

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 16, 2018

PORTSMOUTH, NH
TIME: 7:00 PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:00 p.m.

II. ROLL CALL

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Becksted

III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance.

V. ACCEPTANCE OF MINUTES – APRIL 2, 2018

Councilor Perkins moved to approve and accept the minutes of the April 2, 2018 City Council meeting. Seconded by Councilor Denton and voted.

VI. PUBLIC COMMENT SESSION

Yasmin Dmytruk – spoke against the Recreation Department change of programming at the Portsmouth indoor pool which will eliminate the practice time for the Cannonball Swim Team. She stated that there was no discussion held with the group and requested the City Council to reverse the decision.

Sophia and Lucas Dmytruk – members of the Cannonball Swim Club requested the Council to reconsider the decision by the Recreation Department.

Dmitri Dmytruk – spoke against the Recreation Department decision stating it is important to all of the kids involved and stated that it will ultimately reduce the revenue of the Indoor Pool.

Roy Helse – stated he doesn't understand why the City is paying \$77,000 for a waterline in Greenland for a developer and feels that all developers should pay an impact fee. He discussed the development on Maplewood Avenue stating that they overbuilt the footprint and wonders how that was allowed. Finally, he stated that the school department employees need to have a study done on their positions.

Merle White – spoke about enforcement of city ordinances specifically the Taxi ordinance as there are still taxis that are not licensed picking up fares in Portsmouth.

Esther Kennedy – asked if with the expansion of Lonza, will we be able to meeting the .5 level in our sewer treatment plant or continue to pollute our waters.

Paige Trace – stated that with the expansion of Lonza we should be proactive and provide the Fire Department with the facility it will need to provide services in that area.

Erik Anderson – discussed the one-year extensions on 4 different contracts stating he hopes there is a rationale to this and that it will lead to eventual taxpayer relief. He hopes that this does not become the standard because it is the largest part of the budget.

David Calkins – asked the Council to support the request for the access easement off Swett Avenue as this is the last piece of the puzzle on a 1 ½ year project.

Alex Ferris, resident of Stratham - spoke regarding the Cannonball Swim team as an autistic individual this team has helped him make friends and he is disappointed as they will have nowhere else to go.

Taylor Nault, resident of North Hampton - stated she was invited to be on the Cannonball Swim Team and as a little person, she is not extended invitations to join teams and feels that this is an extended family who encourage and support her. She stated she looks forward to swimming for the Special Olympics one day and asked the Council to reconsider.

Stacey Taylor, resident of Brentwood - stated as a parent of a Cannonball Swim Team members she spends a lot of time and money in the City of Portsmouth and feels there are other things to consider as a part of this decision.

Mayor Blalock requested Recreation Director Wilson to address the concerns of the speakers regarding the Portsmouth Indoor Pool.

Recreation Director Wilson stated that he wishes we could do everything for all of the kids. He continued that from 4:00 – 8:00 p.m. the swim teams use up most of those hours during the week and there is not time for open-swim for Portsmouth residents. He compared it to not having the Library or tennis courts available during those times. He stated that this may mean less money but the SIPP organization has committed to making a certain amount and concluded that this is the Portsmouth Indoor Pool.

Councilor Reynolds asked for the number of Portsmouth residents on each of the swim teams. He also asked what data we have showing the demand by Portsmouth residents for those hours.

Recreation Director Wilson stated out of 63-68 Cannonball Swim Team members, 5 are Portsmouth residents and of the 150 Portsmouth Swim Team members, 30 are Portsmouth residents. He explained that 1 ½ hours during that time will still be taken by the Portsmouth swim team, just at various times, but currently there is no family swim time or time for swim lessons. He stated we are also looking to have open nights for the schools on different nights.

Councilor Becksted discussed the effect of the recent change of school start times on after school programs and team practices.

Mayor Blalock clarified that one team, Cannonball Swim Team is a for-profit and Portsmouth Swim Team is a non-profit.

Councilor Dwyer asked for clarification of the decision making stating that the City ceded the pool to SIPP.

Recreation Director Wilson stated that is correct that 7 years ago SIPP began running the pool and scheduling etc. and have put in \$1,000,000.00, but the City does have the final say.

Councilor Pearson moved to suspend the rules to bring forward Item XI.E.1. – Public Art at Foundry Place. Seconded by Councilor Denton and voted.

E. COUNCILOR PEARSON

1. Public Art at Foundry Place

Councilor Pearson gave a brief recap of the Percent for Arts requirement and the work of the Public Art and Foundry Place Committee to bring forward the unanimous recommendation for the two artists making presentations this evening.

Seth Palmiter of Rockport Maine gave a brief presentation of various works he has done both locally and throughout the country. He explained the etched glass design he proposed for the Foundry Garage.

Councilor Dwyer asked what percentage of the glass stairwell will be the etched glass design based on the cost estimate he submitted.

Mr. Palmiter explained that he wants to do as much as possible without overpowering the space and allowing the glass to still be windows. He stated it is approximately 50-60%.

Councilor Reynolds asked will there be any intentional or directed lighting on the art piece or will it be illuminated by the stairwell itself.

Mr. Palmiter stated there is possibility for lighting and color choices etc. which will be determined by the stakeholders.

Next, Terrence Parker of Eliot Maine, gave a presentation regarding the process of discovery he undertook to incorporate the history of the area, including the train tracks, Portsmouth Machine Company, worker's housing etc. to develop the idea for the sculpture he proposed for the Round House area of the train tracks. He explained that to him, the head of a hammer represented work and resembles a human body which inspired his work. He concluded that the landscaping will reflect the type of grass that is seen on industrial sites.

Councilor Dwyer asked if all of these layers of explanation will somehow be explained on the site.

Mr. Parker stated he would rather have people be able to interpret the piece themselves,

but would be fine if the City wanted some type of placard.

Councilor Pearson asked who will be forging the metal pieces. Mr. Parker stated that locally Peter Happney and the Cassidy Brothers of Rowley, Massachusetts and the landscaping will be done by Piscataqua Landscaping.

Councilor Pearson stated that both works relate well to the other and have a cohesive story.

Councilor Pearson moved to accept the recommendation of the Foundry Place Project Planning Committee and authorize the expenditure for the public art project from the Public Art Trust in accordance with Provision Three of the Public Art Trust, seconded by Councilor Denton.

Councilor Becksted asked if this fits within the budget.

Councilor Pearson stated yes and that 10% was set aside for future upkeep before it went out to Request for Proposals.

Councilor Becksted asked if the work will be signed and is glad that Peter Happney is involved.

Mayor Blalock stated that Mr. Happney created the City Seal on the wall of the Council Chambers.

City Manager Bohenko stated it is important to give context of the history and will work with Dave Allen to find an open area to read about the history as he feels it is fascinating and important.

Motion passed.

VII. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. PUBLIC HEARING ON RESOLUTION AUTHORIZING BORROWING OF UP TO ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000.00) FOR THE ACQUISITION OF A FIRE BOAT

- **PRESENTATION**

Fire Chief Achilles stated there are representatives from the Coast Guard as well as Geno Marconi of the Port Authority in the audience available for questions after the presentation. Chief Achilles explained the large amount of area that the Coast Guard is required to cover and that the City is required by State law to respond to events in our jurisdiction. He explained that with the previous Fire Boat we were responding to other areas outside of our jurisdiction including Star Island and Rye and the cost of the fuel, maintenance and educational requirements were excessive. He stated that in 2015 a Department study of operations was conducted which concluded that the boat did not meet our needs, but we were unable to sell it because it was obtained with a grant. He stated that the boat ended up in New Castle. He continued that in the FY17 Capital Improvements Plan presentation they presented the 2 vessel program to focus on the city

of Portsmouth and the river and not regional. He stated that a committee of stakeholders determined that the fire boat should be reliable, versatile, predictable and sustainable but would have limited firefighting capabilities. He stated that the annual maintenance cost would be \$1000-\$1200 a year with a 3 member crew versus the 1200 a month and 5-6 member crew of the previous boat. Finally, he reviewed the other agencies that have boats of various types but who have their own duties in the area, and reiterated that the city is responsible for its own jurisdiction.

Geno Marconi, Port Authority, stated he works closely with Chief Achilles and is part of the Portsmouth Harbor Advisory Council which Councilor Reynolds is a representative as well. He stated that at the last meeting the Advisory Council voted to support the efforts of the Fire Department to get a new boat to be able to respond to the Piscataqua River which has seen a tremendous increase in kayakers, paddle boarders, etc.

Mayor Blalock stated he has seen many things happen on the river from his restaurant and is glad that we have our responders but wonders if there is an overlap.

Mr. Marconi stated that his observation is that the Coast Guard has a large patrol area so they are not always in the area at various times.

Councilor Dwyer asked if the Port Authority ever called for service of our previous fire boat.

Mr. Marconi stated no, but they support them in every way they can and have provided a secure dock and marina facility with 24/7 security. He stated previously they only could go out from Peirce Island if the tide was high but now they have direct access from Market Street.

Coast Guard Commanding Officer John Harker explained that the area covered by the Coast Guard is from Cape Porpoise to the Merrimack River and 25 miles out to sea. He stated there are 42 active duty staff and they are active 24/7. He stated that they are primarily search and rescue operation and it is important to have other partners keeping the waterways safe.

- **CITY COUNCIL QUESTIONS**

Councilor Dwyer asked if the new boat will have some firefighting capacity.

Chief Achilles stated it would have a 250 gallon portable pump meant to hold a fire in check while evacuating until a land resource becomes available.

Councilor Becksted asked how much revenue the Fire Department brought in for FY17. Chief Achilles responded the ambulance billing brought in around \$1,000,000.00.

Discussion ensued regarding the staffing and training requirements with Chief Achilles explaining that this boat will require less staff and therefore less staff required to be trained.

Councilor Dwyer asked about mutual aid and that since we gave our old boat to Newcastle, why wouldn't we call them.

Chief Achilles explained that they are not staffed 24/7 and it is also not appropriate to supplant what we are required to do by law and they are also a volunteer department.

Councilor Perkins asked if there would be any impact on waiting on this purchase.

Chief Achilles stated that this was in the CIP in 2015 but was pushed out a couple of years, but this should not be a surprise that this was coming.

Mayor Blalock stated that this was approved in the current budget and this is voting on the appropriation.

Discussion ensued regarding various boat sizes and types available through other agencies.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the public hearing notice and opened the public hearing:

Esther Kennedy – stated she is on the river frequently and respects those who spoke on the issue but she has been told that this is not needed. She stated she is concerned that this boat would not be able to put out a fire and feels that we should be able to utilize the boat in Newcastle. She also questioned why our Fire Department will not go to Star Island any longer.

Erik Anderson – stated he is a fisherman and has spent 45 years on the water. He stated he appreciates the explanation but feels it needs to be more detailed. He stated this is giving the authority to spend up to \$180,000 but wishes the Chief would explain how much it is going to cost and how much training will be involved, etc. He also questions the decision to not go out to the Isles of Shoals and wonders if this will be able to generate any revenue like the ambulance service does. He stated he is also concerned with staffing the boat and reducing the availability of responders to land-based issues.

Seeing no one else wishing to speak, Mayor Blalock closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Assistant Mayor Lazenby moved to adopt the Resolution as presented, seconded by Councilor Denton.

Councilor Dwyer asked if a portion of this can be paid with the Webber bequest because it is for safety use.

Chief Achilles stated it is a slippery slope to supplement capital funds with trust funding and stated that will be used for firefighter safety equipment.

Councilor Becksted stated he has spoken to the Chief and has viewed budget meetings and has seen the purchase of a fire truck be pushed back 10 years and doesn't want the same thing to happen to this and doesn't want anything to happen if we don't have it. He asked if there are any other options than this particular type of boat.

Chief Achilles stated they want to be able to do work on the boat if needed and have enough room to do it and feels this is the appropriate size and stability vessel they need and he doesn't expect to exceed the \$180,000.00.

Discussion ensued regarding the necessity of having a vessel to ensure the safety of the waterways with the ever increasing activity.

Councilor Raynolds gave a brief report of the PDA Port Authority meeting held which voted 4-1 to support this vessel. He stated he abstained from the vote. He also reported on the various vessels that other agencies utilize.

Motion passed on an 8-1 roll call vote. Councilor Perkins voted opposed.

Mayor Blalock called for a brief recess at 9:15 p.m. and reconvened the meeting at 9:25 p.m.

B. PUBLIC HEARING ON RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000.00) FOR COSTS RELATED TO ELEMENTARY SCHOOL FACILITY IMPROVEMENTS

• PRESENTATION

Superintendent Zadravec and Business Administrator Bartlett reviewed the work done over the last 3 years to upgrade the elementary schools and this will be for Phase II of the Dondero School. They explained that student and staff safety and security have been the focus of these upgrades.

• CITY COUNCIL QUESTIONS

Councilor Dwyer asked if this is in the current budget.

City Manager Bohenko stated no, this is the authorization for them to go out to bid so that they can begin the work when school lets out after July 1st. He stated this will be in the FY19 budget. He stated they have a short window of opportunity to get it done.

Asst. Mayor Lazenby asked if they could also look at the water filtration system in the schools.

Supt. Zadravec stated they can price it out but the School Board is not inclined to look at the filtration system in the school but would rather see it addressed at the source.

Discussion continued regarding the water bubblers and filtration system.

• PUBLIC HEARING SPEAKERS

Mayor Blalock read the public hearing notice and opened the public hearing:

Andrea Amico – stated she wants to see water filtration at the public schools in Portsmouth as there are still concerns of low-level PFAS and children have already been exposed at Pease and this is a necessary step to limit exposure. She stated there are 4

communities in New Hampshire that have filtered systems and feels we must err on the side of public health and not chemicals.

Lyndsay Carmichael – stated she has spoken with the Town of Merrimack and the company doing the work and if the filters in the water bubblers are enough protection. She stated she was told they are not practical with the amount of water that goes through. She stated there is also a historical precedent of using chemicals that were not supposed to be harmful and then found to be so and feels that PFAS will be included. She concluded that the Council needs to take action in the best interest of all residents.

Seeing no one else wishing to speak, Mayor Blalock closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Perkins moved to adopt the Resolution as presented, seconded by Council Dwyer.

Councilor Becksted stated he went to Dondero School and will support the funding but still wants to know what we will do to help our children.

Motion passed on a 9-0 roll call vote.

VOTES ON ORDINANCE AND/OR RESOLUTIONS

- C. Third and Final Reading of Ordinance Amending Chapter 1, Article IX, Section 1.9 Conflict of Interest/Election Candidate Financial Disclosure – Charter Amendment #1 (*Tabled from the April 2, 2018 City Council meeting*)

Councilor Denton moved to remove from the table. Seconded by Councilor Dwyer and voted.

Councilor Denton moved to substitute the body of the ordinance with the amendment proposed by Councilors Denton and Roberts, seconded by Councilor Becksted.

Assistant Mayor Lazenby stated he has two minor amendments to make.

Councilor Perkins stated there is a substantive difference between the 2 drafts and supports the original version.

Mayor Blalock agrees with Councilor Perkins and supports the original version.

Motion passed on a 6-3 roll call vote, Councilors Pearson, Perkins and Mayor Blalock voted opposed.

Assistant Mayor Lazenby moved to amend Line 19 by removing “political committee” and adding “person or groups of people” and Line 49 by deleting the word “candidate”. Seconded by Councilor Denton and voted.

Councilor Denton moved to pass third and final reading of ordinance as amended. Seconded by Councilor Roberts and voted.

Assistant Mayor Lazenby moved to suspend the rules to bring forward Item XI.C.1. – Report Back Re: EPA Meeting regarding Coakley Landfill. Seconded by Councilor Denton and voted.

Assistant Mayor Lazenby and Environmental Planner Peter Britz gave a brief update on the recent meeting held at the Bethany Church in Greenland on April 5, 2018.

Mayor Blalock moved to suspend the rules to bring forward 2 items from the City Manager Informational items; Presentation Re: Senior Transportation and Presentation Re: Foundry Garage. Seconded by Councilor Pearson and voted.

3. Presentation Re: Senior Transportation

Senior Services Coordinator Brinn Sullivan gave a brief presentation regarding the City's Senior Transportation which will be provided by COAST beginning October 1st and allow for expanded services. She explained the current system is one dimensional and only allows for trips to local doctor appointments and does not allow for volunteer drivers. She stated through the new program there will be a travel hotline called "Triplink" which everyone can call to find a solution best suited to their needs.

Councilor Dwyer asked if the volunteer drivers will be using their own vehicles and will it still be \$3.00.

Ms. Sullivan explained that it will be free but the volunteer program is not 100% guaranteed.

Councilor Becksted stated when this was presented to the Recreation Board they didn't have the cost information.

Ms. Sullivan stated she didn't have those figures at the time and stated that the continuum of service is important and there will be a savings for people.

City Manager Bohenko stated that Wentworth currently charges people for medical rides and is all that they provide and it is much appreciated, but going forward there will be enhanced services to other locations and is a good opportunity.

Assistant Mayor Lazenby moved to suspend the rules to allow the meeting to go past 10:30 p.m. Seconded by Councilor Becksted and voted.

2. Presentation Re: Foundry Garage

Project Manager Dave Allen gave an update of the progress and time line for the Foundry Garage project. He explained that there are five parts of the project:

- 1) Site prep and removal of 4 buildings
- 2) Environmental operations
- 3) Utilities and roadway
- 4) Piles and foundation
- 5) Structure of garage

He concluded that the project has had some delays but it is still scheduled for a mid-October opening.

Councilor Dwyer stated she would like to have a detailed explanation of the relocation of the Parking Division to the garage and the costs involved with parking for employees, etc.

Councilor Denton stated that a member of the Renewable Energy Committee mentioned the opportunity for free electrical charging station at the garage.

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSENT AGENDA

Councilor Perkins moved to adopt the Consent Agenda as presented. Seconded by Councilor Denton and voted.

- A. Letter from Mike Young and Matt Gladu, Babe Ruth Baseball, requesting permission to place up to 20 outfield signs on the outer perimeter fence facing inwards towards Leary Field ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold 2 boot drives one on Saturday, June 30th and second on Saturday, August 11th from 8:00 a.m. to 4:00 p.m. in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- C. Request for License to Install Projecting Sign from Brendan Carney, owner of Acupuncture North for property located at 406 Deer Street (400 The Hill) ***(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. Request for License to Install Projecting Sign from Anthony Thompson, owner of Fatface for property located at 62 Congress 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***

- E. Request for License to Install Projecting Sign from TD Ameritrade, owner of TD Ameritrade for property located at 226 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 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***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Councilor Reynolds moved to accept and place on file. Seconded by Councilor Perkins and voted.

- B. Letter from Jim Splaine regarding Coakley Landfill and Coakley Landfill Group/N.H. Right-to-Know Law

Councilor Roberts moved to accept and place on file. Seconded by Councilor Denton and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

Mayor Blalock announced due to the late hour all of the City Manager's items requiring action are now Consent Agenda Items.

Councilor Perkins requested to remove Item XI. A.6. – Proposed Policy Re: Fees for Encumbrances during Private Construction (eg. Sidewalks, Streets, Parking Spaces) from the City Manager's Consent Agenda.

Councilor Becksted requested to remove Items XI.A.8, Applications for Sidewalk Cafés providing Alcohol Service; 9, Applications for Sidewalk Cafés providing Alcohol Service-private sidewalks; and 10, Access Easement for Lot 243-26 Off Woodworth Avenue and Swett Avenue from the City Manager's Consent Agenda.

Councilor Denton moved to adopt the remaining City Manager Consent Agenda. Seconded by Councilor Perkins and voted.

A. CITY MANAGER

1. Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School District and the Clerical Employees Portsmouth School District **(Sample motion – move to accept the proposed One-Year Agreement between the Portsmouth School District and the Clerical Employees Portsmouth School District, as presented.)**
2. Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth Police Commissioners and the Portsmouth Ranking Officers Association **(Sample motion – move to accept the proposed One-Year Agreement between the Portsmouth Police Commission and the Portsmouth Ranking Officers Association, as presented)**
3. Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilian Employees Association **(Sample motion – move to accept the proposed One-Year Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilian Employees Association, as presented)**
4. Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth Police Commission and Portsmouth Police Patrolman's Union, NEPBA Local #11 **(Sample motion – move to accept the proposed One-Year Agreement between the Police Commission and Portsmouth Police Patrolman's Union, NEPBA Local #11, as presented)**
5. Request for Approval of Lease Renewal Re: Connect Community Church **(Sample motion – move to approve the Lease Renewal, as presented, and further, authorize the City Manager to execute the document)**

6. ~~Proposed Policy Re: Fees for Encumbrances during Private Construction (eg. Sidewalks, Streets, Parking Spaces) (**Sample motion – move to adopt this proposal as a City Council policy**)~~
7. Annual Renewal of Boarding House Permits
 - a) 278 Cabot Street (**Sample motion – move to approve the Boarding House permit for 278 Cabot Street for a one year permit to expire April 16, 2019**)
 - b) 350-352 Hanover Street (**Sample motion – move to approve the Boarding House permit for 350-352 Hanover Street for a one year permit to expire April 16, 2019.**)
8. ~~Applications for Sidewalk Cafés providing Alcohol Service (**Sample motion – move to authorize the City Manager to enter into Area Service Agreements with Popovers on the Square, RiRa Irish Pub, The District, Feziwig’s Food and Fountain, and Raleigh Wine Bar and Market, for outdoor Alcohol Service on City Land for the 2018 season subject to City Council Policy No. 2012-02**)~~
9. ~~Applications for Sidewalk Cafés providing Alcohol Service private sidewalks (**Sample motion – move to authorize the City Manager to enter into Area Service Agreements with British Beer Company, the BRGR Bar, and Row 34 for outdoor alcohol service on City land for the 2018 season subject to City operating conditions contained in City Council Policy No. 2012-02**)~~
10. ~~Access Easement for Lot 243-26 Off Woodworth Avenue and Swett Avenue (**Sample motion – move that the City Manager be authorized to negotiate, execute, deliver and record the deeds regarding Lot 243-26 as presented**)~~
11. License Request Re: 75 Congress Street (**Sample motion – move to authorize the City Manager to negotiate and enter into a license with Michael de la Cruz to facilitate work at the Franklin Block Building, 75 Congress Street**)

(End City Manager Consent Agenda)

6. Proposed Policy Re: Fees for Encumbrances during Private Construction (eg. Sidewalks, Streets, Parking Spaces)

City Manager Bohenko explained that there is a value to the spaces that people take up and have not had any limitations. He stated this is looking to have a consistent policy and if the Council wishes to make adjustments to the rates, they may do so.

Councilor Perkins stated she would suggest referring this to the Fee Committee.

City Manager Bohenko stated that could be done but would like something in place now because it is the start of the construction season. He stated that changing the 22 cents per square foot to 15 cents per square foot per day would be acceptable.

Councilor Dwyer stated she would rather wait for the Fee Committee.

City Manager Bohenko stated that it could be contingent upon approval of the fees being adopted as part of the budget process, but still be able to implement in the meantime.

Councilor Becksted stated that we keep asking to generate revenue but feels we keep giving it back.

Councilor Perkins moved to provisionally authorize the City Manager to charge the rates quoted in the policy, changing the .22 cents per square foot per day to .15 cents per square foot per day, pending the determination of the final fee schedule set by the Fee Committee in June, seconded by Councilor Raynolds.

Councilor Pearson stated she would like to see something that shows data that we keep backing off fees.

City Manager Bohenko stated he would come back with a report.

Motion passed on an 8-1 vote, Councilor Becksted voted opposed.

8. Applications for Sidewalk Cafés providing Alcohol Service

Councilor Dwyer moved to authorize the City Manager to enter into Area Service Agreements with Popovers on the Square, RiRa Irish Pub, The District, Feziwig's Food and Fountain, and Raleigh Wine Bar and Market, for outdoor Alcohol Service on City Land for the 2018 season subject to City Council Policy No. 2012-02, seconded by Councilor Denton.

Councilor Becksted stated he asked back in January for the fees of these agreements based on the square footage and when the last time they were updated.

City Manager Bohenko stated they have physically been checked but the amount of money charged has stayed the same.

Councilor Becksted stated that this is another way to generate revenues.

Councilor Becksted moved to refer to the Fee Committee to determine a fee based on ratio and report back to the City Council, seconded by Councilor Roberts.

City Manager Bohenko stated he will work with the fee committee for next year.

Councilor Roberts stated he is concerned with making it too expensive for the businesses.

Motion withdrawn.

Main motion passed on an 8-0 vote, Councilor Becksted out of Chambers at time of vote.

9. Applications for Sidewalk Cafés providing Alcohol Service-private sidewalks

Councilor Pearson moved to authorize the City Manager to enter into Area Service Agreements with British Beer Company, the BRGR Bar, and Row 34 for outdoor alcohol service on City land for the 2018 season subject to City operating conditions contained in City Council Policy No. 2012-02, seconded by Assistant Mayor Lazenby. Motion passed on an 8-0 vote, Councilor Becksted out of Chambers at time of vote.

10. Access Easement for Lot 243-26 Off Woodworth Avenue and Swett Avenue

Councilor Becksted asked about the 1 ½ years mentioned by the speaker during the public comment session.

Planning Director Walker explained the process can be lengthy and this is the final step.

Councilor Perkins moved that the City Manager be authorized to negotiate, execute, deliver and record the deeds regarding Lot 243-26 as presented. Seconded by Councilor Dwyer and voted.

City Manager's Informational Items:

1. Events Listing
2. Presentation Re: Foundry Garage
3. Presentation Re: Senior Transportation
4. Cost to Bury Overhead Utilities Along Islington Street Corridor
5. Public Hearing of FY19 Budget – May 2, 2018 at 6:30 p.m.
6. Report Back Re: City Ordinance - Taxi Enforcement

B. MAYOR BLALOCK

1. Resignation of Jennifer Zorn from the Economic Development Commission

Councilor Dwyer moved to accept the resignation with thanks and appreciation of service. Seconded by Councilor Perkins and voted.

2. Appointment to be Considered:
 - Appointment of Katelyn Kwoka to the Economic Development Commission

Councilor Becksted stated that he feels that it is not proper to put a spouse of an elected official on the Economic Development Commission. He stated we recently appointed a family member to the Recreation Board and he feels that the Council is supposed to maintain a perception of no conflict of interest. He stated that Councilor Perkins has an item under her name regarding the Economic Development Commission and the EDC is going to be involved with the McIntyre Project so he feels it will be a conflict of interest.

City Manager Bohenko stated that it has been said several times that the Council will determine who will oversee the McIntyre process and the EDC involvement could be discussed.

Mayor Blalock stated he has discussed this with Councilor Becksted and he does not agree that there is a conflict but he welcomes input.

Councilor Perkins stated she will abstain from the vote when taken.

3. Appointments to be Voted:
 - Reappointment of Adrienne Harrison to the Conservation Commission term to expire 04/01/2021.
 - Appointment of Thaddeus Jankowski to the Conservation Commission as a Regular Member term to expire 04/01/2020, filling unexpired term.
 - Reappointment of Carl Diemer to the Recreation Board term to expire 04/01/2021.
 - Reappointment of Kathryn Lynch to the Recreation Board term to expire 04/01/2021.

Councilor Reynolds moved to approve the appointments as presented. Seconded by Assistant Mayor Lazenby and voted.

C. ASSISTANT MAYOR LAZENBY

1. Report Back Re: EPA Meeting regarding Coakley Landfill
(Action taken previously)

D. COUNCILOR ROBERTS

1. Policy Re: Public Use of City Hall

Councilor Roberts stated he would like the city to revisit the policy regarding the use of rooms at City Hall which was initiated in 1998. He stated there is a shortage of places to meet in the City of Portsmouth and the Library has twice as many meetings as City Hall.

City Manager Bohenko stated he and the City Attorney will work with Councilor Roberts on this issue.

E. COUNCILOR PEARSON

1. Public Art at Foundry Place
(Action taken previously)

F. COUNCILOR DWYER

1. Legislative Process Policy Proposals (NHMA Advocacy)

Councilor Dwyer explained that every 2 years the municipalities are invited to put in ideas to the NHMA to submit to the State legislature. She stated she and Assistant City Attorney

Ferrini have looked at the issues and have brought these forward and they will still need to go to the Legislative Committee. She presented the following five issues:

- Short-term rentals
- Updated Codes
- Meals and Rooms Tax Distribution
- Regulatory Legislation
- Enforcement of Motor Vehicle Registration

Councilor Dwyer moved to submit the aforementioned policy proposals to the NHMA, seconded by Assistant Mayor Lazenby.

Councilor Perkins stated she would like to add something regarding housing and asked if it was too late.

Councilor Dwyer stated there will be another opportunity in July.

Motion voted.

2. Informational Re: McIntyre Meeting on April 24, 2018 at 6:30 p.m. for Stage 3 Public Input

Councilor Dwyer discussed the upcoming time-line necessary to meet the deadline to submit the application as follows:

- May 7th Council meeting – Endorsement (or not) of the redevelopment plan to allow time to go through Historic District Commission process
- June 4th Council meeting – Work Session on formal aspects; contracts, Memorandum of Understanding and Partnership agreements
- July 9th Council meeting – Final date to act prior to application submission

G. COUNCILOR DENTON

1. Volkswagen Settlement Update

Councilor Denton gave an update of the recent settlement and draft mitigation plan. He requested staff attend an upcoming public hearing to be held at Pease (date TBD) regarding applying for funding of vehicle charging stations.

H. COUNCILOR PERKINS

1. "Referral to EDC – explore ways to streamline land use permitting, through case management or otherwise"

Councilor Perkins stated that the on-line permitting process has recently been improved and she would like to further explore how to continue to improve the process and suggests referring it to the Economic Development Commission.

Councilor Perkins moved to refer the issue of exploring streamlining of land use permitting through case management or otherwise to the Economic Development Commission, seconded by Assistant Mayor Lazenby.

Councilor Dwyer stated she feels that the Planning Board is more appropriate and the EDC doesn't have a deep knowledge of land use.

Councilor Perkins stated the current challenge is housing and that it is an economic development issue.

City Manager Bohenko stated this will end up with staff.

Mayor Blalock stated that the Economic Development Commission can form a subcommittee.

Councilor Reynolds stated that he understands Councilor Dwyers' point but because they do the permitting, it would be better to have another perspective.

Motion voted.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Assistant Mayor Lazenby announced there will be a Citywide Neighborhood Committee meeting on Wednesday, April 18th which will be a Ward 3 forum at Community Campus at 6:30 p.m.

XIII. ADJOURNMENT

Assistant Mayor Lazenby moved to adjourn at 11:40 p.m., seconded and voted unanimously.

Respectfully submitted:

VALERIE A. FRENCH, CNHMC
DEPUTY CITY CLERK