

Amended Item #29 – 4/9/2015

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 6, 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. At 6:00 p.m., An Anticipated “Non-Meeting” with Counsel regarding Potential Acquisition of Real Estate & Potential Settlement of Litigation – RSA 91-A:2, I (b).
2. Presentation – Middle Street Bike Lanes – Juliet Walker, Transportation Planner – Transportation Planner Walker provided a brief update on the Middle Street Bike Lanes. **Voted** that the City Council encourages City staff to drill down Option B and review the concept with the Parking & Traffic Safety Committee. Councilor Thorsen voted opposed.
3. Presentation – Update on Route 7 COAST – Juliet Walker, Transportation Planner – Transportation Planner Walker and Rad Nichols, of COAST provided an updated on Route 7.
4. Voted to suspend the rules in order to take up Item IX. B. – Second 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. Second 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 postpone Second Reading of the Ordinance until the April 20, 2015 City Council meeting to allow the Taxi Commission to review the Temporary Operating Agreement presented by Uber.
6. Acceptance of Minutes – March 16, 2015 – **Voted** to approve and accept the minutes of the March 16, 2015 City Council meeting.
7. Public Comment Session – There were 16 speakers: Christopher David, Jim La Flam, Michael Finger, John Palreiro, Merle White, Don Libby, Barbara DeStefano, Wayne Cipillo, Michael Campbell, Ed Feliciano, Dennis Acton (Transportation Ordinance/UBER); Rebecca O’Brien, Mark Brighton, Bob Shouse (Carryout Single Use Bag Ordinance); Ralph DiBernardo (Recycle); and Nancy Novelline Clayburgh (Portsmouth Farmers’ Market).
8. Public Hearing – Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements – Held a public hearing. On a unanimous roll call 9-0, **voted** to adopt the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements.

9. Voted to suspend the rules in order to take up Item XI. A. – Letter from Bert Cohen, Chair, Blue Ribbon Committee on Sustainable Practices recommendation for the Council to proceed with a first reading of the proposed Single-Use Carryout Plastic Bag Ordinance.
10. Letter from Bert Cohen, Chair, Blue Ribbon Committee on Sustainable Practices recommendation for the Council to proceed with a first reading of the proposed Single-Use Carryout Plastic Bag Ordinance – City Attorney Sullivan stated if he finds enabling legislation on this matter he would draft an ordinance to bring back for the April 20, 2015 City Council meeting but if there is no enabling legislation this item would not be placed on the agenda for the April 20, 2015 City Council meeting.
11. Acceptance of Donation to the African Burying Ground from TD Bank - \$10,000.00 – **Voted** to accept and expend a \$10,000.00 grant from TD Bank for costs associated with the events marking the project's completion in May 2015.
12. Acceptance of Community Development Block Grant Funds – **Voted** to accept and expend a Community Development Block Grant (CDBG) in the amount of \$505,162.00 from the U.S. Department of Housing and Urban Development.
13. Consent Agenda – Councilor Kennedy requested that Item X.C. - Letter from Caroline Piper, Fairy House Tour, requesting permission to close Washington Street to motor vehicle through traffic between Court and Hancock Streets on Saturday and Sunday, September 26 and 27 from 9:30 a.m. to 4:00 p.m. be pulled from the Consent Agenda.

Voted to adopt the Consent Agenda.

- A. Request from Fairpoint License Agreement for a new guy pole and guy wire on Court Street directly across from the African Burial Ground site (***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***)
- B. Letter from Mary-Jo Monusky, Arts in Reach, requesting permission to hold the 3rd annual AIRWalk fundraiser on Saturday, October 17, 2015 from 9:00 a.m. to 11:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Shamera Simpson, March of Dimes, requesting permission to hold the 2015 Seacoast March for Babies in Portsmouth, Sunday, May 31, 2015 (***Anticipated action – move to refer to the City Manager with power***)

- E. Request for License from Robert Withington/Laura Carrigan, owners of Withington and Co. Antiques / Laura Carrigan Designs for property located at 207 Market Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Robert Withington/Laura Carrigan, owners of Withington and Co. Antiques / Laura Carrigan Designs for a projecting sign at property located at 207 Market Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
14. Letter from Caroline Piper, Fairy House Tour, requesting permission to close Washington Street to motor vehicle through traffic between Court and Hancock Streets on Saturday and Sunday, September 26 and 27 from 9:30 a.m. to 4:00 p.m. – Voted to refer to the City Manager with power. Councilor Kennedy abstained from voting on this matter.
15. Letter from Sandra Yarne, Seacoast Peace Response, requesting permission to hold a Penny Poll in Market Square on April 15th from 11:30 a.m. to 1:00 p.m. and place a plywood structure which measures 36" in height by 66" in width on the sidewalk – Voted to refer to the City Manager with power.
16. Letter from Nancy Pape, NH Conference United Church of Christ, requesting permission to hold a May Day Celebration for immigrant rights at Market Square on Friday, May 1, 2015 from 5:00 p.m. – 6:30 p.m. - Voted to refer to the City Manager with power.
17. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2015 License Agreement – Voted to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2015, as presented.
18. Applications for Sidewalk Cafés Providing Alcohol Service – city-owned sidewalks:
- a) 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 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Councilor Kennedy voted opposed.

- b) 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 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Councilor Kennedy voted opposed.
- c) Ri Ra Portsmouth – **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 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Councilor Kennedy voted opposed.
- d) 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 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Councilor Kennedy voted opposed.

19. Applications for Sidewalk Cafes providing Alcohol Service – private sidewalks:

- a) British Beer Company – **Voted** to authorize the City Manager to enter into an Area Service Agreement with British Beer Company for outdoor Alcohol service for the 2015 season subject to City operating conditions contained in Council Policy No. 2012-02. Councilor Kennedy voted opposed.
- b) The BRGR Bar – **Voted** to authorize the City Manager to enter into an Area Service Agreement with The BRGR Bar Company for outdoor Alcohol service for the 2015 season subject to City operating conditions contained in Council Policy No. 2012-02. Councilor Kennedy voted opposed.

20. Annual Renewal of Boarding House Permits:

- a) 278 Cabot Street – **Voted** to approve the Boarding House permit for 278 Cabot Street for a one year permit to expire April 6, 2016.
- b) 350 – 352 Hanover Street – **Voted** to approve the Boarding House permit for 350-352 Hanover Street for a one year permit to expire April 6, 2016.

21. Sawtelle Family Donation Gift of the Carlton Theodore Chapman Painting Entitled: *Bonhomme Richard Capturing the Serapis* – **Voted** to authorize the City Manager to request stewardship funds from a NH Charitable Foundation and to negotiate and execute the Deed of Gift and necessary Internal Revenue Service donation forms needed to accept the gift and to send a thank you letter to the Sawtelle family.

Councilor Lown requested as part of the maintenance of the painting to have appropriate lighting installed over the painting.

22. Request for Road Closures for African Burying Ground Events – **Voted** to refer these road closure requests to the City Manager with power.

23. Request for Approval Re: Town of Rye Water Agreement – **Voted** to ratify the “Water Supply Agreement” with the Rye Water District, as presented. Councilor Kennedy voted opposed.
24. Informational Item - New Parking Facility – 165 Deer Street – The City Council requested to hold a Work Session on April 20, 2015 prior to the regular meeting at 6:00 p.m. regarding the New Parking Facility. The City Council stated they would likely postpone the Public Hearing and Adoption of the Borrowing Resolution until the May 4, 2015 City Council meeting.
25. Voted to suspend the rules in order to continue to meeting beyond 10:00 p.m.
26. Appointments to be Considered: - The City Council considered the following reappointments to be voted on at the April 20, 2015 City Council.
- Reappointment of Ronald Poulin to the Cable Television and Communications Commission
 - Reappointment of MaryAnn Blanchard to the Conservation Commission
 - Reappointment of Gibson “Mike” Kennedy to the Portsmouth Housing Authority
 - Reappointment of Kathryn Lynch to the Recreation Board
27. Reappointment of Peter Loughlin to the Pease Development Authority Portsmouth/Newington representative until March 31, 2018 – **Voted** to reappoint Peter Loughlin to the Pease Development Authority as the Portsmouth and Newington representative until March 31, 2018.
28. Resignation of Elissa Hill Stone from the Conservation Commission – **Voted** to accept the resignation with regret and to send a letter thanking Ms. Stone for her years of service to the City of Portsmouth.
29. Letter from Julie Fountas, American Legion Auxiliary, requesting financial assistance with placing flags on all veteran’s graves on Memorial Day (Not on Agenda) – **Voted** to refer to the City Manager with power.
30. Statement of Support on Marriage Equality – On a roll call 7-2, **voted** to adopt the Statement of Support on Marriage Equality. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan, Spear and Mayor Lister voted in favor. Councilors Lown and Thorsen voted opposed.
31. Request to have the Police Chief and the Police Commission at the April 20th City Council meeting to Review Response to the Heroin Epidemic – Councilor Shaheen stated she has requested to have Police Chief Dubois and Police Commission attend the April 20th City Council meeting to review response to the heroin epidemic. *No voted required.*
32. Transportation Center – Councilor Kennedy provided a list of questions she would like responses to prior to the Public Hearing on the New Parking Facility.
33. Parking & Traffic Safety Committee Action Sheet of March 12, 2015 – **Voted** to bring back the Action Sheet and Minutes of Parking & Traffic Safety Committee meeting of March 12, 2015 at the City Council meeting of April 20, 2015 for action to be taken.

34. Testimonies to the NH Legislature on policy issues – Councilor Morgan said she would bring a motion forward at the next meeting on April 20, 2015 for checks and balances and data to quantify requests going before the NH Legislature.
35. Helicopters – Councilor Morgan withdrew this matter.
36. Report Back Re: Election of Mayor and Council Candidates Proposed Charter Amendment – **Voted** to schedule a Work Session on this matter for the May 4, 2015 City Council meeting. Councilors Kennedy, Spear and Thorsen voted opposed.
37. Two Way Street – **Voted** to refer to the Parking & Traffic Safety Committee for a Study to be done on this matter.
38. Casinos – Councilor Thorsen said he would be placing this item on the April 20, 2015 City Council agenda.
39. Transportation Services Ordinance Policy Analysis – *Councilor Thorsen said this is informational only.*
40. New Parking Garage – *Councilor Thorsen said this is informational only.*
41. Adjournment – **At 11:15 p.m., voted to adjourn.**

Respectfully submitted by:

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