

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 15, 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 (via conference call), MORGAN, SPEAR AND THORSEN

1. At 6:00 p.m., a Work Session was held regarding Short-Term Vacation Rentals.
2. Presentation – Introduction of George Bald as the new Chairman of the Pease Development Authority – Mr. Bald provided the City Council with a handout entitled Pease 25 Years After Its Closing. He outlined his history of employment with Municipal and State Government and with the PDA. He said he is pleased to return to the PDA to serve as the new Chairman of the PDA.
3. Taxi Commission – Lawrence Cataldo – Taxi Commissioner Cataldo provided an outlined of the new proposed Taxi Ordinance for consideration by the City Council.
4. Acceptance of Minutes – May 18, 2015; May 20, 2015; June 1, 2015 and June 8, 2015 – **On a unanimous roll call 9-0, voted** to approve and accept the minutes of the May 18, 2015; May 20, 2015; June 1, 2015 and June 8, 2015 City Council meetings.
5. Public Comment Session – There were 12 speakers: Charlie Griffin (Bicycle Project); Margot Doering, Steve Little (AIRBNB Zoning); Elayna Bosen (Webber Case); Ralph DiBernardo, Merle White, Jim Merrill, John Palreiro (UBER); Arthur Clough, Jane Zill, Richard Gamester (Commissions); and Paul Mannle (Frank Jones Property).
6. **On a unanimous roll call 9-0, voted** to allow additional speakers to the Public Comment Session.
7. Public Comment Session Additional Speakers – There were 3 additional speakers: Beth Mosley, Bob Hassold (Police Commission – Roberts Report); and James Sirrell (UBER).
8. **On a unanimous roll call 9-0, voted** to suspend the rules in order to act on additional Grants and Donations that are not on the agenda.
9. Wentworth Lear Historic Houses (Not on Agenda) – **On a unanimous roll call 9-0, voted** to support the Wentworth Lear Historic Houses' application for Land and Community Heritage Investment Program funds.
10. Approval of Grants/Donations (Not on Agenda)
 - NH Highway Safety Agency Join the NH Clique Seat Belt Campaign Grant - \$2,574.00
 - NH Department of Safety Emergency Preparedness Exercise Grant - \$110,000.00

- Donation from Mr. & Mrs. David Brown to the Portsmouth Police Explorer Cadet - \$300.00
- Donation from retired Chief David “Lou” Ferland to the Police Explorer Cadets - \$79.48

On a unanimous roll call 9-0, voted to approve and accept the grants and donations to the Portsmouth Police Department, as presented.

11. Second reading of ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services (New Proposed Amended Language) – On a unanimous roll call 9-0, voted to amend the original Transportation Services Ordinance, and, further, to establish a public hearing on this matter at the July 13, 2015 City Council meeting.

12. Third and final reading of 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.”

On a roll call 7-1, voted to table the ordinance until the July 13, 2015 City Council meeting. Assistant Mayor Splaine, Councilors Kennedy, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Shaheen voted opposed. Councilor Lown abstained from voting on this matter due to a professional conflict.

On a roll call vote 4-5, motion to direct the City Manager to investigate the purchasing of the Frank Jones property ***failed*** to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

13. Consent Agenda – **On a unanimous roll call 9-0, voted to adopt the consent agenda.**

- A. Approval of Donations to Portsmouth Police Explorer Cadet Post:
- Ms. Cheryl Halepis - \$19.95
 - Mr. & Mrs. Richard Salicito - \$20.00
 - Ms. Beth Wagner - \$20.00

(Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as presented)

- B. Letter from Donna Hepp, Granite State Wheelmen, Inc, requesting permission to hold the Seacoast Century Ride on Saturday, September 26, 2015 and Sunday, September 27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Thomas Martin & Thomson Riley, Race Directors for Portsmouth Criterium, requesting permission to hold the Portsmouth Criterium event on Sunday, September 13, 2015 ***(Anticipated action – move to refer to the City Manager with power)***

14. Approval of Superintendent-Elect Steve Zadravec's Employment Agreement – **On a unanimous roll call 9-0, voted** that the City Council approve the Employment Agreement between the Portsmouth School Board and Superintendent-Elect Steve Zadravec for a 34 month term running from September 1, 2015 through June 30, 2018.

15. Request for First Reading Re: Proposed Ordinance to Eliminate Irrigation Meters from City Ordinance – **On a unanimous roll call 9-0, voted** to authorize the City Manager to bring back for first reading a proposed Ordinance to eliminate irrigation meters at the July 13, 2015 City Council meeting.

16. Establish Work Session Re: Wastewater Treatment Facility Permit Compliance – **On a unanimous roll call 9-0, voted** to establish a Work Session at 6:00 p.m., on Monday, June 29, 2015 regarding the Wastewater Treatment Facility Permit Compliance and a Special City Council meeting, if needed.

17. Request for Sale of Surplus Water Meters – **On a unanimous roll call 9-0, voted** to authorize the City Manager to proceed with the sale of the surplus water meters, as recommended.

18. Request of Eversource Energy (fka PSNH) for Easements and Licenses on Hanover and High Streets and City Property – **On a unanimous roll call 9-0, voted** to grant the easements and licenses to Eversource Energy as recommended by the Planning Board and Department of Public Works, and, further, authorize the City Manager to execute all necessary documents.

19. Renewal of Boarding House Permit Re: 21 Brewster Street – **On a unanimous roll call 9-0, voted** to approve the Boarding House Permit for 21 Brewster Street from the date of issuance until March 31, 2016, incorporating the Consent Decree and accompanying documents approved by the Court.
20. Land Donation to City of Portsmouth – **On a unanimous roll call 9-0, voted** to refer this request to the Planning Board and Conservation Commission for a report back to the City Council.
21. **On a unanimous roll call 9-0, voted** to suspend the rules in order to continue the meeting briefly beyond 10:00 p.m.
22. Appointment to be Considered – The City Council considered the appointments listed below that will be voted on at the July 13, 2015 meeting.
 - Vincent Lombardi to the Historic District Commission as a regular member
 - John Mayer to the Historic District Commission as an alternate member
23. Consideration of Matters Relating to the Roberts Investigatory Panel Report
 - a. Police Commission Structure
 - b. Attorney General Monitoring
 - c. Whistleblowing Protections
 - d. Legal Options and Obligations Re: Roberts Investigatory Panel Report

On a roll call 8-1, voted that the City Council request our City Manager and legal staff review whistleblower protections and laws which currently exist, and offer their recommendations by September 1st on how we can better encourage and protect those who speak up in good-faith for the public good about wrongdoing. Assistant Mayor Splaine, Councilor Shaheen, Kennedy, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Lown voted opposed.

On a roll call 6-3, voted that the City Council request City Attorney Sullivan or an independent counsel to determine the legal options, rights, remedies and obligations that we have concerning the findings of the Roberts Investigatory Panel Report, and the Police Commission come and present their findings to the City Council with a review and discussion and that such information be provided prior to the City Council meeting of Monday, July 13, 2015. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan and Thorsen voted in favor. Councilors Lown, Spear and Mayor Lister voted opposed.
24. Doble Center – No action required.
25. Report Back Fee Committee Re: Parking Rates – **On a roll call 8-1, voted** to bring back for first reading at the July 13, 2015 City Council meeting a Proposed Ordinance amending Chapter 7, Article I, Section 7.1. Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine voted opposed.
26. Proposed Resolution Re: Civility – Councilor Morgan said she will have a motion for the next City Council meeting for action on this Resolution.

27. Election of Mayor – **On a roll call 8-1, voted** that the City Council schedule a Public Hearing on July 13, 2015 to hear from the public on the proposed charter amendment regarding the Election of Mayor and vote on the matter at the July 13, 2015 City Council meeting.

28. Charter Amendment Re: Police Commission

- The Police Commission would cease
- The Police Department would become a department under the City Manager
- The Charter Amendment would become effective January 1, 2016
- Schedule a Special City Council meeting between June 29, 2015 – July 1, 2015 Re: Police Commission Charter Amendment

Moved to ask the Legal Department to report back with the proper wording for a Charter Amendment with the following objectives: the Police Commission would cease, the Police Department would become a department under the City Manager, the Charter Amendment would become effective January 1, 2016, in addition, that we schedule a Special City Council meeting on June 29, 2015 regarding Police Commission Charter Amendments.

On a roll call 7-2, voted to amend the motion to ask the City Attorney to come back with an additional recommendation for what we might consider as greater civilian oversight of the Police Commission. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Councilors Kennedy and Morgan voted opposed.

On a roll call 5-4, voted to pass the main motion as amended. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted opposed.

To ask the Legal Department to report back with the proper wording for a Charter Amendment with the following objectives: the Police Commission would cease, the Police Department would become a department under the City Manager, the Charter Amendment would become effective January 1, 2016, to create greater civilian oversight of the Police Commission, in addition, that we schedule a Special City Council meeting on June 29, 2015 regarding Police Commission Charter Amendments.

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

Respectfully submitted by:

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