

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 6, 2016 TIME: 6:00PM

AGENDA

- 6:00PM – NON-MEETING WITH COUNSEL RE: LAND ACQUISITION, COLLECTIVE BARGAINING & PROPERTY NEGOTIATIONS IN ACCORDANCE WITH RSA 91-A:2, I (b)

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

PRESENTATIONS

1. Portsmouth Symphony – Beethoven Ninth – Dorothy Braker, Cellist
Dr. Rick Miller, John Page and Priscilla French will be making the Presentation
2. State of the Arts Presentation – Art-Speak – Mike Teixeira, President (***Sample motion – move to authorize the City Manager to extend the Agreement from July 1, 2016 through June 30, 2017***)

V. ACCEPTANCE OF MINUTES – MAY 11, 2016 & MAY 16, 2016

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. CHAPTER 10 – ZONING ORDINANCE – ARTICLE 4 – ZONING DISTRICTS AND USE REGULATIONS, SECTION 10.410 – ESTABLISHMENT AND PURPOSE OF DISTRICTS, TRANSPORTATION CORRIDOR – TO PROVIDE FOR FUTURE TRANSPORTATION USES AND RELATED FACILITIES

VIII. ADOPTION OF PROPOSED BUDGET RESOLUTION

- Resolution No. 7-2016 – Municipal Fees
- Resolution No. 8-2016 – General Fund Expenditures
- Resolution No. 9-2016 – Sewer Fund Expenditures
- Resolution No. 10-2016 – Water Fund Expenditures
- Resolution No. 11-2016 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures
- Resolution No. 12-2016 – Investment Policy

Sample motions:

- 1) **Move to adopt Resolution #7-2016 Municipal Fees**
- 2) **Move to adopt Resolution #8-2016 General Fund Expenditures**
- 3) **Move to adopt Resolution #9-2016 Sewer Fund Expenditures**
- 4) **Move to adopt Resolution #10-2016 Water Fund Expenditures**
- 5) **Move to adopt Resolution #11-2016 Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures**
- 6) **Move to adopt Resolution #12-2016 Investment Policy**

IX. APPROVAL OF GRANTS/DONATIONS

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

X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of proposed Ordinance to amend Chapter 10 – Zoning Ordinance – Article 4 – Zoning Districts and Use Regulations, Section 10.410 – Establishment and Purpose of Districts, Transportation Corridor – To provide for future transportation uses and related facilities as well as recreational trail use

XI. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Robert L. Sutherland, Jr., St. John's Lodge, requesting permission to hold the St. John's March on Sunday, June 26th at 9:00 a.m. ***(Sample motion – move to refer to the City Manager with power)***
- B. Letter from Mike Young, Portsmouth Babe Ruth Baseball, requesting permission to place 10 outfield signs on the outer perimeter fencing facing inwards towards Leary Field ***(Sample motion – move to refer to the City Manager with power)***
- C. Police Department Donation to the Explorer Cadets from Melissa Thuet - \$75.00 ***(Sample motion – move to approve and accept the donation to the Police Explorer Cadets)***

XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from JerriAnne Boggis, Portsmouth Black Heritage Trail, requesting permission to hold the Annual Juneteenth Celebration on Saturday, June 18, 2016 from 11:00 a.m. to 3:00 p.m. at the African Burying Ground ***(Sample motion – move to refer to the City Manager with power)***

- B. Letter from Police Commissioner Brenna Cavanaugh, Chair requesting approval to transfer vehicle to SERT (***Sample motion – move to approve transfer of vehicle to the Seacoast Emergency Response Team***)
- C. Semi-Annual Report of the Police Commission (***Sample motion – move to accept the Semi-Annual Report of Police Commission***)

XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

- 1. Approval of Employment Agreement for Chief David Mara
- 2. Easements for Approved Development Projects
- 3. Establish a Work Session Re: McIntyre Property

Informational items

- 1. Events Listing
- 2. Report Back Re: Cigarette Litter and Collection
- 3. Food Waste Drop Off for Composting

B. MAYOR BLALOCK

- 1. *Appointments to be Voted:
 - Reappointment of Reagan Ruedig to the Historic District Commission
 - Reappointment of Jonathan Wyckoff to the Historic District Commission
 - Reappointment to John Mayer as an Alternate to the Historic District Commission
- 2. *Proposed Stewardship Committee for African Burying Ground

Members:

- Janet Prince, Community Volunteers Representative
- Valerie Cunningham, Portsmouth Black Heritage Trail/Portsmouth Historical Society Representative
- Towny Manfull, Seacoast African American Cultural Center Representative

C. ASSISTANT MAYOR SPLAINE

- 1. *Water Country Traffic Analysis

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the May 5, 2016 meeting (***Sample motion – move to approve and accept the Action Sheet and Minutes of the Parking & Traffic Safety Committee May 5, 2016 meeting***)

E. COUNCILOR PEARSON

1. Build Dio Presentation for June 20, 2016 City Council meeting

F. COUNCILOR DENTON

1. *Water Country Traffic Re: Banfield Road (***Sample motions: (1) move to have the Mayor send a letter accompanying a copy of the report to the NH DOT requesting that they review the findings and provide any input; (2) move the City to collect this summer the additional seasonal-peak traffic volumes along Banfield Road and observe the actual delays for traffic to verify the assumptions made in the study (3) move for the City to purchase the two separate cameras recommended by the City's Parking and Transportation Engineer to take needed counts including, but not limited to, the Water Country / Constitution exit and on Banfield Road***)

XIV. MISCELLANEOUS/UNFINISHED BUSINESS

XV. ADJOURNMENT

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Notification that the minutes of the March 9, 2016 and April 13, 2016 meetings of the Conservation Commission are now available on the City's website.
2. Notification that the minutes of the April 6, 2016 meeting of the Historic District Commission are now available on the City's website
3. Notification that the minutes of the April 14, 2016 and April 21, 2016 meetings of the Planning Board 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: June 2, 2016
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on June 6, 2016 City Council Agenda

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

Non-meeting with counsel regarding collective bargaining in accordance with RSA 91-A:2,I (b).

Non-meeting with counsel regarding property negotiations 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.

Presentations:

1. **Portsmouth Symphony – Beethoven Ninth.** On Monday evening, Dorothy Braker, a cellist with the Portsmouth Symphony will perform for the City Council. Subsequent to the performance, representatives from the Portsmouth Symphony will make a presentation to the City Council. Present will be Dr. Rick Miller, John Page and Priscilla French.

2. **Art-Speak Annual State of the Art Report and Request to Extend the Agreement Between the City and Art-Speak.** At the June 6, 2016 City Council meeting, Art-Speak will give its annual report on local arts and culture activity during FY 15/16 and request renewal of the Agreement between the City and Art-Speak for the period July 1, 2016 through June 30, 2017.

Art-Speak President Mike Teixeira will provide a snapshot of how local cultural organizations are faring, a progress report on Art-Speak activities, including the Americans for the Arts Economic Prosperity Study, and a glimpse of the year ahead. The report will also include an update on the following work required under the current funding agreement between Art-Speak and the City:

- Assist the City in implementation of the Cultural Plan for promotion appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
- Convene an annual arts and cultural forum;
- Serve as an advisor to all departments of City government on arts and cultural issues;
- Perform a coordination function for local cultural organizations and advocate on their behalf at the local, state and national level;

During FY 15/16, Art-Speak continued implementation of the Cultural Plan and promoted Portsmouth as a local and regional arts and culture leader with diverse cultural assets that contribute to local quality of life and economic vitality. It has successfully engaged the business community through the activities of PACA, and started surveys of non-profit arts organizations for the Americans for the Arts Economic Prosperity Study. It also fundraised and launched an exciting new marketing effort for Portsmouth's creative economy which will be previewed in the report. The FY 16/17 UDAG Budget includes \$15,000 for Art-Speak to continue the work outlined in the annual report.

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 model for other communities. [Attached](#) is a draft copy of the renewal Agreement between the City and Art-Speak for your information.

I recommend that the City Council move to authorize the City Manager to extend the Agreement from July 1, 2016 through June 30, 2017.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing and Second Reading of Proposed Ordinance Amendments:

- 1.1 **Public Hearing/Second Reading of Proposed Zoning Ordinance Amendment - Transportation Corridor District.** As a result of the May 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Zoning Ordinance Amendment](#) to establish a Transportation Corridor District. See [attached memorandum from Rick Taintor, Planning Director](#), regarding this matter. The Planning Board voted on April 21, 2016 to recommend that the City Council amend the Zoning Ordinance, as proposed.

The Planning Department has proposed that the railroad rights-of-way within the City (excluding areas for sidings and spurs) be rezoned to a new Transportation Corridor District. The purposes of the proposed district are:

- to preserve these corridors for existing and future transportation uses and utility lines and facilities;
- to allow for the development of multi-use (bicycle/pedestrian) recreational trails along abandoned rail corridors; and
- to restrict any land uses that would conflict with these transportation and recreational uses from being established.

Therefore, I recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance at the June 20, 2016 City Council meeting. Action on this matter should take place under Section X of the Agenda.

2. **Adoption of Proposed Budget Resolutions:**

2.1 **Adoption of Budget Resolutions for Fiscal Year July 1, 2016 through June 30, 2017 (FY2017).** During the May 23, 2016 City Council Budget Work Session, two amendments from the proposed FY17 General Fund budget were recommended.

- 1) Utilize \$250,000 from Unassigned Fund Balance to offset non-recurring capital outlay projects listed in the proposed budget.
- 2) Reduce Rolling Stock by \$20,000 and fund the Mobile Message Board from the Parking & Transportation special revenue fund.

As a result of the recommended amendments to the proposed FY17 budget, the estimated tax rate will decrease from \$17.10 to \$17.04 or 6¢ per \$1,000 of valuation. This proposed tax rate of \$17.04 is an increase of 25¢ or 1.5% over FY16.

Attached are six FY17 Budget Resolutions for City Council adoption.

1. Resolution No. 7-2016 - Municipal Fees
2. Resolution No. 8-2016 - General Fund expenditures as amended at the May 23, 2016 Budget Work Session
3. Resolution No. 9-2016 - Sewer fund expenses, cash requirements, and user rates

4. Resolution No. 10-2016 - Water fund expenses, cash requirements, and user rates
5. Resolution No. 11-2016 - Expenditure of Special Revenues funds, Debt Service fund, and Committed Fund Balance
6. Resolution No. 12-2016 - Annual investment policy required by state law

I am requesting that the City Council vote on each Resolution separately. The City Council will have adopted the FY17 Budget once the Council has voted on each Resolution separately. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Acceptance of Police Department Donation.** Attached under Section XI of the Agenda is a memorandum, dated May 24, 2016 from Brenna Cavanaugh, Chair of the Portsmouth Police Commissioners, and Police Chief David J. Mara, requesting that the City Council approve the following donation:

- 1) A donation in the amount of \$75.00 in support of the Explorer Cadets from Ms. Melissa Thuet.

The Portsmouth Police Commission submits the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

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

City Manager's Items Which Require Action:

1. **Approval of Employment Agreement for Chief David Mara.** The Police Commission requests that the City Council act on the attached Employment Agreement between Police Chief David Mara and the City of Portsmouth Police Commission for a term commencing on July 12, 2016 and extending through July 12, 2017.

I recommend the City Council move to approve the Employment Agreement between Chief David Mara and the Portsmouth Police Commission for a term commencing on July 12, 2016 and extending through July 12, 2017.

2. **Easements for approved Development Projects.** The Planning Board has granted site plan or subdivision approval for several developments that incorporate easements requiring action by the City Council to accept or grant. The Planning and Legal Departments have reviewed all the proposed easement documents and have verified that they are in correct form and properly address the stipulations of the Planning Board's approvals.

- a. Address: 173-175 Market Street (*see Attachment A*)
Applicant: Eport Properties 1, LLC
Description: Construction of a 5-story addition to an existing building, with three new dwelling units, office and commercial space
Council Action: Accept an easement for a sewer line through the building, including indemnification of the City from any damage to the Owner arising from the existence of the easement or damage to the sewer line

I recommend the City Council move to accept an easement for a sewer line as shown on the site plan approved by the Planning Board on October 15, 2015.

- b. Address: 1163 Sagamore Avenue (*see Attachment B*)
Applicant: Chinburg Development LLC
Description: Development of 10 single-family homes
Council Actions: (1) Accept an easement for public pedestrian access between Sagamore Avenue and the City's Sagamore Headlands property
(2) Accept an access easement for the City to read, maintain and replace water meters
(3) Grant an easement for drainage and stormwater management on City land

I recommend the City Council move to accept the public pedestrian easement and to grant the drainage easement as shown on the Easement Plan approved by the Planning Board on October 15, 2015, and to accept an easement for access to read, maintain and replace water meters throughout the Grantor's property.

- c. Address: 2219 and 2319 Lafayette Road (*see Attachment C*)
Applicant: Rye Port Properties, LLC; Charter Foods North, LLC (Taco Bell); and Advance Stores Company, Inc. (Advance Auto Parts)
Description: Construction of a Taco Bell restaurant
Council Action: Accept an easement for access to inspect and maintain a sewer line and connection

I recommend the City Council move to accept the access easement dated November 19, 2015.

3. **Establish a Work Session Re: McIntyre Property.** I am requesting that the City Council establish a Work Session at 6:00 p.m. before the Monday, June 20, 2016 City Council regular meeting to discuss the McIntyre Property and proposed options.

Therefore, I recommend the City Council move to establish a Work Session at 6:00 p.m. before the Monday, June 20, 2016 City Council meeting to discuss the McIntyre Property and proposed options.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on May 16, 2016. In addition, this can be found on the City's website.
2. **Report Back Re: Cigarette Litter and Collection.** In response to a letter by Kate Loughlin regarding cigarette litter and collection in downtown Portsmouth, [attached is a memorandum from Jacob Levenson, Solid Waste & Sustainability Coordinator.](#) This is the report back regarding this matter.
3. **Food Waste Drop Off for Composting.** For your information, [attached is a memorandum from Jacob Levenson, Solid Waste & Sustainability Coordinator,](#) regarding a food waste drop off for composting at the Department of Public Works' Recycling Center.