

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 17, 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 5:45 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Property Negotiations – RSA 91-A:2, I (b).
2. At 6:30 p.m. a Work Session was held regarding Prescott Park Arts Festival Proposed Stage. Discussion followed regarding the need for a new stage to be constructed at Prescott Park due to safety issues.
3. Presentation – Revaluation Update- Rosann Maurice-Lentz, City Assessor – Assessor Maurice Lentz provided an update on the Revaluation process and reported on the statutory requirements. She announced the residential vs. commercial percentage of total value with residential at 54% and commercial at 46%.
4. Acceptance of Minutes – July 20, 2015 and August 3, 2015 – **Voted** to approve and accept the minutes of the July 20, 2015 and August 3, 2015 City Council meetings.
5. Public Comment Session – There were 23 speakers: Beth Margeson, Cathy Baker (Prescott Park Arts Festival Stage); Tom Carroll (The Port of NH); Steve Little, Rick Horowitz, James Lamond, Alice Giordano, Jeffrey Cooper, George Dempsey, Dexter Legg, Tanya Clews (Short Term Vacation Rentals); Larry Cataldo, Rick Becksted, Martha Fuller Clark, Joe Caldarola, Paul Mannle (North End Form-Based Zoning); Arthur Clough (Illegal Contract); Mark Brighton (Frank Jones Building); Mary Lou McElwain (Lifeguards); Peter Weeks, Chris Thompson, Zoe Stewart and Susan Duprey (Harborcorp/Easements).
6. Public Hearing – Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars \$6,100,000.00 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements – Held a public hearing. **Voted** to adopt a Bond Resolution for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements in the amount of up to \$6,100,000.00.
7. Public Hearing – Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000.00) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21) – Held a public hearing. **Voted** to adopt a Bond Resolution for FY16 purchase of Fire Apparatus in the amount of up to \$600,000.00.
8. Public Hearing – Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000.00) for FY16 School Facilities Improvements (Pages 50-51 of CIP Fy16-21) – Held a public hearing. **Voted** to adopt a Bond Resolution for FY16 School Facilities Improvements in the amount of up to \$500,000.00.

9. Public Hearing – Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000.00) related to Water System Upgrades and Improvements – Held a public hearing. **Voted** to adopt a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,100,000.00.
10. Public Hearing – Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000.00) for FY16 Sewer System Upgrades – Held a public hearing. **Voted** to adopt a Bond Resolution for FY16 Sewer System Upgrades in the amount of up to \$4,000,000.00.
11. 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”

On a roll call 5-4, **voted** to pass first reading and schedule a public hearing and a second reading of the proposed Ordinance, as presented, at the Tuesday, September 8, 2015 City Council meeting. Councilors Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy and Morgan voted opposed.

12. Third and Final Reading of 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 – On a roll call 7-2, **voted** to pass third and final reading of the proposed Ordinance. Councilors Shaheen, Kennedy, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine and Councilor Morgan voted opposed.
13. Third and Final Reading – 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;
 - Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance”; and
 - Amend the Zoning Map as set forth in the following maps:
 - 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 to pass third and final reading of the Proposed Ordinance, as presented.

14. Consent Agenda – **Voted** to adopt the Consent Agenda.
- A. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 7th annual American Lung Association Cycle the Seacoast ride on Sunday, May 1, 2016 (**Anticipated action – move to refer to the City Manager with power**)
 - B. Letter from Carolyn Ostrom, requesting permission to hold the Susan G. Komen New Hampshire Race for the Cure on Saturday, May 7, 2016 at 9:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)
15. Letter from Rabbi David Ross Senter, Temple Israel, requesting permission to hold a public 9/11 ceremony at the African Burying Ground with a walk to the Veteran’s Park – **Voted** to refer to the City Manager with power.
16. Letter from Attorney Bernard Pelech regarding Restoration of Involuntarily Merged Lots – RSA 674:39aa property located at 65 Mendum Avenue – **Voted** to refer to the Planning Department for report back.
17. Letter from Gerald Zelin regarding Character-Based Zoning for the North End – **Voted** to accept and place the letter on file.
18. “North End Portsmouth” Development – Proposed Land Transfers, Easements and License – **Moved** to accept the land transfers substantially as shown on the Land Transfer Plan, subject to any minor adjustments that may be needed to accommodate the construction of a roundabout at the intersection of Market Street and Russell Street; to accept the Utility Easement and the Access Easement as shown on the Easement Plan; to approve the Foundation Easements, Roof Canopy Easements, Roof Overhang Easements, Door Opening Easements, Easements for stairs, Wall, and Ramps, and Utility Easements for Grease Traps, substantially as shown on the Easement Plan, and to authorize the City Manager to execute the necessary instruments for such easements; to approve the requested licenses substantially as shown on the License Plan, and to authorize the City Manager to execute the necessary instrument.
- Moved** to amend and postpone action on the main motion to allow for a public hearing on accepting the land transfers. **On a roll call vote 3-6, motion failed to pass.** Assistant Mayor Splaine, Councilors Kennedy and Morgan voted in favor. Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed.
- On a roll call 6-3, voted to pass main motion.** Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy and Morgan voted opposed.
19. Annual Omnibus Ordinance Change, Parking and Traffic – **Voted** to authorize the City Manager to bring back for first reading the outlined Ordinance, as presented, at the Tuesday, September 8, 2015 City Council meeting.

Councilor Kennedy requested a report back on the number of new parking spaces created and lost by the new Omnibus Ordinance for the September 8, 2015 City Council meeting.

20. City Manager's Informational – Report Back Re: Land Acquisition (Frank Jones Center Property) – On a roll call 6-3, **voted** to hold a “Non-Meeting” with Counsel on the matter of negotiations regarding land acquisition for the Frank Jones Center property. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan and Thorsen voted in favor. Councilors Lown, Spear and Mayor Lister voted opposed.
21. City Manager's Informational – Report Back Re: Payment of Severance to former Deputy Police Chief Corey MacDonald – On a roll call 7-2, **voted** to have City Manager Bohenko make a recommendation at the September 8, 2015 City Council meeting for a process of reviewing the severance given on February 9, 2015. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan, Thorsen and Mayor Lister voted in favor. Councilors Lown and Spear voted opposed.
22. Police Commission Meetings (Not on Agenda) – On a unanimous roll call 9-0, **voted** to add City Manager or his designee and Mayor or his designee sit in on all Police Commission meetings as non-voting members.
23. City Manager's Informational Item – Report Back RE: Analysis Polling Hours – Councilor Spear requested to look at adding professional staff to assist in the polling process.
24. Appointments to be Considered – The City Council considered the appointment listed below and will take action on the appointment at the September 8, 2015 City Council meeting.
- Kathleen Bergeron to the Citywide Neighborhood Steering Committee
25. Appointments to be Voted
- Marie Kelleher appointment to the Citywide Neighborhood Steering Committee
 - Sylvia Olson appointment to the Peirce Island Committee
 - William Townsend appointment to the Peirce Island Committee
- Voted** to appoint Marie Kelleher to the Citywide Neighborhood Steering Committee until April 1, 2018; appoint Sylvia Olson and William Townsend to the Peirce Island Committee until December 31, 2015.
- Richard Shea reappointment to the Historic District Commission
- Voted** to reappoint Richard Shea to the Historic District Commission until June 1, 2018. Councilor Kennedy abstained from voting on this reappointment.
26. City Manager's Evaluation – Mayor Lister announced that he appointed Councilor Spear, Chair, Councilors Lown, Thorsen and Dwyer to the City Manager's Evaluation Committee.
27. Appointment of Police Commissioners Citizen Review Panel – **Voted** to appoint a Police Commissioners Citizen Review Panel. Mayor Lister announced he appointed Tom Ferrini, Chair; Mike Magnant, Ruth Griffin, Reverend Rob Stevens and John Akar to the Police Commissioners Citizen Review Panel.
28. Proposal of An Elected Charter Commission – **(Postponed until the September 8, 2015 City Council meeting)**

29. Mayors For Peace – Presentation – **(Postponed until the September 8, 2015 City Council meeting)**
30. Charter Commission – Councilor Kennedy requested to hold a meeting with the City Attorney on how to establish a Charter Commission.
31. Supporting Small Business in Portsmouth – Councilor Kennedy requested to hold a Work Session on this matter.
32. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 9, 2015 meeting – **(Postpone until the September 8, 2015 City Council meeting)**
33. Peirce Island Non-Resident Fee Reconsideration – **Voted** to refer his letter to the Peirce Island Committee for review.
34. Irrigation Meters – Councilor Thorsen said this is for informational purposes and would be discussed at the October 5, 2015 City Council meeting.
35. Adjournment – At 12:20 a.m., **voted** to adjourn.

Respectfully submitted by:

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