

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON OCTOBER 3, 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. At 6:30 p.m. an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations RSA 91-A:2, I (b-c).
2. Acceptance of Minutes – September 19, 2011 – Voted to approve and accept the minutes of the September 19, 2011 City Council meeting.
3. Public Comment Session – There were two speakers: Ralph DiBernardo and Peter Somssich (Local Government Center - LGC).
4. Public Hearing - Ordinance Amending Chapter 10, Article 4, Section 10.421.10 – District Location and Boundaries of the zoning ordinance of the City of Portsmouth and the City of Portsmouth Zoning Map be amended by rezoning the property located off Bartlett Street/Cate Street at Assessors Map 165, Lot 1 from Industrial (I) to Business (B) District – Held a Public Hearing. Moved to pass second reading and hold third and final reading on the proposed Ordinance, as presented at the October 17, 2011 City Council meeting. On a roll call vote 8-0, voted to table the Ordinance. Councilor Coviello abstained from voting on this matter.

Councilor Kennedy requested that a meeting with the neighborhood group, Planning Director Taintor and staff be held to look at the whole area.

Councilor Smith requested a report back on the lining up of Bartlett Street with Jewell Court.

5. Public Hearing - Resolution Authorizing a Supplemental Appropriation in the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) for Necessary Expenditures for the Operation of the Indoor Pool Fiscal Year ending June 30, 2012 – Held a Public Hearing. On a unanimous roll call 9-0, voted to adopt the Resolution authorizing a Supplemental Appropriation in the amount of \$150,000.00 for Necessary Expenditures for the Operation of the Indoor Pool for the Fiscal Year Ending June 30, 2012.
6. First reading of Ordinance Amending Chapter 7, Article I, Section 7.103, 7.104, and further amend Chapter 1, Article IV, Section 1.412 entitled the Parking and Traffic Safety Committee – Voted to pass first reading and establish a public hearing and second reading on the proposed Ordinance, as presented at the October 17, 2011 City Council meeting.

7. Consent Agenda – Councilor Smith requested to remove Item B from the Consent Agenda - Request from Deborah Bouchard-Smith, Scarecrows of the Port, requesting permission to mount approximately 30 scarecrows in the downtown from Friday, October 14, 2011 through Tuesday, November 1, 2011.

Voted to adopt the Consent Agenda.

- A. Acceptance of Donations to the Coalition Legal Fund
- Town of Hampton - \$1,500.00
  - Town of Grantham - \$1,000.00
- (Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)***
- C. Request from Trevor Bartlett, Portsmouth Halloween Parade, seeking permission to hold the annual Halloween Parade on Monday, October 31, 2011 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Request for a License from Roy Bovell, owner of UBS for property located at 40 Congress Street to install a projecting sign ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director 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, shall 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. \*Acceptance of Donations to Art-Speak

- Robin Albert Lehman & Wayne Leman - \$50.00
- Valerie Cunningham, African American Resource Center - \$25.00
- M. Christine Dwyer - \$250.00
- John Gregg - \$50.00
- Mary Ann List - \$25.00
- Paul McEachern - \$50.00
- Steve McHenry, McHenry Architecture - \$100.00
- Dennis Moulton & Maureen Gallagher - \$50.00
- Elisabeth & Jeffrey Robinson - \$25.00
- Valerie & Jonathan Sobel - \$100.00
- Jay Gibson, Piscataqua Savings Bank - \$500.00

***(Anticipated action – move to approve and accept the donations, as listed, to Art-Speak for its Americans for the Arts: Arts & Economic Prosperity Study)***

8. Request from Deborah Bouchard-Smith, Scarecrows of the Port, requesting permission to mount approximately 30 scarecrows in the downtown from Friday, October 14, 2011 through Tuesday, November 1, 2011 – Voted to refer to the City Manager with power. Councilor Smith abstained from voting on this matter.
9. Letter from Daniel Schwarz, Tidewatch Condominium Association, requesting that the City modify the existing ordinances so that residential condominium owners can participate in separate water meters for irrigation – Voted to refer to the City Manager with power.
10. Letter from Linda Smith, NH Department of Transportation, regarding an offer for the acquisition of parcel as required for the reconstruction of US Route 1 Bypass – Voted to refer to the Planning Board for report back.
11. Letter from Deborah Peretz, Susan G. Komen Cure, requesting permission to hold the Susan G. Komen NH Race for the Cure 5k on May 12, 2012 at 9:00 a.m. – Voted to approve with the provision that the route be satisfactory to City staff.
12. Request from Delmira Morse, Sons of Italy, Lodge 2303, seeking permission to place a temporary sign at the apex of Woodbury and Maplewood Avenues to advertise the Italian Festival on Sunday, October 9, 2012 from Noon to 2:00 p.m. – Voted to refer to the City Manager with power.
13. Installation of a Little Harbor Road Loop Trail – Voted to give the City Manager power to authorize the installation of a trail on City property along Little Harbor Road.
14. Report Back Re: Island in Sagamore Creek – Voted to accept the Planning Board's report back and refer this matter to the Conservation Commission for its concurrence.

15. Report Back Re: Purchase of City Property – Voted to accept the Planning Board’s recommendation that the land not be conveyed. Mayor Ferrini abstained from voting on this matter.
16. Letter Re: Redistricting – Voted to authorize the City Manager to submit the adjusted ward lines on behalf of the City Council to the Legislature requesting a session law change to act upon the reflected new boundaries in January 2012.
17. City Manager’s Informational Items – Trustees of Trust Funds Annual Report – Assistant Mayor Novelline Clayburgh requested that the Trustees of the Trust Funds attend a future City Council meeting to present the Annual Report.
18. Appointments to be Considered – The City Council considered the reappointment of John O’Leary and Grace Lessner to the Board of Library Trustees. The City Council will vote on these appointments at the October 17, 2011 City Council meeting.
19. Appointments to be Voted – Voted to reappoint Joseph Couture to the Portsmouth Housing Endowment Fund Advisory Board until June 1, 2014; Voted to appoint Brian Groth as an Alternate to the Planning Board until December 31, 2012. Mr. Groth is filling the unexpired term of William Gladhill; Voted to appoint John Weaver to the Board of Library Trustees until October 1, 2014. Mr. Weaver is filling the expired term of Valerie Cunningham; Voted to appoint Peter Vandermark to the Conservation Commission until April 1, 2012. Mr. Vandermark is filling the unexpired term of James Horrigan; and Voted to appoint Jennifer Wilhelm as an Alternate to the Conservation Commission until April 1, 2013. Ms. Wilhelm is filling the unexpired term of Elissa Stone who is now serving as a regular member.
20. Report - Blue Ribbon Committee on Transportation – Mayor Ferrini advised the City Council that the appointments to the Blue Ribbon Committee on Transportation will be reported on in the City Manager’s Weekly Informational Packet.
21. Middle School Joint Building Committee Update – Councilor Dwyer reported that the Joint Building Committee has accepted the Guaranteed Maximum Price of \$28,644,000.00 for the Middle School as well as a Guaranteed Maximum Price of \$1,888,000.00 for the Youth Recreational Facility. In addition, Councilor Dwyer announced that the City should be accepting the Alumni-Wentworth Field by the end of the month.
22. Subsurface Preservation – Councilor Dwyer requested that the Planning Department and Planning Board review whether and what type of Subsurface Preservation would be appropriate as part of Site Review.
23. Purchase of Bike Racks at Schools – The City Council agreed to have the City Manager contact the School Board to see if they would like a bike rack with concrete pad to be installed at the New Franklin and Dondero Schools. The cost would be no more than \$4,000.00 with funding to come from Capital Contingency.
24. Traffic & Safety Committee Action Sheet and Minutes of the September 8, 2011 Meeting – Voted to approve and accept the Traffic & Safety Committee action sheet and minutes of the September 8, 2011 meeting. Councilor Kennedy voted opposed.

25. Parking Committee Action Sheet and Minutes of the September 8, 2011 Meeting – Voted to approve and accept the Parking Committee action sheet and minutes of the September 8, 2011 meeting. Councilor Kennedy voted opposed.

26. Miscellaneous/Unfinished Business – Councilor Coviello requested that the City Council schedule a Work Session to discuss hotel construction downtown and our goals. Councilor Dwyer suggested that this be a Joint Work Session with the Planning Board and Economic Development Commission. Mayor Ferrini stated that he would review the calendar to establish a date for a Work Session on this matter.

27. Adjournment – At 9:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk