

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 28, 2019 TIME: 7:00PM

I. **WORK SESSION** *(There is no Work Session this evening)*

II. **CALL TO ORDER [7:00 p.m. or thereafter]**

III. **ROLL CALL**

IV. **INVOCATION**

V. **PLEDGE OF ALLEGIANCE**

PROCLAMATION

1. The George R. Laderbush Memorial Bridge

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

VII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

VIII. **PUBLIC COMMENT SESSION**

IX. **VOTE ON ORDINANCES AND/OR RESOLUTION**

A. **First Reading of Ordinance – Food Licensing and Regulations:**

First reading of Ordinance amending Chapter 4, Article I, Sections 4.103 – Adoption of Specific Parts HE-P 2300, and Section 4.105 - License

B. **First Reading of Ordinance – Fire Codes:**

First reading of Ordinance amending Chapter 5, Article VIII – Alarm Systems and Article IX – Adopted Fire Codes

C. **First Reading of Ordinance – International Building Code & International Residential Code:**

First reading of Ordinance amending Chapter 12, Part I – International Building Code, and Part II – International Residential Code

D. **First Reading of Ordinance – International Plumbing Code, International Mechanical Code, Fuel Gas Installations and National Electrical Code:**

First reading of Ordinance amending Chapter 15, Part I – International Plumbing Code, Part II – International Mechanical Code, Part III – Fuel Gas Installations, and Part IV – National Electrical Code

E. First Reading of Ordinance – Zoning Ordinance – Flood Plain District:

First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 6 – Overlay Districts and Article 15 – Definitions – Flood Plain District

F. First Reading of Ordinance – Conservation Ordinance:

First reading of Ordinance amending Chapter 8, Article V – Conservation Ordinance

G. First Reading of Ordinance – Wetlands Protection:

First reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection

X. MAYOR BLALOCK

1. Approval of Karen Sawyer Conard, New City Manager Employment Agreement
2. Acceptance of Resignation from Amy Schwartz of the Portsmouth Housing Authority
3. Appointment to be Considered:
 - Craig Jewett to the Portsmouth Housing Authority
4. *Appointment to be Voted:
 - Jessica Blasko as a Regular member of the Conservation Commission
5. *Establish Sister City Mayor's Blue Ribbon Committee
 - Stephanie Seacord
 - Valerie Rochon
 - Steve Zadravec
 - Tammi Truax
 - Steve Butzel
6. Sister Cities International Friendship Agreement (***Sample motion – move to authorize Mayor Blalock and the City of Portsmouth to enter into a Sister City Friendship Agreement with the City of Santarcangelo di Romagna, Italy***)

XI. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR LAZENBY AND COUNCILOR PEARSON

1. Safe Water Advisory Group

B. COUNCILOR ROBERTS

1. Parking & Traffic Safety Committee Action Sheets and Minutes of the September 5, 2019 & October 3, 2019 meetings (***Sample motion – move to accept and approve the action sheet and minutes of the September 5, 2019 and October 3, 2019 Parking & Traffic Safety Committee meetings***)
2. Foundry Garage Parking Fees (***Sample motion – move to refer to the Fee Committee for Report Back***)

XII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant:
- NH Department of Safety – Highway Safety Initiatives - \$20,425.00 (***Sample motion – move to accept and approve the grant to the Portsmouth Police Department, as presented***)
- B. Acceptance of Grant from Great Bay Resource Protection Partnership (***Sample motion – move to accept and approve a grant from the Great Bay Resource Protection Partnership, and further, authorize the City Manager to execute any documents which may be necessary for this grant contract***)
- C. Acceptance of Moose License Plate Conservation Grant (***Sample motion – move to accept and approve a grant from the New Hampshire State Library, as presented***)

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

City Manager's Items Which Require Action:

1. School Department Teacher Retirement Incentive
2. Odyssey (Michael Warhurst Sculpture)
3. Extending and Modifying Players' Ring Lease – Stewardship Agreement
4. Easement for 119 International Drive, LLC Property Located at 15 & 19 Rye Street

XIV. CONSENT AGENDA

- A. *Acceptance of Fire Department Donation (***Anticipated action – move to accept the \$100.00 donation from Carolyn Hughes Marshall to the Portsmouth Fire Department, as presented***)
- B. Request for License to Install Projecting Sign for owner Ahmed R. Ahmed of DA Box White Box Jewelers for property located at 55 Congress 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***

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Eric Chinburg, Chinburg Properties, requesting a fee waiver of building permit fees, water hookup fees and any impact fees for renovations of Carey Cottage
- C. Letter from Guy A. Pronesti requesting permission to remove sidewalk in front of 100 Pinehurst Road (***Sample motion – move to refer to the City Manager for report back***)

XVI. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. PFAS in Artificial Turf
- 2. Dogs on Decks
- 3. Preliminary Report Back Re: Traffic Crashes, Speeds, and Bike Lane Usage related to Implementation of Middle Street/Lafayette Road Bike Lanes
- 4. Portsmouth Police Department Press Release

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING


XVIII. ADJOURNMENT [at 10:00 p.m. or earlier]

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

** Indicates verbal report*

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 24, 2019
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 28, 2019 City Council Agenda

Proclamation:

1. **Proclamation The George R. Laderbush Memorial Bridge.** Attached is a Proclamation regarding The George R. Laderbush Memorial Bridge which will be rededicated on Veterans Day, November 11, 2019 at 10:00 a.m., in honor of George Robert Laderbush, Torpedoman's Mate, 2nd Class (USN).

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **First Reading Re: Amendments to Building, Life Safety and Health Codes.** At the October 7, 2019 City Council meeting, the Council voted to schedule first reading for the October 28, 2019 meeting regarding amendments to the Building, Life Safety and Health Codes.

In December of 2017, the City Council adopted amendments to our Building Code (Chapters 12 and 15), Fire Code (Chapter 5) and our Food Code (Chapter 4) to reflect more current versions of the State Building and Fire Code, formally adopt and amend the 2009 Food Code and certain provisions the N.H. Code of Administrative Rules, He-P 2300, Sanitary Production and Distribution of Food. The amendments to our City Codes revised our local amendments to reflect the updated versions of the State Codes. The State has recently amended the State Building and Fire Codes to incorporate updated version of International Codes. Our current City Codes and local amendments need to be amended again to reflect the updated State Codes. Most of the proposed amendments to the **attached City Codes** are not substantive but are housekeeping in nature to reflect the updated State

Codes (outlined below) and to delete local amendments now made unnecessary due to the State Code updates.

- [Chapter 4, Food Licensing and Regulations](#), adopting definitions and standards for food processing plants from He-P 2300, the N.H. Code of Administrative Rules
- [Chapter 12, Part I](#): International Building Code (IBC), from 2009 to 2015 version, SBC*
- [Chapter 12, Part II](#): International Residential Code (IRC), from 2009 to 2015 version, SBC*
- [Chapter 15, Part I](#): International Plumbing Code (IPC), from 2009 to 2015 version, SBC*
- [Chapter 15, Part II](#): International Mechanical Code, (IMC), from 2009 to 2015 version, SBC*
- [Chapter 15, Part III](#): Fuel Gas Installations, from Fuel Gas Installations to 2015 National Fuel Gas Code
- [Chapter 15, Part IV](#): National Electrical Code, 2017, SBC*
- [Chapter 5, Article IX](#): International Fire Code, 2015: Uniform Fire Code, NFPA 1, from 2009 to 2015, SFC**

(Although the Codes below are included in the State Building and Fire Codes, we do not have any local amendments to these Codes):

- Life Safety Code, 2015 (NFPA 101), SFC**
- International Energy Conservation Code, from 2009 to 2015, SBC*
- International Existing Building Code, from 2009 to 2015. SBC*
- **International Swimming Pool and Spa Code, 2015, SBC***

*SBC indicates Codes included in the State Building Code

**SFC indicates Codes included in the State Fire Code

In December of 2017, the City Council finalized Guiding Principles Related to Code Adoption in Portsmouth which recommends prompt revision of our ordinances to reflect the most recently adopted state codes and to evaluate current codes to improve code administration.

In December of 2017 the City Council finalized Guiding Principles Related to Code Adoption in Portsmouth which recommends prompt revision of our ordinances to reflect the most recently adopted State codes and to evaluate current codes to improve code administration. If the Council votes to pass first reading of the amended ordinance in a form similar to the attached, the City will hold a public information session on the Building and Fire Code updates on Thursday, October 31, 2019 at 9:00 a.m., in Conference Room A. Prior to that informational public meeting on Building and Fire Code updates, the Inspection Department will establish a separate webpage that contains the proposed amendments and code information. The Health Department held its public information session on Food Code updates on Thursday, October 17, 2019 at 2:00 p.m., in Conference Room A and has established a webpage that contains the proposed amendments and state regulations. This outreach to the community supports another of the Council's Guiding Principles Related to Code Adoption [attached](#) in the Agenda packet.

I recommend the following motions:

- a) *Move to pass first reading and schedule a public hearing and second reading of amendments to Chapter 4 (Food Code) for the November 12, 2019 City Council Meeting;*
- b) *Move to pass first reading and schedule a public hearing and second reading of the amendments to Chapter 5 (Fire Code) for the November 12, 2019 City Council Meeting; and,*
- c) *Move to pass first reading and schedule a public hearing and second reading of the amendments to Chapter 12 and Chapter 15 (Building Codes) for the November 12, 2019 City Council meeting.*

2. **First Reading of Floodplain Overlay District Zoning Amendments.** At the October 7, 2019 City Council meeting, the Council voted to schedule first reading for the October 28, 2019 meeting regarding the Floodplain Overlay District Zoning Amendments.

These proposed amendments respond to recommendations included in the City's 2025 Master Plan and as an outcome of the City's Climate Resiliency and Adaptation Initiatives. The proposed amendments to the Zoning Ordinance, Article 6 – Overlay Districts, Section 10.620 – Flood Plain District and Article 15 – Definitions include revisions for complying with National Flood Insurance Program regulations, addressing impacts of climate change and projected sea level rise, and strengthening thresholds for when properties are required to come into compliance with Flood Plain standards for development.

The proposed amendments are listed in the [attached document and a redlined version of the existing Ordinance](#) is provided for reference as well.

The Planning Board held a work session on these proposed amendments on August 22, 2019 and a public hearing on September 19, 2019. As a result of their review, the Board voted to recommend approval to City Council of the proposed floodplain amendments.

The Planning Department has scheduled a public informational meeting to go over these amendments and to answer questions from the public. The meeting has been advertised through a press release to the Portsmouth Herald and posted on the City's web page and social media. The meeting is scheduled for Tuesday, October 29, 2019 starting at 6:00 p.m., in Conference Room A in City Hall.

I recommend the City Council move to pass first reading on the proposed amendments to the Floodplain Overlay District and schedule a second reading and public hearing for the November 12, 2019 City Council meeting.

3. **First Reading of a Minor Ordinance Change to Conservation Ordinance.** At the October 7, 2019 City Council meeting, the Council voted to schedule first reading for the October 28, 2019 meeting regarding a minor Ordinance change to the Conservation Ordinance.

At Chapter 8, Article V, the City has a Conservation Ordinance for purposes of protecting land and interests in land (easements) received or purchased for conservation purposes. The Ordinance lists properties subject to conservation protection and sets forth processes for managing those properties.

The proposed Ordinance amendments consist of the following:

- a. Adding two properties to the list of protected properties (property located on Lois Street and property located on Banfield Road) and deleting one property that should not be included on Heritage Avenue (it is a pump station);
- b. Updating the property identifiers with extended parcel IDs and book and page information; and
- c. Adding a new section to allow for the City to maintain municipal infrastructure located on such properties.

The Conservation Commission is supportive of these amendments and the Planning Board does not have a role. **Attached are the proposed Ordinance amendments.**

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed amendments to Chapter 8, Article V at the November 12, 2019 City Council meeting.

4. **First Reading on Wetlands Regulations Zoning Amendments.** At the October 7, 2019 City Council meeting, the Council voted to schedule first reading for the October 28, 2019 meeting regarding the Wetlands Regulations Zoning Amendments.

These proposed amendments will provide additional detail to assist the Conservation Commission and Planning Board in their implementation of wetland protection regulations and include best practices for working in and near wetland environments throughout the City. The proposed amendments to the Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection include clarifying the characterization of impacts to the wetland and buffer, adding information related to the compensatory removal of impervious surface and the requirements for a wetland buffer enhancement plan, providing guidance on living shorelines for tidal areas and use of porous pavement in the wetland buffer, and delineating wetland buffer areas.

The proposed amendments are listed in the [attached document](#) and a [redlined version of the existing Ordinance](#) is provided for reference as well.

The Conservation Commission reviewed the proposed amendments and provided feedback during a work session on July 10, 2019. The Planning Board held a work session on these proposed amendments on August 22, 2019 and a public hearing on September 19, 2019. As a result of their review, the Board voted to recommend approval to City Council of the proposed wetlands protection amendments.

The Planning Department has scheduled a public informational meeting to go over these amendments and to answer questions from the public. The meeting has been advertised through a press release to the Portsmouth Herald and posted on the City’s web page and social media. The meeting is scheduled for Tuesday, October 29, 2019 starting at 6:00 p.m., in Conference Room A in City Hall.

I recommend the City Council move to pass first reading on the proposed amendments to the Wetlands Protection section of the Zoning Ordinance and schedule a second reading and public hearing for the November 12, 2019 City Council meeting.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grant.** [Attached is a memorandum](#) from Kathleen M. Levesque, Office of the Chief of Police, regarding the September 24, 2019 Police Commission meeting; the Board of Police Commissioners approved and accepted the following grant:
 - i.) Action: Commissioner Splaine moved to accept the grant in the amount of \$20,425 from the NH Department of Safety for ten different highway safety initiatives, and forward to the City Council for their action.
Seconded by Commissioner Shaheen.

On a Voice Vote: The motion passed to accept the grant in the amount of \$20,425 from the NH Department of Safety for ten different highway safety initiatives, and forward to the City Council for their action.

The Office of the Police Chief submits the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval.

I recommend the City Council move to accept and approve the grant to the Portsmouth Police Department, as presented.

2. **Acceptance of Grant from Great Bay Resource Protection Partnership.** The City of Portsmouth has been informed that the Great Bay Resource Protection Partnership will award the City a grant for \$3,500 for the Duffy – Protecting Portsmouth’s Water Supply project. The purpose is for appraising a 112 acre parcel that abuts the Bellamy Reservoir for a potential conservation easement. The City confirms that 50% of the appraisal cost will be used as match for this project. [See attached letter.](#)

I recommend the City Council move to accept and approve a grant from the Great Bay Resource Protection Partnership, and further, authorize the City Manager to execute any documents which may be necessary for this grant contract.

3. **Acceptance of Moose License Plate Conservation Grant.** The City of Portsmouth has been awarded one of the FY2019/2020 Moose License Plate Conservation Grants in the amount of \$7,685 for the conservation project “*Preservation, Microfilming and Digitization of Two Portsmouth Military Veterans Records Dated 1865 to 1918*”. These monies will help preserve legally required and historically significant documents held by the Finance Department that initially were intended to be financed through the City's Capital Improvement Program. The New Hampshire State Library's (NHSL) FY2019/2020 Conservation License Plate Grant Program is designed to help municipalities as well as other public organizations preserve their historic documents. The NHSL Grant awards up to \$10,000 to applicants to conserve publicly owned documents. The program aims to aid in the preservation of New Hampshire's historic manuscripts as well as increase their availability to the public. The Grant requires that these documents not only be professionally preserved but also scanned to preservation microfilm as well as digitized. This is the third Moose License Plate Conservation Grant the City has been awarded, totaling \$27,186 received from this program since FY18.

I recommend the City Council move to accept and approve a grant from the New Hampshire State Library, as presented.

Consent Agenda:

1. **Acceptance of Fire Department Donation.** The Fire Department received a donation in the amount of \$100.00 from Carolyn Hughes Marshall.

I recommend the City Council move to accept and approve the donation to the Portsmouth Fire Department, as presented.

2. **Request for License to Install Projecting Sign.** Attached is a request for a projecting sign license (see attached memorandum from Planning Director Juliet Walker):

- Ahmed R Ahmed, owner of DA Box White Box Jewelers for property located at 55 Congress Street

I recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and authorize the City Manager to execute the License Agreement for this request.

City Manager's Items Which Require Action:

1. **School Department Teacher Retirement Incentive.** In an attempt to achieve savings without compromising education, the School Board approved a retirement incentive package, subject to the approval of the City Council (see attached). The purpose of this program was to provide an incentive to long-term employees who are eligible to retire. The savings would be achieved by replacing employees at the top of the pay scale with new employees who would be paid at a lower rate. I am requesting that the City Council approve the request from the Portsmouth School Board to offer a retirement incentive to teachers. The details are outlined below:

Eligible members who have fifteen (15) years or more service in the district by the end of the 2019-20 school year, and who file an irrevocable commitment to retire from the district on or before January 10, 2020 and who actually retire under the NHRS at the end of the 2019-20 school year can receive

a one-time payment of \$12,000.

Any eligible members who have less than fifteen (15) years or more service in the district by the end of the 2019-20 school year, and who file an irrevocable commitment to retire from the district on or before January 10, 2020 and who actually retire under the NHRS at the end of the 2019-20 school year can receive

a one-time payment of \$10,000.

I recommend the City Council move to approve the proposed School Department Teacher Retirement Incentive for FY20, as presented.

2. **Odyssey (Michael Warhurst Sculpture).** At the March 4, 2019 City Council meeting, the City Council unanimously voted to refer the proposed public art sculpture donation from the Friends of Public Art to Art-Speak for a report back and recommendation. Art-Speak convened the Public Art Committee to review the proposal and unanimously voted to recommend that the City Council accept “Odyssey” the sculpture by Richard Erdman as a gift to be placed in Prescott Park in honor of Michael Warhurst and his 42 years of service as Park Superintendent. [Attached is the Letter of Agreement between the Friends of Prescott Park and the City.](#) The Friends of Prescott Park have reviewed and approved the terms included in the Letter of Agreement.

I recommend the City Council move to authorize the City Manager to execute the Letter of Agreement for acceptance of “Odyssey” and ultimately place it in a suitable location in Prescott Park in accordance with the Prescott Park Master Plan.

3. **Extending and Modifying Players’ Ring Lease - Stewardship Agreement.** Under a Lease Agreement with the City authorized by the City Council on September 3, 2013, the Players’ Ring Company occupies a City property on Marcy Street identified as the Portsmouth Marine Railway building (or Heritage Museum). Under the provisions of that lease, the Players’ Ring has utilized the building for theater purposes and has expended approximately \$150,000 over the term of that lease and its predecessor leases on building improvements such as preservation timber framing, roof and masonry work, and improvements to the exterior siding of the building. The current lease agreement would expire on September 3, 2023.

The Players’ Ring Company is now seeking a grant from the state Land and Community Heritage Investment Program (LCHIP) to do further work on the architectural, historic and cultural features of the Portsmouth Marine Railway building. A requirement of the receipt of that grant is that LCHIP and the City (as owner of the property) enter a five (5) year stewardship agreement with LCHIP. The five (5) years commences to run on the recording of the stewardship agreement at the Rockingham County Registry of Deeds. Even if such a stewardship agreement were recorded today, the term of the stewardship agreement would exceed the term of the Players’ Ring lease.

[The five \(5\) year stewardship agreement \(draft copy attached\) is expansive.](#) It provides LCHIP with significant control over use of the property during its five (5) year term. This includes:

- The City and Players’ Ring would assume detailed obligations with regard to maintenance of the property, avoidance of prohibitive activities and would be required to secure approval from LCHIP for performing any alteration of the premises.
- The City and Players’ Ring would have restoration obligations to LCHIP in the event of casualty, damage or destruction.

- The City and Players’ Ring would have to maintain insurance levels required by LCHIP.
- The City and Players’ Ring would have to agree to indemnify LCHIP and its agents, trustees, directors, officers and employees and independent contractors for any risks arising out of or in connection with injury to any person or physical damage to the property, as well as certain environmental exposures.

Accordingly, in order for the Players’ Ring Company to receive the grant from LCHIP and be able to comply with the detailed LCHIP requirements contained in the five (5) year stewardship agreement, it would be necessary for the term of the Players’ Ring lease to be extended for the term of the LCHIP stewardship agreement. At a minimum, this would extend the lease until sometime late in the year 2024, depending upon the date on which the LCHIP stewardship agreement was placed on record.

I recommend the City Council move that the City Manager be authorized to negotiate and execute a stewardship agreement with the Players’ Ring Company and the state Land and Community Heritage Investment Program (LCHIP) as well as any amendments to the lease between the City of Portsmouth and Players’ Ring Company as required to secure a \$25,000 LCHIP grant for improvements to the Portsmouth Marine Railway building.

4. **Easement for 119 International Drive, LLC Property Located at 15 & 19 Rye Street.** 119 International Drive, LLC leases certain property from the Pease Development Authority (PDA). On March 18, 2017, the PDA approved the building concept for improvements located along 15 and 19 Rye Street on the Pease Development. The Portsmouth Planning Board approved the project July 20, 2017 with the stipulation that the applicant/lessee, 119 International Drive, LLC, provide easement rights to the City to allow the Water Department to access shutoffs, valves and other private water infrastructure on the leased property.

Attached is the form of the easement approved by the Legal Department and PDA. This easement document is a-typical in that it conveys limited access rights to the private infrastructure only through the term of the lease.

I recommend the City Council move to authorize the City Manager to accept an easement from 119 International Drive, LLC to allow the City to access water shutoffs, valves and other private water infrastructure.

Informational Items:

1. **PFAS in Artificial Turf.** Recent reporting in the *Boston Globe* and *TheIntercept.com* have identified some potential health concerns related to PFAS and artificial turf. Specifically, it is reported that the manufacturing process for artificial turf uses PFAS chemicals in the extrusion process used to create the “blades of grass” in the artificial turf.

City staff and the City's field design consultant CMA Engineers and their sub-consultant Weston & Sampson are aware of these reports and will ensure the selected field materials are PFAS free. The new athletic fields planned for the former Community Campus site will be specified using suppliers who can provide artificial turf without PFAS.

The project design has completed wetlands permitting, secured approval from the Conservation Commission, completed the Planning Board's Technical Advisory Committee review and was approved by the Planning Board at their October 17, 2018 meeting. The project is anticipated to go out to bid in early 2020.

The Recreation Board with City Council's concurrence selected artificial turf over grass for the new athletic fields because of its playability, safety, and the ability allow continuous play despite weather conditions.

City Staff along with its design team are committed to ensure safe athletic fields. Staff will continue to monitor the studies now underway and work with our consultants to select a certified PFAS-free artificial turf for the project.

2. **Dogs on Decks.** At the October 7, 2019 City Council meeting, Councilor Denton asked if the Council could, by ordinance, waive the requirement that restaurants receive a variance in order to allow dogs on patios and/or decks.

I have checked with both Health Director Kim McNamara and Assistant City Attorney Jane Ferrini on this, and both confirmed: since the State has adopted the Food Code in its regulations, it acts as a "minimum code" we must implement. In other words: we can adopt regulations that are more stringent than the State, but not less. With a few exceptions (service animals, e.g.), animals are not allowed on the premises of a food establishment.

Our long-standing policy has been to enforce this section of the Code upon receipt of a complaint. When City Council adopted the Code in 2017, we specifically added language (**Chapter 4 Section 6-501.115**) to allow dogs on decks through receipt of a variance (**Section 8-103.10-8103.12 of the Food Code**). Cisco Brewers has applied for and been granted a variance.

The requirements to receive a variance are pretty basic, and are intended to ensure safety and good hygiene. The Health Department remains ready to help all restaurants who request a variance.

3. **Preliminary Report Back Re: Traffic Crashes, Speeds, and Bike Lane Usage related to Implementation of Middle Street/Lafayette Road Bike Lanes.** At the October 7, 2019 City Council meeting, staff was asked to provide a report back to City Council on the number of accidents that have occurred on Middle Street since the bike lanes were implemented. It was also requested that the report back include traffic speeds and bike counts. While staff has been able to pull together some preliminary information for Council's consideration, there is more analysis that is still in process. For example, the circumstances around each crash are not provided and the bike lane counts have not yet

been completed for the bike lanes since the flex post delineators were re-installed in July. Once that additional detail has been compiled, we will be reporting back at a future Parking & Traffic Safety Committee meeting later this fall along with any recommended design changes.

Traffic Crashes

City staff requested that the Police Department run a report on the number of crashes reported on Route 1 (Middle Street and Lafayette Road) in the area where the bike lanes were installed. *This report included ALL crashes reported, regardless of circumstances or cause (i.e. these are not crashes related to the bike lanes necessarily).*

Installation of the bike lanes was completed at the end of September 2018, therefore staff requested that the Police run reports comparing crash data for the year immediately prior to the bike lanes being installed (October 1, 2017 to October 1, 2018) with the current year (October 1, 2018 to October 1, 2019).

Pre-Bike Lanes

Between October 1, 2017 and October 1, 2018 the total number of accidents reported for that area was 26.

- Of those 26 accidents, 3 involved personal injury and 6 were non-reportable accidents which means there was less than \$1,000 worth of damage.
- 1 of the personal injury accidents was located at the intersection of Middle Road and Middle Street and the other 2 occurred at Lafayette Road and South Street, and none involved bicyclists or pedestrians.

Post-Bike Lanes

Between October 1, 2018 and October 1, 2019 the total number of accidents for that same area was 25.

- Of those 25 accidents, 2 involved personal injury and 9 were non-reportable accidents which means there was less than \$1,000 worth of damage.
- 1 of the personal injury accidents was located at the intersection of Middle Street and Aldrich Road and the other occurred at Middle Street and Cass Street, and none involved bicyclists or pedestrians.
- 7 of the accidents occurred during the 5-month period when the flex post delineators were installed, the remaining 18 occurred during the 7-month period between late November 2018 and early July 2019 when the flex posts were not installed.

Bicycle Counts

Bicycle counts conducted for a 3-day period in May show an average of 6 to 7 bicyclists per hour. These counts were conducted when the flex post delineators had not yet been re-installed for the year. This is not a significant change from bicycle counts prior to the bike

lanes, but staff will continue to conduct counts during different seasons of the year as well as when the flex post delineators are installed versus not installed to better understand fluctuations in overall usage.

Motor Vehicle Speeds

As safety for pedestrians, bicyclists, and motor vehicles decreases with higher vehicle speeds, one way to gauge overall safety is to review changes in traffic speeds. Vehicle speeds vary along the corridor, but in general the data has shown that there has been an overall decrease of 1 to 2 miles per hour in average vehicle travel speeds since the installation of the bike lanes and posts. The staff has also compared average travel speeds with and without the delineator posts and the indication has been that removal of the posts results in a 1 to 2 mile increase in travel speeds (back to pre-bike lane conditions).

Observations

- The number of crashes would indicate that the bike lanes, with or without the delineators, are not making the road more unsafe for travelers. However, more information is required to compare causes of crashes and circumstances before specific conclusions can be drawn.
 - The addition of the delineator posts has resulted in lowering of travel speeds compared to pre-bike lane speeds.
 - Although bike lane usage has not necessarily increased significantly, there is no indication that the lanes are discouraging bicycle travel and it will be important to track how usage changes over time as the City's bicycle network gets built out.
4. **Portsmouth Police Department Press Release.** For your information, [attached is a Portsmouth Police Department Press Release](#) regarding “Trick or Treat” and the Halloween Parade in Portsmouth, 2019.