

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 7 2008, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR BLALOCK, COUNCILORS NOVELLINE CLAYBURGH, DWYER, SMITH, KENNEDY, SPEAR, RAYNOLDS AND PANTELAKOS

1. At 6:00 p.m., a Work Session was held regarding Proposed Prime Wetlands Designation.
2. Mayor's Award – Steve Parkinson, Public Works Director – Mayor Ferrini presented Public Works Director Parkinson with a Mayor's Award in recognition of being named the Top 10 Public Works Director by the American Public Works Association. Public Works Director Parkinson accepted the award with thanks and appreciation.
3. Presentation - Renaming of Duplicate Streets – Police Department – Deputy Police Chief Len DiSesa provided a presentation regarding the renaming of duplicate streets.
4. Acceptance of Minutes – March 18, 2008 – Voted to approve and accept the minutes of the March 18, 2008 City Council meeting.
5. Public Comment Session – There were 10 speakers: Erik Anderson, Peter Whelan, Donald Coker, Martin Cameron, Representative Susan Kepner, Executive Councilor Beverly Hollingworth, Judy Nerbonne, Raymond Miller, Rebecca Emerson and State Senator Martha Fuller Clark (HB 65).
6. Public Hearing - To Receive Public Input regarding the Revised Redevelopment Plan and Homeless Assistance Application for a Recreational Reuse at the Paul A. Doble Army Reserve Center – Held a public hearing.
7. Public Hearing - Ordinance amending Chapter 7, Article II – Taxicabs - Section 7.213 (D) – Fees and Terms for Permits/Licenses by the addition of the following language: Except that when the revocation is due to failure to meet vehicle inspection, requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the taxi inspector within 24 hours of the revocation; and Section 7.219 (1) (2) (4) – Rates of Taxi Fares – (1) Increase the first one-eighth (1/8) mile or fraction hereof, from \$.35 cents to \$.45 cents; (2) Increase waiting time from \$.25 cents to \$.45 cents; (4) Increase discount to any passenger who is age sixty (60) or over from 10% to 20% - Held a public hearing. Voted to pass second reading and schedule third and final reading of the proposed ordinance amendment, as presented, at the April 21, 2008 City Council meeting.

8. Public Hearing - Ordinance amending Chapter 7, Article III, Section 7.302 – Enforcement Authority by the addition of Item B to read as follows: Any vehicle or object parked or placed in violation of this ordinance shall be cited for such violation and may be towed at the vehicle owners expense at direction of the enforcement authority, the Chief of Police or the Director of Public Works – Held a public hearing. Voted to pass second reading and schedule third and final reading of the proposed ordinance amendment, as presented, at the April 21, 2008 City Council meeting.
9. Public Hearing - Ordinance amending Chapter 7 by creating a Two Hour Parking Area on Court Street, a No Parking Area on Court Street, a No Parking Area on Islington Street, a No Parking Area on Essex Avenue, creating a Loading Zone on Court Street and deleting provisions inconsistent with the foregoing – Held a public hearing. Voted to pass second reading and schedule third and final reading of the proposed ordinance amendment, as presented, at the April 21, 2008 City Council meeting.
10. Acceptance of Donation for Overnight Art Event
 - Ocean Bank - \$1,000.00
 - Hilton Garden Inn/Parade Mall - \$500.00
 - Nahcotta Gallery - \$500.00

Voted to approve and accept the donations for Art-Speak’s Overnight Art Event, as listed.
11. Voted to suspend the rules in order to take up Items XII. A.3. - Revocable License Agreement Re: Paul Delisle – Alder Way and XII. A.4. - Request for License Agreement to Martingale Wharf L.P. Re: 99 Bow Street project.
12. Revocable License Agreement Re: Paul Delisle – Alder Way – Voted to authorize the City Manager to negotiate and execute the License Agreement with Paul Delisle in substantial conformance to the proposed license contained in the agenda packet.
13. Request for License Agreement to Martingale Wharf L.P. Re: 99 Bow Street project – Voted to authorize the City Manager to negotiate and enter into a License Agreement with Martingale Wharf L.P. for purposes of facilitating construction activities at 99 Bow Street.
14. Consent Agenda – Councilor Smith advised the City Council that he would abstain from voting on the renewal of the Sidewalk Obstruction License for Maine-ly New Hampshire as he is a co-owner of the business. Voted to adopt the Consent Agenda, as presented.
 - A. Letter from Carol Welsh and Ellen Stockmayer, Pan Mass Challenge, requesting permission to hold the 3rd Annual Pan Mass Challenge Kids Ride on Sunday, September 28, 2008 (**Anticipated action – move to refer to the City Manager with power**)
 - B. Letter from Kelly Sicard, Breathe New Hampshire formerly American Lung Association, requesting permission to hold the 23rd Annual Seacoast Bike Tour on Saturday, May 17, 2008 and Sunday, May 18, 2008 (**Anticipated action – move to refer to the City Manager with power**)

C. Letter from Ginny Griffith, Greater Portsmouth Chamber of Commerce, requesting permission to hold the 13th Annual Harbour Trail Road Race on Saturday, July 12, 2008 (**Anticipated action – move to refer to the City Manager with power**)

D. Renewal of Sidewalk Obstruction Licenses with no changes from last year

- Anna Street, LLC – 1 A-frame sign
- Ashley & Victoria, LLC – 1 A-frame sign
- Chrisrial & Co. Fine Jewelry – 1 A-frame sign
- Choozy Shooz – 1 A-frame sign
- Edible Arrangements – 1 A-frame sign
- Gulliver's Inc. – 1 A-frame sign
- Helen Marks – 1 A-frame sign
- Maine-ly New Hampshire – 1 A-frame sign
- Portsmouth Gas Light – 2 A-frame signs
- Prudential Rush Realty – 1 A-frame sign
- Serendipity – 2 A-frame signs
- The Stockpot – 1 A-frame sign
- 3 West Provisions, Inc. – 1 A-frame sign

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

E. Acceptance of Donation to the Library Building Fund

- Richard J. Katz - \$100.00 (*Fulfills Pledge*)

(Anticipated Action – move to approve and accept the donation to the Library Building Fund)

F. Request from Doreen Flynn, Body Sense-by Doreen, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment
(Anticipated action – move to refer to the City Manager with power)

G. Request from Susan Hichey, Scallops, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment
(Anticipated action – move to refer to the City Manager with power)

H. Letter from Christopher Wellington, American Diabetes Association, requesting permission to hold the Step Out Walk to Fight Diabetes on Sunday, October 5, 2008 from 9:00 a.m. – 12:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)

15. Letter from Charles Lassen, Friends of the South End Neighborhood Association, requesting the formation of a working group to define, and cost, restoration for the re-use of the South Meeting House – Voted to refer to the City Manager for report back.

16. Letter from Madelyn Good, New Hampshire Human Rights Torch Relay Coordinator, requesting an exemption for the use of a low amplification generator sound system for a microphone in Market Square on Saturday, April 12, 2008 for the Human Rights Torch Relay event – Voted to refer to the City Manager with power with the direction that we do not allow the use of a low amplification generator sound system.

The City Council suggested the possible use of a battery operated device.

17. Letter from Attorney Malcolm McNeill representing Brora, LLC request for a License to Erect a Sign on Public Right-of-Way – Voted to refer to the Planning Board for report back.
18. Letter from Ted Blank, International Sidewalk Astronomy Night, requesting permission to set up 2 to 4 amateur telescopes in Market Square on Saturday, April 12, 2008 (rain date April 13, 2008) for the 2nd Annual International Sidewalk Astronomy Night – Voted to deny the request for Market Square and offer other locations in the City that may be available.
19. Letter from Mike Young, Rockland Street Baseball (Portsmouth Babe Ruth League), requesting permission to install temporary signage at Leary Field for the 2008 baseball season – Voted to refer to the City Manager with power.
20. Proposed Prime Wetlands Designation – Voted to schedule a public hearing regarding the designation of prime wetlands for April 21, 2008.
21. Adoption on Doble Reserve Center Redevelopment Plan – Voted to adopt the revised April 2008 Redevelopment Plan and Homeless Assistance Application for the Doble Army Reserve Center. Councilors Novelline Clayburgh, Dwyer and Spear voted opposed.
22. Request for License Agreement to William Greenier Building Contractor LLC Re: 40 Congress Street – Voted to authorize the City Manager to negotiate and enter into a License Agreement with Greenier Building Contractor LLC for purposes of facilitating construction activities at 40 Congress Street.
23. Request for License Agreement to Franklin Block Re: 75 Congress Street – Voted to authorize the City Manager to enter into a License Agreement with Michael De La Cruz for the purposes of installing these fixtures.
24. Report Back Re: Seacoast Mental Health Center Fundraising Proposal – Voted to accept Art-Speak's recommendation and send a letter to the Seacoast Mental Health Center regarding this matter.

Art-Speak's Recommendations are as follows:

- *Based on recent successful precedents, including the Lighthouse Kids Lighthouse LobStars fundraiser in 2008, Art-Speak recommends that all painted figures be displayed on private property. This gives the project sponsors and artists better control of the display and will not interfere with any municipal functions on City property.*
- *Art-Speak applauds the use of local artists for SMHC's Community Bridges fundraising program.*

- *Art-Speak suggests utilizing the artist roster on the Art-Speak website and other appropriate resources to notify local artists of this project.*

25. Appointments to be Considered – The City Council considered the following appointments:

- John Gregg – Reappointment to Cable Television & Communications Commission
- Sharon Morrison – Reappointment to Citywide Neighborhood Steering Committee
- Karina Quintans – Appointment to Sustainable Practices, Blue Ribbon Committee
- Frank Daggett – Reappointment to Taxi Commission
- Jonathan Bailey – Reappointment to Traffic & Safety Committee
- John Connors – Reappointment to Traffic & Safety Committee
- Frederick Gray, Jr., - Reappointment to Traffic & Safety Committee
- Lea Aeschliman – Reappointment to Trustees of Trust Fund
- Derek Durbin – Reappointment to Zoning Board of Adjustment

These appointments will be voted on by the City Council at the April 21, 2008 meeting.

26. Appointment to be Voted – Voted to appoint Kirsten Barton to the Safe Routes to School Committee as the Little Harbour School Representative.

27. Blue Ribbon Committee on Housing – Mayor Ferrini announced that the following individuals will serve on the Blue Ribbon Committee on Housing:

- Christine Dwyer, Council Representative
- Kenneth Smith, Council Representative
- Laura Pantelakos, State Representative
- Everett Eaton, Economic Development Representative
- Joseph Couture, Portsmouth Housing Authority Representative
- Dick Ingram, The Housing Partnership Representative
- Cliff Sinnott, Rockingham Planning Commission Representative
- Jane James, Real Estate/Development Community Representative
- Karen Maneen, Finance/Banking Community Representative
- City Manager or designee (ex-officio)

28. Traffic & Safety Committee Action Sheet and Minutes of the March 13, 2008 meeting – Voted to approve and accept the action sheet and minutes of the March 13, 2008 Traffic & Safety Committee meeting.

29. Parking Committee Action Sheet and Minutes of the March 13, 2008 meeting – Voted to approve and accept the action sheet and minutes of the March 13, 2008 Parking Committee meeting.

30. HB 65 (Port Authority Bill) – On a roll call vote 3-6, motion to send a letter to the Senate Committee, Governor and State Senator Clark opposing HB65 including the number of speakers at this evenings public comment session and their concerns relative to the term of the lease provision failed to pass. Councilors Smith, Kennedy and Spear voted in favor. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Raynolds, Pantelakos and Mayor Ferrini voted opposed.

Moved that a letter be sent to State Senator Clark stating the Council would oppose HB65 unless there is an amendment that requires a majority vote (5 members) of the PDA for any lease longer than seven years and further that prior to the lease of property, a public hearing shall be held in the community where the lease is contemplated.

On a roll call vote 2-7, motion to amend that the Director of the Port be appointed by the Executive Council and Governor failed to pass. Councilors Smith and Kennedy voted in favor. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Spear, Raynolds, Pantelakos and Mayor Ferrini voted opposed.

On a unanimous roll call vote 9-0, main motion passed to send a letter to State Senator Clark stating the Council would oppose HB65 unless there is an amendment that requires a majority vote (5 members) of the PDA for any lease longer than seven years and further that prior to the lease of property, a public hearing shall be held in the community where the lease is contemplated.

31. The City Council agreed to postpone the remainder of the agenda until the April 21, 2008 meeting. Councilor Spear requested that his items be brought forward early in the agenda on April 21, 2008. The City Council agreed to Councilor Spear's request. The remaining items are as follows:

Councilor Spear

- *Re-use of Building located at 251 Bartlett Street (Creek Athletic Club)
- *Retirement System – Define Contribution Proposal

Councilor Pantelakos

- Granite State Fair Tax Coalition

Councilor Raynolds

- Green Building Report

32. Adjournment – At 10:45 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk