

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, MAY 1, 2017 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

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

ABSENT: COUNCILOR PERKINS

1. Proclamation – Police Week in Portsmouth - Peace Officers’ Memorial Day – Mayor Blalock read the Proclamation declaring the week of May 14th as Police Week and May 15th as Peace Officers Memorial Day. Chief Mara thanked Mayor Blalock and the City Council for recognizing the Police Department during these very important events.
2. Proclamation – Small Business Week – Mayor Blalock read the Proclamation declaring the week of April 30th as Small Business Week. Deb Moore and Robert Gagnon of Optima Bank accepted the Proclamation with thanks and appreciation for recognizing and celebrating Small Business Week.
3. Presentation – One Sky Community Services – Chris Muns, CEO – Mr. Muns provided a brief presentation regarding One Sky Community Services. He spoke to their establishment as a non-profit in 1983 and commitment to assisting those with disabilities and brain injuries. He said services are provided to 107 families currently in the City of Portsmouth.
4. Acceptance of Minutes – April 17, 2017 – **Voted** to accept and approve the minutes of the April 17, 2017 City Council meeting.
5. Public Comment Session – There were 9 speakers: Jason Walls, Brian Kelly (Public Comment Process); Roy Helsel (Portsmouth); Pat Bagley (Parking Costs); Kathleen Cavalaro (Agenda); David Calkins (Woodworth & Swett Avenue); Jane Zill, Esther Kennedy (Sagamore Avenue Sewer Extension Project) and Ben Anderson (Prescott Park Arts Festival).
6. **Voted** to suspend the rules in order to take up Item XII. A.1. – A.3. – Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Fire Chief Steven E. Achilles - Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Deputy Fire Chief James B. Heinz - Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Deputy Fire Chief Carl F. Roediger.
7. Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Fire Chief Steven E. Achilles – **Voted** to accept the proposed Employment Agreement between the Portsmouth Fire Commission and Fire Chief Steven E. Achilles, to expire on June 30, 2020.

8. Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Deputy Fire Chief James B. Heinz – **Voted** to accept the proposed Employment Agreement between the Portsmouth Fire Commission and Deputy Fire Chief James B. Heinz, to expire on June 30, 2020.
9. Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Deputy Fire Chief Carl F. Roediger – **Voted** to accept the proposed Employment Agreement between the Portsmouth Fire Commission and Deputy Fire Chief Carl F. Roediger, to expire on June 30, 2020.
10. **Voted** to suspend the rules in order to take up Item XII. A.8. – Report Back from Planning Board Re: Happy Sewer Easement for Relocated Brick Box Sewer.
11. Report Back from Planning Board Re: Happy Sewer Easement for Relocated Brick Box Sewer – **Voted** to accept the Planning Board’s recommendation, and further, authorize the City Manager to proceed with the execution of the appropriate documents regarding this matter.
12. Public Hearing – Adoption of Resolution Appropriating the sum of Four Hundred Four Thousand Seven Hundred Ninety dollars and Forty Cents (\$404,790.40) for the Foundry Plan Sewer Line Project – Held a public hearing. On a unanimous roll call 8-0, **voted** to adopt the Resolution Appropriating from Bond Premium the sum of Four Hundred Four thousand Seven Hundred Ninety Dollars and Forty Cents (\$404,790.40) to be applied to the Foundry Place Sewer Line Project.
13. Public Hearing – Adoption of Resolution of Appropriating the sum of Four Hundred Eighty Seven Thousand Nine Hundred Fifty Four Dollars and Twenty Cents (\$487,954.20) for the Foundry Place Water Line Project – Held a public hearing. On a unanimous roll call 8-0, **voted** to adopt the Resolution Appropriating from Bond Premium the sum of Four Hundred Eighty Seven Thousand Nine Hundred Fifty Four Dollars and Twenty Cents (\$487,954.20) to be Applied to the Foundry Plan Water Line Project.
14. A grant in the amount of \$500,000.00 from the New Hampshire Department of Justice for the New Hampshire ICAC Task Force, “Project Forensic Shield”, contingent upon state approval of the funds – **Voted** to approve and accept the grant and to authorize the City Manager to sign the grant documents.
15. **Voted** to suspend the rules to take up Item XII. A.9. – Agreements for Prescott Park: NH Art Association Agreement and the Gundalow Company
16. Agreements for Prescott Park: NH Art Association Agreement and the Gundalow Company - **Voted** to authorize the City Manager to enter into agreements with The Gundalow Company and the NH Arts Association for the 2017 season in Prescott Park.
17. Consent Agenda – Assistant Mayor Splaine requested to vote on Item X.A. separately – Letter from Crystal Paradis, Seacoast Outright requesting permission to hold the 3rd Annual Portsmouth PRIDE event on Saturday, June 24, 2017.

Letter from Crystal Paradis, Seacoast Outright requesting permission to hold the 3rd Annual Portsmouth PRIDE event on Saturday, June 24, 2017 – Voted to refer to the City Manager with authority to act.

Voted to adopt the Consent Agenda.

B. Letter from Mike Young, Portsmouth Babe Ruth Baseball requesting to install seasonal signage at Leary Field from May 14, 2017 through August 20, 2017 **(Anticipated action – mover to refer to the City Manager with power)**

C. Request for License to Install Projecting Sign:

Don Oakes owner of Sea Bags for property located at 129 Market 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 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***

D. Letter from Josh Pierce, Seacoast Area Bicycle Riders, requesting permission to host a commuter breakfast from 7:00 a.m. – 10:00 a.m. on Friday, May 19, 2017 at Popovers on Market Square. SABR also respectfully requests that the Portsmouth City Council officially recognize May 19th as Bike/Walk to Work Day in Portsmouth **(Anticipated action – move to refer to the City Manager with power)**

E. Police Department Donations:

- a. Donation in the amount of \$400.00 from Mr. & Mrs. David Brown
- b. Donation in the amount of \$200.00 from Mr. Jason Page

(Anticipated action – move to accept the donations to the Police Explorer Cadet Academy Scholarships)

18. Letter from Catherine McCauley requesting the City to transfer title to half of the “paper street” known as Oak Street that abuts 43 Mangrove Street – Voted to refer to the Planning Board for report back.

19. Letter from Attorney Derek Durbin regarding request to authorize the issuance of building permits on private drive of Swett Avenue, Moffat Street and Woodworth Avenue pursuant to RSA 674:41, I(d) and request to continue Richer request (85 Woodworth Avenue) to release the City's interests in portions of Moffat Street and Woodworth Avenue & XII. A.7. – Report Back from Planning Board Re: Release of City Interest in a Portion of Woodworth Avenue – Voted to postpone to allow for consultation with the Legal Department and report back to the City Council at the May 15, 2017 meeting.

Councilor Dwyer requested that City Attorney Sullivan provide an explanation on ownership of Paper Streets.

20. Adoption of Complete Street Demonstration Project Policy (Tactical Urbanism Policy) – Voted to adopt the aforementioned Policy, as amended.
21. Request to Establish First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space – Voted to accept the Planning Board's recommendation, and further, establish a first reading of the proposed Ordinance at the May 15, 2017 City Council meeting. Assistant Mayor Splaine voted opposed.

Planning Board Recommendations

- *When a developer proposed to contribute unimproved land in lieu of a confirming community space, require the application to include a complete site plan and design for the future community space*
 - *In 10.5A46.23(2)(a) of the draft amendment [to be redesignated as (b)], insert the word "excess" before the words "unimproved land" to clarify the intent*
 - *Reduce the maximum term of a Prospective Development Incentive Agreement from 15 years to 10 years*
 - *Insert a new provision requiring the grant of a conditional use permit by the Planning Board in order for a developer to be able to use the excess community space to support a future project, regardless of whether the future project would need a conditional use permit otherwise*
22. Request to Establish First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots – Voted to accept the Planning Board's recommendation, and further, establish a first reading of the proposed Ordinance at the May 15, 2017 City Council meeting.
23. Annual Renewal of Boarding House Permits – 278 Cabot Street & 350-352 Hanover Street – Voted to approve the Boarding House permit for 278 Cabot Street and 350-352 Hanover Street for a one year permit to expire May 2, 2018.

24. License Request for Completion of Work at 233 Vaughan Street – **Voted** to authorize the City Manager to negotiate and enter into a license with Chinburg Builders to facilitate completion of construction activities at 233 Vaughan Street.
25. Request to Establish First Reading of Proposed Ordinance amending Chapter 1, Article XVIII, Section 1.1704 – Exemption (Not on Agenda) – **Voted** to establish a first reading of the proposed Ordinance at the May 15, 2017 City Council meeting.
26. Appointments to be Voted – **Voted** to reappoint Barbara McMillan, Steve Miller and Allison Tanner to the Conservation Commission until April 1, 2020.
27. Sister Cities Blue Ribbon Committee – **Voted** to have Mayor Blalock establish a Sister Cities Blue Ribbon Committee.
28. Options and process by the City Council and by citizen-initiative for adding provisions regarding (1), campaign financial disclosure of donations and spending; (2), conflict of interest restriction; and (3), ethical standards for elected and appointed city officials and administrators into the City Charter for the November 7, 2017 City Election – Assistant Mayor Splaine requested a report back from City Attorney Sullivan at the May 15, 2017 City Council meeting.
29. City Council Rules Re: Public Comment and Public Hearings – Moved that residents, business owners and other taxpayers of the City of Portsmouth will speak prior to other speakers at public comments, within existing guidelines for public comment and further that residents, business owners, and other taxpayers of the City of Portsmouth will follow current rules regarding time allotments at Public Hearing. Others will be limited to 5 minutes for just one round of comments.

Move to amend the motion that speakers cannot relinquish their time to other speakers.

Voted to suspend the rules in order to take action on these motions this evening.

Voted to pass the amendment to the motion.

Voted to pass the main motion, as amended.
30. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 6, 2017 meeting – **Voted** to approve the motorcycle and moped ordinances as written.

Voted to remove Item #8 - Report back on Bartlett Street and Thornton Street intersection from the Action Sheet and further approve the remainder to the action sheet and minutes of the Parking and Traffic Safety Committee meeting of the April 6, 2017.
31. Charter Amendment Timeline – Councilor Spear requested to have Charter Amendment on for the June 5, 2017 City Council meeting.

32. Conservation Commission – Not action required.
33. Adjournment – At 10:45 p.m., **voted** to adjourn.

Respectfully submitted by:

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