

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 5, 2015, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR LISTER, ASSISTANT MAYOR SPLAINE, COUNCILORS SHAHEEN (via conference call at 9:10 p.m., KENNEDY, LOWN, DWYER (via conference call at 7:15 p.m.), MORGAN, SPEAR AND THORSEN

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1. Anticipated "Non-Meeting" with Counsel Re: Proposed Early Retirement Program in accordance with RSA 91-A:2, I (b) – Moved to enter into a "Non-Meeting" with Counsel regarding Proposed Early Retirement Program in accordance with RSA 91-A:2, I (b).

**Moved** to amend the motion to include Proposed Early Retirement Program "for the Police Department".

On roll call 7-0, **voted** to pass the amendment to include "for the Police Department" to the title of the "Non-Meeting". Councilors Shaheen and Dwyer were not present for vote.

On a roll call 5-2, **voted** to enter into "Non-Meeting" with Counsel regarding Proposed Early Retirement Program for the Police Department in accordance with RSA 91-A:2, I (b). Councilors Lown, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine and Councilor Kennedy voted opposed. Councilors Shaheen and Dwyer were not present for vote.

2. Presentation – Pedestrian and Bicycle Plan – Juliet Walker, Transportation Planner – Transportation Planner Walker provided an updated on the Pedestrian and Bicycle Plan and addressed the related policy initiatives and plans. She discussed the public outreach that was done with an online WikiMap, 2 public meetings and targeted outreach with a Bicycle and Pedestrian Advisory group, seniors' luncheon and the Portsmouth Housing Authority. In addition, Transportation Planner Walker reviewed the implementation process with the City Council.
3. Acceptance of Minutes – November 17, 2014; December 8, 2014 and December 22, 2014 – On a unanimous roll call 8-0, **voted** to approve and accept the minutes of the November 17, 2014, December 8, 2014 and December 22, 2014 City Council meetings.
4. Public Comment Session – There were 8 speakers: Beth Margeson, Declan McEachern, Jeffrey Cooper, Abby Cooper and George Dempsey (AIRBNB); Mark Brighton (Budget), Erik Anderson (Derelict Buildings); and Harold Mangold (Swap Shop).
5. Public Hearing – Resolution in the amount of Five Hundred Fifty-Five Thousand Five Hundred Dollars (\$555,500.00) for a Supplemental Appropriation Re: Collective Bargaining Agreements – Held a public hearing. On a unanimous roll call 8-0, **voted** to adopt a Resolution in the amount of Five Hundred Fifty-Five Thousand Five Hundred Dollars (\$555,500.00) for a Supplemental Appropriation from Unassigned Fund Balance regarding Collective Bargaining Agreements in accordance with Section 7.14 of the City Charter.

6. Acceptance of Donation from Mark Wentworth Home in the amount of \$15,000.00 in support of the monthly Senior Luncheons – On a unanimous roll call 8-0, **voted** to approve and accept the donation from The Mark Wentworth Home, as listed.
7. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport – On a unanimous roll call 8-0, **voted** to accept the recommendation of the Planning Board that the Zoning Ordinance be amended as proposed and, further, move to pass third and final reading.
8. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking by Inserting a new paragraph 10.1115.24 – The Provisions of Section 10.1112.50 – Maximum Number of Parking Spaces, shall not apply to Buildings and Uses within the Downtown Overlay District – On a unanimous roll call 8-0, **voted** to pass third and final reading of the proposed Ordinance as recommended by the Planning Board, as presented.
9. Consent Agenda – On a unanimous roll call 8-0, **voted** to adopt the Consent Agenda.

A. Acceptance of Police Department Grant and Donations:

- A Grant in the amount of \$7,391.00 from Susteen Advanced Mobile Forensics. The total cost of the equipment is \$12,390.00, the grant pays for \$7,391.00 of the cost and the matching funds of \$4,999.00 will come from the main ICAC funding Grant already in place
- Donation of a Gateway laptop computer by Homeland Security to the Portsmouth Police Department. This is forfeited equipment resulting from a New Hampshire Internet Crimes Against Children Task Force Case
- A Donation in the amount of \$25.00 from retired Police Commissioner William Mortimer in support of the Portsmouth Explorer Post
- A Donation in the amount of \$151.40 from retired Chief Dr. David “Lou” Ferland, in support of the Portsmouth Police Explorers
- A Donation to the Police Department from Newburyport Five Cents Savings Bank in the amount of \$500.00

***(Anticipated action - move to approve and accept the grant and donations to the Portsmouth Police Department)***

- B. Acceptance of Donation to the Fire Department from Newburyport Five Cents Savings Bank in the amount of \$500.00 ***(Anticipated action - move to approve and accept the donation to the Portsmouth Fire Department)***

C. Acceptance of Donation to the Coalition Legal Fund:

- 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)***

- D. Letter from Emily Christian, National Multiple Sclerosis Society, Greater New England Chapter, requesting permission to hold the 2015 Bike MS NH Seacoast Escape on Saturday, August 22, 2015 (**Anticipated action – move to refer to the City Manager with power**)

10. Ratification of Purchase of Property Re: 113 Cottage Street – On a unanimous roll call 7-0, **voted** that the City Council ratify the purchase of 113 Cottage Street in the amount of \$270,000.00 from the Mariner Park Associates Property fund, and further, refer this matter to the Recreation Board, Senior Subcommittee of Recreation Board and the Planning Board for their advisory review. Councilor Lown abstained from voting on this matter.
11. Report Back Re: Abandoned or Derelict Buildings – The City Council agreed that the February 9, 2015 Work Session will have two topics of discussion – AIRBNB and Abandoned or Derelict Buildings. The Work Session will be held in the Eileen Dondero Foley Council Chambers at 6:30 p.m.
12. Joint Budget Committee Recommendation for FY16 Operating Budget – **Moved** to accept budget guidelines recommended from the Joint Budget Committee for the FY16 Operating Budget, as presented and that the operating budget increase shall not exceed more than \$3,000,000.00.

**Moved** to amend the motion and strike the 3.95% as the set percentage increase for the operating budget to 1.9%.

On a roll call **vote** 3-5, motion to amend and strike the 3.95% as the set percentage increase for the operating budget to 1.9% **failed** to pass. Councilors Kennedy, Morgan and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Lown, Dwyer, Spear and Mayor Lister voted opposed.

On a roll call 5-3, **voted** to accept budget guidelines recommended from the Joint Budget Committee for the FY16 Operating Budget, as presented and that the operating budget increase shall not exceed more than \$3,000,000.00. Assistant Mayor Splaine, Councilors Lown, Dwyer, Spear and Mayor Lister voted in favor. Councilors Kennedy, Morgan and Thorsen voted opposed.

13. Councilor Shaheen joined the meeting via conference call at 9:10 p.m.

14. Report Back Re: Members to the Blue Ribbon Committee on the Sagamore Creek Land – No action required. Mayor Lister reported the following:

At the City Council meeting on December 8, 2014, the Blue Ribbon Committee on Sagamore Creek Land was established. The charge of the Committee is to develop a plan for public usage of the 66-acre city-owned parcel. A report back to the City Council shall be completed on or prior to September 21, 2015:

The following Committee members have been appointed:

Councilor Eric Spear, Chairman, Council Representative  
Councilor Christine Dwyer, Council Representative  
Allison Tanner, Representative from the Conservation Commission  
Lennie Mullaney, Representative from the School Board  
Kory Sirmaian, Representative from the Recreation Board  
John Mikolajcky, Resident  
Alison Pyott, Resident  
Ex-officio City Manager, or his designee Non-Voting

15. Appointment to be Considered – The City Council considered the appointments listed below and action will be taken at the January 20, 2015 City Council meeting.
  - Jay Leduc – Appointment to the Planning Board as a regular member (current alternate)
  - Reagan Ruedig – Appointment to the Historic District Commission as a regular member (current alternate)
  - Richard Shea – Appointment to the Historic District Commission as an alternate member
  
16. Resignations – On a unanimous roll call 9-0, **voted** to accept with regret the resignations of Shelley Saunders from the Conservation Commission and Tracey Kozak from the Historic District Commission and a letter of thanks and appreciation be sent to Ms. Saunders and Ms. Kozak for their years of service to the City.
  
17. AIRBNB – How we can make it work in Portsmouth – No action required as the City Council will discuss this matter at a Work Session on February 9, 2015 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers.
  
18. Commercial Properties and the potential Assessors letter being sent out by the City – No action taken. Councilor Kennedy stated she will bring a motion forward at the January 20, 2015 City Council meeting requesting that the City Manager not send out a letter to commercial property owners unless it states that the form enclosed for completion with the letter is voluntary.
  
19. Parking & Traffic Safety Committee Action Sheet and Minutes of the November 13, 2014 meeting – On a roll call 8-1, **voted** to approve and accept the action sheet and minutes of the November 13, 2014 Parking & Traffic Safety Committee meeting. Councilor Kennedy voted opposed.
  
20. Request for Work Session Re: Home-owner short-term rentals – No action required as the City Council will discuss this matter at a Work Session on February 9, 2015 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers.
  
21. Reconsideration of Adoption of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck – **Moved** to reconsider Adoption of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck.

On a roll call 7-2, **voted** to reconsider Adoption of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck. Assistant

Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear and Thorsen voted in favor. Councilor Kennedy and Mayor Lister voted opposed.

**Moved** to Adopt a Bonding Resolution of up to Five Hundred Thousand Dollars (\$500,000.00) for the Purchase of a Heavy Rescue Fire Truck.

On a roll call vote 5-4, motion to Adopt a Bonding Resolution of up to Five Hundred Thousand Dollars (\$500,000.00) for the Purchase of a Heavy Rescue Fire Truck **failed** to pass. Assistant Mayor Splaine, Councilors Shaheen, Dwyer, Morgan and Thorsen voted in favor. Councilors Kennedy, Lown, Spear and Mayor Lister voted opposed. *Six votes are required for Adoption of the Resolution.*

**Moved** that the Fire Commission go out to bid for a truck that is new or slightly used with no equipment included.

**Moved** to amend the motion to request the Fire Commission go out to bid for a truck that includes the equipment needed.

On a roll call 7-2, **voted** to amend the motion to request the Fire Commission go out to bid for a truck that is new or slightly used and includes the equipment needed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear and Thorsen voted in favor. Councilor Kennedy and Mayor Lister voted opposed.

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

22. Adjournment – **At 10:15 p.m., voted to adjourn.**

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk