

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 6, 2009, 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. Mayor's Award – 2009 Portsmouth High School Boys Class I Championship Basketball Team – Mayor Ferrini presented Mayor's Awards and T-shirts to the players and coaches of the 2009 Boys Class I Championship Basketball Team. Coach Mulvey thanked Mayor Ferrini and the City Council for this recognition. State Representative Jacqueline Cali-Pitts presented Coach Mulvey with a Proclamation in honor of their championship title.
2. Proclamation – Announcement of new Poet Laureate – Lesley Kimball Program Co-Chair – Mayor Ferrini read a Proclamation declaring Mark DeCarteret as the 2009 Poet Laureate. Mr. DeCarteret thanked Mayor Ferrini, City Council and members of the Poet Laureate Selection Committee for this prestigious honor.
3. Presentation – Quarterly Update on Wastewater Treatment Plant – David Allen, Deputy Public Works Director provided the City Council with the Quarterly Update on the Wastewater Treatment Plant.
4. Acceptance of Minutes – March 16, 2009 – Voted to approve and accept the minutes of the March 16, 2009 City Council meeting.
5. Public Comment Session – There was one speaker: Steve Durgin (Wastewater Treatment Plant Costs).
6. Voted to suspend the rules in order to take up Items X. A. – Letter from Barbara Massar, Pro Portsmouth, regarding Points of Clarification for Financial Assistance and XI. A.3. - Report Back Re: Pro Portsmouth Request for Financial Assistance to Reduce Their Debt to the City.
7. X. A. – Letter from Barbara Massar, Pro Portsmouth, regarding Points of Clarification for Financial Assistance and XI. A.3. - Report Back Re: Pro Portsmouth Request for Financial Assistance to Reduce Their Debt to the City – Voted not to proceed with the forgiveness of Pro Portsmouth's debt at this time and continue their repayment schedule in order to allow the City Manager the opportunity to work on a proposed policy for the City Council's review.
8. Acceptance of Donations to the Coalition Legal Fund - Town of Hebron- \$1,000.00 – Voted to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund.

9. New Hampshire Public Health Network Grant RFP – Voted to authorize the City Manager to apply for, accept and expend a grant from the New Hampshire Department of Health and Human Services for the purpose of funding the ongoing public health and emergency planning work of the Greater Portsmouth Public Health Network.
10. First reading of Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Permits/Licenses (Taxicabs) – Voted to pass first reading and schedule a public hearing and second reading at the April 20th City Council meeting.
11. Consent Agenda – Voted to adopt the Consent Agenda. Councilor Smith abstained from voting on Items B and C.
 - A. Renewal of Sidewalk Obstruction Licenses with no changes from last year
 - Colby’s Breakfast & Lunch – 1 A-frame sign
 - Helen Marks – 1 A-frame sign
 - Helen Marks #2 – 1 A-frame sign
 - Pesce Blue Restaurant – 1 A-frame sign
 - Prudential Rush Realty – 1 A-frame sign
 - Rudi’s Portsmouth – 1 A-frame sign
 - Springers Jewelers – 1 A-frame sign
 - The First National Bank of Ipswich – 1 A-frame sign
 - Upscale Nails – 1 A-frame sign

(Anticipated action – move to refer to the City Manager with power)
 - B. Letter from Aerial Sillanpaa, Deer Street Merchants, requesting permission to display their “Deer Street” flags for another year ***(Anticipated action – move to refer to the City Manager with power)***
 - C. Letter from Deborah Bouchard-Smith, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area from October 15, 2009 through November 2, 2009 ***(Anticipated action – move to refer to the City Manager with power)***
12. Letter from Zeke Gumprecht requesting the installation of a traffic light in front of New Franklin School – Voted to refer to the Traffic & Safety Committee.
13. Letter from Ann Bliss and Jenny Isler, Portsmouth Listens 2nd Annual Sustainability Fair, requesting approval for the use of a horse drawn hay wagon on the day of the Sustainability Fair, May 9, 2009 – Voted to refer to the City Manager with power.
14. Letter from Jim Noucas and John Tabor, Portsmouth Listens, requesting a waiver on vendor fees for food vendors at the Sustainability Fair on May 9, 2009 – Voted to refer to the City Manager with power.
15. Letter from Scott Segee, Fa La Lo of Portsmouth LLC, requesting permission to install a projecting sign at 51 Ceres Street – Voted to refer to the Planning Board for report back.

16. Letter from Alex Vandermark, The Juicery, requesting permission to install a projecting sign at 51 Hanover Street – Voted to refer to the Planning Board for report back.
17. Request from Kenneth Smith, Maine-ly New Hampshire, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment – Voted to refer to the City Manager with power. Councilor Smith abstained from voting.
18. Letter from Erin Mack regarding revised skateboard ordinance – Voted to accept and place the letter on file.
19. Request from George Carlisle, Olde Port Properties, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment – Voted to refer to the City Manager with power.
20. Proposed Donation of Arborist Services for Improvements to Haven Park – Voted to accept this pro bono work at Haven Park as recommended by the Trees and Greenery Committee.
21. Acceptance of Chase Quitclaim Deed – Voted to accept the Chase Quitclaim Deed, as recommended by the Planning Board.
22. Private Street Agreement between Portwalk and the City of Portsmouth – Action on this matter will take place following a Non-Meeting with Counsel at the end of the agenda.
23. Request to Authorize a Temporary Public Art Exhibit on Peirce Island and Donation Acceptance – Voted to authorize the City Manager to negotiation and enter into a memorandum of understanding with Dale Rogers for purposes of a temporary public art exhibit and to accept the donation of \$1,000.00 from Mr. Rogers for the benefit of Peirce Island.
24. Portsmouth Middle School – Mayor Ferrini announced that he would bring forth first reading of a bonding resolution for the middle school at the April 20th City Council meeting.
25. Proposed Policy for Open Space Committee – Voted to adopt the Policy for an Open Space Committee, as presented.

CITY COUNCIL POLICY No. 2009-01

There shall be established a policy by the City Council that the Recreation Board, Peirce Island Committee, Conservation Commission, and other Blue Ribbon Committees as deemed necessary meet on a quarterly basis with the Chairman of the aforementioned Boards and Commissions, along with their City Council liaison. (Quarterly meetings to take place March, June, September and December.) Subsequent to the quarterly meetings, the chairman of the aforementioned Boards and Commissions shall report to the City Council at their next available meeting. The quarterly meetings shall be for the purpose of reviewing mutual concerns and bringing those to the attention of the City Council

26. Update on Stimulus Package – Mayor Ferrini reported on his recent meeting with Governor Lynch and other Mayor's of New Hampshire regarding the stimulus package. No action required.

27. Traffic & Safety Committee Action Sheet & Minutes of the March 12, 2009 meeting & Report Back Re: Use of Roller Skates, Coasters and Skate Boards Ordinance – Voted to approve and accept the action sheet and minutes of the March 12, 2009 Traffic & Safety Committee meeting. Councilor Kennedy abstained from voting.

Skate Board/Roller Blade Ordinance Recommendations from Traffic & Safety Committee

- *Lifting ban outside of the downtown area,*
- *Helmets required under age 16,*
- *Night time prohibited unless reflective gear is used,*
- *Unlawful operation prohibited that destroys property,*
- *Applies to all non-motorist devices; and*
- *Define the downtown area as Central Business District A and B*

Councilor Smith recommended that the City Attorney review the letter from Erin Mack outlining definitions for possible inclusion into ordinance.

28. Parking Committee Action Sheet & Minutes of the March 12, 2009 meeting – Voted to approve and accept the action sheet and minutes of the March 12, 2009 Parking Committee meeting. Councilor Kennedy abstained from voting.

29. Request to change Budget Meeting – Councilor Pantelakos withdrew her request.

30. At 9:05 p.m., on a unanimous roll call 9-0, voted to enter into a Non-Meeting with Counsel regarding Private Street Agreement between Portwalk and the City of Portsmouth - Negotiations – RSA 91-A:2, I (b-c). At 10:10 p.m., voted to come out of Non-Meeting with Counsel.

31. Private Street Agreement between Portwalk and the City of Portsmouth – Voted to authorize the City Manager to negotiate and execute a private street agreement with Parade Office, LLC in accordance with the discussion held in Non-Meeting with Counsel.

Certain Private Street Agreement Changes as Outlined:

- *The street will be one-way from Deer Street to Hanover Street*
- *Allowance of four street closures for events per year referred to the City Manager with power and any further events would require City Council approval.*
- *Parking would be controlled with Pay and Display meter systems or whatever the City Council determines. Further the City would be responsible through an easement agreement that otherwise would deal with the parking meters and would create a special revenue fund for the monies collected by the meters. The funds would be used to off set maintenance and improvements to the street. In the winter time our plows would clear the area of snow with the City receiving reimbursement for that service. In addition, the City would not be responsible for the full cost of maintenance and improvements to the street, the property owners would be responsible for all costs beyond the money in the special revenue account.*

32. Miscellaneous/Unfinished Business – Councilor Spear suggested a work session be established in the summer to discuss the Parking Study.

33. Adjournment – At 10:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk