

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 21, 2018

PORTSMOUTH, NH
TIME: 6:15 PM

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Becksted

ABSENT: Mayor Blalock

III. INVOCATION

Assistant Mayor Lazenby asked everyone to join in a moment of silent prayer in memory of victims and families of the recent Santa Fe, Texas School shooting.

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Lazenby led in the Pledge of Allegiance.

Assistant Mayor Lazenby announced that Mayor Blalock declared today as Discover Portsmouth Day in honor of their 10th Anniversary.

V. ACCEPTANCE OF MINUTES – MAY 7, 2018

Councilor Denton moved to approve and accept the minutes of the May 7, 2018 City Council meeting. Seconded by Councilor Pearson and voted.

VI. PUBLIC COMMENT SESSION

State Representative Jackie Cali-Pitts – said she serves on the Recreation Board and asked that the City Council do the project in total and not piecemeal for the athletic fields.

Roy Helse said he walked along Woodbury Avenue and there is brush that needs to be cut back and picking up sidewalk debris.

Erik Anderson spoke to the Prescott Park Arts Festival Agreement and said that we need to consider the costs to operate the park. He feels the insurance policy amounts are low and are not adequate for a catastrophic event. He spoke to the size of the park and does not feel that appropriate fees for operation are being charged.

Mark Brighton said the shift between commercial and residential properties is a natural act for property taxes. He addressed the proposed budget and said the increase is above the rate of inflation. He also spoke to the water increase and other expenses that property owner's face which have compounded over the last year.

Esther Kennedy said when you think about Prescott Park she supports the activities and feels it needs to be treated equally. He said the NH Art Association and Gundalow Company need to be treated fairly as they all have the right to be at Prescott Park.

Dave Palumbo asked the City Council to approve the Parking and Traffic Safety Committee minutes for the temporary closure of Echo Avenue. He spoke to the dangers of the street and said that this closure is needed. He thanked Eric Eby for his work on this matter for the City.

Chuck McMahon encouraged the City Council to adopt the minutes of the Parking and Traffic Safety Committee meeting that will close Echo Avenue. He said the street is dangerous and the traffic volumes are high. He also addressed the speeding of vehicles on the street and stated this is a complex issue and needs to be addressed for the future.

VII. APPROVAL OF GRANT/DONATIONS

A. Acceptance of Community Development Block Grant Funds

Councilor Pearson moved to accept and expend a Community Development Block Grant (CDBG) in the amount of \$545,208.00 from the U.S. Department of Housing and Urban Development. Seconded by Councilor Dwyer and voted.

VIII. CONSENT AGENDA

A. Letter from Jennifer Gilbert, St. Charles Children's Home, requesting permission to hold the 22nd Annual St. Charles 5K on Monday, September 3, 2018

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

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

Councilor Pearson moved to accept and place on file. Seconded by Councilor Becksted and voted.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Prescott Park License Agreements

City Manager Bohenko said there are multiple agreements that you will be acting upon this evening. He said under Councilor Dwyer's name there is also an item regarding Prescott Park that should be brought forward during these discussions.

Councilor Dwyer moved to suspend the rules in order to take up Item X. D.1. – Fees for Prescott Park Licensees. Seconded by Councilor Perkins and voted.

Assistant City Manager Moore provided a presentation on the Prescott Park License Agreements along with a list of recommendations from the Advisory Committee. He said that these are basic recommendations and we are right sizing the Agreements. He stated a basic form for the Licenses was used. Assistant City Manager Moore said that each of the three agreements are for 5 years. He stated that access to the stage has been highlighted. He spoke to public safety and crowd management which are included in the agreements. He addressed sound levels in the park and said significant work has been done on this matter and improvements to sound system design and successful sound management.

Councilor Dwyer said after the last meeting we were having trouble recognizing the size. She said the fee for the use of the property should not be based on adjusted gross income, it should be on the impact of the space and use of the space. She said we should take more time to look at the fees set for City properties.

City Manager Bohenko said he would like to refer this matter to the Fee Committee for years 2-5. He said staff would be made available to the Committee.

a) Prescott Park Arts Festival

Councilor Pearson moved to approve the Prescott Park Arts Festival License Agreement, and further, to authorize the City Manager to execute the Agreement. Seconded by Councilor Denton.

Councilor Dwyer moved to amend the motion that the license fee be \$20,000.00 for year 1 with years 2-5 to be recommended by the Fee Committee with approval of the City Council. Seconded by Councilor Reynolds.

Councilor Becksted stated he does not feel that \$20,000.00 is enough for the use of the park. He said he does not like the fee and it should be based on a percentage of income which would be an investment in the park.

Councilor Pearson said the Fee Committee needs to look at this carefully. She said if the fee is based on raising funds it would not be right.

City Manager Bohenko said you need to consider that Prescott Park Arts Festival put in funds for the rehabilitation of the bathrooms and pay for electricity.

Councilor Roberts said this may be not a fee. He said he is ambivalent to hand this off to the Fee Committee.

Councilor Becksted said he would like this to be a full discussion.

City Manager Bohenko said it follows a good order by having the Fee Committee look at it. He said the City Council would weigh in and you could send it back to the Fee Committee and many opportunities are available to the Council.

Councilor Becksted said he would like to partake in the Fee Committee meetings.

City Manager Bohenko said the meetings are posted and he could attend the meetings. He said that the agenda is on-line and it will be fully transparent.

Councilor Reynolds said he agrees with City Manager Bohenko and said the Fee Committee will have a deliberate review and there will be input from the City Council.

Councilor Becksted said he would like to see the Fee Committee meetings on this matter televised. City Manager Bohenko said meetings would be held in Conference Room A and will be televised.

Amendment to motion passed.

Main motion as amended passed.

b) NH Art Association

Councilor Pearson moved the NH Art Association Agreement, and further, to authorize the City Manager to execute the Agreement. Seconded by Councilor Perkins.

City Manager Bohenko said the current year fee is \$1,500.00.

Councilor Dwyer moved that the fee stay in place for year 1 with subsequent years to be recommended by the Fee Committee with approval of the City Council. Seconded by Councilor Pearson and voted.

Main motion as amended passed.

c) Gundalow Company

City Manager Bohenko said year one is \$7,500.00 and he thanked Assistant City Manager Moore for his work with the Gundalow Company on this agreement and to have them utilize the Sheafe Warehouse.

Councilor Pearson moved to approve the Gundalow Company License Agreement, and further, to authorize the City Manager to execute the Agreement. Seconded by Councilor Dwyer.

Councilor Becksted moved to have the Gundalow Company pay \$6,500.00 for year 1 and have further discussion for years 2 through 5 to be recommended by the Fee Committee with approval of the City Council. Seconded by Councilor Roberts.

City Manager Bohenko said there is additional use of space in this agreement.

Assistant City Manager Moore spoke to the use of Sheafe Warehouse for an exhibit by the Gundalow Company and stated that the intensity of the use has changed for the space.

Motion to amend passed.

Main motion as amended passed.

2. Pedestrian Connector – License Agreement with Rockingham House Condominium Association

City Manager Bohenko said that this is a long term project coming to a closure. He said the license would be to work with Rockingham Housing Condominium Association to replace one parking space for the work we are doing.

Assistant City Manager Moore provided a brief presentation on this project. He said the land is owned by the City and the space has been long standing. He spoke to the site plan for the project and said it will be a pedestrian way and there will also be a bump out on Chestnut Street with additional lighting. He advised the City Council that the current overhead lighting will be placed under ground. He outlined the parking spots under the agreement and spoke to the many improvements that have been made to the agreement for the Condo Association. He said the period for ending the agreement would be with a 12 month notice to the Association following a two-thirds vote of the City Council.

Councilor Perkins moved to authorize the City Manager to execute the License Agreement enclosed in the Council packet following acceptance of the agreement by the Rockingham House Condominium Association. Seconded by Councilor Denton.

Councilor Becksted asked about the bump out on State Street and would it be going to Parking & Traffic Safety Committee to review.

Assistant City Manager Moore said there is no plan to take it to Parking and Traffic Safety Committee as there was a review of the crosswalk and he believes that was also vetted with the Parking and Traffic Safety Committee in the past.

City Manager Bohenko said we would advise Parking and Traffic Safety Committee of the work as an informational item at their future meeting.

Councilor Pearson asked if the crosswalk would remain where it is located or would that be moved.

Assistant City Manager Moore said it would need to be moved and the crosswalk will be wider with the bump out.

Councilor Dwyer thanked Assistant City Manager Moore for his work on this project. She asked if there is any form of a license that currently exist. City Attorney Sullivan said there are no licenses currently. Councilor Dwyer asked about parking space 31 and if there was negotiations with the Music Hall. Assistant City Manager Moore said they did not. He said with the reconfiguration we may come up with a new solution.

Councilor Raynolds moved to suspend the rules in order to let Wayne Lehman speak on this matter. Seconded by Councilor Dwyer and voted.

Mr. Lehman said the Music Hall does not own the land behind the building.

Councilor Roberts asked how wide the pedestrian connector is. Assistant City Manager Moore said it is approximately 5 feet with a green esplanade.

Councilor Becksted said he is concerned with the bump out on State Street as it will move things into the traffic and said making a left turn into the bank will be difficult.

Assistant City Manager Moore said this has been reviewed and we will provide an informational item on this matter to the Parking and Traffic Safety Committee.

Councilor Pearson said that the bump out is a safety mechanism for the pedestrians.

Councilor Reynolds said it should not be a problem for bicycles because the bicyclist would ride on the right side with the traffic.

Councilor Becksted requested a measurement of the State Street bump out to the bump out at the corner of Fleet Street and State Street.

Motion passed.

3. Recreation Board Report Back – Policy Options for Recreation Fields

Recreation/Athletic Director Wilson provided input from the Recreation Board meeting of last week and they choose Option B for the Community Campus Site:

- Pursue initial buildout of newly acquired Community Campus property
- One full-size synthetic turf field (and one, U-10 field) and associated site access and parking
- The estimated cost is \$4 million
- Over time, construct grass practice field at Route 33 site

Assistant City Manager Moore provided a brief presentation on this matter for the estimate costs of \$4 million with the investment at Community Campus we are closer to obtaining more fields. He said the bids were reviewed and we bid the project with crumb rubber artificial turf. He stated that not only will recreational fields be put in but there will be a recycling center expansion and trails created.

City Manager Bohenko said the entire area would be upgraded and additional funding of \$1.8 million is needed and we are looking for the funding request to take place at the July City Council meeting.

Councilor Dwyer asked if we might be able to not invest in a paved lot for parking that we could then invest in a field.

Assistant City Manager Moore said that concept has not been lost. He said we are going to think through some of the questions moving forward with two fields. He stated we want to advance the plan forward.

Councilor Dwyer asked about raising private funds for this. City Manager Bohenko said that is something we want to take a look at. Councilor Dwyer said there is some confusion that we are doing this to save money. She stated it does not save money.

City Manager Bohenko said the idea of what that are saying, having a central field people feel it has a better usage. He said we are going to try and put a practice field at Route 33 which would be similar to the Clough Field.

Recreation/Athletic Director Wilson said grass fields can't be used during soccer, football, lacrosse because the field would be used for youth programs.

Councilor Becksted said he did not attend the Recreation Board meeting but he supports Option B. He spoke to the need for the Route 33 field.

Councilor Denton said he agrees with Option B. He said he is not completely sold on a turf field. He would like to receive alternatives.

City Manager Bohenko said that becomes cumbersome and it could exceed costs. We can accommodate a grass field at Route 33.

Recreation/Athletic Director Wilson said the high contact sports need artificial turf. He spoke to the use of the current artificial turf field and said you can't play on wet grass fields. He said we need fields we can play on year round and artificial turf allows for that.

Councilor Denton said it would make sense to have a look at grass field versus a Synthetic field.

City Manager Bohenko said that this is a very competitive bid time and it is a policy decision of the City Council on the type of field to be used.

Public Works Director Rice said you have to do a full design to get a bid you will get a different type of contractor. He said they evaluated a grass field and determined through the Recreation Board that synthetic turf field was the way to go. He stated we have received clear direction on what we want.

Councilor Roberts asked what was included in the \$4 million. Public Works Director Rice said this is a preliminary concept artificial turf, lighting, parking lot but keep in mind the design has not been done on the work.

Councilor Raynolds said when decisions get to this point we need to remember the policy decisions that have been made. He said this is a real need and has been discussed for over a decade. He stated a big part of discussions has been grass or turf and turf was decided. He said he would not support any amendment to ask for two different bids it would be a waste of resources.

Councilor Dwyer asked for a time line for engineering the design work.

Public Works Director Rice said it depends on whether we selected the firm to do the recycling center we could add scope to their work. He said it would be 1 year to get a design completed.

City Manager Bohenko said we need the authorization for the \$1.8 million and in July the staff can provide an estimate for the cost for the field and design.

Councilor Roberts said with the design not being completed in a year we could put the cost out further. City Manager Bohenko said we have preliminary cost for designs you need to authorize to move forward. He said he does not need to spend the money but he needs the authorization.

Councilor Perkins moved to authorize the City Manager to take the necessary steps to moved forward with Option B – initial construction of the Community Campus property and bring back project bonding at the July 2018 meeting. Seconded by Councilor Pearson.

Councilor Denton asked if the City will get an alternate bid. City Manager Bohenko said we could do that. He informed the City Council that Children’s Hospital put a field on top of their roof and went forward with crumb rubber.

Motion passed.

Councilor Denton announced that this Friday the Burial at Sea will be taking place in honor of Memorial Day. He also said that at 9:30 a.m. at Portsmouth Middle School on Memorial Day the parade will start at 1:00 p.m. stepping off at 12:45 p.m. on Parrott Avenue to South Cemetery.

City Manager’s Informational Items

2. *Greenland Breakfast Hill Area Waterline Study and Preliminary Design*

City Manager Bohenko spoke to the memorandum that has been provided by Deputy Public Works Director Goetz on preliminary design for the Breakfast Hill Area. He said we are moving forward with the design.

B. MAYOR BLALOCK

1. Appointments to be Voted:
 - Reappointment of Cyrus Beer to the Historic District Commission as an Alternate
 - Reappointment of Vincent Lombardi to the Historic District Commission

Councilor Pearson moved to reappoint Cyrus Beer to the Historic District Commission as an Alternate until June 1, 2021 and reappoint Vincent Lombardi to the Historic District Commission until June 1, 2021. Seconded by Councilor Roberts and voted.

C. COUNCILOR ROBERTS

1. Proposed City Council Policy Re: Use of City Council Chambers & City Hall Conference Rooms

Councilor Roberts said the policy would allow the public to use the Council Chambers and Conference Room A.

Councilor Roberts moved to adopt this policy. Seconded by Councilor Denton.

Councilor Dwyer said 90 days in advance notice she feels there needs to be a further time line. Councilor Roberts said you can't make a reservation 4 months in advances. Councilor Dwyer said 30 days in advance is what the policy should be.

City Manager Bohenko said many times we won't know about the HDC and Land Use Boards need for rooms. He is uncomfortable using the Chambers and feels that Conference Room A would be ok. He said he feels that the Chambers are for governmental purposes and should remain as such. He said we should try Conference Room A first and see how that works.

City Attorney Sullivan said there is a long history in the City and how rooms will be used and made available to the public. He said the way it works once any area becomes a public forum that forum needs to be available for use by any group thereafter. He said you could see some organization standing in front of the City seal that you may not feel is acceptable. He informed the Council that the prior City Council has decided not to make any of the rooms for public forums however, the Library is aware and has a different mission and their rooms are open to public forums.

Councilor Perkins said she would like to amend this to Conference Room A use only.

City Manager Bohenko said he would recommend when we start working on the senior center we could open up the rooms for public use. He said we also have a nice conference room at Station 2 as well.

Councilor Roberts said he is not aware with any uses with the Library. He said if there is a problem we can change the policy. He stated we are imagining the worse before something happens. He said he would like to make sure we use the School Board room. City Manager Bohenko said the School Board has control over that room. He said he is concerned with logistics.

Councilor Roberts said he feels that the City Council should have priority over the use of the room.

Councilor Pearson said we have more and more public meetings and she does not support yielding this room to public use.

Councilor Perkins moved to remove the use of Council Chambers from the Policy. Seconded by Councilor Raynolds and voted.

Councilor Perkins moved to amend that reservations cannot be made more than 30 days in advance versus 90 days. Seconded by Councilor Dwyer and voted. Councilor Roberts voted opposed.

Main motion passed as amended.

2. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 5, 2018 meeting

Councilor Roberts moved to approve and accept the action sheet and minutes of the April 5, 2018 Parking and Traffic Safety Committee meeting. Seconded by Councilor Perkins.

Councilor Becksted inquired on behalf of Harold Whitehouse regarding the large agenda for the PTS in June. He would like to see it split into two meetings.

Councilor Roberts said if it is too large we could have two meetings in June. He said if we have a big meeting agenda we could put some items off.

Motion passed.

3. Parking and Traffic Safety Committee Action sheet and Minutes of the May 3, 2018 meeting

Councilor Perkins moved to approve and accept the action sheet and minutes of the May 3, 2018 Parking and Traffic Safety Committee meeting. Seconded by Councilor Roberts.

Councilor Becksted said on page 5 Item D – Electric vehicle charging station parking space regulations, it talks about discussion but not what was approved and would like that expanded upon in the minutes.

City Manager Bohenko said he would be bring the omnibus in so it would be a moot point.

Councilor Roberts said there is no room for a sidewalk on Echo Avenue. He said PTS approved the closure for 6 months unanimously. He said there will be a public discussion on changes on Brewster and Langdon Streets.

Councilor Dwyer said she would like to know how one would evaluate if there are problems on Farm Lane.

Councilor Roberts said that with the closing of Echo Avenue, traffic counts would be done on Farm Lane. He said the businesses don't have alternative access from the Spaulding Turnpike. He said we could close that off and come back in 6 months with a recommendation.

Motion passed.

E. COUNCILOR DENTON

1. "Green Your Fleet" Workshop Flyer

Councilor Denton announced that the 2018 Green Your Fleet Workshop is being held on June 1, 2018 at New Hampshire Motor Speedway and suggested that a member of the City staff attend.

City Manager Bohenko said we will be sending staff to the Workshop.

F. COUNCILOR PERKINS

1. Request for Report Back Re: Fees for Right-to-Know Requests

Councilor Perkins requested that the City Manager report back on what fees we are able to charge for Right-to-Know Requests.

G. COUNCILOR RAYNOLDS

1. Request for Report Back Re: Path to Silver Bicycle Friendly Community

Councilor Raynolds requested a report back on what the path would be and what steps are needed to have the City gain the silver rating for Bicycle Friendly Community.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Roberts requested a report back on the process to become a Walkable Community and where we currently stand.

XII. ADJOURNMENT

At 9:20 p.m., Councilor Perkins moved to adjourn. Seconded by Councilor Pearson and voted.



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