

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 19, 2010 TIME: 6:00PM

AGENDA

• 6:00PM – PUBLIC INPUT SESSION REGARDING INDOOR POOL

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

PROCLAMATION

1. New Hampshire Daughters of the American Revolution

V. ACCEPTANCE OF MINUTES – DECEMBER 14, 2009; DECEMBER 15, 2009 AND APRIL 5, 2010

VI. PUBLIC COMMENT SESSION

VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading of Ordinance Deleting Chapter 11, Article III, Section 11.310 – Construction Work Requiring Uniformed Policemen and Section 11.311 – Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel

VIII. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation from Jean Bartlett to Portsmouth Fire Department for the CO2 Fund - \$25.00 (***Anticipated Action – move to accept and approve the donation to the Portsmouth Fire Department, as listed***)
- B. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 5th annual Seacoast Half Marathon on Sunday, November 14, 2010 (***Anticipated Action – move to refer to the City Manager with power***)
- C. Acceptance of Donations to Peirce Island Committee for the purchase of benches and other activity associated with implementation of the Peirce Island Master Plan - \$1,111.75
 - Flatbread Company \$582.75
 - Raffle cash receipts \$279.00
 - Sean Meighan \$250.00(***Anticipated Action – move to accept and approve the donations to the Peirce Island Committee, as listed***)

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from New England Relay requesting permission to pass through the community on Saturday, June 12, 2010 and Sunday, June 13, 2010 for an American Liver Foundation benefit (***Sample motion – move to refer to the City Manager with power***)
- B. Letter from Rhett Austell, III requesting permission to place a bench in Market Square in honor of his parents Rhett and Carol Austell

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

1. Third and Final Reading of Proposed Ordinance Amendments and Resolutions:
 - 1.1 Third and Final Reading of Proposed Ordinance Deleting Chapter 11, Article III, Section 11.310 – Construction Work Requiring Uniformed Policemen and Section 11.311 – Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel
(***Action on this matter should take place under Section I of the Agenda***)

City Manager's Items Which Require Action

1. Request for Approval of Pole Licenses #63-0485, #63-0487 and #63-0489
2. Report Back Re: Brick Sidewalks

Informational Items

1. Events Listing
2. Quarterly Report on Chamber/City Partnership
3. Upcoming Budget Work Sessions
4. Interim Economic Guidance for Water Quality Standards

B. MAYOR FERRINI

1. Appointments to be Voted:
 - Stephen Philp – Appointment to the Peirce Island Committee
 - Kathleen Bergeron – Appointment to the Citywide Neighborhood Steering Committee
 - Kent Kirkpatrick – Appointment to the Traffic & Safety Committee
 - Harold Whitehouse – Appointment to the Traffic & Safety Committee
2. Letter from Richard “Brooksie” Brooks requesting the participation of the City Council in the Memorial Day parade and services on Monday, May 31, 2010
3. *Reports

C. COUNCILOR DWYER

1. Forum on Transportation for a Sustainable Seacoast

XI. MISCELLANEOUS/UNFINISHED BUSINESS

XII. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Notification that the Historic District Commission Minutes of the February 2, 2010 meeting are available on the City's website for your review
2. Notification that the Site Review Technical Advisory Committee Minutes of the March 30, 2010 meeting are available on the City's website for your review
3. Letter from Alison Forbes regarding current city budget process

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: April 15, 2010
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on April 19, 2010 City Council Agenda

6:00 p.m.

1. **Public Input Session Re: Indoor Pool.** As requested by the City Council starting at 6:00 p.m., there will be a public input session regarding the proposed closure of the indoor pool. This will be televised.

Items Which Require Action Under Other Sections of the Agenda:

1. **Third and Final Reading of Proposed Ordinance Amendments and Resolutions:**
 - 1.1 **Third and Final Reading of Proposed Ordinance Deleting Chapter 11, Article III, Section 11.310 – Construction Work Requiring Uniformed Policemen and Section 11.311 – Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel.** As a result of the April 5th City Council meeting, under Section VII of the Agenda, I am bringing back for third and final reading the [attached proposed ordinance](#) deleting Chapter 11, Article III, Section 11.310–Construction Work Requiring Uniformed Policemen and Section 11.311 –Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel.

I would recommend the City Council move to pass third and final reading of the Ordinance, as amended. Action on this matter should take place under Section VII of the Agenda.

Consent Agenda:

1. **Acceptance of Donation for Fire Department – CO2 Fund.** The Fire Department has received a donation in the amount of \$25.00 from Jean Bartlett for the CO2 Fund.

I would recommend the City Council move to accept and approve the donation to the Fire Department, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Donations to Peirce Island Committee.** Please accept the \$1,111.75 in donations listed below from recent Peirce Island Committee fundraisers at the Flatbread Company. The funds will be used to purchase benches and other activity associated with implementation of the Peirce Island Master Plan.

➤ Flatbread Company	\$ 582.75
➤ Raffle cash receipts	\$ 279.00
➤ Sean Meighan	\$ 250.00

I would recommend the City Council move to accept and approve the donations to the Peirce Island Committee, as presented. Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of Pole Licenses #63-0485, #63-0487 and #63-0489.**
 - a. [Attached is a request for a Pole License Agreement](#) from PSNH, License 63-0485. This request is to license one replacement pole located at 873 Middle Street. Typically, these replacements do not require a license but PSNH cannot verify any existing license and are requesting one for this pole now. This pole poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached is a photograph of the pole.](#)
 - b. [Attached is a request for a Pole License Agreement](#) from PSNH, License #63-0487. This request is to license one replacement pole located at the intersection of Spinney Road and Islington Street. The Public Works Department has asked PSNH to move this pole in conjunction with our intersection realignment project. This pole poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached is a photograph of the pole.](#)

I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0485, as recommended by the Public Works Department.

I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0487, as recommended by the Public Works Department.

- c. [Attached is a request for a Pole License Agreement](#) from PSNH, License #63-0489. This request is to license one pole located at 1976 Woodbury Avenue. The pole will be used for a new service connection that requires a transformer for a new Laundromat. This pole poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached is a photograph](#) of the pole.

I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0489, as recommended by the Public Works Department.

2. **Report Back Re: Brick Sidewalks.** As you know, at the City Council's March 15, 2010 meeting, Councilor Coviello asked for a report back regarding the policy on brick sidewalks in the Historic District. Staff met recently to review this matter, and I offer the following report back.

Over the course of the past six to eight years, sidewalks located within the Historic District have been constructed with brick when sidewalk improvements are carried out. A map depicting the boundaries of the Historic District is [attached](#). As you know, with the recent passage of the revised Zoning Ordinance, the Historic District was expanded down Islington Street to Jewell Court/Bartlett Street; down Lafayette Road to South Street; and on Hanover Street between Bridge Street and Vaughan Mall. Staff recommends that sidewalks within these new Historic District areas should also be brick with the exception of Islington Street.

One issue that arises is when parcels within the Historic District front on a side street, the majority of which is not within the District (for example along Middle Street). In these cases, the approach has been to be consistent with the sidewalk material used along the majority of the side street. The second issue that arises has to do with sidewalks located outside the Historic District that have historically been brick. Past practice with regard to these sidewalks has been determined through a separate vote of the City Council. When upgrades are made to other sidewalks in the City concrete is used, with black asphalt being replaced with concrete.

If the City Council wishes to formalize past practice, the policy would be as described below:

At the time improvements are made to City sidewalks, sidewalk material will be as follows:

1. Sidewalks within the Historic District will be brick with the exception of Islington Street starting from the old library going along Islington Street; and only a small portion of the side street is within the Historic District, in which case the sidewalk material in place along the majority of the side street will dictate.
2. Sidewalk material for sidewalks located outside the Historic District, which have historically been brick, will be determined by vote of the City Council.

3. All other sidewalks will be concrete.

If you have questions or would like additional information we would be pleased to provide it.

I would recommend the City Council authorize the City Manager to bring back a formal policy at the May meeting reflecting the proposed changes.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on April 5, 2010. In addition, this now can be found on the City's website.
2. **Quarterly Report on Chamber/City Partnership.** At the April 9, 2010 Economic Development Commission (EDC) meeting, Chamber of Commerce President Doug Bates reported on tourism for the period January 1 – March 31, 2010. You will recall the report is part of the City of Portsmouth and Chamber of Commerce partnership for which the Council has requested copies of the quarterly reports presented to the EDC. [The report is attached for your review.](#)
3. **Upcoming Budget Work Sessions.** Just a reminder of the upcoming budget work sessions starting at 6:30 p.m., on the following dates:
 - 1) Wednesday, April 21st - School Department Budget.
 - 2) Thursday, April 22nd - Municipal Budget.
 - 3) Wednesday, April 28th - Fire and Police Department Budgets.
4. **Interim Economic Guidance for Water Quality Standards.** [Attached](#) is information requested by Councilor Esther Kennedy at last Monday's work session.