

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, AUGUST 21, 2017 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR BLALOCK, ASSISTANT MAYOR SPLAINE, COUNCILORS LOWN (7:30 PM VIA CONFERENCE CALL) PEARSON, CYR AND DENTON

ABSENT: COUNCILORS PERKINS

1. At 6:30 p.m., a Work Session was held regarding Keno.
2. Presentation – Statistical Revaluation Update, Rosann Maurice Lentz, Assessor; Representative from Vision & Property Valuation Advisors – Assessor Maurice Lentz, Michael Tarello, Vision Government Solutions; and Steve Traub, Property Valuation Advisors provided a presentation on the Statistical Revaluation. A review of the Statutory requirements and measurements of Equity were reported to the City Council.
3. Acceptance of Minutes – August 7, 2017 – Moved to approve and accept the minutes of the August 7, 2017 City Council meeting. **Voted** to amend the minutes on page six, paragraph four, first sentence to strike ‘that’ and replace it with ‘electric vehicle charging stations’. Further to amend second sentence strike ‘that’ and replace it with ‘electric vehicle charging stations.’ *The sentences would now read Councilor Denton said he wanted to see roof top solar and is electric vehicle charging stations something that could be programmed in. Dave Allen said we hope to come in under the \$3,000,000.00 to add the electric vehicle charging stations or add it later to the project.* **Voted** to approve and accept the minutes of the August 7, 2017 City Council meeting as amended.
4. Public Comment Session – There were 20 speakers: Beth Margeson, Roger Pittroff, Jim Hewitt, Kelly Shaw, Ralph DiBernardo, Esther Kennedy, Erik Anderson, Mimi Clark, Rick Becksted, Rick Horowitz, Michael Dater, Lee Roberts, Paige Trace, Jackie Cali-Pitts and Zelita Morgan (Public Comment Session); Jerry Zelin (Transferable Development Rights); David Noard (City Government); Bert Cohen and Wes Tator (Carbon Fee and Dividend Resolution); and Merle White (Taxi Ordinance).
5. On a unanimous roll call 8-0, **voted** to suspend the rules in order to take up Item XII. D.1. – Rule 42 – PUBLIC’S RIGHT TO KNOW GUARANTEED; Rule 43 – PUBLIC COMMENT SESSION / PUBLIC DIALOGUE; and Rule 45 – PUBLIC HEARINGS.

6. Moved that City Council Rule 43 PUBLIC COMMENT SESSION be rewritten by the City Clerk and the City Attorney to Rule 43a. and Rule 43b. Under Council Rule 43a. public comment sessions will continue to be held in the current manner at every other Council meeting. Under Council Rule 43b., the City Council shall hold a Council – Public Dialogue session during the period which is forty-five minutes (45) before any otherwise scheduled City Council business, on the night of every other regularly scheduled Council meeting. At such Council – Public Dialogue Sessions the Council, the City Manager and any appropriate staff as determined by the City Manager shall welcome all interested individuals for an informal dialogue session. The purpose of this session is to provide an opportunity for members of the public to directly interact with members of the Council, the City Manager and any appropriate staff as determined by the City Manager from time to time. By vote of the Council, such Council – Public Dialogue sessions may be scheduled to be held at other times and in other locations in the City beyond City Hall. All Council – Public Dialogue sessions shall be held in accordance with RSA 91-A, the Right-to-Know Law by notice being made and minutes being taken.

Be it further moved that Council Rule 7, Order of Business, be amended by the amendment of Item VIII Public Comment Session to “(as applicable)”.

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

On a roll call 1-7, motion to amend Council Rules 43a. and 43b. to hold sessions on alternate Saturday and Sunday mornings and evenings on weekends before meetings **failed** to pass. Councilor Denton voted in favor. Councilors Assistant Mayor Splaine, Dwyer, Lown, Pearson, Spear, Cyr and Mayor Blalock voted opposed.

On a roll call 2-6, motion to have in addition to the current Public Comment Session for each City Council meeting that the City Council once a month hold a work session and dialogue session of 30 minutes **failed** to pass. Assistant Mayor Splaine and Councilor Denton voted in favor. Councilors Dwyer, Lown, Pearson, Spear, Cyr and Mayor Blalock voted opposed.

On a roll call 7-1, **voted** to pass main motion as amended. Councilors Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

7. On a unanimous roll call 8-0, **voted** that City Council Rule 42 – PUBLIC’S RIGHT TO KNOW GUARANTEED is hereby amended by the addition of the following paragraph:

In addition to the foregoing, any e-mails which are received by the City on behalf of the entire City Council shall be entered into the public record by the City Clerk. Any person addressing an e-mail to the entire City Council shall be provided with the option to have such person’s e-mail entered into the City Council packet and public comment record for the meeting. Only e-mails which include the name and address of the sender shall be provided to the City Council and thus be subject to this rule. Any public comment received by e-mail subject to this rule shall be updated after the Council agenda packet is released and prior to noontime on the day of the Council meeting to which the packet is addressed.

Any public comments received after such noontime deadline shall be distributed to the individuals Councilors, but shall not become part of the public record of the meeting.

8. On a unanimous roll call 8-0, **voted** that City Council Rule 45, PUBLIC HEARINGS, be amended by the addition of the following:
 - C. The order of presentation of all public hearings shall be as follows:
 1. Any presentation related to the public hearing offered by the City administration.
 2. City Council questions and deliberation regarding the subject matter of the public hearing.
 3. Public hearing speakers.
 4. Additional Council questions and deliberations.
 - D. Subsequent to the process described above, any public hearing which results in the requirement of a City Council vote shall be immediately followed by that vote.

Be it further moved that City Council Rule 7, ORDER OF BUSINESS, be amended by the deletion of items XI Consideration of Resolutions and Ordinances and the renaming of item IX to Public Hearings and Votes on Ordinances and/or Resolutions and the renumber of all remaining provisions.

9. Public Hearing – Pursuant to RSA 31:95-b, II (a) Where the City Council will Accept an Additional Appropriation of Highway Block Grant Funds in the amount of \$369,065.05 in Accordance with Senate Bill 38 Adopted by the Legislature – Held a public hearing. On a unanimous roll call 8-0, **voted** to accept and expend the funds.
10. On a unanimous roll call 8-0, **voted** to suspend the rules in order to take up Item XII. E.1. – Keno.
11. Keno – On a unanimous roll call 8-0, **voted** to establish a public hearing at the September 5, 2017 City Council meeting on whether to allow Keno on the ballot.
12. First Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language – On a unanimous roll call 8-0, **voted** to pass first reading and hold a public hearing and second reading at the September 5, 2017 City Council meeting.
13. Consent Agenda – Councilor Denton requested to remove Letter from Barbara Massar, Pro Portsmouth, requesting to produce the following from the Consent Agenda.
 - First Night Portsmouth 2018, Sunday, December 31, 2017
 - Children's Day, Sunday, May 6, 2018; Noon to 4:00 p.m.
 - 41st Annual Market Square Day Festival & 10K Road Race, Saturday, June 9, 2018; 9:00 a.m. – 4:00 p.m.

- 16th Annual Summer in the Street, Saturday evenings 5:00 p.m. – 9:30 p.m. – June 30, July 7, 14, 21 and 28, 2018

(Anticipated action – move to refer to the Acting City Manager with power)

Councilor Denton requested to refer to the City Manager with power and further that Market Square Day local organizations which make the deadlines be given priority over non local organizations.

14. Consent Agenda – On a unanimous roll call 8-0, **voted** to adopt the Consent Agenda.
 - Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 9th Annual Turkey Trot 5K on Thanksgiving November 23, 2017 at 8:30 a.m. ***(Anticipated action – move to refer to the Acting City Manager with power)***
 - Letter from Melissa Walden, American Lung Association, requesting permission to hold the Cycle the Seacoast Ride on Sunday, May 6, 2018 ***(Sample motion – move to refer to the Acting City Manager with power)***
15. Letter from Joanne Ravgiala regarding Prescott Park, High-Hanover Garage and State Street Saloon Fire – On a unanimous roll call 8-0, **voted** to accept and place the letter on file.
16. Consent Agenda - City Manager's Action Items – Councilor Dwyer requested to remove Item 1 – Request for Approval of Tentative Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial from the Consent Agenda for a separate vote.
17. Consent Agenda – City Manager's Items – On a unanimous roll call 8-0, **voted** to adopt the Consent Agenda.
 - Release of Request for Proposals for McIntyre Building ***(Anticipated action – move to approve release of the RFP and schedule two special meetings for November 13 and November 27)***
 - Approval of License Request Re: 177 State Street ***(Anticipated action – move to authorize the Acting City Manager to negotiate and enter into a license with Jeffrey Bryan Remodeling Inc. to facilitate completion of construction activities at 177 State Street)***
 - Approval of License Request Re: 175 Market Street ***(Anticipated action – move to authorize the Acting City Manager to negotiate and enter into a license with Hutter Construction to facilitate construction activities at 175 Market Street)***
18. Request for Approval of Tentative Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial – On a unanimous roll call 8-0, **voted** to accept the proposed contract with the City of Portsmouth and AFSCME School Custodial from July 1, 2017 to expire on June 30, 2020.

19. Appointments to be Considered – The City Council considered the following appointments to be voted on at the next City Council meeting.
 - Alan Gold to the Economic Development Commission
 - Lindsay Gallant to the Sustainable Practices Blue Ribbon Committee
20. Appointment to be Voted – Reappointment of MaryLou McElwain to the Parking & Traffic Safety Committee On a unanimous roll call 8-0, **voted** to reappoint MaryLou McElwain to the Parking & Traffic Safety Committee until August 4, 2020.
21. Resignation of John Bosen from the Economic Development Commission – On a roll call 7-0, **voted** to accept with regret the resignation of John Bosen from the Economic Development Commission. Councilor Lown was not on the conference call for this vote.
22. Toxic-Free Natural Alternatives for Weed and Pest Control – Assistant Mayor Splaine indicated due to the late hour he will have this item on under his name for the September 5, 2017 City Council meeting and have additional information to provide to the City Council.
23. Carbon Free and Dividend Resolution – On a unanimous roll call 8-0, **voted** to adopt the Resolution and send a copy to our Congressional Delegation.
24. Adjournment – On a unanimous roll call 8-0, **voted** to adjourn at 10:30 p.m.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk