

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MAY 2, 2011 TIME: 7:00PM

AGENDA

- 6:30PM - ANTICIPATED "NON-MEETING WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)

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

PROCLAMATIONS

1. Bike/Walk to Work Day in Portsmouth
2. Police Week in Portsmouth – Peace Officers' Memorial Day

- V. ACCEPTANCE OF MINUTES – APRIL 11, 2011 & APRIL 18, 2011

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO TWELVE MILLION DOLLARS (\$12,000,000.00) FOR THE CONSTRUCTION OF A NEW PARKING FACILITY

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Gerald W. Howe and Jocelyn Frechette in support of the Portsmouth Explorer Post - \$1,000.00 (***Sample motion – move to approve and accept the donation to the Portsmouth Police Department, as listed***)
- B. Acceptance of Grant from NH Highway Safety for "Operation Safe Commute" to the Portsmouth Police Department - \$2,062.50 (***Sample motion – move to approve and accept the grant to the Portsmouth Police Department, as listed***)
- C. Acceptance of Grant from NH Highway Safety for "Join the NH Clique" seatbelt campaign to the Portsmouth Police Department - \$4,125.00 (***Sample motion – move to approve and accept the grant to the Portsmouth Police Department, as listed***)

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance Amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) - and Zoning Map referenced in Chapter 10

- B. Adoption of a Resolution Authorizing a Bond Issue of up to Twelve Million Dollars (\$12,000,000.00) for the Construction of a new Parking Facility (*Two-thirds vote required for adoption*)
- C. Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Various Limited Time Parking Sections – Sunday Hours (Downtown Parking Omnibus) to have parking meters operational on Sunday
- D. Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.101 – Definitions and Section 7.105 – Variable Parking Rates (Downtown Parking Omnibus) to create special parking districts with individual rates

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation for Art-Speak
 - PixelMEDIA, Inc. - \$250.00

(Anticipated action – move to accept and approve the donation to Art-Speak for general funds, as presented)
- B. Additional 2011 Omnibus Sidewalk Obstruction Renewals – See Attached Listing
(Anticipated action – move to refer to the City Manager with power)
- C. Letter from Lauren Suprenant, March of Dimes, requesting permission to hold the 2011 Seacoast March for Babies Walkathon on Sunday, May 22, 2011 from 9:00 a.m. to 1:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Ralph Woodman, Jr., Boynton Waldron Doleac Woodman & Scott, P.A. regarding Lot Line Revision – 155 Parrott Avenue and 82 Court Street ***(Sample motion – move to refer to the Planning Board for a report back)***
- B. Letter from Virginia Littlefield, Great Island Garden Club, requesting permission to place a sign at the corner of South Street and Sagamore Avenue to advertise the annual Great Island Garden Club plant sale being held on May 14th

XII. 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 Ordinance Amendments:
 - 1.1. First Reading of Proposed Ordinance Amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) - and Zoning Map referenced in Chapter 10 ***(Action on this item should take place under Section IX of the Agenda)***

2. Public Hearing/Adoption of a Resolution:
 - 2.1 Public Hearing/Adoption of a Proposed Resolution Authorizing a Bond Issue of up to Twelve Million Dollars (\$12,000,000.00) for the Construction of a new Parking Facility ***(Action on this item should take place under Section IX of the Agenda)***

3. Third and Final Reading of Proposed Ordinance Amendments:
 - 3.1 Third and Final Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances:
 - a) Chapter 7 – Various Sections
 - 7.105 – Parking
 - 7.324 – Limited Parking – One Hour
 - 7.325 – Limited Parking – Thirty Minutes
 - 7.326 – Limited Parking – Fifteen Minutes
 - 7.327 – Limited Parking – Two Hours
 - 7.329 – Limited Parking – Four Hours***(Action on this item should take place under Section IX of the Agenda)***

 - b) Chapter 7 – Definitions and Parking (Variable Parking Rates)
 - 7.101 – Definitions
 - 7.105 – Parking***(Action on this item should take place under Section IX of the Agenda)***

City Manager’s Items Which Require Action

1. Recreation Department Report Back Re: Request to Install Signage at Leary Field for 2011 Baseball Season
2. Request to Refer Sale of the Connie Bean Center to the Planning Board
3. Report Back Re: Zoning Request for Drive-through in CBA District
4. Request for a License from Jody Saulnier, owner of The Manporium for property located at 71 Congress Street to install a projecting sign
5. Request for a License from Michael Prete, owner of The Kitchen for property located at 171 Islington Street to install a projecting sign
6. Request for Approval of Pole License #63-0509

Informational Items

1. Events Listing
2. Reminder Re: Reconvene FY12 Budget Public Hearing
3. Informational Session on SB3 Re: Making Changes to the New Hampshire Retirement System

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Thomas Heany – Reappointment to the Portsmouth Housing Authority
 - Jacqueline Cali-Pitts – Reappointment to the Recreation Board
 - Elaine Syracuse – Reappointment to the Recreation Board
 - Elissa Hill Stone – Appointment as Regular Member to the Conservation Commission (currently serves as an alternate)
2. Appointments to be Voted:
 - John Gregg – Reappointment to the Cable Television & Communications Commission
 - Allison Tanner – Reappointment to the Conservation Commission
 - Barbara McMillan – Reappointment to the Conservation Commission
 - Steve Miller – Reappointment to the Conservation Commission
 - Philip Cohen – Appointment to the Economic Development Commission
3. Letter from Lea Aeschliman Re: Trustee of the Trust Funds Term
4. *Reports

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the April 14, 2011 meeting
2. Parking Committee Action Sheet and Minutes of the April 14, 2011 meeting

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 that the Conservation Commission Minutes of February 9, 2011 and March 9, 2011 meetings are available on the City's website for your review
2. Notification that the Zoning Board of Adjustment Minutes of the February 15, 2011 meeting are available on the City's website for your review
3. Notification that the Planning Board Minutes of the March 17, 2011 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: April 28, 2011
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on May 2, 2011 City Council Agenda

6:30 p.m. – Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

Acceptance of Grants/Donations:

1. **Acceptance of Police Department Donation and Grants.** [Attached under Section VIII of the Agenda is a memorandum](#), dated April 21, 2011, from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following donation and grants:
 1. A donation in the amount of \$1,000 from Gerald W. Howe and his wife, Jocelyn Frechette, in support of the Portsmouth Explorer Post. The Explorer Post receives no funding from the police budget and relies wholly on donated funds to support this excellent equipping and youth mentoring program.
 2. A grant in the amount of \$2,062.50 has been received from New Hampshire Highway Safety for "Operation Safe Commute". These patrols will target unsafe driver behaviors, i.e. road rage, rude and aggressive driving, etc.
 3. A grant in the amount of \$4,125 has been received from New Hampshire Highway Safety for the "Join the NH Clique" seatbelt campaign.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

I would recommend that the City Council move to approve and accept the donation and grants to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VIII 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 Ordinance Amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) – and Zoning Map referenced in Chapter 10.** Attached is a memorandum from Rick Taintor, Planning Director, regarding a first reading of proposed Ordinance amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence office (MRO) – and Zoning Map referenced in Chapter 10. Also, attached is a proposed Ordinance to implement the recommended Zoning Map amendment and an exhibit illustrating the zoning district change.

I am recommending that the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, at the May 16, 2011 City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. Public Hearing/Adoption of a Resolution:

- 2.1 **Public Hearing/Adoption of a Proposed Resolution Authorizing a Bond Issue of up to Twelve Million Dollars (\$12,000,000) for the Construction of a new Parking Facility.** As a result of the April 18th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the attached proposed Resolution authorizing the Bonding of up to Twelve Million Dollars (\$12,000,000) for the construction of the Worth Lot Parking Garage. The estimated number of parking spaces is 440 in this proposed facility. See attached memorandum and report from Jon Frederick, Director of Parking and Transportation, as well as a map and amortization schedule.

As requested, also attached is a revenue analysis for the new parking garage. In addition, City staff will be making a presentation on this matter prior to the public hearing.

I would recommend the City Council move to adopt the proposed Bonding Resolution, as presented. Action on this item should take place under Section IX of the Agenda.

3. Third and Final Reading of Proposed Ordinance Amendments.

- 3.1 **Third and Final Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As a result of the April 18th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed two (2) Ordinances amending Chapter 7 –

Vehicles, Traffic Parking Omnibus Ordinances. The total estimated annual revenue impact for the [attached proposed ordinance amendments](#) is \$304,905:

- a) **Chapter 7 – Various Sections.** [Attached is a proposed Ordinance amendment](#) to Chapter 7 for the following Sections:

- 7.105 – Parking
- 7.324 – Limited Parking – One Hour
- 7.325 – Limited Parking – Thirty Minutes
- 7.326 – Limited Parking – Fifteen Minutes
- 7.327 – Limited Parking – Two Hours
- 7.329 – Limited Parking – Four Hours

These amendments clarify and expand the parking meter hours for on-street parking so that the hours between Monday and Saturday will be 9:00 a.m. to 7:00 p.m. and 12:00 p.m. to 7:00 p.m. on Sunday. The estimated annual revenue impact is \$204,225.

I would recommend the City Council move to pass third and final reading on the proposed Ordinance amendment, as presented. Action on this item should take place under Section IX of the Agenda.

- b) **Chapter 7 – Definitions and Parking (Variable Parking Rates).** In the event that Sunday hours pass third reading, there is a need to amend the variable rates Ordinance to reflect Sunday hours ([see attached memorandum from Robert Sullivan, City Attorney](#)). I would recommend the City Council pass third reading as amended and modify the Ordinance pursuant to the attached memorandum provided by City Attorney Sullivan. [Attached is a proposed Ordinance amendment](#) to Chapter 7 for the following Sections:

- 7.101 – Definitions
- 7.105 – Parking

These amendments create a “High-Occupancy Parking Area” with a \$1.25 per hour rate. This rate is enforceable Monday through Saturday, from 9:00 a.m. to 7:00 pm. The estimated annual revenue impact is \$100,680.

I would recommend the City Council move the following motions:

- 1) *Pass third and final reading on the proposed Ordinance amendment, and,*
- 2) *Further, that the City Council suspend the rules to allow for an amendment to include language to read “This rate shall be enforceable Monday through Saturday from 9:00 a.m. to 7:00 p.m. and Sunday between the hours of 12:00 p.m. and 7:00 p.m., holidays excepted...”.*

Action on this item should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donation for Art-Speak.** Art-Speak requests that the following donation for operating funds be accepted by the City Council on behalf of Art-Speak:

➤ PixelMEDIA, INC. \$250.00

I would recommend the City Council move to accept and approve the donation to Art-Speak for operating funds, as presented. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Recreation Department Report Back Re: Request to Install Signage at Leary Field for 2011 Baseball Season.** At the April 18th City Council meeting, the Council referred the [attached letter dated April 11, 2011 from Rockland Street Baseball \(Portsmouth Babe Ruth\)](#), regarding the aforementioned matter, to the Recreation Department for report back to City Council. As you will recall, the request included an increase in the size of the signs. [Attached is a revised letter dated April 25, 2011 from Mike Young, President](#), requesting permission to install temporary signage at Leary Field for the 2011 Baseball Season and also to rescind their request for larger signs. I am recommending that the size of the signs be 3 feet x 5 feet as originally approved in previous years.

I would recommend the City Council move to approve the request of Rockland Street Baseball (Portsmouth Babe Ruth) to install temporary signage at Leary Field for the 2011 Baseball Season and the size of the sign be 3 feet x 5 feet.

2. **Request to Refer Sale of the Connie Bean Center to the Planning Board.** As requested by the City Council, I am recommending that the proposed sale of the Connie Bean be referred to the Planning Board for report back. [Attached is an aerial map](#) outlining the area, as well as a [copy of the Assessor's Card](#) for this property.

I am recommending that the City Council move to refer the aforementioned matter to the Planning Board for report back to the City Council.

3. **Report Back Re: Zoning Request for Drive-through in CBA District.** As you will recall, at the April 4th City Council meeting, the Council referred the [attached letter from Attorney Robert Ciandella](#), on behalf of Maplewood & Vaughan Holdings, LLC, regarding a zoning request for drive-through facilities as an accessory use to a permitted principal use in the Central Business A (CBA) District, to the Planning Board for report back to the City Council. [Attached is a memorandum dated April 25, 2011](#) from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding this matter.

The Planning Board discussed the requested zoning amendment at its meeting on April 21, 2011. Board members cited the City's goal of expanding Portsmouth's walkable and pedestrian-friendly downtown into the Northern Tier area, and expressed concern that allowing drive-through facilities in this area would have a negative effect on the achievement of that goal. Based on these considerations, the Planning Board voted unanimously to recommend that the City Council not amend the Zoning Ordinance to allow drive-through facilities in the CBA zoning district.

I would recommend the City Council move to accept the Planning Board's recommendation, as presented.

4. **Request for a License from Jody Saulnier, owner of The Manporium for property located at 71 Congress Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining his recommendation regarding a request from Jody Saulnier, owner of The Manporium for property located at 71 Congress Street, to install a projecting sign on an existing bracket. Attached are the photographs.

The proposed sign complies with the zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed and shall be subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

I would recommend the City Council move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jody Saulnier, owner of The Manporim to install a projecting sign on an existing bracket at 71 Congress Street and further authorize the City Manager to execute a License Agreement for this request.

5. **Request for a License from Michael Prete, owner of The Kitchen for property located at 171 Islington Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining his recommendation regarding a request from Michael Prete, owner of The Kitchen for property located at 171 Islington Street, to install a projecting sign on an existing bracket. Attached are the photographs.

The proposed sign complies with the zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed and shall be subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

I would recommend the City Council move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Michael Prete, owner of The Kitchen to install a projecting sign on an existing bracket at 171 Islington Street and further authorize the City Manager to execute a License Agreement for this request.

6. **Request for Approval of Pole License #63-0509.** Attached is a request for a Pole License Agreement from PSNH License #63-0509. This request is to license one pole located on Islington Street that needed to be replaced. PSNH could not find an existing license for a pole at this location and are requesting one at this time. This new pole poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. Attached is a photograph of the pole.

I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0509, as recommended by the Public Works Department.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on April 18, 2011. In addition, this now can be found on the City's website.
2. **Reminder Re: Reconvene FY12 Budget Public Hearing.** This is a reminder the City Council will reconvene the FY12 Budget Public Hearing on Monday, May 9, 2011 at 7:00 p.m., at the Portsmouth High School Auditorium.
3. **Informational Session on SB3 Re: Making Changes to the New Hampshire Retirement System.** At the request of Councilor Dwyer, I have arranged for our State Senator Nancy Stiles and Senator Jeb Bradley of Wolfeboro, the primary sponsor of the Senate bill to make comprehensive changes to the New Hampshire Retirement System, to

attend an information forum on SB3 on Tuesday, May 17, 2011, at 6:30 p.m., in the Eileen Dondero Foley City Council Chambers.

Due to the busy schedules of both the City Council and the New Hampshire Senate, it has been difficult to find a mutually convenient date. Although the Board of Adjustment originally was scheduled to be in the Council Chambers on May 17th the BOA meeting will be relocated to Conference Room B to accommodate the State Senators and the sizable crowd anticipated.

Although the House also has a proposed bill to make changes to the Retirement System, the New Hampshire Municipal Association considers SB3 the preferred alternative, and adds that the House version is difficult to understand and analyze.