

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 2, 2012, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

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

ABSENT: ASSISTANT MAYOR LISTER

1. At 6:15 p.m., an Anticipated "Non-Meeting with Counsel was held Re: Negotiations – RSA: 91-A:2, I (b-c).
2. Mayor's Awards – 2012 Portsmouth High School Boys Varsity Basketball Team – Division II State Champions – Mayor Spear presented Mayor's Awards and gifts to the 2012 Portsmouth High School Boys Varsity Basketball Team in recognition of being the 2012 Division II State Champions.
3. Acceptance of Minutes – March 19, 2012 – Voted to approve and accept the minutes of the March 19, 2012 City Council meeting.
4. Public Comment Session – There were 9 speakers: James Boyle (Residency/Management); JoAnn Lamoreaux, Ann Totsen, Betsy Wentworth, Joseph Cunningham, Doris Peterson, Paul Peterson, Alex Loucock (Senior Center); and Jack Kelley (Motorcycle Noise).
5. Voted to suspend the rules in order to take up Item XII. C.1. – Elderly Services.
6. Elderly Services – Verbal update provided on this matter. No action required.
7. Public Hearing - 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 – Held a public hearing. Voted to pass second reading and schedule third and final reading on the proposed Ordinance amendment, at the April 16, 2012 City Council meeting.
8. Public Hearing - 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 – Held a public hearing. Voted to pass second reading and schedule third and final reading on the proposed Ordinance amendment, at the April 16, 2012 City Council meeting.

9. Public Hearing - 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 – Held a public hearing. Voted to pass second reading and schedule third and final reading on the proposed Ordinance amendment, at the April 16, 2012 City Council meeting.
10. Third and final reading of Proposed 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** – Voted to pass third and final reading on the proposed Fund Balance Ordinance.
11. Voted to suspend the rules in order to take up Item XII. D.2. – Exhaust Pipes for Motorcycles.
12. Exhaust Pipes for Motorcycles – Voted to instruct City Manager Bohenko to send a letter to NH Senators in support of HB 1442 regarding exhaust pipes for motorcycles.
13. Consent Agenda – Voted to adopt the Consent Agenda.
 - A. 2012 Omnibus Sidewalk Obstruction Renewals – Part II – See Attached Listing (***Anticipated action – move to refer to the City Manager with power***)
 - B. Letter from Heidi Roy, National Multiple Sclerosis Society, requesting permission to hold the 2012 Bike MS NH Seacoast Escape on Saturday, August 11, 2012 (***Anticipated action – move to refer to the City Manager with power***)
 - C. Letter from Ken La Valley, American Foundation for Suicide Prevention, requesting permission to hold the Out of the Darkness Walk on Saturday, September 29, 2012 (***Anticipated action – move to refer to the City Manager with power***)
 - D. Request for Approval of Pole License to install/replace 5 poles located on Plains Avenue (***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***)
 - E. *Acceptance of Donations to the Portsmouth Police Department
 - Donation from former Commissioner William Mortimer in memory of retired Police Captain Robert Roth - \$100.00
 - Donation from Mr. Frank Mastan to the Police Honor Guard - \$50.00(***Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed***)

- F. Request for a License from Carrie Penna, owner of Lululemon Athletica on State Street for property located at 60 State 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 Carrie Penna, owner of Lululemon Athletica on State Street to install a projecting sign at 60 State 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***
14. Letter from Attorney James Noucas, Jr., representing a property owner of the General Porter Condominiums requesting to construct a garage along the rear boundary line of property located at 32 Livermore Street abutting a cemetery – Voted to refer to the Planning Board for report back.
15. Letter from Attorney James Noucas, Jr., representing Jim and Laurie Teetzel of Wilcox Industries, pledging \$25,000.00 towards the construction of a new tribute to American Veterans in Memorial Park for The Memorial Bridge – Voted to refer to Art-Speak for report back.
16. Letter from Carl Diemer, Recreation Board Chair, requesting to name the new Youth Recreational Facility as the “Connie Bean Recreation Center” - Voted to suspend the rules and act on the Recreation Board's Request. Voted to approve the naming of the Youth Recreational Facility as the **Connie Bean Recreation Center.**
17. Letter from David Mikolaities, Lieutenant Colonel, NH Army National Guard, regarding the acquisition of a portion of the Right of Way along Market Street and site improvements for access to the National Guard Readiness Center on 803 McGee Drive – Voted to refer to the Planning Board for report back.
18. Report Back Re: Request of David Choate, III, Grubb & Ellis Northern New England, for an Amendment to Section 10.836.20 of the Zoning Ordinance regarding Drive-through Lanes for Retail/Commercial Buildings Outside of the Central Business District – Voted to accept the Planning Board's recommendation, and further, authorize the City Manager to bring back for first reading the proposed amendment at the April 16, 2012 City Council meeting.

19. Request for a Parking Lot Agreement Re: Middle Street Baptist Church - Voted to approve a one-year License Agreement between the Middle Street Baptist Church and the City of Portsmouth, as presented, and further, authorize the City Manager to execute this Agreement.

20. Report Back Re: Outdoor Boot Camp Proposal at Peirce Island – On a roll call vote 2-6, motion to accept the letter and deny request with a letter to the applicant of the Council's decision ***failed*** to pass. Councilors Kennedy and Novelline Clayburgh voted in favor. Councilors Coviello, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted opposed.

On a roll call 6-2, voted to approve the request for a trial period of 6 weeks with a report back to the City Council. Councilors Coviello, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilors Kennedy and Novelline Clayburgh voted opposed.

21. Request by Strawberry Banke Museum for Zoning Ordinance Amendment relative to the Definition of "Museum" – Voted to accept the Planning Board's recommendation, and further, authorize the City Manager to bring back for first reading the proposed Zoning Ordinance amendment at its April 16, 2012 City Council meeting.

22. Request of PSNH for Easement for Placement of Service at Prescott Park – Voted to refer the PSNH easement request to the Planning Board for a report back.

23. Discussion Re: Context Sensitive Redevelopment – Discussion was held regarding this matter. No action required.

24. Appointments to be Considered – The City Council considered the following appointments which will be voted on at the April 16, 2012 City Council meeting.

- Reappointment of Rich DiPentima to the Conservation Commission
- Reappointment of Peter Vandermark to the Conservation Commission
- Reappointment of Laura Montville to the Portsmouth Economic Development Loan Program (PEDLP)
- Reappointment of Steve Berg to the Portsmouth Economic Development Loan Program (PEDLP)
- Appointment of Robert Cook to the Blue Ribbon Committee on Sustainable Practices
- Appointment of Shelley Saunders to the Parking & Traffic Safety Committee

25. Appointments to be Voted – Voted to appoint David Rheame as a regular member to the Zoning Board of Adjustment until December 1, 2016. Voted to appoint David Rheame as a regular member to the Building Code Board of Appeals until July 1, 2012. Mr. Rheame is filling the unexpired term of Chester Keefe. Voted to reappoint MaryAnn Blanchard to the Conservation Commission until April 1, 2015.

26. Appointment of Councilor Anthony Coviello to the Public Access Financial Advisory Committee – Voted to appoint Councilor Anthony Coviello to the Public Access Financial Advisory Committee. Councilor Thorsen abstained.

27. Proposed Amendment to Taxi Ordinance – Chapter 7, Article II, Section 7.229 – General Provisions by a new Sub-section E entitled Compliance with State and Federal Law – Voted to establish first reading at the April 16, 2012 City Council meeting.

28. Adjournment – At 9:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk