

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MAY 18, 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

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1. At 6:15 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations.
2. Acceptance of Minutes – May 4, 2009 – Voted to approve and accept the minutes of the May 4, 2009 City Council meeting.
3. Public Comment Session – There were no speakers this evening.
4. Voted to suspend the rules in order to take up Item XI. C. - Letter from Dawn McCandless, Agave Mexican Bistro, requesting a license agreement for the purpose of valet parking.
5. Letter from Dawn McCandless, Agave Mexican Bistro, requesting a license agreement for the purpose of valet parking – Voted to refer to the City Manager with power.
6. Public Hearing - Ordinance amending Chapter 7, Article III, Section 7.344 – Use of Roller Skates, Coasters and Skateboards – Held a public hearing. Voted that Article 7, Section 7.344 be amended at second reading by the substitution of that version of the ordinance presented with the agenda packet for the May 18, 2009 meeting in place of the version of the ordinance which passed first reading on January 26, 2009 and schedule third and final reading at the June 8<sup>th</sup> City Council meeting.
7. Acceptance of Community Development Block Grant Funds – Voted to accept and expend a Community Development Block Grant (CDBG) in the amount of \$655,821.00 from the U.S. Department of Housing and Urban Development; and further accept and expend an American Recovery and Reinvestment Act of 2009 Community Development Block Grant (CDBG) in the amount of \$175,606.00 from the U.S. Department of Housing and Urban Development.
8. First reading of Ordinance amending Chapter 7, Article IV, Section 7.408 – Peirce Island Boat Launch Overnight Parking – Voted to pass first reading and schedule a public hearing and second reading at the June 8, 2009 City Council meeting, as submitted.
9. First reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00 – Voted to pass first reading and hold a public hearing and adoption of the Resolution at the June 8, 2009 City Council meeting.

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

- A. Letter from Liam Carmichael requesting to install a stop light on the corner of Cass Street and Middle Street (***Anticipated action – move to refer to the Traffic & Safety Committee***)
- B. Renewal of Sidewalk Obstruction Licenses with no changes from last year
  - RiverRun Bookstore – 1 Table
  - Six Degrees A Unique Salon – 1 A-frame sign(***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Andrew Nitschelm, Water Country, requesting permission to hold a City Employee’s Day at Water Country on Saturday, June 27, 2009 from 11:30 a.m. – 6:00 p.m. (rain date Sunday, June 28, 2009) (***Anticipated action – move to refer to the City Manager with power***)

11. Letter from Patricia Taylor, Frank Jones Farm Neighborhood Group, requesting permission to erect a historical marker on city-owned land across from Market Basket on the corner of Woodbury Avenue and Market Street Extension – Voted to refer to the City Manager with power.

12. Letter from Jack Kimball, Granite State Patriots, requesting permission to hold a Remember our Fallen Soldiers event on Monday, May 25<sup>th</sup> at 5:30 p.m. – 7:30 p.m. in front of Market Square in front of the North Church with a sound system and small portable podium – Voted to refer to the City Manager with power.

13. Report Back from Planning Board Re: John Dussi, Northern Tier Real Estate Acquisition & Development, LLC, seeking to remove the current glass atrium enclosure located at 172 Hanover Street to replace with a more permanent structure – Voted to deny this request based on the recommendation of the Planning Board, as submitted.

*Planning Board Recommendations:*

- *That the Board advises the Council that more permanent encroachments should not be allowed within this right-of-way;*
- *That the public’s interest in this right-of way is significant and should be retained and maintained so as to meet future public needs;*
- *That no permanent easements should be authorized by the City;*
- *That properly drafted, a License Agreement could be prepared/approved that would protect the City’s interest in this right-of-way and allow for existing (or modified) encumbrances;*

- *That conceptually the Board would favorably recommend that minor modifications should be allowed to the existing structure subject to the Board's review and the offering of favorable recommendation to the Council concerning this design; and,*
- *That a new License Agreement between the City and Mr. Dussi shall be prepared/approved as to content and form by the Legal Department and approved by the City Council or as appropriate*

*Note: Since the Planning Board's action on March 19, 2009 no actions have been pursued by Mr. John Dussi. The department does not anticipate any further action at this time.*

14. Request for Approval of Professional Management Association Collective Bargaining Agreement to expire June 30, 2014 – Voted to accept the proposed contract with the Professional Management Association to expire on June 30, 2014.
15. Proposed Funding Re: Public Undeveloped Lands Assessment – Voted to approve, as recommended by the Conservation Commission, the expenditure of \$27,330.00 to hire a consultant to conduct a citywide Public Undeveloped Land Assessment.
16. Appointments to be Considered - Maryann Blanchard – Appointment as Regular member to Conservation Commission – The City Council considered the appointment of Maryann Blanchard as a regular member to the Conservation Commission. This appointment will be voted on by the City Council at the June 8, 2009 City Council meeting.
17. Appointments to be Voted – Voted to reappoint Brian Gregg to the Cable Television and Communications Commission until April 1, 2012.  
  
Voted to reappoint Phyllis Eldridge to the Trustees of the Trust Fund until January 1, 2012.
18. Status Update on Portsmouth Middle School – No action required.
19. Proposed City Council Policy #2009-04 Re: Vending – Voted to adopt City Council Policy #2009-04 regarding Vending.
20. Adjournment – At 9:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk