project); Brian Gregg (CIP Public Access Television); and Eric Anderson (CIP Bonding).
6. Public Hearing - Second reading of Ordinance amending Chapter 10, Section 10-102 – Definition: Floor Area Ratio, Section 10-304 (A) Business – Table 10 Dimensional Requirements; and Section 10-304 by the addition of a New (E) and (F) for Central Business A District (CBA). This Ordinance proposes changes to certain dimensional requirements in Central Business A. Those changes include a 40 foot height limitation within 10 feet of a street right of way and the establishment of variable floor area ratios affecting maximum lot coverage requirements – Held a public hearing. Voted to pass second reading and hold third and final reading at the April 4, 2007 City Council meeting on the attached ordinance as presented.
7. Acceptance of Donation to the New Library Building Fund - Pax World Management Corp. - \$5,000.00 (For the Naming of the Children's Story Time Room) (Additional pledge to be paid annually 2008 and 2009 totaling \$10,000.00) – Voted to approve and accept the donation to the New Library Building Fund as listed.
8. First reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeiture and Separability - increasing fines listed under Item A and F of Section 7.901 – Penalties – Voted to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the April 4, 2007 City Council meeting.

9. First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section B – Speed Limit 20 MPH by the addition of Peirce Island Road – Voted to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the April 4, 2007 City Council meeting.
10. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A by the addition of Peirce Island Road: both sides of the street from most easterly access of the City pool to the access/egress of the sewer treatment plant – Voted to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the April 4, 2007 City Council meeting.
11. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Maplewood Avenue by the addition from the US Route 1 Bypass northbound off ramp to Prospect Street – Voted to pass third and final reading as presented.
12. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.321 (G) – Snow Emergency Parking Ban; Section 7.324 – Limited Parking – One Hour by the deletion of Chatham Street: southerly side from Summer Street to Winter Street; Section 7.326 – Limited Parking – 15 Minutes by the addition of Hanover Street: northerly side, first two spaces east of High Street; northerly side, two spaces 246 feet west from the intersection of High Street; Section 7.327 – Limited Parking – Two Hours – by the addition of Church Street: easterly side, two spaces 26 feet south of State Street; Section 7.330 – No Parking – Hanover Street by the addition of the southerly side from Market Street to a point 285 feet east of Fleet Street; and Section 7.403 to be entitled Length of Vehicles – Vehicles Parking in Off-Street Parking Areas shall not exceed 19 feet in length – Voted to pass third and final reading as presented.
13. Consent Agenda – Voted to adopt the Consent Agenda as presented.
 - A. Letter from Tammy Jordan Cary, Sexual Assault Support Services, requesting permission to hold the 15th Annual SASS Walk on Sunday, April 29, 2007 at 1:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)
 - B. Letter from Stacy Baker Chilicki, Seacoast Repertory Theatre, requesting permission to hold the 41st Annual Bow Street Fair on Saturday, July 21, 2007 and Sunday, July 22, 2007 from 10:00 a.m. to 5:00 p.m. In addition, requesting that Bow Street be blocked to all vehicle traffic starting at midnight on Friday, July 20, 2007 (**Anticipated action – move to refer to the City Manager with power**)
 - C. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year
 - Anna Street, LLC – 1 A-frame sign
 - Ashley & Victoria – 1 A-frame sign
 - Attrezzi LLC – 1 A-frame sign
 - Bagel Works – 4 Tables, 12 Chairs and 1 A-frame sign
 - Belle Peppers – 2 Tables and 4 Chairs
 - Betty LaBranche Agency – 1 A-frame sign
 - Blue Athletic, Inc. – 1 A-frame sign

- Breaking New Grounds, Inc. – 15 Tables and 42 Chairs
- Buyer's Brokers of the Seacoast – 1 A-frame sign
- Ceres Bakery – 4 Benches
- Choozy Shooz – 1 A-frame sign
- Cobble Hill – 1 A-frame sign
- Colby's Breakfast & Lunch – 1 A-frame sign
- Corks & Curds, LLC – 1 A-frame sign
- Edible Arrangements – 1 A-frame sign
- Fat Belly's – 1 A-frame sign
- Geno's Coffee Shop – 1 A-frame sign
- Izzy's Frozen Yogurt – 1 Bench
- Leo Auger Real Estate – 1 A-frame sign
- Lucky 7 Gallery – 1 A-frame sign
- Maine-ly New Hampshire – 1 A-frame sign
- Making Faces – 1 A-frame sign
- Me & Ollies Café – 6 Tables, 18 Chairs and 1 A-frame sign
- Muddy River Smokehouse – 1 A-frame sign
- 02 Yoga Studios – 1 A-frame sign
- Paradiza – 1 A-frame sign
- POCO's – 1 Bench and 1 A-frame sign
- Popovers on the Square, LLC – 10 Tables and 38 Chairs
- Portsmouth Athenaeum – 1 A-frame sign
- Prudential Rush Realty – 1 A-frame sign
- Puttin' on the Glitz – 1 Bench
- Rosa's Restaurant – 2 A-frame signs
- Six Degrees A Unique Salon – 1 A-frame sign
- Starbucks Coffee – 4 Tables and 8 Chairs
- Stonewall Kitchen – 1 A-frame sign
- The One Hundred Restaurant – 1 A-frame sign
- The Press Room – 1 A-frame sign
- 3West Provisions, Inc. (FKA Portsmouth Provisions) – 1 A-frame sign
- Tugboat Alley – 1 Bench
- Water Monkey – 2 A-frame signs

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

14. Letter from Dr. Robert J. Lister, Superintendent of Schools Re: Replacement of Little Harbour School sign located on Clough Drive – Voted to accept the recommendation of the Planning Board for the replacement of the sign located on Clough Drive.
15. Letter from Peter Bresciano requesting that the City of Portsmouth take appropriate action to see that the New Hampshire Retirement Fund divest state and local monies from companies that do business with terrorist-sponsoring governments – Voted to accept and place the letter on file and direct the City Manager to send a copy to the NH Retirement Board and the Legislative Delegation.

16. Letter from Perry Silverstein regarding 10 Commercial Alley Building Addition requesting permission to work in the public right of ways, landscaping changes in the public right of way and an easement from the City of Portsmouth for the foundation and overhangs under and over the public right of way – Voted to refer to the City Manager for a report back and further, refer the request of an easement to the Planning Board for report back.
17. Letter from Peter Somssich requesting permission to hold a Labor Day / Peace Treaty Parade on Saturday, September 15, 2007 – Voted to refer to the City Manager with power.
18. Request to Adopt the Capital Improvement Plan (CIP) FY2008-2013 – Move to adopt the Capital Improvement Plan including the aforementioned amendments outlined in items 1 and 2 of the City Manager's comments dated March 15, 2007.

Items 1 and 2 as outlined in City Manager's comments:

- 1) Request by Councilor Chris Dwyer to add \$25,000.00 in FY08 for project BI-SD-09: Elementary School Upgrades. Funding for the \$25,000.00 will come from the capital contingency line item, which would mean the total of \$1.5 million dollars proposed for FY08 general fund would remain the same.
- 2) After substantial review with City staff and taking into consideration neighborhood concerns and looking at the history of the TSM-CITY-51: ROADWAY: Woodbury Avenue Traffic Calming Project, I am recommending the City Council amend the Capital Improvement Plan and include \$1 million dollars in the FY08 budget for proposed traffic calming improvements to Woodbury Avenue. I would recommend these improvements be funded through bonding. The amortization schedule shows the bonding of \$1 million would be paid over ten years and the impact to the FY08 budget would be \$22,500.00 or less than \$.01 on the tax rate. The average repayment over the ten years or \$.03 impact on the tax rate in future years. In further review of this matter, it is the belief of City staff and myself that we cannot wait to 2012 or later to address this problem. It would be my intent to start these traffic calming improvements sometime in FY08 if approved.

Voted to amend the motion to move out the funding two years for the Television Studio project IS-IT-02. Funding for the Television Studio shall be listed as a Public Private Partnership.

Motion to amend and move the funding for the Market Street Sidewalk Expansion & Pedestrian Improvements Project TSM-CITY-14 out to FY09 *failed* to pass. Councilor Whitehouse voted in favor. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Smith, Hynes and Mayor Marchand voted opposed.

Main motion passed as amended.

19. Report Back Re: Regulation of Amusement Parks/Outdoor Recreation in the Industrial & General Business Districts – Voted to accept the Planning Board's report back on this matter and schedule a first reading on the proposed ordinance change for April 4, 2007.

20. Legislative Delegation Meeting with City Council – Voted to meet with the Legislative Delegation on Monday, April 16, 2007 at 6:00 p.m.
21. Appointments to be Voted – Voted to appoint Thomas Heany to the Portsmouth Housing Authority filling the unexpired term of Angelo Pappas until April 1, 2011.
- Voted to appoint Charles LeMay as a regular member of the Zoning Board of Adjustment filling the expired term of Duncan MacCallum until December 1, 2012.
- Voted to appoint Thomas Grasso as an alternate to the Zoning Board of Adjustment filling the unexpired term of Charles LeMay until December 1, 2008. Councilor Grasso abstained from voting.
- Voted to appoint Elena Maltese as an alternate to the Historic District Commission filling the unexpired term of Sandra Dika until June 1, 2009.
22. Term Limits – On a roll call 5-4, voted to adopt City Council Rule #47 – Appointments to Boards and Commissions: Unless otherwise required by statute or ordinance, the Mayor shall not bring forward for re-appointment to any Board or Commission the name of any person who shall have served ten (10) or more consecutive years on the same Board or Commission prior to the effective date of the requested reappointment. Assistant Mayor Ferrini, Councilors Dwyer, Raynolds, Whitehouse and Mayor Marchand voted in favor. Councilors Grasso, Pantelakos, Smith and Hynes voted opposed.
23. Traffic & Safety Committee Action Sheet and Minutes of the March 8, 2007 meeting – Voted to approve and accept the action sheet and minutes of the March 8, 2007 Traffic & Safety Committee meeting.
24. Parking Committee Action sheet and Minutes of the March 8, 2007 meeting – Voted to approve and accept the action sheet and minutes of the March 8, 2007 Parking Committee meeting.
25. Adjournment – At 10:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC
City Clerk