

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON AUGUST 20, 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. At 6:15 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Personnel – RSA 91-A II (a).
2. Mayor's Awards – Recognition of Ellen Fineberg and David Adams for Years of Service on the Historic District Commission - Mayor Marchand presented a Mayor's Award and gift to Ellen Fineberg in appreciation for her years of service to the City and the Historic District Commission.

Mayor Marchand announced that David Adams was unable to attend this evening and his Mayor's Award will be sent to him.

3. Presentation - Pay and Display Parking Meters Pilot Program – Jon Frederick, Parking Manager – Parking Manager Frederick provided a presentation and overview of the Pay and Display Parking Meter that will be used in a Pilot Program starting September 6, 2007. He informed the City Council that 6 machines would be used in the Pilot Program and installed at the following locations: 2 on Bow Street, 2 on Pleasant Street and 2 at the Worth Parking Lot.
4. Acceptance of Minutes – August 6, 2007 – Voted to approve and accept the minutes of the August 6, 2007 City Council meeting.
5. Public Comment Session – There were seven speakers: William Mortimer, Bob Pollard, Rebecca Emerson, Bill St. Laurent and Ruth Griffin (Police Commission); Tony Coviello (Non-Residential Planned Unit Development Ordinance); and Eric Spear (Market Street Renovations).
6. Public Hearing - NH Route 33 – Bridge Replacement over B & M Railroad (State Project #10665 and Fed. Project #Brf-018-2 (66) concerning the Public Necessity for obtaining Permanent Easements or other Real Property Interests in connection with the Project – Held a public hearing.
7. Public Hearing - Ordinance amending Chapter 9 - Miscellaneous Public Welfare by the addition of a new Article VIII entitled Boarding Houses – Held a public hearing. Moved to pass second reading and schedule third and final reading at the September 17, 2007 City Council meeting. Voted to amend Section 9.801 – Definitions – by inserting "more than 3" following the word "which".

Section 9.801 – Definition:

Shall read as follows:

The term Boarding House shall apply to any residential structure in which more than 3 rooms are rented, leased or otherwise made available to tenants where such rooms do not contain separate bathroom facilities.

Main motion passed as amended.

8. Public Hearing - Ordinance amending Chapter 7, Article III, Section 7.335 – Use of Parking Lot Item D deleted in its entirety and amending Chapter 7, Article IX, Section 7.9 – Penalties, Forfeitures and Separability amending Section 7.901 by the addition of a new Item H – 72 Hour Parking Restrictions – Held a public hearing. Voted to pass second reading of the amended ordinance as recommended by the Parking Committee and schedule third and final reading at the September 17, 2007 City Council meeting.
9. Request to Authorize the City Manager to Apply for Grants for the Safe Routes to School Committee – Voted to authorize the City Manager to apply for a grant for the Safe Routes to School Committee.
10. Acceptance of National Endowment for the Arts Grant – Voted to accept the \$12,000.00 National Endowment for the Arts grant award and authorize the City Manager to oversee its administration.
11. First reading of Ordinance amending Chapter 10, Article I, Section 10-102 – Definitions – Light Industry and Chapter 10, Article XV, by the creation of a new Section 10-1508 entitled Non-Residential Planned Unit Development (PUD-NR) – Moved to pass first reading and schedule a public hearing and second reading at the September 17, 2007 City Council meeting. Voted to suspend the rules in order to amend the ordinance at first reading. On a roll call 6-3, voted to amend Chapter 10, Item 2, Article XV, Section F – Dimensional and Intensity Regulations, Item (1) to change under “Any Use”, the front yard dimension from 50 feet to 75 feet; and further, to amend Chapter 10, Item 2, Article XV, Section G – Access, Circulation and Parking, Item (7) by striking Item 7 regarding the Planning Board’s discretion to waive parking requirements. Assistant Mayor Ferrini, Councilors Dwyer, Raynolds, Whitehouse, Smith and Hynes voted in favor. Councilors Grasso, Pantelakos and Mayor Marchand voted opposed. Main motion passed as amended. Councilor Grasso and Pantelakos voted opposed.
12. Adoption of Resolution Regarding the Public Necessity for the City to Condemn Certain Property along Greenland Road (Route 33) in the Vicinity of the Railroad Bridge to Facilitate the Reconstruction of the Railroad Bridge and Roadway – Voted to adopt the aforementioned Resolution, as submitted.

13. Consent Agenda – Voted to adopt the Consent Agenda.

- A. Letter from The Portsmouth Halloween Parade Committee requesting permission to hold the 13th Annual Halloween Parade on Wednesday, October 31, 2007 at 7:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)
- B. Acceptance of Donation for the New Library Building Fund
 - Peter M. and Catherine C. Okhuysen - \$300.00 (*Fulfills pledge*)

(Anticipated action – move to approve and accept the donation to the New Library Building Fund)

- 14. Letter from Attorney Paul McEachern requesting License Agreements between the City and March Twenty-Two, LLC Re: 58 & 68 State Street – Voted to authorize the City Manager to extend the License Agreement for 58 State Street and enter into a License Agreement for 68 State Street.
- 15. Request from Kimberly Buxton, Bellman’s Portsmouth, for a sidewalk obstruction license to place 1 A-frame sign in front of establishment – Voted to refer to the City Manager with power.
- 16. Request from Alison Tucker, Gulliver’s Inc., for a sidewalk obstruction license to place 1 A-frame sign in front of establishment – Voted to refer to the City Manager with power.
- 17. Request from Ed Shiembob, Aroma Italian Café, for a sidewalk obstruction license to place 1 A-frame sign in front of establishment – Voted to refer to the City Manager with power.
- 18. Letter and Petition from The Frank Jones Farm Neighborhood Group opposing the rezoning of areas of the neighborhood for commercial development – Voted to refer the letter and petition to the Planning Board to place on file.
- 19. Letter from Eric Spear requesting a change in the Capital Improvement Plan to the Market Street Expansion & Pedestrian Improvements Project – Voted to refer to the Traffic & Safety Committee for report back.
- 20. Letter from Paul Sorli, Portsmouth Gas Light Co., requesting that Eric Spear’s proposal for the creation of a Broad Walk on Market Street be referred to the Traffic & Safety Committee for study – Voted to accept and place the letter on file.
- 21. Report Back Re: Vendor Times – Voted to authorize the City Manager to bring back for first reading at the September 17, 2007 City Council meeting the attached proposed ordinance amendment, as submitted.

Councilor Whitehouse requested that City Clerk Barnaby notify each vendor of the proposed ordinance.

22. Request for First Reading Re: Storm Water Ordinance – Voted to authorize the City Manager to bring forward for first reading a proposed Storm Water Ordinance for the September 17, 2007 City Council meeting.
23. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m. Councilor Grasso voted opposed.
24. Request for First Reading Re: State Revolving Loan Bond Issue for Rye Line Pumping Station Upgrades – Voted to authorize the City Manager to bring back for first reading at the September 17, 2007 City Council meeting a proposed resolution for a State Revolving Loan Bond Issue for the Rye Line Pumping Station Upgrades.
25. Letter from Housing Authority Re: Proposed Re-Use of Lafayette School for Elderly Housing – Voted to establish a Work Session at 6:00 p.m. at the October 1, 2007 City Council meeting with Portsmouth Housing Authority regarding their proposal.
26. Resignation - Clifford Taylor – Economic Development Commission – effective immediately – Voted to accept with regret the resignation of Clifford Taylor from the Economic Development Commission effective immediately.

Councilor Whitehouse requested that a thank you letter be sent to Mr. Taylor for his years of service on the board.

27. Appointments to be Voted – Voted to appoint Phyllis Eldridge to the Trustees of the Trust Fund filling the unexpired term of Jameson French until January 1, 2009. Ms. Eldridge's appointment becomes effective September 1, 2007.

Voted to appoint Derek Durbin as an Alternate to the Zoning Board of Adjustment filling the unexpired term of Carol Eaton until December 1, 2007. Ms. Eaton was appointed as a regular member.

28. Cruise Ship Committee – Appointment of Members – Mayor Marchand appointed the following individuals to serve on the Blue Ribbon Cruise Ship Committee: Councilor Smith, City Council Representative; Donald Coker, Robin Whitaker, Geno Marconi, PJ Johnson and an ex-officio member to be appointed by City Manager Bohenko. Mayor Marchand announced that this Committee will expire on December 1, 2007.
29. City Manager's Evaluation – Voted to accept the City Manager's Evaluation as presented.
30. Ordinance Regulating Skateboards – Councilor Smith on behalf of the Safe Routes to School Committee requested that City Attorney Sullivan and the Police Department work together to modify the ordinance regulating skateboards as a possible allowed use in the downtown.
31. Traffic & Safety Committee Action Sheet and Minutes of the August 9, 2007 meeting – Voted to approve and accept the action sheet and minutes of the August 9, 2007 Traffic & Safety Committee meeting.

32. Parking Committee Action Sheet and Minutes of the August 9, 2007 meeting – Voted to approve and accept the action sheet and minutes of the August 9, 2007 Parking Committee meeting.
33. Miscellaneous/Unfinished Business – Councilor Whitehouse announced after 31 years of service as an elected official he has decided not to seek re-election to the City Council.
34. Adjournment – At 10:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC
City Clerk