

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON DECEMBER 21, 2009, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR BLALOCK, COUNCILORS NOVELLINE CLAYBURGH, DWYER, SMITH, KENNEDY, SPEAR, HEJTMANEK AND PANTELAKOS

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1. At 6:15 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Negotiations – RSA 91-A:2 I (b-c).
2. Presentation of Chairs to Outgoing City Councilors – Mayor Ferrini presented City of Portsmouth Chairs to Assistant Mayor Jack Blalock and Councilor Laura Pantelakos in recognition for their years of service to the City of Portsmouth. Assistant Mayor Blalock and Councilor Pantelakos accepted the Chairs with thanks and appreciation to the City Council and City Manager Bohenko.
3. Acceptance of Minutes – December 7, 2009 – Voted to approve and accept the minutes of the December 7, 2009 City Council meeting.
4. Public Comment Session – There were seven speakers: Erik Anderson, Bill St. Laurent, John Golumb (Contracts); Josh Pierce, Susanne Delaney, Tom Luther (Portsmouth Criterium Bicycle Race); and Martin Cameron (Planning Board Changes – Zoning Ordinance).
5. Acceptance of Donations to the New Library Building Fund
  - Pax World Management Corp.- \$5,000.00 (*Fulfills contribution*)
  - John Maher - \$500.00 (*Fulfills contribution*)

Voted to approve and accept the donations, as listed to be place in the Library Capital Campaign Fund.
6. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance and Zoning Map by deleting it in its entirety and replacing it with a new Chapter 10 (**Postponed from the December 15, 2009 City Council meeting**) – Voted to remove for separate consideration from the Revised Zoning Ordinance Matrix dated December 21, 2009 the following: *Items E – Gateway District – Front Setbacks; G – Wetlands Protection – Jurisdictional Area; I – Continuing Care Retirement Community (CCRC); L – Islington Street Historic District; and M – Signs on Vehicles.*

Voted to amend the ordinance under consideration by adopting *Items A – Off-Street Parking Provisions in the Downtown Overlay District; B – Design of Off-Street Parking Facilities; C - Islington Street Zoning; D – Gateway District – OR Parcels; F – Middle Street Historic District; H – Wetlands Protection – Discretion on Buffer; J – Include City-leased property in Municipal District; and K – Housekeeping Items* from the Revised Zoning Ordinance Matrix dated December 21, 2009.

Voted to amend the ordinance under consideration by adopting *Item E – Gateway District – Front Setbacks* from the Revised Zoning Ordinance Matrix dated December 21, 2009.

On a roll call vote 0-9, motion to amend the ordinance under consideration by adopting *Item G – Wetlands Protection – Jurisdictional Area* from the Revised Zoning Ordinance Matrix dated December 21, 2009 **failed**. The effect of this action is to retain the 10,000 square foot wetlands jurisdictional area as contained in the proposed ordinance in the form that passed first reading on November 16, 2009.

On a roll call 5-4, voted to amend the ordinance under consideration by adopting *Item I – Continuing Care Retirement Community (CCRC)* from the Revised Zoning Ordinance Matrix dated December 21, 2009. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Kennedy, Hejtmanek and Pantelakos voted in favor. Councilors Dwyer, Smith, Spear and Mayor Ferrini voted opposed. The effect of this action is to delete from the proposed ordinance the provisions relating to the Continuing Care Retirement Community.

On a roll call vote 0-9, motion to amend the ordinance under consideration by adopting *Item L – Islington Street Historic District* from the Revised Zoning Ordinance Matrix dated December 21, 2009 **failed**. The effect of this action is to retain the Islington Street Historic District as shown on the Zoning Map in the form that passed first reading on November 16, 2009.

On a unanimous roll call 9-0, voted to amend the ordinance under consideration by adopting *Item M – Signs on Vehicles* from the Revised Zoning Ordinance Matrix dated December 21, 2009.

On a unanimous roll call 9-0, voted to pass second reading of Chapter 10 – Zoning Ordinance and Zoning Map as amended, by deleting the existing Chapter 10 in its entirety and replacing it with the proposed new Chapter 10 in the form which passed first reading on November 16, 2009, as amended by the Council to date.

Voted unanimously by voice vote to suspend the rules to allow third and final reading.

Voted to pass third and final reading of Chapter 10 - Zoning Ordinance and Zoning Map as amended, by deleting the existing Chapter 10 in its entirety and replacing it with the proposed new Chapter 10 in the form which passed first reading on November 16, 2009, as amended by the Council to date.

7. Second reading of Ordinance amending Chapter 11, Article VIII, Section 11.801 to reduce the threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units ***(Postponed from the December 15, 2009 City Council meeting)*** – Voted to pass second reading of the amendment to Chapter 11, Article VIII, Section 11.801 to reduce the Threshold for Site Plan Review of multi-family residential units from five (5) to three (3) units and make other ministerial changes. Voted unanimously by voice vote to suspend the rules to allow third and final reading. Voted to pass third and final reading of Chapter 11, Article VIII, Section 11.801 to reduce the threshold for Site Plan Review of multi-family residential units from five (5) to three (3) Units and make other ministerial changes.
8. Second reading of Ordinance amending Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI – Referrals to Planning Board ***(Postponed from the December 15, 2009 City Council meeting)*** – Voted to pass second reading of Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI – Referrals to Planning Board. Voted unanimously by voice vote to suspend the rules to allow third and final reading. Voted to pass third and final reading of Chapter 11, Article VI – Comprehensive Plan Information by deleting it in its entirety and inserting in its place a new Article VI – Referrals to Planning Board.
9. Consent Agenda – Voted to adopt the Consent Agenda.
  - A. Letter from Richard Wagner, AIDS Response Seacoast, requesting permission to hold the 14<sup>th</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 16, 2010 from 10:00 a.m. – 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
  - B. Letter from Pawn Nitichan and Megyn McClure, City Year, requesting permission to hold the 7<sup>th</sup> Annual “Martin Luther King Day March of Justice” on Monday, January 18, 2010 in downtown Portsmouth ***(Anticipated action – move to refer to the City Manager with power)***
  - C. Letter from Susanne Delaney, Portsmouth Criterium, requesting permission to hold the Portsmouth Criterium on Sunday, September 19, 2010 ***(Anticipated action – move to refer to the City Manager with power)***

- D. Acceptance of Donations for Art-Speak
- Betty LaBranche Real Estate - \$25.00
  - Sandy Domina - \$25.00
  - Mary Ann List - \$50.00
  - Stephen & Karin Barndollar - \$75.00
  - Jeff Hyland & Donna Jensen - \$75.00
  - Sarah MacDuffie & Blair Hundtermark - \$100.00
  - Peter & Lee Vandermark - \$100.00
  - Olde Port Properties - \$200.00
- (Anticipated action – move to accept and approve the donations to Art-Speak for operations, as presented)***
- E. Letter from Cynthia Yates-Rybezyk, Alzheimer’s Association, requesting permission to hold the annual Memory Walk and use South Mill Pond Playground on Saturday, September 11, 2010 ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce on behalf of The Portsmouth Community Road Race Series (PCRRS) requesting permission to hold the following events:
- Harbour Trail 5k Road Race & Children’s Fun Run on Saturday, July 10, 2010 at 9:00 a.m.
  - CelebratePink 5k Road Race & Walk on Saturday, October 9, 2010 at 9:00 a.m.
  - Healthy Kids Day 5k Road Race on Saturday, April 17, 2010 at 10:00 a.m.
  - Portsmouth Rotary Club Thunder Chicken 5k Road Race on Thursday, August 5, 2010 at 6:00 p.m.
- (Anticipated action – move to refer to the City Manager with power)***

10. Letter from M. Christine Dwyer and Dexter Legg, JBC Co-Chairpersons, requesting the City Council designate the Wentworth School property as the replacement site for Alumni Field as part of the Portsmouth Middle School Project – Voted to authorize to designate the Wentworth School property as the replacement site for Alumni Field as part of the Portsmouth Middle School Project.

11. Letter from Mary Griffin, Griffin Family Corporation, regarding Gift of land in the Hodgdon Brook watershed to the City of Portsmouth – Voted to refer to the Planning Board for report back.

12. Letter from David Choate, III, Grubb & Ellis Coldstream Real Estate Advisors, Inc., representing John Cronin property located at 56 Lois Street requesting to discuss the subdivision and possible sale of approximately 3.24 acres to the City for conservation purposes – Voted to refer to the Planning Board for report back.

13. Proposed Tentative Agreement between the Portsmouth Board of Police Commissioners and the Portsmouth Police Civilian Employees Association – On a unanimous roll call 9-0, voted to approve the proposed Agreement.
14. Proposed Tentative Agreement between the Portsmouth Board of Police Commissioners and the Portsmouth Police Ranking Officers' Union – On a roll call vote 4-5, motion to approve the proposed Agreement ***failed*** to pass. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith and Pantelakos voted in favor. Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted opposed.
15. Proposed Tentative Agreement between the Portsmouth Board of Police Commissioners and the Portsmouth Police Patrolman's Union, NEPBA Local #11 – On a roll call vote 4-5, motion to approve the proposed Agreement ***failed*** to pass. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith and Pantelakos voted in favor. Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted opposed.
16. Request to Renew Lease of 251 Bartlett Street by the Creek Athletic Club – Voted to extend the Lease for 2010 with an annual lease payment of \$2,046.00.
17. Public Art Acquisition Policy – Voted to approve the Public Art Acquisition Policy, as revised.
18. Traffic & Safety Committee Action Sheet and Minutes of the December 12, 2009 meeting – Voted to approve and accept the action sheet and minutes of the December 12, 2009 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.
19. Parking Committee Action Sheet and Minutes of the December 12, 2009 meeting – Voted to approve and accept the action sheet and minutes of the December 12, 2009 Parking Committee meeting. Councilor Kennedy voted opposed.
20. Adjournment – At 9:15 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk