

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: TUESDAY, SEPTEMBER 4, 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, Pearson, Dwyer, Denton, Perkins and Becksted

ABSENT: Councilor Reynolds

### **III. INVOCATION**

Mayor Blalock asked everyone to join in a moment of silence in memory of City employee Dan Zimmer.

### **IV. PLEDGE OF ALLEGIANCE**

Mayor Blalock led in the Pledge of Allegiance.

### **PRESENTATIONS:**

1. Letter of Recognition from Mayor Blalock to Portsmouth Underbelly Tour

Mayor Blalock presented George Hosker-Bouley and Sarah Shanahan a letter of recognition for the Portsmouth Underbelly Tours started in 2004 by Mr. Hosker-Bouley and Laura Pope and ending after 14 years. Mr. Hosker-Bouley and Ms. Shanahan entertained the crowd by accepting the recognition in their Underbelly Tour characters.

2. Cooperative Alliance for Seacoast Transportation (COAST)

Rad Nichols of COAST gave a brief presentation regarding the upcoming comprehensive analysis they will be undertaking over the next 22 months.

Councilor Dwyer asked if the scope of this analysis is for the bus service only or will it look for connections to other types of services. Mr. Nichols stated that they are not confined to any box and are looking for any opportunities to serve COAST customers including the City of Portsmouth and the riders. He stated that there is currently on-demand service in Exeter/Newmarket which allows more flexibility.

Councilor Roberts asked about other opportunities for change.

Mr. Nichols stated that there is a higher level question that needs to decide community or ridership as they do not have enough funding to be both. Other issues include early day or late day service and whether to be commuter based or service based. He continued that the wants, needs and expectations of the public transit system need to be determined.

Councilor Roberts stated he feels that there is a lot of interest in expanding the service and wonders if COAST is limiting themselves by saying they are not looking for more money.

Mr. Nichols stated that the system works better if the community asks them for what they want and then go forward accordingly.

City Manager Bohenko discussed the change to the City's senior transportation services with COAST taking it over beginning in October and will be a starting point in looking for other ways to expand in the community.

Councilor Becksted asked if they are working with the Rockingham Planning Commission, Pease Development Authority and area businesses.

Mr. Nichols stated those are all on the list of who they will be reaching out.

## **V. ACCEPTANCE OF MINUTES – AUGUST 6, 2018**

**Assistant Mayor Lazenby moved to approve and accept the minutes of the August 6, 2018 City Council meeting, seconded by Councilor Denton.**

**Councilor Denton noted a minor correction on page 12. Motion voted.**

## **VI. PUBLIC COMMENT SESSION**

Erik Anderson – discussed the city's property valuations stating he listened during the Work Session held prior to this meeting and feels that the letters the Assessor's office will be sending out will generate a lot of hearings. He stated that the City Council should try to protect all of the citizens and feels that people are getting to the tipping point of not being able to afford to stay in their homes, people who have been here their entire lives. He continued that the assessments are not driven by property improvements but by people who have no vested interest in the city and are taking advantage of the market. He concluded by asking the Council to keep the 5 year term and cap on solar exemptions at \$25,000 and that it expire with the sale of the property.

## **VII. PUBLIC HEARINGS & VOTES ON ORDINANCES AND/OR RESOLUTIONS**

### **A. Public Hearing – Boarding or Rooming Houses**

**ORDINANCE AMENDING CHAPTER 9, ARTICLE VIII – BOARDING OR ROOMING HOUSES, SECTIONS 9.801 – 9.805**

Planning Director Walker explained that this ordinance change is to bring the definitions in line with the Zoning Ordinance.

City Attorney Sullivan explained the original ordinance was brought forward to address boarding house issues in relation to a property on Brewster Street which included meals and lodging, but this will include rooming houses as well which only provides the room. Currently there are 2 Boarding Houses licensed annually.

Mayor Blalock read the public hearing notice and asked if anyone wished to speak.

Seeing no one, Mayor Blalock closed the public hearing.

**Councilor Pearson moved to pass second reading and schedule a third and final reading of the proposed amendment to the Boarding House Ordinance at the September 17, 2018 City Council meeting, as presented. Seconded by Councilor Dwyer and voted.**

**B. Public Hearing – Exemption for Solar Energy Systems**

RESOLUTION RE: EXEMPTION FOR SOLAR ENERGY SYSTEMS

• **PRESENTATION**

City Assessor Lentz gave a brief power point presentation regarding the proposed changes to the Solar Energy Exemptions.

• **CITY COUNCIL QUESTIONS**

City Manager Bohenko explained that there would be no major revenue loss with this exemption as there is with the elderly and veterans' tax exemptions. He stated it would be a wash as it is based on the value added determined by the assessor for the solar array.

Discussion ensued regarding the current solar exemption versus the new proposal.

Councilor Dwyer stated that the explanation of taxation and assessment should be clarified in some way as it is not a part of the resolution.

Councilor Roberts asked why we are changing the current solar exemption.

Assessor Lentz explained that it is being expanded because there are a lot more properties that have solar now and this allows everyone to apply for the credit that weren't able to do so before.

• **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the public hearing notice and asked for anyone wishing to speak:

Elizabeth Bratter – stated she is confused with the way this will work as there is no loss of revenue to the City but the homeowner will get an exemption. She asked if solar-heated pools would be included.

City Manager Bohenko explained that the assessment is capped at \$25,000 and if the value is assessed at \$10,000, it is the \$10,000 that the exemption is based.

John Dunston – stated that the tax exemption encourages the development of solar systems but if they are not exempted and the costs go up for homeowners, they won't build in those communities.

Seeing no one else wishing to speak, Mayor Blalock closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

**Councilor Denton moved to adopt the proposed Resolution, as presented, seconded by Councilor Pearson.**

City Assessor Lentz reviewed the comparison of the Current Solar Exemption to the Proposed Exemption as follows:

**Current Solar Exemption:**

- Exemption deducted from the assessed value of property.
- Exemption amount is based upon the cost of Solar equipment
- 5 year term
- Exemption is capped at \$25,000
- Applies only to systems installed in year 2011 or later; and
- Expires upon sale of property

**Proposed Solar Exemption:**

- Exemption deducted from the assessed value of property
- Exemption will be based on the assessed value
- No expiration date
- No cap to exemption
- No year installation required
- Expired upon sale of property, new owner can apply

Councilor Dwyer again stated that she would like an explanation added regarding the meaning of taxation and assessment as a footnote to the resolution. She stated that the phrase "long-term promise" may not be something that is allowed under State RSA and that another Council could overturn this. She stated that the intent could be to continue it as long as the RSA allows it.

City Attorney Sullivan clarified that one Council cannot put a limitation on another Council.

**Councilor Dwyer moved to amend by adding a footnote to the resolution explaining the meaning of taxation and assessment. Seconded by Councilor Denton and voted.**

Councilor Denton stated that the new exemption will allow the new owners to reapply but this would require the paperwork of the solar energy system and asked if the Assessors Office would keep that on file.

Assessor Lentz stated as long as the State allows her to keep it, she will keep it.

**Councilor Becksted moved to add language that the exemption would expire upon sale of the property or to have a minimum of 2 years before the new owner could apply for the exemption, no second.**

City Manager Bohenko stated this would not comply with State RSA.

Councilor Denton stated this will further incentivize people to go to solar energy along with the currently offered incentives offered by both the federal and state governments.

**Motion passed on a 7-1 vote, Councilor Becksted voted opposed.**

## **VIII. APPROVAL OF GRANTS/DONATIONS**

*(There are no items under this section of the agenda)*

## **IX. CONSENT AGENDA**

**Councilor Roberts moved to adopt the Consent Agenda as presented. Seconded by Councilor Dwyer and voted.**

- A. Letter from Matt Junkin, Seacoast Rotary, requesting to hold the 10<sup>th</sup> Annual Seacoast Rotary Turkey Trot 5k on Thanksgiving, November 22, 2018 at 8:30 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for License to Install Projecting Sign for Laurie Smith, owner of Yogasmith LLC for property located at 16 Market Square ***(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. \*Acceptance of Donation to the Coalition Legal Fund
- Town of Rye - \$5,000.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- D. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2019, Monday, December 31, 2018; 4pm - Midnight
  - Children's Day, Sunday, May 5, 2019; Noon – 4pm
  - 42<sup>nd</sup> Annual Market Square Day Festival & 10K Road Race, Saturday, June 8, 2019; 9am – 4pm

- 17<sup>th</sup> Annual Summer in the Street, Saturday evenings 5pm – 9:30pm; June 29<sup>th</sup>, July 6<sup>th</sup>, July 13<sup>th</sup>, July 20<sup>th</sup> and July 27<sup>th</sup>  
**(Anticipated action – move to refer to the City Manager with power)**

- E. Letter from Liz Good, Moderator, North Church of Portsmouth, UCC, requesting permission to hold it's annual Rally Sunday in Market Square sanctuary on Sunday, September 16, 2018 **(Anticipated action – move to refer to the City Manager with power)**

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

- A. Email Correspondence

**Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Pearson and voted.**

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

**A. CITY MANAGER**

1. Approval of Extension of Employment Agreement for Stephen Zadavec, Superintendent of Schools

**Councilor Pearson moved to approve the extension of the employment agreement to expire on June 30, 2021 with Stephen Zadavec, Superintendent of Schools. Seconded by Councilor Perkins and voted.**

2. Approval Re: Step Increases for Police Chief Robert Merner

**Councilor Pearson moved to approve the Police Commission's recommendation for step increases as indicated in the Police Commissions' letter dated August 29, 2018, seconded by Councilor Denton.**

Police Commission Chair Onosko explained that there was an oversight during the original contract process when Chief Merner was hired which failed to include the language to move up to step F in year 2.

City Manager Bohenko clarified that Tom Closson and the City Council have worked to standardize all non-union contracts which recommends that Step F comes into play when an employee has been with the City for 10 years but does allow for the Commission to come forward for Council approval.

**Motion voted.**

3. Request for First Reading Re: Chapter 7, Section 7.102 – Parking Meter Zones, Subsection A, Downtown High Occupancy Zone

Parking Manager Ben Fletcher presented a brief power point report outlining the recommended High Occupancy Zone changes.

Assistant Mayor Lazenby asked how over 100% occupancy is achieved. Parking Manager Fletcher explained that it is based on revenue and is because people leave earlier than the allotted time they paid for and then someone else comes in and pays again.

Councilor Becksted stated he would like to see quarterly data regarding people who live and work downtown as they end up being affected as well as the visitors.

Councilor Perkins asked how far off of the 85% mark are we still even after having adjusted the rates previously. Mr. Fletcher stated we are still above.

**Councilor Perkins moved to schedule a first reading of the proposed Ordinance at the September 17, 2018 City Council meeting as presented. Seconded by Assistant Mayor Lazenby and voted.**

4. McIntyre Project – Extension of Negotiating Principles

Deputy City Manager Colbert Puff gave a brief presentation of the timeline of the project and issues to date and reviewed the proposed schedule for the next several months if the extension is approved.

Mayor Blalock explained that the original timeline was based on the GSA being out of the building by January 1, 2019 but now are not vacating until June 2019.

Deputy City Manager Colbert Puff stated that the GSA also continues to search for space for one of their tenants. She stated that the USPS relocation hearing is scheduled to be held in the City Council Chambers on September 19<sup>th</sup> and further explained that the GSA is not responsible for the Post Office relocation, but is for other tenants such as SSI and the FBI. She continued that the City of Portsmouth has made it clear through the RFP process and otherwise that we would like the Post Office to stay in the building, but there are issues with temporarily relocating, disruption of service, etc.

Discussion ensued regarding the USPS with the Mayor and City Council urging residents to attend the public relocation hearing on 09/19.

**Councilor Pearson moved to allow the City Manager to continue to negotiate exclusively with Redgate/Kane on the McIntyre Project until November 30, 2018. Seconded by Councilor Dwyer and voted.**

5. Establish a Non-Public Session Re: Collective Bargaining Guidelines

**Assistant Mayor Lazenby moved to establish a Non-Public Session regarding Collective Bargaining Guidelines on October 9, 2018 at 6:30 p.m. Seconded by Councilor Perkins and voted. (Councilor Pearson was out of chambers at time of vote)**

6. Request to Schedule First Reading Re: Proposed Ordinance for the creation of a Highway Noise Overlay Zoning District

**Councilor Becksted moved to schedule a first reading for the September 17, 2018 City Council meeting on the following zoning amendments related to the creation of a Highway Overlay District:**

- ***Amendment to Zoning Map to add Highway Noise Overlay District as shown on the map titled “Proposed Highway Noise Overlay District”, dated July 17, 2018;***
- ***Insert new Section 10.613.60 identifying the Highway Noise Overlay District on the Zoning map;***
- ***Insert new Section 10.670 Highway Noise Overlay District;***
- ***Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability)***

**Seconded by Assistant Mayor Lazenby and voted.**

**City Manager’s Informational Items:**

1. Events Listing
2. Presentation: Citizen Request for Transitional Zoning Option for Bartlett Street Area

Planning Director Walker gave a brief power point presentation outlining some areas that may be suitable for review and also explained the current process.

Councilor Dwyer stated that there are a series of concepts and feels that we can’t keep cutting areas into small pieces and we can’t anticipate the future. She stated that she was trying to conceptualize something that gave the Planning Board some discretion. She stated that this is an opportunity to add options that the Planning Board can have in those cases of non-residential to residential in terms of what is approved for density and not just for this area but others around the city.

Councilor Roberts stated he agrees with the transitional zoning idea as he didn’t like the number of customizations required to create this zoning change because there may not be those opportunities in other cases.

Councilor Dwyer would like to move to have the Planning Board undertake these concepts and report back.

City Manager Bohenko suggested that Planning Director Walker take it back as an information item first without a specific request for a report back.

*Mayor Blalock called for a recess at 9:10 p.m. Reconvened at 9:17 p.m.*

3. Bicycle / Pedestrian Plan Program Update
4. Report Back Re: Path to Silver Bicycle Friendly Community Status
5. Update on Doble Property Transfer and Preparation for Reuse



6. Appointment of Administrative Official as Ex Officio Member to Planning Board
7. Portsmouth Water Division Receives Public Communications Award from the New England Water Works Association
8. Portsmouth Public Works' Intern Program Continues to Improve Data Planning

**B. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Thomas Watson reappointment to the Economic Development Commission
  - Jolanda Fannin reappointment to the Board of Library Trustees
  - Marsha Filion appointment to the Board of Library Trustees

The aforementioned appointments were considered and will be voted at the September 17, 2018 City Council meeting.

2. Appointment to be Voted:
  - Shari Donnermeyer reappointment to the Parking & Traffic Safety Committee

**Councilor Roberts moved to approve the reappointment of Shari Donnermeyer to the Parking and Traffic Safety Committee with term to expire September 17, 2021. Seconded by Assistant Mayor Lazenby and voted.**

3. Mayor's Appointment of Historical Society Representative to the Demolition Committee– Barbara Ward

**Assistant Mayor Lazenby moved to appoint Barbara Ward as the Historical Society represented to the Demolition Committee. Seconded by Councilor Dwyer and voted.**

**C. COUNCILORS ROBERTS**

1. Accessory Dwelling Unit Ordinance – Request for Report Back

Councilor Roberts requested a report back on Accessory Dwelling Unit ordinance if the time is appropriate.

Councilor Dwyer asked that garden cottages be included in the report back.

Planning Director Walker will report back at the October 1, 2018 City Council meeting.

**D. COUNCILOR DENTON**

1. Flier 1 – Burned; Flier 2 – Portsmouth Peoples Climate Movement; Flier 3 – Portsmouth Electric Vehicle Show

Councilor Denton reported on 3 upcoming events which he will be participating and urged others to attend.

## **E. COUNCILOR PERKINS**

1. Food Trucks – referral to the Planning Board for zoning change consideration

Councilor Perkins discussed a recent case that went before the Zoning Board of Adjustment for a food truck to be allowed to park on a vacant property on Islington Street so felt it was a good time to bring it up to the Council again. She stated that a policy needs to be developed so that people don't have to go to the ZBA.

Councilor Dwyer stated it makes sense to have the Planning Board look at appropriate zones.

Councilor Roberts stated that food trucks are different than restaurants and feels it encourages a sense of community and livens up areas. He would like to see it tried out and then act accordingly.

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

- A. Legislative Subcommittee Report
  - Summary of Legislative Subcommittee's recommendations to the City Council regarding four floor Polices to be considered NHMA policy recommendations for the Legislative Police Conference

Councilor Dwyer explained that 4 communities have identified additional bills to be considered at the upcoming session on September 14<sup>th</sup> so the City Council needs to decide if we support these additional items or not.

**Assistant Mayor Lazenby moved to support Floor Policy #1 if the abatement interest rate is amended to 2.5%. Seconded by Councilor Pearson and voted.**

**Assistant Mayor Lazenby moved to accept and support Floor Policies #2, #3, and #4 as written. Seconded by Councilor Perkins and voted.**

**Assistant Mayor Lazenby moved to appoint Councilor Dwyer as the City's voting delegate at the upcoming NHMA Policy Conference, Seconded by Councilor Perkins and voted.**

Councilor Dwyer stated she is concerned that the Police Commission is holding a public input session regarding requirements for a new police station but the Council was not notified. She stated she hopes that the session will be taped as the Council will be making the decisions.

## **XIII. ADJOURNMENT**

**Assistant Mayor Lazenby moved to adjourn at 9:45 p.m., seconded and voted unanimously.**

Respectfully submitted:  
VALERIE A. FRENCH, DEPUTY CITY CLERK