

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MAY 4, 2009 TIME: 7:00PM

## AGENDA

- **6:15PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)**

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

### PROCLAMATION

1. Police Week in Portsmouth – May 11, 2009 – May 17, 2009

### PRESENTATION

1. Annual Report Art-Speak

### **V. ACCEPTANCE OF MINUTES – APRIL 15, 2009 AND APRIL 20, 2009**

### **VI. PUBLIC COMMENT SESSION**

### **VII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donation from Mr. & Mrs. King to the Portsmouth Explorer's Cadets in the amount of \$75.00
- B. Acceptance of the following grants to the Portsmouth Police Department totaling \$43,542.00 from the New Hampshire Highway Safety Agency:
  - \$10,513.80 – Portsmouth Statewide DWI Hunter Patrols & Sobriety Checkpoints
  - \$4,153.60 – Portsmouth Pedestrian Enforcement Patrols
  - \$4,153.60 – Portsmouth Enforcement Patrols (speed enforcement)
  - \$4,248.00 – Portsmouth DWI Patrols
  - \$4,153.60 – Portsmouth Red Light Running
  - \$2,725.80 – Portsmouth “Join the NH Clique” Seat Belt Campaign
  - \$13,593.60 – Portsmouth Sobriety Checkpoints (local)
- C. Acceptance of Grant for Household Hazardous Waste Collection

### **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Third and final reading of Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Permits/Licenses (Taxicabs)

## X. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Cindi Blanchette, Portsmouth City Soccer Club, requesting permission to hang banners at Leary Field during soccer season (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Brian and Laurie Coughlin requesting permission to have a small gathering in Market Square for the installation of a bench to dedicate in memory of their son, Geoffrey (***Anticipated action – move to refer to the City Manager with power***)
- C. Renewal of Sidewalk Obstruction License with no changes from last year
  - Vanity Hair – 1 A-frame sign(***Anticipated action – move to refer to the City Manager with power***)

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Mario Giberti requesting to purchase City owned land located adjacent to 16 Barberry Land (***Sample motion – move to refer to the Planning Board for report back***)
- B. Letter from Meredith Stolper, The Loaf and Ladle, requesting permission to display their “open sign” or a decorative flag in front of establishment (***Sample motion – move to refer to the City Manager with power***)
- C. Letter from Susan Penney, American Cancer Society, requesting permission to conduct a “Toll Road” fundraiser in Market Square on Sunday, May 17, 2009 from 10:00 a.m. – 2:00 p.m.

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### **A. CITY MANAGER**

#### **City Manager’s Items Which Require Action Under Other Sections of the Agenda**

- 1. Third and Final Reading of Proposed Ordinance Amendments and Resolutions:
  - 1.1 Third and Final Reading of proposed Ordinance to amend Chapter 7, Article II, Section 7.213 – Fees and Terms for Permits/Licenses (Taxicabs) (***Action on this matter should take place under Section VIII of the Agenda***)

### **City Manager's Items Which Require Action**

1. Report Back from Planning Board Re: Request for a License, Anello's Gluten Free Café, LLC at 41 Congress Street
2. Report Back from Planning Board Re: Request for a License, The Juicery, at 51 Hanover Street
3. Report Back from Planning Board Re: Request for a License, Fa La Lo of Portsmouth, LLC at 51 Ceres Street

### **Informational Items**

1. Events Listing

### **B. MAYOR FERRINI**

1. Proposed Amendments to City Manager Employment Agreement
2. Appointments to be Considered:
  - Brian Gregg – Reappointment to the Cable Television and Communications Commission
  - Phyllis Eldridge – Reappointment to the Trustees of the Trust Fund
3. Resignations:
  - Skye Maher – Conservation Commission
  - John F. Golumb – Safe Routes to School Police Commission Representative
4. Memorial Day Parade – Central Veterans Council
5. \*Reports

### **C. ASSISTANT MAYOR BLALOCK**

1. Recommendations from the Vendor Committee

### **D. COUNCILOR DWYER**

1. Proposed City Council Policy #2009-03 Re: Projecting Signs

### **E. COUNCILOR SMITH**

1. Proposed Permit for Overnight Parking at Peirce Island
2. Atlantic Valet Parking Agreement

### **F. COUNCILOR SPEAR**

1. Potential Council Rules

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]**

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

(\*Indicates verbal report)

**INFORMATIONAL ITEMS**

1. Planning Board minutes of the March 12, 2009 and March 19, 2009 meetings
2. Letter from Isabel Sanz regarding Spinnaker Recreation Center

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

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** April 30, 2009  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on May 4, 2009 City Council Agenda

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**6:15 p.m. – Non-meeting with counsel.**

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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***Presentation:***

1. **Annual Report Art-Speak.** Ellen Fineberg, Chair of Art-Speak will present the annual Art-Speak report to the City Council. This report will fulfill Art-Speak's requirement to prepare a report to the City Council, as stated in Article 1.c of the Memorandum of Understanding between the City and Art-Speak.

***Acceptance of Grants/Donations:***

1. **Acceptance of Police Department Grants & Donation.** [Attached under Section VII of the Agenda](#) is a memorandum from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following grants and donation:
  - a. A donation in the amount of \$75.00 from Mr. and Mrs. King for the Portsmouth Explorer's Cadets.
  - b. Grants: The following grants totaling \$43,542.00 from the New Hampshire Highway Safety Agency:
    1. \$10,513.80 – Portsmouth Statewide DWI Hunter Patrols & Sobriety Checkpoints

2. \$ 4,153.60 – Portsmouth Pedestrian Enforcement Patrols
3. \$ 4,153.60 – Portsmouth Enforcement Patrols (speed enforcement)
4. \$ 4,248.00 – Portsmouth DWI Patrols
5. \$ 4,153.60 – Portsmouth Red Light Running
6. \$ 2,725.80 – Portsmouth “Join the NH Clique” Seat Belt Campaign
7. \$13,593.60 – Portsmouth Sobriety Checkpoints – (local)

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-35 for City Council approval and acceptance.

*I would recommend that the City Council approve and accept the grants and donation to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VII of the Agenda.*

2. **Acceptance of Grant for Household Hazardous Waste Collection.** As you are aware, \$38,000.00 has been committed from the Water & Sewer Enterprise Fund for household hazardous waste collection events in the proposed FY '10 budget.

Household hazardous waste collection events protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed. In the interest of protecting public health and ensuring household hazardous waste and unwanted household hazardous products are disposed of in an environmentally sound manner, the City has been hosting the collection event for more than ten years. Over 150,000 gallons of hazardous waste has been properly disposed of during that time.

In the spirit of being a good neighbor, the City provides the services to residents of Newington and Greenland also. An average of 350 families takes advantage of the collection events every year. The expenses are shared between the communities on a prorated basis - per vehicle per community.

A grant in the amount of \$4,005.00 from the Department of Environmental Services (DES) has been applied for and is available to the City to assist in managing the cost of these events. This grant would supplement the City funds proposed in the FY '10 budget.

*I would recommend the City Council move to accept and expend a \$4,005.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract. Action on this matter should take place under Section VII of the Agenda.*

## ***Items Which Require Action Under Other Sections of the Agenda:***

### **1. Third and Final Reading of Proposed Ordinance Amendments and Resolutions:**

- 1.1 **Third and Final Reading of proposed Ordinance to amend Chapter 7, Article II, Section 7.213 – Fees and Terms for Permits/Licenses (Taxicabs).** As a result of the April 20th City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed ordinance](#) amendment to Chapter 7, Article II, Section 7.213 – Fees and Terms for Permits/Licenses (Taxicabs). At the March 16th City Council meeting, the Council approved and accepted the Fee Study Committee's Report regarding Taxi Rates.

*I would recommend that the City Council move to pass third and final reading, as submitted. Action on this matter should take place under Section VIII of the Agenda.*

## ***City Manager's Items Which Require Action:***

1. **Report Back from Planning Board Re: Request for a License, Anello's Gluten Free Café, LLC at 41 Congress Street.** As you will recall at the March 16, 2009 City Council meeting, the Council referred the request from Traci Anello, Anello's Gluten Free Café, LLC, for property located at 41 Congress Street, to install a projecting sign to the Planning Board for report back. [Attached is a copy of a memorandum](#) from David Holden, Planning Director, outlining the recommendation of the Planning Board subject to the following:

- 1) That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
- 2) That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.

*I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Anello's Gluten Free Café, LLC, to install a projecting sign at 41 Congress Street and further authorize the City Manager to execute a License Agreement for this request.*

2. **Report Back from Planning Board Re: Request for a License, The Juicery, 51 Hanover Street.** As you will recall at the April 6, 2009 City Council meeting, the Council referred the request from Alex Vandermark, The Juicery, for property located at 51 Hanover Street, to install a projecting sign to the Planning Board for report back. [Attached is a copy of a memorandum](#) from David Holden, Planning Director, outlining the recommendation of the Planning Board subject to the following:

- 1) That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
- 2) That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.

*I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of The Juicery, to install a projecting sign at 51 Hanover Street and further authorize the City Manager to execute a License Agreement for this request.*

3. **Report Back from Planning Board Re: Request for License at Fa La Lo of Portsmouth, LLC at 51 Ceres Street.** As you will recall at the April 6, 2009 City Council meeting, the Council referred the request from Scott Segee of Fa La Lo of Portsmouth, LLC, for property located at 51 Ceres Street, to install a projecting sign, to the Planning Board for report back. [Attached is a copy of a memorandum](#) from David Holden, Planning Director, outlining the recommendations of the Planning Board subject to the following:

- 1) That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,
- 2) That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works.

*I would recommend the City Council move to accept the recommendations of the Planning Board with the aforementioned stipulations and approve the request of Fa La Lo of Portsmouth, LLC, to install projecting sign at 51 Ceres Street and further authorize the City Manager to execute the License Agreements for these requests.*



## ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on April 20, 2009. As you can see on the listing, I have highlighted those dates that will have two events going on at the same time.