

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, OCTOBER 1, 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: Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Becksted

ABSENT: Mayor Blalock

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

Andrea Amico led in the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

1. Testing for Pease Proposal to Study "Non Target" PFAS Compounds – Andrea Amico

Ms. Amico, Testing for Pease, provided a brief Presentation regarding the proposed study of "non-target" PFAS Compounds in the water. She reported that currently testing is done for 23 compounds however, she feels that there are more than 23 that have been identified in our water. She indicated that Dr. Higgins can test for the non-target PFAS. She announced Testing for Pease received a \$24,000.00 grant from Seacoast Women's Giving Circle to be used towards the "non-target" analysis.

Councilor Becksted asked if the \$24,000.00 is enough for the samplings to be done. Ms. Amico said no this will provide a partial picture for them.

2. Pease Water Treatment Update – Brian Goetz, Deputy Director of Public Works

Deputy Public Works Director Goetz provided an update on Pease Water Treatment. He spoke to the department moving forward with using resin. He discussed the Haven Well and that they are treating the aquafer when they are not pumping they will pump to a treatment system.

Deputy Director Goetz said that the Grafton facility system has carbon filters which have been in place for the last two years. He explained how water is delivered through the system. He stated that carbon and resin piloting is taking place. He said that resin provides a more efficient test. Deputy Director Goetz stated that there are efficient filtering and treatment options for the City. He indicated that they will be bidding on a system with resin filters and GAC filters. He stated resin requires a booster pump and a singular footprint. He said we hope to begin construction next spring and the project will take two years to construct.

Councilor Dwyer asked about the resin filters before the carbon. Deputy Director Goetz said it is like belts and suspenders, resin has a much bigger range of picking up compounds. Deputy Director Goetz said we are seeing if we can by-pass the carbons with resins.

**Councilor Denton moved to accept the reimbursement to the City for up to \$14.3 million for the construction of the Resin-Activated Carbon Water Treatment System for the Pease Tradeport Water System, and further, authorize the City Manager to expend these funds. Seconded by Councilor Roberts.**

City Manager Bohenko reported that we have been able to get back \$17 million from the Air Force that is not part of the rate payers.

**Motion passed.**

**Councilor Denton moved to suspend the rules in order to take up Item XI. C.1. – Pease CAP Update. Seconded by Councilor Roberts and voted.**

### **C. ASSISTANT MAYOR LAZENBY**

#### **1. Pease CAP Update**

Assistant Mayor Lazenby reported that the ATSDR Proof of Concept Health Study will be taking place at Pease. He announced that this is the first of its kind study and work will begin in August or September of 2019. He spoke to the number of children and adults that will be tested. He indicated that the firefighters would not be able to participate in the study because they may have been exposed by other means.

Ms. Amico said she is disappointed that the firefighters will not be part of the testing. She said we have a firefighter on the Committee and there needs to be an appropriate spot for them to have their own study conducted.

Councilor Dwyer said the study would be to look at samples and long term health effects. Ms. Amico said they are only going to look at this one point in time with cross sectional study. She indicated currently the study will look at other areas such as cholesterol and thyroid issues.

Assistant Mayor Lazenby said a study will be done but not in Portsmouth but they will look at other sides and pull the data together to come up with an analysis.

City Manager Bohenko said we would work with Human Resources and the Fire Commission and go through meeting with the union, firefighters and the Human Resources Director.

## **V. ACCEPTANCE OF MINUTES – AUGUST 20, 2018**

**Councilor Perkins moved to approve and accept the City Council minutes of the August 20, 2018 meeting. Seconded by Councilor Denton and voted.**

## **VI. PUBLIC COMMENT SESSION**

Marc Stettner thanked the City Council for their work and spoke to the Fee Committee which he understands they review fees that effect everyone. He said there are only two members and would like the City Council to look at the Committee and have a resident serve. He said specific group of stake holders should be part of the Committee.

Esther Kennedy said she is concern with small businesses that can't join the Chamber of Commerce. She said there are concerns of what is happening downtown and losing some of the small businesses and would like to see the City Council support these small businesses.

Paige Trace spoke to the neighborhood parking meeting for the parking program. She said she is a board member of Friends of the South End (FOSE) and it seems that the letter put out to the neighborhood said the perimeters for the piloting designs, results from the on line parking survey and FOSE Steering Committee. She stated that there is no Steering Committee of FOSE and said this is misinformation to the neighborhood. She stated the parking program is important to the South End.

City Manager Bohenko said he moved the meeting from 6:00 p.m. to 6:30 p.m. and will get information out to the residents. He said input will be discussed tomorrow and he would report back to Ms. Trace.

Councilor Perkins said this coming meeting will be held to get feedback from the neighborhood and that 75 signatures would need to be gathered from the neighborhood.

City Manager Bohenko said that the matter would be brought back to the City Council before it is put in place. He encouraged residents to come to the meeting and hear about the program.

Councilor Reynolds asked if because the meetings are held here, the meetings will be recorded. City Manager Bohenko said yes.

Councilor Roberts said the meeting with neighborhood groups can speak on guidelines and then come back to the City Council for authorization. City Manager Bohenko said yes.

Councilor Dwyer said two different kinds of pilots may be put in place. City Manager Bohenko said that is possible as some areas become challenging. He said we will keep them similar and we will get 75% of residents that want the program.

Councilor Becksted said we have been holding meetings and that has been ongoing and the findings will be brought forward by all meetings.

Councilor Roberts said we don't want to hash out fine details by the City Council we are going to Parking and Traffic Safety Committee for that. City Manager Bohenko said we will have Parking and Traffic Safety Committee look at both recommendations.

Councilor Perkins said she supports that and what would bring it back to the City Council after signatures or before that. City Manager Bohenko said before the signatures with perimeters and it needs to be outlined program.

Councilor Pearson said Plan NH will have conferences on October 18, 2018 & October 19, 2018 in Keene, NH and she will attend the conference and provide report back on findings regarding small businesses.

## **VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS**

### **A. Public Hearing – Parking Ordinance – Downtown High Occupancy Zone**

ORDINANCE AMENDING CHAPTER 7, ARTICLE 1, SECTION 7.102 –  
PARKING METER ZONES, SUBSECTION A, DOWNTOWN HIGH  
OCCUPANCY ZONE

#### **• PRESENTATION**

Parking Director Fletcher provided a brief presentation on the proposed ordinance. He spoke to parking management strategies which is different from long term parking and short term parking. He said the City Council adopted the parking principles for a step in the right direction. He stated we need to increase the zone to a larger area.

City Manager Bohenko said there are two maps that have been provided. He asked Parking Director Fletcher to explain the maps. Parking Director Fletcher spoke regarding the capacity of areas and data points being above 100%. He indicated that parking spaces can be filled more quickly. He reported on various data points.

City Manager Bohenko said we did not report on over 100% and wanted to make sure it was clear and that we follow the principles developed and there is a need to look at these on an ongoing basis.

- **CITY COUNCIL QUESTIONS**

Councilor Roberts said he is in favor of the general principles. He said he would like the averages calibrated on State Street by walking down the street to look at the real occupancy.

Councilor Becksted said that there is construction going on in some of these areas. He said there are construction projects taking place on over 10 streets. He asked if we were acting too early on this.

Parking Director Fletcher said there was a study done years ago by John Burke and it shows what is taking place currently. He said some data points maybe a little low.

Councilor Becksted spoke to the process and cost of purchasing a bag for the meters by construction companies. He said we should wait before creating the zones until the new garage is opened. He said we need to see what will happen with the opening of the garage.

- **PUBLIC HEARING SPEAKERS**

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

Marc Stettner said raising the rates will not do anything at all. He said people coming into the downtown will park where they can park closest to their destination. He said he feels that this ordinance should be tabled and look at the creation of an ad-hoc committee to look at this matter.

Esther Kennedy said she is concerned for the winter and you should consider instituting this into 4 areas June through September at one rate, September through January at a second rate and so on. She said businesses are concerned with raising the rates. She said you are keeping locals out of the downtown and there needs to be a plan.

Paige Trace said she understands increasing the zones, you will have changes from people moving their cars. She said it is more about the timing of going after the revenues now. She stated many people are parking on Hancock Street because it is free parking. She said we should wait for the new garage to open.

Beth Danilowski said she does not want to see the parking rate increase. She said it is not feasible to park in the garage. She suggested providing parking incentives.

Marc Stettner discussed parking zone rates in Portland, Maine, Boston and Newburyport, Massachusetts and said we are outside the price ranges.

Roy Hesel said if you want to make revenue increase have the Police Department stop giving warnings and issue tickets for speeding.

With no further speakers, Assistant Mayor Lazenby closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Becksted said he would like to postpone this until April, 2019.

City Manager Bohenko said you can't put that motion on the floor and we would need to hold another public hearing.

Councilor Dwyer said you could make a time when this becomes effective. She said the Chamber of Commerce goal is small businesses and creation of parking spaces for parking principles for a larger plan. She said we are trying to ensure there is turnover of parking near the stores.

Councilor Denton said an alternate is to make an amendment that would be seasonal. He said parking shall be at the rate of \$2.00 that the City could further restrict during the year.

City Manager Bohenko said we spent a great deal of time putting a plan in place in 2013 and everyone accepted that plan. He stated we used private lots to help with capacity. He stated we follow the parking principles and we need to put this into perspective and going on a seasonal basis could be confusing for people. He said we could take additional revenue and put it towards residents for a reduction that use the new application. City Manager Bohenko said it is more about behavior than revenue. He stated when tickets are issued by the Police Department all the revenue goes to the State and not the City.

Councilor Pearson said she is the Chamber of Commerce Liaison and has seen many parking presentations and what we learned is we are busy all four seasons. She suggested looking at rate for parking demands by creating dynamic pricing.

City Manager Bohenko said we could look into that but it could be confusing to people. He said we should revisit the principles and refer back to the report.

Councilor Raynolds said he is interested in looking at seasonal pricing and Councilor Pearson's suggestion of dynamic pricing. He said time of use rates should be looked and technology is enabling us to take advantage of them. He would support postponing second reading and looking at ways and different concepts for seasonal and dynamic pricing.

**Councilor Becksted move to postpone second reading until the first City Council meeting of April, 2019 and keep the public hearing open for additional speakers on the matter. Seconded by Councilor Raynolds.**

Councilor Perkins said she would not support the motion. She said we need to drive usage of the garage and this is a data driven matter.

Councilor Dwyer said that this will not have anything to do with the garage. She said people will parking near the business they want to go to. She said we could look at dynamic pricing. She spoke to the parking kiosk, we know demand base pricing is working in the City. She indicated she would support delaying to look at those issues.

Councilor Roberts said dynamic pricing should be done Sunday through Thursday. He would like Parking Director Fletcher to calculate data to create a formula.

Councilor Pearson said she is not in favor of postponing until April. She said she supports flexibility and not having static pricing.

City Manager Bohenko said we could come back with dynamic pricing and look at the app we want to put in place. We would need a schedule together and allow residents to get an app and not be effective as much as increasing for dynamic pricing.

Councilor Dwyer would like to split the pricing from the high occupancy streets and amend to define a high occupancy zone.

City Manager Bohenko said he would like to report back to the City Council.

Councilor Becksted said October 15<sup>th</sup> we have a meeting that is full. He said we have holidays coming up and he would like to give staff time to come back with a plan. He said we could run numbers with the garage up and running and that we need to stop right now and pick it up in September.

*Councilor Denton moved to postpone until the meeting on November 19<sup>th</sup>. No second to the motion.*

City Manager said he would like to postpone until November 19<sup>th</sup>.

Councilor Becksted said we need to start the data collection on the garage. Councilor Becksted withdrew his motion and Councilor Raynolds his second to the motion.

**Councilor Becksted moved to postpone second reading and reopen the public hearing at the November 19, 2018 City Council meeting. Seconded by Councilor Denton and voted.**

## **B. Public Hearing – Zoning Ordinance – Highway Noise Overlay District**

ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE – CREATION OF A HIGHWAY NOISE OVERLAY DISTRICT:

- AMENDMENT TO ZONING MAP TO ADD HIGHWAY NOISE OVERLAY DISTRICT AS SHOWN ON THE MAP TITLED “PROPOSED HIGHWAY NOISE OVERLAY DISTRICT”, DATED JULY 17, 2018;
- INSERT NEW SECTION 10.613.60 IDENTIFYING THE HIGHWAY NOISE OVERLAY DISTRICT ON THE ZONING MAP
- INSERT NEW SECTION 10.670 HIGHWAY NOISE OVERLAY DISTRICT;
- AMEND ARTICLE 15 – DEFINITIONS, SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY

- **PRESENTATION**

Assistant Mayor Lazenby read the legal notice.

Planning Director Walker stated a Highway Noise Overlay District would help the City get mitigation awards that are near a highway. She said this is about the NHDOT federal funding and the program Type One is for highways that are going to be built and Type Two is for highways already built. She said we are trying to minimize highway traffic noise. She indicated we started on this to have local mandate controls that deal with highway noise. She spoke to the applicability of the ordinance, noise sensitive issues only. Planning Director Walker said the standards are any new uses in the categories would need to comply with noise reduction areas and it would be when traffic is loudest. She said if noise uses expand, residents would need to apply for a conditional use permit and show to the Planning Board they meet the requirements. She indicated they included an addition to the two family residences.

- **CITY COUNCIL QUESTIONS**

There were no questions of the Council.

- **PUBLIC HEARING SPEAKERS**

With no speakers, Assistant Mayor Lazenby declared the public hearing closed.



- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

**Councilor Perkins moved to pass second reading and schedule third and final reading at the October 15, 2018 City Council meeting on the following zoning amendments related to the creation of a High Noise Overlay District:**

- *Amendment to Zoning Map to Add Highway Noise Overlay District as shown on the map titled "Proposed Highway Noise Overlay District", dated July 17, 2018;*
- *Insert new Section 10.613.60 identifying the Highway Noise Overlay District on the Zoning Map;*
- *Insert new Section 10.670 Highway Noise Overlay District;*
- *Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability)*

**Seconded by Councilor Denton.**

Councilor Becksted said he is in favor of this ordinance and that he has worked with residents on this matter.

Assistant Mayor Lazenby passed the gavel to Councilor Roberts.

Assistant Mayor Lazenby said this is a long time coming for this ordinance and there is some light at the end of the tunnel. He said we need to adopt the ordinance.

Councilor Roberts returned the gavel to Assistant Mayor Lazenby.

Councilor Roberts said he agrees with comments by Assistant Mayor Lazenby. He said living next to the highway is loud.

Councilor Dwyer said that this is a step towards acting on what is a longer process.

**Motion passed.**

At 9:10 p.m., Assistant Mayor Lazenby called for a brief recess. At 9:20 p.m., Assistant Mayor Lazenby called the meeting back to order.

- C. First reading of Ordinance amending Chapter 7, Article XIX, Section 7.1901 – 7.1905 – Shared Active Transportation

City Manager Bohenko said we are trying to move ahead and get ahead of this issue. He said electric scooters are becoming an issue in some communities and we want to keep this simple and get the objections down.

City Attorney Sullivan said a small staff committee looked at this matter and looked at other ordinances, specifically in Seattle where they are regulated. He stated NH is not a home rule state and we are looking at issues where people are leaving these scooters all over the sidewalks. He said he is recommending the City Council grant a license and anyone that does not comply they must remove their scooter in two hours or they would be picked up by the Public Works Department.

City Manager Bohenko said we may need the legislature to act on this matter.

**Councilor Denton moved to pass first reading and schedule a second reading and public hearing of the proposed Ordinance at the October 15, 2018 City Council meeting. Seconded by Councilor Perkins.**

Councilor Raynolds thanked the City Manager and City Attorney for acting on this matter. He said we need to point out that this business is coming to the City and we need to encourage companies to create designated parking areas or corrals.

Councilor Pearson asked if there is feasibility putting scooter corrals near Zagster.

City Manager Bohenko said we want to look at companies that are franchised in the City to deal with and it is way to control but might need legislation. He stated we would try to keep them in certain areas.

**Motion passed.**

- D. First reading of Ordinance amending Chapter 14, Article II, Section 14.2 – Demolition Ordinance

City Attorney Sullivan said during the Pinehurst Road matter the Planning Department and Inspection Department came forward with amendments to the Demolition Ordinance. He indicated the issue of signage has been clarified. He further stated that action has been taken by the Demolition Committee has been clarified and reduces burden on property owners.

Councilor Dwyer said the changes are reasonable and the ordinance in some form needs to do more to give definition to historic architectural and community value. She said there is too much ambiguity and feels there needs to be more of a look at it. Councilor Dwyer said we will see more concerns raised in the future. She said maybe the Planning Board should look at it or the Committee that was formed could look at the tearing down of a home that is a strong structure that is not falling down.

Councilor Becksted said that this is the first and only time the Demolition Committee has been initiated.

City Attorney Sullivan spoke to property on National Gypsum which led to the first ordinance to slow demolition down.

**Councilor Raynolds moved to pass first reading and schedule a second reading and public hearing of the proposed Ordinance at the October 15, 2018 City Council meeting. Seconded by Councilor Roberts.**

Councilor Raynolds said he shares Councilor Dwyer's concerns about the great ambiguity in the ordinance and if the ordinance would be used in the future in ways we are not envisioning.

Councilor Dwyer said she would like the Planning Board to provide some further clarification to definitions and out building being addressed for those not in the Historic District Commission.

Councilor Roberts said we could pass this and have it looked at later.

City Manager Bohenko said lets have staff take a look at this matter.

**Motion passed.**

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

- A. Acceptance of Moose License Plate Conservation Grant

**Councilor Pearson moved to accept and approve the Moose License Plate Conservation Grant, as presented. Seconded by Councilor Roberts and voted.**

- B. Acceptance of Department of Homeland Security Prospective Grant Award to the Portsmouth Police Department - \$69,638.00

City Manager Bohenko said the Police Department would like to table this matter until the October 15<sup>th</sup> City Council meeting.

**Councilor Pearson moved to table item until the October 15, 2018 City Council meeting. Seconded by Councilor Dwyer and voted.**

#### **IX. CONSENT AGENDA**

- A. Letter from Laurie Mantegari, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area on Thursday, October 11<sup>th</sup> through Saturday, November 3<sup>rd</sup> (***Anticipated action – move to refer to the City Manager with power***)

- B. Letter from Carolyn Adams, American Volkssport Association, requesting permission to hold a walk starting at Little Harbour School on Sunday, June 9, 2019 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Brittany Adelhardt requesting permission to hold the Walk for Freedom on Saturday, October 20<sup>th</sup> (***Anticipated action – move to refer to the City Manager with power***)

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

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

- A. Email Correspondence

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

- B. Letter from Eleanor Bird regarding the Post Office remaining in its current location

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

- C. Letter from Shane Morin requesting to host the Annual Music and Poetry After Houses at Vaughan Mall on Friday, October 12<sup>th</sup> from 7:00 p.m. to 9:30 p.m. as well as the use of electrical outlets and a small PA/Sound system

**Councilor Dwyer moved to refer to the City Manager with power. Seconded by Councilor Denton and voted.**

- D. Letter from Susan Denenberg regarding polling hours
- E. Letter from Brian Wazlaw regarding polling hours

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

## XI. RERPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

1. License Request Re: 77 Daniel Street

City Manager Bohenko said the license request is being recommended by staff.

**Councilor Raynolds moved to authorize the City Manager to negotiate and enter into a license with Tom Hammer Construction, LLC. Seconded by Councilor Perkins and voted.**

2. Request for First Reading of Amendments to Sign Ordinance

City Manager Bohenko said Planning Director Walker has reviewed the Sign Ordinance and recommends for first reading at the October 15, 2018 City Council meeting and make the suggested amendments outlined in her memorandum dated September 25, 2018.

**Councilor Perkins moved to schedule a first reading for October 15, 2018 City Council meeting to amend the Zoning Ordinance by deleting the existing Article 12 – Signs and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 25, 2018. Seconded by Councilor Raynolds and voted.**

3. Sidewalk Easement Re: 439 Hanover Street

**Councilor Perkins moved to accept a sidewalk easement from the Wirth’s across property located at 439 Hanover Street. Seconded by Councilor Dwyer and voted.**

4. Water Services Access Easement Re: 50 Lovell Street

City Manager Bohenko advised the City Council that the property sold to DECM, LLC.

**Councilor Dwyer moved that the City Manager be authorized to negotiate, execute, deliver and record the deeds regarding 50 Lovell Street. Seconded by Councilor Roberts and voted.**

5. Temporary Construction License Re: 46-64 Maplewood Avenue

City Manager Bohenko said site review approval was given and a temporary construction license needs to be issued.

**Councilor Perkins moved that the City Manager be authorized to execute and accept the temporary construction license regarding 46-64 Maplewood Avenue. Seconded by Councilor Roberts and voted.**

6. Report Back Re: Polling Hours and Request to Establish Polling Hours for the November 6, 2018 State General Election

City Clerk Barnaby reviewed her report regarding the polling hours with the City Council.

**Councilor Becksted moved to establish the polling hours for the November 6, 2018 State General Election from 8:00 a.m. to 7:00 p.m. Seconded by Councilor Roberts and voted.**

City Manager's Informational Items

2. Report Back Re: Accessory Dwelling Units and Garden Cottage Approvals

Councilor Roberts said there have been 12 units approved and would like the Planning Board and Planning Department to look at ways to be less burdensome.

Planning Director Walker said we have seen an active use of this and it is substantial financial investment for property owners. She said nothing has been seen as delays for permitting the property owner gets approval and then does not move forward. She said there are no added layers to the process and spoke to the process for a conditional use permit.

Councilor Roberts said October 2<sup>nd</sup> at PS21 there will be a seminar on Accessory Dwelling Units.

Councilor Becksted said the conditional use permit is a useful process and allows time to match things.

Councilor Perkins said Councilor Roberts and she were discussing this matter and it feels like careful thought went into it but we don't have enough data points.

Councilor Roberts said we need to make a plan to loosen the condition in the future and let's plan to review in 6-9 months to make it less burdensome.

3. Letter Re: Relocation of the U.S. Post Office in Downtown Portsmouth

Councilor Dwyer said the McIntyre Public Committee was looking at changes following the Historic District Commission meeting on designs. She said the Committee provided testimony about public interest and process to stay in the area. The committee will meet again soon. She read a draft letter from the McIntyre Public Process Steering Committee.

Councilor Dwyer said she feels that the City Council should send a letter and make a point of what the Committee is saying and what the City Council response might be. She asked does the City Council want to do a letter and the key points have the letter drafted and send in after the next meeting.

City Manager Bohenko said we can use the template and work on a letter to be brought back at the next City Council meeting.

Assistant Mayor Lazenby said having a letter is a good direction.

Councilor Roberts would like the direction be clear and what the post office wants and to specify their wants.

Assistant Mayor Lazenby said he would like the City Manager to comment on decision on Coakley Landfill Group. City Manager Bohenko said he is less inclined to do an appeal and not move forward but it is up to the Coakley Landfill Group leaders. He said during the process we released 80% of documents under the right-to-know law. He said we have 18 volumes of materials and we need to see what the Group feels.

Councilor Reynolds said he is happy to hear we would not recommend appealing. He said it is up to the Coakley Landfill Group. He said the City and the City Attorney have always done the right thing. He said we need to find a way to modify the operation of the Coakley Landfill Group so that it can function and overcome obstacles.

Councilor Denton asked if our testing will continue. City Manager Bohenko said it would continue to function.

City Attorney Sullivan reported we released 99% of the documents under the Coakley Landfill. He reported on the make-up of the Coakley Landfill Group and its operations. He said a number of steps could be taken in court that is not an appeal.

## **B. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Katelyn Kwoka reappointment to the Economic Development Commission

The City Council considered the reappointment of Katelyn Kwoka to the Economic Development Commission to be voted on at the October 15, 2018 City Council meeting.

2. Appointment to be Voted:
  - Everett Eaton reappointment to the Economic Development Commission

**Councilor Raynolds moved to reappoint Everett Eaton to the Economic Development Commission until October 1, 2022. Seconded by Councilor Dwyer and voted.**

**D. COUNCILOR ROBERTS**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 6, 2018 meeting

**Councilor Roberts moved to accept and approve the action sheet and minutes of the September 6, 2018 Parking and Traffic Safety Committee meeting. Seconded by Councilor Raynolds and voted.**

**E. COUNCILOR DENTON**

1. International Energy Conservation Code

**Councilor Denton moved for a report back on the City's preferred method of adopting a more recent International Energy Conservation Code and declaring a more restricted Climate Zone. Seconded by Councilor Pearson.**

Councilor Denton spoke to the exemption for renewal energy and said every three years a new set of codes come out and he would like to see us upgrade our codes. He spoke to changes to the code by adopting the 2012.

Councilor Dwyer said legislation is being filed for municipalities to move forward on their own and if we have the ability to do this. She said that Assistant City Attorney Ferrini could assist us with this matter.

**Motion passed.**

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Assistant Mayor Lazenby said the Coakley Landfill will be holding a Round Table on Wednesday from 9:00 a.m. to 4:00 p.m. and would like staff to attend the meeting.



**XIII. ADJOURNMENT**

**At 10:40 p.m., Councilor Pearson moved to adjourn. Seconded by Councilor Perkins and voted.**

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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