

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 18, 2018

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:30 p.m., a Work Session was held regarding the 2018 Partial Update of Property Values.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:07 p.m.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Recreation Director Wilson led in the Pledge of Allegiance to the Flag.

Recognition of State Champions for Portsmouth High School

1. Boys Baseball Team

Mayor Blalock presented the players and coaches with plaques in recognition of the Boys Baseball Team for winning its second consecutive NH Division 2 State Championship and its 7th State Championship in the last 12 years. Coach Hopley thanked Mayor Blalock and the City Council for this honor.

2. Girls Lacrosse Team

Mayor Blalock presented the players and coaches with plaques in recognition of the Girls Lacrosse Team second undefeated regular season against Division 2 opponents and winning their 2nd consecutive State Championship. Assistance Coach Cole thanked Mayor Blalock and the City Council for this honor.

V. ACCEPTANCE OF MINUTES – JUNE 4, 2018

Assistant Mayor Lazenby moved to approve and accept the City Council minutes of the June 4, 2018 meeting. Seconded by Councilor Raynolds.

Councilor Dwyer said in the minutes under public dialogue discussion it mentions that City Hall has a filtered water system and asked City Manager Bohenko to address this matter. City Manager Bohenko stated that City Hall does not have a filtration water system.

Motion passed.

VI. PUBLIC COMMENT SESSION

Esther Kennedy said she attended the Coakley Landfill meeting and following the meeting a man came up to her and spoke regarding the migration of nitrogen in the Madbury Reservoir. She said a meeting was held the following day regarding this matter and she would like to know what took place and what is taking place at Madbury with the migration of water.

Rich Duddy spoke to the revaluation for FY19. He said many residents have no idea that this is taking place and requested that a notice be sent out to all taxpayers regarding this matter. He said values should be based on the square footage of your home.

Paige Trace said she brought forward that City Hall has a filtration water system and she was incorrect and apologizes. She said she is concerned with children in schools taking in PFAS and would like to see filtration systems put in place.

Assistant Mayor Lazenby announced that Saturday, June 21, 2018 is Pride Day and there will be a Walk from the Library to Prescott Park and encouraged people to attend.

VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. First Reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:
- Amendments to Article 4, Section 10.440 Table of Uses;
 - Amendment to the Character-Based Zoning Building Placement Section 10.5A42;
 - Amendments to the Character-Based Zoning Incentive Overlay District Section 10.5A46;
 - Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21A) to change Tax Map 157 Lots 1 and 2 from Office Research (OR) to Character District 4 West End (CD4-W) and a portion of Tax Map 164 Lot 4 from OR and Transportation Corridor (TC) to CD4-W and Character District 4 Limited 2 (CD4-L2);

- Amendments to the Character-Based Zoning Regulation Plan maps (Maps 10.5A21B) to extend the West End Overlay District and add new Building Height Standards for Tax Map 157 Lots 1 and 2 and a portion of Tax Map 164 Lot 4;
- Amendment to Article 15 Definitions Section 10.1530

Councilor Becksted recused himself from this matter and stepped down from the Dais.

Planning Director Walker provided a detailed overview of the Ordinance.

Mayor Blalock said that the City Council would like to have a site walk of the area. She said that could take place prior to the next City Council meeting. Mayor Blalock said he would work with City Manager Bohenko to schedule the site walk.

Planning Director Walker said this is a Character District which is different from a Form Based code approach. She spoke to the extension of the West End Overlay District. She spoke to the public hearing that was held over two meetings and the site walk completed by the Planning Board of the area. She reviewed the two ordinances before the City Council, one is simplifying some amendments and the second is for housekeeping amendments. She discussed the regulation of uses and public view corridors along the North Mill Pond. Planning Director Walker said the original proposal was to rezone the entire area but it has now been broken into two. She said the West End Overlay District also is dedicated for community space or affordable housing. She said the Planning Board recommends additionally changes to allow more foot print and a decrease in height to 9 feet. She addressed density and that the zoning map consist of 4 or 5 maps and different districts. She also spoke to regulations for outdoor cafes which is allowed and would require a Planning Board Conditional Use Permit. She went on to discuss Part 2 of the amendments which are related to a subdivision process that needs to take place for the project. She stated that there are layers that need to take place moving the zoning forward.

Mayor Blalock said the rezoning does not mean the project would be approved. Planning Director Walker said there needs to be a subdivision and there are constraints with wetlands and access limitations.

Councilor Dwyer said that this is a complex matter and suggested looking at sections one at a time. She would like to see a further breakdown and amend #1 by breaking it down further into two areas. She does not want to see this remain OR but the two parcels need to be looked at and talked about differently. She said we could pass first reading with a suggestions for a Part 1A and Part 1B.

Councilor Dwyer moved to pass first reading and split the Ordinance into two sections with Part 1. A. relating primarily to the proposed CD4-W District and Part 1.B. relating primarily to the proposed CD4-L2 District and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to the request of clipper Traders, LLC for property located at 105 Bartlett Street. Seconded by Councilor Perkins.

Councilor Dwyer said there would be three separate public hearings.

Councilor Perkins said Part 1 is broken into two parts.

Mayor Blalock said there would be Public Hearing A.1. and Public Hearing A.2.

Assistant Mayor Lazenby said he would like to see public hearings with no second reading and bring the two parts back for first reading on July 9th.

Councilor Dwyer said no different information would be brought forward at second reading. She said we are giving people more opportunity than less.

Councilor Roberts said you will change the nature of CD 4. He said he would like to separate them.

Councilor Reynolds said he supports passing first reading this evening and holding the public hearing and second reading on July 9th.

Assistant Mayor Lazenby asked about the process to be followed.

City Attorney Sullivan said first reading of the Ordinance would pass this evening and at second reading there would be a division with second reading and public hearing on each option. He said the City Council could ask that decision be made at next reading.

Mayor Blalock said CD4-W would be the first part and CD4-L2 would be the second part.

Councilor Roberts said he would support Assistant Mayor Lazenby suggestion to have first reading at the next meeting.

Councilor Pearson said that she supports the motion and would like to ask questions during the site walk.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he does not feel we need to hold off on passing first reading this evening.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

On a roll call vote 6-2, motion passed. Councilors Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Assistant Mayor Lazenby and Councilor Roberts voted opposed. Councilor Becksted recused himself from voting.

- B. First reading of Ordinance amending Chapter 10 – Zoning Ordinance – Petition for Re-Zoning of 105 Bartlett Street:
- Amendments to Character-Based Zoning Development Standards Section 10.5A41;
 - Amendments to Character-Based Zoning Building Form and Facades Section 10.5A43;
 - Amendments to Character-Based Zoning Community Spaces Section 10.5A45;
 - Amendment to Character-Based Zoning Incentive Overlay Districts Section 10.5A46

Councilor Perkins moved to pass first reading and schedule a public hearing and second reading for the July 9, 2018 City Council meeting on the proposed zoning amendments related to incorporating building, façade, and community space types allowed in the Gateway Neighborhood Mixed Use Districts into the Character-Based Zoning districts and to clarify application of said types. Seconded by Councilor Raynolds and voted. Councilor Becksted recused himself from voting.

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSENT AGENDA

- A. Request for License to Install Projecting Sign from Joe Kelley, owner of Cup of Joes Coffee Bar for property located at 31 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 signs, 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***

- B. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the 2018 Jingle Bell Run/Walk for Arthritis (***Anticipated action – move to refer to the City Manager with power***)

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Assistant Mayor Lazenby moved to accept and place the correspondence on file. Seconded by Councilor Perkins and voted.

- B. Letter from James Beal regarding Clipper Trader proposal of rezoning of 105 Bartlett Street

Councilor Perkins moved to accept and place on file. Seconded by Assistant Mayor Lazenby and voted.

- C. Letter from Elizabeth Bratter regarding Request for a sound level impact simulation of homes affected by the proposed rezoning of 105 Bartlett Street

Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Perkins and voted.

- D. Letter from Suzanne and Robert Ford regarding Request by New England Marine & Industrial (NEMI) to extend Gateway Zoning District

Councilor Perkins moved to accept and place on file. Seconded by Assistant Mayor Lazenby.

Councilor Perkins said she has not seen a request from NE Marine.

Planning Director Walker said there is nothing recently. She said that they would close the loop on it.

Councilor Perkins said this is an informational letter.

Motion passed.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. 299 Vaughan Street Temporary Construction License

City Manager Bohenko said the layout of the area has been provided. He said the temporary license was calculated based on \$0.15 per square foot per day as defined in the City Council Policy. He stated each space is 160 square feet, which calculates to \$24 per space per day. He said for 4 spaces, 37 days the total credit is \$3,552.00 and as a result, the license fee has been reduced from \$17,871.00 to \$14,319.00. City Manager Bohenko stated there will be additional phases and would advise the City Council as the payments come forward.

Councilor Roberts moved that the City Manager be authorized to execute and accept the temporary construction license regarding 299 Vaughan Street as submitted. Seconded by Councilor Perkins and voted.

2. Letter from Pease Development Authority Re: Request for Approval and Acceptance of Maintenance of North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement

Councilor Dwyer moved to approve and accept North Apron Road in accordance with Section 5.3 of the Municipal Services Agreement. Seconded by Councilor Perkins.

City Manager Bohenko said the PDA has provided Public Works Director Rice with a set of North Apron Road as-built drawings to aid in his assessment of the road conditions. He said the road would now be maintained by the City.

Councilor Roberts asked about the helicopter expansion development.

City Manager Bohenko said there is a public hearing on Thursday morning for the expansion of the helicopter business by the PDA. He spoke to working on the helicopter matter and said it is not unique to the City, there have been court fights all over the country. He said we have no authority to regulate helicopter flights.

Councilor Perkins said that this is a housekeeping matter.

Motion passed.

3. Water Line Easement Re: 1850 Woodbury Avenue

Councilor Pearson moved that the City Manager be authorized to negotiate, execute, deliver and record the easement deed regarding 1850 Woodbury Avenue, as presented. Seconded by Councilor Dwyer and voted.

4. Request for First Reading Re: Parking Omnibus

City Manager Bohenko said that Parking & Transportation Engineer Eby will speak to the annual Omnibus Ordinance changes.

Mr. Eby said this covers items voted on over the last year as pilot programs by Parking and Traffic Safety Committee on parking matters.

Councilor Perkins moved to schedule first reading of the proposed Parking Omnibus Ordinance for the July 9, 2018 City Council meeting, as presented. Seconded by Assistant Mayor Lazenby and voted.

City Manager's Informational Items

3. Dondero School Nature Playground

City Manager Bohenko announced that a third of the costs for the Nature Playground will come from fundraising by the Dondero School Parent Teacher Association.

2. Report Back Re: Bicycle Friendly and Walkable Community Designation

Planning Director Walker said we received the Bicycle Friendly Community – Bronze Level in 2015 and that designation is good until 2019. She reported that we have made progress and could move up and gain Silver status. She spoke to working on the Walkable Community Designation and reported there are five tiers for recognition, ranging from Honorable Mention to Platinum. She spoke to the self-assessment tool to help collect all of the data from different departments. She stated that we are planning to submit a Walkable Communities application for the December 15th deadline.

Councilor Reynolds requested a report back regarding what it would take the City to achieve 45% for Arterial Streets with Bike Lanes and 30% for total Bicycle Network Mileage to total Road Network Mileage and gain silver status as a Bicycle Friendly Community.

Planning Director Walker spoke to the department working on the Bike/Pedestrian Program. Councilor Roberts said he would like to hear more information on the Bike/Pedestrian Program.

5. Report Back Re: Recovery of Costs of Public Records

Councilor Perkins said would like to refer this to the Legislative Subcommittee. She said she would like us to brainstorm on this as it is a significant cost to taxpayers.

Councilor Dwyer said there are attempts to try and recover costs and the legislature is always divided on this issue. She said if we wanted to bring it up again it would be the middle of July to introduce anything on the floor.

City Manager Bohenko said he would speak with Assistant City Attorney Ferrini and put it on our list of items to bring forward.

Councilor Roberts requested a report back on the number of requests we have received and how much it costs to put the materials together.

Councilor Pearson requested to know how many people pick up the information that has been prepared.

Councilor Reynolds requested to know who have made the requests for materials.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - John Formella as a Regular Member to the Zoning Board of Adjustment
 - Chase Hagaman as an Alternate member to the Zoning Board of Adjustment

The City Council considered the appointments which will be voted on at the next City Council meeting.

Councilor Becksted requested to receive an updated application from John Formella for the next City Council meeting.

2. Appointment to be Voted:
 - Michael Griffin to the Trees & Greenery Committee

Councilor Denton moved to appoint Michael Griffin to the Trees & Greenery Committee. Seconded by Councilor Perkins and voted.

C. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 7, 2018 meeting

Councilor Roberts moved to approve and accept the action sheet and minutes of the June 7, 2018 Parking and Traffic Safety Committee meeting. Seconded by Councilor Perkins and voted.

D. COUNCILOR DWYER

1. McIntyre Project Update

Councilor Dwyer said that this is a little blip in the process which seems like a setback. She said Red Gate/Kane is looking towards next steps. She said the City and Red Gate/Kane want the post office to remain on site. She said we all need to be working together. She said the Historic preservation concern is about keeping a one story building at the site and not the post office. She said the deadline we were trying to reach of July 9th will not be met. Councilor Dwyer said profit is controlled by the National Park Service and everyone is moving forward with a cooperative process.

Deputy City Manager Colbert Puff said we were surprised and were loath to call off the Historic District Commission meeting. She said we had been working hand and hand with the Park Service.

Councilor Becksted asked if there is a new real date. Deputy City Manager Colbert Puff said we continue to take the information from last week and turn it around with the Park Service. She said part of the approach would be to formally outline the design and go step by step. Councilor Becksted asked if the consultant was surprised. Deputy City Manager Colbert Puff said yes.

Deputy City Manager Colbert Puff said the term kiosk for the post office was a mistake by Red Gate/Kane. She said it may be difficult for the post office to work within a construction site.

Mayor Blalock said the Subcommittee will remain in place to follow the process. He said we still remain in urgency to get the process moving.

Deputy City Manager Colbert Puff said there is a back and forth with the application process but there will be better communication with them and the City Council.

Councilor Becksted said once the application is in there is not much back and forth. Deputy City Manager Colbert Puff said once the application is submitted the City is guaranteeing to take over the property but we expect the Park Service would ask for more information and a back and forth. She said the application is the final form and it becomes part of the property deed.

Councilor Roberts said is the post office prepared to pay premium rent. Deputy City Manager Colbert Puff said the post office pays market rate now to the GSA.

Assistant Mayor Lazenby asked if we are clear what the perimeters are with the Parks Service. Deputy City Manager Colbert Puff said we are working on meeting the requirements of the Secretary of Interior.

Councilor Dwyer said the Parks Service could still change their mind.

Councilor Perkins said we will work through this.

E. COUNCILOR DENTON

1. Renewable Energy Credits

Councilor Denton moved for a FY20 budget document presented to the City Council to contain cost estimates to purchase Renewable Energy Credits (RECs) under the upcoming electricity contract. Seconded by Councilor Perkins.

Councilor Denton said passing the motion does not commit the City Council to spending funds. He said the City's current contract expires October 1, 2019. He said the market fluctuates and there is no way to know what it would cost. He stated we would still get the same electricity by purchasing RECs.

Councilor Perkins said she supports the motion and said it is an interesting way to get to net zero.

Motion passed.

F. COUNCILOR PERKINS

1. Legislative Committee – Housing Policy referral

Councilor Perkins said she would like to see a Housing Policy referral and would discuss this matter with Mayor Blalock.

Councilor Dwyer said we would need to move this forward in a timely manner.

Councilor Perkins moved to have a Housing Policy referral to the Legislative Subcommittee. Seconded by Councilor Denton.

Councilor Perkins said if it makes sense to wait until you are holding a meeting with the Legislative Delegation that is fine.

Councilor Dwyer said if we want this to be something that the House considers the timing moves very quickly.

Councilor Perkins said she viewed this as a document for guiding Portsmouth for legislation that is already in process.

Motion passed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Becksted suggested that a mailer be sent to property owners notifying them of the 2018 Update of Property Values.

Councilor Becksted requested a report back on the details of a meeting held on June 8, 2018 regarding the Madbury Superfund Site.

Assistant Mayor Lazenby announced that the EPA is holding a PFAS meeting at Exeter High School on Monday, June 25th from 4:30 p.m. to 10:00 p.m. with a Work Session to follow on Tuesday, June 26th.

XIII. ADJOURNMENT

At 9:20 p.m., Assistant Mayor Lazenby moved to adjourn. Seconded by Councilor Perkins and voted.



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