

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 21, 2014, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR LISTER, ASSISTANT MAYOR SPLAINE, COUNCILORS SHAHEEN, KENNEDY, LOWN, DWYER, MORGAN, SPEAR AND THORSEN

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1. At 6:00 p.m., a Work Session was held regarding the Right-to-Know Law.
2. Public Comment Session – There were 14 speakers: Tom Carroll (Metal on Market Street); Mark Brighton (Budget and Inflation); Dick Bagley (Council Rules & Decorum); Joe Caldarola (Tonight's Motions); Lawrence Cataldo (Form-Based Zoning); Jerry Zelin (Zoning Issues); Norm Olsen (2014 City Spending); Jeffrey Kisiel (Building Height/Conditional Use); Caitlyn Hassett (Fire and Ice Festival); Erik Anderson (Budget & Property Issues); Chris Thompson (Conditional Use Permit); Bob Shouse (Parking); Barbara DeStefano (Conditional Use); Paul Mannle (Zoning).

3. Acceptance of Donations to the Coalition Legal Fund

- Town of Moultonborough - \$6,500.00
- Town of Carroll - \$1,000.00

**Voted** to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund.

4. First reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13 – *Moved* to pass first reading and establish a public hearing and second reading at the March 17, 2014 City Council meeting, and further, that the City Council refer this proposed Ordinance amendment to the Planning Board for report back to the City Council prior to the March 17, 2014 public hearing.

On a roll call vote 4-5, motion to amend and postpone the ordinance until March 3, 2014 **failed** to pass. Councilors Shaheen, Lown, Dwyer, Spear voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan, Thorsen and Mayor Lister voted opposed.

On a roll call 5-4, **voted** to pass first reading and establish a public hearing and second reading at the March 17, 2014 City Council meeting, and further, that the City Council refer this proposed Ordinance amendment to the Planning Board for report back to the City Council prior to the March 17, 2014 public hearing. Assistant Mayor Splaine, Councilors Kennedy, Morgan, Thorsen and Mayor Lister voted in favor. Councilors Shaheen, Lown, Dwyer and Spear voted opposed.

5. Consent Agenda – **Voted** to adopt the Consent Agenda.
  - A. Acceptance of Donation to the Fire Department
    - Newburyport Five Cents Savings Bank - \$500.00  
**(Anticipated action – move to approve and accept the donation to the Fire Department for the fire donation fund)**
  - B. Letter from Jeanine Sylvester, Runner’s Alley, LLC, requesting permission to hold the 17<sup>th</sup> Annual Runner’s Alley/Redhook Brewery Memorial 5k on Sunday, May 25, 2014 **(Anticipated action – move to refer to the City Manager with power)**
  - C. Request for Approval of Pole License to install 1 pole at the intersection of Adams Drive and FW Hartford Drive to accommodate a new underground electrical system in the Woodlands area **(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**
  - D. Letter from Becky Coliandris, Alzheimer’s Association, requesting permission to hold the Seacoast Walk To End Alzheimer’s on Sunday, September 28, 2014 **(Anticipated action – move to refer to the City Manager with power)**
  - E. Letter from Caitlyn Hassett, on behalf of the Chamber of Commerce, requesting permission to hold a city wide ‘Fire and Ice’ Festival President’s Day weekend, February 13-17, 2014 **(Anticipated action – move to refer to the City Manager with power)**
6. Town of Exeter Request to Explore Alternative Options for Shared Wastewater Services – **Voted** to refer to the City Manager for report back.
7. Elderly and Disabled Exemptions – **Voted** to authorize the City Manager to proceed with Option B and to bring the Resolutions back for first reading at the February 3, 2014 City Council meeting, as presented.

*Option B: The income and asset levels for both the elderly and disabled taxpayers by the Social Security increase of 1.5%, this would increase the limits (rounded up) as follows:*

- Single                    \$35,704.00 increase of \$528.00
- Married                 \$44,044.00 increase of \$651.00
- Asset Limit of        \$119,016.00 increase of \$1,759.00

8. Letter from Steven Wilson, for property located at 143 Daniel Street (former Connie Bean Center), for Exchange of Easements – **Voted** to accept the recommendation of the Planning Board, regarding the request of Steven Wilson for an exchange of easements, as presented.

9. New Hampshire Department of Transportation Exit 7 Project Acceptance – **Voted** to accept the New Hampshire Department of Transportation Exit 7 Market Street and Kearsarge Way Intersection and Traffic Improvement Project.
10. **Voted** to suspend the rules in order to take up Item XI. E.1. – Report Back on Fire Study Committee.
11. Report Back on Fire Study Committee – *Moved* to authorize the City Manager to work with the Fire Chief and the Fire Study Committee to initiate a Request For Qualifications (RFQ) for a consultant to review the summary as outlined in the Portsmouth Fire Department Study, as presented, and further to extend the Fire Study Committee by 120 days.

On a roll call 5-4, **voted** to amend the motion to remove recommendation #4 of the Committee's Report to Analyze the advantages/disadvantages of using private ambulance services in Portsmouth. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer and Morgan voted in favor. Councilors Lown, Spear, Thorsen and Mayor Lister voted opposed.

On a roll call 8-1, **voted** to pass main motion as amended. Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine voted opposed.

***Main motion passed as amended as follows:***

***Voted*** to authorize the City Manager to work with the Fire Chief and the Fire Study Committee to initiate a Request For Qualifications (RFQ) for a consultant to review the summary as outlined in the Portsmouth Fire Department Study, as presented, with the removal of recommendation #4 of the Committee to Analyze the advantages/disadvantages of using private ambulance services in Portsmouth and to extend the Fire Study Committee by 120 days.

12. **Voted** to suspend the rules in order to continue the meeting beyond 10:00 p.m. Mayor Lister indicated he would like to adjourn the meeting at 10:45 p.m.
13. Parking and Traffic Safety Committee Action Sheet and Minutes of the December 12, 2013 meeting – **Voted** to approve and accept the Action Sheet and Minutes of the Parking and Traffic Safety Committee meeting of December 12, 2013. Councilor Kennedy voted opposed.
14. Appointments to the Senior Sub-Committee of the Recreation Board – Mayor Lister announced that he has appointed the following individuals to serve on the Senior Sub-Committee of the Recreation Board: Carl Diemer, Chair; Todd Henley, Kory Sirmaian, Judith Bunnell, Maureen O'Leary, Diane Share and Cindi Shanley.
15. Parking Rates at High Hanover Parking Garage – **Voted** to request that the City Manager report back on the impact of the elimination of the first hour free parking at the High-Hanover Garage, and, further the impacts of increasing the rate from \$.75 per hour to \$1.00 per hour at the High-Hanover Garage not as an end all be all solution to the parking challenges we face but as a starting point.

16. Visual Time Lines for Land Use Boards – Councilor Kennedy requested a report back on the Planning Department looking at providing a visual time line for projects that includes what happens when a person starts the process, how the process goes from one board to another and at what point in the process would the person expect to go to the various boards. (No action taken)
17. Update on African Burying Ground – Councilor Dwyer provided a brief update on the African Burying Ground project and announced they have reached the \$1,000,000.00 mark in the fundraising campaign with part of those funds coming from receiving an LCHIP Grant. (No action required)
18. Form-Based Zoning – Councilor Morgan requested the Planning Department to prepare a side by side comparative zoning document involving our current zoning and proposed Form-Based Zoning ordinance, indicating where one supplements or supplants the other, to be made available during the upcoming Form-Based Zoning meeting on January 29, 2014, along with maps to make the discussions on January 29<sup>th</sup> as meaningful as we can.

Planning Director Taintor indicated they will provide maps which show heights and footprints of buildings. Also, large poster size draft tables have been put together which go through each zoning chapter and listing what chapters are not effected at all by form-based zoning or character base zoning and which ones are and how. Councilor Morgan suggested that a log of questions and proposals by individuals with the answers or solutions be created. City Manager Bohenko indicated the staff will work on what has been described in the spirit of Councilor Morgan's suggestions. (No motion required)

19. Parking Garage Location – *Moved* that the Council request the Economic Development Commission report back with a suitable location for a downtown parking garage that is not the Worth Lot. The Commission will consider privately held properties and municipal properties and/or a public-private partnership. Further the City Manager is permitted to initiate negotiations with private parties to achieve the same.

**Voted** to amend the motion to include the Parrott Avenue Lot as not being a suitable location for a downtown parking garage.

**Main motion passed as amended as follows:**

***Voted** that the Council request the Economic Development Commission report back with a suitable location for a downtown parking garage that is not the Worth or Parrott Avenue Lots. The Commission will consider privately held properties and municipal properties and/or a public-private partnership. Further the City Manager is permitted to initiate negotiations with private parties to achieve the same.*

20. **Voted** to suspend the rules to continue the meeting to 11:00 p.m.

21. Financial Disclosure Ordinance Amendment – Councilor Thorsen suggested a Work Session be held prior to the June 30, 2014 deadline for submitting Financial Disclosures and that the establishment of the date for this Work Session be at the discretion of Mayor Lister.

22. Adjournment – At 11:00 p.m., **voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk