

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 17, 2019 TIME: 7:00PM

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- 5:30PM – AN ANTICIPATED NON-PUBLIC SESSION RE: CITY MANAGER SEARCH IN ACCORDANCE WITH RSA 91-A:3 II (b)
 - 6:00PM – AN ANTICIPATED NON-PUBLIC SESSION RE: COLLECTIVE BARGAINING AGREEMENTS IN ACCORDANCE WITH RSA 91-A:II (a)
 - 6:30PM – AN ANTICIPATED NON-PUBLIC SESSION RE: DEPARTMENT OF HOME LAND SECURITY (PDA) LAW ENFORCEMENT SECURITY AGREEMENT IN ACCORDANCE WITH RSA 91-A:II (i)
- 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
 - VI. ACCEPTANCE OF MINUTES – MAY 20, 2019 AND JUNE 3, 2019
 - VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - VIII. PUBLIC COMMENT SESSION
 - IX. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

Public Hearings on 2019 Proposed Charter Amendments #1 and #2

A. Public Hearing on 2019 Proposed Charter Amendment #1

The Municipal Charter of the City of Portsmouth, Section 4.6 – Compensation of City Councilors is hereby amended as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

SECTION 4.6 – COMPENSATION OF CITY COUNCILORS

Each City Councilor shall be compensated at a rate of Seventy-Five (\$75.00) Dollars for each **regular** Council meeting in which that person is in actual attendance. However, no City Councilor except the Mayor shall receive more than ~~Fifteen Hundred (\$1,500.00)~~ **One Thousand Six Hundred Fifty (\$1,650.00)** Dollars during any calendar year.

If authorized by referendum vote at the municipal election scheduled for November 5, 2019, this amendment to become effective on January 1, 2020.

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Sample motion – move to place the proposed Charter Amendment #1 Compensation of City Councilors on the November 5, 2019 ballot)

B. Public Hearing on 2019 Proposed Charter Amendment #2

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION) is hereby amended as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION)

APPOINTMENT/ELECTION TERMS

Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November 1, 1993 as follows:

Two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event a vacancy should occur on the Board, ~~then the next runner up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners~~ **the vacancy shall be filled by appointment of the City Council until the next regular municipal election.**

If authorized by referendum vote at the municipal election scheduled for November 5, 2019, this amendment to become effective on January 1, 2020.

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Sample motion – move to place the proposed Charter Amendment #2 Police Commission Vacancies on the November 5, 2019 ballot)

C. First Reading – Annual Omnibus Ordinance

First Reading of Ordinance Amending Chapter 7 – Parking Omnibus (***Sample motion – move to pass first reading of the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee, and schedule second reading and public hearing for the July 15, 2019 City Council meeting.***)

X. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Stephen Pesci as a regular member to the Parking & Traffic Safety Committee
 - Appointment of Jonathan Sandberg as an Alternate to the Parking & Traffic Safety Committee
2. City Manager Search Subcommittee Update

XI. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR LAZENBY

1. Portsmouth Community Coordinated Response to Substance Misuse
 - Request for City Council to endorse establishment of Steering Committee
 - Request to appropriate \$4,000 towards facilitation costs of initial process
 - See Attached Letter Re: Matching Funds from Portsmouth Rotary

B. COUNCILOR DENTON

1. Distribution of Single-Use Disposables Ordinance (***Sample motion – move that the City Attorney review and provide a report back on the amended Distribution of Single-Use Disposables Ordinance***)

XII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation by West End Studio to the Police Explorers Post - \$55.00 (***Sample motion – move to accept and approve the donation to the Police Explorers Post in the amount of \$55.00 from West End Studio***)

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

1. Request for Public Hearing Re: Various Bonding Resolutions for projects identified in the FY 20-25 Capital Improvement Plan
2. 162 Daniel Street (McIntyre Federal Building) Re-Zoning Request
3. Proposed Work Session on June 24, 2019 at 6:30 p.m. Re: McIntyre Project and Special Meeting on July 1, 2019 Re: Action on this Matter
4. Sale of Surplus Water Meters

5. Request for First Reading Re: Ordinance Amendment to Chapter 7, Article III, Section 7.328 - Limited Parking – Three Hours – Raynes Avenue and Vaughan Street

XIV. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

(There are no items on under Consent Agenda this evening)

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Presentation – Preliminary Results of 2019 Statistical Revaluation – Rosann Lentz, Assessor ***(Request to Suspend the Rules to Bring Presentation Forward)***
- B. Presentation Re: 2019 Street.life! Annual Dinner
- C. Email Correspondence ***(Sample motion – move to accept and place on file)***

XVI. CITY MANAGER'S INFORMATIONAL ITEMS

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: June 13, 2019

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on June 17, 2019 City Council Agenda

Non-Public Session

1. **City Manager Search Committee Report Back**
2. **Collective Bargaining Agreement Negotiation Status – Schools (4) and SMA**
3. **Department of Homeland Security (PDA) Law Enforcement Security Agreement**

Presentation

1. **Preliminary Results of Revaluation Efforts** Annually, the City Assessor's Office reviews and updates property assessments throughout the City. Annual adjustments provide a vehicle for the assurance of current, accurate and equitable property assessments. If property valuations are accurate across the entire City, inefficiencies and inequities in property taxation are greatly reduced.

This year the City will be conducting a Full Statistical Revaluation for Tax Year 2019/Fiscal Year 2020 per RSA 75:1 and RSA 75:8-a. A Full Statistical Revaluation adjusts property values to market value (full and true value). This revaluation will update all taxable and non-taxable properties in the City using existing property data to arrive at market values as of April 1, 2019.

The 2019 Statistical Revaluation will be conducted by Vision Appraisal and the City's in-house assessing staff. The assessing staff will be utilized in various aspects throughout the revaluation to assure assessments are accurate, equitable and in compliance with all revaluation standards.

The Council presentation on June 17, 2019 will go over the preliminary sales analysis conducted by Vision Appraisal. This analysis will be the basis for adjustments to property values throughout the City.

Public relations will be ongoing throughout the revaluation process utilizing the City's webpage, Council presentations, and if necessary, public forums. Individuals with questions can contact the Assessor's Office at any time. The revaluation time line is tentatively scheduled as follows:

Start-Up Meeting – March 2019

Sales Review and Analysis – April 2019 through June 2019

Assessor Review of Values – June 2019 through August 2019

Presentation to the City Council on Preliminary Analysis – June 17, 2019

Taxpayer Notice of Preliminary Assessments – Week of July 8, 2019

Taxpayer Forum – Tentatively July 18, 2019 – Library Levenson Room 6 p.m.

Taxpayer Hearings – Beginning July 22, 2019 through August 2, 2019

Presentation to the City Council on Final Analysis and Results – August 12, 2019

Final Notices if Changes to Preliminary Values – Week of August 19, 2019

MS-1 – City Valuation – September – October 2019

Tax Rate Set – October 2019

Tax Bills – November 2019 (Reflecting New Assessments)

Public Hearings & Votes on Ordinances &/or Resolutions

- 1. Public Hearing Re: 2019 Proposed Charter Amendments #1 Compensation of City Councilors and #2 Police Commission Vacancies** The City Council has authorized the process to commence on placement of two proposed Charter amendments to be put on the ballot for referendum vote at the municipal election schedule for November 5, 2019. The authorizing determination and the proposed amendments are as follows:

Proposed Charter Amendment #1 - Compensation of City Councilors

At the City Council meeting on February 4, 2019, the Council voted to commence the Charter amendment process with respect to deleting from the Municipal Charter the last sentence in section 4.6, which reads “However, no City Councilor, except the Mayor, shall receive more than Fifteen Hundred (\$1,500) Dollars during any calendar year.”

Proposed Charter Amendment #2 - Police Commission Vacancies

On January 22, 2019, after voting to appoint Stefany Shaheen to fill a vacancy on the Police Commission, the City Council discussed the process for filling vacancies on the Commission. Apparently, without taking any formal vote, the Council then requested a proposed Charter amendment to reconcile the process of filling vacancies on the Police Commission with State law as opined by the Office of the Attorney General in 2015. The Attorney General opinion was based upon the provisions of [RSA 105-C:3 \(attached\)](#), a statute relating to statutory police commissions in towns. That opinion calls for vacancies on the Police Commission to be filled by vote of the Council, whereas the Charter looks to the last election to fill vacancies.

PROCEDURE

The process which governs the handling of the proposed amendments by the Council is described in state law RSA 49-B, relevant portions of which are attached ([RSA 49-B:4-a](#) and [RSA 49-B:5 I](#)). Briefly, the statute requires that if the Council wishes to proceed with these proposed amendments, it shall provide for notice and a public hearing. The notice must be published in the newspaper at least seven (7) days prior to the hearing. The notice must contain both the text of any proposed amendment and a brief explanation. Subsequent to the public hearing, if the Council wishes to proceed with any amendment, the City Clerk shall be so advised and she should report to the Attorney General, the Secretary of State, and the Commissioner of the Department of Revenue Administration under RSA 49-B:4-a. Within seven (7) days of receiving approval from the Secretary of State, the Attorney General and the Department of Revenue Administration under RSA 49-B:4-a (see below), the City Council may order the proposed amendment to be placed on the ballot at the next regular municipal election held not less than sixty (60) days after that order is passed.

STATE APPROVALS

After the City Clerk files a report with the Secretary of State, the Attorney General and the Commissioner of the Department of Revenue Administration, those officials “shall review the [proposed Charter Amendments] to ensure that [they are] consistent with the general laws of this state.” If any of those officials do not approve, the proposed Charter Amendment(s), “shall not be placed on the municipal ballot.” However, “failure to specify objections to a proposed Charter or Charter Amendment within forty-five (45) days shall constitute approval by the Secretary of State, Attorney General or the Commissioner of the Department of Revenue Administration.”

TIMELINE

For Council guidance on the timing of its actions regarding Charter amendments, please be advised of the following:

<u>Action</u>	<u>Time Required</u>	
A. City Council vote to hold a public hearing	Seven (7) day notice required plus two (2) days to place advertisement in newspaper	9 days
B. Notice to State Agencies	Fourteen (14) days	14 days
C. State Agency Response	Forty-five (45) days	<u>45 days</u> 68 days

Given that the City Clerk must file her final ballot form for printing no later than September 10, 2019, the first step in the foregoing process must take place prior to July 4, 2019. Given the current schedule of City Council meetings it would appear that the last possible regular Council meeting date at which the Council must vote on a specific Charter Amendment in order to meet the foregoing timeline is June 17, 2019.

The foregoing assumes the minimum possible deadlines for achieving the various actions required by statute. It assumes, for example, that the City Clerk can get a notice of hearing published in two (2) days and not three (3). Thus, in order to allow sufficient time for every step to be taken and still have some time to accommodate procedural issues which might arise, it is recommended that the City Council vote on any proposed Charter Amendment no later than the Council meeting of June 17, 2019.

Attachments:

- (1) Proposed Charter Amendment #1
- (2) Proposed Charter Amendment #2
- (3) RSA 49-B:4-a
- (4) RSA 49-B:5 I
- (5) RSA 105-C:3

The City Council may vote to place the proposed Charter Amendments #1 Compensation of City Councilors and #2 Police Commission Vacancies on the November 5, 2019 ballot.

2. **First Reading of Annual Omnibus Ordinance Change, Parking and Traffic Safety**

Attached are the annual omnibus ordinances recommended by the Parking and Traffic Safety Committee. This year's omnibus addresses changes to parking in loading zones, prohibitions against mopeds and bicycles parking against monuments, no parking spaces, speed limits and one-way streets.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance.

This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute restriction. This process would often take 4 – 6 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year, the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration.

The attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee last year.

I recommend the City Council move to pass first reading of the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee, and schedule second reading and public hearing for the July 15, 2019 City Council meeting.

City Manager's Items Which Require Action

- 1. Request for Public Hearing Re: Various Bonding Resolutions for Projects Identified in the FY 20-25 Capital Improvement Plan** I am requesting that the City Council establish a public hearing on each of the proposed Resolutions for July 15, 2019 City Council meeting for projects identified in the FY 20-25 Capital Improvement Plan (respective element sheets are attached).

GENERAL FUND

Citywide Streets, Sidewalks, Bridges and Facilities - \$10,550,000

- Citywide Facilities Capital Improvements - \$1,000,000
- Citywide Sidewalk Reconstruction Program - \$800,000
- Citywide Bridge Improvements - \$2,000,000
- Maplewood Avenue Bridge Replacement - \$500,000
- Cate Street Connector - \$1,500,000
- Street Paving Management and Rehabilitation - \$4,000,000
- Pease Tradeport Street Rehabilitation - \$750,000

WATER FUND

FY 20 Water Projects - \$4,623,000

- a. Annual Waterline Replacement - \$1,000,000
- b. Reservoir Management - \$600,000
- c. Madbury Wells - \$750,000
- d. Water Transmission Main Replacement - \$250,000
- e. Pleasant Street Water Mains - \$823,000
- f. Maplewood Avenue Area Construction - \$1,200,000

SEWER FUND

FY 20 Sewer Projects - \$7,145,000

- a. Annual Sewerline Replacement - \$1,000,000
- b. Consent Mitigation - \$4,400,000
- c. Pleasant Street Sewers - \$770,000
- d. Maplewood Avenue Area Reconstruction - \$975,000

I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption, the various proposed CIP projects to be bonded, as presented, for the July 15, 2019 City Council meeting. (Please note that Bonding Resolutions require a public hearing and adoption).

2. **162 Daniel Street (McIntyre Federal Building) Re-Zoning Request** On April 5, 2019, Revisit McIntyre submitted a letter to the City Council requesting that the property located at 162 Daniel Street (McIntyre Federal Building) be re-zoned to Natural Resource Protection District or Municipal or a combination of both.

At the April 15, 2019 City Council meeting, the Council voted to refer this request to the Planning Board for a recommendation.

Planning Board Review

Request to Re-Zone to Municipal District

The stated purpose of the Municipal District is as follows (emphasis added):

“To recognize areas that are in municipal ownership for governmental, civic, service, educational or recreational use.”

Lots and buildings in the Municipal district are exempt from all dimensional and intensity regulations (e.g. building coverage, height, setbacks, etc.) and land uses on these properties are not subject to the City’s off-street parking requirements.

This property is not owned by the City, therefore, it is not eligible to be re-zoned to Municipal.

Request to Re-Zone to Natural Resource Protection

The stated purpose of the Natural Resource Protection District is as follows (emphasis added):

“To recognize areas that are in governmental or nonprofit ownership and are dedicated to protection and enhancement of the City’s natural resources and ecology.”

Land uses permitted in the Natural Resource Protection District include tree farms and related forestry activities, wildlife refuge, public parks and playgrounds, public nature trails, and uses expressly recognized in a conservation easement by which the City of Portsmouth has acquired conservation rights.

Lots and buildings in the NRP district are required to have a 70’ front, side, and rear building setback from lot lines, have a maximum building height of 35’ and a minimum open space coverage of 95% (95% of the lot must be open space).

The NRP district, as described in the purpose and the list of allowed uses is intended for properties that are in current use as a park or natural resource area and/or have already been protected through a conservation easement. This property does not currently fit any of those descriptions and therefore would not be eligible for re-zoning to Natural Resource Protection District.

Planning Board Recommendations

The Planning Board held a public hearing on this request at the May 16, 2019 meeting. At that time, the Board voted unanimously not to recommend approval to the City Council of this zoning amendment.

I recommend the City Council vote to accept and place on file the request from Revisit McIntyre to re-zone the property located at 162 Daniel Street (McIntyre Federal Building) to Natural Resource Protection District or Municipal or a combination of both.

3. Proposed Work Session on June 24, 2019 at 6:30 p.m. Re: McIntyre Project and Special Meeting on July 1, 2019 Re: Action on this Matter

The McIntyre Committee recommends the City Council move to schedule a work session on June 24, 2019 at 6:30 p.m. Re: the McIntyre Project and a special meeting on July 1, 2019 Re: Action on this Matter.

4. Sale of Surplus Water Meters The City currently has old water meters with a total weight of 9,200 lbs to dispose of. The meters are outdated, and it is the opinion of the water department that its greatest value is as scrap metal. The bundled value is believed to far exceed \$500.00.

According to City Ordinance Section 1.505, any sale of property valued at or above \$500.00 must be authorized by the City Council and may be conducted by competitive

bidding, public auction, or any other means authorized by a two-thirds vote of the City Council.

As in the past, we have disposed of the surplus equipment/cars through a sealed bid process or through GovDeals, an online auction site in which the surplus equipment/cars are sold to the highest bidder.

After researching the GovDeals website, it appears that old water meters are sold as scrap metal. As we have used GovDeals in the past and it has shown that the City receives more money for our surplus property than through a sealed bid process, we request to use GovDeals to dispose of the old water meters.

I recommend the City Council authorize the City Manager to dispose of the surplus water meters through GovDeals.

5. Request for First Reading Re: Ordinance Amendment to Chapter 7, Article III, Section 7.328 Limited Parking – Three Hours – Raynes Avenue and Vaughan Street

The Parking and Traffic Safety Committee voted to erect parking meters with a three (3) hour limit on Raynes Avenue and Vaughan Street at their June 6, 2019 meeting. The [attached amendment to Chapter 7, Article III, Section 7.328](#) reflects the vote of the Committee.

I recommend the City Council move to schedule first reading for the July 15, 2019 City Council meeting to amend Chapter 7, Article III, Section 7.328 Limited Parking – Three Hours – Vaughan Street.