

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 1, 2017

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:00 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

The City Council led in the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. Police Week in Portsmouth – Peace Officers' Memorial Day

Mayor Blalock read the Proclamation declaring the week of May 14th as Police Week and May 15th as Peace Officers Memorial Day. Chief Mara thanked Mayor Blalock and the City Council for recognizing the Police Department during these very important events.

2. Small Business Week

Nancy Carmer, Economic Development Program Manager, thanked Mayor Blalock for recognizing Small Business Week in the City of Portsmouth. She reported that all events are listed on the City's website under Economic Development as well as on the Chamber of Commerce website.

Mayor Blalock read the Proclamation declaring the week of April 30th as Small Business Week. Deb Moore and Robert Gagnon of Optima Bank accepted the Proclamation with thanks and appreciation for recognizing and celebrating Small Business Week.

PRESENTATION

1. One Sky Community Services, Chris Muns, CEO

Mr. Muns provided a brief presentation regarding One Sky Community Services. He spoke to their establishment as a non-profit in 1983 and commitment to assisting those with disabilities and brain injuries. He said services are provided to 107 families currently in the City of Portsmouth. Mr. Muns informed the City Council that request for services has increased by 58%.

V. ACCEPTANCE OF MINUTES – APRIL 17, 2017

Councilor Lown moved to accept and approve the minutes of the April 17, 2017 City Council meeting. Seconded by Councilor Pearson and voted.

VI. PUBLIC COMMENT SESSION

Mayor Blalock spoke to the new system that is in place which will let each speaker know when they have reached the 3 minute limit for speaking during public comment. The device will also change color to alert the speaker when you have 30 seconds remaining.

Jason Walls said he does not come to City Council meetings but he wanted to speak regarding the abuse that is happening with the public comment session with individuals speaking over the time limit. He said that this is obstructing the City from moving forward. He said things are changing and small time politics will end.

Roy Helse spoke to the letter to the editor regarding some people feeling nothing changes by coming here to speak during the public comment session.

Pat Bagley said we know we overpaid for the Foundry land and now we can expect \$4-\$6 million dollars over budget for the construction costs. She addressed the items that maybe eliminated from the project. She also spoke to no one speaking regarding the liner buildings anymore. Ms. Bagley said the garage will not remedy the parking situation. She recommended walking away from the deal and the parking garage.

Kathleen Cavalaro said she would be giving her time to Brian Kelly.

Brian Kelly said he feels that the public comment session needs to change. He said people need to speak the truth as these comments are being entered into the record. He also said there is a feeling of intimidation speaking at public comment. He provided a copy of what he proposes as a change to the public comment rule.

David Calkins spoke to the issuance of building permits and release of Woodworth Avenue and Moffat Street. He said his attorney submitted a letter on this matter and he would like to create a private drive for his development. He would like the original request delayed in order to hear the request for the additional building permit together.

Jane Zill spoke to the Sagamore Avenue sewer project and said the City needs to focus on what is in the best interest of the public. She also addressed the increase in the cost for the new parking garage and said the cost per parking space in Portsmouth is higher than Honolulu, Hawaii and San Francisco, California.

Esther Kennedy gave her time to Jane Zill for her to finish her comments.

Jane Zill said that residents have spent tens of thousands of dollars to put in new septic systems in the Sagamore Avenue area. She said the City's approach to the sewer project is an issue.

Ben Anderson, Prescott Park Arts Festival (PPAF), said he was disappointed with people speaking false statements at the last Prescott Park meeting. He provided a list of 54 items that have been addressed by the PPAF and has affected them financially. He provided the City Clerk with a copy of the list for the record.

Brian Kelly speaking for the second time, said that public comment session should be equally allowed. He said that public comment has been amended three times since its adoption and he recommends to amend it further.

Councilor Lown moved to suspend the rules in order to take up Item XII. A.1. – A.3. - Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Fire Chief Steven E. Achilles - Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Deputy Fire Chief James B. Heinz - Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Deputy Fire Chief Carl F. Roediger. Seconded by Assistant Mayor Splaine and voted.

XII. A.1. - Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Fire Chief Steven E. Achilles

Councilor Spear moved to accept the proposed Employment Agreement between the Portsmouth Fire Commission and Fire Chief Steven E. Achilles, to expire on June 30, 2020. Seconded by Councilor Cyr and voted.

XII. A.2. - Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Deputy Fire Chief James B. Heinz

Councilor Lown moved to accept the proposed Employment Agreement between the Portsmouth Fire Commission and Deputy Fire Chief James B. Heinz, to expire on June 30, 2020. Seconded by Assistant Mayor Splaine and voted.

XII. A.3. - Request for Approval of Proposed Employment Agreement between the City of Portsmouth Fire Commission and Deputy Fire Chief Carl F. Roediger

Councilor Lown moved to accept the proposed Employment Agreement between the Portsmouth Fire Commission and Deputy Fire Chief Carl F. Roediger, to expire on June 30, 2020. Seconded by Assistant Mayor Splaine and voted.

Assistant Mayor Splaine moved to suspend the rules in order to take up Item XII. A.8. – Report Back from Planning Board Re: Happny Sewer Easement for Relocated Brick Box Sewer. Seconded by Councilor Lown and voted.

XII. A.8. – Report Back from Planning Board Re: Happny Sewer Easement for Relocated Brick Box Sewer

City Manager Bohenko said this is a proposal to acquire from Peter Happny a sewer easement off Rock Street in connection with the construction of the new municipal parking garage; and to convey to Mr. Happny a narrow strip of City-owned land adjoining Rock Street Park.

Councilor Lown moved to accept the Planning Board's recommendation, and further, authorize the City Manager to proceed with the execution of the appropriate documents regarding this matter. Seconded by Councilor Dwyer and voted.

VII. PUBLIC HEARINGS

- A. RESOLUTION APPROPRIATING THE SUM OF FOUR HUNDRED FOUR THOUSAND SEVEN HUNDRED DOLLARS AND FORTY CENTS (\$404,790.40) FOR THE FOUNDRY PLACE SEWER LINE PROJECT

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers.

Patricia Bagley said she does not understand the public hearing because there is not enough information on this matter.

Esther Kennedy said information should be provided before public comment is received on this public hearing. She asked what is being done to outline this as an historic site and where is the City in this process.

Paige Trace spoke to a meeting held between the EPA and City at which the State was not present relating to the 106 Process. She addressed the brick box and said it was originally owned by Frank Jones. Ms. Trace also requested further information on this matter and said she finds it interesting the resolution before the City Council is down to the penny.

Mark Brighton said he is confused on the appropriation as it extends back to 2016. He addressed the possibility of the new municipal parking garage being \$4-\$6 million dollars over budget.

Patricia Bailey said this process is backwards and the residents are only receiving minimal information on the resolutions presented this evening.

Jane Zill said she agrees with Ms. Bagley that the process is backwards. She said that this is supposed to be a citizen lead government.

With no further speakers, Mayor Blalock declared the public hearing close.

B. RESOLUTION APPROPRIATING THE SUM OF FOUR HUNDRED EIGHTY SEVEN THOUSAND NINE HUNDRED FIFTY FOUR DOLLARS AND TWENTY CENTS (\$487,954.20) FOR THE FOUNDRY PLACE WATER LINE PROJECT

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko explained in detail bond premiums and par value. He stated that the amount of the resolution is down to the penny because if it was not you would have to carry any extra funds on the balance sheet. City Manager Bohenko spoke to the positives of having bond premiums and stated that our bonds go rather quickly in the market place.

Public Works Director Rice spoke on the request for allocations on the bond premium. He also spoke to the garage design process being a public process. He said there is a 106 Process and that does not preclude us from making changes to the project. He explained that the sewer line would be moved from under the building and that the water line is a loop and would have very little impact on the water coming into the City.

City Manager Bohenko said information is raw that goes out on proposed costs and in the next few weeks we will go out to bid on the project. He said it was important to us to have a Building Committee on the new garage.

Councilor Dwyer said that the Portsmouth Herald has a large responsibility to have a headline correct. She said we should start resolutions with simple words to state that this is to apply "bond premium to".

City Manager Bohenko said we use bond premiums on a regular basis.

Mayor Blalock called for speakers to come forward to speak to the resolution.

Rick Becksted said that the Parking Garage Building Committee should have their meetings televised for the public to view. He asked Mayor Blalock and the City Council that any Committee of great importance be televised for the public. He spoke to bond premiums and his understanding of them.

Patricia Bagley said she did not get her information from the public hearing. She said the over runs on the new municipal parking garage are all estimates at this time. She stated that pre-cast bids are coming in on June 2nd which will provide additional information.

City Manager Bohenko reported that last month we recorded 22 meetings and that we are in the process of getting Conference Room A ready for telecasting meetings.

Mark Brighton asked about par value for the bond premiums and said the information needs to be explained and kept simple. He said he gets his information from the middle of news articles and not the headlines.

Esther Kennedy asked where we are with historic documentation on this process.

With no further speakers, Mayor Blalock declared the public hearing closed.

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. A grant in the amount of \$500,000.00 from the New Hampshire Department of Justice for the New Hampshire ICAC Task Force, "Project Forensic Shield", contingent upon state approval of the funds

Councilor Spear moved to approve and accept the grant and to authorize the City Manager to sign the grant documents. Seconded by Councilor Pearson.

Chief Mara explained that this grant is for internet crimes against children and that it is a two-year grant with \$250,000.00 received each year. He further stated that this is a federal grant.

Motion passed.

Councilor Lown moved to suspend the rules in order to take up Item XII. A.9. – Agreements for Prescott Park: NH Art Association Agreement and the Gundalow Company. Seconded by Assistant Mayor Splaine and voted.

XII. A.9. – Agreements for Prescott Park NH Art Association Agreement and the Gundalow Company

Assistant City Manager Moore said there are two agreements before you this evening for approval. He stated the Prescott Park Master Plan calls for the City Manager to take over the management control of Prescott Park. He stated that the City Manager has been working with the two organizations and the Prescott Park Arts Festival in planning for their 2017 operations in the Park. He said in addition to the Park operations for the 2017 season, the Blue Ribbon Prescott Park Policy Advisory Committee will assist the City Manager in developing license agreements which, according to the Master Plan, are to be negotiated in preparation for the 2018 season. Assistant City Manager Moore said there will be a new public art exhibit on the ground and that the Gundalow enhancement will have a presence in the Sheafe Building. He said these are all in keeping with the Prescott Park Master Plan.

Councilor's Dwyer and Spear spoke about the sale of art work and other various items at the Gundalow for the 2017 season.

Councilor Pearson recommended the NH Art Association hold a meeting with Art-Speak. City Manager Bohenko said he would make a note of this.

Motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Appropriating the sum of Four Hundred Four Thousand Seven Hundred Ninety Dollars and Forty Cents (\$404,790.40) for the foundry Place Sewer Line Project

Councilor Dwyer moved to adopt the Resolution Appropriating from Bond Premium the sum of Four Hundred Four Thousand Seven Hundred Ninety Dollars and Forty Cents (\$404,790.40) to be applied to the Foundry Place Sewer Line Project. Seconded by Councilor Spear.

Finance Director Belanger said all resolutions are compiled and written and the underwriters make them more marketable to the bond writers and go by the lowest true interest cost for premiums.

Councilor Lown said the higher bond rating we obtain the better rate and bond premiums we receive.

Finance Director Belanger said some communities have to pay for insurance on bonds, but we do not because of our triple A rating. She reported that we have received over \$14 million dollars in bond premiums.

Councilor Pearson stated that there are minutes of all meetings which are posted on the website for the public to review.

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

- B. Adoption of Resolution Appropriating the sum of Four Hundred Eighty Seven Thousand Nine Hundred Fifty Four Dollars and Twenty Cents (\$487,954.20) for the Foundry Place Water Line Project

Councilor Dwyer moved to adopt the Resolution from Bond Premium the sum of Four Hundred Eighty Seven Thousand Nine Hundred Fifty Four Dollars and Twenty Cents (\$487,954.20) to be Applied to the Foundry Place Water Line Project. Seconded by Councilor Spear.

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

At 8:55 p.m., Mayor Blalock called a brief recess. At 9:10 p.m., Mayor Blalock called the meeting back to order.

X. CONSENT AGENDA

Assistant Mayor Splaine requested to vote of Item X.A. – separately – Letter from Crystal Paradis, Seacoast Outright requesting permission to hold the 3rd Annual Portsmouth Pride event on Saturday, June 24, 2017.

- A. Letter from Crystal Paradis, Seacoast Outright requesting permission to hold the 3rd Annual Portsmouth Pride event on Saturday, June 24, 2017

Assistant Mayor Splaine moved to refer to the City Manager with authority to act. Seconded by Councilor Denton and voted.

B. Letter from Mike Young, Portsmouth Babe Ruth Baseball requesting to install seasonal signage at Leary Field from May 14, 2017 through August 20, 2017 ***(Anticipated action – mover to refer to the City Manager with power)***

C. Request for License to Install Projecting Sign:

Don Oakes owner of Sea Bags for property located at 129 Market 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 done 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***

D. Letter from Josh Pierce, Seacoast Area Bicycle Riders, requesting permission to host a commuter breakfast from 7:00 a.m. – 10:00 a.m. on Friday, May 19, 2017 at Popovers on Market Square. SABR also respectfully requests that the Portsmouth City Council officially recognize May 19th as Bike/Walk to Work Day in Portsmouth ***(Anticipated action – mover to refer to the City Manager with power)***

E. Police Department Donations:

- a. Donation in the amount of \$400.00 from Mr. & Mrs. David Brown
- b. Donation in the amount of \$200.00 from Mr. Jason Page

(Anticipated action – mover to accept the donations to the Police Explorer Cadet Academy Scholarships)

Assistant Mayor Splaine voted to adopt the Consent Agenda. Seconded by Councilor Dwyer and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Catherine McCauley requesting the City to transfer title to half of the “paper street” known as Oak Street that abuts 43 Mangrove Street

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

- B. Letter from Attorney Derek Durbin regarding request to authorize the issuance of building permits on private drive off of Swett Avenue, Moffat Street and Woodworth Avenue pursuant to RSA 674:41, I(d) and request to continue Richer request (85 Woodworth Avenue) to release the City’s interests in portions of Moffat Street and Woodworth Avenue

Councilor Dwyer moved to suspend the rules in order to take up Item XII. A.7. – Report Back from Planning Board Re: Release of City Interest in a Portion of Woodworth Avenue. Seconded by Councilor Dwyer and voted.

XII. A.7. – Report Back from Planning Board Re: Release of City Interest in a Portion of Woodworth Avenue

City Manager Bohenko said the items should be postpone to allow for consultation with the Legal Department and report back to the City Council.

Councilor Dwyer said David Calkins was correct that this issues need to be decided together.

Planning Director Walker said she recommends tabling the items and bringing them back together. She said she would like to have a discussion with the Legal Department on how to proceed with these requests.

Councilor Spear moved to postpone to allow for consultation with the Legal Department and report back to the City Council at the May 15, 2017 meeting. Seconded by Councilor Dwyer and voted.

Councilor Dwyer requested that City Attorney Sullivan provide an explanation on ownership of Paper Streets. City Attorney Sullivan said that the Paper Street issue can be complicated and he will provide a report back on the matter.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

4. Adoption of Complete Street Demonstration Project Policy (Tactical Urbanism Policy)

Assistant Mayor Splaine moved to adopt the aforementioned Policy, as amended. Seconded by Councilor Dwyer and voted.

5. Request to Establish First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space

Councilor Spear moved to accept the Planning Board’s recommendation, and further, establish a first reading of the proposed Ordinance at the May 15, 2017 City Council meeting. Seconded by Councilor Pearson.

Planning Board Recommendations

- *When a developer proposed to contribute unimproved land in lieu of a confirming community space, require the application to include a complete site plan and design for the future community space*
- *In 10.5A46.23(2)(a) of the draft amendment [to be redesignated as (b)], insert the word “excess” before the words “unimproved land” to clarify the intent*
- *Reduce the maximum term of a Prospective Development Incentive Agreement from 15 years to 10 years*
- *Insert a new provision requiring the grant of a conditional use permit by the Planning Board in order for a developer to be able to use the excess community space to support a future project, regardless of whether the future project would need a conditional use permit otherwise*

Planning Director Walker provided a description of the recommendations and stated that this ordinance amendment would allow excess community space provided by a development in an Incentive Overlay District to be credited for use in another development in the same Incentive Overlay District.

Councilor Dwyer said that these are all good amendments with reducing the maximum term of a Prospective Development Incentive Agreement from 15 years to 10 years. Planning Director Walker said that this is a term to make sure development happens in that period of time.

Councilor Spear said in the case of a community space the part of an area that could build in is that a good thing for the developer. Planning Director Walker said community space has to meet the terms in the current zoning ordinance and the definitions are clear.

City Manager Bohenko said that this gives us access to the water.

Motion passed. Assistant Mayor Splaine voted opposed.

6. Request to Establish First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots

City Manager Bohenko said we wanted to work through private lots for public parking.

Councilor Spear moved to accept the Planning Board's recommendation, and further, establish a first reading of the proposed Ordinance at the May 15, 2017 City Council meeting. Seconded by Councilor Dwyer and voted.

10. Annual Renewal of Boarding House Permits
 - a) 278 Cabot Street
 - b) 350-352 Hanover Street

City Manager Bohenko reported that these people have complied.

Councilor Spear moved to approve the Boarding House permit for 278 Cabot Street and 350-352 Hanover Street for a one year permit to expire May 2, 2018. Seconded by Councilor Cyr and voted.

11. License Request for Completion of Work at 233 Vaughan Street

City Manager Bohenko explained the request for an encumbrance permit to utilize a portion of Green Street.

Councilor Cyr moved to authorize the City Manager to negotiate and enter into a license with Chinburg Builders to facilitate completion of construction activities at 233 Vaughan Street. Seconded by Councilor Lown.

Councilor Cyr clarified the intent is Green Street would still be passable. City Manager Bohenko said that is the intent.

Motion passed.

12. Request to Establish First Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 – Exemption (Not on Agenda)

City Manager Bohenko said that Councilor Pearson would like this matter brought forward this evening as it was left off the agenda in error.

Councilor Pearson said the public art commitment can't adjust the time line and one way to avoid the concurrency would be to amend the ordinance. She said the City Council could pull the project but it must be done when the funds are appropriated.

City Manager Bohenko said this will be brought back for first reading at the May 15, 2017 City Council meeting.

Councilor Pearson moved to establish a first reading of the proposed Ordinance at the May 15, 2017 City Council meeting. Seconded by Councilor Spear.

Councilor Spear asked if this applies to the garage. City Manager Bohenko said that this would be prospective.

Councilor Spear said when a new City Council comes in they could strip the funding.

Councilor Dwyer said these things happen in committee. She said public art will be in the Portsmouth Middle School. She said the Committee did not have a majority vote in the beginning. City Manager Bohenko said the committee on the garage is advisory and it would be his decision.

Councilor Spear said he supports the \$150,000.00 for the new parking garage. He said the percent for art will get rid of it entirely and appropriate funds during the budget.

Motion passed.

City Manager Bohenko reminded the City Council of the Budget Presentations meeting will be held on Saturday, May 6th at 8:00 a.m. in the Levenson Room of the Library. He also announced that the City Council will be holding a public hearing on the budget on Wednesday, May 10, 2017 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers of City Hall. He also indicated that the Hodgson Brook Site Walk is scheduled for Tuesday, May 23, 2017 at 3:30 p.m.

B. MAYOR BLALOCK

1. Appointments to be Voted:
 - Reappointment of Barbara McMillan to the Conservation Commission
 - Reappointment of Steve Miller to the Conservation Commission
 - Reappointment of Allison Tanner to the Conservation Commission

Assistant Mayor Splaine moved to reappoint Barbara McMillan, Steve Miller and Allison Tanner to the Conservation Commission until April 1, 2020. Seconded by Councilor Spear and voted.

2. Sister Cities Blue Ribbon Committee

Mayor Blalock spoke to our Sister Cities and the two current requests we have received from France and Korea. He stated he would like to establish a Sister Cities Blue Ribbon Committee to keep in touch with our current Sister Cities and reviewing future requests.

Assistant Mayor Splaine moved to have Mayor Blalock establish a Sister Cities Blue Ribbon Committee. Seconded by Councilor Dwyer and voted.

City Manager Bohenko spoke to the International Organization we belong to and the value has come from students traveling to other countries. He said we need a Committee to look at visiting Sister Cities, reviewing new requests and discussions with Sister Cities Organizations.

Assistant Mayor Splaine said that the organization is world-wide and of value to the City. He spoke to his visit to Sverdlovsk, Russia and being the first delegation to visit. He said he would like to see Sister Cities continue.

Mayor Blalock said it is a cultural exchange.

Motion passed.

C. ASSISTANT MAYOR SPLAINE

1. Options and process by the City Council and by citizen-initiative for adding provisions regarding (1), campaign financial disclosure of donations and spending; (2), conflict of interest restriction; and (3), ethical standards for elected and appointed city officials and administrators into the City Charter for the November 7, 2017 City Election

Assistant Mayor Splaine said we need to all be on the same page when it comes to citizen-initiatives. He requested the answers to the following questions:

- What are the deadlines for place City Charter amendments on the ballot for citizens to vote;
- What are the restrictions or limitations concerning the types of issues that maybe voted on considering that efforts two-years ago were confusing specifically for City Council initiated Charter amendments. What is the required schedule and process;
- For Citizen initiative Charter amendments what are the petition requirements and deadlines

He requested that the City Attorney report back possibly at the May 15, 2017 City Council meeting. City Attorney Sullivan said the citizen-initiative is very complex but he would provide a report back at the May 15, 2017 City Council meeting.

D. COUNCILOR DWYER

1. City Council Rules Re: Public Comment and Public Hearings

Councilor Dwyer said she has received comments from several residents on both these items. She said it is difficult to sit until 9:00 p.m. to start deliberations on the main portion of the agenda.

Councilor Dwyer moved that residents, business owners and other taxpayers of the City of Portsmouth will speak prior to other speakers at public comments, within existing guidelines for public comment and further that residents, business owners, and other taxpayers of the City of Portsmouth will follow current rules regarding time allotments at Public Hearing. Others will be limited to 5 minutes for just one round of comments. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said he wrote the original public comment session rules back in 1990. He said the rules are clear but he is also interested in Brian Kelly's proposal and would like to have it on for the next City Council meeting. He said we adopted a policy dealing with civility and these changes create a strong and clear public comment process.

Councilor Spear said he would like to change the public hearing process to limit the first round comments have a time limit and the second round is residents, business owners and taxpayers. Mayor Blalock said he would not have a second round of speakers at a public hearing. He said he agrees with the spirit of the motion proposed. He said we should limit speaking times for public hearings.

Assistant Mayor Splaine said the Planning Board has that standard. He said we should have Councilor Spear's suggestion in writing and consider some others at another time.

Councilor Dwyer said she wants to make sure we allow everyone to speak.

Councilor Denton said at some point we should move public comment to a different night.

Councilor Pearson said she would like the conversation to continue.

Councilor Lown said we are not approving what is said, it is just the reflection of comments. He said the people can be limited and the Mayor has the power to limit individuals, that is at the control of the Mayor.

Councilor Spear moved to amend the motion that speakers cannot relinquish their time to other speakers. Seconded by Councilor Lown.

Assistant Mayor Splaine said he would rather leave that to the discretion of the Mayor.

Mayor Blalock said he is opposed to people relinquishing their time to others.

City Attorney Sullivan said before a vote is taken on the main motion a suspension of rules needs to take place to allow to vote on this matter this evening in accordance with the Rules and Orders of the City Council.

Councilor Dwyer moved to suspend the rules in order to take action on these motions this evening. Seconded by Councilor Pearson and voted.

The City Council voted to pass the amendment to the motion.

The City Council voted to pass the main motion, as amended.

E. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of April 6, 2017 meeting

Councilor Lown reported the newly proposed motorcycle ordinance identified the first parking space on Pleasant Street at Market Square as motorcycle parking. He said this would occur only between April 1 and November 30. He further stated that all motorcycles would be required to pay the parking meter fees for the hours of enforcement. He also reported on the newly proposed moped ordinance would allow mopeds to park on sidewalks, like bicycles, as long as they have a license plate to clearly identify them as a moped or they display a permit issued by the City of Portsmouth, identifying the vehicle as complying with the definition of a moped. He also said the new proposed bicycle ordinance changes would bring them into conformance with current state laws and local policies.

Councilor Pearson said she understands that we asked for staff to look at resident parking. City Manager Bohenko said after the second garage is open we will look at those concepts with the 72 hour parking and would like to look at it with Parking & Traffic Safety to make a section for 72 hour parking. He said we want to put out a survey and determine what we have for parking in the City.

Councilor Dwyer said we need to know what we have on our plate and what we are looking at. She said we need to look at parking principles and parking plans.

Councilor Lown said what if we just had a work session on this matter.

Mayor Blalock said we need some guidance and feedback. He said we need a work session on this matter.

Councilor Lown asked City Manager Bohenko to work with Mayor Blalock on establishing a work session on this matter.

Councilor Lown moved to approve the motorcycle, moped and bicycle ordinances as written. Seconded by Councilor Dwyer and voted.

Councilor Lown moved to remove Item #8 – Report Back on Bartlett Street and Thornton Street intersection from the Action Sheet and further approve the remainder of the action sheet and minutes of the Parking and Traffic Safety Committee meeting of April 6, 2017. Seconded by Assistant Mayor Splaine and voted.

F. COUNCILOR SPEAR

1. Charter Amendment Timeline

Councilor Spear requested to have Charter amendments on for the June 5, 2017 City Council meeting. He said he would like to have discussion of the Police and Fire Commissions at the June 5, 2017 City Council meeting.

G. COUNCILOR DENTON

1. Conservation Commission

Councilor Denton said he would like to discuss at the Retreat on June 3, 2017 if we could have a City Council sit on the Conservation Commission. He said the Commission calls for 7 members to serve and there is currently a vacancy on the Commission and the Council should look at this matter. He said it would require an ordinance amendment.

Councilor Dwyer said we can discuss this at the Retreat. She said the Commission is advisory to the Planning Board. She further stated they do not meet together very often now and they are more scientific.

Mayor Blalock said the question is can a City Councilor serve on the Conservation Commission.

City Attorney Sullivan said he reviewed state and local laws and nothing speaks directly to having a City Councilor but if the City Council would like to have the ordinance amended they should allow for an ex-officio to serve on the Conservation Commission.

Mayor Blalock said we do not want to politicalize the Conservation Commission.

Councilor Denton said he would not bring this matter forward for further discussion.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 10:45 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear and voted.



KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK