

Amended to include action by the Council on the Request from Memorial Bridge Illumination Committee Re: Ratification of Loan Request – Action #11

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 1, 2013, 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

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1. At 6:00 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Litigation – RSA 91-A:2 I (c).
 2. At 6:30 p.m., a Work Session was held on a proposed Zoning Ordinance amendment regarding Neighborhood Commercial Uses.
 3. Presentation - Ben Anderson, Executive Director of Prescott Park Arts Festival Re: Update on New Pavilion Building in Prescott Park – Ben spoke to the Capital Campaign for site & performance improvements to Prescott Park. The goal of the campaign is \$1,300,000.00.
 4. Presentation - Memorial Bridge Site Improvements in and around Scott Avenue and Daniel Street including Memorial Park – Deputy City Manager Allen reviewed the design for the New Memorial Park Concept Plan. He introduced Mr. Teetzel of Wilcox Industries Corp., who donated funds for the creation of the Park. Mr. Teetzel discussed reclaimed granite from the bridge that will be used in the Memorial Park and Ms. Woodburn of Woodburn & Co., discussed the design features for the park. Mr. Teetzel also spoke regarding a fundraising effort for the bridge lighting project, to sell commemorative bricks to be placed in the Veteran’s Memorial Circle. He requested a consensus from the Council to move forward with this fundraising proposal.
 5. Acceptance of Minutes – March 18, 2013 – **Voted** to approve and accept the minutes of the March 18, 2013 City Council meeting.
 6. Public Comment Session – There were 12 speakers: Neill DePaoli, Michael Frandzel, Natalie Roman-Nelson, Harold Whitehouse, Zelita Morgan, Susan Denenberg, Bob Shouse, Catherine Reddington (Parking/Worth Lot); Ralph DiBernardo (Neighborhood Commercial Uses Proposed Ordinance Amendment); Jim Noucas/Portsmouth Listens (Transportation); Nancy Pearson (Percent Art Ordinance) and David Nord (Conflict of Interest).

7. Public Hearing - Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 12 – Signs, Section 10.1230 – Sign Districts, Section 10.1240 – Permitted Sign Types; Section 10.1250 – Sign Dimensional Standards, Section 10.1290 – Sign Definitions, and Section 10.1270 – Additional Sign Regulation – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading on the proposed Ordinance, at the April 15, 2013 City Council meeting. Councilors Kennedy and Smith abstained from voting on this matter.
8. Public Hearing - Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 5 – Dimensional and Intensity Standards, Section 10.515 – Measurement Rules, Section 10.516 – Exceptions to Yard Requirements and Article 15 – Definitions, Section 10.1530 – Term of General Applicability – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading on the proposed Ordinance, at the April 15, 2013 City Council meeting. Councilor Kennedy voted opposed.
9. Public Hearing - Second Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.20 – Work Sessions – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading on the proposed Ordinance, at the April 15, 2013 City Council meeting.
10. Voted to suspend the rules in order to take up Item XII. A.2. – Request from Memorial Bridge Illumination Committee Re: Ratification of Loan Request.
11. Request from Memorial Bridge Illumination Committee Re: Ratification of Loan Request – **Voted** to authorize the City Manager to enter into a Loan Agreement with the Memorial Bridge Illumination Committee, as presented.
12. First Reading of Resolution Authorizing the Borrowing of up to Three Million Three Hundred Thousand Dollars (\$3,300,000.00) Through the Issue of Bonds and Notes for Additional Costs for the Construction, Expansion and Renovation of the Portsmouth Middle School – **Voted** to approve first reading on a \$3.3 Million Dollar Bond Authorization and schedule a public hearing and adoption at the April 15, 2013 City Council meeting.
13. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Request for Approval of Pole License to install 2 poles, 1 located on Sagamore Avenue and 1 located on Austin Street that are in need of replacement (***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 1 pole and 110 feet of Underground Conduit and 1 pad mounted transformer located on Daniel Street. The transformer and conduit system are associated with the Memorial Bridge construction (**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. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting permission to hang Harbour Trail Flags at 24 key sites for the 2013 season (**Anticipated action – move to refer to the City Manager with power**)
 - D. Letter from Alyssa Salmon, Big Brothers Big Sisters of the Greater Seacoast, requesting permission to hold the 4th Annual Stiletto Race on Saturday, June 15, 2013 from 3:30 p.m. – 5:30 p.m. and to close Pleasant Street (rain date Sunday, June 16, 2013) (*Combined with Summer in the Streets Program through Pro Portsmouth*) (**Anticipated action – move to refer to the City Manager with power**)
 - E. *Acceptance of Donation to Recreation Department in memory of Thomas Leary
 - Kenneth C. and Priscilla A. Bowlen - \$25.00**(Anticipated action – move to approve and accept the donation to the Portsmouth Recreation Department, as listed)**
 - F. Letter from Wendy McCoole, Executive Director, BreastCancerStories.org, requesting change of date of CelebratePink 5K Road Race and Walk to Saturday, September 14, 2013 (**Anticipated action – move to refer to the City Manager with power**)
14. Letter from Attorney Paul McEachern on behalf of Beth Gross-Santos regarding the merger of lots at 79 Lois Street. Also attached is a memorandum from Rick Taintor, Planning Director regarding the request – Voted to postpone this matter to a future Council meeting.
15. Letter from Doug Bates, President, Greater Portsmouth Chamber of Commerce requesting permission to conduct a Veterans Council 5K Road Race on Saturday, May 18, 2013 at 9:00 a.m. – Voted to refer to the City Manager with power.
16. 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.

17. Applications for Sidewalk Cafes Providing Alcohol Service:

- Popovers on the Square – **Voted** to authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square for outdoor Alcohol Service on City land for the 2013 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Councilor Kennedy voted opposed.
- Ri Ra – **Voted** to refer to the City Manager with power to look at a 3 foot radius around the bench and tables.
- State Street Saloon – **Voted** to authorize the City Manager to enter into an Area Service Agreement with State Street Saloon for outdoor Alcohol Service on City land for the 2013 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Councilor Kennedy voted opposed.
- Surf – **Voted** to authorize the City Manager to enter into an Area Service Agreement with Surf for outdoor Alcohol Service on City land for the 2013 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Councilor Kennedy voted opposed

18. Report Back Re: Request by Christopher McInnis to Rezone Parcels at 678 and 680 Maplewood Avenue from Single Residence B (SRB) to Business (B) – **Voted** to accept the Planning Board's recommendation that the City Council **not** vote to rezone the land as requested. Councilor Smith abstained from voting on this matter.

19. License Request for 103 Congress Street, The District Restaurant – **Voted** to authorize the City Manager to negotiate and enter into a license with The District Restaurant located at 103 Congress Street to allow an approximate 3 square foot overhang of its awning on City property.

20. Appointment to be Considered – Michael Barker – Appointment to the Taxi Commission – The City Council considered the appointment of Michael Barker to the Taxi Commission which will be voted on at the April 15, 2013 City Council meeting.

21. Appointments to be Voted – **Voted** to reappoint Ruth Griffin to the Portsmouth Housing Authority until April 1, 2018.

Voted to reappoint Shelley Saunders as an Alternate to the Conservation Commission until April 1, 2016.

22. Establish Public Input Session Re: Restart Process for Building Parking Garage at Worth Lot – Proposed Date, Monday, May 13, 2013 at 6:30 p.m. – Moved to hold a Public Input Session on any parking issues individuals want to discuss on Monday, May 13, 2013 at 6:30 p.m.

On a roll call 5-4, **voted** to amend the motion to hold this public input session after June 15th. Assistant Mayor Lister, Councilors Kennedy, Dwyer, Smith and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Lown and Mayor Spear voted opposed.

Motion to amend the main motion to broaden the discussion to all parking and transportation issues **failed** to pass. Councilors Kennedy and Thorsen voted in favor.

Main motion passed as amended. Councilors Kennedy and Thorsen voted opposed. *Motion is as follows: **Voted** to hold a Public Input Session on any parking issues individuals want to discuss after June 15, 2013.*

23. April 22, 2013 Work Session Re: Doble Center (Not on agenda) – The City Council agreed to change the date of the Work Session regarding the Doble Center to Monday, May 13, 2013 at 6:30 p.m. The April 22, 2013 Work Session is cancelled.

24. Parking & Traffic Safety Committee Action Sheet and Minutes of the March 14, 2013 meeting – **Voted** to approve and accept the action sheet and minutes of the March 14, 2013 Parking & Traffic Safety Committee meeting. Councilor Kennedy voted opposed.

25. Adjournment – At 11:00 p.m., **voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk