

CITY COUNCIL NON PUBLIC SESSION

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 19, 2017

PORTSMOUTH, NH
TIME: 6:30PM

At 6:30 p.m., a roll call for attendance was done with Assistant Mayor Splaine and Councilor Perkins being absent.

City Council Present: Mayor Blalock, Councilors Dwyer, Lown, Spear (6:40 p.m.), Pearson, Cyr, Denton

City Council Absent: Assistant Mayor Splaine and Councilor Perkins

Others Present: John P. Bohenko, City Manager; Robert P. Sullivan, City Attorney; Dianna Fogarty, Human Resources Director; Tom Closson, Negotiator; and Kelli L. Barnaby, City Clerk

Councilor Dwyer moved to enter into a Non Public Session regarding the Compensation of Public Employees regarding AFSCME 1386B Contract – RSA 91-A:3 II (a). Seconded by Councilor Lown and voted. Assistant Mayor Splaine, Councilors Perkins and Spear were absent.

Mayor Blalock open the Non Public Session.

City Manager Bohenko explained how AFSCME 1386B was created when the clerical staff broke away from the Public Works employees which was AFSCME 1386.

Human Resources Director Fogarty and Negotiator Closson explained the contract and recommended approval by the City Council.

At 6:50 p.m., Mayor Blalock declared the Non Public Session closed.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 19, 2017

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 (via conference call), 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

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

PRESENTATIONS

1. Portsmouth High School 2017 Girls Spring Track New Hampshire Division II State Champions

Recreation Director Wilson and Mayor Blalock presented plaques to the 2017 Girls Spring Track New Hampshire Division II State Champions.

Head Coach Mr. Lyford thanked Recreation Director Wilson, Mayor Blalock and City Council for recognizing the Girls Spring Track Team in recognition of winning the State Championship. He stated the Girls won their first spring track championship in 40 years!

2. Portsmouth High School Girls Lacrosse New Hampshire Division II 2017 State Champions

Recreation Director Wilson and Mayor Blalock presented plaques to the Girls Lacrosse New Hampshire Division II 2017 State Champions.

Head Coach Squire thanked Recreation Director Wilson, Mayor Blalock and City Council for recognizing the Girls Lacrosse Team for winning the State Championship. She said that this is a young team and don't be surprised if the girls come back with another Championship in the future.

3. Portsmouth High School Boys Baseball New Hampshire Division II 2017 State Champions

Recreation Director Wilson and Mayor Blalock presented plaques to the Boys Baseball Team in recognition of winning the State Championship.

Head Coach Hopley thanked Recreation Director Wilson, Mayor Blalock and the City Council for recognizing the Boys Baseball Team for winning the State Championship. He announced that this is the 6th state championship in the past 10 years.

4. New England Foundation for the Arts Award Re: African Burying Ground

Jane Preston of the NE Foundation for the Arts presented the 2017 Creative Economy Award with a cash award of \$2,500.00 to Vernis Jackson of the African Burying Ground who accepted the award with Councilor Dwyer, Stephanie Seacord and Jane James with thanks and appreciation.

Mayor Blalock said that the African Burying Ground is just one of the many beautiful places in the City.

5. Art-Speak Annual State of the Arts Presentation and Request to Extend the Agreement between the City and Art-Speak

Mike Teixeira of Art-Speak provided a brief Presentation on the Annual State of Arts. He reviewed what has happened in the last year for Art-Speak and the growth that is going on in the City. He announced that \$58,000,000.00 is brought into the City from the arts and go directly into the economy. He thanked the City Council for their continued trust in Art-Speak.

Councilor Pearson moved to suspend the rules in order to take action on the Art-Speak Request to Extend the Agreement. Seconded by Councilor Lown. On a unanimous roll call vote 9-0, motion passed.

Councilor Pearson moved to authorize the City Manager to extend the agreement from July 1, 2017 through June 30, 2018. Seconded by Councilor Lown.

Councilor Spear said that there needs to be more 3-D public art demonstrations downtown.

Councilor Dwyer asked where we are in updating the cultural plan. Mike indicated they are looking to put someone in charge of the project.

On a unanimous roll call vote 9-0, motion passed.

V. ACCEPTANCE OF MINUTES – JUNE 5, 2017

Councilor Lown moved to accept and approve the minutes of the June 5, 2017 City Council meeting. Seconded by Councilor Spear. On a unanimous roll call vote 9-0, motion passed.

VI. PUBLIC COMMENT SESSION

Roy Helse spoke regarding Brendan Dubois comments regarding the Police Commission. He stated that Mr. Dubois should be speaking at the Town of Exeter's public comment session on items relating to his town instead of taking up the Portsmouth City Council's time. Mr. Helse also spoke regarding jaywalking across Congress Street and that tickets should be issued by the Police Department.

Marc Stettner said that the ordinance for motorcycle parking should have a reduced rate of a quarter for parking in the designated spaces. He stated that this would be revenue neutral if all spaces are used.

Erik Anderson spoke regarding the fiscal implications of the Police Chief's contract. He said most department heads have an agreement for 3 years versus 5 years with this contract. He further stated there is a great deal of benefits in the contract and there should be some probationary time within the contract.

Pat Bagley spoke on clarity on numbers for the new garage. She said the overruns for the new parking garage are \$3,000,000.00. She asked if the scope of the project was expanded before or after the City knew of the overruns on the project.

City Manager Bohenko said at the next meeting the City will come forward with a request for additional funding and a full presentation would be provided.

Gerry Zelin spoke opposed to the zoning amendment regarding Character Based Zoning Excess Community Space. He said the ordinance allows the incentives in the proposed development, and the amount of excess community space may be credited toward a future project. He expressed concern regarding the section of the ordinance which indicates that future use of the excess community space to support a future project shall require the granting of a conditional use permit by the Planning Board, whether or not the community space is on the same parcel as the future project. He said the land being given to the City by Cathartes cannot be built upon and asked if this was a political favor by the City. Mr. Zelin said there will be losers from some future project that maybe larger in height.

Rick Becksted said the land credit for the North Mill Pond is spot zoning. He stated the Cathartes development is building their hotel which will take every parking space that 3S Artspace has and there is going to be valet parking. He said we are creating more of a parking shortage with the zoning ordinance amendment regarding excess community space.

Esther Kennedy asked the City Council to consider the word reduce or eliminate in the consent decree. She said the word reduce and not eliminate should be used. She asked the City Council how we are going to eliminate the issue and that this is just kicking the can down the road for generations.

Councilor Spear asked if we could have a presentation on the history of the wastewater treatment plant. City Manager Bohenko said we will have a presentation in an upcoming meeting.

VII. PUBLIC HEARINGS

A. DRAFT HAZARD MITIGATION PLAN UPDATE 2017

Fire Chief Achilles said that this is the Hazard Mitigation Plan to evaluate how the City responds to facing disasters in the City. He reported that FEMA requires every municipality in the country to develop and maintain a Natural Hazard Mitigation Plan to identify and evaluate the risks posed by natural hazards. He stated this plan requires a Public Hearing and public comment on the Plan Update will be taken through July 3, 2017. Chief Achilles indicated that comment may be submitted to him and City Clerk Barnaby.

Councilor Dwyer said one of the plans that should be included as one of the mitigations we plan to do is the Prescott Park Master Plan.

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Blalock declared the public hearing closed.

B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.902 –
ELECTION CANDIDATE CONFLICT OF INTEREST / MANDATORY FINANCIAL
DISCLOSURE

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

Jane Zill said there is a need for transparency in campaign donations. She read from the Charter Section 3.8 – Pecuniary Interest: No elective or appointive officer or employee of the City of Portsmouth shall take part in any decision concerning the business of the City in which that person has a direct pecuniary interest which is greater than any other citizen or taxpayer, aside from that officer or employee's salary.

Esther Kennedy urged the City Council to move forward with the ordinance. She said she feels that campaign contributions and financial disclosures need to be looked at seriously.

Gerry Zelin said the ordinance requires the candidate must disclose their contributions but not the entities.

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

C. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT
C – CONFLICT OF INTEREST – A REQUIREMENT THAT EACH CANDIDATE
FOR CITY COUNCIL AND EVERY POLITICAL ACTION COMMITTEE
SUPPORTING ONE OR MORE CANDIDATES FOR CITY COUNCIL REPORT
CONTRIBUTIONS AND EXPENDITURES PRIOR TO ELECTION DAY,
INCLUDING THE CANDIDATES TOTAL MONETARY EXPENDITURES FOR
THAT ELECTION AND THE TOTAL MONETARY EXPENDITURES FOR EACH
CANDIDATE OR SLATE OF CANDIDATES BY THE POLITICAL ACTION
COMMITTEE. THE REPORT OF MONETARY CONTRIBUTIONS TO THE
CANDIDATE OR BY A POLITICAL ACTION COMMITTEE SHALL IDENTIFY
EACH CONTRIBUTOR BY NAME, ADDRESS AND AMOUNT OF
CONTRIBUTION

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

Pat Bagley asked the City Council to consider transparency and full disclosure in the City. She spoke in support of the proposed Municipal Charter Amendment.

Jane Zill said increased transparency is needed in campaign financing. She spoke in support of the proposed Municipal Charter Amendment.

Erik Anderson asked what the date for reporting prior to the election would be in the proposed Municipal Charter Amendment. He said there should be a specific date listed.

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

Councilor Denton moved to suspend the rules in order to take up Item VIII. B. – Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance. Seconded by Councilor Dwyer. On a unanimous roll call vote 9-0, motion passed.

VIII. B. Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance.

Councilor Denton moved to pass second reading and hold third and final reading at the July 10, 2017 City Council meeting. Seconded by Councilor Cyr.

Councilor Denton said that this is to give more transparency.

Councilor Dwyer said that this ordinance is more inclusive and speaks to a broader transparency.

Assistant Mayor Splaine said he supports the amendment and the ordinance includes beyond the City Council.

Councilor Perkins said she supports the concept. She said we need to make sure the ordinance is clear and that the candidate take good faith efforts in trying to apply it.

City Attorney Sullivan said that he agrees with Councilor Perkins comments that the candidate supply everything with good faith interest.

Councilor Denton moved to pass second reading and hold third and final reading at the July 10, 2017 City Council meeting and further the acceptance of a friendly amendment to Section 1.902 A after the word “must” insert the following “*make a good faith effort to*”. The sentence will now read: Any candidate running for City Council, School Board, Police or Fire Commissions receiving a monetary contribution from any one person or entity in the amount of a cumulative total of \$100.00 or more in any calendar year must make a good faith effort to report. Seconded by Councilor Perkins as a friendly amendment.

Councilor Cyr said that there should be more of a good faith effort in number one.

On a unanimous roll call vote 9-0, motion passed with the friendly amendment.

- C. The Municipal Charter of the City of Portsmouth, Amendment C – Conflict of Interest – A Requirement that Each Candidate for City Council and Every Political Action Committee Supporting One or More Candidates for City Council Report Contributions and Expenditure prior to Election Day, Including the Candidate’s Total Monetary Expenditures for that Election and the Total Monetary Expenditures for each Candidate or Slate of Candidates by the Political Action Committee shall Identify each Contributor by Name, Address and Amount of Contribution

Assistant Mayor Splaine moved to place the Charter Amendment on the Municipal Ballot for the November 7, 2017 Election in accordance with the provisions of State law. Seconded by Councilor Spear.

Councilor Dwyer said the “prior to” is a concern and needs to be defined. She said she would like to see it 7 days before the election.

Councilor Perkins said that we need to address the issue of when the reporting takes place and what is a Political Action Committee.

Councilor Denton said he supports the Charter Amendment and agrees that this would be more effective if it covered all officials in the City.

Councilor Cyr asked if we could make an amendment to this question. City Attorney Sullivan said amendments of substantial changes could not be made. Councilor Cyr said comments made by the public that we are granting political favors and that there is dark money are hurtful comments and discouraging to anyone looking to run for election.

Councilor Lown said that this is a small City and no one spends a great deal of money to run for office. He rejects the assertions that there is dark money.

Councilor Dwyer asked if the amendment to change the word “candidate” to *election official* would be acceptable to make. City Attorney Sullivan he feels that it would be beyond a substantial change, therefore the amendment would not be permissible.

Assistant Mayor Splaine said the amendment before the City Council is clear and the total expenditures are important. He said candidates need to do this.

Councilor Spear said he served on the Committee for Conflict of Interests and his concern is, will this reduce the scope of disclosures. He asked if there is anything bypassing this that would lead to more conflict of interests.

On a unanimous roll call vote 9-0, motion passed.

- D. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT C – CONFLICT OF INTEREST. FOR THE PURPOSES OF FINANCIAL DISCLOSURE THE TERM “MUNICIPAL OFFICIALS” IN THIS PROVISION SHALL INCLUDE MEMBERS OF THE CITY COUNCIL, POLICE COMMISSION, FIRE COMMISSION, SCHOOL BOARD, PLANNING BOARD, ZONING BOARD OF ADJUSTMENT, HISTORIC DISTRICT COMMISSION AND THE CITY MANAGER

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

Esther Kennedy said in 2014 she reviewed this at the Local Government Center to make sure people are disclosing what is necessary. She fills out a disclosure for the Fish and Wild Life and asked the City Council look at this so we know the connections within our City for the background of our officials.

Rick Becksted spoke in support of the Ordinance and indicated he has to complete a Conflict of Interest form for Portsmouth Little League. He said that if people on Land Use Boards don't want to complete the form they would not serve. He stated that more than the City Manager should be a part of the Charter.

Jane Zill said there are concerns that there is nefarious conduct in the City and this amendment is for the good of the community.

Erik Anderson asked what is the penalty if someone refuses to complete the financial disclosure form, is there a requirement of recusal and what does the person need to engage in.

Zelita Morgan spoke in favor of the Charter amendment and goes hand and hand with the ordinance that passed second reading this evening. She said the City Council is in the position of leaders and you need to recognize the value of improving our government. She urged the City Council to pass the motion.

Dick Bagley said at the beginning of Historic District Commission meetings the chair asked if there is a conflict of interest which is to make sure there is transparency. He asked the City Council to pass the motion.

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

Assistant Mayor Splaine moved to place the Charter Amendment on the Municipal Ballot for the November 7, 2017 Election in accordance with the provisions of State law. Seconded by Councilor Denton.

Councilor Dwyer said that this Charter Amendment is not well thought out and conflict of interest and mandatory financial disclosures are not one in the same. She said the State form is about conflict of interest not financial disclosure and people want a stronger type of disclosure. If we vote it would be parallel to what we provide in conflict of interest. She said she feels it is an important distinction. She said the wording in the amendment needs to be cleared up because the amendment is flawed.

Councilor Lown said he agrees with Councilor Dwyer. He said if we pass this, people would have greater confidence and increase faith in elected leaders, that is what people think, but it is not true.

Mayor Blalock said that this means Portsmouth assets in Portsmouth related companies.

City Attorney Sullivan said if the amendment is adopted by the voters it becomes law on January 1, 2018 and would be a requirement for the City Council to adopt the ordinance related to the Charter provision. He further stated if the City Council wants to define City assets the City Council could do that.

Assistant Mayor Splaine said he agrees with City Attorney Sullivan, all the amendment does is require the form to be filled out by Land Use Boards and the City Manager.

Councilor Perkins would like to know if we could amend the Charter provision to Portsmouth assets. City Attorney Sullivan said that we have followed the law and substantive changes could not be made and in the end in this case he feels that this would apply to Portsmouth assets is a minor amendment and could be made.

Councilor Perkins said that this is non-substantive at this time and feels the amendment could be made and part of City Attorney Sullivan's rationale for the amendments the Council is making narrowed the scope of the Charter provision and that is why they feel they were non-substantive because a wider audience had ready been noticed and so the Council is narrowing the action they are taking.

Assistant Mayor Splaine agrees to this being a friendly amendment.

Friendly amendment to Item A. after the word "all" to insert the following "Portsmouth related". The sentence will now read: Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all Portsmouth related capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office.

Councilor Pearson said any one in a voting capacity would be a City Official and feels that the City Manager should not be required to complete the form.

Councilor Spear said he does not feel that this should include the City Manager. He asked if the Council could remove the City Manager from the provision.

Councilor Pearson moved to remove the words "and the City Manager."

City Attorney Sullivan stated to remove the words "and the City Manager" he feels does not feel it is a substantive change.

Assistant Mayor Splaine said that we will have another City Manager at some point.

City Attorney Sullivan said the Charter amendment will add the words "Portsmouth related".

On a roll call 6-3, voted under Item A. to remove the words “and the City Manager”. The sentence will now read: For the purposes of financial disclosure the term “municipal officials” in this provision shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment and Historic District Commission. Councilors Perkins, Dwyer, Lown, Pearson, Spear and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Cyr and Denton voted opposed.

On a unanimous roll all 9-0, voted to pass main motion as amended.

At 9:25 p.m., Mayor Blalock declared a brief recess. At 9:35 p.m., Mayor Blalock called the meeting back to order.

- E. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION). THE COMMISSION SHALL APPOINT THE POLICE CHIEF, SUBJECT TO CONTRACTUAL APPROVAL BY THE CITY COUNCIL. ALL OTHER EMPLOYEES OF THE POLICE DEPARTMENT SHALL BE APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHARTER. IN ADDITION, THE COMMISSION SHALL HAVE AUTHORITY TO CONSIDER AND ACT UPON ANY COMPLAINT FROM ANY SOURCE AND/OR EMPLOYEE GRIEVANCE(S). WHERE THE COMMISSION DETERMINES THERE TO BE SUFFICIENT CAUSE THE COMMISSION MAY, AFTER A HEARING CONSISTENT WITH THE REQUIREMENTS OF DUE PROCESS, DISCIPLINE OR REMOVE ANY EMPLOYEE OF THE POLICE DEPARTMENT AGAINST WHOM SUCH A COMPLAINT HAS BEEN BROUGHT. APPEALS FROM SUCH DECISIONS SHALL BE HEARD PURSUANT TO SUCH GRIEVANCE PROCEDURES AS SHALL BE ESTABLISHED BY THE COMMISSION OR PRESCRIBED IN RESPECT OF COLLECTIVE BARGAINING AGREEMENTS. THE CITY MANAGER AS DIRECTED BY THE CITY COUNCIL SHALL HAVE ALL ADMINISTRATIVE RESPONSIBILITIES RELATING TO THE ADMINISTRATION OF THE POLICE DEPARTMENT. SUCH POWERS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:
- THE POWER TO DETERMINE THE NUMBER, LOCATION AND TYPE OF FACILITIES AND INSTALLATIONS; AND
 - THE POWER TO DETERMINE THE SIZE OF THE WORKFORCE AND INCREASE OR DECREASE ITS SIZE

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

Ralph DiBernardo spoke in support of the continuation of the Police Commission in its present form. He said there is no valid reason to change the Charter.

Rick Becksted said he feels that the Charter provision should not be placed on the ballot. He has not heard any one speak to abolishing the Commission and why we have only singled out the Police Commission. He said that the residents do not want to eliminate the Police or Fire Commissions. He said that City Manager cannot take on more than he already has.

Pat Bagley spoke against placing the questions on the ballot. The Police Commission has done an outstanding job. She suggested the addition of 2 residents to serve on the Police Commission.

Zelita Morgan said that this should not be placed on the ballot and this approach is wrong and disrespectful.

Esther Kennedy read the citizens vote on the Commission and not placing this on the ballot. She said some people feel that the City Manager is getting all the power and we would be treating one entity different from another. She said do not put this forward.

Erik Anderson said he is not in favor of the Charter provisions as there is sufficient checks and balances in the City. He said the City should leave the Commission as is.

Dick Bagley said the State statute requires a 3 member Commission. He said this is about keeping politics out of the Commission. He said just place the question on the ballot and let the people speak. Mr. Bagley stated there is no transparency as to why this question was brought forward to be placed on the ballot.

Richard Gamester asked the City Council not to place this item on the ballot.

Jane Zill said at the last City Council meeting Commissioner Cavanaugh spoke regarding incorrect statements at the retreat. She said that the City Council needs to explain what is the reason why the change is being requested and how would the Charter change affect the governing. She said you need to provide a rationale and reasons why you want the questions on the ballot. Ms. Zill said there is no evidence that the City Manager would have made a difference in the Police Commission. She said that this would reduce the power of the Police Department and give the responsibility to the City Manager, how would this benefit the City.

Brendan Dubois, Exeter, NH spoke in favor of the proposed Charter provision. He said there should be an Oversight Committee and a 3 member part-time Commission is making decisions and there is a better way to do this.

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

Councilor Lown moved to place the Charter Amendment on the Municipal Ballot for the November 7, 2017 Election in accordance with the provisions of State Law. Seconded by Councilor Spear.

Councilor Denton said he would vote against the motion and would like to have the Commission remain in its current form. He stated the current Commission has been getting a lot done and this is not the proper time to make any changes.

Councilor Lown said that the voters should have the chance to decide on the questions. He said we would still have an elected Commission if the Charter provision passes.

Assistant Mayor Splaine said he respects the voters and they should be part of the process. The Police Commission is dedicated to the operation of the Police Department. He said changes were made to the Commission last year during the election. He urged the Police Commission do the good work they currently do and let the Police Chief do his work.

Councilor Dwyer said that people want the City Council to take over the duties of the Police Commission. She said we need to show who is in charge. She indicated the Police Commission comes to the City Council when they have a problem and there is confusion of who negotiates the contracts. She said the complaints lie with the Police Commission. She said that we will have time to have an active discussion.

Councilor Spear said when you read the investigation of the Webber case it would not have happened if we were under a professional running the Police Department. He stated the Charter precludes us from taking action on the Goodwin/Webber case. Councilor Spear said people need to have a choice on bringing this to the ballot.

In a roll call vote 2-7, motion failed to pass. Councilors Dwyer and Lown voted in favor. Assistant Mayor Splaine, Councilors Perkins, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.

Councilor Cyr moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Perkins. On a unanimous roll call vote 9-0, motion passed.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First Reading of Parking & Traffic Safety Omnibus Ordinance

Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, at the July 10, 2017 City Council meeting, as presented. Seconded by Councilor Perkins. On a unanimous roll call vote 9-0, motion passed.

C. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space

Councilor Perkins moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Dwyer. On a roll call vote 8-1, motion passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

- D. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots

Councilor Perkins moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Dwyer and voted. On a unanimous roll call vote 9-0, motion passed.

- E. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art – Exemption

Councilor Pearson moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Perkins.

Assistant Mayor Splaine stated that art and culture is important to the City and New Hampshire.

On a unanimous roll call vote 9-0, motion passed.

- F. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article 1 – Parking Meters, Section 7.105 – Parking – Designated Motorcycle Parking Area

Councilor Lown moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Pearson.

City Manager Bohenko said Parking, Traffic & Safety Committee can look at the matter of the price to charge and make the decision.

On a unanimous roll call vote 9-0, motion passed.

- G. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article V – Bicycle Regulations

Councilor Lown moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Pearson. On a unanimous roll call 9-0 vote, motion passed.

- H. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article XVII – Moped Regulations

Councilor Pearson moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Perkins. On a unanimous roll call 9-0 vote, motion passed.

IX. CONSENT AGENDA

A. Letter from Holly Tennent and Melissa Mikulski, Bottomline Technologies, requesting permission to hold a 5k Road Race on Saturday, September 16, 2017 at 9:00 a.m. at the Pease Tradeport (***Anticipated action – move to refer to the City Manager with power***)

B. Letter from Chris Curtis, The Music Hall, requesting permission to hold the Telluride by the Sea film festival on September 15, 2017 – September 17, 2017 (***Anticipated action – move to refer to the City Manager with power***)

C. Request for License to Install Projecting Sign:

Kristin Fichera owner of The Treehouse School of Portsmouth for property located at 100 State Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

D. Request for License to Install Projecting Sign:

Albert Fleury owner of The Goat for property located at 142-144 Congress Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***

- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

E. Request for License to Install Projecting Sign:

Joe Kelly owner of the Thirsty Moose Taphouse for property located at 21 Congress Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Perkins. On a unanimous roll call vote 9-0, motion passed.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Shane Morin requesting permission to hold an outdoor event of acoustic music and poetry on July 15, 2017, from 7:00 p.m. – 9:30 p.m. at the Vaughan Mall stage

Councilor Perkins moved to refer to the City Manager with power. Seconded by Councilor Pearson. On a unanimous roll call vote 8-0, motion passed. Councilor Lown was not present for the vote.

- B. Letter from Nick Diana requesting permission to hold a Community Road Race on April 14, 2018 from 9:00 a.m. – 11:00 a.m.

City Manager Bohenko said in the request Mr. Diana mentions only donating 10% of the funds raised to a non-profit and we don't know who that is so he would like to follow up with Mr. Diana.

Councilor Perkins moved to table for additional information. Seconded by Councilor Spear. On a unanimous roll call 8-0 vote, motion passed. Councilor Lown was not present for the vote.

- C. Letter from Brenna Cavanaugh, Police Commissioner, regarding Additional Information on Points Raised at the City Council Retreat

Councilor Cyr moved to accept and place the letter on file. Seconded by Councilor Perkins. On a unanimous roll call 9-0 vote, motion passed.

Due to the hour all City Manager's Items now become Consent Agenda.

The City Council agreed to remove from the Consent Agenda Item A.1. – Request for Approval of Employment Agreement between the Portsmouth Police Commission and New Police Chief Robert M. Merner; Item A. 4. – Composting Program Approval and A.6. – Establish a Work Session Re: Scope of Services and review of Parking Principles.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

City Manager's Consent Agenda

- A.2. Request for Approval of Working Agreement between Portsmouth School District Paraprofessionals and the Portsmouth Board of Education (**Sample motion – move to accept the proposed contract with the Portsmouth Board of Education and the Portsmouth School District Paraprofessionals to expire on June 30, 2020**)
- A.3. Request for Public Hearing Re: Various Bond Resolutions
GENERAL FUND
- A) Resolution for Borrowing Authorization of up to \$550,000.00 for costs related to the Installation and Implementation of New High School Athletic Field Lighting
- High School Athletic Field Lighting - \$550,000.00
- B) Resolution for Borrowing Authorization of up to \$10,950,000.00 for costs related to City Street, Sidewalk, and Facility Improvements
- City Fields Lighting - \$600,000.00
 - Downtown Maplewood Avenue Area Complete Street Project - \$450,000.00
 - North Mill Pond Multi-Use Path - \$500,000.00
 - City-Wide Sidewalk Reconstruction Program - \$800,000.00
 - Lafayette/Andrew Jarvis Intersection Improvements - \$800,000.00
 - Hoover/Taft Drainage Upgrades - \$250,000.00
 - Pleasant Street Reconstruction - \$750,000.00
 - New Franklin/Woodbury Corridor Improvements - \$500,000.00
 - McDonough Street Area Improvement Project - \$800,000.00
 - Islington Street Improvements - \$2,500,000.00

- Street Paving, Management and Rehabilitation - \$3,000,000.00

WATER FUND

- C) Resolution for Borrowing Authorization of up to \$3,100,000.00 for costs related to Water Line Replacements and the Pleasant Street Water Line Improvements
- Annual Water Line Replacement - \$2,500,000.00
 - Pleasant Street Water Mains - \$600,000.00

SEWER FUND

- D) Resolution for Borrowing Authorization of up to \$4,800,000.00 for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements, and Union Street Sewer Construction
- Consent Decree Mitigation - \$400,000.00
 - Annual Sewer Line Replacement - \$3,000,000.00
 - Wastewater Pumping Station Improvements - \$700,000.00
 - Union Street Sewer Construction - \$700,000.00
- E) Resolution for Borrowing Authorization of up to \$6,900,000.00 for costs related to the Construction of Peirce Island Wastewater Treatment Plant (State Revolving Fund – SRF)
- Peirce Island Wastewater Treatment Design and Construction - \$6,900,000.00

(Sample motion – move to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presented, for the July 10, 2017 City Council meeting)

- A.5. Establish a Work Session Re: Thomas J. McIntyre Federal Property at 80 Daniel Street ***(Sample motion – move to establish a Work Session to review the submittals for the redevelopment of the Thomas J. McIntyre Federal Property at 80 Daniel Street, as well as a draft Request for Proposals before the City Council July 10th regular meeting)***

Councilor Pearson moved to adopt the City Manager’s Consent Agenda. Seconded by Councilor Dwyer. On a unanimous roll call 9-0 vote, motion passed.

- A.1. Request for Approval of Employment Agreement between the Portsmouth Police Commission and New Police Chief Robert M. Merner

Assistant Mayor Splaine moved to accept the proposed Employment Agreement between the Portsmouth Police Commission and the new Police Chief Robert M. Merner for a five (5) year term, commencing on June 20, 2017 and ending on June 19, 2022. Seconded by Councilor Pearson.

Councilor Dwyer said that a 5 year term is to have stability in the department. The contract includes “to terminate with cause or without cause with a 1 year severance.”

Councilor Denton thanked the Police Commission for bringing this forward.

Councilor Lown said he met with Mr. Merner and felt that he was the right person for the job.

Mayor Blalock passed the gavel to Councilor Perkins.

Mayor Blalock said he met with Chief Merner twice and feels that it is good for stability and he was highly recommended.

Councilor Perkins returned the gavel to Mayor Blalock.

Assistant Mayor Splaine feels that Mr. Merner is a good choice and hopes we approve this unanimously.

On a roll call vote 9-0, motion passed.

A.4. Composting Program Approval

City Manager Bohenko explained that there is a rebate of \$10.00 a month and rebate for customers that have purchased the bins for \$50.00.

Councilor Denton inquired if Garbage to Garden out of Portland, Maine would be eligible for the rebate for Portsmouth residents that have signed up with them for a composting program.

Councilor Denton moved that the City Council authorize effective July 1, 2017 a one year pilot program, as presented. Seconded by Councilor Perkins. On a unanimous roll call vote 9-0, motion passed.

A.6. Establish a Work Session Re: Scope of Services and review of Parking Principles

Councilor Lown moved to reschedule the Work Session regarding parking to Monday, August 7, 2017 at 6:00 p.m. Seconded by Councilor Pearson.

Councilor Dwyer indicated that she would not be in attendance at the August 7, 2017 City Council meeting.

On a unanimous roll call 9-0 vote, motion passed.

City Manager's Informational Items

4. *Press Release Re: City's AAA Bond Rating and Bond Sale*

City Manager Bohenko reported that Standard and Poor's rating agency has again affirmed the City's long-term rating of “AAA,” the highest obtainable rating as part of a recent bond sale.

3. *Press Release Re: Peirce Island Wastewater Treatment Facility Tour*

City Manager Bohenko announced that a public tour of the Peirce Island Wastewater Treatment Facility Upgrade Project will be held on Tuesday, June 20, 2017 from 6:00 p.m. to 8:00 p.m.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Reappointment of Daniel Rawling to the Historic District Commission
 - Reappointment of John Leith to the Portsmouth Housing Authority

The City Council considered the reappointments listed and will take action on them at the July 10, 2017 City Council meeting.

2. Appointments to be Voted.
 - Appointment of Samantha Wright Collins as a Regular member to the Conservation Commission

Councilor Lown moved to appoint Samantha Wright Collins as a regular member to the Conservation Commission until April 1, 2018. Seconded by Councilor Perkins. On a unanimous roll call 9-0 vote, motion passed.

3. Appointment of Robert Capone to the Public Access Financial Advisory Committee

Councilor Dwyer moved to appoint Robert Capone to the Public Access Financial Advisory Committee. Seconded by Councilor Cyr. On a unanimous roll call 9-0 vote, motion passed.

4. Resignation of Ronald Poulin from the Cable Television Communications Commission

Councilor Lown moved to accept with regret the resignation of Ronald Poulin and to send a thank you letter for his years of service to the City. Seconded by Councilor Pearson. On a unanimous roll call 9-0 vote, motion passed.

5. Blue Ribbon Committee on Sister Cities Appointments
 - Karina Quintans, Resident
 - Stephanie Seacord, Leading Edge Marketing
 - Valerie Rochon, President Portsmouth Chamber of Commerce
 - Steve Zadravec, Superintendent of Schools
 - Mike Nelson, Poet Laureate
 - Nancy Carmer, Ex-officio

Mayor Blalock announced that the above listed individuals will be serving on the Blue Ribbon Committee on Sister Cities. No action required.

C. ASSISTANT MAYOR SPLAINE

1. Memorandum regarding City Charter Amendments

Assistant Mayor Splaine advised the City Council that this was for informational purposes.

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 1, 2017 meeting

Councilor Dwyer moved to accept and approve the action sheet and minutes of the June 1, 2017 Parking & Traffic Safety Committee meeting. Seconded by Councilor Pearson. On a unanimous roll call 9-0 vote, motion passed.

E. COUNCILOR DENTON

- *Request to Establish a Mayor's Blue Ribbon Committee on Renewable Energy
 - Two City Councilors, one to serve as Chair
 - One School Board Member
 - One Planning Board Member
 - Two residents that are experts in the renewable energy field
 - One Pease Development Authority Representative
 - Two City Staff to be appointed by the City Manager

Councilor Denton said he would like to see the current proposed members as listed appointed with one meeting in July.

Mayor Blalock asked Councilor Denton to take the lead on this. He thanked Councilor Denton for moving forward with this matter.

Councilor Dwyer asked why we have a Sustainable Committee and why we are not augmenting that Committee.

Councilor Denton said that this would only serve until the Policy is adopted.

Councilor Dwyer suggested that the City Council look at the charge and make sure we are not duplicating efforts.

Assistant Mayor Splaine thanked Councilor Denton for coming forward with this proposed Blue Ribbon Committee.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Spear said the temporary parking lot at Peirce Island is very noisy.

XIII. ADJOURNMENT

Councilor Pearson moved to adjourn at 11:15 p.m. Seconded by Councilor Spear. On a unanimous roll call 9-0 vote, motion passed.

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

CITY CLERK