

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, DECEMBER 19, 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, CYR, SPEAR AND DENTON

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1. At 5:30 p.m. a Non-Meeting was held Re: Strategy or Negotiations with Respect to Collective Bargaining – RSA 91-A:2,I(a) – Portsmouth Police Civilian Employees Association Tentative Agreement.
2. At 6:00 p.m. a Work Session was held regarding the Prescott Park Master Plan.
3. Proclamation – Master Sergeant Darrin Sargent Formal Retirement from the NH Air National Guard – Mayor Blalock presented a Proclamation to publicly recognize commend, and thank Master Sergeant Darrin P. Sargent for this twenty-two years of selfless service and deployment on behalf of his countrymen, and call upon all citizens of Portsmouth to do the same.
4. Presentation – Portsmouth High School Madrigal Singers – The Portsmouth High School Madrigal Singers led by Olin Johannessen performed Christmas songs for the City Council.
5. New Hampshire Municipal Association – Judy Silva of NHMA presented Mayor Blalock and the City Council with the 2016 Russ Marcoux Municipal Advocate Award.
6. Update Re: Click N’ Fix – GIS Coordinator McCarty and Public Works Director Rice provided a status update on the Click N’ Fix program.
7. Acceptance of Minutes – December 5, 2016 – **Voted** to accept and approve the minutes of the December 5, 2016 City Council meeting.
8. Public Comment Session – There were 23 speakers: Paul Sanderson, Greenland Selectman; Jillian Lane, Mindi Messmer, Maria Emory, Aimee Miller, John Balboni, Cheryl Vermette, Liza McGuckin, Andrea Amico, Janet Tibbetts (Town of Greenland Water Issues); Brian Kelly, Tracy Kozak, Trevor Bartlett, Beth Margeson, Kathleen Cavalaro, Ben Anderson, Kaitlin Deo (Prescott Park); Esther Kennedy (Meeting Times); Jeffery Cooper (Accessory Dwelling Units); Zelita Morgan (Agenda Items); Arthur Clough (Grievances); Robin Comstock (Support Housing Committee); and James Boyle (Doing the Right Thing).
9. Voted to suspend the rules in order to allow Becky McBeath to speak at the Public Comment Session, which was closed.
10. Additional Public Comment Speaker – Becky McBeath spoke regarding the Coakley Landfill.

11. Public Hearing – Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217 – Held a public hearing. Moved to pass second reading and schedule a third and final reading of the proposed Ordinance at the January 9, 2017 City Council meeting. **Voted** to table the Ordinance for more information regarding various amendments from Deputy City Attorney Woodland until the January 9, 2017 meeting. Councilor Spear requested to remove the requirement for taxi inspections to be done by a manufactured dealer.
12. **Voted** to suspend the rules in order to take up Item VII. E. – Public Hearing Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law.
13. Public Hearing - Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law – Held a public hearing. Moved to amend the proposed Ordinance as follows:
  - (a) Insert the following new Section 10.814.80:

In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific dimensional or parking standard set forth in this Section, provided that the Board finds such modification will be consistent with the required findings in Section 10.815.60
  - (b) In proposed Section 10.815.32, change “500 sq. ft.” to “600 sq. ft.”
  - (c) Insert the following new Section 10.815.60:

In granting a conditional use permit for a garden cottage, the Planning Board may modify a specific dimensional or parking standard set forth in this Section, provided that the Board finds such modification will be consistent with the required findings in Section 10.815.40.

Moved to table the ordinance until the January 9, 2017 City Council meeting. On a roll call 1-8, motion to table the Ordinance until the January 9, 2017 City Council meeting **failed** to pass. Assistant Mayor Splaine voted in favor. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.

**Voted** to pass second reading of the amended Ordinance and schedule third and final reading at the January 9, 2017 City Council meeting.

**Voted** to pass main motion as amended.

14. Public Hearing - Ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setback requirements for parking areas, and the definition of “structure” – Held a public hearing. **Voted** to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting.
15. Public Hearing - Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage” – Held a public hearing. **Voted** to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting.
16. Public Hearing - Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts – Held a public hearing. Moved to amend the proposed Ordinance by substituting the revised Ordinance dated December 14, 2016 and further move to pass second reading of the amended Ordinance and schedule third and final reading at the January 9, 2017 City Council meeting. **Voted** to amend the ordinance by deleting Item B – In Article 5 – Dimensional and Intensity Standards, the following new Section 10.523: 10.523 Height Setback From Side Lot Lone – In a Residential or Mixed Residential district, the top of an exterior wall that is less than 20 feet from a side lot line shall not exceed 22 feet above grade. **Voted** to pass main motion as amended. Councilor Lown voted opposed.
17. Public Hearing - Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval – Held a public hearing. **Voted** to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting.
18. Public Hearing - Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible – Held a public hearing. **Voted** to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting.
19. Public Hearing - Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs – Held a public hearing. **Voted** to pass second reading and schedule third and final reading at the January 9, 2017 City Council meeting.
20. Acceptance of Donation for the 400th Anniversary Trust from Harold Whitehouse - \$300.00 – **Voted** to accept and approve the donation for the 400<sup>th</sup> Anniversary Trust.

21. Moved to suspend the rules in order to take up third and final reading of Items IX B. – Ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setback requirements for parking areas, and the definition of “structure”

IX. C. - Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage”

IX. D. - Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts

IX. E. - Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law

IX. F. - Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval

IX. G. - Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible

IX. H. - Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs

**Voted** to remove Items IX. D. - Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts and IX. E. - Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law from the motion to vote separately on these two ordinances.

On a roll call **vote** 4-5, main motion ***failed*** to pass. Councilors Perkins, Dwyer, Lown and Spear voted in favor. Assistant Mayor Splaine, Councilors Pearson, Cyr, Denton and Mayor Blalock voted opposed.

22. Consent Agenda – **Voted** to adopt the Consent Agenda.

A. Request for License to Install Projecting Sign:

Chloe Kelley owner of Serendipity for property located at 41 Pleasant Street  
***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the 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***

B. Request for License to Install Projecting Sign:

Emily Stearns owner of Drift, LLC for property located 12B Fleet Street  
***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the 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***

C. Request for License to Install Projecting Sign:

Tom Chappell owner of Ramblers Way for property located at 100 Market Street  
***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the 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***

23. Proposed Public Hearing Re: Amending Elderly and Disabled Exemptions – **Voted** that the City Council act to authorize the City Manager to proceed with the proposed increases to income limits for the elderly and disabled exemptions by the increase in the Boston CPI-U for November 2015 to November 2016, and further, move to authorize the City Manager to bring the Resolutions back for public hearing and adoption at the January 23, 2017 City Council meeting, as proposed.
24. Request for Public Hearing Re: All Veterans Tax Credit RSA 72:28 (b) – Voted that the City Council act on one of the aforementioned options as outlined in the City Manager's memorandum dated December 15, 2016, and further, move to authorize the City Manager to bring back the Resolution for public hearing and adoption at the January 23, 2017 City Council meeting, as presented.
25. Sale of Surplus Generator – **Voted** to authorize the City Manager to dispose of surplus generator by the sealed bid process.
26. Adoption of Housing Policy and Housing Committee Recommendations – **Voted** that the Council adopt the Housing Policy and endorse the Housing Committee's recommendations, and to ask the City Manager to make \$10,000.00 available from contingency to draft zoning language to implement the recommendations.
27. Appointments to be Considered – The City Council considered the appointments listed below which will be voted on at the January 9, 2017 City Council meeting.
  - Reappointment of Philip Cohen to the Economic Development Commission
  - Appointment of Sarah LaChance to the Economic Development Commission
  - Appointment of Jane Begala to the Planning Board as an Alternate member

28. Appointments to be Voted – Voted to appoint Robin Pickering to the Portsmouth Housing Authority – Resident Representative filling an unexpired term until April 1, 2020; reappointment of Chris Mulligan and David Rheame to the Zoning Board of Adjustment until December 1, 2021.
29. Appointment by Mayor to Sustainable Practices Blue Ribbon Committee – Tracey Cameron – Mayor Blalock announced he appointed Tracey Cameron to the Sustainable Practices Blue Ribbon Committee.
30. Resignation of Stefany Shaheen from the Economic Development Commission – Voted to accept with regret the resignation of Stefany Shaheen from the Economic Development Commission and to send a letter of thanks for her service to the City.
31. At 50 Years: Remembering Portsmouth's North End – Assistant Mayor Splaine spoke regarding Remembering Portsmouth's North End. No action required.
32. Middle School Update – Councilor Dwyer reported that all parties have reached a settlement and the City has been refunded the amount loaned to the Middle School Joint Building Committee in full.
33. Parking & Traffic Safety Committee Meeting Action Sheet and Minutes of the December 1, 2016 – **Voted** to approve and accept the Parking & Traffic Safety Committee action sheet and minutes of the December 1, 2016 meeting.
34. Extending evening hours of downtown parking meter enforcement in Portsmouth – **Voted** to have a report back on extending evening hours of the downtown parking meter enforcement in Portsmouth.

Councilor Pearson requested to see what it would be like to raise the parking rates by \$.25 versus extending the hours of enforcement.

35. Miscellaneous/Unfinished Business – Councilor Spear requested that the Coakley Landfill Group at the January 23, 2017 Council meeting explain some of the bullet points from the Coakley Landfill Fact Sheet presented during Public Comment Session by Greenland resident Mindi Messmer.

Assistant Mayor Splaine said for the January 9, 2017 City Council meeting he would have a Resolution to send to the Legislative Delegation regarding the Gay Conversion Ban and Transgender Equality.

36. Adjournment – **Voted** to adjourn at 11:00 p.m.

Respectfully submitted by:

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