

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 21, 2017 TIME: 6:30 PM

AGENDA

- 6:30pm – Work Session Re: Senate Bill 191, Relative to Keno

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

PRESENTATIONS

1. Statistical Revaluation Update, Rosann Maurice Lentz, Assessor; Representative from Vision & Property Valuation Advisors

- V. ACCEPTANCE OF MINUTES – AUGUST 7, 2017

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. PURSUANT TO RSA 31:95-b, II (a) WHERE THE CITY COUNCIL WILL ACCEPT AN ADDITIONAL APPROPRIATION OF HIGHWAY BLOCK GRANT FUNDS IN THE AMOUNT OF \$369,065.05 IN ACCORDANCE WITH SENATE BILL 38 ADOPTED BY THE LEGISLATURE (**Action to follow public hearing. Sample motion – move to accept and expend the funds**)

- VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the Agenda)

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language

- X. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Barbara Massar, Pro Portsmouth, requesting to produce the following:
 - First Night Portsmouth 2018, Sunday, December 31, 2017
 - Children's Day, Sunday, May 6, 2018; Noon to 4:00 p.m.
 - 41st Annual Market Square Day Festival & 10K Road Race, Saturday, June 9, 2018; 9:00 a.m. – 4:00 p.m.

- 16th Annual Summer in the Street, Saturday evenings 5:00 p.m. – 9:30 p.m. – June 30, July 7, 14, 21 and 28, 2018

(Anticipated action – move to refer to the Acting City Manager with power)

- B. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 9th Annual Turkey Trot 5K on Thanksgiving November 23, 2017 at 8:30 a.m. ***(Anticipated action – move to refer to the Acting City Manager with power)***
- C. Letter from Melissa Walden, American Lung Association, requesting permission to hold the Cycle the Seacoast Ride on Sunday, May 6, 2018 ***(Sample motion – move to refer to the Acting City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Joanne Ravgiala regarding Prescott Park, High-Hanover Garage and State Street Saloon Fire

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

City Manager's Items Which Require Action:

1. Request for Approval of Tentative Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial
2. Release of Request For Proposals for McIntyre Building
3. Approve License Request Re: 177 State Street
4. Approval of License Request Re: 175 Market Street

Acting City Manager's Informational Items:

1. Events Listing
2. Water Street Parking Memorandum
3. Doble Transfer and Senior Center Update
4. Vaughan-Worth-Bridge Strategic Planning Committee
5. News Release Re: Pre-Construction Meeting – Chestnut Street Streetscape Improvements

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Alan Gold to the Economic Development Commission
 - Lindsay Gallant to the Sustainable Practices Blue Ribbon Committee
2. *Appointments to be Voted:
 - Reappointment of Marylou McElwain to the Parking & Traffic Safety Committee
3. Resignation of John Bosen from the Economic Development Commission

C. ASSISTANT MAYOR SPLAINE

1. Toxic-Free Natural Alternatives For Weed and Pest Control (***Proposed motion - That the City of Portsmouth commits to stop using toxins in public places, to encourage toxin-free property maintenance for all new developments, and to provide education to businesses and residents about organic property maintenance and natural alternatives for weed control.***)

D. COUNCILORS DWYER, SPEAR AND PEARSON

1. ***Rule 42 – PUBLIC’S RIGHT TO KNOW GUARANTEED is hereby amended by the addition of the following paragraph:***

In addition to the foregoing, any e-mails which are received by the City on behalf of the entire City Council shall be entered into the public record by the City Clerk. Any person addressing an e-mail to the entire City Council shall be provided with the option to have such person’s e-mail entered into the City Council packet and public comment record for the meeting. Only e-mails which include the name and address of the sender shall be provided to the City Council and thus be subject to the rule. Any public comment received by e-mail subject to this rule shall be updated after the Council agenda packet is released and prior to noontime on the day of the Council meeting to which the packet is addressed. Any public comments received after such noontime deadline shall be distributed to the individuals Councilors, but shall not become part of the public record of the meeting

Rule 43 – Moved that City Council Rule 43 PUBLIC COMMENT SECTION is hereby deleted in its entirety and replaced with the following:

43. COUNCIL – PUBLIC DIALOGUE

The City Council shall hold a Council – Public Dialogue session during the period which is forty-five minutes (45) before any otherwise scheduled City Council business (including non-public sessions and work sessions), on the night of every regularly scheduled Council meeting. At such Council – Public Dialogue Sessions the Council, the City Manager and any appropriate staff as determined by the City Manager shall welcome all interested individuals for an informal dialogue session. The purpose of this session is to provide an opportunity for members of the public to directly interact with members of the Council, the City Manager and any appropriate staff as determined by the City Manager from time to time. By vote of the Council, such Council – Public Dialogue sessions may be scheduled to be held at other times and in other locations in the City beyond City Hall. All Council – Public Dialogue sessions shall be held in accordance with RSA 91-A, the Right-to-Know Law by notice being made and minutes being taken.

Be it further moved that Council Rule 7, ORDER OF BUSINESS, be amended by the deletion of Item VIII Public Comment Session and the renumbering of the remaining items in the Council order of business.

Rule 45 – PUBLIC HEARINGS, be amended by the addition of the following:

- C. The order of presentation of all public hearings shall be as follows:***
 - 1. Any presentation related to the public hearing offered by the City administration***
 - 2. City Council questions and deliberation regarding the subject matter of the public hearing***
 - 3. Public hearing speakers***
 - 4. Additional Council questions and deliberations***
- D. Subsequent to the process described above, any public hearing which results in the requirement of a City Council vote shall be immediately followed by that vote***

Be it further moved that City Council Rule 7, ORDER OF BUSINESS, be amended by the deletion of items XI Consideration of Resolutions and Ordinances and the renaming of item IX to Public Hearings and Votes on Ordinances and/or Resolutions and the renumber of all remaining provisions.

E. COUNCILOR LOWN

- 1. Keno

F. COUNCILOR DENTON

- 1. Carbon Free and Dividend Resolution

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 June 14, 2017 and July 12, 2017 meeting of the Conservation Commission are now available on the City's website
2. Notification that the minutes of the July 5, 2017 meetings of the Site Review Technical Committee 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: August 17, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: Nancy Colbert Puff, Acting City Manager *NCp*
Re: Acting City Manager's Comments on August 21, 2017 City Council Agenda

6:30 p.m.

1. **Work Session Re: Senate Bill 191, Relative to Keno.** On Monday evening, Kelley-Jaye Cleland, Director of Product Development and Sales, New Hampshire Lottery, will be present to discuss the newly-passed Senate Bill 191 relative to Keno and the funding of full-day kindergarten in New Hampshire. See [attached Senate Bill](#) and [a letter from Charles McIntyre, Executive Director, NH Lottery.](#)

Presentation:

1. **Statistical Revaluation Update.** On Monday evening, City Assessor Rosann Maurice-Lentz, and representatives from Vision and Property Valuation Advisors will give a statistical revaluation update to the City Council.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolutions and Ordinances.**
 - 1.1 **First Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language.** As a result of the August 7, 2017 City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Ordinance](#) amending Chapter 4 Pertaining to the

City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language.

As a result of the July 2017 City Council Retreat, presentations were made by City staff regarding the need to update our local Fire, Building and Health Codes in order to reference current state statutes and to ensure that our local ordinances reflect best practices to guide public safety and public health. Chapter 4, Food Licensing and Regulations, needs to be completely revised in order to remove obsolete sections (e.g. Articles I- Milk; Articles II-Meat Inspections; Article III-Slaughter Houses; Article IV- Butchers) that are now regulated by state or federal regulations. The revised ordinance deletes and replaces Article V, Common Victuallers, by adopting the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Food Code, 2009 edition ("2009 FDA Food Code") (which is also adopted in state regulation) and parts of NH Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Foods ("He-P 2300"). Local Amendments to these rules will be proposed for the following sections: Outdoor Bars; Animals Prohibited; Mobile Food Units; Special Process Review; Food Processing Plants; Special Requirements for Bed and Breakfast Facilities and Soup Kitchens and Churches.

The revised ordinance will also set forth our current rules and procedures regarding Temporary Events, Licensing, Applications and Enforcement. It is important to note these changes will have little substantive effect on our long standing practices and procedures.

I am recommending the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the September 5, 2017 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing.**

2. **Public Hearing – Pursuant to RSA 31:95-b, II (a) Where The City Council Will Accept An Additional Appropriation Of Highway Block Grant Funds In The Amount of \$369,065.05 In Accordance With Senate Bill 38 Adopted By The Legislature.** As a result of the August 7, 2017 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing pursuant to RSA 31:95-b, II (a) Where The City Council Will Accept An Additional Appropriation Of Highway Block Grant Funds In The Amount of \$369,065.05 In Accordance With Senate Bill 38 Adopted By The Legislature.

As you are aware, the Legislature passed Senate Bill (SB38) which provides an additional Thirty Million Dollars (\$30,000,000) in highway aid to cities and towns. The additional amount for Portsmouth is \$369,065.05. SB38 requires that before the expenditure of these funds, the City Council needs to hold a public hearing. In addition to the public hearing, the City Council would have to vote to accept the

funds. Action for acceptance of these funds will take place subsequent to the public hearing.

Please note that these funds cannot supplant our FY18 Budget, but these funds should go in our capital fund. City staff recommends that these funds be used to add to our paving program. This would be in addition to the \$3,000,000 that the City Council has authorized for bonding, Therefore if you approve this, the City would have \$3,369,065.05 for road repaving.

I recommend the City Council move to accept and expend the funds, as presented. Action on this matter should take place under Section VII of the Agenda.

Acting City Manager's Items Which Require Action:

1. **Request for Approval of Tentative Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial.** The Portsmouth School Board has reached a Tentative Agreement with the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial from July 1, 2017 to expire on June 30, 2020.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- A letter from Thomas Closson, City Negotiator summarizing the terms of this Tentative Agreement;
- The AFSCME School Custodial Unit Contract showing the insertions and deletions to implement the Tentative Agreement if approved; and
- Cost Analysis of the Agreement.

Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/School/Custodians%2017-20%20Draft.pdf>

I recommend the City Council move to accept the proposed contract with the City of Portsmouth and AFSCME School Custodial from July 1, 2017 to expire on June 30, 2020.

2. **Release of Request for Proposals for McIntyre Building.** [Attached is a revised draft of the McIntyre RFP.](#) Changes made since the last draft include: adding two residential use types (workforce housing and extended stay) and to overall preferred uses, adding interpretive kiosks and/or other ways to commemorate local history into urban design preferences, inserting language to encourage innovation in redevelopment plans, and reserving the right to negotiate with potential partners after interviews to invite a revised proposal ("best and final" offer) prior to final selection.

Contained in the RFP is a schedule that involves setting two additional special Council meetings to review proposals and interview potential partners for this public-private partnership. They are both for Monday evenings, with a 6 pm start: November 13th and November 27th.

I recommend the City Council move to approve release of the RFP and schedule two special meetings for November 13 and November 27.

3. **Approval of License Request Re: 177 State Street.** Jeffrey Bryan Remodeling Inc. has erected staging along a portion of Penhallow Street above the municipal sidewalk pursuant to an Encumbrance Permit to facilitate construction activities at 177 State Street. The staging in the front of the building along State Street is on the owner's property not the municipal sidewalk.

The contractor needs additional time to complete the work, he has encountered structural problems with the rafters. He has requested a license agreement to continue the work through October 30, 2017. [See attached sketch of the license area.](#)

City staff has no objection to the grant of a license provided that it includes the usual terms and conditions for insurance and includes as well as those from the encumbrance permit which includes scaffolding to be secured from unauthorized climbing, all equipment and tools removed at the end of the work day and the purchase of meter bags for any impacted parking spaces.

I recommend the City Council move to authorize the Acting City Manager to negotiate and enter into a license with Jeffry Bryan Remodeling Inc to facilitate completion of construction activities at 177 State Street.

4. **Approval of License Request Re: 175 Market Street.** In accordance with a Construction Management and Mitigation Plan, Hutter Construction seeks a license agreement to use a portion of the sidewalk along Market Street to facilitate construction activities at 175 Market Street. City staff supports the grant of a license as it is in accordance with the Construction Management and Mitigation Plan. If granted, the license would allow for staging as follows:

- Staging along the face of the existing building: 8/30/17 to 10/30/17
- Staging along the face of the new addition: 2/12/18 to 4/12/18

[See attached plan showing the staging area.](#)

As a condition of license, Hutter would agree that Market Street traffic will not be impacted. The staging will be erected along the face of the existing building and the new addition. The staging will fit on the sidewalk and except when work is being done on the ground floor, will have a pedestrian walkway underneath it. During the encumbrance period, a pedestrian crosswalk will be provided at either end of the encumbrance area.

I recommend the City Council move to authorize the Acting City Manager to negotiate and enter into a license with Hutter Construction to facilitate construction activities at 175 Market 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 August 7, 2017. In addition, this can be found on the City's website.
2. **Water Street Parking Memorandum.** [Attached for your information is a memorandum](#) from Parking Director Ben Fletcher regarding parking spaces in the Water Street Lot at Prescott Park.
3. **Doble Transfer and Senior Center Update.** Preparations for the acquisition of the Paul A. Doble Center and preparation for the building's reuse as a Senior Center have continued. In the coming month, the Recreation Department Senior Services will be announcing an informational session for interested community members, which will focus on the planning for the transformation of the Doble Center into a vibrant and modern senior center. The engineering and design work is well underway and is being carried out in coordination with the Recreation Board's Senior Subcommittee. The informational session will include presentations by the project team comprised of engineers and architects working on the adaptive reuse project. Recent developments in the transfer include the completion of the Section 106 process and progress on environmental studies by the Army Reserve. In addition, the Army Corps of Engineers has been engaged with the transfer. The Corps oversees the final steps of the transfer process for the Department of Defense; the transfer of the property to the City is still hoped for by the end of this calendar year.
4. **Vaughan-Worth-Bridge Strategic Planning Committee.** For your information, [attached is a News Release](#) notifying abutters and business owners about the Vaughan-Worth-Bridge Strategic Planning Committee Listening Session to be held on Tuesday, August 29, 2017 at 3:00 p.m., at The Music Hall, 131 Congress Street.
5. **News Release Re: Pre-Construction Meeting – Chestnut Street Streetscape Improvements.** [Attached](#) for your information is a [news release](#) regarding a pre-construction meeting for the Chestnut Street Streetscape Improvements on Tuesday, August 22, 2017 at 5:00 p.m., in Conference Room A at Portsmouth City Hall.