

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 20, 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. At 6:15 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations.
2. Acceptance of Minutes – April 6, 2009 – Voted to approve and accept the minutes of the April 6, 2009 City Council meeting.
3. Public Comment Session – There was one speaker: David Forman (Middle School Bonding).
4. Public Hearing – Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Permits/Licenses (Taxicabs) – Held a public hearing. Voted to pass second reading and schedule a third and final reading at the May 4th City Council meeting.
5. First reading of Resolution Authorizing a Bond Issue of up to Thirty Eight Million Three Hundred Thousand Dollars (\$38,300,000.00) for School Improvements – On a roll call 8-1, voted to pass first reading and schedule a public hearing after the adoption of the State budget. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Spear, Hejmanek and Mayor Ferrini voted in favor. Councilor Pantelakos voted opposed.
6. Consent Agenda – Voted to adopt the Consent Agenda.
 - A. Letter from Chris Curtis, The Music Hall, requesting permission for 3 separate closings of Chestnut Street this year as follows:
 - Private Event on Saturday, May 16, 2009 – Barricades to be placed at either end of Chestnut Street beginning at 7:00 a.m. on Saturday until noon Sunday
 - New Film Festival on Friday, July 17, 2009 – July 19, 2009 – Barricade to be placed on Chestnut Street beginning at noon on Friday and removed on Monday morning
 - Telluride by the Sea Weekend Celebration of Film on Friday, September 18, 2009 through Sunday, September 20, 2009 – Barricades to be placed on either end of Chestnut Street beginning at noon on Friday and removed on Monday morning

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

B. Letter from Joan Chawziuk, Greater Portsmouth Chamber of Commerce, requesting permission to hang Portsmouth Harbour Trail flags at 24 key sites for the 2009 season (**Anticipated action – move to refer to the City Manager with power**)

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

- Portsmouth Gas Light – 2 A-frame signs
- Siren 49 Hair Studio – 1 A-frame sign

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

D. Letter from Cori Taylor, March of Dimes, requesting permission to hold the March for Babies on Saturday, May 16, 2009 at the Portsmouth Middle School from 9:00 a.m. – 1:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)

7. Letter from Andrew Ward regarding recommendations to the skateboard ordinance – Voted to accept and place the letter on file.
8. Request from Sonja Echt, Edelweiss, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign and a chair with a mannequin in front of establishment – Voted to refer to the City Manager with power. The City Council expressed concern regarding the use of a mannequin in a chair and City Manager Bohenko advised the City Council that this will be a three month trial period and if any issues arise, the chair and mannequin will be removed.
9. Proposed City Council Policy #2009-02 Re: Group Parking License Discount – Voted to authorize the approval of City Council Policy 2009-02 Group Parking License Discount.
10. Proposed Ordinance to amend Chapter 7, Article III, Section 7.344 – Use of Roller Skates, Coasters and Skateboards – Voted to amend the Ordinance as presented and to establish a public hearing at the May 18th City Council meeting prior to passing second reading.

Councilor Smith, Traffic & Safety Committee Chair, agreed to work with City Attorney Sullivan on further amendments to the ordinance relative to comments made and/or presented by the City Council members as well as items outlined in Mr. Ward's letter presented this evening with further recommendations.

11. Additional Funding Request for the Recreational Study – Voted to authorize the use of \$38,890.00 from prior year capital contingency to supplement \$25,000.00 appropriated in the FY 2009 Capital Improvement Plan contract amount for a total of \$63,720.00.

Councilor Smith requested to receive a copy of the RFP for the Recreational Study.

12. Request for License Agreement Re: 159 State Street – Voted to authorize the City Manager to negotiate and execute a License Agreement with Careno Construction for purposes of facilitating construction activities at 159 State Street.

13. Report Back from Planning Board Re: Request for a License at Market Street – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Empower Yoga Center, LLC, to install a projecting sign at 63 Market Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Stipulations:

- *That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,*
 - *That 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.*
14. Request for Approval of Pole License Agreement #63-0468 – Voted to approve the request from PSNH for Pole License Agreement #63-0468 as recommended by the Public Works Department.
15. Resignation – John Howe – Traffic & Safety Committee – Voted to accept with regret the resignation of John Howe from the Traffic & Safety Committee.
- Councilor Smith requested that Mayor Ferrini send a letter to Mr. Howe thanking him for his years of service to the Traffic & Safety Committee.
16. Resignation – Christina Westfall – Safe Routes to School Committee – Voted to accept with regret the resignation of Christina Westfall from the Safe Routes to School Committee.
- Councilor Smith requested that Mayor Ferrini send a letter to Ms. Westfall thanking her for her years of service to the Safe Routes to School Committee.
17. Reports – Mayor Ferrini said a number of board and commission appointment applications will be brought forward at the May 4th meeting for consideration by the City Council.
18. Traffic & Safety Committee Action Sheet and Minutes of the April 9, 2009 meeting – Voted to approve and accept the action sheet and minutes of the April 9, 2009 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.
19. Parking Committee Action Sheet and Minutes of the April 9, 2009 meeting – Voted to approve and accept the action sheet and minutes of the April 9, 2009 Parking Committee meeting. Councilor Kennedy voted opposed.

20. Miscellaneous/Unfinished Business – Projecting Signs Procedure – The City Council agreed that a policy needs to be created for dealing with receiving, reviewing and granting licenses for projecting signs on City property. City Manager Bohenko suggested that City Council Policy 2009-03 be created to handle these issues and have the policy brought back for City Council approval at the May 4th meeting.

21. Adjournment – At 9:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk