

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 20, 2017

TIME: 7:00 PM

AGENDA

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

PRESENTATION

- 1. Energize 360 Seacoast NH Campaign Kick-off

V. ACCEPTANCE OF MINUTES – MARCH 6, 2017

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Fire Department Donations of disbursement checks in the amount of \$105,687.00 and \$81,813.00 from the Estate of Geraldine W. Webber (***Sample motion – move to accept and approve the donations to the Fire Department, as presented***)
- B. Acceptance of Donation of disbursement check in the amount of \$81,813.00 from the Estate of Geraldine W. Webber (***Sample motion – move to accept and approve the donation to the Police Department, as presented***)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Proposed Ordinance amending Chapter 3, Article II, Section 3.208 - Regulation of Single Use Carryout Plastic Bags (*Tabled from the March 6, 2017 City Council meeting*)
- B. First Reading of proposed Ordinance amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Robert P. Valarese, Department of the Army, requesting permission to conduct Best Warrior Competition using Route 1A and 1B on April 9, 2017. (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Jay Diener, Co-race Director, requesting permission to conduct the 12th annual Seacoast Half Marathon on Sunday, November 12, 2017. (***Anticipated action – move to refer to the City Manager with power***)

- C. Letter from Richard Wagner, AIDS Response Seacoast requesting permission to conduct the 21st Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 7, 2017 from 10:00 a.m. to 5:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Raymond and Maryrose Richer Re: Potential Release of City Interest in a portion of Woodworth Avenue (***Sample motion – move to refer to the Planning Board for report back***)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Proposed Amendment to exempt signs and other elements related to public parking in private parking lots from specific zoning standards when authorized under a permit from the Department of Public Works
- 2. Appointments to Rockingham Metropolitan Organization (MPO) Technical Advisory Committee
- 3. Request a Work Session March 27, 2017 Re:
 - A. An Update and Review of the Master Plan
 - B. Review the Process for Identifying Reuses and/or Improvements for the Bridge Street, Vaughan Mall, and Worth Lot
- 4. Request to Establish a Public Hearing Re: Proposed Bonding of up to Five Million (\$5,000,000.00) Dollars for Phase I Dondero School Improvements
- 5. Report Back Re: Islington Street Project Burying Underground Utilities

Informational items

- 1. Events Listing
- 2. Electronic Communication by City Councilors during Council Meetings
- 3. Cooperative Alliance for Seacoast Transportation (COAST) Bus Stops
- 4. Household Hazardous Waste Collection Day
- 5. Proposed Ordinance Re: Financial Disclosure

B. MAYOR BLALOCK

1. Appointments to be Voted:
 - Reappointment of Dana Levenson to the Trustee of the Trust Funds
 - Appointment of Jeffery Kisiel as regular member to the Planning Board
 - Appointment of Corey Clark as an Alternate member of the Planning Board
 - Appointment of Marie Cowgill to the Citizens Advisory Committee

C. ASSISTANT MAYOR SPLAINE

1. *Question: How Can We Best Preserve Borthwick Forest Off Islington Street?

D. COUNCILOR PEARSON

1. Public Art Update (See attachment)

E. COUNCILOR DENTON

1. *Resolution Re: Energize 360 Seacoast NH Campaign Kick-off

XII. MISCELLANEOUS/UNFINISHED BUSINESS

1. Legislative Subcommittee Report
 - Legislative Subcommittee Report
 - Update on Testimony Re: HB 144
 - Principles for Legislative Positions
 - Summary of recent House and Senate votes and Committee Reports

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the February 1, 2017 and February 8, 2017 meetings of the Historic District Commission 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: March 16, 2017

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on March 20, 2017 City Council Agenda

Presentation:

1. **Energize 360 Seacoast NH Campaign Kick-off.** Councilor Josh Denton, Liaison to the Sustainability Committee has requested that a presentation be made to the City Council on Monday evening regarding the Energize 360 Seacoast NH Campaign Kick-off.

Steve Workman who will be representing the not-for-profit Seacoast Area Renewable Energy Initiative (SEAREI [pronounced Sea - Ray]) will talk for 3-5 minutes during the presentation on the Energize 360 Seacoast NH Campaign itself, whose kick-off throughout the region is from March 20 - 27. The information he presents should be similar to the information he presented to the Sustainability Committee last month. The program is an improved version of the successful KEYS (Kittery, Eliot, York, & South Berwick) Region campaign that ended this past January. The Energize 360 Seacoast NH campaign allows for free solar array quotes and energy audits for interested residents and then allows for tiered group pricing for those that sign up.

SEAREI has already submitted an RFP from which Revision Energy was selected as the prime and Yankee Thermal the sub in their contract with SEAREI. Residents from several communities ranging from Portsmouth to Dover to Durham can then have Revision Energy do a free solar array audit and Yankee Thermal do a limited free home energy audit (full audit costs money). The residents then have until June to shop around with the quote's they received and decide if they want to go with Revision Energy & Yankee Thermal, someone else, or nobody. If they decide to go with Energize 360 Seacoast NH and Revision Energy for solar, the more people that sign up for solar arrays, the higher tier cost savings everyone (Portsmouth, Dover, Durham, ...) receive. Any contract signed

will be directly between the residents and either revision Energy or Yankee Thermal, NOT the City of Portsmouth or SEAREI.

Residents from the KEYS Region that participated saw a 5% savings. Granted 5% savings are not enough to get most residents to invest in solar, but the free audits and possible 5% discount maybe enough to get some to invest, and the more people that invest in solar, the cheaper it should become for everyone else. Of note residents that opt to sign up during the campaign window do not have to wait for the window to close for installation and should be grandfathered in prior to any net-metering changes being made at the state level.

Acceptance of Grants and Donations:

1. **Acceptance of Fire Department Donations.** At the March 15, 2017 monthly Fire Commission meeting, the Board of Fire Commissioners voted to approve and accept disbursement checks from the Estate of Geraldine W. Webber in the amounts of \$105,687.00 and \$81,813.000. The Fire Commission submits these donations to the City Council for the Council's consideration and approval.

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

2. **Acceptance of Police Department Donation.** [Attached under Section VII of the Agenda is a memorandum](#), dated March 14, 2017, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief, regarding the acceptance of a donation. At the March 16, 2017 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following donation:

- a. Donation of a disbursement check in the amount of \$81,813.00 from the Estate of Geraldine W. Webber.

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 their next meeting.

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

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Ordinance Amendments.

- 1.1 **First Reading of Proposed Ordinance amending Chapter 3, Article II, Section 3.208, Regulation of Single-use Carryout Plastic Bags (Tabled from March 6, 2017 City Council Meeting).** As you are aware at the March 6th City Council meeting, the first reading for the [attached proposed ordinance amending Chapter 3, Article II Section 3.208, Regulation of Single-use Carryout Plastic Bags](#) was [tabled](#). As requested by the City Council, I am bringing back for first reading the proposed Ordinance which was substantially drafted by the Surfrider Foundation-New Hampshire Chapter. It has been subject to minimal modifications of form by the City Legal Department in order that the Surfrider ordinance would be consistent with existing City ordinances. In addition, the City Legal Department has inserted a severability provision into the ordinance so that if a court should find any section of the ordinance to be unenforceable, the remaining provisions would still have full force and effect.

In addition, I have [attached a memorandum from City Attorney Robert Sullivan and Assistant City Attorney Jane Ferrini](#) regarding House Vote on HB 481, Relative to the Use of Small Capacity, Lightweight Plastic Bags by Retailers. Their memorandum outlines concerns relative to the adoption of this Ordinance at this time. They are recommending that the Ordinance to ban plastic bags be postponed indefinitely awaiting further developments in the Legislature.

Action on this matter requires one of the following motions:

- 1) *Either pass first reading of the proposed Ordinance, or*
- 2) *Table the proposed Ordinance indefinitely.*

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

- 1.2 **First Reading of a Proposed Ordinance amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road.** As a result of the March 6, 2017 City Council meeting, I am bringing back for first reading the [attached proposed Ordinance](#) amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road. At the February 2, 2017 Parking and Traffic Safety Committee meeting, there was a vote to amend Chapter 7, Article VII, by deleting the current Section 7.704 Local Delivery Routes and restore the old Section 7.703 Exceptions. [Attached is a memorandum from Eric Eby, Parking and Transportation Engineer,](#) regarding this matter. As recommended by Eric Eby, Parking and Transportation

Engineer, I am requesting the City Council authorize me to bring an Ordinance at the March 20, 2017 City Council meeting.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the April 3, 2017 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed amendment to exempt signs and other elements related to public parking in private parking lots from specific zoning standards when authorized under a permit from the Department of Public Works.** At its March 6, 2017 meeting, the City Council passed third reading on an ordinance relating to signs for public parking in a private parking lot. This ordinance was enacted as an amendment to the City Ordinances, Chapter 7, Article I – Parking Meters, and requires that any sign located at the entrance to a private parking lot receive a permit from the Department of Public Works (DPW).

[Attached is a memorandum from Planning Director Rick Taintor](#) identifying the reasons to amend the Zoning Ordinance to implement exemptions for signs and other elements related to public parking in private parking lots from specific zoning standards when authorized under a permit from DPW.

In addition, the [attached proposed Ordinance](#) contains the following three provisions:

- Item A exempts site elements from HDC review when public parking in a private lot is authorized under a permit from the DPW.
- Item B exempts directional information signs from the requirement for a sign permit when public parking in a private lot is authorized under a permit from DPW.
- Item C corrects an existing conflict in the standards for an “information sign”. Currently, the definition of the term “information sign” sets the maximum sign area at 2 square feet which Section 10.1222 exempts such a sign if it is up to 4 square feet in area. The proposed amendment would establish 4 square feet as the maximum for both provisions.

I recommend the City Council move to refer this matter to the Planning Board for report back to the City Council.

2. **Appointments to Rockingham Metropolitan Organization (MPO) Technical Advisory Committee.** The Rockingham Metropolitan Organization (MPO) is a federally designated entity that administers the urban transportation planning process for the 27 communities of the Rockingham Planning Commission. This organization is staffed by the Rockingham Planning Commission and has two standing committees on which each of the

communities has representation. The Transportation Advisory Committee (TAC) has one appointed member from each community, and the Policy Committee is composed of community appointed RPC commissioners and regional, state, and federal partners.

The purpose of the TAC is to provide technical advice and recommendations to the Policy Committee concerning transportation issues that impact the region. Specifically, this often involves prioritizing transportation improvements, reviewing studies, and providing input to NHDOT and other agencies.

The TAC appointment is for a period of 3-years. Juliet Walker, Assistant Planning Director is the current appointee and has been serving in that capacity since 2014. For the term beginning July 1, 2017, the Planning Department requested that that Juliet Walker Assistant Planning Director, continue in her current capacity, and further that Eric Eby, Transportation and Parking Engineer, be added as an Alternate representative.

I recommend the City Council move to approve the aforementioned appointments to the Rockingham Metropolitan Organization Technical Advisory, as presented.

3. **Request a Work Session for Monday, March 27, 2017.** I have discussed with the Mayor scheduling a Work Session regarding an Update and Review of the Master Plan ([a copy of the Master Plan is in the inside cover of your packet](#)). In addition, we would like to review the process for identifying re-uses and/or improvements for the Bridge Street, Vaughan Mall, and Worth Lot. I am requesting that the City Council establish a Work Session on Monday, March 27, 2017 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers regarding the aforementioned items.

I recommend the City Council move to establish a Work Session for Monday, March 27, 2017 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, as presented.

4. **Request to Establish a Public Hearing Re: Proposed Bonding of up to Five Million (\$5,000,000) Dollars for Phase I Dondero School Improvements.** [Attached is a letter from Superintendent Steve Zadavec](#) requesting that the City Council approve the authorization to bond up to Five Million (\$5,000,000) Dollars for the Phase I improvements to Dondero School. This item has been identified in the FY2018 Capital Improvement Plan. Superintendent Zadavec would like to receive authorization on this expenditure in order to begin construction this summer while the students are on break. This is similar to the way Phase II Little Harbour School Improvements project which took place and has seemed to work out very well. I am requesting that a public hearing be held at the April 3, 2017 City Council meeting regarding this matter.

I recommend the City Council move to establish a public hearing on Monday, April 3, 2017 for bonding of up to Five Million (\$5,000,000) Dollars for Phase I of the Dondero School Improvements.

5. **Report Back Re: Islington Street Project Burying Underground Utilities.** Department of Public Works staff will make a brief presentation to the City Council regarding the Council's request to investigate the possibility of burying utilities as part of the Islington Street corridor design project. As shown in the [attached memorandum](#), based on initial information provided by the project consultants from other similar projects in the area, the cost to bury the overhead utilities would add an additional \$1M to the design costs, and an additional \$4.6M to \$7.6M in construction costs. In addition to the cost, it would likely be necessary to obtain easements from landowners to locate transformers, control cabinets and other items on the ground, as there is little city land available for these items in the corridor. Due to these high costs and logistical hurdles, staff recommends that burying of the overhead utilities not be included in the project, and will seek an endorsement of this recommendation from the City Council.

I recommend the City Council move to endorse moving forward with design and bidding without inclusion of underground utilities along the Islington Street corridor.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 6, 2017. In addition, this can be found on the City's website.
2. **Electronic Communication by City Councilors during Council Meetings.** As requested by Assistant Mayor Splaine, [attached is a memorandum from City Attorney Robert Sullivan](#) regarding Electronic Communication by City Councilors during Council Meetings. The City Attorney opined on this matter on December 2, 2015 as noted in memorandum.
3. **Cooperative Alliance for Seacoast Transportation (COAST) Bus Stops.** [Attached for your information](#) is a memorandum from Juliet Walker, Assistant Planning Director, regarding COAST bus stops.
4. **Household Hazardous Waste Collection Day.** Please note your calendars that Household Hazardous Waste Collection Day will be held on Saturday, April 29, 2017. I will keep you advised of additional details regarding this day.
5. **Proposed Ordinance Re: Financial Disclosure.** For your information, the proposed Financial Disclosure Ordinance is still being worked on by Councilor Josh Denton and City Attorney Robert Sullivan and it will be presented at the April 3, 2017 City Council meeting.