

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 20, 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

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1. At 6:00 p.m., a Work Session was held regarding the Proposed New Parking Facility located at 165 Deer Street.
2. On a roll call vote 3-6, motion to suspend the rules to allow Public Comment Session prior to the Presentations **failed** to pass. Assistant Mayor Splaine, Councilors Kennedy and Morgan voted in favor. Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.
3. Presentation – Review Response to the Heroin Epidemic – Police Chief Dubois & Police Commission – Police Chief Dubois provided a presentation on the Review Response to the Heroin Epidemic. He spoke to how easy the drug is to obtain and the drugs are coming through the hot spots in Massachusetts directly through our thoroughfare. He reported that the Fire Department now carries the drug Narcan to reverse the effects of heroin and the Police Department is looking to do the same. He spoke to the department’s involvement with mental health assistance and Operation Blessing to assist in dealing with this problem.
4. Presentation – Wastewater Treatment Facility at Pease – Brian Goetz, Deputy Public Works Director & Terry Desmarais – City Engineer – Mayor Lister asked the City Council if they wish to delay this Presentation until the Work Session scheduled for Monday, April 27<sup>th</sup> on this matter.

**Voted** to hold off the Presentation until the Council Work Session on Monday, April 27<sup>th</sup> at 6:30 p.m.

5. Acceptance of Minutes – April 6, 2015 – **Voted** to approve and accept the minutes of the April 6, 2015 City Council meeting.
6. Public Comment Session – Mayor Lister stated due to the number of speakers this evening he will be allowing each person to speak for 2 ½ minutes. There were 21 speakers: Josh Denton, Mark Brighton (Single-Use Plastic Bag Ordinance); Kelly Shaw (Elect Ward City Councilors to represent everyone); Rick Dipentima, Margery Andrews, Pat Ford (Sea-3); Ralph DiBernardo, Christopher David, Rick Szilagyi, Merle White, David Soule, Dennis Acton (UBER/Transportation Services) Jeffrey Cooper (Mayor Elections); Arthur Clough (Transparency); Joe Caldarola (Parking Garage), George Dempsey, Joe Onesko, Kathleen Logan (Webber Matter); Rick Becksted (Charter Change); Peter Somssich (UBER & Plastic Bags); and Crystal Paradis (Heroin Epidemic-Community Talk).

7. Public Hearing – Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000.00) for the Construction of a New Parking Facility – **Voted** to keep the Public Hearing open on the proposed Resolution until the May 4, 2015 City Council meeting.
8. 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 (Postponed from the March 16, 2015 City Council meeting) – **Voted** to allow taxi companies and ride sharing companies to continue to operate as they currently are while the Taxi Commission continues to work for the next 90 days with the City Attorney and the Council to consider ordinance changes with a report back to the City Council at the July 13, 2015 City Council meeting.
9. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Letter from Anne Rugg, commuteSMARTseacoast, requesting permission to hold a “Fix a Flat Clinic for Women” on Friday, May 15, 2015 as part of the Bike/Walk to Work Week in front of the North Church (**Anticipated action – move to refer to the City Manager with power**)
- B. Request for License from Jeff Johnston on behalf of Portwalk HI, LLC, and Hanover Apartments, LLC owner, for property located at 35 Portwalk Place, the Green Elephant Bistro & Bar, to allow a marquee structure to project approximately 10 inches into the Deer Street right-of-way

***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jeff Johnston, on behalf of Portwalk HI, LLC and Hanover Apartments, LLC to allow a marquee structure at property located at 35 Portwalk Place 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 marquee structure, 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 marquee structure, 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***

- C. Request for License from Jay McSharry, owners of The Franklin Oyster House for property located at 148 Fleet 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 Jay McSharry, owners of The Franklin Oyster House for a projecting sign at property located at 148 Fleet 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**

- D. Letter from Jay Diener, Co-Race Director, Seacoast Half Marathon, requesting permission to hold the half marathon on Sunday, November 8, 2015 (**Anticipated action – move to refer to the City Manager with power**)

10. Letter from Attorney Thomas Watson, DrummondWoodsum, requesting a long term License or Rental Arrangement to a dedicated dock to accommodate the property owners Charles and Susan Lassen of Round Island their vessel on a 24/7 basis, that will also provide access to a city street, parking for motor vehicle, trash disposal and a mailbox – **Voted** to refer to the City Manager for report back to the City Council and would like to know if this is an exclusive issue. Councilor Kennedy abstained from voting.
11. Letter from Chuck Rhoades, Seacoast Outright, requesting permission to hold a community-based, family-friendly Pride event on Saturday, June 27, 2015 and further seeking permission to block off Pleasant Street from State to Congress Streets from 1:00 p.m. to 4:00 p.m. – **Voted** to refer to the City Manager for report back to the City Council.
12. Letter from Gregg Hopkins, Newmarket International, Inc., requesting permission to hold a 5K Fun Run/Walk on Thursday, May 14, 2015 at 6:30 a.m. to 7:30 a.m. – **Voted** to refer to the City Manager with power.
13. Request for First Reading of Character Base Zoning – North End Ordinance – **Voted** to authorize the City Manager to bring back for first reading the proposed amendments to the Zoning Ordinance and the Zoning Map, as presented, at the June 1, 2015 City Council meeting, and further, to refer the proposed amendments to the Planning Board for recommendations.
14. Requesting Approval for the City to Intervene in SEA-3 Site Review Evaluation – **Voted** to authorize the City Manager to direct the Legal Department to take any and all action

necessary and appropriate to intervene on behalf of the City in the pending matter before the Site Evaluation Committee.

15. Request for License Encumbrance of Sidewalk and Parking Spaces Re: 275 Islington Street – **Voted** to authorize the City Manager to negotiate and enter into a license with Green & Co. Real Estate to facilitate demolition and construction activities at 275 Islington Street.
  
16. Informational Item #6 - Public Meetings Video Coverage – City Manager Bohenko stated given the public interest in the Taxi Commission meetings we could hold the meetings in the Chambers along with Parking & Traffic Safety Committee and Site Review Technical Advisory Committee so they are televised for the public to view.
  
17. **Voted** to suspend the rules in order to continue the meeting briefly beyond 10:00 p.m.
  
18. Appointments to be Voted – **Voted** to reappoint Ronald Poulin to the Cable Television and Communications Commission until April 1, 2018.  
  
**Voted** to reappoint MaryAnn Blanchard to the Conservation Commission until April 1, 2018.  
  
**Voted** to reappoint Gibson “Mike” Kennedy to the Portsmouth Housing Authority until April 1, 2020. Councilor Shaheen abstained from voting on this appointment.  
  
**Voted to** reappoint Kathryn Lynch to the Recreation Board until April 1, 2018.
  
19. Public Transparency and Openness in Presentation of the Webber Investigation Report – On a roll call vote 4-5, motion that the City Council requests that the investigative report into the Webber Estate matter conducted by the Roberts task force panel be submitted jointly to the City Council and the Police Commission when it is completed, and that it become fully public and transparent at that time **failed** to pass. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Morgan voted in favor. Councilors Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.
  
20. Parking & Traffic Safety Committee Minutes of March 12, 2015 (Referred back from April 6, 2015 City Council meeting) – **Voted** to approve and accept the minutes of the Parking & Traffic Safety Committee meeting of March 12, 2015. Assistant Mayor Splaine and Councilor Kennedy voted opposed.

21. Testimonies to the NH Legislature on policy issues – On a roll call vote 3-6, motion to authorize the City Manager and his Deputies to coordinate and submit testimonies to the NH Legislature for which the City Council has issued an official position. No testimonies taking positions on behalf of the City of Portsmouth can be submitted or presented otherwise, further to instruct the City Manager to have such testimony posted on the City Website for public information within 1 business day of submitting any testimony ***failed*** to pass. Assistant Mayor Splaine, Councilors Kennedy and Morgan voted in favor. Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.
22. Peirce Island Entrance Fee – **Voted** to request the Peirce Island Committee to study the feasibility of an entrance fee for the use of Peirce Island for non-residents.
23. Casinos – Informational Item only.
24. Transportation Services Ordinance Policy Analysis – Informational Item only.
25. Parking Fees – Informational Item only.
26. Adjournment – **At 11:45 p.m., voted to adjourn.**

Respectfully submitted by:

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