

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, APRIL 18, 2016 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR BLALOCK, ASSISTANT MAYOR SPLAINE, COUNCILORS PERKINS, DWYER, LOWN, PEARSON, SPEAR, CYR AND DENTON

1. At 6:15 p.m., the City Council held a Work Session regarding 165 Deer Street.
2. Presentation – Recognition of Portsmouth High School Boys 2016 New Hampshire Basketball Division 2 New Hampshire State Champions – Mayor Blalock provided the Portsmouth High School Boys Basketball players and coaches in recognition of being the their Division 2 NH State Champions.
3. Presentation – Peter Michaud of the Division of Historical Resources Re: Update on Nomination of Downtown Properties to the National Register – Peter Michaud provided an updated on the Nomination of Downtown Properties to the National Register.
4. Acceptance of Minutes – March 21, 2016 and April 4, 2016 – **Voted** to approve and accept the minutes of the March 21, 2016 and April 4, 2016 City Council meetings.
5. Public Comment Session – There were 3 speakers: Brendan DuBois (The Police Commission and Chief Search); Mary Lou McElwain (Brick Sidewalk Ordinance); and Pat Ford (Portsmouth Fireboat).
6. **Voted** to suspend the rules in order to take up Item XII. A.1. – Deer Street Garage Property Acquisition, Purchase and Sale Agreement and Post Closing Obligation Agreement Options as result of Work Session.
7. Deer Street Garage Property Acquisition, Purchase and Sale Agreement and Post Closing Obligation Agreement Options as result of Work Session – **Moved** that the City Manager is hereby authorized to execute the Purchase and Sale Agreement and Post Closing Obligations Agreement with Deer Street Associates on behalf of the City regarding the City's acquisition of a potential site for a municipal parking garage on Deer Street (collectively, the "Documents") once the schedules of those Documents are in completed form and attach thereto with the advice and consent of the Working Group. Be it further moved, that the City Manager is authorized to negotiate and execute any amendments, exhibits or attachments to those Documents as are substantially consistent with the material terms of the Documents approved by the City Council and as he may deem appropriate.

On a roll call vote 2-6, motion to amend and request an updated property appraisal prior to the completion of the agreement **failed** to pass. Assistant Mayor Splaine and Councilor Denton voted in favor. Councilors Perkins, Dwyer, Lown, Pearson, Spear and Mayor Blalock voted opposed. Councilor Cyr recused himself from this matter.

On a unanimous roll call vote 8-0, **main motion passed**. Councilor Cyr recused himself from this matter.

Voted that a public hearing be held before the City Council on May 16, 2016 pursuant to RSA 231:43 for the purpose of discontinuing any rights of the City or the public in the following two parcels of property:

A certain triangular tract of land being located at the northwesterly corner of and within the intersection of the Deer Street and Bridge Street rights of way, and being approximately 1,717 square feet in size; and

A certain trapezoidal tract of land being located along the northerly boundary of said triangular tract of land being approximately four (4) feet wide and being approximately 269 square feet in size

And that at least fourteen (14) days prior to the public hearing written notice be given to all owners of property abutting the said areas. Councilor Cyr recused himself from this matter.

8. Public Hearing – Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters – Held a public hearing. On a 2-7 voice vote motion **failed** to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the May 2, 2016 City Council meeting to pass. Councilors Spear and Denton voted in favor. Assistant Mayor, Councilors Perkins, Dwyer, Lown, Pearson, Cyr, and Mayor Blalock voted opposed.
9. Public Hearing – Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up to Allow an Approved Irrigation System and a Water Meter at a Monthly Service Fee in addition to the Consumption Charge, said Fee to be Determined by the City Council during its Annual Budget Process – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the May 2, 2016 City Council meeting.

Voted to correct a typographical error to (a) Automatic irrigation systems shall #4 by replacing the word higher with the word “lower”. #4 will read as follows: Include freeze sensors to be installed and maintained on all irrigation systems equipped with automatic irrigation controllers, which will render the system inoperative at 35 degrees Fahrenheit or lower.

10. Public Hearing – Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs Related to Phase II of Elementary School Facility Improvements – Held a public hearing. On a unanimous roll call 9-0, **voted** to adopt the Bonding Resolution of up to Five Million (\$5,000,000.00) Dollars for Phase II of the Little Harbour School Improvements.

11. Consent Agenda – Voted to adopt the Consent Agenda.

- A. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 11th Annual Seacoast Half Marathon on Sunday, November 13, 2016 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Sister Mary Agnes, St. Charles Children’s Home, requesting permission to hold the 20th Annual St. Charles Children’s Home 5K on Monday, September 5, 2016 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold 2 boot drives this year, the first on Saturday July 9th, and the second on Saturday, August 20th for the Muscular Dystrophy Association in Market Square (***Anticipated action – move to refer to the City Manager with power***)

12. Portsmouth Public Media, Inc. Proposed Lease Renewal – **Voted** to authorize the City Manager to enter into a Lease Agreement with Portsmouth Public Media, Inc. for the South Meeting House at 280 Marcy Street from May 5, 2016 to May 4, 2021.

13. Ratify Appointment of Nancy Colbert Puff to replace David Allen, Deputy City Manager on the Planning Board effective May 16, 2016 – **Voted** to ratify the appointment of Nancy Colbert Puff to replace David Allen, Deputy City Manager on the Planning Board effective May 16, 2016.

14. Request for Approval Re: Transfer of 2006 Fire Boat – Gilford, NH – On a roll call 8-1, **voted** to approve the disposal of the Fire Department’s 2006 Fire Boat, as presented. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

15. Request to Schedule a Public Hearing for Refinancing Callable Bonds – **Voted** to establish a public hearing at the May 2, 2016 City Council meeting for an Advanced Refunding Bond Resolution of up to Thirteen Million Dollars (\$13,000,000.00) to refinance the remaining portion of the aforementioned callable bonds and all related costs.

16. Work Session – Pease WWTF on April 27th (Not on agenda) – The City Council agreed to cancel the Work Session on April 27, 2016 regarding Pease Wastewater Treatment Facility.

17. Appointments to be Voted – Voted to reappoint Amy Burns and Robert Capone to the Cable Television and Communications Commission until April 1, 2019; reappoint Cliff Lazenby to the Citywide Neighborhood Steering Committee until April 1, 2019; reappoint Samantha Wright as alternate to the Conservation Commission until April 1, 2019 and reappoint Kory Sirmaian to the Recreation Board until April 1, 2019.
18. Surfrider – Plastic Bag Ordinance – Voted to have the City Attorney draft a letter from the City Council to the DES Commissioner and the DES Waste Division Director asking if DES believes 149-M given municipalities the authority to 1) ban single-use plastic shopping bags; and 2) establish the ten cents paper bag pass through that was part of the previous draft ordinance.
19. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 7, 2016 meeting – **Voted** to approve and accept the action sheet and minutes of the April 7, 2016 Parking and Traffic Safety Committee.
20. Miscellaneous/Unfinished Business – Councilor Cyr requested a report back on conservation programs that are available in the City.
21. Adjournment – **At 9:20 p.m., voted to adjourn.**

Respectfully submitted by:

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk