

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON DECEMBER 7, 2009, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

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

1. At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2 I (b-c).
2. Proclamation – Human Rights Amnesty International Group 550 – Peter Somssich – Councilor Spear read the Proclamation declaring December 10, 2009 as Human Rights Day 2009. Mr. Somssich accepted the Proclamation with thanks and appreciation.
3. Acceptance of Minutes – November 16, 2009 – Voted to approve and accept the minutes of the November 16, 2009 City Council meeting.
4. Public Comment Session – There were four speakers: Roger Goldenberg, Martin Cameron, Bill St. Laurent (Percent for Arts); and Ralph DiBernardo (Public Hearing Process).
5. Public Hearing - Resolution Appropriating the Sum of Six Hundred Fifty-Nine Thousand, Three Hundred Ninety-Four Dollars and Fifty Cents (\$659,394.50) for Expenses relating to the Water Portion of the State Street Utilities and Road Upgrade Project – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the Resolution in the sum of \$659,394.50, as submitted.
6. Public Hearing - Resolution Appropriating the Sum of Two Hundred Eight Thousand, Two Hundred Twenty-Nine Dollars and Eighty-Five Cents (\$208,229.85) for Expenses relating to the General Fund Portion of the State Street Utilities and Road Upgrade Project – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the Resolution in the sum of \$208,229.85, as submitted.

7. Public Hearings - Ordinance amending Chapter 10 – Zoning Ordinance and Zoning Map by deleting it in its entirety and replacing it with a new Chapter 10; Ordinance amending Chapter 11, Article VIII, Section 11.801 to Reduce the Threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units; Ordinance amending Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI – Referrals to Planning Board – Held a public hearing on all three ordinances. Voted to continue the public hearing until December 14th on all three ordinances. Voted to postpone second reading until December 14th regarding Chapter 10 of the Zoning Ordinance and Zoning Map by deleting it in its entirety and replacing it with a new Chapter 10; and further postpone second reading until December 14th regarding Chapter 11, Article VIII, Section 11.801 to reduce the Threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units; and postpone second reading until December 14th regarding Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI-Referrals to Planning Board.

Voted to conduct a Work Session on December 15th at 6:30 p.m. in the Eileen Dondero Foley Council Chambers regarding all three ordinances to follow the public hearing if necessary.

8. Acceptance of Donation for Bench in Memory of Carl Collins - Peter Donovan - \$1,500.00 – Voted to approve and accept the donation for a bench in memory of Carl Collins, as listed.
9. Acceptance of Donation to the Coalition Legal Fund - Town of Newbury - \$2,000.00 – Voted to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund.
10. Acceptance of Donation to the Library Capital Campaign - Stephen and Susan Tober - \$1,000.00 (Fulfills contribution) – Voted to approve and accept the donation to the Library Building Fund, as listed.
11. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One Way Streets – Parker Street – Northerly from Tanner Court to Hanover Street – Voted to pass third and final reading of the Ordinance, as submitted.
12. Consent Agenda – Voted to adopt the Consent Agenda.
 - A. Letter from Donald Allison, Eastern 20 Mile Race, requesting permission to hold the annual Eastern States 20 Mile Road Race on Sunday, March 28, 2010 (**Anticipated action – move to refer to the City Manager with power**)
 - B. Letter from Midge Nelson, Seacoast Rotary Club, President-Elect, requesting permission to hold the “Turkey Trot” on Thanksgiving Day 2010 (**Anticipated action – move to refer to the City Manager with power**)

- C. Letter from Sarah Curtin, American Foundation for Suicide Prevention, requesting permission to hold the 6th Annual Out of the Darkness Community Walk on Saturday, September 25, 2010 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Marsie Silvestro and Paula Nikonow, A Safe Place, requesting permission to hold the Keep Your Paws to Yourself Dog Walk on Saturday, April 24, 2010 (***Anticipated action – move to refer to the City Manager with power***)
- E. Acceptance of Donations for Art-Speak
- Jamie Calderwood \$20.00
 - Cash \$20.00
 - Nancy Novelline Clayburgh \$20.00
 - Richard Candee \$50.00
 - Elisabeth Robinson \$50.00
 - Sheila & John Shea \$50.00
 - Mike Kenslea \$100.00
 - Elaine & Shel Krasker \$100.00
 - Leanne Spees \$100.00
 - Peter Michaud \$150.00
 - McHenry Architecture \$250.00
 - M. Christine Dwyer \$1,000.00
- (Sample motion – move to accept and approve the donations to Art-Speak for operations, as presented)***

13. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.
14. Letters regarding Proposed Zoning Ordinance Changes – Barbara Webber and Tom and Zelita Morgan – Voted to accept the letters and place them on file.
15. Letter from Rodney Rowland, Strawberry Banke, requesting the loan of the John Blunt painting for their upcoming gallery exhibit, Painting Portsmouth to be held from May 1, 2010 to October 31, 2010 – Voted to allow the loan of the John Blunt painting to Strawberry Banke for their upcoming gallery exhibit to be held from May 1, 2010 to October 31, 2010.
16. Approval of Non-Profit Corporation for Public Access – Voted to authorize the Cable Commission to continue to work towards the establishment of a non-profit organization, which would include a mayoral appointment, to promote non-commercial public access television and internet media. (The Cable Commission will bring forward at a later meeting the slate of proposed initial directors for the City Council’s ratification); and further move to authorize the City Manager to make available to the non-profit organization, when it is so-organized a public access channel for its use.
17. Request to Reschedule a Parking Garage Work Session – Moved to reschedule the work session prior to the regular meeting on Tuesday, January 19, 2010. Amendment to motion

to exclude the Portsmouth Housing Authority from the Work Session failed to pass. Councilor Spear voted in favor. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Hejtmanek, Pantelakos and Mayor Ferrini voted opposed. Main motion passed.

18. Proposed Policy on Acquisition of Public Art – No action required. Item will be voted on at the December 21st City Council meeting.
19. Report Back on Request to Rename a portion of Woodbury Avenue between Market Street and the Newington Town line to “Market Street” – Voted to accept the Planning Board’s recommendation to not approve the street name change, and instead investigate State and local signage, as well as contacting GPS software companies about modifying the driving directions which they provide to addresses on the commercial portion of Woodbury Avenue. Councilor Smith voted opposed.
20. Report Back on Request from 172 Hanover Street for Placement and Illumination of a Temporary Sign on the Vaughan Mall and Reconsideration of the Planning Board’s recommendation for a Projecting Sign – Voted to accept the recommendation of the Planning Board and defer any action on this matter until the outstanding issues have been addressed.
21. Report Back on Request from Charles A. Griffin, Esq. for Richard B. Duddy and Sue Ellen Duddy regarding Release of a portion of McClintock Avenue (paper street) – Voted to accept the recommendation of the Planning Board to grant the request to release any interest the City may have in this parcel of land and authorize the City Manager to execute the necessary documents.
22. Request for a License from The Old Stove Bake Shoppe at 18 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 The Old Stove Bake Shoppe to install a projecting sign at 18 Ladd Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Stipulations:

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

23. Request for a License from Traditional Wood Works, Inc. at 207 Market Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Traditional Wood Works, Inc. to

install a projecting sign at 207 Market Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Stipulations:

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

24. Request to Dispose of Surplus Vehicles – Voted to authorize the City Manager to dispose of surplus vehicles and other equipment by the sealed bid process.

25. Appointments to be Voted – Voted to appoint Catherine Ennis to the Conservation Commission until April 1, 2012. Ms. Ennis is filling the expired term of Skye Maher.

Voted to appoint Eduardo DelValle to the Recreation Board until April 1, 2012. Mr. DelValle is filling the expired term of Paul Houlares.

26. Motion to Reconsider November 16, 2009 City Council Action Re: Percent for Arts Appropriation in the amount of \$36,939.00 (This requires a two-thirds vote of the Council) – On a roll call vote 5-4, motion to suspend the rules in order to reconsider the action of the City Council at the November 16, 2009 meeting regarding percent for Arts Appropriation in the amount of \$36,939.00 **failed** to pass. Councilors Novelline Clayburgh, Smith, Kennedy, Hejtmanek and Pantelakos voted in favor. Assistant Mayor Blalock, Councilors Dwyer, Spear and Mayor Ferrini voted opposed.

27. JBC Update Re: Middle School – No action required.

28. Traffic & Safety Committee Action Sheet and Minutes of the November 12, 2009 meeting – Voted to approve and accept the action sheet and minutes of the November 12, 2009 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.

29. Parking Committee Action Sheet and Minutes of the November 12, 2009 meeting – Voted to approve and accept the action sheet and minutes of the November 12, 2009 Parking Committee meeting. Councilor Kennedy voted opposed.

30. Adjournment – At 11:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk