

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MAY 2, 2011, 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

1. At 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).
2. Proclamation – Bike/Walk to Work Day in Portsmouth – Councilor Spear read the Proclamation declaring May 20, 2011 as Bike/Walk to Work Day in Portsmouth.
3. Proclamation – Police Week in Portsmouth – Peace Officers' Memorial Day – Councilor Smith read the Proclamation declaring May 15, 2011 – May 21, 2011 as Police Week in Portsmouth and May 15th as Peace Officer's Memorial Day. Mayor Ferrini presented the Proclamation to Police Commissioner Howe and Police Chief Ferland. Commissioner Howe and Police Chief Ferland accepted the proclamation with thanks and appreciation.
4. Acceptance of Minutes – April 11, 2011 & April 18, 2011 – Voted to accept and approve the minutes of the April 11, 2011 City Council meeting. Voted to accept and approve the minutes of the April 18, 2011 City Council meeting.
5. Public Comment Session – There were 10 speakers: Richard Smith (Sunday Parking and Vaughan Lot Parking); Jim Noucas, John Tabor (Portsmouth Listens Budget Dialogue); Carol Chellman, Jim Ritzo (Traffic & Safety Committee – Clough Drive); Jerry Howe (Budget); Bill St. Laurent, Doug Bates (Sunday Parking & Variable Parking); Bob Hassold (Parking); and Barbara Ward (Sunday Parking).
6. Public Hearing – Resolution Authorizing a Bond Issue of up to Twelve Million Dollars (\$12,000,000.00) for the Construction of a new Parking Facility – Held a public hearing. Moved to adopt the proposed Bonding Resolution, as presented. On a unanimous roll call 9-0, voted to table the Resolution until the July 18, 2011 City Council meeting for a report back to include how retail spaces and the hiring of manpower (security guard) play into the numbers of the pro-forma.
7. Acceptance of Donation from Gerald W. Howe and Jocelyn Frechette in support of the Portsmouth Explorer Post - \$1,000.00 – Voted to approve and accept the donation to the Portsmouth Police Department, as listed.

8. Acceptance of Grant from NH Highway Safety for "Operation Safe Commute" to the Portsmouth Police Department - \$2,062.50 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
9. Acceptance of Grant from NH Highway Safety for "Join the NH Clique" seatbelt campaign to the Portsmouth Police Department - \$4,125.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
10. First Reading of Proposed Ordinance Amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) - and Zoning Map referenced in Chapter 10 – Voted to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, at the May 16, 2011 City Council meeting.
11. Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Various Limited Time Parking Sections – Sunday Hours (Downtown Parking Omnibus) to have parking meters operational on Sunday – Moved to pass third and final reading on the proposed Ordinance amendment, as presented.

On a roll call vote 5-4 motion to suspend the rules in order to allow for an amendment ***failed*** to pass. Councilors Hejtmanek, Spear, Dwyer, Coviello and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Kennedy and Smith voted opposed. (*Please note: that a two-thirds vote is required to suspend the rules to allow for an amendment*).

On a roll call 6-3, voted to pass third and final reading on the proposed Ordinance amendment, as presented. Assistant Mayor Novelline Clayburgh, Councilors Hejtmanek, Spear, Dwyer, Coviello and Mayor Ferrini voted in favor. Councilors Lister, Kennedy and Smith voted opposed.

12. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m. Assistant Mayor Novelline Clayburgh voted opposed.
13. Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.101 – Definitions and Section 7.105 – Variable Parking Rates (Downtown Parking Omnibus) to create special parking districts with individual rates – On a roll call 6-3, voted to suspend the rules in order to allow for an amendment. Assistant Mayor Novelline Clayburgh, Councilors Hejtmanek, Spear, Dwyer, Coviello and Mayor Ferrini voted in favor. Councilors Lister, Kennedy and Smith voted opposed.

On a roll call 5-4, voted to amend the ordinance to include language to read *"This rate shall be enforceable Monday through Saturday from 9:00 a.m. to 7:00 p.m. and Sunday between the hours of 12:00 p.m. and 7:00 p.m., holidays excepted"*. Councilor Hejtmanek, Spear, Dwyer, Coviello and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Kennedy and Smith voted opposed.

On a roll call vote 3-6, motion to pass third and final reading as amended **failed** to pass. Councilors Hejtmanek, Spear and Coviello voted in favor. Assistant Mayor Novelline Clayburgh, Councilor Lister, Dwyer, Kennedy, Smith and Mayor Ferrini voted opposed.

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

- A. Acceptance of Donation for Art-Speak
 - PixelMEDIA, Inc. - \$250.00
(Anticipated action – move to accept and approve the donation to Art-Speak for general funds, as presented)
- B. Additional 2011 Omnibus Sidewalk Obstruction Renewals – See Attached Listing
(Anticipated action – move to refer to the City Manager with power)
- C. Letter from Lauren Suprenant, March of Dimes, requesting permission to hold the 2011 Seacoast March for Babies Walkathon on Sunday, May 22, 2011 from 9:00 a.m. to 1:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

15. Letter from Attorney Ralph Woodman, Jr., Boynton Waldron Doleac Woodman & Scott, P.A. regarding Lot Line Revision – 155 Parrott Avenue and 82 Court Street – Voted to refer to the Planning Board for report back.

16. Letter from Virginia Littlefield, Great Island Garden Club, requesting permission to place a sign at the corner of South Street and Sagamore Avenue to advertise the annual Great Island Garden Club plant sale being held on May 14th – Moved to accept and place the letter on file.

Motion to amend to allow the City to inform Ms. Littlefield that the location is not allowed to place signage upon **failed** to pass. Assistant Mayor Novelline Clayburgh voted in favor.

On a unanimous voice vote, main motion passed to accept and place the letter on file.

17. Recreation Department Report Back Re: Request to Install Signage at Leary Field for 2011 Baseball Season – Voted to approve the request of Rockland Street Baseball (Portsmouth Babe Ruth) to install temporary signage at Leary Field for the 2011 Baseball Season and the size of the sign be 3 feet x 5 feet.

18. Request to Refer Sale of the Connie Bean Center to the Planning Board – Voted to refer the aforementioned matter to the Planning Board for report back to the City Council.

19. Report Back Re: Zoning Request for Drive-through in CBA District – Voted to accept the Planning Board's recommendation to deny the request, as presented. Councilor Coviello abstained from voting on this matter.

20. Request for a License from Jody Saulnier, owner of The Manporium for property located at 71 Congress Street to install a projecting sign – Voted to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jody Saulnier, owner of The Manporium to install a projecting sign on an existing bracket at 71 Congress Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Director 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*

21. Request for a License from Michael Prete, owner of The Kitchen for property located at 171 Islington Street to install a projecting sign – Voted to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Michael Prete, owner of The Kitchen to install a projecting sign on an existing bracket at 171 Islington Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Director 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*

22. Request for Approval of Pole License #63-0509 – Voted to approve the request from PSNH for pole license agreement, #63-0509, as recommended by the Public Works Department.

23. Appointments to be Considered – The following appointments were considered and will be voted at the May 16, 2011 City Council meeting.
- Thomas Heany – Reappointment to the Portsmouth Housing Authority
 - Jacqueline Cali-Pitts – Reappointment to the Recreation Board
 - Elaine Syracuse – Reappointment to the Recreation Board
 - Elissa Hill Stone – Appointment as Regular Member to the Conservation Commission (currently serves as an alternate)
24. Appointments to be Voted – Voted to reappoint John Gregg to the Cable Television & Communications Commission until April 1, 2014; the reappointment of Allison Tanner, Barbara McMillan, Steve Miller to the Conservation Commission until April 1, 2014; the appointment of Philip Cohen to the Economic Development Commission until October 1, 2012. Mr. Cohen is filling the unexpired term of Susanne Delaney.
25. Letter from Lea Aeschliman Re: Trustee of the Trust Funds Term – Voted to accept and place the letter on file.
26. Traffic & Safety Committee Action Sheet and Minutes of the April 14, 2011 meeting – Voted to approve and accept the action sheet and minutes of the April 14, 2011 Traffic & Safety Committee meeting with the exception of Item #2 – Clough Drive. Councilor Kennedy voted opposed.
- Voted to refer Item 2 – Clough Drive to the City Manager to authorize the City Attorney to prepare a report back addressing the legal issues relative to this matter.
27. Parking Committee Action Sheet and Minutes of the April 14, 2011 meeting – Voted to approve and accept the action sheet and minutes of the April 14, 2011 Parking Committee meeting. Councilor Kennedy voted opposed.
28. Adjournment – At 11:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk