

## CITY COUNCIL NON-PUBLIC SESSION

MUNICIPAL COMPLEX  
DATE: TUESDAY, FEBRUARY 20, 2018

PORTSMOUTH, NH  
TIME: 6:30PM

At 6:30 p.m. the City Council held a Non Public Session in Accordance with RSA 91-A:2, I (a) regarding Strategy or Negotiations with Respect to Collective Bargaining – Professional Management Association, School Administrators and School Custodial Supervisors.

City Clerk Barnaby conducted a roll call vote for attendance: Mayor Blalock; Assistant Mayor Lazenby; Councilors Roberts, Dwyer, Denton (6:36 p.m.), Perkins (6:35 p.m.) and Becksted.

Councilors Pearson and Raynolds were absent.

**Councilor Becksted moved to enter into Non Public Session to discuss the Professional Management Association, School Administrators and School Custodial Supervisors Contracts. Seconded by Councilor Roberts and voted.**

The City Council moved from the Eileen Dondero Foley Council Chambers into Conference Room A.

Staff Present during Non Public Session: Tom Closson, Negotiator; Dianna Fogarty, Human Resource Director; Nancy Colbert Puff, Deputy City Manager; and Kelli L. Barnaby, City Clerk.

Negotiator Closson reviewed the request for a one year extension of the Professional Management Association, School Administrators and School Custodial contracts.

At 6:45 p.m. Mayor Blalock closed the Non-Public Session.

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## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: TUESDAY, FEBRUARY 20, 2018

PORTSMOUTH, NH  
TIME: 7:00 PM

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

Mayor Blalock called the meeting to order at 7:00 p.m.

## II. ROLL CALL

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Dwyer, Denton and Becksted

ABSENT: Councilors Pearson and Raynolds

## III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer in memory of those lost in the Parkland, Florida school shooting.

## IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance.

### PRESENTATION

1. Report Back Re: Revaluation Review – Daniel Cornell

Mr. Cornell provided a review of the completed Revaluation of 2017. He reported that Vision Government Solutions and Property Valuation Advisors were hired to conduct the revaluation and met NH & IAAO guidelines.

Mr. Cornell provided an overview of the Valuation Concepts:

- Cost Approach
  - Value based on the cost to build
    - Land, building, depreciation (loss in value)
- Sales Comparison Approach
  - Value based on similar sold properties
    - Sale price plus or minus differences
- Income Approach
  - Value based on the projected income
    - Rental rate, vacancy, expenses, capitalization rate
- All approaches require good data

He spoke to the Valuation Modeling – Overview:

- NH Law – assessments based on market value
- Model specification
  - Items that drive value
  - Examples: size, condition, construction quality, location

- Model calibration
  - Assigning values or factors to the data elements
  - Model testing
    - Test the results

He reviewed the summary of the CAMA system, the data in the tables and the model structure and reviewed the values assigned to the data elements. He further discussed model testing and statistical testing through ratios by neighborhood, style, grade, condition, year built and size.

In closing, Mr. Cornell said the abatement process is available.

Councilor Becksted said commercial values went up 6% and residential properties saw a 20% increase and asked the reason for the difference. Mr. Cornell said that Portsmouth is similar to statewide whereby residential is higher than commercial properties. Councilor Becksted asked how values change without putting any money into a residential home. Mr. Cornell said remodeling will affect the value of the property for those that have not been remodeled as long as the home is maintained the value will increase based on the market value. He also spoke to condition and year property was built and appreciation levels. Councilor Becksted asked how many commercial abatements have been filed for 2017 and for the 2 years prior. Assessor Maurice Lentz said she will not know 2017 abatements until March. She reported that 90 were filed 2 years prior with one decision and 10 remain pending. She stated that internal updates will be made to values on an annual basis so that everything remains on a level playing field. She indicated she would be adjusting equilibrium of the ratio and will review every class of property and adjust to the April 1<sup>st</sup> ratio.

Councilor Dwyer said we should review the process before another revaluation is held looking at income and expense sheets in substitute ways in order to get to the values.

Assistant Mayor Lazenby asked about properties not providing the income and expense sheets what kind of affect does that have on properties. Mr. Cornell said it is hard to tell the real numbers without that information.

Councilor Dwyer asked if there is a way that people provide the income and expense information. Assessor Maurice Lentz said there is not a way in New Hampshire for communities to obtain that information without it being provided to us.

Councilor Becksted asked if hotels provide the income and expense sheet. Assessor Maurice Lentz said they are not required to.

Councilor Roberts said that the City is going to reevaluate properties more often and asked if that would change the amount we pay for County tax. Finance Director Belanger said the County equalizes the values up to 100 % so it would not have an effect.

## **V. ACCEPTANCE OF MINUTES – FEBRUARY 5, 2018**

**Councilor Perkins moved to accept and approve the minutes of the February 5, 2018 City Council meeting. Seconded by Assistant Mayor Lazenby and voted.**

## VI. PUBLIC COMMENT SESSION

Roy Helse said home owners and taxpayers should have more say on variances which seem to favor developers. He spoke to the effect development has on City properties. He also spoke to assessed values being too high.

Jonathan Sandberg spoke about the PS21 event taking place in two weeks. He said it will be a world renowned expert in Planning for communities from Vancouver. He urged the City Council and residents to attend the event.

Esther Kennedy said 15 days ago residents were alerted by a newspaper article of a meeting being held by the EPA with the Great Bay Coalition and City staff. She stated that the meeting was held in non-public session and the meeting was never posted. She spoke to the concern of residents of why they were not allowed to attend this meeting which was about the Wastewater Treatment Plan. Ms. Kennedy said that residents deserve to receive information on the meeting.

Deputy City Attorney Woodland said on February 6<sup>th</sup> staff and the City Manager attended a meeting with the Great Bay Coalition and EPA which was an administrative meeting. She stated administrative meetings do not require posting and the meeting was not held in Portsmouth but took place in Dover.

Councilor Becksted said he would like everything provided at that meeting to be given in a presentation at the next City Council meeting.

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

### A. PUBLIC HEARING RE: PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FY 2019-2024

#### • PRESENTATION

Deputy City Manager Colbert Puff explained the Capital Improvement Plan and the six years projected for plans. She reviewed the planning process which started in early September with a notice to staff. She spoke to the Planning Board's public hearing in January on the CIP. She stated that the plan provides a description of the plans and all projects. She also spoke to the index on paving and sidewalks whereby we target a stable amount to put forward in the CIP. Deputy City Manager Colbert Puff said that the Planning Board had a Subcommittee which reviewed the projects and made adjustments to the plan.

#### • CITY COUNCIL QUESTIONS

Councilor Dwyer said the Council would bring forward their suggested amendments at the next meeting. She said she would like to focus on things that effect this year's budget. She said we have limits on bonding which affects our budget and we need to keep bonding debt at 10%.

Councilor Roberts asked how much the \$7.2 million effects our budget for the Pease Wastewater Treatment Facility. City Engineer Desmarais said the Pease Wastewater Treatment Plant is to deal with the needs for more stringent DES permit limits. He said the schedule, scope and costs of the work will be coordinated with the industries that discharge to the wastewater treatment facility.

Mayor Blalock said he has received e-mails on the Islington Street and Cate Street Extension projects as well as bringing water to Newcastle.

- **PUBLIC HEARING SPEAKERS**

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

Ed Carrier spoke in support of the Islington Street Corridor project. He said a great deal of work is taking place on Islington Street along Bridge Street and all utilities have been buried along that portion of the street. He asked where we will get the best bang for our buck. He spoke to concerns regarding the narrow portion of the beginning of Islington Street and the affect that would have for emergency vehicles and equipment to pass through that end of the street. He said it is time to bring the entire street up to the beauty of others.

Lee Horgan spoke to reprioritizing the funding to FY19 for the much needed sidewalk along Sagamore Avenue to Odiorne Point Road. He said the area without sidewalks is dangerous and someone is going to get hurt if the sidewalk is not installed soon. He said the funding and sidewalk are needed now not later in out years.

Ann Miller, Newcastle, said she is a rate payer to the City of Portsmouth for water and that the water line to Newcastle needs to be upgraded on Wentworth Road. She said Newcastle is being held hostage to pay for the project and the CIP is not transparent when it outlines the project and the needs.

Greg Lacamera said the Islington Street project needs to be done. He said it is important to the residents and the City as a whole to have the entire street upgraded and completed.

Bill Blum spoke to the Cate Street project and proposed development. He said the amount of traffic being created from the project is creating big stresses to the roadway.

Larry Cataldo said he has heard many complaints on the delay of the Islington Street project. He said Islington Street is a heavy traffic area and the project needs to move forward.

Robin Husslage spoke to the project for Islington Street and said the work needs to be done. She said it is a safety hazard to leave the roadway in its present condition.

Jonathan Sandberg said Bartlett Street is a dangerous street and it is a truck route which is unsafe. He said there needs to be another route for people to utilize to get into town. He also expressed concern with the lack of funding for the Cate Street Bridge which is falling apart.

Esther Kennedy said she is perplexed about the funding for the consent decree. She asked about pipe replacement under the bay and the \$7.3 million project for Pease. She asked why that was not in the sewer treatment plant and how much more will we need to pay.

Michael Danley spoke to the sidewalk needs for Sagamore Avenue to Odiorne Point Road. He spoke to the dangers of the roadway and that there are no crosswalks. He said it is negligence on the part of the City by not installing the sidewalk.

Denyse Richter spoke in support of the Islington Street project moving forward to be completed. She said the City should finance the project and set it as a priority.

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Deputy City Manager Colbert Puff requested Public Works Director Rice to come forward and speak on the projects that were addressed by residents.

Public Works Director Rice said he understands the concerns with projects not being completed. He spoke to the length of the Islington Street corridor and the cost of burying all utilities lines will be \$12,000,000.00. He said the project will be completed in stages and Phase I will take two years with Phase II not being started because we cannot stay within the 10% cap for bonding so we needed to move the project out. Director Rice said that he will work to move the project forward and recommended coming back before the CIP is approved to see what the effects would be on water and sewer rates.

Public Works Director Rice addressed the sidewalk project for Sagamore Avenue and informed the residents that the project requires securing easements which they have received two and two are remaining.

Public Works Director Rice then spoke regarding Cate Street and said it is an easement that we need to secure. He said we need some traffic calming. He said that Cate Street connector is a vital step we have put together conceptual designs for the right of way. Director Rice indicated that the bridge will continue to be monitored and is safe for the rating it is at this time.

Councilor Dwyer asked if we have more easement work on the Islington Street project. Public Works Director Rice said there is not a significant number of easements needed.

Councilor Roberts said Cate Street funds is purchasing the property and improving the road. Public Works Director Rice said it would be building the roadway. He said we do not anticipate purchasing the property and the road will be reconfigured.

Councilor Denton asked about the day lighting for Hodgdon Brook. He would like to see more passive recreational use of the area. Public Works Director Rice said the lighting may not be directly to the Hodgdon Brook. He said that there will be a multi-use path along the brook and do not combine the projects.

Councilor Perkins asked about Phase II of the Islington Street project and whether the utility lines will be buried. Public Works Director Rice said that the lines will not be buried as part of the project. He also indicated that Phase I should be completed in fall of 2020. He indicated that the department will look into paving some portion of the road. Councilor Perkins said she is concerned with the Cate Street connector becoming a pass thru for trucks.

Councilor Becksted said the 31 townhouses for Cate Street has been approved and would like to know when the project would be completed. Public Works Director Rice said additional work has been done in the area and we have the easements to make the road wide enough.

Councilor Becksted asked about allocating funds for further down the line. Director Rice said we would need to come back to the City Council for bonding funds.

Councilor Denton asked about a report this fiscal year for the digester. He spoke to renewable energy and having a public/private partnership. Public Works Director Rice said that these are part of the things we would look at in a study.

Deputy Public Works Director Goetz addressed the water transmission main replacement project for 2021. Deputy Director Goetz indicated that the City has been in discussions with Newcastle regarding the project. He discussed the various projects that have been completed that service the Town of Newcastle. Deputy Director Goetz said information has been shared with the Town of Newcastle and we will continue to work on a phased work plan.

Councilor Dwyer said we are going to do to the water transmission main replacement project and are committed to the plan. Deputy Director Goetz said the disconnect may be with the need for a scheduled plan. Councilor Dwyer said maybe we need to meet with Newcastle and reestablish that the project will be completed.

City Engineer Desmarais said the Consent Decree Remediation capital type projects include implementing a \$500,000.00 green infrastructure stormwater project and construction of a low pressure sewer system on Sagamore Avenue north and south of Sagamore Creek.

Assistant Mayor Lazenby asked if the Police Department Land Acquisition for FY19 TBD will be solved before the CIP is approved. Deputy City Manager Colbert Puff said that is under discussion.

Councilor Perkins asked if the electrical upgrades to City Hall are required whether we remain in the building. Deputy City Manager Colbert Puff said the upgrades are required. Public Works Director Rice said no matter what, we need to make the electrical upgrades. He said the project will address the service coming into the building.

Councilor Roberts asked about Russell Street project. Public Works Director Rice said the intersection is in need of upgrades. He recommended moving forward with the project. Councilor Dwyer said we are just doing the design part of the project now.

At 8:55 p.m., Mayor Blalock declared a brief recess. At 9:05 p.m., Mayor Blalock called the meeting back to order.

B. PUBLIC HEARING/SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.9 CONFLICT OF INTEREST/ELECTION CANDIDATE FINANCIAL DISCLOSURE – CHARTER AMENDMENT #1

- **PRESENTATION**

There was no presentation for this ordinance.

- **CITY COUNCIL QUESTIONS**

There were no questions by the City Council at this time. The Council wants to hear from the public before proceeding with questions.

- **PUBLIC HEARING SPEAKERS**

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

Gerry Zelin said he submitted a letter on June 30<sup>th</sup> regarding this ordinance. He said he supports the ordinance as drafted with amendments proposed by Councilors Dwyer and Denton.

Marya Danihel said she supports the amendment requested by Councilor Denton.

Larry Cataldo said he supports the amendment requested by Councilor Denton.

Esther Kennedy said she supports the change submitted by Councilor Denton.

Barbara Bowlus spoke in support of the amendment by Councilor Denton. She said civility and transparency is needed in government. She stated that PAC's need to provide the total of dollars that come from PAC's and go to PAC's. She said the ordinance should be written in a way that provide complete transparency.

Jane Zill said she supports the amendment provided by Councilor Denton. She said we need to take dark monies out of the City of Portsmouth.

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Perkins said she would like to see a \$100.00 threshold for contributions. She said it is very standard for the expenditure thresholds. She said the definition of PAC needs to be expanded to a person, or two or more persons instead of to any political committee.

Councilor Roberts said he supports the \$100.00 threshold. He also indicated that the definition of PAC could be a group organized to elect someone or another purpose.

Councilor Perkins said whatever the group is should make an expenditure to influence the election.

Councilor Dwyer asked why we are limiting this to just the City Council to trigger the reporting. She said it is any organization raising money to influence an election and whether it is an issue based election, a group raising to put these on the ballot or a group raising money to elect a Police Commissioner. She said none of us have seen dark money in Portsmouth. She said it is likely to affect people more if there is an issue on the ballot versus a particular candidate.



Councilor Roberts said he was going to make the same point. He said the State law allows for the purpose of influencing a vote of any local or referendum question. He said we should mimic the State law.

Councilor Denton said he agrees with the Councilor Roberts and Dwyer and would like to see it expanded to referendum questions and other City officials.

City Attorney said this ordinance follows the charter amendment. He said there are many amendments that are being requested and would need to be written. He further recommended that second reading be continued until the next City Council meeting and he can work with the Councilors to make the amendments being desired.

Councilor Denton asked if the City Council should vote on the amendments brought forward by himself and Councilor Dwyer.

City Attorney Sullivan said that would be acceptable and permissible at this point.

Councilor Perkins said she supports the ordinance and amendments as outlined in the City Council packet.

**Councilor Denton moved to amend ordinance in accordance with the proposal submitted by Councilor Denton. Seconded by Councilor Perkins and voted.**

**Councilor Denton moved to amend ordinance in accordance with the proposal submitted by Councilor Dwyer. Seconded by Assistant Mayor Lazenby and voted.**

**Councilor Perkins moved to continue second reading until March 5, 2018 for the City Attorney to bring in any further amendments as requested by any City Councilors. Seconded by Councilor Denton and voted.**

C. PUBLIC HEARING/SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.901 – CONFLICT OF INTEREST/MUNICIPAL OFFICIALS DISCLOSURE – CHARTER AMENDMENT #2

- **PRESENTATION**

There was no presentation for this ordinance.

- **CITY COUNCIL QUESTIONS**

Councilor Dwyer said she just wanted to redefine and clarify the first part of capital assets sentence.

- **PUBLIC HEARING SPEAKERS**

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

Councilor Dwyer said her intention with the amendment was to redefine capital assets.

Gerry Zelin said he supports the ordinance and Councilor Dwyer's amendment as outlined in her explanation. He said when land use boards act on applications they are supposed to be impartial as jurors. He said requiring the disclosure allow objections to be raised in a timely manner.

Esther Kennedy said she would support the motion put forward by City Attorney Sullivan.

Marya Danihel said she supports the Charter Amendment.

Lawrence Cataldo said he supports the ordinance and Councilor Dwyer's amendments.

City Attorney Sullivan said he would also recommend continuing second reading on the ordinance.

**Councilor Denton moved to amend ordinance in accordance with the proposal submitted by Councilor Dwyer and to delay second reading until March 5, 2018 for the City Attorney to bring in any further amendments, as requested. Seconded by Councilor Becksted and voted.**

## **IX. CONSENT AGENDA**

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

- A. Letter from Ben Anderson, Prescott Park Arts Festival, requesting permission to hold the 6<sup>th</sup> Annual Memorial Bridge 5k on Sunday, October 7, 2018 (***Anticipated action – move to refer to the City Manager with power***)
- B. Request for License to Install Projecting Sign from Thomas Lincoln, owner of The Clean Bedroom for property located at 142 Fleet Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

### **Planning Director's Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***
  - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
  - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- C. Letter from Mark A. McNabb requesting a license agreement for the installation of Bowsprit Sculpture to the exterior brick facade of Martingale (***Anticipated action – move to authorize the City Manager to execute a license for the Martingale Bowsprit Sculpture, as presented***)

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

- A. Letter from Merle White, Anchor Taxi, regarding Taxi Ordinance Enforcement

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

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

**A. CITY MANAGER**

1. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the City of Portsmouth and the Portsmouth Supervisory Management Alliance

Deputy City Manager Colbert Puff recommended approval of the contract, as presented.

**Councilor Dwyer moved to accept the proposed One-Year Agreement between the City of Portsmouth and the Portsmouth Supervisory Management Alliance, as presented. Seconded by Councilor Perkins and voted.**

2. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2018 License Agreement

Deputy City Manager Colbert Puff recommended renewal of the Seacoast Growers' Association License Agreement to operate the Farmers' Market for 2018.

**Councilor Dwyer moved to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2018, as presented. Seconded by Councilor Perkins and voted.**

3. Request for Public Hearing Re: Elderly and Disabled Exemptions

Deputy City Manager Colbert Puff said every year the exemptions are reviewed and that there would be a 2% increase due to the 2% increase by Social Security. You have been provided with the total impact to the overall tax rate.

**Assistant Mayor Lazenby moved to schedule a public hearing for the March 5, 2018 City Council meeting. Seconded by Councilor Roberts.**

Councilor Denton requested a report back on the all Veterans Tax Credit.

**Motion passed.**

4. Land and Easement Transfers Re: 30 Cate Street

Deputy City Manager Colbert Puff recommended approval of the land and easement transfers for 30 Cate Street.

**Councilor Perkins moved to authorize the City Manager to negotiate, execute, deliver and record the deeds and Memorandum of Agreement regarding the Merton Alan Investments, LLC Cate Street Development, as presented. Seconded by Assistant Mayor Lazenby and voted.**

5. Request to Re-zone Property Re: Clipper Traders

Deputy City Manager Colbert Puff said that this needs to be referred to the Planning Board for a public hearing and recommendation.

**Councilor Perkins moved to refer the aforementioned request to the Planning Board for a public hearing and recommendation.**

Councilor Becksted said he would recuse himself from voting on this matter.

**Motion passed. Councilor Becksted recused from voting on this matter.**

6. Trees and Greenery Trust

Deputy City Manager Colbert Puff said this would require a motion to authorize the City Manager to execute the Trees and Greenery Trust.

**Councilor Dwyer moved to authorize the City Manager to execute the Trees and Greenery Trust, as presented. Seconded by Councilor Denton and voted.**

7. Municipal Transportation Improvements – RSA 261:153 VI

Deputy City Manager Colbert Puff said a Resolution would come back for a public hearing on March 5, 2018 to add a \$5.00 motor vehicle fee for the purpose of supporting a Municipal and Transportation Improvement Capital Reserve Fund.

**Councilor Roberts moved to authorize the City Manager to bring a Resolution back for a public hearing on March 5, 2018 to add a \$5.00 motor vehicle fee for the purpose of supporting a Municipal and Transportation Improvement Capital Reserve Fund. Seconded by Councilor Denton and voted.**

McIntyre Process (Not on Agenda)

Councilor Dwyer reported that the process is at Stage II. She informed the Council that there will be three meetings on Public Space & Public Design, Transportation, and Public/Private Partnership. She announced the first two will be held on February 26, 2018 from 6:30 p.m. to 8:30 p.m. with one hour dedicated to each topic. She said a local panel will be arranged and will have 4-5 people with Planning Department staff. Councilor Dwyer said the meeting would be open to the audience to ask questions. She further stated near the end of the hour we will look at priorities to stimulate conversation. She announced the dates for the next two meetings:

Tuesday, March 6, 2018 – Economic and Transportation

Saturday, March 10, 2018 – Round Tables for Interactive Discussion bringing in the Redgate/Kane Team

Deputy City Manager Colbert Puff said she will send out the press release announcing these dates.

Mayor Blalock thanked Councilor Dwyer for her work on the McIntyre project.

Councilor Becksted asked if it will be televised. Councilor Dwyer said most of the meetings will be. Councilor Becksted asked if Portsmouth Listens would be involved in these. Councilor Dwyer said they would be invited but are not running the sessions.

**B. MAYOR BLALOCK**

1. Appointments to be Voted:
  - Appointment of Janet Phelps to the Citizen Advisory Committee
  - Appointment of Thomas Watson to the Economic Development Commission
  - Appointment of Phyllis Eldridge to the Zoning Board of Adjustment – Alternate

**Councilor Denton moved to appoint Janet Phelps to the Citizens Advisory Committee; appoint Thomas Watson to the Economic Development Commission until October 1, 2018 filling the unexpired term of John Pratt; and appoint Phyllis Eldridge as an alternate to the Zoning Board of Adjustment until December 1, 2022. Seconded by Assistant Mayor Lazenby and voted.**

2. Establish Round Table Conversation with Concerned Residents on PFAS

Mayor Blalock said he received a letter from Lindsay Carmichael on PFAS and he would like to have a round table conversation with the regular meeting starting at 7:15 p.m. He said he would like to have the session on March 5<sup>th</sup>.

Councilor Dwyer said it is a report back on the two issues that came up. She said round table seems to really be a broad discussion.

Deputy City Manager Colbert Puff said part of this is a report back with questions being raised. She stated that Deputy Public Works Director Goetz will be asked to prepare a memorandum and a report back.

Councilor Becksted asked if a half hour would be enough time.

Councilor Dwyer said she would like to see the information as a report back and see what action we are taking before the round table discussion. She stated if additional issues come forward we would then have the round table.

Mayor Blalock said we have a report back on March 5, 2018 and move forward from there and he stated he would like the entire City Council involved.

Councilor Dwyer said she feels we should invite Superintendent of Schools Zadavec to the meeting.

**Councilor Dwyer moved to request a report back from Deputy Public Works Director Goetz at the March 5, 2018 City Council meeting with a possible round table discussion with concerned residents. Seconded by Councilor Perkins.**

Assistant Mayor Lazenby said we need to make sure that the information can be heard on this matter.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said we need to address the concerns and hold the discussion in public with the City Council as a whole. He stated after that we schedule a round table discussion with the citizens.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

**Motion passed.**

3. City Council Rule #43 B – Public Dialogue

Mayor Blalock said he would like to change the public dialogue to take place before the call to order of the meeting.

**Councilor Dwyer moved that in accordance with City Council Rule 39 the proposed amendment to Council Rule 43 A be placed on the agenda for consideration at the Council meeting of March 5, 2018. Seconded by Assistant Mayor Lazenby.**

Councilor Becksted said the last dialogue worked well because it was a small group. He would like to have the sessions recorded with half live and half at the next table for viewing at another time.

Mayor Blalock said he would like the set up to remain the same.

**Motion passed.**

**C. ASSISTANT MAYOR LAZENBY**

1. Proposed Amendment to City Council Rule 43

Assistant Mayor Lazenby said this is open free speak and he would not like to restrict residents to one topic for public comment session.

Councilor Dwyer said that this amendment is fine. She said the Council should not limit public dialogue to only three minutes per speaker.

Councilor Roberts said that there was not very many people and there were three to four people that spoke at length and we might think of ways to manage the dialogue.

Mayor Blalock said it is up to the City Council to make sure everyone gets their chance to speak.

Councilor Roberts said PS21 dialogue the moderator never lets go of the microphone and is very effective.

Councilor Dwyer said we should have a poster sheet on an easel to remind people of the process.

**Assistant Mayor Lazenby moved that in accordance with City Council Rule 39 the proposed amendment to Council Rule 43 A be placed on the agenda for consideration at the Council meeting of March 5, 2018. Seconded by Councilor Becksted.**

Councilor Denton asked if the question could be voted on this evening. City Attorney Sullivan said it could with a suspension of the rules.

**Councilor Denton moved to suspend the rules to bring forward the question for a vote. Seconded by Assistant Mayor Lazenby. On a unanimous roll call vote 7-0, motion passed.**

**Councilor Denton moved to adopt the proposed amendment to Council Rule 43 A. Seconded by Assistant Mayor Lazenby and voted.**

*Rule 43 A. Public Comment shall read as follows:*

*A Public Comment session shall appear on the agenda of every other regular Council meetings (to be alternated with Public Dialogue sessions). This session shall be a period of time not to exceed forty-five minutes during which any member of the public may have three minutes to address any topic which that member of the public has identified to the City Clerk prior to the commencement of the meeting. Speakers shall be limited to one three minute comment period per person per meeting and may not defer any of their allotted speaking time to any other person. All speakers must register in person (not electronically or telephonically) with the City Clerk prior to the City Council meeting. Residents, business owners and taxpayers of the City shall be given speaking priority over any other speaker. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the City Council. Any provision of this rule may be modified on a per case basis by majority vote of the Council.*

*\*Comments for which a public hearing is scheduled under the same agenda shall not be permitted.*

*The chair reserves the right to select speakers of different issues to be permitted to speak in order to provide a form of various topics to be presented. \*(ADOPTED 1/18/94).*

**Assistant Mayor Lazenby moved to suspend the rules to bring forward Proposed Amendment to City Council Rule 43 B. Seconded by Councilor Denton. On a unanimous roll call vote 7-0, motion passed.**

**Councilor Denton moved to adopt the proposed amendment to Council Rule 43 B. Seconded by Assistant Mayor Lazenby and voted.**

*Rule 43 B Public Comment Session – Public Dialogue shall read as follows:*

*The City Council shall hold a Council – Public Dialogue session during the period which is forty-five minutes (45) before the call to order, on the night of every other regularly schedule Council meeting (to be alternated with Public Comment Sessions). 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. (AMENDED 08/21/2017).*

#### **D. COUNCILOR ROBERTS**

1. Parking and Traffic Safety Committee Meeting Action Sheet and Minutes of February 1, 2018

**Councilor Denton moved to accept and approve the action sheet and minutes of the February 1, 2018 meeting. Seconded by Councilor Dwyer and voted.**

#### **E. COUNCILOR DENTON**

1. Renewable Energy Policy & Appendix C

Councilor Denton said the policy is to move towards net zero and the environment to meet the charge for a phase policy.

#### **Phase I**

*Focuses on Municipal Government Operations achieving Net Zero Energy.*



Phase II

*Focuses on the Portsmouth Community, including residences, business, and other non-municipal users such as the PDA, achieving Net Zero Energy. Phase II will also seek to examine low-income residents and environmental justice-related issues within the context of Portsmouth's Renewable Energy Policy.*

Phase III

*Focuses first on all vehicles originating in and second on vehicles traveling through the City of Portsmouth achieving Net Zero Energy. Phase III is distinct from Phase II as an acknowledgement of the amount of time that may be required to accomplish this phase.*

Councilor Denton spoke to Appendix C which has been included with recommendations for the Council. He said a Work Session on the policy would not be necessary but he has spoken with an organization to go through the report and would be a great venue for citizens to hear what the City has done.

Councilor Denton announced there will be a Climate Change Vulnerability Assessment on Historic Portsmouth this Thursday, February 22, 2018 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers.

Councilor Dwyer said the way Councilor Denton orally spoke to the policy makes sense but the policy does not. She said you have the wording to achieving and the language needs tweaking. She stated we need to look at a way to bring back the Sustainability Committee.

Councilor Roberts feels it is important to track your goals and achieve them. He would like to see a way to show the process and how far away we are from the goal. He also suggested using a different word other than phasing.

Assistant Mayor Lazenby asked if we would be looking at areas outside the Historic District during the Climate Change Vulnerability Assessment meeting. Councilor Denton said that there is no funding remaining for a second meeting.

Councilor Denton said he would like the Sustainable Committee to continue to make updates. He also said he would like to do CO2 level tracking more frequently than every six years.

**F. COUNCILOR PERKINS**

1. Former City Council Rule #47 – Appointments to Boards and Commissions

Councilor Perkins said she would like to defer this matter until the March 5, 2018 meeting.

**G. COUNCILOR BECKSTED**

- 1, Request Presentation Re: Great Bay Municipal Coalition meeting with EPA

Councilor Becksted said he would like the City Council to have a presentation for the public as well.

Deputy City Attorney Woodland said the PowerPoint Presentation was provided in a memorandum. She informed the City Council that the Presentation itself took one hour. She indicated at the end of the meeting the Coalition was asked to put together all the information for the EPA in three to four weeks. She stated we would make the information available in an organized manner but to have it for the March 5, 2018 Council meeting is premature.

Deputy City Manager Colbert Puff said a report back would be made at the March 5, 2018 City Council meeting.

Councilor Becksted requested that the report back include history of the Great Bay Coalition explaining what it was and is today.

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Dwyer asked how the City Council should report on items for the CIP projects. Mayor Blalock requested if any Councilor has amendments to the Capital Improvement Plan they be sent directly to City Manager Bohenko or Deputy City Manager Colbert Puff prior to the March 5, 2018 City Council meeting.

## **XIII. ADJOURNMENT**

**At 10:45 p.m., Councilor Perkins moved to adjourn. Seconded by Councilor Roberts and voted.**



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