

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MAY 3, 2010, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR NOVELLINE CLAYBURGH, COUNCILORS LISTER, HEJTMANEK, SPEAR, DWYER, COVIELLO, KENNEDY AND SMITH

1. At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).
2. Proclamation – National Police Week and Peace Officer's Memorial Day – Councilor Smith read the Proclamation declaring May 9, 2010 – May 15, 2010 as Police Week in Portsmouth and proclaiming May 15, 2010 as Peace Officers' Memorial Day. Mayor Ferrini presented the Proclamation to Detective Timothy Cashman who accepted it with pride and appreciation.
3. Presentation – Annual Report Art-Speak – Jane James, Art-Speak Chair, provided the Annual Report for Art-Speak. She spoke to the upcoming Overnight Art Exhibits and the theme this year is bridges. In addition, she reviewed the various activities of Art-Speak and their importance to the community.
4. Acceptance of Minutes – April 14, 2010 and April 19, 2010 – Councilor Smith moved to accept and approve the minutes of April 14, 2010 and April 19, 2010. Councilor Coviello requested to amend the minutes of April 19, 2010 on page 7 relative to the vote on the Brick Sidewalk Policy *Councilor Coviello* should be listed as opposed to the motion and not Councilor Smith. Seconded by Councilor Coviello and voted.
5. Public Comment Session – There was one speaker: Mark Brighton (Excel Files).
6. New Hampshire Public Health Network Grant - \$70,000.00 – Voted to authorize the City Manager to apply for, accept and expend a two-year grant from the NH Department of Health and Human Services for the purpose of funding the ongoing public health and emergency planning work for the Greater Portsmouth Public Health Network retroactively effective March 31, 2010.

7. Consent Agenda – Voted to adopt the Consent Agenda.
- A. Acceptance of Donation from Norman M. & Elizabeth T. Henderson to Portsmouth Fire Department for the CO2 Fund - \$200.00 (***Anticipated Action – move to accept and approve the donation to the Fire Department, as presented***)
- B. Acceptance of Donations to Art-Speak Overnight Art Sponsorship - \$3,292.50
- BayRing Communications - \$2,500.00
 - Hilton Garden Inn (Parade Hotel, LLC) - \$500.00
 - Conway Office Products (Jeffrey Feenstra) - \$100.00
 - Ellen Fineberg - \$100.00
 - First giving - \$92.50
- (Anticipated Action – move to accept and approve the donations to Art-Speak Overnight Art Sponsorship, as presented)***
8. Letter from Attorney Thomas Watson requesting the issuance of a Revocable License to David J. and Vasilia Tooley for property located at 166 Newcastle Avenue to allow for the continued placement of encroachments within the City rights-of-way – Voted to authorize the issuance of a Revocable License to David J. and Vasilia Tooley for property located at 166 Newcastle Avenue.
9. Letter from Jennifer Mast requesting permission to donate a granite bench to the City in honor of her father Tom Mast for installation along the water of Peirce Island facing the North-West views of the Portsmouth Naval Shipyard – Voted to refer to the City Manager with power.
10. Report Back from Planning Board Re: Request to Place the Relocated Seabrook Station Siren Pole at the Former DPW Facility within the Conservation Easement - Voted to accept the recommendation of the Planning Board to change the conditions of the Chevrolet Avenue conservation easement to permit the construction of a siren pole in the southwesterly portion of the easement.
11. Report Back from Planning Board Re: Request to Rezone Lots on Sagamore Grove from Waterfront Business (WB) to Mixed Residential Business (MRB) or Single Residence B (SRB) – Voted to accept the recommendation of the Planning Board to rezone the following parcels from Waterfront Business (WB) to Single Residence B (SRB): Map 201, Lots 3, 4, 5, 6, 7 and 8 as depicted on the proposed zoning map, and amend the Zoning Map accordingly. Further, request that the City Council establish a first reading for May 17, 2010 to make these amendments to the Zoning Ordinance and map.

12. Appointments to Rockingham Planning Commission – Voted to accept the Planning Board’s recommendation to nominate the aforementioned individuals to be the City’s representatives and alternate representatives to the Rockingham Planning Commission.

Representatives:

John Ricci, Planning Board Chair
Esther Kennedy, City Council
Anthony Blenkinsop, Planning Board
David Moore, Community Development Director

Alternate Representatives:

Steve Parkinson, Director of Public Works
Dave Allen, Deputy Director of Public Works
Cindy Hayden, Deputy City Manager
Rick Taintor, Planning Director

13. Acceptance of Brick Sidewalks Policy – Moved to accept the Brick Sidewalks Policy, as presented. On a unanimous roll call 9-0, voted to table the Brick Sidewalks Policy for a report back at the May 17, 2010 City Council meeting. The policy and map shall reflect the following: No brick sidewalks west on Maplewood Avenue to bridge and Middle Street south of Aldrich Road.

14. Request for a License from Jay McSharry, 106 Grill LLC, owner of 106 Kitchen & Bar for property located at 106 Penhallow Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Jay McSharry, 106 Grill LLC, owner of 106 Kitchen & Bar, to install a projecting sign at 106 Penhallow Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Stipulations:

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

15. Request for a License from Joseph Hickey, owner of Denimrack for property located at 19 Congress Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Joseph Hickey, owner of Denimrack, to install a projecting sign at 19 Congress Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Stipulations:

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

16. Request for a License from Paul Keegan, owner of 1 World Trading Co. for property located at 76 Congress Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Paul Keegan, owner of 1 World Trading Co., to install a projecting sign at 76 Congress Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Stipulations

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

17. Proposed Sale of Pedestrian Bridge – Voted to authorize the City Manager to dispose of the pedestrian bridge located on Route 33 in the amount of \$10,000.00 to the Town of Merrimack, New Hampshire.

18. Appointments to be Considered: The City Council considered the following appointments which will be voted on by the City Council at the May 17, 2010 meeting:

- Gary Nadeau – Appointment to the Building Code of Appeals
- Sandra Dika – Reappointment to the Historic District Commission
- Charles Bradley – Reappointment to the Portsmouth Housing Authority
- Carlos Castro – Reappointment to the Portsmouth Housing Authority

19. Parking Committee Action Sheet and Minutes of the April 8, 2010 meeting – Voted to accept and approve the action sheet and minutes of the April 8, 2010 Parking Committee meeting. Councilor Kennedy voted opposed.

20. Adjournment – At 8:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk