

TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: KELLI L. BARNABY, CITY CLERK  
RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON OCTOBER 5, 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. Mayor's Award – Gene Fisk, Cable Television and Communications Commission – John Gregg on behalf of the Cable Television and Communications Commission presented Gene Fisk with a Mayor's Award in recognition on his years of service to the City and serving on the Cable Television and Communications Commission. Gene accepted the award with thanks and appreciation.
2. Art-Speak Annual Update – Jane James provided the City Council with the Art-Speak Annual Update.
3. Acceptance of Minutes – August 21, 2006 and September 18, 2006 – Voted to approve and accept the minutes of the August 21, 2006 and September 18, 2006 City Council meetings.
4. Public Comment Session – There were four speakers: Barbara Newton (Players' Ring Lease); Patricia Lynch, Elena Maltese, and Jameson French (Traffic & Safety Committee Action Sheet and Minutes regarding the Music Hall).
5. Voted to suspend the rules in order to take up Item XII. A.1. – Players' Ring Lease.
6. Players' Ring Lease – Voted to approve the lease of the City-owned brick building located on Marcy Street to the Players' Ring for use as a performance venue as outlined in the lease.
7. Voted to suspend the rules in order to take up Item XII. A.3. – Request to Extend the Agreement between Art-Speak and the City.
8. Request to Extend the Agreement between Art-Speak and the City – Voted to authorize the City Manager to extend the agreement retroactively from July 1, 2006 through June 30, 2007.
9. Voted to suspend the rules in order to take up Item XII. E.1. – Traffic & Safety Committee Action Sheet and Minutes of the September 14, 2006 meeting.
10. Traffic & Safety Committee Action Sheet and Minutes of the September 14, 2006 meeting – Moved to approve and accept the action sheet and minutes of the September 14, 2006 Traffic & Safety Committee meeting.

Voted to sever Item 10 – Music Hall – Chestnut at Islington Streets from the Traffic & Safety Committee Action Sheet.

Voted to approve and accept the action sheet and minutes of the September 14, 2006 Traffic & Safety Committee meeting excluding Item 10 – Music Hall – Chestnut at Islington Streets.

On a roll call 7-2, voted to approve and accept Item 10 – Music Hall – Chestnut at Islington Streets from the September 14, 2006 Traffic & Safety Committee meeting. Item 10 reads as follows: Voted to recommend to the City Council to create a pedestrian walkway from Congress Street to Porter Street on Chestnut Street as a pilot program from August 2007 – January 1, 2008. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Reynolds, Smith, Hynes and Mayor Marchand voted in favor. Councilors Pantelakos and Whitehouse voted opposed.

11. Public Hearing – Ordinance amending Chapter 10, Article II, Section 10-208 (35) Uses in Business Districts – Held a public hearing. Voted to pass second reading and hold third and final reading at the October 16, 2006 City Council meeting on a proposed ordinance amendment to Chapter 10, Article II, Section 10-208 (35) – Uses in Business Districts.

12. Public Hearing – Ordinance amending Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – Islington Street:

- Northerly side from Tanner Street to Parker Street
- Northerly side from Pearl Street to a point westerly 335'
- Northerly side from Cabot Street to a point easterly 515'

Held a public hearing. Voted to pass second reading of the amended ordinance, as submitted, and hold third and final reading at the October 16, 2006 City Council meeting.

13. Public Hearing – Ordinance amending Chapter 7, Article III, Section 7.325 – Limited Parking – Thirty Minutes – Islington Street:

- Northerly side from the corner of Brewster Street easterly 110'
- Northerly side easterly 70' from Dover Street to a point 82' westerly from Salem Street
- Northerly side from Pearl Street to Parker Street

Held a public hearing. Voted to pass second reading of the amended ordinance, as submitted, and hold third and final reading at the October 16, 2006 City Council meeting.

14. Public Hearing – Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking - Adding to the Ordinance (with appropriate deletions):

- Brewster Street: easterly side, from Hanover Street southerly to Islington Street
- Hanover Street: (Hanover Street Extension) southerly side from Brewster Street easterly 40'
- Islington Street: northerly side from the corner of Congress Street/Maplewood Avenue/Middle Street running westerly to the easterly corner of Tanner
- Islington Street: northerly side – easterly from a point 145' from Salem Street to a point 73' westerly of Cabot Street
- Rock Street: deletion of easterly side from Islington Street to Hanover Street

Held a public hearing. Voted that the provision in the ordinance before the Council which would modify the no parking zone on the easterly side of Brewster Street be deleted, so that the parking regulations on the easterly side of Brewster Street remain unchanged and pass second reading of the ordinance as amended, and hold third and final reading at the October 16, 2006 City Council meeting.

15. Public Hearing – Ordinance amending Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour subsection A – deletion of Islington Street: northerly side from the west side of Bridge Street westerly for a distance of 131 feet to the east side of Tanner Street – Held a public hearing. Voted to pass second reading of the amended ordinance, as submitted, and hold third and final reading at the October 16, 2006 City Council meeting.

16. Acceptance of Donation to the New Library Building Fund in memory of Ida Belostock in the amount of \$323.00

- Helen O. & Paul F. Hayner
- Dean R. & Sylvia E. Frieze
- Hannah P. Landsman
- Elaine G. Mavrikis
- Patricia & Gary Kish
- Judith B. & Leonard Shapiro
- Judith S. Wiseman & Susan K. Scolnik
- Irwin & Hellaine Nepo
- Louis & Mildred Sacks
- Joseph & Melissa Lewis

Voted to approve and accept the donations to the New Library Building Fund as listed.

17. Acceptance of Water Security Installation Grant - \$4,500.00 – Voted to accept a grant from the New Hampshire Department of Environmental Services in the amount of \$4,500.00 to the City of Portsmouth and authorize the City Manager to enter into a grant agreement on behalf of the City.

18. First reading of Bond Resolution Authorizing Bond Issue of up to \$4,450,000.00 for City Improvement Projects – Moved to pass first reading to authorize bonding in the amount of \$4,450,000.00 for various city improvement projects and schedule a public hearing and adoption at the November 13, 2006 City Council meeting.

On a unanimous roll call 9-0, voted to sever \$1,000,000.00 for Citywide Facilities' Capital Improvements from the \$4,450,000.00 Bond Resolution.

Voted to pass first reading to authorize bonding in the amount of \$1,000,000.00 for various city improvement projects and schedule a public hearing and adoption at the November 13, 2006 City Council meeting.

Voted to pass first reading to authorize bonding in the amount of \$3,450,000.00 for various city improvement projects (Citywide Sidewalk Reconstruction Program, Congress Street Area Improvements and Street Paving Management and Rehabilitation as listed in City Manager's comments dated October 2, 2006) and schedule a public hearing and adoption at the November 13, 2006 City Council meeting.

19. Third and final 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 third and final reading as submitted.

20. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Livermore Street: the easterly side from Pleasant Street to the dead end – Voted to pass third and final reading as submitted.

21. Consent Agenda – Voted to adopt the Consent Agenda as presented.

A. Acceptance of Donations to the New Library Building Fund

- Mabel Stickney - \$5.00
- R B Cole - \$25.00
- James H. & Betty A. Shaw - \$50.00
- Robert M. Snover & Darcy E. Davidson - \$100.00
- Margaret M. Morrissey - \$500.00

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

B. Acceptance of Donations to the Police Department

- Ocean National Bank to support National Night Out, 2006 - \$750.00
- International Federation of Profession and Technical Engineers for the Portsmouth Police K-9's - \$100.00

***(Anticipated action – move to approve and accept the donations to the Portsmouth Police Department as listed)***

22. Letter from Majors Chester & Joy Emmons, The Salvation Army, requesting permission to place their "Christmas Kettles" in Market Square beginning November 20, 2006 through December 23, 2006 – Voted to refer to the City Manager with power.

23. Polling Hours for November 7, 2006 State General Election – Voted to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State General Election on Tuesday, November 7, 2006.

24. 2006 Holiday Parade – Voted to approve the 2006 Holiday Parade for Saturday, December 2, 2006 at 6:00 p.m.

25. Rockingham Planning Commission & MPO Committee Appointment:

Commissioners: Member of the City Council, Planning Board Chair, John Ricci; Planning Director, David Holden; Vacant; [To be determined by the Mayor and City Council]  
Alternates: Traffic Engineer, Deborah Finnegan; Director of Public Works, Steve Parkinson; Deputy Director of Public Works, David Allen; and City Manager, John P. Bohenko

Voted to approve the appointments to the Rockingham Planning Commission & MPO Committee as submitted.

26. Seacoast Metropolitan Planning Organization's Technical Advisory Committee:

Representative: Traffic Engineer, Deborah Finnegan  
Alternates: Director of Public Works, Steve Parkinson, Deputy Public Works Director, David Allen; and Planning Director, David Holden

Voted to approve the appointments to the Seacoast Metropolitan Planning Organization's Technical Advisory Committee as submitted.

27. Appointments to be Considered:

- Sharon Morrison – Citywide Steering Neighborhood Committee
- William St. Laurent – Citywide Steering Neighborhood Committee

The City Council considered the appointments of Sharon Morrison and William St. Laurent to the Citywide Steering Neighborhood Committee. The City Council will vote on these appointments at the October 16, 2006 City Council meeting.

28. Resignation:

- Audrey Bierhans, Mayor's Blue Ribbon Cemetery Committee

Voted to accept with regret the resignation of Audrey Bierhans from the Mayor's Blue Ribbon Cemetery Committee.

29. Approval of Extension to City Manager Employment Agreement – On a unanimous roll call 9-0, voted to authorize the Mayor to execute the following amendments to the City Manager's Employment Agreement:

- 1) *Salary increase for the term of the agreement increased by 2.5% each July 1<sup>st</sup>*
- 2) *Term Life Insurance increased from \$150,000.00 to \$250,000.00*
- 3) *Employee medical premium share increased to 19% on July 1, 2008 and 20% on July 1, 2009*
- 4) *Employee allowed during this term of this agreement a 3 month paid educational sabbatical*
- 5) *Term of the agreement extended until June 30, 2012*

*Further, that all other conditions of the City Manager's Employment Agreement dated June 16, 2003 remain in full force and effect.*

30. Peirce Island Ad Hoc Committee on Dogs (Not on agenda) – Councilor Pantelakos reported that the Peirce Island Ad Hoc Committee on Dogs is submitting the following proposal, which would not be adopted until a public meeting is held by the Committee and is also subject to change:

- That dogs be leashed on Peirce Island between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday, from June 15 through Labor Day
- That signage be visible and placed throughout the park to educate everyone who uses Peirce Island just what the rules involving dogs are and how they are to be enforced
- That dog waste bags be positioned in various locations to help dog owners and remind them of their responsibility to clean up after their own dogs and clean up any other waste they see

No action required.

31. Funding for Middle School & Eminent Domain – Moved that the City Council go on record that they have no intention of taking the Peirce Land for the Middle School.

On a roll call 6-3, voted to table this matter to allow the City Attorney to report back on the easement of the Peirce Land Trust and the nature of the ownership of the land. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Smith and Mayor Marchand voted in favor. Councilor Pantelakos, Whitehouse, and Hynes voted opposed.

Councilor Smith requested that this matter be placed on the October 16, 2006 City Council agenda for report back by City Attorney Sullivan. Assistant Mayor Ferrini, without objection, amended his tabling motion to a date certain, October 16, 2006.

32. Adjournment – At 9:45 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC  
City Clerk