

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, JANUARY 22, 2019

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:00 p.m. a Non-Public meeting was held Re: Negotiations in Accordance with RSA 91-A:3, II (a)

CALL TO ORDER

Mayor Blalock called the meeting to order at 7:05 p.m.

I. ROLL CALL

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

II. INVOCATION

Mayor Blalock asked everyone to join in a moment of silence and recognized the recent passing of Reverend Arthur Hilson.

III. PLEDGE OF ALLEGIANCE

Mayor Blalock led the Pledge of Allegiance.

Assistant Mayor Lazenby moved to suspend the rules to move up the following items on the agenda to follow Public Comment, seconded by Councilor Pearson.

- XI.E.1 – Update from McIntyre Subcommittee
- XI.C.1 – Parking and Traffic Safety Committee Action Sheet and Minutes of January 10, 2019
- XI.A.5 – Presentation and Action Re: Neighborhood Parking Pilot Program
- XI.B.1 – Recommendation for Appointment of Stefany Shaheen Re: Police Commission Vacancy

Councilor Dwyer clarified that there may be some confusion regarding the McIntyre issue due to the article in today's newspaper but there will only be a brief subcommittee report given.

Councilor Raynolds requested a friendly amendment to the motion to add the following items:

- CM Info Item 1 – Report Back Re: Short-Term Rental Regulations in Portsmouth
- CM Info Item 2 – Report Back Re: Student Letter on Reusable Bags

The mover and seconder of the motion agreed.

Councilor Roberts stated that we should try to follow the agenda and not make a habit of moving up multiple items.

Mayor Blalock stated he will support it this time, but agrees with Councilor Roberts.

Motion passed on a 9-0 roll call vote.

PRESENTATION

1. Comprehensive Annual Financial Report (CAFR) – Scott McIntire

Scott McIntire of Melanson Heath gave a brief overview of the Comprehensive Annual Financial Report. Finance Director Belanger gave a brief presentation demonstrating the interactive Popular Annual Financial Report (PAFR) posted to the city web site.

City Manager Bohenko thanked Mr. McIntire for the presentation. He also thanked and commended Finance Director Belanger and the Finance Department staff for putting together the interactive PAFR report.

IV. ACCEPTANCE OF MINUTES – DECEMBER 17, 2018

Councilor Pearson moved to accept and approve the minutes of December 17, 2018 City Council meeting. Seconded by Council Pearson and voted.

V. PUBLIC COMMENT SESSION

Mayor Blalock opened the Public Comment Session stating that due to the large number of people signed up to speak, time will be limited to 1.5 – 2 minutes and that Portsmouth residents and business owners would be called to speak before non-residents.

Beth Margeson – spoke regarding the request from the Prescott Parks Arts Festival for a permanent covered stage and requested that the reported \$250,000 short fall from last season be verified as she feels that there were other reasons than weather.

Jen Keefe – discussed the Neighborhood Parking Pilot Program stating she feels there will be unintended consequences and that there is not concrete data backing up the need for this to be done.

Dan Umbro – stated he works on Islington Street and feels that there are open spaces all through the day although people may not be able to find spaces in front of their homes in the evening. He stated this proposal includes some streets but not others and feels that it will pit neighbor against neighbor.

Larry Cataldo – stated as a member of the Citywide Neighborhood Committee and coordinator of the Parking Pilot Program he supports going forward with the plan to help learn what will work or not. He stated changes can be made as we go along.

Jonathan Sandberg – spoke in support of the Hampton Rail Trail stating it helps the city achieve many long-term goals of connectivity.

Mary Beth Herbert – lives in the south end and supports the proposed parking program as it will help those who don't have off-street parking.

Roy Helsel – spoke regarding the amount of traffic lights along major roadways in the city and the fact they are not synchronized so cars are stopping and starting all along the way which causes excess exhaust fumes.

Erik Anderson – spoke regarding employment contracts and the proposed contract for Deputy City Manager Colbert Puff stating that he has no issue with the Deputy City Manager but is not in favor of a 5 year contract as it sets a precedence and restricts discussion if conditions change within that time frame.

Michael Barker – spoke against the proposed parking program as drafted. He stated he understands the issue but is concerned that the neighbors weren't notified of this proposal and feels that the documentation that will be required will be burdensome to the residents and city staff.

Robin Lurie-Meyerkopf – stated she is also concerned with the unintended consequences as her street is not included in the pilot program but they will lose the available off-street parking on other streets.

Peter Whalen – stated he has been a resident since 1991 and the south end is ground zero of the parking problem. He stated he waited until the new garage was built, but the issues still exist so he urges the Council to approve the pilot program.

Pat Bagley – spoke regarding the sign ordinance stating that this was tabled indefinitely so she was surprised to see it on the agenda for 3rd reading this evening. She continued that she doesn't understand the need for this and feels it is an infringement of the rights of residents who should be able to hang a sign or flag on the property they pay taxes on.

Stefany Shaheen – thanked the Council for their consideration of her appointment to fill the vacancy on the Police Commission. She relayed her condolences to the family of Reverend Hilson. She gave a brief history of her related experience and stated she looks forward to working with the other commissioners.

Esther Kennedy – stated she saw a segment on WMUR regarding workforce housing in the City of Portsmouth but has never seen the numbers they reported. Secondly, she addressed the proposed 5 year contract with Deputy City Manager Colbert Puff stating she is concerned that there may be some personnel changes within that time. Finally, she stated she wanted more transparency in the process to pick a new Police Commissioner.

Gino Francavilla – spoke to the proposed parking program in the south end stating he is a new resident and feels that this proposal is too complex.

Kirsten Cunningham – stated she initially signed the petition for residential parking as a Washington Street resident, which now is excluded from the pilot program. She continued that downtown workers park on the streets and feels that if there are signs for residents only, they wouldn't park there. She concluded that having a permit will not guarantee that people get a spot.

Paige Trace – spoke regarding the sign ordinance stating that she agrees that it is a violation of free speech stating that once a year, she and her husband raise a rainbow flag in support of the LGBTQ community in conjunction with the Gay Pride event held in the south end. She stated that this ordinance would make that illegal.

Mark Brighton – discussed the Police Commission vacancy process stating this is not about Ms. Shaheen but about the process. He stated the last time this occurred the committee was made up of only residents and not City Councilors. He stated that a choice of one is not a choice and is also concerned with Mr. Ferrini's personal connection to the Shaheen family and feels that the Councilors that met with Ms. Shaheen should recuse themselves from the vote.

Joanne Foster – stated she is not opposed to the concept of resident only parking but the area of Hancock Street has a mix of residential and offices with employees who need to park there as well so she would like to make sure everyone is included.

Claudette Barker – spoke regarding the parking pilot program stating she appreciates the concerns but feels this is taking parking away from the residents of Hancock Street as it is proposed, making them a donor street. She stated the process is also overly burdensome for the residents and the city to implement and imposes limits on how many times a month people can have visitors.

Lee Roberts – spoke regarding the McIntyre building stating that she has attended most of the meetings and keeps hearing that the public is not satisfied with the plan. She stated the city should go back to the beginning and make sure it includes affordable housing, green space/parks, parking and the post office.

Nicole LaPierre - spoke in support of the parking program as recommended by the Parking and Traffic Safety Committee stating that neighbors are already being pitted against each other and no solution is not a reasonable answer. She stated that employee parking should also be addressed.

Jeff Keefe - spoke opposed to the parking plan as he has an office space at 200 Marcy Street and this plan will make it impossible for his employees and clients to park. He stated they have already lost Mechanic Street due to the WWTF construction and feels that not enough discovery has been done to find out what the needs are for all of the occupants.

Paul Mandle - spoke as a member of the Citywide Neighborhood Committee stating they and the neighborhoods have been working for over a year on this program which is long overdue. He stated we will never know if it works unless we try and agrees there could be an amendment to the parameters of the south end.

Zach Slater – spoke as Chair of Strawberry Banke Museum stating they have tried to be good neighbors during the WWTF construction and reminded the Council that the area is zoned MRO. He stated that having the pilot program taking place in the summer is not good timing. He concluded that as a resident who pays taxes, he also pays for a parking permit, but providing free parking to those without off-street parking is a value and they should be reassessed accordingly.

Ben St. Jean – stated he is the owner of 200 Marcy Street which holds 5 businesses and collectively they are not in favor of the parking program. He stated this was not an inclusive process as nobody from that building was contacted to be a part of the discussion and feels that the thought of taxpayers not being able to park on city streets is not good.

Madison Lightfoot – stated she is a coach of the PHS Volleyball Team along with Stefany Shaheen and spoke in support of her appointment to the Police Commission stating she is a positive influence and coaches the team with full transparency.

Mayor Blalock closed the Public Comment Session at 8:25 p.m.

E. COUNCILOR DWYER, COUNCILOR ROBERTS & COUNCILOR PERKINS

1. Update from McIntyre Subcommittee

Councilor Dwyer gave a brief update stating that they understand that people are looking for more clarity and information and they will be stepping back and providing more information including the 3-D visualization and physical model. She stated there will also be an opportunity for the architects to give details on their design probably at the Library. She further stated that other issues have been the financial analysis of the proposal and what it will really take to generate income to the city and how the site will be maintained etc. She stated there will be a work session held to clarify these issues. Finally, they will also address the question of if the City says “no thank you” to the government, what will that mean.

Councilor Roberts stated in addition to those issues, people want affordable housing, parks and the post office to stay on-site.

Councilor Perkins stated the committee has heard the public loud and clear; those opposed as well as the supporters. She stated there is no vote scheduled for the near future as they do want to get more information for the public and give the architects the opportunity to make their presentation.

Councilor Pearson asked if it is correct to assume what the materials will be based on the renderings.

Councilor Dwyer stated it is only the massing and the layout at this point, not the design details. She stated the architects are mindful of what the HDC will approve and it isn't usually modern.

Councilor Roberts stated a PS21 survey of 350 people showed that people are generally split 50/50 between modern and historic design of buildings.

Councilor Becksted requested Deputy City Manager Colbert Puff come forward and asked if we are under any contractual obligation to Redgate/Kane.

Deputy City Manager Colbert Puff stated no.

Councilor Becksted asked if the project goes forward to National Park Services, will that bind us to that plan.

Deputy City Manager Colbert Puff stated yes, unless it is changed by the Historical Monuments Committee, but a development agreement and ground lease agreement would accompany the process.

City Manager Bohenko Action Item:

5. Presentation and Action Re: Neighborhood Parking Pilot Program

Parking Director Fletcher gave a brief presentation reviewing the Neighborhood Parking Pilot Program as well as addressing questions presented during the Public Comment Session.

Councilor Denton asked why “Resident Only” parking signs cannot be erected instead of this program.

Parking Director Fletcher stated it would be an enforcement issue.

Councilor Denton asked who gets the permits for a home that is rented out, the landlord or the tenant.

Parking Director Fletcher stated the tenant “owns” the property while they are renting it but they would have to prove residency.

Councilor Denton asked why not have 4 hour parking instead of two which is consistent with the Downtown Parking Plan as these neighborhoods are further out.

Parking Director Fletcher stated that 4 hour parking would make it more difficult to have the turnover they are trying to achieve.

Councilor Denton asked if the question can be split as he feels it may be appropriate for one of the neighborhoods but not the other at this time.

City Attorney Sullivan stated yes.

Discussion ensued regarding the number of permits being provided, determination of which streets were/were not included, notification to residents, small businesses, employee parking, etc.

City Manager Bohenko stated that employee parking is part of a long term policy issue that the Planning Department and Parking Division are working on. He stated that a micro-transportation program for the hospitality industry in the downtown area is being proposed with an RFQ having gone out recently to get the ball rolling.

Assistant Mayor Lazenby asked what will be the determination of success or not after the 6 month assessment period.

Parking Director Fletcher stated they will get feedback from the neighbors and revisit the inventory figures to get to 75-85% occupancy rate.

Councilor Perkins stated that the figures cited by Parking Director Fletcher for the Islington Creek Neighborhood are already mostly within the desired range.

Councilor Roberts moved to authorize the City Manager to implement this Neighborhood Parking Pilot Program, seconded by Councilor Becksted.

Councilor Roberts stated it is reasonable to discuss having a program for resident parking as there is already business parking and there needs to be a balance between the two.

Councilor Perkins stated she will not vote in favor in its current form as she feels it creates a burden on residents with visitor guest passes, etc. She continued that the taxpayers pay for all of the roads and it is not going to be free to enforce this program, but there are no fees associated with it. She concluded stating that she doesn't like the idea that neighbors will be calling out other neighbors.

Councilor Dwyer stated she would support the pilot program with some changes including; businesses to be treated like households; time expanded to 3 hours; include Hancock Street; do not include netting out as she feels that is a personal issue; only a 6 month pilot program with hard and fast criteria to determine success.

Councilor Becksted stated he supports the program as a lot of work has gone into this by staff and residents and we need to at least try it.

City Manager Bohenko suggested tabling it and bringing it back with the suggested amendments.

Discussion ensued regarding the suggested amendments.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock stated he is not in favor of this pilot program as it did not address the businesses or employee parking.

Assistant Mayor Lazenby passed the gavel back to Mayor Blalock.

Assistant Mayor Lazenby stated he supports coming back with tweaks but feels something does need to be done. He stated it is a pilot program and it won't be perfect, but it will help determine the nature of the problem and if employees will be displaced, then that will need to be addressed as well.

Councilor Denton moved to table, seconded by Councilor Pearson.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock stated he will oppose tabling.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion to table passed on a 7-2 roll call vote. Councilor Perkins and Mayor Blalock voted opposed.

Mayor Blalock called a brief recess at 9:30 p.m. Meeting reconvened at 9:40 p.m.

C. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the January 10, 2019 meeting

Councilor Roberts moved to accept and approve the action sheet and minutes of the January 10, 2019 Parking and Traffic Safety Committee meeting, excluding Item #7 (Action Sheet) and Item #VIII.A of the minutes regarding Neighborhood Parking Program. Seconded by Assistant Mayor Lazenby and voted.

B. MAYOR BLALOCK

1. Recommendation for Appointment of Stefany Shaheen Re: Police Commission Vacancy

Assistant Mayor Lazenby moved to appoint Stefany Shaheen to fill the Police Commission vacancy until December 31, 2019, seconded by Councilor Roberts.

Assistant Mayor Lazenby stated he was impressed with all of the candidates and appreciates all of their willingness to serve. He stated he then met with the 2 candidates that the committee had recommended and felt both were great choices, but feels that because of the timing of being in the budget season, felt that Ms. Shaheen already has an awareness of the process and can hit the ground running.

Councilor Roberts stated he was on the committee and agrees that all were impressive.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock stated he chaired the committee and felt that all six candidates were impressive. He stated all of the questions that were asked and answered are posted on the website and all of the meetings were recorded. He further explained the format used to select the candidate for recommendation.

Councilor Pearson stated she was on the committee as well and had initially voted in favor of Mr. Hart as she feels he is also well-qualified, but is happy to go with the committee recommendation.

Councilor Reynolds stated he met with Ms. Shaheen as he had specific concerns he wanted to address with her directly but did not meet with Mr. Hart as he did not have specific concerns with him.

Councilor Denton stated he has spoken with the current Police Commissioners as well as previous Commissioner Plaia as well as met with Ms. Shaheen. He stated he initially was uncomfortable because of the 3-2 split on the committee recommendation, but is fine with it now.

Motion passed on a 7-1 roll call vote. Councilor Denton voted opposed and Councilor Becksted abstained.

Councilor Dwyer stated that the process to replace commissioners needs to be formalized and criteria of composition of committee outlined, etc.

Mayor Blalock stated our Charter conflicts with the State RSA on this issue.

City Attorney Sullivan stated that this year it didn't matter because there were no other candidates on the ballot to appoint. He then explained the process to put a Charter amendment question on the ballot.

City Manager's Informational Items:

1. Report Back Re: Short-Term Rental Regulations in Portsmouth
2. Report Back Re: Student Letter on Reusable Bags

There were no questions or comments on these items.

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

A. Public Hearing – Cable Television Renewal Franchise Agreement

CABLE TELEVISION RENEWAL FRANCHISE AGREEMENT

• PRESENTATION

Deputy City Attorney Woodland gave a brief review of presentation presented at a prior Council meeting.

• CITY COUNCIL QUESTIONS

There were no questions.

• PUBLIC HEARING SPEAKERS

Mayor Blalock read the public hearing notice and asked if anyone wished to speak:

Bill Humphries, Executive Director of PPMTv – stated he supports Channel 22's bid for an HD TV channel and encourages support for PPMTv to have an HD channel as well. He continued that because their Channel 98 programming is replayed on the YouTube channel, there is no way to track performance of the programs which is necessary to future programming and fundraising so he would have liked that to be a part of this contract as well.

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Dwyer asked if an HD channel PPMTv Channel 98 had been part of the discussions.

Deputy City Attorney Woodland stated in the beginning both were discussed, but it only ended up with Channel 22 in 2 years which she feels is part of a national roll-out for HD of all government channels.

No action taken at this meeting as it will be voted at the February 4, 2019 Council meeting.

B. **Public Hearing – Zoning Ordinance – Site Development Standards – Off-Street Parking**

ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE,
ARTICLE 11 – SITE DEVELOPMENT STANDARDS, SECTION 10.1110 –
OFF-STREET PARKING

- **PRESENTATION**

Planning Director Walker gave a brief power point presentation explaining the changes incorporated into the proposed ordinance.

- **CITY COUNCIL QUESTIONS**

Councilor Becksted asked how this would apply to the McIntyre building.

Planning Director Walker stated it would be the 1.3 spaces as this is in the 750+ category.

Councilor Dwyer stated the permit measures are in place to reduce parking demand but it is out of the control of property owner, so why is there a permit.

Planning Director Walker stated we are looking for a commitment that the parking demand won't be increased.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the legal notice and opened the public hearing to speakers:

Elizabeth Bratter – referred to her letter (included in the agenda packet) and expressed her concern with removing other boards from the process stating that the TAC and Parking and Traffic Safety Committee should be involved which would include getting public input. She stated that the term “permanent measures” should be clearly defined. Finally, she doesn't feel that bicycle services such as Zagster should be included as an option as there are no helmet requirements and is unsafe.

Esther Kennedy - stated she is unsure why we are taking power away from the ZBA as they have to meet 5 criteria showing benefit to the City. She continued that she doesn't understand what 1.3 parking spaces is, why not say 2 cars and deal with reality of actual amount of cars.

Paige Trace – asked if the purpose of taking the ZBA out of the process is meant to stream line the process, then will the Planning Board have to meet the 5 criteria of the ZBA. She stated it seems that this is being done to accommodate the McIntyre building redevelopment.

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Perkins moved to pass second reading as amended and schedule a third and final reading for the February 4, 2019 City Council meeting to amend the Article 11 – Site Development Standards, Section 10,1110 – Off-Street Parking as presented in the document titled “Proposed Off-Street Parking Amendments” dated January 16, 2019, seconded by Councilor Denton.

Councilor Becksted moved to table, seconded by Councilor Denton.

Councilor Becksted stated this would be until the McIntyre project moves forward so that we are not making changes that could benefit the project without having the details.

Motion to table FAILED on a 0-9 roll call vote.

Planning Director Walker clarified that this process already occurs in the city except in the downtown overlay district and this will make it consistent with the rest of the city.

Councilor Dwyer asked if someone is turned down by the Planning Board, could they still appeal to the ZBA and do they still go through the TAC process.

Planning Director Walker stated yes, they can still appeal to the ZBA and most projects do go through Site Review.

Councilor Dwyer stated she would like to clarify that it is “Long-term” and not permanent and review the list of trade-off options.

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

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

Councilor Dwyer stated that the parking summit is needed as soon as possible.

C. Public Hearing – Zoning Ordinance – Conditional Use Permits

ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 2 – ADMINISTRATION AND ENFORCEMENT BE AMENDED BY INSERTING A NEW SECTION 10.240 AS PRESENTED ON THE DOCUMENT TITLED “PROPOSED AMENDMENTS TO THE PORTSMOUTH ZONING ORDINANCE: SECTION 10.240 CONDITIONAL USE PERMITS”, DATED NOVEMBER 19, 2018

- **PRESENTATION**

Planning Director Walker gave a brief review of the proposed Zoning Ordinance change.

- **CITY COUNCIL QUESTIONS**

There were no questions.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the public hearing notice and asked if anyone wished to speak. Seeing no one, Mayor Blalock closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Perkins moved to pass second reading and schedule third and final reading for the February 4, 2019 City Council meeting to amend the Portsmouth Zoning Ordinance, Article 2 – Administration and Enforcement, by inserting a new Section 10.240 as presented on the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Section 10.240 – Conditional Use Permits”, dated November 19, 2018, seconded by Councilor Denton.

Planning Director Walker explained this amendment would insert a new section into the Zoning Ordinance defining approval criteria and conditions of approval for the granting of non-wetland conditional use permits by the Planning Board. NH RSA 674:21 states that communities that use conditional use permits shall adopt standards to guide the granting of the conditional use permits. Presently, a number of land uses as well as flexible zoning provisions in the City’s Zoning Ordinance require the granting of a conditional use permit by the Planning Board, but the Ordinance lacks consistency in terms of the standards of approval for granting of these. Adding this section to the Ordinance would be consistent with state laws and would also assist with administration of these permits by the Planning Board and City staff.

Councilor Dwyer stated she feels 8 months is too little of time and would like to amend that at third reading.

Planning Director Walker stated that non-conforming uses have 8 months or it lapses, but they can reapply.

Councilor Becksted stated he is uncomfortable with this and wants the information posted on the website.

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

- D. First Reading of Proposed Ordinance amending Chapter 10, Article 4, Section 10.421.10 – DISTRICT LOCATION AND BOUNDARIES of the Zoning Ordinance and Portsmouth Zoning Map be amended by rezoning the property located at 290 Gosling Road at Assessor's Tax Map 213, Lot 1 from Waterfront Industrial (WI) to Office Research (OR) District

Councilor Perkins moved to pass first reading and schedule a second reading and public hearing for the February 4, 2019 City Council meeting on the request of 290 Gosling Rd., LLC the property with the address of 290 Gosling Road (Map 213, Lot 1) be re-zoned from Waterfront Industrial (WI) to Office Research (OR), seconded by Councilor Pearson.

Councilor Roberts is concerned there are already many offices there and we will be creating another Pease with a lot of traffic demands.

City Manager Bohenko stated there will be a presentation at second reading with traffic counts, etc.

Motion passed on a 9-0 vote.

- E. Third and Final Reading of Amendments to Chapter 10 – Zoning Ordinance be amended 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 (tabled Indefinitely at the December 17, 2018 City Council meeting)

Councilor Perkins moved to suspend the rules to take off the table. Seconded by Councilor Denton and voted 8-1, Councilor Becksted voted opposed.

Councilor Perkins moved to suspend the rules to allow amendment at third reading. Seconded by Councilor Denton and voted.

City Attorney Sullivan explained that this was previously tabled due to a challenge by the NHCLU and since that time a productive dialogue between the City Attorney, the Planning Director, and the NHCLU staff was held. He stated the NHCLU requested a few minor amendments to the zoning ordinance as proposed. The updated draft reflects these changes, which staff recommends be incorporated by a vote of the City Council prior to passing Third and Final Reading.

Councilor Denton asked if people would be able to fly a gay pride flag.

Planning Director Walker stated yes, this defines what a flag is, not what is on it.

Councilor Dwyer stated she understands why residents are confused and would like a presentation on how the sign ordinance applies to residences.

Councilor Perkins move to amend the ordinance, as presented. Seconded by Councilor Dwyer and voted.

Councilor Roberts moved to postpone third reading to the February 4, 2019 City Council meeting. Seconded by Councilor Becksted and voted.

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSENT AGENDA

Councilor Perkins moved to adopt the consent agenda. Seconded by Councilor Pearson and voted.

- A. Letter from Lindsay Gilbert, Cystic Fibrosis Foundation, requesting permission to hold the CF Cycle for Life for the 2019 summer season on Saturday, July 13, 2019 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Kathie Lynch, Portsmouth Little League, requesting permission to affix signage in the form of banners to be attached to fences surrounding the outfield and foul lines at Plains and Hislop fields, also; requesting permission to affix the banners to the fences from April 13 [Field Clean-up Day] through the end of October, and; maintain signage to the rear of the Plains scoreboard ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Caroline Piper, Friends of the South End, requesting permission to hold the annual Fairy House Tour event on Saturday, September 21, 2019 and Sunday, September 22, 2019 from 10:00 a.m. – 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

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

- B. Letter from Elizabeth Bratter regarding contractors or any builder to appear before the Planning Board to request a Conditional Use Permit regarding parking within their project, also not to include bike share services as a form to reduce the need for parking

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

Councilor Roberts thanked Ms. Bratter for her comments and work on the issue.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

After 10:00 p.m., per Council Rules, City Manager Items become Consent Agenda. Items 1 and 3 requested to be removed, Item 5 previously addressed.

Councilor Denton addressed Item 2 asking if the disabled Veterans credit will be readdressed as the state law has been change.

City Manager Bohenko stated he will speak with the Assessor.

Councilor Perkins moved to adopt Items 2 and 4 of the City Manager Consent Agenda. Seconded by Councilor Denton and voted.

1. Approval of Proposed Employment Agreement for Deputy City Manager Nancy Colbert Puff

City Manager Bohenko stated this is a standard 5 year employment agreement which is in place for other city officials such as the Fire Chief, Police Chief, Supt. of Schools, etc. and follows the Professional Management Agreement.

Councilor Perkins moved to approve a 5-year Employment Agreement with Deputy City Manager Nancy Colbert Puff, seconded by Councilor Pearson.

Councilor Becksted asked if former Deputy City Manager Dave Allen or Cindy Hayden had 5-year agreements.

City Manager Bohenko explained that both of these individuals were in-house employees and were already covered under PMA, but Nancy Colbert Puff is an outside hire who has been here for 16 months and has done a great job so he would like to give her a contract.

Councilor Becksted stated if City Manager Bohenko leaves before this 5-year term, then we are locked in.

Councilor Perkins stated we are lucky to have Deputy City Manager Colbert Puff for 5 years.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock stated that he understands the comments but if the other Deputy City Managers were offered the 5 year contracts, he would have voted for those as well. He continued that in the absence of City Manager Bohenko, Deputy City Manager Colbert Puff has filled in seamlessly.

Councilor Pearson stated if the 5-year contract is good enough for the men, then it is good for Deputy City Manager Colbert Puff as well.

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

2. Request for Public Hearing Re: Elderly and Disabled Exemptions (***Sample motion – move to schedule a public hearing for the February 4, 2019 City Council meeting***)
3. NH DOT Hampton Branch Trail Management Agreement

Assistant Mayor Lazenby moved to authorize the City Manager to negotiate and execute a Trail Management Agreement with NHDOT for the Portsmouth portion of the Hampton Branch Rail Trail (NH Seacoast Greenway) that is covered by the Hampton-Portsmouth CMAQ project. Seconded by Councilor Reynolds and voted.

4. Request for First Reading Re: Accessory Dwelling Units and Garden Cottages – (***Sample motion – move to schedule a first reading for the February 4, 2019 City Council meeting to amend the Zoning Ordinance by deleting existing Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages and inserting in their place the new sections 10.814 and 10.815 as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Sections 10.814 – Accessory Dwelling Units and 10.815 – Garden Cottages” dated January 16, 2019 and amending related terms in Article 15 – Definitions, Section 10.1530 – Terms of General Applicability***)
5. Presentation and Action Re: Neighborhood Parking Pilot Program – (***Previously addressed***)

City Manager’s Informational Items:

1. Report Back Re: Short-Term Rental Regulations in Portsmouth
2. Report Back Re: Student Letter on Reusable Bags
3. House Inspections Re: Sewer Study

B. MAYOR BLALOCK

1. Recommendation for Appointment of Stefany Shaheen Re: Police Commission Vacancy (***Previously addressed***)
2. Appointment to be Considered:
 - Nathalie Morison to the Conservation Commission

Nathalie Morison, current alternate, was considered for appointment as a regular member to the Conservation Commission to be voted at the February 4, 2019 City Council meeting.

3. Appointment to be Voted:
 - Heinz K. Sauk-Schubert appointment to the Historic District Commission as an Alternate

Assistant Mayor Lazenby moved to appoint Heinz K. Sauk-Schubert as an alternate member to the Historic District Commission with term to expire June 1, 2021. Seconded by Councilor Roberts and voted.

C. COUNCILOR ROBERTS

6. Parking and Traffic Safety Committee Action Sheet and Minutes of the January 10, 2019 meeting (*Previously addressed*)

D. COUNCILOR PEARSON & COUNCILOR PERKINS

1. Request for Approval Re: Service of Alcohol for the Worth Lot Demonstration Project

Councilor Pearson moved to approve the sale of wine and beer for a one-day event to be held in summer 2019 at the Worth Lot, seconded by Councilor Perkins.

Councilor Becksted asked about the liability to the City and will it be covered by our insurance.

City Manager Bohenko stated he would not allow the event to occur if we are not covered.

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

E. COUNCILOR DWYER, COUNCILOR ROBERTS & COUNCILOR PERKINS

1. Update from McIntyre Subcommittee (*Previously addressed*)

F. COUNCILOR DENTON

1. Draft Letter Re: Portsmouth City Council Supports HB 102

Councilor Denton moved to have the City Council allow him to present the drafted letter at the HB102 hearing, seconded by Councilor Pearson.

Councilor Dwyer stated that the NHMA voted to support this legislation with a local option.

Councilor Pearson stated the last time this was deliberated there was a lot of public input in favor.

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

Councilor Raynolds stated that Councilor Becksted's opposition should be noted in the letter.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

There was no Miscellaneous or Unfinished business discussed.

XIII. ADJOURNMENT

Assistant Mayor Lazenby moved to adjourn at 11:25 p.m., seconded and passed unanimously.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'V. French', with a stylized flourish at the end.

Valerie A. French, CHMCA
Deputy City Clerk