

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 23, 2017

PORTSMOUTH, NH
TIME: 7:00PM

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.

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

1. Update Re: Parrott Avenue Housing

Nick Cracknell, Planner, spoke regarding the program design and concept of establishing housing at the Parrott Avenue Lot. He said that this is transferrable to other areas of the City. He addressed the 3 goals which are:

- Evaluate the feasibility of constructing rental housing that would be affordable to mid- and entry-level employees of the City
- Preserve the scenic view corridor from Pleasant Street to the South Mill Pond
- Minimize impacts to public parking in the Parrott Avenue Lot

He addressed the conceptual site plan which would be either 32 or 43 units of mixed-income housing. It would be a 4 story / 40 foot building with potential for ground-floor parking. He stated the building footprint would be 8,000 square feet with 20,000 square feet in land area. He reported the building design for 32 units would impact parking by displacement of 50 spaces and 25 on-site spaces to support demand. He further reported that the 43 unit design would impact parking by displacement of 50 spaces and there would be no on-site spaces to support demand. Planner Cracknell addressed the total estimated development costs:

- 32 Units – With Parking - \$8,389,450.00
30% of Income for Rent
Monthly Rents:
 - Micro Unit (400 SF) \$1,100.00
 - 1-Bedroom Unit (750 SF) \$1,500
 - 2-Bedroom Unit (900 SF) \$1,800.00**Total Rent Supported Revenue - \$3,750,197.00**
Subsidy Needed - \$4,639,253.00

- 43 Units – No Parking - \$8,925,000.00
30% of Income for Rent
Monthly Rents:
 - Micro Unit (400 SF) \$1,100.00
 - 1-Bedroom Unit (750 SF) \$1,500
 - 2-Bedroom Unit (900 SF) \$1,800.00**Total Rent Supported Revenue - \$5,013,485.00**
Subsidy Needed - \$3,911,515.00

Councilor Denton asked if the McIntyre Site could be used for this proposal. Acting City Manager Colbert Puff said we would look at that if it is the City's desire. She indicated that these are all preliminary numbers and welcomed input on this presentation. She stated that we have not looked at how and who we would rent out to.

Planner Cracknell said clearly land acquisition is considered. He said interest rates have a big effect and there are permitting costs.

Councilor Perkins spoke regarding the rents and arriving at the costs. Planner Cracknell explained how they arrived at the rents and spoke to the 30% of income for rent. He also spoke to fair market value for rents in the downtown. Councilor Perkins asked about the parking for the units in terms of the zoning ordinance. Planner Cracknell said ½ space is required for micro units and a space for the other units.

Councilor Dwyer asked if any feasibility was done to see if someone is interested in these units at these prices. Planner Cracknell reported that there are 11 studio units in Port Walk that are already rented and the prices are higher.

Councilor Pearson asked Planner Cracknell if they have looked into nose-in parking rather than parallel. Planner Cracknell said that they have not looked at that, but anything is possible.

Councilor Lown stated the assumption for the City would float a 20% bond and the taxpayers would be subsidizing this for the 20 year bond.

Mayor Blalock said if this is determined not to be the right spot if and the Portsmouth Housing Authority had land near there could, we transfer the plan and principles to that. Acting City Manager Colbert Puff said they would need to look into that matter.

2. Coakley Landfill

City Attorney Sullivan provided a report back and information on the Coakley Landfill. He introduced Peter Britz, Environmental Planner and Michael Deyling, Senior Project Geologist for CES Inc. who are here to participate in the presentation as well. City Attorney Sullivan reported that Mr. Deyling has been working on super fund sites for the last 25 years. He stated they would speak on the water on the site and contamination that might be in the water. City Attorney Sullivan reported the site was built for \$13,000,000.00 under the watch of the NH DES when problems were found in the 1980's. He stated the site was a gravel mining site and in searching for another use of the property the site was used for the placement of Municipal refuse. He said the site was used for that purpose for 13 years and in the early 1990's we went to refuse disposal at Pease Air Force. He said that Coakley is one of the super fund sites in the United States. He spoke to the remediation stating all refuse was pulled together and lifted up by heavy equipment and was then placed down and covered with a 7 layer roof and designed to prevent any contamination from spreading. City Attorney Sullivan said we now have 25 years of information which has been gathered by the NH DES and the EPA. He spoke to the sampling that has been done on site. He further stated the Coakley Landfill Group has two Consent Decrees that are enforced with the power of federal courts. The group initially consisted of all parties that signed the Consent Decrees. He reported that Seth Jaffrey, City Attorney and Curtis Shipley make up the group and once a month there is a teleconference and the type of work done is the hiring of contractors to conduct the monitoring and the hiring of engineers whose assignment is to implement the Consent Decree. He said decisions operate on a 4 vote decision and a majority vote. He stated the municipalities have 2 votes. He said over the 25 years all decisions have always been made by consensus. He spoke to the amount of funds the group has currently in two accounts; the first account has \$68,856.71 and the second account has \$210,879.15. City Attorney Sullivan explained that the funds are used to pay for the operations of the group. He said if more funds are needed they are raised through assessments.

Mr. Deyling spoke to the hydrologic cycle and stated that groundwater starts as precipitation and floats down the water table and moves from areas of higher levels to low pressure points. He stated the amount of water entering is equal to the amount leaving the system. He said the systems we are speaking of are extremely large about 100,000 gallons per acres. He reported on the 60 wells that were installed in the early 1990's and spoke to the flow of water. He addressed the various testing that were done by the EPA in the 1990's that were organic compounds which have different chemical makeup. Mr. Deyling reported that PFC's are new contaminants brought to the forefront but this does not mean that there are changes at the land fill. He said there is nothing to suggest that something new is happening at the land fill. He further stated there is little opportunity for the water to go outside the water shed. Mr. Deyling said none of the wells have detections for PFC's meaning above and below the standards. He stated there were two wells that had detections with low concentrations for the golf course and a residential neighborhood. He indicated that PFOS it takes very little to get an exceeding number it is a low concentration outside the ground water management zone. He reported that there are very few detections and another round of samples are taking place this week at the residential homes.

City Attorney Sullivan said the request from the Town of Greenland was to extend the water service and it would cost between \$14,000,000.00 to \$19,000,000.00 and the work could be done and would need to be done by the City of Portsmouth.

Assistant Mayor Splaine said the costs would be high that would be paid for and asked what fees would we receive from the supply of water.

City Attorney Sullivan said water quality needs to be studied and science analyzed. He stated the monitoring continues with the consent schedule. He said to get the water to the Town of Greenland the funds would need to be authorized by the City of Portsmouth and perhaps there could be contributions from other sources.

Councilor Lown thanked City Attorney Sullivan, Mr. Deyling and Peter Britz for the Presentation. He said he keeps hearing emerging contaminates but where is the underlining evidence of harm. Mr. Deyling said EPA has a whole body of testing and emerging means there are some health affects but there are studies that say there are affects and others say no. He stated that the EPA is trying to set standards. Councilor Lown said there is no eminent harm to anyone's drinking water and we continue to monitor the wells.

Councilor Perkins asked about wells drawing water. Mr. Deyling said most residential homes have septic systems and there is a natural balance.

Councilor Dwyer asked if you could remove contaminates from a well. She asked with a super fund site, is it the EPA or State that would recommend that the sites have certain land use regulations before developments. Environmental Planner Britz said all things could have land use regulations.

Councilor Spear would like to see the Consent Decree. City Attorney Sullivan said they are on-line at the EPA site. He said the consent decree was approved of by a judge years ago. He asked if there were concerns with surface water. Mr. Deyling said ground water will discharge at low pressure point site and contamination will be found in surface water. He said the EPA does not apply to drinking water standards for surface water. He said there is more sampling scheduled. Councilor Spear said we need to do a much better job of communicating this information.

Councilor Pearson said she is concerned with data on emerging contaminates. Mr. Deyling said they are obligated to comply with standards set from the EPA.

Councilor Cyr asked when can we expect the results and when will they be provided to the City Council. Environmental Planner Britz said they should be provided in the next couple of weeks.

Assistant Mayor Splaine asked at the Jones Avenue land fill and site how would the City get the EPA or DES to get testing done. Environmental Planner Britz said there is annual monitoring of the site now. Assistant Mayor Splaine asked for the Council to see some of the test results.

Councilor Perkins asked if they could get the Participation Agreement for the City Council. City Attorney Sullivan said it would be provided.

V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

VI. PUBLIC COMMENT SESSION

Laura Pantelakos said everything went into the Coakley Landfill and would like the City to set up a meeting with the Town of Greenland Selectmen and look into this matter.

Larry Miller, North Hampton, said the Consent Decree is great reading and held up a copy. He stated that Portsmouth is listed first in the Consent Decree followed by North Hampton. He said North Hampton has no say and would like to see open meetings of the Coakley Land Group to speak and be open to the public.

Robert Landman, Water Commissioner for North Hampton, said there are real problems at the Coakley Landfill. He would like to be part of the Coakley Group.

Rebecca O'Brien spoke in support of a single use plastic bag ordinance. She spoke to the effects of single use plastic bags and urged the City to move forward with an ordinance.

Barbara Bowlus requested that we all refrain from pitting neighborhoods against one another because of this proposal for housing at the Parrott Avenue Lot. She addressed the concerns outlined in the letter from Tom Morgan relative to this matter.

Erika Zollett spoke in favor of a ban on single use plastic bags. She said the number of plastic bags in the ocean and that soon there will be more plastics in the ocean than fish. She urged the City to move forward with an ordinance.

Shaun Rafferty asked if it is legal for the City to subsidize some employees more than others. He spoke against the housing proposal for the Parrott Avenue Lot. He said more housing brings more need for services.

Pat Bagley said that Parrott Avenue lot exists because the City Council in 1947 voted to accept this gifted land from the Langdon family with the restriction that it be kept for public use forever. She said when the Langdon's specified public use forever, that's what they mean. She asked who are we to violate the Langdon's request. She stated the intent to build on Parrott has been ongoing, from a parking garage to a new McIntyre building to affordable housing, all commercial purposes which generate income but deviate from the intended free public use of this space. She asked why the City is not following the Housing Committee's recommendations, none of which were the Parrott lot. Mrs. Bagley said there are more arguments to be made, but the ethics arguments is most relevant. She said local historian, Dennis Robinson, wrote an article called Saving History, Saving Land. She quoted him: "It's often the same people who care about the land who care about the history of the land. There's a lot of crossover in terms of ethics." Save the land and you save the history – and vice versa.

Dick Bagley said Parrott Avenue exists because of the Langdon's. He said the land shall forever be limited in its use to public purpose of the City of Portsmouth and that no buildings shall be erected thereon except in connection with such use and located on the westerly end of the premises. He stated the City accepted the lot on October 8, 1947 with a further restriction "That the City shall not dispose of it for commercial purposes." He said this matter raises concerns of ethics.

Peter Whelan said in 1947 the Langdon family gave the property to the City and it would be left open and not used for commercial use. He said the Housing Committee has had 6 meetings and Parrott Avenue was not discussed so why is it being proposed now.

Attorney John McGee said he is representing 3 families against the development of Parrott Avenue. He said he would take any action required to preserve the gift to accept the land and not for it to be used for commercial purposes. He urged the Council to do the right thing.

Erik Anderson said the City needs to consider the facts with plastic bag use. He said you need to make decision that are based on the discussions.

Jane Zill requested an ordinance to be drafted on the impact of sea level rising regarding combined sewer overflows. She stated we need to consider long term planning and we need to stop continuing to dump raw sewage into the Mill Pond.

Mindi Messmer, said it was stated by State Representative Laura Pantelakos that everything went into the Coakley Landfill and that it was not just a municipal landfill. She said that PFC's in the water are causing cancer clusters and something needs to be done now.

Esther Kennedy said she is concern with her drinking water. She said the City needs to take care of the drinking water and the issues surrounding sewage in the mill pond.

Paige Trace said the Parrott Avenue parking lot is a valuable piece of land. She said this is housing for a few at a cost of many. She also spoke to raw sewage being dumped in the mill pond for 200 years and that it doesn't make it right.

Robin Comstock said there is a desperate need for work force housing in the City. She stated the idea needs to be shared and that the concept should be taken to the next level.

Clare Kittredge said it is a great idea for housing but it is in the wrong place and asked why we are wasting our time on the proposal at the Parrott Avenue lot.

Trevor Emory, Greenland, said the emerging PFC's are dangerous and pose significant risks to humans and many studies show they can lead to cancer.

Maria Emory, Greenland, spoke to a house developed by Mr. Chinburg across the street from her having drinking water put in and funds from the City of Portsmouth were used.

Jillian Lane, Greenland, said we have all the data and information to provide safe drinking water to the Town of Greenland. She stated that this has an effect on pregnant women, breast feeding women and children.

Sherry Hoffman, Greenland, said she feels like she is on ground zero. She said there are 8 houses with 10 children on her street. She stated you heard from the Coakley Group which is one opinion.

Valerie Rochon, Chamber of Commerce, supports affordable housing, but parking cannot be lost as we cannot afford to lose any parking.

Marylou McElwain said the Housing Committee has done a great job and is surprised to see the Parrott Avenue lot come up again as it was not a site recommended by the Housing Committee. She urged the Housing Committee to continue looking for work force and affordable housing.

Adam Ruedig spoke in support of the Parrott Avenue proposal. He said we need to move forward with this and other proposals.

Joel Anderson commended the City Council for addressing the affordable housing issue.

Susan Denenberg spoke against Parrott Avenue housing proposal. She said if this is food for thought it should be put in the garbage can. She stated the City is a coveted place and people want to live here but that does not mean affordable housing should be subsidized.

Brian Kelley thanked the City Council for looking at affordable housing. He said people that would effect this cannot speak on this matter.

Arthur Clough spoke regarding the ethics complaint from Mark Brighton and that it should have been heard by the Ethics Board.

Kim Rogers thanked the City for proposing affordable housing downtown. He asked that the City consider the zoning ordinance and where that effects work force housing and where it is appropriate.

Ania Rogers spoke in favor of the Parrott Avenue proposal and that this could be the starting point for the City.

Ursula Wright, York, Maine said she was the former administrator of the Governor John Langdon House. She provided historic context on the Parrott Avenue site. She read from a letter to John from his daughter Elizabeth stating he always wished a bridge to be built over the pond. She said it is obvious from this letter that the Langdon's owned the whole stretch from the mansion across the pond to the hill and that they loved this land and this vista. She said that is why their descendants wanted to preserve it and give this land to the City of Portsmouth and its citizens, so that they may enjoy the same pleasures for many years to come.

Zelita Morgan requested that the City Council remember that Parrott Avenue was a gift and what message are you giving to any one that wants to give a gift to the City. She said protect the fabric of our City.

Lee Roberts said she supports the individuals that have spoken this evening regarding Parrott Avenue.

At 9:45 p.m., Mayor Blalock declared a brief recess. At 10:00 p.m., Mayor Blalock called the meeting back to order.

Councilor Spear moved to suspend the rules to continue the meeting beyond 10:00 p.m. Seconded by Councilor Perkins and voted.

VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE THE SUM OF UP TO SIXTY FOUR THOUSAND EIGHT HUNDRED (\$64,800.00) DOLLARS FOR NECESSARY EXPENDITURES RELATED TO CONTRACTUAL OBLIGATIONS

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. RESOLUTION PURSUANT TO RSA 72:39-B THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$40,504.00 FOR A SIGNLE TAXPAYER OR \$55,693.00 FOR MARRIED TAXPAYERS, INCLUSION OF SOCIAL SECURITY PAYMENT. THE ELDERLY EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

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.

- C. RESOLUTION PURSUANT TO RSA 72:37-B, CITY HEREBY AMENDS THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$40,504.00 FOR A SINGLE TAXPAYER OR \$55,693.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY. THE DISABLED EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

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.

- D. RESOLUTION PURSUANT TO RSA 72:28-B, THE CITY HEREBY ADOPTS THE ALL VETERANS' TAX CREDIT FROM PROPERTY TAX FOR QUALIFIED TAXPAYERS. A PERSON SHALL QUALIFY FOR THE ALL VETERANS' TAX CREDIT IF THE PERSON IS A RESIDENT OF THIS STATE WHO SERVED NOT LESS THAN 90 DAYS ON ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES AND WAS HONORABLE DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM SERVICE; OR THE SPOUSE OR SURVIVING SPOUSE OF SUCH RESIDENT, PROVIDED THAT TITLE 10 TRAINING FOR ACTIVE DUTY BY A MEMBER OF A NATIONAL GUARD OR RESERVE SHALL BE INCLUDED AS SERVICE UNDER THIS PARAGRAPH; PROVIDED HOWEVER THAT THE PERSON IS NOT ELIGIBLE FOR AN IS NOT RECEIVING A CREDIT UNDER RSA 72:28 OR RSA 72:35

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

Fred Rice, Rye, spoke in support of the Resolution and said the only this this credit does is takes away the time period and eligibility for it. He said there are gaps in between war times and this now allows tax credits to fill in those gaps. He said 60% of communities provide maximum allowance under the current tax credit. Mr. Rice said that this Resolution let's all veterans be treated equally. He indicated that he understands the financial side of this matter but urged the City Council to adopt the Resolution for the maximum allowable credit of \$500.00. He said if you are only going to allow a portion of the credit then don't pass the Resolution this year and review and vote for the Resolution next year when you know its effects on the City.

Richard Gamester said he is not here to speak against the speaker but the word veteran meant a person that served in conflict and that is how it should remain.

Erik Anderson said there are consequences that could result from this and have some financial impacts to the City. He said it will all depend on the number veterans and asked the City Council not to approve the benefit because of the potential financial impact to the City.

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

Councilor Lown moved to suspend the rules in order to take up Item IX.F. – Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars for Necessary Expenditures related to Contractual Obligations. Seconded by Councilor Spear and voted.

IX.F. – Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars for Necessary Expenditures related to Contractual Obligations

Councilor Spear moved to adopt the Resolution as presented. Seconded by Councilor Lown and voted.

Councilor Lown moved to suspend the rules in order to take up Items XII. A.1. – Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association and XII. A.2. – Request for Approval of a Proposed Agreement between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME). Seconded by Councilor Spear and voted.

XII. A.1. – Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association

Councilor Spear moved to approve the contract between the Board of Police Commissioners and the Portsmouth Police Civilian Employees Association to expire on June 30, 2018. Seconded by Councilor Lown and voted.

XII. A.2. – Request for Approval of a Proposed Agreement between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME)

Councilor Spear moved to approve the contract between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME) to expire on June 30, 2019. Seconded by Assistant Mayor Splaine and voted.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Wellness Reward - \$2,000.00

Councilor Lown moved to accept the Wellness Reward in the amount of \$2,000.00 from the HealthTrust Wellness Program. Seconded by Councilor Spear and voted.

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

Councilor Lown moved to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Spear and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.101 – Parking Meters – Definition

Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Spear and voted. Assistant Mayor Splaine voted opposed.

- B. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.102
– Parking Meter Zones

Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Spear.

Councilor Dwyer asked if the discount applies in other areas. She said we don't have smart phone meters and it seems impractical to pass this ordinance and feels we are doing this prematurely.

Acting City Manager Colbert Puff said during the budget discussion it was indicated that the change is timely at this point.

Public Works Director Rice said this is a matter of getting the budget in place and the meters would be in place by spring.

Councilor Spear said he agrees with the issue and would like staff to be ready for an amendment that the ordinance take effect at the time when the new meters are in place.

Motion passed. Assistant Mayor Splaine voted opposed.

- C. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.105
– Parking

Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Spear.

Councilor Dwyer said she will oppose the motion. She said she appreciates we need to have the budget in place but she does not feel we need this extra hour for budgeting.

Councilor Spear said he would like to amend the ordinance at second reading to extend the hours to 10:00 p.m.

Councilor Pearson said 9:00 p.m. is too late and would like to change the time to 8:00 p.m. She said she does not feel comfortable with the meters being extended to 9:00 p.m. at this time.

Councilor Denton said he would rather see the hours to be changed from 9:00 p.m. to 8:00 p.m.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would oppose the motion. He said it is important to expand the hours but feels we need to be clear on it. He said at 7:00 p.m. you can't find a place to park.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Spear said if the City Council wants 9:00 p.m. that is what would pass.

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

Councilor Spear moved to amend the Ordinance to change the hours of enforcement from 9:00 a.m. to 8:00 p.m. and to schedule a public hearing and second reading of the Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Dwyer.

Councilor Lown said that the idea is to price at a point that the City Council gets towards market pricing for parking spaces.

Councilor Perkins said she would rather be conservative in the revenues we project.

Motion passed, as amended. Assistant Mayor Splaine voted opposed.

- D. First reading of proposed Ordinance amending Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours

Councilor Spear moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting and further change the hours of enforcement from 9:00 a.m. to 8:00 p.m. Seconded by Councilor Lown.

Councilor Dwyer said Parking & Traffic Safety Committee is going to look at 15 minute spaces and being so descriptive with the ordinance maybe we should wait until they have had a chance to review the 15 minute spaces.

Councilor Lown said Parking & Traffic Safety Committee is looking at this matter and is waiting for the report back.

Motion passed. Assistant Mayor Splaine and Councilor Dwyer voted opposed.

- E. First reading of proposed Ordinance amending Chapter 7, Article IV, Section 7.406 – Parking In Meter Spaces

Councilor Spear moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 6, 2017 City Council meeting. Seconded by Councilor Lown and voted. Assistant Mayor Splaine voted opposed.

Councilor Lown moved to suspend the rules in order to take up Item IX. I. Seconded by Councilor Cyr and voted.

- I. Adoption of Resolution Pursuant to RSA 72:28-b, the City hereby adopts the All Veterans' Tax Credit from property tax for qualified taxpayers. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorable separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35

Tax Assessor Maurice Lentz explained the Resolution and explained that the current veteran's credit will have an impact on the current tax credit or the City Council could adopt the tax credit the same as the current tax credit or at a lower amount or do nothing at all. She said the numbers provided were high estimates.

Councilor Lown said the revenue loss was \$394,000.00 and this year would be \$455,000.00 and the \$250.00 credit would be revenue neutral.

Councilor Spear said in years past we have had the tax loss for elderly and disabled which was incremental.

Councilor Cyr said Bedford has adopted the All Veterans Tax Credit. He suggested that the City put out a survey on the credit to see how many individuals would qualify. Acting City Manager Colbert Puff said we don't know how this would affect the City and we could learn from other communities by adopting this next year.

Councilor Dwyer reported that at the NHMA meeting no community was adopting this matter this year.

Acting City Manager Colbert Puff said one way to measure would be to reduce the amount to \$250.00 and raise it in other years. She said that this would reduce all the veterans right now.

Councilor Denton moved to adopt the All Veteran's Tax Credit in the amount of \$500.00. Seconded by Councilor Perkins.

Councilor Denton said he agrees with the argument made by Mr. Rice and said he does not want to lower it because it would change the credit the veterans currently receive and count on.

Councilor Spear said he feels that we should move forward with the motion. He said a tax credit makes it less burdensome for the veterans.

Councilor Lown said this is an issue of fairness all around. He said he would vote against the motion because he does not want to burden the tax payers and would rather go with the \$250.00 credit.

Councilor Perkins said she agrees with Councilor Denton and we should adopt the \$500.00 credit.

Councilor Pearson asked if there are unintended consequences and how does that affect the tax rate.

Councilor Dwyer said she is concerned that the veteran's tax credit taking that away could cause the loss of people's homes and the amount of displacement is much greater than what we argue about on our tax rate.

Councilor Spear said all veterans should have the same credit.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we should take the wait and see approach here. He does not want a veteran to lose any tax credit.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said he would not take away a tax credit.

Assistant Mayor Splaine said the fairness issue convinced him that they would get to the point of passing this Resolution. He said he would support the motion.

Councilor Dwyer said she feels that this should be a two-thirds vote. City Attorney Sullivan said it does not require a two-thirds vote.

On a roll call vote 5-4, motion passed. Assistant Mayor Splaine, Councilor Perkins, Spear, Cyr and Denton voted in favor. Councilors Dwyer, Lown, Pearson and Mayor Blalock voted opposed.

- G. Adoption of Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby

Assistant Mayor Splaine said he would have a conflict of interest in this matter and stepped off the dais.

Councilor Lown moved to adopt the Resolution for Elderly Exemptions, as submitted. Seconded by Councilor Spear and voted.

- H. Adoption of Resolution Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby

Assistant Mayor Splaine moved to adopt the Resolution for Disabled Exemptions, as submitted. Seconded by Councilor Spear and voted.

- J. Third and final reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217

Councilor Lown moved to suspend the rules to allow for an amendment to the Ordinance. Seconded by Councilor Cyr and voted.

Councilor Lown moved to amend Section 7.214(A) by placing a period after the word “cost” and striking the remainder of the sentence. Seconded by Councilor Pearson and voted.

Assistant Mayor Splaine moved to pass third and final reading, as amended. Seconded by Councilor Lown and voted.

X. CONSENT AGENDA

- A. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the Jingle Bell Run/Walk for Arthritis on Sunday, December 10, 2017
(Anticipation action – move to refer to the Acting City Manager with power)
- B. Letter from Kathie Lynch, Portsmouth Little League, requesting permission to install temporary signage to be located at the Plains and Hislop Park baseball fields during the 2017 baseball season ***(Anticipation action – move to refer to the Acting City Manager with power)***
- C. Letter from Kelly Bosco, Alzheimer’s Association, requesting permission to hold the 2017 Annual Seacoast Walk to End Alzheimer’s on Sunday, September 24, 2017 ***(Anticipation action – move to refer to the Acting City Manager with power)***
- D. Letter from Lennie Mullaney, NH Art Association, requesting permission to hold its annual Wet Paint-out Weekend on Friday – Sunday, July 21-23, 2017
(Anticipation action – move to refer to the Acting City Manager with power)

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Cyr and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATION & PETITIONS

- A. Letter from William Scott, Boynton, Waldron, Doleac, Woodman & Scott, P.A. regarding Involuntarily Merged Lots at 630 Middle Road and Sylvester Street

Councilor Cyr moved to refer to the Planning Board for report back. Seconded by Councilor Dwyer and voted.

- B. Letter from Doug Roberts, PS21 Portsmouth Smart Growth, requesting the monthly meetings of the Economic Development Commission be broadcast live and archived online

Assistant Mayor Splaine moved to refer to the acting City Manager for report back. Seconded by Councilor Cyr and voted.

- C. Letter from Tom Morgan regarding Proposal for Housing at the Parrott Avenue Parking Lot

Assistant Mayor Splaine moved to accept and place the letter on file. Seconded by Councilor Cyr and voted.

XII. REPORTS AND COMMUNICATION FROM CITY OFFICIALS

A. ACTING CITY MANAGER

Consent Agenda Items

Councilor Denton requested to remove the Report Back: Schiller Station Resolution from the Acting City Manager's Consent Agenda.

3. Request to Renew the Seacoast Growers' Association (Farmers' Market) Proposed 2017 License Agreement (***Sample motion – move to authorize the Acting City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2017, as presented***)
4. Report Back Re: Public Parking on Private Lots (***Sample motion – move to authorize the Acting City Manager to draft a proposed Ordinance, and further, to bring back for first reading the proposed Ordinance at the February 6, 2017 City Council meeting***)

- 5. Request to Establish Two Public Hearings Re: Proposed Bonding Resolutions:
 - A) One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000.00) Dollars ***(Sample motion – move to authorize the Acting City Manager to bring back for a public hearing and adoption the proposed Bonding Resolution for One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000.00) Dollars at the February 6, 2017 City Council meeting, as presented)***
 - B) Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000.00) Dollars ***(Sample motion – move to authorize the Acting City Manager to bring back for a public hearing and adoption the proposed Bonding Resolution for improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000.00) Dollars at the February 6, 2017 City Council meeting)***

Councilor Lown moved to adopt the Acting City Manager’s Consent Agenda. Seconded by Councilor Pearson and voted.

Assistant Mayor Splaine requested to place the balance of the City Council Agenda on the February 6, 2017 meeting Agenda.

Assistant Mayor Splaine moved to suspend the rules in order to take up Item XII. B.1. – Appointments to be Voted. Seconded by Councilor Dwyer and voted.

B. MAYOR BLALOCK

1. Appointment to be Voted:
 - Appointment of Molly Bolster to the Historic District Commission

Councilor Lown moved to appoint Molly Bolster to the Historic District Commission until June 1, 2019. Seconded by Councilor Dwyer and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer requested a presentation on what we can control through land use regulation regarding the Schiller Station.

Councilor Perkins said we need to be clear on the PUC document and recommended that the City Council receive that document for their reference and review.

Assistant Mayor Splaine moved to place the remainder of the Agenda on the February 6, 2017 City Council meeting. Seconded by Councilor Dwyer and voted.

The following items will appear on the February 6, 2017 City Council Agenda:

- *Report Back: Schiller Station Resolution – Acting City Manager’s Item*
- *Parking & Traffic Safety Committee Action Sheet and Minutes of the January 5, 2017 meeting – Councilor Lown’s Item*
- *Plastic Bag Ordinance – Councilor Lown’s and Councilor Denton’s Item*

XIV. ADJOURNMENT

At 11:30 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear and voted.



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