

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 6, 2016

PORTSMOUTH, NH
TIME: 7:00PM

At 6:00 p.m., An Anticipated "Non-Meeting" with Counsel was held regarding Land Acquisition and Collective Bargaining.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:40 p.m.

II. ROLL CALL

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

III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Lown led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Portsmouth Symphony – Beethoven Ninth – Dorothy Braker, Cellist
Dr. Rick Miller, John Page and Priscilla French will be making the Presentation

Dorothy Braker, Cellist performed for the City Council. Dr. Rick Miller made a presentation regarding the Portsmouth Symphony. He spoke to their performance scheduled for March 18, - 19, 2017, of the Beethoven Ninth Symphony at Portsmouth High School Auditorium. He requested that the City consider donating funds for the event.

2. State of the Arts Presentation – Art-Speak – Mike Teixeira, President

Mike Teixeira, President of Art-Speak provided a presentation on the State of the Arts. He addressed the community successes. He reported that there are over 500 artists that work in the City. He spoke to a lack in funding, grants and affordable creative work space. Mr. Teixeira addressed major challenges and the need to work together to channel part of the \$41 million that comes to the community through arts and culture to have some of that go back into the arts and culture.

Assistant Mayor Splaine moved to authorize the City Manager to extend the Agreement from July 1, 2016 through June 30, 2017. Seconded by Councilor Spear and voted. Councilor Pearson recused from voting on this matter as she is a member of Art-Speak.

V. ACCEPTANCE OF MINUTES – MAY 11, 2016 & MAY 16, 2016

Councilor Spear moved to approve and accept the minutes of the May 11, 2016 and May 16, 2016 City Council meetings. Seconded by Councilor Lown and voted.

VI. PUBLIC COMMENT SESSION

Roy Hessel said there are a large number of ugly and big buildings in the City and that needs to stop. He also addressed the wastewater treatment plant and the lawsuit that was filed because people do not want a toilet in their back yard.

Todd Sweet – spoke on the expansion of Lady Pickwick's and the number of these businesses along State Street. He also spoke to the owner of Lady Pickwick's naming the State Street area as the Bridge District and finds that offensive.

Erik Anderson thanked City Manager Bohenko, City Council and Finance Director Belanger for their work on the budget. He also thanked Finance Director Belanger for providing additional information he was seeking regarding the budget. He spoke to the need to further reduce the budget. He suggested using undesignated fund balance being used to offset the budget. Mr. Anderson also spoke to the number of studies being done in the City and the need to reduce the amount of money being spent on outside legal counsel.

Rick Becksted spoke on the Portsmouth Housing Committee meeting held today and how there was no public comment session as part of the meeting. He said he would like the committee to look at pros and cons regarding the demand on our services and requested we institute impact fees.

Mark Brighton said there was one City Council or that said they would not pass a budget higher than the CPI and he is waiting to see how that Councilor will vote. He also said the wastewater treatment plant at Peirce Island is a disaster waiting to happen.

VII. PUBLIC HEARING

- A. CHAPTER 10 – ZONING ORDINANCE – ARTICLE 4 – ZONING DISTRICTS AND USE REGULATIONS, SECTION 10.410 – ESTABLISHMENT AND PURPOSE OF DISTRICTS, TRANSPORTATION CORRIDOR – TO PROVIDE FOR FUTURE TRANSPORTATION USES AND RELATED FACILITIES

Planning Director Taintor provided a presentation on the ordinance. He spoke to the need to preserve the rail lines whether they are active or inactive for transportation uses now and in the future.

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Blalock declared the public hearing closed.

VIII. ADOPTION OF PROPOSED BUDGET RESOLUTION

- Resolution No. 7-2016 – Municipal Fees

City Manager Bohenko reported that fees make up 1% of the general fund revenues.

Councilor Lown said the Fee Committee listens to the department heads on these matters and the goal is to try and have fair fees that do not become a tax.

Councilor Dwyer said Portsmouth charges a lot of fees and there is a booklet outlining the various fees.

Councilor Spear moved to adopt Resolution #7-2016 – Municipal Fees. Seconded by Councilor Lown and voted.

- Resolution No. 8-2016 – General Fund Expenditures

City Manager Bohenko reported that additional monies were taken from the undesignated fund balance to lower the tax rate by an additional six cents which represents 1.5% over last fiscal year. He also stated that the budget is in line with the request of the Joint Budget Committee.

Councilor Spear moved to adopt Resolution #8-2016 – General Fund Expenditures. Seconded by Councilor Pearson.

Councilor Spear moved to amend the motion to add \$50,000.00 to the Non-Operating Contingency Line Item for the purposes of hiring an independent consultant to work with the Fire Department Efficiencies Study Group. Seconded by Councilor Lown.

Councilor Spear said that this is an opportunity to follow the good example of the Police Commission to have some fresh eyes to look at efficiencies and the creation of new ideas. He said the City Council could set aside the \$50,000.00 and discuss whether we do the study this year.

City Manager Bohenko said that the funds would be added to the Non-Operating Budget through the Contingency line item.

Assistant Mayor Splaine said he is opposed to having another study. He said if we want a study about efficiencies we have ways to do this on a volunteer basis and then we do not spend \$50,000.00.

Councilor Lown said he supports the motion to just set aside the funds. He said Assistant Mayor Splaine is saying that we do not need outside help and he does not feel that any real change can be made from within.

Councilor Dwyer said the value of an outside look is that it engages the people that work day to day and bring forward innovations. She said the review would engage outside public, commissioners and firefighters.

Councilor Denton said he would like to have an opinion from the Fire Commission when the Council goes to vote on a study.

Councilor Perkins said she supports the motion because this is an ongoing issue and could benefit from a third party.

Fire Chief Achilles spoke regarding the Committee review from a couple of years ago. He said if you are not satisfied with the self assessment and do have a third party come in it would not be of value for the Fire Department. He said the self assessment was valuable and if there are any specific questions please bring those forward. He further stated they have looked at multiple ways that improvements have been made.

Assistant Mayor Splaine said it is convenient to say we are not voting on a study but this is how things get started.

Mayor Blalock said he would not support the amendment and is not in favor of another study. He said he is pleased with the way the Fire Department operates.

Councilor Dwyer said when the idea for a study came up before Fire Chief Achilles and the Fire Department supported it and when the funds were not approved by the City Council they did the self assessment and took on doing a part of the study.

On a roll call vote 4-5, motion to add \$50,000.00 to the Non-Operating Contingency Line Item for the purposes of hiring an independent consultant to work with the Fire Department Efficiencies Study Group failed to pass. Councilors Perkins, Dwyer, Lown and Spear voted in favor. Assistant Mayor Splaine, Councilors Pearson, Cyr, Denton and Mayor Blalock voted opposed.

Councilor Lown moved to amend by reducing \$26,171.15 from the Police Department Budget. Seconded by Councilor Spear.

Councilor Lown said the \$26,171.15 is 5% of the department's overtime line item. He said we have no control over the overtime costs and they are driven by contractual issues.

On a roll call vote 2-7, motion to reduce \$26,171.15 from the Police Department Budget failed to pass. Councilors Lown and Spear voted in favor. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Cyr, Denton and Mayor Blalock voted opposed.

Councilor Lown moved to amend by reducing \$32,800.00 from the Fire Department Budget. Seconded by Councilor Spear.

On a roll call vote 2-7, motion to reduce \$32,800.00 from the Fire Department Budget failed to pass. Councilors Lown and Spear voted in favor. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Cyr, Denton and Mayor Blalock voted opposed.

Councilor Denton said for the record he takes ownership of the budget.

Main motion passed. The FY17 Budget as adopted is \$104,947,043.00

Department	Appropriation
General Government	\$18,068,670.00
Police	\$9,936,918.00
Fire	\$8,230,100.00
School	\$44,684,084.00
Collective Bargaining	\$432,502.00
Transfer to Indoor Pool	\$150,000.00
Non-Operating	\$23,444,769.00
Total	\$104,947,043.00

- Resolution No. 9-2016 – Sewer Fund Expenditures

Councilor Spear moved to adopt Resolution #9-2016 – Sewer Fund Expenditures. Seconded by Councilor Lown and voted.

- *Appropriated sum of \$10,298,740.00 to defray expenses for the operation of the sewer system.*
- *Cash requirements of \$16,170,454.00 to defray expenses for the operations of the sewer system.*
- *Sewer user rate effective July 1, 2016 is \$12.24 per unit and \$13.47 per 10 units of consumption per month, and \$13.47 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's sewer system.*

- Resolution No. 10-2016 – Water Fund Expenditures

Councilor Spear moved to adopt Resolution #10-2016 – Water Fund Expenditures. Seconded by Councilor Cyr and voted.

- *Appropriated sum of \$8,095,161.00 to defray expenses for the operations of the water system.*
- *Cash requirements of \$9,845,288.00 to defray expenses for the operations of the water system.*
- *Water user rate effective July 1, 2016 is \$4.15 per unit for the first 10 units of water consumed per month, and \$5.00 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system.*
- *Water Irrigation user rate effective July 1, 2016, is \$5.00 per unit for the first 10 units of water consumed per month, \$9.70 for consumption over 10 and up to 20 units consumed, and \$12.05 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system.*

- Resolution No.11-2016 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures

Councilor Spear moved to adopt Resolution #11-2016 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures. Seconded by Councilor Dwyer and voted.

- ***Appropriated any sums received from Special Revenue Sources, to a maximum of \$18,000,000.00 for purposes for which such sums may be lawfully expended.***
- Resolution No.12-2016 – Investment Policy

Councilor Spear moved to adopt Resolution #12-2016 – Investment Policy. Seconded by Councilor Lown and voted.

IX. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda)

X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of proposed Ordinance to amend Chapter 10 – Zoning Ordinance – Article 4 – Zoning Districts and Use Regulations, Section 10.410 – Establishment and Purpose of Districts, Transportation Corridor – To provide for future transportation uses and related facilities as well as recreational trail use

Councilor Lown moved to pass second reading and schedule a third and final reading on the proposed Ordinance at the June 20, 2016 City Council meeting. Seconded by Councilor Spear.

Assistant Mayor Splaine asked if voting for this protects the interest of having rail service back to the seacoast. City Manager Bohenko said it does keep it open but the legislation subcommittee might want to look at this on a state level.

Motion passed.

XI. CONSENT AGENDA

- A. Letter from Robert L. Sutherland, Jr., St. John's Lodge, requesting permission to hold the St. John's March on Sunday, June 26th at 9:00 a.m. ***(Sample motion – move to refer to the City Manager with power)***
- B. Letter from Mike Young, Portsmouth Babe Ruth Baseball, requesting permission to place 10 outfield signs on the outer perimeter fencing facing inwards towards Leary Field ***(Sample motion – move to refer to the City Manager with power)***

- C. Police Department Donation to the Explorer Cadets from Melissa Thuet - \$75.00
(Sample motion – move to approve and accept the donation to the Portsmouth Police Department)

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Cyr and voted.

XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from JerriAnne Boggis, Portsmouth Black Heritage Trail, requesting permission to hold the Annual Juneteenth Celebration on Saturday, June 18, 2016 from 11:00 a.m. to 3:00 p.m. at the African Burying Ground

Councilor Cyr moved to refer to the City Manager with power. Seconded by Councilor Dwyer and voted.

- B. Letter from Police Commissioner Brenna Cavanaugh, Chair requesting approval to transfer vehicle to SERT

Councilor Spear moved to approve transfer of vehicle to the Seacoast Emergency Response Team. Seconded by Councilor Cyr and voted.

- C. Semi-Annual Report of the Police Commission

Assistant Mayor Splaine moved to accept the Semi-Annual Report of Police Commission. Seconded by Councilor Dwyer and voted.

XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Approval of Employment Agreement for Chief David Mara

City Manager Bohenko said that this is a request for a one year Employment Agreement with Chief David Mara from July 12, 2016 – July 12, 2017.

Assistant Mayor Splaine moved to approve the Employment Agreement between Chief David Mara and the Portsmouth Police Commission for a term commencing on July 12, 2016 and extending through July 12, 2017. Seconded by Councilor Spear.

Councilor Denton said he would like the Chief to consider staying longer and go full time.

Councilor Lown said he supports the agreement and feels the Chief is doing a good job and would like to see the search for a permanent Chief to start early next year.

Councilor Dwyer echoed the comments of Councilor Lown. She said she would like an update of the search for a new Chief.

Assistant Mayor Splaine said he would not have put a demand on the search for a new Chief.

Motion passed.

2. Easements for Approved Development Projects
 - 173-175 Market Street

Councilor Spear moved to accept an easement for a sewer line as shown on the site plan approved by the Planning Board on October 15, 2015;

- 1163 Sagamore Avenue

to accept the public pedestrian easement and to grant the drainage easement as shown on the Easement Plan approved by the Planning Board on October 15, 2015, and to accept an easement for access to read, maintain and replace water meters throughout the Grantor's property;

- 2219 and 2319 Lafayette Road

to accept the access easement dated November 19, 2015. Seconded by Councilor Perkins and voted.

3. Establish a Work Session Re: McIntyre Property

City Manager Bohenko said he would like to have a Work Session at 6:00 p.m. prior to the June 20, 2016 City Council meeting.

Councilor Spear moved to establish a Work Session at 6:00 p.m. before the Monday, June 20, 2016 City Council meeting to discuss the McIntyre Property and proposed options. Seconded by Councilor Cyr and voted.

City Manager's Informational Items

2. *Report Back Re: Cigarette Litter and Collection*

City Manager Bohenko reported on the cigarette litter collections to be used to limit the amount of litter downtown. He said the City will work with downtown businesses on getting these put into use.

3. *Food Waste Drop Off for Composting*

City Manager said in our continued effort to preserve our resources and reduce pollution, the Department of Public Works is exploring a drop off collection of food waste for composting. He said food waste is a large fraction of our waste stream and the City would like to offer residents a way to sustainably manage this material. He said the City will offer a drop off location at the Department of Public Works Recycling Center where residents can bring their food waste during normal operational hours for composting through Mr. Fox.

Councilor Cyr said he is glad to see us doing this and asked for a time line of when this would start. City Manager Bohenko said we would start immediately and a press release would be going out.

Councilor Denton spoke regarding the Sustainability Committee Report.

Mayor Blalock said many businesses downtown participate in the program with Mr. Fox and pay a tipping fee.

B. MAYOR BLALOCK

1. Appointments to be Voted:
 - Reappointment of Reagan Ruedig to the Historic District Commission
 - Reappointment of Jonathan Wyckoff to the Historic District Commission
 - Reappointment of John Mayer as an Alternate to the Historic District Commission

Councilor Spear moved to reappoint Reagan Ruedig, Jonathan Wyckoff and John Mayer as an alternate to the Historic District Commission until June 1, 2019. Seconded by Councilor Cyr and voted.

2. Proposed Stewardship Committee for African Burying Ground

Members:

- Janet Prince, Community Volunteers Representative
- Valerie Cunningham, Portsmouth Black Heritage Trail/Portsmouth Historical Society Representative
- Towny Manfull, Seacoast African American Cultural Center Representative

Mayor Blalock announced that Janet Prince will serve as the Community Volunteer Representative; Valerie Cunningham as the Portsmouth Black Heritage Trail/Portsmouth Historical Society Representative; and Towny Manfull as the Seacoast African American Cultural Center Representative.

C. ASSISTANT MAYOR SPLAINE & COUNCILOR DENTON

- Water Country Traffic Analysis
- Water Country Traffic Re: Banfield Road

Councilor Denton said the neighborhood reached out to him as the Ward 3 Liaison for an additional study of the traffic created by Water Country.

Councilor Denton moved to have the Mayor send a letter accompanying a copy of the report to the NH DOT requesting that they review the finds and provide any input. Seconded by Assistant Mayor Splaine.

Councilor Denton said we would try to get the traffic onto a state road and putting perhaps a new traffic signal in place.

Councilor Spear said he hesitates because there are residents on Route 1 as well. He said we have a Committee that is good at looking at items holistically and would like to have this worked through the Parking and Traffic Safety Committee prior to sending a letter to the Department of Transportation.

Transportation Engineer Eby said a copy of the study was provided to the DOT and they're currently reviewing it at this time.

Motion passed.

Councilor Denton moved the City to collect this summer the additional seasonal-peak traffic volumes along Banfield Road and observe the actual delays for traffic to verify the assumptions made in the study and further voted for the City to purchase the two separate cameras recommended by the City's Parking and Transportation Engineer to take needed counts including, but not limited to, the Water Country / Constitution exist and on Banfield Road. Seconded by Assistant Mayor Splaine.

Councilor Spear asked Transportation Engineer Eby if we should do this right away or work with Parking and Traffic Safety Committee. Transportation Engineer Eby said this is something that would be of use to the city and we could do further traffic counts on Banfield Road.

Councilor Lown said the study that was completed is only one month old and a traffic count was done in March and the numbers would tell us what we need to know. He said half of the vehicles take a left and the other half takes a right. He said that this is not a simple solution and we do not want to make another neighborhood upset.

Councilor Dwyer asked if we would be repeating to allow for enforcement actions and try some different ways to control traffic. Traffic Engineer Eby said we need to go out and take summer time counts. Mayor Blalock asked if the cameras would be used in a new study. Traffic Engineer Eby said they would be used for peak counts and as current data. Councilor Perkins said she would be supportive of the camera but do we need to do anything as a City Council. Councilor Denton said in master planning we can determine what we want to use Route 1 for. Mayor Blalock said putting additional traffic onto Route 1 would be difficult. City Manager Bohenko said funding for the cameras would come from the contingency fund.

Councilor Dwyer said by having our own cameras we can look at things under unique times and circumstances. She said we need to know how things look on different days and a full picture of the situation.

Councilor Cyr said we can analyze the data and we owe it to the residents to do this.

Motion passed.

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the May 5, 2016 meeting

Councilor Lown reviewed the action sheet with the City Council. He informed the City Council that an ordinance would be coming regarding parking mopeds on sidewalks.

Councilor Dwyer moved to approve and accept the Action Sheet and Minutes of the Parking & Traffic Safety Committee May 5, 2016 meeting. Seconded by Councilor Cyr and voted.

E. COUNCILOR PEARSON

1. Build Dio Presentation for June 20, 2016 City Council meeting

Councilor Pearson said Brian Kelly would like to make a presentation before the City Council at the June 20, 2016 meeting.

Councilor Pearson moved to schedule a Presentation by Brian Kelly regarding Build Dio at the June 20, 2016 City Council meeting. Seconded by Assistant Mayor Splaine.

Councilor Dwyer said that Art-Speak should look at this first and talk through what the process should be and then have the Presentation to the City Council. Councilor Pearson said that members of Art-Speak have been in conversations with Brian Kelly and the location and fundraising would be key to have this put in place.

Councilor Dwyer moved to amend the motion to have Art-Speak review the request and identify things that the City would need to think about and have that part of the Presentation on June 20, 2016. Seconded by Assistant Mayor Splaine and voted.

Main motion passed, as amended.

XIV. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer provided the Councilors with a postcard with a list of upcoming public forums on Prescott Park. She said there will be three sessions:

- Sunday, June 12th at 12:30 p.m. & 2:30 p.m. at Prescott Park behind the stage
- Wednesday, June 22nd at 6:30 p.m. at City Hall in the Eileen Dondero Foley Council Chambers
- Saturday, June 25th at 11:00 a.m. to 1:00 p.m. at Prescott Park behind the Players' Ring Theater

Councilor Spear spoke about the urban project on Islington Street and said it was great. Councilor Spear also suggested when the Council starts their Non-Meetings that they gather in Conference Room A to save time. Assistant Mayor Splaine spoke opposed and said we should continue to gather in the Chambers with the vote to enter Non-Meeting televised for the public.

Councilor Spear advised the City Council that they all will be receiving information relative to the City Manager's evaluation and asked that everyone complete the information provided.

XV. ADJOURNMENT

At 10:05 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted.

The City Council recessed back into Non-Meeting with Counsel regarding Property Negotiations in accordance with RSA 91-A:2, I (b).

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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