

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 16, 2017 TIME: 5:45 PM

AGENDA

- 5:45PM – PUBLIC DIALOGUE
- 6:30PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – FIREFIGHTERS ASSOCIATION OF PORTSMOUTH, NEW HAMPSHIRE LOCAL #1313 AND THE PORTSMOUTH PROFESSIONAL FIRE OFFICERS ASSOCIATION

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

PRESENTATION

1. Revaluation Process, Stephan Hamilton, Director of the Municipal and Property Division of the NH Department of Revenue Administration (DRA)

- V. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*

- VI. PUBLIC DIALOGUE SUMMARY

- VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. First reading Re: Zoning Ordinance Amendments – Off Street Parking – Chapter 10, Article 11 – Site Development Standards; Article 15 – Terms of General Applicability and Article 8 – Supplemental Use Standards
- B. First reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; and Article 4 – Zoning Districts and Use Regulations
- C. First reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code
- D. First reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code
- E. Second reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by Striking Article I-V in its entirety and replace with new language *(Postponed from September 5, 2017 City Council Meeting)*

VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donations Re: USS New Hampshire
- Sean Mahoney - \$500.00
 - Piscataqua Savings Bank - \$500.00
 - The Propeller Club of the United State Port of Portsmouth - \$500.00
 - Teledyne Instruments - \$500.00
- (Sample motion – move to accept and approve the donations for the USS New Hampshire, as presented)***
- B. Acceptance of Police Department Grant
- A grant in the amount of \$9,225.00 from the New Hampshire Department of Safety, Homeland Security and Emergency Management for Special Operations Team Terrorism Prevention Activities training ***(Sample motion – move to accept and approve the grant to the Portsmouth Police Department, as presented)***

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Emily Christian , National Multiple Sclerosis Society, requesting permission to hold the 2018 Walk MS Portsmouth on Saturday, April 14, 2018 from 10:00 a.m. to 2:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Major DonnaMarie Reed, The Salvation Army, requesting permission to place the Red Kettle in the center of Market Square from November 13th through December 23rd ***(Anticipated action – move to refer to the City Manager with power)***
- C. *Acceptance of Donation Re: Plaque in Memory of Roger Chapdelaine
- In honor of Roger Chapdelaine – Men’s Doubles Tennis Commissioner
- (Anticipated action – move to accept the donation for a plaque in memory of Roger Chapdelaine, as presented)***
- D. Letter from Lynn Raeburn requesting that the lots be restored to their premerger status and that zoning and tax maps be updated to identify premerger boundaries of said parcels ***(Anticipated action – move to refer to the Planning Board for report back)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *(See E-mail Correspondence)*
- B. Letter from Attorney Kevin Baum Re: Comment to Proposed Gateway Mixed-Use Zoning Amendments and Request to Extend Proposed District to Farm Lane
- C. Letter from Mike Somers, NH Lodging & Restaurant Association Re: the 2009 FDA Food Code with proposed amendments

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

Acting City Manager's Items Which Require Action:

1. Commercial Revaluation – Request for Peer Review

Acting City Manager's Informational Items:

1. Events Listing
2. Update Re: Recycling Center Swap Shop
3. Report Back Re: Homestead Exemption

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Cyrus Beer as an Alternate to the Historic District Commission
 - Reappointment of Dana Levenson to the Economic Development Commission
2. *Appointments to be Voted:
 - Appointment of Amrishi Chicooree to the Cable Television and Communication Commission
 - Appointment of Thaddeus Jankowski as an Alternate to the Conservation Commission
 - Appointment of Martin Ryan to the Historic District Commission as a Regular Member
 - Reappointment of Shaula Balomenos Levenson to the Library Board of Trustees

C. ASSISTANT MAYOR SPLAINE

1. *Exploring the concept of allowing artists and others who have a studio, gallery, workplace, or storefront in Portsmouth to be able to use their space for residence, with certain limitations of time period and fire and health standards

It would be my intention to request Acting City Manager Nancy Colbert Puff, City Attorney Bob Sullivan, and the Fire Department to report back at the Monday, November 20, 2017 City Council meeting on the practicality of such a living arrangement, and limitations or restrictions that may be required

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the October 5, 2017 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the October 5, 2017 Parking & Traffic Safety meeting***)

E. COUNCILOR SPEAR

1. *Follow-up on Parking Work Session

F. COUNCILOR DENTON

1. *Prescott Park Agreements

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

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

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 12, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: Nancy Colbert Puff, Acting City Manager *NCp*
Re: Acting City Manager's Comments on October 16, 2017 City Council Agenda

6:30 p.m. – Non-Public Session in accordance with RSA 91-A:2,I (a) regarding strategy or negotiations with respect to collective bargaining – Firefighters Association of Portsmouth, New Hampshire Local #1313 and The Portsmouth Professional Fire Officers Association

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

Presentation:

1. **Revaluation Process.** At Council's request, Stephan Hamilton, Director of the Municipal and Property Division of the NH Department of Revenue Administration (DRA), will briefly present the DRA's role in the revaluation process, what is encompassed in their review of the revaluation, and be available to answer any questions Council may have.

Acceptance of Grants and Donations:

1. **Acceptance of Donations Re: USS New Hampshire.** The USS New Hampshire SSN778 returned to the Portsmouth Naval Shipyard earlier this year. Mayor Blalock and the City Council appointed the Portsmouth Host Welcoming Committee for the USS New Hampshire. The Committee is comprised of Mayor Jack Blalock; Committee Chair Stephanie Seacord; Deputy City Manager Nancy Colbert Puff; Public Information Officer

Brenna Woodman; Portsmouth Chamber Collaborative President Valerie Rochon and former Mayor Robert Lister. The Welcoming Committee will host a 9th Anniversary Party for the USS New Hampshire and her full crew on October 25th to make their stay in Portsmouth a memorable one. Through the generosity of sponsors, the Welcoming Committee has received the following donations for City Council acceptance:

- Sean Mahoney \$500.00
- Piscataqua Savings Bank \$500.00
- The Propeller Club of the United States Port of Portsmouth \$500.00
- Teledyne Instruments \$500.00

The City of Portsmouth is the fiscal agent.

I recommend the City Council move to accept and approve the donations for the USS New Hampshire, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Police Department Grant.** Attached under Section VIII of the Agenda is a memorandum, dated October 10, 2017, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief; at the October 2, 2017 special Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

- a. A grant in the amount of \$9,225 from the New Hampshire Department of Safety, Homeland Security and Emergency Management for Special Operations Team Terrorism Prevention Activities training, as per the attached grant document.

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

I recommend the City Council move to accept and approve the grant to the Portsmouth Police Department, as presented. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Ordinances and Resolutions:

- 1.1 **First Reading Re: Zoning Ordinance Amendments – Off-Street Parking.** As a result of the October 2nd City Council meeting, I am bringing back for first reading the attached proposed Zoning Ordinance Amendments to Off-Street Parking. Attached is a memorandum from Planning Director Juliet Walker requesting first reading and outlining the proposed zoning ordinance amendments to off-street parking.

At its September 21, 2017 meeting, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.

I recommend the City Council move to schedule a public hearing and second reading on the proposed Zoning Ordinance Amendments to the off-street parking regulations at the November 20, 2017 City Council meeting, as presented. Action on this matter should take place under Section VII of the Agenda.

- 1.2 **First Reading Re: Gateway Mixed Use District Zoning Amendments.** As a result of the October 2nd City Council meeting, I am bringing back for first reading the [attached](#) proposed Ordinance to Gateway Mixed Use District Zoning Amendments. [Attached is a memorandum](#) from Planning Director Juliet Walker requesting first reading and outlining the proposed Gateway Mixed Use District Zoning Amendments.

At its September 21, 2017 meeting, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts (as amended based on discussion by Planning Board) to City Council for approval.

I recommend the City Council move to schedule a public hearing and second reading on the proposed Ordinance to the Gateway Mixed Use District Zoning Amendments at the November 20, 2017 City Council meeting, as presented. Action on this matter should take place under Section VII of the Agenda.

- 1.3 **First Reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code.** As a result of the October 2nd City Council meeting, I am bringing back for first reading the [attached](#) aforementioned proposed Ordinance.

Chapter 12 (International Building Code, 2006 & the International Residential Code, 2006), Chapter 15 (International Plumbing Code, 2006 & International Mechanical Code, 2006), and Chapters 12 and 5 (which reference the National Electric Code, and the International Energy Conservation Code), need to be updated to conform with the 2009 adopted state building code, and in addition we recommend adopting the Existing Building Code (also part of the state building code but not reflected in our current ordinances).

As with the existing ordinances, the [attached](#) includes local amendments that are tailored to City. We also propose amending the 2014 Electrical Code to prohibit NM cable (trade name Romex) from commercial installations, to prohibit service entrance cable (SER) in commercial installations and to require GFCI protection for certain residential installations (including, for example, in kitchens, bathrooms, garages and basements), to better protect the public health and safety.

If the Council votes to schedule a second reading, the City plans to host a public information session on these code updates before the public hearing. We have planned this session to take place on Monday, October 31st at 9:00 a.m. in Conference Room A. Prior to that informational meeting, the City will post on the Inspection's webpage the proposed amendments and code information.

I request authorization to bring back Building, Plumbing, Mechanical and Electrical code updates to the City Council for a public hearing and second reading at the November 20, 2017 City Council meeting. Action on this matter should take place under Section VII of the Agenda.

- 1.4 **First Reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code.** As a result of the October 2nd City Council meeting, I am bringing back for first reading the [attached](#) aforementioned proposed Ordinance.

Chapter 5, Fire Department and Prevention Regulations, Articles I, 4, 5, 7 and 8 have been updated to delete obsolete sections of the ordinance and amended to reflect current operations of the Fire Department. For example, we no longer have call firemen (Article 1), there is no longer a petroleum inspector or petroleum district (Article 4) and the municipal fire alarm system is being retired (Article 5). Our current ordinance (Article 9) adopts the 2006 International Fire Code and the amendment to Article 9 would adopt the 2015 International Fire Code and formally adopt the State Fire Code (Saf-C 6000). The proposed amendments to Article 9 reflect the updates from the 2006 to the 2015 International Fire Code. The amendment also modifies sections of the 2015 International Fire Code to reflect the State's requirements regarding smoke alarms and carbon monoxide detection. Article 9 has also been amended to address our current practices regarding permitting processes, defining "no burn permit" areas in the City, providing additional guidance regarding the installations of sprinkler system and adds a new section on solar panels to give our community clear guidelines regarding this popular source of energy for homeowners and businesses. [See attached.](#)

If the Council votes to schedule a second reading, the City plans to host a public information session on these code updates before the public hearing. We have planned this session to take place on Monday, October 31st at 9:00 a.m. in Conference Room A. Prior to that informational meeting, the City will post on the Inspection's and Fire webpages the proposed amendments and code information.

I request authorization to bring back for public hearing and second reading the updates to the, Fire Department and Prevention Regulation at the November 20, 2017 City Council meeting. Action on this matter should take place under Section VII of the Agenda.

2. **Second Reading of Proposed Ordinances and Resolutions:**

- 2.1 **Second Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language (Postponed from September 5, 2017 City Council Meeting).** At the September 5, 2017 City Council meeting, the Council postponed second reading of the Food Licensing and Regulation Ordinance in order for the City to schedule an Informational Meeting with the public to respond to questions raised during the public comment session regarding the definition of change of ownership and the appeals process in the proposed ordinance. The Informational Meeting was held on September 25, 2017. Health Officer Kim McNamara will give a presentation to the Council regarding the issues discussed at the meeting, proposed amendments to the ordinance in response to public comment at the meeting and a report back on the appeals process that will include a comparison between the appeals process in the proposed ordinance and other self-inspecting communities.

[Attached is an annotated version of the ordinance](#) redlining the proposed changes to the ordinance from first reading and in response to public comment.

In the event the City Council proceeds with second reading of the Food Licensing and Regulations Ordinance, I recommend the following motion be adopted:

I recommend the City Council move to accept all the amendments to the Food Licensing and Regulations Ordinance as set forth in the attached ordinance and further pass second reading and schedule third and final reading at the City Council meeting of November 20, 2017. Action on this matter should take place under Section VII of the Agenda.

Consent Agenda:

1. **Acceptance of Donation Re: Plaque in Memory of Roger Chapdelaine.** The City of Portsmouth has received a request and a check in the amount of \$360.00 from Bradley Lown for a plaque to be placed on a bench at the southwest tennis courts closest to the McMaster bench at the South Mill Pond complex with the following inscription:

- In honor of Roger Chapdelaine – Men's Doubles Tennis Commissioner

I recommend the City Council move to accept the donation for a plaque in memory of Roger Chapdelaine, as presented.

Acting City Manager's Items Which Require Action:

1. **Commercial Revaluation – Request for Peer Review.** In response to City Council's request, we have solicited a proposal from David Cornell, MAI, CAE an experienced appraisal consultant who is qualified to perform a review of the revaluation. His fee is \$8,875 for an evaluation of the commercial revaluation work, and the same price for the same review of the residential revaluation, for a total of \$17,750. This work could be completed by November 13th.

After consulting with the DRA regarding the scope of work such a review should involve, we recommend that scope be focused on reviewing the revaluation methodology and conclusions on a broad basis – in other words, a spot “sampling” is not a typical approach to reviewing mass appraisal. In addition, if City Council is interested in pursuing this review, we recommend it be performed for the entire revaluation, and not a single component, to ensure equal treatment and to obtain a complete picture of the entire process.

City Council may consider moving to direct the Acting City Manager to conduct a review of the revaluation and to bring back the review to Council sometime in November.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 2, 2017. In addition, this can be found on the City's website.
2. **Update Re: Recycling Center Swap Shop.** As you will recall, the City Council referred a request to establish a swap shop at the recycling center to the City Manager for a report back with a recommendation. The swap shop will be part of the new recycling facility at the Department of Public Works. Selection of the design consultant is pending interviews, and City staff anticipates to have the design completed by next year with funding identified in 2020 for construction.
3. **Report Back Re: Homestead Exemption.** At the September 18, 2017 City Council meeting, Assistant Mayor Splaine requested an inquiry regarding a Homestead Exemption. [Attached is a memorandum](#) from City Attorney Robert Sullivan regarding this matter.