

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 1, 2010 TIME: 6:15PM

## AGENDA

### 6:15PM –WORKSESSION REGARDING CHARTER REVISION

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

#### PROCLAMATIONS

1. Music in Our Schools Month
2. Red Cross Month

### V. ACCEPTANCE OF MINUTES – FEBRUARY 16, 2010

### VI. PUBLIC COMMENT SESSION

### VII. PUBLIC HEARINGS

- A. PROPOSED CAPITAL IMPROVEMENT (CIP) FY2011-2016)

### VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donations to the Coalition Legal Fund
  - Town of Eaton - \$1,000.00

***(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- B. \*Acceptance of Donations for Art-Speak for Overnight Art
  - Centrix Bank & Trust - \$250.00
  - Coughlin, Rainboth, Murphy & Lown - \$1,000.00
  - Dos Amigos Burritos, LLC - \$666.67
  - Russ Grazier, Jr. (firstgiving) - \$46.25
  - Jumpin” Jay’s Fish Café - \$333.33
  - Portsmouth Candle Company \$25.00
  - Leanne Spees - \$100.00

***(Sample motion – move to accept and approve the donations to Art-Speak for Overnight Art, as presented)***

- C. \*Acceptance of Donation for Art-Speak
- Griffin Family Corporation - \$250.00
- (Sample motion – move to accept and approve the donation, as listed)***

## **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

*There are no items under this section of the Agenda*

## **X. CONSENT AGENDA**

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from William M. Lyons in support of the Recreational Facilities ***(Anticipated action – move to accept and place on file)***
- B. Letter from Nancy Pollard, President of Friends of the South End, requesting permission to hold the sixth Fairy House Tour on September 18 and 19, 2010. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Jim Noucas and John Tabor, Portsmouth Listens, requesting permission to close Parrott Avenue between the Library and Rogers Street for the third annual Portsmouth Sustainability Fair on Saturday, May 8, 2010 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Heidi R. Roy, National Multiple Sclerosis Society, requesting permission to hold the 2010 MS Bike Seacoast Escape on Saturday, August 21, 2010. ***(Anticipated action – move to refer to the City Manager with power)***
- E. \*Acceptance of Art-Speak Application Fees
- David Anderson/Jasmine Inglesmith - \$15.00
  - Andrew & Amy Beal - \$15.00
  - Donna Dodson - \$15.00
  - Elizabeth Doherty - \$15.00
  - Jennifer Eddinger - \$15.00
  - Carly Glovinski - \$15.00
  - Craig Gray - \$15.00
  - Ironwood Design - \$15.00
  - J&J Steel & Stone - \$15.00
  - Jeremy LeClair - \$15.00
  - Andrew & Jennifer Moore - \$15.00
  - William Paarlberg - \$15.00
  - Vicki Silver - \$15.00
  - Paul Stankiewicz - \$15.00
  - Bruce Teatrowe - \$15.00
- (Anticipated action – move to accept and approve the application fees for Art-Speak, as presented)***

- F. Letter from Todd Hanson, Race Director & New Heights Board Member, requesting permission to hold a road race on Sunday, March 14, 2010 at the Pease Tradeport. ***(Anticipated action – move to refer to the City Manager with power)***
- G. Letter from Marian Hallowell, Sexual Assault Support Services, requesting permission to hold a candlelight vigil at the Vaughn Mall on April 9, 2010 from 7:00 p.m. – 9:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- H. Letter from Stacy Baker Chilicki, Seacoast Repertory Theatre, requesting permission to hold the 44<sup>th</sup> Annual Bow Street Fair on Saturday, July 17<sup>th</sup> and Sunday, July 18<sup>th</sup> from 10:00 a.m. – 5:00 p.m. each day ***(Anticipated action – move to refer to the City Manager with power)***

**XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Bill St. Laurent, Association of Portsmouth Taxpayers regarding contract negotiations

**XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**City Manager’s Items Which Require Action Under Other Sections of the Agenda**

- 1. Public Hearing
  - 1.1 Public Hearing Re: Proposed Capital Improvement (CIP) FY2011-2016  
***(Action on this matter will be taken at the March 16<sup>th</sup> City Council meeting, at which time the City Manager will recommend adoption of the CIP with any appropriate amendments)***

**City Manager’s Items Which Require Action**

- 1. Report Back Re: Downtown Parking
- 2. \*Request to Change Location for City Manager’s FY11 Budget Public Hearing
- 3. Prescott Park Dock Policy

**Informational Items**

- 1. Events Listing
- 2. Fire Station 2 Sculpture Photograph
- 3. Economic Development Commission Agenda and Minutes
- 4. News Release Re: City Begins Accepting Some Online Payments
- 5. Report Back Re: Information on Parrott Avenue Lot

## **B. MAYOR FERRINI**

1. Appointment to be Considered:
  - Robert Marchewka – Economic Development Commission
2. Appointments to be Voted:
  - Lyz Boudreaux – Peirce Island Committee – Initial
  - Linda King – Peirce Island Committee – Initial
  - James Russ – Peirce Island Committee – Initial
  - John Simon – Peirce Island Committee – Initial
  - Arlene Corriveau – Peirce Island Committee – Reappointment
  - Harold Hapgood – Peirce Island Committee – Reappointment
  - Steven Marison – Peirce Island Committee – Reappointment
  - Robert Pollard – Peirce Island Committee – Reappointment
  - Richard Smith – Peirce Island Committee – Reappointment
  - Harold Whitehouse – Peirce Island Committee – Reappointment
  - Anthony Blenkinsop – Planning Board – Reappointment
  - MaryLiz Geffert – Planning Board - Reappointment
  - William Gladhill – Planning Board Alternate - Initial
  - Paige Roberts – Planning Board – Reappointment
  - Peter Bresciano – Taxi Commission – Reappointment
  - Frank Daggett – Taxi Commission – Reappointment
  - James Feehley – Taxi Commission – Reappointment
  - Joel Look – Taxi Commission – Reappointment
  - John Connors – Traffic & Safety Committee – Reappointment
  - Ronald Cypher – Traffic & Safety Committee – Reappointment
  - Frederick (Ted) Gray – Traffic & Safety Committee – Reappointment
  - Brad Lown – Trustees of the Trust Fund – Reappointment
3. \*Report

## **C. ASSISTANT MAYOR NOVELLINE CLAYBURGH, COUNCILOR HEJTMANEK AND COUNCILOR SPEAR**

1. \*Motion to Reconsider November 16, 2009 City Council action Re: Percent for Arts Appropriation in the amount of \$36,939.00 (***Sample motion – move to suspend the rules in order to reconsider the action of the City Council at the November 16, 2009 meeting regarding percent for Arts Appropriation in the amount of \$36,939.00***) (***Please note: This requires a two-thirds vote of the Council***)

## **D. COUNCILOR SPEAR**

1. \*Traffic Detail

## **E. COUNCILOR SMITH**

1. Parking Committee Action on New Garage and Parrott Avenue Lot
2. Traffic & Safety Committee Action Sheet and Minutes of the February 11, 2010 meeting
3. Parking Committee Action Sheet and Minutes of the February 11, 2010 meeting

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]**

**KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK**

(\*Indicates verbal report)

**INFORMATIONAL ITEMS**

1. 2009 Board and Commission Attendance Records
2. Notification that the Conservation Commission Minutes of the January 13, 2010 are available on the City's website for your review
3. Notification that the Planning Board Minutes of the January 21, 2010 are available on the City's website for your review
4. Notification that the Technical Advisory Committee Minutes of the February 2, 2010 are available on the City's website for your review
5. Notification that the Zoning Board of Adjustment Minutes of the December 1, 2009 are available on the City's website for your review

**NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED:** Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** February 25, 2010  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on March 1, 2010 City Council Agenda

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***Work Session:***

1. **Charter Revision.** As discussed at the City Council Retreat of February 5, 2010, the Mayor has requested a work session regarding a Charter Revision. Below is the City Charter excerpt regarding this matter:

**SECTION 1.8 - FUTURE CHARTER COMMISSION QUESTIONS**

Commencing in the year 2000, the City Council shall vote at its first meeting of each decade on the following question, "Shall a Charter Commission be created to review and make recommendations concerning the provisions of the Charter of the City of Portsmouth?" If a majority of the Council shall vote in the affirmative, then the Council shall take whatever action is required under state law to bring about the formation of a Charter Commission prior to the next municipal election.

[Attached under the Work Session Section of the Agenda is a memorandum](#) from City Attorney Robert Sullivan, regarding this matter.

***Acceptance of Grants/Donations:***

1. **Acceptance of Donations to the Coalition Legal Fund.** [Attached is a copy of a check](#) from the Town of Eaton in the amount of \$1,000.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

*I would recommend that the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.*

2. **Acceptance of Donations for Art-Speak for Overnight Art.** Art-Speak requests that the following donations totaling \$2,421.25 to sponsor Overnight Art be accepted by the City Council:

➤ Centrix Bank & Trust	\$ 250.00
➤ Coughlin, Rainboth, Murphy & Lown	\$1,000.00
➤ Dos Amigos Burritos, LLC	\$ 666.67
➤ Russ Grazier, Jr. (firstgiving)	\$ 46.25
➤ Jumpin' Jay's Fish Café	\$ 333.33
➤ Portsmouth Candle Company	\$ 25.00
➤ Leanne Spees	\$ 100.00

*I would recommend the City Council move to accept and approve the donations to Art-Speak for Overnight Art, as presented. Action on this matter should take place under Section VIII of the Agenda.*

3. **Acceptance of Donation for Art-Speak.** Art-Speak requests that the unrestricted donation from Griffin Family Corporation in the amount of \$250.00 be accepted by the City Council for Art-Speak's operations. These funds are donations resulting from Art-Speak's Annual Appeal letter.

*I would recommend the City Council move to accept and approve the donation to Art-Speak for operations, as presented. Action on this matter should take place under Section VIII of the Agenda.*

### **Items Which Require Action Under Other Sections of the Agenda:**

1. **Public Hearing:**

- 1.1 **Public Hearing Re: Proposed Capital Improvement (CIP) FY2011-2016.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2011-2016 will take place on Monday evening at 7:00 p.m. At that time, I have requested that staff make a PowerPoint presentation giving the public an overview of the proposed Capital Plan for the aforementioned years. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY11 budget. Also, a copy of the Capital Plan is on our web page ([www.cityofportsmouth.com](http://www.cityofportsmouth.com)).

The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits his budget to the City Council. I anticipate that I will be transmitting my proposed FY2011 budget to you on or about April 9, 2010. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your March 15th meeting. In accordance with the Charter, you could adopt the CIP no later than your April 5<sup>th</sup> meeting.

Please bring your Capital Improvement Plan with you. If you need another copy, please let me know.

*I would suggest that action on this matter be taken at the March 15th City Council meeting, at which time I will recommend adoption of the CIP with any appropriate amendments. The public hearing on this item should take place under Section VII of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Art-Speak Application Fees.** Art-Speak received 15 application fee totaling \$225.00 (\$15.00 each) from the following artists and requests that this amount be accepted by the City Council:

- David Anderson/Jasmine Inglesmith
- Andrew & Amy Beal
- Donna Dodson
- Elizabeth Doherty
- Jennifer Eddinger
- Carly Glovinski
- Craig Gray
- Ironwood Design
- J&J Steel & Stone
- Jeremy LeClair
- Andrew & Jennifer Moore
- William Paarlberg
- Vicki Silver
- Paul Stankiewicz
- Bruce Teatrowe

*I would recommend the City Council move to accept and approve the application fees for Art-Speak, as presented. Action on this matter should take place under Section X of the Agenda.*

## ***City Manager's Items Which Require Action:***

1. **Report Back Re: Downtown Parking.** As you may recall at the January 19<sup>th</sup> City Council meeting, the Council referred to the Planning Board a request from Robert Shaines to reconsider the off-street parking regulations in the revised Zoning Ordinance, and specifically Section 10.1115.30, "Optional Payment in Lieu of Providing Required Off-Street Parking Spaces." [Attached is a memorandum](#) from Rick Taintor, Planning Director, outlining the Planning Board's actions at their February 18, 2010 meeting.

*If the City Council chooses, you can move to accept the recommendations of the Planning Board, as submitted, which would entail a first reading of a zoning ordinance amendment at your March 15<sup>th</sup> meeting.*



2. **Request to Change Location for City Manager's FY11 Budget Public Hearing.** I am requesting that the City Council authorize the City Manager to change the location of the public hearing for the FY11 Budget on both April 14, 2010 and its continuation on May 10, 2010. I am recommending that the public hearings take place at Portsmouth High School auditorium, at 7:00 p.m.

*I would recommend the City Council move to change the location for the City Manager's FY11 Budget Public Hearing on both April 14, 2010 and its continuation on May 10, 2010, at the Portsmouth High School auditorium, at 7:00 p.m.*

3. **Trustees of the Trust Fund Proposed Revision to Prescott Park Dock Policy.** Attached is a copy of a proposed revision to the Prescott Park Dock Policy. As was the case last year, the Trustees of the Trust Funds are seeking City Council approval to rent up to ten (10) dock spaces to boat owners for the upcoming season. The only changes in this policy from last season are an update of the dollars per boat foot to \$100.00 for Portsmouth residents and \$120.00 for non-residents, and the addition of the words "if needed" when addressing the lottery.

*I would recommend the City Council move to approve the Trustees of the Trust Fund proposed revision to the Prescott Park Dock Policy, as presented.*

### ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 16, 2010.
2. **Fire Station 2 Sculpture Photographs.** Assistant Mayor Clayburgh asked for photographs of the Fire Station 2 Sculpture. [Attached are the photographs.](#)
3. **Economic Development Commission Agenda and Minutes.** For your information, [attached](#) is a copy of the Economic Development Commission Agenda for the Friday, March 5, 2010 meeting and the minutes from the February 5, 2010 meeting.
4. **News Release Re: City Begins Accepting Some Online Payments.** [Attached](#) for your information is a news release regarding the announcement that the City of Portsmouth on Monday, March 1, 2010, will be begin accepting some online payments of parking fines by credit card, debit card and electronic check payments via a secure website.
5. **Report Back Re: Information on Parrott Avenue Lot.** [Attached is a memorandum](#) from City Attorney Robert Sullivan in response to Councilor Kennedy's questions regarding any restrictions on the Parrott Avenue lot.