

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON AUGUST 7, 2006 COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR MARCHAND, ASSISTANT MAYOR FERRINI, COUNCILORS GRASSO, DWYER, RAYNOLDS, PANTELAKOS, WHITEHOUSE, SMITH AND HYNES

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1. Proclamation – USS Hartford – Mayor Marchand presented the Proclamation to Captain Cattani welcoming the USS Hartford to the City of Portsmouth. Captain Cattani accepted the Proclamation with thanks and appreciation.
2. Acceptance of Minutes – June 19, 2006 July 10, 2006 and July 17, 2006 – Voted to approve and accept the minutes of the June 19, 2006, July 10, 2006 and July 17, 2006 City Council meetings.
3. Public Comment Session – There were twenty-one speakers: Christine Mayeux, Sean Rafferty, George Carlisle, Sean Tenant, Steve Griswold, Lisa Rundlett-Groux, Marylou McElwain, Didi Wallace, Allen Nelson, Kara LaSalle, Paul Young, Tom Keane (HarborCorp Rezoning Requests); Jane James, Elaine Krasker, Peter Bresciano, Russ Grazier, Jr., Ellen Fineberg (Public Art Ordinance), Joel Carp, Tom Carroll (Scrap Metal on Market Street); Dennett Page (Dogs); and Doug Macdonald (62 Deer Street).
4. Acceptance of Donations to the Coalition Legal Fund from the Town of Sugar Hill in the amount of \$500.00 and the Town of Bridgewater in the amount of \$1,000.00 – Voted to accept the \$500.00 contribution from the Town of Sugar Hill and \$1,000.00 from the Town of Bridgewater to be placed in the Coalition Legal Fund.
5. Acceptance of Grant from NiSource Charitable Foundation for the Firefighter's Monument in the amount of \$35,000.00 – Voted to accept the NiSource Charitable Foundation grant award in the amount of \$35,000.00 for the firefighter's monument.
6. Acceptance of Grant to the Police Department from the New Hampshire Department of Justice on the Enforcement for Under Age Drinking Laws in the amount of \$7,379.00 – Voted to approve and accept the grant to the Portsmouth Police Department as listed.
7. Acceptance of Donation to the New Library Building Fund from Peter M. & Catherine C. Okhuysen for the naming of the Community Wall in the amount of \$200.00 (Total Pledge will be \$500.00 to be paid over 2 years) – Voted to approve and accept the donation to the New Library Building Fund as listed.
8. Acceptance of Donation to the New Library Building Fund from Dietrich E. Frank & Marie P. Frank in the amount of \$1,000.00 – Voted to approve and accept the donation to the New Library Building Fund as listed.
9. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A - Jenkins Avenue: Northerly and Southerly sides. Westerly end between the hours of 7:00 a.m. – 3:00 p.m. Monday through Friday – Voted to pass first reading of the ordinance, as submitted, and hold a public hearing and second reading at the August 21, 2006 City Council meeting.

10. Second reading of Ordinance amending Chapter 1, by the creation of Article XVII – Funding of Public Art (Continued from the April 3, 2006 City Council meeting) – On a roll call 8-1, voted to amend Section 1.1702 by the addition of “*up to fifteen million dollars*” after the phrase two million dollars. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Smith, Hynes and Mayor Marchand voted in favor. Councilor Whitehouse voted opposed.

Moved to pass second reading of the ordinance, as submitted, and hold third and final reading at the August 21, 2006 City Council meeting.

On a roll call 6-3, voted that this ordinance shall take effect on August 21, 2007. Councilors Grasso, Dwyer, Raynolds, Pantelakos, Smith and Hynes voted in favor. Assistant Mayor Ferrini, Councilor Whitehouse and Mayor Marchand voted opposed.

On a roll call vote 2-6, motion to delete from Section 1.1702 the phrase “*for the renovation of existing municipal buildings*” *failed* to pass. Councilors Grasso and Pantelakos voted in favor. Assistant Mayor Ferrini, Councilors Dwyer, Raynolds, Whitehouse, Smith and Mayor Marchand voted opposed. Councilor Hynes abstained from voting.

On a unanimous roll call 9-0, voted to recess second reading of the ordinance until the August 21, 2006 City Council meeting to allow the City Attorney to draft the amendments made this evening.

11. Third and final reading of Ordinance amending Chapter 10, Article II, Section 10.202 – Location of the Zoning Ordinance and Zoning Map be amended by rezoning the properties located off Hanover Street and Maplewood Avenue at Assessors Map 124, Lot 12, Map 118, Lot 28, Map 125, Lot 21 from Central Business A (CBA) to Central Business B (CBB) – On a roll call 2-7, motion to table the ordinance until the August 21, 2006 meeting *failed* to pass. Councilors Raynolds and Whitehouse voted in favor. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Pantelakos, Smith, Hynes and Mayor Marchand voted opposed. On a roll call 7-2, voted to pass third and final reading of the amended ordinance, as submitted. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Pantelakos, Smith, Hynes and Mayor Marchand voted in favor. Councilors Raynolds and Whitehouse voted opposed.
12. Third and final reading of Ordinance amending Chapter 10, Article XII, Section 10-1201 – Off-Street Parking – to allow Off-Street Parking Facilities to be Located on Lots other than the Same Lot as the Principle Use where the applicant and the City agree on the terms and conditions under which a municipally owned covered parking facility shall be constructed as part of the overall development project – On a unanimous roll call 9-0, voted to pass third and final reading of the amended ordinance, as submitted.

13. Third and final reading of Ordinance amending Chapter 10, Article XII, Section 10-1202 – Off-Street Parking Innovation: Inter Modal Transportation Credit for Central Business A and Central Business B District – to allow the Inter Modal Parking Credit to be applicable when the applicant and the City agree on the terms and conditions under which a new, municipally owned covered parking facility shall be constructed as part of the overall development project – On a unanimous roll call 9-0, voted to pass third and final reading of the amended ordinance, as submitted.
14. Third and final reading of Ordinance amending Chapter 10, Article II, Section 10.208 – Table 4, Paragraph 16, Uses in Business District, Central Business B Zone, to allow said uses as Permitted Uses rather than as a Special Exception – On a roll call 7-2, voted to pass third and final reading of the amended ordinance, as submitted. Councilors Grasso, Raynolds, Pantelakos, Whitehouse, Smith, Hynes and Mayor Marchand voted in favor. Assistant Mayor Ferrini and Councilor Dwyer voted opposed.
15. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.
16. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Tanner Court - northerly side from Parker Street to a point 78' westerly of Tanner Street - southerly side from Parker Street to a point 78' westerly of Tanner Street – Voted to pass third and final reading of the amended ordinance, as submitted.
17. Adoption of Resolution Regarding Acceptance, Negotiation and Liquidation of Donated Securities – Voted to adopt a Resolution Regarding Acceptance, Negotiation and Liquidation of Donated Securities.
18. Consent Agenda – Voted to adopt the Consent Agenda as presented.
  - A. Acceptance of Donations to the New Library Building Fund
    - RB Cole - \$25.00
    - Maryellen Hurley & Gerald Kelly - \$50.00
    - Janice Gallinger - \$50.00
    - Doris Bradshaw - \$100.00
    - Atlantic Management Company, Inc. - \$200.00
    - Helen L. Astle - \$250.00

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

B. Acceptance of Donations to the Cemetery Committee

- Jackson Gillman - \$54.00
- Meg Gilman - \$17.00
- Ben Franklin - \$41.00
- G. Quessaire Presutti - \$28.96
- Kate Carney - \$50.00
- Glenn Knoblock - \$46.35
- The Lincolns - \$52.22
- Jeff Warner - \$90.25
- Anonymous - \$128.02

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

C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold First Night Portsmouth 2007 ***(Anticipated action – move to refer to the City Manager with power)***

D. Letter from Janet Bourne, Arthritis Foundation, requesting permission to hold the annual Jingle Bell Run on Saturday, November 18, 2006 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

19. Letter from Bill St. Laurent, President Association of Portsmouth Taxpayers, opposing the creation of a forgiveness ticket program – Voted to accept and place the letter on file.
20. Voted to suspend the rules in order to take up Item XI. E.2. – Parking Committee Action Sheet and Minutes of the July 13, 2006 meeting.
21. Parking Committee Action Sheet and Minutes of the July 13, 2006 meeting – Voted to approve and accept the action sheet and minutes of the July 13, 2006 Parking Committee meeting.
22. Listing of Players' Ring on the NH State Register of Historic Places – Voted to authorize the City Manager to list the Players' Ring Building (Portsmouth Marine Railway) on the NH State Register of Historic Places.
23. Acceptance of Easement from South Common Condominium Association and Easement from Elizabeth Brunelle – Voted to authorize the City Manager to accept an easement from South Common Condominium Association and an easement from Elizabeth Brunelle.
24. Polling Hours for September 12, 2006 State Primary Election – Voted to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on Tuesday, September 12, 2006.
25. Proposed Revision to City Council Meeting Schedule – Voted to reschedule the October 2, 2006 City Council meeting to Thursday, October 5, 2006. The City Council also agreed to the following dates and topics for work sessions:

- September 25<sup>th</sup> Regarding Water Rate Ordinance at 6:30 p.m. in the Council Chambers
- October 23<sup>rd</sup> Regarding Affordable Housing at 6:30 p.m. in the Council Chambers
- November 20<sup>th</sup> Regarding Cable Commission at 6:30 p.m. in the Council Chambers

26. Acceptance of Easement from K & S Energy Group – Voted to authorize the City Manager to accept a sidewalk easement from K & S Energy Group.

27. Request by Pro Portsmouth to Reschedule Street Closure – Voted to approve the rescheduling of the Street Closure which was cancelled on Saturday, July 29, 2006 to Saturday, August 19, 2006 from 5:00 p.m. to 9:30 p.m., with the same conditions which existed in the original approval by the City Council which took place on April 3, 2006.

28. Report Back Re: Driveway Permit Application for 62 Deer Street – Voted to accept the recommendation of the Planning Board to deny the request for a driveway permit application for 62 Deer Street.

29. Request for Approval of Pole License #63-431, #63-432, #63-433 – Voted to approve the request from PSNH for Pole License Agreements #63-431, #63-432, #63-433 as recommended by the Public Works Department.

30. Resignation – Cable Television and Communications Commission – Voted to accept with regret the resignation of Gene Fisk from the Cable Television and Communications Commission.

31. Appointments – Voted to suspend the rules in order to take action on the approval of the appointment of Carol Eaton to the Zoning Board of Adjustment. Voted to appoint Carol Eaton as an alternate to the Zoning Board of Adjustment filling the unexpired term of Duncan MacCallum until December 1, 2007. Mr. MacCallum has been appointed as a regular member to the Zoning Board of Adjustment.

Voted to appointment Nancy Beach as a regular member to the Cable Television and Communications Commission filling the unexpired term of Gene Fisk until April 1, 2008.

Voted to appoint Duncan MacCallum as a regular member of the Zoning Board of Adjustment until December 1, 2006. Mr. MacCallum is filling the unexpired term of Nathaniel Holloway who recently resigned from the Zoning Board of Adjustment.

32. Appointment of Building Reuse Committee (Not on agenda) - Mayor Marchand announced the appointment of the Mayor's Blue Ribbon Committee on Building Re-use. The members are as follows:

Heather Hurtt, Chair, Councilor Dwyer, Councilor Pantelakos, Councilor Smith, Senator Martha Fuller Clark, Beth Shepard-Rabadam, Richard Cyr, and Tom Heany. City staff members are John P. Bohenko, City Manager and Nancy Carmer, Economic Development Program Manager.

33. Joint School Advisory Committee Meeting (Not on agenda) - Mayor Marchand announced that the Joint School Advisory Committee will meet on Wednesday, August 16, 2006 at 5:30 p.m. in the City Council Chambers.

34. City Manager's Evaluation – Voted to accept the report of the City Manager's Evaluation as presented.
35. Peirce Island/Dogs/Walking Paths – Voted that effective immediately all dogs at Peirce Island must be leashed and to refer this matter to the Dog Committee for report back. Mayor Marchand voted opposed.
36. Traffic & Safety Committee Action Sheet and Minutes of the July 13, 2006 meeting – Voted to approve and accept the action sheet and minutes of the July 13, 2006 Traffic & Safety Committee meeting.
37. Letter from Keith Wilkinson regarding Recycling Center Operation Hours (Not on agenda) – Councilor Pantelakos requested that City Manager Bohenko review the letter and look into this matter.
38. Adjournment – At 12:00 a.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC  
City Clerk