

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 19, 2017 TIME: 7:00PM

AGENDA

- 6:30PM - NON PUBLIC SESSION RE: THE COMPENSATION OF PUBLIC EMPLOYEES RE: AFSCME 1386B CONTRACT - RSA 91-A:3 II (a)

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Portsmouth High School 2017 Girls Spring Track New Hampshire Division II State Champions
2. Portsmouth High School Girls Lacrosse New Hampshire Division II 2017 State Champions
3. Portsmouth High School Boys Baseball New Hampshire Division II 2017 State Champions
4. New England Foundation for the Arts Award Re: African Burying Ground
5. Art-Speak Annual State of the Arts Presentation and Request to Extend the Agreement between the City and Art-Speak (***Sample motion – move that the City Council authorize the City Manager to extend the agreement from July 1, 2017 through June 30, 2018***)

V. ACCEPTANCE OF MINUTES – JUNE 5, 2017

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. DRAFT HAZARD MITIGATION PLAN UPDATE 2017
http://www.cityofportsmouth.com/fires/Portsmouth_HazMit_May2017.pdf
- B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.902 – ELECTION CANDIDATE CONFLICT OF INTEREST / MANDATORY FINANCIAL DISCLOSURE

- C. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT C – CONFLICT OF INTEREST – A REQUIREMENT THAT EACH CANDIDATE FOR CITY COUNCIL AND EVERY POLITICAL ACTION COMMITTEE SUPPORTING ONE OR MORE CANDIDATES FOR CITY COUNCIL REPORT CONTRIBUTIONS AND EXPENDITURES PRIOR TO ELECTION DAY, INCLUDING THE CANDIDATE’S TOTAL MONETARY EXPENDITURES FOR THAT ELECTION AND THE TOTAL MONETARY EXPENDITURES FOR EACH CANDIDATE OR SLATE OF CANDIDATES BY THE POLITICAL ACTION COMMITTEE. THE REPORT OF MONETARY CONTRIBUTIONS TO THE CANDIDATE OR BY A POLITICAL ACTION COMMITTEE SHALL IDENTIFY EACH CONTRIBUTOR BY NAME, ADDRESS AND AMOUNT OF CONTRIBUTION **(Action on this item required here)**
- D. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT C – CONFLICT OF INTEREST. FOR THE PURPOSES OF FINANCIAL DISCLOSURE THE TERM “MUNICIPAL OFFICIALS” IN THIS PROVISION SHALL INCLUDE MEMBERS OF THE CITY COUNCIL, POLICE COMMISSION, FIRE COMMISSION, SCHOOL BOARD, PLANNING BOARD, ZONING BOARD OF ADJUSTMENT, HISTORIC DISTRICT COMMISSION AND THE CITY MANAGER **(Action on this item required here)**
- E. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT E- POLICE DEPARTMENT (POLICE COMMISSION). THE COMMISSION SHALL APPOINT THE POLICE CHIEF, SUBJECT TO CONTRACTUAL APPROVAL BY THE CITY COUNCIL. ALL OTHER EMPLOYEES OF THE POLICE DEPARTMENT SHALL BE APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHARTER. IN ADDITION, THE COMMISSION SHALL HAVE AUTHORITY TO CONSIDER AND ACT UPON ANY COMPLAINT FROM ANY SOURCE AND/OR EMPLOYEE GRIEVANCE(S). WHERE THE COMMISSION DETERMINES THERE TO BE SUFFICIENT CAUSE THE COMMISSION MAY, AFTER A HEARING CONSISTENT WITH THE REQUIREMENTS OF DUE PROCESS, DISCIPLINE OR REMOVE ANY EMPLOYEE OF THE POLICE DEPARTMENT AGAINST WHOM SUCH A COMPLAINT HAS BEEN BROUGHT. APPEALS FROM SUCH DECISIONS SHALL BE HEARD PURSUANT TO SUCH GRIEVANCE PROCEDURES AS SHALL BE ESTABLISHED BY THE COMMISSION OR PRESCRIBED IN RESPECT OF COLLECTIVE BARGAINING AGREEMENTS. THE CITY MANAGER AS DIRECTED BY THE CITY COUNCIL SHALL HAVE ALL ADMINISTRATIVE RESPONSIBILITIES RELATING TO THE ADMINISTRATION OF THE POLICE DEPARTMENT. SUCH POWERS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:
- THE POWER TO DETERMINE THE NUMBER, LOCATION AND TYPE OF FACILITIES AND INSTALLATIONS; AND
 - THE POWER TO DETERMINE THE SIZE OF THE WORKFORCE AND INCREASE OR DECREASE ITS SIZE
- (Action on this item required here)**

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Parking & Traffic Safety Omnibus Ordinance

- B. Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance
- C. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space
- D. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots
- E. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art - Exemption
- F. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article I – Parking Meters, Section 7.105 – Parking – Designated Motorcycle Parking Area
- G. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article V – Bicycle Regulations
- H. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article XVII – Moped Regulations

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Holly Tennent and Melissa Mikulski, Bottomline Technologies, requesting permission to hold a 5k Road Race on Saturday, September 16, 2017 at 9:00 a.m. at the Pease Tradeport ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Chris Curtis, The Music Hall, requesting permission to hold the Telluride by the Sea film festival on September 15, 2017 – September 17, 2017 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Request for License to Install Projecting Sign:

Kristin Fichera owner of The Treehouse School of Portsmouth for property located at 100 State 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***

D. Request for License to Install Projecting Sign:

Albert Fleury owner of The Goat for property located at 142-144 Congress 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***

E. Request for License to Install Projecting Sign:

Joe Kelly owner of the Thirsty Moose Taphouse for property located at 21 Congress 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***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Shane Morin requesting permission to hold an outdoor event of acoustic music and poetry on July 15, 2017, from 7:00 p.m. – 9:30 p.m. at the Vaughan Mall stage

- B. Letter from Nick Diana requesting permission to hold a Community Road Race on April 14, 2018 from 9:00 a.m. – 11:00 a.m. (***Sample motion – move to table for additional information***)
- C. Letter from Brenna Cavanaugh, Police Commissioner, regarding Additional Information on Points Raised at the City Council Retreat

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

- 1. Request for Approval of Employment Agreement between the Portsmouth Police Commission and New Police Chief Robert M. Merner
- 2. Request for Approval of Working Agreement between Portsmouth School District Paraprofessionals and the Portsmouth Board of Education
- 3. Request for Public Hearing Re: Various Bond Resolutions

GENERAL FUND

- A) Resolution for Borrowing Authorization of up to \$550,000.00 for costs related to the Installation and Implementation of New High School Athletic Field Lighting
 - High School Athletic Field Lighting - \$550,000.00
- B) Resolution for Borrowing Authorization of up to \$10,950,000.00 for costs related to City Street, Sidewalk, and Facility Improvements
 - City Fields Lighting - \$600,000.00
 - Downtown Maplewood Avenue Area Complete Street Project - \$450,000.00
 - North Mill Pond Multi-Use Path - \$500,000.00
 - City-Wide Sidewalk Reconstruction Program - \$800,000.00
 - Lafayette/Andrew Jarvis Intersection Improvements - \$800,000.00
 - Hoover/Taft Drainage Upgrades - \$250,000.00
 - Pleasant Street Reconstruction - \$750,000.00
 - New Franklin/Woodbury Corridor Improvements - \$500,000.00
 - McDonough Street Area Improvement Project - \$800,000.00
 - Islington Street Improvements - \$2,500,000.00
 - Street Paving, Management and Rehabilitation - \$3,000,000.00

WATER FUND

- C) Resolution for Borrowing Authorization of up to \$3,100,000.00 for costs related to Water Line Replacements and the Pleasant Street Water Line Improvements
 - Annual Water Line Replacement - \$2,500,000.00
 - Pleasant Street Water Mains - \$600,000.00

SEWER FUND

- D) Resolution for Borrowing Authorization of up to \$4,800,000.00 for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements, and Union Street Sewer Construction
- Consent Decree Mitigation - \$400,000.00
 - Annual Sewer Line Replacement - \$3,000,000.00
 - Wastewater Pumping Station Improvements - \$700,000.00
 - Union Street Sewer Construction - \$700,000.00
- E) Resolution for Borrowing Authorization of up to \$6,900,000.00 for costs related to the Construction of the Peirce Island Wastewater Treatment Plant (State Revolving Fund – SRF)
- Peirce island Wastewater Treatment Design and Construction - \$6,900,000.00
4. Composting Program Approval
5. Establish a Work Session Re: Thomas J. McIntyre Federal Property at 80 Daniel Street
6. Establish a Work Session Re: Scope of Services and review of Parking Principles

City Manager's Informational Items

1. Events Listing
2. Adopted Annual Budget for Fiscal Year 2018
3. Press Release Re: Peirce Island Wastewater Treatment Facility Tour
4. Press Release Re: City's AAA Bond Rating and Bond Sale

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Reappointment of Daniel Rawling to the Historic District Commission
 - Reappointment of John Leith to the Portsmouth Housing Authority
2. *Appointment to be Voted:
 - Appointment of Samantha Wright Collins as a Regular member to the Conservation Commission
3. *Appointment of Robert Capone to the Public Access Financial Advisory Committee
4. Resignation of Ronald Poulin from the Cable Television Communications Commission
5. *Blue Ribbon Committee on Sister Cities Appointments
 - Karina Quintans, Resident
 - Stephanie Seacord, Leading Edge Marketing
 - Valerie Rochon, President Portsmouth Chamber of Commerce
 - Steve Zadravec, Superintendent of Schools
 - Steve Nelson, Poet Laureate
 - Nancy Carmer, Ex-officio

C. ASSISTANT MAYOR SPLAINE

1. Memorandum regarding City Charter Amendments

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 1, 2017 meeting (***Sample motion – move to accept and approval the action sheet and minutes of the June 1, 2017 Parking & Traffic Safety Committee meeting***)

E. COUNCILOR DENTON

1. *Request to Establish a Mayor's Blue Ribbon Committee on Renewable Energy
 - Two City Councilors, one to serve as Chair
 - One School Board Member
 - One Planning Board Member
 - Two residents that are experts in the renewable energy field
 - One Pease Development Authority Representative
 - Two City Staff to be appointed by the City Manager

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

(There are no items under this section of the Agenda)

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: June 15, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on June 19, 2017 City Council Agenda

6:30 p.m. – Non-Public Session Re: RSA 91-A:3 II (a), regarding the compensation of public employees – Contract for AFSCME 1386B

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

Presentations:

1. **Portsmouth High School 2017 Girls Spring Track New Hampshire Division II State Champions.** On Monday evening, Mayor Jack Blalock will recognize Portsmouth High School Girls Spring Track Team State Champions.
2. **Portsmouth High School 2017 Girls Lacrosse New Hampshire Division II State Champions.** Mayor Jack Blalock will recognize the Portsmouth High School Girls Lacrosse Team State Champions.
3. **Portsmouth High School 2017 Boys Baseball New Hampshire Division II State Champions.** Mayor Jack Blalock will recognize the Portsmouth High School Boys Baseball Team 2017 State Champions.

4. **New England Foundation for the Arts Award Re: African Burying Ground.** The New England Foundation for the Arts will present the City with an award on Monday evening in recognition of the African Burying Ground Project.

Councilor Dwyer, Vernis Jackson, and Stephanie Seacord, African Burying Ground Volunteer, presented a workshop about the African Burying Ground at the New England Creative Communities Exchange held this month in New London, Connecticut. The conference was sponsored by the New England Foundation for the Arts in Boston. Councilor Dwyer indicated that they had a good session and were surprised to be awarded a cash prize (one of two given every two years) to recognize the African Burying Ground project for its successful strategies, impact on the community, and possibility for replication in other communities. Councilor Dwyer, Vernis Jackson and Stephanie Seacord were interviewed to create a short video.

5. **Art-Speak Annual State of the Art Presentation and Request to Extend the Agreement Between the City and Art-Speak.** Mike Teixeira, President of Art-Speak, will present the annual report on local arts and culture activities during FY 16/17 and request renewal of the Agreement between the City and Art-Speak for the period July 1, 2017 through June 30, 2018.

The report will include an update on the work required under the current funding agreement between Art-Speak and the City. During FY 16/17, Art-Speak continued implementation of the Cultural Plan, promoted Portsmouth as a local and regional arts and culture through the “A Tiny Bit Huge” project and through website updates. It completed the surveys of non-profit arts organizations required for participation in the Americans for the Arts Economic Prosperity Study. It also facilitated the Foundry Place Garage Percent for Art project and convened a public meeting to gather input. Art-Speak is also represented on the Foundry Place Garage Subcommittee. Finally, it initiated an exciting public art program that will be included in the presentation. The funding in the FY 18 budget for City Cultural Commission activities remains at \$15,000.

By supporting the activities of Art-Speak, the City of Portsmouth advocates and leverages the power of the local creative economy and continues to be a leader for other communities in the region. [Attached](#) is a draft copy of the renewal Agreement between the City and Art-Speak for your information.

I recommend that the City Council authorize the City Manager to extend the agreement from July 1, 2017 through June 30, 2018.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Ordinance Amendments.

- 1.1 **First Reading of Parking & Traffic Safety Omnibus Ordinance.** Attached under Section VIII of the Agenda is the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee. This year's omnibus changes are detailed on the [attached sheets](#), and address changes to on-street parking spaces, one-way streets, truck traffic prohibitions, and updates to reflect current conditions.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a two-hour time restriction to a 15-minute one. This process would often take four to six months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration. The [attached amendments to Chapter 7, Vehicles, Traffic and Parking](#) for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee last year.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, at the July 10, 2017 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. Public Hearing.

- 2.1 **Public Hearing on the Draft Hazard Mitigation Plan Update 2017.** Attached under Section VII of the Agenda is a copy of the [City's Draft Hazard Mitigation Plan Update 2017](#), which is a joint effort of a Committee comprised of the City's Emergency Management Coordinator, Deputy City Manager, Assistant City Manager, Environmental Planner, Community Development Coordinator, Deputy Fire Chief, Fire Prevention Coordinator and GIS Coordinator working with the staff from the Rockingham Planning Commission. On Monday evening, the City Council will hold a public hearing to receive public comment on the Draft Plan

Update. Public comment on the Draft Plan will be accepted by the City Council and the Emergency Management Director until Monday, July 3, 2017. Comment can be submitted via email to seachilles@cityofportsmouth.com or klbarnaby@cityofportsmouth.com.

Fire Chief and Emergency Management Coordinator Steve Achilles will be in attendance at Monday's meeting to answer any questions regarding this matter.

We will not be asking the Council to adopt the Plan until we receive approval from NHHSEM, (NH Homeland Security and Emergency Management).

3. **Public Hearing/Second Reading of Proposed Ordinances.**

- 3.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosure.** As you will recall at the May 1, 2017 City Council meeting, the Council voted to bring back for first reading the [attached proposed Ordinance](#) amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosure. As requested at the April 17, 2017 City Council meeting, the proposed Ordinance reflects new language to clarify entities from candidates.

Action is required regarding this matter under Section VIII of the Agenda.

4. **Public Hearings on Proposed Charter Amendments.**

- 4.1 **Public Hearing for Proposed Charter Amendment #1 to Establish a Conflict of Interest Ordinance – Amendment C – Reporting Monetary Contributions to the Candidate or by A Political Action Committee.** The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest Ordinance. The ordinance is required to include mandatory financial disclosure by certain municipal officials, a review board and procedures to determine violations, penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations. If adopted, this proposed Charter Amendment would add to the list items to be included in the ordinance mandatory financial reporting requirements under which candidates for the City Council, and political action committees which support such candidates, must report campaign contributions and expenditures. The specific reporting requirements would ultimately be contained in the ordinance adopted by the City Council. [See attached Charter Amendment under Section VIII of the Agenda.](#)

Action is required regarding this matter under Section VIII of the Agenda.

- 4.2 **Public Hearing for Proposed Charter Amendment #2 to Establish a Conflict of Interest Ordinance – Amendment C – Financial Disclosure.** The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest Ordinance. The ordinance is required to include mandatory financial disclosure by certain municipal officials, a review board and procedures to determine violations, penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations. If adopted, this proposed Charter Amendment would mandate that the “municipal officials” who must comply with the mandatory financial disclosure of the sources of income and capital assets required by the ordinance will include members of the City Council, Police, Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District commission and the City Manager. [See attached Charter Amendment under Section VIII of the Agenda.](#)

Action is required regarding this matter under Section VIII of the Agenda.

- 4.3 **Public Hearing for Proposed Charter Amendment #3 Amendment E – Police Department (Police Commission) to Modify the Role of the Police Commission.** As currently written, the municipal Charter of the City of Portsmouth places administrative and policy making authority for the Portsmouth Police Department in a three (3) member elected Police Commission. If this proposed Charter Amendment is adopted the primary effect would be to shift some of the administrative authority from the Police Commission to the general City government. The Police Commission would continue to have authority to appoint the police chief and act upon complaints from any source as well as act upon employee grievances. The Police Commission would retain the authority to discipline or remove any employee of the Police Department against whom such a complaint has been brought. [See attached Charter Amendment under Section VIII of the Agenda.](#)

Action is required regarding this matter under Section VIII of the Agenda.

5. **Third and Final Readings of Proposed Ordinances.**

- 5.1 **Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character-Based Zoning Excess Community Space.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Character-Based Zoning Excess Community Space.

As you will recall, at the April 3, 2017 City Council meeting, the Council voted to refer the draft zoning amendment to the Planning Board for report back. This proposed Zoning Ordinance amendment would allow excess community space provided by a development in an Incentive Overlay District to be credited for use in

another development in the same Incentive Overlay District. [Attached for your information is a memorandum from former Planning Director Rick Taintor](#) explaining the background of the proposed Vaughan Street Hotel and Waterfront Park as well as the provisions of the proposed amendment.

The Planning Board held a public hearing on this draft amendment to the Zoning Ordinance at its meeting on April 20, 2017. The Board voted to recommend that the amendment be enacted with the following four changes:

1. When a developer proposed to contribute unimproved land in lieu of a confirming community space, require the application to include a complete site plan and design for the future community space.
2. In 10.5A46.23(2)(a) of the draft amendment [to be re-designated as (b)], insert the word “excess” before the words “unimproved land” to clarify the intent.
3. Reduce the maximum term of a Prospective Development Incentive Agreement from 15 years to 10 years.
4. Insert a new provision requiring the grant of a conditional use permit by the Planning Board in order for a developer to be able to use the excess community space to support a future project, regardless of whether the future project would need a conditional use permit otherwise.

The [attached revised amendment](#) incorporates the Planning Board’s recommended changes (additions underlined, deletions ~~struck through~~).

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 5.2 **Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots.

At its March 6, 2017 meeting the City Council passed third reading on an ordinance relating to signs for public parking in a private parking lot. This ordinance was enacted as an amendment to the City Ordinances, Chapter 7, Article I – Parking Meters, and requires that any sign located at the entrance to a private parking lot receive a permit from the Department of Public Works.

Attached is a memorandum from former Planning Director Rick Taintor which outlines the reasons for an amendment to the Zoning Ordinance to exempt signs and other elements related to public parking in private parking lots from specific zoning standards when authorized under a permit from the Department of Public Works.

The Planning Department drafted the [attached amendment to the Zoning Ordinance](#) to implement these exemptions, and the City Council voted at its March 20th meeting to refer this proposed amendment to the Planning Board for report back. At its meeting on April 20, 2017, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as proposed.

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 5.3 **Third and Final Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art - Exemption.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 1, Article XVII, Section 1.1704 Public Art – Exemption. This proposed Ordinance is a request of Councilor Nancy Pearson. City Attorney Robert Sullivan meet with Councilor Pearson on April 11, 2017 regarding the inclusion of a public art component to school construction projects, reference ordinances of the City of Portsmouth, Chapter 1, Article XVII.

In particular, 1.1702 **PUBLIC ART COMMITMENT** requires that, “One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to Fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art.”

The ordinance contains further provisions which determine how public art will be selected and the public arts funds expended on that selection. There is also a provision in the ordinance which allows the City Council to exempt a municipal building under appropriate circumstances. Insofar as school buildings are owned by the municipality and construction or renovation of them is funded by the City Council, it would appear that this ordinance would apply to school buildings, such as the Little Harbour School.

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 5.4 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article I Parking Meters, Section 7.105: Parking - Designated Motorcycle Parking Area.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) Ordinance amending Chapter 7, Article I Parking Meters, Section 7.105: Parking C. Designated Motorcycle Parking Area which was approved by the Parking and Traffic Safety Committee meeting of April 6, 2017.

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda

- 5.5 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article V Bicycle Regulations.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) proposed Ordinance amending Chapter 7, Article V Bicycle Regulations which was approved by the Parking and Traffic Safety Committee meeting of April 6, 2017.

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda.

- 5.6 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article XVII Moped Regulations.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) proposed Ordinance amending Chapter 7, Article XVII Moped Regulations which was approved by the Parking and Traffic Safety Committee meeting of April 6, 2017.

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Signs.** [Attached under Section IX of the Agenda](#) is a request for projecting sign licenses ([see attached memorandums from Juliet Walker, Planning Director](#)):
 - Kristin Fichera, owner of The Treehouse School of Portsmouth located at 100 State Street
 - Albert Fleury, owner of The Goat located at 142-144 Congress Street
 - Joe Kelly, owner of Thirsty Moose Taphouse located at 21 Congress Street

I recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute these License Agreements for these requests. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of Employment Agreement between the Portsmouth Police Commission and the New Police Chief Robert M. Merner.** The Portsmouth Police Commission has reached an Employment Agreement with the Robert M. Merner to serve as the City's next Police Chief. The [attached Employment Agreement](#) is for a five (5) year term (through June 19, 2022) with possible extension, subject to a contractual addendum approved by both the Police Commission and the City Council.

City Negotiator Thomas Closson recommends this Employment Agreement. [Attached is a copy of his letter which summarizes the highlights of this Agreement.](#) Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/Police/rmerner%20.pdf>

I recommend the City Council move to accept the proposed Employment Agreement between the Portsmouth Police Commission and the new Police Chief Robert M. Merner for a five (5) year term, commencing on June 20, 2017 and ending on June 19, 2022.

2. **Request for Approval of Working Agreement between Portsmouth School District Paraprofessionals and the Portsmouth Board of Education.** The Portsmouth Board of Education has reached a Tentative Agreement with the Portsmouth School District Paraprofessionals (PARA) for an Agreement from July 1, 2017 to expire on June 30, 2020.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [A letter from Thomas Closson, City Negotiator summarizing the terms of this Tentative Agreement;](#)
- [The PARA Contract showing the insertions and deletions to implement the Tentative Agreement if approved; and](#)
- [Cost Analysis of the Agreement.](#)

Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/School/Paras%20draft%2017-20.pdf>

I recommend the City Council move to accept the proposed contract with the Portsmouth Board of Education and the Portsmouth School District Paraprofessionals to expire on June 30, 2020.

3. **Request for Public Hearing Re: Various Bonding Resolutions.** *Attached five (5) proposed Bond Authorization Resolutions for projects identified in the FY 18-23 Capital Improvement Plan (respective element sheets are attached).* I am requesting that the City Council establish a public hearing on each of these proposed resolutions for the July 10th, 2017 City Council Agenda.

GENERAL FUND

I. **Resolution for borrowing authorization of up to \$550,000 for costs related to the Installation and Implementation of New High School Athletic Field Lighting.**

- **High School Athletic Field Lighting - \$550,000:**

(Page II-30 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The Portsmouth School Department has maintenance responsibilities for more than 10 acres of athletic fields on the Portsmouth High School campus, used by both the School and Recreation Departments. The current lighting was installed in 1989 and is now beyond its expected life cycle, resulting in numerous component failures. Several attempts at procuring equipment and installation of proven current lighting technology bid as part of a package of similar projects for the Department of Public Works resulted in a significant funding shortfall.

II. **Resolution for borrowing authorization of up to \$10,950,000 for costs related to City Street, Sidewalk, and Facility Improvements.**

- **City Fields Lighting - \$600,000:**

(Page II-44 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The sports lighting at Leary Field and at the High School athletic field's complex are thirty years old and at the end of their useful life. The City is unable to purchase replacement parts for these systems. The Leary field includes baseball, soccer, tennis and a practice field.

- **Downtown Maplewood Avenue Area Complete Street Project - \$450,000:**

(Page II-62 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The goals are to enhance the comfort, appeal and safety of this approximately ¼ mile corridor. This project is intended for planning, design and construction and will include sidewalk widening, bike lanes, crosswalk improvements, travel lane reductions, related underground utility work as well as roadway reconstruction. Partial funding will be provided by developers of abutting parcels.

- **North Mill Pond Multi-Use Path - \$500,000:**

(Page II-63 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The North Mill Pond Multi-Use Path would be a paved path for use by bicycles and pedestrians extending from Market Street to Bartlett Street, with a brief on-road

connection on Maplewood Ave. As proposed, the path would be a minimum of ten-feet (10') wide and two-feet (2') of clear space on either side. Phase 1 of this project would include design of the entire corridor as well as construction for the portion extending from Bartlett St to Maplewood Ave. Phase 2 will address the extension from Maplewood Ave to Market Street, where significant private investment is anticipated.

- **City-Wide Sidewalk Reconstruction Program - \$800,000:**

(Page II-68 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This program is in conjunction with the ongoing Bicycle Pedestrian Plan. The sidewalk inventory consists of over seventy (70) miles of sidewalks, made from asphalt, concrete, brick, or stone. Reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements. To aid in prioritizing of sidewalk upgrades the DPW has completed a sidewalk condition inventory. This project includes sidewalks identified as being in poor to fair condition.

- **Lafayette/Andrew Jarvis Intersection Improvements - \$800,000:**

(Page II-73 of Appendix II of the Proposed Annual Budget Book 2017-2018)

Construction of improvements to intersection, including signalization of intersection, widening Andrew Jarvis Drive to provide separate left and right turn lanes, widening Lafayette Road to provide turning lanes, provide bus stop, crosswalks and bike lane on Lafayette Road. Construct ornamental stone wall at corner and reinstall the High School Sign.

- **Hoover/Taft Drainage Upgrades - \$250,000:**

(Page II-79 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project would alleviate the flooding in this area during intense rain events and repave the area after construction.

- **Pleasant Street Reconstruction - \$750,000:**

(Page II-80 of Appendix II of the Proposed Annual Budget Book 2017-2018)

Reconstruction of Pleasant Street from Court Street to Marcy Street. Project includes new water mains, new sanitary sewers, new drains, stormwater treatment/management measures, new sidewalks, and new pavement. Water and sewer improvement funding to come from enterprise funds.

- **New Franklin/Woodbury Corridor Improvements - \$500,000:**

(Page II-82 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project includes design and construction of improvements recommended in the Woodbury Avenue Corridor Study. Work needed includes removal of the concrete medial islands, installation of traffic signals at the Route 1 Bypass

northbound ramps, re-striping to provide left turn lanes at intersections, and construction of a pedestrian refuge island at Rockingham and Dennett.

- **McDonough Street Area Improvement Project - \$800,000:**

(Page II-83 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. This area is a mixed use of residential, commercial and industrial uses located between Islington Street and North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach.

- **Islington Street Improvements - \$2,500,000:**

(Page II-84 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The [Islington Street Improvement Action Plan](#) was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process. Final design is underway with the first phase of improvements starting at Congress St. with construction anticipated summer 2017.

- **Street Paving, Management and Rehabilitation - \$3,000,000:**

(Page II-85 of Appendix II of the Proposed Annual Budget Book 2017-2018)

In 1993 the City began a Pavement Condition Management Program. This on-going program produces a report showing existing conditions for each publicly owned street and a priority ranking for the best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios project future street conditions based upon various levels of expenditures. The most recent condition report recommends an expenditure of \$1,500,000 per year to maintain street conditions at its current level. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting twenty (20) years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only ten (10) years).

WATER FUND

III. **Resolution for borrowing authorization of up to \$3,100,000 for costs related to Water Line Replacements and the Pleasant Street Water Line Improvements.**

- **Annual Water Line Replacement - \$2,500,000:**

(Page II-88 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes. Bond funds for large full road reconstruction projects.

- **Pleasant Street Water Mains - \$600,000:**

(Page II-93 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project consists of Reconstruction of Pleasant Street water mains from Court Street to Marcy Street

SEWER FUND

IV. **Resolution for borrowing authorization of up to \$4,800,000 for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements, and Union Street Sewer Construction.**

- **Consent Decree Mitigation - \$400,000:**

(Page II-96 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The City of Portsmouth entered into a Consent Decree with the Environmental Protection Agency in 2009. The City moved forward with the requirements of the Consent Decree and had to modify the final schedule for the required expansion of the Peirce Island Wastewater Treatment Facility. As a result of this modification, the City committed to certain projects. The capital type projects include implementing a \$500,000 green infrastructure stormwater project and construction of a low pressure sewer system on Sagamore Avenue north and south of Sagamore Creek and will be funded with this item.

- **Annual Sewer Line Replacement - \$3,000,000:**

(Page II-100 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The wastewater collection system consists of more than one-hundred (100) miles of pipe. Many of the older pipes are fifty (50) to one-hundred (100) years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes. Bond funds are for the large full road reconstruction type projects.

- **Wastewater Pumping Station Improvements - \$700,000:**

(Page II-101 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The City owns and operates twenty (20) wastewater pumping stations. The projected life span of a pumping station is twenty (20) years. This project plans for the replacement or major rehabilitation of the pumping stations that have not been included as separate projects. The next pumping station to be addressed under this project is the Heritage Avenue pumping station.

- **Union Street Sewer Construction - \$700,000:**

(Page II-102 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This section of Union Street from Middle Street to State Street is in poor condition and in need of full reconstruction, streetscape improvements and full utility replacement. This will include separating the combined sewer in the area. The costs of this project will be shared with the Highway Division and Water Division of Public Works.

V. **Resolution for borrowing authorization of up to \$6,900,000 for costs related to the Construction of the Peirce Island Wastewater Treatment Plant (State Revolving Fund – SRF)**

- **Peirce Island Wastewater Treatment Design and Construction - \$6,900,000:**

(Page II-97 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The borrowing authorization request to increase the State Revolving Fund (SRF) loan in the amount of \$6.9 million for the construction of the Peirce Island Wastewater Treatment Facility will cover costs for construction contingencies and construction engineering to complete the project. These funds were previously anticipated and were presented as part of the FY 18 Capital Improvement Plan (CIP). With City Council approval of the borrowing authorization, the total sewer funding for the project will be \$91.9 million as shown on the FY 18 to FY 23 CIP element sheet. This request does not increase the overall cost of the Peirce Island Wastewater Treatment Facility project but covers the funding gap between previous borrowing authorizations and the total project funding need.

By way of further background, the City Council previously authorized \$85 million in borrowing for this project, \$10 million on August 5, 2013 (municipal bond) and \$75 million on March 14, 2016 (SRF Loan). At the time of the construction contract award it was acknowledged that additional funding would be needed to cover contingency and engineering costs beyond the first year of construction and that future CIP funding requests would reflect that need.

The City opted to use the State Revolving Loan Fund (SRF) for the construction related costs because of the low fixed interest rate and the limited construction interest costs. The Department of Environmental Services (DES) administers the

SRF loans and has indicated that the additional \$6.9 million can be made available to the City. Although DES intends to modify the loan agreement annually for the added funding, DES has advised that this single authorization of \$6.9 million for remaining project costs would provide them flexibility in lieu of separate annual authorizations as shown in the CIP element sheet. This provides DES flexibility to adjust the annual loan amendment based on available funds in the SRF program.

I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presented, for the July 10, 2017 City Council meeting. (Please note that Bonding Resolutions require a public hearing and adoption).

4. **Composting Program Approval.** Over the past year, the Department of Public Works (DPW) has worked to make food waste composting easier for residents by introducing a food waste drop-off at the Recycling Center, and offering discounted backyard compost bins for purchase. At the City Council's request, an additional option to expand on these efforts and further encourage Portsmouth residents to divert food waste from the landfill was developed. This option includes offering backyard compost bins – a \$100 retail value – free to residents, along with full rebates returned to those who have already purchased them. In addition to free backyard compost bins, a monthly subsidy to residents who participate in curbside collection through Mr. Fox Composting could be provided. The City would offer a \$10 per month subsidy reflected on the resident's invoice from Mr. Fox Composting to those residential customers in Portsmouth who use their services. Total cost for this pilot program is estimated at \$40,000 in FY18.

City Council authorization is needed to offer a Mr. Fox Composting subsidy and backyard bin program.

To the best of our knowledge, only one of the dozens of waste haulers that operate in the Seacoast area, Mr. Fox Composting, currently provides curbside collection of food waste. Mr. Fox is a local Maine company already providing curbside collection of food waste to approximately 150 Portsmouth residents and many businesses. Mr. Fox Composting charges their customers \$32 per month for weekly curbside collection or \$16 per month for bi-weekly collection. This cost includes curbside bins, compostable bags and an option for free finished compost for participating residents. Because curbside collection of food waste is an industry in its infancy, collection costs are high and present a barrier to entry for many residents.

Therefore, I request that the City Council authorize effective July 1, 2017 a one year pilot program, as presented.

5. **Establish a Work Session Re: Thomas J. McIntyre Federal Property at 80 Daniel Street.** On June 12, 2017, the City received 7 qualifications packages ([included in the City Council packets](#)) and the public can view these documents at <https://sites.google.com/view/mcintyreproject/request-for-private-partners> in response to its Request for Qualifications (RFQ) pertaining to the redevelopment of the McIntyre property. These seven teams are listed below:

- Wood Partners Lexington, MA
- Winn Development Boston, MA
- Ocean Properties & Two International Place Portsmouth, NH
- 100 Market Street LLC Portsmouth, NH
- Chinburg Properties Newmarket, NH
- Leggat McCall Properties Boston, MA
- Kane Company & Redgate Portsmouth, NH, Boston, MA

We are reviewing each submittal for responsiveness to the criteria set forth in the RFQ. We request City Council establish a work session to review these submittals as well as a draft Request for Proposals before its July 10, 2017 regular meeting. In the meantime, City staff will meet with the New Hampshire State Historic Preservation Office (NH SHPO) to gain some additional insight into their thoughts on the property, and how the Secretary Standards might be applied.

We plan to hold an initial public input session on Monday, June 26, 2017 at 6:00 p.m. in the Eileen Dondero Foley Council Chambers to inform the community about the property, the Historic Monument program, and solicit ideas for the property's redevelopment. Invitations to attend will be extended to the Planning Board, the Historic District Commission, and the Economic Development Commission.

We expect teams to work over the summer months to develop proposals for City Council's consideration in September. At that time, City Council may decide to conduct interviews/proposal presentations during an extended special meeting. Following these interviews, City Council may select a preferred partner for application to the Historic Monument program.

Details involving a development agreement, lease terms, preservation covenants, etc. will commence at that time – General Services Administration (GSA) has previously indicated the building may be ready to be vacated by fall 2018.

I recommend the City Council move to establish a Work Session to review the submittals for the redevelopment of the Thomas J. McIntyre Federal Property at 80 Daniel Street, as well as a draft Request for Proposals before the City Council July 10th regular meeting.

6. **Request to Reschedule Work Session Re: Scope of Services and Review of Parking Principles.** As you are aware, at the May 15, 2017 City Council meeting, the City Council voted to schedule a Work Session regarding parking for this evening's meeting. I am requesting that the City Council reschedule the Work Session for Monday, August 7, 2017 at 6:00 p.m., prior to the regular meeting. At this time, our new Parking Director Ben Fletcher will be in attendance.

Therefore, may I have your approval to reschedule the Work Session regarding parking to Monday, August 7, 2017 at 6:00 p.m.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 5, 2017. In addition, this can be found on the City's website.
2. **Adopted Annual Budget for Fiscal Year 2018.** [Attached for your information is a copy of a memorandum](#) regarding the Adopted Annual Budget for Fiscal Year 2018.
3. **Press Release Re: Peirce Island Wastewater Treatment Facility Tour.** A public tour of the Peirce Island Wastewater Treatment Facility Upgrade Project will be held on Tuesday, June 20, 2017 from 6:00 p.m. to 8:00 p.m. [Attached is a press release regarding this matter.](#)
4. **Press Release Re: City's AAA Bond Rating and Bond Sale.** For your information, [attached is a press release](#) announcing that Standard and Poor's rating agency has again affirmed the City's long-term rating of "AAA," the highest obtainable rating as part of a recent bond sale.