

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JULY 18, 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 6:00 p.m., a Work Session was held regarding the Final Report of the City Charter Advisory Committee.
2. Presentation – Status of Zoning Ordinance Revisions – Planning Director Rick Taintor gave a presentation of the Status of some upcoming Zoning Ordinance Revisions which will come before the Council in the late Fall.
3. Acceptance of Minutes – June 20, 2011 – Voted to accept and approve the minutes of the June 20, 2011 City Council meeting.
4. Public Comment Session – There were 3 speakers: James Boyle (Fiscal Management/Zoning – 150 Greenleaf Avenue); Marylou McElwain and Peter Somssich (Parking Garage/Transportation).
5. Adoption of Resolution Authorizing a Bond Issue of up to Twelve Million Dollars (\$12,000,000.00) for the Construction of a new Parking Facility (Tabled from the May 2, 2011 City Council Meeting) – Voted to remove from the Table. Voted 8-1 to further table the adoption to the December 5, 2011 Council meeting pending receipt of the Parking Study. Councilor Kennedy voted opposed.
6. Consent Agenda – Voted to adopt the Consent Agenda. *(Item D removed for separate action)*
 - A. Acceptance of Donations to the Coalition Legal Fund
 - Town of Carroll - \$1,000.00
 - Town of Rye - \$5,000.00
 - Town of Moultonborough - \$6,500.00***(Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)***
 - B. Acceptance of Donations for Portsmouth Police Department
 - Mr. F. Mastan - \$75.00 to support the Police Honor Guard
 - Jerry Howe and Jodi Frechette Howe - \$320.00 to replace worn boots for the Police Honor Guard***(Anticipated action – move to approve and accept the donations for the Police Honor Guard, as presented)***

- C. Letter from Chris Curtis, The Music Hall, requesting permission to hold the Annual Telluride by the Sea Weekend Celebration on Friday, September 23, 2011 – Sunday, September 25, 2011 with the closing of Chestnut Street from Congress to Porter Streets; hang a banner across the Congress Street end; and further have live music entertainment on the street Friday night from 5:00 p.m. – 6:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)
- E. Request for Approval of Pole License – Underground Conduit System for New Hampshire Department of Transportation (**Anticipated action – move to approve the license with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes**)
- F. Acceptance of Donation for Art-Speak
 - Chris Greiner - \$25.00**(Anticipated action – move to accept and approve the donation to Art-Speak for operating funds, as presented)**
- G. Letter from Catherine Edison, Community Child Care Center, requesting permission to hold a 5K Race/Walk Fundraiser on Saturday, October 15, 2011 at 9:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)
7. Consent Agenda Item D – Letter from Attorney Brian DeVellis, Lomardo & DeVellis, Attorneys at Law, LLP, Re: Rezoning of Land on Bartlett Street/Cate Street. – Voted 8-0 to refer to the Planning Board for a report back. Councilor Coviello abstained.
8. Letter from Carl Diemer, Recreation Board Chair, requesting to name the new “Granite Street” softball field as the Alumni-Wentworth Field – Voted to establish a Work Session with the Recreation Board on August 1, 2011 to discuss the request.
9. Letter from Mark McNabb, Martingale Wharf Limited Partnership, regarding 99 Bow Street – Martingale Wharf Encroachments – Voted 8-0 to refer to the Planning Board for a report back. Councilor Coviello abstained.
10. Letter from Amon Re requesting to use the Vaughan Mall stage for two shows per day on Friday, July 22, 2011 and Saturday, July 23, 2011 from 12:00 p.m. (noon) to 3:00 p.m. and again from 6:00 p.m. to 9:00 p.m. - Voted to refer to the City Manager with power.
11. Renewal of Sidewalk Obstruction License for Maine-ly New Hampshire (with no change from last year) – 1 A-frame sign– Voted 8-0 to refer to the City Manager with power. Councilor Smith abstained.
12. Letter from Fil Kovisars, Stonyfield Farm, requesting permission to hold a sampling of their new Organic Omega 3 Milk and Cookies at the Peirce Island Pool on Thursday, July 28, 2011 – Voted to **DENY** the request to hold sampling at Peirce Island Pool.

13. Letter from Joseph R. Baroni Family, LLC, Re: Acquisition of City owned land on Constitution Avenue – Voted to refer to the Planning Board for a report back.
14. Letter from Attorney Paul McEachern Re: Rezoning 1900 Lafayette Road – Voted to refer to the Planning Board for a report back.
15. Letter from Stephen Kelm requesting a waiver of the Capacity Usage Fee for the 51 Islington Street Project – Voted 8-0 to refer to the City Manager for a report back. Councilor Coviello abstained.
16. Letter from Mary Bailey, Seacoast African American Cultural Center, requesting permission to conduct a raffle calendar fundraiser and place a small table with informational materials in Market Square near the visitor kiosk for weekends during the months of August, September and October from approximately 12:00 p.m. – 4:00 p.m. – Voted to refer to the City Manager with power.
17. Proposed Ambulance Service Agreement with Town of New Castle – Voted to accept the recommendation of the Fire Chief and Fire Commission to provide the ambulance service to the Town of New Castle, and further, to execute the agreement.
18. Approval of RFP for Parking Supply and Demand Analysis for Downtown Portsmouth – Voted 8-1 to authorize the City Manager to approve the RFP for the Parking Supply and Demand Analysis for Downtown as presented. Councilor Kennedy voted opposed.
19. Request for Naming a Driveway at Prescott Park – Voted to identify the unnamed Prescott Park driveway as Water Street for 9-1-1 purposes.
20. Planning Board Report Back on City Council Referral: Letter from Attorney Robert Shaines, requesting the City Council authorize the City Manager to execute a release deed discontinuing the sewer easement for property located at 80 Woodlawn Circle – Voted to accept the Planning Board's report back regarding this matter as presented and authorize the City Manager to execute any necessary documents.
21. Letter from Attorney Robert Burns, Corporate Counsel, Pan Am Railways Re: Abandonment and Discontinuance of Service of Hampton Branch – Voted to object to the abandonment and discontinuance of service of the Hampton Branch railroad line in Portsmouth unless a plan is in place for the State of New Hampshire to acquire this land.
22. Service Credit Union Sidewalk Construction and Maintenance Agreement – Voted to authorize the City Manager to negotiate and execute a maintenance agreement with the New Hampshire Department of Transportation in substantial conformance with the document provided.
23. Letter from Anne M. Crotty, Esq., regarding the Laurel Court Subdivision – Voted to authorize the City Manager to execute the Confirmatory Deed and the Release of Easement, and to accept the Easement Deed, in substantial conformance with the documents provided.

24. Appointment to be Considered – The City Council considered the appointment of Susan Chamberlin and Patrick Moretti to the Zoning Board of Adjustment and will vote on the appointments at the August 1, 2011 City Council meeting.
25. Appointments to be Voted – Voted to appoint Leslie Stevens to the Trees and Public Greenery Blue Ribbon Committee.
26. Acceptance of Resignations – Voted to accept the resignations with regret and letter of thanks and appreciation for Carol Eaton from the Zoning Board of Adjustment effective September 1, 2011; Kent Kirkpatrick from the Traffic and Safety Committee; and Joel Look from the Taxi Commission.
27. City Charter Advisory Committee Proposed Amendment - Voted to instruct the City Attorney to draft the text of the proposed amendment Reference #2 of the Final Report (*requiring City Council, School Board, Fire Commission and Police Commission members to resign their positions before applying for City employment*) and that a public hearing be established on the amendment for the August 15, 2011 City Council meeting.
28. Request by Councilor Spear to Investigate Curb Side Parallel Parking on Junkins Avenue – Voted to refer to the Parking Committee and Traffic and Safety Committee for a report back.
29. Councilor Dwyer request to consider forming Transportation Committee – Mayor Ferrini appointed Councilors Smith, Spear and Dwyer to develop the charge and structure of the proposed Transportation Committee to be presented to the Council at a future Work Session (possibly September 6, 2011).
30. Funding of Fire Station 3 – FY 12 – Motion to establish a public hearing for Monday, August 1, 2011 at 7:00 p.m. *and* to vote on a supplemental appropriation of \$158,000.00 from undesignated fund balance for necessary FY12 expenditures for the operation of the Fire Department **FAILED** on a roll call vote of 4-5. Councilors Lister, Dwyer, Kennedy and Smith voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Hejtmanek, Spear, Coviello and Mayor Ferrini voted opposed.
31. Miscellaneous/Unfinished Business – Councilor Smith's motion to direct the staff to bring forth an ordinance amendment to change the Sunday Parking hours to be in effect Memorial Day through Labor Day only FAILED due to lack of a second.
32. Adjournment – At 10:00 p.m., voted to adjourn.

Respectfully submitted by:

Valerie A. French, Deputy City Clerk