

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 21, 2015, 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. Presentation – Portsmouth Middle School Musical Performance – Students from the Portsmouth Middle School performed 4 Holiday selections for the City Council.
2. Presentation to Mayor and Outgoing City Councilors – City Manager Bohenko presented Mayor Lister, Councilors Shaheen, Kennedy, Morgan and Thorsen with City of Portsmouth rocking chairs in honor of their years of service to the City of Portsmouth.
3. Presentation – Recognition of African Burying Ground Committee Members & Fundraising Volunteers – Mayor Lister presented the African Burying Ground Members & Fundraising Volunteers with the Portsmouth Rotary Christmas Ornament of the African Burying Ground in recognition of their years of service on the Committee and fundraising activities.
4. Community Advisory Board Haven Well Contamination Report – Deputy Public Works Director Brian Goetz provided an update on the Contamination Report from the Community Advisory Board regarding Haven Well.
5. Pro Portsmouth 30th Anniversary – Barbara Massar was presented with a Proclamation in recognition of Pro Portsmouth's 30th Anniversary. Barbara accepted the Proclamation with thanks and appreciation.
6. Acceptance of Minutes – December 7, 2015 – **Voted** to approve and accept the minutes of the December 7, 2015 City Council meeting.
7. Public Comment Session – There were 3 speakers: Beth Margeson (Prescott Park); Arthur Clough (Contracts) and Patrick Doyle (NBT Bank Sign).
8. Public Hearing – Ordinance amending Chapter 7, Article II, Section 7.201 – Transportation Services by the addition of the following: Transportation Services means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle – Held a public hearing. On a roll call 5-4, **voted** to pass second reading. Councilors Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Spear and Mayor Lister voted opposed. On a roll call 5-4, motion to suspend the rules to take up third and final reading **failed** to pass. Councilors Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Mayor Lister voted opposed. ***Suspension of the rules requires 6 votes for passage.***

9. Public Hearing – Ordinance amending Chapter 7, Article II, Section 7.204 – Background Check by the deletion of the words “or misdemeanor” in Item C and the Deletion of Item D in its entirety – Held a public hearing. On a roll call 5-4, **voted** to table the ordinance. Assistant Mayor Splaine, Councilors Shaheen, Lown, Morgan and Spear voted in favor. Councilors Kennedy, Dwyer, Thorsen and Mayor Lister voted opposed.
10. Public Hearing – Ordinance amending Chapter 7, Article II, Section 7.211 – Signage by the addition of the word “which” in Item A and the deletion of “full text of” in Item B replaced with “fare information required by” – Held a public hearing. On a roll call 7-2, **voted** to table the ordinance. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Morgan, Spear and Mayor Lister voted in favor. Councilors Dwyer and Thorsen voted opposed.
11. Acceptance of Donation Prescott Park Arts Festival Re: City’s 3D Computer Model - \$1,000.00 – **Voted** to accept and approve the donation of \$1,000.00 from the Prescott Park Arts Festival for the expansion of the City’s 3D computer model.
12. Grant Agreement with the New Hampshire Public Utilities Commission - \$450,000.00 – **Voted** to refer to the City Manager with power.
13. Third and Final Reading amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be rezoned from Waterfront Business (WB) to Single Residence B (SRB) – **Voted** to pass third and final reading of proposed Ordinance, as presented.

Voted to amend the Zoning Map by rezoning from Waterfront Business (WB) to Single residence B (SRB) the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham,” revised November 6, 2015 containing 25,698 s.f. This amendment shall take effect on the date on which the subdivision plat approved by the Planning is recorded at the Registry of Deeds.

Councilors Kennedy and Morgan voted opposed.

14. Third and Final Reading amending Zoning Ordinance – Chapter 10, Section 10.1530 – Term of General Applicability, amend the definitions of “hotel” and :”motels” as follows – shall not include casino gambling, keno or other forms of gambling – **Voted** to pass third reading of the proposed Zoning Ordinance amendment, as presented.
15. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Letter from Kelly Bosco, Alzheimer’s Association, requesting permission to hold the 2016 Seacoast Walk to End Alzheimer’s on Sunday, September 25, 2016 (**Anticipated action – move to refer to the City Manager with power**)

- B. Requests for License to Install Projecting Signs:
- NBT Bank N.A., owner of NBT Bank, for property located at 100 Market Street
 - William Bixby, owner of Ganesh Imports, for property located at 57 Market Street

(Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for these requests)

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. Letter from Todd Hanson, St. Paddy's 5 Miler, requesting permission to hold the 6th Annual Road Race on Sunday, April 3, 2016 at the Pease Tradeport
(Anticipated action – move to refer to the City Manager with power)
- D. Request for Approval of Conduit License Agreement #1501 for the installation of 35 feet of 1-4" conduit and underground fiber cable on Borthwick Avenue
(Anticipated action – move to approve the aforementioned Conduit 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 and further that all stipulations be met as outlined in the memorandum to the City Manager dated December 16, 2015)

16. Letter from Attorney Doug Macdonald regarding Restoration of Separate Lots located at 268 & 276 Dennett Street – **Voted** to refer to the Planning Board for report back. Councilor Kennedy voted opposed.

17. Letter from Frank S. Warchol, Deputy Police Chief (Acting); regarding proposed amendments to the Transportation Services Ordinance – **Voted** to accept and place the letter on file.

18. Memorandum from Peter Bresciano, Chair of Transportation Service Commission regarding proposed amendments to the Transportation Services Ordinance – **Voted** to accept and place letter on file.

19. Appointments to be Voted – **Voted** to appoint Dexter Legg to the Planning Board effective January 1, 2016 until December 31, 2018; appoint Jim Lee as an alternate to the Zoning Board of Adjustment filling the unexpired term of Jeremiah Johnson until December 1, 2018; and appoint Jeremiah Johnson as a regular member to the Zoning Board of Adjustment until December 1, 2020.
20. Report Back Re: Corey MacDonald Severance Agreement – Moved that the full report be release to the public. On a roll call 5-4, **voted** to amend the motion to redact the legal analysis from the report prior to release to the public. Councilors Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy and Morgan voted opposed. On a unanimous roll call 9-0, **main motion passed as amended**.
21. Process for Creating A “Board of Ethics” – Assistant Mayor Splaine requested that this Ordinance be brought to the attention of the City Council, School Board, Fire and Police Commissions.
22. Transportation Service Commission – Informational Item – No action required.
23. Update on McIntyre Federal Building – Councilors Shaheen, Lown and Spear provided an update to the City Council regarding the McIntyre Federal Building.
24. Working Group Report for Prescott Park – Councilor Dwyer provided to the City Council a report from the Working Group regarding Prescott Park and stated that another work session will be held on the Park and that the stage will not be completed until 2017.
25. Parking & Traffic Safety Committee Action Sheet and Minutes of the December 3, 2015 meeting – **Voted** to approve and accept the Action Sheet and Minutes of the December 3, 2015 Parking & Traffic Safety Committee meeting. Councilor Kennedy voted opposed.
26. Adjournment – **At 11:35 p.m., voted to adjourn.**

Respectfully submitted by:

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk