

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON OCTOBER 20, 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, HEJTMANEK AND PANTELAKOS

1. At 6:00 p.m., a Work Session was held regarding the African Burying Ground Proposed Design Plan.
2. Public Comment Session – There were 22 speakers: Hugh Jencks (Peirce Island Committee); Kathy Anania and Daniel Ball (Lower Woodbury Avenue Traffic Flow); Allen Nelson, Jerry Stow, Carl Diemer; Bob Hopley; David Forman; Sarah Hamill; Kent LaPage; Jonathan Bock; Gardner Hague; Harold Whitehouse; Kevin Eckhart; Rick Chellman; Mary Lucas; Mary Maurer; Shaula Levenson; and Erik Anderson (Eminent Domain); Martin Cameron and Bill St. Laurent (Additional Fire Station Spending); and Mitchell Shuldman (School Board).
3. Public Hearing - Renewal of Cable Television Franchise Agreement with Comcast – Held a public hearing.
4. Voted to suspend the rules in order to take up Item XII. A.1. - Proposed Renewal of Cable Television Franchise Agreement with Comcast.
5. Proposed Renewal of Cable Television Franchise Agreement with Comcast – Voted to adopt the proposed renewal of the Cable Franchise Agreement with Comcast, as recommended by the Cable Commission, and authorize the City Manager to execute the proposed Agreement.
6. Public Hearing - Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Pearl Street – westerly side of Pearl Street after 8:00 a.m. and before 5:00 p.m., Monday through Friday – Held a public hearing. Voted to pass second reading and schedule third and final reading of the proposed ordinance, as submitted, at the November 10th City Council meeting.

7. Public Hearing - Ordinance amending Chapter 7, Article VI, Section 7.601 – Truck Loading/Unloading Zones Established and Section 7.602 – Truck Loading/Unloading Zones (24 Hours)

Section 7.601

Daniel Street:

- northerly side, 123 feet east from Bow Street for a distance of 45 feet
- northerly side, 215 feet east from Bow Street for a distance of 35 feet
- southerly side, 55 feet west from Penhallow Street for a distance of 80 feet

Market Street:

- easterly side, south for a distance of 50 feet, beginning at Commercial Alley
- easterly side, south for a distance of 40 feet, beginning at Bow Street

State Street:

- northerly side, 40 feet east from Pleasant Street for a distance of 20 feet
- southerly side, 20 feet west from Atkinson Street for a distance of 29 feet

Section 7.602

Pleasant Street:

- westerly side, south from State Street a distance of 50 feet

Porter Street:

- northerly side, 15 feet west from Fleet Street for a distance of 40 feet
- southerly side, 145 feet east from Middle Street for a distance of 45 feet

Voted to pass second reading and schedule third and final reading of the proposed ordinance, as submitted, at the November 10th City Council meeting.

8. Acceptance of Donation from Salmon Falls Nursery – 24 Trees Valued at \$10,800.00 – Voted to accept the donation of trees from Salmon Falls Nursery, as listed.
9. Adoption of Resolution regarding the Public Necessity for the City to Condemn Certain Property along Parrott Avenue known as Alumni Field for the purpose of Renovating and Expanding the Portsmouth Middle School – Moved to approve a Resolution to acquire by condemnation certain property along Parrott Avenue known as Alumni Field for the purpose of renovating and expanding the Portsmouth Middle School and authorize the City Manager to proceed with Executing the appropriate documents.

On a roll call vote 4-5, motion to postpone action on the Resolution and request the School Board to report back with answers to questions regarding the athletic fields, parking, size, encroachment on the building and specific cost figures for the Middle School at the November 10th City Council meeting *failed* to pass. Councilors Novelline Clayburgh, Smith, Kennedy and Pantelakos voted in favor. Assistant Mayor Blalock, Councilors Dwyer, Spear, Hejtmanek and Mayor Ferrini voted opposed.

On a roll call 6-3, voted to approve a Resolution to acquire by condemnation certain property along Parrott Avenue known as Alumni Field for the purpose of renovating and expanding the Portsmouth Middle School and authorize the City Manager to proceed with Executing the appropriate documents. Assistant Mayor Blalock, Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted in favor. Councilors Novelline Clayburgh, Smith and Pantelakos voted opposed.

10. First reading of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to the Construction of the Madbury Water Treatment Plant not to exceed Twenty Five Million Dollars (\$25,000,000.00) – Voted to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting.
11. First reading of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to State Street Utilities Upgrade not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000.00) – Voted to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting.
12. First reading of Resolution Authorizing a Bond Issue of up to One Million Five Hundred Thousand Dollars (\$1,500,000.00) for Additional Costs for the construction of a New Fire Station to replace Fire Station 2 - Voted to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting.

Councilor Smith requested Fire Chief LeClaire provide a breakdown to the City Council at the November 10th meeting of the items included in the additional \$1,500,000.00 requested for the construction of a New Fire Station to replace Fire Station 2.

Councilor Kennedy requested Fire Chief LeClaire provide the costs for the doors at the new station if they were not drive thru bays.
13. Letter and Petition from lower Woodbury Avenue requesting the City change the direction of the current one-way flow of traffic from the Bartlett Street intersection to going up Woodbury Avenue – Voted to refer to the Traffic & Safety Committee for report back.
14. Proposed Extension of City/Chamber of Commerce Partnership on Tourism – Move to approve the Chamber's request and appropriate the use of \$40,000.00 of UDAG funds for this purpose. Voted to amend the motion that we approve 50% of the request and require that the remaining funds be matched by the Chamber of Commerce. Main motion passed as amended.

15. Letter from Chester “Rick” Chellman and Petition from residents supporting the Parrott Avenue site for the Middle School and the use of eminent domain to keep it there – Voted to accept and place the letter on file.
16. Letter from Patricia Gormley supporting the City lift the deed restriction on Alumni Field – Voted to accept and place the letter on file.
17. Letter from Elizabeth Dinan regarding USS NH Commissioning - Voted to accept and place the letter on file.
18. Acceptance of Jones Avenue Drainage Easement – Voted to authorize the City Manager to accept a drainage easement from the Clifton L. Wentworth Revocable Trust.
19. Acceptance of Wi-Fi Equipment from Cisco Systems – Voted to authorize the City Manager to accept the 100% discount of certain Wi-Fi technology equipment from Cisco Systems with the conditions set forth in the proposed letter agreement and to utilize UDAG funds for the maintenance agreement.
20. Proposed Request to Submit Greenland Well Application – Voted to authorize the City Manager to apply for, accept, and expend funds from the NH Department of Environmental Services Water Supply Land Grant Program to acquire permanent protection of the Greenland Well and the areas surrounding it.
21. Request for Approval of Pole License Agreements #63-0454 & #63-0456 – Voted to approve the request from PSNH for Pole License Agreements #63-0454 and #63-0456 as recommended by the Public Works Department.
22. Appointments to be Considered:
 - Joshua Cyr – Appointment to Economic Development Commission
 - Amy Brnger – Reappointment to Board of Library Trustees
 - Elizabeth “Betsy” Shultis – Reappointment to Board of Library Trustees
 - Donald Coker – Reappointment to Planning Board
 - John Ricci – Reappointment to Planning Board
 - John Rice – Reappointment to Planning Board
 - Robin Rousseau – Reappointment to Zoning Board of Adjustment

The City Council considered the above appointments which will be voted on by the City Council at the November 10, 2008 meeting.

23. Appointments to be Voted – Voted to appoint Susanne Delaney to the Economic Development Commission until October 1, 2012. Ms. Delaney is filling the expired term of Robin McIntosh.

Voted to appoint John O’Leary to the Board of Library Trustees until October 1, 2011. Mr. O’Leary is filling the expired term of Eduardo DelValle.

Voted to appoint Joel Look and Kent Kirtpatrick to the Taxi Commission until December 31, 2009. Mr. Look is filling the expired term of Susan Turner.

24. Veterans Day Services – Tuesday, November 11th – Mayor Ferrini announced that Veterans Day Services will be held on Tuesday, November 11, 2008. The event will step off at 10:30 a.m. from the V.F.W. and proceed up Maplewood Avenue to Islington Street and into Goodwin Park.
25. Letter to the Honorable Carol Shea Porter, United State House of Representatives Re: Federal Communications Commission – No action required.
26. Traffic & Safety Action Sheet and Minutes of the October 9, 2008 meeting – Voted to approve and accept the action sheet and minutes of the October 9, 2008 Traffic & Safety Committee meeting.
27. Parking Committee Action Sheet and Minutes of the October 9, 2008 meeting – Voted to approve and accept the action sheet and minutes of the October 9, 2008 Parking Committee meeting.
28. Adjournment – At 10:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk