

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 18, 2017

PORTSMOUTH, NH
TIME: 6:00PM

Public Dialogue Session – Table A

Assistant Mayor Splaine, Councilors Dwyer 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.

Phil Rubins, Dover resident – in support of off-shore wind power

Stephanie Marshall, Exeter resident - in support of off-shore wind power

Cliff Lazenby, Portsmouth resident – Tax Exemption and revaluation

Mary Lou McElwain, Portsmouth resident – Assessment

Richard Boisvert, NH Division of Historic Resources – North Cemetery

Sue Polidura, Portsmouth resident – North Cemetery

Rick Becksted, Portsmouth resident – observer of new process

Ned Reynolds, Portsmouth resident – City Council candidate, observer of new process

Harold Whitehouse, Portsmouth resident - Tax Exemption and revaluation

Councilor Dwyer opened the discussion regarding the proposed Elderly Exemption explaining there are several exemptions currently available including elderly, disabled and veterans. She continued that the exemptions give relief to a certain population but then the burden is redistributed to others such as families and working class people. She stated that the goal is to flatten out the exemptions and this will be discussed further at the Council meeting.

Assistant Mayor Splaine stated he likes the concept of a homestead exemption but this has been proposed at the State legislature several times and has been defeated. He explained that a Homestead Exemption is for people who live in their homes that are not used for business purposes. He stated that regarding the senior exemption, he feels the burden is more about the commercial assessments. He stated that we have to find a way to let seniors stay in their homes.

Councilor Denton stated the issue is also driven by the lack of housing stock for people who want to live here as well as there being no parking for downtown businesses which is why there are empty storefronts.

Ned Reynolds asked if we are allowed to base property tax exemptions on income level.

Tax Assessor Rosann Maurice Lentz stated that is not allowed and it is statutorily driven. She then reviewed the current asset limit and exemptions based on age.

Assistant Mayor Splaine stated that Cliff Lazenby, Chair of the Citywide Neighborhood Blue Ribbon Committee will be holding an informational meeting on September 26th with Finance Director Judie Belanger and Acting City Manager Colbert Puff in attendance.

Mary Lou McElwain stated that this was good information but feels that the advertisement in the newspaper regarding the public meeting regarding the revaluations was not clear and many people did not attend that would have if it had been. She stated that there also needs to be clarification on the Commercial Revaluation issue and feels that commercial property is draining the residents with tourists and workers and residents are paying for it.

Councilor Dwyer stated it is a “hot market” and it is a requirement of the State law that it is geared to sales so it is something that needs to be brought to the Legislative Committee.

Mary Lou McElwain feels the more meetings and discussions on this issue the better.

Assistant Mayor Splaine suggested people can contact the Tax Assessors office as well.

Councilor Dwyer stated that people can also file applications for abatements.

Assistant Mayor Splaine asked about the liens that are available.

Tax Assessor Rosanne Maurice Lentz explained that this is available for residents 65 or older and it is a 5% interest rate. She explained that the City becomes the secondary lienholder and the primary lienholder has to approve the agreement as well.

Councilor Dwyer stated that the taxes owed on the property would be paid out of the estate upon death or from the sale if they move.

Rick Becksted warned against reverse mortgages stating that the elderly fall prey to scams. He stated he understands that this isn't the same thing, but feels that people should be aware.

Harold Whitehouse stated that it is embarrassing to have to do a reverse mortgage and he doesn't want the burden to be placed on his children. He stated a lot of his friends are concerned, but fall above the qualifying criteria. He continued that he agrees that there needs to be a homestead exemption and is always told by new legislators that they will do it but it doesn't get done. He stated that it can be called something else or done a different way, but people who have lived in their homes for 30, 40 years and more have already paid their fair share to the school department so should at least get a break from that. He stated that the senior citizens are an important part of the community and do a lot of volunteering and would be missed if they aren't able to stay in their homes.

Assistant Mayor Splaine stated he will ask the City Attorney for clarification on whether or not there is anything the city would be able to do.

Ned Reynolds stated that people need to be careful using various terminology when discussing this issue.

Councilor Denton stated that almost all of the income the city receives is via property tax as there are no sales or income taxes in New Hampshire and we no longer receive any of the room and meals tax funds. He stated that there have been attempts at getting enabling legislation to allow cities to impose a separate hotel tax locally.

Sue Polidura stated she has lived here for 40 years and it used to be very affordable but doesn't recognize the city anymore. She stated she worked on the Vision Committee in 1999 and what we have today isn't the vision. She stated that people who work here can't afford to live here and we don't want this to become "Little Boston". She stated that people thought that getting hotels in the city would help the tax rate, but it hasn't.

Councilor Dwyer stated that she began working on affordable housing issues 15 years ago but all of the efforts and opportunities were shut down by locals and there are not many opportunities anymore.

Councilor Denton discussed his draft resolution regarding off-shore wind stating there is a Taskforce to explore this off the coast of Maine. He stated he will bring it back for a vote at the next Council meeting. He stated that we need more renewable energy sources and some municipalities already generate their own power.

Assistant Mayor Splaine stated that it is not a new idea in New Hampshire and there has already been a lot of work done on it.

Mr. Rubins and Ms. Marshall gave a brief review of the issue and their involvement in going to different cities and towns to generate support of the off shore wind feasibility study for decision making going forward. They explained that petitions were presented for former Governor Hassan but it was not brought forward and now they are looking to get resolutions passed by various cities and towns to present to Governor Sununu.

Discussion ensued regarding the various areas that could potentially be utilized off the coasts of Maine and Massachusetts.

Assistant Mayor Splaine asked if there has been any opposition.

Ms. Marshall stated they have just begun the process with cities that are in support so far.

Councilor Dwyer asked about the construction of the platforms that would be built on land and then floated out and if they would take up a lot of our harbor space.

Councilor Denton stated that some may have to be constructed elsewhere.

North Cemetery discussion was diverted to Table B as it was already being addressed.

Shana Casper and Ted Jankowski joined the group at the end of the discussion to request support for the Non-toxic pesticides resolution.

At 6:45 p.m., Mayor Blalock closed the session.

Public Dialogue Session – Table B

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

Ted Jankowski introduced Shana Casper and Melissa Paly that were with him to discuss toxic-free weed control.

Shana Casper spoke regarding passing ordinances in Massachusetts regarding toxic-free weed control programs. She stated they have had great success with programs and schools are leading the way on this endeavor. She reported that Marblehead, MA and South Portland, ME have toxic-free weed control programs.

Councilor Pearson said we have not used toxic products on playgrounds and on sites since the direction was given during one of our retreats.

Ted Jankowski said he believes that we still use toxic pesticides on crab grass.

Public Works Director Rice said it is Soap Diquat Aquatic Herbicide that is used. He further stated they have been using Finalsan Herbicide in the last few months and is sited in the Code of Federal Regulations (CFR) and ACTS. He stated the US Department of Agriculture's National Organic Program (7 C.F.R. 20.601 and 602), as listed as "minimum risk" and exempt from registration under Section 25(b) of the Federal Insecticide, Fungicide and Rodenticide Act (40 C.F.R. 152.25). He said we have been going in the direction for a lot of years. He reported that we are identifying the costs and use of the product. Director Rice indicated that it requires more applications and if it rains after the solution is put in place it is washed away. He reported that they are hand picking weeds in the downtown which is quite labor intensive.

Councilor Spear said we reduced our weed program a few years ago and people were very upset so we brought the program back.

Ted Jankowski asked if dimension was used. Public Works Director Rice said we are using Finalsan which is similar to ACTS.

Councilor Pearson asked when the pilot program will be completed Director Rice said the program is done and a report will be done shortly.

Ted Jankowski asked why Director Rice is resistant to use vinegar, detergent and Epsom salt to kill weeds. Public Works Director Rice explained that we hire someone to apply the product at the various sites in the City.

Erik Anderson spoke on the Wind Power Resolution and said it has not been well studied and expressed concern regarding the lines that would be installed. He asked that the City Council not adopt the Resolution at this time.

Councilor Spear spoke regarding the Schiller Plant and how they operate on wood chips and coal.

Esther Kennedy said all turbines require a great deal of maintenance. She also spoke to the effects on mammals.

Councilor Lown said we would not act on the Resolution without the information needed to make the proper decision.

Doug Bogan introduced those with him this evening regarding the Offshore Wind Development Resolution, Gianna Tempera and Griffin Sinclair have accompanied him this evening. Mr. Bogan said that the Resolution is a request to the City and State to study these items. He said we are the last State in the East Coast and NH to not have looked into this matter. He said New Hampshire is behind the curve and that there is research on the underground cables.

Councilor Lown asked if any other communities have passed such a Resolution. Mr. Bogan said Durham and Dover.

Gianna Tempera said that the Offshore Wind Resolution is positive for the City and she supports the research of this item.

Roy Hessel said he would like to have a separate room for the dialogue so people can hear one another. He asked when the City approved having a statistical revaluation

Councilor Pearson said the City Assessor came before the Council in the spring about starting a statistical revaluation. Mr. Hessel said it has not been five years since the last revaluation which is what the State has in the law.

Doug Roberts spoke regarding the Vaughan Street Hotel agreement and the designation of valet parking in front of the hotel. City Attorney Sullivan said that the parking spaces are not being paid for because, as part of the agreement, the developer must provide insurance and other necessary items as required by the City. He also spoke to the piece of land that the developer is providing the City. Planning Director Walker said the land is the allocation for the community space. Mr. Roberts asked about the access to the Mill Pond. Director Walker said that is for the future and is a reserved space to work with the abutting property owner.

Jim Hewitt spoke on CSO discharged of April 6th – 7th, May 26th and June 30th and the lateness in notifying residents. He said that residents should be notified timely. City Engineer Desmarais said they are posted but not instantaneously. He said that they report monthly.

Esther Kennedy asked where it is on the website the notification of a CSO discharge. City Engineer Desmarais said it is located under Combined Sewer Overflow.

Paige Trace said the residents are to be notified every time there is a discharge and in a reasonable manner. City Engineer Desmarais spoke to the items and which conditions are related to a CSO event.

Councilor Pearson asked how soon you can get a report. City Engineer Desmarais said he could log on any time. Councilor Spear said he would like to see a quicker response to reporting CSO's.

Paige Trace spoke on the North Cemetery wall and would like to know how the City Council feels about the cemetery. She said there may be another row of bodies under the wall when we start making improvements to Maplewood Avenue. She would like to see the wall moved out and shift the street.

Councilor Lown said he sees no evidence of there being more bodies. He said the wall has been touched and it appears that the wall was on one or more of the bodies.

Paige Trace said that the digging was done without an archaeologist and the bodies were damaged by the evacuating equipment. She said she would like to shift the wall. She said there could have been no disturbance to the bodies if the City had used ground penetrating radar that was offered for free by the State.

Peter Michaud confirmed that bodies were disturbed with the improvement of the wall.

Acting City Manager Colbert Puff reported that the Maplewood Avenue project is in the planning stage.

Assistant City Manager Moore reported we are having the archaeologist report finalized. He said we were conservative with the remains. He spoke to the process used when the bodies were located and how the City handled the matter. He said that the Maplewood Avenue project is currently having engineering work take place.

Esther Kennedy said she did not like the way Dick Boisvert from the State was left at the podium during the last Council meeting. She said why are we rushing this through.

At 6:45 p.m., Mayor Blalock closed the 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 (Via Conference Call) Dwyer, Lown, Pearson, Spear and Denton

Absent: Councilor Cyr

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

2. Impact Fees

Planning Director Walker provided a brief presentation regarding Impact Fees in New Hampshire. She reported that 82 municipalities have an Impact Fee Ordinance and that the amounts vary significantly by: local demographics and market, cost, quality, scale of facilities built, amount of capacity-related investment, facility standards per unit of development, number of fee categories and when they were last updated. She announced that Impact Fee Principles are authorized by NH RSA 674:21, V. She indicated that impact fees must be proportional and reasonable. Director Walker spoke to off-site exaction vs. impact fee:

Exactions

- Water, Sewer, Drainage, Highway only
- Specific benefit to site
- Enabled by subdivision / site plan review regulations
- Case by case review

Impact Fees

- Assessed to all new development
- Improvements of general benefit
- Enabled by ordinance
- Pre-determined in a fee schedule

Planning Director Walker reported that impact fees must be spent in six years. She said there needs to be benefit to the site and an adopted CIP. She stated that we have a high cost of development and adding impact fees could make things difficult for the developers. In addition, she informed the Council if we adopt impact fees we would need to wait 5 years before assessing them

Councilor Spear said we talked about allowing off site mitigation and would like that to happen through the process.

Councilor Dwyer said there are regular fees, impact fees and the concessions from the developer.

Planning Director Walker said we have building permit fees. She said there are many fees that get charged back to the developer presently.

Councilor Denton asked if impact fees include residential. Planning Director Walker said yes and you should think what development you want to impact most.

1. Revaluation Impact Analysis & Estimated Tax Rate

Finance Director Belanger provided a presentation regarding the Revaluation and Estimated Tax Rate. She reported to the City Council that Steve Traub has done the City's 2010, 2015 and 2017 revaluation of commercial properties and ranks top among the commercial appraisers. Finance Director Belanger explained that the median assessment ratio must stay within 90% - 110%, this is a ratio of the property's assessed valuation to its market value. She further stated the City's valuation for FY17 was at 86.6% and due to us being below the recommended assessment ratio a statistical revaluation was conducted. She indicated the tax rate after the revaluation was anticipated to be \$15.53 which is down from \$17.47. Director Belanger reported that the Rockingham County Tax Obligation is an 8% increase over prior years. She addressed the increase in utility values by \$86,938.009 which has reduced the tax rate further which we now anticipate a tax rate of \$15.36. She reported that the commercial market is changing at a different rate than the residential properties. She advised residents that there is a tax calculator on-line on the Assessor's webpage to use to calculate your taxes.

Councilor Spear asked what a property with commercial on one level and residential on another level, what would that be considered. Assessor Lentz said it is a mixed property and is looked at as commercial property.

Councilor Denton asked by statute is the City allowed to charge more for commercial than residential. Assessor Lentz said they need to be the same. Councilor Denton said he would like to have the City look at the Municipal Services Agreement and what we charge.

Councilor Dwyer said we need to see where we are in trends or whether there are policies that we should look at and enact. She said we need to look at the effect of subcategories.

Assessor Lentz said you will see the stratification of property and show a trend of what is going on. Councilor Dwyer said it would be beneficial for the City Council and Planning Board to see those figures.

Acting City Manager Colbert Puff spoke to the Sirrell vs. State case which arose because towns and cities were not adhering to the ratios on properties. Assessor Lentz said the ratio is monitored by the Department of Revenue Administration.

Councilor Dwyer said she is recommending that the City Council take stronger action on when a revaluation is held with the City Council taking affirmative action.

Mayor Blalock said we agreed to have the revaluation.

Mayor Blalock reported that Councilor Spear is withdrawing Item XI. E.1. – Fire Department Study Committee this evening.

VI. PUBLIC DIALOGUE SUMMARY

Assistant Mayor Splaine said there were five issues addressed by his group which consisted of Councilors Dwyer and Denton, and the topics were assessments, senior exemption, offshore wind, north cemetery wall and toxic-free weed program. He suggested the groups be held jointly so the City Council can have the general discussion.

Councilor Dwyer said she agrees with Assistant Mayor Splaine. She said that the exemption came up and that they are not just for elderly they are asset income driven. She also stated that homestead exemption was a discussion as well and if we could establish.

Councilor Lown said his table had Councilors Lown and Pearson and the discussion was on wind power, north cemetery, valuations, toxic-free weed program and combined sewer overflows.

Councilor Pearson said it was enjoyable and more accessible. She reported that the State of Vermont uses twitter to notify residents when there is a CSO event and we should explore that.

Councilor Denton suggested switching tables to hear from both groups.

Mayor Blalock said the session went well and we can take some suggestions and make changes. He said he received positive feedback on the session.

VII. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. PUBLIC HEARING/ADOPTION OF RESOLUTION AMENDING THE ELDERLY EXEMPTION LIMIT FROM PROPERTY TAX BASED ON ASSESSED VALUE FOR QUALIFYING TAXPAYERS:

Age 65-74	\$125,000.00 Increase of \$5,000.00
Age 75-79	\$175,000.00 Increase of \$15,000.00
Age 80+	\$225,000.00 Increase of \$25,000.00

• PRESENTATION

Mayor Blalock said that City Assessor Lentz will be providing a brief presentation on the Elderly Exemption Limit.

Assessor Lentz said last year the elderly exemption amounts were raised and the increase this year would represent one cent on the tax rate if the amounts are accepted.

- **CITY COUNCIL QUESTIONS**

Assistant Mayor Splaine asked how many people apply for the exemption. Assessor Lentz said there are 108 and the breakdown is as follows:

Age 65-74 – 34 people
Age 75-79 – 21 people
80+ - 53 people

Councilor Denton asked if the limits where to change, would it effect the 108 people that currently receive the exemption. Assessor Lentz said it would not, it would be a significant help to residents.

Councilor Dwyer said that we are dispersing the taxes to another group of people. She would like to use fund balance rather than redistribution to others.

Councilor Lown said that is a creative idea but he does not know if fund balance can be used for that reason. He said we should enter into an agreement with property owners to pay back the funds at the sale of their home.

Acting City Manager Colbert Puff said there is a hardship exemption which is available to residents by talking with Assessor Lentz. She said we could postpone this until the next meeting for a vote.

Assistant Mayor Splaine requested a report back to the City Council from Acting City Manager Colbert Puff and City Attorney Sullivan regarding the tax lien hardship process and the use of fund balance relative to the elderly exemption at the October 2, 2017 meeting.

- **PUBLIC HEARING SPEAKERS**

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

Esther Kennedy said residents are concerned that the new exemption is not at 20% and are asking why the exemption would not go up at the same level as the valuations. She said that this is concerning to the public. She asked what is next for people that don't meet the guidelines. She stated that we need to make sure our population is diverse and people should remain in their homes until they are ready to leave.

Patricia Bagley said she is in favor of the Resolution. She said we need to think about the elderly and provide affordable housing to them. She stated that we need to start looking at the elderly as we are the younger generation.

Roy Helse would like to talk to someone on why the values are going up so much.

Paige Trace said she supports the Resolution and it is very important because we need to help our elderly to say where they are.

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Assistant Mayor Splaine moved to postpone final action on this Resolution until the October 2, 2017 City Council meeting. Seconded by Councilor Lown.

Assistant Mayor Splaine said we need to look at the percentage of increase in values from the exemption values. He would like a report back on the total limits.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we should postpone and that we need to increase these limits. He said it effects the rate. He would like to know the effect on the tax rate.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said she would like people to come forward and say that they are willing to pay more in taxes for the elderly.

Councilor Spear said we know how the tax rate is affected.

Acting City Manager Colbert Puff said it would increase the rate by one cent.

Councilor Spear said he would vote opposed to the motion and should pass the Resolution this evening.

On a roll call 7-1, motion passed. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Denton and Mayor Blalock voted in favor. Councilor Spear voted opposed.

Assistant Mayor Splaine moved to suspend the rules in order to take up Item XI. C.1. – Revisiting North Cemetery Wall Placement. Seconded by Councilor Lown. On a unanimous roll call vote 8-0, motion passed.

XI. C.1. – Revisiting North Cemetery Wall Placement

Assistant Mayor Splaine said that there should be more discussion on the permanent placement of the wall. He said if we send this issue to staff for addition discussion.

Richard Boisvert said he would like to have a discussion and does not see a problem of the placement being 25 feet. He advised the City in the areas of the cemeteries plan be aware there are more graves there. He would like to have a serious attempt to move the wall. He said we need to address the use at hand and work to make sure this issue does not arise again. Mr. Boisvert advised the City that they should have an archaeologist present when the pavement is removed.

Mayor Blalock asked if there is a concern about further disturbance of remains. Mr. Boisvert said it can be done without disturbing further remains because archaeologist know how to dig.

Councilor Dwyer said the issue is building another wall. Mr. Boisvert said that is correct. He said you don't want to disturb more graves and said the City should use ground penetrating radar.

Peter Michaud said he is here from a National Registry perspective this evening.

Assistant Mayor Splaine moved to ask City staff to continue discussions with Richard Boisvert and make a preliminary report back to the City Council at the second meeting in December for possible approaches and options available to the City. Seconded by Councilor Denton.

Councilor Lown said he does not need a report back on a new wall but in the course of the Maplewood Avenue project wants to make sure we take care of the cemetery.

Councilor Dwyer said there have been archeologists on the way and are working to understand the remains. We will get a report when we have the information available to us. She said we need the archaeologist report.

Assistant Mayor Splaine removed the time for report back of the second meeting in December from the motion and Councilor Denton agreed.

Acting City Manager Colbert Puff said we need to revisit the issue of improvements to Maplewood Avenue; there will be a short term report and long term report back.

On a unanimous roll call 8-0, voted to ask City staff to continue discussions with Richard Boisvert and make a preliminary report back to the City Council for possible approaches and options available to the City.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
- Town of Rye - \$5,000.00

Councilor Dwyer moved to approve and accept the donation, as listed to be placed in the Coalition Legal Fund. Seconded by Councilor Pearson. On a unanimous roll call 8-0, motion passed.

IX. CONSENT AGENDA

Assistant Mayor Splaine moved to adopt the Consent Agenda. Seconded by Councilor Pearson. On a unanimous vote 8-0, motion passed.

- A. Letter from Kaity Stanton, Big Brothers Big Sisters of New Hampshire, requesting permission to close Pleasant Street on Saturday, June 16, 2018 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (Rain Date Sunday, June 17, 2018) ***(Anticipated action – move to refer to the Acting City Manager with power)***
- B. Request for License to Install Projecting Sign from Joe Kelly owner of Joe's Pizza for property located at 124 Congress Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the Acting 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***

- C. Request for License to Install Projecting Sign from John Murdock owner of Marketplace Home Mortgage for property located at 77 Hanover Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the Acting 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 from Diane Crespo owner of Diane Crespo Fine Art Gallery for property located at 92 Pleasant Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the Acting 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. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the Downtown Area (**Sample motion – move to refer to the Acting City Manager with power**)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITION

(E-mail Correspondence were available for the City Council to read as part of the packet)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

- 1. Request for Ratification of an Intergovernmental Agreement between the New Hampshire Division of Homeland Security and Emergency Management and the Community of Portsmouth, New Hampshire

Acting City Manager Colbert Puff explained that the Agreement is required if the City wishes to make resources available for disaster requests outside the State through the Emergency Management Assistance Compact. She indicated that she has signed the Agreement due to the pending hurricanes and in preparation for any subsequent opportunity, Chief Achilles' believes it is important to have this Agreement in place sooner than later.

Fire Chief Achilles said this came about following the storm in Texas. He said the State was looking for resources from other State's. He stated this is important because if we respond without the Agreement we could not receive reimbursement.

Councilor Spear moved to ratify the Intergovernmental Agreements, as submitted. Seconded by Councilor Pearson. On a unanimous roll call 8-0 vote, motion passed.

- 2. Request for Authorization to Accept Utility Easement Re: 4 Sylvester Street

Acting City Manager Colbert Puff reported that this easement is provided as a stipulation the Planning Board's approval to construct a garage and accessory dwelling unit. She said the new utility easement will replace an existing easement which was inadequate and needed updating.

Councilor Spear moved to authorize the Acting City Manager to accept a required utility easement from Gary and Aerial Sillanpaa of 4 Sylvester Street and to release the existing easement on the property. Seconded by Councilor Pearson. On a unanimous roll call vote 8-0, motion passed.

3. City Appointments to Cancer Cluster and Drinking Water Commissions

Acting City Manager Colbert Puff said that these are two City appointments and Health Officer McNamara currently serves on the task force.

Councilor Spear moved to appoint Health Officer Kim McNamara to serve as a member of the Commission to Investigate the Seacoast Cancer Cluster on behalf of the City of Portsmouth. Seconded by Councilor Pearson. On a unanimous roll call 8-0 vote, motion passed.

Councilor Spear moved to appoint Deputy Public Works Director Brian Goetz to serve as a member of the Commission to Study Long-Term Goals and Requirements for Drinking Water in the Seacoast Area on behalf of the City of Portsmouth. Seconded by Councilor Pearson. On a unanimous roll call 8-0 vote, motion passed.

Councilor Dwyer requested to receive oral reports on these matters.

4. 299 Vaughan Street

Acting City Manager Colbert Puff said that these are several agreements for the construction of a five-story, 143 room hotel at 299 Vaughan Street. She said there are a series of agreements and deeds as a precondition of the commencement of the project.

Councilor Dwyer said that she is not clear on the valet parking. City Attorney Sullivan and Juliet Walker said that with the development of documents to the City Council and the recommendations in the form that exists, the Council would need to provide Acting City Manager to make any changes as needed. He said the Valet Agreement will be provided is a small area in front of the hotel to use as long as the area is a hotel. He said there are a numbers of exchanges looking to widen Green Street.

Councilor Pearson asked how many spaces are to be used. City Attorney Sullivan said it is on the site plan. Planning Director Walker said it is roughly two spaces.

Councilor Spear asked if the Planning Board vote was unanimous. Planning Director Walker said it was unanimous.

Councilor Dwyer said the valet spaces are more for people checking into the hotel. Planning Director Walker said that is correct.

Councilor Perkins spoke to the air rights and where the Vaughan Street easement is. Planning Director Walker said they are all referenced by number on the plan.

Councilor Pearson asked if people will go into the garage.

Mr. Johnson came forward to address the Council and stated the valet would put the car in the garage after luggage has been off loaded.

Councilor Spear moved that the Acting City Manager be authorized to execute, accept and make any necessary changes to the documents presented to the Council on this Agenda related to 229 Vaughan Street in substantial conformance to the form and substance of the documents as provided. Seconded by Councilor Lown. On a unanimous roll call vote 8-0, motion passed.

5. Report Back Re: Toxic-Free Weed Control Resolution

Acting City Manager said there is a revised Resolution that she worked with Assistant Mayor Splaine on and read the Resolution.

Assistant Mayor Splaine moved the approval of the Resolution. Seconded by Councilor Denton.

Assistant Mayor Splaine said that he appreciates the work of Acting City Manager Colbert Puff and Public Works Director Rice. He said that this would be a NH first program and make us a leader in the field.

Councilor Spear asked what toxic means. Public Works Director Rice said anything that kills plants is considered toxic. He said he has spoken with experts and have looked at a soap based product and the purpose of the Resolution is to move us towards an organic program.

Public Works Director Rice said he is content with the wording of the Resolution.

Councilor Denton thanked Ted Jankowski, Assistant Mayor Splaine and Public Works Director Rice for their work on this matter.

Councilor Lown said the City stopped using the product for the last couple of years. He said the City contracts the job out and have only used products approved by the State and Environmental Protection Agency.

Councilor Dwyer said that we clarify what it is and what it is not.

Acting City Manager Colbert Puff said we will work with the Conservation Commission.

Councilor Pearson would like that publish on the website that we have stopped using pesticides.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said the intent to make our sidewalks and parks safer and the community.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

On a roll call vote 7-1, motion passed. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Denton and Mayor Blalock voted in favor. Councilor Spear voted opposed.

Acting City Manager's Informational Item 2

2. *Memorial Bridge Lighting Policy*

Assistant Mayor Splaine requested to add Portsmouth Pride Day to the list of lighting requests.

3. *Report Back Re: Sagamore Bridge Jumping*

Acting City Manager Colbert Puff said the signs are up to warn people of the dangers from jumping from the bridge.

Assistant Mayor Splaine asked if someone complained or staff requested the signs be put in place.

Acting City Manager Colbert Puff said we have received questions whether it is safe to jump from the bridge. She stated that this is a serious matter.

Assistant Mayor Splaine asked do we have signs at the Peirce Island Bridge.

City Attorney Sullivan said State law makes it a trespass with a sign in place and it is enforceable by the Police Department.

4. *Report Back Re: 2017 Annual Department Inspection's Report*

Acting City Manager Colbert Puff said we account fees that are waived which is why the numbers were different.

MAYOR BLALOCK

1. Appointment to be Considered
 - Reappointment of Ronald Zolla to the Economic Development Commission

The City Council considered the reappointment of Ronald Zolla to the Economic Development Commission which will be voted on at the October 2, 2017 City Council meeting.

2. Appointments to be Voted:
 - Appointment of Richard Katz to the Library Board of Trustees
 - Reappointment of Stephanie Hausman to the Library Board of Trustees
 - Reappointment of Sarah Lachance to the Economic Development Commission

Councilor Spear moved to reappoint Richard Katz and Stephanie Hausman to the Library Board of Trustees until October 1, 2020; reappointment of Sarah Lachance to the Economic Development Commission. Seconded by Councilor Pearson. On a unanimous roll call vote 8-0, motion passed.

- Reappointment of Donald Margeson to the Library Board of Trustees

Assistant Mayor Splaine moved to reappoint Donald Margeson to the Library Board of Trustees until October 1, 2020. Seconded by Councilor Spear. On a unanimous roll call vote 8-0 motion passed.

3. Resignation – John Mayer from the Historic District Commission

Councilor Spear moved to accept with regret the resignation of John Mayer from the Historic District Commission. Seconded by Councilor Dwyer. On a roll call vote 8-0, motion passed.

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Meeting of September 7, 2017

Councilor Lown reported that the Parking & Traffic Safety Committee went on 5 site visits.

Councilor Spear requested that the Bike Corral Program be expanded to install additional corrals in the City.

Councilor Spear moved to approve and accept the minutes of the September 7, 2017 Parking and Traffic Safety Committee meeting. Seconded by Councilor Pearson. On a unanimous roll call vote 8-0, motion passed.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said it makes sense to add more bike corrals and would like to see them installed.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Denton spoke on a petition from the Sherburne neighborhood requesting to add a sidewalk from Sherburne Road to Grafton Drive.

Councilor Lown said the report back on Grafton Drive is that a sidewalk alone will not be enough but they would need to add flashing signs.

F. COUNCILOR DENTON

1. Offshore Wind Development Resolution

Councilor Denton said that this is a Draft Resolution which will be brought back for action at the October 2, 2017 City Council meeting.

Councilor Dwyer requested to amend the 7th paragraph of the Resolution to add and/or between Maine and Massachusetts so it would read Maine and/or Massachusetts.


Assistant Mayor Splaine said in the year 2030 we will look back at this City Council and the work on this Resolution by Councilor Denton. He thanked Councilor Denton for bringing this matter before the City Council.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Assistant Mayor Splaine requested that the City Attorney report back at a future meeting regarding the kind of Homestead Exemption the residents would like to see in the City.

XIII. ADJOURNMENT

**At 9:50 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear.
On a unanimous roll call vote 8-0, motion passed.**

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