

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JULY 15, 2019

PORTSMOUTH, NH
TIME: 6:15PM

Public Dialogue Session – Table A

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Pearson and Dwyer

The members of the public were asked to introduce themselves and begin discussing their concerns and/or questions related to their individual topics.

Richard Smith said he is disappointed about the Post Office moving out of the Federal Building when he feels it should remain downtown. He said the Post Office is vital to the downtown and that if it was to be relocated you would lose the sense of community.

Councilor Dwyer indicated that the City Council agrees with keeping the Post Office at the Federal Building. She said the City has been told if the office is relocated it would move to another location in the downtown.

Assistant Mayor Lazenby said progress has been made to keep the Post Office downtown or to have it located back to the Federal Building.

Mary McDermott asked about the parking that would be available if the McIntyre Project moves forward.

Councilor Dwyer said there is parking along Daniel Street that would be for the public to use.

John Stevenson spoke to the large spaces behind the building and access to the area.

Councilor Dwyer said that there is a loading zone in the back and there is access to the area.

Mr. Stevenson said what about the parking for businesses that may be working on the building.

Councilor Dwyer said you could restrict areas for businesses and the loading zone would be made available.

Jackie Cali-Pitts asked about the offices of Social Security Office and the Internal Revenue Service what is happening to those services.

Councilor Dwyer said that the GSA is looking for spaces for those offices to relocate.

Mayor Blalock said 3 years ago he spoke with the GSA and discussed the matter. He said there is land out at Pease but they're looking for another place to relocate.

Peter Somssich said this plan is outrageous and we need to save the view of the area from the Federal Building.

Assistant Mayor Lazenby said having a view is important and there are some views that will come out of the projects that we don't currently have today.

Nancy Brown thanked Mayor Blalock for having second thoughts on what is going on. She said our community should have control and share in the control of what will be downtown. She questioned the apartments that will be built in the project.

Assistant Mayor Lazenby said he does not feel the Council has been ignoring public input. He said we have had public input in the first part of the City Council term and we can work this out.

Margot Doering said the revisit might include a different way of acquiring the property.

Councilor Dwyer said we would need to work out environmental issues. She said the public did not want the City to purchase the building because they felt the risk was too great. She indicated a number of people are concerned with the risk.

Bill Downey said he believes strongly that there needs to be due diligence on the plan and lay it out for the public to view.

Councilor Dwyer said she heard from many taxpayers that they did not want the City to put money into the building.

Mr. Downey said there should be a referendum question on the ballot regarding the McIntyre Project. He said if we were to change the zoning to Municipal status it would change things dramatically.

Susan Denenberg said we need to look at what the developer and government wants. She said it is important to keep the Post Office downtown and we need to keep the Social Security and Internal Revenue Service in the downtown as well. She said people use those services and need access to them. Ms. Denenberg said we need to look at the values of our downtown and the Post Office is a value.

Bess Moseley said she attended most of the meetings held in the beginning on the McIntyre Project. She would like to have been involved before developers put plans forward. She asked what is the extent of our obligation and can we start from the beginning again.

Councilor Pearson said in January of 2017 we made a decision to go into a public/partnership and we received input for a Request for Qualifications which was put out for the developers and that is what we have built on.

Councilor Dwyer said any obligation would come with a ground lease. She stated the last two months we had meetings to discuss the application and the ground lease.

Assistant Mayor Lazenby said we don't have a contract with Redgate/Kane. He said we need to consider the risk. He stated 4 proposals came in with the RFQ and there was a proposal for a hotel which was not what the public wanted and it would be a risk and impact having that kind of development.

Paul McEachern we needed to consider a negotiated sale for the property. He said in August 2016 it stated it was a development partner that we needed. He said the City ignored the rezoning request to Municipal which would have an impact on the market value. He indicated that the City Council dismissed that request. He said we need to explore the opportunities to the City. He stated the possibilities for the property are endless and the community wants public space but not at the McIntyre Building. Attorney McEachern said if we hold on to the building for three years we would tear it down.

Patrick Ellis said that this plan opens the walk way up to St. John's Church. He further stated the activated space creates more opportunity to the water. He stated we all had opportunities to come forward and people did not want a hotel and this plan does not call for a hotel.

Alan Ades said he has the impression that the Council feels bad and that they are not going into this with enthusiasm.

Public Dialogue Session – Table B

PRESENT: Councilors Roberts, Denton, Perkins, Raynolds and Becksted.

(Due to the extensive number of residents wishing to speak, the discussion was moved to Conference Room A; some names of speakers were not stated, and therefore, unable to be noted for the record)

Iris Estabrook, discussed the neighborhood parking program and the proposed waiver stating that there is no provision for visitor parking and does not feel that the waiver should be granted.

Elizabeth Bratter – stated she helped gather the signatures for the petition and feels that the problem with the verification process was that people do not answer phone calls on their cells when the number is unknown. She stated she also understands that some people were excluded but the lines had to be drawn somewhere.

Councilor Raynolds stated that regarding the waiver of the 75% signature requirement, he isn't as concerned with that as he is with expanding the program to include more residents.

Gentleman stated that he wants to be able to park next to his own building but would not be able to do so with this program which he wasn't able to participate in the process.

Councilor Roberts stated he helped write the rules regarding the petition process and tried to avoid the consequences that are being brought forward. He feels that the 75% participation was impossible to reach and feels that the reasons people want permit parking are valid. He stated he does not want to go through another signature process but look at the rules and set up criteria instead.

Councilor Perkins questioned how to logistically do this and suggested referring to the Parking and Traffic Safety Committee as the original committee who made this proposal didn't want to make changes.

Councilor Roberts stated he would suggest tabling the item and then come back with amendments.

Another gentleman stated that more than 50% of the area would be negatively affected and wondered why Bridge Street was originally included and then excluded. He stated that the problem is the tourists, day visitors and downtown employees parking in the spaces.

Councilor Perkins stated there were several flaws in how this was enacted and it needs to be reviewed.

Discussion ensued regarding the neighborhood pilot program and the division between neighbors it is causing with the exclusion of some and the changing of the requirements.

Councilor Roberts stated he will not vote in favor of the waiver but also believes that there are accommodations that people can make regarding parking options.

Councilor Perkins stated that we did not provide people a forum during this process.

Elizabeth Bratter stated she knows of a business on Islington Street which has 35 spaces which are underutilized on a daily basis. She then explained the parking program in Dover.

A gentleman discussed the Portsmouth Indoor Pool stating that previously Recreation Director Wilson limited access to other swim teams and that it wasn't about the money but now there is a deficit in the funding of \$15,000.00 and wonders why there is a discrepancy. He asked for clarification if this is a city pool.

Councilor Reynolds stated he cannot speak to the revenue sources or budget but he has heard from the swim groups who have had a substantial increase in their rates and is why he suggested the \$15,000.00 funding from contingency to relieve the pressure of SIPP and not have to increase the rates.

Michael Churbrich, SIPP Board member, explained the history of Save the Indoor Portsmouth Pool group and their authority to set the rates which haven't been increased in years. He continued that if the City Council feels that the rates adversely impact Portsmouth residents, then they can change the rates. He stated that SIPP did not request the contingency funding and if the Council chooses to give them the funds, they will be grateful but it would go towards Capital Improvements.

Councilor Reynolds stated that everyone understands and appreciates the role of SIPP but his intention of the funding is that it is for the operational costs not Capital.

Mr.Churbrich, SIPP, again clarified that they are able to set the rates and explained that there are people on the swim teams that are not Portsmouth residents.

Councilor Reynolds stated this is a city pool and the rates charged there are the only place where the fees are not set by the fee committee and ratified by the full City Council.

Coach of Portsmouth Swim Team – stated they are facing an increase of 20% each year over the next 3 years totaling 60% and they certainly are willing to do their part, but feels it should be proportional to the size and suggested a 10% increase. She continued that she has tried to explain to SIPP the bulk lane rates which are subsidized by other activities in the pool or to eliminate the swim membership requirements. She stated she has also offered to run swim clinics but feels that every option she has presented has fallen on deaf ears.

City Manager Bohenko stated he has been following this issue and explained that 83% of the participants do not live in Portsmouth. He explained how SIPP came forward years ago when Capital Improvements were needed for the indoor pool and they raised the funds and if it goes back to the way it was, then the Council will have to decide if they want to subsidize a program where 83% of the participants are not Portsmouth residents. He explained that the other organization is a non-profit.

Councilor Raynolds stated everyone appreciates SIPP but the issue is not the increase, but how much and how fast it is going up. He stated that being from out-of-town shouldn't be a bad thing.

A woman asked what the percentage is of Portsmouth residents who have memberships at the pool and what will happen if they lose the swim teams.

City Manager Bohenko stated that it is a City Council policy issue who rents the pool and suggested that maybe a two-tier rate schedule for profit versus non-profit organizations.

A gentlemen from Dover with a child on the swim team stated that it is important to keep kids engaged in activities and social team environments are important.

Beth Margeson stated that both of her sons swim for the Portsmouth swim team and understands that the user fees have to cover the cost of running the pool. She suggested that having to pay the membership cost as well may be double-dipping, and feels there needs to be a rationale of what is being charged.

City Manager Bohenko stated this needs to be a policy decision and not about the money.

Coach asked that research be conducted of what other swim teams pay at other municipal pools and not the advertised rates, as they are different. *(A handout was distributed to Councilors at conclusion of dialogue session)*

Public Dialogue session concluded at 7:25 p.m.

I. WORK SESSION

There was no Work Session this evening.

II. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:25 p.m.

III. ROLL CALL

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

IV. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer.

V. PLEDGE OF ALLEGIANCE

Mayor Blalock led the Pledge of Allegiance.

VI. ACCEPTANCE OF MINUTES – JUNE 17, 2019

Assistant Mayor Lazenby moved to accept and approve the minutes of the June 17, 2019 City Council meeting. Seconded by Councilor Perkins and voted.

VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

There were no Recognitions and Volunteer Committee Reports this evening.

VIII. PUBLIC DIALOGUE SUMMARY

Mayor Blalock stated there were two sessions one in the Eileen Dondero Foley Council Chambers and one in Conference Room A.

Assistant Mayor Lazenby gave a brief summary of the topic discussed during Public Dialogue, which was the McIntyre Project. Councilor Denton stated that his group discussed the Neighborhood Parking Plan, Peirce Island Pool, SIPP Agreement for the Indoor Pool and fee increases at the pool.

Assistant Mayor Lazenby moved to suspend the rules in order to take up Item XIII. A.9. – Request for Public Hearing Re: McIntyre Petition, Items XI. B.1. – Resolution/Certificate of Authority to Apply to Acquire the Thomas J. McIntyre property for Historic Monument Purposes and XI. B.2. – Vote to Authorize the City Manager to Enter into a Development Agreement with SoBow Square, LLC. Seconded by Councilor Perkins and voted.

XIII.A.9. Request for Public Hearing Re: McIntyre Petition

City Attorney Sullivan said we received a petition under the City Charter Article VIII the petition contained the number of signature for a public hearing which needs to be held in thirty days. He recommended holding the public hearing and vote on the petition.

Assistant Mayor Lazenby moved to schedule a Public Hearing and City Council vote regarding the Initiative Petition on Wednesday, July 31, 2019 at 6:30 p.m. Seconded by Councilor Becksted.

Councilor Pearson indicated due to other obligations she will be unable to attend the meeting. Councilor Denton also indicated he would be unavailable to attend the meeting.

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

XI.B.1. Resolution/Certificate of Authority to Acquire the Thomas J. McIntyre property for Historic Monument Purposes

Mayor Blalock announced the City Council would not vote this evening and would table the item until the August 12, 2019 City Council meeting.

Councilor Dwyer moved to take action on the Resolution/Certificate of Authority and Application to the National Park Service at the August 12, 2019 City Council meeting. Seconded by Councilor Becksted.

Assistant Mayor Lazenby said it would be inappropriate to vote on this matter this evening. He stated the Council would wait until August 12, 2019.

Councilor Roberts said he has questions regarding the ground lease and does not know if we need to hold a Subcommittee meeting on this matter.

Councilor Becksted spoke in support of the motion and feels it is the right decision to hold a Public Hearing on this matter.

Councilor Perkins said she supports the process and many public inputs have taken place on this matter and she looks forward to a positive vote in August.

Motion passed.

XI.B.2. Vote to Authorize the City Manager to Enter into a Development Agreement with SoBow Square, LLC

Councilor Dwyer moved to schedule a vote to enter into the Development Agreement at the August 12, 2019 City Council meeting. Seconded by Councilor Roberts and voted.

IX. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

A. Public Hearing on City Street, Sidewalk, Bridges and Facility Improvements

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$10,550,000.00) FOR COSTS RELATED TO CITY STREET, SIDEWALK, BRIDGES AND FACILITY IMPROVEMENTS

Mayor Blalock read the legal notice.

• PRESENTATION

City Manager Bohenko said that there will be three public hearings this evening, one on the General Fund, one on the Water Fund and one on the Sewer Fund which were all discussed during the Capital Improvement Plan process.

Public Works Director Rice said this Resolution covers seven projects which he outlined:

- Citywide Facilities Capital Improvements
- Citywide Sidewalk Reconstruction Program
 - Bartlett St.
 - Creek Area
 - Kensington Rd.
 - Lawrence St.
 - Maple Haven Area

- Pannaway Area
- State St.
- Summit Ave.
- Willard Ave.
- Miscellaneous
- Citywide Bridge Improvements
- Maplewood Avenue Bridge Replacement
- Cate Street Connector
- Street Paving, Management and Rehabilitation
 - Banfield Rd.
 - Bartlett St. (Islington St. to Dennett St.)
 - Chapel St. (Daniel St. to Bow St.)
 - Clough Dr.
 - Creek Area
 - Dennett St. (Woodbury Ave. to Maplewood Ave.)
 - Edmond Ave.
 - Gosling Road (Rte 16 to Woodbury Ave.)
 - High St.
 - Ladd St.
 - Little Harbor Rd.
 - Market St. (Railroad to Submarine Way)
 - Michael Succi Dr.
 - Morning St.
 - New Castle Ave.
 - South St. (Junkins Ave. to Marcy St.)
 - Union St. (Middle St. to Islington St.)
 - Miscellaneous
- Pease International Tradeport Roadway Rehabilitation
 - Arboretum Dr.
 - Airline Ave.
 - Durham St.
 - International Dr.
 - Manchester Square
 - New Hampshire Ave.
 - Newfields St.
 - Pease Blvd.
 - Rochester Ave.
 - Rye St.
 - Miscellaneous

- **CITY COUNCIL QUESTIONS**

Councilor Roberts inquired about the additional monies request for Maplewood Avenue. Public Works Director Rice said it is unlikely that the State would provide funding. He stated we are in the queue and they're behind on reviewing projects at the State.

Councilor Denton asked if some funds could be put towards a crosswalk at Pease. Public Works Director Rice said that is not part of the City's responsibilities and asked that the PDA put funding in their budget.

Councilor Becksted announced the PDA will have two years of funding for two crosswalks to be installed at Pease.

Public Works Director Rice spoke to crack sealing that is being done currently to extend the life of the pavement.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock opened the Public Hearing and called for speakers.

Marylou McElwain said that brick sidewalks are very slippery and requests as sidewalks are replaced that the Public Works Director look at the products used for safety.

With no further speakers, Mayor Blalock declared the Public Hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Dwyer moved to adopt the Resolution, as presented. Seconded by Councilor Perkins.

Councilor Becksted asked about Kearsarge Way and if the State would put money into the project. Public Works Director Rice indicated the State would not be contributing funding towards the project.

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

B. Public Hearing on Annual Sewer Line Replacement, Consent Decree Mitigation, Pleasant Street Sewers, and Maplewood Avenue Area Reconstruction

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SEVEN MILLION ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$7,145,000.00) FOR COSTS RELATED TO ANNUAL SEWER LINE REPLACEMENTS, CONSENT DECREE MITIGATION, PLEASANT STREET SEWERS, AND MAPLEWOOD AVENUE AREA RECONSTRUCTION

Mayor Blalock read the legal notice.

- **PRESENTATION**

City Engineer Desmarais said the City has 115,000 miles of sewers which range in age. He said pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. He outlined the four projects:

- Annual Sewer Line Replacement
- Consent Decree Mitigation
- Pleasant Street Sewers
- Maplewood Avenue Area Reconstruction

City Engineer Desmarais spoke to the stormwater project (previously funded) and construction of a low-pressure sewer system on Sagamore Avenue north and south of Sagamore Creek. He also spoke to the Maplewood Avenue Area Reconstruction and said these funds will be used to complete construction of the side streets and will be shared with the water enterprise fund.

- **CITY COUNCIL QUESTIONS**

Councilor Raynolds said we're extending our sewer system to Sagamore Creek Area and asked how many homes will be served. City Engineer Desmarais indicated ninety homes. Councilor Dwyer asked if it would be voluntary hook-up. City Engineer Desmarais said service would be extended to the property line and they would need to purchase a pump and electrical source but it is voluntary hook-up.

Councilor Denton said more pollution comes from wells.

Councilor Becksted said he does not want to put money into a project that we don't have justification for and he would not be in favor of the Sagamore Creek sewer extension. City Manager Bohenko said this is part of the Consent Decree and we are required to do this.

Councilor Raynolds said he supports the project and asked how many of the ninety homes are in favor. City Engineer Desmarais said that Public Works has not gone through the public process yet.

Councilor Becksted said we are sending a mixed message on this project. He stated we have a new housing facility going up on Banfield Road that has been approved for a septic system. City Engineer Desmarais said we are 90% city sewer and the EPA and DES are pushing the City to have a low pressure system in the Sagamore Creek Area.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock opened the Public Hearing and called for speakers.

Esther Kennedy said she is baffled why we are doing a project like this and have not gone to the residents yet. She stated there are other homes on the water that are not part of the sewer system. She spoke to the City having some major CSO events for which we are not meeting the consent decree. Ms. Kennedy asked why there are pump trucks on South Street and why was the gate left closed to the mill pond for several days.

Mayor Blalock said his neighborhood hooked up to sewer because they could not do gravity because the pipe was too shallow.

Paige Trace said she understands fully that the new sewer system on Sagamore Creek Area being part of the mitigation process then does it not seem appropriate that the people on Sagamore Creek should not pay for the mitigation. She asked if back-up generators would be required for residents to purchase. She spoke regarding the South Mill Pond and how after a rain event everything comes out of the pond. She asked the City to fix some of the combined sewer issues.

Joe Onosko said he is a resident of the Sagamore Creek Area and none of the residents on Walker Bungalow Road or Shaw Road are aware of the sewer hook-up. He asked if there is an estimated cost per resident and why the process has not been transparent.

With no further speakers, Mayor Blalock closed the Public Hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

City Manager Bohenko said some areas have done cost sharing and this is not the first time the sewer issues for Sagamore Creek Area have been discussed.

Public Works Director Rice said the Clean Water Act requires these projects. He said there are many areas that pay for the cost to hook-up and these are policy decisions. He stated that the gate was left closed because his staff forgot to reopen the gate. He further stated the vector truck was in his neighborhood because of a sink hole.

Councilor Pearson said we are authorizing funds to start the process and asked what the process will be. City Engineer Desmarais said we will have public input meetings and put out a survey and put out basic information on what is done on the private side versus City side. Councilor Pearson asked if there are more ethical ways to go about this. City Attorney Sullivan said that this is not an ethical issue the City is bringing a benefit for use when the public needs it.

Councilor Denton said sewer systems are better than septic systems.

Councilor Dwyer said she would like to make a motion on this matter as the Council reviewed this when we went through the Consent Decree and have been dealing with this for a long time.

Councilor Dwyer moved to adopt the Resolution, as presented. Seconded by Councilor Denton.

Councilor Becksted asked if these are one-time costs. City Engineer Desmarais stated this is the current costs provided to us from our consultant.

On a roll call vote 8-1, motion passed. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

C. Public Hearing on Water Line Replacements, Reservoir Management, Madbury Wells, Water Transmission Main Replacement, Pleasant Street Water Mains, and Maplewood Avenue Area Construction

RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATIONS IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION SIX HUNDRED TWENTY-THREE THOUSAND DOLLARS (\$4,623,000.00) RELATED TO WATER LINE REPLACEMENTS, RESERVOIR MANAGEMENT, MADBURY WELLS WATER TRANSMISSION MAIN REPLACEMENTS, PLEASANT STREET WATER MAINS, AND MAPLEWOOD AVENUE AREA CONSTRUCTION

Mayor Blalock read the legal notice.

- **PRESENTATION**

City Engineer Desmarais said the City has 150 miles of pipe and many of the pipes are fifty to one hundred years old, undersized and at the end of their design life. He outlined the six projects that are part of the Resolution:

- Annual Water Line Replacement
- Reservoir Management
- Madbury Wells
- Water Transmission Main Replacement
- Pleasant Street Water Mains
- Maplewood Avenue Area Reconstruction

He reported that the water line replacement will purchase pipe, valves and associated materials used to replace those pipes. The Reservoir Management project consists of the study, design and implementation of measures to ensure the sustainability of the dam and the Bellamy Reservoir. The Madbury Wells project consist of well improvements at the Madbury Water Treatment Plant. The Water Transmission Main Replacement consists of design and construction of water transmission mains beneath Little Bay to replace existing mains, which are over 60 years old. The Pleasant Street Water Mains project includes a number of side streets (Livermore, Wentworth, Melcher, Franklin, Whidden and Richmond), which also require utility replacement. The Maplewood Avenue Area Reconstruction originally included a number of side streets (Cutts, Central, Leslie, Beechwood, Ashland) which also require utility reconstruction. The available budget from previous years' capital funds only covered the costs to build Maplewood Avenue. These funds will be used to complete construction of the side streets and will be shared with the sewer enterprise fund.

Mayor Blalock opened the Public Hearing.

- **CITY COUNCIL QUESTIONS**

There were no questions by the City Council.

- **PUBLIC HEARING SPEAKERS**

Esther Kennedy said there were CSO events in January, February, March and June. She expressed concerns regarding the Madbury Reservoir and asked where this fits in the process so we don't have a Conservation Law Fund situation at Madbury. She also asked what the City is doing relative to the landfill near Madbury.

With no further speakers, Mayor Blalock declared the Public Hearing closed.

City Engineer Desmarais said Ms. Kennedy is referring to the Tolend Landfill which is located in Dover and is a Dover matter.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Assistant Mayor Lazenby moved to adopt the Resolution, as presented.

Councilor Becksted asked if these increments are making a difference with increases in fees. City Engineer Desmarais said any time we do capital improvements you make a difference. He said we are trying to do a stable rate increase.

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

D. Public Hearing on Proposed Parking & Traffic Safety Omnibus

PROPOSED PARKING & TRAFFIC SAFETY OMNIBUS ORDINANCE

ORDINANCE AMENDING CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, SECTION 7.330: NO PARKING

ORDINANCE AMENDING CHAPTER 7, ARTICLE III, TRAFFIC ORDINANCE, SECTION 7.336: ONE-WAY STREETS

ORDINANCE AMENDING CHAPTER 7, ARTICLE V – BICYCLE REGULATIONS, SECTION 7.510: UNATTENDED BICYCLES

ORDINANCE AMENDING CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES ESTABLISHED, SECTION 7.601: LIMITED HOURS

ORDINANCE AMENDING CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES ESTABLISHED, SECTION 7.602: 24-HOUR

ORDINANCE AMENDING CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES ESTABLISHED, SECTION 7.603: LOADING AND UNLOADING OF LIVE PARKED VEHICLES

ORDINANCE AMENDING CHAPTER 7, ARTICLE VI – TRUCK LOADING/UNLOADING ZONES ESTABLISHED, SECTION 7.604: LOADING ZONE PERMITS

ORDINANCE AMENDING CHAPTER 7, ARTICLE XI – SPEED LIMITS, SECTION 7.1100: SPEED LIMITS - 25 MPH – DODGE AVENUE

ORDINANCE AMENDING CHAPTER 7, ARTICLE XVII – MOPED REGULATIONS, SECTION 7.1702: PARKING

Mayor Blalock read the legal notice.

- **PRESENTATION**

Parking & Transportation Engineer Eby reviewed each change and map with the City Council.

- **CITY COUNCIL QUESTIONS**

Councilor Denton asked what counts as a monument. Engineer Eby said an example would be a sculpture.

Councilor Becksted asked how many parking spaces we would be losing with the Neighborhood Parking Program. Engineer Eby said he does not have the specific number with him this evening. Councilor Becksted asked how many spaces would be lost on Hill Street. Engineer Eby stated all spaces that are already marked “no parking”.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock opened the Public Hearing.

Robin Husslage said there are 7 parking spaces on Rock Street and if you create “no parking” on Hill Street the cars will move over to Rock Street taking our spots.

With no further speakers, Mayor Blalock declared the Public Hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Roberts asked how “no parking” had been listed on Hill Street when people are parking in those parking spaces. Engineer Eby said there was no ordinance for “no parking” on Hill Street but there was signs indicating “no parking.”

Councilor Pearson asked why can't there be parking on one-side of the street. Engineer Eby said the road is too narrow.

Councilor Perkins said many people park on Hill Street.

Councilor Roberts said that this could be discussed at Parking and Traffic Safety and bring the matter back to the Council.

City Manager Bohenko said we could try the “no parking” under the pilot omnibus and bring it back in a year for consideration.

Councilor Denton moved to pass second reading of the annual omnibus set of ordinance recommended by the Parking and Traffic Safety Committee, and hold third and final reading at the August 12, 2019 City Council meeting. Seconded by Councilor Assistant Mayor Lazenby.

Councilor Denton moved to amend Chapter 7, Article III, Section 7.330 – No Parking by removing Hill Street: Both sides, entire length between Bridge Street and Autumn Street. Seconded by Councilor Pearson.

Councilor Denton said remove the signs, and if it becomes an issue it could become a pilot program.

Councilor Roberts said Parking and Traffic Safety Committee will meet in two weeks and review this matter.

Amendment to motion passed.

Main motion, as amended passed.

Councilor Becksted moved to suspend the rules to take up Item XIII. A.1. – Request for Approval of Employment Agreement for Fire Chief, Todd Germain. Seconded by Assistant Mayor Lazenby.

Assistant Mayor Lazenby moved to amend the motion to bring forward XV. B. – Presentation – CALEA Team Leader Re: Critical On-Site Review of Portsmouth Police Department Accreditation Process – Chief Sam Farina, Fairport, New York. Seconded by Councilor Becksted and voted.

Main motion passed, as amended.

XIII.A.1. Request for Approval of Employment Agreement for Fire Chief, Todd Germain

City Manager Bohenko advised the City Council that the contract has been approved and is recommended by the Fire Commission.

Councilor Pearson moved to approve the three (3) year Fire chief Employment Agreement, to expire on June 30, 2022, between the City and Todd Germain. Seconded by Councilor Becksted.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he is very pleased with the selection by the Fire Commission.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed.

XV.B. Presentation – CALEA Team Leader Re: Critical On-Site Review of Portsmouth Police Department Accreditation Process – Chief Sam Farina, Fairport, New York

Police Chief Sam Farina of Fairport, New York provided a detailed presentation of the CALEA Process and announced that Portsmouth Police is the 14th department in New Hampshire to receive its accreditation and ranks the highest.

Councilor Dwyer asked what is recommended to continue the process in the future. Chief Farina stated you need a full-time accreditation manager dedicated to personnel.

At 9:25 p.m., Mayor Blalock declared a brief recess. At 9:40 p.m., Mayor Blalock called the meeting back to order.

E. First Reading – Limited Parking – Three Hours

First Reading of Ordinance Amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours sub-section A – Raynes Avenue: entire street, both sides and Vaughan Street: entire street, both sides

Councilor Reynolds moved to pass first reading and schedule a public hearing and second reading at the August 12, 2019 City Council meeting. Seconded by Councilor Roberts and voted.

Councilor Roberts moved to suspend the rules in order to take up Item XIII. A.8. – Neighborhood Parking Program Request for Waiver to Proceed with Pilot Program. Seconded by Councilor Reynolds and voted.

XIII.A.8. Neighborhood Parking Program Request for Waiver to Proceed with Pilot Program

City Manager Bohenko said this is for a waiver for the Neighborhood Parking Program. He said that there has been a great amount of staff time spent on this pilot program. He indicated the program would start in April 2020 through September 2020. He stated we went through the aspects of the program and feels that the Council needs to advise him whether to move forward or not. City Manager Bohenko said we would work to achieve any goals set by the City Council. He indicated that some people feel there is not a need for such a program.

Councilor Perkins said she appreciated the thought spent on this process however, people in her neighborhood are concerned with the program. She will not support a waiver of the 75% as they have not receive the number required. Councilor Perkins said many more people are against the program and there have been attempts to amend the program with amendments to unintended results. She indicated that this is pitting one neighbor against the other.

Councilor Perkins moved to reject the waiver for the program. Seconded by Councilor Denton.

Councilor Denton said this neighborhood has been asking for this program since 2013, regardless whether people think it is fair or not they have not reached the percentage required. He said any one should be able to park and get a parking pass at City Hall.

Councilor Roberts spoke to the process followed in obtaining signatures for the program and said he did not expect that home owners would need to be contacted. He spoke to the process currently being used in the City of Dover and it is a \$20.00 fee to get a permit and it is also a pilot program. He stated he would like the Parking and Traffic Safety Committee to work on this and bring back a program.

Councilor Reynolds said a lot of work has been done on this and there is a perceived need for a program. He said that the rules, roles and criteria had to be the same for eligible resident. He said he is pleased that this could go back to Parking and Traffic Safety Committee.

Councilor Dwyer said she does not want to review the waiver without having another plan. She said the Council needs to look at negative consequences and look to establishing the need for the program. She indicated she drove down Islington Street at different times over several days and there were 20 free parking spaces. Councilor Dwyer said Parking and Traffic Safety Committee needs to come back with something.

Councilor Perkins withdrew her motion and Councilor Denton withdrew the second to the motion.

Councilor Perkins moved to postpone the vote on the waiver and refer the matter to the Parking and Traffic Safety Committee. Seconded by Councilor Denton.

Councilor Becksted said the pilot is so that we can feel the effects of the program. He said the neighborhood has been under siege and would like to grant the waiver.

Councilor Roberts said he is unsure of what would go to Parking & Traffic Safety and would like to know the parameters that the Council wants to see with the program.

Councilor Pearson thanked staff for the work on this matter. She said it seems that the push back is for people not included. Councilor Pearson said we should open the program up to any residents and refer it to Parking and Traffic Safety Committee for report back.

Assistant Mayor Lazenby said it is disappointing where this has ended up. He said it is hard to move ahead with the waiver as is and he would like to see more data gathered.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he is opposed to the program but it should include all residents. He said he would vote to send it back to Parking and Traffic Safety Committee but the program could not exclude any residents.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Roberts said he does not feel that temporary visitors are parking in the neighborhood, it is residents that know the City and where there is parking available. He said that Parking and Traffic Safety Committee could come up with a plan.

Councilor Becksted said we have until spring time. He said you can currently park on the street for two hours, which is free, and then move the car to another space.

Motion passed.

X. MAYOR BLALOCK

1. Appointment to be Voted:
 - Appointment of Stephen Pesci as a regular member to the Parking & Traffic Safety Committee
 - Appointment of Jonathan Sandberg as an Alternate to the Parking & Traffic Safety Committee

Councilor Reynolds moved to appoint Stephen Pesci as a regular member to the Parking & Traffic Safety Committee filling the unexpired term of Shari Donnermeyer until September 17, 2021 and appoint Jonathan Sandberg as an Alternate to the Parking & Traffic Safety Committee filling the unexpired term of Stephen Pesci until August 4, 2020. Seconded by Councilor Dwyer and voted.

2. Acceptance of Resignation of Joan Walker from the Trees and Greenery Committee

Councilor Perkins moved to accept with regret the resignation of Joan Walker from the Trees and Greenery Committee with thanks for her service to the City. Seconded by Assistant Mayor Lazenby and voted.

3. Placement of Bench downtown in memory of Charles Howard

Mayor Blalock spoke in support of the request and asked for the City Council to approve the installation of a bench in memory of Charles Howard.

City Manager Bohenko indicated he will work with the Public Works Department for the installation of the bench and no action is necessary.

Councilor Roberts said the bench should be placed at a location that people will sit at.

4. Resolution Re: Energy Innovation and Carbon Dividend Act of 2019

Councilor Denton moved to adopt the Resolution regarding the Energy Innovation and Carbon Dividend Act of 2019. Seconded by Assistant Mayor Lazenby.

Councilor Denton spoke in support of the Resolution and asked for the City Council to adopt it, as presented.

Motion passed.

Mayor Blalock presented the Resolution to Wes Tator who accepted it with thanks and appreciation.

5. City Manager Search Subcommittee (Mayor Blalock, Assistant Mayor Lazenby, Councilor Pearson and Councilor Dwyer)
 - Approval of City Manager Recruitment Materials

Mayor Blalock said the Subcommittee is seeking approval of the City Manager Recruitment Materials.

Assistant Mayor Lazenby moved to approve the recruitment materials, as presented. Seconded by Councilor Dwyer.

Councilor Dwyer said these materials were put together by Joellen from GovHR USA based on input received during informational sessions and interviews.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock spoke in support of the materials.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed.

XI. CITY COUNCIL MEMBERS

A. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 6, 2019 meeting

Councilor Roberts reviewed the actions taken by the Parking & Traffic Safety Committee.

Councilor Roberts moved to accept and approve the Action Sheet and Minutes of the June 6, 2019 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Lazenby and voted.

C. COUNCILOR PEARSON & COUNCILOR RAYNOLDS

1. Downtown Streets Proposal – Share the Square

Councilor Pearson said this type of activity has been around since ancient Greece but in the last seventy years we have cars and people in squares. She indicated that this is a movement happening all over the world. She spoke of an event being held in Boston on Newbury Street which will be closed on five occasions. She stated the goal is to invite visitors and residents to come outdoors and do activities and enjoy Market Square as a pedestrian area. She spoke regarding teaming up with the Recreation Department on this event which will take place the last Sunday in September and the first Sunday in October which coincides with the Maritime Folk Festival. Councilor Pearson said all businesses are welcome to bring all of their wares into the streets with no vendors license required, and the event will be held over a 5 hour period on both days.

Councilor Reynolds said the goal is to try this and see what it looks and feels like. He said we can learn about traffic patterns and see how things work.

Councilor Pearson moved that the City Council accept the Open Streets Temporary Demonstration Project taking place on September 29, 2019 and October 6, 2019. Seconded by Councilor Reynolds.

Councilor Pearson said outreach has been done with businesses and residents in the area.

Councilor Becksted said that there have been public dialogue sessions where residents have expressed concerns and he would like to see public concerns addressed.

Councilor Reynolds said that we started the conversation months ago in a public way. He stated we feel we went out of our way and met with businesses and residents and their concerns have been addressed.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said we authorize through the City Manager many events that we close streets and this is something that the City Council can do and it has been a thorough process.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Dwyer said from the feedback during public dialogue sessions does not block any of the streets that people had concerns with. She stated we will give the Maritime Folk Festival more exposure and we want to promote local activities.

Motion passed with Councilor Becksted voting opposed.

D. COUNCILOR DENTON

1. Request that Bridge Street Lot be made available on Sunday, September 15th, for this year's Drive Electric Week's Second Annual Portsmouth Electric Vehicle Show AND that one of the Electric Vehicle chargers at the Foundry Place Garage be reserved for several hours in the late afternoon of Monday, September 16th, for the Drive Electric NH's Electric Vehicle Charge Forward Relay finale

Councilor Denton requested to hold the Second Annual Portsmouth Electric Vehicle Show and use of the Bridge Street or Worth Lot for the event. He also requested one of the electric vehicle charges at the Foundry Garage be reserved for several hours in the late afternoon of Monday, September 16th for the Drive Electric NH's Electric Vehicle Charge Forward Relay finale. He stated he would work with City Manager Bohenko on which lot would be used. He explained the relay race and that the racers will end up in the City.

Councilor Denton moved to authorize the City Manager to work with Councilor Denton on selecting a lot to hold the event. Seconded by Councilor Perkins.

Councilor Pearson asked Councilor Denton instead of using the Bridge Lot would you consider using the top of Foundry Garage. Discussion continued on the use of Foundry Garage and Councilor Denton will work with City Manager Bohenko on selecting a location.

Motion passed.

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

Mayor Blalock announced that all items under City Manager Bohenko are now consent.

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

2. Request for Approval of Agreement between the Portsmouth School Board and the Portsmouth Association of Clericals in Education

Councilor Perkins moved to adopt the Consent Items. Seconded by Councilor Denton.

Various City Councilors requested to pull items under the City Manager's name out of Consent to vote on separately. Previously motion was not voted upon.

Councilor Perkins moved to approve the three (3) year Collective Bargaining Agreement between the Portsmouth School Board and the Portsmouth Association of Clericals in Education to expire on June 30, 2022. Seconded by Councilor Roberts and voted.

3. Request for Approval of Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial Supervisors

Councilor Perkins moved to approve the three (3) year Collective Bargaining Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial Supervisors to expire on June 30, 2022. Seconded by Assistant Mayor Lazenby and voted.

4. Request for Approval of Portsmouth Supervisory Management Alliance

Assistant Mayor Lazenby moved to approve the three (3) year Collective Bargaining Agreement with the Portsmouth Supervisory Management Alliance to expire on June 30, 2022. Seconded by Councilor Roberts and voted.

5. Proposed Funding from Contingency FY20 for Indoor Pool

City Manager Bohenko explained during the budget process Councilor Raynolds asked for an additional \$15,000.00 for the Indoor Pool to come from the Contingency Fund. He stated he advised Councilor Raynolds he would bring the request for additional funding in FY20.

Councilor Raynolds moved to authorize the City Manager to expend an additional \$15,000.00 from contingency for the FY20 indoor pool budget with two stipulations: 1) the additional funds are for operations at the pool; and 2) the City Council amend the current contract with SIPP to provide all fees charged at the pool will be proposed by the Recreation Department and come through the Fee Committee and the City Council. Seconded by Councilor Perkins.

City Manager Bohenko said he is concerned with trying to change an existing agreement.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he does not support the motion.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

City Manager Bohenko said SIPP has never asked for an additional \$15,000.00 and it was never part of the budget.

Councilor Raynolds said that SIPP is the only situation where a set of fees do not have oversight through the Fee Committee. He stated SIPP is proposing to increase fees for the pool and it is risking driving the swim teams away from the pool. He said SIPP is aware of what is going on and understands what is happening and they want to take the \$15,000.00 and use it for capital improvements.

City Manager Bohenko said politics got involved in this and we never raised the fees, it is one of the reasons the pool got into trouble. He said we looked at closing the pool at one point. He indicated he thought we would discuss the \$15,000.00 this evening and not take action. City Manager Bohenko said that this is a group of volunteers that keep the pool open. He recommended that SIPP be here to speak with the City Council on this matter.

Councilor Becksted said he agrees with City Manager Bohenko. He stated SIPP should be able to speak to the City Council on this matter.

Councilor Roberts said we should hold off on the \$15,000.00 and speak with SIPP first and not change the contract. He said we need to have a drastic reason to change that contract.

Councilor Perkins said Councilor Raynolds has been involved in this for a year. She does not understand the problem with having out of town swim teams.

Councilor Dwyer said if there are issues it is time to revisit this matter. She said Councilor Perkins is right, there have been no movement in fees in seven years.

City Manager Bohenko said in FY 2020-2021 they may not want to continue with the City and we need to bring SIPP in with the Recreation Board to discuss this matter.

Councilor Dwyer moved to table this matter until SIPP can come into address the City. Seconded by Councilor Raynolds and voted.

6. Cate Street Land Swap

Councilor Perkins moved to schedule to vote on the Proposed Cate Street Land Swap and Cate Street Connector Road Development Agreement at the August 12, 2019 City Council meeting. Seconded by Councilor Raynolds.

Councilor Denton requested that we work into the deal funding an initial study for day lighting Hodgdon Brook.

Motion passed.

7. Request for License for Bluestone Properties of Rye, LLC for Property Located at 135 Congress Street

Assistant Mayor Lazenby moved to authorize the City Manager to negotiate and enter into a temporary construction license with Bluestone Properties of Rye, LLC, as submitted to facilitate construction activities at 135 Congress Street. Seconded by Councilor Roberts and voted.

XIV. CONSENT AGENDA

- A. Request for License to Install Projecting Sign for owner Matthew Parker of Danforth Pewter for property located at 65 Congress Street Unit 107 ***(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***

- B. Request for License to Install Projecting Sign for Partners Bank owner of Partners Bank for property located at 501 Islington 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***

Assistant Mayor Lazenby moved to adopt the Consent Agenda. Seconded by Councilor Perkins and voted.

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

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

C. Report on Pontine Theatre

Councilor Dwyer moved to accept report and place on file. Seconded by Assistant Mayor Lazenby and voted.

D. Letter from Eleanor Bird regarding the McIntyre Site

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

E. Letter from Peter Somssich and Kathleen Pohlman-Somssich regarding the McIntyre Project

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

F. Letter from Jim Splaine regarding Revisit McIntyre

Councilor Perkins moved to accept and place on file. Seconded by Councilor Roberts and voted.

XVI. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back Re: Planters & Flower Boxes on City Property

City Manager Bohenko said we have never charged for planters and flower boxes and we should just leave things the way they are and not make any changes.

2. Report Back Re: Distribution of Single-Use Disposables Ordinance

Councilor Denton moved to bring first reading of the ordinance forward at the August 12, 2019 City Council meeting. Seconded by Councilor Perkins and voted.

Councilor Denton said that the Chamber of Commerce reached out to him and the Street.life will be complying with the single use requirements outlined in the proposed ordinance.

3. Letter from NH Department of Transportation Re: Type II Noise Abatement Program

City Manager Bohenko said we are the first community to get the Type II Noise Abatement Program.

Councilor Roberts said Representative Somssich is looking at alternative funding for the Noise Abatement Program.

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

No items were discussed under this portion of the agenda.

XVIII. ADJOURNMENT

At 11:05 p.m., Councilor Perkins moved to adjourn. Seconded by Councilor Roberts and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK