

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 6, 2018 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR BLALOCK, ASSISTANT MAYOR LAZENBY, COUNCLORS ROBERTS, PEARSON, DWYER, DENTON, PERKINS, RAYNOLDS AND BECKSTED

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1. At 6:15 p.m., a Work Session was held regarding 2018 Property Valuation Update.
  2. Acceptance of Minutes – July 9, 2018 – **Voted** to accept and approve the minutes of the July 9, 2018 City Council meeting by amending the date of the meeting on page 3 of the minutes to July 9, 2018.
  3. Public Comment Session – There were two speakers: Wes Tator (Solving Climate Change) and Kathy Bergeron (National Night Out).
  4. First reading of Ordinance amending Chapter 7, Article IV, Section 7.402 regarding the Foundry Place Garage Designation – **Voted** to pass first reading and schedule second reading and a public hearing at the August 20, 2018 City Council meeting, as presented.
  5. Public Hearing Part 1.A. – Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street: (Proposed Character District 4-W) – (Continued from the July 9, 2018 City Council meeting)
    - Amendments to Article 4, Section 10.440 Table of Uses;
    - Amendment to the Character-Based Zoning Building Placement Section 10.5A42;
    - Amendments to the Character-Based Zoning Incentive Overlay District Section 10.5A46
    - Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W
    - Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;
    - Amendment to Article 15 Definitions Section 10.1530

Councilor Becksted recused himself from all discussion and votes regarding this ordinance.

**Voted** to reopen the public hearing. **Voted** to close the public hearing on Part 1A of re-zoning of 105 Bartlett Street. **Voted** to incorporate the Planning Department staff's suggested revisions into Part 1A. **Moved** to pass second reading of the proposed amendments Part 1A, as amended and schedule third and final reading for August 20, 2018 City Council meeting.

On a roll call 2-6, motion to amend the ordinance by making two changes to the use table to allow in CD-4W outdoor drinking and dining to a permitted use **failed** to pass. Councilors Perkins and Reynolds voted in favor. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton and Mayor Blalock voted opposed.

On a roll call 1-7, motion to suspend the rules to take up third and final reading this evening **failed** to pass. Assistant Mayor Lazenby voted in favor. Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Mayor Blalock voted opposed.

**Motion to pass second reading of the proposed amendments Part 1A, as amended and schedule third and final reading for August 20, 2018 City Council meeting passed.**

6. Public Hearing – Part 1.B. – Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street (Proposed Character District 4-L2)

- Amendments to the Character-Based Zoning Incentive Overlay District Section 10.5A46;
- Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21A) to change a portion of Tax Map 164 Lot 4 OR and Transportation Corridor (TC) to CD4-L2; and
- Amendments to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for a portion of Tax Map 164 Lot 4

Councilor Becksted recused himself from all discussion and votes regarding this ordinance.

Held a public hearing. **Voted** to close the public hearing on Part 1B of re-zoning of 105 Bartlett Street. **Voted** to incorporate the Planning Department staff's suggested revisions into Part 1B. **Voted** to pass second reading of the proposed amendments Part 1B, as amended and schedule third and final reading for August 20, 2019 City Council meeting.

7. Public Hearing – Part II. – Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street (Housekeeping)
  - Amendments to Character-Based Zoning Development Standards Section 10.5A41;
  - Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;
  - Amendments to Character-Based Zoning Community Spaces Section 10.5A45;
  - Amendments to Character-Based Zoning Incentive Overlay Districts Section 10.5A46

Councilor Becksted recused himself from all discussion and votes regarding this ordinance.

Held a public hearing. **Voted** to close the public hearing on Part 2 of re-zoning of 105 Bartlett Street. **Voted** to incorporate the Planning Department staff's suggested revisions into Part 2. **Voted** to pass second reading of the proposed amendments Part 2, as amended and schedule third and final reading for August 20, 2018 City Council meeting.

8. Public Hearing – Ordinance amending Chapter 7 – Parking Omnibus – Held a public hearing. **Moved** to pass second reading and schedule third and final reading at the August 20, 2018 City Council meeting.

**Voted** to amend Item K. Chapter 7, Article XVIII – Electric Vehicle Charging Stations and Election Vehicle Parking Spaces Regulations Section 7.1802 and Section 7.1803, as presented.

**Main motion passed, as amended.**

9. Public Hearing – Resolution authorizing a Bond Issue and/or Notes of up to Six Hundred Thousand Dollars (\$600,000.00) for the Acquisition of One Fire Apparatus – Held a public hearing. **On a unanimous roll call 9-0, voted to adopt the Resolution, as presented.**
10. Public Hearing – Resolution authorizing a Bond Issue and/or notes of up to Five Hundred Thousand Dollars (\$500,000.00) for Costs related to Fiscal Year 2019 School Facilities Improvements – Held a public hearing. **On a unanimous roll call 9-0, voted to adopt the Resolution, as presented.**

11. Public Hearing – Resolution authorizing a Bond Issue and/or Notes of up to Eight Million Nine Hundred Thousand Dollars (\$8,900,000.00) for Costs related to City Street, Sidewalk and Facility Improvements – Held a public hearing. **On a roll call 8-1, voted to adopt the Resolution, as presented.** Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.
12. Public Hearing – Resolution authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Two Million seven Hundred Thousand Dollars (\$2,700,000.00) related to Water Line Replacements and Water System Pressure and Storage Improvements – Held a public hearing. **On a unanimous roll call 9-0, voted to adopt the Resolution, as presented.**
13. Public Hearing – Resolution authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Six Hundred Thousand Dollars (\$1,600,000.00) for Costs related to Consent Decree Mitigation, Street Reconstruction, and Annual Sewer Line Replacements – Held a public hearing. **On a unanimous roll call 9-0, voted to adopt the Resolution, as presented.**
14. Acceptance of Police Department Grant and Donations
  - Acceptance of Grant from the NH Department of Safety regarding opioid-related drug use and trafficking - \$35,000.00
  - Acceptance of Donation from Donahue, Tucker & Ciandella, PLLC in support of the Portsmouth Police Explorer Cadets - \$300.00
  - Acceptance of Donation from the Wentworth-Coolidge Commission, Inc. in support of the Portsmouth Police Explorer Cadets - \$100.00

**Voted** to approve and accept the grant and donations to the Portsmouth Police Department.
15. Consent Agenda – **Voted** to adopt the Consent Agenda.
  - A. Request for License to Install Projecting Sign from Seth Bordonaro, owner of Vieux Port for property located at 85 Daniel 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***

- B. Request for License to Install Projecting Sign from Namrata Idnani, owner of Raleigh for property located at 67 State 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***

- C. Request for License to Install Projecting Sign from Cynthia Ross, owner of Gelato Fiasco for property located at 142 State Street, Unit 150 (***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. Request for License to Install Projecting Sign from Eric Goodwin, owner of Lure for property located at 100 Market Street, Unit 102 (***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***

16. Email Correspondence – **Voted** to accept and place on file.
17. Letter from Tim Sylvester regarding spending funds and high real estate taxes – **Voted** to accept and place on file.
18. Letter from Antje Bourdages & Barbara Massar, Pro Portsmouth, Inc., requesting the City of Portsmouth provide \$3,000.00 in funding to be the official sponsor of the fireworks for First Night – **Voted** to support funding \$3,000.00 from Contingency Fund for First Night Fireworks.
19. Letter from Stephen Pamboukes requesting the temporary, partial closure of a portion of Vaughan Street for the East Community Motorcycle Show Between 11:00 a.m. to 10:00 p.m. on Saturday, September 22, 2018 – **Voted** to refer to the City Manager with power.
20. City Manager’s Consent Agenda Items – **Voted** to adopt the City Manager’s Consent Agenda Items A.1. – Approval of AIDS Response Seacoast Lease; A.2. – Request to Approve Fundraising Re: Clough Field Irrigation and A.4. – Request for First Reading of Boarding House Ordinance.

- A.1. Approval of AIDS Response Seacoast Lease (***Anticipated action – move to authorize the City Manager to enter into the proposed lease with AIDS Response Seacoast for property at 7 Junkins Avenue as presented and further, authorize the City Manager to execute the Lease***)
- A.2. Request to Approve Fundraising Re: Clough Field Irrigation (***Anticipated action – move to grant permission to fundraise for the Clough Field Irrigation***)
- A.4. Request for First Reading of Boarding House Ordinance (***Anticipated action – move to authorize the City Manager to bring back for first reading a proposed amendment to the Boarding House Ordinance at the August 20, 2018 City Council meeting***)
21. Naming of Library Lobby in Memory of Mary Ann List – **Voted** to name the Portsmouth Public Library Lobby in memory of Mary Ann List and be named “The Mary Ann List Lobby.”
22. Workforce Housing Covenant – **Voted** to authorize the City Manager to enter into the Workforce Housing Covenant, as presented.
23. Request for First Reading Re: Exemption for Solar Energy Systems – **Voted** to authorize the City Manager to bring back for first reading a proposed Resolution regarding an Exemption for Solar Energy Systems at the August 20, 2018 City Council meeting.
24. FY20 Budget – **Voted** to establish Monday, October 29, 2018 and Wednesday, November 28, 2018 at 6:30 p.m. as work sessions to commence the budget discussions for FY20.
25. Resignation of Ronald Cypher from the Parking, Traffic & Safety Committee – **Voted** to accept with regret the resignation of Ronald Cypher from the Parking, Traffic & Safety Committee and to send Mr. Cypher a letter of thanks for his service to the City.
26. Appointments to be Considered – **Voted** to consider the appointments listed below which will be voted on at the August 20, 2018 City Council meeting.
- Ralph DiBernardo appointment as a Regular member to the Parking, Traffic & Safety Committee
  - Stephen T. Pesci appointment as Alternate member to the Parking, Traffic & Safety Committee
  - Mary Lou McElwain reappointment to the Parking, Traffic & Safety Committee

- Harold Whitehouse reappointment to the Parking, Traffic & Safety Committee
- J. Stephen McCarthy reappointment to the Building Code Board of Appeals

27. Legislative Subcommittee Report – **Voted** to accept all the NHMA Legislative Policy Recommendations as written, except General Administration and Governance Action Policy Recommendation #4.

**Voted** to support General Administration and Governance Action Policy Recommendation #4 if it is amended to only include Construction Drawings, not Building Plans, as exempt records under RSA 91-A.

28. Adjournment – **At 10:45 p.m., voted to adjourn.**

Respectfully submitted by:

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