

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: VALERIE A. FRENCH, DEPUTY CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, SEPTEMBER 19, 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, SPEAR, CYR, AND DENTON

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1. Presentation – Quarterly Update Re: Wastewater Treatment – City Engineer Terry Desmarais presented an update on the Peirce Island Wastewater Treatment Facility Upgrade Construction schedule. Environmental Planner Peter Britz also presented details of an alternate off-leash dog area at the Park and Ride on Route 33.
2. Acceptance of Minutes – August 15, 2016 – **Voted** to accept and approve the minutes of the August 15, 2016 City Council meeting.
3. Public Comment Session – There were 20 speakers: Rick Horowitz, Steve Dunfey, George Dempsey, Dick Bagley, Pat Bagley, Jerry Zelin, Ruth Griffin, Erik Anderson, Clare Kittredge, Nancy Elwell, Paige Trace, Esther Kennedy, Zelita Morgan, Paul Mannle, David Noard, Tim Montminy, Susan Denenberg, Cliff Lazenby, Mark Brighton and Arthur Clough (Transparency/Non-meetings/Support of Asst. Mayor Splaine)
4. First Reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value - **Voted** to pass first reading and schedule a second reading and a public hearing of the proposed Ordinance at the October 3, 2016 City Council meeting, as presented.
5. Consent Agenda – **Voted** to adopt the Consent Agenda.
  - A. Letter from Nicole McShane, Big Brothers Big Sisters of New Hampshire requesting permission to close Pleasant Street on Saturday, June 17, 2017 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (*rain date Sunday, June 18, 2017*) (**Anticipated action – move to refer to the City Manager with power**)
  - B. Letter from Amber Day, NH Film Festival requesting permission to close Chestnut Street on Friday, October 14, 2016 for the NH Film Festival red carpet opening night gala (**Anticipated action – move to refer to the City Manager with power**)
  - C. Request for License to install Projecting Sign:
    - Dennis Luun owner of The Works Cafe, for property located at 9 Congress 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 the License Agreement for this request**)

***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***
6. Letter from Ella McGrail, Civic Teen requesting permission to set up a Civic Cider stand in front of the North Church in market Square on October 2, 2016. – **Voted** to recommend Vaughan Mall location for the Cider Stand.
  7. Memorandum from Police Chief David Mara regarding Downgrade of “Communications Manager” to Communications Supervisor – **Voted** to approve as outlined in the memorandum from the Police Department.
  8. Request for First Reading Re: Solid Waste Ordinance– Following a presentation by Solid Waste Coordinator Jacob Levenson, **Voted** to authorize the City Manager to bring back for first reading the proposed Ordinance at the October 3, 2016 City Council meeting, as presented.
  9. 2017 Schedule of City Council Meetings and Work Sessions – **Voted** to approve the proposed schedule for City Council Meetings and Work Sessions for Calendar year 2017.
  10. License Request Completion of Work at 172 Hanover Street – **Voted** to authorize the City Manager to negotiate and enter into a license with Carey Riley to facilitate completion of construction activities at 172 Hanover Street.
  11. Appointment of City Council members to Joint Budget Committee – Mayor Blalock appointed Councilors Spear and Cyr to the Joint Budget Committee.
  12. Council Members Responsibility Re: Non-Meetings & Non Public Sessions – **Motion** to petition the Superior Court for the removal of Assistant Mayor Splaine pursuant to RSA 42:1-A **failed on 2-6 roll vote**. Councilors Pearson and Denton voted in favor. Councilors Perkins, Dwyer, Lown, Spear, Cyr and Mayor Blalock voted opposed. Assistant Mayor Splaine abstained. **Motion made** to have the City Council formally invite the New Hampshire Attorney General office to meet with the City Council in open session and discuss the proper use of non-meeting and non-public sessions. **Voted on a 5-4 roll call** to amend motion to include that the City send to the Attorney General the letter disclosure in question that was written by Assistant Mayor Splaine and to also rule on whether it is proper to disclose that information. Councilors Dwyer, Lown, Pearson, Cyr and Denton voted in favor. Assistant Mayor Splaine, Councilors Perkins and Spear and Mayor Blalock voted opposed. **Motion** as amended passed on a **5-4 roll call vote**. Assistant Mayor Splaine, Councilors Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Councilors Perkins, Lown, Pearson and Spear voted opposed. **Voted on an 8-0 roll call vote** to censure the actions of Assistant Mayor Splaine for breaking the confidentiality of a previous non-meeting of the City Council. Assistant Mayor Splaine abstained.

13. Acceptance of Resignation – William F. Gladhill – Planning Board – **Voted** to accept the resignation of William F. Gladhill from the Planning Board with thanks and appreciation for service to the City of Portsmouth.
14. Proposed Amendment to the Outdoor License Program for Sidewalk Cafes Policy #2012-02/Recruiting Food Trucks – Councilor Perkins – No action taken. City Manager will review the discussions and actions of the Vending Committee and report back and also have staff review food truck options.
15. Subcommittee Approval for Floor Policy Regarding Short Term Rentals recommended by the Legislative Subcommittee for City Council Approval for Submission as NHMA Legislative Policies for 2017-2018 Legislative Session – Councilor Dwyer. **Voted** to approve the floor policy on short term rentals and submit same to become a NHMA Legislative Policy for the 2017-2018 Legislative Session by vote of its membership at the NHMA Legislative Policy Conference.
16. Veteran's Property Tax Credit – Councilor Denton – **Voted** to request the City Manager report back on the Assessor's Office implementing the additional Veterans' property tax credit authorized under RSA 72:28b, which went into effect on August 8, 2016, extending the current tax credit amount to all honorably discharged veterans that are not eligible for the current veterans' tax credit or the tax credits for service connected total disability.
17. Adjournment – **At 10:00 p.m., voted to adjourn.**

Respectfully submitted by:

Valerie A. French  
Deputy City Clerk