

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 20, 2014 TIME: 7:00PM

AGENDA

- I. CALL TO ORDER (7:00 P.M.)
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PROCLAMATION

- 1. Seacoast Food Pantry – National Hunger Awareness Month – Deb Anthony

PRESENTATION

- 1. Update on African Burying Ground – Joining Councilor Dwyer in this update will be Anna Nuttal, Visual Arts Teacher at Portsmouth Middle School and African Burying Ground Artist and Sculptor Jerome Meadows

- V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 10.202, TABLE OF USES – RESIDENTIAL MIXED RESIDENTIAL, BUSINESS AND INDUSTRIAL DISTRICTS, BY CHANGING USE #1.30 (TOWNHOUSE) AND USE #1.41 (MULTIFAMILY DWELLING, 3 OR 4 DWELLING UNITS) FROM “P” (PERMITTED) TO “S” (SPECIAL EXCEPTION) IN THE GENERAL RESIDENCE A AND B (GRA & GRB) DISTRICTS
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.213 – FEES AND TERMS FOR MEDALLIONS/LICENSES

- VIII. APPROVAL OF GRANTS/DONATIONS

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

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code ***(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the November 17, 2014 City Council meeting)***

- B. Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.202, Table of Uses – Residential Mixed Residential, Business and Industrial Districts, by changing Use #1.30 (Townhouse) and Use #1.41 (Multifamily Dwelling, 3 or 4 Dwelling Units) from “P” (Permitted) to “S” (Special Exception) in the General Residence A and B (GRA & GRB) Districts ***(Sample motion – move to pass second reading and schedule third and final reading of the proposed Ordinance at the November 17, 2014 City Council meeting)***
- C. Second Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses ***(Sample motion – move to pass second reading and schedule third and final reading of the proposed Ordinance at the November 17, 2014 City Council meeting, as presented)***

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Emily Christian, National Multiple Sclerosis Society requesting to hold the 2015 Walk MS Portsmouth on Saturday, April 18, 2015 from 10:00 a.m. to 2:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. *Acceptance of Donation to Art-Speak
 - Cathy Sununu - \$100.00***(Anticipated action – move to approve the accept the donation to Art-Speak, as listed)***
- C. Letter from Lt. Shannon Jones, The Salvation Army, requesting permission to place “Christmas Kettles” in Market Square beginning November 13, 2014 through December 24, 2014 ***(Anticipated action – move to refer to the City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jane Zill, Joe Onosko, and Diane Connors regarding citizen concern relative to the Goodwin/Webber estate case
- B. Letter and Petition from Friends of Sheafe Street Neighborhood Association requesting that the Sheafe Street repair project be definitively scheduled
- C. Letter from 22 Owners/Residents of Broad Street and Pinehurst Road regarding Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses Residential Mixed Residential, Business and Industrial Districts, by changing Use #1.30 (Townhouse) and Use #1.41 (Multifamily Dwelling, 3 or 4 Dwelling Units) from “P” (Permitted) to “S” (Special Exception) in the General Residence A and B (GRA & GRB) Districts

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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 amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses (**Action on this item to take place under Section IX of the Agenda**)
2. Public Hearing/Second Reading of Resolutions and Ordinances:
 - 2.1 Public Hearing/Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.202, Table of Uses – Residential Mixed Residential, Business and Industrial Districts, by changing Use #1.30 (Townhouse) and Use #1.41 (Multifamily Dwelling, 3 or 4 Dwelling Units) from “P” (Permitted) to “S” (Special Exception) in the General Residence A and B (GRA & GRB) Districts (**Action on this item to take place under Section IX of the Agenda**)
 - 2.2 Public Hearing/ Second Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses (**Action on this item to take place under Section IX of the Agenda**)

City Manager’s Items Which Require Action:

1. Request for Approval of Amendment to Wright Avenue LLC License Agreement (*Tabled from the October 6, 2014 City Council meeting*)
2. Request for Approval of a Proposed Two-Year Agreement between the City of Portsmouth and the Supervisory Management Association
3. Proposed Request to Proceed with Life Cycle Cost Estimates for Pease Wastewater Treatment Facility Alternative

Informational items

1. Events Listing
2. Update on Ebola Virus Disease Preparedness and Enterovirus D68

B. MAYOR LISTER

1. 2015 Draft Schedule of City Council Meetings and Work Sessions (*See attached 2015 Calendar*)

2. Draft Letter to be sent to the Regional Working Group Re: Helicopter Regulation: (See *attached letter*)
 - Greenland
 - Stratham
 - Newington
 - Rye
 - New Castle
 - Durham
 - Kittery
3. Establishment of Joint Budget Committee (See *attached*)
4. Letter from John F. Golumb, Chairman of Portsmouth Police Commission Re: Public Allegations on Police Morale (See *attached letter*)

C. ASSISTANT MAYOR SPLAINE

1. ***“Non-Meetings” vs. “Non-Public Sessions:” (Sample motion – move that the Portsmouth City Council agrees “non-meetings” will be held only when absolutely necessary in order to discuss ‘strategy or negotiations with respect to collective bargaining’ or ‘consultation with legal counsel,’ and that when they are held the purpose of the non-meeting will be publicly disclosed, discussion will be limited to that topic, there will be a public roll-call vote, and a record will be kept of when the non-meeting begins, ends, and who is in attendance)***

D. COUNCILOR SHAHEEN

1. *Maintenance Planning

E. COUNCILOR MORGAN

1. City Ordinance for Helicopters (See attached) (***Sample motion – move to request the City Attorney to draft a Zoning Ordinance regulating Helipads, restricting its use to medical emergency transfers and to emergency public safety operations by credentialed governmental authorities, local, state and/or federal. The ordinance should include language to specify storage, maintenance and fueling of helicopters are permitted at Pease International Airport only.***)
2. EDC – Updating the composition of the Economic Development Committee (See attached)
3. *Request for Additional Council Meeting in November

F. COUNCILOR SPEAR

1. Parking Revenue Options (See attached) (***Sample motion – move the Council asks that the JBC consider the Parking Revenue options presented at the Retreat***)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Notification from the Historic District Commission that the minutes of the September 3, 2014, September 10, 2014 and September 17, 2014 meetings are available on the city 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: October 16, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 20, 2014 City Council Agenda

Presentation:

1. **Update on African Burying Ground.** The African Burying Ground Committee would like to provide an update to the City Council regarding the status of the African Burying Ground Memorial Park construction project and the upcoming community outreach program with Portsmouth Middle School. Joining Councilor Dwyer in this update will be Anna Nuttal, Visual Arts Teacher at Portsmouth Middle School and African Burying Ground Artist and Sculptor Jerome Meadows (scheduled).

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 amending Chapter 1, Article IX, Section 1.901: Conflict of Interest of the Administrative Code.** As a result of the October 6th City Council meeting, under Section IX of the Agenda, I am bringing back for first reading is what was referred to at that time as [“Option A” regarding Conflict of Interest and Mandatory Financial Disclosure Ordinance.](#)

If adopted this ordinance would accomplish the following:

1. Amend existing Mandatory Financial Disclosure ordinance (Section 1.901 et seq.) so that it applies to Police and Fire Commissions as well as City Council and School Board.

2. Amend existing Conflict of Mandatory Financial Disclosure so that violations of the ordinance will be treated as a violation of the City's Code of Ethics (Section 1.801 et seq.).
3. Create a new financial disclosure form modeled after state form.
4. Require that capital assets in excess of \$10,000 only and directly attributed to a business in the City of Portsmouth be disclosed.
5. Require mandatory disclosure of any sources of income whether or not connected with the City in an amount greater than \$10,000 calculated annually on a per calendar year basis.

It should also be noted that at the request of Councilor Spear, who made the motion to bring this ordinance forward for first reading, a provision has been added at the end of the ordinance which would make these proposed amendments effective against City Council and School Board on passage of the ordinance, but effective against Police and Fire Commissions as of January 1, 2016.

Action is required by the City Council regarding this matter.

2. **Public Hearing/Second Reading of Proposed Resolutions and Ordinances:**

- 2.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses.** As a result of the October 6th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance amending Chapter 7, Article II, Section 7213, Fees and Terms for Medallions/Licenses](#), which has been requested by the Taxi Commission. The proposed Ordinance, which was drafted by the Taxi Commission itself appears to eliminate the fee for restoration of a taxi medallion which has been revoked and replaces it with the fee for restoration of medallions which have been suspended. However, even the suspension fee would not be due when the suspension is due to failure to meet a vehicle inspection and the vehicle is repaired within one business day after the suspension.

I recommend the City Council move to pass second reading and schedule third and final reading of the proposed Ordinance at the November 17, 2014 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

of the City Council on February 18, 2014. I have asked applicant Steve Kelm to be available for questions. [Attached is a letter from Stephen Kelm of Wright Avenue LLC.](#)

The [attached Amendment](#) extends the term of the [attached License Agreement](#) to reflect the current construction schedule and further clarifies the Owner's responsibility to construct, repair and restore the licensed areas after completion of construction.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into an Amendment to the License Agreement for Wright Avenue, LLC originally dated March 11, 2014 and approved by vote of the City Council on February 18, 2014.

2. **Request for Approval of a Proposed Two-Year Agreement between the City of Portsmouth and the Supervisory Management Alliance.** The City has reached a Tentative Agreement with the Supervisory Management Alliance (SMA) for a two-year agreement from July 1, 2014 to expire on June 30, 2016.

A few of the major items in the Tentative Agreement are as follows:

- Effective July 1, 2014 and July 1, 2015 the employees shall receive an annual rolling 10-year COLA adjustment of 2% to 5%.
- Effective July 1, 2014, the employee's share of SchoolCare health insurance will increase to fourteen and one half percent (14.5%) of the premium. Effective July 1, 2015 the employee's cost will be fifteen percent (15%).
- CDHP has been added as an option if the whole unit elects to change plans. The employee will pay 5% of the premium and the City will pay 95%.
- Regardless of which health insurance option the Union selects, the City's total contribution to health insurance (including any premium, additional tax or assessment) will not exceed the current threshold levels for assessment of the "Cadillac Tax" under the Affordable Care Act (\$10,200/single \$27,500/2-person and family).

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

- [The SMA Contract showing the insertions and deletions to implement the Tentative Agreement if approved.](#)
- [Cost Analysis of the two \(2\) year agreement.](#)

Also, this proposed Agreement is posted on the City's Website at:
<http://www.cityofportsmouth.com/hr/contracts/Municipal/sma-draft.pdf>

I would recommend the City Council move to accept the proposed contract with the Supervisory Management Alliance to expire on June 30, 2016.

3. **Proposed Request to proceed with Life Cycle Cost Estimates for Pease Wastewater Treatment Facility Alternative.** As follow-up to the City Council Work Session of September 29, 2014, staff recommends that the City contract with an engineering firm to assist with the following tasks:

- Update the Capital and Life Cycle Cost Estimates of a single Pease Wastewater Treatment Facility (WWTF) and compare with current Peirce Island WWTF upgrade project. The single Pease WWTF option will include an assessment of combining all City wastewater at the Pease WWTF site or all City wastewater plus potential regional partners at the Pease WWTF site.
- Identify and Summarize Permit Requirements for Pease WWTF Option
- Identify Benefits and Risks Related to Permitting, Construction, Cost, and Other Unknowns for Each Option

In order to proceed with this analysis in a timely manner, we have discussed engaging the engineering firm of ARCADIS who performed the value engineering for the Peirce Island Wastewater Treatment Facility upgrade and therefore already has a level of familiarity with the City's wastewater systems. The City has developed with ARCADIS a scope of work as described above and is scheduled to complete the work within four and a half (4.5) months. Council has previously authorized bonding for the Pease WWTF upgrades that can be used to cover this cost which are estimated to be \$250,000 to \$300,000. When complete, the results will be presented to the City Council unless an interim update is necessary. Contract provisions will include the option to suspend work at any point in time during the evaluation.

I recommend the City Council move to authorize the City Manager to proceed with expending up to \$300,000 from the Pease bond proceeds for the Pease Wastewater Treatment alternative as described in the comment above.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 6, 2014. In addition, this can be found on the City's website.
2. **Update on Ebola Virus Disease Preparedness and Enterovirus D68.** For your information, [attached is a memorandum from Fire Chief Steve Achilles, Health Officer Kim McNamara, and Deputy Health Officer Kristin Shaw](#), regarding an update on the Ebola Virus Disease Preparedness and Enterovirus D68.