

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, MARCH 2, 2015, 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. Presentation - Taxi Commission Re: Proposed Ordinance – Peter Bresciano, Chair and Lawrence Cataldo, Taxi Commissioner – Peter Bresciano, Taxi Chair and Lawrence Cataldo, Taxi Commissioner provided a brief presentation on the proposed new Taxi Ordinance to be known as Transportation Services Ordinance.
2. Acceptance of Minutes – February 17, 2015 – **Moved** to approve and accept the minutes of the February 17, 2015 City Council meeting. Councilor Dwyer requested a correction on the bottom of Page 8 to change her comment to read as follow: *“there is a well known social physiology strategy that you can make problems so large that we can’t solve them and she is afraid we are in danger of doing that.”* **Main motion passed as amended.**
3. Public Comment Session – There were 4 speakers: John Palreiro (Amending Chapter 7); Jerry Zelin (Restricting Casinos); Ryan Fallon (UBER); and Merle White (Taxi’s).
4. **Voted** to suspend the rules in order to take up Item IX. A. – First reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services.
5. First reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services – **Voted** to accept the recommendation of the Taxi Commission, and further, authorize the City Manager to bring back for public hearing and second reading the proposed Ordinance at the March 16, 2015 City Council meeting, as presented.

Councilors discussed various amendments to the ordinance such as:

- Rights of individuals be posted inside the taxi
- Replace a placard with a decal
- 1 year review of ordinance by the City Council

6. Public Hearing - Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interests Costs, and to Pay all Costs Incidental and related thereto associated with the outstanding portion of the City's \$6,960,000.00 General Obligation Bonds dated August 1, 2005 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000.00) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act (*The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council*) – Held a public hearing. On a unanimous voice vote 9-0, **voted** to adopt the proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000.00) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs.

7. Acceptance of Police Department Grant and Donation:

- Acceptance of Grant from the NH Department of Justice to provide funding for the Police Department part-time Domestic Violence & Sexual Assault Victim Advocate - \$30,000.00

Voted to approve and accept the grant to the Portsmouth Police Department.

- Acceptance of Donation from Mr. Richard Grossman in support of Police Explorer Cadets - \$20.00

Voted to approve and accept the donation to the Portsmouth Police Department.

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

- A. Letter from Cynthia Rybczyk, American Heart/Stroke Association, requesting permission to hold the Heart/Stroke Walk on Saturday, May 30, 2015 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Ken La Valley, American Foundation for Suicide Prevention, requesting permission to hold the Out of the Darkness Community Walk on Saturday, September 19, 2015 from 10:00 a.m. – Noon (***Anticipated action – move to refer to the City Manager with power***)

9. Letter from Nancy Elwell regarding the city leasing a portion of the Fairpoint Parking Lot on State Street/Islington Street for the residents of The Keefe House – **Voted** to refer to the City Manager for report back.

10. Request from the Portsmouth School Department for First Reading of a Proposed Bond Resolution of up to Five Million Dollars (\$5,000,000.00) for Elementary School Improvements (Little Harbour School) – **Voted** to authorize the City Manager to bring back for first reading the proposed Bond Resolution, as presented at the March 16, 2015 City Council meeting.

11. Request to Renew Lease Agreement for Sons of Italy – **Voted** to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of one year from April 1, 2015 through March 31, 2016.
12. Proposed Request for Public Hearing and Adoption of Resolutions for Use of Bond Premiums (Resolution requires a Public Hearing and Adoption with two-thirds vote of the City Council) – **Voted** to authorize the City Manager to bring back for public hearing and action at the March 16, 2015 City Council meeting the aforementioned three Bond Premium Resolutions.
13. Work Session Re: Abandoned/Derelict Buildings – **Voted** to establish a Work Session on March 16, 2015 regarding abandoned/derelict buildings, as requested by Mayor Lister.
14. Letter requesting a Resolution to the U.S. Supreme Court In Support of Marriage Equality (Tabled from the February 17, 2015 City Council meeting) – Assistant Mayor Splaine announced he would come forward at the April 6th City Council meeting with the Resolution for action.
15. How can the City of Portsmouth be more supportive of Small Business in our Community?

As we review the Budget I would like to be able to answer the following questions for my fellow residents:

Questions to Answer:

- What is the current number of small businesses in our Portsmouth Community?
- How does the City of Portsmouth communicate with our small business owners?
- Should the City be staffing the Visitor Kiosk on Market Street?
- Should the City's economic development supports set up a small business group to gather information about their current needs?
- How the City's economic development does supports work with organizations like Buy Local?
- Given that you can find Small Business in most of our neighborhoods. Has the Mayor's Blue Ribbon Neighborhood community discussed small business and the neighborhood's needs?

The City Manager said he would work with staff and the Economic Development Commission to provide a comprehensive report back to the City Council. Councilor Kennedy requested that the City Manager look at small businesses which have 10 or less employees.

16. Parking and Traffic Safety Committee Action Sheet of February 12, 2015 meeting – **Voted** to approve and accept the Action Sheet of the February 12, 2015 Parking and Traffic Safety Committee meeting. Assistant Mayor Splaine and Councilor Kennedy voted opposed.

17. Formal request for the Planning Board to prepare proposed amendments to the zoning ordinance to address short-term rentals by home owners. Based on the Council-Planning Board work session discussion of February 17th, the Planning Board could take into account discussion points that emerged, including at least:

- a) Creating a definition that captures the short-term rental, perhaps a bed-breakfast 3 rather than attempting to force-fit one of current definitions;
- b) Addressing in the definition the requirements for number of rooms, parking, length of stay, life safety plan, health-food inspections, registration with the City
- c) Considering which current zoning districts can allow the rental by special exception

Voted to send these items as outlined to the Planning Board for response and prepare the necessary amendments to the zoning ordinance.

18. Impact Fees (Tabled from the February 17, 2015 City Council meeting) – City Manager Bohenko announced that the Work Session will take place on March 23, 2015 and Mr. Mayberry will be brought in as requested by Councilor Morgan to address the City Council.

19. Election of Mayor and Council Candidates Proposed Charter Amendment

Request the following information:

Ask the City Attorney to Report Back with the proper language for a Referendum allowing for Election of Mayor;

- Candidates would choose either to run for Mayor or run for Council;
- The statutory authority and responsibility of Mayor would remain unchanged and,
- This would take effect 2017

Moved to have the City Attorney report back with the proper language for a Referendum allowing for Election of Mayor; (1) Candidate would choose either to run for Mayor or run for Council; (2) The statutory authority and responsibility of Mayor would remain unchanged and, (3) this would take effect 2017.

On a roll call vote 5-4, motion passed. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted opposed.

20. Criteria for Measuring the Appropriateness of Council Resolutions (See Attached Memorandum) – No action required.

21. Miscellaneous/Unfinished Business – Councilor Shaheen asked if we have a responsibility to have a protocol from the CDC in place regarding the detection of exceeded water standards for Total Trihalomethanes (TTHMs) in our water system.

Councilor Morgan would like the City Council to be informed on bills that the City will be taking a stance at the State level on behalf of the Council.

Councilor Kennedy suggested that residents assist the City with cleaning out storm drains near their homes due to the upcoming weather forecast of rain.

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

Respectfully submitted by:

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