

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, NOVEMBER 17, 2014, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR LISTER, ASSISTANT MAYOR SPLAINE, COUNCILORS SHAHEEN, KENNEDY (VIA TELECONFERENCE AT 7:05 PM), LOWN, DWYER (5:40 PM), MORGAN (7:05 PM), SPEAR AND THORSEN (5:40 PM)

1. At 5:30 p.m., on a 5-0 roll call, **voted** to enter into a “Non Meeting” with Counsel in accordance with RSA 91-A:2, I (a) regarding Collective Bargaining. Also, on a 5-0 Roll call, **voted** to enter into a “non-public” session regarding Land Negotiations in accordance with RSA 91-A:3, II 9(d). Finally, on a 6-0 roll call, **voted** to enter into a “non-public” session regarding Personnel in accordance with RSA 91-A:3, II (a). Session regarding Personnel per RSA 91-A:3 II (a) and (c).
2. Presentation Re: Blue Ribbon Committee on Sustainable Practices – Bert Cohen, Chair, Peter Britz, Environmental Planner, Patrick Ellis, School Board Representative, members Josh Denton and Bob Cook gave a brief presentation on past, current and future sustainability issues and ideas to coincide with the upcoming Master Plan process.
3. Presentation Re: Post Office Relocation – Joseph Mulvey, Real Estate Specialist for the US Postal Service, gave a brief update regarding the recent notice from General Services Administration (GSA) to vacate their current space at 80 Daniels Street, the McIntyre Federal Building.
4. Acceptance of Minutes – July 14, 2014 – **Voted** on a 9-0 roll call to approve and accept the minutes of the July 14, 2014 City Council meeting.
5. Public Comment Session – There were 10 speakers: Bob Hassold (Parking); Sarah Hourihane on behalf of Rebecca Perkins (Frank Jones Center/Workforce Housing); Nancy Novelline Clayburgh and Dick Bagley (One Sky); David LaFevers (Handicap parking downtown); Jeffrey Cooper (Airbnb); Jane Zill (Goodwin Case Investigation); Mark Brighton (Pay as you Throw); Arthur Clough (Transparency); and Susan Denenberg (Transportation).
6. Public Hearing RE: Ordinance Amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest of the Administrative Code – A public hearing was held with 4 speakers.
7. Public Hearing (continued from 09/22/2014)- Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
 - Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10

and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on the attached exhibits title "Areas Proposed To Be Rezoned to Character District 4 (CD4)", and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly - Public Hearing was held with 5 speakers.

8. Acceptance of Police Department Grants and Donation

1. A grant from the Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), for the Internet Crimes Against Children Task Force - \$260,254.00
2. Donations:
 - a) A donation in the amount of \$3,000 from the Banyan Fund, under the aegis of Mr. and Mrs. Gerald W. Howe, to defray the cost of producing and airing Public Service Announcements (PSA's) regarding the department's opiate addiction initiative.
 - b) Donations in support of the Police Explorer Cadets:
 - A donation in the amount of \$50 from retired Chief David "Lou" Ferland
 - A donation in the amount of \$25 from former Commissioner William Mortimer
 - A donation in the amount of \$400 from the "Friends of the South End"

Voted on a 9-0 roll call to approve and accept the grants and donation to the Portsmouth Police Department.

9. Acceptance of Donation to Senior Services Program from the Balance of the Margaret Tebbetts Checking Account - \$813.52 – **Voted on an 8-0 roll call** to approve and accept the donation to the Senior Services Program, as presented. *Councilor Lown abstained.*

10. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport – **Motion** to pass first reading and schedule a second reading and public hearing for January 5, 2015 regarding the proposed Ordinance, as presented and further refer this matter to the Planning Board for report back **FAILED** on a 4-5 roll call vote. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed. **Voted** on a 9-0 roll call to request the City Attorney and Planning Director to **bring back an ordinance for first reading** at the 12/8/2014 Council meeting with the definitions of helipad and heliport, table of use with provision for helipad for medical purposes only as special exception in the OR (Office Research), I (Industrial), or Waterfront Industrial zones.

11. **Voted** on an 8-0 roll call (*Councilor Lown out of Chambers*) to move up on the Agenda: Item XIV.B.1., Mayor Lister Report Back re: Meeting with Police Commission – Mayor Lister and Police Commission Chair John Golumb gave an update of the recent meeting held to discuss the Webber Estate Investigation.

12. **Voted** on a 9-0 roll call to move up on the Agenda:
Item XIV.A.1., City Manager Item Re: Request for First Reading of a Bonding Resolution of up to \$600,000.00 (Six Hundred Thousand Dollars) for the Purchase of a Heavy Rescue Fire Truck - **Voted** on a 9-0 roll call to authorize the City Manager to bring back for first reading at the December 8, 2014 City Council meeting, a Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented.
13. **Voted** on a 9-0 roll call to move up on the Agenda:
Item XIV.C.1., Councilor Lown Item Re: Fire Department Study Committee Recommendation – **Motion** to direct the City Manager to work with the Fire Department to enter contract negotiations with Public Safety Strategies Group **FAILED** on a 4-5 roll call vote. Councilors Lown, Dwyer, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Morgan and Mayor Lister voted in favor.
14. **Voted** to suspend the rules to allow the meeting to go past 10:00 p.m.
15. Recess/Reconvened 10:15 – 10:25 p.m.
16. Second Reading of Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
- Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10
- and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly – **Voted** on a 7-2 roll call to table Second Reading until the December 8, 2014 City Council meeting. Councilors Morgan and Thorsen voted opposed.
17. Second Reading of Ordinance Amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest of the Administrative Code – **Voted** on a 9-0 roll call to continue second reading to the December 8, 2014 City Council meeting.
18. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses – **Voted** on a 9-0 roll call to pass third and final reading of the proposed ordinance as presented.
19. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.202, Table of Uses – Residential Mixed Residential, Business and Industrial Districts, by changing Use #1.30 (Townhouse) and Use #1.41 (Multifamily Dwelling, 3 or 4 Dwelling Units) from “P” (Permitted) to “S” (Special Exception) in the General Residence A and B (GRA and GRB) Districts – **Voted** on a 9-0 roll call to pass third and final reading on the proposed Ordinance amendment, as presented.

20. Consent Agenda – **Voted** on a 9-0 roll call to adopt the Consent Agenda.

- A. *Acceptance of Membership Dues to Art-Speak
- Portsmouth Pro Musica \$100.00
 - New Hampshire Theatre Project \$125.00
- (Sample motion – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)***
- B. Letter from Donald Allison requesting to hold the 20th Annual Eastern State 20 Mile Road Race on Sunday, March 29, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Donna Hepp, Seacoast Century C-Coordinator, Granite State Wheelmen, Inc, requesting to hold the Seacoast Century on September 26-27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Caroline Amport Piper, Friends of the South End, requesting permission to hold the Annual Fairy House Tour on Saturday, September 26, 2015 and Sunday, September 27, 2015 from 11:00 a.m. – 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request for Approval of Pole License to install 2 poles located at the intersection of Lafayette Road and the Route 1 ByPass in conjunction with the NHDOT Project replacing the Flyover bridge ***(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)***
- F. Request for Approval of Comcast License agreement to install 40' of underground conduit located on Green Street to provide cable services to on-going developments on Green Street ***(Anticipated action – move to approve the aforementioned Comcast 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. Request for License from Keith R. Malinowski, owner of Portsmouth Buddhist Center for property located at 84 Pleasant Street for a projecting sign on a bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Keith R. Malinowski, owner of Portsmouth Buddhist Center for a projecting sign at property located at 84 Pleasant 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*

H. Request for License from Angel Williams, owner of SIX Degrees for property located at 47 Bow 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 Angel Williams, owner of SIX Degrees for a projecting sign at property located at 47 Bow 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*

21. Letter from Kyle Crosen-Langelier regarding the Board of Adjustment controversial denial of carport application – **Voted** on a 9-0 roll call to refer the letter to the Zoning Board of Adjustment.
22. Letter from Gloria Guyette regarding noise and other issues and Prescott Park – **Voted** on a 9-0 roll call to accept and place letter on file.
23. Easement Deed for Public Service Company of New Hampshire for Transformer Pad in Prescott Park – **Voted** on a 9-0 roll call to authorize the City Manager to execute an easement to Public Service Company of New Hampshire across property owned by the City of Portsmouth in Prescott Park for the purpose of providing utility service to the soon to be renovated docks for the South Floating Docks project.
24. Establish a Mayor’s Blue Ribbon Committee Re: City-owned Sagamore Creek Land – Capital Improvement Plan Project – Mayor Lister will bring back his appointments to serve on the Blue Ribbon Committee.
25. Report Back and Request for First Reading regarding a Proposed Ordinance amending Chapter 10- Zoning Ordinance, Section 10.1110 – Off-Street parking for Conference Centers – **Voted** on a 9-0 roll call to authorize the City Manager to bring back for first reading the proposed Ordinance as recommended by the Planning Board at the December 8, 2014 City Council meeting as presented.

26. Request for Special Non-Public Session with Counsel regarding discussions on Parking Garage Land Negotiations – **Voted** on a 9-0 roll call to hold a non-public session to discuss a parking garage at 165 Deer Street on Monday, December 15, 2014 at 6:30 p.m.
27. Holiday Free Parking – **Voted** on a 9-0 roll call to approve Holiday Free Parking commencing on Monday, December 15, 2014 through Friday, January 2, 2015.
28. Report Back and Request for First Reading Re: Rezone Cate Street area to Gateway – **Voted** on a 9-0 roll call to authorize the City Manager to bring back for first reading the proposed Ordinance, as presented, at the December 8, 2014 City Council Meeting.
29. Request for Approval Re: Isles of Shoals Employee Parking Agreement – **Voted** on a 9-0 roll call to authorize the City Manager to negotiate and enter into an Agreement with Pease Development Authority, Division of Ports and Harbors and the Isles of Shoals Steamship Company, Inc., to allow employees of the downtown area to purchase City permits to park in the lot. *The motion also give the Manager authority to renegotiate the terms of this agreement in the future without future action of the Council.*
30. Request for Approval Re: Strawberry Banke Snow Ban Parking Agreement (amended version distributed to Council prior to meeting) – **Voted** on a 9-0 roll call to authorize the City Manager to negotiate and enter into an Agreement with Strawberry Banke Museum to allow residents to park in its lot during snow bans.
31. Report of Appointment Process – Mayor Lister will give this report at the 12/08/2014 Council meeting.
32. eCity Award – Mayor Lister read the letter from Susan Molinari, Vice President of Public Policy and Government Relations for Google, naming the City of Portsmouth the 2014 e-City of New Hampshire.
33. Appointment to be Considered – Reappointment of Everett Eaton to the Economic Development Commission was considered and will be voted at the December 8, 2014 City Council meeting.
34. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 11, 2014 meeting – **Voted** on an 8-0 roll call to approve and accept the action sheet and minutes of the September 11, 2014 Parking and Traffic Safety Committee meeting – *Councilor Kennedy no longer in attendance via teleconference.*
35. Adjournment – **At 11:40 p.m., voted to adjourn.**

Respectfully submitted by:



Valerie A. French,
Deputy City Clerk