

**NON-PUBLIC SESSION RE: LITIGATION PER RSA 91-A:3,II (e) – 150  
GREENLEAF AVENUE**

MUNICIPAL COMPLEX  
DATE: JANUARY 9, 2016

CONFERENCE ROOM A  
TIME: 5:00PM

A roll call for attendance of City Council members present for the meeting was taken.

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer (6:00 p.m.), Lown (6:00 p.m.), Pearson, Spear (6:00 p.m.) Cyr and Denton

**COUNCIL ABSENT:** Councilor Perkins

**STAFF PRESENT:** Nancy Colbert Puff, Acting City Manager, Robert Sullivan, City Attorney, Dianna Fogarty, Human Resources Director; and Kelli L. Barnaby, City Clerk

**OTHERS PRESENT:** Attorney Charles Bauer

**Assistant Mayor Splaine moved to enter into Non-Public Session regarding Litigation Per RSA 91-A:3,II (e) to discuss 150 Greenleaf Avenue and to authorize Mayor Blalock to bring in anyone he feels is necessary. Seconded by Councilor Denton. On a roll call vote 5-0, motion passed. Assistant Mayor Splaine, Councilors Pearson, Cyr, Denton and Mayor Blalock voted in favor. Councilors Dwyer, Lown and Spear were not present for vote.**

**Assistant Mayor Splaine moved to enter into Non-Meeting with Counsel regarding Strategy or Negotiations with respect to Collective Bargaining – RSA 91-A:2,I (a) – Portsmouth AFSCME 1386 Tentative Agreement following the Non-Public Session. Seconded by Councilor Denton. On a roll call vote 5-0, motion passed. Assistant Mayor Splaine, Councilors Pearson, Cyr, Denton and Mayor Blalock voted in favor. Councilors Dwyer, Lown and Spear were not present for vote.**

Discussion was held regarding 150 Greenleaf Avenue.

At 5:55p.m., Mayor Blalock closed the Non-Public Session.

**NON-MEETING RE: STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – RSA 91-A:2,I (a) – PORTSMOUTH AFSCME 1386 TENTATIVE AGREEMENT**

MUNICIPAL COMPLEX  
DATE: JANUARY 9, 2016

CONFERENCE ROOM A  
TIME: 6:00PM

A roll call for attendance of City Council members present for the meeting was taken prior to the Non-Public Session.

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer (6:00 p.m.), Lown (6:00 p.m.), Pearson, Spear (6:00 p.m.) Cyr and Denton

**COUNCIL ABSENT:** Councilor Perkins

**STAFF PRESENT:** Nancy Colbert Puff, Acting City Manager; Robert Sullivan, City Attorney; Tom Closson, Negotiator; Dianna Fogarty, Human Resources Director; and Kelli L. Barnaby, City Clerk

City Negotiator Closson provided a review of the Portsmouth AFSCME 1386 Tentative Agreement.

At 6:15 p.m., Mayor Blalock closed the Non-Meeting with Counsel.

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**CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JANUARY 9, 2017

PORTSMOUTH, NH  
TIME: 7:00PM

**I. CALL TO ORDER**

Mayor Blalock called the meeting to order at 7:15 p.m.

**II. ROLL CALL**

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

**Absent:** Councilor Perkins

### III. INVOCATION

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

### IV. PLEDGE OF ALLEGIANCE

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

### PRESENTATIONS

1. Comprehensive Annual Financial Report (CAFR) – Scott McIntire, Melanson & Heath  
<http://cityofportsmouth.com/finance/CAFR16.pdf>.

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. He spoke regarding the city's long term balance sheet. He reported that the unassigned fund balance has increased.

2. Update on 150 Greenleaf Avenue

City Attorney Sullivan informed the City Council that there will be trial commencing on January 23, 2017, regarding Toyota Dealership at 150 Greenleaf Avenue. He provided a brief updated that would be helpful to the Council for a frame of reference. He stated that Attorney Bauer is present this evening and that he would be the lead in the trial. City Attorney Sullivan said there have been terrible allegations made from the podium that are wrong. He spoke to the following three items, first, the sewer line that crosses the Toyota property we want to preserve the rights for the city to use that sewer line, second, the owner should have to live by the same rules as other people and third, in everything we do we try to protect the interests of the taxpayers and residents of the City. He said we have not been able to settle this case because there has never been an amount of money that would be acceptable to the City to bring to the City Council.

Attorney Bauer said that the latest story was wrong and inaccurate information. He said Mr. Boyle was aware that a sewer line crossed the property in the berm. He stated we have a trial coming forward and a jury will decide based on information from the judge. He further stated the City has tried to protect the interests of its residents. He reported the sewer line was approved and granted by the State of New Hampshire Department of Education. Attorney Bauer said the owner wants to put in one to two dealerships in the wetlands as well as a great deal of money. He reported that the City has experts that have stated that the wetlands were naturally occurring.

### 3. Update on Wastewater Treatment Facility and Combined Sewer Overflows

City Engineer Desmarais reported recently we have received complaints regarding combine sewer discharge at South Mill Pond. He spoke to the work conducted by the City to address these matters. He stated that a program has existed for years and continues today. He addressed the two treatment plants the City has, Peirce Island and Pease Treatment with 120 miles of collection system with 20% being combined system. Engineer Desmarais reported there are 20 pumping stations and 3 permitted active CSO's. He said wastewater is collected in a network of underground sewer pipes and at low points, pump stations are needed to lift the sewage to a higher elevation. He further stated that wastewater is treated to reduce pollutants, then discharged to the receiving waters. He reported that the City has spent \$55 million since 1997 on sewer separation solution. He spoke to the long term control plan that was updated in 2010. He said next steps post construction monitoring plan was submitted to the EPA and once we receive comments from the EPA we will need to do updates to the control plan. He said there is a successful CSO's plan and the City continues to move forward with that along with all other projects they are working on.

Don Song Project Manager of Peirce Island Wastewater Treatment Facility Construction reported that construction commenced in September. He spoke to modifications that have been made to the sidewalks and crosswalks along Prescott Park. He said a construction fence has been installed along the pool area near the treatment plant. He addressed the staging area is designated for construction trailers. He said there is also a project sign on the site. Project Manager Song reported on the various public meetings held on the project and stated that there have been no construction related complaints to date. He addressed ongoing mitigation work and permitting and design for parking area expansion. He reported that the snow dump area for the winter has been relocated which will reduce traffic through the south end for downtown load out of snow.

Deputy City Attorney Woodland said a modification of the Consent Decree was approved by the court. She spoke to discussions with the Conservation Law Foundation on how to best utilize the dollars we are required to complete. She reported that the project is on schedule. Deputy City Attorney Woodland spoke to the Clean Water Act complaint filed November 30, 2017 in US District Court. She said the State of New Hampshire has moved to dismiss the complaint.

### **V. ACCEPTANCE OF MINUTES – DECEMBER 19, 2016**

**Councilor Spear moved to approve and accept the minutes of the December 19, 2016 City Council meeting. Seconded by Councilor Cyr and voted.**

## VI. PUBLIC COMMENT SESSION

Roy Helse said the budget needs to be closely monitored. He spoke regarding the continued increase in property values. He stated that businesses and tourists need to pay their share of taxes. He also addressed the salaries of employees and that he feels they're too high.

Sara Smith thanked the City Council for thinking of the future of the Schiller Station. She spoke to the importance of clean air and that we need to look at air pollutants.

Claire Miller, of Boston, MA said she has been working with communities on clean air. She said coal in New Hampshire is over. She urged the City Council to make a statement or voice their opinion on what they want to see done at the Schiller Station. Ms. Miller asked the City Council to act on the resolution as soon as possible because bidding on the Station begins in January and will end in March.

Ralph DiBernardo spoke regarding his objections to developing the Parrott Avenue Parking lot into workforce housing. He said this matter was brought up last year and many people came out to voice their opposition so why is the Council bringing this back. He stated that workforce housing is not an appropriate use for that area. He said the parking lot should remain open.

Christina Dubin spoke in support of the Resolution for the Schiller Station. She stated that we need to start thinking about clean air.

Esther Kennedy spoke regarding combined sewer overflows and asked what the City's plan was for this matter. She stated that Hall Associates also has a lawsuit against the City but the Legal Department has not spoken about the suit.

Susan Paige Trace said she agrees with text messages for snow bans. She said what is more important combined sewer overflows or text messages for snow bans. She stated the residents should be notified of all combined sewer overflows and how long they would last. She stated that the City continues to violate the requirement to notify its residents of combined sewer overflows.

Peter Whelan said 7 million gallons have been dumped into the mill pond since 2012. He stated we designed a plant of 2.1 million gallons of combined sewer overflows in 2016 we have discharged 1.7 million gallons already and that we designed a plant that is too small.

Arthur Clough spoke to the ethics violation of Nick Cracknell and Joseph Almeida. He said Mr. Cracknell provided information to a developer prior to the hearing and something needs to be done about this.

Jane Zill said in 2014 the Piscataqua was declared as an impaired body of water. She said combined sewer overflows will continue. She said the City should be providing a time of when the combined sewer overflows will end.

## **VII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donation to the Portsmouth Fire Department
  - Newburyport Five Cents Savings Bank - \$500.00

**Councilor Lown moved to accept and approve the donation from the Newburyport Five Cents Savings Bank. Seconded by Councilor Spear and voted.**

At 8:55 p.m., Mayor Blalock called a brief recess. Mayor Blalock called the meeting back to order at 9:00 p.m.

**Councilor Denton moved to suspend the rules in order to bring up Item X.C. – Proposed Resolution regarding Schiller Station from concerned citizens. Seconded by Assistant Mayor Splaine and voted.**

- X.C. Proposed Resolution regarding Schiller Station from concerned citizens

**Councilor Spear moved to refer to the Acting City Manager for report back. Seconded by Assistant Mayor Splaine.**

Assistant Mayor Splaine, Councilors Spear and Denton spoke in support of the Resolution. Assistant Mayor Splaine said it is a good piece of land that we could make money off of.

Councilor Dwyer said we don't own the site and don't have direct control. She would like to know the leverage points and at what part in the process would that engagement occur.

**Motion passed.**

**Assistant Mayor Splaine moved to suspend the rules in order to take up Item XI. B.7. – Establish Guidelines for FY18 General Fund Operating Budget. Seconded by Councilor Spear and voted.**

- XI. B.7. Establish Guidelines for FY18 General Fund Operating Budget

**Councilor Spear moved to accept the Joint Budget Committee recommendation of 4% for the Operating Budget for FY18. Seconded by Councilor Cyr.**

Councilor Dwyer said she attended the two Budget Committee meetings and listened to the increases we are expecting in health insurance and retirement and felt that the recommended guideline was too low and should be 4.75%. She said that does not mean that taxes would increase by 4%. She further stated there has been an increase in growth this year and it looks like we will have a banner year with our revenues.

Councilor Lown said he would defer to the Committee's work on this and felt that 4% might be too high.

Councilor Denton asked if 4% was general overall. Councilor Spear said it is for the General Operating budget but not the Non-Operating budget.

Assistant Mayor Splaine said he would vote against the motion because he does not like setting a goal before the all-day budget work session. He stated it removes the innovation as a City. He said this is a cycle where the budget keeps going up and up.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said it is helpful to receive a recommendation and to have a sharp edge. He said we need to look at each budget separately and he will be supporting the motion.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said 4% is not an exceptional amount of money.

**On a roll call vote 6-2, motion passed. Councilors Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Dwyer voted opposed.**

## **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Second reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217

**Assistant Mayor Splaine moved to remove the Ordinance from the table. Seconded by Councilor Dwyer and voted.**

**Assistant Mayor Splaine moved 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. Seconded by Councilor Dwyer.**

Assistant Mayor Splaine said he feels that this Ordinance levels the playing field. He said there continues to be concerns regarding the insurance coverage by UBER. Assistant Mayor Splaine said that this will provide competitiveness in the City.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock thanked Deputy City Attorney Woodland for her work on this matter. He feels that this is fair for all concerned. He thanked Assistant Mayor Splaine and Councilor Cyr for their work on this matter and Taxi Chair Peter Bresciano.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr thanked the Committee members for their work on the Transportation Service Commission.

Councilor Dwyer asked through what action the City Council would know that the Commission is disbanded. She asked if the Council needs to take more action. Deputy City Attorney Woodland said that the new Ordinance deletes the former Ordinance and there is no Commission as part of the new Ordinance.

**Motion passed.**

**Councilor Lown move to pass second reading and schedule a third and final reading of the proposed Ordinance at the January 23, 2017 City Council meeting. Seconded by Assistant Mayor Splaine.**

**Assistant Mayor Splaine moved to amend the Ordinance to eliminate Section 7.209 D – Fees and Terms of Licenses and Medallions. Seconded by Councilor Denton.**

Assistant Mayor Splaine said UBER and Lyft has no fee but here we are asking to pay for a medallion.

Councilor Dwyer said she feels the costs are okay and puts a value on operating as a company.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said it is a minimal fee and would not dissuade taxi drivers.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

**On a 1-7 voice vote motion failed to pass. Assistant Mayor Splaine voted in favor. Councilors Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.**

**Main motion passed.**



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”

**Councilor Dwyer moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Lown and voted.**

- B. 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”

**Councilor Cyr moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Dwyer and voted.**

- C. 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

**Councilor Dwyer moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Cyr and voted. Councilor Lown voted opposed.**

- D. 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

**Councilor Spear moved to pass third and final reading of the proposed ordinance. Seconded by Councilor Dwyer and voted.**

- E. 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

**Councilor Spear moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Dwyer and voted.**

- F. 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

**Councilor Spear moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Dwyer and voted.**

- G. 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

**Councilor Pearson moved to pass third and final reading of the proposed Ordinance. Seconded by Councilor Lown and voted.**

## **IX. 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 donated 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-Donation to the Coalition Legal Fund:
- Town of Carroll - \$1,000.00  
***(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- C. Letter from Jeanine Sylvester, Runner’s Alley, requesting permission to hold the 20<sup>th</sup> 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)***

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

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATION & PETITIONS**

- A. Letter from Attorney William Scott regarding Restoration of Involuntarily merged lots – RSA 674:39-aa – 21 Elwyn Avenue *(see attached memorandum from Rick Taintor, Planning Director)*

**Councilor Spear moved to refer to the Planning Board for report back. Seconded by Councilor Lown and voted.**

- B. Letter from Christopher Mulligan regarding Restoration of Involuntarily merged lots – RSA 674:39-aa – 70 Sims Avenue

**Councilor Lown moved to refer to the Planning Board for report back. Seconded by Councilor Cyr and voted.**

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### 1. Update Re: Federal McIntyre Building

Acting City Manager Colbert Puff provided an update on the Federal McIntyre Building. She reported that the GSA's needs have changed now due to reduced space requirements. She further stated the GSA has determined it is no longer cost efficient to construct a new federal facility and instead is pursuing lease options for its existing tenants. She reported that the McIntyre building has been determined, as part of the proposed Portsmouth National Register District, to be eligible for listing on the National Register. Acting City Manager Colbert Puff stated that GSA has suggested the City consider the "Historic Monument" program as a method to acquire the McIntyre Building. She indicated that the Historic Monument program is one way the GSA may transfer property for public uses to state and local agencies, at a discount of up to 100% market value. She explained that the City's primary objectives in pursuing ownership of the property is three-fold:

- To capitalize on the rare opportunity to shape redevelopment of a downtown block in the City's best interests by promoting public/non-profit/commercial use of its ground floor, re-connecting the site with Daniel, Penhallow, and Bow Streets via new pedestrian ways, introduction of open space and public parking uses, and revitalizing the area with new uses;
- To ensure against redevelopment of the site that does not meet the city's economic development goals; and
- To accomplish the above in a fiscally prudent manner, through a public-private partnership.

In addition, submission of a letter of interest is a first step towards achieving this future, with no obligation until an application is submitted. She stated according to its notice, upon receipt the GSA will then notify the City as to the timeframe for submission of a formal application.

**Assistant Mayor Splaine moved to submit the letter of interest under the Historic Monument Program. Seconded by Councilor Pearson.**

Councilor Dwyer said we would not be able to do much with the building but we might be able to work with other parts of the building. She asked about the status of the post office. Acting City Manager Colbert Puff said the post office has no updated information on whether it would remain or leave its location.

Assistant Mayor Splaine said there are excellent possibilities and great things that could be done. He said we could reinstitute the old State House on the site.

Acting City Manager Colbert Puff said we need a development partner.

Councilor Cyr said the alternate path is to pay for the site. Acting City Manager Colbert Puff said any future disposal has to consider the historic value of the site. Councilor Cyr asked if this is similar to the Doble site process. Acting City Manager Colbert Puff stated there are some similarities.

Councilor Lown said he does not see how this could be considered a monument. He said maybe we could lease out part of the building.

Councilor Pearson said beauty is in the eye of the beholder. She stated that younger generations and future generations find this building interesting.

**Motion passed.**

2. Report Back Re: Parking Enforcement Hours and Revenues

Acting City Manager Colbert Puff said Public Works Director Rice is here to speak on options and projected revenues.

Public Works Director Rice spoke to guiding principles for parking revenues generated from the parking fees and that they support operational costs for the Parking & Transportation Division. He said \$2.4 million goes to the general fund and \$3.7 to the Parking & Transportation Division. He spoke to the revenue need drivers:

- New Parking Garage Bond Payments
- Additional Operational Expenses
- Hanover Garage Structural Upgrade and Subsequent Loss of Revenue over Three Years of Construction

He reported on recommended rate changes:

- Increase Hours of Enforcement from 7:00 p.m. to 9:00 p.m.
- Increase Metered Rates by \$0.25
- Increase Garage Hourly Rate by \$0.25
- Recommended Rate Changes are Projected to Result in an Additional \$1.3 Million in Parking Revenue

He asked the City Council to consider:

- Continue \$2.4 Million Revenue Distribution to General Fund
- Establish a Parking Fund Balance up to \$3 million to cover revenue loss during the Hanover Garage three year Rehabilitation Project

- Continue with Parking and Transportation enhancement efforts within revenue constraints

He addressed next steps:

- Change Parking Ordinance to Reflect Recommended Rate Changes
- First Reading of Ordinance January 23, 2017
- Fee Committee Adoption of Proposed Hanover Garage Hourly Rate as part of FY18 Budget

Councilor Spear said part of the concept is pricing for moving away from time limits as we continue to increase the rates we increase the hours over staying in spots, and increase to add an hour.

Public Works Director Rice said we look at redirecting people to another location. He does not believe they are at the point where they can do this at this time.

Councilor Spear said he would like to have staff review the data semi-annually which sets us up in a good place.

**Councilor Lown moved 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. Seconded by Councilor Cyr.**

Councilor Dwyer said she is not in favor of increasing parking enforcement to 9:00 p.m.

Councilor Pearson said she does not agree with enforcement to 9:00 p.m. but perhaps to 8:00 p.m. She asked when the construction of High Hanover Parking Garage will take place. Public Works Director said when the new garage goes on line is when the High Hanover Parking Garage construction starts. He said we need to have a location for the 300 spaces that will be moved from the High Hanover location to the new garage.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he feels it is too late at night for enforcement. He does not feel that we should be making that change.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

*Assistant Mayor Splaine moved to table the motion until the next City Council meeting. Motion received no second.*

Acting City Manager Colbert Puff said that we did not intend to come back with rate changes at this meeting. She said we could draft a first reading and come back to the City Council to see if we should try to put some of the discussion in place for the ordinance.

**On a roll call vote 5-3, motion passed. Councilors Lown, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Dwyer and Pearson voted opposed.**

3. Report Back Re: Atlantic Heights Emergency Access

Acting City Manager Colbert Puff reported that the Planning Board is recommending the Council accept an easement from Eversource in order to create a new emergency access route out of the Atlantic Heights neighborhood.

**Councilor Lown moved to accept the recommendation of the Planning Board, as submitted. Seconded by Councilor Spear and voted.**

4. Acceptance of Street Re: New Parking Garage

Acting City Manager Colbert Puff said in connection with the development of the new municipal parking garage, the City will construct a new public street extending from Bridge Street, near the corner of Deer Street, to Rock Street Park. She stated that the new street will serve as legal frontage for a proposed private development opposite the garage by Deer Street Associates. She reported that the new street is not intended to accommodate through traffic at this time, but a connection to the current end of Rock Street is required for emergency access. Acting City Manager Colbert Puff further stated the proposed street design has been reviewed by the Technical Advisory Committee and will be considered by the Planning Board at its meeting on January 19<sup>th</sup>.

**Councilor Lown moved to refer the proposed street construction and acceptance to the Planning Board for a report back. Seconded by Councilor Pearson and voted.**

**B. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Appointment of Molly Bolster to the Historic District Commission

The City Council considered the appointment of Molly Bolster which will be voted on at the January 23, 2017 City Council meeting.

2. Appointments to be Voted:
  - Reappointment of Philip Cohen to the Economic Development Commission
  - Appointment of Sarah LaChance to the Economic Development Commission
  - Appointment of Jane Begala to the Planning Board as an Alternate member

**Councilor Dwyer moved 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. Seconded by Councilor Cyr and voted.**

3. Reappointment to the PDA – John P. Bohenko, City Manager

**Councilor Spear moved 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. Seconded by Councilor Cyr and voted.**

4. Acceptance of Resignation from Joseph Almeida, Historic District Commission

**Councilor Spear moved 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. Seconded by Councilor Cyr and voted.**

Councilor Pearson thanked Mr. Almeida for his years of service to the City and the importance of volunteerism.

5. Acceptance of Resignation from John Ricci, Planning Board effective March 1, 2017

**Councilor Spear moved 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. Seconded by Councilor Cyr and voted.**

6. Board of Ethics Selection Process by Lot

Councilor Cyr was selected by lot as the City Council representative to serve on the Board of Ethics.



**Councilor Lown moved to suspend the rules in order to continue the meeting beyond 10:30 p.m., Seconded by Councilor Cyr and voted. Mayor Blalock voted opposed.**

**C. ASSISTANT MAYOR SPLAINE**

1. Statement Supporting New Hampshire Legislation for Equality of Our Transgender Residents, and Banning So-Called Gay Conversion Therapy for Minors

**Assistant Mayor Splaine moved 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.”). Seconded by Councilor Denton.**

Assistant Mayor Splaine said that these bills will be introduced in the next few weeks. He urged the City Council to support the motion.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would support the motion and is glad that Assistant Mayor Splaine brought this matter forward.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

**On a unanimous roll call vote 8-0, motion passed.**

**D. COUNCILOR SPEAR**

1. Request that the Legislative Subcommittee look into the City of Portsmouth taking over its own Pension Program

**Councilor Spear moved that the Legislative Subcommittee look into the City of Portsmouth taking over its own Pension Program. Seconded by Councilor Denton.**

Councilor Spear said the City may be joining with other municipalities in taking over their own pension programs. He spoke to the increase in costs for the retirement plan. He said we currently have no seat at the table and it will cost a great deal of money to take over the pension plans but we are only looking into the matter at this time.

Councilor Dwyer said there have been a number of attempts to do this. She said the State is not in favor of legislation and the numbers just don't work. She stated that we could get the information on this matter from past failed attempts.

Councilor Spear said he favors looking into past information and efforts on this matter and withdrew the motion and Councilor Denton withdrew his second to the motion.

Councilor Spear requested the Acting City Manager to review past information and efforts on this matter.

#### **E. COUNCILOR DENTON**

1. Winter Parking Ban Text Message

**Councilor Denton moved 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. Seconded by Assistant Mayor Splaine and voted.**

#### **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Acting City Manager Colbert Puff announced that Planning Director Rick Taintor will be retiring on April 30, 2017.

Letter from The Jordan Institute regarding Update on NH C-PACE (not on agenda)

Councilor Denton said he would like to refer this letter to the Legislative Subcommittee.

**Councilor Denton moved to refer the letter to the Legislative Subcommittee. Seconded by Councilor Pearson and voted.**

Letter from Mr. Ecker regarding Signage on Truck Traffic on Banfield Road (not on agenda)

Councilor Denton recommended referring Mr. Ecker's letter to the Parking & Traffic Safety Committee for report back on how and when the signage changed.

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.

**XIII. ADJOURNMENT**

**At 11:00 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.**



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