

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JANUARY 3, 2011 TIME: 7:00PM

## AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### PRESENTATIONS

1. Single Stream Recycling
2. Public Undeveloped Land Assessment

### V. ACCEPTANCE OF MINUTES – DECEMBER 20, 2010

### VI. PUBLIC COMMENT SESSION

### VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donations to the Coalition Legal Fund
  - Town of Hebron - \$1,500.00
  - Town of Carroll - \$1,000.00
  - Town of Waterville Valley - \$1,000.00

***(Sample motion – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)***
- B. Acceptance of Donations to the USS Virginia Fund
  - Harold Whitehouse - \$20.00
  - Jay S. & Jean L. Smith \$100.00

***(Sample motion – move to approve and accept the donations, as listed, to be placed in the USS Virginia Fund)***
- C. Acceptance of Donation to Art-Speak for H(ART) Program in Portsmouth Middle School.
  - Brian Gregg - \$100.00

***(Sample motion – move to accept and approve the donation to Art-Speak for the H(ART) program at the Portsmouth Middle School, as presented)***
- D. Acceptance of African Burying Ground Project Grants
  - Geoffrey E. Clark and Martha Fuller Clark Fund - \$1,000.00
  - Otto Haas Charitable Trust 2 Fund - \$2,000.00

***(Sample motion – move to accept and expend a total of \$3,000 in grants from the New Hampshire Charitable Foundation for fundraising costs associated with the African Burying Ground Memorial Park project)***

## VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Bonding Resolution for up to \$3,000,000 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation. ***(Sample motion – move to pass first reading and schedule a public hearing and second reading of a proposed Bonding Resolution for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term control Plan Implementation, as presented, at the January 18, 2011 City Council meeting)***
- B. Third and Final reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances ***(Sample motion – move to pass third and final reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee)***
- C. Third and Final reading of Ordinance amending Chapter 7, Article II, Taxicabs – of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced ***(Sample motion – move to pass third and final reading for the Taxi Ordinance, as recommended by the Taxi Commission)***

## IX. CONSENT AGENDA

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

- A. Acceptance of Donations for Art-Speak Annual Appeal 2010:

• Robert Lambert & Debbie Needleman	\$ 25
• Richard Candee	\$ 25
• John & Joan Rice	\$ 25
• Peter & Kathleen Somssich	\$ 25
• Gregg Wool & Maria Sillari	\$ 25
• Robin Read	\$ 50
• John Gregg	\$ 50
• Sarah & Blair Hundertmark	\$ 50
• Mike Kenslea	\$ 50
• Atlantic Media, LLC	\$100
• Jeff Hyland & Donna Jensen	\$100
• NH Charitable Foundation: Geoffrey E. & Martha Fuller Clark Fund	\$500

***(Anticipated action – move to accept and approve the donations to Art-Speak for operations, as presented)***

## X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### City Manager's Items Which Require Action Under Other Sections of the Agenda

1. Consideration of First Reading of Proposed Bonding Resolution:
  - 1.1 First Reading of Proposed Bonding Resolution for up to \$3,000,000 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation. **(Action on this Item should take place under Section VIII of the Agenda)**
2. Consideration of Third and Final Reading of Proposed Ordinance Amendments:
  - 2.1 Third and Final Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances **(Action on this Item should take place under Section VIII of the Agenda)**
  - 2.2 Third and Final Reading of Ordinance amending Chapter 7, Article II - Taxicabs Ordinance **(Action on this Item should take place under Section VIII of the Agenda)**

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

*(There are no items under this section of the agenda this evening)*

#### Informational Items

1. Events Listing
2. Economic Development Commission:
  - Agenda and Minutes
  - 2010 EDC Action Plan – Year in Review
  - 2010 EDC Presentations – Year in Review
3. African Burying Ground Donations

### B. MAYOR FERRINI

1. \*Charter Committee Appointments
2. \*Reports

## XII. MISCELLANEOUS/UNFINISHED BUSINESS

### **XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]**

*\*Indicates Verbal Report*

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

#### **INFORMATIONAL ITEMS**

1. Notification that the Planning Board Minutes of the November 18, 2010 meeting are available on the City's website for your review

**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:** December 30, 2010  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on January 3, 2011 City Council Agenda

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### ***Presentations:***

1. **Single Stream Recycling.** Peter Britz, the City's Environmental Planner/Sustainability Coordinator, will make a brief presentation on the City's single stream recycling program.
2. **Public Undeveloped Land Assessment.** Peter Britz, the City's Environmental Planner/Sustainability Coordinator, will briefly present the results of a study of undeveloped City owned property. The Public Undeveloped Land Assessment (PULA) was undertaken for the Conservation Commission in order to inventory all City owned land parcels that do not currently have buildings or have not been otherwise developed. Ninety-one City parcels were the focus of this study. This project provides a database and mapping system that can easily be updated and added to in the future. Key issues identified by this project include a description of the important conservation values of each parcel and recommendations for access and appropriate public use of each parcel.

Each parcel was inventoried to assess the property for the existence and extent of the following:

- A. Wildlife corridors
- B. Invasive species
- C. Access
- D. Parking access
- E. Historical features
- F. Rare plants
- G. Rare animals
- H. Dumping
- I. Water craft access
- J. Non-point source discharge site
- K. Wetland restoration site

This report provides a starting point for overall management of City-owned properties. The information presented establishes a baseline for future management decisions. Follow-up studies may be required to address some of the findings of this study including invasive species management, non-point source discharge mitigation, and wildlife corridor protection.

The Public Undeveloped Land Assessment report was presented at a public meeting on December 7, 2010 at the Levenson Room. Copies are available at the public library and on line at [www.cityofportsmouth.com/planning/PULA\\_complete\\_final.pdf](http://www.cityofportsmouth.com/planning/PULA_complete_final.pdf).

## ***Acceptance of Grants/Donations:***

1. **Acceptance of Donations to the Coalition Legal Fund.** Attached are copies of checks from the Town of Hebron in the amount of \$1,500.00; the Town of Carroll in the amount of \$1,000.00; and the Town of Waterville Valley in the amount of \$1,000.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

*I would recommend the City Council move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VII of the Agenda.*

2. **Acceptance of Donation for USS Virginia.** The City of Portsmouth has received the following donations totaling \$120.00 for the USS Virginia party:

➤ Harold Whitehouse	\$ 20.00
➤ Jay S. & Jean L. Smith	\$100.00

*I would recommend the City Council move to approve and accept the donations for the USS Virginia, as presented. Action on this matter should take place under Section VII of the Agenda.*

3. **Acceptance of Donation to Art-Speak for H(ART) Program in Portsmouth Middle School.** Art-Speak requests that a donation in the amount of \$100.00 from Brian Gregg for the H(ART) program at the Portsmouth Middle School be accepted by the City Council.

*I would recommend the City Council move to accept and approve the donation to Art-Speak for the H(ART) program at the Portsmouth Middle School, as presented. Action on this matter should take place under Section VII of the Agenda.*

4. **Acceptance of African Burying Ground Project Grants.** As you know, the African Burying Ground Committee is moving forward with fundraising plans for the construction of the African Burying Ground Memorial Park – *We Stand in Honor of Those Forgotten*. In preparation for the fundraising effort, the Committee has received two grants from the New Hampshire Charitable Foundation totaling \$3,000.00 (Geoffrey

E. Clark and Martha Fuller Clark Fund, \$1,000 and the Otto Haas Charitable Trust 2 Fund, \$2,000) to fund costs directly related to developing materials for the fundraising campaign.

As these grants are provided for fundraising soft costs and will be expended immediately, rather than for the construction of the memorial park, they will be deposited in a City account rather than in the African Burying Ground Trust, which has been established as a repository for construction and maintenance funds.

*I would recommend the City Council move to accept and expend a total of \$3,000 in grants from the New Hampshire Charitable Foundation (Geoffrey E. Clark and Martha Fuller Clark Fund, \$1,000 and the Otto Haas Charitable Trust 2 Fund, \$2,000) for fundraising costs associated with the African Burying Ground Memorial Park project. Action on this matter should take place under Section VII of the Agenda.*

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

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

- 1.1 **First Reading of Proposed Bonding Resolution for up to \$3,000,000 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation.** As a result of the December 20th City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading a proposed Bonding Resolution for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation.

As part of the September 2009 Consent Decree related to the Portsmouth Wastewater collection and treatment systems, the City submitted its Wastewater Master Plan to the EPA on November 15, 2010. That plan included a schedule to bring the Peirce Island Treatment Plant into compliance with the secondary treatment standards by 2017. In order to meet that schedule, the City will need to begin the preliminary engineering and equipment performance testing efforts in 2011. In addition to the work at the treatment plant, the City is continuing the Long-Term Control Plan sewer separation projects in the "Lincoln basin" that are outlined in the Wastewater Master Plan.

The resolution calls for the authorization to borrow up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation. [Attached is a copy of the Bonding Resolution.](#)

The preliminary engineering and equipment testing for the wastewater treatment plant is estimated to cost approximately \$2,200,000. The Long-Term Control Plan Project which will include sewer separation work in the Parrott Avenue area and proceed up to Richards Avenue as well as a stormwater outfall into the South Mill Pond is estimated to cost \$800,000.

In meetings with the regulators on the proposed Master Plan schedule, the EPA indicated that the City needs to move forward with the treatment plant engineering and equipment testing and defer the Cass Street project until the spring of 2012.

Staff continues to work with the EPA on getting written approval of the November 15, 2010 final Wastewater Master Plan submittal. To that end, additional information is being prepared for review at their request. They have indicated that they understand the City Council will need written approval of the Master Plan before expending money on the engineering and equipment testing for the Peirce Island site. To that end, they have committed to responding prior to the second reading scheduled for January 18, 2011.

Bonding requires two-thirds vote.

*I would move to recommend the City Council move to pass first reading and schedule a public hearing and second reading of a proposed Bonding Resolution for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation, as presented, at the January 18, 2011 City Council meeting. Action on this item should take place under Section VIII of the Agenda.*

## 2. **Third and Final Reading of Proposed Ordinance Amendments and Resolutions:**

- 2.1 **Third and Final Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As a result of the December 20<sup>th</sup> City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) proposed Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinance that were approved by the Parking Committee at their October 14, 2010 meeting. These changes were either implemented by the Parking Committee for testing during the last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. [Attached are diagrams](#) showing the changes to the Ordinance.

On March 20, 2000 the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Parking Ordinance, which authorized the Parking Committee to modify city parking regulations as appropriate. This Ordinance revision has made the City more responsive to the changing parking needs of the downtown.

Before this procedure was approved, it required three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. The process from when a request was received to when the sign was changed often took 3 months or longer to complete.



Under this procedure, the process is streamlined. The Parking Committee takes formal action, presents the action to the City Council in the form of monthly meeting minutes, and implements the action only after the City Council adopts the meeting minutes. The public hearing process is still accomplished, but only after the action has been in place for one year, or less, as the Council deems appropriate. This way, the Council and the public have the benefit of seeing how the recommended parking change worked before formally adopting it.

This procedure also benefits the City by fostering a continuing dialogue and analysis of downtown parking issues. The Parking Committee meets monthly to monitor on-street and off-street parking utilization data and operations. The recommended actions that result from these meetings are made in the context of a comprehensive review of current parking conditions.

*I would recommend that the City Council move to pass third and final reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee. Action on this item should take place under Section VIII of the Agenda.*

- 2.2 **Third and Final Reading of Ordinance Amending Chapter 7, Article II - Taxicabs Ordinance.** As a result of the December 20<sup>th</sup> City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) proposed Ordinance Amending Chapter 7, Article II – Taxicabs Ordinance. Per vote of the Taxi Commission, City Councilor Robert Lister brought this amendment forward to the City Council for action.

There are numerous changes throughout the ordinance which make it impractical for the Council to consider each amendment separately. Rather, it has been determined by the Commission that the most straightforward approach would be to present an entirely new ordinance. However, the major changes between this version of the Taxi ordinance and that which it would replace are as follows:

1. Changed the wording in the ordinance replacing “permit(s)” with “medallion(s)”.
2. Changed the wording in the ordinance replacing “firm or corporation” with “business entity”.
3. Changed Section 7.210: MEDALLIONS AND INSPECTIONS REQUIRED subsection 3 from “June” to “April”.
4. Deleted subsections D. and E. from section 7.211: LICENSE REQUIRED and added said sections to Section 7.214: MEDALLION/LICENSE SUSPENSION OR REVOCATION & HEARING as subsection B. and D.

5. Added to Section 7.219 No taxicab shall be operated unless it is equipped with a meter in good condition “*calibrated by an individual authorized by the State of New Hampshire.*”...
6. Changed Section 7.222: MAXIMUM NUMBER OF TAXICABS from “not more than thirty (30) taxicabs” to “not more than twenty five (25) taxicabs”.

*I would recommend that the City Council move to pass third and final reading for the Taxi Ordinance, as recommended by the Taxi Commission. Action on this item should take place under Section VIII of the Agenda.*

### ***Consent Agenda:***

1. **Acceptance of Donations for Art-Speak Annual Appeal 2010.** Art-Speak requests that the following donations, totaling \$1025.00 be accepted by the City Council for Art-Speak’s operations. These funds are donations resulting from Art-Speak’s Annual Appeal letter.

➤	Robert Lambert & Debbie Needleman	\$ 25
➤	Richard Candee	\$ 25
➤	John & Joan Rice	\$ 25
➤	Peter & Kathleen Somssich	\$ 25
➤	Gregg Wool & Maria Sillari	\$ 25
➤	Robin Read	\$ 50
➤	John Gregg	\$ 50
➤	Sarah & Blair Hundertmark	\$ 50
➤	Mike Kenslea	\$ 50
➤	Atlantic Media, LLC	\$100
➤	Jeff Hyland & Donna Jensen	\$100
➤	NH Charitable Foundation: Geoffrey E. & Martha Fuller Clark Fund	\$500

*I would recommend the City Council move to accept and approve the donations to Art-Speak for operations, as presented. Action on this matter should take place under Section IX of the Agenda.*

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

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on December 20, 2010. In addition, this now can be found on the City’s website.

2. **Economic Development Commission.** For your information, [attached](#) are copies of the Economic Development Commission Agenda for the January 7, 2011 meeting; draft minutes for the December 10, 2010 meeting; the 2010 EDC Action Plan - Year in Review; and the 2010 EDC Presentations - Year in Review.

3. **African Burying Ground Donations.** As you know, the City Council recently established the African Burying Ground Trust to serve as a repository for funds that will ultimately be used to construct and maintain the African Burying Ground Memorial Park, *We Stand in Honor of Those Forgotten*. As you know, the Trust is administered by the Trustees of Trust Funds and these funds will be expended with City Council authorization at the appropriate time. No Council action is needed at this time, however, for your information, the African Burying Ground Committee has received the following donations to the African Burying Ground Trust totaling \$1,470:

- Sharon Peatfield \$ 5
- Lois Harmon \$ 20
- Lewis & Connie Counts \$ 20
- Mark Epply \$ 25
- David & Eleonore Sanderson \$100
- SGT/MAJ Manual Encarnacao \$100
- In honor of all my African American buddies  
that I served with during my 31 years of  
military service.*
- Daniel & Sharon Hartrey \$200
- Tom Lewis Restoration & Consulting, Inc. \$1,000 (in two payments of  
\$500 each)