

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, JUNE 5, 2017 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

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

1. At 6:15 p.m., a Non-Meeting with Counsel was held regarding the Compensation of Public Employees Regarding Paraprofessionals Contract and New Police Chief Contract with Robert Merner – RSA 91-A:3 II (a).
2. Acceptance of Minutes – May 10, 2017 and May 15, 2017 – **Voted** to accept and approve the minutes of the May 10, 2017 and May 15, 2017 City Council meetings.
3. Public Comment Session – There were 15 speakers: Michael Simchik (McIntyre Development); Roy Helsel (City Development); Bess Mosley, Mark Brighton, Brenna Cavanaugh, Brendan DuBois (Police Commission); Jane Zill, Jerry Zelin (Charter Amendments); Erik Anderson (Budget/Police Commission); Paige Trace (New Parking Garage); Esther Kennedy (Police/Charter); David Calkins (Swett Avenue); Paul Mannle (Fire Budget); and Nancy Elwell (Ethics).

Voted to suspend the rules in order to allow for one additional speaker for the Public Comment Session.

Brian Kelley (Arts/Affordable Housing).
4. Public Hearing/Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space – Held a public hearing. **Moved** to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting.

Voted to amend Section 10.5A46.23 (3) that the maximum term of a PDIA shall not exceed **fifteen (15) years** with the deletion of ten (10) years.

On a roll call **vote 8-1**, main motion passed as amended. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.
5. Public Hearing/Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots – Held a public hearing. **Voted** to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented.

6. Public Hearing/Second Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art – Exemption – Held a public hearing. On an unanimous roll call 9-0, **voted** to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented.
7. Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article I – Parking Meters, Section 7.105 – Parking Designated Motorcycle Parking Area – Held a public hearing. **Moved** to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting.

Voted to amend the last sentence of the ordinance to insert the word **“reduced”** after subject to. The sentence will now read as follows: ***Motorcycles are subject to reduced parking meters fees for the hours of enforcement as set forth in this Chapter in this Designated Motorcycle Parking Area.***

Further **voted** to amend the motion to add an additional sentence to the end of the ordinance to read as follows: ***When more than one Motorcycle parks in a regular parking space only one of the Motorcycles occupying the parking space shall be required to pay for the parking space at the regular parking rate as set forth in this Chapter.***

Main motion passed, as amended.

8. Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article V – Bicycle Regulations – Held a public hearing. **Voted** to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented.
9. Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article XVII – Moped Regulations – Held a public hearing. **Voted** to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented.
10. **Voted** to suspend the rules in order to take up Items X.A. – X.C. – Consent Agenda.
11. **Voted** to adopt the Consent Agenda.
 - A. Letter from Amber Day, New Hampshire Film Festival, requesting permission to close Chestnut Street on Friday, October 13-15, 2017 for the NH Film Festival Red Carpet Opening Night Gala (***Anticipated action – move to refer to the City Manager with power***)
 - B. Letter from Abigail Wiggin, Portsmouth Halloween Parade Committee, requesting permission to hold the 23rd Annual parade on Tuesday, October 31, 2017 (***Anticipated action – move to refer to the City Manager with power***)

- C. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to hold the annual Juneteenth Celebration on Saturday, June 17, 2017 from 11:30 a.m. to 3:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)
12. First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance – **Voted** to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented.
13. Adoption of Proposed Budget Resolutions – Resolution No. 13-2017 – Municipal Fees – **Voted** to adopt Resolution #13-2017 – Municipal Fees.
14. Adoption of Proposed Budget Resolutions – Resolution No. 14-2017 – General Fund Expenditures – **Moved** to adopt Resolution #14-2017 – General Fund Expenditures.

Moved to assign \$50,000.00 from the Parking & Transportation Contingency Fund to offset the costs of the downtown ambulance calls.

Moved to further amend the motion to add another \$10,000.00 to the Fire Department Operating Budget to come from taxation.

Voted to approve the two amendments, as presented.

On a roll call **vote** 1-8, motion to reduce the Fire Department budget by \$66,650.00 and the Police Department budget by \$53,207.00 **failed** to pass. Councilor Lown voted in favor. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.

On a voice **vote** 1-8, motion to authorize \$75,000.00 from the Parking & Transportation Fund to the School Department **failed** to pass. Councilor Lown voted in favor. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.

On a roll call **vote** 4-5, motion to move \$100,000 from Collective Bargaining into the General Government Contingency Fund **failed** to pass. Assistant Mayor Splaine, Councilors Perkins, Denton and Mayor Blalock voted in favor. Councilors Dwyer, Lown, Pearson, Spear and Cyr voted opposed.

On a roll call 6-3, **voted** to add \$127,000.00 to the Police Department budget to be raised from taxation. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Councilors Lown, Pearson and Spear voted opposed.

Voted to suspend the rules in order to continue the meeting beyond 10:30 p.m.

On a roll call 6-3, **voted** to adopt Resolution #14-2017 – General Fund Expenditures, as amended for a total budget of \$109,448,605.00. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Cyr, Denton and Mayor Blalock. Councilors Lown, Pearson and Spear voted opposed.

Department	Appropriation
General Government	\$18,808,621.00
Police	\$10,925,161.00
Fire	\$8,684,534.00
School	\$46,471,405.00
Collective Bargaining	\$100,000.00
Transfer to Indoor Pool	\$150,000.00
Transfer to Prescott Park	\$30,479.00
Non-Operating	\$24,278,405.00
Total	\$109,448,605.00

15. Resolution No. 15-2017 – Sewer Fund Expenditures – **Voted** to adopt Resolution #15-2017 – Sewer Fund Expenditures.
- ***Appropriated sum of \$11,193,646.00 to defray expenses for the operation of the sewer system.***
 - ***Cash requirements of \$16,890,946.00 to defray expenses for the operations of the sewer system.***
 - ***Sewer user rate effective July 1, 2017 is \$12.73 per unit for the first 10 units of consumption per month, and \$14.00 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.***
16. Resolution No. 16-2017 – Water Fund Expenditures – **Voted** to adopt Resolution #16-2017 – Water Fund Expenditures.
- ***Appropriated sum of \$8,121,195.00 to defray expenses for the operations of the water system.***
 - ***Cash requirements of \$10,088,225.00 to defray expenses for the operations of the water system.***
 - ***Water user rate effective July 1, 2017, 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 meet the cash requirements for the operation of the City of Portsmouth’s water system.***
 - ***Water Irrigation user rate effective July 1, 2017, 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.***

17. Resolution No. 17-2017 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures – **Voted** to adopt Resolution #17-2017 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures.
18. Resolution No.18-2017 – Investment Policy – **Voted** to adopt Resolution #18-2017 – Investment Policy.
19. City Manager’s Items which Require Action – Due to the hour all items under the City Manager’s name are now Consent Agenda Items.

Voted to adopt the City Manager’s Consent Agenda Items, as presented.

- A. Report Back from Planning Board Re: Potential Release of City Interest in the Portions of Two Paper Streets (Moffat Street and Woodworth Avenue) adjoining property at 85 Woodworth Avenue (Richer) and Authorize Issuance of Building Permit for Property off Swett Avenue, Moffat Street and Woodworth Avenue (Calkins) ***(Sample motion – move to adopt the Planning Board recommendation, as presented)***

Planning Board Recommendations:

- *Voted to recommend that the City release any interest it may have in the paper streets abutting 85 Woodworth Avenue, as shown on the exhibit titled “Woodworth Avenue / Moffat Street / Swett Avenue”, prepared by the Planning Department with the following exception:*
 - ❖ *The area between the end of the accepted portion of Woodworth Avenue and the intersection with Moffat Street shall be reserved for snow storage.*
 - *Voted to recommend that the City Council authorize the issuance of building permits for property on a private drive off of Swett Avenue, Moffat Street, and Woodworth Avenue pursuant to RSA 674:41(d) with the stipulation that the issuance of building permits would be subject to all required land use approvals*
- B. Report Back from Planning Board Re: S & G Realty Boundary Line Agreement and Easement ***(Sample motion – move to approve the Planning Board’s recommendation for a Boundary Line Agreement and Easement for the boundary line between S & G Realty’s property (Map 157, Lot 30) and the portion of Chevrolet Avenue owned by the City, and further, to authorize the City Manager to execute all necessary documents)***
 - C. Proposed Lease for Plains Schoolhouse ***(Sample motion – move to authorize the City Manager to execute a lease between the City of Portsmouth and Pontine Theatre for the Plains Schoolhouse with the same or substantially similar terms)***

- D. 1283 Woodbury Avenue Traffic Signal and Sidewalk Easement (**Sample motion – move to authorize the City Manager to accept a required traffic signal and sidewalk easement from Sophie Lane LLC across property at 1283 Woodbury Avenue, Portsmouth**)
- E. Request for Referral to Planning Board a Proposed Ordinance amending to Chapter 10 – Zoning Ordinance, Housing (**Sample motion – move to refer the proposed amendments to the Planning Board for review and recommendation**)
- F. Request to Reschedule the June 19, 2017 Work Session Re: Parking Scope of Services (**Action is required regarding this matter**)
20. Appointments to be Considered – Appointment of Samantha Wright Collins as a Regular member to the Conservation Commission – The City Council considered the appointment of Samantha Wright Collins to be voted on at the June 19, 2017 City Council meeting.
21. Mayor’s Sister Cities Blue Ribbon Committee – **Voted** to accept the Charge of the Sister Cities Blue Ribbon Committee.
The Committee Charge is as follows:
- *Evaluate the level of activity, benefit and local interest in continuing the Sister City or other citizen diplomacy relations and make recommendations to the City Council to potentially terminate current relationships with little or no recent activity, resident interest or cultural/economic opportunities*
 - *Research successful Sister City/Friendship City relationships of other cities and make recommendations to the City Council for a program and strategies to ensure success of existing and future Sister City relationships*
 - *Recommend a framework for long term administrations, promotion and success of the Portsmouth Sister City Program through a Committee structure: chair, co-chairs, possible sub-committees for each Sister City, staff support requirements, etc.*
 - *Explore ways to engage the community in the program—businesses, educational, cultural and humanitarian groups and make recommendations to the City Council*
22. Mayors’ Agreement to Uphold Paris Climate Agreement (Not on Agenda) – **Voted** to accept the Mayors’ Agreement to Uphold Paris Climate Agreement.
23. City Charter Amendments – Defining “Municipal Officials” for Financial Disclosure Requirements – **Moved** that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this requirement/question would be placed on the November 7, 2017, Municipal Ballot as a referendum question: “for the purposes of financial disclosure and conflicts of interest, the term “municipal officials” in this City Charter shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District Commission, and the City Manager”

As a friendly amendment the Council deleted the words **conflicts of interest** from the proposed referendum question.

On a roll call **vote** 5-4, main motion passed, as amended. Assistant Mayor Splaine, Councilors Dwyer, Pearson, Cyr and Denton voted in favor. Councilors Perkins, Lown, Spear and Mayor Blalock voted opposed.

24. “Clean Election” Campaign Disclosure by City Council Candidates and Political Action Committees – On a roll call 7-2, **voted** that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this question would be placed on the November 7, 2017, Municipal Ballot as a referendum question: “The City Council shall adopt an ordinance requiring that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate’s total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee shall be identified by each contributor by name, address, and amount.” Assistant Mayor Splaine, Councilor Perkins, Lown, Pearson, Cyr, Denton and Mayor Blalock voted in favor. Councilors Dwyer and Spear voted opposed.
25. Charter Amendment for Police Commission & Fire Commission (To be taken up, pending discussion of issues at June 3, 2017 retreat) – Moved that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this question would be place on the November 7, 2017, Municipal Ballot as a referendum question: The Commission shall appoint the police chief. In addition, the Commission shall have authority to consider and act upon any complaint and/or employee grievance (s). Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respect of collective bargaining agreements. The City Manager as directed by the City Council shall have all administrative responsibilities relating to the administration of the Police Department. Such power shall include, but shall not be limited to, the following:
- A. Determine the number, location and type of facilities and installations; and
 - B. Determine the size of the workforce and increase or decrease its size; and
 - C. Appointment of permanent patrol officers, sergeants, captains and commanders

As a friendly amendment the Council removed Item C – Appointment of permanent patrol officers, sergeants, captains and commanders.

As a friendly amendment the Council add the words **from any source** to the second sentence to read as follows: ***In addition, the Commission shall have authority to consider and act upon any complaint from any source and/or employee grievance (s).***

On a roll call **vote** 6-3, main motion passed, as amended. Councilors Perkins, Dwyer, Lown, Pearson, Spear and Cyr voted in favor. Assistant Mayor Splaine, Councilor Denton and Mayor Blalock voted opposed.

26. Adjournment – At 11:45 p.m., voted to adjourn.

Respectfully submitted by:

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