

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, OCTOBER 3, 2016 TIME: 7:00PM

## AGENDA

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

### PRESENTATION

- 1. PS21

- V. ACCEPTANCE OF MINUTES – SEPTEMBER 6, 2016

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 14 – HOUSING CODE BE AMENDED BY DELETING THE EXISTING ARTICLE II: DEMOLITION AND INSERTING IN ITS PLACE A NEW ARTICLE II. THE PURPOSE OF THIS ARTICLE IS TO ENCOURAGE THE PRESERVATION OF BUILDINGS AND PLACES OF HISTORIC, ARCHITECTURAL AND COMMUNITY VALUE

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. Grants:
  - 2016 Internet Crimes Against Children Task Force Grant - \$256,037.00
  - Acceptance of the New Hampshire Highway Safety Grants
    - Distracted Driving Patrols \$10,000.00
    - Sobriety Checkpoints \$ 6,758.00
    - DWI Patrols \$ 9,843.00
    - Step Patrols \$ 9,926.40
    - Bicycle/Pedestrian Patrols \$ 6,195.20
  - Acceptance of Bullet Proof Vest Grant - \$11,065.68
  - Opioid Abuse Reduction Initiative Grant - \$59,324.03

***(Sample motion – move to approve and accept the grants to the Portsmouth Police Department, as presented)***

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance amending Chapter 3, Article II, Section 3.2 Solid Waste, Yard Waste and Recycling and an amendment to Chapter 1, Article XIII, Section 1.13 – Municipal Enforcement Procedures
- B. Second reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value

**X. CONSENT AGENDA**

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

- A. Letter from Melissa Walden, American Lung Association requesting permission to hold the Seacoast ride on Sunday, May 7, 2017 at 7:00 a.m. – 3:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Jennifer Goodman, New Hampshire Preservation Alliance expressing support for the adoption of a new demolition ordinance (***Anticipated action – move to accept and place the letter on file***)

**XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Attorney General Joseph Foster regarding Enabling Authority for Municipal Regulation of Plastic Bag Use

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

**A. CITY MANAGER**

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

- 1. Establish Public Hearing Re: Funding to Acquire A Portion of Property at 150 Greenleaf Avenue
- 2. Request for Acceptance of Harbor Walk Park Pier Project
- 3. Polling Hours for November 8<sup>th</sup> Presidential General Election

**Informational items**

- 1. Events Listing
- 2. Report Back Re: Veterans Tax Credit

**B. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Appointment of Jody Record to the Planning Board as a Regular Member
  - Appointment of Jeffrey Kisiel to the Planning Board as an Alternate Member
  - Reappointment of Bruce Boley to the Board of Library Trustees
  - Reappointment of Jack Jamison to the Board of Library Trustees

**C. COUNCILOR DENTON**

1. \*Curbside Composting Pilot Program (***Sample motion – move that the City Manager report back with curbside composting pilot program options. The scope of at least one option should be large enough so the savings from tipping fees should pay for the majority of the pilot program’s costs if the program is fully utilized by residents***)

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT**

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

**CITY CLERK**

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

1. Notification that the minutes of the August 18, 2016 Planning Board meeting are now available on the City’s website


<p><i>NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.</i></p>
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**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** September 29, 2016

**To:** Honorable Mayor Jack Blalock and City Council Members

**From:** John P. Bohenko, City Manager 

**Re:** City Manager's Comments on October 3, 2016 City Council Agenda

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***Presentation:***

1. **PS21 Presentation.** On Monday evening, a representative from PS21 will make a presentation to the City Council regarding a policy for tactical urbanism and community-led demonstration projects ([see attached request from Doug Roberts](#)).

***Acceptance of Grants and Donations:***

1. **Acceptance of Police Department Grants.** [Attached under Section VIII of the Agenda is a memorandum](#), dated September 28, 2016 from Brenna Cavanaugh, Chair of the Portsmouth Police Commissioners, and Police Chief David J. Mara, requesting that the City Council approve the following grants:

1. Grants:
  - a. 2016 Internet Crimes Against Children Task Force (ICAC) – A grant in the amount of \$256,037 to fund the New Hampshire Internet Crimes Against Children Task Force for the 2016-2017 year. Portsmouth is the Headquarters of the NH ICAC Task Force. This Grant is administered through the Portsmouth Police Department and apportioned to all satellite locations in New Hampshire.
  - b. Acceptance of the New Hampshire Highway Safety Grants as follows:
    1. Distracted Driving Patrols \$10,000.00
    2. Sobriety Checkpoints \$ 6,758.00
    3. DWI Patrols \$ 9,843.00
    4. Step Patrols \$ 9,926.40
    5. Bicycle/Pedestrian Patrols \$ 6,195.20

- c. Acceptance of the Bullet Proof Vest Grant – Fiscal Year 2017, 50% of the cost of five (5) SERT & (15) Reg Vests, which is: \$11,065.68.
- d. Opioid Abuse Reduction Initiative Grant – New Hampshire Department of Safety grant in the amount of \$59,324.03.

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 grants 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 Ordinance Amendments.**

- 1.1 **First Reading of Proposed Ordinance amending Chapter 3, Article II, Section 3.2 Solid Waste, Yard Waste and Recycling and an amendment to Chapter 1, Article XIII, Section 1.13 – Municipal Enforcement Procedures.** As a result of the September 19<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Ordinance amending Chapter 3, Article II, Section 3.2 Solid Waste, Yard Waste and Recycling](#).

In order to give the Department of Public Works authority to issue citations under the Solid Waste Ordinance, an amendment to Chapter 1, Article XIII, Section 1.13 – Municipal Enforcement Procedures is necessary ([see attached amendment](#)). The term “Environment Department” was replaced with “Department of Public Works.”

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 public hearing and second 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. At the September 19, 2016 Council meeting, Jacob Levenson, the City’s Solid Waste Sustainability Coordinator provided 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 pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the October 17, 2016 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.*

## 2. **Public Hearing/Second Reading of Proposed Ordinance Amendments.**

- 2.1 **Public Hearing/Second 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 19<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second 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 second reading and schedule third and final reading of the proposed Ordinance at the October 17, 2016 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.*

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

1. **Establish Public Hearing Re: Funding to Acquire a Portion of Property at 150 Greenleaf Avenue.** Attached is a copy of [the agenda comments that was sent to the City Council on September 6, 2016](#) regarding the legal acquisition by eminent domain of approximately 4.8 acres through which a municipal sewer line, installed within a berm, was constructed by the City in 1967 and 1968.

In order to proceed to acquire this land, funding in the amount of \$345,000 needs to be appropriated. I am requesting that the City Council establish a public hearing for its October 17, 2016 meeting to raise and appropriate \$345,000 from the Sewer Fund net position.

*Therefore, I recommend the City Council move to establish a public hearing for its October 17, 2016 meeting, to raise and appropriate \$345,000 from the Sewer funds net position.*

2. **Request for Acceptance of Harborwalk Park Pier Project.** The City constructed the Harborwalk Park Pier in late 2015 with about half of the cost being provided by Transportation Enhancement Federal funds. The total cost of the structure was \$489,132.00. As part the State's closeout procedure on the project, the City is required to formally accept the project. The Public Works Department and their consulting engineers Tighe and Bond, Inc. have reviewed the entire project in depth and find no fault with the work that was performed. For your information, [attached are photographs of the project.](#)

*Therefore, I am recommending the City Council move to accept the Harborkwalk Park Pier Project, and further, authorize the City Manager the Certificate of Final Completion of Work.*

3. **Polling Hours for November 8, 2016 Presidential General Election.** Attached is a [memorandum from Kelli Barnaby, City Clerk](#), recommending the polling hours be set from 8:00 a.m. to 8:00 p.m. for the Presidential General Election on November 8, 2016.

*I would recommend the City Council move to set the polling hours from 8:00 a.m. to 8:00 p.m. for the Presidential General Election on November 8, 2016.*

## ***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 19, 2016. In addition, this can be found on the City's website.

2. **Report Back Re: Veterans Tax Credit.** As a result of a request by Councilor Denton, at the September 19<sup>th</sup> City Council meeting, the Council requested a report back regarding 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. [Attached is a memorandum from Rosann Maurice-Lentz, City Assessor, regarding "All Veteran Tax Credit" RSA 72:28 \(b\).](#)