

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON NOVEMBER 10, 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 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).
2. Presentation – USS New Hampshire Commissioning Committee Presentation to City – Bruce Clark, USS New Hampshire Commissioning Committee presented Mayor Ferrini and the City Council with a picture of the USS New Hampshire submarine.
3. Public Comment Session – There were five speakers: Philip Geraci; Jill Tapscott; Erik Anderson (Toyota of Portsmouth Sign & Lighting); Bill St. Laurent (Elections); and Joel Carp (Port of New Hampshire).
4. Public Hearing - 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) – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the proposed Resolution authorizing a bond issue of up to twenty-five million dollars (\$25,000,000.00) for the new Madbury Water Treatment Plant.
5. Public Hearing - 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) – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the proposed Resolution authorizing a bond issue of up to two million two hundred thousand dollars (\$2,200,000.00) for State Street utilities upgrades.
6. Public Hearing - 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 – Held a public hearing. Moved to adopt the proposed Resolution authorizing a bond issue of up to one million five hundred thousand dollars (\$1,500,000.00) for the construction of Fire Station 2.

On a roll call vote 4-5, motion to amend adoption of the Resolution authorizing a bond issue of up to one million dollars (\$1,000,000.00) for the construction of Fire Station 2 **failed** to pass. Councilors Novelline Clayburgh, Kennedy, Hejtmanek and Mayor Ferrini voted in favor. Assistant Mayor Blalock, Councilors Dwyer, Smith, Spear and Pantelakos voted opposed.

On a roll call vote 4-5, motion to amend adoption of the Resolution authorizing a bond issue of up to one million one hundred thirty thousand dollars (\$1,130,000.00) for the construction of Fire Station 2 **failed** to pass. Councilors Novelline Clayburgh, Kennedy, Hejtmanek and Mayor Ferrini voted in favor. Assistant Mayor Blalock, Councilors Dwyer, Smith, Spear and Pantelakos voted opposed.

On a roll call 8-1, voted to pass the main motion to adopt the proposed Resolution authorizing a bond issue of up to one million five hundred thousand dollars (\$1,500,000.00) for the construction of Fire Station 2. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Spear, Hejtmanek, Pantelakos and Mayor Ferrini voted in favor. Councilor Kennedy voted opposed.

7. Voted to suspend the rules in order to take up Item XI. B. - Letter from Lesley Kimball and Paula Rais, Portsmouth Poet Laureate Program, requesting that the City consider naming a street in the downtown for the City's second Poet Laureate, Robert Dunn and further request permission to plant an apple tree on the grounds of the Public Library.
8. Letter from Lesley Kimball and Paula Rais, Portsmouth Poet Laureate Program, requesting that the City consider naming a street in the downtown for the City's second Poet Laureate, Robert Dunn and further request permission to plant an apple tree on the grounds of the Public Library – Voted to refer to the Planning Board and Trees and Public Greenery Committee for report back.
9. Acceptance of New Hampshire Charitable Foundation Grant for Sustainability Intern in the amount of twenty five hundred dollars – Voted to authorize the City Manager to accept and expend funding in the amount of \$2,500.00 from the New Hampshire Charitable Foundation – Piscataqua Region to fund a sustainability internship stipend and outreach materials.
10. Acceptance of Donation to the New Library Building Fund - Phyllis Eldridge - \$3,000.00 (Fulfills pledge) – Voted to approve and accept the donation to the New Library Building Fund, as listed.
11. Acceptance of Technical Program Grant "Cross-Agency" project from the Department of Justice to the Police Department in the amount of \$116,913.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
12. Third and final reading of 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 – Voted to pass third and final reading of proposed ordinance, as submitted.

13. Third and final reading of 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 third and final reading of proposed ordinance, as submitted.

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

- A. Letter from Susanne Delaney, Portsmouth Criterium, requesting permission to hold the annual Portsmouth Criterium event on Sunday, September 20, 2009
(Anticipated action – move to refer to the City Manager with power)

15. Letter from Deborah Phillips, Clip Joint Barbershop, requesting renewal of their dumpster license agreement – Voted to refer to the City Manager with power.

16. Report Back Re: Skateboard & Rollerblading Ordinances – Voted to refer this matter to the Traffic & Safety Committee for report back to the City Council.

17. Planning Board Report Back Re: Brora LLC's License Request to Erect a Sign within a Public Right-of-Way off the Intersection of Market Street and Portsmouth Boulevard – Voted to accept the Planning Board's recommendation with the aforementioned stipulations and approve the request of Brora LLC for a License Agreement to erect a sign within a public right-of-way off the intersection of Market Street and Portsmouth Boulevard.

Planning Board Stipulations

1. *That the request should be subject to a municipal license approved by the Legal Department as to content and form, which should be revocable by the City and that if the sign needs to be removed or relocated for any purpose, that it will be done at no cost to the City;*
 2. *That sign dimensions shall be as presented by the applicant in their Council submittal, the sign shall be limited to the three proposed sign panels and with no dimensional changes to these to be allowed, other than for content, without first receiving approval from the City;*
 3. *That the owner shall adhere to the "Dig Safe" process and following the sign's placement, any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works;*
 4. *That the applicant shall be responsible for all electric utility work and all subsequent operational payments subject to review and approval by the Department of Public Works;*
 5. *That the sign should be externally illuminated (not internally as requested) with the lighting fixtures and lamps to be reviewed and approved for use by the Public Works and Inspections Departments (the intent is to minimize energy use and reduce glare by evaluating fixtures and lamps based on their lumens and photo-metric characteristics); and,*
 6. *All existing, non-permitted signs, including real estate signs, shall be removed before this sign is placed.*
18. Request to Establish African Burying Ground Trust Fund – Voted to refer the recommendation from the African Burying Ground Committee to the City Manager for a report back.
19. Reprogramming of U.S. Housing and Urban Development – Economic Development Initiative Grant Funds – Voted to authorize the City Manager to develop and submit a proposal to U.S. Housing and Urban Development, which seeks federal approval to reprogram \$993,850.00 in HUD EDI grant funds from the Piscataqua Riverwalk project to the African Burying Ground project.
20. Request to Joint Establish Work Session Re: Middle School on December 1, 2008 and cancel the Regular City Council meeting for that evening – Voted to cancel the Regular City Council meeting of December 1, 2008 and establish a Joint Work Session with the School Board Re: the Middle School on December 1, 2008 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers.

21. 2008 Holiday Parade and Tree Lighting – Mayor Ferrini announced that the Holiday Parade and Tree Lighting ceremony will be held on Saturday, December 6, 2008. The lighting is scheduled for 5:30 p.m. with the parade starting at 6:00 p.m.

22. Appointments to be Considered – The City Council considered the following reappointment which will be voted on by the City Council at the November 24, 2008 meeting.

- Andy Bangs – Reappointment to PEDLP

23. Appointments to be Voted – Voted to appoint Joshua Cyr to the Economic Development Commission until October 1, 2009. Mr. Cyr will be filling the unexpired term of Michael Murray.

Voted to reappoint Amy Brnger to the Board of Library Trustees until October 1, 2011.

Voted to reappoint Elizabeth “Betsy” Shultis to the Board of Library Trustees until October 1, 2011.

Voted to reappoint John Ricci to the Planning Board until December 31, 2011.

Voted to reappoint John Rice to the Planning Board until December 31, 2011.

24. Adjournment – At 11:15 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk