

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 5, 2015 TIME: 6:00PM

AGENDA

- 6:00PM - "NON-MEETING" WITH COUNSEL IN ACCORDANCE WITH RSA 91-A:2 I (b)

I. CALL TO ORDER (6:00PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – AUGUST 17, 2015; SEPTEMBER 8, 2015 AND SEPTEMBER 21, 2015

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

(There is no items under this section of the agenda)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. Third and final reading of Annual Omnibus Ordinance Change, Parking and Traffic

B. Third and final reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

A. *Acceptance of Donation to the Coalition Legal Fund:

- Town of Rye - \$5,000.00

(Anticipated action – move to approve and accept the donation as listed, to be placed in the Coalition Legal Fund)

B. Letter from Jenelle Dolan, March of Dimes, requesting permission to hold the 2016 Seacoast March for Babies on Saturday, May 7, 2016 ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Tabitha McElroy, Thompson School UNH, requesting permission for Portsmouth to host the New England GIFT box in Market Square in front of the North Church for a three day event in mid November
- B. Letter from Bert Cohen, Mayor's Blue Ribbon Committee on Sustainable Practices Re: City's Irrigation Meter Ordinance

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. Third and Final Reading of Proposed Ordinance:
 - 1.1 Third and Final Reading of Annual Omnibus Ordinance Change, Parking and Traffic (**Action on this item should take place under VIII of the Agenda**)
 - 1.2 Third and Final Reading of Ordinance amending Chapter 11, Article II, Section 11.216:B - Sewer User Charges/Records/Hook-Up by the Elimination of Irrigation Meters (**Action on this item should take place under VIII of the Agenda**)

City Manager's Items Which Require Action:

- 1. Request for Approval of Proposed Tentative Agreements for the School Custodial Supervisors Union and the Association of Portsmouth School Administrators
- 2. Request for Approval of Proposed Tentative Agreement between the City of Portsmouth and the Portsmouth City Employees Local #1386-B
- 3. Report Back Re: Proposed Easements for North Mill Pond Multi-Use Path

Informational items

- 1. Events Listing
- 2. Household Hazardous Waste Day
- 3. Update Re: Ride-Sharing/Taxi Transportation Services Ordinance

B. MAYOR LISTER

- 1. Separation Agreement with Chief Stephen Dubois
- 2. Appointments to be Considered:
 - Appointment of Jonathan Sandberg to the Citizens Advisory Committee of the CDBG Program
 - Appointment of Lawrence J. Lariviere to the Sustainable Practices

3. Appointments to be Voted:
 - Reappointment of Shari Donnermeyer to the Parking & Traffic Safety Committee
 - Appointment of Jennifer Pyke to the Portsmouth Housing Authority

C. ASSISTANT MAYOR SPLAINE

1. Concepts for an Ethics Ombudsman / Ethics Officer

D. COUNCILOR THORSEN

1. Arts Festival in Prescott Park

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 August 20, 2015 and August 27, 2015 meetings of the Planning Board are now available on the City's website
2. *Notification that the minutes of the September 1, 2015 meeting of the Site Plan 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: October 1, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 5, 2015 City Council Agenda

6:00 p.m. Non-meeting with counsel in accordance with RSA 91-A:2, I (b).

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

Items Which Require Action Under Other Sections of the Agenda:

1. **Third and Final Reading of Proposed Ordinance.**

1.1 **Third and Final Reading of Annual Omnibus Ordinance Change, Parking and Traffic.** As a result of the September 21st City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee](#). This year's omnibus changes are detailed on the [attached sheets](#), including changes to on-street spaces and updated wording 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 Traffic and 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 between June 13, 2014 and June 11, 2015, as well as updates to reflect current conditions.

In addition, [attached is a summary](#) of the number of new parking spaces created and lost by the annual proposed Omnibus Ordinance change, which lists the ordinance changes and their impact on parking spaces. Further, other changes in the downtown area that affected parking spaces, but were not part of the omnibus ordinance, are included for informational purposes.

[As shown in this attachment](#), the Ordinance changes result in a loss of ten on-street spaces year round. This represents approximately 1 percent of the total 783 on-street spaces in the downtown area. Twenty-eight additional on-street metered spaces are lost due to development projects. However, the HarborCorp project will include the construction of a 523-space parking garage, of which 70 to 170 spaces are projected to be available to the public during typical peak demand of the HarborCorp site. These additional private spaces offset the loss of 40 on-street parking spaces and, with the exception of special events, will add a net of 30 to 130 spaces.

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

- 1.2 **Third and Final 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 August 3rd City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final 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.

Therefore, I recommend that the City Council move to table the aforementioned matter at this time. Action on this matter should take place under Section VIII 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 Rye in the amount of \$5,000 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 IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of Proposed Tentative Agreements for the School Custodial Supervisors Union and the Association of Portsmouth School Administrators.** The School Board has approved the Tentative Agreements with the Association of Portsmouth School Administrators and the Custodial Supervisors. Both of these bargaining units have agreed to a three (3) year agreement with the ten (10) year rolling COLA in each year.

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

- [A letter from Thomas Closson, City Negotiator outlining the changes.](#)
- [The School Custodial Supervisors and Portsmouth School Administrators Contracts showing the insertions and deletions to implement the Tentative Agreement if approved.](#)
- [Cost Analysis for each.](#)

I recommend the City Council move to accept the proposed contracts with the School Custodial Supervisors Union and Association of Portsmouth School Administrators to expire on June 30, 2018.

2. **Request for Approval of Proposed Tentative Agreement between the City of Portsmouth and the Portsmouth City Employees Local #1386-B.** I am bringing forward a new contract for approval. AFSCME #1386-B has agreed to break out the contract into two (2) units. The contract before you represents, the clerical staff in City Hall and at Public Works and the Library staff. The other unit will include all non-office public work employees. This agreement is for a three-year term. There is no COLA for July 1, 2014, a 2% COLA increase effective October 1, 2015 and a 10 year rolling COLA on July 1, 2016.

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

- A letter from Thomas Closson, City Negotiator outlining the changes.
- The Portsmouth City Employees Local #1386-B showing the insertions and deletions to implement the Tentative Agreement if approved.
- Cost Analysis.

I recommend the City Council move to accept the proposed contract with Portsmouth City Employees Local #1386-B to expire on June 30, 2017.

3. **Report Back Re: Proposed Easements for North Mill Pond Multi-Use Path.** At its meeting on September 8, 2015, the City Council voted to refer to the Planning Board a proposal to acquire land or easements as necessary to construct a multi-use path along the south shore of North Mill Pond between Market Street and Bartlett Street. This proposed path would provide a scenic and low-stress route for bicyclists and pedestrians between the North End and the West End (see attached maps).

The Planning Board reviewed this proposal at its meeting on September 17, 2015, and voted unanimously to support the North Mill Pond Path project and to recommend that the City Council authorize the City Manager to proceed with acquisition of the land and/or easements necessary to implement the project.

I recommend the City Council move to accept the Planning Board's recommendation, and, further, authorize the City Manager to begin negotiations acquiring property for easements for the North Mill Pond Bike/Walk Path.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on September 21, 2015. In addition, this can be found on the City's website.
2. **Household Hazardous Waste Day.** For your information, Household Hazardous Waste Day is scheduled for Saturday, October 24, 2015 from 8:00 a.m. – Noon. Residents of Portsmouth, Greenland and Newington may bring their household hazardous waste to the Department of Public Works facility at 680 Peverly Hill Road, Portsmouth. Please note that Proof of Residency Required. There is more information on the City's Website at <http://cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm> .
3. **Update Re: Transportation Services Ordinance.** For your information, the following is an update regarding the Transportation Services Ordinance. As you are aware, the Ordinance became effective on September 17, 2015. There are currently four companies that have submitted the appropriate required paperwork and are currently registered as Transportation Services. They are Great Bay Taxi, Rockingham Taxi, BINX Cabs, and Anchor Taxi. The City Clerk's Department continues to work with the Legal and Police Departments on additional approvals. The Police Department is currently stopping and reporting on any Ordinance violations and today there has been only one reported violation.