

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 SEPTEMBER 20, 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. At 6:00 p.m., a Work Session was held regarding the Downtown Parking Report.
  2. Presentation – African Burying Ground Committee – Deputy City Manager Cindy Hayden reviewed the background and history of the African Burying Ground Committee. Jerome Meadows, Artist, presented the proposed plans of the memorial to those buried at Chestnut Street. Vernis Jackson, Chair of the Committee, asked the Council to support the proposed Trust and closed the presentation reciting the “I Stand” passages that will appear on the memorial with the audience standing in support.
  3. Voted to suspend the rules to bring Item XII.A.1. up on the Agenda for action.
  4. Approval of African Burying Ground Trust – voted to authorize the City manager to execute the Trust as presented.
  5. Acceptance of Minutes – September 7, 2010 - Voted to approve and accept the minutes of the September 7, 2010 City Council meeting.
  6. Public Comment Session – There were six speakers: Mimi Clark (submitted written comment regarding Durgin Parking Lot trees), Bill St. Laurent (Fire Commission request to withdraw funding for Truck Restoration), Willow Maranhas (Senior Housing), Al Lapanne (Sherburne Road Gate), Erik Anderson (Collective Bargaining Contracts) and Mark Brighton (Excel information on website)
  7. Public Hearing – Chapter 10 – Zoning Ordinance, Section 10.740, Continuing Care Retirement Community – Held a public hearing. There were 24 speakers.
  8. Voted to suspend the rules to bring up Item IX.C. on the agenda for action.

9. Second Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, by creating a new section 10.740 – Continuing Care Retirement Community – Motion to amend by having City Attorney and Staff draft language to provide at least 20% total assisted living/skilled nursing units to be pro rata as constructed failed on a 4-5 roll call vote. Councilors Hejtmanek, Spear, Dwyer and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Coviello, Kennedy and Smith voted opposed.
10. Second Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, by creating a new section 10.740 – Continuing Care Retirement Community – Voted on a 6-3 roll call vote to pass second reading and refer to a third and final reading on October 4, 2010. Councilors Hejtmanek, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister and Kennedy voted opposed.
11. Acceptance of NH State Council on the Arts Education Grant – Voted to accept and approve the education grant to Art-Speak as presented.
12. Acceptance of Donation to the Coalition Legal Fund; Town of Bridgewater - \$1,250.00 – Voted to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund.
13. First Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4, Section 10.420 – District Location and Boundaries and the Zoning Map (Rezoning of Former Fire Station 2) – Voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance and Map, as presented, at the October 4<sup>th</sup> City Council Meeting.
14. First Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4 and 5 – Voted to pass first reading and schedule a public hearing and second reading of the proposed ordinance, as presented at the October 4<sup>th</sup> City Council Meeting.
15. Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, Subsection 10.1010 – Wetlands Protection. – Voted to pass third and final reading for the proposed amendments to the Zoning Ordinance, as presented.
16. Consent Agenda – Voted to adopt the Consent Agenda.
  - A. Acceptance of Cash Donation of \$66.67 for Art-Speak. – ***(Anticipated Action – move to accept and approve the donation to Art-Speak for general operations, as presented.)***

17. Letter from Ben Anderson, Co-Chair, 2010 Fishtival Steering Committee, Prescott Park Arts Festival, requesting \$1,000.00 in support of the 2<sup>nd</sup> Annual NH Fish and Lobster Festival, September 25, 2010 - Voted to accept and place letter on file.
18. Letter from Mark D. Herrholz, Secretary, Portsmouth Professional Fire Fighters Local 1313, regarding donations raised for Muscular Dystrophy through annual Boot Drive Campaign. - Voted to accept and place letter on file.
19. Letter from Jerry Tostenson regarding Portsmouth's Comprehensive Recreational Needs Study – Voted to accept and place the letter on file.
20. Letter from Pam Langone requesting permission to hold wedding ceremony at Peirce Island – Voted to refer to the City Manager with power.
21. Letter from Joseph Almeida requesting license to relocate construction fence line at 10 State Street – Voted to refer to the City Manager with power.
22. Letter from Melissa Clark, Field Director, Every Child Matters, requesting permission to hold a mock rally in Market Square on October 2, 2010 at 3:15 p.m. – Voted to refer to the City manager with power
23. Letter from Richard Gamester, Chair, Board of Fire Commissioners, withdrawing request for surplus funds to complete restoration of City's 1950 Mack Fire Engine - Voted to accept and place the letter on file.
24. Masonic Parking Agreement – Voted to authorize the City Manager to enter into a Parking Lot Usage/Maintenance Agreement with St. John's Masonic Association for the period of January 1, 2011 through December 31, 2011 and further to compensate St. John's Masonic Association in the amount of \$21,500.00 which shall be taken from the Parking Impact Fee Fund.
25. Report Back on Date for Goal Setting Retreat – Consensus to hold Goal Setting Retreat on Saturday, November 20, 2010 at 8:00 a.m.
26. Establish Date for Tour of Water Treatment Plant – Consensus to tour Water Treatment Plant on Saturday, October 30, 2010 at 8:30 a.m. (meet at City Hall)
27. Polling Hours for November 2, 2010 State General Election – Voted to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State General Election on Tuesday, November 2, 2010.
28. Request for a License from Yalcin Kaya, owner of Kaffee Vonsolln for property located at 79 Daniel Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with usual stipulations and approve the request of Yalcin Kaya, owner of Kaffee Vonsolln to install a projecting sign on a new bracket at 79 Daniel Street and further authorize the City Manager to execute a License Agreement for this request.

29. Request for a License from John and Anglea Foddrill, owners of Bliss property located at 85 Market Street to install a projecting sign - Voted to accept the recommendation of the Planning Board with usual stipulations and approve the request of John and Anglea Foddrill, owners of Bliss property to install a projecting sign on a new bracket at 85 Market Street and further authorize the City Manager to execute a License Agreement for this request.
30. Appointment of Amy Schwartz, Portsmouth Housing Authority – Voted to appoint Amy Schwartz to the Portsmouth Housing Authority. Term will expire on April 1, 2014.
31. Consideration of Appointment of James Feehley, Taxi Commission – To be voted at October 4, 2010 City Council Meeting.
32. Acceptance of Resignations – Lyz Boudreaux, Peirce Island Committee and Paul E. Harvey, Economic Development Commission – Voted to accept the resignations with regret and to send letters of appreciation of service.
33. Establishment of Transportation Committee – Item will be added to Council Retreat/Goal Setting Session for discussion.
34. Revaluation – Requested that City Assessor Rosann Lentz attend October 4, 2010 Council Meeting to answer Councilors questions.
35. Adjournment – At 10:55 p.m., voted to adjourn.

Respectfully submitted by:

Valerie A. French  
Deputy City Clerk I