

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK
RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON AUGUST 18, 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 “Non-Meeting” with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c)
 2. **Voted** to suspend the rules to address Mayor Item XIIB-4 and Assistant Mayor Item 12C-1 on the agenda.
 3. Webber Independent Review/Webber Estate Matter– Mayor Lister read into the record a letter dated August 18, 2014 from Police Commission Chairman John Golumb outlining the intent to appoint an independent investigatory “entity” of the Goodwin/Webber matter. An email address has been established on the city website to receive input: publicinput@cityofportsmouth.com, or citizens can write letters addressed to the Police Commission via the Police Department. All questions should be submitted by September 21, 2014 as the Commission intends to begin its inquiry no later than September 30, 2014.
 4. Presentation Re: 3-D Modeling – Planning Director Rick Taintor gave a brief demonstration of the 3-D Modeling program which is part of the ongoing efforts to improve the City’s development review process for the Historic District Commission and other Land Use Boards.
 5. Acceptance of Minutes – **Voted** to accept and approve the Minutes of May 5, 2014, May 12, 2014, May 19, 2014 and May 27, 2014 City Council meetings.
 6. Public Comment Session – There were 6 speakers: Tom Carroll (Department of Environmental Services meeting); Goria Guyette (Prescott Park Arts Festival noise issue) Mark Brighton and Seth Levine (Webber/Goodwin Issue); Arthur Clough (victims rights); Rick Becksted (City direction).
 7. Approval of Grants/Donations - **Voted** to approve and accept the \$45,000.00 grant from the Charitable Gift Fund for Restoration of the Kearsarge Fire Pumper.
 8. Ordinance Amending Chapter 7, Vehicles, Traffic and Parking Omnibus – **A public hearing was held** with no speakers. **Voted** to pass second reading and schedule a third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the September 22, 2014 City Council meeting.
 9. First Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners – **Voted** to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, at the September 22, 2014 City Council meeting.

10. First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements – **Voted** to pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of \$3,475,000.00 at the September 22, 2014 City Council meeting.
11. First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements – **Voted** to pass first reading and schedule a public hearing and adoption of a Bond Resolution for School Facilities Improvements in the amount of \$750,000.00 at the September 22, 2014 City Council meeting.
12. First Reading of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements – **Voted** to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.00 at the September 22, 2014 City Council meeting.
13. First Reading of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for Costs related to the Pease Waste Water Treatment Plant Upgrades – **Voted** to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Waste Water Treatment Plant Upgrade in the amount of up to \$1,000,000.00 at the September 22, 2014 City Council meeting.
14. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios - **Voted** to pass third and final reading on the proposed Ordinance amendment, as presented.
15. Consent Agenda - **Voted** to adopt the Consent Agenda Items as presented.
 - A. Request for License from Andrea Lucas, owner of Barre & Soul for property located at 163 Court Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Andrea Lucas, owner of Barre & Soul for a projecting sign at property located at 163 Court Street and, further, authorize the City Manager to execute License Agreements 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 from Rudy Nadilo, owner of Dapresy for property located at 16 Market Square, Unit #3 for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Rudy Nadilo, owner of Dapresy for a projecting sign at property located at 16 Market Square, Unit #3 and, further, authorize the City Manager to execute License Agreements 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. *Acceptance of Membership Dues to Art-Speak
- Calypso Communication - \$150.00
 - Portsmouth Historic House Association, Inc. - \$75.00
- (Anticipated action – move to approve and accept the the membership dues to the Piscataqua Arts & Culture Alliance, a program of Art-Speak, as listed)***
- D. *Acceptance of Donations to Art-Speak
- Kevin and Peggy Hodges - \$25.00
 - Port City Online (Doug Roberts) - \$50.00
 - Portsmouth Music and Arts Center (Russ Grazier) - \$150.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)***
- E. Letter from Nicole Galovski, Programming Director of NH Film Festival, requesting permission to close Chestnut Street on Friday, October 17, 2014 for the NHFF red carpet opening night gala ***(Anticipated action – move to refer to the City Manager with power)***
- F. Approval of Pole License to install 2 poles on Heritage Avenue ***(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)***

- G. Approval of Underground Conduit System on Longmeadow Road (***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***)
16. Letter from Gerald Zelin regarding development of the North End - **Voted** to refer to the City Manager to create an opportunity for the City Council to have an informed discussion to better understand the design review process, and to take action based on that discussion.
 17. Report Back Re: Letter from Bernard Pelech, Attorney, Law Offices of Wholey & Pelech, regarding Request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39aa (2 Sylvester Street/Tax Map 232, Lot 35 - **Voted** to suspend the rules to allow Attorney Pelech to address the Council. **Voted** 6-3 to resolve that the City Council does not have jurisdiction over this request. *Councilors Lown, Morgan and Thorsen voted opposed.*
 18. License Request Re: 28-32 Dearborn Street - **Voted** to authorize the City Manager to enter into a revocable license with Mr. Regan for purposes of installation of a set of granite steps.
 19. Appointment to be Voted - **Voted** approve the reappointment of Cristy Cardoso to the Citywide Neighborhood Committee with term to expire April 1, 2017.
 20. Acceptance of Resignation – **Voted** to accept with regret the resignation of Chris Hubbard from the Peirce Island Committee. A letter of thanks and appreciation will be forwarded to Mr. Hubbard.
 21. Report Back Re: Traffic Issues in City Neighborhoods – Mayor Lister read a letter from Police Chief Dubois addressing the Police Department awareness and actions in response to the additional traffic being generated due to various construction projects in the City.
 22. Proposed Ordinance Re: Gifts and Bequests – **Voted** to refer to the Legal Department for a report back.
 23. Miscellaneous/Unfinished Business – At the request of Councilor Kennedy, City Manager Bohenko gave a brief update of current noise issues throughout the City.
 24. Adjournment – At 10:20 p.m., voted to adjourn.

Respectfully submitted by:



Valerie A. French,
Deputy City Clerk