

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 16, 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 AND SMITH

ABSENT: COUNCILOR THORSEN

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1. At 6:15 p.m., an Anticipated "Non-Meeting with Counsel was held - RSA: 91-A:2, I (b).
2. Proclamation – Arbor Day – Councilor Lown read the Proclamation declaring Friday, April 27, 2012, as Arbor Day in the City of Portsmouth.
3. Proclamation – Earth Day 2012 – Councilor Dwyer read the Proclamation declaring April 22, 2012, as Earth Day and encouraged residents to participate in Portsmouth's Sustainability Day on May 12, 2012.
4. Acceptance of Port Security Analysis Grant – Voted to approve and accept the Port Security Analysis Grant.
5. First reading of 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 pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the May 7<sup>th</sup> City Council meeting.
6. First reading of Proposed Amendment to Zoning Ordinance, Chapter 10, Article 8, Section 10.836.20 of the Zoning Ordinance regarding Accessory Drive-through Facilities – Voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the May 7<sup>th</sup> City Council meeting.
7. First reading of Proposed Amendment to Zoning Ordinance, Chapter 10, Article 15, Section 10.1530 – Terms of General Applicability relative to the Definition of Museum – Voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the May 7<sup>th</sup> City Council meeting.
8. Third and final reading of Proposed Ordinance Amendment to Chapter 6, Article XVI, Section 6.16 – Magazine Subscription Solicitors by amending Section 6.1604 – License Fee – Voted to pass third and final reading on the proposed Ordinance amendment.
9. Third and final reading of Proposed Ordinance Amendment to Chapter 5, Article VIII, Section 5.8 – Alarm Systems Monitored by the City by amending Section 5.802: Service Fee and Section 5.803: Permissible Unfounded Emergency Calls – Voted to pass third and final reading on the proposed Ordinance amendment.

10. Third and final Reading of Proposed Ordinance Amendment to Chapter 6, Article VII, Section 6.7 – Dogs and Other Pets by amending Section 6.708: License – Voted to pass third and final reading on the proposed Ordinance amendment.

11. Consent Agenda – Voted to adopt the Consent Agenda.

- A. Request for approval of Pole License to install/replace one (1) pole located on Holiday Drive ***(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)***
- B. Request for approval of Pole License to install/replace one (1) pole located on Jones 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)***
- C. Request for approval of Pole License to install/replace eight (8) poles located on Marcy Street ***(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)***
- D. Request for approval of Pole License to install/replace two (2) poles located on Woodbury 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. Request for Licenses from Keith Prince, owner of Rudi's Restaurant for property located at 20 High Street and 5 Congress Street for 2 projecting signs. ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Keith Prince, owner of Rudi's Restaurant, for 2 projecting signs at property located at 20 High Street and 5 Congress Street and, further, authorize the City Manager to execute License Agreements for this request)***

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, 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 signs, 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***

12. Letter from Nicole LaPierre requesting Rock Street Park to be closed between the hours of 11 p.m. and 5:00 a.m. – Voted to refer to the City Manager for report back. Councilor Lown voted opposed.
13. Letter from John Semprini, President of Sons of Italy, regarding Portsmouth Owned Building at 1 Plains Avenue – Voted to refer to the City Manager for report back. Councilors Coviello and Novelline Clayburgh abstained from voting.
14. Proposed Adoption of the Portsmouth City Employees Local 1386 of the American Federation of State, County and Municipal Employees (AFSCME) Tentative Agreement – Voted to approve the Agreement between the Portsmouth City Employees Local 1386 of the American Federation of State, County and Municipal Employees (AFSCME) and the City of Portsmouth to expire June 30, 2014. Councilor Dwyer abstained from voting.
15. Report Back Re: Request of Northern Tier Real Estate Acquisition and Development, LLC, for Property Located at 172 Hanover Street to Remove the Glass Atrium on the Vaughan Mall Side of the Property – Voted to approve the request to remove the atrium subject to the property owner securing all necessary municipal approvals for its replacement prior to its removal.
16. Modification of Consent Decree – Voted to approve the Consent Decree Modification representing the additional five months to the schedule, as presented.
17. Appointments to be Considered - The City Council considered the following appointments:
  - Reappointment of Kathleen Bergeron to Citywide Neighborhood Steering Committee
  - Reappointment of John Leith to Portsmouth Housing Authority
  - Reappointment of Ed DelValle to Recreation Board

18. Appointments to be Voted – Voted to reappoint Rich DiPentima to the Conservation Commission until April 1, 2015. Voted to reappoint Peter Vandermark to the Conservation Commission until April 1, 2015. Voted to reappoint Laura Montville to the Portsmouth Economic Development Loan Program (PEDLP) until April 16, 2015. Voted to reappoint Steven Berg to the Portsmouth Economic Development Loan Program (PEDLP) until April 16, 2015. Voted to appoint Robert Cook to the Blue Ribbon Committee on Sustainable Practices.

On a roll call vote 3-5, motion to appoint Shelley Saunders to the Parking Traffic & Safety Committee **failed** to pass. Councilors Coviello, Lown and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer and Smith voted opposed.

19. Update on Senior Citizens Programs – Councilor Novelline Clayburgh provided a verbal update on the Senior Citizens Programs. No action required.

20. Update on Middle School – Councilor Dwyer provided a verbal update on the Middle School project. No action required. Councilor Dwyer announced two upcoming events.

- April 27<sup>th</sup> – Dedication of the Alumni-Wentworth Field at 4:00 p.m.
- May 17<sup>th</sup> – Informational Night for parents and students of the Middle School at 6:00 p.m.

21. Miscellaneous/Unfinished Business – Councilor Kennedy announced that the Peirce Island Committee will be holding a fundraising event on April 24<sup>th</sup> at Flat Bread Pizza from 5:00 p.m. – 7:00 p.m.

Assistant Mayor Lister requested that a letter be sent to the family of Michael Maloney, Greenland Police Chief who was tragically killed in the line of duty on Thursday, April 12, 2012 with the City Council's condolences. He also requested that each member of the City Council sign the letter.

22. Adjournment – At 8:45 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk