

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 16, 2010 TIME: 7:00PM

AGENDA

- 5:45PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: PERSONNEL – RSA 91-A II (a) AND 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

PRESENTATION:

1. **Father Angelo Pappas** (*Recognize years of service as Police and Fire Chaplain*)

- V. ACCEPTANCE OF MINUTES – (*There are no minutes on for acceptance this evening*)

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
 - Town of Newington - \$1,500.00
(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)
- B. Acceptance of Donation from Jon and Gloria Wennberg to install a memorial bench in Market Square in memory of their daughter Heather - \$1,250.00 ***(Sample Motion – move to accept the donation to install a bench in Market Square)***

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading amending the City Ordinances by the Creation of a new Provision entitled Chapter 10, Article VII, Continuing Care Retirement Community (CCRC).
- B. First Reading of Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Sister Mary Agnes, St. Charles Children's Home requesting permission to hold a 5k Road Race at Pease International Tradeport on September 6, 2010 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Zhana Morris, Production Manager for The Music Hall requesting Parking Meter bags for the Music Hall's 2010-2011 season. ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Officer Adam Kozlowski, member of the Portsmouth Police Honor Guard, requesting use of Alumni Field at 155 Parrott Avenue on September 11, 2010 to hold a wiffle ball tournament to raise funds for Jaden's Ladder. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Ed Brown, Senior Vice Commander of the Disabled American Veterans requesting to hold a softball tournament on Alumni field on September 18 and 19, 2010. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Attorneys Raymond P. D'Amante and Roy McCandless on behalf of Stella, Nancy and Philip Stokel requesting reconsideration of Designation of Prime Wetlands for the Stokel Property on Peverly Hill Road.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action Under Other Sections of the Agenda

- 1. First Reading amending the City Ordinances by the Creation of a new provision entitled Chapter 10, Article VII, Continuing Care Retirement Community. ***(Action on this matter should take place under Section VIII of the Agenda)***
- 2. First Reading of Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance. ***(Action on this matter should take place under Section VIII of the Agenda)***

City Manager's Items Which Require Action

- 1. Permitted Parking for the Middle School
- 2. Acceptance of Sidewalk Easement and Quitclaim Deed for Street Right of Way Request Re: 51 Islington Street LLC.
- 3. Request for Approval of Bay Ring License Agreement

Informational Items

1. Events Listing

B. MAYOR FERRINI

1. Letter from Gerald Howe, Chair, Police Commission Re: Steering Committee
2. Proposed response to Police Commission on their Letter
3. *Establish Host Committee for USS Virginia

C. ASSISTANT MAYOR NOVELLINE CLAYBURGH

1. *City Manager Evaluation

D. COUNCILOR DWYER

1. *Joint Building Committee Report

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Notification that the Board of Adjustment Minutes of the April 20, 2010 and April 27, 2010 meetings are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the June 9, 2010 meeting are available on the City's website for your review.

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: August 12, 2010
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on August 16, 2010 City Council Agenda

5:45 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.

Acceptance of Grants/Donations:

1. **Acceptance of Donation to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Newington in the amount of \$1,500.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VII of the Agenda.

2. **Acceptance of Donation from Jon and Gloria Wennberg Re: Memorial Bench.** The City has received a donation in the amount of \$1,250.00 from Jon and Gloria Wennberg to support the purchase and installation of a memorial bench in Market Square with a plaque in memory of their daughter Heather.

I would recommend that the City Council approve and accept the donation for a memorial bench, as listed. Action on this matter should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:

- 1.1 **First Reading amending the City Ordinances by the Creation of a new provision entitled Chapter 10, Article VII, Continuing Care Retirement Community.** As a result of the August 2nd City Council meeting, under Section VIII of the Agenda, the Mayor has requested that I bring back for first reading the [attached proposed Ordinance](#) for a Continuing Care Retirement Community (CCRC). [Attached is a memorandum](#) from Rick Taintor, Planning Director responding to questions that came up at the work session on the CCRC.

The City Council may move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the September 7th City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- 1.2 **First Reading of Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance.** As a result of the August 2nd City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the [attached proposed Ordinance amendments](#) to the Wetlands Protection provisions of the Zoning Ordinance. The proposed amendments make the following changes:

1. Replace the word “use” with the phrase “use, activity or alteration” in several locations in order to reduce ambiguity (housekeeping change);
2. Exempt small emergency generators in wetland buffer areas from the requirement to obtain a conditional use permit;
3. Authorize the Planning Director to require review of a wetlands application by an independent wetland scientist or other special studies;
4. Update the reference documents for stormwater best management practices;
5. In the table of vegetation management areas, delete conflicting language regarding inland wetlands jurisdiction, and replace a reference to State law with specific standards.

These proposed amendments have been reviewed by the Conservation Commission and the Planning Board, and both boards have voted their support.

I would recommend the City Council move to pass first reading and establish a public hearing and second reading for the proposed amendments to the Zoning Ordinance, as presented, at the September 7, 2010 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Permitted Parking for the Middle School.** The Middle School Joint Building Committee and the Parking Committee held a special meeting on July 16th to address parking concerns on Parrott Avenue. Part of the project design requires 45 permitted parking spaces off site for Middle School employees during school hours. The JBC requested the 45 spaces be provided from the on-street parking supply on Parrott Avenue.

City Attorney Sullivan indicated that the City has the authority to regulate the streets, but there is no specific authority to reserve public spaces on a street for specified City employees. However, the City has the authority to reserve parking spaces on property it owns, such as the Parrott Avenue Lot. Therefore, his recommendation is to reserve the requested 45 spaces in the Parrott Avenue Lot. He indicated that no ordinance change would be necessary for this action, only a vote from the City Council authorizing permitted parking in the lot for this purpose.

The [attached map](#) outlines the 45 parking spaces that would be designated “permit parking only” for Middle School employees. The spaces would be reserved from 6:30 am to 3:30 pm, Monday through Friday, throughout the school year. The parking spaces will be signed accordingly. Middle School administration would issue permits, assign spaces and internally enforce space occupancy by school employees. The City’s Parking Enforcement Officers would enforce the spaces for occupancy by unauthorized vehicles.

I would recommend the City Council move to reserve 45 parking spaces in the Parrott Avenue Lot, as recommended by the Parking Committee.

2. **Acceptance of Sidewalk Easement and Quitclaim Deed for Street Right of Way Request Re: 51 Islington Street LLC.** The owner of 51 Islington Street (the former Kline’s building) seeks to construct a building and undertake sidewalk and street improvements as shown on the [attached plan](#) pursuant to a Site Plan approved by the Planning Board on September 17, 2009. In order to ratify a Planning Board condition the owner is asking the City to accept:
 - 1) A pedestrian easement for a sidewalk for members of the public as pedestrians; and
 - 2) A quitclaim deed in fee for a piece of property along the south side of Tanner Court and the east side of Parker St for a street right of way.

The easement allows pedestrian access along Islington St and the fee transfer allows Parker Street to be widened for improved traffic flow.

I would recommend the City Council move to authorize the City Manager to accept a sidewalk easement and quitclaim deed from 51 Islington Street LLC as presented.

3. **Request for Approval of Bay Ring License Agreement.** [Attached](#) is a request for the approval of a License Agreement for Bay Ring. The Public Works Department has reviewed the underground utility location information provided by Bay Ring for their Petition and Pole License for an underground conduit system running from Maplewood Avenue into the Worth Parking Lot.

This underground system will provide telecommunication services to 131 Congress Street currently occupied by the Music Hall.

It shall be noted that if any development of the Worth Parking Lot occurs Bay Ring may be required to move their underground system at their own expense.

This underground system currently poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached is a photograph](#) of the proposed location of the system.

I would recommend that the City Council approve the request from Bay Ring for a License Agreement, as recommended by the Public Works Department.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 2, 2010. In addition, this now can be found on the City's website.