

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 3, 2016

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:25 p.m.

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer (via conference call), Lown, Pearson, Spear, Cyr and Denton

Absent: Councilors Perkins

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. PS21

Doug Roberts of PS21 provided a Presentation on smart growth, tactical urbanism, and demonstration projects and spoke to the City adopting a policy for these projects. He said such a policy would make it easier for everyday residents, advocacy organizations, and community groups to spearhead short-term projects alongside the Department of Public Works and other agencies. He addressed the demonstration projects that took place at the White Heron Tea on Islington Street and its success. He spoke to a survey that was conducted where 85% of the individuals felt the City should do more of these types of projects.

Assistant Mayor Splaine asked what the next step would be. City Manager Bohenko said he would work with PS21 on this and sit down with the Planning and Public Works Departments to see how we could accommodate these projects in the City of Portsmouth. He said we would need to establish a policy for the City and a permitting process.

Councilor Cyr said where the policy has been enacted in Burlington he would like to see us reach out to them on how the process works there.

V. ACCEPTANCE OF MINUTES – SEPTEMBER 6, 2016

Councilor Spear moved to accept and approve the minutes of the September 6, 2016 City Council meeting. Seconded by Councilor Lown. Moved to amend page 2 of the roll call vote in the minutes to reflect a roll call vote 6-1 motion passed. On a roll call 8-0, voted to accept and approve the minutes of the September 6, 2016 City Council meeting, as amended.

VI. PUBLIC COMMENT SESSION

David LaFevers said he would like to see the parking garage have handicap carts for use. He also spoke to the lack of enforcement of traffic laws by the Police Department.

Harold Whitehouse spoke to the 400th Celebration of the City which will take place in 2023. He said he would like to be involved in the planning and spoke to contributing to the Anniversary to get things started.

James Boyle said that the taxpayers are being asked to spend money to stop business on his land. He said the amount is unrealistic and the appraisal the City has is wrong because it is not from an independent appraiser.

Mark Brighton said the City should stop the litigation of Mr. Boyle's property.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 14 – HOUSING CODE BE AMENDED BY DELETING THE EXISTING ARTICLE II: DEMOLITION AND INSERTING IN ITS PLACE A NEW ARTICLE II. THE PURPOSE OF THIS ARTICLE IS TO ENCOURAGE THE PRESERVATION OF BUILDING AND PLACES OF HISTORIC, ARCHITECTURAL AND COMMUNITY VALUE

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

Planning Director Taintor reviewed the proposed ordinance and said the current ordinance is over 35 years old and this ordinance provides another forum on a proposed demolition. He said the ordinance provides for additional review, including a public hearing, whenever demolition is proposed for a building that is more than 50 years old. He reported the purpose of the additional review is to allow for a determination as to whether the building has historic, architectural or community value, and for identification of alternatives to demolition. Planning Director Taintor stated that the draft of the revised ordinance was provided to Portsmouth advocates for review, and the current document incorporates several changes suggested by the Advocates, including posting of notices of the City's website in addition to the newspaper.

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Grants:
- 2016 Internet Crimes Against Children Task Force Grant - \$256,037.00
 - Acceptance of the New Hampshire Highway Safety Grants
 - Distracted Driving Patrols \$10,000.00
 - Sobriety Checkpoints \$ 6,758.00
 - DWI Patrols \$ 9,843.00
 - Step Patrols \$ 9,926.40
 - Bicycle/Pedestrian Patrols \$ 6,195.20
 - Acceptance of Bullet Proof Vest Grant - \$11,065.68
 - Opioid Abuse Reduction Initiative Grant - \$59,324.03

Councilor Lown moved to approve and accept the grants to the Portsmouth Police Department, as presented. Seconded by Councilor Pearson. On a roll call 8-0, motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 3, Article II, Section 3.2 Solid Waste, Yard Waste and Recycling and an amendment to Chapter 1, Article XIII, Section 1.13 – Municipal Enforcements Procedures

Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the October 17, 2016 City Council meeting, as presented. Seconded by Councilor Spear.

Councilor Denton asked if he could do a ride along with the Public Works Department on the pickup of solid waste.

Assistant Mayor Splaine said that he would like to change the wording referencing mobile home parks and possibly changing it to home parks. He said we need to take away the stigma with mobile home parks. City Manager Bohenko said the change would be made.

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

- B. Second reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value

Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed ordinance at the October 17, 2016 City Council meeting, as presented. Seconded by Councilor Spear.

Councilor Cyr spoke regarding procedure if the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished is 500 square feet or less, the following procedure shall be followed:

- (2) If a written objection is received by the Inspection Department within thirty days of the date of notice, the Building inspector shall order an additional delay period, not to exceed sixty days from date of receipt of the written objections. However, in no event shall the delay period ordered by the Building inspector exceed ninety days from date of permit.

He said he does not see a point to the waiting period and a need for an additional 60 days. City Manager Bohenko said the additional 60 days is warranted. He said 30 days comes quickly in the City and that 90% of the time after 30 days they are able to demolish the building. Councilor Cyr asked how often the City receives these types of requests. Planning Director Taintor said there tends to be more than you would think. He said the Historic District Commission process provides for a lot of notice. He further stated we may see more as values rise and people start replacing homes.

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

X. CONSENT AGENDA

- A. Letter from Melissa Walden, American Lung Association requesting permission to hold the Seacoast ride on Sunday, May 7, 2017 at 7:00 a.m. – 3:00 p.m.
(Anticipated action – move to refer to the City Manager with power)
- B. Letter from Jennifer Goodman, New Hampshire Preservation Alliance expressing support for the adoption of a new demolition ordinance ***(Anticipated action – move to accept and place the letter on file)***

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Spear. On a roll call vote 8-0, motion passed.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney General Joseph Foster regarding Enabling Authority for Municipal Regulation of Plastic Bag Use

Councilor Denton said he would like the residents that are pursuing this matter to remain patient.

Councilor Lown said the letter was arrogant and felt that the Attorney General should not have signed such a letter. He feels the tone and content of the letter were unnecessary.

Councilor Spear moved to accept and place the letter on file and further that Councilor Lown said he felt the letter was arrogant and that the tone and content of it was unnecessary. Seconded by Councilor Lown. On a roll call vote 8-0, motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Establish Public Hearing Re: Funding to Acquire A Portion of Property at 150 Greenleaf Avenue

City Manager Bohenko said that this is in order to proceed forward and establish a public hearing for acquiring a portion of the property at 150 Greenleaf Avenue.

Councilor Spear moved to establish a public hearing for its October 17, 2016 meeting, to raise and appropriate \$345,000.00 from the Sewer funds net position. Seconded by Councilor Pearson.

Assistant Mayor Splaine said the more we get into this the more it would cost and he would not support the motion.

City Manager Bohenko said we have tried very hard to bring this to a closure and it has not happened.

Councilor Lown said we should just take the berm area.

On a roll call 6-2, voted to establish a public hearing for its October 17, 2016 meeting, to raise and appropriate \$345,000.00 from the Sewer funds net position. Assistant Mayor Splaine and Councilor Lown voted opposed.

2. Request for Acceptance of Harbor Walk Park Pier Project

City Manager Bohenko said that the City is required to accept the project.

Councilor Spear moved to accept the Harborwalk Park Pier Project, and further, authorize the City Manager issue the Certificate of Final Completion of work. Seconded by Councilor Pearson.

Councilor Spear said he would like to see some tables and chairs for people to sit in the park. City Manager said he spoke to Public Works Director Rice and tables and chairs will be installed.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said this is a perfect spot for tables and chairs and is pleased to hear that we will be installing them in the park.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Pearson said that this is an excellent addition to the City and that there is always someone in the park enjoying the area.

Assistant Mayor Splaine spoke to the beautiful area and would like people to have access to the area throughout the winter.

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

3. Polling Hours for November 8th Presidential General Election

Councilor Denton said he would like to see the polls open at 7:00 a.m. because of the importance of the election.

Councilor Spear said the Legislative Subcommittee should look into this matter. He said he agrees with the use of staff and we need more hours for the polls to be open. He said he supports reducing City functions on Election Day to allow paid staff to fill the roles. He also urged people to vote by absentee if they meet the criteria.

City Clerk Barnaby spoke to the increase of an hour on the end of the day and being open until 8:00 p.m. She also addressed the issues with opening an hour earlier. She further stated that during the Presidential General Election she extends the polling hours to be 8:00 a.m. to 8:00 p.m. from the normal hours of 8:00 a.m. to 7:00 p.m.

Assistant Mayor Splaine moved to set the polling hours from 8:00 a.m. to 8:00 p.m. for the Presidential General Election on November 8, 2016. Seconded by Councilor Lown. On a roll call vote 7-1, motion passed. Councilor Denton voted opposed.

City Manager's Informational Items

2. *Report Back Re: Veterans Tax Credit*

City Manager Bohenko reported that we may have another 900 veterans that may take advantage of the exemption and that we need to conduct more research. He said we provide a maximum of \$500.00 and asked that the City Council proceed forward slowly and that changes can be made in the future. He also stated that this would provide another \$.10 to the rate before we start the budget process and that this will not affect the December bill.

Councilor Lown asked which veterans qualify for the exemption. City Manager Bohenko said eligibility requirements for persons receiving the veterans' property tax credit to include all veterans who have been honorably discharged or officers honorably separate from service.

Councilor Denton said he would like to expand the credit.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Appointment of Jody Record to the Planning Board as a Regular Member
 - Appointment of Jeffrey Kisiel to the Planning Board as an Alternate Member
 - Reappointment of Bruce Boley to the Board of Library Trustees
 - Reappointments of Jack Jamison to the Board of Library Trustees

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

C. COUNCILOR DENTON

1. Curbside Composting Pilot Program

Councilor Denton moved that the City Manager report back with curbside composting pilot program options. The scope of at least one option should be large enough so the savings from tipping fees should pay for the majority of the pilot program's costs if the program is fully utilized by residents. Seconded by Councilor Lown.

Councilor Denton said the average household could expand their recycling and this would add a composting process. He said the motion is for the City Manager to report back on this matter. He said that Mr. Fox has indicated he would provide a pilot program on this. City Manager Bohenko said we can provide a report back soon and there are pros and cons.

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

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Denton spoke regarding the Eco Club having a booth at Farmers' Market over the weekend. He said he learned that October is National Farm to School Month and next week is National School Lunch Week. He said that on Monday, October 24th is National Food Day where nationally many people participate in the apple crunch project which he believes the entire school district is planning on participating. He thanked Kate Mitchell who runs our Farm to School Program for her work on this project.

XIV. ADJOURNMENT

At 8:25 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted. On a roll call vote 8-0, motion passed.



Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk