

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JANUARY 13, 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, SPEAR AND THORSEN

1. Proposed Adoption of Rules and Orders of the Portsmouth City Council – Moved to adopt the Rules and Orders of the Portsmouth City Council.

Voted to amend Rule 23 – Committee Nomination to read as following: *Except for committees created solely by the Mayor, the Mayor shall submit for approval by the City Council all nominations of non City Councilors to committees. All nominations shall be laid on the table until the next regularly scheduled Council meeting. The Mayor shall make all appointments of the City Councilors to committees.*

Main motion pass as amended.

2. Public Comment Session – **Voted** to suspend the rules in order to allow each person 3 minutes to speak. There were 19 speakers: Bob Hassold (Welcome Note); Michael Stasiuk, Barbara Bowlus (North End Development); Joe Caldarola (Zelita Morgan's Motion); Jon Springer (Attorney for Harborcorp – Zoning Amendments); Jerry Zelin (Proposed Zoning Amendments); Adam Irish (Development Concerns); Harold Whitehouse (Save Portsmouth); Claire Kittredge, Margaret O'Rourke, John Feeney (Development & Rule Change); Patricia Bagley (Ordinance Proposals); Mimi Clark, Joe Almeida, Martin Ryan, Susan Denenberg, Mark Brighton, Dick Bagley and Bob Shouse (Zoning).
3. Letter from Robert Zarnetske, U.S. General Services Administration, regarding long-term utilization of the T.J. McIntyre Federal Building located at 80 Daniel Street and the adjacent parking lot – **Voted** to have the City Manager work with Mayor Lister to send a letter back to GSA requesting a Work Session with GSA, City Council and Congressional Delegation to discuss the GSA proposal and further, the status of the transfer of the McIntyre Property to the City.

Councilor Thorsen recommended the new City Council should have a work session on this matter to be more effective prior to meeting with the GSA. City Manager Bohenko and Mayor Lister will work together on a date for a Work Session.

4. Proposed Ratification of City Council Policies – **Voted** to ratify City Council Policies as presented.

5. City Council Board and Commission Assignments 2014-2015 – Mayor Lister reviewed the appointments for Council Assignments as followed:

- African Burial Ground Committee, Blue Ribbon – Councilor Chris Dwyer
- Chamber of Commerce – Assistant Mayor Jim Splaine
- Economic Development Commission – Councilor Stefany Shaheen and Councilor Eric Spear
- Fees Schedule Study Committee – Councilor Brad Lown and Councilor Chris Dwyer
- Legislative Delegation – Subcommittee – Mayor Robert Lister, Assistant Mayor Jim Splaine, Councilor Stefany Shaheen and Councilor Chris Dwyer
- Parking and Traffic Safety Committee – Councilor Brad Lown
- Pease Development Authority Liaison – Councilor Brad Lown
- Pease Development Authority – Port Subcommittee – Councilor Esther Kennedy
- Peirce Island Committee – Councilor Esther Kennedy
- Public Access Financial Advisory Committee – Councilor Eric Spear
- Recreation Board – Councilor Eric Spear
- Sustainable Practices Blue Ribbon Committee – Councilor Zelita Morgan
- Taxi Commission – Councilor Zelita Morgan
- Veterans' Affairs Organization Liaison – Mayor Robert Lister

Voted to approve Councilor Kennedy to serve as the Council Representative to the Historic District Commission in accordance with Chapter 1, Article IV, Section 1.404 of City Ordinance.

Voted to approve Councilor Thorsen to serve as the Council Representative to the Planning Board in accordance with Chapter 1, Article III, Section 1.303 of City Ordinance.

6. Policy Regarding First Reading on Ordinance Amendments – On a roll call 5-4, **voted** that any proposed ordinance to be acted on by the City Council shall be submitted one meeting in advance of any first reading and that the proposed ordinance is submitted to the Legal Department to draft in the City Ordinance format. Further, that all appropriate Departments, Boards and Commissions be advised of the ordinance prior to first reading and when necessary, request a report back with policy to become effective February 3, 2014. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted opposed.

7. Amendment to Zoning Ordinance Section 10.535.10 – Eliminate the Conditional Use Process that allows building heights up to 50 feet in the Central Business A district and up to 60 feet in the Central Business B district – On a roll call 7-2, **voted** to request that the Legal Department consider and report back on the adoption of an amendment to zoning ordinance section 10.535.10 which would eliminate the conditional use process that allows building heights to be up to 50 feet in the Central Business A district and up to 60 feet in the Central Business B district. Also, request that the Legal Department put into form for first reading with a report back at the January 21, 2014 City Council meeting with a public hearing and second reading at the March 17, 2014 City Council meeting. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilors Lown and Dwyer voted opposed.

8. Design Review Regulations – Moved to request that the Planning Board evaluate its design review regulations to consider eliminating the entire design review process. **Voted** to amend the motion to delete “consider eliminating” and replace with “to investigate” and further request a report back to the City Council at the March 3, 2014 City Council meeting.

On a unanimous roll call 9-0, **voted** to pass main motion as amended which is as follows:.

Voted to request that the Planning Board evaluate its design review regulations to investigate and further request a report back to the City Council at the March 3, 2014 City Council meeting pass main motion as amended.

9. Process for Architectural Review – Moved to request that the Planning Board consider a process for architectural review of building projects located outside of the Historic District with a report back to the City Council at the April 7, 2014 City Council meeting. **Voted** to amend the motion to hold a Work Session with the City Council on March 3, 2014 at 6:00 p.m. to review and come forward with parameters for architectural review. **Main motion passed as amended which is as follows:**

Voted to request that the Planning Board consider a process for architectural review of building projects located outside of the Historic District with a report back to the City Council at the April 7, 2014 City Council meeting and to hold a Work Session with the City Council on March 3, 2014 at 6:00 p.m. to review and come forward with parameters for architectural review.

10. Proposed First Reading on Zoning Changes (per document submitted under Councilor Kennedy's name) – On a roll call vote 4-5, motion to pass first reading of proposed revisions to zoning ordinance and refer to the Planning Board with a report back for second reading and public hearing at the April 7, 2014 City Council meeting **failed** to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

Voted to refer the proposed revisions to the zoning ordinance to the Planning Board for report back to the City Council.

11. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.
12. Establish a Work Session on January 21, 2014 at 6:00 p.m. with the City Attorney to review the Right-to-Know Law – **Voted** to establish a City Council Work Session on January 21, 2014 at 6:00 p.m. with the City Attorney to review the Right-to-Know Law.
13. Proposed First Reading Zoning Amendment – Off-Street Parking Requirements – conference centers, convention center, and event centers (per document submitted under Councilor Morgan's name) – On a roll call vote 4-5, motion to pass first reading of proposed zoning amendment to Table 10.1112.30, Off-Street Parking Requirements to require conference centers, convention centers, and event centers to provide one (off-street) space per 2 persons of rated capacity **failed** to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

Voted to refer the proposed zoning amendment regarding Off-Street Parking Requirements to require conference centers, convention centers, and event centers to provide one (off-street) space per 2 persons of rated capacity to the Planning Board for report back to the City Council.

14. Form-Based Zoning (Not on Agenda) – **Voted** to schedule for first reading the proposed Form-Based Zoning Ordinance for the March 3, 2014 City Council meeting with a public hearing and second reading at the March 17, 2014 City Council meeting.

15. Adjournment – At 11:50 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk