

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, COUNCIL CHAMBERS  
DATE: MONDAY, MARCH 6, 2006

PORTSMOUTH, NH  
TIME 7:00 PM

- 6:00 PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING NEGOTIATIONS & LITIGATION – RSA: 91-A:2, I (b-c) & RSA: 91-A:2, I (c)

## AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### MAYOR’S AWARDS

1. Ralph A. DiBernardo, Sr.
2. Ronald E. Cypher
3. St. Patrick’s Girls Basketball Team
4. Dondero Fifth Grade Boys Basketball Team

### PROCLAMATIONS

1. Music in the Schools Month
2. Youth Art Month

### PRESENTATION

1. Update on Library Project – John O’Leary, Chair of the Library Building Committee

### **V. ACCEPTANCE OF MINUTES – FEBRUARY 13, 2006**

### **VI. PUBLIC COMMENT SESSION**

### **VII. ACCEPTANCE OF GRANTS/DONATIONS**

- A. Acceptance of New Hampshire Estuaries Project (NHEP) Grant for Pleasant Point Sewer Extension - \$30,000.00

### **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance amending Chapter 1, by the creation of Article XVII – Funding of Public Art
- B. First reading of Ordinance amending Chapter 10, Article II, Section 10.202 – Location- Rezoning properties located off Banfield Road and Constitution Avenue from Office Research (OR) to Industrial (I)

- C. First reading of Ordinance amending Chapter 7, Article III, Section 7.330, Sub-section A  
- No Parking – Church Street: both sides from State Street to Court Street

## IX. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Acceptance of Donations to the New Library Building Fund
- Jeffrey Morgan - \$100.00
  - Mark S. Anderson & Robin M. Silva - \$250.00
  - Sylvia Thayer Trust - \$500.00

***(Anticipated action – move to approve and accept the donations to the New Library Building Fund as listed)***

- B. Acceptance of Donation from Ocean National Bank for the Firefighter Monument in the amount of \$1,500.00 ***(Anticipated action – move to approve and accept the donation to the Firefighter Monument as listed)***

- C. Acceptance of Donations to the Cemetery Committee
- Michael Griffin - \$20.00
  - Janet Marx - \$20.00
  - Deborah Richards - \$20.00
  - Robert & Janet Simmonds - \$25.00
  - Robert & Nackey Scagliotti - \$30.00
  - John Goyette - \$40.00
  - Helmar & Marsha Herman - \$40.00
  - A. & M. McGee - \$40.00
  - Louise & Basil Richardson - \$40.00
  - Michelle Saidel, M.D. - \$40.00
  - Joyce Volk - \$40.00
  - Ross & Paula Warner - \$40.00
  - John & Sharon Churchill - \$50.00
  - Mary Christine Dwyer - \$50.00
  - Wendy Lull- \$80.00

***(Anticipated action – move to approve and accept the donations to the Cemetery Committee as listed)***

- D. Acceptance of Donations to the Cemetery Committee/Programs
- JCM Management Co., Inc. - \$20.00
  - JCM Management Co., Inc. - \$80.00
  - J. Verne Wood Funeral Home, Inc. - \$400.00

***(Anticipated action – move to approve and accept the donations to the Cemetery Committee/Programs as listed)***

E. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year

- Ambrosia Gardens, Inc. – 1 A-frame sign
- Attrezza LLC – 1 A-frame sign
- Bagel Works – 4 Tables, 12 Chairs and 1 A-frame sign
- Belle Peppers – 2 Tables and 4 Chairs
- Breaking New Grounds, Inc. – 15 Tables, and 42 Chairs
- Café Kilim – 1 Bench
- Ceres Bakery – 4 Benches
- Chamber of Commerce – 1 A-frame sign
- Choozy Shooz – 1 Bench and 1 A-frame sign
- Colby's Breakfast & Lunch – 1 A-frame sign
- Dos Amigos Burritos – 1 Bench
- Geno's Coffee Shop – 1 A-frame sign
- Izzy's Frozen Yogurt – 1 Bench
- Leo Auger Real Estate – 1 A-frame sign
- Lucky 7 Gallery – 1 A-frame sign
- Me & Ollies Café – 6 Tables, 18 Chairs and 1 A-frame sign
- Muddy River Smokehouse – 1 A-frame sign
- 02 Yoga Studios – 1 A-frame sign
- Portsmouth Brewery – 1 A-frame sign
- Portsmouth Provisions – 1 A-frame sign
- Prudential Rush Realty – 1 A-frame sign
- Rosa's Restaurant – 2 A-frame signs
- Seacoast Hearing Center – 1 A-frame sign
- Serendipity – 2 A-frame signs
- Starbucks Coffee – 4 Tables and 8 Chairs
- Stonewall Kitchen – 1 A-frame sign
- The One Hundred Restaurant – 1 A-frame sign
- Tugboat Alley – 1 Bench
- Water Monkey – 2 A-frame signs

***(Anticipated action – move to refer to the City Manager with power)***

- F. Letter from Michael and Jacqui Bryan, 2006 New Hampshire Seacoast Run Pedal Paddle, requesting permission to hold the third annual Seacoast Run Pedal Paddle on Saturday, October 21, 2006 ***(Anticipated action – move to refer to the City Manager with power)***

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Vernis Jackson, Seacoast African American Cultural Center, withdrawing request for use of South Meeting House (Children's Museum)

- B. Letter from Vernis Jackson, Seacoast African American Cultural Center, requesting to serve as a representative to the proposed committee that will study vacant (or soon to be vacant) city owned buildings
- C. Letter from Attorney Michael Donahue requesting the City grant an access easement to property located on Bedford Way

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**Items which require Action under other sections of the Agenda**

- 1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:
  - 1.1 First reading of Ordinance amending Chapter 1 by the creation of Article XVII – Funding of Public Art (***Action on this matter should take place under Section VIII of the Agenda***)
  - 1.2 First reading of Ordinance amending Chapter 10, Article II, Section 10.202 – Location- Rezoning properties located off Banfield Road and Constitution Avenue from Office Research (OR) to Industrial (I) (***Action on this matter should take place under Section VIII of the Agenda***)
  - 1.3 First reading of Ordinance amending Chapter 7, Article III, Section 7.330, Sub-section A - No Parking Church Street from State Street to Court Street (***Action on this matter should take place under Section VIII of the Agenda***)
- 2. Request for an Access Easement to Property Located on Bedford Way (***Action on this matter should take place under Section X of the Agenda***)

**City Manager’s Items Which Require Action**

- 1. Acceptance of Water Easement

**Informational Items**

- 1. Report Back Re: Elderly Exemptions Survey
- 2. Report Back Re: Balloons for Auto Dealerships
- 3. Work Session Re: Overtime Audit Report
- 4. Report Back Re: Atlantic Heights

**B. MAYOR MARCHAND**

- 1. \*Establish Blue Ribbon Committee on Sustainable Practices
- 2. Appointments
- 3. Resignation of member from Conservation Commission
- 4. \*Reports

**C. COUNCILOR DWYER**

1. Request for Discussion of Regulations Re: Public Performance
2. Governor's Arts Awards Press Release

**D. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the February 9, 2006 meeting

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]**

**KELLI L. BARNABY, CMC  
CITY CLERK**

(\*Indicates verbal report)

**INFORMATIONAL ITEMS**

1. Conservation Commission minutes of the December 14, 2005 and January 11, 2006 meetings
2. Site Review Technical Advisory Committee minutes of the January 31, 2006 meetings
3. Recreation Board minutes of the February 15, 2006 meeting

**NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED:** Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.