

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 22, 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 (6:45 p.m.), SPEAR AND THORSEN

1. Anticipated Non-Public Session in accordance with RSA 91-A:3, II (d) regarding Acquisition of Real Property – Moved to enter into Non-Public Session in accordance with RSA 91-A:3, II (d) regarding Acquisition of Real Property.

Moved to amend the motion by adding the purpose of the Non-Public Session is to discuss real estate on Cottage Street related to the Doble Center. On a roll call vote 3-5, motion **failed** to pass. Assistant Mayor Splaine, Councilors Shaheen and Kennedy voted in favor. Councilors Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.

On a roll call 7-1, voted to enter into Non-Public Session in accordance with RSA 91-A:3, II (d) regarding Acquisition of Real Property. Councilors Shaheen, Kennedy, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine voted opposed.

2. Presentation – Portsmouth High School Ensemble – Steve Cirillo – Portsmouth High School Ensemble played a selection of Holiday carols for the City Council to enjoy.
3. Acceptance of Minutes – October 6, 2014 and October 20, 2014 – **Voted** to approve and accept the minutes of the October 6, 2014 and October 20, 2014 City Council meetings.
4. Public Comment Session – There were 5 speakers: Tom Carroll (Wishing Portsmouth Happy Holidays); Rick Becksted, Jr. (Disclosure Forms); Dick Bagley (Observations); Paul Mannle (Merry Christmas); and Ryan Fallen (Uber).
5. Public Hearing - 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 – Held a public hearing. **Voted** to pass second reading and schedule third and final reading at the January 5, 2015 City Council meeting regarding the proposed Ordinance, as presented.
6. Public Hearing - Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking by Inserting a new paragraph 10.1115.24 – The Provisions of Section 10.1112.50 – Maximum Number of Parking Spaces, shall not apply to Buildings and Uses within the Downtown Overlay District – Held a public hearing. **Voted** to pass second reading of the proposed Ordinance as recommended by the Planning Board and schedule third and final reading at the January 5, 2015 City Council meeting, as presented.
7. Public Hearing/Adoption of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck – Held a public hearing. Moved to adopt the Bonding Resolution appropriating the sum of up to Six Hundred

Thousand (\$600,000.00) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented.

Moved to table the Resolution. On a roll call vote 4-5, motion **failed** to pass. Councilors Kennedy, Lown, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Dwyer, Morgan and Spear voted opposed.

On a roll call vote 4-5, main motion **failed** to pass. Assistant Mayor Splaine, Councilors Shaheen, Dwyer, Morgan voted in favor. Councilors Kennedy, Lown, Spear, Thorsen and Mayor Lister voted opposed.

Councilor Thorsen stated he would bring the Resolution back for Reconsideration under his name for the January 5, 2015 City Council meeting.

8. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code – **Voted** to substitute the ordinance in its entirety as presented by City Attorney Sullivan and move to pass third and final reading.
9. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting to hold the Aptails CF Cycle for Life on Saturday, July 18, 2015 and Sunday, July 19, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
 - B. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting permission to conduct the 2015 Run Portsmouth Road Race Series:
 - Easter Seals Veteran’s Count – Pack & Boots 5k on Saturday, July 4, 2015 at Strawberry Banke at 9:00 a.m.
 - Portsmouth Rotary Club – Thunder Chicken Road Race on Saturday, August 1, 2015 at Strawberry Banke at 9:00 a.m.
 - CelebratePink 5K Road Race & Walk on Sunday, September 13, 2015 at Portsmouth Middle School at 9:00 a.m.
 - Memorial Bridge Road Race, Saturday, October 10, 2015 at Memorial Bridge at 10:00 a.m.***(Anticipated action – move to refer to the City Manager with power)***
 - C. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting to conduct the 2015 Portsmouth Challenge on Saturday, May 23, 2015 at the Portsmouth High School at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

- D. Request for License from Gary Simon, owner of British Beer Company for property located at 2 Portwalk Place 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 Gary Simon, owner of British Beer Company for a projecting sign at property located at 2 Portwalk Place 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***

- E. Acceptance of Donation to Art-Speak – Robin Albert Lehman - \$150.00 (***Anticipated action – move to approve and accept the donation to Art-Speak, as listed***)
- F. Acceptance of Membership Dues to Art-Speak – Portsmouth Public Media, Inc. - \$125.00 (***Anticipated action – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed***)

10. Formal Request for Resident Handicapped Parking Spaces for residents of 20 Islington Street – **Voted** to refer to the Parking & Traffic Safety Committee with an update back to the City Council at the January 20, 2015 meeting.
11. Request for Approval of a Proposed Tentative Agreement between the City of Portsmouth and the AFSCME #1386 School Custodials – **Voted** to accept the proposed contract with the AFSCME #1386 School Custodial to expire on June 30, 2017.
12. Request for Approval of a Proposed Tentative Agreement between the City of Portsmouth and the Portsmouth Paraprofessional Association – **Voted** to accept the proposed contract with the Portsmouth Paraprofessional Association to expire on June 30, 2017.
13. Request for Supplemental Appropriation Re: Collective Bargaining Agreements – **Voted** to establish a public hearing for January 5, 2015 to raise and appropriate \$555,500.00 from Unassigned Fund Balance.

14. Release of Easement Re: John Ahlgren – **Voted** to authorize the City Manager to release an easement from Mr. Ahlgren to the City found in the Rockingham County Registry of Deeds at Book 4186, Page 2604.
15. Appointments to be Voted – **Voted** to appoint Jennifer Zorn to the Economic Development Commission until October 1, 2018; reappointment of William Gladhill to the Planning Board until December 31, 2017; reappointment of John Ricci to the Planning Board until December 31, 2017; reappointment of Arthur Parrott to the Zoning Board of Adjustment until December 1, 2019.
16. Appointment to be Voted – **Voted** to appoint Rebecca Perkins to the Portsmouth Housing Authority until April 1, 2016 filling the unexpired term of Thomas Heaney. Councilor Shaheen abstained from voting on this matter.
17. Resignation of Mary Ann List from the Joint Building Committee – **Voted** to accept with regret the resignation of Mary Ann List from the Joint Building Committee. The City Council requested a letter of thanks and appreciation be sent to Ms. List for her years of service on the Joint Building Committee.
18. Update on Uber and Ride-Sharing Services: The Taxi Commission will hold a public forum for input and discussion on Wednesday, January 14, 2015 – Moved that the City Council allow a temporary 60 day request of the law enforcement officials of the City not to restrain Uber from operating in the City with a report back to the City Council from the Taxi Commission. On a roll call vote 4-5, motion **failed** to pass. Assistant Mayor Splaine, Councilors Lown, Spear and Mayor Lister voted in favor. Councilors Shaheen, Kennedy, Dwyer, Morgan and Thorsen voted opposed.

Voted that the City Council recognizes that the situation with Uber, such that it may not be covered under current ordinances and therefore request City enforcement officials to be cognizant of that in its authority until such time that the ordinances can be adjusted. Councilor Lown voted opposed.

19. Adjournment – **At 9:30 p.m., voted to adjourn.**

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk