

Date: June 5, 2017

**NON PUBLIC SESSION RE: THE COMPENSATION OF PUBLIC EMPLOYEES  
RE: PARAPROFESSIONALS CONTRACT & NEW POLICE CHIEF CONTRACT  
ROBERT MERNER – RSA 91-A:3 II (a)**

A roll call for attendance of City Council members present for the meeting was taken.

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins (6:30 p.m.) Dwyer, Lown, Pearson, Spear, Cyr and Denton

**STAFF PRESENT:** John P. Bohenko, City Manager, Robert Sullivan, City Attorney, Tom Closson, Negotiator; Steve Zdravec, Superintendent of Schools and Kelli L. Barnaby, City Clerk

The following motions were taken in public session in the Eileen Dondero Foley Council Chambers.

A roll call for attendance of City Council members present for the meeting was taken. Councilor Perkins arrived at 6:30 p.m.

**Assistant Mayor Splaine moved to enter into Non Public Session pursuant RSA 91-A:3 II (a) regarding the Compensation of Public Employees – Paraprofessionals Contract and New Police Chief Contract Robert Merner. Seconded by Councilor Cyr and voted.**

Negotiator Closson reviewed the Tentative Agreement with Paraprofessionals.

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins Dwyer, Lown, Pearson, Spear, Cyr and Denton

**STAFF PRESENT:** John P. Bohenko, City Manager, Robert Sullivan, City Attorney, Tom Closson, Negotiator; David Mara, Police Chief; Frank Warchol, Captain and Kelli L. Barnaby, City Clerk

**OTHERS PRESENT:** Brenna Cavanaugh, Police Commissioner; Joseph Onosko, Police Commissioner; and Joseph Plaia, Police Commissioner

At 6:25 p.m., the first session regarding the Paraprofessionals Contract ended and at 6:30 p.m., Mayor Blalock opened the discussion for the New Police Contract for Robert Merner.

Negotiator Closson reviewed the contract for Robert Merner to become the new Police Chief.

At 6:55 p.m., Mayor Blalock closed the Non-Meeting with Counsel.

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## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 5, 2017

PORTSMOUTH, NH  
TIME: 7:00PM

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

Mayor Blalock called the meeting to order at 7:05 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.

### **V. ACCEPTANCE OF MINUTES – MAY 10, 2017 & MAY 15, 2017**

**Councilor Perkins moved to accept and approve the minutes of the May 10, 2017 and May 15, 2017 City Council meetings. Seconded by Assistant Mayor Splaine and voted.**

### **VI. PUBLIC COMMENT SESSION**

Michael Simchik, Portsmouth business owner, spoke opposed to the process being followed for the McIntyre Building and said the process should be delayed.

Roy Helsel said there is too much development in the City and it is effecting the taxpayers.

Bess Mosley said the Police Commission structure should remain unchanged. She also said she does not support moving forward with hiring Robert Merner as the new Police Chief.

Jane Zill spoke in support of the two Charter amendments submitted by Assistant Mayor Splaine. She said there is a need for transparency with political contributions.

Erik Anderson spoke opposed to adding funds to the Public Works Department's budget for a composting program. He also said he does not support abolishing the commissions.

Mark Brighton – spoke opposed to abolishing the Police Commission and encouraged having the question placed on the ballot for the residents to voice their feelings on this matter.

Brenna Cavanaugh said there was misinformation given at the recent City Council retreat regarding the Police Commission and spoke to the matter.

Gerry Zelin – spoke in support of the two amendments to the Charter by Assistant Mayor Splaine. He said there needs to be reporting on conflict of interests similar to the State of New Hampshire.

Paige Trace spoke regarding the demolishing of two historic homes located on The Hill which are located in the Historic District and the homes should not be demolished for a parking garage.

Esther Kennedy said it is clear residents want a voice and to serve on committees in the City. She also stated that people want to vote for their commissioners that serve the City.

David Calkins spoke regarding the issuance of building permits for property off of Swett Avenue, Moffat Street and Woodworth Avenue.

Paul Mannle asked the City Council to fund the Fire Department in full and that it is the best managed department in the City. He also spoke in support of the department having full staffing to keep overtime costs down.

Nancy Elwell spoke regarding traffic on Ceres Street.

Brendan Dubois, Exeter, NH, spoke in support of a Citizen Oversight Committee for the Police Commission and urged the City Council to allow the residents to speak and vote on a referendum question regarding the Police Commission.

**Councilor Lown moved to suspend the rules in order to allow one additional speaker for the Public Comment Session. Seconded by Assistant Mayor Splaine and voted.**

Brian Kelley spoke in support of arts and affordable housing in the City.

Councilor Pearson said she would like to correct one thing that was said during public comment. She stated the houses on The Hill are not in the prevue of the Historic District Commission, they are not in the district but would be part of the new demolition ordinance however, they are not even looking at that end of Hill Street in that development currently in the Historic District Commission.

Councilor Spear said the parking garage is not tearing down any houses. He also asked the City Manager to explain the developers walk through the McIntyre building.

Deputy City Manager Colbert Puff said the purpose of the walk through of the McIntyre Building was to invite interested parties to see the building, which is occupied at this time so security maintains that certain areas in the building cannot be seen. She reported interested parties did show up and saw the rooftop of the building, the fourth floor corridor and the basement garage space plus one of the offices located on the first floor. She stated the City has just taken a step to invite qualification packages from the development community. Deputy City Manager Colbert Puff said that the packages will be reviewed by the City Council and subsequently we will be seeing proposals. She stated the GSA contacted her today about receiving plans of the building which are secure documents but we will have those to review in addition to some environmental documents. She indicated the building has been declared a contributing structure under the proposal the national register nomination as an eligible structure it will be subject to the national historic preservation Section 106 process regardless of the disposition. She stated the regulations are in place to preserve the structure as you see it today.

Councilor Dwyer asked if we must keep the building intact. Deputy City Manager Colbert Puff replied there is no avenue to demolition the building.

## **VII. PUBLIC HEARINGS**

### **A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, CHARACTER BASED ZONING EXCESS COMMUNITY SPACE**

Planning Director Walker stated the ordinance allows for excess community space for future developments. She spoke to the development of the former Sanel building and that the developer wants to provide that excess space to the City for the installation of a park.

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

Rick Becksted said that the ordinance is being created for 299 Vaughan Street and feels this is spot zoning. He said we are changing zoning on an existing area that is at the tail end of the project. He also stated that the developer does not need to use the bank land, it may sell it. Mr. Becksted urged the City Council not to pass the ordinance, as written.

Esther Kennedy said she agrees with Mr. Becksted that this is spot zoning.

Paige Trace said she agrees with Mr. Becksted that the space the developer is giving up is not usable. She said the ordinance allows the developer to sell the land, which is their gain.

Gerry Zelin said he developer is giving the City more land than is required because they could not build on that land. He said we are giving the developer a large gift by allowing them to sell the land.

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

B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SIGNS RELATED TO PUBLIC PARKING IN PRIVATE PARKING LOTS

Planning Director Walker said this will allow changes to the sign section of the Zoning Ordinance and make sure that the ordinances are the same as in Chapter 7 – Parking Ordinance.

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. ORDINANCE AMENDING CHAPTER 1, ARTICLE XVII, SECTION 1.1704 PUBLIC ART – EXEMPTION

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. ORDINANCE AMENDING CHAPTER 7, ARTICLE I – PARKING METERS, SECTION 7.105 – PARKING – DESIGNATED MOTORCYCLE PARKING AREA

Parking & Transportation Manager Eby said the ordinance designates the first parking space in front of Breaking New Grounds for motorcycle parking. He also stated it would allow 4 to 6 motorcycles to park at one time and this ordinance would be in effect for 8 months.

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

Marc Stettner said the ordinance is questionable the way it is written. He said the parking rate for a motorcycle should not be the same as a vehicle. He spoke to the ordinance in Portland, Maine that allows motorcycles to park for free up to 10 hours. Mr. Stettner asked the City Council to amend the ordinance to allow for a different parking rate for motorcycles.

Esther Kennedy asked how we would let the public know the parking rates are different for motorcycles and mopeds.

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

E. ORDINANCE AMENDING CHAPTER 7, ARTICLE V – BICYCLE REGULATIONS

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

F. ORDINANCE AMENDING CHAPTER 7, ARTICLE XVII – MOPED REGULATIONS

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

Parking & Transportation Manager Eby said mopeds can park on sidewalks as long as they don't impede passage way on sidewalks.

Marc Stettner said he supports the Ordinance but would like to see Item D of the ordinance deleted.

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

At 8:35 p.m., Mayor Blalock declared a brief recess. At 8:45 p.m., Mayor Blalock called the meeting back to order.

**Councilor Denton moved to suspend the rules in order to take up the Consent Agenda. Seconded by Assistant Mayor Splaine and voted.**

X. CONSENT AGENDA

- A. Letter from Amber Day, New Hampshire Film Festival, requesting permission to close Chestnut Street on Friday, October 13-15, 2017 for the NH Film Festival Red Carpet Opening Night Gala (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Abigail Wiggin, Portsmouth Halloween Parade Committee, requesting permission to hold the 23<sup>rd</sup> Annual parade on Tuesday, October 31, 2017 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to hold the annual Juneteenth Celebration on Saturday, June 17, 2017 from 11:30 a.m. to 3:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

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

## VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance

**Councilor Denton moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Assistant Mayor Splaine.**

Assistant Mayor Splaine said he would support the motion but he will be preparing amendments at the June 19, 2017 meeting and it should be Friday before elections and Monday by Noon before the elections for reporting.

Councilor Dwyer asked for the intentions of the last sentence in the change to the ordinance could be the list of people that made the contribution entity.

City Attorney Sullivan said the City Council can regulate candidates and the candidates would tell you.

Councilor Perkins said that the candidate would provide that information with good faith measures followed.

**Motion passed.**

- B. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space

**Councilor Perkins moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting. Seconded by Councilor Spear.**

**Councilor Dwyer moved to amend Section 10.5A46.23 (3) that the maximum term of a PDIA shall not exceed fifteen (15) years with the deletion of ten (10) years. Seconded by Councilor Lown and voted.**

Councilor Dwyer said that this is not spot zoning, it is allowing the City to get community space. She said the land is a wonderful piece of property near the water and it could have been taken as private space. She said this is far from what people had said. Councilor Dwyer said it is a place we would want for a park. She also stated the credit does not change the zoning for other parcels.

Assistant Mayor Splaine said he is opposed to the change and does not agree with the banking of the land. He said he has no opposition to the development design and he loves the idea of open space.

Councilor Spear said we are getting more than access to public land there will be a park. He said many of the speakers look at zoning changes as zero gain.

Councilor Cyr said having public access connects a piece of property in a nice clean way. He asked should a conditional use permit be given would the land bank be able to go with a future owner. Planning Director Walker said it would.

Councilor Denton spoke in favor of the ordinance and giving the land for a park.

**On a roll call vote 8-1, main motion passed as amended. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.**

- C. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance Signs related to Public Parking in Private Parking Lots

**Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Councilor Dwyer and voted.**

- D. Second Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art – Exemption

**Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Councilor Pearson.**

Assistant Mayor Splaine said we should support the arts and everyone wants to see arts celebrated.

Councilor Pearson said public art is something in the public for everyone to see and one of its main objectives is to invoke a response.

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

- E. Second Reading of Proposed Ordinance amending Chapter 7, Article I – Parking Meters, Section 7.105 – Parking – Designated Motorcycle Parking Area

**Councilor Lown moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting. Seconded by Councilor Denton.**



**Councilor Lown moved to amend the last sentence of the ordinance to insert the word “reduced” after subject to.** The sentence will now read as follows: Motorcycles are subject to reduced parking meter fees for the hours of enforcement as set forth in this Chapter in this Designated Motorcycle Parking Area and further to add an additional sentence to the end of the ordinance to read as follows: ***When more than one Motorcycle parks in a regular parking space only one of the Motorcycles occupying the parking space shall be required to pay for the parking space at the regular parking rate as set forth in this Chapter.*** **Seconded by Assistant Mayor Splaine.**

Mayor Blalock asked if all motorcycles would receive a ticket if the meter runs out of time. Councilor Lown said all motorcycles would receive a ticket.

**Assistant Mayor Splaine moved to suspend the rules in order to allow Mr. Stettner to speak. Seconded by Councilor Denton and voted.**

Mr. Stettner said in his materials it says if the ticket expires all the motorcycles would receive a ticket.

**Amendment to the motion passed.**

Councilor Dwyer asked if mopeds could park in the motorcycle spot. Mayor Blalock said that mopeds could also park in the motorcycle spot.

**Main motion passed, as amended.**

- F. Second Reading of Proposed Ordinance amending Chapter 7, Article V – Bicycle Regulations

**Councilor Lown moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Councilor Cyr.**

Councilor Pearson asked do we have a rule about riding on sidewalks and is that realistic. Planning Director Walker said it is law that you cannot ride on sidewalks and the ordinance exempts kids from riding on the sidewalks. Councilor Pearson said that adults are riding on sidewalks and should we be doing some education. Planning Director Walker said education is important.

Councilor Lown said we are passing this ordinance to come into compliance with State law.

**Motion passed.**

- G. Second Reading of Proposed Ordinance amending Chapter 7, Article XVII  
– Moped Regulations

**Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Councilor Dwyer.**

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said that Item G under Section 7.1702 of this Ordinance is necessary because it protects private property without the consent of the owner or legal tenant.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

**Motion passed.**

#### **IX. ADOPTION OF PROPOSED BUDGET RESOLUTIONS**

- Resolution No. 13-2017 – Municipal Fees

**Councilor Dwyer moved to adopt Resolution #13-2017 – Municipal Fees. Seconded by Councilor Lown and voted.**

- Resolution No. 14-2017 – General Fund Expenditures

**Councilor Perkins moved to adopt Resolution No. 14-2017 – General Fund Expenditures. Seconded by Councilor Spear.**

City Manager Bohenko said based on the Work Session there was a \$.28 further reduction to the budget to reflect an increase of 2.3% over last year.

*Councilor Spear moved to transfer \$19,500.00 from Non-Operating Information Technology budget to the Fire Department Operating Budget and further to set aside \$25,000.00 in the Parking and Transportation Fund to offset the cost of downtown ambulance calls. Seconded by Councilor Perkins.*

Councilor Spear said he supports the purchase of software but let's do the purchase next year when we don't have the large increase in retirement costs. He said we need to help the Fire Department.

Councilor Dwyer said we have clear definitions of operating from capital and she doesn't feel the Council should move something into operating. She said it is different than a capital expenditure.

Councilor Cyr said the Fire Department said they need \$90,000.00 at the Work Session held. He wants to know if we can get to that figure.

Fire Chief Achilles thanked the City Council for making a movement to make the Fire Department whole. He said they have reviewed the numbers and feel \$60,000.00 will make them whole and allow the department to provide services at the same level as last year.

City Manager Bohenko said the Council could take \$50,000.00 from the Parking Fund to help make the budget whole.

Councilor Lown said he would like to vote for this if the overtime account was reduced for the same amount otherwise he would need to vote no.

Councilor Dwyer said for the small amount of money the Council should add \$60,000.00. City Manager Bohenko said the Council would add \$60,000.00 to the Fire Department General Fund.

Councilor Spear said we work hard to lower the tax rate. He said he understands the principle of the operating budget. *Councilor Spear withdrew his motion and Councilor Perkins withdrew her second to the motion.*

**Councilor Spear moved to assign \$50,000.00 from the Parking & Transportation Contingency Fund to offset the costs of the downtown ambulance calls. Seconded by Councilor Perkins.**

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

**Mayor Blalock moved to further amend the motion to add another \$10,000.00 to the Fire Department Operating Budget to come from taxation. Councilor Spear accepted this as a friendly amendment.**

Mayor Blalock said that this is to make sure that we have a downtown ambulance.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

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

Councilor Denton thanked the Public Works Department staff for the composting program. He urged the residents to take advantage of the curbside composting.

City Manager Bohenko said we would save on the tipping fees from going to the landfill. He said we will work with Public Works to make this work within the budget this year and the exposure will be \$40,000.00

**Councilor Lown moved to reduce the Fire Department budget by \$66,650.00 and the Police Department budget by \$53,207.00. Seconded by Councilor Spear.**

Councilor Lown said the overtime costs need to be reduced and he is proposing a 10% cut to the overtime costs in Police and Fire Departments.

Councilor Spear said he suggests this summer trying the efficiency study and bringing people together.

Councilor Dwyer said some of what the City Council did to add the \$60,000.00 will address overtime costs.

Fire Chief Achilles said they have reduced overtime costs in the department. He said the increase in overtime costs are reflective of the cost of living adjustments.

Police Chief Mara said that this year was their lowest in overtime costs. He provided a handout with graphs that tracks overtime costs since FY14.

**On a roll call vote 1-8 motion failed to pass. Councilor Lown voted in favor. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.**

**Councilor Lown moved to authorize \$75,000.00 from the Parking & Transportation Fund to the School Department. Seconded by Councilor Pearson.**

**On a roll call vote 1-8, motion failed to pass. Councilor Lown voted in favor. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.**

**Councilor Perkins moved to take \$100,000.00 from Collective Bargaining and move it into the General Government Contingency Fund. Seconded by Councilor Denton.**

Councilor Dwyer said she does not have a problem giving more money to the Police Department but we should not be taking the funds from Collective Bargaining.

Councilor Lown said every dollar is destined for the general fund. He said to move the money from the funds does not change the fact that you're using the funds.

Councilor Perkins said that this is estimated costs.

City Manager Bohenko said there would be a short fall for collective bargaining and you take the funds necessary from unassigned fund balance. He said we anticipate \$150,000.00 for Collective Bargaining.

Councilor Spear should he supports Councilor Perkins motion.

Councilor Dwyer said when the new Police Chief comes he will provide us with his needs at that time instead of waiting for money now.

Police Chief Mara said the new Police Chief will not say we don't need the officers. He said we need 35 officers in patrol. He reported the department has some extra funds from dispatch that are needed for the information technology person now. He stated they would put off hiring the two officers until later in the year and they would save money.

City Manager Bohenko stated encumbering funds from outside the fiscal year would not be allowed. He stated the funding for the dispatch is coming out of the debt service area.

City Manager Bohenko said the two officers you would hire in January would be \$82,000.00 and another \$45,000.00 for the information technology specialist for the entire year would total \$127,000.00.

Chief Mara said they would have an operating surplus of \$180,000.00.

Councilor Spear said if you want to expend money on the Police Department you can do that but he does not like anticipating the savings and rolling it into the next year.

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

**Councilor Cyr moved to add \$127,000.00 to the Police Department Budget to be raised by taxation. Seconded by Councilor Denton.**

**On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Councilors Lown, Pearson and Spear voted opposed.**

**At 10:20 p.m., Mayor Blalock called for a brief recess. At 10:30 p.m., Mayor Blalock called the meeting back to order.**

Assistant Mayor Splaine suggested recessing the meeting until tomorrow evening. The City Council decided to continue with the meeting.

**Assistant Mayor Splaine moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Denton and voted.**

**On a roll call 6-3, voted to adopt Resolution #14-2017 – General Fund Expenditures, as amended for a total budget of \$109,448,605.00. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Councilors Lown, Pearson and Spear voted opposed.**

<b>Department</b>	<b>Appropriation</b>
General Government	\$18,808,621.00
Police	\$10,925,161.00
Fire	\$8,684,534.00
School	\$46,471,405.00
Collective Bargaining	\$100,000.00
Transfer to Indoor Pool	\$150,000.00
Transfer to Prescott Park	\$30,479.00
Non-Operating	\$24,278,405.00
<b>Total</b>	<b>\$109,448,605.00</b>

- Resolution #15-2017 – Sewer Fund Expenditures

**Councilor Lown moved to adopt Resolution #15-2017 – Sewer Fund Expenditures. Seconded by Councilor Dwyer and voted.**

- *Appropriated sum of \$11,193,646.00 to defray expenses for the operation of the sewer system.*
- *Cash requirements of \$16,890,946.00 to defray expenses for the operations of the sewer system.*
- *Sewer user rate effective July 1, 2017 is \$12.73 per unit for the first 10 units of consumption per month, and \$14.00 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth’s sewer system.*
- Resolution #16-2017 – Water Fund Expenditures

**Councilor Lown moved to adopt Resolution #16-2017 – Water Fund Expenditures. Seconded by Councilor Dwyer and voted.**

- *Appropriated sum of \$8,121,195.00 to defray expenses for the operations of the water system.*
- *Cash requirements of \$10,088,225.00 to defray expenses for the operations of the water system.*
- *Water user rate effective July 1, 2017, is \$4.15 per unit for the first 10 units of water consumed per month, and \$5.00 per unit for all units consumed thereafter to meet the cash requirements for the operation of the City of Portsmouth’s water system.*

- ***Water Irrigation user rate effective July 1, 2017, is \$5.00 per unit for the first 10 units of water consumed per month, \$9.70 for consumption over 10 and up to 20 units consumed, and \$12.05 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system.***
- Resolution #17-2017 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures

**Councilor Dwyer moved to adopt Resolution #17-2017 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures. Seconded by Councilor Cyr and voted.**

- Resolution #18-2017 – Investment Policy

**Councilor Cyr moved to adopt Resolution #18-2017 – Investment Policy. Seconded by Councilor Dwyer and voted.**

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

- A. Letter from Marc Stettner regarding proposed changes to the Designated Motorcycle Parking Area and Moped Regulations
- B. Memorandum from Fire Chief Achilles regarding Position on Recommended Fire Department Budget

The City Council discussed Mr. Stettner's letter during the vote on the Ordinances for Motorcycles and Mopeds. The Council also discussed Fire Chief Achilles memorandum during action taken on the General Fund Expenditures Ordinance.

Due to the hour all items under the City Manager's name are now Consent Agenda items.

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

**Councilor Lown moved to adopt the City Manager's Consent Agenda Items, as presented.**

**A. CITY MANAGER**

1. Report Back from Planning Board Re: Potential Release of City Interest in the Portions of Two Paper Streets (Moffat Street and Woodworth Avenue) adjoining property at 85 Woodworth Avenue (Richer) and Authorize Issuance of Building Permit for Property off Swett Avenue, Moffat Street and Woodworth Avenue (Calkins) (***Sample motion – move to adopt the Planning Board recommendation, as presented***)

**Planning Board Recommendations:**

- *Voted to recommend that the City release any interest it may have in the paper streets abutting 85 Woodworth Avenue, as shown on the exhibit titled “Woodworth Avenue / Moffat Street / Swett Avenue”, prepared by the Planning Department with the following exception:*
    - ❖ *The area between the end of the accepted portion of Woodworth Avenue and the intersection with Moffat Street shall be reserved for snow storage.*
  - *Voted to recommend that the City Council authorize the issuance of building permits for property on a private drive off of Swett Avenue, Moffat Street, and Woodworth Avenue pursuant to RSA 674:41(d) with the stipulation that the issuance of building permits would be subject to all required land use approvals*
2. Report Back from Planning Board Re: S & G Realty Boundary Line Agreement and Easement (***Sample motion – move to approve the Planning Board’s recommendation for a Boundary Line Agreement and Easement for the boundary line between S & G Realty’s property (Map 157, Lot 30) and the portion of Chevrolet Avenue owned by the City, and further, to authorize the City Manager to execute all necessary documents***)
  3. Proposed Lease for Plains Schoolhouse (***Sample motion – move to authorize the City Manager to execute a lease between the City of Portsmouth and Pontine Theatre for the Plains Schoolhouse with the same or substantially similar terms***)
  4. 1283 Woodbury Avenue Traffic Signal and Sidewalk Easement (***Sample motion – move to authorize the City Manager to accept a required traffic signal and sidewalk easement from Sophie Lane LLC across property at 1283 Woodbury Avenue, Portsmouth***)



5. Request for Referral to Planning Board a Proposed Ordinance amending to Chapter 10 – Zoning Ordinance, Housing (**Sample motion – move to refer the proposed amendments to the Planning Board for review and recommendation**)
6. Request to Reschedule the June 19, 2017 Work Session Re: Parking Scope of Services (**Action is required regarding this matter**)

Councilor Perkins asked when the Parking Scope of Services Work Session would be scheduled. City Manager Bohenko said later in the summer.

## **B. MAYOR BLALOCK**

1. Appointments to be Considered:
  - Appointment of Samantha Wright Collins as a Regular member to the Conservation Commission

The City Council considered the appointment of Samantha Wright Collins to be voted on at the June 19, 2017 City Council meeting.

2. Mayor's Sister Cities Blue Ribbon Committee

**Councilor Dwyer moved to accept the Charge of the Sister Cities Blue Ribbon Committee. Seconded by Councilor Pearson and voted.**

### The Committee Charge is as follows:

- Evaluate the level of activity, benefit and local interest in continuing the Sister City or other citizen diplomacy relations and make recommendations to the City Council to potentially terminate current relationships with little or no recent activity, resident interest or cultural/economic opportunities
- Research successful Sister City/Friendship City relationships of other cities and make recommendations to the City Council for a program and strategies to ensure success of existing and future Sister City relationships
- Recommend a framework for long term administrations, promotion and success of the Portsmouth Sister City Program through a Committee structure: chair, co-chairs, possible sub-committees for each Sister City, staff support requirements, etc.
- Explore ways to engage the community in the program— businesses, educational, cultural and humanitarian groups and make recommendations to the City Council

3. Mayor's Agreement to Uphold Paris Climate Agreement (Not on Agenda)

**Assistant Mayor Splaine moved to accept the Mayor's Agreement to Uphold Paris Climate Agreement. Seconded by Councilor Denton and voted.**

**C. ASSISTANT MAYOR SPLAINE**

1. City Charter Amendments
  - Defining "Municipal Officials" for Financial Disclosure Requirements

**Assistant Mayor Splaine moved that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this requirement/question would be placed on the November 7, 2017, Municipal Ballot as a referendum question: "for the purposes of financial disclosure and conflicts of interest, the term "municipal officials" in this City Charter shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District Commission, and the City Manager" Seconded by Councilor Denton.**

Councilor Denton said he does not feel the financial disclosure form is too difficult to complete.

Councilor Perkins said we should encourage our residents to serve on boards and commissions.

Councilor Dwyer said she does not want to see residents not serve. She also feels that capital assets would need to be further defined and if you are not taking income from a 401 plan does that need to be disclosed.

Councilor Pearson said she is not convinced this will do what people think it will do.

Councilor Perkins said she feels this would be erroneous to our land use boards.

Councilor Spear said land use board members said they would resign from the boards and he would not vote in favor of the motion.

Councilor Dwyer said conflict of interest should deal with any board and commission.

Councilor Denton requested to take out conflict of interest from the motion.

**As a friendly amendment the Council deleted the words *conflicts of interest* from the proposed referendum question.**

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

- “Clean Elections” Campaign Disclosure by City Council Candidates and Political Action Committees

**Assistant Mayor Splaine moved that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this question would be placed on the November 7, 2017, Municipal Ballot as a referendum question: “The City Council shall adopt an ordinance requiring that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate’s total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee shall be identified by each contributor by name, address, and amount.” Seconded by Councilor Denton.**

Assistant Mayor Splaine said that this form is required to be completed by our State Legislatures. He also indicated this is a requirement in the City of Manchester.

Councilor Pearson said that the most effective groups in the last elections did not spend any money.

Councilor Dwyer said in reading it, you would report individual contributions and total amounts.

Assistant Mayor Splaine said we should limit this to City Council candidates.

Councilor Dwyer said that we should include all elected officials, School Board and Police and Fire Commissions. She asked what the definition of a political action committee is.

Councilor Lown said he does not feel this will work.

Assistant Mayor Splaine said we would define the ordinance if the referendum is adopted.

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

**D. COUNCILOR SPEAR & COUNCILOR DWYER**

1. Charter Amendment for Police Commission & Fire Commission (*To be taken up, pending discussion of issues at June 3, 2017 retreat*)

Councilor Lown said his amendment would change the duties of the commission. He explained his amendment and that the City Manager would be in charge of hiring and the budget.

**Councilor Lown moved that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this question would be placed on the November 7, 2017, Municipal Ballot as a referendum question: The Commission shall appoint the police chief. In addition, the Commission shall have authority to consider and act upon any complaint and/or employee grievance (s). Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respect of collective bargaining agreements. The City Manager as directed by the City Council shall have all administrative responsibilities relating to the administration of the Police Department. Such power shall include, but shall not be limited to, the following:**

- A. Determine the number, location and type of facilities and installations; and**
- B. Determine the size of the workforce and increase or decrease its size; and**
- C. Appointment of permanent patrol officers, sergeants, captains and commanders**

**Seconded by Councilor Spear.**

Assistant Mayor Splaine said we are putting the powers under the City Manager and does not feel people would approve that in November. He said we need to find ways to departmentalize things. He said this reduces the authority close to zero.

Councilor Denton said he does not support this as written. He said this is the first Police Commission to follow the By-laws and go for accreditation.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would support a change to the Police Commission and Fire Commission.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said Item C. would be the chief's responsibility. She said more often than not the Police Commission has been problematic.

Councilor Pearson said she agrees with Councilor Dwyer. She said the residents should make the decision. She said she wants public input and have the residents cast their vote.

Councilor Perkins said she would vote to hear the comments in public hearing.

Councilor Lown said 80% of municipalities do not have a Police Commission.

City Attorney Sullivan explained the process of writing the question. He said the City Council could not make substantive changes after June 19, 2017.

**As a friendly amendment the Council removed Item C – Appointment of permanent patrol officers, sergeants, captains and commanders.**

**As a friendly amendment the Council added the words from any source to the second sentence to read as follows: In addition, the Commission shall have authority to consider and act upon any complaint from any source and/or employee grievance (s).**

**On a roll call vote 6-3, main motion passed, as amended. Councilors Perkins, Dwyer, Lown, Pearson, Spear and Cyr voted in favor. Assistant Mayor Splaine, Councilor Denton and Mayor Blalock voted opposed.**

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

### **XIV. ADJOURNMENT**

**At 11:45 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear and voted.**



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