

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 20, 2016 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR BLALOCK, ASSISTANT MAYOR SPLAINE, COUNCILORS PERKINS, DWYER, LOWN, PEARSON, CYR AND DENTON

ABSENT: COUNCILOR SPEAR

1. At 6:00 p.m., a Work Session was held regarding the McIntyre Federal Building Property.
2. Presentation to former Police Commissioners John Golumb and Gerald Howe – Mayor Blalock and the City Council presented former Police Commissioners John Golumb and Gerald Howe with a City of Portsmouth Chair in recognition of their years of service to the City.

Police Captain Warchol presented John Golumb and Gerald Howe with a gift from the Police Department for their years of service to the City of Portsmouth and the Police Department.

John Golumb and Gerald Howe accepted the gifts with thanks and appreciation.

3. Presentation Re: Build Dio – Brian Kelly provided a Presentation on Ronnie James Dio and presented a petition with 4,889 signatures requesting the City build a statue in recognition of Ronnie Dio.
4. Presentation Re: Historic District Commission Design Guidelines – Joe Almeida, Chair and Nick Cracknell, Principal Planner – Joe Almeida and Nick Cracknell provided a Presentation on the Historic District Commission Design Guidelines
5. Build Dio – **Voted** to refer Build Dio to Art-Speak for report back. Councilor Pearson recused herself from the vote.
6. Acceptance of Minutes – May 18, 2016 – **Moved** to accept and approve the minutes of the May 18, 2016 City Council meeting. **Voted** to amend page 4, second paragraph, second sentence to add the word “could” between the words they have. **Main motion passed, as amended.**
7. Public Comment Session – There were 9 speakers: Kathleen Cavalaro, Trevor Bartlett, Mark Adams, Jason Boucher, Jeffrey Cooper (Public Art/Dio); Roy Hesel (McIntyre Building); Cliff Lazenby (Portsmouth Pride); Jonathan Blakeslee (West End); and Merle White (Transportation Services).
8. Acceptance of Community Development Block Grant Funds – **Voted** to accept and expend a Community Development Block Grant (CDBG) in the amount of \$510,896.00 from the U.S. Department of Housing and Urban Development.

9. **Voted** to suspend the rules in order to take up Item X. C. – Letter from Jonathan Blakeslee, White Heron Tea, LLC, regarding Petition for a Permanent Crosswalk at Albany Street and Islington Street.
10. Letter from Jonathan Blakeslee, White Heron Tea, LLC, regarding Petition for a Permanent Crosswalk at Albany Street and Islington Street – **Voted** to refer to the Parking & Traffic Safety Committee for report back.
11. Acceptance of Gift – Edward T. Mahoney’s Red Sox Collection – **Voted** to approve and accept the gift.
12. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance – West End Zoning as follows: (Tabled from May 16, 2016 City Council Meeting)
 - (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated 5/2/2016
 - (2) Amend Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” date 5/2/2016
 - (3) Amend the Zoning Map as set forth in the following maps dated May 2, 2016:
 - (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 Buildout & Uses
 - (4) Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated 5/2/2016 and as shown on the map titled “Addition West End Zoning Changes – Second Reading – May 2, 2016

Voted to remove the ordinance from the table. **Moved** to pass second reading and hold third and final reading at the July 11, 2016 City Council meeting.

Voted to amend Map 10.5A21B – Building Height Standards (draft dated May 2, 2016) as shown in Exhibit 1, pulling the southeast boundary of the West End Incentive District Back to 200 feet from the boundaries of Map 154, Lots 1, 1A and 2 abutting parcels on Aldrich Road, and 100 feet from the boundary of Map 146 Lot 27 abutting parcels on Aldrich Road and Chevrolet Avenue.

Voted to amend Map 10.5A21B – Building Height Standards (draft dated May 2, 2016) as shown in Exhibit 2, changing the height requirement area for three parcels on the southeast side of Islington Street (Map 155 Lots 2, 3 and 13) from 2-4 stories/50’ (brown) to 2-3 stories (short 4th) 45’ (orange).

Voted to amend in Figure 10.5A31.10A (page 5A-8), delete the row titled “Minimum upper story height; amend in Figure 10.5A41.10B (page 5A-12), delete the row titled “Minimum upper story height”; amend in Figure 10.5A41.10C (page 5A-16), change the words “minimum upper story height” to “minimum second story height”; and amend in Figure 10.5A41.10D (page 5A-20), change the words “Minimum upper story height” to “Minimum second story height”.

Moved to amend in Figure 10.5A41.10D (page 5A-20), in the row titled “Maximum building footprint” replace “20,000 sf” with “15,000 sf”. On a roll call vote 2-6 motion ***failed*** to pass. Assistant Mayor Splaine and Councilor Denton voted in favor. Councilors Perkins, Dwyer, Lown, Pearson, Cyr and Mayor Blalock voted opposed.

Moved to amend proposed Section 10.5A43.43 as follows: (a) Revise the introductory sentence to read as follows: For a building that contains ground floor parking, a parking garage or underground parking levels, and that is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a building footprint of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met: (b) In subparagraph (d), last sentence, insert the words “by the Planning Board” after the words “shall be determined”, so that the sentence reads as follows:

The size, location and type of the community space shall be determined by the Planning Board based on the size and location of the development, and the proposed and adjacent uses.

Moved to further amend 40,000 sq. ft becomes 30,000 sq. ft in the CD5 district. On a roll call vote 4-4 motion ***failed*** to pass. Assistant Mayor Splaine, Councilors Pearson, Cyr and Denton voted in favor. Councilors Perkins, Dwyer, Lown and Mayor Blalock voted opposed.

Main motion passed as amended.

Voted to amend in Section 10.5A30 (page 5A-14), delete Section 10.5A32; amend in Figure 10.5A41.10B (page 5A-13), (a) Under “Building Types”, in the row for Apartment building, change “not permitted” to “permitted” (b) Under “Building & Lot Use”, deleted “Residential uses are not permitted on the ground floor (see Section 10.5A32) except for rowhouse units.”; amend in Figure 10.5A43.60 (Page 5A-30), add “CD4-W” to the list of permitted districts for Apartment Building.

Voted to amend in Section 10.5A43.22 (page 5A-26), insert the words “in the Historic District,” at the beginning of the sentence.

Voted to amend Figure 10.5A46.10 – Community Spaces (pages 5A-34 and 5A-35, as follows: (a) For “Pedestrian Alley”, insert “The minimum width shall be 15 feet.”, (b) For “Pocket Park”, insert “The minimum size shall be 500 sq. ft.”, (c) For “Playground”, insert “The minimum size shall be 500 sq. ft.”

Voted to amend in Figure 10.5A46.10 (page 5A-35), in the definition of “Square”, change “lawn” to “ground cover”.

Voted to amend in Section 10.5A52.20 (page 5A-38), strike the words “provided that no exterior changes are made to the existing structure.”

Voted to amend in the Conforming Amendments documents, 5/2/2016 draft, item P (page 8 of 8), insert the words “but no less than 30 years” at the end of the last sentence, so that the sentence reads as follows: All workforce housing units shall include a restrictive covenant that ensures affordability as specified in RSA 674:58,IV, for the maximum allowable term but no less than 30 years.

Voted to amend in the Conforming Amendments document, 5/2/2016 draft, item P (page 8 of 8) insert the word “only” after the word “separated”, so that the sentence reads as follows: The total area, at or above 18 inches in elevation as measured from the outside walls at the grade plane, or a detached building, or of two or more buildings separated only by fire walls, common walls or property lines.

Moved to replace in Section 10.5A47.22 (page 5A-37), item 2 (b), to replace 10% with 20%. On a roll call vote 2-6, motion **failed** to pass. Assistant Mayor Splaine and Councilor Denton voted in favor. Councilors Perkins, Dwyer, Lown, Pearson, Cyr and Mayor Blalock voted opposed.

Main motion to pass second reading, as amended and hold third and final reading at the July 11, 2016 City Council meeting passed.

Moved to suspend the rules in order to pass third and final reading this evening. On a roll call vote 3-5, motion **failed** to pass. Councilors Perkins, Lown and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Dwyer, Pearson, Cyr and Denton voted opposed.

13. Third and Final reading of proposed Ordinance to amend Chapter 10 – Zoning Ordinance – Article 4 – Zoning Districts and Use Regulations, Section 10.410 – Establishment and Purpose of Districts, Transportation Corridor – To provide for future transportation uses and related facilities as well as recreational trail use – **Voted** to pass third and final reading on the proposed Ordinance, as presented. Councilor Cyr did not vote on this matter as he stepped out of the Chambers.
14. **Voted** to suspend the rules in order to take up Item X. B. – Letter from Businesses and Cultural Institutions of the Bridge District regarding Podium.
15. Letter from Businesses and Cultural Institutions of the Bridge District regarding Podium – **Voted** to refer to the City Manager with power for report back.
16. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Request to Install Projecting Sign:
 - Carolyn Ottney, owner of Ceo’s Gelato Bistro, for property located at 43 Pleasant Street (**Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and, further, authorize the City Manager to execute this License Agreement**)

Planning Board conditions:

1. ***The license shall be approved by the Legal Department as to content and form;***
2. ***Any removal or relocation of the projecting sign, for any reason shall be done at no cost to the City; and***
3. ***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 an acceptance by the Department of Public Works***

B. Letter from Peter Oldak, Jewell Towne Vineyards, requesting permission to have wine sampling at the Portsmouth Farmers' Market starting August 6, 2016. ***(Anticipated action – move to refer to the City Manager with power)***

17. Letter from Chris Soucy, requesting change to Peirce Island Boat Launch pass policy – **Voted** to refer to the Fee Committee for report back.
18. Proposed Action on International Association of Fire Fighters, Local #1313 Tentative Agreement – **Voted** to approve and accept the International Association of Fire Fighters, Local #1313 Contract. Councilor Lown voted opposed.
19. Request for Public Hearing Re: Various Bonding Resolutions – **Voted** to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presentation, for the July 11, 2016 City Council meeting.
20. Acceptance of Waterline Easement – **Voted** to accept the water line easements from Thurken IV, LLC and Sarnia Properties, LLC to serve the minor commercial subdivision off of Route 33. Assistant Mayor Splaine did not vote on this matter as he stepped out of the Chambers.
21. Consideration of Appointments/Reappointments to Rockingham Planning Commission – **Voted** to reappoint John Ricci and David Moore as representatives of the City on the Rockingham Planning Commissions, effective July 1, 2016. Assistant Mayor Splaine did not vote on this matter as he stepped out of the Chambers.
22. Annual Omnibus Ordinance Change, Parking and Traffic – **Voted** to authorize the City Manager to bring back for first reading the attached proposed Ordinance, at the July 11, 2016 City Council meeting, as presented. Assistant Mayor Splaine did not vote on this matter as he stepped out of the Chambers.
23. Appointments to be Considered – The City Council considered the reappointment and appointments of the individuals listed below which will be voted on at the July 11, 2016 City Council meeting.
 - Reappointment of Joseph Almeida to the Historic District Commission
 - Appointment of Jim Lee to the Zoning Board of Adjustment as a regular member
 - Appointment of John Formella to the Zoning Board of Adjustment as an alternate member

24. Acceptance of Resignation – Jennifer Pyke, Portsmouth Housing Authority – resident representative – **Voted** to accept the resignation with regret and to send a letter of thanks for her years of service.

25. Parking & Traffic Safety Action Sheet and Minutes of the June 2, 2016 meeting – **Voted** to request the City Attorney draft an ordinance allowing mopeds to park on sidewalks if they have a City issued sticker or designated moped license plate, and do not impeded pedestrian traffic, and meet the state’s legal description of a moped.

Voted that the City formalize the policy of requiring only one motorcycle to purchase a pay and display sticker when parking in a group, and that a separate ordinance be adopted to codify this practice.

Voted to approve and accept the action sheet and minutes of the June 2, 2016 Parking & Traffic Safety Committee meeting.

Voted to refer Chapter 8, Article II, Section 8.204 – Traffic – Item G – Bicycles: No Person in park shall ride a bicycle to the Parking & Traffic Safety Committee for report back.

26. Atlantic Heights Dog Park – City Manager Bohenko reported that the land is owned by the State of New Hampshire. No action required.

27. Adjournment – **At 9:50 p.m., voted to adjourn.**

Respectfully submitted by:

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