

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MARCH 19, 2012, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SPEAR, ASSISTANT MAYOR LISTER, COUNCILORS COVIELLO, KENNEDY, NOVELLINE CLAYBURGH, LOWN, DWYER, SMITH AND THORSEN

1. Proclamation & Presentation – USS Virginia – Assistant Mayor Lister read a Proclamation extending best wishes to the officers and crew of The USS Virginia (SSN 774) as they prepare to leave the Seacoast area for new deployments in defense of our nation. Mayor Spear presented Commander Timothy Salter with the Proclamation. Assistant Mayor Lister presented Commander Salter and Machinist's Mate Master Chief Chad Shultz with a gift bag on behalf of the City Council.
2. Acceptance of Minutes – March 5, 2012 – Voted to approve and accept the minutes of the March 5, 2012 City Council meeting.
3. Public Comment Session – There were three speakers: Martin Cameron (Parade – Iraq Veterans; Nancy Johnson (Zoning Ordinance Article 4 & Article 5 wording corrections); and Norm Olsen (Budget).
4. Public Hearing - Ordinance Amendment Chapter 10 – Zoning Ordinance, Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts that would allow Assisted Living Centers as a Permitted Use in Office Research Districts and allow Club, Fraternal or Service Organizations by Special Exceptions in those Districts
Additionally Amend Article 5 – Dimensional and Intensity Standards, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts to reduce Minimum Lot Dimensions in Office Research Districts so that Lot Area would become 2 acres, Continuous Street Frontage 200 feet, Depth 200 feet, and Minimum Side Yard 50 feet – Held a public hearing. On a roll call 5-3, voted to deny passage of second reading of Ordinance. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Smith and Thorsen voted in favor. Councilors Coviello, Dwyer and Mayor Spear voted opposed. Councilor Lown abstained from voting. *By action of the City Council this Ordinance has been defeated.*
5. Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned** – Held a public hearing. Voted to pass second reading and schedule third and final reading on the proposed Fund Balance Ordinance, at the April 2, 2012 City Council meeting.

6. Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00) – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the Refunding Resolution of up to Twenty Million Dollars (\$20,000,000.00) as presented.
7. Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan for Costs Related to the Long Term Control Plan (LTCP) Implementation not to exceed Twelve Million Five Hundred Thousand (\$12,500,000.00) Dollars – Held a public hearing. On a unanimous roll call 9-0, voted to adopt a Bond Resolution for the aforementioned long-term control plan, as presented.
8. First reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604 – License Fee – The fee for such license shall be determined on an annual basis by the City during its budget process – Voted to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting.
9. First reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City - Section 5.802 by removing service charge to service fee and adding such amounts as may be determined on an annual basis by the City during its budget process. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls. In addition, amending Section 5.803 – Permissible Unfounded Emergency Calls by replacing service charge with service fee and sub-section A - replacing Police Offices with Police Department and sub-section B – replacing Fire Officials with Fire Department – Voted to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting.
10. First reading of Proposed Ordinance Amendment to Chapter 6, Article VII – Dogs and Other Pets, Section 6.708 License by the addition of the following language – The fee for this license shall be set at the maximum amount permitted by state law – Voted to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, at the April 2, 2012 City Council meeting.
11. Consent Agenda – Councilor Smith requested the removal of Item X.A. – 2012 Omnibus Sidewalk Obstruction Renewals. Voted to adopt the Consent Agenda.
 - B. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 7th Annual Seacoast Half Marathon on Sunday, November 11, 2012 (***Anticipated action – move to refer to the City Manager with power***)
 - C. Letter from Doug Bates and Joan Chawziuk, Greater Portsmouth Chamber of Commerce, requesting permission to hang Portsmouth Harbour Trail Flags at 24 key sites for the 2012 season (***Anticipated action – move to refer to the City Manager with power***)

- D. Letter from Kelly Lemos, New Hampshire SPCA, requesting permission to place 2 Paws Walk Posters and Brochures at the Mill Pond Dog Park (***Anticipated action – move to refer to the City Manager with power***)
- E. Request for Renewal of Boarding House Permit for Brian Hogan, Bach Realty, LLC, 21 Brewster Street (***Anticipated action – move to authorize the City Manager to issue the Boarding House Permit for Brian Hogan, Bach Realty, LLC, 21 Brewster Street***)
- F. Request for a License from Tom Holbrook, owner of River Run Bookstore on Fleet Street for property located at 142 Fleet Street to install a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Tom Holbrook, owner of River Run Bookstore on Fleet Street to install a projecting sign at 142 Fleet Street 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, 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***
- G. Request for Approval of Pole License to install/replace 1 pole located on Fernald Court (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)

12. 2012 Omnibus Sidewalk Obstruction Renewals – See Attached Listing – Voted to refer to the City Manager with power. Councilor Smith abstained from voting because he is the owner of Maine-ly New Hampshire.

13. Letter from Dyanna Smith, Red Eft Project, requesting permission to install 3 sculptural pieces of art on Friday, May 11, 2012 through Sunday, May 13, 2012 at the following locations:

- Corner of Market Street (where the ant and moose were located)
- Grassy area where City Hall exits onto Junkins Avenue
- Park across the street from City Hall, near corner of Junkins Avenue and South Street

Voted to refer to Art-Speak for report back.

14. Letter from Peter Somssich and Josh Denton, "Welcome Home, Iraqi Veterans" Parade Committee, requesting permission to hold a "Welcome Home, Iraqi Veterans" Parade on Sunday, July 8, 2012 and further, request that the City of Portsmouth assume the costs involved with the police details and insurance – Voted to refer to the Veteran Committee (Assistant Mayor Lister and Councilor Smith) for report back.

15. Letter from Attorney Malcolm McNeill, Representing Commerce Way, LLC, regarding Commerce Way Conditional Road Layout and Betterment Assessment – Voted to refer to the Planning Board for report back.

16. Letter from Kit Clews requesting permission to install an interactive sculpture in Market Square – Voted to refer to Art-Speak for report back.

17. Adoption of Capital Improvement Plan (CIP) FY2013-2018 – Voted to adopt the Capital Improvement Plan for FY 2013 – FY 2018 with any appropriate amendments. Councilor Thorsen voted opposed.

Councilor Coviello requested that the installation of a sound barrier at Pannaway Manor be identified as part of the FY 2014 – FY 2019 Capital Improvement Plan.

18. Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service – On a roll call 8-1, voted to adopt the policy regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilor Kennedy voted opposed.

19. Approval of Guiding Parking Principles Re: Central Business District – On a unanimous roll call 9-0, voted to approve the Guiding Parking Principles for the Central Business District, as presented.

20. Request for Approval of Pro Portsmouth Settlement Agreement – Voted to approve the Settlement Agreement with Pro Portsmouth, and further, authorize the City Manager to execute this agreement.

21. Request for Acceptance of Land Exchange with the State of New Hampshire Relating to General Sullivan Bridge Reconstruction – Voted to accept the letter and approve the exchange of the properties in a manner which would allow NHDOT to maintain its construction schedule.
22. Suspension of the Rules to Extend the Meeting – Voted to suspend the rules in order to extend the meeting time to 10:30 p.m.
23. Appointments to be Considered - The following appointment recommendations will be brought back for Council vote on April 2, 2012.
 - Appointment of David Rheame as a regular member to the Zoning Board of Adjustment
 - Appointment of David Rheame as a regular member to the Building Code of Appeals filling the unexpired term of Chester Keefe
 - Reappointment of MaryAnn Blanchard to the Conservation Commission
24. Appointment to be Voted – Voted to appoint Christopher Mulligan as a regular member to the Zoning Board of Adjustment until December 1, 2016.
25. Reappointment of Peter Loughlin to the Pease Development Authority as Co-Representative with the Town of Newington until March, 2015 – Voted to reappoint Peter Loughlin to the Pease Development Authority as Co-Representative with the Town of Newington until March 1, 2015.
26. Parking and Traffic Safety Committee Meeting Action Sheet and Minutes from March 8, 2012 meeting – Voted to approve and accept the Action Sheet and Minutes of the March 8, 2012 Parking and Traffic Safety Committee meeting. Councilor Kennedy voted opposed.
27. Adjournment – At 10:15p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk