

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK I

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON OCTOBER 4, 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

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1. At 6:00 p.m., a Non Meeting with Counsel was held regarding Litigation – RSA 91-A:2, I (c)
 2. Presentation – Update of Revaluations – City Assessor Rosann Lentz and Finance Director Judie Belanger gave an update of the Revaluation Process and reviewed the State Statutes which governs this process.
 3. Acceptance of Minutes – September 20, 2010 - Voted to approve and accept the minutes of the September 20, 2010 City Council meeting.
 4. Public Comment Session – There were 38 speakers: Charlie Griffin, Robert Padian, Shaun Rafferty, Ralph DiBernardo, Colleen Romano, Laura Mannle, Al Romano, Peter Bresciano, Bonnie Hatch, Robin Normandeau, Patricia Crothers, Robin Bettencourt, Rebecca Emerson, Angelynne Hinson, Tom Smart, Helen Steele, Ruth Griffin, David Adams, Lenore Weiss Bronson, Duncan MacCallum, Kathleen Logan, Malcolm McNeill, Mary Lou McElwain, Erik Anderson, Tricia Cummings, Michael Willitts, Mark Brighton, Mark Stebbins, Michael Kane, Holly Lasher and Susan Battye (CCRC); Barbara Massar and Michael Richards (First Night Fireworks Funding request); Joe Moretti, Norm Olsen, Hollis Brodrick, Kirsten Cunningham and Robert McDowell (Revaluations).
 5. Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4, Section 10.420 – District Location and Boundaries and the Zoning Map (Rezoning of Former Fire Station 2) - A Public Hearing was held. There were no speakers. Voted to pass the second reading and schedule a third and final reading of the proposed Ordinance and Map, as presented, at the October 18th City Council meeting.
 6. Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4 and 5 – A Public Hearing was held. There were no speakers. Voted to pass the second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the October 18th City Council Meeting.
 7. Acceptance of Donation to the Coalition Legal Fund; Town of Hampton Falls - \$1,000.00 – Voted to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund.

8. Acceptance of Land and Water Conservation Fund (LWCF) Grant Funding – Peverly Hill Road/Route 33 Property – Voted to authorize the City Manager to apply for, accept and expend a Land and Water Conservation Fund (LWCF) grant of up to \$100,000 from NH DRED to be used toward the acquisition cost of the 107-acre Stokel property on Peverly Hill Road/Route 33 and for the development of recreation fields and conservation uses on this parcel.
9. Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, by creating a new Section 10.740 – Continuing Care Retirement Community.– Motion to postpone vote indefinitely **FAILED** on a 4-5 roll call vote. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear and Smith voted opposed. Councilors Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor.
10. Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, by creating a new Section 10.740 – Continuing Care Retirement Community – Motion to suspend the rules to allow amendments to be proposed **FAILED** on a 4-5 roll call vote. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear and Smith voted opposed. Councilors Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor.
11. Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, by creating a new Section 10.740 – Continuing Care Retirement Community – Motion to pass third and final reading for the proposed amendments to the Zoning Ordinance as presented **FAILED** on a 4-5 roll call vote. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear and Kennedy voted opposed. Councilors Dwyer, Coviello, Smith and Mayor Ferrini voted in favor.
12. Consent Agenda – There were no items on the Consent Agenda.
13. Letter from Peter J. Loughlin, Attorney representing Service Credit Union, regarding Ordinance amendment proposal to Chapter 10, Section 10.517, Roof Appurtenances and Other Rooftop Features - Voted to refer to the Planning Board for a report back.
14. Letter from Bill St. Laurent, President, Association of Portsmouth Taxpayers, regarding contract negotiations - Voted to accept and place the letter on file.
15. Letter from Barbara Massar, Pro Portsmouth Inc., regarding Funding of Fireworks and Outdoor Activities (First Night) – Voted to accept and place the letter on file.
16. Request to hold Annual Portsmouth Halloween – Voted to refer to the City Manager with power.

17. Request for First Reading of Proposed Bonding Resolution of up to Six Million Four Hundred Thousand Dollars (\$6,400,000) for Capital Improvements Projects identified in FY 2011 Budget. – Voted to authorize the City Manager to bring back for first reading at the October 18th City Council meeting, a bonding resolution for up to Six Million Four Hundred Thousand Dollars (6,400,000.) for the projects, as presented.
18. Request for First Reading on Proposed Bonding Resolution for the sum of Five Hundred Thousand (\$500,000.) for Lease Purchase to Replace Fire Engine Number 6 – Voted to authorize the City Manager to bring back for first reading at the October 18th City Council meeting, a bonding resolution appropriating the sum of Five Hundred Thousand Dollars (\$500,000.) for a lease purchase of a Fire Apparatus to replace Fire Engine Number 6, as presented.
19. Request for First Reading – HDC Membership - Voted to accept the Planning Board's recommendation and authorize the City Manager to bring back for first reading at the October 18, 2010 City Council meeting, an amendment to the City Ordinance, as presented.
20. Request for Approval of Pole License #63-0495 - Voted to approve the request from PSNH for pole license agreement, #63-0495, as recommended by the Public Works Department.
21. Appointment of James Feehley, Taxi Commission – Voted to appoint James Feehley to the Taxi Commission. Term will expire on December 31, 2011.
22. Parking Committee Action Sheet and Minutes of the September 9, 2010 Meeting – Voted 8-1 to accept and place on file the Parking Committee Action Sheet and Minutes of the September 9, 2010 Meeting. Councilor Kennedy voted opposed.
23. Traffic and Safety Committee Action Sheet and Minutes of the September 9, 2010 Meeting – Voted 8-1 to accept and place on file the Traffic and Safety Committee Action Sheet and Minutes of the September 9, 2010 Meeting. Councilor Kennedy voted opposed.
24. Adjournment – At 10:00 p.m., voted to adjourn.

Respectfully submitted by:

Valerie A. French
Deputy City Clerk I