

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 3, 2015 TIME: 6:00PM

## **AGENDA**

• **6:00PM – WORK SESSION RE: NORTH END CHARACTER-BASED ZONING**

**I. CALL TO ORDER (6:00 PM)**

**II. ROLL CALL**

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

**V. ACCEPTANCE OF MINUTES – JUNE 29, 2015 AND JULY 13, 2015**

**MAYOR'S AWARD**

1. Reverend Dawn Shippee

**PRESENTATION**

1. Wastewater Treatment Facility Cost Saving Options – Terry Desmarais, City Engineer

**VI. PUBLIC COMMENT SESSION**

**VII. PUBLIC HEARINGS**

- A. ORDINANCE AMENDING CHAPTER 11, ARTICLE II, SECTION 11.216:B – SEWER USER CHARGES/RECORDS/HOOK-UP BY THE ELIMINATION OF IRRIGATION METERS

- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.1 – PARKING METERS, SECTION 7.102 PARKING METER ZONES (A) DOWNTOWN HIGH OCCUPANCY ZONE – PARKING RATE SHALL BE ONE DOLLAR AND SEVENTY-FIVE CENTS (\$1.75) PER HOUR AND (B) PARKING IN ALL OTHER PARKING METER ZONES SHALL BE AT THE RATE OF ONE DOLLAR TWENTY-FIVE CENTERS (\$1.25) PER HOUR AND EASYPARK RESIDENT DISCOUNT

- C. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE BY THE ADDITIOIN OF CHARACTER-BASED ZONING NORTH END AS FOLLOWS:

- (1) DELETE THE EXISTING ARTICLE 5A – CHARACTER DISTRICTS IN ITS ENTIRETY AND INSERT IN ITS PLACE THE NEW ARTICLE 5A – CHARACTER DISTRICTS DATED “DRAFT – 4/15/2015”;
- (2) AMEND ARTICLES 4, 5, 11, 12 & 15 OF THE ZONING ORDINANCE AS SET FORTH IN THE DOCUMENT TITLED “CONFORMING AMENDMENTS TO ZONING ORDINANCE” (DRAFT 4/14/2015); AND

- (3) AMEND THE ZONING MAP AS SET FORTH IN THE FOLLOWING MAPS CONSIDERED BY THE COUNCIL AT ITS MEETING ON APRIL 20, 2015:
- A. MAP 10.5A21A – CHARACTER DISTRICTS AND CIVIC DISTRICTS;
  - B. MAP 10.5A21B – BUILDING HEIGHT STANDARDS;
  - C. MAP 10.5A21C – SPECIAL REQUIREMENTS FOR FAÇADE TYPES, FRONT LOT LINE BUILDING & USES

#### VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Liberty Mutual Insurance - \$2,000.00 (***Sample motion – move to accept donation from Liberty Mutual Insurance, and further, that the funds be put towards cost associated with improvements needed in the City’s cemeteries***)

#### IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10 as follows:
  - (1) Amend Section 10.440, Table of Uses, by adding a new use #10.30 – Short-term vacation rental”, modifying the standards for use #10.50 – “Hotel or motel”, and combining “conference hotel” and “conference center” into a single use;
  - (2) Insert a new Section 10.837.20 – Short-Term Vacation Rentals;
  - (3) Amend Article II – Site Development Standards to establish an off-street parking requirement for short-term vacation rental; and
  - (4) Amend Article 15 – Definitions, by revising the definitions of “Bed and Breakfast” and adding new definitions for “Short-term vacation rental” and “Transient” (***Tabled at the July 20, 2015 City Council meeting***) (***Sample motion – move remove the ordinance from the table***)
- B. First reading of Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars \$6,100,000 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements
- C. First reading of Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21)
- D. First reading of Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Pages 50-51 of CIP FY16-21)
- E. First reading of Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements
- F. First reading of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades
- G. Second reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters

- H. Second reading of Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone – Parking Rate shall be one dollars and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollars twenty-five cents (\$1.25) per hour and EasyPark Resident Discount
- I. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End as follows:
- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated “DRAFT – 4/15/2015”;
  - (2) Amendment Articles 4, 5, 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” (Draft 4/14/2015); and
  - (3) Amend the Zoning Map as set forth in the following maps considered by the Council at its meeting on April 20, 2015:
    - a. Map 10.5A21A – Character Districts and Civic Districts;
    - b. Map 10.5A21B – Building Height Standards;
    - c. Map 10.5A21C – special Requirements for Façade Types, Front Lot Line Building & Uses
- J. Third and final reading of Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services (*New Proposed Amended Language*)

## X. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. \*Acceptance of Donation to the Coalition Legal Fund:
- Town of Carroll - \$1,000.00
- (Anticipated action – move to approve and accept the donation as listed, to be placed in the Coalition Legal Fund)***
- B. Acceptance of Police Department Donations:
- Acceptance of Donations from David “Lou” Ferland to the Police Explorer Cadet Post from the purchase of his book, “Historic Crimes & Justice”
    - a.) Megan McNutt - \$20.00
    - b.) Laurie Anderson - \$40.00
- (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as presented)***
- C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2016 – Thursday, December 31, 2015
  - Children’s Day, Sunday 1, 2016

- 39<sup>th</sup> Annual Market Square Day Festival & 10k Road Race – Saturday, June 11, 2016
- 14<sup>th</sup> Annual Summer in the Street, Saturday evenings 5:00 p.m. – 9:30 p.m. on June 25, 2016; July 2, 2016; July 9, 2016; July 16, 2016; July 23, 2016 and July 30, 2016  
**(Anticipated action – move to refer to the City Manager with power)**

- D. Letter from Ralph DiBernardo, Sr., regarding the Transportation Services Ordinance and Uber’s background checks and insurance requirements **(Anticipated action – move to accept and place the letter on file)**
- E. Letter from Holly Tennent and Melissa Mikulski, Bottomline Technologies, requesting permission to hold a 5k Road Race on September 12, 2015 at 9:00 a.m. at the Pease Tradeport for Families First **(Anticipated action – move to refer to the City Manager with power)**

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Brian Buchner, NACOLE, regarding Civilian Oversight of Law Enforcement
- B. Letter from Arthur Clough requesting an independent investigation into the circumstances and propriety of the payment of severance to former Deputy Chief Corey MacDonald
- C. Letter from Peter G. Weeks, PGW Real Estate Consulting, request from 955 Sagamore Realty Trust property owners seeking that 22,500 square feet of the lot be rezoned to SRB **(Sample motion – move to refer to the Planning Board for report back to the City Council)**

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### **Items Which Require Action Under Other Sections of the Agenda**

1. First Reading of Proposed Resolutions and Ordinances:
  - 1.1 First reading of Ordinance amending Chapter 10 as follows:
    - (1) Amend Section 10.440, Table of Uses, by adding a new use #10.30 – Short-term vacation rental”, modifying the standards for use #10.50 – “Hotel or motel”, and combining “conference hotel” and “conference center” into a single use;
    - (2) Insert a new Section 10.837.20 – Short-Term Vacation Rentals;
    - (3) Amend Article II – Site Development Standards to establish an off-street parking requirement for short-term vacation rental; and
    - (4) Amend Article 15 – Definitions, by revising the definitions of “Bed and Breakfast” and adding new definitions for “Short-term vacation rental” and “Transient”. **(Action on this matter should take place under Section IX of the Agenda) (Tabled from the July 20, 2015 City Council meeting)**

- 1.2 First reading of Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars \$6,100,000 for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements (**Action on this matter should take place under Section IX of the Agenda**)
- 1.3 First reading of Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21) (**Action on this matter should take place under Section IX of the Agenda**)
- 1.4 First reading of Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Pages 50-51 of CIP FY16-21) (**Action on this matter should take place under Section IX of the Agenda**)
- 1.5 First reading of Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements (**Action on this matter should take place under Section IX of the Agenda**)
- 1.6 First reading of Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades (**Action on this matter should take place under Section IX of the Agenda**)
2. Public Hearing/Second Reading of Proposed Resolutions and Ordinances:
  - 2.1 First Reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.1216:B by the Elimination of Irrigation Meters (**Action on this matter should take place under Section IX of the Agenda**)
  - 2.2 First reading of Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Rates (**Action on this matter should take place under Section IX of the Agenda**)
  - 2.3 First reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning – North End (**Action on this matter should take place under Section IX of the Agenda**)
3. Third and Final Reading of Proposed Ordinance:
  - 3.1 Third and Final Reading of Proposed Ordinance Amending Chapter 7, by the addition of a new Article II – Transportation Services (New Proposed Amended Language) (**Action on this matter should take place under Section IX of the Agenda**)

**City Manager's Items Which Require Action:**

1. Request from the School Board for Approval of the Tentative Agreement between the Portsmouth School Board and School Clericals
2. Acceptance of Reclassification of US Route 1/Lafayette Road
3. Prescott Part Arts Festival Re: Proposed Relocation of Stage
4. Request for Ratification of Gundalow Company Agreement

**Informational items**

1. Events Listing
2. Report Back Re: Historic Cemeteries Update
3. Report Back Re: Athletic Fields

**B. MAYOR LISTER**

1. Appointments to be Considered:
  - Kathleen Bergeron to the Citywide Neighborhood Steering Committee
2. Appointments to be Voted:
  - Marie Kelleher to the Citywide Neighborhood Steering Committee
  - Richard Shea reappointment as an Alternate to the Historic District Commission
  - Sylvia Olson to the Peirce Island Committee
  - William Townsend to the Peirce Island Committee
3. City Manager's Evaluation
  - Councilor Spear, Chair
  - Councilor Lown
  - Councilor Thorsen
  - Councilor Dwyer
4. Resignation of Gerald Howe, Police Commissioner

**C. ASSISTANT MAYOR SPLAINE**

1. \*Proposal for An Elected Charter Commission

**D. COUNCILOR KENNEDY**

1. \*Charter Commission
2. \*Supporting Small Business in Portsmouth

**E. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 9, 2015 meeting (***Sample motion – move to approve and accept the minutes of the July 9, 2015 Parking & Traffic Safety Committee meeting***)

## **F. COUNCILOR SPEAR**

1. Peirce Island Non-Resident Fee Reconsideration

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

## **XIII. ADJOURNMENT**

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

*\*Indicates Verbal Report*

## **INFORMATIONAL ITEMS**

1. \*Notification that the minutes of the May 19, 2015 and June 16, 2015 meetings of the Board of Adjustment are now available on the City's website
2. \*Notification that the minutes of the June 10, 2015 meeting of the Conservation Commission are now available on the City's website
3. \*Notification that the minutes of the June 17, 2015 meeting of the Historic District Commission are now available on the City's website
4. \*Notification that the minutes of the June 18, 2015 and June 25, 2015 meetings of the Planning Board are now available on the City's website
5. \*Notification that the minutes of the June 30, 2015 meeting of the Site Review Technical Advisory Committee are now available on the City's website


*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:** July 30, 2015

**To:** Honorable Mayor Robert J. Lister and City Council Members

**From:** John P. Bohenko, City Manager 

**Re:** City Manager's Comments on August 3, 2015 City Council Agenda

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***Work Session:***

**6:00 p.m.**

1. **North End Character-Based Zoning.** At the July 20<sup>th</sup> City Council meeting, the Council voted to hold a Work Session on Monday evening at 6:00 p.m., regarding the proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End. For your information, [attached is a memorandum from Rick Taintor, Planning Director](#), that describes the proposed changes in general terms as well as a matrix that outlines in detail the specific changes and includes explanatory comments. Subsequent to the Work Session, the City Council will hold a public hearing and second reading of the proposed Ordinance under Section VII of the Agenda. Also, in your packet under Section VII are the entire revised zoning documents and associated maps.

***Presentation:***

1. **Wastewater Treatment Facility Cost Saving Options.** At the Wastewater Work Session held on June 29, 2015, the City Council requested that:
  - the City Council have the opportunity to hear from an expert relative to the selected treatment technology for the Peirce Island Upgrade;
  - the staff communicate its recommendations for cost saving measures;
  - the staff break out and further explain the “maintenance” items; and
  - the staff identify potential costs on roads and the Peirce Island Road bridge associated with the upgrade.



At the City Council meeting of August 3<sup>rd</sup>, City staff will respond to the City Council requests and be joined by Mark Laquidara, PhD, P.E., of AECOM who is a leader in the field of wastewater treatment technology. [A draft copy of the presentation and Dr. Laquidara's curriculum vitae is attached. Also, attached is a PowerPoint presentation.](#)

At the conclusion of the presentation, I recommend the City Council take action on any desired cost saving measures at this meeting. The current design effort is nearing 90% design completion and delay in decision-making will likely have an impact on cost and schedule.

*In order to achieve project costs savings for the Peirce Island upgrade, I recommend the City Council move to accept the staff recommendations to*

- (1) Close the island at the Four Tree Island parking area, such closure to be coordinated with the Peirce Island and Recreation Committees;*
- (2) Increase the BAF height to 33 feet; and,*
- (3) Change portions of the BAF façade from brick to a gray textured type.*

The Council may amend this sample proposed motion, adding or deleting other cost reduction measures.

### ***Acceptance of Grants and Donations:***

1. **Acceptance of Donation from Liberty Mutual Insurance.** Once again this year, Liberty Mutual Insurance has provided the City with a donation in the amount of \$2,000. This donation was provided to the City in gratitude for hosting Liberty Mutual employees this past May. The volunteers performed a number of significant public service projects including a clean-up in the City's North and Union cemeteries.

*I recommend the City Council move to accept the donation from Liberty Mutual Insurance, and further, that the funds be put towards cost associated with improvements needed in the City's cemeteries.*

### ***Items Which Require Action Under Other Sections of the Agenda:***

1. **First Reading of Proposed Ordinances.**
  - 1.1 **First Reading of Proposed Ordinance amending Chapter 10, Section 10.440, Table of Uses - Short-Term Vacation Rentals and Other Lodging Uses (Tabled from the July 20, 2015 City Council Meeting).** As you will recall at the July 20<sup>th</sup> City Council meeting, the Council tabled first reading of a proposed Ordinance regarding Short-Term Vacation Rentals and Other Lodging Uses.

At the June 15<sup>th</sup> City Council Work Session, there was a general consensus that Short-Term Vacation Rentals should only be allowed in the central business district and the Islington Street corridor, and that Bed and Breakfasts should only be

allowed in those areas and the immediately surrounding neighborhoods. Further, the Council indicated that annual inspection and permitting of such uses should be pursued in addition to regulation through zoning.

Based on the work session, staff prepared the [attached revised Ordinance, under Section IX of the Agenda, which maintains the existing limits on Bed and Breakfast uses with respect to zoning districts, and limits Short-Term Vacation Rentals to the central business districts \(including the CD4 and CD5 character districts\) and the Business district.](#) In addition, the revised Ordinance includes a provision (sec. 10.837.27) stating that “Noncompliance with any condition listed ... or any other condition of the granting of a special exception for the short-term vacation rental use, shall be deemed to constitute abandonment of said use resulting in the termination of the special exception.”

*I recommend that the City Council move the following motions:*

*1) Move to remove the item from the table, and,*

*2) Move to pass first reading and schedule public hearing and a second reading of the proposed Ordinance, as presented, at the August 17, 2015, City Council meeting.*

*Action on this matter should take place under Section IX of the Agenda.*

- 1.2 **First Reading of Proposed Resolutions for Bond Authorizations for FY16 City Improvements.** As a result of the July 20<sup>th</sup> City Council meeting, under Section IX of the Agenda, I bringing back for first reading the proposed [borrowing authorizations](#) identified in the Capital Improvement Plan (see [attached Resolutions and CIP pages](#)).

## **GENERAL FUND**

### **I. Resolution for Borrowing Authorization of up to Six Million One Hundred Thousand Dollars (\$6,100,000) for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements.**

*a. **Bicycle/Pedestrian Plan Implementation - \$1,000,000 (page 94 of CIP FY16-21):***

This project is to implement the bicycle and pedestrian related projects identified in the Bicycle/ Pedestrian Plan. Demand for bicycle/ pedestrian access and related equipment has increased. These funds are to meet the current need and expansion of the City’s bicycle/ pedestrian infrastructure.

- Department: Public Works
- Project Location: Citywide
- Project Type: New or Upgraded Facilities

- Justification: Supports City Bicycle/Pedestrian Friendly Policy, identified in Bicycle/Pedestrian Plan

**b. *Citywide Sidewalk Reconstruction - \$800,000 (page 96-97 of CIP FY16-21):***

This program is in conjunction with the ongoing Bicycle Pedestrian Plan. The sidewalk inventory consists of over 50 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 sidewalk upgrades, the DPW will be including sidewalk conditions to their annual road condition assessment starting in FY16.

- Department: Public Works
- Project Location: Citywide
- Project Type: Upgraded Existing Facilities
- Justification: Upgrade Existing Facilities

**c. *Islington Street Sidewalk - \$250,000 (page 99 of CIP FY16-21):***

This project will install a new sidewalk along Islington Street from the Plains Ball Field to U.S. Route 1 Bridge. This project is to accommodate increased pedestrian traffic along this section of roadway.

- Department: Public Works
- Project Location: Islington Street (Plains to Route 1)
- Project Type: New Construction
- Justification: Improves quality of existing service, identified in the Bicycle/Pedestrian Plan

**d. *Market Street Gateway Improvements - \$550,000 (page 110 of CIP FY16-21):***

This project is a continuation of phased improvements along the Market Street right-of-way as it extends from I-95 to Deer Street. The next phase is in design and is anticipated to be constructed in FY16 and includes improvements from the I-95 Exit 7 interchange to the Route 1 Bypass Bridge. This will be followed by a final construction phase once the Sarah Long Bridge is completed.

- Department: Public Works
- Project Location: Market Street
- Project Type: Upgraded Existing Facilities
- Justification: Identified in Planning Document

e. ***Street Paving, Management and Rehabilitation - \$3,000,000 (page 111-112 of CIP FY16-21):***

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 aids in setting priority for the best dollar investment, as well as shows “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 20 years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only 10 years.)

- Department: Public Works
- Project Location: Citywide
- Project Type: Upgraded Existing Facilities
- Justification: Alleviates Substandard Conditions

f. ***Islington Street Improvements - \$500,000 (page 113 of CIP FY16-21):***

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 Street with construction anticipated Spring 2016.

- Department: Public Works
- Project Location: Islington Street
- Project Type: Rehabilitation of Existing Facilities
- Justification: Improves quality of existing services, identified in Islington Street Improvement Action Plan 2009

II. **Resolution for Borrowing Authorization of up to Six Hundred Thousand Dollars (\$600,000) for FY16 purchase of Fire Apparatus (Page 39 of CIP FY16-21):**

This project continues the CIP Rolling Stock replacement program for large apparatus. This allocation will purchase a new custom rescue pumper with a 4-person cab with medical compartments, 500 gallon water tank, 1,500 gpm pump, and related equipment to replace the 1987 Emergency One

pumper. Funds include complete set-up (including radio, lettering and striping and equipment).

- Department: Fire Department
- Project Location: Station 3
- Project Type: Equipment acquisition
- Justification: Improves quality of existing services

**III. Resolution for Borrowing Authorization of up to Five Hundred Thousand Dollars (\$500,000) for FY16 School Facilities Improvements (Page 50-51 of CIP FY16-21):**

The Portsmouth School Department has maintenance responsibilities for seven buildings with over 600,000 square feet of space. The tri-annual appropriation will be used for building improvement projects such as: roof, windows, and boiler replacement and improvements to security and climate control system infrastructure.

- Department: School Department
- Project Location: District Wide
- Project Type: Rehabilitation of existing facilities
- Justification: Alleviates substandard conditions or deficiencies

**WATER FUND**

**IV. Resolution for Borrowing Authorization of up to Four Million One Hundred Thousand Dollars (\$4,100,000) related to Water System Upgrades and Improvements:**

**a. *Stage Two Disinfection By-Product Rule - \$3,600,000 (Page 127 of CIP FY 16-21):***

This item addresses the impact that the EPA Stage Two Disinfection By-product rule will have on the City's water distribution system. This rule came into effect in 2013 and requires additional treatment of surface water prior to entering the distribution system. Upgrades to Newington Booster Station will be necessary to install treatment of water at the booster tank. Work will also include complete replacement of pumps and associated electrical equipment which are over 60 years old. Design of these upgrades is currently underway.

\*\* Intent to modify Memorandum of Agreement with the Air Force to include \$1.2 million in reimbursement for cost associated with the Booster System dedicated to the Pease International Trade Port. \*\*

- Department: Water Enterprise

- Project Location: Water System
- Project Type: Rehabilitation
- Justification: Responds to Federal Safe Drinking Water Act requirement

***b. Water System Pressure and Storage Improvements - \$500,000 (page 130 of CIP FY16-21):***

This project consists of design and construction of a new water main, a new water tank and/or pump systems to improve flow and pressure in the water system as well as sections of the system which have been identified as needing upgrades as part of the water system hydraulic model and the recently completed water system master plan update.

- Department: Water Enterprise
- Project Location: Water System
- Project Type: Rehabilitation
- Justification: Identified in Water System Master Plan

**SEWER FUND**

**V. Resolution for Borrowing Authorization of up to Four Million Dollars (\$4,000,000) for FY16 Sewer System Upgrades**

***a. Fleet Street Utilities Upgrade - \$500,000 (page 148 of CIP FY15-20):***

This item is a utilities upgrade project which will be done prior to the road and streetscape improvements along Fleet Street from Court Street to Hanover Street. The project will replace sewer and drain pipes which have outlived their design life.

- Department: Sewer Enterprise
- Project Location: Fleet Street (from Court Street to Hanover Street)
- Project Type: New construction or expansion of existing facility, street or utility
- Justification: Improves quality of existing services; Reduces long-term operating costs

\*This is a carry-over item from FY15 CIP

**b. Lafayette Road Pumping Station Upgrade - \$3,500,000 (page 138 of CIP FY16-21):**

This pumping station project involves replacement of equipment that has exceeded its design life and modifications to the facility to meet current standards as well as improve odor control. The work will include replacement of 50 year old pumps, upgrades to the stations electrical systems, an odor control system and potential expansion of the building to house the standby generator. Design of the improvements are ongoing.

- Department: Sewer Enterprise
- Project Location: 605 Lafayette Road
- Project Type: New construction or expansion of existing facility, street or utility
- Justification: Improves quality of existing services; Reduces long-term operating costs

*I recommend that the City Council move the following motions:*

- 1) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 Citywide Bike/Pedestrian, Street, and Sidewalk Improvements in the amount of up to \$6,100,000 at the August 17, 2015 City Council meeting.*
- 2) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 purchase of Fire Apparatus in the amount of up to \$600,000 at the August 17, 2015 City Council meeting.*
- 3) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 School Facilities Improvements in the amount of up to \$500,000 at the August 17, 2015 City Council meeting.*
- 4) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,100,000 at the August 17, 2015 City Council meeting.*
- 5) *Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for FY16 Sewer System Upgrades in the amount of up to \$4,000,000 at the August 17, 2015 City Council meeting.*

*Please note that Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council. Action on this item should take place under Section IX of the Agenda.*

2. **Public Hearing/Second Reading of Proposed Ordinances:**

- 2.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up - by the Elimination of Irrigation Meters.** As a result of the July 20<sup>th</sup> 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 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up regarding the elimination of irrigation meters.

Chapter 11 Section 11.216:B of the City’s Ordinance currently allows single-family residential water customers on the City’s water and sewer system to have separate irrigation meters which are only billed for water usage:

“Sewer user charges shall be based upon water use whenever possible. No allowance shall be made for watering lawns, watering gardens or washing cars, except for single residential customers who have installed at their cost a second meter, meeting the specifications determined by the Water Department to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. (Amended 11/17/97)”

As part of the recent Water and Sewer Rate Study, the City’s rate consultant, Municipal and Financial Services Group, Inc. (MFSG), reviewed various policy options for changing the City’s rate structure. One of the options explored and brought forward to City Council would allow for the expansion of irrigation meters to other customer categories. The consultant recommended that the City not expand irrigation meter availability to multi-family and commercial customers as this would be inconsistent with the City’s sustainability goals. This would also be contradictory to the City’s recent implementation of water efficiency rebate programs. In addition, the City has recently been contacted by legal counsel representing a number of businesses that feel that the current ordinance treats them unfairly as it allows for second meters for single family residential properties only. Therefore, they may litigate to be able to have second meters installed for irrigation the same as our residential customers.

MFSG’s analysis showed that if second meters were allowed to be expanded to multi-family and commercial properties, sewer rates would have to be increased anywhere from 10 to 15% due to the potential loss of metered sewer revenue (\$1.4 to \$2.1 million/year). This could result in an annual increase of \$117.00 for an average residential customer using five units of water per month.

The current high demand of water in our water supply system has also highlighted the impact that irrigation is having on the City’s water system. Recent water demands show that irrigation can increase our water demand by 50%. Expanding



irrigation meters to a larger customer base would likely increase this demand more. Again, this is inconsistent with the City's sustainability goals.

There are currently 300 irrigation meters in our water system. These customers paid the cost to re-plumb their irrigation systems from their existing water plumbing to provide a separate water line for this usage. They also paid the City for the meter, radio and labor to install the meter, at a total cost of \$258.00 (based on a 5/8 inch meter) per customer. If Council votes to eliminate irrigation meters from the system, it would be recommended to reimburse each customer \$300.00 for the cost they paid to the City for the installation and not remove the meter from the property, however, charge both meters for water and sewer usage and charge only one monthly service fee.

Therefore, City staff recommend that the City Ordinance allowing for second meters for irrigation be eliminated.

*I recommend the City Council move to pass second reading and schedule a third and final reading for the August 17, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.*

- 2.2 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article I, Section 7.1 – Parking Meters, Section 7.102 Parking Meter Zones (A) Downtown High Occupancy Zone - Parking Rate shall be one dollar and seventy-five cents (\$1.75) per hour and (B) Parking in all other parking meter zones shall be at the rate of one dollar and twenty-five cents (\$1.25) per hour and EasyPark Resident Discount.** As a result of the July 20<sup>th</sup> 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 1, Section 7.1 – Parking Meters.](#)

In a continuing effort to improve parking utilization, the Fee Committee reviewed on-street parking patterns and has recommended the expansion of the Downtown High Occupancy Meter Zone, changes to the existing rates, and the creation of a Residents Discount Program.

The Committee looked at parking utilization in the Downtown High Occupancy Meter Zone and the surrounding areas and makes the recommended changes ([see attached maps](#)).

Additionally, the Fee Committee has also recommended the current rate of \$1.50 per hour in the Downtown High Occupancy Meter Zone be increased to \$1.75 per hour. Parking in all other Zones will be increased \$0.25 from \$1.00 to \$1.25 per hour. This increase is consistent with parking management recommendations made by Donald Shoup in his book, *The High Cost of Free Parking* and Mike Mansfield's presentation to PS21 in April of this year.

In an effort to minimize impact to residents, a Residential Parking Discount Program has been recommended to accompany these rate increases. Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, would be at a rate of \$0.25 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Tax Collector.

To facilitate this Resident Discount Program, the EasyPark Personal Parking Meter would be utilized. A resident could purchase this device and, after residency verification, park at the discounted rate.

An example of the savings from this program is as follows: a resident who parks in the Downtown High Occupancy Meter Zone for 10 hours a week and participates in the Residential Parking Discount Program would save over \$84 a year compared to a non-resident or resident not participating in the program.

*I recommend the City Council move to pass second reading and schedule a third and final reading of the proposed Ordinance for the August 17, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.*

2.3 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance by the addition of Character-Based Zoning North End.**

As a result of the July 20<sup>th</sup> 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 10 – Zoning Ordinance by the addition of Character-Based Zoning North End.](#)

As you will recall, the Planning Department and its consultants, Town Planning and Urban Design Collaborative (TPUDC), have been working to extend the existing character-based zoning to the North End, based on the results of a charrette held in November 2014. At the same time, staff have undertaken a thorough review of the character-based zoning ordinance that was adopted in April 2014, and have drafted proposed revisions to address identified substantive and procedural issues. The proposed revisions are intended to eliminate redundancies and conflicts, and to better integrate the development review process in the Character Districts into the City's broader regulatory framework. [Attached under the Work Session is a memo from Planning Director Rick Taintor](#) that describes the proposed changes in general terms as well as a matrix that outlines in detail the specific changes and includes explanatory comments.

[Attached in your packet are the following three documents for consideration at Second Reading:](#)

- (1) [a proposed revision to Article 5A – Character Districts;](#)

(2) a set of four maps showing the expanded Character-Based Zoning Area, proposed districts for the North End, and some minor revisions to the zoning in the original study area; and

(3) a document titled “Conforming Amendments to Zoning Ordinance.”

At the April 20<sup>th</sup> meeting, the Council voted to refer the proposed Zoning Ordinance and Zoning Map amendments to the Planning Board for recommendations and to schedule first reading for June 1, 2015. At the June 1<sup>st</sup> meeting, the Council voted to postpone first reading to the July 13<sup>th</sup> meeting in order to allow additional time for the Planning Board to conduct its public hearing and review.

Following a public hearing at its meeting on June 18, 2015, the Planning Board voted to report to the Council that it is moving toward a favorable recommendation on the North End zoning, but continued the matter to its July 16<sup>th</sup> meeting for further consideration of workforce housing, building heights and other issues. It is anticipated that the Board will vote on its report at that time, and will present additional revisions to the proposed amendments in time for a public hearing at the Council’s meeting on August 3, 2015.

*I recommend that the City Council amend the form of the ordinance passed at first reading on July 20, 2015 by adopting the amendments proposed by the Planning Board the its meeting of July 16, 2015 and as discussed in the memo from the Planning Director dated July 22, 2015 and pass second reading and schedule a third and final reading of the proposed Ordinances at the August 17, 2015, City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

### 3. **Third and Final Reading of Proposed Ordinance.**

3.1 **Third and Final Reading of Proposed Ordinance Amending Chapter 7, by the addition of a new Article II - Transportation Services (New Proposed Amended Language).** As a result of the July 13<sup>th</sup> City Council meeting, under [Section IX of the Agenda, I am bringing back for third and final reading the attached proposed Transportation Services Ordinance as amended at the June 15, 2015 City Council meeting.](#) The Ordinance was brought forward for second reading at the June 15<sup>th</sup> City Council meeting by Assistant Mayor Jim Splaine also serving as Member of the Taxi Commission.

*Move to pass third and final reading of the proposed Ordinance, as amended at the June 15, 2015 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received a donation from the Town of Carroll in the amount of \$1,000 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 donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section X of the Agenda.*

2. **Acceptance of Police Department Donations.** Attached under Section X of the Agenda is a memorandum, dated July 15, 2015, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following donations:

- a) Donations: At the request of retired Chief David “Lou” Ferland, the following people have donated money equivalent to the purchase price of his book, “Historic Crimes & Justice in Portsmouth, New Hampshire,” to the Portsmouth Police Explorer Cadet Post:

- \$20.00 Megan McNutt
- \$40.00 Laurie Anderson

*I recommend the City Council move to approve and accept the donations to the Portsmouth Police Department. Action on this matter should take place under Section X of the Agenda.*

## ***City Manager’s Items Which Require Action:***

1. **Request from the School Board for Approval of the Tentative Agreement between the Portsmouth School Board and School Clericals.** The School Board is requesting that the City Council approve the Tentative three-year agreement between the Portsmouth School Board and the School Clericals to expire on June 30, 2018.

Attached for your information are the following documents:

- 1) A letter from Thomas Closson, City Negotiator, outlining the changes.
- 2) The Clerical Employees’ Contact showing the insertions and deletions to implement the Tentative Agreement.
- 3) Portsmouth School District Clerical Employees Cost Analysis

*I recommend the City Council move to approve the tentative three-year agreement between the Portsmouth School Board and the School Clericals to expire on June 30, 2018.*

2. **Acceptance of Reclassification of US Route 1/Lafayette Road.** As a result of the reconfiguration of the US Route 1 Bypass, the State reclassified the following portion of the highway from a Class II State Highway to a Class IV City Highway:

US Route 1: Beginning at the intersection of US Route 1 Bypass with US Route 1 (Project 13455A approximate station 600+47) and continuing northerly to the existing compact line on US Route 1 (Project 13455A approximate station 604+25). The length of this section of US Route 1 is approximately 0.07 miles (378 feet).

[Attached is a letter from the New Hampshire Department of Transportation](#) dated January 30, 2013 which describes the effective date of the transfer with attachments, a copy of RSA 229:5, a Plan Cover Sheet and the NHDOT Plan which shows the portion of the reclassified highway. In order to formalize the transfer, the NHDOT needs an acceptance of the transfer in writing from the City Council.

*I recommend that the City Council move to accept the portion of US Route 1 that has been reclassified from a Class II State Highway to a Class IV City Highway as set forth in the attached Plan.*

3. **Prescott Park Arts Festival Re: Proposed Stage Relocation.** [Attached is a letter from Ben Anderson, President of the Prescott Park Arts Festival,](#) regarding the proposed relocation of the stage at Prescott Park. The Mayor's Working Group is requesting that the City Council discuss the proposed relocation of the stage at a Work Session on Monday, August 17, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.

*I recommend the City Council move to discuss the relocation of the Prescott Park Arts Festival Stage in a Work Session at the August 17, 2015 City Council meeting.*

4. **Request for Ratification of Gundalow Company Agreement.** [Attached for ratification by the City Council is a one \(1\) year agreement entered into between the Trustees of Trust Funds and the Gundalow Company.](#) This Agreement would allow the Gundalow to remain at Prescott Park until November 1, 2015, although there are provisions in the Agreement contemplating extensions thereafter.

The \$5,000.00 annual License Agreement fee has already been received from the Gundalow Company and a draft of this Agreement has been provided to Peter Torrey for deposit into the Prescott Trust.

*I recommend the City Council move to ratify the License Agreement between the Trustees of Trust Funds and the Gundalow Company.*

## ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on July 20, 2015. In addition, this can be found on the City's website.
2. **Report Back Re: Historic Cemeteries Update.** For your information, [attached is a report back](#), regarding an update on historic cemeteries.
3. **Report Back Re: Athletic Fields.** As you will recall, at the June 1, 2015 City Council meeting, the Council requested that I report back concerning two strategies for addressing the shortage of outdoor multi-use recreation fields in the City. [Attached for your information is the report back](#) regarding this matter.