

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MAY 4, 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 – RSA 91-A:2, I (b-c).
2. Proclamation – Police Week in Portsmouth – May 11, 2009 – May 17, 2009 – Councilor Smith read and presented the Police Week Proclamation to Police Chief Michael Magnant.
3. Presentation – Annual Report Art-Speak – Ellen Fineberg, Chair, Board of Directors of Art-Speak, presented an overview of the past years' art related activities.
4. Acceptance of Minutes – April 15, 2009 and April 20, 2009 – Voted to approve and accept the minutes of the April 15, 2009 and April 20, 2009 City Council meetings.
5. Public Comment Session – There was one speaker: Donald Coker (Proposed Council Rule Change regarding 10 Year Board member limits).
6. Acceptance of Donation from Mr. and Mrs. King to the Portsmouth Explorer's Cadets in the amount of \$75.00, and Acceptance of various grants to the Portsmouth Police Department totaling \$43,542.00 from the New Hampshire Highway Safety Agency:– Voted to approve and accept the donation and grants.
7. Acceptance of Grant for Household Hazardous Waste Collection - Voted to accept and expend a \$4,005.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract.
8. Third and final reading of Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Permits/Licenses (Taxicabs) – Voted to pass third and final reading of the proposed ordinance, as submitted.
9. Consent Agenda – Voted to adopt the Consent Agenda.
 - A. Letter from Cindi Blanchette, Portsmouth City Soccer Club, requesting permission to hang banners at Leary Field during soccer season (***Anticipated action – move to refer to the City Manager with power***)

- B. Letter from Brian and Laurie Coughlin requesting permission to have a small gathering in Market Square for the installation of a bench to dedicate in memory of their son Geoffrey (***Anticipated action – move to refer to the City Manager with power***)
- C. Renewal of Sidewalk Obstruction Licenses with no changes from last year
- Vanity Hair – (1) A-frame sign (***Anticipated action – move to refer to the City Manager with power***)
10. Letter from Mario Giberti requesting to purchase City-owned land located adjacent to 16 Barberry Lane – Voted to refer to the Planning Board for report back.
11. Letter from Meredith Stolper, The Loaf and Ladle, requesting permission to display their “open sign” or a decorative flag in front of establishment – Voted to refer to the City Manager with power.
12. Letter from Susan Penney, American Cancer Society, requesting permission to conduct a “Toll Road” fundraiser in Market Square on Sunday, May 17, 2009 from 10:00a.m. – 2:00 p.m. – Voted to accept and place on file.
13. Letter from Josh Pierce, Seacoast Area Bicycle Routes, requesting to hold Seacoast Bike/Walk to Work Day commuter breakfast at Popovers in Market Square from 7 a.m. – 10 p.m. on Friday May 15th - (Item Not on Agenda) – Voted to refer to City Manager with power.
14. Report Back from Planning Board Re: Request for a License, Anello’s Gluten Free Café, LLC at 41 Congress St. - Voted to accept the recommendation of the Planning Board with the following stipulations and approve the request to install a projecting sign at 41 Congress Street and further authorize the City manager to execute a License Agreement for this request.
- 1) *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*
 - 2) *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.*

15. Report Back from Planning Board Re: Request for a License, The Juicery, at 51 Hanover Street – Voted to accept the recommendation of the Planning Board with the following stipulations and approve the request to install a projecting sign at 51 Hanover Street and further authorize the City Manager to execute a License Agreement for this request.

- 1) *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*
- 2) *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.*

16. Report Back from Planning Board Re: Request for a License, Fa La Lo of Portsmouth LLC, at 51 Ceres Street – Voted to accept the recommendation of the Planning Board with the following stipulations and approve the request to install a projecting sign at 51 Ceres Street and further authorize the City Manager to execute a License Agreement for this request.

- 1) *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*
- 2) *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.*

17. Budget Review Meeting Schedule –The Mayor asked the City Manager to invite the School Board to the Budget Work Session on May 13, 2009. Pending information from the State Budget, the final adoption of the budget may be moved to June 22, 2009.

18. Proposed Amendments to City Manager Employment Agreement – Voted to authorize the Mayor to execute the following amendments to City Manager's Employment Agreement.

1. *Employee will waive his cost of living adjustment (COLA) effective July 1, 2009.*
2. *Employee medical premium share will increase from 19% to 20% on July 1, 2010.*
3. *Commencing July 1, 2010 and every July 1st thereafter through July 1, 2013, the Employee will receive a COLA adjustment based on the ten (10) year rolling average of the CPIU for the Boston/Brockton Index to be in conformance with other city*

employment agreements.

4. *Term of agreement to be extended by two (2) years to expire June 30, 2014.*

Further, that all other terms and conditions of the City Manager's Employment Agreement dated October 12, 2006, shall remain in full force and effect.

19. Appointments to be Considered – The City Council considered the following appointments to be voted on at the May 18, 2009 meeting.

- Brian Gregg – Reappointment to the Cable Television and Communications Commission.
- Phyllis Eldridge – Reappointment to the Trustees of the Trust Fund

20. Resignations – Voted to accept with regret the resignations of Skye Maher from the Conservation Commission and John F. Golumb as Police Commission Representative to the Safe Routes to School Committee.

21. Vendors Committee Report – No action required, will be brought back as a Proposed Policy at a future meeting.

22. Proposed Policy Re: Projecting Signs – Voted to adopt the Policy for Projecting Signs.

CITY COUNCIL POLICY No. 2009-03

1. *Requests for the construction of signs over City property shall be submitted in the first instance to the Planning Board;*
2. *The Planning Board shall then report its recommendation with respect to the sign to the City Council for approval or denial,*
3. *Upon approval of the City Council a revocable license in the form approved by the City's Legal Department may be issued including, but not limited to, the following terms and conditions:*
 - a. *All costs related to the construction and/or removal of the sign shall be borne by the applicant.*
 - b. *The License shall be for an indefinite term.*

This policy shall take effect upon the passage of the City Council.

23. Proposed Permit for Overnight Parking at Peirce Island – Voted to bring back as a First Reading at May 18, 2009 City Council meeting.

24. Atlantic Valet Parking Agreement – Voted to authorize the City Manager to execute a 90 day trial period agreement.

25. Potential Council Rules – No action taken.

26. Miscellaneous/Unfinished Business:

27. Councilor Smith reminded everyone of the State of the City address on May 6, 2009 at the Sheraton. City Manager Bohenko asked the Council to let him know if they would be attending.

28. Mayor Ferrini reminded everyone that Student Government Day will be held on May 7, 2009 and that a luncheon with the students will be held in Conference Room A.

29. Adjournment – At 8:20 p.m., voted to adjourn.

Respectfully submitted by:

Valerie A. French
Deputy City Clerk