

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, JUNE 1, 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 6:30 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Employment agreement of Superintendent-Elect Steve Zadavec in accordance with RSA 91-A:2, I (b).
2. Presentations – Senior Subcommittee Report, Brinn Chute Senior Services Coordinator – Senior Services Coordinator Chute provided an overview of the Senior Subcommittee Report outlining the programs and services. Brinn stated the City has taken many steps in recent years to increase the level of service for the senior population. The acquisition of the Doble property is the next step in realizing the vision for creating a new and modern 50+ activity center. In addition, she stated the committee understands that this memo serves only as a preliminary recommendation prior to the actual acquisition of the property and is intended to serve as guiding points as the planning moves forward.
3. Interim Report Re: Sagamore Creek Land Blue Ribbon Committee, David Moore, Community Development Director – **Voted** to endorse the Vision and Guidelines document from the Blue Ribbon Committee on Sagamore Creek Land. Further, to request the City Manager to make a report back, which addresses the goals of the Recreation Needs Study, including resurfacing existing fields with artificial turf, (e.g. adjacent High School Athletic Complex); and to also make a report back that addresses the acquisition of land and development of recreation fields in the City.
4. Public Comment Session – There were 11 speakers: Jon Davis, Mark Brighton (Plastic Bag Ordinance); Merle White, Joanne Pipkin, John Palreiro (UBER); Diane Share (Islington Street Sidewalks); Bob Gibbons (Budget); Jeffrey Cooper, Dexter Legg, Ellen Legg (Short Term Rental); and George Dempsey (Geraldine Webber Case).
5. Public Hearing - Ordinance the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
 - Assessors Map 163, 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; and amending the Zoning Ordinance as follows:
 - Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;

- Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
- Article 15 – Definitions:
 - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.” (***Public Hearing kept open from the May 18, 2015 City Council meeting***)

Held a public hearing. **Moved** the proposed Ordinance as recommended by the Planning Board, and to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the June 15, 2015 City Council meeting.

Moved to divide the question into 4 parts:

- *Adopt the zoning map amendments*
- *Adopt the amendments to Gateway Planned Development Provisions*
- *Adopt the proposed definitions in Article 15*
- *Pass second reading as amended and hold third and final reading at the June 15, 2015 City Council meeting*

On a roll call 7-2, voted to divide the question into 4 parts as listed above. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan and Thorsen voted in favor. Councilor Spear and Mayor Lister voted opposed.

Moved to adopt the zoning map amendments. **On a roll call 5-4, voted to adopt zoning map amendments. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer and Spear voted in favor. Councilors Kennedy, Morgan, Thorsen and Mayor Lister voted opposed.**

Moved to adopt the amendments to Gateway Planned Development Provisions. **On a unanimous roll call 9-0, voted to adopt the amendments to Gateway Planned Development Provisions. Assistant Mayor Splaine, Councilor Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister.**

Moved to adopt the proposed definitions in Article 15. **On a unanimous roll call 9-0, voted to adopt the proposed definitions in Article 15. Assistant Mayor Splaine, Councilor Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister.**

Moved to pass second reading, as amended and schedule third and final reading of the Ordinance, at the June 15, 2015 City Council meeting. **On a roll call 6-3, voted to pass second reading, as amended and schedule third and final reading of the Ordinance, at the June 15, 2015 City Council meeting. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Councilors Kennedy, Morgan and Thorsen voted opposed.**

6. **Voted** to suspend the rules in order to continue the meeting briefly beyond 10:00 p.m.

7. First reading of Proposed Ordinance amending Short-term Vacation Rentals and other Lodging Uses – The City Council agreed to hold a Work Session at the June 15, 2015 City Council meeting to discuss concerns surrounding the ordinance.
8. Consent Agenda – **Voted** to adopt the Consent Agenda.

- A. Letter from Peter Newbury, Organizer, Open Streets Portsmouth, Seacoast Area Bicycle Riders Board of Directors, requesting permission to hold an Open Streets event on Saturday, September 12, 2015. (***Anticipated action – move to refer to the City Manager with power***)
- B. Request for License from Philip Saul, owner of Sault New England for property located at 10 Market Square for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Philip Saul, owner of Sault New England for a projecting sign at property located at 10 Market Square 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***

- C. Request for License from Robin Miller, owner of Juliette Lovelys Boutique for property located at 65 Bow Street for 2 projecting signs on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Robin Miller, owner of Juliette Lovelys for 2 projecting signs at property located at 65 Bow 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. Request for License to Install an Awning from Shore Gregory, owner of ROW 34 for property located at 5 Portwalk Place (***Anticipated action – move to approve***)

the aforementioned stipulations and approve the request of Shore Gregory, owner of ROW 34 for an Awning located at 5 Portwalk Place, as recommended by the Planning Director, 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***
- E. Request for Approval of Pole License to install 4 poles located on Borthwick Avenue (***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)***)
- F. Request for Approval of Pole License to install 1 new pole and guy wire located on Coakley Road (***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)***)
- G. Request for Approval of Pole License to install 1 replacement pole located on Regina Road (***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)***)
- H. Request for Approval of Pole License to install 1 replacement pole located on Lafayette Road on conjunction with recent reconstruction of Rte 1/ Rte 1 Bypass in front of Bowl-O-Rama (***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)***)

- I. Request for Approval of Pole License to install 1 new pole and guy wire located on the northwest corner of the intersection of the Rte 1 Bypass and Borthwick Avenue (***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 3 replacement poles located on Commerce Way across from the entrance to the strip mall (***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***)
9. Letter from Steve Couture, Manager, New Hampshire Coastal Program and Secretariat, Gulf of Maine Council on the Marine Environment, regarding the City of Portsmouth being selected to receive Gulf of Maine Council 2015 Sustainable Communities Award – **Voted** to accept and place the letter on file with a copy to the Sustainable Committee.
 10. Letter from Fr. Robert J. Archon, Saint Nicholas Greek Orthodox Church regarding St. Nicholas Greek Orthodox Church Back Lot – Tax Map Lot 229-6A – **Voted** to refer to the Planning Board for a report back.
 11. North End Character-Based Zoning – **Voted** to postpone first reading of the aforementioned proposed Ordinance to the July 13, 2015 City Council meeting.
 12. Report Back Re: Enabling Legislation regarding the Regulation of Plastic Bag Use within the City – **Voted** that the City write a letter to the Legislative Delegation with copies to the Council Legislative Subcommittee, Senate President, Governor’s Office and the Speaker of the House to consider enacting legislation regarding the Regulation of Plastic Bag Use.
 13. Proposed Amendment to Transportation Services Ordinance – No action required. Action will take place at the June 15, 2015 City Council meeting.
 14. Acceptance of Temporary Action Item and Minutes of the May 14, 2015 Parking and Traffic Safety Committee meeting – **Voted** to accept the Temporary Action Item and Minutes of the May 14, 2015 Parking and Traffic Safety Committee meeting. Councilor Kennedy voted opposed.
 15. Employee Gifts Bequest Ordinance Report Back – **Voted** that the essence of the Ordinance be provided to Negotiator Tom Closson for future negotiations with unions.
 16. Speed enforcement in Portsmouth – pedestrian and bicyclist safety – Councilor Morgan requested a report back from Chief Dubois on the strategies of speed enforcement and when bicycles will be used by the officers in the downtown. Councilor Thorsen also requested that Chief Dubois speak to the issue of loud motorcycles in the City and what can be done in the area of enforcement.

17. Request for a Work Session regarding Peirce Island Wastewater Treatment Facility Compliance Strategy – **Moved** to hold a Work Session at a future date established by Mayor Lister regarding the Peirce Island Wastewater Treatment Facility Compliance Strategy. On a unanimous roll call 9-0, **voted** to hold a Work Session at a future date established by Mayor Lister regarding the Peirce Island Wastewater Treatment Facility Compliance Strategy. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor.

18. Proposed Motion Re: Election of Mayor – **Voted** that the Legal Department be requested to draft the text and related documents necessary for the Council to consider placement on the ballot for referendum vote in November 2015 of a Charter Amendment which would accomplish the following:

- a) The Office of Mayor would become an elected position
- b) Only candidates who care candidates for City Council would have the option of also becoming a candidate for Mayor
- c) To become Mayor a candidate would have to be duly elected to both the City Council and the Office of the Mayor
- d) The statutory authority and responsibility of the Mayor and the City Council would main unchanged
- e) The Charter Amendment would become effective January 1, 2017

Councilor Kennedy voted opposed to the motion.

19. Miscellaneous/Unfinished Business – Councilor Kennedy asked when the City Council will be receiving an update on the Prescott Park Arts Festival.

Councilor Morgan requested an update on the McIntrye Building.

20. Adjournment – **At 11:00 p.m., voted to adjourn.**

Respectfully submitted by:

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