

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, OCTOBER 16, 2017

PORTSMOUTH, NH  
TIME: 5:45PM

### **Public Dialogue Session – Table A**

Assistant Mayor Splaine, Councilors Dwyer, Cyr and Denton were seated at the table.

The members of the public were asked to introduce themselves and state the topic which they were interested in discussing.

Erik Anderson spoke on the Fire Department Contracts and said they're important because salaries make up over 80% of the City's budget. He also said that no one knows what happens during the discussions held in Non Public Sessions. He also addressed the Offshore Wind Resolution and said the City Council made a decision on one single form of renewable energy.

Councilor Denton said the Resolution is asking the Task Force to be enacted to look at wind power.

Councilor Cyr said that the one Task Force could share the information with others.

Councilor Dwyer explained the collective bargaining process and the difference between the unions. She said broad perimeters are provided to the unions. She informed Mr. Anderson that the City Council's only ability is to vote the contract up or down.

Mr. Anderson said the City Council is responsible for funding the contract.

Cliff Lazenby asked about the assistant levels for tax exemptions.

Councilor Dwyer explained that they are set by the City Council every year.

Assistant Mayor Splaine said the information is accessible through the Assessor's Office.

Paul Sorli said that everyone is in agreement with the food code. He also addressed dogs on decks which he has allowed for the past 5 years.

---

Councilors Perkins, Lown, Pearson and Spear were seated for the next portion of Public Dialogue.

Erik Anderson spoke on the matter of Fire Contracts and that it is hard to understand. He said the contracts are not transparent and costs keep escalating.

Councilor Spear said some unions have made concessions and gave up raises one year during the recession. He said we try to keep the contracts to three years or less. He feels that the process should be longer before voting on the contracts.

Councilor Lown said we can't revisit the contracts after they have been approved. He said the only process we have is the retroactivity benefits for increases.

Mr. Anderson spoke against the City Council adopting the Offshore Wind Resolution.

Cliff Lazenby asked about the adjustment for income levels and assets for elderly exemptions. Finance Director Belanger explained in February we increase assets and income level for the exemptions. She also indicated with the revaluation the City Council voted to look at the exempt amounts once again.

Mike Somers said he would like the City Council to make the amendments he put forth for the Health Code Ordinance.

Councilor Spear said he had concerns with dogs being allowed on decks.

Hugo, from Martingale said you have dogs on decks but they cannot go through the restaurants.

Councilor Spear would like to hear more from the City Staff on outside service.

Paul Sorli said the Work Session regarding the Health Code held with City Staff was mainly about the appeal process for the ordinance.

Councilor Lown said the existing process will not slow anything down.

Mr. Sorli outlined the process and said he feels that there should be an appeals process outside of the City Staff.

Attorney John Flagg said the appeals process is you do what the Health Officer tells you to. He suggested that a City Councilor sit on the appeals board.

### **Public Dialogue Session – Table B**

Councilors Lown, Spear, Pearson and Perkins were seated at the table.

Councilor Pearson opened the floor for discussion:

Mike DeLaCruz – discussed the proposed zoning amendment regarding parking requirements stating that his issue is regarding the all-encompassing requirements to accommodate all vehicle sizes. He continued that in the Historic District Commission the lots are not suitable for the required sized maneuvering lanes and also that most cars are now more compact and should now be considered the majority. He stated that this would help alleviate many of the parking issues. He gave the City of Boston as an example of another historic city which does not require maneuvering lanes. He stated he owns the Franklin block building at Congress/Fleet Street which he is trying to redevelop, but is being required to have a parking lot the same as a grocery store which is unnecessary and not doable in the Historic District.

Councilor Pearson stated she would bring this point up during Council discussion of the ordinance.

Pat Bagley – asked about the presentation being given regarding the revaluation process and if someone is being brought in to look at the methodology, how broad will it be, just commercial or residential as well.

Councilor Lown stated that will be debated at the meeting as to whether to spot check the numbers on just the commercial or both, but the commercial is more questionable than the residential.

Ms. Bagley stated she feels that the whole revaluation should be reviewed.

Esther Kennedy – discussed the Public Dialogue sessions stating that if they are going to be held, they should be held at a consistent time. She stated that people were unaware that they were starting at 5:45 p.m. instead of at 6:00 p.m. as had been done previously.

Councilor Pearson explained that there is a non-public session at 6:30 p.m. so they had to hold the 45 minutes session prior to that beginning.

Ms. Kennedy stated that the non-public should be held prior to the public dialogue session for consistency. Next, she discussed her concern with the zoning ordinances that are up for first reading and that they are being referred to a public hearing and second reading prior to receiving any input from Portsmouth Listens who are currently holding discussion sessions regarding zoning.

Councilor Perkins stated that she has been working with Portsmouth Listens for a year and asked them to start the process earlier but they weren't able to but explained that the issue has had extensive public input at the Planning Board level. She stated that Portsmouth Listens is also discussing other issues such as housing.

Councilor Pearson stated that there is still plenty of time for public input before the final Council vote.

Rick Becksted – stated he is a part of Portsmouth Listens and they were surprised that the Council was already acting. He stated that they would like them to wait until the report has been presented because otherwise they don't know why they are doing it.

Discussion ensued regarding the upcoming schedule for the ordinance process with the Portsmouth Listens report being issued on November 13<sup>th</sup> and the second reading and public hearings scheduled for November 20<sup>th</sup>.

Greg Mahanna – representing the Pheasant Lane Home Owners Association – asked why the Pheasant Lane neighborhood did not receive abutter's notices when the Gateway zoning change was proposed. He stated that the St. James property which abuts his neighborhood is currently under agreement for a condominium project, but if it were to fall through for some reason, it would be able to do something entirely different.

Councilor Spear stated that no abutters notice is required unless it is a variance.

Planning Director Juliet Walker explained that if it is 100 properties or less, it is not required.

Mr. Mahanna stated he would like to see the Gateway District moved further south on Lafayette Road and leave the St. James property as a Single Family B zone. He stated there isn't another single family parcel until Ocean Road. He stated the current project hasn't gone to the Technical Advisory Committee (TAC) yet and if something changes there could be a 200 unit apartment building put on the property which would add to the already bad traffic problem.

---

At 6:10 p.m., Assistant Mayor Splaine, Councilors Dwyer, Cyr and Denton transferred from Table A to Table B.

Councilor Dwyer recapped the discussion at Table A stating they talked about the Food Code, collective bargaining, Off-shore wind power and Asset limits for exemptions.

Mr. Becksted reiterated the concerns regarding the Portsmouth Listens process stating they would like to see the 2<sup>nd</sup> reading held off.

Councilor Dwyer stated that the process has been on track for a year and has nothing to do with the Portsmouth Listens process. She stated that if anything needs to be amended, there is a process to do so.

Ms. Kennedy stated that the question is whether the Council is invested in the Portsmouth Listens process or not and if so, they should wait for their report.

Discussion again ensued regarding the upcoming schedule for the ordinance process with the Portsmouth Listens report being issued on November 13<sup>th</sup> and the second reading and public hearings scheduled for November 20<sup>th</sup>.

Ms. Bagley stated that we are trying to get more young people involved and if they are being involved with Portsmouth Listens then we want them to feel like their input is important and vital.

Discussion ensued regarding the history of Portsmouth Listens since its formation in 2005.

Mayor Blalock stated that the first reading is being held tonight (10/16) and second reading would normally be the next meeting which would be 11/20, but it could be deferred to the first meeting in December and still be able to meet the deadline to finish by end of 2017.

Councilor Dwyer is concerned that this may be a tactic to kill the ordinance and feels that progress has been made.

Next, Mr. DeLaCruz restated his concern regarding the parking requirements in the Historic District.

Councilor Dwyer stated that is a situation that would be handled by a variance usually.

Mr. DeLaCruz stated that there is a tremendous burden to prove hardship to get a variance.

Assistant Mayor Splaine suggested Mr. DeLaCruz submit his concerns in a letter to the City Council.

Ms. Kennedy reiterated her request to have the Public Dialogue sessions be held at a consistent time.

At 6:30 p.m., Mayor Blalock closed the session.

---

### CITY COUNCIL NON PUBLIC SESSION

City Council Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton.

**Assistant Mayor Splaine moved to enter into Non Public Session in accordance with RSA 91-A:2, I (a) regarding Strategy or Negotiations with respect to Collective Bargaining – Firefighters Association of Portsmouth, New Hampshire Local #1313 and the Portsmouth Professional Fire Officers Association. Seconded by Councilor Dwyer. On a unanimous roll call vote 9-0, motion passed.**

City Staff Present: Tom Closson, Negotiator; Dianna Fogarty, Human Resource Director, Steve Achilles, Fire Chief

Fire Commissioners: Richard Gamester and Jennifer Mosher-Matthes

Negotiator Closson explained the Firefighters Association of Portsmouth, NH Local #1313 and the Portsmouth Professional Fire Officers Association contracts.

Discussion followed regarding the terms of the contract.

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

---

## **CITY COUNCIL MEETING**

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

Mayor Blalock called the meeting to order at 7:15 p.m.

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

### **III. INVOCATION**

Mayor Blalock asked everyone to join in a moment of silent prayer in memory of Nancy Elwell who recently passed away.

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

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

## **PRESENTATION**

1. Revaluation Process, Stephen Hamilton, Director of the Municipal and Property Division of the NH Department of Revenue Administration (DRA)

Mr. Hamilton outlined the statute on the reappraisal of property. He said the process is streamlined and he examined the results and method used. He spoke to the administrative roles for the monitoring of the appraisal and a report to the governing body. He also addressed the mass appraisal process.

Assistant Mayor Splaine asked what kind of mandate did we undertake for the appraisal. Mr. Hamilton said the process must occur every five years. He said communities that wait the five years may see more changes. He said you look at market values and adjust equalized values. He said the department does not mandate the reappraisal and are there because of the contract property change in value differently the assessor does not create values that create a minor of the values they are seeing. He said if there are physical changes that are required unless there is a proportional changes. He said the market value lands between 90% - 110% they would petition the Board of Tax and Land Appeals to require a reappraisal.

Councilor Dwyer would like to hear factors that go into commercial values. Mr. Hamilton said people look at buying commercial property differently from residential. He said factors are different and commercial is more complicated and the assessor can only value the building value versus the business value. He said you look at market rents, market investors and market building values. He said there is not a way to determine the business from the building value. Mr. Hamilton also stated that furniture and fixtures are not part of the commercial value.

Councilor Perkins asked how many factors the assessors are looking at when placing values on properties.

Mr. Hamilton indicated there are micro and macro items and you look at floors differently in the commercial properties. He stated a factor is how much are they willing to pay for rent, another factor is vacancy rate and the remaining factor is the risk.

Councilor Cyr said residents in the City are not comfortable with the shift between commercial and residential.

Mr. Hamilton stated that the increase in Rockingham County is consistent with the trends in the City. He said you have accurate results if you are in the percentage the DRA is looking for.

Councilor Dwyer asked if part of the process is to see how other communities come into play.

Mr. Hamilton stated market value is looked at in the market area.

## **VI. PUBLIC DIALOGUE SUMMARY**

Mayor Blalock said all the City Council met with each table and met with residents to discuss various items.

Assistant Mayor Splaine indicated at Table A they heard about elderly exemption, food code, negotiations, contracts and wind power. He said he liked being able to alternate between tables because it allows you to hear from the room. He also indicated people would like to have the public dialogue be for one hour and that it be held at a set time of 6:00 p.m.

Councilor Perkins said Table B heard about the gateway mixed use zoning changes and Portsmouth Listens dialogues.

Councilor Pearson said there were discussions on parking as it relates to the zoning ordinance amendment that is on for first reading.

Councilor Denton said we had a Non Public Session for which there was a set time for which made us change the timing for the Public Dialogue Session.

Councilor Dwyer said the City Council role in collective bargaining is a mystery to residents and we should add the process to the website along with the roles of the Commissions.

## **VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS**

- A. First reading regarding Zoning Ordinance Amendments – Off Street Parking – Chapter 10, Article 11 – Site Development Standards; Article 15 – Terms of General Applicability and Article 8 – Supplemental Use Standards

**Councilor Spear moved to pass first reading and schedule a public hearing and second reading on the proposed Zoning Ordinance Amendments to the off-street parking regulations at the November 20, 2017 City Council meeting. Seconded by Councilor Pearson.**

Councilor Spear said he supports the changes and will offer some changes at the next meeting. He spoke regarding compact cars and smaller traffic lanes.

Councilor Denton said at second reading he would like an incentive for electric charging stations.

Councilor Dwyer said all ordinances should have a preamble and an explanation of what we are trying to do.

Acting City Manager Colbert Puff said we can provide examples in the ordinance. She said the changes can't be too substantial to effect the notice for the public hearing and second reading.



Planning Director Walker said she can provide more detail and we can look at parking. She said there are a list of changes for second reading that she would be providing with clarification.

**Motion passed.**

- B. First reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; and Article 4 – Zoning Districts and Use Regulations

**Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance to the Gateway Mixed Use District Zoning Amendments at the December 4, 2017 City Council meeting. Seconded by Councilor Denton.**

Assistant Mayor Splaine said that the public hearing should take place on December 4<sup>th</sup>. He said a 14 day delay makes sense because of the Portsmouth Listens process. He said he would like to see an expansive public hearing if examples are provided by Portsmouth Listens. He said we could provide them at the public hearing and second reading.

Councilor Denton said he likes the idea of waiting for Portsmouth Listens. He said keep the presentation on November 20<sup>th</sup> before the public hearing.

Councilor Perkins said that she does not agree with pushing out the public hearing until December. She has been outreaching to Portsmouth Listens and we have welcomed resident input on the changes. She said that Portsmouth Listens report out is for November 13<sup>th</sup> and reported that the Planning Board has spent 6 months on this ordinance. She urged the City Council to move forward with the November 20<sup>th</sup> public hearing.

Councilor Dwyer said she does not see a reason not to move forward on November 20<sup>th</sup>. She said that this is a small part of the big issue to the whole situation.

**Councilor Perkins moved to amend the motion to pass first reading and schedule a public hearing and second reading on the proposed Ordinance to the Gateway Mixed Use District Zoning Amendments at the November 20, 2017 City Council meeting. Seconded by Councilor Spear.**

**On a roll call vote 7-2, motion to amend passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Denton voted opposed.**

Councilor Pearson said she supports Councilor Perkins timeline and the right timing for this ordinance.

**On a unanimous roll call 9-0, main motion passed as amended.**

- C. First reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also include local amendments to the 2014 National Electrical Code

**Councilor Lown moved to pass first reading and authorize the Acting City Manager to bring back Building, Plumbing, Mechanical and Electrical Code updates to the City Council for a public hearing and second reading at the November 20, 2017 City Council meeting. Seconded by Councilor Spear.**

Councilor Dwyer asked if there will be a meeting to explain the code. Acting City Manager Colbert Puff announced that the meeting will be held on October 31, 2017 in the morning.

Councilor Perkins asked if we could adopt a later version of the code other than the 2015.

Assistant City Attorney Ferrini said we must adopt the State codes as they are designed. She said she can provide status on a bill which is in Committee presently and is a more present code that could be adopted in 2018.

Councilor Dwyer said there should be a principle around the codes. She said we need such a statement and a broader set of appeals process of amendment. She said we need that before we move forward with the codes. She indicated she would have this matter under her name until we have done something like that.

Acting City Manager Colbert Puff said we have time until the November 20, 2017 meeting and she could adopt draft principles.

Councilor Dwyer said she feels we need to have a work session in conjunction with draft principles.

Acting City Manager Colbert Puff said the codes have not kept pace with State codes. She said a set of principles to guide the code could be done.

**Motion passed.**

- D. First reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code

**Councilor Spear moved to pass first reading and to authorize the Acting City Manager to bring back for public hearing and second reading the updates to the Fire Department and Prevention Regulation at the November 20, 2017 City Council meeting. Seconded by Councilor Perkins and voted.**

- E. Second reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by Striking Article I-V in its entirety and replace with new language (*Postponed from September 5, 2017 City Council Meeting*)

**Councilor Spear moved to accept all the amendments to the Food Licensing and Regulations Ordinance that is contained in the City Council packet and to postpone second reading until the November 20, 2017 City Council meeting. Seconded by Councilor Pearson.**

Acting City Manager Nancy Colbert Puff said that an informational meeting was held and asked Health Officer McNamara to come forward and present the findings of the meeting.

Health Officer McNamara advised the City Council that an informational meeting was held with the restaurants to review the code and 18 restaurants were represented at the meeting.

Assistant City Attorney Ferrini informed the City Council that the food code is a 600 page document. She said we are adopting the definitions and two source documents.

Mayor Blalock said Mike Somers of NH Lodging & Restaurant Association is present and has made some suggestions to the ordinance.

The City Council discussed changes in ownership and changes in Trusts. Assistant City Attorney Ferrini said that Trust ownership is not addressed in the ordinance.

Acting City Manager Colbert Puff said that the City has not had time to address the changes in the document from Mr. Somers. She said we would like to review the changes in more depth. She indicated many things go beyond the Trust and we feel that is outside the ordinance proposed.

Assistant Mayor Splaine said he is confused and that staff would like to review the changes brought forward with Mr. Somers. He would like to know the time frame for the staff to review and said the staff should meet with Mr. Somers and the managers of local restaurants.

Mayor Blalock said we are being asked to accept the amendments, would it be more appropriate to further amend the ordinance at third reading by a two-thirds vote to suspend the rules.

Councilor Dwyer said we have the amendments and pointed out where the staff should look further. She feels we are on the same page with the spirit of the ordinance.

Councilor Lown said he is in favor of all amendments from Mr. Somers.

Health Officer McNamara spoke to the issue of rules and regulations to add to the food definitions. She said we have existing mobile trucks and what we are speaking to our guidelines that don't have the same requirements we have removed the rules and regulations and changed it to guidelines. She also addressed appeals for administrative hearings we have done research on self-reporting municipalities and many follow the same. She indicated that she works with establishments to work through any issues and there are different ways to appeal.

Acting City Manager Colbert Puff indicated that to a certain degree their answers are vague because we are in the midst of a law suit.

Councilor Spear spoke to the change of ownership. He supports the controlling interest amendments. He said our job is to make sure people get safe food.

Councilor Lown said that the City would like some more time to respond to the letter from Mr. Somers. Acting City Manager Colbert Puff said yes. Councilor Lown said the appeal process is in the document but does not see a way to make the process easier.

Health Officer McNamara said the quantifications don't meet the needs of the technical people she feels that may not be able to make food code decisions. She does not feel that we can follow the decisions a board can make.

Mayor Blalock said he should recuse himself because he is a restaurant owner.

Councilor Lown said we could pass this and as part of the motion we would look at amendments at the next meeting.

**Councilor Lown moved to accept all the amendments to the Food Licensing and Regulations Ordinance and as set forth in the ordinance contained in the City Council packet and to postpone second reading until the November 20, 2017 City Council meeting. Seconded by Councilor Spear and voted.**

Councilor Spear asked what is the City's position of dogs on outdoor decks. Health Officer McNamara said dogs are not allowed on decks in New Hampshire. She said to allow that it would require a variance to the food code ordinance.

Councilor Denton asked if there is a way to do that without seeking a variance. Health Officer McNamara said there is not.

Councilor Spear said waiver is a better word than variance. Health Officer McNamara said variance is in the food code.

Mayor Blalock said the amendments are from the informational meeting with the restaurants. He said we need to move on and get to something we can pass. He said it is important to pass the food code ordinance as soon as possible.

Health Officer McNamara said if you have an outdoor area that needs to be protected from weather and insects.

Councilor Spear said we need to get the appeals process right.

Assistant Mayor Splaine asked what will happen between now and November 20, 2017. Acting City Manager Colbert Puff said she would meet with the NH Lodging & Restaurant Association and go through the ordinance to make things much cleaner and create a draft list of principles.

**Motion passed.**

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

**VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donations Re: USS New Hampshire
- Sean Mahoney - \$500.00
  - Piscataqua Savings Bank - \$500.00
  - The Propeller Club of the United States Port of Portsmouth - \$500.00
  - Teledne Instruments - \$500.00
  - Renee and Dan Plummer - \$500.00

**Councilor Lown moved move to accept and approve the donations for the USS New Hampshire, as presented. Seconded by Councilor Cyr and voted.**

Stephanie Seacord thanked the City for being the Host Committee for the USS New Hampshire and that it is there anniversary on October 25, 2017 honoring the 132 crew members and their families.

- B. Acceptance of Police Department Grant
- A grant in the amount of \$9,225.00 from the New Hampshire Department of Safety, Homeland Security and Emergency Management for Special Operations Team Terrorism Prevention Activities training

**Assistant Mayor Splaine moved to accept and approve the grant to the Portsmouth Police Department, as presented. Seconded by Councilor Perkins and voted.**

**Assistant Mayor Splaine moved to suspend the rules to take up Item X. B. – Letter from Attorney Kevin Baum Re: Comment to Proposed Gateway Mixed-Use Zoning Amendments and Request to Extend Proposed District to Farm Lane. Seconded by Councilor Denton.**

- X.B. Letter from Attorney Kevin Baum Re: Comment to Proposed Gateway Mixed-Use Zoning Amendments and Request to Extend Proposed District to Farm Lane

Councilor Dwyer said that this should be referred to the Planning Board.

**Councilor Spear moved to refer to the Planning Board. Seconded by Councilor Dwyer.**

Councilor Spear said that the gateway changes he supports as well as the letter for possible next steps.

Councilor Dwyer said the public is misunderstanding what we are doing with the density ordinance. She asked the Planning Board to add to that list other potential places.

Assistant Mayor Splaine said he visited Farm Lane a couple weeks ago and it has become a connector between Woodbury Avenue and we should receive input from the Planning Board.

**Motion passed.**

## **IX. CONSENT AGENDA**

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

- A. Letter from Emily Christian , National Multiple Sclerosis Society, requesting permission to hold the 2018 Walk MS Portsmouth on Saturday, April 14, 2018 from 10:00 a.m. to 2:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

- B. Letter from Major DonnaMarie Reed, The Salvation Army, requesting permission to place the Red Kettle in the center of Market Square from November 13<sup>th</sup> through December 23<sup>rd</sup> (***Anticipated action – move to refer to the City Manager with power***)
- C. Acceptance of Donation Re: Plaque in Memory of Roger Chapdelaine
  - In honor of Roger Chapdelaine – Men’s Doubles Tennis Commissioner (***Anticipated action – move to accept the donation for a plaque in memory of Roger Chapdelaine, as presented***)
- D. Letter from Lynn Raeburn requesting that the lots be restored to their premerger status and that zoning and tax maps be updated to identify premerger boundaries of said parcels (***Anticipated action – move to refer to the Planning Board for report back***)

Councilor Pearson reported at the recent Ward 5 meeting residents came forward with opposition to all events taking place in the Ward 5 area due to the many impacts on the neighborhoods. Discussion took place as to whether we as a City want to put parameters for event requests.

Mayor Blalock said we should look at other locations for walks.

**Motion passed.**

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

- C. Letter from Mike Somers, NH Lodging & Restaurant Association Re: the 2009 FDA Food Code with proposed amendments

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

#### **XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

##### **A. ACTING CITY MANAGER**

- 1. Commercial Revaluation – Request for Peer Review

Acting City Manager Colbert Puff informed the City Council that we have solicited a proposal from David Cornell, MAI, CAE an experienced appraisal consultant who is qualified to perform a review of the revaluation. She indicated that his fee is \$8,875.00 for an evaluation of the commercial revaluation work, and the same price for the same review of the residential revaluation, for a total of \$17,750.00. She stated that the work could be completed by November 13<sup>th</sup>. She reported after consulting with the DRA

regarding the scope of work such a review should involve, we recommend that scope be focused on reviewing the revaluation methodology and conclusions on a broad basis – in other words, a spot “sampling” is not a typical approach to reviewing mass appraisal. In addition, if City Council is interested in pursuing this review, we recommend it be performed for the entire revaluation, and not a single component, to ensure equal treatment and to obtain a complete picture of the entire process.

Councilor Dwyer said we do not need to do residential but there is no harm in doing residential as well. She said after receiving the results Mr. Hamilton should come back and speak to the two reviews.

**Councilor Dwyer moved to direct the Acting City Manager to conduct a review of the revaluation and to bring back the review to Council sometime in November. Seconded by Councilor Spear.**

Councilor Lown said we do not need to look at a residential review.

Assessor Lentz said you would look at the total process and in order to see if the revaluation was done correctly you want to look at both.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he supports both reviews.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said maybe we want to do both.

Councilor Denton said he supports both. He asked what happens if a discrepancy is found.

Acting City Manager Colbert Puff said we would need to look at things for next year as we need to set the tax rate for this year.

Councilor Spear said he supports the motion but would like us to think about improving the commercial revaluations.

Councilor Lown said the residential taxpayers have a remedy to apply for an abatement. He would not support the motion and feels the commercial properties are the main issue rather than residential.

Councilor Dwyer said the most important thing is to understand the factors and issues for the commercial evaluations. She would like to hear from the Acting City Manager if there was a difference what it means. Acting City Manager Colbert Puff said it means it would be adjusted in the next year.



Assessor Lentz stated you would need to go through the entire revaluation again.

Assistant Mayor Splaine asked about the total cost for the revaluation was how much? Assessor Lentz said \$90,000.00 for commercial and \$85,000.00 for the residential. She said we are limited because there are not that many appraisers. She stated the DRA could provide more names but Dave Cornell is the tops at appraisals. Assistant Mayor Splaine said he would support all the commercial and residential should be reviewed. He asked if the work would be completed by November 13<sup>th</sup>. Assessor Lentz said Mr. Cornell did not indicate whether he would not be able to complete the work by November 13<sup>th</sup>.

Councilor Pearson said we need to do both. She said the City went the way of Rockingham County with the assessments. She stated she would like us to think about form based zoning when we need more residential rather than commercial properties.

Councilor Cyr said he is in favor of doing both reviews.

**Motion passed with Councilor Lown voting opposed.**

Councilor Denton thanked Acting City Manager Colbert Puff for the work on the swap shop which is a report under her Informational Items.

Assistant Mayor Splaine asked for the City Attorney to report on the homestead exemption. City Attorney Sullivan explained a homestead exemption would take some value off the home and provide a tax benefit. He said however, New Hampshire is not a Home Rule State.

**Councilor Spear moved to request the Economic Development Commission to report back on ways to increase commercial values. Seconded by Assistant Mayor Splaine.**

Councilor Cyr said the Economic Development Commission is reviewing its goals for the upcoming year. He said we have concerns that rents are too high.

**Motion passed.**

**Councilor Spear moved to request the Planning Board to look at ways to reconsider off-street parking in the downtown overlay district with consideration for smaller cars and smaller maneuvering lanes. Seconded by Assistant Mayor Splaine.**

Councilor Dwyer said it amends what we looked at tonight. She said we are doing a hearing on downtown parking and revising ideas that are not in the ordinance. She feels it fits in the package that is in the ordinance.

**Motion passed with Councilor Dwyer voting opposed.**

**B. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Appointment of Cyrus Beer as an Alternate to the Historic District Commission'
  - Reappointment of Dana Levenson to the Economic Development Commission

The City Council considered the appointment of Cyrus Beer as an Alternate to the Historic District Commission and reappointment of Dana Levenson to the Economic Development Commission that will be voted upon at the November 20, 2017 City Council meeting.

2. Appointments to be Voted:
  - Appointment of Amrishi Chicooree to the Cable Television and Communication Commission
  - Appointment of Thaddeus Jankowski as an Alternate to the Conservation Commission
  - Appointment of Martin Ryan to the Historic District Commission as a Regular Member
  - Reappointment of Shaula Balomenos Levenson to the Library Board of Trustees

**Assistant Mayor Splaine moved to appoint Amrishi Chicooree to the Cable Television and Communication Commission until April 1, 2019; appoint Thaddeus Jankowski as an alternate to the Conservation Commission until April 1, 2018; appoint Martin Ryan to the Historic District Commission until June 1, 2019 and reappoint Shaula Balomenos Levenson to the Library Board of Trustees until October 1, 2020. Seconded by Councilor Cyr.**

Councilor Pearson said Martin Ryan will make a great commissioner to the Historic District Commission.

**Motion passed.**

**C. ASSISTANT MAYOR SPLAINE**

1. Exploring the concept of allowing artists and others who have a studio, gallery, workplace, or storefront in Portsmouth to be able to use their space for residence, with certain limitations of time period and fire and health standards

*It would be my intention to request good Acting City Manager Nancy Colbert Puff, City Attorney Bob Sullivan, and the Fire Department to report back at the Monday, November 20, 2017 City Council meeting on the practicality of such a living arrangement, and limitations or restrictions that may be required*

Assistant Mayor Splaine would like to request the motion to explore the concept of allowing artists and others who have a studio, gallery, workplace, or storefront in Portsmouth to be able to use their space for residence, with certain limitations of time period and fire and health standards. He said he feels that this idea has value and this could be part of an affordable housing program.

Councilor Dwyer said we worked on this a couple of years ago and we put changes into the zoning ordinance.

No action required.

Assistant Mayor Splaine requested Acting City Manager Nancy Colbert Puff, City Attorney Bob Sullivan, and the Fire Department to report back at the Monday, November 20, 2017 City Council meeting on the practicality of such a living arrangement, and limitations or restrictions that may be required.

#### **D. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the October 5, 2017 meeting

**Councilor Pearson moved to accept and approve the action sheet and minutes of the October 5, 2017 Parking & Traffic Safety meeting. Seconded by Councilor Dwyer and voted.**

#### **E. COUNCILOR SPEAR**

1. Follow-up on Parking Work Session

Councilor Spear advised the City Council that the Work Session held regarding Parking a few months ago, the recommendation of items for implementation will be brought forward at the November 20, 2017 City Council meeting.

## **F. COUNCILOR DENTON**

### 1. Prescott Park Agreements

Councilor Denton said his comments are regarding the lack of agreements with Prescott Park. He said agreements were to come back before the City Council in August or September and the last time we spoke with Assistant City Manager Moore indicated in August things would be coming forward by now to move forward. He spoke to the logistics that would need to be confirmed for the various events for next year and without an agreement those things are not moving forward. He stated he would like the City Council to review the agreement.

Councilor Dwyer explained the process was to work for a long term agreement in January 2018. She said we wanted to work on a schedule in August or September so they would have that schedule in March or April which was always the time table. She said we never approved things on an annual agreement, we are trying to get to a long term agreement. She said we have been waiting for the Festival to provide financials and we have been waiting a year and have not received them. Councilor Dwyer indicated that they meet every week on Tuesday and if Ben Anderson had any concerns he would have brought the matters forward.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said that Councilor Denton is undermining some of the hard work done in this matter with the Committee. He said we all want a long term agreement with the Park and all for other issues there is a year to year agreement for 2018.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said the long term agreement will be brought forward when the agreement is done. She further stated this has nothing to do with this City Council.

Acting City Manager Colbert Puff said the City Manager will negotiate the agreement when the long term agreement is ready.

Councilor Denton asked if the City Council would see any changes that would not be applied for this season.

Councilor Pearson said the longer term agreement would be between the Park and those organizations that work on the agreement.

Councilor Denton asked if changes the Committee is working on is the current year to year agreement or the long term agreement.

Councilor Dwyer said the recommendations are for this year's schedule. She said the idea of the plan was to not make things so rigid.

**Councilor Denton moved to have the current policy for this coming year be voted on at the November 20<sup>th</sup> City Council meeting. Seconded by Assistant Mayor Splaine.**

Councilor Pearson recommended that the President of the Festival and the City Manager continue to work on the negotiations of the agreement.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he supports the Prescott Park Arts Festival in its current state. He said he does not want to muddy up the current process and does not want to see this become political.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

*Councilor Denton withdrew his motion and Assistant Mayor Splaine his second to the motion.*

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

**At 10:35 p.m., Councilor Dwyer moved to adjourn. Seconded by Councilor Perkins and voted.**

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

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