

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, APRIL 4, 2016 MEETING, 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

1. At 6:00 p.m., the City Council held a Work Session regarding Deer Street Garage Property Acquisition, Purchase and Sale Agreement and Post Closing Obligations Agreement.
2. Presentation – Recognition of Portsmouth High School Boys 2016 New Hampshire Basketball Division 2 New Hampshire State Champions – The Presentation was cancelled due to the snow and will take place at the April 18, 2016 City Council meeting.
3. Acceptance of Minutes – March 14, 2016 – **Voted** to approve and accept the minutes of the March 14, 2016 City Council meeting.
4. Public Comment Session – There were 11 speakers: Jim Warner, Tracey Kozak, John Shouse (Deer Street Garage); Tom Hersey, Steven Burke, Joe Casey, Judy Stadtman, Mark Holden, Ron Cogliano (Wastewater Treatment Plant – PLA); John Lyons (Irrigation Meter); and Roy Helsel (City Pay Scale).
5. **Voted** to suspend the rules in order to take up Item XI. A.1. – Deer Street Garage Property Acquisition, Purchase and Sale Agreement and Post Closing Obligations Agreement Options as result of Work Session.
6. Deer Street Garage Property Acquisition, Purchase and Sale Agreement and Post Closing Obligations Agreement Options as result of Work Session – **Voted** to postpone action until the April 18, 2016 City Council meeting to take into account the changes brought forward by Deer Street Associates and for the City Manager to have the City Attorney reduce the items into writing.
7. Portsmouth Police Department Donations in support of the Explorer Cadets as follows:
 - Donation of a \$30.00 Blitz Park gift card by the Police Commission to the Portsmouth Police Trading Card initiative as a program incentive prize
 - Donation of \$300.00 from Mr. Jason C. Page to provide 2 scholarships for the 2016 Explorer Cadet Academy
 - Donation of \$400.00 from Mr. & Mrs. David Brow to provide 2 scholarships for the 2016 Explorer Cadet Academy

Voted to accept the donations to the Portsmouth Police Department, as presented.

8. Portsmouth Police Department Grant in the amount of \$9,926.40 from the NH Office of Highway Safety for Sustained Traffic Enforcement Patrols (STEP) – **Voted** to approve and accept the Grant to the Portsmouth Police Department, as presented.

9. First reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.216 – Sewer Use Charges/Records/Hook-up – **Voted** to pass first reading and schedule a public hearing and second reading of the proposed Ordinance as presented, at the April 18, 2016 City Council meeting.

Voted to have the 2015 proposed Ordinance regarding the Elimination of Irrigation Meters pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the April 18, 2016 City Council meeting. Mayor Blalock voted opposed.

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

- A. Requests for License to Install Projecting Sign:
- Danielle Short, owner of Siren Salon, for property located at 49 Market Street
(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for this request)
- B. 2016 Omnibus Sidewalk Obstruction Renewals – See Attached Listings
(Anticipated action – move to refer to the City Manager with power)
- C. Letter from Holly Tennent and Melissa Mikulski, Bottomline Technologies, requesting permission to hold annual 5K event to benefit Families First on September 17, 2016. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Donna Hepp, Seacoast Century Co-coordinator, Granite State Wheelmen, Inc., requesting permission to hold 2016 Seacoast Century Ride on September 24-25, 2016. ***(Anticipated action – move to refer to the City Manager with power)***

11. Letter from Ronald N. Cogliano, President, Merit Construction Alliance (mca) regarding proposed Union-only Project Labor Agreement on City of Portsmouth’s Sewer Treatment Plant – **Voted** to accept and place the letter on file.

12. Letter from Edward Miller regarding opposition to Maplewood Ridge, LLC request to rezone property located at 678 Maplewood Avenue from Single Residence B to Business – **Voted** to refer to the Planning Board for report back.

13. Applications for Sidewalk Cafes providing Alcohol Service – State Street Saloon – **Voted** to authorize the City Manager to enter into an Area Service Agreement with State Street Saloon for outdoor Alcohol service on City land for the 2016 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.

14. Applications for Sidewalk Cafes providing Alcohol Service – Popovers on the Square – **Voted** to authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square for outdoor Alcohol service on City land for the 2016 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.
15. Applications for Sidewalk Cafes providing Alcohol Service – Ri Ra – **Voted** to authorize the City Manager to enter into an Area Service Agreement with Ri Ra for outdoor Alcohol service on City land for the 2016 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.
16. Applications for Sidewalk Cafes providing Alcohol Service – The District – **Voted** to authorize the City Manager to enter into an Area Service Agreement with The District for outdoor Alcohol service on City land for the 2016 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.
17. Application for Sidewalk Cafes providing Alcohol Service – private sidewalk – British Beer Company – **Voted** to enter into an Area Service Agreement with British Beer Company for outdoor Alcohol service for the 2016 season subject to City operating conditions contained in Council Policy No. 2012-02.
18. Applications for Sidewalk Cafes providing Alcohol Service – private sidewalk – The BRGR Bar – **Voted** to enter into an Area Service Agreement with The BRGR Bar for outdoor Alcohol service for the 2016 season subject to City operating conditions contained in Council Policy No. 2012-02.
19. Annual Renewal of Boarding House Permits – 278 Cabot Street – **Voted** to approve the Boarding House permit for 278 Cabot Street for a one year permit to expire April 5, 2017.
20. Annual Renewal of Boarding House Permits – 350-352 Hanover Street – **Voted** to approve the Boarding House permit for 350-352 Hanover Street for a one year permit to expire April 5, 2017.
21. Request from Wright Avenue, LLC for Second Amendment to License for 57, 73 and 77 State Street – **Voted** to authorize the City Manager to negotiate and enter into a Second Amendment to the License Agreement for Wright Avenue, LLC.
22. Downtown Parking Shuttle Recommendation for 2016 – **Voted** to authorize the City Manager to negotiate and enter into an agreement between COAST and the City of Portsmouth to operate the downtown parking shuttle for the 2016 season.
23. Greenleaf Recreation Center Lease Extension – **Voted** to authorize the City Manager to enter into a concession agreement with Operation Blessing for the Greenleaf Recreation Center through to April 16, 2018.
24. Request to Establish a Public Hearing Re: Proposed Bonding of up to Five Million Dollars (\$5,000,000.00) for Little Harbour School Improvements – **Voted** to establish a public hearing on Monday, April 18, 2016 for bonding of up to Five Million (\$5,000,000.00) Dollars for Phase II of the Little Harbour School Improvements.

25. Report Back Re: Assistant Mayor Splaine's Request – Project Labor Agreement for the Peirce Island Wastewater Treatment Facility Upgrade – On a 3-6 roll call vote, motion to hold public comment on the value of Project Labor Agreements for the Wastewater Treatment Facility project at the April 18, 2016 City Council meeting **failed** to pass. Assistant Mayor Splaine, Councilors Cyr and Denton voted in favor. Councilors Perkins, Dwyer, Lown, Pearson, Spear and Mayor Blalock voted opposed.
26. Appointments to be Considered – The City Council considered the reappointments listed below which will be voted on at the April 18, 2016 City Council meeting.
- Reappointment of Amy Burns to Cable Television and Communications Commission
 - Reappointment of Robert Capone to Cable Television and Communications Commission
 - Reappointment of Cliff Lazenby to Citywide Neighborhood Steering Committee
 - Reappointment of Samantha Wright as alternate to the Conservation Commission
 - Reappointment of Kory Sirmaian to the Recreation Board
27. Policy On Travel To North Carolina Re: That State's LGBTQ Discrimination Law – Moved in support of those boycotting in North Carolina that the Portsmouth City Council expresses to the City Manager its position that no public employees attend any conference or event to be held in the State of North Carolina until the law passed by that state's legislature and signed by Governor Pat McCrory on March 23, 2016 allowing for discrimination against LGBTQ residents be repealed. Exempt from this request are meetings of an essential or emergency nature, those dealing with homeland security, or law-enforcement

Voted to amend the motion to have the City Manager report back during the budget process his recommendation or thoughts of providing funding for Seacoast Outright. Councilors Lown, Spear and Denton voted opposed.

Main motion **passed**, as amended. Councilors Lown and Denton voted opposed.

28. Commercial Property Assessed Clean Energy (C-PACE) – **Voted** to have the City Manager or designee meet with the Jordan Institute to discuss administering a Commercial Property Assessed Clean Energy (C-PACE) energy efficiency and clean energy district in Portsmouth and then make a presentation back to the City Council on how administering such districts in Portsmouth could work.
29. Adjournment – At 9:25 p.m., **voted** to adjourn.

Respectfully submitted by:

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