

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, DECEMBER 7, 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. On a unanimous roll call 9-0, **voted** to enter into an Anticipated “Non-Meeting” regarding an Update on Outstanding Collective Bargaining Agreements in accordance with RSA 91-A:2, I (b).
2. Presentation – Report of Sagamore Creek Blue Ribbon Committee – David Moore, Assistant City Manager for Special Projects & Community Development Director; provided the Report of Sagamore Creek Blue Ribbon Committee and spoke regarding the vision of the Committee and the process and public input opportunities that were held. He reviewed the Master Plan that is intended to show the type and location of the recommended improvements for the 66 acre parcel.
3. Acceptance of Minutes – November 5, 2015 and November 16, 2015 – **Voted** to approve and accept the minutes of the November 5, 2015 and November 16, 2015 City Council meeting.
4. Public Comment Session – There were 23 speakers: Rick Horowitz, Mark Brighton, Jane Zill (Right to Know); George Remick (Lafayette Park Playground); Tom Carroll (Ferry from Portsmouth, NH to Provincetown, Cape Cod); John Palreiro (Ordinance Enforcement); Margo Doering, Mary Jane Beckwith, Allison Tanner, Steve Miller, John Mikolajczyk, Roger Pittroff, Samantha Appelbaum, Paul Houlares, Lennie Mullaney, Ryan Baker, and Nancy Johnson (Sagamore Creek Land); Barry Ellis (Taxi Regulation); Joel Valenzuela, Christopher David, Stephanie Franz, Harrison deBree (Transportation Ordinance); and Ralph DiBernardo (UBER).
5. **Voted** to suspend the rules in order to take up Item XII. A.1. – Proposed Adoption of Blue Ribbon Committee’s Report Back Re: Sagamore Creek Parcel.
6. Proposed Adoption of Blue Ribbon Committee’s Report Back Re: Sagamore Creek Parcel – Move to adopt the Blue Ribbon Committee’s Report Back as well as its recommendations and Mater Plan for the Sagamore Creek Parcel.

On a roll call 8-1, voted to amend that prior to opening access to the public that:

- 1) Safety related to the cap and toxic materials be analyzed and addressed;
- 2) Incorporate a report back from the Parking & Traffic Safety Committee as approved by the City Council at the time with regards to the traffic along Jones Avenue
- 3) That a trash pick-up strategy be in place

Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Lown voted opposed

On a roll call 6-3, main motion passed as amended. Councilor Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy and Morgan voted opposed.

7. Public Hearing/Ordinance amending Chapter 10 Described Land be Rezoned from Waterfront Business (WB) to Single Residence B (SRB): Lot 2 as shown on a Plan Titled “ Subdivision Plan – Tax Map 201 Lot 1 – Applicant: William L. Pingree – owner 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,.” Prepared by Ambit Engineering, Inc., Dated June 2015, Revised November 6, 2015, containing 25,698 Square Feet and that the Zoning Map Referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised – Held a public hearing. **Voted** to pass second reading and schedule third and final reading of this Ordinance at the December 21, 2015 City Council meeting and further:

**Voted** to amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled “ Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised November 6, 2015, containing 25,698 s.f. This amendment shall take effect on the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

Councilor Kennedy voted opposed.

8. Public Hearing/Ordinance amending Chapter 10, Section 10.1530, Terms of General Applicability, Amend the Definitions of “hotel” and “motel” by Inserting the Phrase “But Shall Not Included Casino Gambling, Keno or Other Games of Chance” after the words “Recreational Facilities” in each Definition – Held a public hearing. Move to pass second reading and schedule third and final reading of the proposed Zoning Ordinance amendment, as presented, at the December 21, 2015 City Council meeting.

**Voted** to amend the motion to substitute “games of chance” with “other forms of gambling”.

Main motion passed as amended.

9. Acceptance of Donation from Annette Roylos for lights on the Market Square Christmas Tree - \$200.00 – **Voted** to accept and approve for lighting the Market Square Christmas Tree.
10. Acceptance of Grant from New Hampshire Division of Historical Resources - \$45,725.00 – **Voted** to give the City Manager authority to enter into a grant agreement and accept and expend funds up to \$45,725.00 from the New Hampshire Division of Historical Resources.

11. First reading of Ordinance amending Chapter 7, Article II – Transportation Services Ordinance – On a roll call 6-3, **voted** to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment, as presented, at the December 21, 2015 City Council meeting. Assistant Mayor Splaine, Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Councilors Kennedy, Morgan and Mayor Lister voted opposed.

Assistant Mayor Splaine requested that the minutes and a report from the Transportation Service Commission be provided at the public hearing on this ordinance.

12. Third and final reading of Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-Up] by the Elimination of Irrigation Meters – A Presentation was held on this matter by Brian Gotez, Deputy Public Works Director and David Hyder, Burton and Associates.

Voted to suspend the rules in order to allow public comment on this ordinance.

Attorney John Lyons spoke regarding the 20 individuals he represents that are against the elimination of Irrigation Meters.

On a voice vote 1-8, motion to adopt third reading of Ordinance – Eliminating all irrigation meters (including existing) **failed** to pass. Councilor Spear voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Thorsen and Mayor Lister voted opposed.

13. Consent Agenda – Councilor Kennedy requested to remove Item X. E. – Letter from Caroline Piper, Friends of the South End requesting permission to hold the 2016 Fairy House Tours on Saturday, September 24, 2016 and Sunday, September 25, 2016 from the Consent Agenda.

**Voted** to adopt the Consent Agenda.

A. Requests for License to Install Projecting Signs:

- John F. Golumb, owner of Two Ceres Street, for property located at 33 Bow Street
- Bethany Hayes, owner of TJ's Food & Spirits, for property located at 88 Penhallow Street

***(Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for these requests)***

**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**

B. Letter from Caryl Dow, Dottie Bailey and Sarah Rafferty, Compassionate Friends', requesting to hold the 19<sup>th</sup> Annual Worldwide Candle Lighting on Sunday, December 13, 2015 at 7:00 p.m. in Market Square, for 1 hour **(Anticipated action – move to refer to the City Manager with power)**

C. Letter from Deidre Reynolds, NH Chapter Leader for Moms Demand Action, requesting permission to hold a walk from the South Church to Prescott Park to honor the Sandy Hook Anniversary on Sunday, December 13, 2015 from 12:00 p.m. to 1:15 p.m. **(Anticipated action – move to refer to the City Manager with power)**

D. Letter from Donna Hepp, Granite State Wheelmen, Inc., requesting permission to hold the Seacoast Century on Saturday, September 24, 2016 and Sunday, September 25, 2016 **(Anticipated action – move to refer to the City Manager with power)**

E. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Chamber of Commerce Run Portsmouth Road Race Series Races for 2016: **(Anticipated action – move to refer to the City Manager with power)**

- Easter Seals Veteran's Count – Pack & Boots 5k on Monday, July 4, 2016 at Strawberry Banke at 9:00 a.m.
- Portsmouth Rotary Club – 5K Cross Country Race on Thursday, August 4, 2016 at Portsmouth High School at 6:00 p.m.
- CelebratePink 5K Road Race & Walk on Sunday, September 18, 2016 at Portsmouth Middle School at 9:00 a.m.
- Memorial Bridge Road Race, Saturday, October 8, 2016 at Memorial Bridge at 10:00 a.m.
- Great Bay Services – Resolution 5k on Sunday, January 1, 2017 at Portsmouth Middle School at 11:00 a.m.

G. Letter from Thomas P. D'Arcy requesting permission to hold a charity fundraiser road race event, "Danielle's Dash", on Saturday, April 30, 2016 on Pease Tradeport. **(Anticipated action – move to refer to the City Manager with power)**

14. Letter from Caroline Piper, Friends of the South End requesting permission to hold the 2016 Fairy House Tours on Saturday, September 24, 2016 and Sunday, September 25, 2016 – Voted to refer to the City Manager with power. Councilor Kennedy abstained.

15. Letter from Gerald Zelin regarding Right to Know Law – **Voted** to suspend the rules in order to take up Item XII. F.1. – Right-to-Know Law – charging for labor costs along with the letter from Gerald Zelin.
  16. Right-to-Know Law – charging for labor costs along with the letter from Gerald Zelin – On a roll call vote 4-5, motion that the Portsmouth City Council does not support any proposal to amend the Right-to-Know law (RSA 91-A) that would allow municipalities to charge for the cost of labor for the reproduction of public documents. It shall be the policy in the City of Portsmouth to not charge city residents and the press for the cost of labor for access to and retrieving or reproducing public documents **failed** to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan, Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in opposed.
  17. Acceptance of Sagamore Creek Bridge Project – **Voted** to accept the Sagamore Creek Bridge Project, and further, authorize the City Manager to execute the Certificate of Final Completion of Work.
  18. 2016 Schedule of City Council Meetings and Work Sessions – **Voted** to approve the 2016 Schedule of City Council Meetings and Work Sessions.
  19. Holiday Parking – **Voted** to approve Holiday Free Parking commencing on Saturday, December 19, 2015 through Sunday, December 27, 2015.
  20. License Request for 110 Chapel Street from Applicant Rye Beach Landscaping, LLC – **Voted** to authorize the City Manager to negotiate and enter into a revocable meter panel license with Applicant Rye Beach Landscaping, LLC on behalf of owner and accompanying Petition and License for the new electrical conduit.
  21. City Manager's Informational Item 5 – Zoning Board of Adjustment Action to Override Decision Re: 65 Mendum Avenue – Councilor Dwyer requested City Attorney Sullivan to examine this matter and provide a report back to the City Council.
  22. Appointments to be Considered:
    - Appointment of Dexter Legg to the Planning Board effective January 1, 2016
    - Appointment of Jim Lee as an alternate to the Zoning Board of Adjustment
    - Appointment of Jeremiah Johnson as a regular member to the Zoning Board of Adjustment
- The City Council considered the above referenced appointments which will be voted on by the City Council at the December 21, 2015 meeting.
23. Appointments to be Voted – Appointment of Jamie Baker to the Citizens Advisory Committee – **Voted** to appoint Jamie Baker to the Citizens Advisory Committee.
  24. Renaming of Lafayette Playground – **Voted** to name the Lafayette Park Playground “The Dr. Paul and Carolyn Harvey Playground.” Councilors Dwyer and Spear voted opposed.
  25. Update Re: Community Meeting on Heroin Epidemic – Councilors Shaheen and Dwyer provided an update regarding the community meeting held on the Heroin Epidemic.

26. Parking and Traffic Safety Committee Action Sheet, Minutes and Work Session Minutes of the November 5, 2015 meeting – **Voted** to approve and accept the minutes of the Parking and Traffic Safety Committee of the November 5, 2015 meeting. Councilor Kennedy voted opposed.

27. Miscellaneous/Unfinished Business – Councilor Morgan requested an update on the McIntyre Building at the December 21, 2015 City Council meeting.

Councilor Kennedy requested an update on the Prescott Park Arts Festival Working Group at the December 21, 2015 City Council meeting.

28. Adjournment – At 11:35 p.m., **voted** to adjourn.

Respectfully submitted by:

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