

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, JANUARY 25, 2016, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR BLALOCK, ASSISTANT MAYOR SPLAINE, COUNCILORS PERKINS, DWYER, LOWN, PEARSON, SPEAR, CYR AND DENTON

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1. At 6:00 p.m. a Work Session was held on the Purchase and Sales Agreement for 165 Deer Street Re: New Municipal Parking Garage.
2. Presentation – Update Re: Doble Army Reserve Center – David Moore, Assistant City Manager for Special Projects provided a Presentation on the Paul A. Doble Army Reserve Center and outlined the Army Reserve next steps.
3. Acceptance of Minutes – January 11, 2016 – Moved to adopt the minutes of the January 11, 2016 City Council meeting.

**Voted** to amend page 11 under Councilor Pearson to remove financial disclosure forms and replace with conflict of interest forms and further amend page 12 to read as follows: “Councilor Pearson said she does not think they’re mutually exclusive and parking and micro housing or workforce housing can go together.”

**Voted** to adopt the minutes of the January 11, 2016 City Council meeting, as amended.

4. Public Comment Session – There were 12 speakers: Laura Pantelakos (Legislative Policy); Lawrence Cataldo, Esther Kennedy, Joe Caldarola, Paul McEachern, Mark Brighton (Non-Meeting); Jane Zill (Legislative Policy & Right to Know); Arthur Clough (Information on Transparency); Cathy Baker (Transparency); Christopher David (Transportation Ordinance); Dick Bagley and Gerry Zelin (Parking Garage & Non-Meeting Right to Know).
5. Public Hearing - Ordinance amending Chapter 10 – Zoning Ordinance, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential and Industrial Districts – Use 170 Manufactured housing park, Supplemental Regulations 10.814

Amend Chapter 10 – Zoning Ordinance, Article 5, Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts as follows: Minimum Yard Dimension, Maximum Structure Dimensions,

Amend Chapter 10 – Zoning Ordinance, Article 8 – Section 10.810 – Residential and Institutional Residence or Care Uses by adding the following – 10.814 – Manufactured Housing Park Dimensional Standards

Amend Chapter 13 – Mobile Home Ordinance by deleting it in its entirety – Held a public hearing.

**Voted** to pass second reading and hold third and final reading of the proposed Ordinance at the February 1, 2016 City Council meeting, as presented. Assistant Mayor Splaine recused himself from the deliberations and the vote.

**Voted** to suspend rules in order to take up third and final reading. Assistant Mayor Splaine recused himself from the deliberations and the vote.

**Voted** to pass third and final reading, as presented. Assistant Mayor Splaine recused himself from the deliberations and the vote.

6. Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1016 – Permitted Uses by addition Uses, activities and alterations are permitted in wetlands and wetlands buffers

Amend Article 10, Section 10.1017 – Conditional Uses by adding the following – Wetland Protection Plan

Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions – Impervious Surface – Held a public hearing.

**Voted** to pass second reading and hold third and final reading of the proposed Ordinance at the February 1, 2016 City Council meeting, as presented. Assistant Mayor Splaine recused himself from the deliberations and the vote.

**Voted** to suspend rules in order to take up third and final reading. Assistant Mayor Splaine recused himself from the deliberations and the vote.

**Voted** to pass third and final reading, as presented. Assistant Mayor Splaine recused himself from the deliberations and the vote.

7. Approval and Acceptance Re: Bench - \$2,000.00 from Amanda Donovan in memory of her mother Alda Irons – **Voted** to approve and accept a donation for a bench, as presented.

8. Donations in support of the Explorer Cadets as follows:

- \$34.77 from Dr. David Ferland
- \$129.00 from Dr. David Ferland
- \$850.00 from the Friends of the South End

**Voted** to approve and accept the donations to the Police Explorer Cadets, as presented.

9. Donation from Newburyport Five Cents Savings Bank - \$500.00 – **Voted** to approve and accept the donation from Newburyport Five Cents Savings Bank, as presented.

10. Acceptance of Grant from New Hampshire Highway Safety for DWI patrols - \$13,798.00 – **Voted** to approve and accept the grant for DWI patrols, as presented.

11. First reading of Proposed Resolution Amending Elderly Exemption

OPTION A

**Proposed increase of Elderly Exemption**

Single	\$40,000.00 increase of \$3,689.00
Married	\$55,000.00 increase of \$10,207.00
Asset Limit of	\$175,000.00 increase of 53,961.00

OPTION B

**Proposed increase of Elderly Exemption**

Single	\$40,000.00 increase of \$3,689.00
Married	\$55,000.00 increase of \$10,207.00
Asset Limit of	\$175,000.00 increase of \$53,961.00

If the City Council wishes to adjust the exemption amounts for elderly taxpayers in comparison to neighboring communities, this would decrease the limit as follows:

Ages 65-74	\$120,000.00 decrease of \$5,000.00
Ages 75-79	\$160,000.00 decrease of \$15,000.00
Ages 80+	\$200,000.00 decrease of \$20,000.00

**Voted** to authorize the City Manager to proceed with the proposed increases to income, asset and exemption limits only for the elderly exemption, and further, pass first reading and hold a public hearing and adoption at the February 16, 2016 City Council meeting, as presented and further to include Option A in the public hearing at the February 16, 2016 City Council meeting.

12. First reading of Proposed Resolution Amending Disabled Exemption

Single	\$40,000.00 increase of \$3,689.00
Married	\$55,000.00 increase of \$10,207.00
Asset Limit of	\$175,000.00 increase of \$53,961.00

If qualified for disabled taxpayers the current exemption off the assessed value of the property would remain the same at \$100,000.00

**Voted** to authorize the City Manager to proceed with the proposed increases to income and asset limits only for the disabled exemption, and further, pass first reading and hold a public hearing and adoption at the February 16, 2016 City Council meeting, as presented.

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

- A. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the annual Jingle Bell Run/Walk for Arthritis on Sunday, December 11, 2016 at 10:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)
- B. Letter from Jeanine Sylvester, Runner’s Alley, requesting permission to hold the 19<sup>th</sup> Annual Runner’s Alley/Redhook Brewery Memorial 5k on Sunday, May 29, 2016 at 11:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)
- C. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting permission to hold the CF Cycle for Life on Saturday, July 16, 2016 (**Anticipated action – move to refer to the City Manager with power**)
- D. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2016 baseball season (**Anticipated action – move to refer to the City Manager with power**)
- E. Letter from Robert L. Sutherland, Jr, St. John’s Lodge requesting permission to hold the annual St. John’s Lodge 5k on Saturday, April 9, 2016 at 8:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)
- F. \*Acceptance of Donations to the Coalition Legal Fund
  - Town of Center Harbor - \$500.00
  - Town of Carroll - \$1,000.00(**Anticipated action – move to approve and accept the donation, as listed to be placed in the Coalition Legal Fund**)
- G. Letter from Amanda Beaulieu, Greater Portsmouth Chamber of Commerce, requesting permission to hold the 3<sup>rd</sup> Annual Fire & Ice Festival on February 10-15, 2016 (**Anticipated action – move to refer to the City Manager with power**)
- H. Letter from David Hallowell, Portsmouth Maritime Folk Festival, requesting permission to hold the 17<sup>th</sup> Annual Portsmouth Maritime Folk Festival on Saturday, September 24, 2016 and Sunday, September 25, 2016 (**Anticipated action – move to refer to the City Manager with power**)

14. FY 2017 Budget Guidelines – On an 8-1 roll call, **voted** to accept the budget guidelines for FY 2017 as recommended by the Joint Budget Committee to set a goal for the Operating Budget of no more than a 3% increase inclusive of budgeting for collective bargaining contingency. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

15. Approval City Council Rules and Order – **Voted** to adopt the current City Council Rules and Order. Voted to amend Rule 37 so that at 10:00 p.m. any items remaining under the City Manager's name on an Agenda become Consent Agenda items. Meetings will still conclude at 10:30 p.m.

On a roll call 7-2, **voted** to amend Rule 7 that Council members are limited, to one item of business per City Council agenda unless further items are approved in advance by the Mayor. And further amend Rule 4 that each Councilor, "may" place a single item of business on the agenda, unless further items are approved in advance by the Mayor. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Denton voted in opposed.

16. Appointments to be Considered – The City Council considered the appointments outlined which will be voted on at the February 1, 2016 City Council meeting.

- Appointment of Nicholas Kirsch to the Cable Television Communication Commission as an regular member
- Appointment of Clayton Emery to the Cable Television Communication Commission as an Alternate members
- Appointment of Stefany Shaheen to the Economic Development Commission
- Appointment of Lawrence Cataldo to the Citywide Neighborhood Steering Committee
- Reappointment of Francesca Marconi Fernald to the Peirce Island Committee
- Reappointment of Lisa Louttit to the Peirce Island Committee
- Reappointment of Steven Marison to the Peirce Island Committee
- Reappointment of John McVay to the Peirce Island Committee
- Reappointment of Syliva Olson to the Peirce Island Committee
- Reappointment of Stephen Philp to the Pierce Island Committee
- Reappointment of John Simon to the Peirce Island Committee
- Reappointment of Richard Smith to the Peirce Island Committee
- Reappointment of Marc Stettner to the Peirce Island Committee
- Reappointment of William Townsend to the Peirce Island Committee
- Reappointment of Harold Whitehouse to the Peirce Island Committee
- Appointment of Jody Record to the Planning Board as an Alternate member
- Reappointment of Elizabeth Moreau to the Planning Board
- Appointment of Thomas Ferrini to the Portsmouth Housing Authority
- Reappointment of Peter Bresciano to the Transportation Services Commission
- Appointment of Daniel Umbro to the Trees and Public Greenery Committee
- Appointment of Joan Walker to the Trees and Public Greenery Committee
- Reappointment of Thomas Watson to the Board of Trustees of the Trust Funds
- Appointment of Peter McDonnell to the Zoning Board of Adjustment as an Alternate member

17. City Council Ward Liaisons – Mayor Blalock announced the following Ward Liaisons: Ward One – Assistant Mayor Splaine; Ward Two – Councilor Rebecca Perkins; Ward Three – Councilor Josh Denton; Ward Four – Councilor Eric Spear and Ward Five – Councilor Nancy Pearson.

18. City Council Policy for “Non-Meetings” – On a unanimous roll call 9-0, **voted** that it is the policy of the Portsmouth City Council that ‘non-meetings’ will be held only when necessary in order to discuss ‘strategy or negotiations with respect to collective bargaining,’ or ‘consultation with legal counsel,’ as allowed under the New Hampshire Right-To-Know Law, and that when they are held (1) the purpose of the ‘non-meeting’ will be publicly disclosed in a motion; (2) a public roll-call vote will be taken prior to going into the ‘non-meeting;’ (3) discussion in the ‘non-meeting’ will be limited to that topic and no other topic; (4) a record will be kept of when the ‘non-meeting’ begins, ends, and who is in attendance and that shall be a permanent public record.

19. Planning for Residential Parking Program – No action required.

20. Parking & Traffic Safety Action Sheet and Minutes of the January 7, 2016 meeting – **Voted** to approve and accept the action sheet and minutes of the January 7, 2016 Parking & Traffic Safety Committee meeting.

21. Legislative Subcommittee Report

- Approval of Proposed Principles for Legislative Positions
  - 1) Advocate to maintain local authority
  - 2) Authorize local options
  - 3) Support revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth
  - 4) Advocate for municipal representation on state committees
  - 5) Support incentives for regional cooperation
  - 6) Support plans to fund/support infrastructure
  - 7) Support incentives for sustainability
  - 8) Support directing revenues to the purposes for which they are raised
  - 9) Support measures that increase the efficiency of local government operations
  - 10) Maintain and improve life and safety issues

**Voted** to accept the recommendation from the Legislative Sub-committee regarding the 10 guiding principles for legislative positions on behalf of the City Council.

- Authority of Legislative Sub-committee – **Voted** to authorize the City Council Legislative Sub-committee to take positions on legislation they believe to be in the best interest of the City of Portsmouth using the legislative principles on behalf of the City Council. The Legislative Sub-committee will meet on Monday’s one-half hour before regular City Council meetings and at 8:30 a.m. when the City Council is not meeting.
- Mayor is authorized to act on behalf of City if time does not permit full discussion and vote by Legislative Sub-committee or Council – **Voted** to authorize the Mayor to act on behalf of City Council to provide testimony regarding State legislation when time does not permit a full discussion and vote by the Legislative Sub-committee or whole Council. Assistant Mayor Splaine voted opposed.

- City staff members may submit testimony on behalf of State Association or Professional Boards – Moved to authorize City staff members who are members of State Associations to testify on behalf of their Association or Professional Board. This testimony will specifically state that the testimony is not on behalf of the City but is submitted on behalf of the Association or Professional Board. All such testimony will be reviewed by City Manager before submission.

**Voted** to amend the motion that City staff members are also empowered to submit testimony as delegates of the authority of the Legislative Sub-committee so if sub-committee members are unavailable to testify City staff could do so on their behalf.

**Voted** to pass main motion as amended.

- Specific Legislation
  - A. Hotel Occupancy Surcharge
  - B. State Aid Grant Funding

**Voted** to authorize the City Council to support the above mentioned legislation.

22. Adjournment – At 10:00 p.m., voted to adjourn.

Respectfully submitted by:

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