

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 1, 2002, COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SIRRELL, ASSISTANT MAYOR HANSON, COUNCILORS GRASSO, LOWN, HYNES, PANTELAKOS, WHITEHOUSE, MARCONI AND ST. LAURENT

ABSENT: NONE

1. Proclamation – Community Development Block Grant Week – April 1, 2002 – April 7, 2002 – Mayor Sirrell read the Proclamation declaring April 1, 2002 – April 7, 2002 as Community Development Block Grant Week. Robert Layton, Chairman of the CDBG Citizens Advisory Committee accepted the Proclamation with gratitude.
2. Proclamation – Barber Shop Quartet Singing in America – Mayor Sirrell read a Proclamation recognizing the Barber Shop Quartet Singing in America to the Seacoast Area. Members of the Barber Shop Quartet thanked the City Council for the Proclamation by singing a couple of songs.
3. Presentation – Lt. Colonel Gary Cyr and State Retired Major Ernest Loomis Re: N.H. Employer Support for the Guard and Reserve Committee – A Representative from the ESGR and the 157th Air Refueling Unit presented plaques to Mayor Sirrell, City Manager Bohenko, Police Chief Russ and Deputy Police Chief Magnant in recognition of their support to the 157th Air Refueling Unit at Pease.
4. Public Comment Session – There were three speakers: Ralph DiBernardo (State Wide Property Tax); Wayne Ecker (City Business); and Peter Bresciano (Cable Franchise Fee).
5. Public Hearing – Capital Improvement Plan (CIP) FY 2003-2008 – Held a Public Hearing.
6. Public Hearing – Resolution Authorizing a Supplemental Appropriation for Necessary Expenditures for the Operation of the Fire Department – Held a Public Hearing. On a unanimous roll call 9-0, voted to adopt the resolution for a supplemental appropriation in the amount of \$285,000 to be appropriated from Undesignated Fund Balance to dray the current Fire Department expenditures for the Fiscal Year ending June 30, 2002.
7. Public Hearing – Ordinance amending Chapter 8, Article III, Section 8.302 – City Arborist – Held a Public Hearing. Voted to pass second reading and hold third and final reading at the April 15th City Council meeting.
8. Public Hearing – Ordinance amending Chapter 5, Article VIII, Sections 5.801 – 5.810 – Alarm Systems Monitored by the City – Held a Public Hearing. Voted to table the ordinance until a Work Session is held with the City Council.
9. Approval of Grants/Donations – Request for Approval of a Grant Award from the N.H. Highway Safety Agency and Acceptance of Donations for the Portsmouth Police Honor Guard – Voted to approve and accept the grant award/donations to the Portsmouth Police Department as listed.

10. First reading of Ordinance amending Chapter 10, Article II, Section 10.202 for the Rezoning of Land on Deer Street – Voted to pass first reading and hold a Public Hearing and second reading at the April 15th City Council meeting.
11. Third and final reading of Ordinance amending Chapter 8, Article II, Section 8.206 – Behavior (in City Parks) – Voted to pass third and final reading. Councilor Lown voted opposed.
12. Third and final reading of Ordinance amending Chapter 10 regarding Impact Fees – Voted to pass third and final reading.
13. Third and final reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, Sub-Section E – Speed Limit 25 MPH Portsmouth Boulevard and Osprey Drive – Voted to pass third and final reading.
14. Request for Renewal of Sidewalk Obstruction Licenses for the following businesses with no changes from last year
 - Fair Skies: 1 A-frame sign
 - Serendipity: 2 A-frame signs
 - Me & Ollies Café: 10 tables, 30 chairs and 1 A-frame sign
 - Chamber of Commerce: 1 A-frame sign

Voted to refer to the City Manager with power.
15. Letter from Joseph Webster, National Multiple Sclerosis Society, requesting permission to hold a MS Walk on Saturday, April 20, 2002 – Voted to refer to the City Manager with power.
16. Letter from Steve Howard, New Hampshire Coalition for Safe Roads, requesting to discuss a resolution opposing an increase to truck size and weights on New Hampshire interstate highways – Voted to refer to the Traffic & Safety Committee. Assistant Mayor Hanson requested a copy of the resolution from the New Hampshire Coalition for Safe Roads prior to the Traffic & Safety Committee.
17. Letter from Douglas Knight,. Pro-Portsmouth, requesting closure of Pleasant Street from the State Street intersection to Market Square for Children’s Day on Sunday, May 5, 2002 from 12 noon to 4:00 p.m. – Voted to refer to the City Manager with power.
18. Letter from Douglas Knight, Pro-Portsmouth, requesting permission to close the public parking lot at the corner of Market and Hanover Streets for Children’s Day on Sunday, May 5, 2002 – Voted to refer to the City Manager with power.
19. Letter from AT&T Broadband, requesting approval to exclude non-subscriber revenue from the calculation of franchise fees – Voted to authorize the City Manager to ask AT&T Broadband not to apply the advertised revenue to the franchise fee of the subscriber’s bill and, further, that we advise AT&T that we are doing this under protest and are challenging their interpretation of the FCC ruling.

20. Letter from Michael Warhurst, expressing concerns regarding the proposed casino in Maine – Voted to accept and place the letter on file. Moved that the City Council go on record opposing a casino in the seacoast area. Voted to amend the motion to read that the City Council goes on record opposing a casino in the Portsmouth area. On a roll call vote 6-3, main motion as amended failed to pass. Mayor Sirrell, Councilor Grasso and Assistant Mayor Hanson voted in favor. Councilors Lown, Hynes, Pantelakos, Whitehouse, Marconi, and St. Laurent voted opposed.
21. Letter from Joan Jones and Elizabeth Binnie, submitting a petition opposing a vehicular access to 46 Livermore Street through a portion of Haven Park – Voted to refer to the Planning Board and the City Manager for a report back.
22. Adoption of Proposed Capital Improvement Plan (CIP) FY 2003-2008 – Moved to adopt the City of Portsmouth's Capital Improvement Plan for FY2003-3008. Voted to amend the Capital Improvement Plan by moving the \$100,000 for the new parking facility at the Worth Lot from FY 2003 to FY 2004 and moving the \$6,000,000 for the parking facility at the Worth Lot from FY 2004 to FY 2005. On a roll call 8-1, voted to pass the main motion as amended. Assistant Mayor Hanson, Councilors Grasso, Lown, Hynes, Pantelakos, Marconi, St. Laurent and Mayor Sirrell voted in favor. Councilor Whitehouse voted opposed.
23. Proposed Truck Loading Zone Ordinance – Voted to authorize the City Manager to bring back for first reading a proposed Truck Loading Zone Ordinance at the May 20th City Council meeting.
24. Request to Extend Lease Agreement for Trash Compactor on Ceres Street – Voted to authorize the City Manager to extend the License Agreement between the City of Portsmouth and Old Ferry Landing, Inc., Poco Diablo, Inc., and Stockpot, Ltd. for the period December 1, 2001 through November 30, 2002.
25. Request for Approval of Grant Applications to the NH Highway Safety Agency – On a roll call 7-2, voted to approve the submission of the grant applications by the Public Works and Police Departments to the NH Highway Safety Agency, as listed. Assistant Mayor Hanson, Councilors Grasso, Hynes, Pantelakos, Whitehouse, Marconi, and Mayor Sirrell voted in favor. Councilors Lown and St. Laurent voted opposed.
26. Appointments – The City Council considered the appointment of Donald Green to the Conservation Commission from an alternate to a regular member. This appointment will be voted on at the April 15th City Council meeting.

Voted to appoint John Gregg to the Cable Commission until April 1, 2005.
27. Donation to the Coalition Legal Fund (Not on Agenda) – Voted to accept the \$2,000 contribution from the Town of Greenland to be placed in the Coalition Legal Fund.
28. Acceptance of Donations for the New Public Library – Voted to accept a \$100 contribution from Raimond Bowles for the New Public Library Fund. Voted to accept a \$200.00 contribution from David and Eleanor Sanderson for the New Public Library Fund.

29. Acceptance of Donations for the Old State House – Voted to accept a \$500 contribution from Jeremy Waldron for the Old State House Fund.
30. Reports – Mayor Sirrell announced that the NH Office of Emergency Management is holding an informational session on Thursday, April 4th at 7:00 p.m. at City Hall to provide community leaders with information concerning potassium iodide, or KI, tablets from the U.S. Nuclear Regulatory Commission.
31. Discussion of MBTE gasoline additive – Voted to send a letter to Governor Shaheen and the State Senators from the City Council requesting the removal of the MBTE gasoline additive in the State of New Hampshire.
32. Adjournment – At 10:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, City Clerk