

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON FEBRUARY 16, 2010, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR NOVELLINE CLAYBURGH, COUNCILORS LISTER, HEJTMANEK, SPEAR, DWYER, COVIELLO, KENNEDY AND SMITH

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1. Presentation - Police Chief David Ferland – Police Goals and Objectives Comprehensive Strategic Plan for 2010-2015 – Chief Ferland provided a PowerPoint Presentation outlining the Police Goals and Objectives Strategic Plan for 2010-2015. The new Mission Statement of the Police Department is as follows: ***“The Portsmouth Police Department actively works in partnership with our community to protect, prevent crime and respectfully, justly and compassionately help all people.”***
2. Acceptance of Minutes – February 1, 2010 – Voted to approve and accept the minutes of the February 1, 2010 City Council meeting.
3. Public Comment Session – There were three speakers: Fire Commissioner Richard Gamester (Percent for the Arts Ordinance); Heather Hurtt (Indoor Pool); and Erik Anderson (Budget).
4. Public Hearing - Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$33,182.00 for single and \$40,933.00 for married and total assets may not exceed \$110,611.00 whether single or married – Held a public hearing. Voted to adopt the Resolution for Elderly Exemptions, as submitted.
5. Public Hearing - Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$33,182.00 for single and \$40,933.00 for married and total assets may not exceed \$110,611.00 whether single or married – Held a public hearing. Voted to adopt the Resolution for Disabled Exemptions, as submitted.
6. Public Hearing - Resolution Authorizing a Bond Issue of up to One Million Eight Hundred Thousand Dollars (\$1,800,000.00) for FY10 Citywide Facilities, Streets, Sidewalks and Bridge Improvements – Held a public hearing. On a unanimous roll call 8-0, voted to adopt the proposed Bond Resolution for Citywide Improvements in the amount up to \$1,800,000.00 as submitted. Councilor Coviello briefly stepped out of the meeting.
7. Public Hearing - Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY10 School Facilities Improvements – Held a public hearing. On a unanimous roll call 8-0, voted to adopt the proposed Bond Resolution for School

Facilities Improvements in the amount of \$500,000.00 as submitted. Councilor Coviello briefly stepped out of the meeting.

8. Acceptance of Donations to the Coalition Legal Fund

- Town of Freedom- \$1,000.00
- Town of Waterville Valley - \$1,000.00

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

9. Acceptance of Donations for Art-Speak

- Dewitt & Nancy Carmer - \$50.00
- Tom & Annabelle Cocchiario - \$100.00

Voted to accept and approve the donations, as listed.

10. Acceptance of Grant from State of New Hampshire for NH Arts Satellite Network “pass-through” Funds: - State of New Hampshire - \$10,000.00 – Voted to accept and approve the grant, as submitted.

11. Acceptance of Art-Speak Overnight Art Sponsorship

- Bid2Win Software, Inc. - \$5,000.00
- George Friese - \$750.00
- Bosen & Springer, PLLC - \$500.00
- Artstream LLC - \$100.00
- Susan J. Conway - \$100.00

Voted to accept and approve the donations to Art-Speak for Overnight Art, as presented.

12. Acceptance of Grant for Art-Speak from New Hampshire State Council on the Arts - New Hampshire State Council on the Arts - \$6,900.00 – Voted to accept and approve the grant to Art-Speak from the New Hampshire State Council on the Arts, as presented.

13. Third and final reading of Ordinance amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (First Ordinance) – Voted to pass third and final reading of the proposed Ordinance amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, as submitted.

14. Third and final reading of Ordinance amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (Second Ordinance) - Voted to pass third and final reading of the proposed Ordinance amending Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, as submitted.

15. Third and final reading of Ordinance amending Chapter 6, Article XIII, Section 6.1307 – Prohibited Conduct – Vendor from Motor Vehicle – Voted to pass third and final reading of the proposed ordinance amendments to Chapter 6, Article XIII, as submitted.

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

- A. Letter from Doug Bates, Joan Chawziuk, Greater Portsmouth Chamber of Commerce, requesting permission to hang Portsmouth Harbour Trail flags at 24 key sites for the 2010 season (***Anticipated action – move to refer to the City Manager with power***)

17. Approval of Easement for Lafayette Road Fire Station – Voted to authorize the City Manager to execute the easement for the Lafayette Road Fire Station.

18. Request to Renew Lease Agreement for Sons of Italy – Voted to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of April 1, 2010 through March 31, 2011.

19. Request to Renew Seacoast Growers' Association (Famers' Market) Proposed 2010 License Agreement – Voted to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association, as presented.

20. Request for a License Agreement from Fast Eddie's Dirty Laundry for property located at 123 Market Street to install a projecting sign - Voted to accept the Planning Board's recommendation with the aforementioned stipulations and approve the request of Ed Saunders, Portsmouth-Seacoast Retail Group, LLC, owner of Fast Eddie's Dirty Laundry to install a projecting sign at 123 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*

21. Request for a License Agreement from Ellie's Oxygen Lounge and Raw Juice Bar for property located at 146 Fleet Street to install a projecting sign – Voted to accept the Planning Board's recommendation with the aforementioned stipulations and approve the request of Evon Cooper, owner of Ellie's Oxygen Lounge and Raw Juice Bar to install a projecting sign at 146 Fleet 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*

22. Request for a License Agreement from Odyssey and Oracle for property located at 82 Fleet Street to install a projecting sign – Voted to accept the Planning Board’s recommendation with the aforementioned stipulations and approve the request of Josh Johnson, owner of Odyssey and Oracle to install a projecting sign at 82 Fleet 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 two License Agreements from The Page Restaurant for property located at 172 Hanover Street to install a projecting sign and a “temporary” freestanding sign – Moved to accept the Planning Board’s recommendation with the aforementioned stipulations and approve the request of Ted Mountzuris and John Dussi for the Page Restaurant to install a projecting sign and to place a removable monument sign, underground conduit, lighting fixtures, and surrounding curbing and landscaping on municipal property in Vaughan Mall at 172 Hanover Street and further authorize the City Manager to execute two License Agreements for this request.

**Planning Board Stipulations: - Projecting Sign**

- *The license shall be approved by the Legal Department as to content and form;*
- *The sign design shall be referred to the HDC for approval*
- *Any removal or relocation of the projecting sign, for any reason, will 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*

**Planning Board Stipulations: - Removal Monument Sign**

- *The license shall be approved by the Legal Department as to content and form;*
- *The sign design shall be referred to the HDC for approval*
- *Any removal or relocation of the sign, conduit, lighting fixtures, curbing or landscaping, for any reason, will be done at no cost to the City; and*
- *At the termination of the license, any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the sign, conduit, lighting fixtures, curbing or landscaping, 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.*

On a roll call 4-5 motion to amend by the removal of stipulation 2 from the Projection Sign and Removal of Monument Sign stipulations that “*the sign design shall be referred to the HDC for approval*” **failed** to pass. Assistant Mayor Novelline Clayburgh, Councilors Lister, Dwyer and Smith voted in favor. Councilors Hejtmanek, Spear, Coviello, Kennedy and Mayor Ferrini voted opposed.

On a unanimous roll call 9-0, main motion passed.

24. Report Back Re: Donation of land from Griffin Family Corporation – Voted to accept the Planning Board’s recommendation to accept the donation of the land.
25. Resignation – William Gladhill – Economic Development Commission – Voted to accept with regret the resignation of William Gladhill from the Economic Development Commission.

Councilor Smith requested that a letter be sent to William Gladhill with thanks for his years of service with the Economic Development Commission.

26. Appointments to be Considered:

- Lyz Boudreaux – Peirce Island Committee – Initial
- Linda King – Peirce Island Committee – Initial
- James Russ – Peirce Island Committee – Initial
- John Simon – Peirce Island Committee – Initial
- Arlene Corriveau – Peirce Island Committee – Reappointment
- Harold Hapgood – Peirce Island Committee – Reappointment
- Steven Marison – Peirce Island Committee – Reappointment
- Robert Pollard – Peirce Island Committee – Reappointment
- Richard Smith – Peirce Island Committee – Reappointment
- Harold Whitehouse – Peirce Island Committee – Reappointment
- Anthony Blenkinsop – Planning Board – Reappointment
- MaryLiz Geffert – Planning Board - Reappointment
- William Gladhill – Planning Board Alternate - Initial

- Paige Roberts – Planning Board – Reappointment
- Peter Bresciano – Taxi Commission – Reappointment
- Frank Daggett – Taxi Commission – Reappointment
- James Feehley – Taxi Commission – Reappointment
- Joel Look – Taxi Commission – Reappointment
- John Connors – Traffic & Safety Committee – Reappointment
- Ronald Cypher – Traffic & Safety Committee – Reappointment
- Frederick (Ted) Gray – Traffic & Safety Committee – Reappointment
- Brad Lown – Trustees of the Trust Fund – Reappointment

The City Council considered the above referenced appointments to be voted at the March 1, 2009 City Council meeting.

27. Recommended Blue Ribbon Committee on Operational Efficiencies – Mayor Ferrini announced that he will be establishing a Blue Ribbon Committee on Operational Efficiencies and plans on appointing 3 City Councilors and 3 School Board members.
28. City Council Referral on Downtown Events – Councilor Spear reported on the City Council Referral on Downtown Events.
29. Miscellaneous/Unfinished Business – Councilor Kennedy asked for a report back from the City Manager as to whether there is a deed restriction related to Parrott Avenue. City Manager Bohenko informed Councilor Kennedy that City Attorney Sullivan will have a report back for the March 1, 2009 City Council meeting regarding this matter.

Councilor Dwyer requested that the City Council conduct a Work Session regarding the establishment of a Charter Committee for amendments to the City Charter.

30. Adjournment – At 9:05 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk