

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON SEPTEMBER 6, 2011, 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. Acceptance of Minutes – August 15, 2011 – Voted to approve and accept the minutes of the August 15, 2011 City Council meeting.
2. Public Comment Session – There were no speakers this evening.
3. Approval of Additional Energy Grant Funds for the Discover Portsmouth Center – Voted to authorize the City Manager to accept and expend an additional \$23,100.00 in grant funds from the TRC Environmental Corporation for energy upgrades to the former Library Building at 10-30 Middle Street.
4. Voted to suspend the rules in order to take up Item X. D.1. – Artwork for 9/11 Memorial.
5. Artwork for 9/11 Memorial – Voted to authorize the Trustees of the Trust to expend \$15,000.00 from the Public Art Trust at the direction of the City Manager to acquire the artwork known as “The Button Project” a 9/11 Memorial.
6. Consent Agenda – Voted to adopt the Consent Agenda.
  - A. Letter from Barbara Massar, Executive Director, Pro Portsmouth, Inc., requesting permission to hold First Night Portsmouth 2012 on Saturday, December 31, 2011 (***Anticipated action – move to refer to the City Manager with power***)
  - B. Request for a License from Joanne Wiren, owner of Art with a Splash for property located at 222 State Street to install a projecting sign (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Joanne Wiren, owner of Art with a Splash to install a projecting sign at 222 State Street and, further, authorize the City Manager to execute a License Agreement for this request***)

**Planning Director’s 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**

C. Request for a License from Sorassa Soeur, owner of Salonista for property located at 90 Fleet Street to install a projecting sign (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Sorassa Soeur, owner of Salonista to install a projecting sign at 90 Fleet Street and, further, authorize the City Manager to execute a License Agreement for this request***)

**Planning Director's 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**

D. Request for a License from Kerry Lajoie, owner of Hazel Boutique for property located at 7 Commercial Alley to install a projecting sign (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Kerry Lajoie, owner of Hazel Boutique to install a projecting sign at 7 Commercial Alley and, further, authorize the City Manager to execute a License Agreement for this request***)

**Planning Director's 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**
- E. Request for Approval of Pole License – Underground Conduit System for Comcast – 161 Deer Street (**Anticipated action – move to approve the license with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes**)
  - F. Request for Approval of Pole License – Underground Conduit System for the NH Department of Transportation – Corner of Sapphire Street and Rockingham Avenue onto the Right of Way for Interstate 95 (**Anticipated action – move to approve the license with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes**)
  - G. Request for Approval of Pole License – Installation of 1 pole located on Cutts Avenue for PSNH (**Anticipated action – move to approve the license with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes**)
  - H. Request for Approval of Pole License – Installation of 1 pole located on McKinley Road for PSNH (**Anticipated action – move to approve the license with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes**)
  - I. Acceptance of Donation to Fire Department from Mary E. Golomb - \$100.00 (**Anticipated action – move to approve and accept the donation to the Fire Department for the gift and donation account**)
7. Letter from Ellen Stockmayer, The Pan Massachusetts Challenge, requesting permission to hold the 6<sup>th</sup> annual PMC New Castle-Seacoast Kids Ride on Sunday, September 25, 2011 – Voted to refer to the City Manager with power.
  8. Letter from Sorassa Soeur, Salonista, requesting permission to hold a fashion show in Market Square the Pleasant Street side of North Church on Wednesday, September 14, 2011 from 6:00 p.m. – 8:00 p.m. (rain date September 15, 2011) – Voted to refer to the City Manager and that the event be held at the Vaughan Mall.
  9. Letter from Leanne Stella and Shanna Argyros, Arts In Reach (AIR), requesting permission to hold a fundraising walk on Saturday, October 22, 2011 from 9:00 a.m. – 11:00 a.m. – Voted to refer to the City Manager with power.

10. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting permission to hold a farewell event for the Memorial Bridge on Saturday, October 1, 2011 from 3:00 p.m. – 8:00 p.m. and further, request that Scott Avenue be closed for the event hours to create a flow between Harbour Place and Prescott Park surrounding the bridge – Voted to refer to the City Manager with power.

11. Proposed Transfer of Funds Re: Retirement – Voted to authorize the transfer of funds in the amount of \$521,689.00 from the FY12 Collective Bargaining and Pension Contingency for the retirement shortfall, in accordance with Section 7.16 of the City Charter to the following departments:

Police	\$117,700.00
Fire	\$101,405.00
School	<u>\$302,584.00</u>
Total	\$521,689.00

12. Report Back Re: Request from Worth Development Condominium Association for Expansion of Dumpster Area in Worth Lot – Voted to accept the recommendation of the Parking Committee and approve the Worth Development Condominium Association’s request to move the fence three feet to the right as shown in the attached photograph at their expense.

13. Report Back Re: iPark – Voted to accept the Parking Committee’s recommendation and approve the elimination of the iPark customer service fee for parking credit purchases of \$100.00.

City Manager Bohenko said that this program will be evaluated for six months with a report back to the City Council on the findings.

14. Proposed Purchase of LaCava Property Re: 95 Mechanic Street – Voted to refer this matter to the Planning Board for report back to the City Council.

15. Report Back Re: 99 Bow Street Martingale Wharf Encroachments – Voted to accept the recommendation of the Planning Board, as presented, and authorize the City Manager to execute the necessary documents. Councilor Coviello abstained from voting on this matter.

16. Report Back Re: Request for Rezoning of land on Bartlett Street/Cate Street Assessors Map 165 Lot 1 (30 Cate Street) – Voted to accept the Planning Board’s recommendation, as presented and to bring back for first reading a zoning amendment to reflect this proposed change at the September 19, 2011 City Council meeting. Councilor Coviello abstained from voting on this matter.

17. Report Back Re: Request from Joseph R. Baroni Family, LLC, regarding the Acquisition of City Owned Land on Constitution Avenue – Voted to accept the Planning Board’s recommendation to approve the sale of the requested parcel on such terms as it deems acceptable, and further, authorize the City Manager to negotiate the sale of this parcel with final approval of purchase price to be made by the City Council.
18. New Hampshire Department of Transportation (DOT) Request for License to Affix Telecommunication Equipment to Pease Water Tower – Voted to authorize the City Manager to negotiate and execute an agreement with NHDOT to allow use of the International Drive Water Storage Tank by NHDOT and adjoining property for the purpose of installing telecommunication equipment for the purpose of creating and operating an Advance Traffic Management System kept on the southern corridor of Route I-95.
19. Report Back Re: On-street Parking at 233 Vaughan Street – Voted to refer this matter to the Traffic & Safety Committee for review to make Vaughan Street one-way.
20. Request for License Agreement Re: 104 Congress Street – Voted to authorize the City Manager to negotiate and enter into a License Agreement with Martini Northern to facilitate construction activities at 104 Congress Street.
21. Appointments to be Considered – The City Council considered the appointments of William Gladhill as a Regular member to the Planning Board (*currently serves as an Alternate member*) and John Cristo to the Board of Library Trustees. The City Council will vote on the appointments at the September 19, 2011 City Council meeting.
22. Appointments to be Voted – The City Council voted to appoint Chris Hubbard to the Peirce Island Committee until December 31, 2011 and Dana Levenson to the Board of Trustees of the Trust Fund until January 1, 2014.
23. City Manager’s Evaluation Report – Assistant Mayor Novelline Clayburgh reported that the City Council finds that the City Manager’s overall performance continues to be outstanding to exceptional in all categories.
24. Traffic & Safety Committee Action Sheet and Minutes of the August 11, 2011 meeting – Voted to approve and accept the action sheet and minutes of the August 11, 2011 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.
25. Parking Committee Action Sheet and Minutes of the August 11, 2011 meeting – Voted to approve and accept the action sheet and minutes of the August 11, 2011 Parking Committee meeting. Councilor Kennedy voted opposed.
26. Adjournment – At 8:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk