

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 20, 2010 TIME: 7:00PM

AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Update on Indoor Pool
2. African Burying Ground Memorial Park, *We Stand in Honor of Those Forgotten*
 - Letter from Vernis Jackson, Chair, African Burying Ground Committee, requesting the City Council appropriate \$100,000.00 in Urban Development Action Grant (UDAG) funding for the African Burying Ground Memorial Park (***Action on this matter will take place under Councilor Dwyer***)
3. Operational Efficiencies Report Back

V. ACCEPTANCE OF MINUTES – DECEMBER 6, 2010

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. ORDINANCE OF AMENDMENTS TO CHAPTER 7 – VEHICLES, TRAFFIC PARKING OMNIBUS ORDINANCES
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, TAXICABS – OF THE ORDINANCES OF THE CITY OF PORTSMOUTH BE STRICKEN IN ITS ENTIRETY AND REPLACED

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donations to the Coalition Legal Fund
 - Town of Grantham - \$1,000.00
 - Town of Center Harbor - \$500.00***(Sample motion – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)***
- B. Acceptance of Grant for Curbside Recycling Bins ***(Sample motion – move to accept and expend a \$2,100.00 grant for the purpose of curbside recycling bins)***

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (**Sample motion – move to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and hold third and final reading at the January 3, 2011 City Council meeting**)
- B. Second reading of Ordinance amending Chapter 7, Article II, Taxicabs – of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced (**Sample motion – move to pass second reading for the Taxi Ordinance, as recommended by the Taxi Commission, and schedule third and final reading at the January 3, 2011 City Council meeting**)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce, requesting permission to hold the 2011 Community Road Race Series as follows:
- YMCA 5K – Saturday, May 14th at 9:00 a.m.
 - Harbour Trail Road Race 5K – Saturday, July 9th at 9:00 a.m.
 - Rotary Club of Portsmouth Thunder Chicken 5K – Thursday, August 4th at 6:00 p.m.
 - Breast Cancer Stories 5K – Saturday, September 17th at 9:00 a.m.
 - Seacoast Rotary Club Turkey Trot 5K – Thursday, November 24th at 8:30 a.m.
- (**Anticipated action – move to refer to the City Manager with power**)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Susanne Delaney, The Portsmouth Criterium, requesting permission to hold The Portsmouth Criterium event on Sunday, September 18, 2011
- B. Letter from Peter Bresciano regarding Vision Property Record Cards posted on the website
- C. Letter from Richard Gamester, Chair Portsmouth Fire Commission regarding Budget Citizen Deliberation Pilot Program

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action Under Other Sections of the Agenda

1. Public Hearing/Second Reading of Proposed Ordinance Amendment:
- 1.1 Public Hearing/Second Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (**Action on this Item should take place under Section IX of the Agenda**)

- 1.2 Public Hearing/Second Reading of Ordinance amending Chapter 7, Article II - Taxicabs Ordinance (**Action on this Item should take place under Section IX of the Agenda**)

City Manager's Items Which Require Action

1. Report Back Re: Vision Appraisal Online
2. Proposed Bonding for Wastewater Treatment Preliminary Engineering and Long-Term Control Plan Implementation
3. Request for Approval of PSNH Pole License and Easement for Granite Street Ballfield
4. Request for Approval of Comcast License Agreement

Informational Items

1. Events Listing

B. MAYOR FERRINI

1. Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project (*Tabled from the December 6, 2010 City Council meeting*) (**Sample motion – move to proceed with the proposed Study Circles as presented and to authorize the City Manager to provide the necessary staff support as available and necessary**)
2. *Reports

C. COUNCILOR DWYER

1. African Burying Ground Memorial Park, *We Stand in Honor of Those Forgotten* (**Sample motion – move to authorize the expenditure of \$100,000.00 from the Urban Development Action Grant Fund (UDAG) for the African Burying Ground project**)

D. COUNCILOR COVIELLO

1. *Placing Proposed and Existing Employment Contracts on the Web

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the Historic District Commission Minutes of the October 6, 2010 meeting is available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the October 13, 2010 meeting is available on the City's website for your review
3. Notification that the Site Plan Review Technical Advisory Committee Minutes of the November 30, 2010 meeting is available on the City's website for your review

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: December 16, 2010

To: Honorable Mayor Thomas G. Ferrini and City Council Members

From: John P. Bohenko, City Manager

Re: City Manager's Comments on December 20, 2010 City Council Agenda

Presentations:

1. **Update on Indoor Pool.** An update on the indoor pool will be given by Rus Wilson, Recreation Director; Lisa Arakelian, Pool Supervisor; and representatives from SIPP.
2. **African Burying Ground Memorial Park, We Stand in Honor of Those Forgotten.** As you know, at the September 20, 2010 City Council meeting, the African Burying Ground Committee provided the Council with an update as to the status of the African Burying Ground Memorial Park, titled *We Stand in Honor of Those Forgotten*. On that evening, at the Committee's request, the Council voted to establish the African Burying Ground Trust to serve as a repository for funds contributed for the construction and maintenance of the African Burying Ground Memorial Park. The Committee also advised the Council that they would, in the future, seek a substantial financial commitment from the City as a first, key step in leveraging private contributions, foundation grants and the like.

[Attached](#) is a December 7, 2010 letter to the Mayor from Vernis Jackson, Chair of the African Burying Ground Committee requesting that the Committee be allowed to make a brief presentation to the Council at Monday's meeting and, further, that the City Council appropriate \$100,000 in Urban Development Action Grant (UDAG) funding towards the construction of this project. As you know, UDAG funds are non property tax dollars, which are typically used for economic development and community enhancement projects. UDAG was an early 1980s U.S. HUD initiative, which provided federal grant funding to communities that could be loaned to private developers and then repaid directly to the community with no local repayment to the federal government required. As you will recall, \$100,000 in UDAG funding was similarly used for the North Church Steeple Fund to leverage private contributions.

As you may be aware, at the July 16, 2007 City Council meeting, the previous Council voted, in concept, to expend UDAG funds for the African Burying Ground project as a

match to leverage private dollars. At that time, the African Burying Ground Memorial Park had not yet been designed and the total project cost wasn't known. As you know, this project is now estimated to cost between \$1.0 and \$1.2 million. Project background materials, including a more detailed cost estimate are [attached](#). The Council should also be aware that funding for design and engineering of the African Burying Ground project was included in previous years of the Capital Improvement Plan (CIP). The project is also identified in the draft FY 2012 – 2017 CIP for two future consecutive years of construction funding, with UDAG as the source.

Deputy City Manager Cindy Hayden, who has been working with the African Burying Ground Committee, will make a brief presentation, along with a representative of the Committee. The intent of the presentation is to highlight the efforts of the African Burying Ground Committee to date, and outline the Committee's fundraising strategy.

City Councilor Chris Dwyer is the Council representative on this Committee and she has requested that this matter be taken up under her name.

3. **Operational Efficiencies Report Back.** As you will recall, in June 2010, the Mayor appointed a Blue Ribbon Committee on Operational Efficiencies. At that time, the Committee was charged with "determining opportunities for operational efficiencies in all departments of City government and reporting back to the City Council with findings and/or recommendations for operational efficiencies." Councilor Hejtmanek serves as Chair of this Committee. Members of the Committee include Councilors Ken Smith and Robert Lister (Council Representatives); Rebecca Emerson, Carol Chellman and Kent LaPage (School Board Representatives) and Steve Marchand and Dana Levenson (Resident Representatives). Superintendent Ed McDonough and Business Administrator Steve Bartlett served as Ex-Officios.

The Committee's Interim Report "Part 1 School Department and Municipal Departments" is located on the [inside cover of your packet](#). This report is Part 1 and focuses on opportunities for operational efficiencies within the School Department. Additional work, with other departments is planned for the coming months.

This evening's presentation will include a summary of the Interim report by various City staff members including representatives from the School Department.

Acceptance of Grants/Donations:

1. **Acceptance of Donations to the Coalition Legal Fund.** [Attached are copies of checks](#) from the Town of Grantham in the amount of \$1,000.00 and the Town of Center Harbor in the amount of \$500.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Grant for Curbside Recycling Bins.** In February 2010, the Department of Public Works applied for a grant from the Northeast Resource Recovery Association, which administers funds on behalf of New Hampshire the Beautiful, Inc., a non-profit charitable trust. The grant application was for curbside recycling bins.

The grant was awarded in October 2010 and is for \$2,100.00. The grant money will help defray the total cost of the purchase of 1,000 curbside recycling bins purchased at a total cost of \$6,730.00 (\$6.73 per recycling bin).

Recycling bins are an often overlooked, albeit necessary, resource for the recycling process in general and ultimately for the efficient collection of recyclables curbside throughout the City. The City has been giving away, for free, recycling bins to its residents for more than 10 years.

In July of this year, the City transitioned to a single stream recycling program. This means all recyclables can be placed in one recycling bin. No need to separate fiber/paper recyclable material from the commingled containers (glass, plastic, tin and aluminum). In addition, all plastics with the recycle symbol and numbered 1 through 7 can now be recycled. Previously only plastics number 1 and 2 could be recycled. Recycling is easier than ever now. This is another step in the journey to improving the recycling program efficiencies and, ideally, recycling rates.

I would recommend the City Council move to accept and expend a \$2,100.00 grant for the purpose of curbside recycling bins. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing/Second Reading of Proposed Ordinance Amendment:**

- 1.1 **Public Hearing/Second Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As a result of the December 6th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached](#) proposed Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinance that were approved by the Parking Committee at their October 14, 2010 meeting. These changes were either implemented by the Parking Committee for testing during the last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. [Attached are diagrams](#) showing the changes to the Ordinance.

On March 20, 2000 the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Parking Ordinance, which authorized the Parking Committee to modify city parking regulations as appropriate. This Ordinance revision has made the City more responsive to the changing parking needs of the downtown.

Before this procedure was approved, it required three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. The process from when a request was received to when the sign was changed often took 3 months or longer to complete.

Under this procedure, the process is streamlined. The Parking Committee takes formal action, presents the action to the City Council in the form of monthly meeting minutes, and implements the action only after the City Council adopts the meeting minutes. The public hearing process is still accomplished, but only after the action has been in place for one year, or less, as the Council deems appropriate. This way, the Council and the public have the benefit of seeing how the recommended parking change worked before formally adopting it.

This procedure also benefits the City by fostering a continuing dialogue and analysis of downtown parking issues. The Parking Committee meets monthly to monitor on-street and off-street parking utilization data and operations. The recommended actions that result from these meetings are made in the context of a comprehensive review of current parking conditions.

Jon Frederick, Director of Parking and Transportation, will give a short presentation regarding this matter before the public hearing.

I would recommend that the City Council move to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule third and final reading at the January 3, 2011 City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 1.2 **Public Hearing/Second Reading of Ordinance Amending Chapter 7, Article II -Taxicabs Ordinance.** As a result of the December 6th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached](#) proposed Ordinance Amending Chapter 7, Article II – Taxicabs Ordinance. Per vote of the Taxi Commission, City Councilor Robert Lister brought this amendment forward to the City Council for action.

There are numerous changes throughout the ordinance which make it impractical for the Council to consider each amendment separately. Rather, it has been determined by the Commission that the most straightforward approach would be to present an entirely new ordinance. However, the major changes between this version of the Taxi ordinance and that which it would replace are as follows:

1. Changed the wording in the ordinance replacing “permit(s)” with “medallion(s)”.

2. Changed the wording in the ordinance replacing “firm or corporation” with “business entity”.
3. Changed Section 7.210: MEDALLIONS AND INSPECTIONS REQUIRED subsection 3 from “June” to “April”.
4. Deleted subsections D. and E. from section 7.211: LICENSE REQUIRED and added said sections to Section 7.214: MEDALLION/LICENSE SUSPENSION OR REVOCATION & HEARING as subsection B. and D.
5. Added to Section 7.219 No taxicab shall be operated unless it is equipped with a meter in good condition “*calibrated by an individual authorized by the State of New Hampshire.*”...
6. Changed Section 7.222: MAXIMUM NUMBER OF TAXICABS from “not more than thirty (30) taxicabs” to “not more than twenty five (25) taxicabs”.

I would recommend that the City Council move to pass second reading for the Taxi Ordinance, as recommended by the Taxi Commission, and schedule third and final reading at the January 3, 2011 City Council meeting. Action on this item should take place under Section IX of the Agenda.

City Manager’s Items Which Require Action:

1. **Report Back Re: Vision Appraisal Online.** As you will recall, at the City Council Retreat on November 20, 2010, there was discussion regarding providing additional assessment data on the City Website. The City Assessor has researched the cost of placing the additional property data for the City of Portsmouth online, which would be estimated at \$2,800.00 annually and would include monthly updates from Vision Appraisal Systems. The online database would include a copy of the building picture and sketch along with basic information as follows:
 - Parcel ID
 - Property Location
 - Building Picture
 - Parcel Value
 - Owner of Record
 - Ownership History
 - Land Use – (i.e. single family, condominium, office, etc.)
 - Land Valuation
 - Construction Detail
 - Building Valuation
 - Outbuildings – (i.e. garages, sheds, pools, etc.)
 - Extra Features – (i.e. finished basements, fireplaces, etc.)
 - Sketch of Building

- Sub Area Summary (breaks down sketch detail into square foot area)

If the City Council approves this proposal, it would take approximately two weeks to get this information on the City Website.

Rosann Lentz, City Assessor, will be available to answer any questions.

Authorize the City Manager to proceed with retaining Vision Appraisal Systems to place assessing information online, as presented and to fund from FY11 contingency.

2. **Proposed Bonding for Wastewater Treatment Preliminary Engineering and Long-Term Control Plan Implementation.** As part of the September 2009 Consent Decree related to the Portsmouth Wastewater collection and treatment systems, the City submitted its Wastewater Master Plan to the EPA on November 15, 2010. That plan included a schedule to bring the Peirce Island Treatment Plant into compliance with the secondary treatment standards by 2017. In order to meet that schedule, the City will need to begin the preliminary engineering and equipment performance testing efforts in 2011. In addition to the work at the treatment plant, the City is continuing the Long-Term Control Plan sewer separation projects in the “Lincoln basin” that are outlined in the Wastewater Master Plan.

In order to fund these projects, the Sewer Division will be bringing forward a bond resolution for first reading at the January 3rd Council meeting. The resolution calls for the authorization to borrow up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation. [Attached is a copy of the draft resolution.](#)

The FY11 Sewer Division budget had anticipated bonding \$3,000,000 for sewer separation work in the Cass Street area. In meetings with the regulators on the proposed Master Plan schedule, the EPA indicated that the City needs to move forward with the treatment plant engineering and equipment testing and defer the Cass Street project until the spring of 2012.

The Long-Term Control Plan work funded under this bonding would include the section of the project in the Parrott Avenue area and would be done in conjunction with the work in the Middle School project.

I would move to recommend the City Council move to authorize the City Manager to bring back for first reading at your January 3, 2011 City Council meeting, a bonding resolution for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation, as presented.

3. **Request for Approval of PSNH Pole License and Easement for Granite Street Ballfield.** On June 17, 2010, the Planning Board approved the site plan for the construction of the City's new ballfield on Granite Street, the former site of the Wentworth School.

As part of the site plan, the Planning Board approved the relocation of an existing utility pole and the placement of underground conduit from the relocated pole to the new concessions stand to provide electrical service. In order for the electrical service to be installed, the City Council must grant both a pole license for the relocated pole and an easement to PSNH for it to bring its transmission line from the pole to the concession stand.

City Engineering Technician Tom Richter has reviewed PSNH's Petition and Pole License 63-0502 ([see attached memorandum](#)).

The Legal Department is prepared to work with PSNH to prepare an acceptable easement for the underground conduit; such easements are routinely negotiated with PSNH. [Attached is a diagram](#) showing the relocated pole and, in highlighted pink, the area in which an easement for the underground conduit will be required.

I would recommend the City Council move to grant PSNH's Petition and Pole License 63-0502 and authorize the City Manager to negotiate and grant an easement to PSNH to provide service to the Granite Street Ballfield.

4. **Request for Approval of Comcast License Agreement.** [Attached is a Petition and Conduit License Agreement](#) from Comcast. This request is to license one underground conduit system located on Hanover Street between the Vaughan Mall and Maplewood Avenue. This proposed underground system will pose no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached is a photograph of the proposed underground system location.](#)

I would recommend that the City Council approve the request from Comcast for a Petition and Conduit License Agreement, as recommended by the Public Works Department and authorize the City Manager to negotiate and execute the Agreement.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on December 6, 2010. In addition, this now can be found on the City's website.