

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 17, 2017

TIME: 6:30PM

AGENDA

- 6:30PM – – NON PUBLIC SESSION RE: THE COMPENSATION OF PUBLIC EMPLOYEES - RSA 91-A:3 II (a)

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

PRESENTATIONS

1. Complete Street Demonstration Project Policy (Proposed Tactical Urbanism City Council Policy) – Juliet Walker, Planning Director
2. Status of City Water Supply – Brian Goetz, Deputy Public Works Director
3. Briefing Re: State Street Fire – Steve Achilles, Fire Chief

V. ACCEPTANCE OF MINUTES – MARCH 20, 2017 & APRIL 3, 2017

VI. PUBLIC COMMENT SESSION

VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final 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

VIII. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Robert Sutherland, Jr., St. John's Lodge requesting permission to hold the St. John's March on Sunday, June 25, 2017 at 8:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Megan Bickford, New Hampshire SPCA requesting permission to place laminated posters and brochures at the Dog Parks located at South Mill Pond and Route 33 Park and Ride ***(Anticipated action – move to refer to the City Manager with power)***

C. Request for License to Install Projecting Sign:

Andree Connell owner of Buff and File Nail Bar for property located at 218 State Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

D. Request for License to Install Projecting Sign:

Sean Sullivan & Jeff Goss owner of The Clipper Tavern for property located at 75 Pleasant Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

E. Request for License to Install Projecting Sign:

Nora Fournier owner of Tailor Shop for property located at 99 Daniel Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jane Zill regarding policy guidelines (***Attached memorandum from Nancy Colbert Puff, Deputy City Manager***)
- B. Letter from Patricia Bagley regarding Parking, Traffic & Safety Committee meeting concerning Parrott Avenue Lot regulations

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Request to Establish First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosures (*Postponed from the April 3, 2017 City Council meeting*)
2. Adoption of Complete Street Demonstration Project Policy (Tactical Urbanism Policy)
3. Request for Public Hearing Appropriation of Water and Sewer Bond Premiums
4. Rescission of Bond Authorizations for Various Projects
5. Request to Establish Date for City Council Retreat

City Manager's Informational Items

1. Events Listing
2. Board & Commission Advertising Vacancies
3. Double Poles
4. Update Re: Peirce Island Wastewater Treatment Facility Upgrade
5. Report Back Re: Weed Control
6. Update Re: Plains School Reuse
7. Report Back Re: Codes on Health, Inspections and Fire Safety

B. MAYOR BLALOCK

1. *Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization
 - (2) City Councilors Councilor's Rebecca Perkins & Nancy Pearson
 - (1) Historic District Commission Member Vince Lombardi
 - (1) Planning Board Member Dexter Legg
 - (1) Economic Development Commission Member Everett Eaton
 - (1) Downtown Resident Barbara DeStefano
 - (1) Downtown Business Jay McSharry
 - (1) Ex-Officio Member with Appointment by City Manager for Staff Liaison
2. Appointments to be Considered:
 - Reappointment of Barbara McMillan to the Conservation Commission
 - Reappointment of Steve Miller to the Conservation Commission
 - Reappointment of Allison Tanner to the Conservation Commission
3. *Appointments to be Voted:
 - Reappointment of Adrienne Harrison to the Conservation Commission
 - Reappointment of Kate Zamarchi to the Conservation Commission
 - Reappointment of Rick Becksted to the Recreation Board
 - Reappointment of Jacqueline Cali-Pitts to the Recreation Board
 - Reappointment of Lisa Louttit to the Recreation Board
4. Resignation – Kimberly Meuse from the Conservation Commission

C. ASSISTANT MAYOR SPLAINE & COUNCILOR DWYER

1. Welcoming Communities Resolution

D. COUNCILOR PERKINS

1. *Update Re: Housing Committee Activities

E. COUNCILOR DWYER

1. *Council Rule Re: Public Hearings

F. COUNCILOR SPEAR

1. *Surface Parking (***Sample motion - move to adopt this policy: The city will seek to eliminate the parking lots on Parrott/Pleasant, Bridge Street, Daniel/State, and the Worth lot, with no net loss of downtown parking, each to be replaced with ideas generated through a community dialogue process***)

G. COUNCILOR DENTON

1. *Smaller Curbside Composting Pilot Program (***Sample motion – move that the City Manager to report back with a cost estimate for a contracted curbside residential composting pilot program for just the single Ward that has the largest ratio of residents living there over the least amount of backyards***)

XI. MISCELLANEOUS/UNFINISHED BUSINESS

XII. ADJOURNMENT

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

(There are no items on for this Section of the Agenda)

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: April 13, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on April 17, 2017 City Council Agenda

6:30 p.m. – Non-Public Session Re: RSA 91-A:3 II (a), regarding the compensation of public employees.

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

Presentations:

1. **Complete Street Demonstration Project Policy (Tactical Urbanism Policy).** Last spring and summer, Portsmouth Smart Growth for the 21st Century (PS21) requested permission from the City to temporarily transform a section of the Islington Street corridor. The project, called the Islington Street Lab, was funded and developed by PS21 under the guidance of the consultant Mike Lydon of the firm Street Plans. The City contributed funding as well as materials and City staff oversight in the design and implementation of the temporary modifications to the roadway. The demonstration project's temporary streetscape changes included crosswalk markings, on-street parking and café seating, and decorative elements (banners, signs and landscaping). Subsequent to the Street Lab project, the Parking & Traffic Safety Committee recommended continuing to allow the temporary crosswalk for an evaluation period. Some of the temporary design elements, including the crosswalk and modifications to the Bartlett Street intersection, have also been incorporated into the preliminary engineering plans for the City's Islington Street Streetscape Improvement Project.

Subsequent to this project, PS21 requested that the City consider adopting a policy and process that would provide for community-led temporary demonstration projects within public rights of way. The policy provided to the City Council is based on a similar policy

adopted in Burlington, VT. This policy would be used in conjunction with the City's Neighborhood Traffic Calming Program and would enable neighborhood groups to initiate a temporary demonstration project in support of the City's Complete Street Policy.

Three changes have been made to the [attached proposed policy](#) since the previous draft: 1) We have removed the requirement for automatic referral to the Parking & Traffic Safety Committee; 2) We have changed the final approval to be the City Manager with the option to refer to the City Council; 3) We have provided an option to waive the insurance requirement for projects that include the City as a co-sponsor.

This policy does not apply to City projects (those wholly funded by the City and initiated by the City staff or Council). In some cases, the City does make use of pilot or temporary projects to evaluate a roadway modification or traffic calming measure. It is standard practice for those projects to be reviewed by the Parking & Traffic Safety Committee and City Council as well.

Action will take place under the City Manager's Action Items.

2. **Status of City Water Supply.** Deputy Director of Public Works Brian Goetz will present an update regarding our Water Supply Status. Precipitation since October 2016 has improved the drought conditions such that no water use restrictions are currently necessary. [Attached is a copy of the Report.](#) A complete summary of the most recent conditions can be accessed on the City's website at: <http://www.cityofportsmouth.com/publicworks/PortsmouthWaterSupplyStatusReportApril72017.pdf>
3. **Briefing Re: State Street Fire.** Fire Chief Steve Achilles will brief the City Council regarding the State Street fire.

Items Which Require Action Under Other Sections of the Agenda:

1. **Third and Final Reading of Proposed Ordinance Amendments.**
 - 1.1 **Third and Final 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 April 3, 2017 City Council meeting, under Section VII of the Agenda, I am bringing back for third and final 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 with recommended changes. 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.

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

Consent Agenda:

1. **Request for License to Install Projecting Signs.** Attached under Section VIII of the Agenda is a request for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- Andree Connell, owner of Buff and File Nail Bar for property located at 218 State Street
- Sean Sullivan & Jeff Goss, owner of The Clipper Tavern for property located at 75 Pleasant Street
- Nora Fournier, owner of Tailor Shop (Seamstress) for property located at 99 Daniel Street

I recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute these License Agreements for these requests. Action on this item should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Request to Establish First Reading of Proposed Ordinance amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosures (Postponed from the April 3, 2017 City Council Meeting).** As you are aware at the April 3, 2017 City Council meeting, the Council postponed first reading of the attached proposed Ordinance amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosures. As recommended by the City Council and Councilor Josh Denton at the March 20th City Council meeting, I am bringing back a request to schedule a first reading of the proposed Financial Disclosure Ordinance at the May 1st City Council meeting. Councilor Denton and City Attorney Robert Sullivan have been working on the attached proposed Ordinance.

I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance at the May 1, 2017 City Council meeting.

2. **Adoption of Complete Street Demonstration Project Policy (Tactical Urbanism Policy).** Subsequent to the Presentation, I am recommending the City Council adopt the Complete Street Demonstration Project Policy (Tactical Urbanism Policy).

I recommend the City Council move to adopt the aforementioned Policy, as presented.

3. **Request for Public Hearing Re: Appropriation of Water and Sewer Bond Premiums.**
The City of Portsmouth currently holds the highest bond rating available from Standard and Poor's rating agency (AAA).

The City was able to take advantage of its excellent bond rating when on June 23, 2015 and June 16, 2016 the City of Portsmouth issued \$10,025,000 and \$21,748,000 in bonds respectively. The proceeds of the bond will finance \$11,623,000 of General Fund capital projects; \$6,250,000 for School projects, \$8,900,000 for Water projects, and \$5,000,000 for Sewer Projects for a total of \$31,773,000 in projects. In addition to the \$31.773 million principal, the City received a premium of \$2,792,004.18 from the winning underwriter at closing. A premium is the amount by which the purchase price of a bond is greater than its par value. Under certain market conditions, in order to enhance the marketability of the bonds, bond underwriters will structure their bids with bond premiums. In this case, the City of Portsmouth received a True Interest Cost (TIC) rates of 2.72% (2015) and 1.87% (2016) and total bond premiums of \$2,792,004.18. Under Federal Tax Law and State Statutes, the City is restricted on how to appropriate and use these funds.

RSA 33:3-states that any premium received shall not be used to increase the amount to be spent for the purpose for which the loan was originally incurred. Therefore, the City cannot use this money to increase the costs of the projects set forth for the \$31.773 Million bond issuance. However, the RSA states "*a city by a vote of 2/3 of the City Council may authorize the expenditure for the premiums received for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time.*"

The bond premium of \$2,792,004.18 has been allocated respectively as follows:

- General Fund in the amount of \$1,899,259.58 (\$1,850,000 supplemental appropriation passed 08/15/16 to purchase Foundation Seacoast land);
- Water Fund \$487,954.20;
- Sewer Fund \$404,790.40

In accordance with State Statute, I recommend that the City Council authorize appropriations of \$892,744.60 from bond premiums for capital projects as follows:

Water Fund project:

- Foundry Place Water Line project - \$487,954.20 ([see attached Resolution](#))

Sewer Fund project:

- Foundry Place Sewer Line project - \$404,790.40 ([see attached Resolution](#))

If approved as recommended, this will leave a bond premium balance in the General Fund of \$49,259.58 to be used at a later date.

As these projects have a useful life that exceeds the original bond issue from which the premiums were received, and would be eligible for bonding under the Municipal Finance Act, it is in the best interest of the City to utilize the premium of \$892,744.60 to fund costs associated with Water Fund and Sewer Fund projects.

I would recommend the City Council move to authorize the City Manager to bring back for public hearing at the May 1st City Council meeting the aforementioned Bond Premium resolutions.

4. **Rescission of Bond Authorization for Various Projects.** As you may be aware, unissued loan authorizations remain on the City's financial statements indefinitely until such time that they are borrowed or rescinded. As a part of financial housekeeping, the City Council should rescind the following unissued Water and Sewer Bond/Loan Authorizations ([see attached Resolution for a Total of \\$177,000](#)).

General Fund:

1. Resolution #18-2015 for \$600,000 Rescind amount \$76,710

Resolution #18-2015 adopted by the City Council on August 17, 2015 authorized borrowing by the City of up to Six Hundred Thousand Dollars (\$600,000) for the purchase of one Fire Apparatus.

The City has completed the purchase of the Fire Apparatus leaving an unused balance of borrowing authority in the amount of Seventy-Six Thousand Seven Hundred Ten Dollars (\$76,710) to be rescinded.

2. Resolution #5-2014 for \$400,000 Rescind amount \$25,000

Resolution # 5-2014 adopted by the City Council on April 21, 2014 authorized borrowing by the City of up to Four Hundred Thousand Dollars (\$400,000) for the New Franklin School boiler replacement and other identified energy conservation measures.

The City has completed the aforementioned upgrades leaving an unused balance of borrowing authority in the amount of Twenty-Five Thousand Dollars (\$25,000) to be rescinded.

3. Resolution #13-2012 for \$1,600,000 Rescind amount \$75,290

Resolution #13-2012 adopted by the City Council on September 17, 2012 authorized borrowing by the City of up to One Million Six Hundred Thousand Dollars (\$1,600,000) for the reconstructing of Commerce Way.

The City has completed the project leaving an unused balance of borrowing authority in the amount of Seventy-Five Thousand Two Hundred Ninety Dollars (\$75,290) to be rescinded.

I recommend the City Council approve rescinding the remaining borrowing authority with regard to the following Resolutions:

General Fund:

1. Resolution #18-2015 for \$600,000 - Rescind amount \$76,710
 2. Resolution #5-2014 for \$400,000 - Rescind amount \$25,000
 3. Resolution #13-2012 for \$1,600,000 - Rescind amount \$75,290
5. **Request to Establish Date for City Council Retreat.** The Mayor would like to establish a date for the City Council Retreat. Right now he has suggested one of the following Saturdays; May 20, June 3, or June 10, 2017 from 9:00 a.m. to 3:00 p.m.

Action is required regarding this matter.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on April 3, 2017. In addition, this can be found on the City's website.
2. **Board and Commission Advertising Vacancies.** For your information, [attached is a memorandum from City Clerk Kelli Barnaby](#) regarding advertising of upcoming Board and Commission vacancies.
3. **Double Poles.** Over the past several months, the City has received numerous requests for pole licenses from Eversource as they have been upgrading and replacing deficient poles throughout the City. Given the concern regarding the proliferation of double poles, we have reached out to Eversource's management and received the following updates:
 - They have contracted with LJM Construction and will be out surveying the week of March 27, 2017 for "bare" poles, with all attachments off (FairPoint, Comcast, and other 3rd parties). They will begin removing these poles by the end of the week.
 - They have assigned an employee to coordinating all necessary work with FairPoint, Comcast, etc. in order to get the necessary utilities removed from double poles for removal.

It should be noted that of the eleven (11) poles submitted for license, five (5) have resulted in new double poles. Of these five (5), four (4) have been cut or "chunked" leaving just the portion of the older pole that utilities are still attached to.

We will continue to monitor this situation and work with Eversource to eliminate double poles.

4. **Update Re: Peirce Island Wastewater Treatment Facility Upgrade.** [Attached for your information is an update](#) regarding the Peirce Island Wastewater Treatment Facility upgrade.
5. **Report Back Re: Weed Control.** For your information, [attached is a memorandum from Public Works Director Peter Rice](#) regarding a status of the City's Weed Control program.
6. **Update Re: Plains School Reuse.** During the time since the City Council voted in May 2016 to enter into a five-year lease with Pontine Theatre for use of the Plains School, the City has worked with representatives of the Theatre Company to prepare the building for occupancy. You may recall that the City Council approval was for use of the structure for program development, administration work, rehearsal space, meetings and educational programs. The Council authorization also allows Pontine to conduct public workshops, lectures, readings, and informal presentations about programs under development.

To assure that the space is suitable for the uses identified above, the City completed a building inspection and lead paint evaluation. The City also engaged a preservation architect to visit the building and provide guidance on building upgrades. The inspection results indicated a need to undertake building upgrades and lead remediation prior to occupancy of the structure. Accordingly, the City contracted with a certified lead contractor and has completed the lead remediation work and, last week the City received lead free certification for the building.

Concurrent with the lead remediation work, the City and Pontine developed a plan for upgrades to bring the structure up to code including cost estimates. In that this work requires land use approvals, Pontine is prepared to begin the permit process. We anticipate bringing a lease agreement back to the City Council in May so that Pontine Theatre can start the land use permit process and fundraising efforts.

7. **Report Back Re: Codes on Health, Inspections and Fire Safety.** [Attached is a memorandum from Deputy City Manager Nancy Colbert Puff](#) regarding a recommendation to update various City ordinances that address building, health, and life safety codes.