

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JULY 21, 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, AND PANTELAKOS

ABSENT: COUNCILOR RAYNOLDS

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1. At 5:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations.
2. At 6:15 p.m., a Work Session was held regarding Consolidation of Committees.
3. Proclamation – National Night Out – Councilor Spear read a Proclamation declaring August 5, 2008 as National Night Out. Mayor Ferrini advised the City Council that the Proclamation will be presented to the Police Department during National Night Out events.
4. Acceptance of Minutes – June 16, 2008 – Voted to approve and accept the minutes of the June 16, 2008 City Council meeting.
5. Public Comment Session – There were five speakers: Erik Anderson (Contracts); Steve Miller (Conservation Commission Appointments); Bill Devine (Storm Water); Bill St. Laurent and Allen Nelson (Middle School Renovations).
6. Public Hearing – Resolution Proposed by Granite State Fair Tax Coalition – Held a public hearing.
7. Acceptance of 2008 Business United for Water Security Grant – Voted to accept funds and enter into and approve a grant agreement with New Hampshire Department of Environmental Services in the amount of \$4,500.00 to the City of Portsmouth and to authorize the City Manager to execute this grant agreement and any documents, which may be necessary, on behalf of the City.
8. Acceptance of Donations to the Coalition Legal Fund
  - Town of Sugar Hill - \$500.00
  - Town of Carroll - \$1,000.00
  - Town of Tuftonboro - \$5,000.00

Voted to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund.
9. Acceptance of NHCF Funding for Art-Speak FY09 and release of UDAG matching funds – Voted to approve and accept the NHCF Funding in the amount of \$20,000.00 for Art-Speak FY09 and release \$10,000.00 of the UDAG matching funds.

10. Acceptance of Police Department Grants and Donations

- NH Highway Safety Agency for DWI Hunter Patrols & Sobriety Checkpoints Grant - \$10,513.80
- NH Highway Safety Agency for Portsmouth DWI Patrols Grant - \$4,870.10
- PAL Basketball Program from the Portsmouth Police Ranking Officers' Association - \$100.00
- PAL Basketball Program from Boynton, Waldron, Doleac, Woodman & Scott, P.A. Donation - \$400.00

Police Explorer Cadets Donations:

- Fuller Foundation, Inc. - \$2,000.00
- Charitable Division of the Rotary Club of Portsmouth - \$1,300.00
- Piscataqua Savings Bank - \$250.00
- Portsmouth Auxiliary Police Association - \$250.00
- Nancy Novelline Clayburgh - \$50.00

Sergeant Cory MacDonald's participation in Harvard University's "Driving Government Performance" Donations:

- J.P. Nadeau - \$2,900.00
- AXL, Inc. - \$1,000.00
- J.P. Nadeau, Jr. - \$750.00
- G.A. Caldicott - \$250.00
- Mutualink, Inc. - \$100.00

Voted to approve and accept the grants and donations to the Portsmouth Police Department, as listed.

11. First reading of Ordinance amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited – Maplewood Avenue: from Central Avenue to Woodbury Avenue – Voted to pass first reading and hold a public hearing and second reading of the proposed ordinance, as submitted, at the August 4, 2008 City Council meeting.

12. Third and final reading of Ordinance amending Chapter 1 by the creation of an Article XVIII entitled Payment by Credit Card Pursuant RSA 80:52-c – Voted to pass third and final reading on the proposed ordinance that would authorize these credit card payments in accordance with state law.

13. Consent Agenda – Voted to adopt the Consent Agenda.

- A. Acceptance of Donations to Art-Speak for Overnight Art Event
- McHenry Architecture - \$500.00
  - McLane Law Firm - \$100.00

***(Anticipated action – move to approve and accept the donations to Art-Speak for the Overnight Art Event, as listed)***

- B. Acceptance of Donations to Art-Speak
- Flat Bread Pizza - \$500.00
  - Anonymous cash donations - \$124.00

***(Anticipated action – move to approve and accept the donations to Art-Speak, as presented, and any remaining funds are restricted for use to the general Overnight Art category of Art-Speak’s operating budget.)***

- C. Letter from Eric Weinrieb, Portsmouth Rotary Club, requesting permission to hold the Annual Thunder Chicken 5k Road Race on Thursday, August 7, 2008  
***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from G.S. Mouflouze requesting permission to place a plate/plaque on the second of the city owned bench in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 3<sup>rd</sup> Annual Seacoast Half Marathon on Sunday, November 9, 2008  
***(Anticipated action – move to refer to the City Manager with power)***
- F. Request from Lauren Mensinger, L Studio, 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 Meredith Stolper, Loaf and Ladel, 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. Request from Barbara Theodore, Olde Port Properties, 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)***
- I. Request from Cliffe Arrand, Pesce Blue Restaurant and Bar, 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)***
- J. Letter from Cori and Bob McGrath requesting permission to install a bench in memory of James Walden in the downtown area ***(Anticipated action – move to refer to the City Manager with power)***

14. Voted to suspend the rules in order to take up Item XII. A.8. - Request for USS New Hampshire Commissioning Celebration.

15. Request for USS New Hampshire Commissioning Celebration – Voted to refer to the City Manager for a report back at the August 4, 2008 City Council meeting.

16. Voted to suspend the rules in order to take up Item XII. A.1. - Renewal of Memorandum of Understanding between Art-Speak and City of Portsmouth.
17. Renewal of Memorandum of Understanding between Art-Speak and City of Portsmouth – Voted to authorize the City Manager to renew the MOU between Art-Speak and the City of Portsmouth from July 1, 2008 through June 30, 2009.
18. Letter from Dr. Mitchell Shuldman, School Board Chair, requesting the City Council refer the issue of developing a timeline for acquiring the property to the left of the Portsmouth Middle School to City Attorney Sullivan for report back – On a roll call 5-3, voted to refer the issue of developing a timeline for acquiring the property to the left of the Portsmouth Middle School to City Attorney Sullivan for report back. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Spear and Mayor Ferrini voted in favor. Councilors Smith, Kennedy and Pantelakos voted opposed.
19. Letter from Nick Diana, City Puppies, requesting permission to set up a small pop-up tent for a photo shoot for a new book, City Puppies: Portsmouth Edition in Vaughan Mall on August 2<sup>nd</sup>, 3<sup>rd</sup>, 9<sup>th</sup> and 10<sup>th</sup> between 8:00 a.m. – 3:00 p.m. – Voted to refer to the City Manager with power.
20. Proposed Revised Joint Development Agreement Re: Westin Project – Voted to authorize the City Manager to negotiate and execute an amendment to the Joint Development Agreement dated December 14, 2005, between the City and HarborCorp LLC so as to remove from that Joint Development Agreement any obligation of the City to build, purchase or operate the parking facility to be constructed pursuant to that Agreement, while still retaining the obligation of HarborCorp to construct and operate the conference center contemplated by that Agreement. Councilor Kennedy abstained from voting.
21. Resolution Re: Rescission of the Fifteen Million Dollars (\$15,000,000.00) Borrowing Authorization for the Westin Project – On a roll call 7-0, voted to approve the Resolution rescinding certain borrowing authority with regard to Resolution #13-2005 adopted by the City Council on December 19, 2005. Councilor Kennedy abstained from voting.
22. Request from Town of New Castle Re: Fuel Depot – Voted to authorize the City Manager to enter into a memorandum of understanding with the Town of New Castle to allow for the use of the Fuel Depot.
23. Report Back Re: Request of Portsmouth City Soccer Club to Hang Banners at Leary Field – Voted to accept the Planning Board's report back regarding this matter and approve the request with the following conditions recommended by the Planning Board:
  - *That this proposal should be considered as a pilot type program;*
  - *That it should be authorized for no longer than one season;*
  - *That the trial period should commence in the 2008 season;*
  - *That as part of this trial, there will be no "tagging" activities conducted by this club;*
  - *That no more than 5 sign blanks shall be erected on the outfield fence, each with the dimension of 3 feet by 5 feet and with the height and location of each to be determined by the City;*

- *That the Club shall place no signs earlier than August 15<sup>th</sup> and these signs shall be removed no later than November 15<sup>th</sup>;*
- *All sign facings shall be in or towards the playing field; and,*
- *All sign backings shall be white in color, all lettering/logos shall be of a dark green color, and any lettering shall share the same style and font)*

24. Report Back Re: New Adventure Entertainment, LLC's (John Dussi) Request for Approval of Lighting and Awnings at 172 Hanover Street – Voted to accept the Planning Board's report back regarding this matter and authorize the City Manager to enter into a license agreement with Northern Tier Real Estate Acquisition and Development, LLC (formerly New Adventure Entertainment, LLC) for the purposes of installing the requested lighting fixtures and awnings.

25. Request to Exempt City-Owned Land from Shoreland Protection Act – Voted to authorize the Mayor to make a formal request to the NH Department of Environmental Services seeking exemption from the Comprehensive Shoreland Protection Act for City rights-of-way and City-owned parcels, and authorize the City Manager to take any further action, which may be necessary to secure the exemption.

26. Proposed Date Re: Boards and Commissions Annual Recognition Night – Voted to establish the Boards and Commission Annual Recognition Night for Monday, December 8, 2008.

27. Appointment to be Voted - Christine Woodman Casa to the Safe Routes to School Committee as the Dondero School Representative – Voted to appoint Christine Woodman Casa to the Safe Routes to School Committee as the Dondero School Representative.

28. Resignations

- Mike Murray – Economic Development Commission
- Robin McIntosh – Economic Development Commission
- Thomas Bolko – Peirce Island Committee
- Charles Oxford – Portsmouth Housing Authority

Voted to accept with regret the resignations of Mike Murray and Robin McIntosh from the Economic Development Commission; Thomas Bolko from the Peirce Island Committee and Charles Oxford from the Portsmouth Housing Authority.

29. Appointments to be Considered – The City Council considered the following reappointments which will be voted on by the City Council at the August 4, 2008 meeting.

- Steve Miller – Reappointment to the Conservation Commission
- Barbara McMillan – Reappointment to the Conservation Commission
- Allison Tanner – Reappointment to the Conservation Commission
- Brian Wazlaw – Reappointment to the Conservation Commission
- Nancy Beach – Reappointment to the Cable Commission
- Richard Katz – Reappointment to the Historic District Commission

30. Granite State Fair Tax Coalition Resolution – No action required provided for informational purposes only.

31. Adjournment – At 9:15 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk