

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK I

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON July 20, 2009, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE (REVISED)

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR BLALOCK, COUNCILORS NOVELLINE CLAYBURGH, DWYER, SMITH, KENNEDY, SPEAR, HEJTMANEK AND PANTELAKOS

1. At 5:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations.
2. Proclamation – The 26th Annual National Night Out in Portsmouth – August 4, 2009 – Councilor Smith read the Proclamation. Mayor Ferrini presented the proclamation to Chief Magnant.
3. Presentation to Police Chief Michael Magnant and Deputy Police Chief Len DiSesa – Mayor Ferrini, City Manager Bohenko and City Council presented Police Chief Michael Magnant and Deputy Police Chief Len DiSesa each with a City of Portsmouth chair in honor of their retirements.
4. Acceptance of Minutes – June 22, 2009 – Voted to approve and accept the minutes of the June 22, 2009 City Council meeting.
5. Public Comment Session – There were no speakers.
6. Public Hearing – Ordinance Amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described of the Ordinances of the City – Hanover-Fleet Street Off-Street Parking Area (High Hanover Parking Garage) – There were no speakers.
7. Acceptance of Donations to the Coalition Legal Fund
 - Town of Alton - \$500.00
 - Town of Carroll - \$1,000.00

Voted to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund.

8. Acceptance of Police Department Grant from the New Hampshire Department of Justice for Enforcing Underage Drinking Laws - \$9,732.00 – Voted to approve and accept the grant to the Portsmouth Police Department as listed.
9. Acceptance of Police Department Grant from the Portsmouth Sunrise Rotary Charitable Corporation for the New Hampshire Statewide Explorer Competition - \$1,500.00 - Voted to approve and accept the grant to the Portsmouth Police Department as listed.

10. Acceptance of Donations to PAL Summer Basketball program as follows:

- Black Dog Investigations, LLC - \$200.00
- Michael Conley - \$120.00
- Mr. and Mrs. C. Salvadore - \$25.00
- Wilkinson Law Office, P.C. - \$150.00
- Earl Cheney - \$100.00

Voted to approve and accept the donations to the PAL Summer Basketball program as listed.

11. Acceptance of Grant from New Hampshire Coastal Program – Maplewood Avenue Bridge Upgrade - \$100,000.00 – Voted to authorize the City Manager to apply for, accept and expend a \$100,000.00 grant from the NH Department of Environmental Services' Coastal Program for the purpose of designing a new culvert inlet/outlet structure for the North Mill Pond to improve existing tidal function.

12. Acceptance of Grant from New Hampshire Coastal Program – Mechanic Street Seawall Reconstruction - \$40,000.00 – Voted to authorize the City Manager to apply for, accept and expend a \$40,000 grant from the NH Department of Environmental Services' Coastal Program for the purpose of reconstructing the seawall on the City-owned parcel where the Mechanic Street Pump Station is located.

13. Acceptance of Community Development Block Grant - \$657,267.00 – Voted to accept and expend a Community Development Block Grant (CDBG) in the amount of \$657,267.00 from the U.S. Department of Housing and Urban Development,

14. Second reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described of the Ordinances of the City – Hanover-Fleet Street Off-Street Parking Area (High Hanover Parking Garage) – Voted to pass second reading of the proposed Ordinance, as submitted, and schedule a third and final reading at the August 3, 2009 City Council meeting.

15. Consent Agenda – There were no consent items.

16. Presentation & Consideration of Written Communications and Petitions – There were no written communications and petitions

17. Request for Proposal of Tentative Six (6)-Year Agreement between Portsmouth School Board and the Non-Supervisory Cafeteria Personnel – Voted to approve the Six (6)-year agreement commencing July 1, 2008 through June 30, 2014 with the Non-Supervisory Cafeteria Personnel.

18. Adoption of Policy Re: Public Gatherings in Market Square– Voted to remove item from the table. Voted to amend the 4th Whereas clause by adding “content neutral” after the word “adopt” and to amend Item #3 by adding “who shall have the authority to approve the same” to the end of the clause after “City Manager”. Voted to approve the Policy regarding Public Gatherings in Market Square as amended.

19. Report Back Re: Market Square Informational Kiosk – Voted to amend by deleting Planning Board recommendation #1 on an 8-1 vote, Asst. Mayor Blalock opposed. Voted to accept the recommendation of the Planning Board, with the exception of item 1.

Planning Board Recommendation:

- ~~• Approve the installation of display cases for event advertising as requested in Mr. Bates' letter of June 9;~~
- Approve the installation of off-season panels as outlined above;
- Enter into an agreement with the Chamber for operation and maintenance of the kiosk, in order to formalize the City's authorization and to outline the respective roles of the two parties, including review of rental policies; and
- Explore possible locations in the downtown area as alternatives to the kiosk for posting notices during the tourist season.

20. Request for a License from Mike Bristow, owner of Roly's English Fudge for property located at 10 Commercial Alley to install a projecting sign. Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Mike Bristow, owner of Roly's English Fudge, to install a projecting sign at 10 Commercial Alley and further authorize the City Manager to execute a License Agreement for this request.

- 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
- 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.

21. Request for a License from Alessandra Domina, owner of Sandy Domina Associates for property located at 10 Ladd Street to install a projecting sign. Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Alessandra Domina, owner of Sandy Domina Associates to install a projecting sign at 10 Ladd Street and further authorize the City Manager to execute a License Agreement for this request.

- That no sign is authorized to be placed, unless, it is at least 7' above the sidewalk surface;

- *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*
- *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.*

22. Request for a License from Philip Thanas, owner of Thanas Galleries for property located at 39 Ceres Street to install a projecting sign. – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Philip Thanas, owner of Thanas Galleries to install a projecting sign at 39 Ceres Street and further authorize the City Manager to execute a License Agreement for this request.

- *That no sign is authorized to be placed, unless, it is at least 7' above the sidewalk surface;*
- *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*
- *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.*

23. Request for a License from Stuart Tulchinsky, owner of Headlines for property located at Vaughan Mall to install a projecting sign. Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Stuart Tulchinsky, owner of Headlines to install a projecting sign at 103 Vaughan mall and further authorize the City Manager to execute a License Agreement for this request.

- *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*
- *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.*

24. Request for a License from Alex Rogers and Jane Derry, owners of J. Covington for property located at 185 High Street to install a projecting sign. – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Alex Rogers and Jane Derry, owners of J. Covington to install a projecting sign at 185 High Street and further authorize the City manager to execute a License Agreement for this request.

- *That the sign to be removed is removed either before or at the same time as the proposed sign is placed and the one removed shall not be replaced unless all approvals are secured;*
- *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*
- *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.*

25. Appointments to be Voted:

Voted to reappoint Dennis Moulton to the Building Code Board of Appeals.

Voted to appoint Ron Zolla to the Economic Development Commission.

Voted to appoint Robert Pollard to Peirce Island Committee

26. Acceptance of Resignation – Voted to accept the resignation of Amy Brnger from Library Board of Trustees with regret and letter to follow.

27. Portsmouth Middle School Request for Special Council Meeting – Voted to establish a Special City Council meeting for either Thursday, August 5, 2009 or Monday, August 10, 2009 to be set by the Mayor (depending on availability of Architect), for the purpose of conducting a Presentation and Public Hearing Re: Resolution Authorizing a Bond Issue of up to Thirty Eight Million Three Hundred Thousand Dollars (\$38,300,000.00) for School Improvements and to hold the vote to Authorize the Bond on August 17, 2009.

28. Establishment of Non-meeting session with Police Commission – Council consensus to invite Police Commission to closed non-public session on August 3rd to discuss non-union employee contract standards.

29. Preliminary Outline of Standards – The City Manager was directed to have a preliminary outline of his expectations for establishing employee contract standards to be presented in public to the City Council at the August 3rd meeting.

30. Standards Report – The City Manager was directed to return to the City Council with employee contract standards within 30 days.
31. Traffic & Safety Committee Action Sheet and Minutes of the June 11, 2009 meeting – Voted to approve and accept the action sheet and minutes of the June 11, 2009 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.
32. Traffic & Safety Committee Action Sheet and Minutes of the July 9, 2009 meeting – Voted to approve and accept the action sheet and minutes of the July 9, 2009 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.
33. Parking Committee Action Sheet and Minutes of the July 9, 2009 meeting – Voted to approve and accept the action sheet and minutes of the July 9, 2009 Parking Committee meeting. Councilor Kennedy voted opposed.
34. Request to Rename the Northern End of Woodbury Avenue – Voted to Request Planning Board look at renaming of Northern End (Business District) of Woodbury Avenue.
35. Request to reschedule Fishing Fleet Committee Report – Councilor Kennedy asked that the scheduled report of the Fishing Fleet Committee in August be rescheduled to the first meeting in October, after the Local Fish and Lobster Fest being held on September 19, 2009.
36. Adjournment – At 8:25 p.m., voted to adjourn.

Respectfully submitted by:

Valerie A. French
Deputy City Clerk I