

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON NOVEMBER 21, 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. Mayor's Award – Scarecrows of the Port Committee – Mayor Ferrini presented a Mayor's Award and gifts to the members of the Scarecrows of the Port Committee in recognition of their hard work. John O'Sullivan thanked Mayor Ferrini and the City Council for the award and gifts on behalf of the Committee.
2. Presentation – Update Re: Wastewater Master Plan – Deputy Public Works Director Allen, City Engineer Rice and Don Chelton Representative of AECOM provided an update to the City Council on the Wastewater Master Plan.
3. Acceptance of Minutes – October 17, 2011 – Voted to approve and accept the minutes of the October 17, 2011 City Council meeting.
4. Public Comment Session – There were 5 speakers: Raymond Will (Salvation Army Kettle Drive); Nike Speltz (Purchase of Island); Marc Stettner, Josh Johnson, and Elizabeth Battle (Close City Parks at Night).
5. Public Hearing – Resolution regarding Solar Power Tax Exemption – Held a public hearing. Voted to adopt the proposed Resolution, as presented.
6. Public Hearing – Resolution to Levy Property Tax on Right-of-Way Use by Utilities – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the proposed Resolution, as presented.
7. Public Hearing - 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 – Held a public hearing. Voted to pass second reading and schedule a third and final reading of the proposed Ordinance amendment, as presented, at the December 5, 2011 City Council meeting.
8. Public Hearing – 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 – Held a public hearing. Voted to pass second reading and schedule a third and final reading of the proposed Ordinance amendment, as presented, at the December 5, 2011 City Council meeting.

9. Public Hearing – Hazard Mitigation Plan Update 2010 – Held a public hearing. Voted to adopt the proposed Hazard Mitigation Plan Update 2010, as presented.
10. Acceptance of Donation from the Lafayette Park Neighborhood Association - \$2,378.57 – Voted to accept the donation of \$2,378.57 from the Lafayette Park Neighborhood Association for the purposes of purchasing and installing park benches at the Lafayette Park and Playground.
11. Acceptance of \$10,000.00 Grant from State of New Hampshire for NH Arts Satellite Network “pass through” Funds – Voted to accept and approve the grant, as submitted.
12. Acceptance of Police Department Donations and Grant Award
 - Acceptance of Training Grant for Officer Scott Pearl and Officer Eric Kinsman to attend HITS K-9 training seminar - \$942.67
 - Donation from John Bobbett to the Police Honor Guard - \$5,000.00
 - Donation from Mr. M. Chubrich to the Police Honor Guard - \$18.00

Voted to approve and accept the grant and donations to the Portsmouth Police Department, as listed.
13. Voted to suspend the rules in order to take up Item XII. A.5. – Request to Institute Overnight Closure of City Parks.
14. Request to Institute Overnight Closure of City Parks – City Manager Bohenko withdrew this item from the agenda.
15. First Reading of Ordinance Amending Chapter 7, Article IV - Off-Street Parking, Section 7.402 - Areas Established and Described – Moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 5, 2011 City Council meeting.

On a roll call 1-8, motion to postpone this Ordinance until the Transportation Committee can meet and discuss this matter **failed** to pass. Councilor Kennedy voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted opposed.

On a roll call 8-1, voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 5, 2011 City Council meeting. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilor Kennedy voted opposed.
16. Third and final reading of 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 – Voted to suspend the rules in order to allow for an amendment to the Ordinance.

On a roll call 5-4, voted to amend the Ordinance to add the Public Works Director or designee to the composition of the Committee and reducing the number of resident members from five (5) residents to four (4) resident of the City. Assistant Mayor Novelline Clayburgh, Councilors Lister, Dwyer, Smith and Mayor Ferrini voted in favor. Councilors Hejtmanek, Spear, Coviello and Kennedy voted opposed.

On a unanimous roll call 9-0, voted to pass third and final reading of the proposed Ordinance, as amended.

17. Consent Agenda – Councilor Coviello requested to remove Item C. – Letter from Patti Maccabe, Arthritis Foundation, requesting permission to hold the 18th Annual Jingle Bell Run and Walk on December 3, 2011 from the Consent Agenda.

Voted to adopt the Consent Agenda.

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donations to the Coalition Legal Fund
- Town of Jackson - \$250.00
 - Town of Bridgewater - \$1,250.00
- (Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)***
- B. *Acceptance of Funds for Art-Speak
- Robin Albert Lehman & Wayne Lehman - \$150.00
 - NH Charitable Foundation Thomas W. Haas Fund - \$2,000.00
- (Anticipated action – move to accept the donations to Art-Speak, as presented, to support Art-Speak’s Art & Economic Prosperity Survey)***
- C. Letter from Patti Maccabe, Arthritis Foundation, requesting permission to hold the 18th Annual Jingle Bell Run and Walk on December 3, 2011 *(new route due to bridge construction arranged through Police Department)* ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Lt. Erin Rischawy, The Salvation Army, requesting permission to place “Christmas Kettles” in Market Square beginning November 18, 2011 through December 24, 2011 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request for Approval of Pole License – Installation of 4 poles located on State Street for PSNH ***(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)***

18. Letter from Patti Maccabe, Arthritis Foundation, requesting permission to hold the 18th Annual Jingle Bell Run and Walk on December 3, 2011 (new route due to bridge construction arranged through Police Department) – Voted to refer to the City Manager with power. Councilor Coviello requested that City Manager Bohenko put time limits in place for the use of amplification during the event.
19. Letter from Austin Gallagher requesting the installation of a bike path from Coakley Road to Colonial Drive – Voted to refer to the Traffic & Safety Committee.
20. Report Back Re: Letter from Tony LaCava regarding Sale of Property at 95 Mechanic Street – Voted to approve the aforementioned request as recommended by the Planning Board, and further, authorize the City Manager to negotiate the purchase of this parcel with final approval of purchase price to be made by the City Council. Councilor Kennedy voted opposed.
21. Report Back Re: Letter from Dexter Legg requesting a License for a New Driveway at 4 Moebus Terrace – Voted to approve the aforementioned License request as recommended by the Planning Board, and further, authorize the City Manager to execute a License Agreement for this request.
22. Report Back Re: Letter from Linda Smith, New Hampshire Department of Transportation, regarding an offer for the Acquisition of Land as required for the Reconstruction of the US Route 1 Bypass – Voted to approve the aforementioned request as recommended by the Planning Board, and further, authorize the City Manager to negotiate the purchase price to be made by the City Council and execute a temporary slope easement.
23. Proposed Zoning Ordinance Amendments – Office Research District – Voted to schedule first reading on the proposed Zoning Ordinance Amendment, as presented, at the December 5, 2011 City Council meeting. Councilors Coviello, Kennedy and Mayor Ferrini voted opposed.
24. Sale of Portsmouth Fire Department Old Engine 6, 1994 International/Central States/RK Quint – Voted to accept the offer and waive the bidding, public auction requirements for the sale of Fire Department Old Engine 6, and authorize the City Manager to proceed with the sale and execute any necessary documents.
25. Purchase of Sagamore Creek Island – Voted to accept the Conservation Commission's recommendation to approve the acquisition of the Sagamore Creek Island property Map 227 Lot 2 for the price of \$21,900.00 with the funds to come from the City's Conservation Fund, and further, authorize the City Manager to proceed with the execution of the necessary documents. Councilor Smith voted opposed.
26. Polling Hours for January 10, 2012 Presidential Primary Election – Voted to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Presidential Primary Election on January 10, 2012.

27. Request for St. John's Masonic Association Lot 10-Year Agreement – Voted to authorize the City Manager to enter into a Parking Lot Usage/Maintenance Ten-Year Agreement with St. John's Masonic Association for the period January 1, 2012 through December 31, 2022 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.
28. Disposal of Surplus Equipment Police Department Uninterrupted Power Supply Battery – Voted to authorize the City Manager to dispose of surplus equipment by the sealed bid process.
29. Report Back Re: Vaughan Street – Traffic Pattern Change – City Manager Bohenko withdrew this item from the agenda.
30. Appointments to be Considered – The City Council considered the following appointments to be voted on by the City Council at the December 5, 2011 City Council meeting.
- John Rice – Reappointment to the Planning Board
 - William Gladhill – Reappointment to the Planning Board
 - Chris Hubbard – Reappointment to the Peirce Island Committee
 - Stephen Philp – Reappointment to the Peirce Island Committee
 - Elisabeth Blaisdell – Appointment to the Sustainable Practices Blue Ribbon Committee
 - Susan Chamberlin – Reappointment to the Zoning Board of Adjustment
 - Arthur Parrott – Reappointment to the Zoning Board of Adjustment
31. Appointments to be Voted – Voted to reappoint Robert Pollard, Steven Marison, John McVay, Richard Smith, Harold Whitehouse and John Simon to the Peirce Island Committee until December 31, 2013; reappointment of John Ricci to the Planning Board until December 31, 2014; reappointment of James Feehley, Paul Ford and Peter Bresciano to the Taxi Commission until December 31, 2013; and the appointment of T. Stephen McCarty to the Portsmouth Housing Authority filling the unexpired term of Carlos Castro until April 1, 2015.
32. Resignations – Voted to accept with regret the resignations of Tom Rooney from the Mayor's Blue Ribbon Committee on Sustainable Practices and Kathy Pearce from the Cable Television and Communications Commission.
- Councilor Smith requested that Mayor Ferrini send a letter to Mr. Rooney and Ms. Pearce to thank them for their service to the City.
33. 4th Annual Boards & Commissions Recognition Ceremony – Mayor Ferrini announced that the 4th Annual Recognition of Service to Honor City of Portsmouth former Board and Commission members will be held on Wednesday, November 30, 2011. Light refreshments will be served at 6:30 p.m. in the Portsmouth Room followed by the recognition and awards at 7:00 p.m. in the Eileen Dondero Foley Council Chambers.
34. Reports – Mayor Ferrini announced that the Annual 2011 Holiday Parade will be held on Saturday, December 3, 2011 at 6:00 p.m. beginning at Plaza 800 through downtown to the South Mill Pond parking lot.

35. Traffic & Safety Committee Action Sheet and Minutes of the October 13, 2011 meeting – Voted to approve and accept the action sheet and minutes of the October 13, 2011 Traffic & Safety Committee meeting.
36. Parking Committee Action Sheet and Minutes of the October 13, 2011 meeting – Voted to approve and accept the action sheet and minutes of the October 13, 2011 Parking Committee meeting. Councilor Kennedy voted opposed.
37. Adjournment – At 10:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk