

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, NOVEMBER 21, 2016

PORTSMOUTH, NH  
TIME: 7:00PM

### **I. CALL TO ORDER**

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

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine (8:05 p.m.), Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

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

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

Councilor Perkins led in the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

#### 1. Recognition of Peter Torrey

The City Council recognized Peter for his work with the Trustees of the Trust Funds with a chair for his years of service. Peter accepted the chair with great thanks and appreciation.

#### 2. Update Re: Deer Street Parking Garage

David Allen, Project Manager provided an update on the Deer Street Parking Garage. He stated that the Committee has met 6 times and are currently working with the design team on the project. He addressed lots 1-6 and spoke to the roadway which will be put in place. He discussed the moving of a 48 inch sewer line as part of the project. Project Manager Allen said there will be 2 entrances to the garage and flex space for the 6 story structure. He spoke to the meeting held with the Islington Creek Neighborhood which is opposed to any structure higher than 6 stories. Project Manager Allen indicated that the date for the opening of the garage would be August 2018.

Councilor Denton asked if this would be a LEED certified parking garage. Project Manager Allen said we could look into what would be required for the structure to become LEED certified. Councilor Denton also suggested installing solar panels to the garage. Project Manager Allen said the Committee would need to look into this.

Councilor Perkins asked if the flex space would provide micro-units. Project Manager Allen said micro-units are not part of the design currently.

3. Status Re: Doble Property Acquisition

Assistant City Manager Moore provided a status update regarding the Doble Property Acquisition. He stated that we are close to a Memorandum of Agreement with the Army Reserve. He indicated the plan is to have the building in 2017. He said the vision for the building is a vibrant next generation senior center.

**V. ACCEPTANCE OF MINUTES – SEPTEMBER 19, 2016 & OCTOBER 3, 2016**

**Councilor Lown moved to approve and accept the minutes of the September 19, 2016 and October 3, 2016 City Council meetings. Seconded by Councilor Perkins and voted.**

**VI. PUBLIC COMMENT SESSION**

Kelly Shaw spoke regarding the Board of Adjustment, School Board and Neighborhood Committee all meeting on the same evening. She said there could have been more input and conversation at the Housing Committee presentation to the Neighborhood Committee if all of the three meetings were not held at the same time. She requested that another meeting be held with the Housing Committee and Neighborhood Committee so all who wished to participate could do so.

Raymond Will invited City Council, boards and commissions and all who wishes to volunteer for the day and ring the Kettle Bell during the Holiday Season.

Mark Brighton spoke regarding an email between City staff on the Echo Avenue development project. He said this kind of communication needs to stop.

Arthur Clough spoke regarding the eminent domain vote recently by the Council.

Susan Denenberg speaking as an Election Official, requested that the City Council consider giving the workers a pay increase for all the work that is put into the election and the number of hours worked. She stated that she worked 17 hours on Election Day for a total of \$145.00 which equates to \$5.25 per hour which is not even minimum wage. She said that any increase should be retroactive to the November 8<sup>th</sup> Election Day.

**VII. PUBLIC HEARING**

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE PURCHASE OF PROPERTY LOCATED AT 850 BANFIELD ROAD

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

Kelly Shaw speaking on behalf of Andrea Amico who would like to see the land subdivided to two single family lots. Kelly said that she agrees with Andrea's comments and feels it is what would be best for the neighborhood.

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

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

### **A. Acceptance of Hazard Mitigation Planning Grant**

**Councilor Spear moved to accept and approve the New Hampshire Homeland Security and Management Grant for the purposes of updating the City's Hazard Mitigation Plan, as presented, and further, authorize the City Manager to execute the Agreement. Seconded by Councilor Perkins and voted.**

### **B. Portsmouth Police Department Grant and Donation:**

- NH Department of Justice Violence Against Women Grant - \$60,000.00
- Donation from Friends of the South End in support of the Portsmouth Police Explorers - \$700.00

**Councilor Lown moved to accept and approve the Grant and Donation to the Portsmouth Police Department, as listed. Seconded by Councilor Cyr and voted.**

**Councilor Spear moved to suspend the rules in order to take up Items XII. A.5. – Approval of Trust Re: 400<sup>th</sup> Anniversary Celebration, and authorize the City Manager to bring back a final agreement to be approved at the December 5<sup>th</sup> City Council meeting and XII 6 – Holiday Parking & XII. E.1. - Proposed Portsmouth Holiday Parking Plan. Seconded by Councilor Lown and voted.**

City Manager Bohenko requested that Ed Mallon of the Portsmouth Historical Society speak a few moments regarding the 400<sup>th</sup> Anniversary Celebration.

Ed Mallon, Portsmouth Historical Society said it is important to have an organization bring continuity to the 400<sup>th</sup> Anniversary Celebration. He said groups will be brought together to work on this event. He said the Portsmouth Historical Society should be located in a City Building and it is planned to have them located at the Portsmouth Discover Center.

City Manager Bohenko said that he is asking for action on the Trust and the Agreement would be acted upon at the December 5<sup>th</sup> City Council meeting.

Councilor Dwyer said the Trust captured our discussion on the celebration. She indicated that she feels a Steering Committee with 11 people is too large. City Manager Bohenko said that we could discuss that matter.

Councilor Pearson said you could bring in other stake holders through working groups.

**Assistant Mayor Splaine moved to approve the Trust for the 400<sup>th</sup> Anniversary Celebration, and authorize the City Manager to bring back a final agreement to be approved at the December 5<sup>th</sup> City Council meeting. Seconded by Councilor Pearson and voted.**

XII. A.6. & XII. E.1. – Holiday Parking & Proposed Portsmouth Holiday Parking Plan

City Manager Bohenko said Holiday Parking for the Christmas Season will begin December 18<sup>th</sup> going through December 24<sup>th</sup>.

Councilor Spear said he would like to see the City transition to a more efficient plan whereby pay on-street parking is enforced and the revenues gained will be directed for the benefit of the downtown business through the Greater Portsmouth Chamber of Commerce. He stated in this way, our holiday parking plan will be in alignment with our guiding principles and established best practices in these two ways: 1) available parking is gained through pricing, and 2) parking revenue is returned to the immediate benefit of that enforcement zone. He said this year the City will grant \$20,000.00 to the Chamber and next year and future years there will be no free holiday parking and the City will grant \$80,000.00 to the Chamber. He outlined restrictions on the grant as follows:

- a) The purpose of the grant is to benefit the downtown hospitality community, with primary emphasis on downtown merchants
- b) Funds can be used for any appropriate purpose as determined by the Chamber with input from its retail membership. Some ideas include: an increased marketing and advertising plan, disbursement of shopping gift cards, support for regional travel shows that promote visitation and shopping in Portsmouth, etc
- c) Some ideas like a parking voucher program or snow removal might include coordination with the City
- d) There is no time restriction on the use of the funds
- e) The downtown is defined as the Central Business District in the zoning map
- f) The primary benefit is to all downtown merchants including those not in the Chamber

Reporting and Oversight:

- a) The Chamber will report back to the EDC with the “downtown merchant benefit plan” to obtain approval for disbursement of the funds before their expenditure. The purpose of the EDC is to provide fiduciary oversight. The chamber, working with the downtown merchants, develops and manages the plan
- b) The funds will be released upon EDC approval
- c) The Chamber will provide the EDC with updates as appropriate including a final year-end report describing the outcomes of the plan
- d) The Chamber will coordinate with the City Manager or his designee for any coordination regarding parking vouchers, cross-marketing, and fund disbursement
- e) The Council will be copied on all reports and EDC minutes

Valerie Rochon, Chamber of Commerce said that they have talked with the retail businesses and met with Joey Giordano and have a good understanding of parking and the rates. She said retailers feel it is a loss of good will to stop the free holiday parking. She requested that the spirit of the proposal be approved.

**Councilor Dwyer voted to approve Holiday Free Parking commencing on Sunday, December 18, 2016 and end Saturday, December 24, 2016 and further that the City Manager be authorized to enter into an agreement with the Chamber of Commerce to spend up to \$20,000.00 from the Parking and Transportation Fund to allow for special programs that maybe beneficial to our downtown merchants. Seconded by Councilor Perkins.**

Ms. Rochon said the Chamber is doing a good job with the UDAG grant funding and targeting them specifically. She said anything that was done with the funds would be discussed with the City and there are many opportunities to identify the things that will best benefit the funds.

Councilor Dwyer said she would encourage the Chamber of Commerce to think of the transportation relevance and retail valet or use of a shuttle keeping transportation in the mix.

Councilor Perkins thanked Councilor Spear for the idea and said we would be making more decisions based on data.

Councilor Denton spoke to the good will downtown from the Holiday parking and said not having it might send people to shop at the malls or on-line.

Councilor Cyr said it would be important to hear how the retailers feel about losing the Holiday free parking downtown.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said the funds would go to enhancing programs and the majority of the parking downtown is going to workers. He said we need to also enhance the downtown experience.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Pearson said that this is to support the local businesses downtown.

Assistant Mayor Splaine asked the City Manager if we are voting through the motion to allocate \$80,000.00. City Manager Bohenko said we would be \$20,000.00 this year from the parking fund to give it to the Chamber of Commerce through a grant.

Assistant Mayor Splaine would like the Chamber of Commerce to come forward with new events by receiving the grant to bring people to the City during the winter months.

**Motion passed.**

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Resolution Authorizing a Supplemental Appropriation of Four Hundred Thousand Dollars (\$400,000.00) for the Purchase of Property Located at 850 Banfield Road *(An additional \$150,000.00 as approved by the Conservation Commission at the November 10, 2016 meeting and action by the City Council would be taken under the City Manager's Action Items. This is a total of \$550,000.00 for the purchase of the Elliott Property on Banfield Road)*

**Assistant Mayor Splaine moved to adopt a Resolution to authorize a Supplemental Appropriation of Four Hundred Dollars (\$400,000.00) for the Purchase of Property located at 850 Banfield Road as recommended by the Conservation Commission. Seconded by Councilor Perkins.**

Councilor Dwyer asked how the area is zoned. Planning Director Taintor said Single Residence A.

Councilor Denton thanked the Conservation Commission for the expenditure of funds.

**Motion passed.**

## X. CONSENT AGENDA

- A. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to hold the 2017 Walk MS Portsmouth on Saturday, April 8, 2017 from 10:00 a.m. to 2:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Raymond Will, The Salvation Army requesting that the City Council and each Board and Commission and City Committees consider volunteering to stand and ring the kettle bell for an enter single day ***(Anticipated action – move to accept the letter and place it on file)***
- C. Letter from Donna Hepp, Seacoast Century Granite State Wheelmen Bicycle Club, requesting permission to hold the 44<sup>th</sup> annual Seacoast Century on September 24 – 25, 2017 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Acceptance of Donations to the Coalition Legal Fund:
- Town of Carroll - \$1,000.00
  - Town of Rye - \$5,000.00
- (Anticipated action – move to approve and accept the donations, as listed, to be place in the Coalition Legal Fund)***

- E. Request for Licenses to Install Projecting Signs:
- Northern Tier Real Estate Acquisition & Development, LLC (c/o John Dussi), owner of La Carreta, for property located at 172 Hanover Street
  - Heather Dalton & Catherine Ianchulev, owner of Seaside Allure for property located at 24 Congress Street
- (Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for these requests)***
- Planning Director's Stipulations:**
- ***The licenses shall be approved by the Legal Department as to content and form;***
  - ***Any removal or relocation of the 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 signs, 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***
- F. \*Acceptance of Library Donation from Phyllis Eldridge - \$1,000.00 representing the balance of her pledge ***(Anticipated action – move to accept and approve the donation, as listed)***
- G. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting to hold the CF Cycle for Life on Saturday, July 15, 2017 ***(Anticipated action – move to refer to the City Manager with power)***
- H. Letter from Matthew McFarland, Saint Patrick School, requesting permission to hold its 4<sup>th</sup> Annual 5k Road Race on Saturday, March 18, 2017 at 10:30 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- I. Petition and Underground Utility License for Comcast on Ledgewood Drive ***(Anticipated action – move to refer to the City Manager with power)***
- J. Eversource License Agreement for one replacement pole location at the intersection of Barberry Lane and Islington Street ***(Anticipated action – move to refer to the City Manager with power)***

- K. Eversource License Agreement to install 55 feet of electrical conduit on Porter Street for new underground service for The Music Hall (***Anticipated action – move to refer to the City Manager with power***)

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

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

- A. Letter from Paula Chalfin regarding Union & Middle Streets Streets Intersection

**Councilor Lown moved to refer to the Parking and Traffic Safety Committee. Seconded by Councilor Cyr and voted.**

**XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

1. Report Back Re: Acquisition of Property at 850 Banfield Road

**Councilor Perkins moved to accept the Planning Board’s recommendation that the City Council approve the acquisition of the property at 850 Banfield Road. Seconded Councilor Cyr and voted.**

2. Approval of \$150,000.00 Additional Appropriation from the Conservation Fund Re: Elliott Property at 850 Banfield Road

**Councilor Lown moved to approve the additional appropriation of \$150,000.00 from the Conservation Fund as approved by the Conservation Commission for purchase of the Elliott property at 850 Banfield Road. Seconded by Councilor Perkins and voted.**

3. Request for First Reading of Proposed Zoning Ordinance Amendments (“Zoning Omnibus, Part I”)

City Manager Bohenko said we would like to come back for first reading on December 5<sup>th</sup> with public hearing and second reading at December 19<sup>th</sup>.

Planning Director Taintor said that there are 7 separate amendments. He reviewed each amendment with the City Council. Discussion followed regarding the various amendments which will come back for first reading at the December 5<sup>th</sup> City Council meeting.

**Councilor Lown moved to authorize the City Manager to bring back for first reading the proposed Ordinance amendments at the December 5, 2016 City Council meeting, as presented. Seconded by Councilor Dwyer.**

Councilor Spear said if we want to adopt the Ordinance amendments sooner we could suspend the rules at second reading to take up third and final reading to adopt the Ordinances at that time.

City Manager Bohenko indicated that the Ordinance amendments will come back separately so that there will be 7 Ordinances and we would hold 7 different public hearings.

**Motion passed.**

4. Atlantic Heights Emergency Access

Assistant City Manager Moore said this is regarding the emergency access for Atlantic Heights. He said that the neighborhood has expressed concern that there is only one access way out of Atlantic Heights. He spoke to the license agreement from Eversource for the use of its access road at its Schiller Station and under the agreement the City has the ability to utilize the road, also known as the "boat road" in the event of an emergency blocking or otherwise preventing safe egress from the neighborhood via Kearsarge Way. He stated that the new proposed emergency access route will be shorter and provide an outlet onto Portsmouth Boulevard for use during emergencies only.

**Councilor Spear moved to refer this matter to the Planning Board for report back. Seconded by Assistant Mayor Splaine and voted.**

**At 9:30 p.m., Mayor Blalock declared a recess. At 9:40 p.m., Mayor Blalock called the meeting back to order.**

7. Planning Board Report Re: Request of Northern Utilities, Inc., d/b/a Unitil for Easement Across City Land at 1 Franklin Drive

**Councilor Spear moved to accept the Planning Board's recommendation to grant easement to Northern Utilities, Inc., d/b/a/ Unitil across property owned by the City at 1 Franklin Drive, and further, authorize the City Manager to proceed with the execution of the necessary document. Seconded by Councilor Pearson and voted.**

8. Request for First Reading Re: Taxi Ordinance

Deputy City Attorney Woodland said this is a draft Ordinance to maintain a regulatory process, a way of enforcement, and no interest in regulating rates was items taken from the work session on this matter. She said some concerns were from taxi owners said were taken into consideration. She stated we recommend that inspections be done by a dealership of the vehicle make and keeping the medallion system in place.

**Assistant Mayor Splaine moved to authorize the City Manager to bring back for first reading on December 5, 2016 the proposed Taxi Ordinance. Assistant Mayor Splaine requested that the Legal Department review the State Law with our proposed Ordinance and provide an outline as to the additional burdens we are putting on local taxi cabs through this proposed Ordinance. Seconded by Councilor Cyr.**

Councilor Cyr said the people are asking for more regulations and we are looking at more ways to regulate.

Councilor Dwyer feels it is penalizing requiring the taxi businesses to make repairs to vehicles within 24 hours.

**Motion passed.**

9. Approval of Petition and Utility License Re: Langdon Street

City Manager Bohenko said this would be to serve an underground conduit for a residential home.

**Councilor Spear moved to approve the petition and underground utility license for 81 and 91 Langdon Street. Seconded by Councilor Dwyers and voted. Councilor Perkins abstained from voting.**

10. Proposed Public Art Application Re: Cast Sculpture, Jay Smith Memorial Garden, State Street

**Councilor Spear moved to approve the Cast Public Art Sculpture at the Jay Smith Memorial Garden on State Street. Seconded by Councilor Perkins and voted.**

11. License Request for 2 Bow Street

**Councilor Splaine moved to authorize the City Manager to negotiate and enter into license with Two Bow Street, LLC. Seconded by Councilor Perkins and voted.**

*City Manager's Informational Items*

2. *Report Back Re: Composting*

Councilor Denton thanked the City Manager and Jacob Levenson for the work that went into this matter. He stated he favors Option #1 and the CIP for bins.

City Manager Bohenko spoke on the McIntyre Building and said the Navy Yard is going to express interest in the building.

4. *Off-Leash Dog Area at Route 33 Park and Ride Open to Residents*

Assistant Mayor Splaine thanked City Manager Bohenko and Councilor Denton for the off-leash area for dogs.

**MAYOR BLALOCK**

1. Appointment to Demolition Committee

Mayor Blalock announced he has made the following appointments: Jonathan Wyckoff of the Historic District Commission, Elizabeth Moreau of the Planning Board, TBD a member of the Portsmouth Historical Society, Chief Building Inspector Robert Marsilia or Designee, and Planning Director Designee Nick Cracknell.

2. Appointments to be Considered:

- Reappointment of Robert Machewka to the Economic Development Commission
- Appointment of Richard Shea as Regular member to the Historic District Commission
- Appointment of Martin Ryan as an Alternate member to the Historic District Commission

The City Council considered the above listed appointments to be voted on at the December 5<sup>th</sup> City Council meeting.

3. Mayor's Appointments to Blue Ribbon Committee

Mayor Blalock appointed Paul Dilorio, Jr. and Matthew Glynn to the Sustainable Practices Blue Ribbon Committee.

**C. COUNCILOR LOWN**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the November 3, 2016 meeting

**Councilor Lown moved to approve and accept the action sheet and minutes of the November 3, 2016 Parking and Traffic Safety Committee meeting. Seconded by Councilor Spear.**

Councilor Denton said many residents have reached out to him regarding the traffic from water country. Councilor Lown said we received a letter from the DOT and they did not vote to change the traffic pattern.

Councilor Dwyer said that there is a feeling that we do not communicate with the DOT or the RPC and we need to explain how the process works.

**Motion passed.**

**D. COUNCILOR PEARSON**

1. Request for Resources to Update and Refresh the City's Cultural Plan

Councilor Pearson spoke regarding the need for resources to update and refresh the City's Cultural Plan. She said the document has had items make their way into the Master Plan which are important. She stated there is no one that has the skill set on Art-Speak to make a new plan.

Councilor Dwyer said it is over due to look at the plan and that the last plan was done strictly through a volunteer group. She indicated that cultural planners are very conservative and create one size fits all plans which is not what is needed.

Councilor Spear echoed Councilor Dwyer's comments. He said we pay for Master Plans and other types of plans and supports the idea. He said he would like to see the City Manager work with Councilor Pearson and discuss the matter further.

Councilor Pearson announced that she has stepped down as a paid staff person for Art-Speak but still serves as a volunteer doing all the things she previously did.

*The City Council agreed to have the City Manager work with Councilor Pearson, Nancy Carmer and planning staff on what is the best way to proceed forward with this matter and to provide a report back to the City Council at the December 19, 2016 meeting.*

**F. COUNCILOR DENTON**

1. SOAK Up The Rain New Hampshire: <http://soaknh.org/>

Councilor Denton requested that this link be placed on our website for the public to access.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

Hodgdon Brook (not on agenda)

Councilor Denton would like to set up a walk to make a green way by creating a green walk from the bypass to Bartlett Street where the Brook enters the pond. This is in coordination with our restoration project of Hodgdon Brook.

Plastic Bag (not on agenda)

Councilor Denton reported to the City Council that State Senator Martha Fuller Clark will be reintroducing the legislation regarding plastic bags.

Legislative Committee meeting (not on agenda)

Assistant Mayor Splaine requested that Mayor Blalock work with the City Manager in setting a date for a Legislative Committee meeting in early to mid-December.

**XIV. ADJOURNMENT**

**At 10:25 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Pearson 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