

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, AUGUST 3, 2015, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR LISTER, ASSISTANT MAYOR SPLAINE, COUNCILORS SHAHEEN, KENNEDY, DWYER, MORGAN, SPEAR (8:20 p.m.) AND THORSEN

ABSENT: COUNCILOR LOWN

1. At 6:00 p.m. a Work Session was held regarding North End Character-Based Zoning.
2. Acceptance of Minutes – June 29, 2015 and July 13, 2015 – **Voted** to approve and accept the minutes of the June 29, 2015 and July 13, 2015 City Council meetings.
3. Mayor’s Award – Reverend Dawn Shippee – Mayor Lister presented Reverend Dawn Shippee with a Mayor’s Award in recognition of her service to the City as the reverend of the North Church and to wish her the best in her retirement.
4. Presentation – Wastewater Treatment Facility Cost Saving Options – Terry Desmarais, City Engineer – Engineer Desmarais provided a Presentation regarding the Wastewater Treatment Facility cost saving options. Deputy City Attorney Woodland spoke regarding the recent letter received from the EPA. Mr. Laquidara AECOM Representative provided the City Council with a list of his credentials and spoke to the choice of BAF and its technology that will be used at the Wastewater Treatment Facility at Peirce Island.
5. Public Comment Session – There were 16 speakers: Steve Little, Michele Duval, Jeffrey Cooper, Elyse Hambacher, (AIRBNB/Short Term Rental); Roy Helsel (New Garage, Budget, Wastewater); Joanne Pipkin, John Palreiro, Merle White, (UBER/Ride Share); Anthony DiLorenzo, Michael Landgarden, John Murtha (North End Zoning); Susan Frantz (Wastewater Plant); Allen Norelli; Arthur Clough, Jane Zill (Police Commission/Deputy Chief MacDonald Severance Package); and George Dempsey (Three Items).
6. Public Hearing – Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters – Held a public hearing. **Voted** to amend the motion that the Ordinance would take effect on January 1, 2016. On a roll call 6-2, **voted** to pass second reading and schedule a third and final reading for the October 5, 2015 City Council meeting, as amended. Councilor Shaheen, Kennedy, Dwyer, Morgan, Spear and Mayor Lister in favor. Assistant Mayor Splaine and Councilor Thorsen voted opposed.

7. Public Hearing – Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone – Parking Rate shall be one dollar and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollar twenty-five cents (\$1.25) per hour and EasyPark Resident Discount- Held a public hearing. On a roll call 6-2, **voted** to pass second reading and schedule third and final reading of the proposed Ordinance for the August 17, 2015 City Council meeting, as presented. Councilors Shaheen, Kennedy, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine and Councilor Morgan voted opposed.
8. Public Hearing – Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End as follows:
- Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated “DRAFT – 4/15/2015”;
 - Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” (Draft 4/14/2015); and
 - Amend the Zoning Map as set forth in the following maps considered by the Council at its meeting on April 20, 2015:
 - a. Map 10.5A21A – Character Districts and Civic Districts;
 - b. Map 10.5A21B – Building Height Standards;
 - c. Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Building & Uses
- Voted** that the City Council amend the form of the ordinance passed at first reading on July 20, 2015 by adopting the amendments proposed by the Planning Board at its meeting of July 16, 2015 and as discussed in the memo from the Planning Director dated July 22, 2015 and pass second reading and schedule third and final reading of the proposed Ordinance at the August 17, 2015, City Council meeting. Councilor Shaheen voted opposed.
9. **Voted** to suspend the rules in order to continue the meeting beyond 10:00 p.m. with adjournment to take place at 11:00 p.m.
10. Acceptance of donation from Liberty Mutual Insurance - \$2,000.00 – **Voted** to accept donation from Liberty Mutual Insurance, and further, that the funds be put towards cost associated with improvements needed in the City’s cemeteries.
11. First reading of Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars \$6,100,000 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements – **Voted** to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements in the amount of up to \$6,100,000.00 at the August 17, 2015 City Council meeting.

12. First reading of Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21) – Voted to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 purchase of Fire Apparatus in the amount of up to \$600,000.00 at the August 17, 2015 City Council meeting.
13. First reading of Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Pages 50-51 of CIP FY16-21) – Voted to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 School Facilities Improvements (Pages 50-51 of CIP FY 16-21) in the amount of up to \$500,000.00 at the August 17, 2015 City Council meeting.
14. First reading of Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements – Voted to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,100,000.00 at the August 17, 2015 City Council meeting.
15. First reading of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades – Voted to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 Sewer System Upgrades in the amount of up to \$4,000,000.00 at the August 17, 2015 City Council meeting.
16. Third and final reading of Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services (New Proposed Amended Language) – Voted to suspend the rules in order to amend the ordinance. **Voted** to make the ordinance effective 45 days after adoption. On a roll call 7-1, **voted** to pass third and final reading of the proposed Ordinance, as amended.
17. Consent Agenda – Voted to adopt the Consent Agenda.
 - A. Acceptance of Donation to the Coalition Legal Fund:
 - Town of Carroll - \$1,000.00**(Anticipated action – move to approve and accept the donation as listed, to be placed in the Coalition Legal Fund)**
 - B. Acceptance of Police Department Donations:
 - Acceptance of Donations from David “Lou” Ferland to the Police Explorer Cadet Post from the purchase of his book, “Historic Crimes & Justice”
 - a.) Megan McNutt - \$20.00
 - b.) Laurie Anderson - \$40.00**(Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as presented)**

- C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2016 – Thursday, December 31, 2015
 - Children’s Day, Sunday 1, 2016
 - 39th Annual Market Square Day Festival & 10k Road Race – Saturday, June 11, 2016
 - 14th Annual Summer in the Street, Saturday evenings 5:00 p.m. – 9:30 p.m. on June 25, 2016; July 2, 2016; July 9, 2016; July 16, 2016; July 23, 2016 and July 30, 2016
- (Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Ralph DiBernardo, Sr., regarding the Transportation Services Ordinance and Uber’s background checks and insurance requirements
(Anticipated action – move to accept and place the letter on file)
- E. Letter from Holly Tennent and Melissa Mikulski, Bottomline Technologies, requesting permission to hold a 5k Road Race on September 12, 2015 at 9:00 a.m. at the Pease Tradeport for Families First ***(Anticipated action – move to refer to the City Manager with power)***

18. First reading of Ordinance amending Chapter 10 as follows:

- (1) Amend Section 10.440, Table of Uses, by adding a new use #10.30 – Short-term vacation rental”, modifying the standards for use #10.50 – “Hotel or motel”, and combining “conference hotel” and “conference center” into a single use;
- (2) Insert a new Section 10.837.20 – Short-Term Vacation Rentals;
- (3) Amend Article II – Site Development Standards to establish an off-street parking requirement for short-term vacation rental; and
- (4) Amend Article 15 – Definitions, by revising the definitions of “Bed and Breakfast” and adding new definitions for “Short-term vacation rental” and “Transient”

Voted to remove the ordinance from the table, and, move to postpone until the August 17, 2015 City Council meeting.

19. Letter from Brian Buchner, NACOLE, regarding Civilian Oversight of Law Enforcement –
Voted to accept and place the letter on file.

20. Letter from Arthur Clough requesting an independent investigation into the circumstances and propriety of the payment of severance to former Deputy Chief Corey MacDonald –
Voted to refer the correspondence to City Attorney Sullivan and Police Commission for report back.

21. Letter from Peter G. Weeks, PGW Real Estate Consulting, request from 955 Sagamore Realty Trust property owners seeking that 22,500 square feet of the lot be rezoned to SRB –
Voted to refer to the Planning Board for report back to the City Council. Councilor Kennedy voted opposed.

22. Request from the School Board for Approval of the Tentative Agreement between the Portsmouth School Board and School Clericals – **Voted** to approve the tentative three-year agreement between the Portsmouth School Board and the School Clericals to expire on June 30, 2018. Mayor Lister abstained.
23. Acceptance of Reclassification of US Route 1/Lafayette Road – **Voted** to accept the portion of US Route 1 that has been reclassified from a Class II State Highway to a Class IV City Highway as set forth in the attached plan.
24. Prescott Part Arts Festival Re: Proposed Relocation of Stage – **Voted** to discuss the relocation of the Prescott Park Arts Festival Stage in a Work Session at the August 17, 2015 City Council meeting.
25. Request for Ratification of Gundalow Company Agreement – **Voted** to ratify the License Agreement between the Trustees of Trust Funds and the Gundalow Company.
26. Resignation of Gerald Howe, Police Commissioner – Voted to accept with regret and to send a letter of thanks to Jerry for his years of service to the Police Commission.
27. Adjournment – At 11:15 p.m., voted to adjourn. The remaining agenda items will be moved to the August 17, 2015 City Council Agenda for action and/or information purposes.

Respectfully submitted by:

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