

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, SEPTEMBER 19, 2016 TIME: 7:00PM

## AGENDA

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

### PRESENTATION

1. Quarterly Update Re: Wastewater Treatment

### V. ACCEPTANCE OF MINUTES – AUGUST 15, 2016

### VI. PUBLIC COMMENT SESSION

### VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value

### VIII. CONSENT AGENDA

#### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Nicole McShane, Big Brothers Big Sisters of New Hampshire requesting permission to close Pleasant Street on Saturday, June 17, 2017 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (*rain date Sunday, June 18, 2017*) (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Amber Day, NH Film Festival requesting permission to close Chestnut Street on Friday, October 14, 2016 for the NH Film Festival red carpet opening night gala (***Anticipated action – move to refer to the City Manager with power***)
- C. Request for License to install Projecting Sign:
  - Dennis Luun owner of The Works Cafe, for property located at 9 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 the 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 Ella McGrail, Civic Teen requesting permission to set up a Civic Cider stand in front of the North Church in Market Square on October 2, 2016 (***Sample motion – move to recommend Vaughan Mall for Cider Stand***)
- B. Memorandum from Policy Chief David Mara regarding Downgrade of “Communications Manager” to Communications Supervisor (***Sample motion – move to approve as outlined in the memorandum from the Police Department***)

**X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**City Manager's Items Which Require Action:**

1. Request for First Reading Re: Solid Waste Ordinance
2. 2017 Schedule of City Council Meetings and Work Sessions
3. License Request Completion of Work at 172 Hanover Street

**Informational items**

1. Events Listing
2. Portsmouth Library Building Anniversary

**B. MAYOR BLALOCK**

1. \*Appointment of City Council members to Joint Budget Committee – Councilors Spear and Cyr
2. \*Council Members Responsibility Re: Non-Meetings & Non Public Sessions
3. Resignation – William F. Gladhill from the Planning Board

### **C. COUNCILOR PERKINS**

1. \*Proposed amendment to the Outdoor License Program for Sidewalk Cafes Policy #2012-02  
*Approved Locations:*
  - *State Street Saloon*
  - *Popovers on the Square*
  - *Ri Ra*
  - *The District*
  - *Birdseye Lounge, LLC*
2. Recruiting Food Trucks (*See ordinance attached*)

### **D. COUNCILOR DWYER**

1. Subcommittee Approval for Floor Policy Regarding Short Term Rentals Recommended by the Legislative Subcommittee for City Council Approval for Submission as NHMA Legislative Policies for 2017-2018 Legislative Session

### **E. COUNCILOR DENTON**

1. Veteran's Property Tax Credit ***Proposed motion - move the City Manager to report back on the Assessor's Office implementing the additional veterans' property tax credit authorized under RSA 72:28b, which went into effect on August 8, 2016, extending the current tax credit amount to all honorably discharged veterans that are not eligible for the current veterans' tax credit or the tax credits for service connected total disability***

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

## **XIII. ADJOURNMENT**

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

*\*Indicates Verbal Report*


### **INFORMATIONAL ITEMS**

1. Notification that the minutes of the August 2, 2016 and August 30, 2016 Site Review Technical Advisory Committee meetings 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:** September 15, 2016  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on September 19, 2016 City Council Agenda

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***Presentation:***

1. **Quarterly Update Re: Peirce Island Wastewater Treatment Facility Upgrade.** On Monday evening, City Engineer Terry Desmarais, will present to the City Council the first Quarterly Update on the Peirce Island Wastewater Treatment Facility Upgrade Construction. Environmental Planner Peter Britz will present the details of an alternative off leash dog walking area.

This quarterly update will include a summary of the project award, contract milestones, and construction and engineering costs to date. There will be a review of the Contractor's proposed schedule for the first six months of work, a summary of modifications within the construction zone, modifications and traffic control on the roadways leading to the Island and modifications on Peirce Island. Upcoming public meetings and outreach related to the upgrade construction will be reviewed.

The proposed location of an off leash dog area on City-owned land off of Route 33 will be discussed. This area will offer an alternative for those who use the existing off leash dog area on Peirce Island, which will be closed during the construction period. There will be a public meeting held in the near future with abutters and others regarding this change.

## ***Items Which Require Action Under Other Sections of the Agenda:***

### **1. First Reading of Proposed Ordinance Amendments.**

- 1.1 **First Reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value.** As a result of the September 6<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for first reading the [attached proposed demolition ordinance](#) (City Ordinances, Chapter 14 – Housing Code, Article II – Demolition). This revision has been prepared in response to a referral by the City Council at its meeting on February 1, 2016.

The draft revised ordinance provides for additional review, including a public hearing, whenever demolition is proposed for a building that is more than 50 years old. The purpose of this additional review is to allow for a determination as to whether the building has historic, architectural or community value, and for identification of alternatives to demolition. Where no such alternatives are identified or acceptable to the owner, if the applicant agrees, the draft ordinance requires documentation in the form of photographs and measured drawings, and encourages salvage of historic building elements. Please note the change in the proposed Ordinance that allows the applicant to refuse that the house be photographed.

A draft of the revised ordinance was provided to Portsmouth Advocates for review, and the current document incorporates several changes suggested by the Advocates, including posting of notices on the City's website in addition to the newspaper.

*I recommend the City Council move to pass first reading and schedule a second reading and a public hearing of the proposed Ordinance at the October 3, 2016 City Council meeting, as presented. Action on this matter should take place under Section VII of the Agenda.*

## ***Consent Agenda:***

1. **Request for License to Install Projecting Sign.** [Attached under Section VIII of the Agenda](#) is a request for a projecting sign license ([see attached memorandum from Rick Taintor, Planning Director](#)):

- Dennis Luun, Owner for The Works Care for property located at 9 Congress Street

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

## ***City Manager's Items Which Require Action:***

1. **Request for First Reading Re: Solid Waste Ordinance.** The Department of Public Works recommends updating the City's Solid Waste Ordinance to accommodate current waste material collection practices and future growth of the program and requests a first reading at the October 17, 2016 City Council Meeting. The proposed updates to the City's Solid Waste Ordinance do not significantly alter the ordinance, but update the ordinance to reflect common practices already taking place. For example, under the current language trash containers cannot be larger than 45 gallons, thus residents are technically not allowed to be using the 64 or 95 gallon wheeled totes frequently purchased for curbside collection. [Attached is a working draft of the City's Solid Waste Ordinance with the proposed changes.](#) At the September 19, 2016 Council meeting, Jacob Levenson, the City's Solid Waste Coordinator will provide a brief presentation of the proposed ordinance changes.

These changes include following:

- Update the maximum weight and volume of acceptable curbside containers from 45 gallons to include up to 100 gallons; so long as any container larger than 45 gallons has a stop bar compatible with the hydraulic tipper and has working wheels.
- Update Business District curbside collection hours (currently listed as 4:30pm-6:00pm) to allow DPW to add a morning pick up for residents and provide future adaptability to alter routes as needed for operational efficiency. The days and hours of collection will be published by the Department of Public Works.
- Update penalties and remedies to better enforce ordinance violations.
- Modernize the definitions classifying waste and how they are handled.

*I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance at the October 3, 2016 City Council meeting.*

2. **2017 Schedule of City Council Meetings and Work Sessions.** [Attached for your review and adoption is a proposed schedule](#) for City Council Meetings and Work Sessions for calendar year 2017.

*May I have your approval on this schedule.*

3. **License Request Completion of Work at 172 Hanover Street.** Carey Riley, a general contractor, is performing work at 172 Hanover Street (the former Page Restaurant), pursuant to a City issued encumbrance permit. Mr. Riley's work will extend beyond the encumbrance permit period in part due to utility coordination needs. Work is anticipated to be completed by November 10, 2016.

Mr. Riley seeks a license to continue to occupy two parking spaces along Hanover Street for placement of a dumpster for construction purposes and to encumber a small area of the Vaughan Mall adjacent to the building to remove the atrium. [See attached sketch of area proposed to be encumbered by the license.](#)

City staff has no objection to the grant of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit which includes protection of pedestrians, clean up of debris, payment for parking spaces used and related conditions.

*I recommend the City Council move to authorize the City Manager to negotiate and enter into a license with Carey Riley to facilitate completion of construction activities at 172 Hanover Street.*

### ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on September 6, 2016. In addition, this can be found on the City's website.
2. **Portsmouth Library Building Anniversary.** The Portsmouth Public Library will be kicking off its 10<sup>th</sup> Building Anniversary on Saturday, September 17<sup>th</sup> from 11:00 a.m. to 4:00 p.m. The celebration will be through October, November and culminate in December with a final party on Saturday, December 10<sup>th</sup> from 6:00 to 8:00 p.m. Other programs can be accessed on the City's website <http://www.cityofportsmouth.com/library>.