

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, JULY 20, 2015 (*reconvened July 13, 2015 City Council Meeting*), 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

1. Public Comment Session – **Voted** to suspend the rules to allow another Public Comment Session. There were 8 speakers: Tony Coviello, Becky Vardell, Patricia Bagley, Dick Bagley, Bernie Pelech, Mark Brighton and Paul Mannle (Gateway Rezoning/Frank Jones property); Ralph DiBernardo (Short term Rental)
2. First reading of Ordinance amending Chapter 10 as follows:
 - (1) Amend Section 10.440, Table of Uses, by adding a new use #10.30 – Short-term vacation rental”, modifying the standards for use #10.50 – “Hotel or motel”, and combining “conference hotel” and “conference center” into a single use;
 - (2) Insert a new Section 10.837.20 – Short-Term Vacation Rentals;
 - (3) Amend Article II – Site Development Standards to establish an off-street parking requirement for short-term vacation rental; and
 - (4) Amend Article 15 – Definitions, by revising the definitions of “Bed and Breakfast” and adding new definitions for “Short-term vacation rental” and “Transient”**Voted to table** First Reading to the August 3, 2015 City Council Meeting.
3. First reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters – **Voted to pass** first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented.
4. First reading of Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone – Parking Rate shall be one dollars and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollars twenty-five cents (\$1.25) per hour and EasyPark Resident Discount - **Voted to pass** first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented.
5. First reading of Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End - **Voted to pass** first reading and schedule a public hearing and second reading for the August 3, 2015 City Council meeting, as presented.
A Work Session was requested to be held at 6:00 p.m. on August 3, 2015.
6. Third and final reading of Ordinance amending the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
 - 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; and amending the Zoning Ordinance as follows:

Article 7, Section 10.730 – Gateway Planned Development:

- Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
- Amend Section 10.734.33 by modifying the maximum building height standards;
- Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.

Article 15 – Definitions:

- Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.” (*Tabled from the June 15, 2015 City Council meeting*)

Voted to remove item from the table from 06/15/2015 City Council Meeting. **Voted** 6-2 to **pass** third and final reading of the proposed Ordinance amendment, as presented. Assistant Mayor Splaine and Councilor Kennedy voted opposed. Councilor Lown abstained. **Also, Voted** to direct the City Manager to open negotiations with the property owner.

7. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Request for License from Mary Dolan, owner of Starling Hair & Beauty for property located at 5 Market Street for a projecting sign located on Daniel Street on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Mary Dolan, owner of Starling Hair & Beauty for a projecting sign located on Daniel Street on an existing bracket 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 Patricia Snider, owner of The Glass Pear for property located at 10 Commercial Alley for a projecting sign located on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Patricia Snider, owner of The Glass Pear for a projecting sign located on 10 Commercial Alley on an existing bracket 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. Request for License from Kristen Ward, owner of Wanderbird Floral for property located at 94 Pleasant Street for a projecting sign located on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Kristen Ward, owner of Wanderbird Floral for a projecting sign located on 94 Pleasant Street on an existing bracket 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*

- D. Request for License from Nicole Ray & Laurie Rourke, owners of In Boston Salon, LLC for property located at 168 Fleet Street for a projecting sign located on an existing bracket and a canopy on an existing frame (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Nicole Ray & Laurie Rourke, owners of In Boston Salon, LLC for a projecting sign located on 168 Fleet Street on an existing bracket and a canopy on an existing frame 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. Request for License from Melissa Lake, owner of Better Homes & Garden Real Estate for property located at 79 Congress Street for a projecting sign located on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Melissa Lake, owner of Better Homes & Garden Real Estate for a projecting sign located on 79 Congress Street on a new bracket 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***

- F. Request for License from Mohammed Enyat, owner of ABC Fine Rugs, Inc. for property located at 50 Daniel 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 Mohammed Enyat, owner of ABC Fine Rugs, Inc. for a projecting sign located on 50 Daniel Street on an existing bracket 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***

- G. Request for License from Rossli Chace, owner of Lashbar for property located at 10A Ladd 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 Rossli Chace, owner of Lashbar for a projecting sign located on 10A Ladd Street on an existing bracket 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. Letter from Martha Netsch, Seacoast Rotary International Chair, requesting permission to hold the Polio Plus Memorial Bridge Walk on Saturday, October 24, 2015 (***Anticipated action – move to refer to the City Manager with power***)
- I. Letter from John Linville, Event Coordinator, Federal Employees Metal Trades Council, Portsmouth Naval Shipyard, requesting permission to hold Pedals for Paws charity bicycle ride and adoption event on Saturday, August 22, 2015 (***Anticipated action – move to refer to the City Manager with power***)
8. Letter from Bernard W. Pelech regarding Third and Final Reading of Gateway Zoning for the West End – **Voted** to accept and place on file along with letter dated July 10, 2015.
 9. Letter from David Witham regarding Zoning Ordinance Changes pertinent to Short Term Vacation Rentals – **Voted** to accept and place letter on file.
 10. Letter from Abby and Jeffrey Cooper regarding Short Term Vacation Rentals – Home Occupation Permit – **Voted** to accept and place letter on file.
 11. Letter from Jim Merrill, The Bernstein Shur Group regarding Proposed Uber Edits to Draft Transportation Services Ordinance – **Voted** to accept and place letter on file **and to refer** to the Taxi Commission.
 12. Letter from Lawrence Cataldo regarding exempting ride-share operations– **Voted** to accept and place letter on file **and to refer** to the Taxi Commission.
 13. Replacement of Municipal Alarm System – **Voted** to approve the request for the permanent removal of the municipal fire alarm boxes.
 14. Report Back Re: Land Donation (Map 296, Lot 2) – **Voted** to accept the donation of the 6.6-acre parcel (Map 296, Lot 2) as recommended by the Planning Board and the Conservation Commission, and further, authorize the City Manager to execute all necessary documents.
 15. Request for First Reading: Bonding Resolutions – **Voted** to authorize the City Manager to bring back for first reading the various proposed CIP projects to be bonded, as presented, at the August 3, 2015 City Council Meeting.
 - Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars \$6,100,000 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk

Improvements

- Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21)
- Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Pages 50-51 of CIP FY16-21)
- Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements
- Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades

16. Request to Dispose of Surplus Equipment and Vehicles – **Voted** 8-1 to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process. Councilor Kennedy voted opposed.
17. Request for the Acceptance of Sidewalk Easement Re: 233 Vaughan Street, LLC – **Voted** to authorize the City Manager to accept a required sidewalk easement from 233 Vaughan Street, LLC.
18. Report Back Re: St. Nicholas Orthodox Church Back Lot (Map 229, Lot 6-A) – **Voted** to accept the Planning Board's recommendations as follows:
- a) That the City Council accept Ledgewood Drive up the cul-de-sac as a City Street; **(Councilor Dwyer suggested the name of the Street be in accordance with E-911 specifications)**
 - b) That the City Council defer action on the requested easement until a specific site plan has been prepared for submission to the Planning Board.
19. Appointments to be Considered– Appointment of Marie Kelleher to the Citywide Neighborhood Blue Ribbon Committee, Reappointment of Richard Shea as an Alternate to the Historic District Commission, and Appointments of Sylvia Olson and William Townsend to the Peirce Island Committee were considered and will be voted at the August 3, 2015 City Council meeting.
20. Appointment to be Voted – **Voted** to appoint Vincent Lombardi to the Historic District Commission as a regular member filling expired term of George Melchoir to June 1, 2018 and John Mayer to the Historic District Commission as an alternate member filling unexpired term of Vincent Lombardi to June 1, 2016.
21. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 11, 2015 meeting – **Voted** 8-1 to approve and accept the action sheet and minutes of the June 11, 2015 Parking and Traffic Safety Committee meeting. Councilor Kennedy voted opposed.
22. Civility Resolution – **Voted** 7-2 to adopt the Civility Resolution as presented below: Mayor Lister and Councilor Spear voted opposed.

"As members of the Portsmouth City Council, we agree that civility in our municipal government has been an important and core past tradition, and is a current and future expectation for each of us.

This principle should apply during the campaign which precedes our election, because relationships which are established during the campaign carry over into the operation of the government after the election. While serving in office, we realize that we should act in a manner which is respectful of other City Councilors, the staff, and the public in as much as possible. We know that sometimes passion may prevail since indeed the process of governing often leads to disagreement, but we know that we must, individually and collectively, seek to reach the high standards of civility, integrity, and respect toward one another.

Civility includes respecting each other's right to speak his or her viewpoint, without undue interruption, so that the dialogue of ideas so vital to our democracy can be shared by our citizens and those in elected office.

Additionally, we should refrain from being intentionally insulting or attacking of one another during our service. Government works best when good people come together to solve problems in a cooperative, collaborative, and positive manner."

23. Memo to the City Council Re: Parking Programs – Suggested that Parking and Traffic Safety Committee review the memorandum and that a future joint work session be held.
24. Memo to the City Council Re: Electronic Communications – Report back from the City Attorney was requested with possible future work session to include Legislative Delegation, City Council and City Boards and Commissions.
25. Adjournment – **At 10:20 p.m., voted to adjourn.**

Respectfully submitted by:



Valerie A. French,
Deputy City Clerk