• 6:15PM – PUBLIC DIALOGUE SESSION

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 (There are no minutes on for acceptance this evening)

VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

VIII. PUBLIC DIALOGUE SUMMARY

IX. PUBLIC HEARINGS ON ORDINANCES AND/OR RESOLUTION

A. Public Hearing/Second Reading of Ordinance – Food Licensing and Regulations:

Public Hearing/Second Reading of Ordinance amending Chapter 4, Article I, Sections 4.103 – Adoption of Specific Parts HE-P 2300, and Section 4.105 - License

B. Public Hearing/Second Reading of Ordinance – Fire Codes:

Public Hearing/Second Reading of Ordinance amending Chapter 5, Article VIII – Alarm Systems and Article IX – Adopted Fire Codes


D. Public Hearing/Second Reading of Ordinance – Zoning Ordinance – Flood Plain Overlay District:

Public Hearing/Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 6 – Overlay Districts and Article 15 – Definitions – Flood Plain District
E. Public Hearing/Second Reading of Ordinance – Conservation Ordinance:

Public Hearing/Second Reading of Ordinance amending Chapter 8, Article V – Conservation Ordinance

F. Public Hearing/Second Reading of Ordinance – Wetlands Protection:

Public Hearing/Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection

X. MAYOR BLALOCK

1. Resignation of Ralph DiBernardo, Sr. from the Parking and Traffic Safety Committee effective November 7, 2019
2. Appointment to be Considered:
   - John Formella reappointment to the Zoning Board of Adjustment
   - Arthur Parrott reappointment to the Zoning Board of Adjustment
   - Dana Levenson reappointment to the Trustees of the Trust Funds
   - Jonathan Sandberg appointment as regular member to the Parking & Traffic Safety Committee
   - Erica Wygonik appointment as an Alternate to the Parking & Traffic Safety Committee
3. *Appointment to be Voted:
   - Craig Jewett to the Portsmouth Housing Authority
4. 2020 City Council Meetings and Work Sessions Calendar *(Sample motion – move to approve and accept the 2020 City Council Meetings and Work Sessions Calendar)*

XI. CITY COUNCIL MEMBERS

*(There are no City Council member items on this evening)*

XII. APPROVAL OF GRANTS/DONATIONS

1. *Acceptance of Donation to the Coalition Fund – Town of Rye - $5,000.00 *(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Fund)*

2. Acceptance of Police Department Grants and Donation:
   a) Grant from US Department of Justice for Internet Crimes Against Children Task Force in NH - $371,122.00
   b) Grant from the NH Department of Justice expenses incurred for services provided to victims - $30,000.00
   c) Donation from the Friends of the South End to the Portsmouth Police Explorer Cadets - $650.00

*(Sample motion – move to accept and approve the grants and donation to the Portsmouth Police Department, as presented)*
XIII. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Minor Amendment to Portsmouth Historical Society Lease

XIV. CONSENT AGENDA

(There are no Consent Agenda items on this evening)

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

(There are no Email Correspondence on this evening)

B. Letter from Attorney James G. Noucas, Jr., requesting Re-Zoning of the St. Nicholas Greek Orthodox Church back lot from SRB to Gateway 1 (Sample motion – move to refer to the Planning Board for report back)

C. Letter from Rabbi Berel Slavaticki requesting permission to place a nine-foot Menorah at Market Square in Downtown Portsmouth (Sample motion – move to refer to the City Attorney’s Office for report back for December 2, 2019)

XVI. CITY MANAGER’S INFORMATIONAL ITEMS

(There are no City Manager Informational items on this evening)

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

* Indicates verbal report

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK
Date: November 7, 2019

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager

Re: City Manager’s Comments on November 12, 2019 City Council Agenda

6:15 p.m. - Public Dialogue Summary

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **Public Hearing and Second Reading Re: Amendments to Building, Life Safety and Health Codes.** At the October 28, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and second reading for the November 12, 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. The Inspection and Fire Departments held a public informational session on the Building and Fire Code updates on October 31, 2019. The Inspection and Fire Departments established a separate webpage on the Inspection Department’s website 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 second reading and scheduled third and final reading of amendments to Chapter 4 (Food Code) for the December 2, 2019 City Council Meeting;

b) Move to pass second reading and schedule third and final reading of the amendments to Chapter 5 (Fire Code) for the December 2, 2019 City Council Meeting; and,

c) Move to pass first reading and schedule third and final reading of the amendments to Chapter 12 and Chapter 15 (Building Codes) for the December 2, 2019 City Council meeting.

2. **Public Hearing and Second Reading of Floodplain Overlay District Zoning Amendments.** At the October 28, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and second reading for the November 12, 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 held two public informational meetings to go over these amendments and to answer questions from the public on October 29, 2019 and November 6, 2019.
I recommend the City Council move to pass second reading on the proposed amendments to the Flood Plain District section of the Zoning Ordinance and schedule third reading for the December 22, 2019 City Council meeting.

3. **Public Hearing and Second Reading of a Minor Ordinance Change to Conservation Ordinance.** At the October 28, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and second reading for the November 12, 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 second reading on the proposed amendments to Chapter 8, Article V and schedule third and final reading at the December 2, 2019 City Council meeting.

4. **Public Hearing and Second Reading on Wetlands Regulations Zoning Amendments.**

At the October 28, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and second reading for the November 12, 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. Planning Department staff will provide a presentation on the proposed changes at the Council meeting.

The Conservation Commission reviewed the proposed amendments and provide 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 held two public informational meetings to go over these amendments and to answer questions from the public on October 29, 2019 and November 6, 2019.

I recommend the City Council move to pass second reading on the proposed amendments to the Wetlands Protection section of the Zoning Ordinance and schedule third and final reading for the December 2, 2019 City Council meeting.

Approval of Grants and Donations:

1. **Acceptance of Donation to the Coalition Fund.** The City of Portsmouth has received the following donation to the Coalition Fund, which will be utilized to continue to monitor the education funding formula and any changes to the statewide property tax:

   - Town of Rye $5,000.00

   I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Fund.

2. **Acceptance of Police Department Grants and Donation.** At the October 30, 2019 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants and donation:

   a) A grant from the U.S. Department of Justice in the amount of $371,122 for the Internet Crimes Against Children Task Force in New Hampshire

   b) A grant from the New Hampshire Department of Justice in the amount of $30,000 which provides for expenses incurred for services provided to victims.

   c) A donation in the amount of $650.00 from the Friends of the South End in support of the Portsmouth Police Explorer Cadets.
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 grants and donation to the Portsmouth Police Department, as presented.*

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

1. **Minor Amendment to Portsmouth Historical Society Lease.** For action is a minor amendment to the existing 50-year lease with the Portsmouth Historical Society for the property at 10 and 30 Middle Street (the location of the Discover Portsmouth Center). This minor amendment is needed to facilitate the use of Community Development Block Grant (CDBG) funds to make the existing bathrooms accessible for those with disabilities. The City’s CDBG program has available federal grant funds to make improvements to bathrooms to bring them into compliance with the Americans with Disabilities Act (ADA). The existing restrooms are not handicap accessible to current codes.

   In order to satisfy federal grant requirements the lease needs to be amended to provide assurances that the bathroom improvements will be made available to the general public. The Portsmouth Historic Society has agreed on amendments to the lease agreement that will satisfy the federal requirements. See the attached partially executed amendment. The amendment provides that the improved bathrooms will be open to the public for a minimum of 200 calendar days per year, calculated over the average of days open over the preceding three years. The lease amendment also provides that that City has the right to install and maintain public restroom signage at or near the premises.

   It is the intention to construct these improvements while the Discover Portsmouth Center is regularly closed during the winter months thus timely action is needed on this amendment.

   *I recommend the City Council move to authorize the City Manager to execute the attached lease amendment.*