

**Action Sheet Amended 10-24-2011 by the addition of Action regarding First reading of Ordinance Amendment to Chapter 7, Article XI, Section 7.1100 - Speed Limits – subsection C 15 MPH by the addition of Bow Street, Chapel Street, and Penhallow Street (See Item 15)**

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON OCTOBER 17, 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 (via telephone conference call), COVIELLO, KENNEDY AND SMITH

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1. Proclamation – National Arts and Humanities Month – Councilor Coviello read the Proclamation declaring October as National Arts and Humanities Month. Mayor Ferrini presented the Proclamation to Robin Albert, Art-Speak that accepted it with thanks and appreciation.
  2. Proclamation – Small Business Saturday in Portsmouth – Councilor Smith read the Proclamation declaring November 26, 2011 as Small Business Saturday in Portsmouth.
  3. Presentation – Trustees of the Trust Funds, Brad Lown, Trustees of the Trust Funds provided a brief presentation outlining the responsibilities of Trustees and the various funds they oversee.
  4. Acceptance of Minutes – October 3, 2011 – On a unanimous roll call 9-0, voted to approve and accept the minutes of the October 3, 2011 City Council meeting.
  5. On a unanimous roll call 9-0, voted to suspend the rules in order to take up Item IX. E. - Second reading of Ordinance Amendment (***tabled from the April 18, 2011 City Council meeting***) to Chapter 7 Article IV, Section 7.402 – Off-Street Parking Areas – Parrott Avenue Parking Lot (Downtown Parking Omnibus) by the Placement of Parking Meters.
  6. Second reading of Ordinance Amendment (*tabled from the April 18, 2011 City Council meeting*) to Chapter 7 Article IV, Section 7.402 – Off-Street Parking Areas – Parrott Avenue Parking Lot (Downtown Parking Omnibus) by the Placement of Parking Meters – On a unanimous roll call 9-0, voted to table the Ordinance indefinitely.
  7. Public Comment Session – There were four speakers: Crystal Paradis, Nicholas Mirabello, Aaron Lawson (Parking Parrott Avenue Lot); and Peter Somssich (Greening Court Street).
  8. On a unanimous roll call 9-0, voted to suspend the rules in order to take up Item XII. A.5. - Approval of Indoor Pool Agreement Re: Save the Indoor Portsmouth Pool.

9. Approval of Indoor Pool Agreement Re: Save the Indoor Portsmouth Pool – On a unanimous roll call 9-0, voted to approve the Indoor Pool Agreement between the City and Save the Indoor Portsmouth Pool, and further, authorize the City Manager to execute the final Agreement.
10. Public Hearing – Ordinance Amending Chapter 7, Article I, Section 7.103, 7.104, and further amend Chapter 1, Article IV, Section 1.412 entitled the Parking and Traffic Safety Committee – Held a public hearing. On a unanimous roll call 9-0, voted to pass second reading and schedule third and final reading of the proposed Ordinance amendment, as presented, at the November 21, 2011 City Council meeting.
11. Acceptance of Police Department Donation and Grant Awards - On a unanimous roll call 9-0, voted to approve and accept the grants and donation to the Portsmouth Police Department, as listed.
  - Donation from William Mortimer to the Police Honor Guard in memory of retired officers Robert Knight and Richard Maddock - \$100.00
  - Acceptance of Edward Byrne Memorial Justice Assistance Grant from the Office of Justice Programs - \$13,950.00
  - Acceptance of Police Standards and Training Council Grant for mid-level management course for two lieutenants - \$2,000.00
  - Acceptance of Department of Juvenile Justice and Delinquency Prevention Grant to continue funding of the New Hampshire Internet Crimes Against Children Task Force (ICAC) - \$234,318.00
12. First reading of Proposed Resolution regarding Solar Power Tax Exemption – On a unanimous roll call 9-0, voted to schedule a public hearing on the proposed Resolution, as presented, at the November 21, 2011 City Council meeting.

Councilor Smith requested City Manager Bohenko report back to the City Council the number of exemptions currently issued under the current Solar Power Tax Exemption.
13. First reading of Proposed Resolution to Levy Property Tax on Right-of-Way Use by Utilities – On a unanimous roll call 9-0, voted to schedule a public hearing on the proposed Resolution, as presented, at the November 21, 2011 City Council meeting.
14. First reading of Ordinance Amendment to Chapter 7, Article III – Traffic Ordinance – No Through Traffic by the deletion of Broad Street; Commercial Alley, between Penhallow Street and Market Street; and Vaughan Street, between Congress Street and Hanover Street – On a unanimous roll call 9-0, voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment, as presented, at the November 21, 2011 City Council meeting.

15. First reading of Ordinance Amendment to Chapter 7, Article XI, Section 7.1100 - Speed Limits – sub-section C 15 MPH by the addition of Bow Street, Chapel Street, and Penhallow Street – On a unanimous roll call 9-0, voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment, as presented, at the November 21, 2011 City Council meeting.

16. Consent Agenda – On a unanimous roll call 9-0, voted to adopt the Consent Agenda.

- A. Acceptance of Donations to the Coalition Legal Fund
- Town of Holderness - \$1,000.00
  - Town of Hebron - \$1,000.00
  - Town of Newington - \$1,000.00
- (Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)***
- B. Acceptance of Donation to the USS Virginia Party
- Sevigney Lyons - \$250.00
- (Anticipated action – move to approve and accept the donation for the USS Virginia, as presented)***
- C. Request for a License from Dennis Randall, owner of Earthtec for property located at 76 Congress Street to install a projecting sign ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request)***

**Planning Director’s 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, shall 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***
- D. Request for a License from Doreen Mellon, owner of Ellenette for property located at 214 State Street to install a projecting sign on an existing bracket ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request)***

**Planning Director's 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, shall 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***

- E. Request for a License from Mark McNabb (signs #1-3) and Michael Buckley (sign #4), owner of Martingale Wharf, LB (signs #1-3) and Surf Portsmouth RNC (revised license) (sign #4) for property located at 99 Bow Street to install projecting signs (***Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreements for this request***)

**Planning Director's 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, shall 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***

17. Letter from Ann Radwan, Publicity Chair, 2011 Festival of Trees, requesting permission to place a banner at the corner of Route 33 and Peverly Hill Road adjacent to the cemetery on city-owned land from November 6, 2011 through November 21, 2011 – On a unanimous roll call 9-0, voted to refer to the City Manager with power.
18. Request for Public Hearing Adopting Hazard Mitigation Plan Update 2010 – On a unanimous roll call 9-0, voted to schedule a public hearing and adoption of the proposed Hazard Mitigation Plan Update 2010, as presented, at the November 21, 2011 City Council meeting.

19. Request to Establish a Work Session Re: Future Downtown Development – On a unanimous roll call 9-0, voted to establish a joint work session with the Economic Development Commission and Planning Board on Monday, December 12, 2011 at 6:30 p.m., regarding future downtown development.

Assistant Mayor Novelline Clayburgh requested that the Historic District Commission be invited to attend the Work Session.

20. Approval of Purchase Price Re: Land on Constitution Avenue (Joseph R. Baroni Family, LLC) – On a unanimous roll call 9-0, voted to approve the purchase price for the sale of land on Constitution Avenue, and further, authorize the City Manager to proceed with the execution of the necessary documents.

21. Approval of Inter-Municipal Sewer Agreement Re: Town of Greenland – On a unanimous roll call 9-0, voted to authorize the City Manager to enter into the proposed Inter-Municipal Agreement between the City and the Town of Greenland.

22. Appointments to be Considered – The City Council considered the following appointments to be voted on at the next City Council meeting.

- Robert Pollard – Reappointment to the Peirce Island Committee
- Steven Marison – Reappointment to the Peirce Island Committee
- John McVay – Reappointment to the Peirce Island Committee
- Richard Smith – Reappointment to the Peirce Island Committee
- Harold Whitehouse – Reappointment to the Peirce Island Committee
- John Simon – Reappointment to the Peirce Island Committee
- John Ricci – Reappointment to the Planning Board
- James Feehley – Reappointment to the Taxi Commission
- Paul Ford – Reappointment to the Taxi Commission
- Peter Bresciano – Reappointment to the Taxi Commission
- T. Stephen McCarthy – Appointment to the Portsmouth Housing Authority

23. Appointments to be Voted – On a unanimous roll call 9-0, voted to reappoint John O’Leary and Grace Lessner to the Board of Library Trustees until October 1, 2014.

24. Appointments to the Blue Ribbon Committee on Transportation (Sunset Date of April 15, 2012) – Mayor Ferrini announced the appointments of Eric Spear, Bill Lyons, Rick Chellman, Paige Roberts, Ken Smith and Cliff Sinnott to serve on the Blue Ribbon Committee on Transportation. Mayor Ferrini also stated that he will be making an additional appointment from the Economic Development Commission as a representative to serve on the Committee.

25. Letter of Support for TIGER Grant – On a unanimous roll call 9-0, voted to forward the letter of support for the Transportation Investment Generating Economic Recover (TIGER) project to perform repairs and expansion to the Market Street Marine Terminal in Portsmouth Harbor.

26. Miscellaneous/Unfinished Business – Mayor Ferrini announced that the Canvass of the Vote meeting will be held on Thursday, November 10, 2011 at 6:00 p.m.

City Clerk Barnaby announced that absentee ballots for the Municipal Election are available at the City Clerk's Office.

27. Adjournment – At 8:30 p.m., voted to adjourn the meeting.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk