

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 3, 2010

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

At 6:00 p.m. an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA-91-A:2, I (b c).

I. CALL TO ORDER [7:00PM or thereafter]

Mayor Ferrini called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Smith

III. INVOCATION

Mayor Ferrini asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Novelline Clayburgh led in the Pledge of Allegiance to the Flag.

Mayor Ferrini announced that the City Council will be reconvening the Budget Public Hearing at the Portsmouth High School Auditorium on Monday, May 10, 2010 at 7:00 p.m. and there will be the FY11 Budget Review Work Session on Tuesday, May 11, 2010 at 6:30 p.m. at City Hall in the Eileen Dondero Foley Council Chambers.

PROCLAMATION

1. National Police Week and Peace Officers' Memorial Day

Councilor Smith read the Proclamation declaring May 9, 2010 – May 15, 2010 as Police Week in Portsmouth and proclaiming May 15, 2010 as Peace Officers' Memorial Day. Mayor Ferrini presented the Proclamation to Detective Timothy Cashman who accepted it with pride and appreciation.

PRESENTATION

1. Annual Report Art-Speak

Jane James, Art-Speak Chair, provided the Annual Report for Art-Speak. She spoke to the upcoming Overnight Art Exhibits and the theme this year is bridges. In addition, she reviewed the various activities of Art-Speak and their importance to the community.

V. ACCEPTANCE OF MINUTES – APRIL 14, 2010 AND APRIL 19, 2010

Councilor Smith moved to accept and approve the minutes of April 14, 2010 and April 19, 2010. Seconded by Councilor Coviello. Councilor Coviello requested to amend the minutes of April 19, 2010 on page 7 relative to the vote on the Brick Sidewalk Policy *Councilor Coviello* should be listed as opposed to the motion and not Councilor Smith. Motion passed with the correction stated by Councilor Coviello.

VI. PUBLIC COMMENT SESSION

Mark Brighton asked why the public cannot receive the budget in excel format. He said to receive the budget in excel format would make it easier for people to review the data.

VII. APPROVAL OF GRANTS/DONATIONS

- A. New Hampshire Public Health Network Grant - \$70,000.00

Councilor Smith moved to authorize the City Manager to apply for, accept and expend a two-year grant from the NH Department of Health and Human Services for the purpose of funding the ongoing public health and emergency planning work for the Greater Portsmouth Public Health Network retroactively effective March 31, 2010. Seconded by Councilor Coviello and voted.

VIII. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation from Norman M. & Elizabeth T. Henderson to Portsmouth Fire Department for the CO2 Fund - \$200.00 ***(Anticipated Action – move to accept and approve the donation to the Fire Department, as presented)***
- B. Acceptance of Donations to Art-Speak Overnight Art Sponsorship - \$3,292.50
- BayRing Communications - \$2,500.00
 - Hilton Garden Inn (Parade Hotel, LLC) - \$500.00
 - Conway Office Products (Jeffrey Feenstra) - \$100.00
 - Ellen Fineberg - \$100.00
 - First giving - \$92.50
- (Anticipated Action – move to accept and approve the donations to Art-Speak Overnight Art Sponsorship, as presented)***

Councilor Smith moved to adopt the Consent Agenda. Seconded by Councilor Lister and voted.

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Thomas Watson requesting the issuance of a Revocable License to David J. and Vasilina Tooley for property located at 166 Newcastle Avenue to allow for the continued placement of encroachments within the City rights-of-way

Councilor Smith moved to authorize the issuance of a Revocable License to David J. and Vasilina Tooley for property located at 166 Newcastle Avenue. Seconded by Councilor Coviello and voted.

- B. Letter from Jennifer Mast requesting permission to donate a granite bench to the City in honor of her father Tom Mast for installation along the water of Peirce Island facing the North-West views of the Portsmouth Naval Shipyard

Councilor Coviello moved to refer to the City Manager with power. Seconded by Councilor Dwyer and voted.

City Manager Bohenko said that he would speak with the Peirce Island Committee regarding the location of the bench before moving forward on this matter.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back from Planning Board Re: Request to Place the Relocated Seabrook Station Siren Pole at the Former DPW Facility within the Conservation Easement

Planning Director Taintor reported that the new proposed location for the pole is on the south side of Chevrolet Avenue, adjacent to the Plaza 800 property line and approximately 220 feet southeast of its current location. He informed the City Council in order to allow the placement of the siren pole in the proposed location; the City Council will need to amend the provision of the conservation easement against constructing any structure within the easement area.

Councilor Smith moved to accept the recommendation of the Planning Board to change the conditions of the Chevrolet Avenue conservation easement to permit the construction of a siren pole in the southwesterly portion of the easement. Seconded by Councilor Spear and voted.

2. Report Back from Planning Board Re: Request to Rezone Lots on Sagamore Grove from Waterfront Business (WB) to Mixed Residential Business (MRB) or Single Residence B (SRB)

Planning Director Taintor spoke to the maps provided to the City Council which outlined the area in question. He reported that a number of possibilities were reviewed to rezone the area and Single Residence B (SRB) seemed to be more conforming to the area.

Councilor Spear moved to accept the recommendation of the Planning Board to rezone the following parcels from Waterfront Business (WB) to Single Residence B (SRB): Map 201, Lots 3, 4, 5, 6, 7 and 8 as depicted on the proposed zoning map, and amend the Zoning Map accordingly. Further, request that the City Council establish a first reading for May 17, 2010 to make these amendments to the Zoning Ordinance and map. Seconded by Councilor Lister.

Councilor Kennedy expressed concern changing the zoning from Waterfront Business to Single Residence B. Planning Director Taintor reported that the properties have not been used as waterfront in many years.

Councilor Spear said he was originally against the request however; he does support the plan by looking at the history of the land. He informed the Council for the last 45 years they have attempted to encourage waterfront businesses for the area and it has not worked.

Motion passed.

3. Appointments to the Rockingham Planning Commission

City Manager Bohenko explained that these are appointments to the Rockingham Planning Commission and outlined the recommended members to serve on the Commission.

Councilor Lister moved to accept the Planning Board's recommendation to nominate the aforementioned individuals to be the City's representatives and alternate representatives to the Rockingham Planning Commission. Seconded by Councilor Coviello and voted.

Representatives:

John Ricci, Planning Board Chair
Esther Kennedy, City Council
Anthony Blenkinsop, Planning Board
David Moore, Community Development Director

Alternate Representatives:

Steve Parkinson, Director of Public Works
Dave Allen, Deputy Director of Public Works
Cindy Hayden, Deputy City Manager
Rick Taintor, Planning Director

4. Acceptance of Brick Sidewalks Policy

City Manager Bohenko reported over the course of the past six to eight years, sidewalks located within the Historic District have been constructed with brick when sidewalk improvements are carried out. A map depicting the boundaries of the Historic District has been provided for your reference. As you know, with the recent passage of the revised Zoning Ordinance, the Historic District was expanded down Islington Street to Jewell Court/Bartlett Street; down Lafayette Road to South Street; and on Hanover Street between Bridge Street and Vaughan Mall. He advised the City Council that staff recommends that sidewalks within these new Historic District areas should also be brick with the exception of Islington Street, as well as New Castle Avenue east of Marcy Street.

City Manager Bohenko said one issue that arises is when parcels within the Historic District front on a side street, the majority of which is not within the District (for example along Middle Street). In these cases, the approach has been to be consistent with the sidewalk material used along the majority of the side street. The second issue that arises has to do with sidewalks located outside the Historic District that have historically been brick. Past practice with regard to these sidewalks has been determined through a separate vote of the City Council. When upgrades are made to other sidewalks in the City, concrete is used with black asphalt being replaced with concrete.

Assistant Mayor Novelline Clayburgh moved to accept the Brick Sidewalks Policy, as presented. Seconded by Councilor Dwyer.

Councilor Coviello said he does not agree with the policy and it would increase the areas therefore, he would vote against the motion.

Councilor Smith said he would like to see no brick sidewalks west on Maplewood Avenue to the bridge.

Councilor Smith moved to table the Brick Sidewalk Policy for a report back at the May 17, 2010 City Council meeting. Seconded by Councilor Coviello.

Assistant Mayor Novelline Clayburgh said she would like the policy to indicate no brick sidewalks on Middle Street south of Aldrich Road.

On a unanimous roll call 9-0, voted to table the Brick Sidewalks Policy for a report back at the May 17, 2010 City Council meeting. The policy and map shall reflect the following: No brick sidewalks west on Maplewood Avenue to bridge and Middle Street south of Aldrich Road.

5. Request for a License from Jay McSharry, 106 Grill LLC, owner of 106 Kitchen & Bar for property located at 106 Penhallow Street to install a projecting sign

Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Jay McSharry, 106 Grill LLC, owner of 106 Kitchen & Bar, to install a projecting sign at 106 Penhallow Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Coviello and voted.

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, 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*

6. Request for a License from Joseph Hickey, owner of Denimrack for property located at 19 Congress Street to install a projecting sign

Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Joseph Hickey, owner of Denimrack, to install a projecting sign at 19 Congress Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Kennedy and voted.

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, 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.*

7. Request for a License from Paul Keegan, owner of 1 World Trading Co. for property located at 76 Congress Street to install a projecting sign

Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Paul Keegan, owner of 1 World Trading Co., to install a projecting sign at 76 Congress Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Kennedy and voted.

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, 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*

Councilor Smith asked if the Garber Travel sign above the property would remain. Planning Director Taintor informed the City Council that the sign would remain.

8. Proposed Sale of Pedestrian Bridge

City Manager Bohenko advised the City Council that once the new bridge is built there will no longer be a need for the pedestrian bridge. He informed the City Council that Keith Hickey, Town Manager of Merrimack, NH has requested to purchase the bridge from the City for \$10,000.00. City Manager Bohenko said that Town Manager Hickey would be responsible for moving the bridge to its new location.

Councilor Coviello moved to authorize the City Manager to dispose of the pedestrian bridge located on Route 33 in the amount of \$10,000.00 to the Town of Merrimack, New Hampshire. Seconded by Councilor Smith and voted.

City Manager's Informational Items

5. *Economic Development Commission Agenda and Minutes*

City Manager Bohenko informed the City Council that for their information are copies of the Economic Development Commission Agenda for May 7, 2010 and the meeting minutes for April 9, 2010.

6. *Portsmouth Sustainability Fair*

City Manager Bohenko announced that the Third Annual Portsmouth Sustainability Fair on Saturday, May 8, 2010 from 10:00 a.m. to 3:00 p.m., at the Portsmouth Middle School.

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Gary Nadeau – Appointment to the Building Code of Appeals
 - Sandra Dika – Reappointment to the Historic District Commission
 - Charles Bradley – Reappointment to the Portsmouth Housing Authority
 - Carlos Castro – Reappointment to the Portsmouth Housing Authority

The City Council considered the above referenced appointments which will be voted on by the City Council at the May 17, 2010 meeting.

C. COUNCILOR SMITH

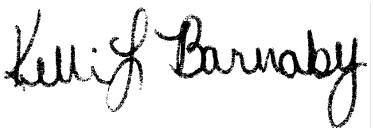
1. Parking Committee Action Sheet and Minutes of the April 8, 2010

Assistant Mayor Novelline Clayburgh moved to accept and approve the action sheet and minutes of the April 8, 2010 Parking Committee meeting. Seconded by Councilor Lister and voted. Councilor Kennedy voted opposed.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

XII. ADJOURNMENT

At 8:00 p.m., Assistant Mayor Novelline Clayburgh moved to adjourn. Seconded by Councilor Coviello and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk