

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JULY 14, 2014, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR LISTER, ASSISTANT MAYOR SPLAINE, COUNCILORS SHAHEEN, KENNEDY (8:30 P.M.), LOWN, DWYER, MORGAN, SPEAR (Via Conference Call until 10:00 p.m.) AND THORSEN

- 
1. At 6:00 p.m., a "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c)
  2. Presentation – Cynthia Scarano, Executive Vice President of Pan Am Railways, NHDOT Chief of Design Services Melodie Esterberg, NHDOT Rail and Transit Administrator Michelle "Shelly" Winters, NHDOT Railroad Inspector John Robinson and Peter Britz, Environmental Planner/Sustainability Coordinator for the City of Portsmouth answered City Council questions regarding the upgrade requirements to the railroad tracks and the impact on the City of Portsmouth of the Sea-3 Terminal expansion.
  3. **Voted** on an 8-1 roll call to suspend the rules to address Mayor Item 2 on the agenda. Councilor Kennedy voted opposed.
  4. Proposal to Allow the City Manager to Enroll in the NH Retirement System and Buy Back Years of Service and to Amend the City Manager's Employment Agreement Section 14, Paragraph B Re: NH Retirement System – **Voted** on a 9-0 roll call to postpone action on this item until the City hears back from the NHRS regarding issues conveyed by NHRS shortly before meeting.
  5. Acceptance of Minutes – **Voted** on a 9-0 roll call to accept and place on file the Minutes of April 7, 2014 City Council meeting.
  6. Public Comment Session – There were 19 speakers: Tom Carroll and Bob Hassold (Port of New Hampshire); Beth Margeson, Ben Anderson, Claudette Barker (Prescott Parks Arts Festival); Tom O'Leary, Aaron Garganta, Joan Hamblet (I-95 Sound Barrier); Raymond Faulker, Rich DiPentima, Lou Salome, Catherine DiPentima, Pat Ford (Pan Am/Sea-3 Expansion); David LaFevers (Downtown traffic); Erik Anderson (Derelict Property); Mark Brighton and Nancy Novelline Clayburgh (City Manager NH Retirement enrollment); Arthur Clough (Employee Insurance options); Joe Caldarola (Portwalk).
  7. **Voted** on a 9-0 roll call to suspend the rules to continue the meeting past 10:00 p.m. (*Recess/Reconvened - 10:00 p.m. to 10:10 p.m. Councilor Spear no longer participated via teleconference*)
  8. **Voted** to suspend the rules to address City Manager Item 9 on the Agenda.
  9. Request for License to Occupy a City Sidewalk for South Church Exterior Wood Louver Repair – **Voted** to authorize the City Manager to enter into a license with the South Church to facilitate repair activities to the structure along Court Street.

10. **Voted** to suspend the rules to address Consent Agenda as a whole on the agenda.

11. Consent Agenda - **Voted** to adopt the Consent Agenda Items as presented.

- A. Letter from Amanda Morneault, The Harbor Agency, Re: Reserving Four Parking Spots for Wednesday, July 16, 2014 for Tour Bus and Trailer **(Anticipated action – move to refer to the City Manager with power)**
- B. Letter from Doug Bates, President, Greater Portsmouth Chamber of Commerce, requesting permission to close Pleasant Street from State Street to Congress Street on Wednesday, August 6, 2014 for conducting the 2014 Greater Portsmouth Chamber of Commerce Annual Dinner: Street.life! **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Mary-Jo Monusky, Arts In Reach, requesting permission to hold a 5K Walk on Saturday, October 18, 2014 from 9:00 a.m. – 11:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Matthew Raffio, Arthritis Foundation, requesting permission to hold the Jingle Bell Run on Saturday, December 13, 2014 at 10:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- E. \*Acceptance of Donations for Art-Speak
- 3S Artspace - \$150.00
  - Star Island Corporation - \$150.00
  - Proximity Lab LLC - \$150.00
  - The Portsmouth Music and Art Center - \$150.00
  - Players' Ring - \$125.00
  - Albacore Park - \$125.00
  - Pro Portsmouth - \$125.00
  - Barbara Jenny - \$25.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)**
- F. Acceptance of Donation to the Coalition Legal Fund
- Town of Carroll for \$1,000.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)**
- G. Donation to Fire Department from Bruce J. and Victoria A. Kennedy two pieces of fitness equipment Elliptical Machine and BowFlex Ultimate **(Sample motion – move to accept and approve the donation of equipment to the Fire Department, as presented)**
- H. Letter from Donna Hepp, Granite State Wheelmen, Inc. requesting permission to hold the Tri-State Seacoast Century Bicycle Ride on Saturday, September 20, 2014 – Sunday, September 21, 2014 **(Anticipated action – move to refer to the City Manager with power)**

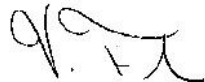
- I. Request for Approval of Pole License to install 11 temporary poles located on Stark Street as part of the Stark Street Bridge Replacement Project over the Route 1 By-Pass (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- J. Request for Approval of Pole License to install 2 temporary poles located on Woodbury Avenue as part of the Woodbury Avenue Bridge Replacement Project over the Route 1 By-Pass (***Anticipated action – move to approve the aforementioned Pole 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***)
12. Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper - \$15,000 - **Voted** to approve and accept the grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, as advised fund within the New Hampshire Charitable Foundation, as submitted.
13. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios - **Voted** to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the August 4, 2014 City Council meeting, as presented.
14. First Reading of Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
- *Assessors Map 153, 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, as shown on the attached exhibits title “Areas Proposed to be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly. – **Voted** to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014 City Council meeting, as presented, and further, refer to the Planning Board for report back to the City Council.
15. **Voted** to suspend the rules to address City Manager Item #4 on the Agenda.

16. Request from John G. Pappas for Restoration of Involuntarily Merged Lots at 1474 Islington Street under RSA 674:39-aa. – **Voted** to approve the request for restoration of Involuntarily Merged Lots at 1474 Islington Street.
17. Letter from Josh Henry, Founder/Brewer, 7<sup>th</sup> Settlement Brewery, requesting permission for sales of beer in growlers at the Portsmouth Farmers' Market – **Voted** to authorize the City Manager to negotiate and execute an amendment to the Farmers' Market agreement with Seacoast Growers Association to allow for the sale of beer in sealed growlers by 7<sup>th</sup> Settlement Brewery.
18. Letter from Mark Hiza, Nottingham Orchard, requesting permission to sell hard cider at the Portsmouth Farmers' Market during the months of August through November 1<sup>st</sup> on Saturday during the hours of 8:00 a.m. to 1:00 p.m. – **Voted** to authorize the City Manager to negotiate and execute an amendment to the Farmers' Market agreement with Seacoast Growers Association to allow for the sale of hard cider by Nottingham Orchard.
19. Letter from Peter Taylor, Property Manager, Anchor Property Management, requesting the Worth dumpster area be enlarged so it can accommodate two 10-yard containers – **Voted** to refer to the City Manager for report back.
20. Letter from Peirce Island Committee in support of the Phase II Study of the Middens that have been discovered on the island - **Voted** to suspend the rules to allow Peirce Island Committee Chair Steve Marison to address the Council on the issue. **Voted** to refer to the City Manager for report back.
21. Letter from the Concerned Stakeholders of Commercial Alley requesting enhanced lighting for Commercial Alley – **Voted** to refer to the City Manager for report back.
22. Request for Approval on a One-year Contract Extension between the Portsmouth School Department and the Association of School Administrators – **Voted** to adopt the proposed Agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators to expire on June 30, 2015.
23. Resolution Re: Rescission of the Four Million Dollars (\$4,000,000.00) balance from the Borrowing Authorization for the construction of the Madbury Wastewater Treatment Plant – **Voted** to approve the Resolution rescinding the remaining borrowing authority with regard to Resolution #13-2008 adopted by the City Council on November 10, 2008.
24. Cemetery Improvement Trust and Cemetery Action Plan – **Voted** to adopt the Portsmouth Historic Cemetery Trust, and further, to authorize the City Manager to execute the Portsmouth Historic Cemetery Trust, as presented.
25. Portsmouth Housing Authority Communication Re: Cottage Senior Housing - **Voted** 7-0 to refer this matter to the CDBG Citizens Advisory Committee for report back. *Councilor Shaheen abstained.*
26. Request for a License Agreement Re: 75 Congress Street (Ben Franklin Block Buildings) – **Voted** to authorize the City Manager to enter into a license with Michael De La Cruz to facilitate restoration activities at 75 Congress Street.

27. Request for License Agreement Re: 311 Marcy Street (Hunking Holdings LLC) – **Voted** 7-0 to authorize the City Manager to enter into a license with Hunking Holdings, LLC to facilitate construction activities at 311 Marcy Street. *Councilor Kennedy abstained.*
28. Request for First reading of Ordinance Re: Parking Omnibus – **Voted** to schedule a First Reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the August 4<sup>th</sup> City Council meeting.
29. Appointment to be Considered – Robert Capone to the Cable Television and Communications Commission; Matthew Cardin as an alternate to the Conservation Commission; Vincent Lombardi as an alternate to the Historic District Commission; Mary Lou McElwain as an alternate to the Parking and Traffic Safety Committee; Lisa Louttit to the Recreation Board; and Jeremiah Johnson as an alternate to the Zoning Board of Adjustment were considered for appointment and will be voted at the August 4, 2014 City Council meeting.
30. Meeting with Port Advisory Committee on September 17, 2014 at 6:00 p.m. – Mayor Lister announced the meeting with the Port Advisory Committee to be held at the Port on September 17, 2014 at 6:00 p.m. Councilor Shaheen asked that the Report submitted to the Council by Tom Carroll entitled “Preliminary Fugitive Dust/Particulate Air Monitoring Report” conducted by the State of NH DES Air Resources Division, be included in the record of the July 14, 2014 City Council meeting.
31. Request to Establish a date for a City Council Retreat – Saturday, October 4, 2014 – Mayor Lister asked for a consensus to establish Saturday, October 4, 2014 at 9:00 a.m. as the date of the next Council Retreat and asked that potential agenda topics be submitted to him ahead of time.
32. Appointment of Howard Altschiller to the Portsmouth Public Media Television Board of Directors – **Voted** 7-0 to appoint Howard Altschiller to the Portsmouth Public Media Television Board of Directors as the City appointed member with no expiration date of term. *Assistant Mayor Splaine abstained.*
33. Portwalk Status, Other Development Projects, and Compliance with Approved Requirements – A memorandum Re: Update on HDC Review of Portwalk Project was distributed to the Council and will be posted on the City website.
34. Sound Barriers on I-95 – Mayor Lister will send a letter to the Governor and other pertinent State and federal government officials regarding the Sound Barrier request for various areas along portions of I-95 in the City of Portsmouth.
35. Parking & Traffic Safety Committee Minutes of the June 12, 2014 meeting – **Voted** to approve and accept the minutes of the June 12, 2014 Parking & Traffic Safety Committee meeting. Councilor Kennedy voted opposed.
36. African Burying Ground Update – Councilor Dwyer reported that groundbreaking date will be announced soon and Chestnut Street will be closed permanently once the project begins.

37. Building and Development – Compliance with Land Use Board approved plans – City Manager Bohenko will report back at the August 4, 2014 Council meeting.
38. Request for a non-public meeting to discuss Contract negotiations and new Health Plan options – City Manager Bohenko will arrange for a report back on Health Care options and concepts at an upcoming meeting as well as a timeline for upcoming contract negotiations.
39. Quality of life in our neighborhoods: helicopters, motorcycles and speeding – City Manager Bohenko will reach out to the PDA Director and helicopter company regarding flight paths and schedules, although it is the FAA that controls this operation. Mayor Lister will communicate with the Chair of the Police Commission regarding the motorcycles and speeding concerns.
40. Gambling Ordinance – City Attorney Sullivan will draft ordinance language defining “Gambling” in Chapter 10, Zoning for the August 4, 2014 Council meeting.
41. Adjournment – At 12:35 a.m. (07/15/2014), voted to adjourn.

Respectfully submitted by:



Valerie A. French  
Deputy City Clerk