

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, JANUARY 9, 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. At 5:00 p.m. a Non-Public Session was held regarding 150 Greenleaf Avenue Litigation – Per RSA 91-A:3,II (e). On a roll call 5-0, **voted** to enter into Non-Public Session to discuss 150 Greenleaf Avenue Litigation and to authorize Mayor Blalock to bring in anyone he feels is necessary. Assistant Mayor Splaine, Councilors Pearson, Cyr, Denton and Mayor Blalock voted in favor. Councilors Dwyer, Lown and Spear not present for vote.
2. At 6:00 p.m. a Non-Meeting Re: Strategy or Negotiations with respect to Collective Bargaining – RSA 91-A:2,I (a) – Portsmouth AFSCME 1386 Tentative Agreement. On a roll call 5-0, **voted** to enter into Non-Meeting regarding Portsmouth AFSCME 1386 Tentative Agreement. Assistant Mayor Splaine, Councilors Pearson, Cyr, Denton and Mayor Blalock voted in favor. Councilor Dwyer, Lown, and Spear not present for vote.
3. At 6:15 p.m. a Work Session was held Re: FY18 Budget Process and Proposed Budget Guidelines.
4. Presentation – Comprehensive Annual Financial Report (CAFR) – Scott McIntire, Melanson & Heath – Mr. McIntire provided an overview of the CAFR Report and said all books and records were found in good working order and meet general accounting principles.
5. Update on 150 Greenleaf Avenue – City Attorney Sullivan reported that the trial regarding this matter will commence on January 23, 2016 and is expected to be a two week trial. City Attorney Sullivan and Attorney Bower provided a brief overview on the case.
6. Update on Wastewater Treatment Facility and Combined Sewer Overflows – Engineer Desmarais provided an overview of the Combined Sewer Overflows. Wastewater Project Manager Song provided an update on the Peirce Island Wastewater Treatment Facility project. Deputy City Attorney Woodland reported on the Consent Decree Second Modification and the milestones and mitigation.
7. Acceptance of Minutes – December 19, 2016 – **Voted** to approve and accept the minutes of the December 19, 2016 City Council meeting.

8. Public Comment Session – There were 10 speakers: Roy Helsel (Budget/Taxes); Sarah Smith, Claire Miller, Christina Dubin (Schiller Resolution); Ralph DiBernardo (Work Force Housing); Esther Kennedy, Susan Paige Trace, Peter Whelan (Wastewater Treatment Plant); Arthur Clough (Juror Standards); and Jane Zill (Wastewater CSA).
9. Acceptance of Donation to the Portsmouth Fire Department – Newburyport Five Cents Savings Bank - \$500.00 – **Voted** to accept and approve the donation from the Newburyport Five Cents Savings Bank.
10. At 8:55 p.m., Mayor Blalock called a brief recess. Mayor Blalock called the meeting back to order at 9:00 p.m.
11. **Voted** to suspend the rules in order to bring up Item X.C. – Proposed Resolution regarding Schiller Station from concerned citizens.
12. Proposed Resolution regarding Schiller Station from concerned citizens – **Voted** to refer to the Acting City Manager for report back.
13. **Voted** to suspend the rules in order to take up Item XI. B.7. – Establish Guidelines for FY18 General Fund Operating Budget.
14. Establish Guidelines for FY18 General Fund Operating Budget – On a roll call 6-2, **voted** to accept the Joint Budget Committee recommendation of 4% for the Operating Budget for FY18. Councilors Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Dwyer voted opposed.
15. Second reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217 – **Voted** to remove the Ordinance from the table. **Voted** to adopt all those changes shown in the redline version of the Taxi Ordinance as distributed in the City Council agenda packet for this meeting. Moved to pass second reading and schedule a third and final reading of the proposed Ordinance at the January 23, 2017 City Council meeting. On a 1-7 voice vote motion to amend the Ordinance to eliminate Section 7.209 D – Fees and Terms for Licenses and Medallions **failed** to pass. Assistant Mayor Splaine voted in favor. Councilors Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed. **Voted** to pass second reading and schedule a third and final reading of the proposed Ordinance at the January 23, 2017 City Council meeting.
16. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 2, 3, 11 and 15, to implement housekeeping changes relative to conformance with state law, nonconforming buildings and structures, setback requirements for parking areas, and the definition of “structure” – **Voted** to pass third and final reading of the proposed Ordinance.
17. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5 and 15, to revise and clarify provisions related to yards (i.e., setbacks), exceptions to yard requirements, and projections into required yards; and to clarify the definition of “building coverage” – **Voted** to pass third and final reading of the proposed Ordinance.

18. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5, Section 10.521, to reduce the maximum building height from 35 feet to 30 feet in the Residential districts, and from 40 feet to 35 feet in the Mixed Residential districts – **Voted** to pass third and final reading of the proposed Ordinance. Councilor Lown voted opposed.
19. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 4, 8 and 15, to allow accessory dwelling units and garden cottages by conditional use permit from the Planning Board, and to establish standards and procedures for such uses, in order to comply with a new state law – **Voted** to pass third and final reading of the proposed Ordinance.
20. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Articles 5A and 6, regarding the Historic District, to reference Design Guidelines adopted by the Historic District Commission, to revise and expand the list of activities that are exempted from HDC review and approval, and to clarify that exempted uses are subject to administrative review and approval – **Voted** to pass third and final reading of the proposed Ordinance.
21. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1010 – Wetlands Protection, to expand the jurisdictional wetlands to include a portion of the Piscataqua River shorefront north of the I-95 bridge, to clarify the existing allowance for expansion of a single or two-family dwelling, and to require restoration of a vegetated buffer strip to the extent feasible – **Voted** to pass third and final reading of the proposed Ordinance.
22. Third and final reading of proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 12 – Signs, to limit the type and manner of illumination of signs using “direct illumination”, such as LED or plasma signs – **Voted** to pass third and final reading of the proposed Ordinance.
23. Consent Agenda – **Voted** to adopt the Consent Agenda.

A. Request for License to Install Projecting Sign:

Nancy Morgan owner of Nancy Morgan Art for property located at 238 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 donate 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. *Acceptance of Donation to the Coalition Legal Fund:

- Town of Carroll - \$1,000.00
(Anticipated action – move to accept the donation to the Coalition Legal Fund)

C. Letter from Jeanine Sylvester, Runner’s Alley, requesting permission to hold the 20th Annual Runner’s Alley/Redhook Brewery Memorial 5k on May 28, 2017 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

24. Letter from Attorney William Scott regarding Restoration of Involuntarily merged lots – RSA 674.39-aa – 21 Elwyn Avenue – **Voted** to refer to the Planning Board for report back.

25. Letter from Attorney Christopher Mulligan regarding Restoration of Involuntarily merged lots – RSA 674:39-aa – 70 Sims Avenue – **Voted** to refer to the Planning Board for report back.

26. Update Re: Federal McIntyre Building – **Voted** to submit the letter of interest under the Historic Monument Program.

27. Report Back Re: Parking Enforcement Hours and Revenues – On a roll call 5-3, **voted** to instruct the City Attorney, pursuant to the Department of Public Works Director’s recommendation, to draft an Ordinance, and further, that will reflect increases based on utilization and to refer the recommended garage fee increases to the Fee Committee and authorize the Acting City Manager to bring back the Ordinance for first reading at the January 23, 2017 City Council meeting. Councilors Lown, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Dwyer and Pearson voted opposed.

28. Report Back Re: Atlantic Heights Emergency Access – **Voted** to accept the recommendation of the Planning Board, as submitted.

Planning Board’s Recommendation – to accept an easement from Eversource in order to create a new emergency access route out of the Atlantic Heights neighborhood.

29. Acceptance of Street Re: New Parking Garage – **Voted** to refer the proposed street construction and acceptance to the Planning Board for a report back.

30. Appointment to be Considered – Molly Bolster to the Historic District Commission – The City Council considered the appointment which will be voted on at the January 23, 2017 City Council meeting.

31. Appointments to be Voted – Voted to reappoint Philip Cohen to the Economic Development Commission until October 1, 2020; appointment of Sarah LaChance to the Economic Development Commission filling the unexpired term of Stefany Shaheen until October 1, 2017; and appointment of Jane Begala to the Planning Board as an Alternate member filling unexpired term of Jody Record until December 31, 2018.
 32. Reappointment to the PDA – John P. Bohenko, City Manager – **Voted** to reappoint John P. Bohenko as the City’s Representative to the Pease Development Authority for a three year term, January 1, 2017 through January 1, 2020.
 33. Acceptance of Resignation from Joseph Almeida, Historic District Commission – **Voted** to accept with regret the resignation of Joseph Almeida from the Historic District Commission and that a letter of appreciation for his years of service to the city be sent to him.
 34. Acceptance of Resignation from John Ricci, Planning Board effective March 1, 2017 – **Voted** to accept with regret the resignation of John Ricci from the Planning Board effective March 1, 2017 and that a letter of appreciation for his years of service to the city be sent to him.
 35. Board of Ethics Selection Process by Lot – Councilor Cyr was selected by lot as the City Council representation to serve on the Board of Ethics.
 36. **Voted** to suspend the rules to continue the meeting beyond 10:30 p.m. Mayor Blalock voted opposed.
 37. Statement Supporting New Hampshire Legislation for Equality of Our Transgender Residents, and Banning So-Called Gay Conversion Therapy for Minors – On a unanimous roll call 8-0, **voted** that the City Council goes on record with the following statement: “the Portsmouth City Council supports New Hampshire Legislation for Equality of our Transgender Residents, and Banning So-Called Gay Conversion Therapy for Minors.” (Also referred to as “prohibiting discrimination based on gender identity;” and “relative to conversion therapy seeking to change a person’s sexual orientation.”)
 38. Request that the Legislative Subcommittee look into the City of Portsmouth taking over its own Pension Program – Councilor Spear requested the Acting City Manager to review past information and efforts on this matter.
 39. Winter Parking Ban Text Message – **Voted** that City Staff report back on sending out a Winter Parking Ban text message to only those that sign up to receive them when Winter Parking Bans go into effect and when they are lifted.
 40. Miscellaneous/Unfinished Business – Acting City Manager Colbert Puff announced that Planning Director Taintor will be retiring on April 30, 2017.
- Letter from The Jordan Institute regarding Update on NH C-PACE (not on agenda) – **Voted** to refer the letter to the Legislative Subcommittee.

Letter from Mr. Ecker regarding Signage on Truck Traffic on Banfield Road (not on agenda) – The City Council agreed to refer the letter to the Parking & Traffic Safety Committee for report back on how and when the signage on truck traffic changed on Banfield Road.

41. Adjournment – At 11:00 p.m., **voted** to adjourn.

Respectfully submitted by:

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