

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: WEDNESDAY, MAY 18, 2016  
(Reconvened from May 16, 2016 Meeting)

PORTSMOUTH, NH  
TIME: 6:30 PM

### **I. CALL TO ORDER (6:30PM)**

Mayor Blalock opened the meeting at 6:30 p.m.

### **II. ROLL CALL**

Members Present: Mayor Blalock, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

Members Absent: Assistant Mayor Splaine

### **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

#### **C. COUNCILOR DWYER**

##### **1. Prescott Park Master Plan Update**

Councilor Dwyer began by announcing that there is now a dedicated page on the City of Portsmouth website with all of the information regarding the Prescott Park Master Plan process including upcoming events, documents, minutes, agendas, etc. There is also an opportunity to give feedback and sign up for e-mail updates. Next she reviewed the schedule of upcoming outreach opportunities as part of a robust community outreach process. She stated there will be several promotional events to inform the public of the Kick-off event being held Sunday, June 12<sup>th</sup> at Prescott Park. She further explained the proposed schedule of the kick-off event which will provide opportunity for presentations by the consultants, on-site walks, discussion and feedback. She stated there will be an ongoing outreach for feedback from different users at different times and the Neighborhood committee and neighborhood groups who don't live near the park will be involved as well. Next she discussed the Blue Ribbon Committee's activities including reviewing the legal framework for Prescott Park as outlined in the document provided in the council packet. She stated that it shows that a lot of what happens with the Park has been from city ordinances or policy and not specific to the Will and particularly regarding commercialization, it is only specific to no intoxicating liquors, but everything else was put in place through the Trustees of the Trust Funds. She continued that sorting out what has happened historically has shown that although the Trustees of the Trust Funds are not trustees of the park, but of the funds, City Councils have deferred to them, so it is clear that we will need to have clarity of governance and the consultants are looking at other governance models.

Councilor Spear stated that his feeling is that because the City does not have a Parks and Recreation Department, that is why they have had the responsibility of the Park operations and that it may be time to look at our parks more broadly.

City Manager Bohenko stated the Council can amend the Administrative Code ordinance.

Mayor Blalock stated we will learn more as we go forward in the process with the consultants. He stated that the Trust Funds do pay for maintenance of the Park, but the City is also putting money in as well so that all needs to be clarified.

City Manager Bohenko stated that this is now included in our budget document as an appendix and we are looking to set it up almost like an Enterprise Fund to track revenues and expenditures and be able to use this information to help set fees.

Councilor Dwyer stated the consultants are showing how function and physical conditions are so intertwined and is why the Kick-off event is being held in the Park so that people can visualize what could be as well as see the current actual condition of the Park.

Councilor Lown asked if the Attorney General has rendered an opinion regarding the 1954 deed and whether the Arts Festival is an allowable use within the parameters of the restrictions. City Attorney Sullivan stated the Attorney General's office has reviewed this on numerous occasions and concluded that it is an allowable use as it is within the broad restriction of the property remaining a park. Councilor Lown asked if that means it can continue to get bigger since it is not restricted.

City Attorney Sullivan stated that the Charitable Trust Unit feels their role is to stand in the shoes of the Prescott Sisters and answer the question through their eyes if something is allowable or not and there is not doubt that the Prescott Parks Arts Festival is allowed.

Mayor Blalock announced 2 more members to the recently formed Deer Street Parking Garage committee; Deputy City Manager Nancy Colbert Puff and Councilor Nancy Pearson.

#### **D. COUNCILOR SPEAR**

##### 1. Report Back Re: Affordable Housing at Parrott Avenue Parking Lot

Councilor Spear stated that in January the Council vote 8-1 to have the City Manager report back on an affordable housing concept on Parrott Avenue. He stated that since that time, a new committee on Affordable Housing has been formed and he feels that it would make sense to put this on the back burner until that committee has brought forward guidelines. He stated he will not offer a motion at this time but would like to revisit this at a later time.

Mayor Blalock explained that the committee is charged with finding a way to create affordable housing, not necessarily low-income, and it is not meant to be site-specific.

Councilor Perkins stated she agrees that it is appropriate to hold off until the committee looks at the city in a broad way and to see where we can make the most impact with little.

Councilor Dwyer stated that the reaction to this has been of confusion because of the various terms of housing that are out there, micro, work-force, affordable, etc. and would like to find a way to put this on the website so that people can find the definitions in one place.

Discussion ensued regarding the need to clarify and define housing terminology as well as imagery to illustrate examples.

Councilor Denton discussed sustainability and solar power stating he would like to see this pursued as part of the Deer Street Parking Garage project but understands that they are not allowed in the Historic District, so would like to find another way to utilize it. He also stated that he would like to comment on a statement made at the public comment session on Monday, May 16<sup>th</sup>, stating that as a public official they know they will have to accept criticism but doesn't feel that half of the population should be disparaged as was done with a comment about renters.

Mayor Blalock stated to reiterate, there is no plan for this property and it is on the back burner and a long way away.

#### **E. COUNCILOR CYR**

##### 1. Clarification of May 2<sup>nd</sup> vote on Maplewood Avenue Zone Change

Councilor Cyr stated that after the vote on May 2<sup>nd</sup>, there was still confusion in the neighborhood as to what was actually done. He then read the motion as adopted: "**Voted** to accept the Planning Board's recommendation to **not** rezone the parcels as business and to refer back to the Planning Board to examine other options for rezoning". He stated it is now back at the Planning Board, but the neighbors feel that it has been back and forth many times already. He stated he would like to get feedback to help facilitate the conversation.

City Manager Bohenko stated that the Planning Director has indicated they would set a public hearing on this matter and decide if we should bring in the neighbors before that for a more detailed discussion. Planning Director Taintor stated they are looking at June 16, 2016 for the public hearing.

Councilor Dwyer asked what the public hearing will be about as people don't know the ins and outs of zoning and suggested that some other boards be involved as well so everyone is on the same page.

City Manager Bohenko stated that it should be called a public input session instead and will get together with the Planning Director and Deputy City Manager regarding content.

#### **F. COUNCILOR DENTON**

##### 1. Veterans of Foreign Wars Post 168

**Councilor Denton moved to direct the City Manager to report back if City property exists for a potential future location for the Veterans of Foreign Wars Post 168, seconded by Councilor Pearson.**

Councilor Denton explained that he is the liaison to the Veterans Organizations and the VFW approached him regarding potential property for future relocation.

Mayor Blalock asked Councilor Denton to clarify for the public why they are relocating.

Councilor Denton stated they currently are located on Deer Street and have a parking problem when they rent out the facility and people are not rebooking because of this and they are losing revenue. He stated they are just looking to see what their options are.

Councilor Lown stated they were given the site by the City at no charge and asked if there are any restrictions. Councilor Denton stated they could have an agreement like other groups that lease city property and have invested in capital improvements to the property.

Councilor Dwyer clarified that it is an asset that they own and can sell it.

Councilor Denton stated they could not get enough to buy another facility.

**Motion passed.**

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

- Discussion on West End Zoning

Deputy City Manager Colbert Puff and Planning Director Taintor answered questions from the Council. It was determined that more time was needed and Councilors were asked to submit questions to staff and a work session will be held prior to June 20<sup>th</sup> if needed.

Councilor Spear requested that the Mayor consider convening Non-public meetings in Conference Room A with a public roll call instead of the Council Chambers. He stated it would save time as well as not requiring a producer to have to be here for that additional time when they are not broadcasting.

The Mayor stated that this can be discussed at another time as Assistant Mayor Splaine is not in attendance and it was his motion that brought the current process about.

Councilor Spear stated it is not an amendment to the Council Rules of Order and is at the discrepancy of the Mayor.

### **XIV. ADJOURNMENT**

**Councilor Cyr moved to adjourn at 7:50 p.m. Seconded by Councilor Perkins and passed unanimously.**



Valerie A. French  
Deputy City Clerk